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The Family and Biology: Challenges of the Artificial Reproductive Technologies

Rodzina i biologia. Wyzwania technologii sztucznej reprodukcji

INTRODUCTION

"The family is one of nature's masterpieces".[2]

Writing those words more than a century ago, the philosopher George Santayana might little have surmised just how controversial they could become. The inherent nature and biological basis of the family are truths that various contemporary revisionist ethics are frantically seeking to deny.

Does biology have anything necessarily to do with the family? That question may seem self-evident but, for an increasing degree of elite opinion and American law today, not only is it not self-evident but it is increasingly denied.

The question is posed in a variety of contemporary contexts, one of which is the field of artificial reproductive technologies (ART). Artificial reproductive technologies, like gamete donation and surrogate motherhood, separate the procreative from the unitive dimensions of conjugal love. Their growing use poses ever-greater social questions about the necessity and importance of the biological basis for parenthood.

In this article, we will consider the problems posed by ART as treated in three documentary films produced by the Center for Bioethics and Culture. The films

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[2] G. Santayana, *The Life of Reason*, vol. 2: *Reason in Society* (New York: Dover, n.d.), chapter 2, available at: http://www.gutenberg.org/files/15000/15000-h/vol2.html#CHAPTER_II [accessed January 15, 2014, 14:28 GMT].

are: "Anonymous Father's Day" (on sperm donation/artificial insemination);[3] "Eggsploitation" (on ovum donation)[4]; and "Breeders: A Subclass of Women" (on surrogacy)[5]. After examining the issues raised in those films, we will mention their moral and logical implications for the future of the family.

I. THE FILMS

A. "Anonymous Father's Day" (AFD)

AFD consists of a variety of interviews with persons who have discovered that they were produced by artificial insemination by donor (AID). The persons usually were raised by a married couple, the male of which was incapable of fathering a child and the female of which resorted to AID to become pregnant. The truth of those children's origins was often kept a secret from them, although many admitted that they always felt that something was "not quite right" about their familial relationship. Some children are told of their origins when they become adults; others learn the truth accidentally, either prematurely (if the man and woman who raised the child planned to tell him later) or unintentionally (if the couple intended to conceal those origins from the child).

From what we see of the persons who learn of their AID origins in the film, existential insecurity typically follows discovery that one's "conception story" involved AID. That insecurity extends in two directions: subjectively and objectively. Subjectively, the child's identity and family have been built on a lie, devoid of biological confirmation: while the man and woman who raised the child pretend that their will constitutes the man as "father," most children still recognize that such "paternity" is ersatz, that fatherhood is not essentially a *state of mind*. The child's subjective identity is now shattered. Who the child has understood himself to be for his whole life, both in terms of self and of his familial relationship, is now overturned.

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[3] "Anonymous Father's Day," directed and produced by Jennifer Lahl, written by Jennifer Lahl and Matthew Eppinette, edited by Brendan Kruse (Pleasant Hill, CA: Center for Bioethics and Culture, 2011), 43 mins. See also http://www.anonymousfathersday.com/ [accessed January 19, 2014, 0730 GMT].

[4] "Eggsploitation," directed by Justin Baird and Jennifer Lahl, produced by Jennifer Lahl and Matthew Eppinette, written by Jennifer Lahl and Eran Rosa (Pleasant Hill, CA: Center for Bioethics and Culture, 2010-13), 42 mins. See also http://www.eggsploitation.com/about.htm [accessed January 19, 2014, 0740 GMT]. The film is also now available for download through iTunes, Amazon Instant Video, Google Play, and Xbox Video.

[5] "Breeders: A Subclass of Women," written, directed, and produced by Jennifer Lahl and Matthew Eppinette (Pleasant Hill, CA: Center for Bioethics and Culture, 2014), 52 minutes. See also http://vimeo.com/83865042 [accessed January 19, 2014, 0800 GMT].

The problem is, objectively, there is no identity to put in its place. "'I am the child of a stranger,'" one person admits, while others confess their fathers are "known only as a number." Parenthood has both objective and subjective dimensions: X is my father, and I have a relationship to X. The denigration of the biology of parenthood pretends that the former does not matter, until it explodes into reality and asserts its claims. Once that happens, and the fiction of "parenthood" is swept aside there is nothing to replace it. There is often no objective identity ("X is my father") which the child can grasp, nor is there usually any possibility for a subjective identity ("I have a filial relationship with 'donor 8736').

Nor is there any going back, any putting the genie back in the bottle. Be the motives benign or clandestine, a child's relationships with the man who raised him as well as with his mother will be always marked by awareness that those relations were based, throughout critical parts of that child's life, on a lie. Memories of the past – good as well as bad – will always be scarred by an awareness of that element of illusion. A fissure – "family fragmentation" – will always characterize that relationship of "family" by which the child built his identity. As the film notes, this "fragmentation" and the problems of revealing the truth behind "family secrets" will only be compounded if they emerge during periods of crisis, e.g., when the child or the man who raised him is diagnosed with a genetically-based illness that forces disclosure of their factual non-relationship.

Would these consequences be avoided if one simply told the truth up front? If children "knew" their "conception stories?" Is the real problem not the lack of biological relationship, but the lies associated with AID?

The interviewees in the film all oppose anonymity in connection with sperm donation: they all believe a child should have the right to know who his father really was. They recount undertaking diligent efforts to discover his identity, and their accounts often sound compulsive.

But anonymity and AID have long gone hand-in-hand. A man who wants to sell his seed often considers the transaction completed and has no interest or desire to know what followed. Indeed, he typically wants the shield of anonymity to immunize his "real" family from the children of his "donations" as well as to avoid potential claims of paternity and child support.

Nor is it just secrecy. Even if the received culture of AID were to change, (which is highly doubtful), interviewees also posed the further question: "why would somebody sell their sperm?" Children of AID not only discover they have no knowledge of or access to half their family, but they also typically know that their father became involved in the transaction by which their lives began *because of money*. They must, then, reckon with the fact that their existence was, at least in some degree, a matter of profit and gain, characteristics normally attributed to commodities, not persons.

There are, of course, sperm donors who altruistically give away their gametes: this author addressed this topic in a reaction to a *U.S. News and World*

Report article, which reported how a non-profit donor tried to enable a lesbian woman and her "partner" to become pregnant by meeting them at a Starbucks, going to the restroom to masturbate in a coffee cup, providing them his gametes, and then the three enjoying coffee together.[6] Even absent the monetary issue, a child will inevitably confront the question: how could the person who was responsible for me just walk away? A child's conception should be more than an ejaculation, compensated or *gratis,* in a coffee cup.[7] As one interviewee summed it up: producing children through AID is "demeaning and dehumanizing."

Advocates of AID and sperm donation seek to brush off these existential challenges by insisting that candor and truth-telling alone can replace biology. But biology insists on reasserting itself: in the child who scours the family portrait to discover resemblances (or their lack); in the medical histories that sometimes require knowledge of and assistance from biological relatives; and in the quest for roots. This last element brings us to another truth about biology and families denied by AID: communality.

AID would have us believe that biological parenthood is reducible to providing gametes. But parenthood is not an individualistic enterprise or even just an *egoïsme-à-deux.* Parenthood inevitably weaves the individual into a family, extending back in time and forward into the future. AID's pretending that biology does not matter amputates the child from his roots. Interviewees in the film report wondering who may be their siblings or half-siblings. They report wanting to know what "their other family" is like, their relatives on "that side" of the family. And they wonder what they will tell their own children about their origins – and presumably the branches lopped off from their family tree.

The interviewees in "AFD" call for bans on AID, yet they report a curious pushback from others. Those interviewees who have gone public – "come out of the closet" one might say – and express their feelings in public fora like chat rooms or Internet blogs tell that they are repeatedly told by others that their mo-

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[6] T. Dokoupil, *"The Coffee Shop Baby*, "U.S. News and World Report" October 10-17, 2011, pp. 44-48. See my commentary in J. Grondelski, *Coffee-Shop Babies' and Humane Procreation*, "National Catholic Register" November 10, 2011, available at: http://www.ncregister.com/daily-news/coffee-shop-babies-and-humane-procreation [accessed January 19, 2014, 09:00 GMT].

[7] "An attitude to semen is an evaluation of man. What one does with semen, one will do with a man. The language of buying and selling semen is at home only in a culture which accepts the buying and selling of men. The Romans, who had no cult of verbal cosiness [sic], show us the logic of this language. Slaves, for example, were beings *in quos stuprum non committitur* [upon whom rape cannot be committed-JMG] because they were *things,* not persons. A prostitute was a *prostibulum*, a *thing* displayed for sale. It is perhaps the cruelest word in history. In a sense, all immorality is the treating of persons as *things.* In that sense, treating semen as a *thing* is an incarnation of immorality and a prelude to an inhuman society." C.B. Daly, *Morals, Law, and Life*, Chicago 1966, p. 162. I add this observation because, in discussing the pushback AID-generated children receive because of their opposition to sperm donation, "AFD" reports one child being told "too bad you weren't the load your father flushed down the toilet."

nitions represent ingratitude, that they should be grateful for existing and not criticize AID. Some recognize that, given the multi-billion dollar industry behind ART, including AID, many people have a lot of money to lose if these techniques are attacked. But the interviewees also recognize the logical inconsistency of those who assert that, because they were conceived through AID, these persons should not criticize it. As one interviewee noted: "if I was the child of rape, I do not have to endorse rape to be grateful for my existence".

Interviewees offer at least two major recommendations: banning money from the process, and banning anonymity. On the former, interviewees find the process a "commodification of life". On the latter, one British interviewee put the matter pithily: "nobody has the right to withhold significant personal information about a person from that person".[8]

B. "Eggsploitation"

The primary focus of "Eggsploitation" moves from the children produced by donor gametes to the process by which donor ova are obtained and their implications for women. Male sperm donation is a relatively simple and potentially constant process; female ova donation is constrained by the cyclicality of the female reproductive cycle, the sparsity of the product (normally one egg per cycle), and the difficulty of its retrieval (sperm naturally must be ejaculated while the ovum, in a certain sense, doesn't have to go anywhere). These biological facts, in turn, make ova donation a far riskier business.

"Eggsploitation" tells the stories of six women who agreed to be ova donors. Because women who want other women's ova almost always take eugenic considerations into account, ova donors in America are typically recruited among women in college. That population offers two desirable characteristics: being students typically suggests they are intelligent and aspiring, but it also usually means they have limited means and want to earn extra money. Recruiters play upon both sides of the picture: a woman can be altruistic by helping a couple that cannot have a baby while helping herself financially. As one interviewee noted, the altruism angle also has an elitist appeal ("I'm the kind of woman they want"). One might also suggest it has a feminine appeal: a kind of sublimation of the childbearing interest. Interestingly, the two motives used to target potential ova donors might be psychologically complementary: altruism allows one to downplay the financial self-interest involved, while the money lets one pragmatically and practically excuse otherwise putting one's self out so far and so intimately for a stranger, indeed, for a contractor.

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[8] Cf. I. de Melo-Martín, *The Ethics of Anonymous Gamete Donation: Is There a Right to Know One's Genetic Origins?*, "Hastings Center Report" 44(2014), no. 2, pp. 28-35.

The film focuses on the medical dangers and underlying ethical issues posed by ova donation. Because a normal woman's typically ovulates only one egg per cycle, a number too low for how ART is practiced and the effort required to retrieve it, and because typical in vitro fertilization (IVF) procedures presuppose fertilization of multiple eggs, a woman must be pharmaceutically induced to super-ovulate. Super-ovulation typically requires the administration of powerful hormones and other drugs to induce the cycle and produce more than one ovum.

Ova donation agreements typically require the donor to produce a certain number of eggs. The women interviewed in this film produced, in one cycle, 28, 33, 39, 45, and 60 ova. Superovulation is often complicated by the additional factor of attempting to synchronize induction of the donor woman's superovulation with the natural cycle of the woman into whom the fertilized ovum will eventually be implanted.

The women interviewed in this film reported serious discomfort, pain, and illness in conjunction with the use of drugs required to induce superovulation. An additional ethical issue is posed by one of those drugs, Lupron, which is not officially approved for this purpose. Its market-approved purpose is for treatment of certain prostate problems in men and endometriosis in women.[9]

Once superovulation occurs, the ova are retrieved through an invasive laparoscopy procedure. The interviewees reported a variety of problems, including: damage and puncture of the ovary or other parts of the reproductive tract, internal bleeding, hemorrhage, infection, and ovary torsion.

The women also reported additional subsequent complications, which they attribute to ova donation, especially to the intense hormonal regimen to which they were subject to induce superovulation. Interviewees mentioned increased incidences of cancer, even though they were healthy when they donated (a prerequisite to participation) and had no familial history of cancer. They also report-

[9] The use of certain drugs in reproductive "medicine" for purposes apart from their U.S. Federal Drug Administration approved uses is, unfortunately, not unusual. Digoxin was approved to treat certain cardiac patients, but is now administered by late-term abortionists essentially to induce a heart attack in the fetus to avoid the child being born alive during an abortion procedure (and thus, at least in *jus soli* jurisdictions like the United States) possibly acquiring rights, including the right to life. On how digoxin is used to kill the unborn child, see A. Kuebelbeck, D. Davis, *A Gift of Life: Continuing Your Pregnancy When Your Baby's Life Is Expected to Be Brief*, Baltimore 2011, pp. 33-35. Kermit Gosnell, the Pennsylvania abortionist convicted of murder for killing children born alive following late-term abortions in his Philadelphia facility, chose to slit their spinal cords because he proved incompetent at administered digoxin injections to their hearts: see his defense of his practices in S. Volk, *Gosnell's Babies: Inside the Mind of America's Most Notorious Abortion Doctor*, Philadelphia 2013, a "Philadelphia Magazine E-Book," location 494. See also location 530-34. On the implications of using digoxin and the growing erosion of birth as a significant moment in the acquisition of rights, see J. Grondelski, *Slouching Towards Gehenna: The Kermit Gosnell Trial and Infanticide*, in: *Sztuka i realizm. Księga pamiątkowa z okazji jubileuszu urodzin i pracy naukowej na KUL Profesora Henryka Kieresia*, Lublin 2014, pp. 684-688.

ed incidences of clotting, punctures of internal organs, and infertility. One woman's mother even reported death.

Critics of the film contend that, especially as regards subsequent complications, "Eggsploitation" is anecdotal and does not establish a causal relationship between these complications and the donor procedure[10]. However, as the film notes, there is no real follow-up in terms of medical oversight of donors or any research on donation's effects. Indeed, the film contends, that there are significant, multi-billion dollar financial interests – in the infertility business and in the stem-cell-production-for-experimentation business – which have vested interests in not following up on donors. In the United States, where gamete donation is largely unregulated, the risks are great.

As the film notes, these procedures pose significant medical ethics questions: is it moral to subject healthy women, even with their consent, to such significant, risky, sometimes unauthorized, and even potentially fatal dangers when the procedures are of no benefit to them but instead to another, while at the same time exposing these women to future potential pathologies they currently do not suffer? As one person stated: "This is not a procedure without risk, and one of those risks is death".

In contrast to "AFD," "Eggsploitation" does not really explore the themes of women's attitudes about the children that may be produced through their ova donations nor the reactions of children brought into the world in this way. It does probe the financial aspect of egg donation, noting the vulnerability of women in situational poverty to the inducements of an average $7,000-$8,000 for a successful donation or "harvest". However, one of the women, whose complications put her in the hospital and in a coma, reported that, as a result of failing to superovulate the required number of eggs, she received a kind of compensation-for-your-efforts check for $750. Some experts defend compensation as appropriate for the inconvenience women put themselves through in ova donation; others argue that women should only receive medical care and compensation for expenses as a way of limiting ova donation's appeal to poor women; while still others would ban money altogether. Because there was no real discussion with the children of ova donors, there was no input from them.

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[10] E. Painter Dollar, *Eggsploitation's Bad Science*, at: http://www.patheos.com/blogs/ellenpainterdollar/2012/01/eggsploitations-bad-science/ [accessed January 19, 2014, 09:00 GMT]. See also her "Fertility Treatment Might Cause Ovarian Cancer (But Your Doctor Is Unlikely to Tell You That," at http://www.patheos.com/blogs/ellenpainterdollar/2012/01/fertility-treatment-might-cause-ovarian-cancer-but-your-doctor-is-unlikely-to-tell-you-that/ [accessed January 19, 2014, 09:02 GMT]. As in the case of the nexus between abortion and breast cancer, data indicative of a linkage generally is downplayed by elite opinion sympathetic to the abortion liberty, to the ultimate detriment of women.

C. "Breeders"

If the relationship with children does not get much attention in "Eggsploitation," the theme returns full-force in Lahl's 2014 film dealing with surrogate motherhood. "Breeders" can hardly avoid that subject because, as much as egg donors might pretend they are only giving away gametes, a surrogate cannot evade the fact that she is giving up a living child which she carried and to which she gave birth.

Like "Eggsploitation", the women interviewed for this film about their surrogacy experiences became involved from both altruistic and entrepreneurial motives: they wanted to help other women become mothers (being a mother already is normally a prerequisite to be a surrogate, the film notes), and they also wanted to make some money. Compared to egg donation, eugenics does not play so prominent a part in gestational surrogacy (where the surrogate has no conception relationship to the unborn child): if college women are a favorite cohort to recruit as egg donors, young military wives are frequently recruited as surrogates. As the film points out, army wives frequently marry and bear children early, while their husbands – whose wages are usually modest – are away on deployments for extended periods.

The typical surrogate, according to the film, earns about $15,000-$20,000. Since surrogacy involves a woman twenty-four hours per day, seven days per week for forty weeks, this means that the typical surrogate practically receives about $2.97/hour (approximately 12 zł).[11] Of course, giving life is not – or at least should not be – a business proposition, and the surrogates interviewed in this film (just as the children of gamete donors) supported banning money as a factor in the relationship. In quoting this figure, the author only wishes to underline the gross exploitation that surrogacy represents, not suggesting that exploitation is obviated by a "wage hike".[12]

One major theme identified by all the surrogates in the film is the effort of those who "hired" them to reduce surrogacy to a business exchange while the surrogates – sometimes despite their own efforts – found themselves incapable of avoiding the maternal bond with the child whom they carried. Surrogates reported regularly being reified, called "incubators" or "breeders". Indeed, one lawyer suggested that, because of the legal issues that frequently arise with surrogacy,

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[11] In the United States, Barack Obama has made a major political issue out of extending the minimum wage to $10.10 (30.30 zł)/hour. If the minimum wage is deemed to be the minimally just wage threshold, surrogates should receive at least $67,800. Again, as noted above, giving life should not be associated with money. The author cites this data only to show how grossly exploitive surrogacy really is.

[12] The film also notes that surrogacy has been a booming business in India and, recently, in Thailand and Mexico, where indigent local women carrying children for affluent Western women probably receive a fraction of what an American surrogate does.

the law should be changed to recognize that "some women are just going to be used as breeders".

Surrogates reported that the relationship of the hiring parties to them and to the children they carried were often instrumental. One surrogate reported that, when she gave birth, the mother to whom she was to surrender the boy decided that she was "too sick" to come to the hospital, and her husband found it awkward to be in the delivery room with the surrogate. Another surrogate reported that the attending physician, as he took the baby off with the man to whom the child would be surrendered, looked back to ask if "she was alright" and let her see the child for just a moment after birth before taking him away permanently. A surrogate discussed how she had to defend the boy against abortion – something the people to whom the child was given as well as the surrogate's own father encouraged – when a faulty diagnosis suggested the child might be disabled with anencephaly.

Another important question raised by the film is the biological bonding between mother and child which surrogacy severs. One expert pointed out that, scattered amidst a herd of sheep, a lamb nevertheless knows and can identify its own mother, so why would we expect a human child to have any less attachment? (One reason, perhaps, is to maintain the fiction upon which legalized abortion lies: to suggest that the mother-child bonding process after birth has already begun in and represents a continuation of the prenatal process lasting nine months calls into question feigned ignorance about the beginnings of life). The most touching comment, however, was related by a surrogate who received occasional visitation rights with her child. As in the discussion of sperm donation (where children scrutinize family faces to discern family resemblances), the five-year old who noticed she looked more like her mother than the woman's other two children who actually lived with the mother, asked: "We have the same hair and the same eyes. Why did you give me away and keep them?"

II. MORAL ISSUES

Addressing artificial insemination in his 1951 Allocution to Midwives, Pope Pius XII warned that

> [t]o reduce the common life of husband and wife and the conjugal act to a mere organic function for the transmission of seed would be but to convert the domestic hearth, the family sanctuary, into a biological laboratory.[13]

Sophisticated advances in biology over the past six decades have "convert[ed] the domestic hearth" far beyond Pacelli's wildest imagination, to the degree that

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[13] Pope Pius XII, *Allocution to the Italian Catholic Union of Midwives*, AAS, 43(1951), pp. 843.

the biological basis of the family is itself under attack as irrelevant to the family. As in the American debate over attempts to redefine marriage to make sexual differentiation irrelevant to it, the effort to downplay or deny the biological basis of the family is part of an ongoing effort to sever procreation from a marital context. How else would one explain the claim that children have "no fundamental right to know their genetic origins"[14] advanced by an author in a flagship bioethics journal? As in the attempt to legalize homosexual "marriage," efforts to downplay or deny biology serve adult wants at the expense of children's interests. Adults – who regularly tell children that "wishin' don't make it so" – insist that their "autonomy" and will should trump nature and biology.

How have we arrived at this situation? In Catholic moral theology, prohibitions of many forms of artificial reproductive technologies traditionally rested on a natural law basis: the nature of the person provided a rational basis, theoretically knowable by all men of good will, that showed the immorality of such procedures.

But natural law as a foundation for moral thought suffered numerous setbacks, not just but especially in recent decades. Protestants, whose classical tradition regarded human nature as depraved and whose nominalist origins always preferred explicit Biblical commands to natural law reasoning, succumbed earlier – starting with the Lambeth Conference of 1930 – to the erosion of traditional Christian teaching on marriage and the family. While natural law ostensibly maintained a longer hold on the Catholic moral tradition, the debate over the anovulant Pill in the 1960s and especially the promulgation of *Humanae vitae* in 1968 led to the emergence of a faulty notion of "human nature" among revisionist theologians. According to this notion, "nature" is reduced to "mere" biological and physical structures, for which traditional Catholic natural law theory supposedly simply demanded respect. The revisionist riposte was that "correctly" understanding "human nature" was to consider the moral agent as a "rational" being who apprehends "values" and then subordinates the physical dimension of his "nature" through his acts (e.g., in sexual intercourse) to these rationally apprehended and chosen values and purposes.[15]

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[14] I. de Melo-Martín, cited above.

[15] Classical expressions of this revisionist sexual ethic (with variations) can be found in, e.g., A.R. Kośnik *et al., Human Sexuality: New Directions in American Catholic Thought*, New York 1977; P. Keane, *Sexual Morality: A Catholic Perspective*, New York 1977; L.S. Cahill, *Between the Sexes*, Philadelphia 1985; T.A. Salzman, M.G. Lawler, *The Sexual Person: Towards a Renewed Catholic Antropology*, Washington 2008; and their *Sexual Ethics: A Theological Introduction*, Washington 2012; and most of the writings of Charles Curran. Its application to artificial reproduction can be found, e.g., in E. Flynn, *Human Fertilization In Vitro: A Catholic Moral Perspective* Lanham, MD 1984; and T.A. Shannon, L. Sowle Cahill, *Religion and Artificial Reproduction*, New York 1988.

The vast outpouring of revisionist approaches to Catholic sexual ethics in the past five decades notwithstanding, its notion of "nature" is erroneous and thus is an attack on a straw man. Nature is not some physical structure but "the essence of any being, taken as the real basis of the whole dynamism of that being".[16] Already in 1969, however, Wojtyła distinguished this traditional "metaphysical" understanding of "nature" from what he called a "phenomenological" approach to "nature," which pitted nature against the person by reducing the former to biological rhythms and *acti hominis*.[17] He subsequently expanded on this distinction (an explanation with fatal implications for the revisionist project in Catholic sexual ethics) in an expanded article,[18] showing clearly that there is no question here of opposing "nature" to "person".[19]

If Catholic moral theology has become so divided internally, we should not be surprised that the lack of shared moral norms in the broader society is even more stark? There the problem of the place of religion and religiously-inspired values in the public square faces growing challenges: does "tolerance" demand an axiologically "naked public square?"[20] Zbigniew Stawrowski has made a persuasive case that many contemporary states have shifted from what he calls an "ethically minimum" state whose public values are open to religious freedom to "a state of axiological maximalism" rooted instead in absolute individual autonomy. Because that absolute individualist autonomy is the morality that its adherents want to force on society as its public morality (usually in the name of "tolerance"),

> [i]t is not surprising that, just like every state with maximum tasks, it will be taken advantage of by the 'community' of moral, but ethically rootless individuals, as a tool to remove their ethical rivals from the public sphere and thus to impose within the state a situation of axiological unity on a minimum level.[21]

[16] K. Wojtyła, *Osoba i czyn*, Kraków 1969, p. 85, translation mine.

[17] Ibid., pp. 81-86.

[18] K. Wojtyła, *Osoba ludzka a prawo naturalne*, „Roczniki filozoficzne" 18(1970), z. 2, pp. 53-59. See also J. Grondelski, *Nature and Natural Law in the Pre-Pontifical Thought of John Paul II*, "Angelicum" 72(1995), pp. 519-539. On its implications for moral norms, see A. Szostek, *Natura, rozum, wolność. Filozoficzna analiza koncepcji twórczego rozumu we współczesnej teologii moralnej*, Lublin 1990.

[19] Paradoxically, it is the revisionist project that in fact opposes nature to person, doing harm to the latter by denying the former. The personalistic dimension of attacks on human nature represented by artificial means of reproduction have been best spelled out in the Congregation for the Doctrine of the Faith's 1987 Instruction on Respect for Human Life in Its Origin and on the Dignity of Procreation *Donum vitae*, especially Part II ("Interventions Upon Human Procreation").

[20] Richard J. Neuhaus first raised the question of the banishment of religious values from public life in his seminal work, *The Naked Public Square: Religion and Democracy in America*, Grand Rapids 1984. See also J. Głodek, *Nagie forum. Religia w amerykańskiej przestrzeni publicznej według Richarda Johna Neuhausa*, Poznań 2014.

[21] Z. Stawrowski, *The Clash of Civilizations or Civil War*, Kraków 2013, p. 64.

In the United States, for example, this means a radically individualistic "right to privacy" which denies any social interest in how children come (or do not come) into the world, regardless of the fact that it is precisely through children that society exists and renews itself. In the name of individualistic "rights," U.S. society generally takes a "hands-off" approach to artificial reproductive technologies, leading to what Lahl in her documentaries calls America's "Wild West" when it comes to surrogate parenting.[22]

In this ethic and anthropology built on will and intention *contra naturam*, the sexual differentiation that is biologically essential for the creation of a child is not taken as a humane and normative requirement of the child's best interests (nor of the Creator's intent and design for human reproduction) but merely as a physical barrier that technology can and should overcome. Indeed, it has even been argued that society should facilitate the disconnect of procreation from sexual differentiation lest, e.g., homosexual "couples" be discriminated against and denied some putative "civil right" to "have" children. Nature and biology, far from becoming normative, instead are regarded as discriminatory barriers.

Those who defend ART generally do not participate in the philosophical debate over the dualist, Cartesian, and individualist anthropologies and ethics that underlie those technologies. Nor do they generally admit any baneful social consequences stemming from the disembodiment of parenthood. They would like to contend that it is only secrecy which harms children; if only children are told the full truth of their "conception stories," they will undoubtedly adjust. That same adult rationalization was employed in the United States thirty years ago, when society was assured that children were "resilient enough" to prefer divorced parents rather than parents who "stayed together for the kids".[23] The explosion of the divorce culture, the decline of marriage (especially among the working and lower-middle classes), and the trail of broken homes suggests that "adult wishin' don't make it so".[24]

The strong biological quest of children to identify, know, and be with their biological parents argues strongly against techniques designed to achieve adults'

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[22] In what may augur a European trend toward similar non-regulation, the Italian Constitutional Court in April 2014 declared that country's ban on use of donor gametes to produce life to be unconstitutional: see N. O'Leary, *Italian Court Overturns Divisive Ban on Donor Sperm, Eggs*, "Reuters" April 9, 2014, available at: http://www.reuters.com/article/2014/04/09/us-italy-fertility-idUSBREA381BG20140409 [accessed July 16, 2014, 15:00 UTC]. See also M. Day, *Italy Drops Ban on Infertile Couples Using Donated Eggs or Sperm*, "BMJ" [formerly *British Medical Journal*], 2014:348;g2722, available at:

http://www.bmj.com/content/348/bmj.g2722 [accessed July 16, 2014, 15:15 UTC].

[23] See, on the contrary, most of the writings of J. Wallerstein *et al.*, e.g., *Surviving the Breakup: How Children and Parents Cope with Divorce*, New York 1980, and *Second Chances: Men, Women, and Children a Decade after Divorce*, New York 1989.

[24] See J.M. Grondelski, *Divorce in America: Reflections on the "National Marriage Project"*, "Forum Teologiczne" 13(2012), pp. 139-53.

desires at children's expense. This phenomenon is clear among adoptive children who, almost always, seek to discover their "real parents." They do that despite the love of the parents who adopted them and the fact that their circumstances as orphans came about tragically. Deliberately to set about making orphans bereft of a biological parent(s) and families in order to satisfy the desires of the (usually well-heeled) infertile adult speaks only of adult power and adult barbarism.[25]

Nor should it be forgotten that, although ART is often advertised as a "solution" to infertility problems of married heterosexual couples (even though it does nothing to address the infertility *qua* pathology), ART has nothing inherently to do with marriage or the sexual differentiation of its users.[26] Nothing about ART inherently prevents its use by singles and homosexuals to "have" children. The parallel to contraception is instructive: contraceptive intercourse was initially promoted – at starting among Protestants with the 1930 Lambeth Conference and in certain circles among Catholics in the 1960[s] – as a "responsible" course of action for married couples with children who did not want more children, only to become the means that practically facilitated the divorce of sex from marriage. That "modest exception" eventually consumed the rule. Likewise, while ART may have initially been a "solution" to the infertile couple, it can just as easily serve the paying single or homosexual. Whether society judges that children should be raised in single or homosexual households is another question. The record of social pathology stemming from single parenthood already suggests one answer. There can probably be no doubt that if homosexual "marriage" is considered a "civil right", then acquiring and raising children will likely be the next "civil right".[27]

What is most tragic is that, as regards ART and their uses, the genuine interests of children are ignored. To those who would argue that we lack evidence that today's "new family forms" are baneful for children, the author would argue: one can only have the kind of evidence that the interlocutor will entertain by willingly experimenting with children to see whether what damage might ensue. But that posture in itself is immoral: if one might cause someone harm and is still willing to do so, one intends that harm. But the first principle of good ethics is *primum non nocere* – "first, do no harm." So, the effort to divorce biology from parenthood is at least predicated on being willing to do harm to real

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[25] Zbigniew Stawrowski rightly calls "sleek barbarians" (pp. 67-80) and "a new race of 'Huns'" (p. 16) those who advocate changes in public policy – as in the case of artificial reproduction – which in fact lead to "a tendency to legally protect only those, who have enough strength to protect themselves." *Clash of Civilizations*, p. 21.

[26] William May repeatedly makes this point in connection with artificial reproduction, e.g., in R. Lawler, J. Boyle, W. May, *Catholic Sexual Ethics: A Summary, Explanation and Defense*, Huntington 1998, 2[nd] ed.

[27] Cf. Z. Stawrowski, *Clash of Civilizations*, op.cit, pp. 19-21.

children for the desiderata of adults. Perhaps the first step lies in at least admitting that.[28]

A more systematic presentation of the moral issues posed by the rapid development of artificial reproductive technologies would require far more space than this article allows. In how he has selectively outlined the content of these three films, however, the author has tried to select themes identified by the experience of those who have had involvement with surrogacy or gamete donation in order to highlight how what these people say about their experiences gives concrete, existential expression to reservations Catholic moral theology has expressed in more abstract language about artificial reproductive technologies. Their experiences – of loss of identity, of feeling humanly unrooted, of feeling and being exploited, of being reduced from a person to a "service" provider, of being physically and psychologically endangered – concretely embody what Catholic theology is saying when it speaks about respect for the person and his nature, love of the person, treating the other as a person to be loved, not an object to be used, etc. The value of these films lies specifically in showing how the interviewees, through their "on the ground" experience, give voice to and corroborate the rectitude of Catholic moral theology's general rejection of these artificial reproductive technologies, precisely in the name of human values and dignity.

SUMMARY

Artificial reproductive technologies such as sperm and egg donation, in vitro fertilization, and surrogate motherhood all in principle separate the family from its biological foundation. These technologies enable and promote contemporary social trends that disconnect the family from its biological basis and claim that a family is constituted by an act of will, irrespective of biology. The article discusses three recent documentary films made by American Center for Bioethics and Culture, which consist of interviews with children born from sperm donation and women involved in egg donation and surrogate motherhood, to identify how the biological understanding of parenthood is undermined by these technologies and the ethical and anthropological consequences that follow. The author concludes that these technologies are also in principle available to single persons and to homosexuals to enable them to "have" children. He warns that potential and real deleterious effects of such behavior will be satisfying adults' whims by children.

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[28] Undoubtedly, advocates of ART and "new family forms" will retort, as does psychologist Joseph Taravella in "Breeders," that "a family is love," not biology. The philosophical anthropology of Karol Wojtyła would be particularly useful in demonstrating that true love in a family does not – and cannot – ignore the existential meaning of the sexual urge and cannot pretend that biology is insignificant, but that is a task for another paper. William May, in numerous places, specifically scores as immoral ever using children for experimental purposes (which obviously should include social experiments): see, e.g., his *Human Existence, Medicine, and Ethics: Reflections on Human Life*, Chicago 1977.

Keywords

family, reproductive technology, artificial insemination, ovum donation, surrogate motherhood

STRESZCZENIE

Sztuczne technologie reprodukcyjne, np. dostarczanie spermy czy jajeczka, zapłodnienie *in vitro* i zastępcze macierzyństwo, oddalają rodzinę od jej biologicznych zadań. Techniki te umożliwiają i promują współczesne trendy społeczne, które prowadzą do oddzielenia rodziny od jej biologicznych podstaw. W związku z tym może wydawać się, że rodzina powstaje na mocy aktu woli dojrzałego człowieka, nieuwzględniającego biologii. Niniejszy artykuł rozważa trzy najnowsze filmy dokumentalne wykonane przez amerykańskie Centrum Bioetyki i Kultury, na które składają się wywiady z dziećmi zrodzonymi z ofiarowanej spermy oraz z kobietami, które dostarczały jaja i podjęły zastępcze macierzyństwo. Celem artykułu jest ukazanie, w jakim stopniu biologiczne pojęcie rodzicielstwa jest podważane przez te technologie, a także zaprezentowanie ich etycznych oraz antropologicznych konsekwencji. Autor kończy swój wywód, zaznaczając, że wspomniane technologie umożliwiają także osobom wolnym i homoseksualistom „posiadanie" dzieci oraz ostrzegając, że potencjalnymi i rzeczywistymi zgubnymi skutkami takich zachowań będzie spełnianie przez dzieci zachcianek dorosłych.

Słowa kluczowe

rodzina, technologia reprodukcyjna, sztuczne zapłodnienie, oferowanie jaja,
zastępcze macierzyństwo

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