

## Parenthood Without Biology

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What would a world without biological parenthood look like? Although genetic relationships loom large in many current ideas of parenthood, genetics have historically played a more tenuous role in legal parentage regimes, particularly as to fathers. This paper pushes against the law's use of genetic ties to identify legal parents by conducting a thought experiment: taking biology off the menu of available rules, what would legal parentage become?

The paper begins with a discussion of the perceived power genetic relationships have in legal parent/child relationships, and explains some of the ways that genetics counterintuitively do less work than might be assumed. This section outlines the current operation of genetics in parentage determinations, identifying two contexts in which genetics are determinative: unwed biological fathers and same-sex couples who live in states that do not yet legally recognize their relationship.

The next section discusses possible ways to reverse-engineer parental recognition for these two groups. Assuming, in other words, that current rules of parentage identify the "correct" parents, could other theories of parentage such as functional and intent-based rules still reach the same population? Or are genetic links the sole way of reaching these groups?

The paper concludes by addressing some of the potentially problematic uses of genetics, such as the varying roles genetic links play in the context of assisted reproductive technologies or use of genetic links to displace functional relationships.