

Outsourcing Motherhood

Surrogate Births Raise Troubling Questions

By Father John Flynn, LC

ROME, NOV. 9, 2008 (Zenit.org).- Parenthood is getting a lot more complicated, thanks to the way in-vitro fertilization (IVF) techniques are being used by some.

A case in point is the fate of a 3-month-old girl born to an Indian surrogate mother, who has spent the first months of her life in the midst of legal battles. The matter has just been resolved, CNN reported Nov. 2. Baby Manjhi and her grandmother arrived in Osaka, Japan, from the Indian capital, New Delhi, to join her biological father.

The origins of the dispute were explained in an article published Oct. 6 in the Singapore-based newspaper the Straits Times.

Manjhi was born as a result of the combination of the sperm of a Japanese husband and an anonymous donor's egg implanted in the womb of an Indian surrogate mother in the town of Anand, in the state of Gujarat.

The legal problems arose when the father, Ikufumi Yamada, and his wife, Yuki Yamada, who had paid for the services of the surrogate mother, were divorced before the birth of Manjhi. The husband [wanted] to keep the baby, but his ex-wife did not want her any more.

Indian law requires a mother must be present in order for a baby to receive a passport. In the case of Manjhi neither the birth mother nor the ex-wife wanted to be involved.

The matter was eventually resolved in a decision by India's Supreme Court that not only gave the baby over to Ikufumi Yamada, but also confirmed that surrogacy is legal.

According to the Straits Times the decision came just as the government has published draft surrogacy laws. Up until now surrogacy has operated in a legal vacuum.

IVF tourists

The boom in surrogate motherhood in India has been the target of increasing media

attention. The Australian-based Sun Herald newspaper reported Nov. 2 that India is receiving numerous IVF tourists from Europe and Britain, drawn by brazenly-worded ads such as: "Healthy young women superovulated exclusively for you!"

Not only does India offer surrogate mothers, but also offers donor eggs to women who fly to India for them to be implanted.

The Sun Herald article recounted the case of Ekaterina Aleksandrova, who holds German citizenship. She flew to India, had 5 embryos implanted in her womb, and subsequently become pregnant with one embryo.

Aleksandrova has no genetic link with her baby, born in September. Moreover, the baby's biological parents live 7,000 kilometers apart and are of different languages and cultures.

Both sperm and eggs come from anonymous donors. The former was bought online from a Danish sperm bank and the latter came from an Indian woman.

Another recent case was that of Bobby and Nikki Burnes, examined by the BBC in an Oct. 12 report. Their three-month-old daughter, Daisy, was conceived at the Rotunda clinic in Mumbai (Bombay).

The baby born was the result of a donor egg fertilized with Bobby's sperm, and implanted into the womb of a surrogate mother.

According to the BBC, the use of Indian surrogates is particularly prevalent among Asian couples in Britain due to a scarcity of eggs or sperm from Asian donors.

It is also markedly cheaper to use the services of Indian clinics and women, compared to Western countries. According to the BBC, the Indian surrogate mothers receive between 2,500 to 3,500 pounds (\$3,922 to \$5,475), the equivalent of 10 years' salary for some of them.

Earlier, on March 4, the International Herald Tribune reported the cost of using IVF services in India -- including air tickets and hotel costs -- comes to around \$25,000 for overseas couples, about a third of what the cost would be for a similar service in the United States.

Surrogate mothers are also available for same-sex couples. The article recounted the

case of Yonatan Gher and an unnamed male partner. They used the services of the same Rotunda clinic mentioned by the BBC.

At the clinic Dr. Kausal Kadam created an embryo for Gher and his partner, with sperm from one of the men -- they would not disclose which one -- and an egg removed from a donor just minutes before in another part of the clinic.

No contacts between egg donor, surrogate mother or future parents were permitted, the article noted.

Outsourcing concerns

The report also observed that a number of ethical questions are being raised about the use of surrogate mothers in India. Critics are worried about the danger of exploitation. As well, couples use the services to skirt laws in their own countries.

Although Israel has legalized adoption by same-sex couples, surrogacy for these couples is still not permitted.

Another case of evading laws came recently with the birth in France of triplets to a 59-year-old woman.

The woman's pregnancy prompted controversy in France, according to a Sept. 8 report by the Associated Press. French law concerning egg donation excludes women over 42 from access to the procedure.

Japan is also debating the use of surrogate mothers, reported Reuters on March 12. Japanese obstetricians adopted a ban against surrogate births in 1983, but there is no binding law. Reuters explained that some couples have had children through surrogate mothers with the help of doctors in Japan.

According to the article a panel of experts at the Science Council of Japan, which has debated the issue for more than a year at the request of the government, argues that surrogate births pose health risks to both surrogate mothers and children.

The experts have also cited concerns about the possibility family members might be forced to take on the role by relatives.

"New legislation is needed and based on that legislation, it is desirable for surrogate conception to be banned in principle for now," the panel said this month in a draft report calling for doctors, agents and clients all to be punished for commercial surrogacy births.

Opinion columnist Ellen Goodman also expressed concern over surrogate mothers in a piece published April 11 in the Boston Globe.

Goodman expressed her sympathy for couples who have difficulty in conceiving naturally. Nevertheless, she fretted about the commercialism in surrogate motherhood, where a person becomes a mere product to be traded on the international markets.

"We cannot, for example, sell ourselves into slavery," she commented. "We cannot sell our children. But the surrogacy business comes perilously close to both of these."

Respecting life

The Catholic Church is clear regarding its opposition, both to IVF as a whole and also to the use of surrogate mothers. In its 1987 instruction on respecting human life in its origin, the Congregation for the Doctrine of the Faith dealt with surrogates among other points.

The instruction rejected the practice, not only because it introduces a third person into the relationship of the husband and wife, but also because: "Surrogate motherhood represents an objective failure to meet the obligations of maternal love, of conjugal fidelity and of responsible motherhood."

The instruction also argued that the use of a surrogate mother offends the dignity and the right of the child to be brought into the world by its own parents.

This teaching was confirmed by the Catechism of the Catholic Church: "A child may not be considered a piece of property, an idea to which an alleged 'right to a child' would lead. In this area, only the child possesses genuine rights: the right 'to be the fruit of the specific act of the conjugal love of his parents,' and 'the right to be respected as a person from the moment of his conception'" (No. 2378).

Unfortunately, however, globalization has extended its reach to the womb and a burgeoning trade in human life is taking place, to the detriment of human rights.

