



JOOHEE YOON

# Responsibility Begins At Conception

By Shari Motro

**F**OR most of human history, a woman who became pregnant after sleeping with more than one partner had no way of definitively knowing the identity of the man with whom she had conceived. Likewise, a man whose lover became pregnant had no way of knowing for sure whether his or another man's

**Men pay child support. They should help pay the costs of pregnancy, too.**

DNA was gestating inside her.

Since the 1970s it has been possible to genetically link a father and his baby with increasing levels of accuracy. Then, a test using amniotic fluid let us test a baby's DNA before birth, but the procedure increased the risk of miscarriage. Now a prenatal blood test has made the process far easier. Since a small amount of fetal DNA is present in a pregnant woman's blood, the pregnancy can be genetically linked to her

partner through a simple blood draw from the woman's arm.

One of the potential ramifications is that men might be called upon to help support their pregnant lovers before birth, even if the pregnancy is ultimately terminated or ends in miscarriage. They might be asked to chip in for medical bills, birthing classes and maternity clothes, to help to cover the loss of income that often comes with pregnancy, or to contribute to the cost of an abortion.

Of course, plenty of men already treat the costs of pregnancy as a shared responsibility. But some do not, leaving the woman to shoulder the burdens alone.

Some version of this obligation already exists. The problem is that under current law, most states frame men's pregnancy-related obligations as an element of child support or as part of a parentage order, which generally kicks in only after the birth of a child and is limited to medical expenses. Until and un-

less the pregnancy produces a child, any costs associated with it are regarded as the woman's responsibility. The debate around the new technology has, unfortunately, so far adopted this frame, labeling the test a paternity test and the potential obligation as child support.

Rather than focusing on the relationship between the man and a hypothetical child, the new technology invites us to change the way we think about the relationship between unmarried lovers who conceive. Both partners had a role in the conception; it's only fair that they should both take responsibility for its economic consequences.

Former spouses are often required to pay alimony; former cohabiting partners may have to pay palimony; why not ask men who conceive with a woman to whom they are not married to pay "preglimony"? Alternatively, we might simply encourage preglimony through the tax code, by allowing pregnancy-support payments to be deductible (which is how alimony is treated).

The most frequent objection I hear to this idea is that it will give men a say over abortion.

A woman's right to choose is sometimes eclipsed by an abusive partner who pressures her into terminating or continuing a pregnancy against her will, and preglimony could exacerbate this dynamic. But the existence of bullies shouldn't dictate the rules that govern all of society. In the name of protecting the most vulnerable, it sets the bar too low for the mainstream, casting lovers as strangers and pregnancy as only a woman's problem.

It's also possible that preglimony could deter a different form of abuse by making men who pressure their partners into unprotected sex, on the assumption that the woman will terminate an unwanted pregnancy, financially liable for the potential result.

At the end of the day, preglimony stands to benefit men too, especially those who want to help but are turned away. How many well-intentioned men have been dismissed with "I don't want your money" or "You've done enough damage; now stay away from my daughter"? Preglimony names and in that way honors the man's role in caring for his pregnant lover. A man and a woman who conceive are intimately connected. They are not spouses, and they may not even continue to be lovers, but they are not strangers either.

We've known this for a long time. Preglimony provides an opportunity for the law to catch up. □