

# WOMBS for RENT

*Scientists argue that the surrogacy debate has been sensationalised. Janet Wright responds that 'baby-selling' is simply an accurate description of a horribly sensational reality. Women's wombs are up for rent, and scientists are playing the landlords. She scrutinises the government's draft report.*

**I**f truth is the first casualty of war, the English language is the first casualty of dishonest intention - especially by scientists. The CIA, for example, tends not to kill people, though someone it doesn't like may be "terminated with extreme prejudice". Scientists are prime offenders with language designed not only to mystify and intimidate but to hide ugly realities: "terminate" is vivisectionists' jargon. Women on in-vitro fertilisation programs who find they are expecting sextuplets may be offered not selective abortion but "pregnancy reduction".

Language is an early casualty of the National Bioethics Consultative Committee (NBCC) draft report on surrogacy, and the ethics don't look too healthy either.

What do we call it if a woman becomes pregnant in order to give away her baby when it's born, either free of charge or in return for money? The reproductive technologists and their supporters including, apparently, the NBCC (which reports to the Social Security Minister), call it "surrogacy". Total surrogacy if the woman was implanted with

another woman's fertilised egg, partial surrogacy if she became pregnant using donated sperm.

Since a surrogate, according to the *Macquarie Dictionary*, is a deputy or substitute, the concept of being a partial surrogate is as nonsensical as, say, being nearly pregnant or slightly dead. "Total surrogacy" doesn't have much more going for it presuming, as it does, that providing original genetic material makes one a mother while nurturing an embryo in one's body and giving birth does not.

I'm unwilling to use the term "surrogacy" for this procedure, but since it's widely known by that name - already a victory for the baby trade advocates - I'll use it for convenience. Let's remain clear that the woman may be a surrogate wife, the scientists may be surrogate gods, but a woman is not the surrogate mother of the child she bears.

But if you start from the premise that a woman isn't necessarily the mother of the child she gives birth to, it becomes easier to break down public opposition to child-selling. It's not being sold, you see. It's being given to its rightful owners or "commissioning parents".

The concept has a long history both in theory (Plato considered the mother was simply a receptacle in which a man's child gestated) and in practice (the NBCC quotes biblical precedents for men fathering children on their



Graphic: Kerrie Leishman

*"The report quotes biblical precedents for men fathering children on their slaves to give to their infertile wives so that men could have legitimate heirs."*

slaves to give to their infertile wives so the men could have legitimate heirs). But it is generally condemned in 20th Century liberal democracies.

The NBCC co-opts legal terminology when it claims surrogacy is not child-selling. A child is not a piece of property, they say, therefore it cannot be sold. Nice principle, but faulty logic. It means the sale is illegal, not that it didn't happen. The sale of children is specifically outlawed under Australia's adoption laws but even so-called 'altruistic' surrogacy, in which the birth-mother does not receive payment, is on shaky legal ground, since adopting parents are meant to be chosen by social service agencies on the grounds of their suitability, not because the birth-mother has nominated them.

It's the same kind of word-game, with implicit attitudes towards the value of women and children, that made rape in marriage a legal impossibility until recently. Not because anyone thought it didn't happen, but because the law held that, just as a man could not steal what he already owned, intercourse with his wife could not be a rape. This is a particularly relevant example since one pro-surrogacy argument is that if the man of the 'commissioning' couple donated the sperm the child belongs to him anyway. So, just as the, er, thing with the pilots is not a dispute, the exchange of money for a baby is not a sale.

This ugly element of selling human beings is not the only disturbing aspect of the drive to legitimise surrogacy. It's just one of the best examples of obfuscation in the NBCC report and in most literature supporting this branch of

private enterprise. Supporters are at pains to convince us that the process is a benefit to all the adults involved - a much-wanted child for the commissioning couple and either an income or a warm inner glow for the birth-mother. The child itself is simply a product. In fact, the NBCC turns child welfare legislation on its head by proclaiming that the interests of the child are not paramount - a bold and shockingly honest statement.

It's no news that scientific language is used to mystify rather than enlighten. Elitist groups like to make their occupation seem much too difficult for ordinary people, hence the use of jargon in many areas. But mystifying language is particularly useful when one has something to hide, as in this case. "Commercial surrogacy" means the sale of children and "altruistic surrogacy" means the production of children to be given away.

Like all pro-surrogacy literature, the NBCC report claims to support women's right to use their bodies as they please. Other commentators have noted that the most vociferous supporters of our right to do harmful and degrading work for someone else's benefit tend to vanish when we're demanding, say, affirmative action or work-based child care.

There's no discussion of the pressures on women, either the emotional blackmail to have a child for an infertile relative or the far more common economic desperation that drives women to sell their children. Nor are the harmful after-effects even glanced at in the report despite plentiful documented evidence from the US where commercial sur-

rogacy is big business. Finally, the report mentions women who have given up their children for adoption (and suffered a phenomenal range of grief- or guilt-related traumas for decades after), only to dismiss the idea that anything similar would happen to women who conceive deliberately in order to give the child up. So much for the role of the woman as service-provider.

Public opinion worldwide seems to be strongly opposed to commercial surrogacy and, at best, dubious about the unpaid version. The scientists clearly need to win some support for continued public funding of their reproductive technology experiments since they have proved so colossally unsuccessful in creating children. (Less than 10% of women on in-vitro fertilisation programs give birth to a healthy child, and many of those women had already had children naturally.) But, in the absence of any real public demand, why is the NBCC rushing to promote "surrogacy"?

There's no hurry to have the law clarified since the practice is not widespread in Australia and, anyway, can easily be covered by existing adoption laws. The only urgency is if one is eager to reverse present trends and have it legalised. Which raises the question of whether the NBCC knew before looking at any evidence that it wanted surrogacy legalised. And, if so, why is this report being presented as an unbiased inquiry?

The writers of the report say they wish to promote uniform legislation, but their report is the first major note of discord, since all the states and territories have either passed or are considering laws against surrogacy (in keeping with the international trend). In fact, the report is riddled with inconsistencies, which is surprising when you look at the number of academic heavyweights involved.

Insisting that the woman is only a surrogate mother to her child, the report claims this does not make her a mere container, just as a kidney donor is not just a repository for bodily spare parts. The obvious difference is that people may not, in Australia, be paid for their blood or organs, nor can people grow kidneys specifically to sell or donate them. Are the authors suggesting we should be able to? They refer to the foetus' "gestation of choice", though they have the grace to put this in inverted commas. Whose choice are we talking about?

The report claims commercial surrogacy does not mean renting out one's womb or selling a child, since "a woman who agrees for payment to gestate a child for another may very well have altruistic motives even though she receives payment for her services". So may a plumber or grocer, but does that mean they're not selling their goods or services?

The report goes on to tie itself in even wilder knots: "The fact that a woman is paid for her gestatory services does not in itself imply she is selling her gestational functions." She's either paid for her labour or she isn't selling it, but the authors can't have both at once.

The report makes huge assumptions and presents them, without any backing, as fact. For example, the authors claim it is "paradoxical" to say it might be against a child's best interests to be brought into being. Why is this

paradoxical? Are we to presume any kind of existence is necessarily better than none? No answer.

In fact, there's at times an air of desperation about the report as it clutches at such verbal straws, or claims surrogacy should be legalised since people will do it anyway - an equally good argument for legalising shoplifting.

Members of the Association of Relinquishing Mothers (ARMS) and women who once worked as 'surrogates' have warned of the psychological consequences of giving up children, whether deliberately conceived or adopted out after an accidental pregnancy, and of adverse effects on the children. The results (documented by Robin Winkler in the early '80s) include grief that increases instead of fading over the years, inability to bond with other adults or with subsequent children, guilt, anxiety, excessive fear that any future children will die or suffer in some other way as "punishment" of the mother and even, ironically, infertility. The NBCC recommends legalising surrogacy in the absence of any evidence that it is harmful - ignoring the evidence of these women and of researchers into adoption.

Public policy on other breakthroughs such as new drugs is to keep them off the market until they can be proved harmless. Why, then, does the NBCC want surrogacy, considered to be a medical technique, allowed when, even according to the committee's own report, it has not been proved harmless? If, on the other hand, surrogacy is seen as a social issue, why does the NBCC wish to legalise something which is not being requested by any great number of people, and which is, indeed, widely disapproved of?

Our society at present accords women more dignity than to be used as containers, and it does not allow the sale of children, however hedged around by legal and scientific jargon. When did we reach a point at which it became acceptable to discuss the pros and cons of selling children, or of renting out one's reproductive system as a career option? Did it start when men were invited to 'donate' their sperm for a few dollars to cover travel expenses? Or when reproductive technology found ever more invasive surgery and powerful drugs to put the creation of human life into a laboratory technician's hands? Or when we allowed bioethicists such as Professor Max Charlesworth of the NBCC to say the question is not whether experiments could be carried out on human embryos, but only under what conditions they could be carried out? (From his Boyer Lecture, ABC Radio, Nov 12, 1989.) Subtle changes, always pushing the boundaries of what can be done to human beings.

Scientists and their supporters try to co-opt the English language by saying expressions like 'baby-selling' and 'rented womb' are tabloid-style sensationalism. Unfortunately, they seem like accurate descriptions of a horribly sensational reality.

*Let the Bioethics Committee know what you think:  
NBCC, Department of Community Services and  
Health, GPO Box 9848, Adelaide 5001.*

JANET WRIGHT is a freelance journalist.