

# On triparenting. Is having three committed parents better than having only two?

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Received 9 March 2011

Revised 30 June 2011

Accepted 1 July 2011

## ABSTRACT

Although research indicates that single parenting is not by itself worse for children than their being brought up by both their parents, there are reasons why it is better for children to have more than one committed parent. If having two committed parents is better, everything else being equal, than having just one, I argue that it might be even better for children to have three committed parents. There might, in addition, be further reasons why allowing triparenting would benefit children and adults, at least in some cases. Whether or not triparenting is on the whole preferable to bi- or monoparenting, it does have certain advantages (as well as shortcomings) which, at the very least, warrant its inclusion in debates over the sorts of family structures we should allow in our societies, and how many people should be accepted in them. This paper has the modest aim of scratching the surface of this wider topic by challenging the necessity of the **max-two-parents** framework.

## INTRODUCTION

Today it is not possible for children to have more than two legal parents. There are very few exceptions, such as the little boy born in Ontario who in 2007 acquired three legal parents.<sup>1</sup> Apart from such exceptional precedents, whenever more than two adults claim legal parenting of one or several children, a choice is made as to which one or two of them can be awarded it. This can be a hard decision to make, both for the legislators and for the would-be parents. For the legislators, it may be difficult to choose among competitors. Sometimes, this involves selecting between people presenting various types of claims—for example, when genetic parents, or birth parents, divorced parents either genetically related to the children or not, or (former) new romantic partners of parents, who have developed close connections to the children, each and all want to be legal parents (thus excluding the other competitors). If the would-be parents do not compete with each other, then they themselves may have to be the ones reaching the decision: for example, in many legislatures, such may be the case of the teenage genetic mother and her own parents.<sup>2</sup> In such a situation, if, with her parents' support, she is granted legal parenthood, she cannot share it with them, however involved they are in the parenting. If, instead, it is her parents who are granted legal parenthood, they cannot share it with her, whatever their arrangements in the household are. Whoever eventually makes the choice, the implications are dramatic for those who lose out, and possibly for the children themselves. Moreover, in such cases, people may

actually be practising triparenting, but without being able to all share the support and privileges that legal parents enjoy.

Numerosity is not, however, the only limitation in most legislatures. It is only in recent decades that legal requirements of parental sexual complementarity (or dimorphism<sup>2</sup>) have been amended, and gay couples can be recognised as legal parents of the same children. Following recent changes in the UK, two women can both be recognised as legal parents of children conceived via medically assisted reproductive technologies. Interestingly, they are not both mothers. Instead, one is a mother and the other one a 'female parent'.<sup>2,3</sup>

This status quo could arguably be changed, at least to some extent, by allowing that a child has more than two legal parents, and that, for the purposes of parenting, the nature of the commitment and relationship between them is awarded less weight than the nature of their commitment to, and relationship with, the children. In this paper, I will look at these possible revisions, with a focus on the numerosity requirement.

## WHY MORE PARENTS?

Deviations in parental numbers from the two-parent standard are tolerated in most legislatures from two to one but not from two to three or more. However, more and more children nowadays grow up not only in *impoverished*, but also in *enriched* families. They come to acquire, know, or lose their many sorts of 'parents': genetic, gestational and birth parents, the (former) new romantic partners of their parents, actual guardians, etc. According to data gathered by EUROSTAT, 1 in 2.3 marriages in Europe ends in divorce, and out of wedlock births have topped 50% in several European countries (eg, Bulgaria 50.20%, France 51.96%, Iceland 63.77%). In addition, technological advances such as in vitro fertilisation (IVF) have led to there being more and more families in which children are parented by people with whom they do not share genetic ties. On both sides of the Atlantic, research<sup>4–9</sup> undertaken on such families indicates that neither heterosexual coupledness of the parents, nor genetic ties, are an indication of family success. Instead, what seems to matter for children's emotional well-being is family process, whatever the number of, genetic link with (or lack of it), sex and sexual orientation of, their parents.

Triparental situations can be arrived at in many ways. The teenage mother and her parents are one example. Another example might be the genetic father, the mother, and her male partner who in their day-to-day life acts as a parent of the child. Presently, if a child grows up in a home with one of

her legal parents (let us call her Helen) and her partner (let us call him John), a condition for the acceptance of this partner (John) as a legal parent (by adoption) is that the other parent (say, Jake) waives his parental rights on that child. Yet another example is that of lesbian or gay couples and the other biological parent of their child. Such was the Canadian case mentioned at the beginning of this paper. Moreover, recent proposed amendments to Canadian regulations, should they be inserted into the law, would allow the gamete donor or birth mother and a (commissioning) couple to be legal parents of the same child(ren).<sup>10</sup> According to recommendations by the New Zealand Law Commission, triparenting should be allowed in cases in which a couple conceived with the genetic help of a known donor, and when someone else's gametes were accidentally used in IVF (at 10, paras 6.60–6.73 and 16, paras 8.15–8.17).<sup>2</sup>

Triparenting may also be a choice made from the outset: more than two adults may decide to parent together. In other, perhaps most cases, it may ensue from people's need for assistance in becoming parents and subsequent divisions of various sorts of contributions (genetic, carrying, commissioning), or from serial monogamy (people becoming parents together, followed by separation, followed by new relationships, perhaps becoming parents again, with the new partners, etc). It may be that the reasons for or against accepting each type of case are different. My aim in this paper, however, is quite modest: I will look at some of the reasons why triparenting should (not) be allowed *at all* (and thus leave the evaluation of various types of cases to subsequent debate).

If having one committed parent, with whom one has a good relationship, is better than, for example, having two uncommitted ones, then having two committed parents must be better, at least under certain aspects (such as the multiplication of resources—I will review such positive aspects below), than having only one. Indeed, research shows that it is beneficial for children to have more than one committed parent: but that does not appear to be because of parental sexual complementarity, but because there are *more* of them.<sup>7</sup> Some possible disadvantages in having two rather than one parent might ensue from the fact that decision-making is made a bit more difficult, or at least slower (because, presumably, the parents have to communicate and reach an agreement together). This need not be a disadvantage for the children: two committed parents may have a better chance of reaching reasoned decisions, if only because they have the chance of defending and weighing various options between each other.

One obvious potential advantage in having two parents rather than one is that, should anything (ranging from moderate or temporary reduction of the physical, psychological or economical capacity to care for one's child, to death) happen to one, or should she otherwise fail to fulfil her parental obligations, there would be another one left. Even if all goes well, a second parent can complement the first one and thus give *more* time, support, love, care, stability, etc, to their children. This argument supports the three (or more) parent families. But it may also become a counterargument: the more parents, the more risk of loss, separation, irreconcilable disagreement, conflict, etc. I will look at such risks further in this paper. For simplicity, throughout this paper I look at parenting by no more than three individuals. My arguments may, but need not, support parenting by more than three.

The liberalisation of the number of legal parents is not all there is to the expansion of the notion of parenting. Instead of struggling to choose who *the* parents are, perhaps we could accept that several categories of adults could share *moral*

parenting of a child, though not necessarily legal parenting. We could diversify the pool of types of connections with children, in a less exclusive manner than the current *parent selection*. To some extent, this is already familiar in many cultures: for example, in the tradition of godparenting as *spare*, spiritual parenting. Liberalising the number and conception of 'parents'—and finding a way of acknowledging this legally—might help relieve the suffering of some people who are pushed aside in the current status quo, and prevented from having any contact whatsoever with the children. Such may be the genetic parents, gestational parents, people who have participated in the upbringing of children (eg, the partner of one of the parents). Not lastly, it might be beneficial for the children. Research suggests that the earlier (even adoptive) children are informed about their genetic parents, the better the outcome,<sup>11–14</sup> and that meeting their genetic parents has positive rather than negative outcomes.<sup>15 16</sup> If indeed children are better off by being able to know and relate to those who have contributed to their conception, birth or upbringing, then perhaps it is not justifiable to encourage, or even to allow, their legal parents to prevent them from having such knowledge and contact. Moreover, should legal parents have to accommodate such openness, and thus not be allowed to prevent their children from acquiring information about, or establishing contact with, these other people, then perhaps this might have an impact on the competition for (legal) parenting.

McCandless and Sheldon<sup>2</sup> briefly review some potential disadvantages of allowing three people to assume legal parenthood. I will in the following comments expand on these and other possible (dis)advantages.

## WHY NOT MORE THAN TWO?

### More potential for disagreement between the parents, leading to dissolution of the relationship between them, and thus abandonment of the child

It may be argued that, given the percentage of marriage dissolution mentioned above (and the less quantifiable percentage of dissolution of non-marital romantic partnerships, some of which involve children), we should expect disagreements between more than two people to have even more potential for dissolution. However, this need not be the case. I have not assumed anything about the nature of the relationships between the three parents, other than that all three are committed to the parenting of one or several children. An eventual dissolution of the relationships between the adults need not entail abandonment of the children. For example, if Helen, the mother (and the ex-partner of Jake, the biological father) and John, her partner and third legal parent of Jim, decide to separate, thus leading to the three parents living in three homes, this may make it more difficult for them to organise their co-parenting. However, not allowing one of them to assume legal parenting does not make things better. On the contrary, it may encourage the other two parents to exclude her and deprive the children of someone to whom they are connected. Thus, if anything, having recognised John as a legal parent might diminish the likelihood of the child losing an important relationship in her life because of the change in the relationships between the adults.

Practical issues arising from a child having three homes need not be inescapable, and could be settled by agreement between the parents. It is far from obvious that there are intrinsic disadvantages for children in having more than one home, especially if continuity is ensured in other areas of their lives (eg, school, parental care). But if there are such disadvantages, and if their sole relief is a one home per child policy, then this could be arranged whether the child has two or three or more parents.

### More multifaceted potential for disagreement in parental decision-making

Whether or not disagreement leads to dissolution of any relationship with the child, it may be argued, decision-making will be impaired by never-ending disagreements between adults. If it is hard to reach decisions together with another person, then arguably it must be even harder for three people to do so. However, decision-making could be organised among the parents. Moreover, decision-making ability does not necessarily increase nor decrease with the number of people involved, but also depends on other factors, such as the interests of each and all involved, education, (lack of) shared aims and so on. It may be that the deliberation itself will lead to better reasoned decisions, thus improving the outcome, whereas when, say, one parent alone decides, she has less opportunity to develop her reasoning in the matter, and to see all important aspects of the decision to be made.

### Stigma from peers

Having three parents may, indeed, attract stigma from peers, as may any other out-of-the-ordinary characteristic, such as having parents of another colour, shape, age, sexual orientation, accent, nationality, fashion style, etc. However, although stigma is a serious issue, its solutions are rather to be found in measures such as education against discrimination (all the way to bullying) than in avoiding any behaviour or appearance that currently attracts stigma. Moreover, what is socially acceptable behaviour changes, sometimes quickly, and thus it does not necessarily provide a good indication of what will be (un)acceptable in a few years.

### PARTNERSHIP FOR PARENTING

The *nuclear family* model features a *natural* progression from (marriage to) sex to reproduction to parenting. However, this progression does not always obtain in real life, or may be undesirable or unfortunate for some people. Some people may marry and reproduce but refuse to function as parents (either by child abandonment or by volunteering to reproduce in order to help other people become parents); some may marry and may be unable or unwilling to reproduce, and seek to become parents by adoption or by contracting donor gametes or surrogate mothers. And some may marry but chose not to reproduce or parent.

It is often taken for granted that collaboration in the area of reproduction and parenting ideally, or even exclusively, takes place between adults romantically involved with each other, and/or who are married to each other. This pattern is being sidestepped by some adults, who decide to seek partners exclusively and explicitly for co-parenting.<sup>17</sup> It is easy to speculate on potential benefits of such a scheme. If people seek partnership specifically for parenting, they might arguably do a better job at selecting potential co-parents, because infatuation would not stand in the way of an honest evaluation of the potential partner's suitability as a parenting partner. If what you are looking for is a parenting partner, then your sexual orientation or otherwise your romantic preferences need not work as an eliminatory criterion. Ensuing children would not experience the deterioration of the romantic relationship between the parents, a divorce, pre- and post-divorce conflicts and animosities. They would arguably benefit from commitment by the parents directly to parenting and from the reduced risk of parental loss of interest in the children as a result of the loss of interest in the other parent.

Moreover, in many legislatures, the last decades have seen a significant shift in the way ex-romantic partners who share parenting see their relationships with their children. In the Scandinavian countries, in most cases post-separation fathers share parenting with the mothers.<sup>18 19</sup> This tendency seems to spread to other countries as well, even some where there has been a long tradition of awarding post-separation *full* legal parenting to only one of the parents: for example, the new Romanian civil code, to come into force in late 2011,<sup>20</sup> stipulates that the privileges and responsibilities of parenting are to be shared between post-separation parents.

The consequence of these changes, and of other factors such as increased divorce rates, is that the place of marriage as the main or only institution creating lasting relationships is gradually being replaced by parenting, which creates relationships between the parents, whether or not they are (still) romantically involved with each other. This imposes constraints of many kinds, not only financial but also, for example, continued communication and cooperation between the parents, relocation limitations, etc.

Both partnership specifically oriented towards co-parenting, and post-separation co-parenting, are relevant for our topic, in several ways. They constitute a departure from the model of the raising of children in relationships of a certain type (romance, marriage). They are instances of organisation of adult relationships around parenting (and not the other way around), whether or not the relationship between the adults was primary to start with. They push the door further open to challenging both the numerosity and the sexual complementarity restrictions.

### CONCLUSION AND POSSIBLE IMPLICATIONS

There are practical reasons why it may be better for children to have two committed parents rather than one. In this paper I have offered some reasons for why it might be better for children to have three rather than two, or one, committed parents. From this argument it does not follow that it is worse for children to have one rather than two, or three, committed parents. Successful parenting also depends on variable factors, such as education, economic means, views on parenting, etc, and on the quality of the parent-child relationship. However, I hope my argument does suggest that we have reason to allow, and perhaps to encourage, parenting by more than two people, at least in those cases in which there already exists, or there will soon exist, a caring relationship between a child and more than two adults.

Allowing parenting by more than two people might help some who struggle with competition for parenting, as well as the children involved. It might also accommodate the reality of the lives of those who practise triparenting, but cannot, so to speak, make it official.<sup>21</sup> It might, in addition, make it easier for some people to include parenting in their lives. With two more adults to share parenting tasks, one might find it easier to organise one's life as a parent. Moreover, elective triparenting might have the advantage of coming about without the drama in some of the other situations (eg, as a result of parental separations, remarriages, etc).

A liberalisation of the number of legal parents might also facilitate debate around what makes a parent and how to decide whose plea is more legitimate. The numerosity requirement, coupled with that of sexual complementarity, runs the risk of inclining decision-makers towards looking at genetic parentage as the pattern by which to measure all other family arrangements. A qualification here is that it is the women who carried

the pregnancy, rather than those whose gametes participated in the conception, who are the *default* mothers: this distinction is, of course, rather new, and follows the practice of IVF, that made it possible: without IVF, the parents would have been the genetic father (or the husband of the mother if she is married) plus genetic (and birth) mother. This risk is even more unfortunate in light of evidence indicating that genetic parentage alone is not a good indication of family success.<sup>4–9 22</sup>

There may be distinctions between various claims to triparenting, of the sort that warrants different legal treatment. In this paper, I have only looked at whether there may be reasons (not) to allow legal triparenting *at all*. A potential topic for future research might be to look at various sorts of family arrangements that might claim triparenting (or are even already unofficially putting it into practice), or be able to benefit from it, and see how arguments can unfold in those particular cases.

Finally, to answer the question in the title, having three committed parents *may* work out better than having only two, at least in some cases; and it is not clear that pushing the parental numerosity criteria upwards is more likely to have negative rather than positive consequences. There are reasons why having three parents may be better than having only two or one: such may be the increased chances of parental survival and the multiplication of resources in general, as well as, arguably, a soothing of competition for legal parenting—by not always needing to choose only two. There are also reasons why having two parents or one may be better than having three: there is less potential for inter-parental disagreement or separation—although, in some cases, choosing only two can lead to the loss of already formed close connections with the children. Moreover, the disadvantages are not inherent and may even become advantages (better likelihood of reaching reasoned decisions, exposure to different viewpoints): especially when the three parents are *committed* to parenting, and it is this category that I have been interested in throughout this paper.

**Acknowledgements** The author thanks Muireann Quigley and two anonymous peer reviewers for insightful comments.

**Competing interests** None.

**Provenance and peer review** Not commissioned; externally peer reviewed.

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