

Zachary may feel like Elton's motherless child

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"MASSIVE congratulations to David and Elton on having their beautiful son. Can't wait for my first cuddle."

So Tweeted Elizabeth Hurley on hearing that Elton John and his homosexual partner David Furnish had become parents to a healthy 3.6kg baby boy on Christmas Day.

While the sentiments are warm and reassuring, it seems to me the celebrity probably needed more than 140 characters to more accurately express the reality of the announcement. Or is it the case, as the Beatles song goes, that "All you need is love!"

One Australian who has given the issue of artificial reproductive technology careful thought is Margaret Somerville. Somerville teaches at McGill University in Canada. Earlier this year she presented a paper, "Children's Human Rights to Natural Biological Origins and Family Structure", at a symposium in Slovakia. Whether we care to debate the issues now or in future, her paper draws out some fundamental issues that will not go away. Indeed John, Furnish and their child, Zachary, have it all in front of them.

There are many issues, so let's concentrate on some key ones. For starters, will Zachary be provided with the identity of his biological parents? I do not mean the adults, in this case two males, who are going to rear him. I mean his biological parents. Before John and Furnish leave to return to England in a couple of weeks or so, the state of California will issue a certificate stating they are the parents of the boy. As a baby Zachary cannot speak, let alone ask questions. In a few years that will change. Who is my father? Will it be one of his dads or a third-party sperm donor? And who is my mother? This is where it gets complicated.

That will depend on whether the woman who gave birth to him provided the ovum or not. In what is referred to as a traditional surrogacy arrangement, the woman who gives birth also provides her own genetic material, that is, the ovum. Obviously, she is biologically connected to the child. A gestational surrogacy arrangement is different. In this case, the woman gestates an ovum that is not hers, leading to the birth of a child that has no biological connection to the surrogate mother.

Assuming Zachary was born via a gestational arrangement, he will sooner or later have questions. Where did I come from? Who provided the ovum that caused me to be? Was it given to my dads as a gift by somebody or was it selected to meet certain criteria, for example, height, eye and hair colour, looks, intelligence and emotional quotient scores? Top shelf ova available through Fertility Futures and Perfect Match

can set you back in excess of \$US10,000 (\$9800). And my half siblings? How many are there? What are their names and where do they live?

But perhaps the question that Zachary may ask himself time and time again is: Where is my mother? These may not be the first words he utters and no doubt he will have some carers who are female. However, there will come a time when the boy and indeed the man will surely want to know who his mother is, and where she is, notwithstanding the love and care his dads may provide.

On the question of the knowledge of the identity of one's biological parents it is important to listen to those who should know, the people born through ART. As the children first born through the use of these technologies reach adulthood they are expressing feelings of anxiety about having their biological roots tampered with. Anybody having doubts about what society is being complicit in should visit the website of the organisation Tangled Webs or read the research of the Commission on Parenthood's Future released in a report published in May this year entitled, "My Daddy's Name is Donor: A New Study of Young Adults Conceived through Sperm Donation".

Nobody has asserted that Zachary is a designer child. It has not been suggested that there has been an attempt to enhance the child one way or another using genetic technologies. It seems to me, though, that in cases where there has been the purchase of an ovum to meet a preordained set of criteria, it can be argued that this represents the rudimentary stage of a mindset that leads to designer babies. Reflecting on this, Somerville argues that genetic manipulation leads to the destruction of the essence of humanness, individually and collectively. Genetic manipulation interferes with the intrinsic being of a person, with their very self.

On the question of a child's right to both a mother and father we are told by some that society has moved on, progressed. We now live in an era of genderless parenting where function has prevailed over form. However, as Somerville notes, research is showing men and women parent differently. There is emerging evidence that certain genes in young mammals are activated by parental behaviour, for example in epigenetics, which studies the interaction of genes and environment. As Somerville says, science may well show that complementarity in parenting (having both a mother and father) does matter for children's wellbeing in ways we have not understood.

In Australia, the legal power to regulate surrogacy resides with state and territory legislatures. Most states and territories have moved to create surrogacy legislation; some more comprehensive than others. In all instances commercial surrogacy is outlawed. In simple terms, you cannot engage a woman to have your child on a fee for service basis. You may only reimburse her "reasonable costs" associated with the pregnancy and birth. In passing its legislation in November last year, the NSW parliament explicitly incorporated a provision that outlawed the practice of citizens residing in the state going overseas to enter into commercial surrogate arrangements to secure a child. Parliament determined that such arrangements clearly undermined the non-commercial principle that was a key feature of the law it was passing. Most other state and territory legislation does not contain such explicit prohibition of such overseas arrangements. In those jurisdictions it will be interesting to see how many couples and singles try the Californian or Indian option to obtain a child.

In the meantime, under the full gaze of a prying media and with the insatiable demands of the celebrity world, Zachary will inevitably reflect on the issues that have been mentioned, and more. There is much for him to consider and resolve in terms of the deepest of human questions. And perhaps he has more to ponder than most of us.

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