

# CSBQ Discussion paper

*Approved for website, May 2002*

---

## SURROGATE MOTHERHOOD

“Now Sarai, Abram’s wife, had borne him no children. But she had an Egyptian maidservant named Hagar; so she said to Abram, “The Lord has kept me from having children. Go, sleep with my maidservant; perhaps I can build a family through her. Abram agreed to what Sarai said. So after Abram had been living in Canaan ten years, Sarai his wife took her Egyptian maidservant Hagar and gave her to her husband to be his wife. He slept with Hagar, and she conceived.” (Genesis 16:1-4, NIV ; polygamy was tolerated in Biblical times).

To many couples in Australia today the account of Abram, Sarai, Hagar and the baby Ishmael will have a familiar ring. Years of trying to conceive naturally, perhaps years more of trying with medical help, unable to find a baby to adopt, and finally the faint hope that another woman might make it possible to “build a family through her”.

As many as one in five couples of child-bearing age in Australia are involuntarily childless.

Assisted reproductive technology (including in-vitro fertilisation) can help many but not all, with the average live-birth rate per cycle of treatment being only 12%. For the woman who has no uterus and is unable to adopt a baby (in 1998-99, five Australian-born children were adopted in South Australia) finding a surrogate may appear her only way of becoming a mother.

At present our states’ laws do not permit surrogacy, and the Australian Capital Territory allows surrogacy where no money is involved. In 2000-01 there are likely to be moves in several states to have surrogacy accepted as lawful.

In the past 10 years about 30 Australian couples have gone to commercial surrogacy agencies in the USA and paid around \$A80,000 to bring home a baby. The Mother Goose agency in California advises that after a court declaration the baby can obtain both US and Australian passports within 7 days. US laws against discrimination allow that gay & lesbian couples or individuals can purchase a baby to rear as their own. Those who favour commercial surrogacy see it as a business transaction between consenting adults on an equal basis. I can see two problems with this view. Firstly, it treats a baby as a consumer good to be bought and sold – provided, as many surrogacy contracts stipulate, the baby is born without disease or defect. Secondly, women who rent their wombs often do so out of poverty. A woman is not exercising true freedom of choice when she prefers being exploited to being poor.

It can be difficult to define surrogacy, as there is a range of options. In its basic form, a woman called the surrogate agrees to conceive a child by artificial insemination and to surrender the child at birth to the couple who sought the agreement. Usually the husband will be the sperm donor, and he and his wife will rear the child as their own. Advances in science have introduced many possible variations. If the wife has ovaries but no uterus she may donate eggs to be fertilised

by her husband's sperm and the embryos can be transferred to the uterus of the surrogate mother. If necessary donor eggs or donor sperm can be used. It is possible for a child to have six parents – the genetic mother who provides the egg, the gestating mother who has the pregnancy, the social mother who rears the child, the genetic father who provides the sperm, the legal father (the husband of the woman who gives birth), and the social father who rears the child.

Some people compare surrogacy with adoption, but I believe there is a key difference. Adoption is a child-centred practice in which a couple take into their home and their hearts a baby already conceived or born. In contrast, surrogacy is an adult-centred practice in which a baby is deliberately conceived and born to be given away.

Doctors who favour surrogacy see it as an extension of existing reproductive technology. If an infertile couple come to them with a close relative or friend who has offered out of love to be their surrogate, they believe that the creation of a dearly wanted new life must be for the common good. They suggest that there is nothing wrong with procreating a child that one does not plan to parent, provided that those who will parent the child have the child's best interests at heart. When the Australian health and social welfare ministers met in 1991 they were inclined to allow non-commercial or altruistic surrogacy. They agreed that commercial surrogacy should be unlawful, advertising and procuring for the purposes of surrogacy should be an offence, and surrogacy contracts should be void and unenforceable.

Women may agree to serve as altruistic surrogate mothers because they wish to be seen as good, generous, loving people. However, within families there can be an element of emotional blackmail. In some ethnic groups the more a woman sacrifices herself the more she will be praised, regardless of how much she hurts herself in the process. A Christian woman describes her decision to be a surrogate as "providing the gift of life", which sounds commendable. And yet children are not items to be created in order to be given to others, as if they were a hand-knitted pullover.

The biblical norm is that a child ought to be the result of loving sexual union between wife and husband. Scripture teaches us that the family is to be held in high esteem, parents are to be honoured, the birth of a child is to be celebrated as a gift from God, and we may grieve if we are not able to bear children. However, our personal relationship with God through Christ is more important than child-bearing or child-rearing. Christians who are single or childless are of equal value in God's sight. Jesus opposed all forms of idolatry, whether of law or wealth or family – nothing must take the place of God.

The Warnock report to the British government in 1984 stated – "There is an implied attack on the value of parental relationships by the introduction of a third party into the process of procreation, there is a distortion of the relationship between the mother and the child in surrogacy, there is a difference between the single act of semen donation and the more intimate and personal role of gestation, and there is the degradation to the child who is 'bought' ". Australian ethicist Nicholas Tonti-Filippini writes similarly – "Surrogacy sets up a matrix in which no-one has that particular relationship to the child of being genetically, gestationally and as a

consequence socially related to the child. Parenthood is too hard a battle to entrust to any weaker form of bonding.”

Taking an overall view, does surrogate motherhood appear to be an arrangement that Lutherans can support? There are points for and against, but in my opinion the weight of the evidence leans against surrogate motherhood. Children are great gifts entrusted to us by God, but they are not gifts to be sought at any price. As seen through my spectacles, the potential costs look too high.