

## IS A FAMILY A NATURAL REALITY OR JUST A CULTURAL CONCEPT?

By Margaret Somerville

A review of *What is Parenthood?: Contemporary Debates about the Family* (Linda C. McClain and Daniel Cere, eds., New York and London; New York University Press, 2013, pp.392)

*What is Parenthood?: Contemporary Debates about the Family*, edited by Professor Linda C. McClain and Professor Daniel Cere, is a wide-ranging and lengthy exploration of the complex and highly contentious issues of what should be seen, especially by the law, as constituting a family, and what are children's and parents' rights with respect to each other and family life.

The text is in the form of a series of paired essays, by distinguished academics and researchers, on different aspects both of parenting and of the structure of the family, one of each pair expounding on a so-called "integrative model of parenthood" – the natural or traditional family structure – and the other on a "diversity approach to parenthood and family", which would include as parents and families, for example, single parents, same-sex couples, and others. Although these two lenses are not necessarily mutually exclusive, they structure the discussion in the book in such a way that the differences between the two sides and the bases for their disagreements are brought into focus.

As I was struggling to write this review, a review of *What Makes a Baby?* (2013), a book for children by Cory Silverberg, a Toronto sexuality educator, appeared in the *Globe and Mail*.<sup>1</sup> Here's part of that review:

*What Makes a Baby* doesn't do storks. It also doesn't mention mom or dad, or even the deed.

Instead, the new sex-education book for 4 to 8-year olds helps parents talk birds and bees with a brightly coloured egg and sperm who wear groovy striped pants and dance holding hands – approachable giggly characters well-suited for a young child's first book on the topic. \* \* \* . . . *What Makes a Baby* is completely and intentionally vague, as . .

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<sup>1</sup> Zosia Bielski, "Sperm+egg+uterus=baby", *Globe and Mail*, June 7<sup>th</sup>, 2013, L2. Published online as, "How a new children's sex-ed book steers clear of S-E-X", <http://www.theglobeandmail.com/life/parenting/sperm-egg-uterus-baby-childrens-book-steers-clear-of-s-word/article12381163/>

.[the author] divulges just the raw ingredients now required for conception: sperm, an egg and a uterus.

But in leaving out mom and dad and any mention of genitalia, Silverberg has tacitly left the door open for gay couples, parents who use fertility treatments, donor insemination, surrogates and adoption, as well as grandparents and other family members raising children. One spread shows a park with a panoply of families: lesbian parents, single moms and dads, a grandmother with two kids, as well as a heterosexual couple. “Who helped bring together the sperm and the egg that made you?” reads the caption.

The essays in *What is Parenthood?* address a central question impliedly raised by *What Makes a Baby*: What does respect for the rights of children require that we try to give them, through societal norms, law, and public and social policy, in terms of who are their legal and social parents and the family structure in which they will be reared? Should the natural family – a man and a woman and their biological children - remain the norm, even though exceptions such as in adoption, or single parenthood, must be accommodated? Or should we open up our definitions of parenthood and a family to include a very broad range of indicia in comparison with those that have traditionally been used?

Related questions are raised by the advent of reproductive technologies. In using these, what does respect for the transmission of human life require? Should making a baby be seen as essentially a construction process facilitated by 21<sup>st</sup> Century reproductive technologies or do we need to limit our use of those technologies in certain ways, if we are to respect the process of the passing on of human life to the next generation? And what do the rights of children with respect to who are their parents and the family structure in which they will be reared require that we not do with these technologies?

*What is Parenthood?* deals with these questions, and many more, within a range of topics that include whether parenthood is separable from marriage; whether parenthood should be rights based; what child outcomes, in terms of well-being, result from various forms of parenthood; and whether biological kinship or gender differences matter in parenting. Each author employs what the editors call the “integrative model of parenthood” – the traditional family of mother, father and their biological children – or the “diversity or pluralistic model” – the concept that a family is formed by

bonds of affection and dependence, and through the intention to create a family, so that what constitutes a family is open to a wide variety of permutations.

The diversity model brought to mind a cartoon that appeared in the *New Yorker* magazine in the early days of the development of reproductive technologies. We see a lineup of seven, typical *New Yorker* pear-shaped cartoon figures at a cocktail party, each holding a martini glass. A nurse stands in front of them holding the hand of a little boy. They both have their backs to the viewer. Pointing to each of the adults in turn, the nurse says, “This is your biological mummy; your biological daddy; your gestational mummy; your social mummy; your social daddy; your lawyer; and your psychiatrist to sort you out!”

As we can read in *What is Parenthood?*, supporters of the diversity model would be likely to argue that including the psychiatrist introduces an unfair and unsupportable claim, because, they claim, empirical evidence shows children are just as well off in non-traditional families. They propose that it’s the quality of the parenting which matters, not who provides it. Supporters of the integrative model disagree. They believe that biological connection between parents and children, and their having both a male and female parent are in the “best interests” of children. The arguments on both sides of this disagreement are extensively explored in the book, which provides important and useful information, but the disagreement is not resolved, mainly because most of the authors agree to disagree in admitting that the available empirical evidence as to what is best for children in terms of family structure is not definitive.

This situation of uncertainty means that the choice of a basic presumption as to what the social and public policy, norms and the law governing children’s rights regarding who are their parents and their family structure is crucial. We cannot avoid this choice.

As we can read in *What is Parenthood?*, those arguing for the equality and equal treatment of all family structures, the diversity model, do so by alleging that excluding diverse family structures from the rights, protections and benefits enjoyed in an integrative – natural – family structure constitutes discrimination on the basis of sexual orientation, in the case of homosexual people, or marital status, in the case of single parents. In taking this approach, they establish the diversity model as the basic presumption, because to do otherwise would, according to their reasoning, be discrimination. If that is accepted, it places the burden of proof that diverse family structures are not in the “best interests” of children, on those who oppose such structures. But, as explained above, that is hard to prove and in

situations of equal doubt as to whether proof has been established the basic presumption prevails.

Concepts of the equal worth of all family structures, equality of men and women, equal treatment of homosexual and heterosexual people in terms of founding families, and “gender neutrality” - rejection of the belief that gender is a relevant factor in parenting - and denial that biological kinship is an important or even a relevant factor in parenting, all characterize the pro-diversity arguments. While supporters of the integrative model accept the equality of men and women, and completely agree that discrimination on the basis of sexual orientation is a serious wrong, they do not agree that such discrimination is involved here, or that gender or biological kinship are irrelevant factors in family structure – genetic relationship is the one unbreakable bond - and believe that children have a right to both a mother and a father.

We can examine the concepts just listed above in terms of whether they primarily favour children’s interests or adults’ interests. It is a judgment call influenced by one’s own values, but I suggest that the concepts that inform the integrative model give priority to children’s interests and those that inform the diversity model give priority to adults’ interests, when these interests are in conflict.

One problem encountered in arguing for the integrative family model is that those promoting the diversity model have tied support for the integrative model and rejection of the diversity model to unavoidably being in favour of discrimination on the basis of sexual orientation. This automatic connection has also been a major strategy in promoting the legalization of same-sex marriage, by framing the only options as being that one is either for same-sex marriage and against discrimination on the basis of sexual orientation, or against same-sex marriage and for discrimination on the basis of sexual orientation.

The debate surrounding same-sex marriage necessarily relates to children’s rights with regard to their family structure, because marriage carries the right to found a family.

Because same-sex marriage changes the meaning of marriage, it results in a clash of meanings between it and opposite-sex marriage and we can’t uphold both sets of meanings, simultaneously. These differences in meaning are reflected in many of the differences between the “integrative” and “diversity” models of who is a parent and what is a family explored in *What is Parenthood?*

Same-sex marriage gives priority, as central tenets of marriage, to equality over procreation; to culture over nature in the form of both

biological links between parents and children and natural reproduction; to gender neutrality over gender difference in parenting; to legally recognizing diverse family structures over limiting that recognition to the natural family; to individual autonomy over respect for the transmission of human life to the next generation through restricting certain uses of reproductive technologies and surrogate motherhood; and to respect for individual choice over the needs and protection of the community and society. These differences in meaning are reflected, most importantly, in how, socially and legally, we define who is a parent and what a family is, definitions which have major impact on children and their rights.

Many current values debates involve a conflict between giving priority to individual autonomy – the hallmark of so-called “progressive values” - and some other value, such as, for example, in the case of same-sex marriage or deciding who is a parent, respect for children’s rights with regard to their biological parents and the family structure in which they are reared. We should keep in mind that such debates can be skewed because it’s much easier to present in the media, the case for autonomy than that for many competing values. For instance, a compelling personal case can be made by two sincere men, who want to marry, embracing each other and one saying, “Why would you be so cruel as to stop me marrying the person I love?”, or two women saying, “Why would you be so cruel as to stop us creating the family we long for with children to love?”. It’s much more difficult to present, visually, the contrary arguments.

We must carefully consider all aspects of marriage, parenthood and family structure in the societal debate that is currently evolving and recognize the valid arguments on all sides of the divides between us. *What is Parenthood?: Contemporary Debates about the Family* will help us to do that. In particular, the information it provides will help to avoid those on the integrated side of the debate being denigrated and written off simply as bigots or dinosaurs, as happens far too often.

Finally, in the chapters on family immigration and transnational parenting, we read the heart-breaking stories of families separated because of dire financial need, when a parent has no other feasible option but to work in another country to support the children. Increasingly, that parent is a mother leaving to become a domestic helper in a developed country with a severe shortage of such workers. Here the proponents of the “integrated” and “diversity” models might agree that we have ethical obligations to such workers and their families, no matter which model of a family we support. And, just as we are concerned about developed countries siphoning off, for example, healthcare professionals from developing countries, we should be

at least equally concerned about economic structures which, so to speak, “siphon off” parents and separate them from their children.

I doubt that *What is Parenthood?* will cause anyone on either the “integrative” or “diversity” family model side of the debate to change position, nor is this book likely to close what seems to be an unbridgeable gap between the two views. But all will be much better informed and, if they are open-minded, all will have many more considerations to contemplate for having read it, even though that is a challenging task. This book is a valuable contribution to a critically important, current societal debate on children’s rights with respect to who their parents are and the family structure in which they are reared. It should be read by all involved in that debate, and especially those who will decide on the law and social and public policy that will determine the future of the family and the family of the future.