

A Project View of the Right to Parent

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ABSTRACT *The institution of the family and its importance have recently received considerable attention from political theorists. Leading views maintain that the institution's justification is grounded, at least in part, in the non-instrumental value of the parent–child relationship itself. Such views face the challenge of identifying a specific good in the parent–child relationship that can account for how adults acquire parental rights over a particular child – as opposed to general parental rights, which need not warrant a claim to parent one's biological progeny. I develop a view that meets this challenge. This Project View identifies the pursuit of a parental project as a distinctive non-instrumentally valuable good that provides a justification for the family and whose pursuit is necessary and sufficient for the acquisition of parental rights. This view grounds moral parenthood in a normative relation as opposed to a biological one, supports polyadic forms of parenting, and provides plausible guidance in cases of assisted reproduction.*

1. Introduction

The institution of the family has recently received considerable attention from political theorists, with special attention to its role and structure in a just society. A central question is how, if at all, parents' rights over children can be justified.¹

One approach that aims to answer this question justifies the family (or the 'moral right to parent') by appeal to the *non-instrumental* value of the parent–child relationship itself. This view is based on the following two core ideas:

Dual Interest: The parent–child relationship is justified by appeal to (i) the interests of adults in playing a fiduciary role and (ii) the interests of children in receiving adequate care.²

Familial Good: Standing in a parent–child relationship amounts to a distinctive, non-instrumentally valuable good for both parents and children.³

This approach offers a promising defence of the value of the family and a *general* right to parent, but it struggles to explain why people should have parent–child relationships with *particular* children (typically their biological children). For brevity, the idea that people should have such relationships will henceforth be called 'the right to parent'.

Though it maintains that as long as parents fulfil a sufficiently high standard of parenting competency, they should be allowed to raise children – as opposed to maintaining that children always ought to be reallocated to the 'best' available parents – it does not offer a justification for any particular distribution of children among competent parents *at birth* in the first place, such as the one in *our* world whereby biological parents have the right to keep and raise their biological offspring.⁴

The importance of filling this argumentative lacuna is reinforced by the challenge to explain what would be wrong with baby redistribution among competent parents (a challenge that will simply be called ‘*Baby Redistribution*’ below).⁵ We might think that there are reasons of social justice to reshuffle newborns at birth between all recent competent birth parents.⁶ For example, in societies where baby girls have historically been less highly valued than baby boys, the redistribution of babies at birth among all new adequate parents could provide a disincentive for sexist practices of gender selection. Here the idea is that if the inclusion into the baby-redistribution lottery were conditional on being expectant parents, then only those people who would rather remain childless than have a baby girl would continue to abort based on the sex of their foetus.

For non-instrumental views to account for parent–child relationships with *particular* children, including one’s biological children, and to be able to avoid *Baby Redistribution*, the following two requirements must be satisfied. The first is what I call:

Robustness: The right to parent must be grounded in a robust connection between parents and a particular child or children.

Meeting this requirement ensures that the proposed parent-centred interest identifies a specific connection (be it causal, historical, emotional, or of another kind) between parents and a *token* child, such as one’s biological progeny, as opposed to a connection to *some* child.

The second requirement I refer to as:

Special Value: The right to parent must be grounded in a non-instrumentally valuable feature of the parent–child relationship.

Meeting this requirement ensures that the value of the proposed distinctive interest in parenting a particular child is consistent with *Familial Good*.

For the more specific task of justifying the right to parent one’s biological child, the conditions named in *Robustness* and *Special Value* must be met at or before the time of a child’s birth. That is, a plausible account of the right to parent one’s biological child must show that there typically exists a sufficiently weighty, non-instrumentally valuable, *de re* connection between birth parents and their newborn at birth. This will then answer *Baby Redistribution* by showing that the reallocation of children at birth between competent parents would destroy non-trivial, normatively significant value.

My aim in this article is to develop a non-instrumental account of the right to parent that meets both these requirements. I adopt a project-based approach, which is a well-known contender in the ethics of partiality, and spell out in detail how it can ground the right to parent. This Project View maintains that parents have a weighty interest in pursuing and continuing *parental projects*, which are a special kind of creative project aimed at successfully rearing a child. Appeal to the value of engaging in parental projects can complement existing non-instrumental defences of the view that children should be raised in families, since only the institution of the family makes possible the pursuit of a parental project, and it justifies parents’ *acquisition* of a right to this good, since, at the time of a child’s birth, certain adults typically have a weighty interest in continuing to pursue their parental project with respect to that *particular* child, typically their biological child – though, as we shall see, the Project View can equally account for adoptive parenthood. By spelling out the resources of the Project View in the context of parenthood, this article also aims to reinforce the credibility of project-based approaches in the ethics of partiality more generally.

I proceed as follows. Section 2 begins with a contrastive backdrop to the view that I shall develop. I illustrate how one of the most influential non-instrumental accounts, the Relationship View developed by Harry Brighouse and Adam Swift, and a modification to it proposed by Anca Gheaus, each fail to fulfil either the *Robustness* or the *Special Value* desideratum. Section 3 then develops the Project View. I characterise the constitutive elements of parental projects and what makes them valuable, discuss their complementary relation to the intimate-relationship good identified by the Relationship View, and show how my project-based approach can meet the two desiderata outlined above. Section 4 explores some of the implications of the Project View in more depth. I discuss its ability to capture biological parenthood without appeal to the value of biological ties, its support for polyadic forms of parenting, and its demandingness. Section 5 illustrates these implications by considering how the Project View applies to the practice of surrogacy. I show how it entails that commissioning parents typically acquire parental rights, whereas anonymous donors or gestational surrogates do not. I conclude in Section 6.

A complete theory of parenthood must answer many more questions than I am able to tackle here. Hence, a few caveats: my aim in what follows is to provide a non-instrumental account of the right to parent that includes a justification for the *acquisition* of this right. I understand this task to be distinct from the issue of determining the rights of parents, which concerns the substantive rights that parents may exercise in relation to their children, as well as from the issue of determining the ground of parental *obligations* or *responsibilities*.⁷ Nor will I say anything about the permissibility of procreation.⁸

2. The Relationship View

According to the

Relationship View, an agent *A* has a right to parent a child *C* when and because

- (i) *A* is a sufficiently competent parent;
- (ii) *A* enjoys a distinctively valuable personal relationship through being a parent to *C*;
- (iii) *C* derives sufficient value from the relationship from being parented by *A*.

The Relationship View identifies a special interest that the family facilitates and protects and argues that this interest is the reason it is better for children to be raised in families by parents than to be raised in state-run orphanages or other institutions that do not closely mimic the family. This interest is:

Intimate Relationship: A special kind of intimate and mutually loving relationship between children and their parents.⁹

The Relationship View argues that since only the family can make this special, relationship-based good available, the right to parent is effectively a right to enjoy this special kind of good – conditional on the parents’ serving the children’s interests in being adequately parented.

Both parents and children have an interest in *Intimate Relationship*.¹⁰

Children, so the argument goes, have an interest in securing continuous attachments to specific adults who will provide them with the loving attention necessary to develop

physically, emotionally, cognitively, and morally, as well as to flourish in both childhood and adulthood. The family makes the realisation of these goods possible for children by allowing them to enjoy the love of their parents and affording them a sense of belonging and security provided by one or more persons with a special duty of care for them.

In addition to the relationship-based goods that accrue exclusively to children, the Relationship View further argues that *Intimate Relationship* is distinctively valuable for parents. It allows parents to enjoy an intimate and mutually loving relationship in which they each act 'as a fiduciary for [their] child's nondevelopmental interests and for her interests in physical, cognitive, emotional, and moral development, which include, usually, the interest in becoming an adult who is independent of her parents, capable of taking over responsibility for her own judgement and for her own welfare'.¹¹

I think that the Relationship View gets many things right. Its argumentative strategy strikes me as correct, and it offers a convincing argument for *Intimate Relationship* as a distinctive non-instrumental familial good.

However, as Brighthouse and Swift themselves recognise, their account cannot meet *Robustness* in a way that grounds a right to parent a particular child and rules out the reshuffling, at birth, of newborns between recent competent birth parents. This is because their argumentative ambition is only to show that appeal to *Intimate Relationship* can provide a defence for parent-child relationships or a right to parent *in general*, not to show that it can justify a right to parent *a particular* (that is, one's biological) child. According to them, the realisation of *Intimate Relationship* is independent of a prenatal connection between adults and a child, allowing adults to enjoy this good by parenting children to whom they are entirely genetically unrelated.¹² This leaves open the issue whether, at birth, a child's biological parents or other available, competent adoptive parents should have the right to parent the newborn.

Dissatisfied by this implication, some theorists have attempted to build on the Relationship View. They appeal to:

Prenatal Relationship: Gestation typically gives rise to an intimate emotional relationship between a gestational procreator and her foetus.¹³

The Gestationalist View agrees with the Relationship View that children and parents have an interest in establishing and maintaining a valuable emotional relationship. It adds the novel suggestion that the enjoyment of *Intimate Relationship* already begins *in utero* and that 'children come into the world being already in an intimate caring relationship with their gestational procreator'.¹⁴

Expectant parents are usually highly emotionally invested in their pregnancy.¹⁵ This investment is facilitated in part through the costs that pregnancy incurs and in part through the many ways of interacting with the foetus, such as seeing it on ultrasound images, hearing its heartbeat, and feeling its movements. Unborn children can recognise their gestational procreator's voice and smell at birth, which seems to provide further evidence of their attachment to their birth parent.

Appeal to *Prenatal Relationship* thereby provides a potential answer to *Baby Redistribution* by satisfying *Robustness* at birth, since the redistribution of children at birth would rupture a valuable emotional bond between parents and their birth child.

The Gestationalist View's proposal is interesting, but I am sceptical that the appeal to *Prenatal Relationship* can meet *Special Value*. The reason for this is that the alleged value

of the *in-utero* connection seems to rely on *too loose* a conception of what a non-instrumentally valuable personal relationship is.

By way of making this point more explicit, let us clear up some ambiguity concerning the nature of the relationship between a gestational procreator and her foetus. There are two respects in which the two can be said to enjoy a relationship. The first is a biological connection based on the gestation of the foetus within the woman's womb. This is a kind of relationship, but not one that the Relationship View would consider normatively significant (though one might think that this relationship can indeed be the basis of an account of parenthood). So, to offer an extension of the Relationship View, the Gestationalist View must claim that beyond this biological connection, a gestational procreator and her foetus share a non-instrumentally valuable relationship akin to *Intimate Relationship*.

I'm unconvinced that the relationship between a foetus and her gestational procreator is a relationship of this sort. This is, primarily, because it lacks crucial elements that characterise the value of *Intimate Relationship* as it manifests between (born) children and their parents.

From the parents' perspective, though the experience of pregnancy is extremely rich and valuable, it does not include much knowledge of the unborn participant in the relationship; impressions of that participant are based on personal projection, fantasy, and limited forms of interaction.¹⁶ These forms of investment, as I shall argue later, are indeed valuable, but their value should be understood not as reflecting a sufficiently strong intimate and emotional relationship but rather as reflective of the parents' investment in a parental project.

From the unborn child's perspective, the existence by the time of birth of an already partially formed relationship akin to *Intimate Relationship* with the gestational procreator seems implausible. Despite the ability of newborns to recognise their gestational procreator's voice and odour, it seems a stretch too far to maintain that this kind of valuable relationship-based good begins to be realised during gestation.¹⁷

This is not to deny that the *Prenatal Relationship* could be *instrumentally* valuable for a foetus or expectant parents. Perhaps infants are developmentally harmed by being separated from their gestational procreators at birth, though this is hardly a given.¹⁸ Regardless of whether there is some *instrumental* value to the *in-utero* bond for a child, the important point for my purposes here is that as soon as this possibility is entertained, the Gestationalist View must give up its aspiration to offer a *non-instrumental* account that is a consistent extension of the Relationship View. I submit that the Gestationalist View can meet *Robustness* only at the cost of failing to meet *Special Value* at birth.

3. The Project View

3.1. What Is a Parental Project?

Though the *Relationship View* explains why adults have a right to parent *in general*, the appeal to the special value of *Intimate Relationship* reaches its limits when applied to the issue of how the rights to this good are acquired. But if not an appeal to the special value of an intimate parent-child relationship, what could fare better?

The kind of view that I propose in this section is traditionally considered a competitor to the *Relationship View*. It belongs to a tradition of normative views that try to justify

partiality by appeal to the special value of projects rather than that of personal relationships.¹⁹ Though within the ethics of partiality, the project- and relationship-based approaches are often seen as rivals that each lay claim to being the single correct framework for justifying partiality, I think their incompatibility, at least in the case of parenthood, is overstated.²⁰ Just as personal relationships can give rise to shared projects, projects can give rise to and contain valuable relationships – the family here being a case in point, or so I shall argue.

My guiding idea in what follows is to show how the *Robustness* and *Special Value* desiderata can be fulfilled by conceiving of the good of parenting *holistically* in terms of its connected and intertwined physical and psychological dimensions. For want of an established label, I shall refer to such a related and connected set of commitments oriented towards rearing a child as a *parental project*.²¹

Unsurprisingly, I will call my preferred view the

Project View: An agent *A* acquires a right to parent a child *C* when and because

- (i) *A* is a sufficiently competent parent, and
- (ii) *A* pursues a distinctively valuable parental project with respect to *C*.

This view aims to capture the significance of parenting by means of the multidimensional notion of a parental project, understood as a distinctively valuable, volitional, ongoing, creative undertaking that involves the planning and rearing of another human life.

But parental projects have a larger significance than that: the Project View identifies the pursuit of parental projects as an irreplaceable familial good that can serve as a distinctive source of flourishing and meaning for many adults. Engagement in a parental project is a source of satisfaction and fulfilment that is, by virtue of the project's pervasiveness in one's life and its special content of rearing another human being, unavailable through the pursuit of any other project – be it writing a book, building a house, or being a teacher. Parents' interests in parental projects thus provide an explanation of how particular parental rights are acquired at birth and an additional justification for the institution of the family.

The family should therefore be understood as realising two familial goods: a project-based good that concerns the creative and successful planning, pursuing, and completion of a child's upbringing, and a relationship-based good, as identified by the Relationship View, that develops as part of, and is realised alongside, the pursuit of a parental project. This, I believe, is the correct normative picture of moral parenthood.²²

The claim that the family encompasses these two intertwining and overlapping familial goods is a tricky one to defend. For one thing, the notion of a parental project can seem elusive – and that of its relation to *Intimate Relationship* perhaps even more so. I therefore want to put this approach into sharper focus, first describing the constitutive elements of parental projects and what makes such projects a distinctively valuable component of parents' wellbeing, then considering their relation to *Intimate Relationship*.

To this end, I propose the following general characterisation of parental projects:

Parental Project: A special kind of creative project aimed at successfully rearing a child.

And a more technical one:

*Parental Project**: An agent *A*'s connected set *S* of commitments with respect to rearing a particular child *C* such that *S* has central subjective importance to *A*'s life and such that *S* is objectively worthwhile.

- (i) *S* is constituted, more specifically, by certain actions and by forms of intellectual and emotional investments in the rearing of *C*.
- (ii) The subjective importance of *S* is a function of the magnitude of the investments that constitute *S* over some time period *T*.²³
- (iii) *S* is objectively worthwhile *iff* it realises *A*'s interest in creatively rearing *C* and *C*'s interests in *Intimate Relationship*.

Parental projects are a threshold construct. A parental project manifests just if, and because, a relevant set of parental commitments concerning the rearing of a child has been sustained over a sufficient period of time. Such projects require a certain amount and continuity of goal-oriented agency, since they would not otherwise be distinguishable from mere preferences, desires, or wants. Thus, for a parental project to have central importance for an agent's life, a certain set of that project's constitutive elements must necessarily be sufficiently pervasive within that life – that is just what a parental project is.

Parental projects have a temporal longevity that distinguishes them from *Intimate Relationship*. Whereas the special parent–child relationship develops only after a child is born, the time before and during a pregnancy can be part of what constitutes a parental project. The formation of a parental project is therefore not restricted to the moment of conception. Typically, a couple may plan to become parents and deliberately pursue a pregnancy before the conception of what will later become their child. Once the couple knows that they are expecting a child, they begin to adapt their lives accordingly and prepare themselves for their future role as parents. This process then continues after the child is born, throughout infancy, early childhood, and adolescence, until the completion of the parental project, which, for many parents, is marked by the point at which a child is capable of being independent from them and their care.²⁴

Hence, there are two stages where the familial goods of *Parental Project* and *Intimate Relationship* are non-overlapping: before the birth of a child and after a child leaves their parents' care, when the special personal parent–child relationship may and often does persist.

Parental projects are characterised by distinctive kinds and forms of investments, all of which are necessary and jointly constitutive of a parental project. This classifies the Project View as a type of *combined* view as opposed to a *pluralist* one, which would consider several features as sufficient but none as necessary for moral parenthood.²⁵

All investments constitutive of a parental project require certain forms of agency directed toward the rearing of a child. Though listing the full range of these commitments would amount to determining the Project View's account of the *content* of parental rights – an important but rather extensive task that must wait for another occasion – child-oriented actions typically include, at a specific level, such things as the buying of a crib and nappies or playing with and feeding a newborn, and at a more general level, interaction with and care for a child throughout day-to-day activity. These elements can be categorised more granularly along three dimensions.

First, a parental project has an intellectual dimension, which typically takes the form of a deliberate process to become a custodian for a child. The Project View can thus be

classified as at least partly intentionalist insofar as it requires certain intentional undertakings with respect to a child. This process typically encompasses expectant adults' learning about and preparing themselves for their future role as caregivers in anticipation of the infant's birth and then, once the child is born, fulfilling this role by planning and following through on decisions that pertain to the child's life and promote its wellbeing.

A second dimension of a parental project is emotional. It encompasses an array of emotions and vulnerabilities related to the rearing of a child both during and following pregnancy, resulting partly from the emotional bonding with a child that features in the project and partly from continuous and prolonged investment in other ways through fantasy, anticipation, and projection. Since the existence of emotional investment in a child is a constitutive element of a parental project, the Project View thereby preserves part of the appeal of the Gestationalist View – that is, both views acknowledge the normative significance of emotional investment as one of several constitutive elements of a parental project. The Project View, however, attributes this investment not to the existence of an intimate relationship but rather to the pursuit of the project.

Thirdly, a parental project can, but need not, involve a social dimension, which cuts across the previous two psychological dimensions. I here foreshadow the possibility of a social dimension of parental projects because, as we shall see in the next section, a parental project can be, and often is, a shared or joint pursuit between several parties that arises in the context of an already existing romantic relationship.

So far, I have claimed that parental projects necessarily involve an intellectual and an emotional dimension and optionally involve a social one. This taxonomy is meant to better flesh out how the multidimensional construct of a parental project is supposed to be understood. But to what extent are certain procreative biological acts constitutive of parental projects?

It does not seem to me that the creation of a child, in the form of the fusion of the procreators' gametes or the embodied gestation of a foetus, is a necessary element of a parental project. I therefore deny that the initiation of parental projects is restricted to biological procreators. Either physical interaction with or a certain physical proximity to the womb in which a foetus gestates is necessary, I think, insofar as it facilitates other salient psychological investments – as a condition for some of these other specific *de re* commitments to arise in a relevant way – but it is only important for this subsidiary function, and gestation has no independent constitutive significance for a parental project.

The reason is that, when relevant considerations are held equal, there is no intuitive difference in magnitude between the parental project of procreative biological parents in a typical planned pregnancy and that of commissioning adoptive parents who accompany the surrogate pregnancy of a child entirely genetically unrelated to them. The same intuitive comparison holds in the case of prospective grandparents actively supporting their child's pregnancy. Adoptive parents and non-gestating family members who relevantly invest in a pregnancy can acquire suitable parental projects and rights with respect to a particular child. The Project View consequently maintains that parenthood is a *normative* relation grounded in the existence of parental projects, rather than a *natural* relation grounded in biology.

3.2. *The Project View and Special Value*

I have described parental projects and their constitutive dimensions. But why are they valuable? The non-instrumental normative significance of pursuing parental projects lies

in their importance as a distinctive constituent of flourishing and meaning for many adults, assuming that one accepts this as an ethical category of objective value.²⁶ This meets the *Special Value* condition.

Parental projects are inherently linked to what is subjectively meaningful to an agent. Engagement in the project of rearing a child to a state of being fully independent, with the capacity to take responsibility for her own actions, gives an agent's life a sense of direction and opportunity for personal growth that provides that agent with a distinctive kind of satisfaction. Note that although this action-guiding centrality is a characteristic feature of parental projects, agents need not be consciously aware of the role that parental projects play in their lives, let alone be able to articulate that role as I do here. As Williams aptly observes: 'One good testimony to one's existence having a point [through pursuing one's projects] is that the question of its point does not arise'.²⁷

While the subjective importance of pursuing a parental project is often a good indication of that project's objective value, it is not a guarantee. Some parental projects can be misguided or worthless, just as some 'loving' relationships that parents purport to have with their children can be abusive, twisted, and harmful for a child. An overly ambitious couple whose sole investment in their parental project stems from their desire to rear their future child as a musical prodigy may indeed consider this pursuit a central part of their lives, but it does not follow that the pursuit of this parental project warrants the ascription of parental rights, since it may not be objectively worthwhile.

Whether a parental project is worthwhile is conditional on its realisation of *Intimate Relationship* for the child who features in the project, since children, at least for most of their childhood, do not have an interest in parental projects. The parent-centred interest in Parental Project is a kind of creativity in rearing a child that promotes that child's wellbeing as part of that very creative process.

This puts the project-based approach in a very appealing position to explain why the parent-child relationship is valuable to parents. It sees the source of the non-instrumental familial good as the pursuit of the parental project itself as opposed to merely its completion. Put differently, the engagement in the parental project is what realises the creative expression that the Project View identifies as an extremely valuable parent-centred interest.²⁸ The value structure of parental projects thereby explains exactly why it matters to adults to be parents themselves despite their knowledge that there may be better parents: they want to experience the distinctive satisfaction of engaging in a parental project.

3.3. *The Project View and Robustness*

The Project View understands the right to parent as a normatively significant relation as opposed to a natural biological one. But even though it does not consider biological ties as necessary for moral parenthood, it offers a *de facto* justification for the right to parent one's biological child – the difference being that this justification does not consider the biological parent-child connection (be it genetic, causal, or gestational) to be in and of itself valuable. The Project View, in this sense, allows us to capture biological parenting without appeal to biology.

To see how the Project View meets *Robustness* at birth and justifies suboptimal parenting, consider the following vignette:

Innocent Mistake:²⁹ Ann and Beth are in hospital, each due to deliver a baby girl. Unfortunately, a midwife accidentally swaps their newborns just after birth without anyone noticing. Consequently, Ann and Beth take home children who are not their actual offspring.

Suppose that both Ann and Beth were fully invested in their pregnancies. Can the midwife's actions, innocent as they were, be characterised as violating a right to continue the pursuit of a parental project? Yes. The Project View explains the violation of Ann's and Beth's parental rights by appeal to the fact that each had pursued a *particular* parental project with respect to their *particular* biological offspring, on whom specific project-relevant investments will have *de facto* centred.³⁰

Could the Gestationalist View invoke a parallel argument to account for *Innocent Mistake*? By the same token, we might think that Ann and Beth each love a particular baby, namely the one to whom each gave birth. Since each one's love is directed to a particular token baby, the value each derives from her loving relationship with that particular baby will be disrupted if their babies are swapped. To clarify, I am arguing not that the Gestationalist View fails to meet *Robustness* at birth but that it fails to satisfy *Special Value*, which – assuming that the Gestationalist View is an extension of the Relationship View – means that it cannot be a view of the sort that is committed to grounding the acquisition of parental rights in a non-instrumentally valuable feature of the parent–child relationship. Most expectant parents are, of course, attached to their unborn child, but I deny that this is 'love' proper, that is, the manifestation of a non-instrumentally valuable personal good. This is the reason that the Relationship View cannot be extended to deal with parental rights acquisition.

Already at birth, the pursuit of a parental project represents a weighty parent-centred interest valuable enough to resist *Baby Redistribution*. Recall that *Baby Redistribution* challenges us to identify a parent-centred interest sufficiently weighty to justify suboptimal parenting for one's birth child when optimal parenting through redistribution among all competent parents is an option. Since it is the engagement in a parental project, and not only its achievement, that is valuable to parents, the process of investing in the planning as well as the carrying through of a pregnancy – and not only the child-rearing postpartum – can be immensely rich and valuable to them, including various forms of physical, intellectual, emotional, social, and financial investments that fundamentally transform their lives even before the child's birth.

The weight and specificity of adults' interest in *Parental Project* can be recognised by imagining Ann and Beth's reaction upon learning that their babies had been swapped: as in the case of unexpected late-stage pregnancy termination, Ann and Beth would experience tremendous grief and suffering. Similar considerations hold in a modified version of *Innocent Mistake*, where the midwife's mistake is not discovered until some 20 years later, after Ann and Beth have already successfully raised the swapped children under their care. Though upon the discovery of the mistake, both might not think that their opportunity to pursue a valuable parental project had been compromised. They might still feel regret about the accidental swap that occurred in the past. The Project View explains the reactions in each of these cases as appropriate responses to the frustration of a valuable parental project.

3.4. Other Project-Based Approaches

I have argued for a project-based account of the right to parent one's biological child and offered a particular version of this approach, the Project View. To clarify this view further, it is instructive to contrast it with other project-inspired approaches to justifying parenthood. These approaches often invoke similar project-based notions, but they nonetheless differ in their implementation from the account that I have given here. (Despite these differences, I think these alternative approaches will also benefit from the general arguments for the project-based strategy that I have pursued so far.)

Edgar Page appeals to a notion of creative self-extension and argues that 'the parental aim is not simply the creation of a person, but rather the creation of a person in the parents' own image'.³¹ Page thinks that 'the propensity to determine the development of the child, *far from being aimed simply or primarily at the child's good*, is the manifestation of a fundamental and unique interest which lies at the heart of human parenthood'.³²

Though it recognises the importance of creative expression, this view fails to pay sufficient due to children's interests. My claim, in contrast to Page, is that although the distinctive creative satisfaction derived from parenting matters and reflects a weighty parent-centred interest, it must be (and generally is) compatible with the realisation of the primary interest of children in securing the continuous attachments and loving attention necessary to flourish. This is reflected in the fact that parental projects are objectively valuable only when they realise children's interests in *Intimate Relationship*.

Colin Macleod argues that some of the intrinsic value of the family is grounded in 'creative self-extension', which arises out of the 'the special opportunity ... parents have to express their own commitments to ideals and ground-projects by passing them on to children'.³³ For him, seeing 'that valued features of one's own sense of self have been extended to one's children and form part of their sense of self can be a profound source of satisfaction', though, in contrast to Page, he claims that the prerogatives parents have to share ideals or favoured projects with their children are constrained by respect for children as independent beings and a concern to facilitate meaningful autonomy in children.³⁴

Macleod's dual-interest approach is more closely aligned with the kind of view that I am exploring here, but it is not identical. What the Project View identifies as an important relationship-based good justifying the right to parent is not the passing on to their children of parents' commitments to their own ground projects – which, to some extent, does seem to treat children as mere vessels for the realisation of parents' ideals – but the *engagement in the parental project itself*, a distinctive kind of ground project in its own right.³⁵ Macleod's outcome-oriented approach therefore differs from the process-oriented one that I defend here.

Another class of intriguing project-inspired approaches to parenthood comes from Norvin Richards and Tim Fowler.³⁶ Richards' account is grounded in the Millian principle of liberty to do anything we choose as long as it is not morally wrong, and he understands the right to parent as 'an instance of [a] general right to continue with whatever we have underway [project of parenthood]' so long as this project is morally innocent and harmless to others.³⁷ Similarly, Fowler's project view rests on the general moral principle that we have a right to initiate projects using our own powers and abilities so long as these projects do not harm others³⁸ and argues that this general freedom can also account for particular parental rights.

On closer inspection, both Richards' and Fowler's account, too, differ from the Project View. First, the starting points of the views are different: Richards' and Fowler's views maintain that the right to parent is an instance of a more general project right, which in turn follows from a Millian principle of liberty, whereas the Project View maintains that the right to parent is a right to enjoy a special kind of non-instrumentally valuable good, the engagement in a parental project. But this right is not just an instance of another more general right. Second, though both accounts appeal to the significance of 'projects', their respective notions of the project are spelt out differently compared to the view that I am proposing here. Richards and Fowler characterise projects primarily in terms of forming of an intention,³⁹ whereas the notion of a parental project that I have attempted to articulate here is more encompassing: it refers to a set of connected and intertwined physical and psychological dimensions with respect to rearing a child.

4. Neutrality, Polyadic Parenthood, and Ambivalent Procreators

4.1. *Biological versus Adoptive Parenthood?*

Though the Project View provides a *de facto* justification for biological parenthood, it does not draw a distinction between *biological* and *adoptive* parenthood – just as a child's biological procreators can acquire parental rights, so can the parents or close friends of a gestational procreator. This kind of neutrality and ability to account for both biological and adoptive parenthood within a unified framework gives the Project View an advantage over rival accounts that cannot explain how and why adoptive parents can also acquire full parental rights, often rendering their account of parenthood *incomplete*.

Consider the Gestationalist View. Recall that it maintains that *Prenatal Relationship* grounds the right to parent. Since a gestational procreator shares an intimate *in-utero* bond with her foetus that any non-gestating supporting party necessarily lacks, the view privileges gestational procreators as moral parents and therefore cannot explain how adoptive parents or, on some views, men can acquire parental rights.⁴⁰

One downside of biological theories' inability to provide a unified account that includes both biological and adoptive parenthood is illustrated by cases such as:

Mixed Family: Chloe and Dave have two newborn daughters; one of them is their biological child, the other is their adoptive daughter. Suppose that both daughters are equally sick and in need of vital flu medicine. However, there's only enough medicine to treat one of them and foreseeably cure her disease.

Do Chloe and Dave have stronger reason to treat their biological daughter than their adoptive daughter?

Assuming, for the sake of argument, that a proposed ground of the right to parent serves as a ground for parental partiality, it seems clearly wrong that, in mixed families, parents have stronger agent-relative reasons to be partial to their biological children than they do to be partial to their adoptive ones – parents should treat all their children equally, whether they are their biological offspring or not.⁴¹ However, certain geneticist or gestationalist views seem hard-pressed to explain how they can avoid this implication if their proposed biological feature in fact has the value that they claim it does.

Of course, one might think that, in *Mixed Family*, Chloe and Dave do not have *all-things-considered* reason to be more partial to their biological daughter than to their adoptive one. Perhaps parents have additional reasons of partiality based on other non-biological grounds to treat their children equally. Perhaps this makes it less implausible that a theory of parenthood may endorse a biological ground for parenthood as well as an additional ground for adoptive parenthood.

My aim is not to assess this kind of response to *Mixed Family* here, but only to present the Project View's alternative explanation. Since the Project View maintains that parental partiality is justified by the pursuit of parental projects, parents have the same *pro tanto* reason to be partial to their adoptive children as to their biological ones. This explanation strikes me as the most intuitive, and in this respect preferable to that of rival accounts.

4.2. Parental Projects as Joint Commitments

Parental projects can be *joint* commitments shared between several people. The Project View is therefore consistent with a *polyadic* conception of moral parenthood, according to which children can have more than two moral parents. It thereby captures alternative parental setups, such as communal forms of child-rearing, as legitimate forms of parenting.⁴²

We can recognise that parental projects can be joint pursuits by reflecting on their constitutive structural features. Many commitments that give rise to parental projects are paradigmatically capable of being shared and constituted by collaborative agential investments: a pregnancy can involve the joint plan and pursuit of becoming parents, sharing of financial and physical costs, and mutual emotional support, as well as making sense of the pregnancy-related changes together.

To reinforce the plausibility of these claims, consider the following comparison. Undertaking a pregnancy all by oneself in isolation from supporting parties is extremely taxing. But it seems that a person doing so would acquire a particularly strong parental project, given the magnitude of the commitments that the pregnancy entails.⁴³ By contrast, it seems that the magnitude of a given parental project that arises in less extreme conditions, as in the case of two supportive partners who pursue the pregnancy together, is less strong. The explanation for this judgement, I submit, is that commitments that would normally be shared and constitutively intertwined manifest themselves in the life of a single individual in the first case.

Of course, it does not follow from this that all parental projects are necessarily joint. A gestating procreator can possess a parental project and acquire a right to parent her child even if there are no other individuals who accompanied the pregnancy. Similarly, an individually undertaken parental project can become a shared project if it is still in a sufficiently incipient stage that relevant constitutive interdependencies can arise.

Neither does it follow that parental projects can be shared only by two people – though I think there is a limit. Several parties can share the same parental project so long as the distribution of its constitutive elements among these parties ensures that the project still amounts to an important source of flourishing for all of them and so long as the child's interest in *Intimate Relationship* can be ensured.

If these remarks are correct and parental projects can take the form of joint commitments, then this helps us to make sense of parental custody disputes. When the pursuit of a parental project is shared between several people, all of them have a claim to

continued participation.⁴⁴ This explains why it is impermissible, without justified cause, for a parent spontaneously to move away with their child, preventing the other parent's continued engagement in the project.

4.3. *The Stringency of the Project View*

The pursuit of a parental project is a centrally important good for many adults. However, its enjoyment requires a significant amount of worthwhile child-rearing-oriented commitment. Overall, the Project View imposes a higher burden for the acquisition of parental rights than other biological accounts and rules out as moral parents people who are not significantly invested in a pregnancy or cannot pursue parental projects.

This latter implication is problematic. The Project View implies that adults who are unable to pursue parental projects at all through no choice or fault of their own cannot acquire a right to parent a particular child. That fully cognitively impaired people cannot acquire parental rights is a regrettable but unavoidable implication for the kind of non-instrumental approach defended here, and I accept it.⁴⁵ Nonetheless, since these cases are typically the exception as opposed to the rule, we might think that people who are unable to engage in parental projects should still have a legal right to parent despite their lack of a moral right. Indeed, some adults may be able to play an active role in nurturing children and derive special value from their parental project despite their cognitive impairment. If they can, with assistance from others, play a significant role in the project of parenting, we might think that they should be assigned a right to *assisted parenting* or *partial* rights to parent.⁴⁶

In cases in which an individual is not sufficiently committed to the rearing of a child, the stringency of the Project View is a plausible feature rather than an implausible bug. Consider the following case:

Cryptic Pregnancy: On her way to work, Emily suddenly experiences severe cramps. Upon medical examination, Emily is made aware that she is going into labour. It is decided that a caesarean section should be performed, and Emily gives birth to a healthy daughter.

Some might be sympathetic to the idea that Emily has a right to parent her newborn. For example, according to Richards' project-inspired view, a gestational procreator always acquires parental rights (insofar as she would do no harm through parenting) even in unintentional pregnancies, since 'she is entitled to be a parent to the child she has conceived just by virtue of being pregnant with that child [and] [w]hat brought her these parental rights would be the actions that resulted in her being pregnant'.⁴⁷ However, this judgement seems misguided to me.

Of course, Emily might have parental obligations or responsibilities toward her daughter. Emily might have also begun to form a parental project to rear her daughter after she learned about her pregnancy, and this would grant her a claim to be given a chance to parent her newborn. But the fact that she gestated another human being in complete ignorance of doing so up until birth should not grant her the power to control that human being's life in the form of a parental right *at that moment*. The acquisition of a right to parent requires sustained investment; it is not something to which one is entitled based on natural facts. The Project View can help us appreciate this better.

In fact, the Project View's more demanding requirements *vis-à-vis* the acquisition of parental rights avoid the pitfalls of other accounts that are not exclusively biological. For example, consider:

Ambivalent Procreator: Ann is in her second trimester and only slowly becoming invested in her pregnancy. Indeed, she has not decided yet whether she wants to rear the child with whom she is pregnant. By contrast, her friend Frank emotionally invests in and supports Ann's pregnancy and, without Ann's knowledge, forms the intention to parent the child himself.

Matters depend on the specific contextual details of Ann's and Frank's respective investments, but I assume that – the investments being otherwise equal – Frank's forming of an intention to parent is insufficient to give him the right to parent the child.

This means that an intentionalist account of parenthood, according to which an agent has a right to parent a child when and because that agent intends to parent the child, faces challenges in avoiding the implication that Frank acquires a parental stake to parent his friend's baby.⁴⁸ This seems correct.

A related worry befalls more sophisticated non-biological accounts such as Joseph Millum's Investment View.⁴⁹ According to this view, parental rights are generated by the performance of morally deserving parental work. More specifically, the Investment View is based on the principle that 'ceteris paribus, the extent of an agent's stake in an entity is proportional to the amount of appropriate work he or she has put into that entity'.⁵⁰ A relevant entity is a given child in relation to whom an agent can acquire parental rights. An agent's stake constitutes the basis for a claim to some set of rights over a particular child. The relevant work is to be understood as appropriate and morally permissible effort that promotes the flourishing of the child. The Investment View thereby presents a straightforward way to apply the principle of justice that 'reward' (understood here as decision-making rights over the child's upbringing, etc.) should be proportional to work.

To illustrate the worry, imagine that we fill out the case a bit more. Suppose that although Ann has become emotionally invested in her pregnancy, Frank goes farther and spends a lot of time educating himself about parenting so he can be a good carer for the child. Meanwhile, Ann makes no such investment in her own 'parental education'. Since Frank's investment foreseeably promotes the flourishing of his friend's baby, it seems that he may also acquire a weighty parental stake in the child, which seems implausible.⁵¹

By contrast, the Project View sets a much higher threshold for Frank to acquire a parental stake. This is because – in contrast to the Investment View, which aims to individuate and compare different forms of investments in order to determine parental rights – the acquisition of parental rights according to the Project View requires weighty and continuous *multidimensional* investments in order to make the connection between parents and a child sufficiently robust. Most intuitively objectionable scenarios of 'foetus hijacking' for the realisation of one's own parenting ambitions are thereby ruled out; in cases where someone other than the gestational procreator forms a parental project, the Project View accordingly submits that there is nothing objectionable about that individual consequently acquiring parental rights.⁵² In the modified version of *Ambivalent Procreator*, unless either Ann or Frank is committed to the child in a way that can be rendered to have risen to a commitment to a parental project, neither will have acquired parental rights.

And whoever, if anyone, is first to be so committed is the appropriate moral parent of the child at birth.

5. An Illustration: Surrogacies

The implications highlighted in the previous section can be illustrated by considering how the Project View applies to surrogacies. These practices are ripe for disagreement and instructive insofar as they make possible the separation of genetic, gestational, and non-biological parents. Consequently, cases involving conflicting claims to custody by involved parties are settled differently in different jurisdictions around the world.⁵³ The Project View can provide normative guidance on these issues and a consistent basis for legal regulation.

Let us first distinguish more precisely between different types and forms of surrogacies. There are two types of surrogacies:

Full Surrogacy: In a full surrogacy, a surrogate mother provides her womb to gestate a child who will be genetically unrelated to her. There are three different forms of full surrogacies: those whereby (1) the commissioning parents both provide their respective gametes (mother's egg and father's sperm); those whereby (2) only one gamete comes from a commissioning parent, the other coming from an anonymous donor (mother's egg and donor's sperm or father's sperm and donor's egg); and those whereby (3) both gametes come from anonymous donors.

Partial Surrogacy: In a partial surrogacy, the surrogate mother who gestates a commissioned child is also genetically related to it. In these cases, the surrogate mother provides not only her womb but also her egg, which is inseminated by the commissioning father's or an anonymous donor's sperm.

The Project View implies that, in all these types and forms of surrogacies, the right to parent a surrogate child typically accrues to the commissioning (called 'intended') parents as opposed to anonymous gamete donors or gestational surrogates. Having no knowledge of whether their gametes end up being used for fertility treatments, anonymous donors cannot form parental projects even when their gametes are being so used. In the case of gestational surrogates, the formation of a parental project on the part of the intended parents as opposed to the surrogate can be explained by the fact that a surrogate's investment in her pregnancy does not amount to a parental project. Since a surrogacy is agreed upon with the expectation of the surrogate's ultimately relinquishing the child, in most cases a surrogate has only the project of bringing a pregnancy to completion without an intention to rear the child.

Not all surrogacy arrangements are equal. The Project View implies the acquisition of parental rights on the part of intended parents under the assumption that they suitably invest in the pregnancy throughout and that the surrogate does not (and nor does anyone else). Intended parents whose surrogacy arrangements include no personal interaction with the surrogate during the pregnancy and who meet their surrogate only at the hand-over of their commissioned child (or not at all) therefore have not acquired a right to parent said child at that particular point in time.⁵⁴ Even if such intended parents are otherwise

emotionally invested in their surrogacy from afar, it seems to me that their lack of physical proximity to and interaction with the person in whom their commissioned child is gestating causes their investment to lack a sufficient *de re* connection to the particular token child to give rise to a parental project in relation to that child.

On the other hand, the Project View supports parental rights acquisition on the part of intended parents in commercial surrogacy practices such as those in North America, which typically involve the facilitation of close emotional interpersonal relationships between all involved parties: intended parents accompany the surrogate, partake in social events and pregnancy-related activities together, and form near-familial bonds.⁵⁵ That the acquisition of parental rights by intended parents in surrogacies is context-dependent is not a disappointing result. It is an accurate reflection of normative reality. It renders the Project View appropriately sensitive to the extant moral complexities of cases of assisted reproduction in a commercial context.⁵⁶

Moreover, it correctly tracks how most surrogates perceive their own claims in relation to the children they have gestated as surrogates. Though the literature often focuses on surrogacy disputes involving a surrogate who refuses to relinquish her gestated child, such cases are the exception rather than the norm; for example, most surrogates in the US do not perceive the children they have gestated as ‘their own’ – though many maintain some form of personal relationship with them.⁵⁷

This gives the Project View an explanatory advantage over rival accounts that categorically ascribe parental rights to genetic procreators and gestational surrogates or that oppose the practice of surrogacy altogether.⁵⁸ One example of such opposition to surrogacy is Gheaus’s Gestationalist View. Since it maintains that a gestational procreator has a right to parent, at least in part, by virtue of the *in-utero* relationship, the view opposes the practice of surrogacies, as one of the very conditions for the incipience of the right to parent is the interest of a foetus in the *Prenatal Relationship* with its gestational procreator.⁵⁹

6. Conclusion

This article has spelt out in detail the resources of a project-based theory of the value of the parent–child relationship. Unlike alternative proposals, such a theory can also account for how parents acquire the rights to parent their biological children.

The Project View provides an account of parenthood by appeal to the non-instrumental value of a *parental project* whose pursuit is a distinctive constituent of flourishing and meaning for many adults. This account can reinforce extant non-instrumental defences such as the one offered by the Relationship View. We have seen that conceiving of the right to parent in terms of valuable parental projects has several important advantages, such as capturing biological parenthood without appeal to biological ties, making possible polyadic conceptions of parenthood, and offering normative guidance in cases of assisted reproduction.

More generally, the Project View’s approach to justifying the value of the parent–child relationship represents a tradition of normative views that try to justify instances of partiality by appeal to the special value of projects. Thus, insofar as the Project View is the correct view of moral parenthood, it also reinforces the credibility of project-based approaches in the ethics of partiality.

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Conflict of interest

No conflict of interest.

NOTES

- 1 The notion of a parent is ambiguous in multiple ways and therefore worth clarifying: a *moral* parent, who holds a parental right, should be distinguished from a *social* or *legal* parent. A moral parent has a warranted claim to care for a child based on some normatively significant property *P*. By contrast, a social parent is the person who, by convention, is given the role of looking after a child, and a legal parent is the person who has the legally protected rights of a parent as determined by law. This distinction is from Archard, “Obligations.”
- 2 According to the interest-based approach I adopt here, for an agent *A* to have a right to *p*, an interest of *A*'s must be of sufficient weight for another agent, *B*, to be under a duty owed to *A* with respect to *p* – where a relevant ‘interest’ is understood as contributing to *A*'s *objective*, as opposed to *subjective*, wellbeing. For an overview of different accounts of wellbeing, see Fletcher, *Handbook*.
- 3 For purely parent-centred views, see Narveson, *Libertarian Idea*; Hall, “The Origin of Parental Rights”; Steiner, *Essay*; Brake, “Creation Theory.” The two best-known dual-interest views developed in a liberal egalitarian framework are proposed by Macleod (1997); Macleod, “Parental Responsibilities”; and Brighouse and Swift, “Partiality”; “Parents’ Rights”; *Family Values*.
- 4 I assume, in line with other dual-interest theorists, that children are entitled to care above a certain, possibly high, threshold, but not to care by the ‘best’ available parents. I here leave open what a ‘sufficiently competent’ parenting standard amounts to. For a discussion of standards of parenting competency, see Shields, “How Bad Can a Good Enough Parent Be?”
- 5 See Velleman, “Family History”; Brighouse and Swift, “Partiality”; *Family Values*; Macleod (2010); Olsaretti, “Liberal Equality”; Shields, “How Bad Can a Good Enough Parent Be?”; Gheaus, “Right”; “Biological Parenthood”; Ferracioli, “Procreative-Parenting.” For views that are more sympathetic to the redistribution of babies at birth, see Archard, “Blood”; *Children*; Brennan and Noggle, “Moral Status”; Goodin, “Responsibilities”; Vallentyne, “Equality”; “Rights.”
- 6 See Gheaus, “Right,” 445–6, for arguments showing how baby redistribution at birth between recent, competent birth parents may mitigate social injustices. See also Gheaus, “Best Available Parent.”
- 7 See Archard, “Obligations,” for the distinction between *parental obligations* and *parental responsibilities*. For views that assume that parental responsibilities and rights go together as part of a ‘parental package’, see Kolers and Bayne, “Genetic Basis,” 223; Olsaretti, “Liberal Equality.” See also Vallentyne, “Equality”; Goodin, “Responsibilities”; Austin, *Conceptions of Parenthood*.
- 8 On the ethics of procreation, see Friedrich, “A Duty to Adopt?”; Brake, “Creation Theory”; Rulli, “Preferring”; Ferracioli, “Procreative Parenting.” For a survey of the literature on the ethics of procreation and adoption, see Rulli, “Ethics.”

- 9 I am here generalising the Relationship View's account of the distinctive features of this relationship. See Brighouse and Swift, *Family Values*, chap. 4, for a detailed description of the features that make the personal relationship between parents and children special.
- 10 Brighouse and Swift, *Family Values*, 87–93.
- 11 Brighouse and Swift, "Partiality," 53.
- 12 Brighouse and Swift, "Parents' Rights," 97; *Family Values*, chap. 4.
- 13 Gheaus ("Right"; "Biological Parenthood"; "Best Available Parent") proposes the Gestationalist View as an extension of the Relationship View. Other independent gestationalist accounts are developed by Narayan, "Family Ties"; Rothman, *Recreating Motherhood*; and Feldman, "Multiple Biological Mothers." For an account of the phenomenology of pregnancy, see Mullin, *Reconceiving*.
- 14 Gheaus, "Biological Parenthood," 235.
- 15 Gheaus, "Right," 446–51; "Biological Parenthood," 234–7.
- 16 See Ferracioli, "Procreative-Parenting," 18–19, for a development of this criticism. See also Little, "Abortion," 94–5, and Porter, "Gestation."
- 17 For literature that is critical of the significance of *prenatal* attachment, see Eyer, *Bonding*; Goldberg, "Bonding." For a dissenting view, see Agnafors, "Harm Argument."
- 18 See Golombok *et al.*, "Study," 1973–4: 'Despite the concern that children born through reproductive donation would be at risk for psychological difficulties at adolescence, the findings of the present phase of this longitudinal study of families formed through egg donation, donor insemination, and surrogacy showed that these families did not differ from natural conception families when the children reached age 14'.
- 19 Keller, *Partiality*, chap. 1, surveys the three main contenders in the ethics of partiality. See Lange, "Ethics," for a recent overview of the debate. For defences of project-based approaches, see Williams, *Moral Luck*; Wolf, "Meaning"; *Variety*; Stroud, "Partiality". Discussions of projects in the context of parenting can also be found in Page, "Parental Rights"; Macleod, "Conceptions"; Taylor, "Children"; Richards, *Ethics*; "Parental Rights" – I discuss how these approaches differ from my approach later in this section. For defences of relationship-based approaches, in addition to Brighouse and Swift ("Parents' Rights"; *Family Values*), see Scheffler, "Relationships and Responsibilities"; Kolodny, "Love." For individual-based approaches, see Keller, *Partiality*; Lord, "Justifying Partiality."
- 20 Scheffler, "Projects," 259, makes a similar observation about the intertwining of relationship-based and project-based reasons.
- 21 In the rest of this article, I use the terms 'commitment' and 'investment' interchangeably. I understand this term to encompass actions as well as attitudes with respect to rearing a child.
- 22 If this is correct, this may provide a renewed defence of 'Flourishing Views' against the recent criticism by Gheaus, "Best Available Parent," 441–6.
- 23 Roughly, we might consider the relevant currency here as energy expended over time as opposed to mere strength of preference; see Stroud, "Partiality," n. 16.
- 24 This is not to deny that many parents, having successfully completed a parental project, may also have an interest in being a good parent to their *adult* child for the rest of their lives. Whether this interest is also part of a parental project is beyond my focus here.
- 25 Bayne and Kolers, "Pluralist Account," 238–41, outline a pluralist view.
- 26 See Williams, *Moral Luck*; Wolf, "Meaning"; *Variety*.
- 27 Williams, *Moral Luck*, 12.
- 28 Wiggins, "Truth," 132–4; Frankfurt, "On Caring," 178; and Kolodny, "Love," 186–7, make similar observations about the value structure of projects.
- 29 A similar case is discussed by Brighouse and Swift, *Family Values*, 109–10.
- 30 A special thanks to an anonymous referee who helped clarify this point.
- 31 See Page, "Parental Rights."
- 32 *Ibid.*, 196 (my emphasis).
- 33 Macleod, "Parental Responsibilities," 142.
- 34 *Ibid.*
- 35 See also Brighouse and Swift, *Family Values*, 102–3, for a similar point.
- 36 See Richards, *Ethics*; "Parental Rights"; Fowler, *Liberalism*. Fowler notes in *ibid.*, chap. 9, n. 3, that his account is based on that of Richards.
- 37 Richards, *Ethics*, 22.
- 38 Fowler, *Liberalism*, 107–8.

- 39 See, for example, *ibid.*, 109: men acquire parental rights by virtue of their ‘freedom to decide to be a parent, [and choosing] to exercise that freedom [as] a necessary component of the causal story that relate[s] to [a] child.’
- 40 Gheaus’ account (“Biological Parenthood,” 237) allows that partners of gestational procreators can form emotional relationships with a foetus. Rothman’s more restrictive monistic gestationalism (*Recreating Motherhood*) faces a more general – namely, the *paternity* – problem: if the gestational relation is necessary for parenthood, how do men acquire parental rights? See Bayne and Kolers, “Pluralist Account,” 226.
- 41 Kolodny’s geneticist account (“Love,” 68, n. 41) struggles to avoid this implication; for a discussion of the argument, see Rulli, “Preferring.” See also Ferracioli, “Procreative-Parenting,” for a recent attempt to solve the tension posed by *Mixed Family*.
- 42 See Millum, *Moral Foundations*, 36–8, for a compelling argument that it is arbitrary to regard a binary conception of parenthood as the optimal parental setup. See also Gheaus, “Best Available Parent”; hooks, *Feminist Theory*; Goldfeder and Sheff, “Children.”
- 43 This does not entail that the strength of the corresponding parental right will be a function of the investment into the parental project. For example, one might hold a view according to which a certain threshold of investment suffices to give rise to the right, without the strength of the associated claim being a function of the investment made by the parent.
- 44 See Gilbert, *Joint Commitment*, chaps. 1 and 2, on joint action, as well as Stroud, “Partiality,” for some remarks on ground projects and joint agency.
- 45 Brighouse and Swift, *Family Values*, 100–1, similarly acknowledge that some people may be unable to enjoy the relationship-based good that they identify as justifying the family.
- 46 The extent to which the state should support individuals in being able to enjoy the familial goods that justify the family, be the grounds for that support relationship- or project-based, is an open issue. For example, McTernan, “Fertility Treatment,” argues that the project of parenting should *not* be disproportionately funded over other important projects.
- 47 Richards, “Parental Rights,” 273. Fowler’s view seems to imply the same conclusion; cf. Fowler, *Liberalism*, chap. 9, 108–9.
- 48 Perhaps the best-known intentionalist accounts are proposed by Hill, “Claims of Biology”; Shultz, “Reproductive Technology”; Stumpf, “Redefining Mother.”
- 49 Millum, *Moral Foundations*, chap. 2.
- 50 *Ibid.*, 25.
- 51 See Lange, “Moral Desert.”
- 52 This does not imply that whoever decides first to parent a newborn, or begins forming some of the relevant commitments of a parental project first, will acquire parental rights. What matters is the engagement in a sufficiently valuable parental project. I thank an anonymous referee for prompting me to make this point more explicit.
- 53 See Bayne and Kolers, “Pluralist Account,” 223–5, for a survey of legal rulings concerning custody disputes in cases of assisted reproduction.
- 54 This applies to surrogacy practices in India. See Mitra and Schicktanz (2016), n. 14; Pande, “Commercial Surrogacy.”
- 55 For a study of the motivations of surrogates in the United States, see Ragone, *Surrogate Motherhood*, 51–86. See also Bromfield, “Surrogacy,” sect. 6.
- 56 Other complexities concern the validity of surrogacy contracts. See Anderson, “Women’s Labor”; Arneson, “Commodification”; and Fabre, *Whose Body Is It Anyway?*, for discussions of this issue.
- 57 See Ragone, *Surrogate Motherhood*, and Bromfield, “Surrogacy.” For a critical discussion of genderist assumptions in psychosocial empirical surrogacy research, see Teman, “Social Construction.”
- 58 See Tong, “Overdue Death.”
- 59 Gheaus, “Biological Parenthood,” 237–8.

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