

Is Embryo Cloning Part of Reproductive Freedom?

By Elizabeth Bartholet '65

Recent news stories reveal that fertility specialists at George Washington University's In Vitro Fertilization Clinic have cloned human embryos. Debate has erupted over the ethical issues involved, as people speculate about the possibilities involved in freezing cloned embryos for future use — might they be thawed and given life at some later time in order to provide needed medical treatment to the first "twin," or for purposes of sale to an infertile couple who would have had a chance to see what kind of genetic product they were getting?

But the fact is that fertility specialists have been engaged for years in radical forms of experimentation with the meaning of life, parenting, and family. Leading IVF clinics throughout the country are, together with their client-patients, buying and selling sperm, eggs, embryos, and, with the aid of surrogacy brokers, pregnancy services. They are stockpiling tens of thousands of frozen embryos for unknown future use, and conducting research experiments on early-stage embryos of the kind that produced the cloning breakthrough.

To date there has been no governmental regulation in this area. Indeed the US has never even established a commission to consider the need for such regulation, as have virtually all other countries in our situation. Fertility experts defending the cloning experiment have talked of rights to "privacy," "liberty," and "reproductive choice" (*New York Times*, 10/26/93, p. C3). But much of what the fertility specialists are doing violates principles thought sacrosanct in the traditional adoption area, where a very different idea of the appropriate meaning of family reigns.

Policy makers in this country need to address the conflict between our rules in the area of traditional adoption and those in the new area of "technologic adoption." They need to accept responsibility for the vital policy issues that are now being decided on a daily basis by doctors.

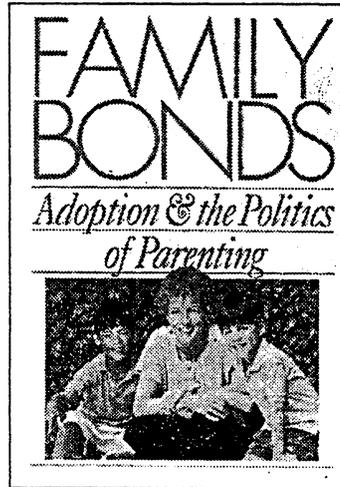
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What follows is an excerpt from Prof. Bartholet's new book, Family Bonds: Adoption & the Politics of Parenting, in which she addresses in detail the issues noted above. The excerpt is taken from chapter 10, "Modern Child Production: The Marketing of Genes, Wombs, Embryos, and Babies."

ADOPTION regulation rests on the premise that biologic parenting relationships are sacrosanct. These relationships are to be disrupted only as a last resort, and the regulation is designed to ensure that they are not unnecessarily disrupted. The universal rules against baby-buying reflect and affirm the value placed on these relationships, for if birth parents could be paid for agreeing to give up their children, it would both encourage such action and risk devaluing such relationships more generally.

Although this premise continues to govern the traditional adoption world, technology has ushered in a new world of adoptive arrangements where entirely different rules apply. Technology facilitates the separation of biologic from social parenting. It means that a child can have as many as five parents: an egg mother, a sperm father, a gestational mother, a social mother, and a social father. Technology is increasingly being used to produce children for the specific purpose of separating them from their genetic and birth parents. While in the traditional adoption world parenting rights and babies are not supposed to be for sale, in this new technological adoption world *everything* is for sale. The raw materials for producing babies are being marketed with increasing aggression and sophistication. . . .

A rapidly expanding industry is engaged in producing children for these new forms of adoption. Thousands of donor insemination children have been born every year for decades, and thousands of surrogacy babies have been born and delivered to the intended rearing couples in the past fifteen years. We stand on the edge of a probable explosion in IVF [in vitro fertilization] embryo adoptions and other IVF involvement in the splitting of biologic from social parenting. The time to figure out whether we want to continue in this direction is now. If we take no regulatory action,



we will discover in another five or ten years that surrogacy brokers and IVF clinics have arranged for the production of huge numbers of new adoptees, and that a vast array of new enterprises has developed to market genetic material, gestational services, embryos, and babies.

This will not be easy to undo.

There are many reasons for concern with these new adoptive arrangements — many reasons to question the direction in which we are moving. A growing body of literature catalogues the problems that some of these arrangements pose for women. Feminist and other critics argue that such practices as egg and embryo sale and surrogacy should be understood as inherently oppressive and exploitative. Egg vending practices mean that women subject themselves to the rigors of the major part of an IVF treatment cycle not for the pleasures of parenting but for a fee. Gestational surrogacy means that two women share an IVF treatment cycle, then one of them carries and gives birth to a child in order to surrender it to a man who is seeking genetically linked parenting and to

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his wife, who will usually end up doing the bulk of the social parenting. Critics of these arrangements also argue that by commercializing reproduction and putting a price on parenting rights and on children, we are turning people into property and devaluing parenting relationships in ways that are likely to erode the quality of all our lives. . . .

For me, these concerns are compelling. But my focus here is on issues that have been almost entirely ignored in the general debate – issues that have to do with the discrepancy between the way we treat traditional adoption and the way we treat these technological forms of adoption. The debate goes on as if traditional adoption existed only in an earlier

age or on another planet and had no real bearing on these modern methods of constructing families. My thesis is that we have something to learn from our experience with traditional adoption. . . .

The traditional adoption world makes the claim that biologically linked parenting serves children's interests, as well as the interests of birth parents, in important ways. My contention is that society has enormously overvalued the biologic family and undervalued adoptive arrangements. But it is quite a different thing to say that biologically linked parenting is *without* value. I argue that for children in need of nurturing homes, adoption is a great solution that simultaneously serves the needs of infertile adults. But it is quite different to say that we should promote the removal of children from biologically linked parents so that they can be raised by others, or promote the creation of children for this very purpose. I argue that we should recognize adoptive families as having some uniquely positive features. But this does not necessarily mean that we should see biologic family bonds as shackles to be cast off or as simply irrelevant.

Surrogacy, embryo adoption, and the other new methods of child production force us to consider these more radical arguments. *Should* we hold on to the biologic model of parenting? Should we instead view it as a positive good for people to give away or sell their genetic products for others to raise? Would this produce families that make more sense than traditional families? Would it be a better world if babies were systematically scrambled in the hospital nurseries, so as to ensure that no parent goes home with a genetically linked child? . . .

What should be clear is that it makes no sense to rush to experiment with the family by creating these new adoptive arrangements without first rethinking and significantly revamping the way we structure traditional adoption. If we genuinely cared about children's interests, we would focus on finding adoptive homes for existing children in need rather than on creating new made-to-order adoptees for adults in need. We would eliminate the barriers to traditional adoption before encouraging people to sell their genetic material and products to facilitate new adoptions. We would enable singles, gays and lesbians, older

people, and other nontraditional parent types to give homes to existing children rather than insisting that they parent children whose production they have arranged. At present, we drive such people away from traditional adoption by parental screening and other policies, at the same time that we lure them into the new child production world with promises that they can purchase whatever combination of genetic material and gestational services it takes to produce their baby of choice.

We should call a halt to these new methods of child production while we move forward with the business of reforming the traditional adoption system. We would then have some time to think about the hard questions involved in deciding whether we want actually to *promote* the separation of children from their genetic and gestating parents on a systematic basis. Do we want to permit payments of the kind now forbidden – payments to already pregnant women to surrender their children upon birth? Do we want to permit payments of the kind now generally allowed – payments to enable the *creation* of children to be raised by biologic others?

My sense is that the answer to both questions should be the same, and that it should be no. Biologically linked parenting may be overvalued, but we should not simply jettison it as having no value. If we allow people to buy and sell parenting rights, we put the quality of all parenting relationships at risk, because that quality has to do with an understanding that parenting is or should be about relationship, about holding on to and nurturing those to whom we are connected rather than letting go and spinning off. Surrogacy expresses "an inferior conception of human flourishing." Treating people as disposable procreators seems likely to do injury to them, to their children, and to the quality of our parenting relationships more generally.