

How Do We Acquire Parental Responsibilities?

1. Introduction

It is commonly believed that parents have special duties toward their children—weightier duties than they owe other children. How these duties are acquired, however, is not well understood. This is problematic when claims about parental responsibilities are challenged; for example, when people deny that they are morally responsible for their biological offspring. In this paper I present a theory of the origins of parental responsibilities that can resolve such cases of disputed moral parenthood.

I begin by explaining the case of accidental fathers—men who took all the precautions they were expected to but still impregnated their partners. This case brings out a tension between certain general principles for assigning moral responsibility and the practice of assigning parental responsibilities equally to biological parents who conceive through voluntary intercourse. This practice makes the extent of responsibility disproportionate to the risk taken, and it implies that men and women have different moral powers without relevant differences. To deal with this problem we need an explanation of how parental responsibilities are acquired, in general. I consider two possible accounts of parental responsibilities that treat them as natural duties, that is, duties whose existence is independent of convention. Neither can explain paradigmatic cases of parenthood. Instead, I propose a *conventional-acts* account, according to which parental duties are taken on by individuals through acts whose meaning is determined by social convention.

The artificiality of social conventions explains why the extent of parental responsibilities need not be proportional to the risks taken in sex. It also permits certain inequalities between the sexes with regard to how parental responsibilities are undertaken. We may criticize such inequalities, but such evaluations of parenting conventions should be distinguished from the question of whether people acting under the conventions have acquired parental responsibilities. Accidental fathers, for example, would have taken on responsibility for their children through the act of sexual intercourse, even if there were good reasons for changing the convention according to which sex has this significance.

2. The Problem of Accidental Fathers

In Anglo-American societies, paternity is normally assigned to the biological father, whose identity is determined by the provenance of the child's DNA.¹ With certain exceptions—such as sperm donation—this paternity is believed to confer parental responsibility.² However, the source of the obligations is unclear. It is *prima facie* implausible that the genetic link itself is the source, since it is inexplicable what justificatory role stretches of DNA could play.³ Instead, it is likely that the responsibility arises through the actions of the father that causally contribute to the existence of a child. This is consistent with the voluntarist principle that restricts the acquisition of special responsibilities to voluntary actions.⁴ However, it also leads to cases in which the assignment of parental responsibility looks unfair.

Consider the following case.

Accidental father. Casual acquaintances Gaston and Loretta have sex. They use two forms of contraception: he uses a condom and she is taking the oral contraceptive pill. However, these methods are not 100% reliable and Loretta becomes pregnant. Upon learning this, Gaston recommends that she abort the fetus and offers to pay for an abortion. Further, he informs her, he has no intention of supporting a child if she brings the fetus to term. Nevertheless, Loretta decides that she wants the child, bears it, and sues Gaston for child support.

There are two respects in which it seems unfair to hold Gaston responsible. First, even though he took all the precautions he is expected to, he is commonly held to have the same responsibilities as a man who took no precautions. But if someone does all he is expected to do to avoid an outcome, he is not usually considered even negligent, let alone fully blameworthy.⁵ This looks like a particularly unfortunate case of resultant moral

¹“Anglo-American” here refers to the dominant culture of the USA, UK, and Canada.

²I use “parental responsibilities,” “parental obligations,” and “parental duties” interchangeably throughout this paper.

³Indeed, the cases of gamete donors, who are not considered parents, and adoptive parents, who are, provide reason to think that biological considerations *per se* do not ground moral parenthood.

⁴*Special responsibilities* are duties owed to a subset of persons in virtue of some relationship between the agent and that subset. They contrast with *general responsibilities*, which are duties owed to all persons in virtue of their status as persons.

⁵Compare Elizabeth Brake, writing about the same types of case: “In common sense morality, taking precautions to avert undesirable outcomes is sufficient to excuse one from blame should those outcomes come to pass.” Elizabeth Brake, “Fatherhood and Child Support: Do Men Have a Right to Choose?” *Journal of Applied Philosophy* 22 (2005): 55-73, p. 59. Some people may dispute the claim that we are not fully responsible

luck—the extent of responsibility appears thoroughly disproportionate to the extent to which the agent is to blame.⁶ However, it would not help to make child support obligations proportional to the risks a man takes: this would have the counterintuitive results that other men who had sex with Loretta without conceiving should also owe support, and that by having more risky sex she gains claims to more support. Further, even if we accept that it is moral luck that Gaston’s sperm fertilized the egg, it is unexplained why he, rather than other causes of the child’s existence—such as potential grandparents, manufacturers of imperfect contraceptives, and obstetricians—should be responsible.

Second, it may appear unfair that Gaston and Loretta have different moral options. If abortion is permissible, Loretta can thereby escape parental responsibilities; Gaston does not have this opportunity. Likewise, if Loretta decides to keep the child, she can thereby ensure that Gaston acquires parental responsibilities, but Gaston cannot himself choose to have the child. Either way, she exercises a power that he lacks, but which affects his responsibilities. Even if we agree that Loretta should have a veto over what happens to her body, we may think considerations of consistency require giving Gaston the opportunity to opt out of parenting, too.

These considerations indicate a tension between the way we commonly ascribe parental duties and more general principles for ascribing responsibility. If special responsibilities can only arise through voluntary action (*voluntarism*), then genetic links are irrelevant (*anti-geneticism*). But then extensive parental duties for accidental fathers appear excessive, that is, they fail to be *proportionate*. This tension could be relieved in three ways. One is to accept that men sometimes do not have substantial parental responsibilities in cases in which they do not intend to be fathers. Either biological fathers’ duties are less onerous than previously thought, or their powers to refuse these duties are more extensive, or both. This position is defended by Steven Hales and Elizabeth Brake.⁷

for all the foreseeable consequences of our actions. Legally, for example, certain activities confer *strict liability*, which means that an agent may be held responsible for all consequences of engaging in the activity. Were this true of parenthood, however, it would not detract from the arguments I give in favor of my account of parental responsibility and against alternatives, since it would still remain to explain *why* parents had such strict moral liability.

⁶Resultant moral luck occurs when the correct moral assessment of an action is affected by its result and the result itself is affected by factors outside of the agent’s control. Cf. Thomas Nagel, “Moral Luck,” in *Mortal Questions* (Cambridge: Cambridge University Press, 1979), pp. 24-38.

⁷Steven D. Hales, “Abortion and Fathers’ Rights,” in James M. Humber and Robert F. Almeder (eds.), *Biomedical Ethics Reviews: Reproduction, Technology, and Rights* (Totowa: Humana Press, 1996), pp. 5-26; Brake, “Fatherhood and Child Support.”

Alternatively, the traditional position on paternal responsibility could be rescued by dropping the assumption that special responsibilities can only be acquired by voluntary action and according moral weight to the genetic link in its own right. Jeff McMahan takes this route.⁸ Finally, we can show that the conflict between the principles is illusory: men can be responsible for their progeny in a way that does not violate the voluntarist and anti-genetic principles.⁹ This is my solution. I explain why parental responsibilities need not be proportional to the act that produces them, even though voluntarily acquired, and suggest that complaints about inequalities between the sexes are better viewed as complaints about the conventions of parenting, not about who actually has parental responsibilities. Justifying these claims, however, requires the development of a more general account of how parental responsibilities are acquired.

3. Acquiring Parental Responsibilities

I proceed by examining a paradigmatic case of motherhood, that is, a case in which it is clear that parental responsibilities are acquired. Assuming that moral parenthood is a unified phenomenon, if we can identify the grounds of the responsibilities in this case, it will help us ascertain when they exist in more difficult cases.¹⁰ I assume throughout this paper that there are parental responsibilities, that is, I do not consider the possibility of skepticism about moral parenthood.

⁸Jeff McMahan writes that “most of us believe that the father of a child may have certain duties to it even if he has done everything possible to avoid or renounce responsibility for the child.” Jeff McMahan, *The Ethics of Killing: Problems at the Margins of Life* (New York: Oxford University Press, 2002), p. 374. To make sense of this intuition (and others) he proposes that there may be nonvoluntary sources of parental responsibility, including genetic relatedness. McMahan’s other suggestion is that causing the child to need aid may ground certain parental duties (*ibid.*, pp. 375-77). In the next section I evaluate and reject this latter proposal as a source of *parental* duties.

⁹There appears to be at least one situation in which special responsibilities may be acquired without voluntary action. If A rescues B from a life-threatening situation at some cost to herself, then it is reasonable to think that B owes A some restitution for this cost. (Cf. A. John Simmons’s discussion of gratitude in A. John Simmons, *Moral Principles and Political Obligations* (Princeton: Princeton University Press, 1979), pp. 163-83.) But this supplies no analogy for the parenthood case (since there is no sense in which the child has “rescued” its parents), and therefore does not explain how parental duties could be nonvoluntarily acquired. Since I believe I can supply a compelling voluntarist explanation for parental duties, I retain the voluntarist assumption throughout this paper.

¹⁰I take it as a general methodological assumption that, in the absence of contrary evidence, monism is more likely than pluralism (i.e., we should look first for a single explanation of all cases of parental responsibility). This follows from considerations of parsimony. The success of my monistic account then makes it unnecessary to look for additional explanations.

Paradigmatic cases will also play a justificatory role in assessing alternative theories of parental responsibilities. Since we are looking for the source of *parental* responsibilities, it is fair to judge that if a proposed account does not comport with our intuitions about central cases of parenthood, then it is false. Intuitions about unusual or contested cases are less significant in this regard, since it is those cases that we need a theory of moral parenthood to decide.

Consider the following case.

Paradigmatic mother. Daphne wants to be a mother. She has sex with Eugene and conceives as a result. Although abortion is an option, both in that the relevant health services are accessible and Daphne is not in principle opposed, she proceeds with the pregnancy. She prepares a nursery, buys clothes, diapers, and the like, and avoids alcohol and mercury-contaminated fish. After nine months she delivers a healthy child in the hospital, whom she names Charlie and takes home to nurse. A year later, Charlie is a flourishing toddler under Daphne's watchful eye.

Daphne clearly has parental duties to Charlie. Our task is to explain why.

A first step is to distinguish what I call *natural* and *artificial* duties.¹¹ These correspond to two ways in which special duties can be acquired and do not indicate anything about the stringency of the duties so acquired. Natural duties are duties whose acquisition is independent of social conventions regarding their acquisition. For example, if I am the culpable source of a harm, I have a natural duty to provide reparation for that harm—it makes no difference whether anyone thinks I have such a duty. Artificial duties are duties whose acquisition depends upon the existence of social conventions regarding their acquisition. For example, under the right conditions, if I tell my neighbor that I promise to water her plants over the weekend I thereby incur the duty of watering her plants. However, my ability to incur that duty depends on widespread understanding about what constitutes promising, that is, widespread understanding that the utterance of these words in these conditions creates certain duties for the speaker. The conventions governing artificial duties are therefore analogous to the conventions governing linguistic meaning. In both cases, otherwise arbitrary signs have significance because of a shared understanding of their significance.¹²

¹¹As my definitions make clear, these are quite different from Hume's natural and artificial virtues. See, e.g., the discussion of justice in David Hume, *A Treatise of Human Nature* 2nd ed., ed. Lewis A. Selby-Bigge (Oxford: Clarendon Press, 1978 [1739-40]), pp. 477-84.

¹²Someone might object to this distinction between natural and artificial duties by claiming that all moral norms are the product of convention. Were this correct, some re-labeling might be necessary, but the soundness of my arguments against the responsibil-

I begin by considering and rejecting the two attempts that have been made to show that parental duties are natural duties. I therefore argue by elimination: if parental duties are not natural, they must be artificial.

3.1. *Natural duties accounts*

3.1.1. Responsibility for needs. Parental responsibilities are owed by an individual to some particular child or children, and are therefore special, not general. The voluntarist assumption about special responsibilities implies that some voluntary action by the parent must have produced them. The obvious place to locate the relevant action is in the actions that causally contributed to the existence of the child. Now, it is plausible that the content of parental responsibilities includes ensuring that the needs of one's child are met. This suggests that parental responsibilities might arise as a result of voluntarily causing the existence of a person with unfulfilled needs. Just as if I cause a person to need aid, I acquire a responsibility to supply that aid, so if I cause a person to exist who needs aid, I acquire a responsibility to supply it.¹³

This *responsibility for needs* theory of the origins of parental responsibility has two very attractive features. First, it derives parental responsibilities from a more general principle of responsibility: parental duties are just an interesting case of the duty to aid those we have caused to be needy. Second, it provides a more unified theory by simultaneously explaining the acquisition and the content of parental responsibilities. Moreover, the content it suggests—meeting the child's needs—fits with some important intuitions about that content.

The theory is inadequate in three ways, however. First, the principle on which it is based does not straightforwardly apply to parenthood. This is because biological parenthood involves not just causing someone to have needs, but also causing their existence. The importance of this fact came out in debates about abortion. Some opponents of abortion argued that an agent is responsible for needs that she causes, and so women who become pregnant through voluntary intercourse are responsible for satisfying their fetus's needs.¹⁴ In response, Harry Silverstein noted a distinction between causing a person to exist and causing a person to need assistance given that he exists.¹⁵ In the former case the cause of the per-

ity for needs and responsibility for neglect accounts, and in favor of my own, would be unaffected.

¹³See, e.g., McMahan, *The Ethics of Killing*, p. 364.

¹⁴See, e.g., Richard Werner, "Abortion: The Moral Status of the Unborn," *Social Theory and Practice* 3 (1974): 201-22, pp. 211-14.

¹⁵Harry Silverstein, "On a Woman's 'Responsibility' for the Fetus," *Social Theory and Practice* 13 (1987): 103-19, p. 106.

son's existence is not obliged to meet his needs, whereas in the latter case she is. For example, suppose a physician could save someone's life, but only by giving him medication that would later have dangerous side effects. Giving him the medicine, and thereby causing his later existence with needs, would not itself entail that the physician had a duty to treat the side effects. Only if the physician had had an alternative cure available, which did not have the side effects, would giving the original medication oblige her to treat its side effects.¹⁶ Parents are in the first situation: they do not have the option of creating their child without needs. Consequently, qua cause of the child's neediness, they must at most provide for those needs whose existence they could have averted while still creating the child.¹⁷

Second, the principle has implications that conflict with central intuitions about moral parenthood. It is generally believed that the extent of parental responsibilities diminishes as the child grows older and more independent, and therefore more able to meet her morally important needs. This would make sense if parental duties derived from a general duty to meet the morally important needs of others. The duty of beneficence, for example, might reasonably be interpreted as requiring that we help the helpless before we help those who can help themselves. But on the responsibility for needs view, parents have special responsibilities to meet the morally important needs of their child, deriving from them causing the needs. When one's duty to meet someone's need is the result of causing that need, the duty is not reduced if she can meet it herself. For example, if I negligently run over your foot, putting you in need of medical care, I have a duty to supply that care (say by driving you to the hospital and paying your medical bills). Even if you could pay for your own transport and medical bills, my duty to do so remains. Thus, were parental responsibilities the product of causing the existence of a person with needs, it should be legitimate for an adult to demand that her parents support her, even if she could do so herself.¹⁸

¹⁶Silverstein, "On a Woman's 'Responsibility'," pp. 106-9; see also David Boonin, *A Defense of Abortion* (Cambridge: Cambridge University Press, 2003), pp. 172-75.

¹⁷McMahan explains our intuitions about the imperfect medicine cases differently. He argues that a physician need not treat the side effects in the first case, because her action left the patient better off than he would otherwise have been. In the second case, where an alternative medication existed, the physician ought to treat them, since her action leaves the patient worse off than he would have been if she had done as she ought and prescribed the better medication (i.e., worse and better off are here relative to a normative baseline). With regard to a child, therefore, a mother has special responsibilities as a result of causing its existence with needs only if causing its existence would be bad for it were she then not to aid it. McMahan denies that this is the case (*The Ethics of Killing*, pp. 364-72).

¹⁸My thanks to Govind Persad for suggesting this objection.

Finally, the responsibility for needs account does not explain why parental responsibilities accrue only to a subset of the agents whose intentional actions foreseeably led to the existence of a child. In the paradigmatic case of motherhood, for example, why does Daphne not share parental responsibilities with the medical team who helped her through pregnancy and childbirth?

3.1.2. Responsibility for neglect. It seems strange to suppose that an obstetrician or midwife could acquire parental responsibilities by carrying out her professional duties. This suggests that people's roles may make a difference to what they owe a child. Jeffrey Blustein tries to explain the duties of biological parents with this insight. He writes:

It is not merely because biological parents are the "cause of the child's existing in a helpless condition" that they are causally responsible "for the suffering and death that would result to it if neglected," but because child-rearing is arranged in such a way that those who cause a child to exist are in a special position to do something to prevent this harm from occurring. The connection between causing a child to exist and harming the child through neglect is mediated by social customs of child-rearing.¹⁹

We can interpret Blustein's view to provide a possible account of parental responsibilities on which the duties are still natural but social roles make a difference.²⁰ On this account, parents have special responsibilities to meet their children's needs because other people reasonably predict that they will. So, for example, the midwife who delivers a child is not normally still nurturing it a week later, but the biological mother is. The midwife therefore has good reason to predict that the child will still be fine if she does not continue providing for its needs. The mother, on the other hand, has no reason to think that others will take care of her child and this makes her culpable if the child suffers from neglect. Thus, on this *responsibility for neglect* account, parental duties are grounded in the consequences of later parental inaction. Although there is a connection on this account between social conventions and duties, the duties are still natural, since they result from people's reasonable predictions about the behavior of others. (The duties would therefore be the same if people's predicted behavior were the same, whether the behavior was caused by

¹⁹Jeffrey Blustein, *Parents and Children: The Ethics of the Family* (New York: Oxford University Press, 1982), p. 146.

²⁰His account is ambiguous between this responsibility for neglect account, a version of the responsibility for needs account (which he defends as a "causal view" in Jeffrey Blustein, "Procreation and Parental Responsibility," *Journal of Social Philosophy* 28, no. 2 (1997): 79-86), and the conventional-acts account (a version of which he calls the "voluntarist view" in "Procreation and Parental Responsibility"): see *Parents and Children*, pp. 142-47. Blustein is also concerned, as I in this paper am not, with the justice of the social arrangements of childrearing (*Parents and Children*, pp. 156-61).

internalized social conventions or by something else.) The duties are special because the biological parents have, through voluntary actions, put themselves in a position in which they are particularly well-placed to know about and meet certain needs.

This account is also inadequate, however. The predictive use it makes of expectations means that parents are responsible for neglect only if they could predict that the failure to provide for a child would harm it, and if others could not predict this. But this implies that if others could predict that a parent would fail to look after his or her child, that person could thereby escape parental responsibilities. This must be incorrect: just making it public that one is not going to parent or continue to parent does not absolve one of the duty to do so. Further, it is unlikely that the responsibility for neglect account will generate a difference between the duties of parents and duties of other people as substantial as we normally think it is. Simply being *better* positioned than others to prevent neglect should not give me complete responsibility for meeting a child's needs; only if I were the only person who could meet those needs should this be the case.²¹

I have examined two attempts to ground parental responsibility in natural duties, neither of which was satisfactory. It is not in virtue of causing a child's needs that parents are responsible, nor in virtue of being best placed to meet those needs. These two natural duties are the only ones that have been used to try to explain parental responsibilities.²² Absent an alternative source of natural duties, I therefore conclude that parental responsibilities are artificial.

3.2. Artificial duties

If parental duties are artificial, this means that they can be acquired only because of social conventions regarding their acquisition. These conventions make a difference by giving certain acts meanings, such that performing them is morally transformative.²³ For example, the meanings of

²¹Others might have the duty to step in when a parent failed to meet his or her child's needs, of course. However, this duty of theirs would be conditional on the parent having already failed in his or her duty.

²²Various theories about the grounds for moral parenthood have been offered. These are helpfully classified by Tim Bayne and Avery Kolers into genetic, gestational, intentional, and causal theories (Tim Bayne and Avery Kolers, "Towards a Pluralist Account of Parenthood," *Bioethics* 17 (2003): 221-42). Such theories give criteria for determining which individuals have parental rights and responsibilities. However, though they may systematize our intuitions about parenthood, they do not provide alternative explanations of parental responsibilities to the ones I have canvassed (except by making them *sui generis* phenomena).

²³I take this term from Heidi M. Hurd, "The Moral Magic of Consent," *Legal Theory*

certain speech-acts allow us to acquire duties by making promises and grant others rights through consent. Nonverbal acts or omissions can also be morally transformative. In the right circumstances, we can acquire duties without speaking, for example, when bidding in an auction or shaking hands on a deal. Likewise, we can consent through gestures or even, in tacit consent, through inaction. The paradigmatic case of motherhood shows that parental responsibilities are not necessarily acquired through speech-acts, since Daphne need not have said anything about parenting in order to be responsible for her son. They must therefore be acquired, at least some of the time, through nonverbal acts that nonetheless are morally transformative as a result of the conventions governing their significance.²⁴

I now explain in more detail the conditions for acts to constitute taking on responsibilities. I then show how such a *conventional-acts* account of parental responsibilities explains some important phenomena of moral parenthood and consider possible objections.

The responsibility conditions. P's action A constitutes taking on artificial responsibility R if and only if:²⁵

- (1) P knows (or should know) that she is performing A;
 - (2) P is not unduly pressured to A;
 - (3) A is intentional under some description;
 - (4) In P's moral community, A is understood to constitute taking on R;
- and
- (5) P knew (or should have known) that (4).

2 (1996): 121-46, pp. 123-24. An act is morally transformative if its performance changes the rights or duties of one or more parties.

²⁴Judith Jarvis Thomson suggests that special responsibilities like those of parents could only be acquired if they were actively assumed, either "explicitly or implicitly." She writes: "If a set of parents do not try to prevent pregnancy, do not obtain an abortion, and then at the time of birth of the child do not put it out for adoption, but rather take it home with them, then they have assumed responsibility for it, they have given it rights, and they cannot *now* withdraw support from it at the cost of its life because they now find it difficult to go on providing for it." Judith Jarvis Thomson, "A Defense of Abortion," *Philosophy and Public Affairs* 1 (1971): 47-66, p. 65. This is consistent with my account: the parents have assumed responsibility, at least in part, because of the social conventions surrounding parenting. Were taking a child home from the hospital normally a precursor to the child's adoption by its grandparents, the parents in this case would not have acquired the responsibilities.

²⁵It might be argued that there is at least one additional necessary condition for taking on artificial responsibilities. We may think that one cannot be bound by a promise to do a wrongful act, and that this will apply equally to the implicit taking on of responsibilities. Thus, an additional condition would be that the content of the responsibilities must not include wrongful acts. However, this claim about promising is disputed; since it will not apply to parenthood, anyway—I assume that the content of parental responsibilities is a set of permissible actions—I do not include it among the conditions.

Conditions (1)-(3) state the conditions for A to be voluntary, in the sense relevant to moral responsibility. Condition (5) implies that P's taking on of R is likewise voluntary.

Conditions (1) and (5) prevent people from acquiring special responsibilities accidentally.

Condition (2) acknowledges that if failing to perform an action will lead to costs to the actor exceeding a certain threshold, performing the action does not constitute the exercise of a moral power.²⁶

Condition (3) allows the possibility that A can be voluntary without P intending to A; she may instead intend to B, where B-ing includes A-ing.²⁷ The responsibility conditions therefore imply that P may incur responsibility R through performing A without thereby intending to take on R. I defend this claim in section 3.5.2.

Condition (4) is required for any act to have a conventional meaning that is morally transformative. The moral community should be thought of as analogous to a linguistic community: a group of people with a shared understanding of the meaning of terms such that they are able to communicate with one another, albeit with occasional ambiguities and misunderstandings.

3.3. Support for the conventional-acts account

The conventional-acts account provides a unified theory of parental responsibilities. For example, both biological and adoptive parents become parents by taking on parental responsibilities through acts whose significance is determined by social convention. Likewise, gamete donors do not acquire parental responsibilities because their acts, though they may eventually lead to children, are not considered to constitute taking on responsibilities. (If gamete donors reasonably believe that they are not going to be held parentally responsible, then they have not taken on parental responsibilities by donating.)

The account also explains phenomena that seemed mysterious on natural duties accounts. The link with the social conventions of parenting shows why in standard cases the actions of the biological parents make

²⁶Coercion by another agent in one way voluntariness may be undermined. However, natural phenomena may have the same consequences. For example, suppose Tarquin is considering an offer from Frankie. Shaking hands signifies agreeing to the deal. But if Frankie's henchman forces him to take Frankie's hand, Tarquin will not have made an agreement. Likewise, if the uneven paving makes Tarquin stumble so that he must grab Frankie's hand or risk a painful fall, he has not agreed either.

²⁷Compare: I intentionally walk down the hall, and in the same action I voluntarily wear down the soles of my shoes. All voluntary actions are intentional under some description, but are unlikely to be so under every description. My thanks to Michael Garnett for helping to clarify this distinction.

them morally responsible for the child they helped cause, but the actions of other agents, like midwives and obstetricians, do not. It is not being a voluntary cause of the existence of the child per se that makes one a parent, but being a voluntary cause whom convention singles out as the performer of morally transformative actions. Likewise, we can now see why parental responsibilities change as the child grows up—social conventions determine, at least to some extent, what gets taken on, that is, the content of parental responsibilities.

Finally, support for a conventional-acts account of parenthood comes from the use of similar accounts to explain other role obligations. This implies that the use of a conventional-acts account to explain parental responsibilities is not ad hoc. For example, Norman Daniels develops a very similar explanation of the source of doctors' duties to treat patients even at some risk to themselves. He argues that physicians can only have these special obligations to take risks if they have agreed to do so. And they agreed to take these risks, "when they agreed to enter the profession and trained for it."²⁸ However, the legitimacy of this agreement is conditional on the existence of "real alternatives" to a career in medicine and a "general understanding" of the increased risks that doctors are exposed to, that is, the decision to become a doctor must be appropriately free (not unduly pressured) and it must be generally understood that doctors have these duties.²⁹ The content of the duties—in this case the extent of the nosocomial risks that doctors are obliged to face—is not determined by the doctor who takes them on, but by the changeable conventions that determine standard medical practice. Daniels writes:

It is not, after all, simply up to the individual entering a profession to tailor-make a contract that suits her wishes. The shape of the professional obligations to which an individual consents is determined over time through negotiation with society ... this complex structure of morally required and permissible professional behaviors is not up for renegotiation by each individual. On entering the profession, the individual adopts the whole package, which has the wisdom (and biases) of a tradition behind it.³⁰

In section 4.2 I briefly address changing the conventions of parenting.

²⁸Norman Daniels, "Duty to Treat or Right to Refuse?" *Hastings Center Report* 21, no. 2 (1991): 36-46, p. 38.

²⁹Ibid. Later, Daniels expands further on this: "We have obligations to take certain risks only if we have consented to adopt those obligations and face those risks. Contemporary physicians, whether they entered the profession during Pax antibiotica or earlier, pre- or post-HIV, understood that treating patients carries some moderate risks of nosocomial infection, such as hepatitis B. All physicians knew of the possibility of antibiotic-resistant strains of infection, and even of the possible emergence of new or previously undiagnosed diseases. They knew that standard practice involved physicians' treating patients within their competence despite this moderate level of risk" (ibid., p. 44).

³⁰Daniels, "Duty to Treat," p. 43.

3.4. Which acts constitute taking on parental responsibilities?

The question of which acts constitute taking on responsibilities is ultimately empirical. It must be answered by investigating the beliefs of the relevant moral community. However, philosophical analysis can tell us which empirical facts we need to ascertain. First, we must establish that the duties are artificial, not natural. The community can be mistaken about whether an act leads to natural duties, since the existence of these duties does not depend on anyone's beliefs about them. For example, it might be generally believed in a community that family members have a duty to avenge the violent deaths of their relatives. But it is possible, indeed likely, that this belief is false. The community cannot in the same way be mistaken about artificial duties, since whether those duties have been acquired depends on the community's conventions regarding their acquisition. This means that the acts that involve taking on artificial duties are those that the moral community believes to involve taking them on.³¹ These may be ascertained by finding the point at which it is generally believed that the duties have been acquired.³²

The boundaries of a moral community may be difficult to draw precisely. Moreover, as with other types of community, an individual might belong to several moral communities, each with distinct moral conventions, depending on the different social roles they play. For some types of duty, this may create difficulties in ascertaining whether or not someone has taken on a duty, and exactly what she has taken on. For example, who counts as a friend, and what friends ought to do for one another, may be disputed across and even within communities. However, this is not a problem with parenthood. In the normal case, the bearers of parental responsibilities are clear: they are the biological parents, or other adults who have performed unambiguous acts indicating their adoption of the child. It is only in unusual cases—for example, with new reproductive technologies that allow the genetic and gestational mothers to be different people—that it is unclear who the parents are.

Indeed, this presumption in favor of the biological parents should not

³¹What if a community had no conventions about parental responsibility? Would this mean that no one had a duty to look after babies and so they could be left to die?—no more than it is permissible for the members of our community to leave orphans to die (or allow parents to neglect their children). In the absence of particular individuals who have taken on responsibility for a child, responsibility for its well-being falls on the community as a whole, just as it does for the well-being of other dependent persons with morally important needs.

³²It may be hard to specify the threshold at which sufficient people have appropriate beliefs such that a social convention exists. However, this fuzziness should not entail skepticism about such social conventions, just as it should not, in the parallel case of language, make us doubt that words have meanings.

surprise us. The emotional attachments that make people want to look after their offspring are notoriously hard to sever.³³ They have their roots not in accidents of culture, but in human biology: there are obvious evolutionary reasons to expect people to preferentially invest care in their offspring. Despite substantial crosscultural variation in family structures, the biological parents are almost always key figures in their child's life.³⁴ It is natural, therefore, to find that they are assigned parental responsibilities. Thus, though in principle a community could have any of a variety of conventions for acquiring parental responsibilities, there is good reason to expect it to have conventions that assign the responsibilities, in the first instance, to the biological parents.

There may be a little less clarity about exactly *when* the responsibilities are taken on in Anglo-American societies. The option of abortion entails that women do not irrevocably take on parental responsibilities through sexual intercourse.³⁵ The point at which women acquire parental responsibilities must therefore be after killing the fetus is considered impermissible. Depending on the social institutions that facilitate adoption, it may be before or after birth; certainly once adoption has been declined, parental responsibilities have been acquired. In section 4 I return to the question of when men take on parental responsibilities.

3.5. *Objections to the conventional-acts account*

3.5.1. *Iniquitous conventions.* It may be immediately objected that the conventional-acts account cannot be correct, since even if it gave the

³³For example, the original Kibbutzim in Israel practiced communal child-rearing. But despite their ideological commitment to it, it proved impossible to keep parents from wanting to devote special care and attention to their biological children. See Pierre L. van den Berghe, *Human Family Systems: An Evolutionary View* (New York: Elsevier, 1979), pp. 70-74.

³⁴For cross-cultural variation in family structures, see Claude Lévi-Strauss, *The Elementary Structures of Kinship*, revised ed., trans. James H. Bell, John R. von Sturmer, and Rodney Needham (ed.) (London: Eyre & Spottiswoode, 1969). One exception is the Nayar of central Kerala, who practiced a form of polyandry whereby responsibility for and rights over a child fell almost entirely on her mother's family. See Kathleen Gough, "Nayar: Central Kerala," in David M. Schneider and Kathleen Gough (eds.), *Matrilineal Kinship* (Berkeley: University of California Press, 1961), pp. 363-64. However, they are very much the exception, even within matrilineal societies.

³⁵According to the conventional-acts theory, the woman has not taken on responsibility for a fetus through the act of intercourse, even if the fetus is a person, if either: there is not general agreement that the act of intercourse gives her this responsibility, or she reasonably thinks that she has not taken on responsibility in this way (and is therefore excusably ignorant of the relevant social conventions). Thus, the existence of the abortion debate is sufficient evidence that women do not irrevocably take on parental responsibilities through intercourse. Note, however, that simply because she lacks parental responsibilities toward the fetus it does not follow that she has the right to abort it.

right result in the present case of parental responsibilities, we can easily imagine situations in which iniquitous conventions would lead to unacceptable burdens being taken on. Imagine, for example, a not-so-distant society in which a woman's primary social role is given by her place in the family, as wife and mother. Because of her marriage vows, she is understood to have the majority of responsibility for parenting, and because she is a woman, she does not have opportunities for personal success outside of marriage. In such a situation, doesn't the woman do right to demand, amongst other things, that her husband do his share of child-rearing? Thus, it looks false that by marrying she has taken on these excessive responsibilities.³⁶

I am inclined to agree. However, such examples do not constitute genuine objections to the theory. Much of this example's force derives from the woman's lack of options for decent life choices. This, in turn, undermines the voluntariness of her act. An act is not voluntary, in the sense required for acquiring responsibility, if there are no other options, or if the cost of choosing another option is unacceptably high. For the woman in the case we are imagining, the cost of not marrying is the loss of the opportunity for a socially accepted and productive life. The extent of this opportunity cost makes the choice to become a wife and mother unduly pressured. Of course, not all acts whose omissions have opportunity costs are unduly pressured; for example, my choice not to have a cell phone may reduce the number of spontaneous social events I am invited to, but it is still a free choice. Instead, it is plausible that there is a cost threshold above which voluntariness is undermined. (I return to the location of this threshold in section 4.1 when I consider the burden that men face if they abstain from sex.)

The importance of being free to refrain from the act may be illustrated by considering another sexist parenting convention. Consider a society where a child born out of wedlock is considered to be the sole responsibility of the mother and where abortion is not easily available.³⁷ In such a case, on the conventional-acts account, men can have sex without responsibilities, but women cannot. This looks unjust.

One response to cases like these is to deny that the same act can have a different moral significance just because it is performed by a woman rather than a man. Such sex or gender differences, it might be argued, are

³⁶An objection could be constructed either on the grounds that the woman is given excessive responsibilities, or that the distribution of her responsibilities relative to her husband's is unfair. My response applies to both.

³⁷For example, the United Kingdom's new Poor Laws of 1834 held the mother more or less entirely responsible for her bastard children. See Poor Law Amendment Act 4 & 5 Will IV c 76 s 69-72.

morally irrelevant.³⁸ I do not see why this should be the case, however—why shouldn't meaning change depending on who the speaker is?

Instead, we should consider the place of explicitly negotiated duties. Whatever social conventions say about the morally transformative power of an act, the individuals affected by the act can agree between themselves that they will not count it as having this significance or will give another act some special significance. (Consider, for example, how members of the S & M community may agree with each other that “No!” does not indicate that consent has been revoked, but some other “safe word” does.) Thus, conventions are not an absolute bind. In the case of parenthood, the would-be parents cannot decide between them whether or not they have taken on parental responsibilities, since these responsibilities are not owed solely to the other parent. However, they can negotiate how the responsibilities are distributed between them. Just as, through adoption, it is possible to have other people take on one's parental responsibilities, so it is possible to have one's co-parent relieve one of some of the duties that convention prescribes. In the society we are considering, therefore, a woman could refuse to have sex outside marriage unless the man agreed to take on joint responsibility for any resulting children. If the sexual act is indeed voluntary, this restores justice between the sexes.

I think this claim is correct, but it may leave us feeling uncomfortable. This discomfort has two likely sources. First, we are liable to imagine the social convention operating in a society where men and women do not have equal power, and so where they are not equally able to decline sex. Nevertheless, people in that society might still presume that sex was appropriately voluntary and so think that the women have taken on responsibilities. Second, we may worry that without an outer sign of their agreement, men will privately agree to take on responsibilities but there will not be evidence that they have done so, and so others will not hold these men to their agreement. These concerns give us reasons to criticize the convention, not because it could not govern parental responsibilities, but rather because it would be liable to lead to bad consequences. This shows why it is important to separate the question of whether someone has taken on parental responsibilities from the question of whether a particular act type is one that should signify the taking on of parental responsibilities. In an ideal world, any voluntary act could, through appropriate conventions, constitute taking on responsibilities; in the actual world, we need to be more careful about the expected consequences of an act having conventional significance. I say more about this distinction in section 4.2.

³⁸This objection was suggested to me by Julie Tannenbaum.

3.5.2. *Intention and responsibility.* The literature on promising and consent suggests another line of objection to the conventional-acts account. It is common to claim that both promising and consent require that the agent intends to change her moral situation.³⁹ My account denies that this is true of parental responsibilities; indeed, it must, since people often conceive despite intending not to do so, and I believe that such people acquire parental responsibilities.⁴⁰ But why should we believe that parenthood is different from these more familiar types of artificial duty?

We should first note that the important question is whether the action singled out by convention is morally transformative, since we are concerned with whether such an action can confer parental responsibilities. So analysis of exactly what it is to *promise* or *consent* is beside the point, except insofar as it is relevant to how these acts make a moral difference. Once we are focused on how actions with conventional significance can be morally transformative, though, we will see that it is irrelevant whether the agent intends the transformation.

Here the notion of “quasi-consent” may be helpful. Quasi-consent occurs when an agent voluntarily acts so as to make others reasonably believe that she has consented, but does not regard herself as consenting.⁴¹ Acts like this can ground duties (or rights waivers) in the same way as actual consent.⁴² Peter Singer illustrates the idea with the example of buying rounds of drinks. If I know the way the round system operates,

³⁹See, e.g., John Searle, *Speech Acts* (Cambridge: Cambridge University Press, 1969), p. 60; A. John Simmons, “Tacit Consent and Political Obligation,” *Philosophy and Public Affairs* 5 (1976): 274-91, pp. 276, 281.

⁴⁰Contrast Brake: “It seems difficult to impute tacit consent to someone who intended to avoid pregnancy, simply because he or she knew of the possibility. This makes a mockery of the notion of consent, since surely consent, to be a meaningful moral concept, must be something more than foresight. If consent is to be understood as an attitude, then this argument is clearly implausible.” Brake, “Fatherhood and Child Support,” p. 60.

⁴¹Peter Singer, *Democracy and Disobedience* (Oxford: Clarendon Press, 1973), p. 47.

⁴²David Archard assimilates quasi-consent to the legal principle of *estoppel in pais*. According to this principle, if I act in such a way so as to lead another (reasonable) person to an expectation about my future action, and the person relies upon that expectation, then I am liable for losses they incur in acting upon the expectation. David Archard, *Sexual Consent* (Boulder: Westview Press, 1998), pp. 13-14. This does not quite fit the examples in this section, however. The reasonable expectation is not that I will perform the action, but that a morally transformative act has been performed. I have a duty to buy my round even if I have a reputation among my drinking companions for leaving the bar before my turn comes. The expectations are therefore normative, not predictive. To see that others need incur no cost at all, consider the following case.

Driving up the price. Juan is bidding in an auction. He raises a hand when the auctioneer suggests \$100 for a twee watercolor. But Juan has no intention of buying the painting; he just wants to drive the price up for the artist. Unfortunately, Juan’s gamble does not pay off and no one else bids. “Gone!” says the auctioneer and Juan is liable for the \$100, though no one else has incurred any cost.

and I accept drinks from other people buying rounds, then I have a duty to buy other people drinks when my turn comes. I cannot protest that I didn't agree to do so.⁴³ We can extend this notion to quasi-promising, too. Consider the following case.

Joking promise. Sarah is an optimist. Even though her friend Freddie is incapable of recognizing irony, she likes to think that he will learn. Sarah tells Freddie that she'll collect him from the bar after the last bus home has gone. This is actually a joke—Sarah will be in bed at the time—but the deadpan delivery goes over Freddie's head. Sarah has no intention of fooling Freddie (though she has good reason to think that she will) and so no intention of genuinely promising. Nevertheless, Freddie has good reason to be angry with his friend after his long walk home.

Joking promise shows that we can acquire responsibilities through speech-acts without intending to do so, and, indeed, without intending to generate expectations in other people. Singer's round-buying example shows that responsibilities can be nonintentionally acquired in the absence of specific speech-acts. In general, I suggest, if an agent voluntarily (and knowingly) performs an act that others reasonably think is morally transformative, and where the conditions for its performance are a matter of convention, it will have the transformative effect.

We can confirm that this applies to parenthood by considering whether different mental states would make a moral difference in the case of paradigmatic motherhood. Suppose Daphne knew that her moral community thought that people who parented a child for a year were then responsible for continuing to parent. However, throughout her first year of parenting she had no intention of continuing further (the plan was to try pregnancy, then a year of parenting, and then do relief work in an African refugee camp—no place for a child). Thus she did not have any mental state whose content included a commitment to eighteen years of caretaking. Nonetheless, it seems obvious that the absence of this mental state does not absolve her of the responsibilities. Thus, we have reason to think that moral parenthood fits the pattern displayed by the previous examples.

4. Resolving the Problem of Accidental Fathers

According to the theory just developed, those acts that convention says involve the acquisition of parental responsibilities do indeed involve

⁴³Singer, *Democracy and Disobedience*, p. 49. Games provide similar examples. If I join in a game of rugby, I can scarcely claim that I have been assaulted if tackled when carrying the ball, even if I never expressly waived my right to bodily integrity.

their acquisition, provided they meet the responsibility conditions. A lack of empirical information about when people believe maternal responsibilities are acquired means that their precise point of origin is uncertain. Such uncertainty is not present in the case of biological fatherhood. When setting up the problem of accidental fathers, I assumed that our moral community thinks men are normally responsible for the biological children they beget because of the act of coitus that led to conception. According to the conventional-acts theory, this implies that this act constitutes taking on parental responsibilities for any resulting child. I now consider whether this act meets the responsibility conditions, before returning to the case that motivated this discussion.

4.1. Does sex meet the responsibility conditions?

It is fair to assume that a substantial number of sexual acts involve men who know what they are doing, do so intentionally, and know that they will be held responsible for any children that result. However, it may be questioned whether undue pressure renders these acts generally involuntary. What is at issue here is not the existence of some (presumably rare) cases in which men are coerced into sex. In such cases men will clearly not acquire parental responsibilities. Rather, a skeptic about the conventional-acts account may think that the burden of avoiding having sex *in general* is a cost sufficient to prevent sex from signifying the taking on of responsibility. Analogously, though the vast majority of acts of eating are voluntary, it would not be possible for eating to signify taking on some responsibility, because the cost of avoiding eating in general would make it impossible to avoid performing the allegedly morally transformative act.

Two points undermine the strength of this objection. First, the nature of the cost imposed is important. If the action that incurs the cost is one that people have a right to perform unencumbered, then it will be impermissible to make the action one that incurs an obligation. Eating seems to fit this category. It is unlikely, however, that sex is such an action; indeed, it may be thought that sex ordinarily imposes a special duty of care toward one's partner. Second, as I observed in section 3.5.1, voluntariness is only undermined when the cost exceeds a certain threshold.⁴⁴ The

⁴⁴Compare Simmons's example of tacit consent. A chairperson announces a change to the time of the next meeting and asks if there are any objections. Here, silence tokens consent. It would not do so, Simmons says, if the chair invariably dismissed or imprisoned objectors. It would still do so if someone did not speak just because he was nervous about doing so, or thought that if he objected the chair would refuse him a ride to the station after the meeting, i.e., if the cost of speaking was suitably low (Simmons, "Tacit Consent," p. 280).

cost for men who do not want the risk of parental responsibilities is relatively low. They must either refrain from vaginal sex, or only have vaginal sex with women who commit to aborting or otherwise absolving them of responsibilities for any children that result (that is, with women with whom they negotiate a different significance for the sexual act). We may compare this cost to the opportunity cost healthcare workers suffer through not being able to take on their roles without taking on responsibilities. Since being a doctor is a desirable life option, such a requirement may be burdensome; however, this restriction of freedom is not generally judged substantial enough to undermine voluntariness.

4.2. The arguments against paternal responsibility

The preceding sections provided evidence for the conventional-acts account (and against the alternatives). We must now consider how the account deals with the problems presented by accidental fathers that motivated this inquiry.

The conventional-acts account clearly resolves the tension between voluntarism and the principle of proportionality with which we began. When people take on artificial responsibilities, the extent of those responsibilities need not be proportionate in any way to features of the act. Compare, in this regard, the range of medical interventions—from physical examinations to surgery—that the same act-type may constitute consent to, or the different duties, large and small, that we may acquire through promises. In voluntary intercourse (in a society where such intercourse is thought to produce responsibility) men, in a sense, agree to a risk of incurring duties—a risk that they can take action to reduce. Our judgments about appropriate precautions should therefore be understood as primarily prudential judgments about sensible levels of risk (which might have moral implications were creating a child a bad thing in some circumstance).

It may be less clear how the conventional-acts account fares with regard to inequality between the sexes, since the account leaves this inequality in place.⁴⁵ Men acquire parental responsibilities through engaging in voluntary intercourse; women only have these responsibilities some time after the point of permissible abortion has passed. Thus, women retain a power to choose for much longer than men.

This inequality suggests two objections. One argues that the physiological differences between the sexes do not affect the rights they possess. The other argues that even if the sexes did have different moral rights, we should not allow differences in people's abilities to exercise

⁴⁵It is a sex issue, not a gender issue, since it turns on physiological characteristics.

rights, where this can be prevented. I consider them in turn.

If men and women have identical rights, this implies that either women do not have the right to avoid parenthood through abortion, or men possess a similar right. In the latter case, men would not acquire parental responsibilities through sex, but through some later voluntary action or inaction. This possibility is proposed by Hales, who claims:

The right to avoid future duties ... is the right to avoid duties of childrearing and child support that, given a pregnancy successfully brought to term, one will have. The right to an abortion seems logically dependent on this right.⁴⁶

According to Hales, this right implies that biological fathers have the right to refuse child support, just as biological mothers have the right to abort the fetus.⁴⁷

However, this objection relies on a misdescription of the relevant right. The right to an abortion is not plausibly derived from a more general right to refuse future duties (the origins and content of which are mysterious) but more likely from a right to have control over one's body.⁴⁸ This right, where other considerations do not override it, entails that a woman may abort fetuses; it does not entail that she may avoid future duties, except insofar as she does so through legitimate exercises of her right over her body.⁴⁹ Thus, men and women have the same basic rights, but differences in their physiologies lead to different derivative rights (or different opportunities to exercise their basic rights).

According to the second inequality objection, whatever people's moral rights, inequalities in their abilities to exercise rights are pro tanto unjust. If these inequalities are avoidable, then we ought to avoid them. Hence, fathers should have legal powers giving them de facto rights equivalent to those of mothers. This would involve, presumably, giving fathers an option to reject parental duties up to the same point that it is permissible for mothers.

There are two responses. The first questions the force of the objection; the second questions what the objection shows. First, it is not always true that if one party has fewer opportunities to exercise his rights than another, then the first is the victim of injustice. For example, sup-

⁴⁶Hales, "Abortion and Fathers' Rights," p. 8.

⁴⁷Ibid., pp. 15-18.

⁴⁸Cf. Thomson, "A Defense of Abortion," p. 66. I assume here that this is why abortion is permissible, if it is. However, I suspect that any plausible account of what rights underlie a right to abort will allow a similar counter-argument to be constructed.

⁴⁹Hales acknowledges this possible response but argues that even if biology prevents us from having identical rights, we should still try to equalize the opportunities people have to exercise rights (Hales, "Abortion and Fathers' Rights," p. 9). I consider this objection presently.

pose Gaston has more possessions than Loretta. In one sense, they have equal rights: each has the right to dispose of his or her property as he or she wishes (within certain limits). In another sense, they have unequal rights, since Gaston has more opportunities to exercise property rights. Now, it might be that inequalities in wealth are always examples of injustice or are only sometimes unjust. The fact that this may reasonably be disputed, however, shows that simple disparities in the power to exercise rights does not obviously entail injustice, and so does not entail a duty to provide legal redress. Further argument is needed to establish this conclusion for any particular domain.

Second, the objection does not in fact challenge the conventional-acts account of parental responsibilities. Rather, it claims that the social conventions that currently determine how those responsibilities are assigned are unjust. This is an important distinction. Everything I have said in this paper applies to who is actually responsible for children; I have said nothing about how society should be arranged with regard to parental responsibilities. The two issues are easily mixed together in cases like this. Because parental duties are artificial duties, they are responsive to changes in the conventions that govern how they are taken on (and, indeed, what is taken on). Further, it is possible to provide moral arguments for changing the current conventions. Nonetheless, it is important not to conflate such arguments with arguments that purport to show that people operating under the current conventions have not really taken on the relevant responsibilities.

The question of what conventions we should have for acquiring parental responsibilities is a difficult question of social policy. If the act is voluntary and people are able to re-negotiate the meaning of particular acts, then the issue is what the normal meaning of the act should be. Working this out requires, amongst other things, looking at the consequences of giving particular acts meanings. A good answer will take into account not just the fairness of the conventions to all parties, but their effect on welfare, including the welfare of children, and their expected effect on people's behavior. Suppose, for example, that we separate the coital act from the act that signifies taking on parental responsibilities. This would relieve the burden for those people wanting to have sex without consequences. However, it might make it easier for men who claimed before having sex that they would take responsibility to deny doing so when a child results. The causal connection between sex and paternity makes the latter excellent evidence for the former, and so good evidence under the present conventions that the biological father took on parental responsibilities. In this regard, we would do well to remember how recently women acquired the power to get assistance from the fathers of

children born out of wedlock.⁵⁰

Of course, all this is speculative. It is intended merely to show that the question of the optimal conventions is not a straightforward matter, but requires detailed empirical investigation. Such investigation is not the purpose of this paper.

5. Conclusions

The failure of natural duties accounts to explain central phenomena of moral parenthood shows that the special duties of parenthood are artificial. This implies that parental responsibilities are taken on through those acts that convention dictates lead to the acquisition of responsibility. Consequently, men in Anglo-American society, including those who take precautions against pregnancy, normally acquire parental responsibilities through the act of intercourse that leads to conception. This applies whatever our views about the ideal way to arrange the social institution of parenthood.⁵¹

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⁵⁰Cf. n. 37.

⁵¹Thanks to Kirstin Borgerson, Danielle Bromwich, David DeGrazia, Ezekiel Emanuel, Michael Garnett, Govind Persad, Julie Tannenbaum, Alan Wertheimer, and two anonymous referees for *Social Theory and Practice* for helpful comments on earlier drafts of this paper. The views expressed are my own and do not represent the views of the Department of Health and Human Services or the National Institutes of Health.