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## Like a Motherless Child: Fetal Eggs and Families

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Although using fetal eggs or ovaries from aborted fetuses could help some women become pregnant, research directed toward this goal has raised a storm of controversy.<sup>1</sup> Yet within the overall context of promoting desired reproduction, making fetal materials available could have significant benefits. In particular, it could much reduce the burden on adult women of providing eggs for assisted reproduction. So this potential technology should be investigated for its own sake, and also because such inquiry might help us think through other possible future technologies.

Some will reject the use of fetal reproductive materials because of concerns about fetus' moral status, because of the alleged dehumanizing "manufacture" of children,<sup>2</sup> dismay at the instrumental use of female fetuses, or using genetic material that has not been subjected to evolutionary pressures.<sup>3</sup>

Additional objections may arise from concerns about family relationships. Specifically, using fetal eggs or ovaries<sup>4</sup> risks psychological harm to children by creating motherless children, makes fetuses parents without their consent, and distorts family relationships. This article will concentrate on these family issues.

### BACKGROUND ISSUES

Why is there a need for donor eggs at all? Some infertile women, especially older ones, are unlikely to conceive without them. Also, some women desire donor materials to protect their children from serious genetic diseases they carry. In addition, their use could help single men, older women, and same-sex couples have children.

Although some "spare" eggs are now available, they are in short supply. Fetal materials could be made available for general "adoption."<sup>5</sup> And, they could either be donated, or offered for sale. However, issues raised by paid donation (commercialization of body parts<sup>6</sup> and the possibility of pregnancies undertaken to sell fetal reproductive materials) will be set aside for another day.

### MOTHERLESS CHILDREN?

A key objection to the use of fetal eggs is possible psychological and emotional risk to resulting children. One typical worry is that "these children could be treated as lepers or pariahs," and, quite reasonably, it is argued that careful debate should precede any adoption of this technology.<sup>7</sup> In response, Susan Golombok

suggests that "it is not inconceivable that children who have been born from the eggs of a dead donor could cope with that information. Adopted children have to assimilate that they were born to someone who then gave them away."<sup>8</sup>

Although Golombek's comment is an appropriate stopper to those who imagine only gloom and doom arising from reproductive innovations, the logical possibility that children will cope is clearly insufficient grounds for going forward. Recent research indicates that children born of assisted reproduction are doing well psychologically, and that what wreaks emotional havoc is a lack of trust generated by inappropriate secrecy about how a child was created, not the technical details of conception.<sup>9</sup>

While this may be true in general, there are — of course — no children yet born of this particular technology to study. So, we need to create a picture of how it might work from bits and pieces of other situations.

First, there have always been children whose biological or social mothers were not the same woman, as many women have died giving birth, or while their children were very young. Some of those children were mothered by stepmothers or female relatives. Others went to orphanages, and it may be that their experience might have had something in common with that of children born of fetal eggs. After all, for much of human history, few images and little or no genetically based health information would be available to their children. Still, those who remained close to home probably heard stories about their biological mothers, and could ask questions about them, unlike those in orphanages.

Another possibly relevant kind of case is postmortem pregnancy (PMP), where children are gestated for some period and then birthed by women who have died while pregnant. Although these children will likely see photographs, receive some health information, and therefore get some idea of their biological mothers, the "yuck" factor here is at least as significant as for children from fetal eggs. Many, especially feminists, are appalled by PMP, in part because of the coldly instrumental use of women's bodies, especially when they have not consented to their body's use to birth a child they had hoped and expected to mother. The media tend, nonetheless, to portray these cases favorably, modeling the attitude of "giving the kid a chance." It may be that the same would be true of the use of fetal eggs, despite consistently negative public opinion now. So this case may enlighten, despite the fact that the genetic mothers of children from fetal eggs never were "persons," and there is nothing to know about them.

Opponents of fetal egg use believe this lack would be devastating to a child's sense of identity, even though the situation doesn't seem all that different from egg donation in general. But what role does knowledge of your genetic forebears play in identity, really? Even a cursory look at this large issue casts doubt on the common view that children born of fetal eggs would necessarily be deprived of some important value.

We know that many adopted children urgently desire to know their biological parents. John Harris observes that knowledge about one's genetic roots could be of interest for two quite different reasons: "One is curiosity about who the individuals are or were whose genes I share what their stories were, how I came to be conceived, and so on. The second is concern about genetic traits that I may have inherited."<sup>10</sup> He rightly concludes that knowledge about medical matters is important, but the costs of recognizing a right to know one's genetic forebears could be "alarming," in part because significant numbers of children turn out not to be genetically related to their fathers. There may be good medical reasons in some cases for revealing this fact, but routine disclosure would "threaten the peace and harmony of very many families to no obvious purpose."<sup>11</sup> I concur, given the prevalence of domestic violence against women. In any case, this may become far less important as our ability to do genetic tests on individuals themselves lessens the need for genetic histories.

Does Harris's use of "curiosity" inappropriately ignore "identity"? And is the sometimes desperate search for biological connections mere curiosity, or is something more at stake? The most extreme versions of evolutionary psychology hold that our natures — personality, attitudes, interests — are largely genetically determined. Genetics obviously influence our development in important ways, but this claim is still questionable. Even if it were true, what follows? Suppose I learn that my mother (and her mother) had, like me, a violent temper? This approach seems to constitute an infinite explanatory regress — explaining nothing

much about me, as an independent individual. In any case, there are competing explanations: I could have acquired my temper by observing my mother's, and concluding that such behavior is okay, just as did my adopted sister. . . .

Moreover, siblings are often, of course, quite different, and families routinely liken them to older family members. But, going back in time, the number of ancestors multiplies rapidly, and the more ancestors there are, the easier it is to find people like oneself. In addition, it doesn't take many generations before we start encountering individuals with no more alleles in common with us than with any randomly selected human being.<sup>12</sup>

Plus, the world is immensely different than it was even a century ago. So, again, unless we are extreme biological determinists, it's not obvious what we know about ourselves by knowing more about our great-great-grandparents, great-grandparents or even grandparents, interesting as that information might be. The same is true of individuals who are adopted soon after birth into vastly different circumstances. Given all of these considerations, it is more plausible to seek our identities by exploring and tidying up our own attitudes, principles, and values, not simply seeking repetitions from past generations.

Why do we want to know more about our ancestors? And why is there ever-more emphasis on ethnicity and genetics? No doubt social science research on this issue would be informative. In the United States, it seems reasonable to suppose that it is at least, in part, a response to heavy-handed attempts to impose melting pot metaphors that ignore immigrants' ethnicity, language, or race. But one cannot discount ethnocentrism and racism either, and, more recently, the political and commercial possibilities that are inherent in highlighting biological links rather than environmental influences, that emphasize differences rather than commonalities.

How then might these issues play out in families in which children are born of fetal eggs? Answering this question requires us to contemplate the nature of parenthood, and the meaning of words like "mother" and "father." Beguiled by cultural ideals, we tend to forget that their meanings have always been less stable than we now sometimes imagine,<sup>13</sup> yet recent reproductive developments have truly shattered anything like conventional understandings of these terms. First, sperm donation split genetic and social fatherhood. Then, contract pregnancy ("surrogacy") forced us to distinguish between genetic mothers (supplying eggs), gestating mothers (carrying children), and social mothers (rearing them). Now we face still finer distinctions between women who supply eggs, women (or, potentially, men) who supply nuclear DNA, and women who supply mitochondrial DNA, and no doubt still further distinctions will be required in the future. Gay and lesbian families and single parents also force us to think about the prerequisites for social parenthood — whether, for example, a gay couple has one "mothering person"<sup>14</sup> or two, two fathers, or something in between.

These developments must themselves be placed in the context of the thoroughly contested — and politicized — concepts of parenthood and family. The "modern" family of sociological theory and historical convention has not reflected the reality of contemporary families for quite awhile.<sup>15</sup> The "modern" family has been overwhelmed by single-parent and blended families, childless couples (heterosexual and homosexual), extended working-class families,<sup>16</sup> and community (rather than genetically based) support groups among African-Americans.<sup>17</sup> Yet old assumptions and ideals — which never made sense in the past and certainly don't now, such as the supreme value of genetically related children — continue to dominate reproductive discourse.

As the socially constructed character of parenthood has become more apparent with the proliferation of new family forms, other possible candidates for grounding it have emerged. G. Fuscaldò, for example, suggests four possible criteria for parenthood: biology, convention, cause, and children's welfare.<sup>18</sup> He finds serious problems with each, and concludes, "perhaps it is time to relinquish the view that genetic, gestational, and social parenthood are competing positions. We could align the social facts with an acceptance of the new scientific facts — that a child can have many different parents."<sup>19</sup> Thomas Murray and G. Kaebnick go one step further and argue that mutuality (between parent and child) is central to parenthood, and thus childrearing is what matters most.<sup>20</sup>

Although these matters obviously require further thought, we urgently require guidance now, as new technologies and practices rapidly deconstruct the family. Fuscaldo, and Murray and Kaebnick point the way toward a plausible resolution of contemporary struggles over the nature of parenthood. Perhaps we should be conceiving of parenthood as shifting configurations of features and relationships that are now being considered in the literature, such as the intention to create a child, a genetic or other biological connection, a rearing role, the welfare of the child, and so on. These elements will, like Wittgensteinian family resemblances, reappear in various patterns, such that no particular feature is necessary or sufficient.<sup>21</sup> So sources of eggs, like fetuses, needn't be recognized as "mothers" at all, and rearing mothers can be "real" mothers, even without any genetic contribution

Useful as this framework might be for definitional purposes, moral argumentation still recognizes that some mother-making properties have greater moral weight than others. Thus Andrea Bonnicksen contends, "to speak of fetal 'motherhood' is to make shallow and undermine the meaning of 'mother'."<sup>22</sup> Perhaps she means to assert that there is some essence of motherhood, but her claim might instead imply that there is a moral ranking of mother-making properties, in which a decision must be made about *who* a particular child's mother is. These considerations help circumvent objections to fetal egg use because they make fetuses parents without their consent, and the use of fetal eggs within families is bound to confuse family relationships.<sup>23</sup>

If providing eggs doesn't necessarily make one a mother, then fetuses are not parents, and so consent is moot. Nor, if full parenthood requires no genetic connection, would the use of fetal eggs confuse family relationships: why wouldn't rearing women be mothers, their own mothers grandmothers, and so on? Even if one insisted on a role for genetics in family relationships, the moral primacy of rearing could be conceded, such that mothers of rearing women could still quite reasonably be "grandma," despite their somewhat more remote genetic relationship.

Sadly, discourse about the family is now so politicized that considerations such as these are getting lost in the shuffle, and promoting the use of fetal eggs might, after all, undermine the principle that individuals should not be made parents without their consent. Recognition of a right to control one's reproductive life is already spotty, and further erosion would constitute a critical loss of autonomy and welfare.

## CONCLUSION

Objections to using fetal eggs that are based on concerns about the family thus rest on fictions about families, and are therefore far less compelling than they might at first appear. Still, harm to children cannot be ruled out. Some believe that this potential needn't be an obstacle unless any resulting children would be so miserable they wished they'd never been born.<sup>24</sup> Others would resist the creation of any child who could be expected to suffer any harm. Neither position is all that appealing. The first espouses a moral minimalism that condones much unnecessary suffering; the second would prohibit far too many births. Clearly, we need to carve out some middle ground.<sup>25</sup>

To avoid the charge that bioethics simply puts out fires instead of preventing them, it is essential to question the most basic assumptions about reproduction. For without the intense pronatalism that lends such urgency to the quest for motherhood (or fatherhood) at almost any cost — and, in family donation, the geneticism that recruits women willing to become pregnant — one can hardly imagine anyone suggesting the use of fetal eggs.<sup>26</sup> The inability to have children now causes enormous suffering. But many, especially those who recognize pronatalism and geneticism as socially constructed desires, are inclined to dismiss that suffering, given that large numbers of children are in need of good homes and that North American children use a disproportionate share of world resources. Adoption — already second-best in many eyes — is more ethically problematic than one might think. Thus it is unfair to finger the infertile when the fertile could just as well adopt, too.<sup>27</sup>

Moreover, focusing on the infertile once again shifts attention from the underlying pronatalism and geneticism that drive risky new approaches to have children (and that create so many other harmful conse-

quences). Bioethics must make a focus on the nature and consequences of pronatalism and geneticism a priority. Otherwise, society will continue to chase ever more invasive and potentially problematic technologies designed to fulfill their imperatives.

Equally worrisome is the increasing commercialization of healthcare. Even if society rejects the commodification of fetal eggs, these eggs could still form the basis for lucrative clinical services that focus more on the bottom line than on patients' welfare.

Both of these factors — fulfilling the desires of those driven by pronatalism and geneticism to accept almost any proposed remedy, and the profit motive — already diminish the quality of reproductive care in the U.S.<sup>28</sup> By themselves, they do not constitute a decisive case against using fetal eggs (for they would justify the prohibition of other reproductive technologies as well), but they could tip the balance against the technology, were other objections shown to be sound.

### ACKNOWLEDGMENT

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### NOTES

1. Techniques for using fetal materials are still under development. However, it is important to evaluate developing technologies before they become available.

2. L. Kass, "Making Babies: The New Biology and the 'Old' Morality," in *The Future is Now: America Confronts the New Genetics*, ed. W. Kristol and E. Cohen (Lanham, Md.: Rowman and Littlefield, 2002), 54-60, 55.

3. J. Berkowitz, "Mummy Was a Fetus: Motherhood and Fetal Ovarian Transplantation," *Journal of Medical Ethics* 21, no. 5 (1995): 298-304, 298-9. Berkowitz believes there is no reason for this concern, and suggests that it might be beneficial to use eggs that have not been subjected to the environmental assaults that eggs maturing in grown women experience (see 298-99).

4. From here on out I will simply use "fetal eggs" to cover all uses of fetal materials.

5. For some concerns about "altruistic" reproductive services offered within families, see U. Narayan, "The 'Gift' of a Child: Commercial Surrogacy, Gift Surrogacy, and Motherhood," in *Expecting Trouble: Surrogacy, Fetal Abuse & New Reproductive Technologies*, ed. P. Boling (Boulder, Colo.: Westview Press, 1995), 177-201.

6. For a recent discussion of paid donation, see, for example, C. Cohen, "Selling Bits and Pieces of Humans to Make Babies: The Gift of the Magi Revisited," *Journal of Medicine and Philosophy* 24, no. 3 (1999): 288-306.

7. L. Dillner, "Use of Fetal Eggs for Infertility Treatment is Banned," *British Medical Journal* 309, no. 6950 (30 July 1994): 289.

8. *Ibid.*, 289.

9. See note 3 above, pp. 300-1; see also, S. Golombek, "Parenting and Secrecy Issues Related to Children of Assisted Reproduction," *Journal of Assisted Reproduction and Genetics* 14, no. 7 (1997): 375-7.

10. J. Harris, "Assisted Reproductive Technological Blunders (ARTBs)," *Journal of Medical Ethics* 29, no. 4 (August 2003): 205-6.

11. *Ibid.*, 206.

12. Assuming Harris is correct (that mothers share 99.95% of their alleles with their daughters, and that 99.90% of alleles are shared between any two randomly chosen humans), after fewer than five generations, on average, one would share the same amount of genetic material with her ancestor as with a perfect stranger. Jennifer Robbins, Assistant Professor of Biology, St. Mary's College of California, 31 July 2004, personal communication with the author.

13. See H.L. Nelson and J.L. Nelson, *Encyclopedia of Bioethics*, 2nd ed., p. 4.
14. See V. Held, "Non-Contractual Society," *Science, Morality, and Feminist Theory*, ed. M. Hanen and K. Nielsen, *Canadian Journal of Philosophy*, suppl. vol. 13 (1987): 111-37.
15. J. Stacey, "Backward toward the Postmodern Family: Reflections on Gender, Kinship, and Class in Silicon Valley," in *Rethinking the Family: Some Feminist Questions*, ed. B. Thorne and M. Yalom (Boston: North Eastern University Press, 1992), 91-118, 92.
16. Ibid.
17. Ibid.; R. Rapp, "Family and Class in Contemporary America: Notes toward an Understanding of Ideology," in *Rethinking the Family*, *ibid.*, 49-70; D. Roberts, "The Genetic Tie," *University of Chicago Law Review* 62, no. 1 (Winter 1995): 209-71.
18. G. Fuscaldò, "What Makes a Parent? It's Not Black or White," *Journal of Medical Ethics* 29, no. 2 (April 2003): 66-7, 66.
19. Ibid., p. 66.
20. T.H. Murray and G. E. Kaebnick, "Genetic Ties and Genetic Mixups," *Journal of Medical Ethics* 29, no. 2 (April 2003): 68-9, 68.
21. Wittgenstein recognized that in many cases seeking a word's essential core meaning will not help us understand the way it is used. Instead, he proposed an analogy with "family resemblances" such that it may be appropriately applied to a set of cases sharing no such single characteristic. A. Biletzki and A. Matar, "Ludwig Wittgenstein," *The Stanford Encyclopedia of Philosophy (Summer 2005 Edition)*, edited by E.N. Zalta, <http://plato.stanford.edu/archives/sum2005/entries/wittgenstein/>
22. A.L. Bonnicksen, "Fetal Motherhood: Toward a Compulsion to Generate Lives?" *Cambridge Quarterly of Healthcare Ethics* 6 (1997): 19-30.
23. Ibid., p. 24.
24. See Parfit, who regrets reaching this conclusion, and Robertson, who thinks it is reasonable. D. Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1985) and J. Robertson, *Children of Choice: Freedom and the New Reproductive Technologies* (Princeton, N.J.: Princeton University Press, 1994): 75-6. For discussion of Robertson's inconsistencies on this issue, see L.M. Purdy, "Children of Choice: Whose Children? At What Cost?" *Washington and Lee Law Review* 52, no. 1 (1995): 197-224.
25. There is now a substantial literature on this topic; see e.g., D. Davis, "Genetic Dilemmas and the Child's Right to an Open Future," *Hastings Center Report* 27, no. 2 (1997): 7-15; L.M. Purdy, "Loving Future People," *Reproducing Persons: Issues in Feminist Bioethics* (Ithaca, N.Y.: Cornell University Press, 1996), 50-74; C.B. Cohen, "'Give Me Children or I Shall Die!' New Reproductive Technologies and Harm to Children," *Hastings Center Report* 26, no. 2 (1996): 19-27; and B. Steinbock and R. McClamrock, "When is Birth Unfair to the Child?" *Hastings Center Report* 24, no. 6 (November-December 1994): 15-21.
26. For a recent treatment of this topic, see S.J. Douglas and M.W. Michaels, *The Mommy Myth: The Idealization of Motherhood and How It Has Undermined Women* (New York: Free Press, 2004); see also D.T. Meyers, "The Rush to Motherhood: Pronatalist Discourse and Women's Autonomy," *Signs* 26, no. 3: 735-73. For further discussion of need, see note 2 above.
27. See "Another Look at Contract Pregnancy," in *Reproducing Persons: Issues in Feminist Bioethics* (Ithaca, N.Y.: Cornell University Press, 1996).
28. Of course, the latter factor affects all healthcare in the U.S.