

# The Revolution in Parenthood

*The Emerging Global Clash Between Adult Rights and Children's Needs*



Elizabeth Marquardt

Center of the American Experiment is a nonpartisan, tax-exempt, public policy and educational institution that brings conservative and free market ideas to bear on the hardest problems facing Minnesota and the nation.

**THE REVOLUTION IN PARENTHOOD**  
*The Emerging Global Clash Between Adult Rights and Children's Needs*

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**Introduction**

**Mitch Pearlstein, Founder & President, Center of the American Experiment:** In a soon-to-be-released, unusually quotable report under the aegis of the Commission on Parenthood's Future – of which I'm proud to be a member – Elizabeth Marquardt writes this:

In the brave new world of redefined parenthood, sperm donors might or might not be fathers. Mothers' girlfriends, and even ex-girlfriends, can be mothers (or fathers!). Despite their biological or gestational relationship to the child, egg donors and surrogates are usually not considered mothers, but they can be. Absent fathers, when they anger their ex-girlfriends, can be reduced rhetorically to mere sperm donors. But generally unlike sperm donors, the state holds them accountable for child support for years to come. What does "father" mean? What does "mother" mean? Who decides? How do children feel about these decisions?

She also argues, with insight and precision, how across the planet, in both law and culture, "parenthood is increasingly understood to be an institution oriented primarily around adults' rights to children rather than children's need for their mother and father. These extraordinary moves are being made largely absent any real public awareness or debate."

I'm tempted to cite more of the report, but I probably have broken protocols already since it won't be released officially for another few

weeks. [Ed: *The Revolution in Parenthood: The Emerging Global Clash Between Adult Rights and Children's Needs* was, in fact, released later in September and can be found at [www.americanvalues.org](http://www.americanvalues.org).] But suffice it to say this study – for which Ms. Marquardt is principal investigator – will be a nuanced and effective means of raising salience and provoking debate.

I would reinforce one point, though, while also noting that American Experiment has focused more on family breakdown and disintegration than perhaps any other issue since we opened shop a few blocks from here, in downtown Minneapolis, in 1990.

I very much recognize and appreciate the drive (and that's far too weak a word) many people have for children of their non-adopted own, especially when, for whatever reason, bringing babies into the world in conventional ways is difficult or impossible. My intent here is to be neither blind, nor cold, nor holier than millions. But Elizabeth and the report are absolutely on target when, in essence, they argue that calling many tunes and lullabies, increasingly in recent decades, has been a loud and skewed interest in grown-up self-actualization rather than an eons-old recognition and acceptance of adult sacrifice when it comes to kids.

Elizabeth Marquardt is director of the Center for Marriage and Families at the Institute for American Values in New York – and organization, founded and led by David Blankenhorn, with which my American Experiment colleagues and I have collaborated

many times. Until later this month, anyway, she has been best known as the author of *Between Two Worlds: The Inner Lives of Children of Divorce*, a beautifully written book. She's also coauthor of a major Institute for American Values study of women's attitudes about sex and dating, *Hooking Up, Hanging Out, and Hoping for Mr. Right: College Women on Dating and Mating Today*.

Ms. Marquardt did her undergraduate work in history and women's studies at Wake Forest (which I suspect is an interesting place for women's studies), and holds both a master's in international relations and a master's in divinity from the University of Chicago. She lives in Chicago with her college professor husband and two young children.

Please welcome a good friend, good colleague, and important new voice, Elizabeth Marquardt.

**Elizabeth Marquardt:** Picture, if you will, a three- or four-year-old boy, chubby cheeks, innocent eyes, standing in front of the camera, his hands held slightly above his head, and on his T-shirt reads these words: "My Daddy's Name is Donor." This is an image I saw about a year ago and it's from a website called FamilyEvolutions.com that sells T-shirts, bibs, paraphernalia for children, infants, and adults with all kinds of slogans on them. The site is run by a couple in New Jersey, they happen to be lesbian, and it's their son who is pictured in the T-shirt, "My Daddy's Name is Donor."

The picture caught my eye. For some time now, I've been working on the issue of children of divorce, and Mitch told you a little bit about my book that came out last year on that topic. And I've been intrigued about how children and young people make sense of who they are and where they come from – what their identities are – when they grow up in two worlds. I've worked for about eight years on the topic of children of divorce, and as this book was coming out last fall, I began to turn my attention to other children, as well, and other stories, and I wasn't even sure what I thought. But we have a blog called The Family Scholars blog, and I started posting news

articles that I'd find about sperm donor dads and surrogate moms and all these crazy scenarios you read about sometimes, where multiple adults get involved in creating a child and then fighting over who gets to take the child home. I wasn't even sure what I thought sometimes, but I just started posting these stories. And then I started hearing from a group of people I'd never even known existed: young adults, people in their teens, twenties, thirties, sometimes older, who are donor offspring. Their biological fathers are sperm donors; most of those in this first generation were conceived by married heterosexual couples using donor sperm.

They're all over the world. They're actually more vocal, at the moment, in Australia and Britain and other countries than they are in the United States, though I think that's going to change. They started writing in our blog's comment section about their experience and what it's like to know that the people who gave you life intentionally denied you a relationship with your father before you were even conceived. Many of them love their fathers who raised them, of course they love their fathers who raised them, and they certainly don't want to offend or hurt them. They don't want to hurt their mothers. But, they say, sperm donor means something to them. So, I'm hearing these young people on the one hand, and on the other hand, I'm seeing a cute T-shirt proclaiming "My Daddy's Name is Donor."

I interviewed one of the co-owners of the company about the shirt, and she said 99 percent of people who see it think it's hilarious. Isn't that cute?

So it was with these questions, these stories and images on my mind that I started investigating the broader category of parenthood and how parenthood is changing. We already know about the fragmentation and challenge to parenthood that's been a result of the divorce revolution and the dramatic rise in single-parent childbearing. But what we see now is that these changes are just the tip of the iceberg, and there are now enormous challenges to the two-person, mother-father model of parenthood that are being witnessed around the

world, largely absent public awareness and certainly absent any real debate.

### **Law, Technology, and Parenthood**

Worldwide trends in law and reproductive technologies are redefining parenthood in ways that increasingly put the interests of adults before the needs of children. Around the world, the two-person, mother-father model of marriage and parenthood is being challenged. The growing emphasis is on meeting adults' rights *to* children rather than children's needs to know and be raised, whenever possible, by their mother and father.

Trends driving this revolution in parenthood include high rates of divorce and single-parent childbearing, the growing use of egg and sperm donors, support for same-sex marriage, and increasing interest in group marriage arrangements. These changes are proceeding at breakneck speed as reproductive technologies advance, as science continues pushing the boundaries on baby-making, and as new constituencies are more openly raising children and advocating for legal and public recognition. Quite often the state is actively supporting and at times leading the way in the revolution in parenthood. In law and culture, the new idea is that children are fine with any one or more adults being called their parents so long as the appointed parents are nice people. But how do children feel about the brave new world of parenthood? Do fathers and mothers matter to children? Does how they feel matter?

Among the changes that are redefining the two-parent, mother-father model of parenthood are:

- In Canada, the law that recently legalized same-sex marriage nationally also quietly erased the term “natural parent” across the board in federal law, replacing it with the term “legal parent.” With that little-noticed change the focus of the law dramatically shifted from the mother and father who make the baby to the adults the state decides are a child's appropriate parents.

- In Spain, after the recent legalization of same-sex marriage, the National Civil Registry struck the words “mother” and “father” from the first document issued to every newborn by the state. Instead, all birth certificates will now read “Progenitor A” and “Progenitor B.”
- A similar proposal was made in Massachusetts after the legalization of same-sex marriage. The public health department there proposed amending birth certificates for all children in the state to read “parent A” and “parent B” rather than “mother” and “father.”
- In New Zealand and Australia, influential law commissions have proposed allowing children conceived with use of sperm or egg donors to have three legal parents. Yet neither group addresses the real possibility that a child's three legal parents could break up and feud over the child's best interests.

Other governmental steps signal a greatly heightened level of state intervention and increasing control over reproduction and family life.

- In Britain, a recent law banning donor anonymity caused a purported drop in the number of persons willing to donate sperm or eggs. Soon thereafter the government health service began an active campaign to recruit sperm and egg donors, no longer just allowing the planned conception of children separated from one or both biological parents, but now very intentionally promoting it.
- In another example of active state support, in high-tax Denmark, the state subsidizes the practice of sperm donation by allowing the income earned by sperm donors to be tax-exempt. The Danish company Cryos, one of the world's largest sperm banks, ships almost three-quarters of its sperm to individuals and couples overseas – all with the implicit support of the Danish taxpayer. And in a recent, dramatic step, the Danish parliament

narrowly passed a law that gives lesbian couples and single women the right to obtain free artificial insemination at publicly funded hospitals.

- In Vietnam, the state-run hospital is running short of voluntary sperm donors. It is now considering setting up a community sperm bank in which those who request donor sperm must supply a family member or friend who will donate sperm to the bank for use by another couple. The increasing demand for sperm comes from “families where husband and wife are white-collar workers, and single women who want a baby but wish to remain unmarried.”
- In Australia, a law passed in 1984 that allows sperm donors to contact their adult offspring has now raised the prospect that, starting this year, young adults who were conceived using donor sperm might receive a letter from the state alerting them to the sperm donor’s wish to contact them. In Australia, as elsewhere, most young people who were conceived with donor sperm were never told the truth by their parents. To help offset the potential shock, the state government in Victoria has proposed a public advertising campaign warning all young adults that they could be contacted by a sperm donor father they never knew about.

Meanwhile, in the United States the field of reproductive technology continues in an almost entirely unregulated environment. Courts all too frequently must decide who a child’s parents are, picking and choosing among the many adults who might be involved in planning, conceiving, birthing, and raising a child.

In Pennsylvania, a judge recently had to decide parentage in a case in which a surrogate mother carried triplets for a sixty-two-year-old man and his sixty-year-old girlfriend. When the couple failed to pick up the infants, the hospital initiated steps to put them in foster care. In response, and eventually with the judge’s approval, the surrogate mother took the children home and began raising them as her own. The

commissioning couple continues to fight for access to the children (and the sixty-two-year-old man has been ordered to pay child support), while the college student who contributed her eggs for their conception asserted her parental rights as well.

Recently the California State Supreme Court heard three cases from lesbian couples who used sperm donors to have children and then split up. In these cases the “non-biological mother figure” (none of whom had adopted the child) was either denied access to the child or wished to have no further financial obligations to the child. The courts ruled in all three cases that the non-biological mother figure is like a child’s father and should be granted full parental status and held to the same standard of rights and responsibilities. The outcome has potentially far-reaching implications not just for same-sex couples, but for many heterosexual couples in stepfamilies, as well as those who might use reproductive technologies or temporarily raise children together without marriage, adoption, or other legal arrangements.

In fact, today same-sex couples, adoptive parents, infertile couples, and singles using donors now routinely petition to have one or both biological parents left off the birth certificate – and even to have non-biological parent figures included without going through the process of adoption.

In Quebec, when a woman in a same-sex civil union gives birth, her female partner is presumed to be the father and can be registered as the father on the child’s birth certificate. A similar ruling was recently made in Ontario.

Last year, a New Jersey judge ruled for the first time in that state that the same-sex partner of a woman who conceives with donor sperm has an automatic right to be listed as a birth parent on the child’s birth certificate without having formally to adopt the child.

The state of California allows a “second mother” to be entered on the birth certificate as the child’s father. Earlier this year, Virginia issued a birth certificate to a lesbian adoptive couple that reads

“Parent 1” and “Parent 2” after the couple rejected having one of their names put in the blank for “father.” A similar suit was just filed in Oregon. More are likely.

### **How the Global Redefinition of Parenthood Threatens Children’s Identity**

Why should we be concerned about the many rulings, laws, and proposals around the world that are aimed at redefining parenthood?

A good society protects the interests of its most vulnerable citizens, especially children. Right now, the institution that is most core to children’s very survival – that of parenthood – is being fundamentally redefined with the state giving its implicit support and at times leading the way.

The common thread running through many of these decisions is the adult right to a child. These claims are important. The desire for a child is a powerful force felt deep in the soul. This desire must be responded to with respect and compassion. The claim that medicine and society should help those who cannot bear children is a legitimate one.

But the rights and needs of adults who wish to bear children are not the only part of the story.

Children, too, have rights and needs. For example, the United Nations Convention on the Rights of the Child, ratified in 1989, states that “the child shall ...have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.” The authors of the convention understood several key features necessary to human identity, security, and flourishing – having a name, being a citizen of a nation whose laws protect you, and, whenever possible, being raised by the two people whose physical union made you.

Adults who support the use of new technologies to bear children sometimes say that biology does not matter to children, that all children need is a loving family. Yet biology clearly matters to the

adults who sometimes go to extreme lengths – undergoing high-risk medical procedures; procuring eggs, sperm, or wombs from strangers; and paying quite a lot of money – to create a child genetically related to at least one of them. In a striking contradiction, these same people will often insist that the child’s biological relationship to an absent donor father or mother should not really matter to the child.

Of course, there is a very real and urgent role for the state to play in defining parenthood. Some biological parents present a danger to their children. Adoption is a pro-child social institution that finds parents for children who desperately need them. It is a highly admirable expression of altruistic love, a kind of love that transcends our hard-wired tendencies to protect our blood relations above all others. But the existence of legal adoption was never intended to support the argument that children don’t care who their fathers and mothers are, or to justify the planned separation of children from biological mothers and fathers before the children are even conceived.

Certainly, biology is not everything. It does not and should not determine the full extent or depth of human relationships. Biological parents are tragically capable of harming their children, and some children are better off removed from these parents. But the actions and testimony of children and adults, as well as a great deal of social science evidence, powerfully suggest that biology does matter.

*Following her remarks, Elizabeth Marquardt answered questions from the audience.*

**Mitch Pearlstein:** Elizabeth – please take this in the right way – that was both magnificent and terrible. I’ve read the report in various iterations, and this is a great piece of work.

**Sen. David Hann:** Some of the things that you’ve talked about are problems attending to new ways of raising children and new family structures, and I think some of those things could be a critique of current adoption, as well. I’ve had

people come to me and say, we have to pass laws that require adoptive parents to be revealed to children. Do you distinguish those things at all, or they a piece of the same problem? Or is adoption – as it’s traditionally understood – a different case than what you’re talking about here?

**Marquardt:** I would say that adoption is a different case, which has controversies of its own. For instance, in the case of adoption, there’s a strong argument to be made that if women knew their identity would be revealed, they would be less likely to bring the pregnancy to term and put the baby up for adoption. So I understand that in the adoption scenario there’s a pro-child argument to be made for concealing the identity of birth mothers, especially because some of these women have been raped or conceived the child in circumstances in which, as a good society, we perhaps should protect their identity down the road and let them move on with their lives.

But the needs of adopted children to know where they come from are also very powerful and we should listen to them, as well. So there are serious controversies in the area of adoption, especially around the issue of relinquishment and whether mothers who are better supported might be more willing to keep their children. How do we feel about single mothers keeping their children? Do we think they should be giving their children to married couples instead? And there’s the issue of international adoption and how children make sense of their identities in interracial adoption, and how children make sense of who they are and how they maintain a connection to the cultures of their birth.

So there are a lot of hot issues regarding adoption. But the point with adoption is that it serves, as best we can, the need of finding families for children who need families. In that way, I think it’s a very different kind of case than the situations I’m talking about, in which adults gather and dream up an idea that they really need to have a baby and figure out some way of piecing that together.

That said, I very much support what you might call non-traditional adoption. I worry about single parents adopting because it’s a big job, but I think it’s better than a child languishing in foster care. I do personally support gay and lesbian adoption, but I am very concerned about these scenarios in which people kind of order up a baby. And I say that knowing full well that it was heterosexuals who started this trend and who are still mostly the ones doing it. And I say it with full sympathy for those who have struggled with infertility.

A woman who wrote an article for the *Harvard Business Review* said that perhaps we’ll reach a point where we decide that every adult has a right to a child and the state should help guarantee that every person who wants a child can have at least one. She speculated on the extraordinary concept that equity for adults means fulfilling the desire to have a child whenever they want one and tossing out the idea that children have any need for the mother and father who gave them life.

Unfortunately, we’ve become somewhat inured to fatherlessness, but one of the things that really got my attention when the same-sex marriage debate started heating up was the idea that *motherlessness* is not a tragedy. The idea that now we’re supposed to say that – as much as two gay men might be wonderful parents and lovely people – we’re supposed to say that it’s not a tragedy for that child not to have a mother. It’s the first time in human history that we’ve discounted a child’s mourning for a mother and said, no, you’re fine; you’ve got two dads so you don’t need a mom. And that’s what really got my attention around the time of the same sex-marriage debate.

**Pearlstein:** As an adoptive father – we’ve discussed this – I’m very thankful for the way the report deals with questions of adoption.

**Karen Effrem:** If we have such difficult questions to answer as adults, why are we, as states and societies, bringing up all of these questions and trying to teach children as young as three or four, to accept all family structures as equivalent, and to begin to talk about and question their gender identity?

**Marquardt:** I think we're in such a strange place right now. I'm a child of divorce, grew up in a multiple-divorced and remarried scenario. And I grew up as a liberal feminist. I would identify as a feminist when I was six years old, and I was a women's studies minor. But the family diversity argument, when I became familiar with it in my twenties, just struck me as a load of bunk. Not that we should not respect and support all families; certainly, we should respect and support all families. But I hear the argument that all families are equally good and kids are just fine in all them as a tremendous silencing of the perspective of children.

I knew that what I went through, and what kids like me went through, hurt. And when you tell a kid, like I was, that, oh, no, it's equally good, it's just as good, all you're doing is silencing the child and making it that much harder for them to voice their grief and loss. So I feel a real – they may not want my solidarity – but I feel a little solidarity with the children of gays and lesbians coming along now. My generation was concerned about hurting our parents' feelings in voicing our perspectives, but we at least didn't perceive our parents to be a stigmatized, discriminated against group. These kids coming along not only want to protect their parents, as children naturally do, but they also have the added burden of being told (and in some ways it's quite true) that their parents are marginalized, oppressed people. I think that would make it that much harder for children to express their feelings of loss that their father or mother is not in their life.

I have real concerns about the family diversity curriculum imposed in schools, in churches, and the more widespread and general silencing in the culture about the importance of mothers and fathers. I wasn't sure what I thought about same-sex marriage until the *Goodridge* decision in Massachusetts, at which point, any of us who did anything related to marriage had to sit down and figure out what we thought. You were either on the bus or off the bus, at that point.

That was when I fully understood that there are legal and social needs of gay and lesbian couples

and their children that we need to address, but when you change marriage law and make it gender-neutral, you can no longer talk about mothers and father. You can only talk about two parents. I kept hearing advocates for same-sex marriage say, children need two parents and here they have two parents. My response: two parents mean their mother and their father.

Same-sex marriage requires us to edit mothers and fathers out of family law and out of our cultural dialogue and it becomes impolite in cocktail conversation to say that kids need a mom and dad. When I recognized that, that's when I decided that I wasn't concerned what people thought of me or what labels they put on me, that we needed to speak out. This birth certificate stuff really gets my attention, because if we can't even use the words mother and father anymore, how can we at all try to ensure that children can grow up, whenever possible, with their mom and dad, if we're not even allowed to say the words anymore? And words are important. So, I'm concerned for the same reasons that you are.

**Pearlstein:** Have you lost any friends over this?

**Marquardt:** Thank you for asking. Probably some of you know this experience, but my very good friend from a long way back, we fell out, largely over this, and it's very painful.

**John Helmeberger:** I'm with the Minnesota Family Council and I have two questions. The first one might be premature, given the fact that your report hasn't been released yet, but what has the response of the media been to what you're reporting and what you've found? And then the second part is, we've got a pretty good idea, from what you've said, of who's advocating these changes in our understanding of parenthood. Who out there is looking out for the interests of kids?

**Marquardt:** Great questions, thanks. I'm excited that the report is coming out soon, because I'm interested in the same question you have of what the media response, if any, will be. And I can just say in a preliminary way, I've been working on this topic for awhile, we have a blog

where I do a lot on this, and so that gives me some opportunity to engage with people, debate the ideas.

First of all, adoption always comes up. At first, it blew me away how often I was kind of blindsided by that, over and over, because adoption's great. I would go in somewhere and say three times adoption is great and then I would give my talk. And they would say, how can you be so horrible about adoption?

It astonishes me that people see adoption and donor conception as the same thing for the child. No, the intentionality is remarkably different, and I have to make the case that in adoption, you know that your birth parent, for whatever reason, could not or would not raise you and that's hard, but the parents raising you are the ones who gave you a home, in spite of that. In donor conception, the parents raising you are also the ones who decided that you didn't need a relationship with that person out there whom they don't want to be involved with. Adoption comes up a lot.

Then there are others – and I think this is probably likely to be the biggest thing – who perceive that this is my barely coded way of attacking same-sex marriage. That it's my main and only concern. I'm writing a book on this topic and a committee at one publishing house said they were interested, but they wanted to know what I was really trying to do and what was behind the book. I said: I'm telling you exactly what I'm concerned about.

Same-sex marriage and parenting and the change in same-sex marriage laws are only the most recent developments and, in some ways, it's a very tricky one because it seems to involve a relatively few people. There aren't that many gay and lesbian people raising children, and yet the way we change family law in order to address the needs of this group of people could have an impact on a vast number of children who are born of heterosexuals, and that's why I'm so concerned about it. People, though, often think that I'm just out to get gays and lesbians, as I'm sure some of you run into that argument, as well.

And as far as the people who are working for kids, I guess there are all kinds of folks. A lot of people in this room know of those folks. I'm interested particularly in religion and how religious organizations are both a force for good and a force creating bigger problems in this debate. I come out of the mainline Protestant tradition and I'm interested in the way in which the family diversity thing is adopted as being the most compassionate, justice-oriented approach, and I find it extremely lacking in compassion for children.

My personal work is trying to enlighten churches – especially the mainline churches – on this. I think Catholics clearly have been right all along; once you start breaking open some of these traditions, you get the kind of stuff I'm talking about today.

**Allen Shilepky:** Could you say a little more about the same-sex marriage debate? In particular, could you see some sort of policy, maybe not call it marriage but domestic partnership, that would allow two people of the same sex to at least gain some of the legal rights for two people, things like visitation in the hospital, being able to get insurance, being able to share benefits, inherit, things like that?

**Marquardt:** Yes, it's a great question. And I'm on record as supporting civil unions, domestic partnerships, and really virtually everything except changing marriage laws. My one concern is that as soon as you create civil unions and domestic partnerships, heterosexuals are going to want in, too, and that's a problem. It's happened in France with the PACS. They have these civil unions that heterosexuals can sign up for, as well as gay and lesbian couples. And since heterosexuals are the vast majority of the population, many more people signing up for them are heterosexuals, of course.

In France they have marriage, they have the PACS, and then they have kind of a common-law version of marriage, kind of like a post facto recognized marriage, and they're running into this problem where people don't quite know who's married. Think about it. If you're dating, if

you're hanging out with somebody in a civil union, does that mean that sleeping with them is wrong? Who's married and who's not married and what happens to the social norms that help govern and hold these things together as best we can when you start having this marriage menu? And they're running into that problem now in France.

An interesting report came out this year from the French National Assembly, and one of their suggestions is well, maybe we need to do a public education campaign to help people understand the difference between the marriage and the civil unions and the common-law things, so that people know which one they want to choose and what they're getting into when they enter into it. What a mess! This is what happens when you create a marriage menu.

We don't know much about heterosexual couples who choose civil unions rather than marriage. Are they more like cohabiters or are they more like married people, in terms of their behavior? Cohabiting would be great if people would stick together the way they do when they're married, but they don't. Three-quarters of cohabiting couples with children break up by the time the kids are sixteen. So while marriage is unstable, cohabitation is far more unstable. What happens to children when these heteros are choosing civil unions or something like that instead?

I'd love to hear from you if you have more reactions, questions. Thank you so much for listening today. ■



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