

New forms of parenthood & bioethics

Towards the recognition of "Additional persons"

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Context and motivations



France is leading a public bioethics debate about different Assisted Reproductive Technologies (ART) all along 2009 in which HES decided to step into:

Starting from the sociological infertility of same sex parents HES wanted to bring its vision of additional persons in the family history

→ Towards the notion of GIFT of PARENTING

❑ In France (1994 bioethics bill) a parental project is by essence: “a mother, a father, no more no less”

➤ The result is : gestational surrogacy is forbidden, gamete donor must be anonymous

❑ We gathered many studies and through a list of hearings we have developed our conviction that the child’s interest is to give a form of recognition of the additional person that helped to bring him/her to life

➤ The case of surrogate mother

➤ The case of gamete donor

❑ Finally we advocate for a new family project based on commitment

Gestational surrogacy



- ❑ Saying the “truth” to children born with gestational surrogacy happens in 80% of families¹
- ❑ Why talking about an additional person in the family story?
 1. Because of the surrogate mother’s motivations
 - ✓ Altruistic motivation – personal fulfillment – with a feeble personal investment towards the baby replaced by an investment towards the couple
 - ✓ Desire to become pregnant
 2. Because of inevitable links between surrogate mother and intentional parents
 - ➔ Erasing the existence of the surrogate mother is quasi impossible

1. Statistics presented in the European Society of Human Reproduction and Embryology (ESHRE) : Barcelona congress 2008

Gametes donation



- ❑ Saying the “truth” to children born with donor insemination happens in 40% of the family
- ❑ Some children (not all) claiming to access their biological origin
→ a question of identity not of denial of family feelings
- ❑ And if the “or” becomes a “and”
→ distinguishing between engendering and filiation

“the donor is not a parent: the meaning of his act is to make it possible or others to become parents. The filiation parent remains, by definition, the receiver of the donation, the one recognised by law. [...] The engendering act does imply no duty and no right towards the child but is nevertheless invested with a moral and social value. The point, actually, is to valorise the act of donation” (Serge Hefez)

A new family project based on commitment



- ❑ France is the kind of country that devoted itself to a discriminatory and pathogenic parental project model
 - With homoparentality still not fully recognized
 - An access to ART for lesbian and gays forbidden with the fake excuse that ART is restrained to “remedy an infertility”, when it is just to take charge of the desire of a child
 - Keep the family history in-the-making a secret (to do as “if”) with anonymous gamete donation

- ❑ On the contrary we call for a parental project based on commitment
 - For the idea that ART should be accessible to any adults who express their desire for a child and become a parent with a coherent family projet
 - Bringing the idea that fatherhoods are already like surrogate fatherhoods, that filiation is strengthened by time and love devoted to a child (“time of effort”)
 - For the idea that engendering donors must be recognized as persons and not as things (uterus or genetic material)

➔ promoting the **gift of parenting** and stepping away from the structuring secret of the “primitive scene, the scene of engendering

Some references...



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