



Joseph Millum: The Moral Foundations of Parenthood

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In this thought provoking monograph, Joseph Millum (2018) investigates a range of questions regarding the ethics of parenthood. The book's scope is broad: It covers the source and content of parental rights, the acquisition and content of parental duties, as well as standards for parental decision-making. In each chapter, Millum carefully develops a position and then applies it to various examples, illustrating its practical implications as well as pointing out potential difficulties. The book also includes an introductory chapter on methodology which will make it accessible to readers not already familiar with ethical theory. Millum writes straightforwardly and clearly, not leaving any room for confusion on the reader's part. The book is eminently readable despite the breadth of issues covered and the complexity of its subject matter. In what follows, I focus on Millum's account of the acquisition of parental rights and responsibilities (chapters 2 and 4), which is in my estimation the most important contribution of the book, and also contains the most potential for controversy. I critically engage with some of Millum's claims in these chapters. I then turn to some brief comments on the other chapters.

The first central part of the book is Millum's 'investment theory' of how parental rights are acquired (chap. 2): Through the performance of parental work, that is, work that is directed at the flourishing of the child. The investment theory of parental rights is based on a more general principle of moral desert, which states that those who put work into an entity thereby acquire a stake in that entity (25). The account that Millum proposes has some interesting and welcome implications. Since it denies the moral significance of genetic ties, it puts biological and adoptive parenthood on an equal plane, and it also allows for more than two parents per child (36 f.). Although it is an intriguing rival theory to the competing accounts of intentional, genetic and causal parenthood, it arguably also faces a problem that Millum does not fully resolve. The theory leaves a lacuna precisely in an area where we may need the most guidance: Before anyone can put in any parental work that might count as a basis for parental rights, we first need to decide who gets to do so. What about a genetic father who, being estranged from the child's mother, has not had the chance to perform parental work and therefore, on the

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investment theory, seems to not have acquired any parental rights (44)? Millum suggests that, in some cases at least, biological fathers should be given a fair chance to perform parental work, which in turn would give rise to parental rights on their part, but the investment theory by itself does not yield this conclusion (45). The author is transparent about the need for supplementation of the investment theory with additional principles (29). Still, the promise that the investment theory will help resolve difficult cases is not quite being delivered on.

A second key part of the monograph is Millum's account of how parental responsibilities are acquired. Here, he seeks to address the difficult 'problem of accidental fathers' (79): Is there a justification for holding liable biological fathers who took reasonable precautions against impregnating their sex partners? Millum lays out the problem clearly: The extent of responsibilities that accidental fathers acquire under current legal regulations in most countries is not proportional to any risk they took, and there is an asymmetry between men and women in that the latter have an opportunity to opt out of parental responsibilities (through abortion) that the former lack (80). Millum develops a 'conventional acts' account in order to defend the claim that accidental fathers indeed acquire parental responsibilities, a position that certainly exhibits intuitive appeal. The gist of his theory is that special responsibilities can be acquired through the voluntary performance of actions that, within a certain culture, signify that one takes on these very responsibilities (88). In the case of accidental fathers, they can be held responsible because there is a shared cultural understanding that voluntarily having (PIV) sex goes along with accepting parental responsibility for any children that may result, even if one takes precautions against pregnancy. An approach that directly engages with the cultural norms that govern parenthood seems reasonable. Indeed, the author makes plausible the idea that general moral principles on their own will not yield any determinate results regarding the acquisition of parental responsibility, and that these duties must therefore be 'artificial' to some extent (87). Nonetheless, Millum's argument seems vulnerable to a powerful objection: Social conventions plausibly need to be at least minimally fair if they are to ground weighty special moral responsibilities. Millum suggests that whether parental responsibilities are acquired by accidental biological fathers is a separate question from whether the social convention for such acquisition is fair (97, 104), but it remains unclear why justified complaints about the unfairness of the convention should not be able to put the attribution of parental responsibility into question. Even if one is sympathetic to a defense of the responsibilities of accidental fathers, the combination of the low bar for incurring parental responsibility with only a relatively weak claim to parental rights on the side of biological fathers may be disquieting, and will certainly give rise to further discussion.

In the remaining chapters, Millum addresses the question of the content of parental rights (chap. 3) and responsibilities (chap. 5), and provides an analysis of the appropriate standard for parental decision-making on a child's behalf (chap. 6). With regard to the content of parental rights, he distinguishes between fundamental parental rights to realize the goods of parenting, which arise from the performance of parental work, and derivative parental rights, which have their basis mainly in children's rights (48 f.). The content of derivative parental rights can differ, depending on what the best way to secure children's rights is in a given case. The content of parental responsibilities, in turn, is based on what society owes children as a matter of justice (111 f.). Parents carry out some of these duties on society's behalf. Apart from filial goods of care that only parents can deliver to children and which therefore must be part of parents' responsibilities, the division of responsibility between parents and society can differ depending on the circumstances. Millum's proposal manages to accommodate the intuition that there are some core parental rights and responsibilities that are universal while still leaving

room for cross-cultural variation. With regard to parental decision-making, finally, Millum proposes to replace the ‘best interests of the child’ principle that he convincingly identifies as implausible with a new approach in which parental decision-making is based on what the child would do if he or she were a rational agent acting within the bounds of morality (136). This principle implies that the interests of the child do not always outweigh parents’ interests. As the rest of the monograph, this is an interesting and valuable contribution which will stimulate further debate in the field.

Reference

Millum J (2018) *The moral foundations of parenthood*. Oxford University Press, New York