

ARTIFICIAL REPRODUCTION, BLOOD RELATEDNESS, AND HUMAN IDENTITY*

I. INTRODUCTION

Developments in artificial reproduction (AR) enable the creation of human beings in ways that are impossible by natural begetting. The alienation of conception from sexual intercourse has led to a panoply of ways in which paternity and maternity, kinship and blood relatedness obtain. AR enables, amongst other things, posthumous conception, mass biological parenting, human cloning, and cross-species fertilisation. Such is the power of modern human biotechnology that a child may be conceived by a father long dead, and whose mother is not an adult at all but a human foetus. AR has implications not only for personhood, identity, and ancestry, but also for fraud and perjury, family and property law, inheritance, and intestacy. Above all, it has profound implications for the people conceived by these means.

Among arguments against AR are those that relate to family, kinship, and human identity (hereafter, identity arguments). These constitute a cluster of principles and reasons that suggest that kinship, origins, and biological connections are significant to human beings and indeed bear on their very definition as sons and daughters, siblings, kin, on their race, appearance, and medical inheritance. If kinship, origins, and biological connections are indeed significant, it may well be possible to create people in ways that threaten significant human bonds, human and familial solidarity, and the welfare of individuals and of society. This paper seeks to clarify certain doubts and questions about the significance of blood relatedness in the context of identity arguments about AR. It is common now to discover theorists arguing that identity arguments against AR are defective because all that could or should matter to people are social relationships and social ties. Alternatively it is argued that family, kinship, and human identity are essentially socially constructed and infinitely malleable. Accordingly there is no necessary significance to blood or biological re-

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relationships, kinship, or identity. It is with these and certain other challenges to identity arguments against AR that this paper is concerned. My conclusion will be that identity arguments are not so easily dismissed.

II. THE SIGNIFICANCE OF BLOOD RELATEDNESS

Central to identity arguments against AR is the idea that family relationships are important to people. They bear on their very identity and definition and often also upon their sense of self. These relationships may be social relationships, recognised by law or constituted by custom as, for example, with adoptive parenting, step-parenting, fostering, or other social parenting, or they may be biological or blood relationships which can affect one's race, medical inheritance (e.g., propensity to disease, longevity, etc.), natural physical appearance, lineage, kinship, legal marriageability (as with incest) and so on.

That relatedness, whether on the social level or the blood level, should matter to people is supported by empirical psychological and sociological evidence about adoption and, more controversially for our purposes, donor conception. There is a growing body of research that shows that biological or blood relations are significant to people and that people can suffer as the result of what has been referred to as "genealogical bewilderment."¹ Far from being a matter that can be buried in the name of ideological correctness, the truth about origins seems to continue to excite interest in people who have been separated from their blood relations from birth. Perhaps this is because one's biological identity is unchanging in a way that social identity is not. Alternatively, it may be because biological identity explains one's very existence, one's features, one's race, one's propensity to disease, in a way that one's social identity cannot.

There appear to be growing numbers of adopted people who wish to know the truth about their origins.² Likewise, despite the fact that the overwhelming majority of people born of donor conception do not know that they were so conceived, for those who do there appears to be, as with adoption, a growing insistence that there is a need and a right to know what are thought to be vital facts about the self. Of course, the fact that there is growing concern about biological origins does not of itself mean that such interest is justified. It may suggest, on the contrary, that people who show this interest suffer a kind of fixation that ought to be suppressed, perhaps by better education. I discuss this possibility later in the paper.

The significance of the blood bond is also suggested by much literature and art. For what is at stake is the understanding of one's very self. The inherited wealth of mankind includes legends, sacred texts, histories, stories, and portraits, that take for granted the significance of both social and blood bonds. Without labouring the point, it is impossible to understand Sophocles or Shakespeare, the Bible, the Mahabharata and Ramayana, the Icelandic Sagas, the subject matter of portraits in galleries and homes, and of burial sites, without understanding the significance of the blood bond. When Oedipus kills his father and marries his mother, it is the blood bond that makes sense of the tragedy. The Old Testament is replete with stories of the tribe. Joseph's forgiveness of his half brothers who sold him into slavery, Solomon's wisdom in determining the blood mother from the child-thief, are understood not by denial of the significance of the blood bond, but by a full exploration of its reality and meaning.

Among the reasons for believing that the blood bond is significant and contains moral and legal imperatives, are those relating to self-knowledge as distinct from self-delusion or fundamental mistakes about the self. In a recent paper, David Velleman argues that life's meaning is significantly influenced by biological ties.³ Knowing one's relatives and especially one's parents provides valuable self-knowledge in the "life-task of identity formation." He concludes that it is immoral to create children with the intention that they be alienated from their biological relatives. Velleman considers that genuine self-knowledge is, so to speak, knowledge about my family resemblance to myself . . . [and] includes information not only about how I look but also about my personal manner, my styles of thinking and feeling, my temperament, and so on."⁴ Onora O'Neill, too, defends a similar proposition when, in relation to human cloning, she suggests that there are irresponsible ways of bringing children into the world, ways that involve confusion and ambiguity for them.⁵

Article 7 paragraph 1 of the United Nations *Convention on the Rights of the Child* states that: "The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents." It is made plain that 'parents' means biological parents.⁶ Cases appearing in the courts now suggest that the desire to understand properly one's true identity, to find one's blood kin and, ideally, restore impaired social bonds with them, is a powerful one.⁷ It is becoming increasingly clear that deliberately depriving certain classes of people of

fundamental information about themselves, whilst recognising that right in the case of other classes, is unsustainable. In the United Kingdom, for example, in response to cases such as these, the government has agreed to the setting up (albeit by a non-government organisation) of a retrospective voluntary identity register. It is becoming apparent now that there is valuable knowledge to be had from these registers. People are indeed enjoying the relief of discovering their blood siblings, their fathers, and their biological families. Though the relief is genuine it does not, on several accounts, appear to conclude the quest for self-knowledge or heal the wound of initial separation from kin.⁸ The find appears to involve an ongoing process of self-discovery and the restoration of social bonds.⁹ In certain cases, the discovery has involved the realisation that the biological fathers have produced (at least) one hundred children.¹⁰ Needless to say, mass parenting creates an exponential increase in severed sibling relationships. Even in cases where there is not the complicating factor of mass parenting, it appears reunions are just the beginning of attempts to repair lost relationships.¹¹

It should be understood from the outset that the view that blood relationships bear on one's very identity does not commit one to the proposition that what is significant is *genetic information or information about DNA as such*. The uncomplicated language of blood is perhaps better suited to describing matters important to identity-formation that go beyond the purely scientific and technical. The language of genetics and biology has been so colonised by science that there is a tendency to regard it as solely the purview of technicians. But when a person scans the street for a possible glimpse of the father or siblings from whom she has been separated since conception, her search is not for DNA data as such. It is an uncomplicated search for her kith and kin. The business of identity-formation goes well beyond the mere acquisition of information that is purely scientific in character. Genetic information is at once necessary but insufficient for the process of self-understanding and the restoration of impaired bonds. An example may help to clarify this point.

The Twin-Father Example

Imagine an adult adopted as a child who is seeking out his father. Suppose he discovers that there is a match for paternity with X. He is elated but soon discovers that X is not his father but the twin of his father, Y. The discovery that X is not his father at all, but his uncle, will be a matter of great significance even though the DNA for both X and Y might

be the same. What the man in search of his blood identity desires is not merely *genetic information* of a certain kind but also the truth about the manner of his conception, the relation between his father and his natural mother, his kin, siblings, grandparents, aunts and uncles, and a great deal more. The truest form of understanding would be had in the spirit of unconditional mutual love and support.

What the example demonstrates is that it would be wrong to assume that the search for one's blood identity is reducible to a search for genetic data. Once it is assumed that genetic information is all that could conceivably be relevant to a person seeking out his blood relations, the search for DNA does in fact become an enigma. In what follows we see how this detached, quasi-scientific approach to the human person can prove an obstacle to a proper understanding of responsible procreation. It may explain the persistent failure of advocates of the fertility industry to take seriously identity and other concerns about AR. It is arguably this failure that gives rise to what are said to be the systematisation of lies, deception, and other forms of unfair discrimination¹² that characterise AR.

III. OTHER CRITIQUES OF AR DISTINGUISHED

Before proceeding it is important to set aside, for our purposes, a variety of other critiques of AR with which this paper is not primarily concerned. Identity critiques of AR are distinct from those based on *illicit dominion*.¹³ Briefly, this species of argument highlights the improper use of power involved in AR. So, for example, one persistent concern about AR is with the commoditization of activities and things that are not properly regarded as objects of ownership, capable of alienation, of use purely as a means (e.g., non-therapeutic experimentation and manipulation) and of destruction at will. On this view, the non-sexual creation of human beings, their mass storage, their cryo-preservation, their use purely as a means, and their destruction, expose a type of dominion that is not proper to human lives. In the same way that slavery demonstrates an illicit dominion over the life and fortune of the slave, AR and reproduction using non-sexual techniques suggest various degrees of control over the life and fortune of people so created. Whilst this control is not as evident in the case of people created using simple case IVF (where a person is born to his own parents, is raised by them and has no existing siblings

whether frozen or donated to other families), it becomes more evident in the case of people created by donor conception, posthumous conception, human cloning, multiple genetic parenting, or animal-human hybridisation. Acts, practices, and institutions may undermine equality of dignity, respect for the self and others, as well as human solidarity between the powerful and the weak.

Identity critiques of AR are distinguished from arguments from *conjugal meaning*.¹⁴ These arguments analyse the good of sexuality, the meaning of marriage and the family, and the intrinsic connection between sex *qua* intimate human behaviour and procreation. On this view, responsible procreation is not merely a matter of human desire, however great or sincere, but also what accords with the objective and true nature of the human person. The meeting of sperm and ovum is not all there is to responsible human procreation. The union of sperm and ovum in the context of rape, for example, is not the expression or fruit of love and commitment of spouses. These are goods not only for the parties to the relationship but for the children so conceived and the adults they become. Arguments from conjugal meaning have far-reaching consequences, not just for AR, but also for sexual ethics more generally. They bear on illegitimacy and the ethics of rape, incest, bestiality, and other sexual behaviour. Note that both arguments—based on illicit dominion and conjugal meaning—touch on identity concerns about AR because they also concern the way people born of the new reproductive technologies identify and understand themselves. A human clone might complain of illicit dominion over his life and fortune by acts performed before she even existed. A person created by donor insemination might also believe the clinical, yet masturbatory nature of her father's contribution to her existence is unsatisfactory.¹⁵ Although arguments from conjugal meaning and illicit dominion are important to a fuller understanding of the issues, I will, for the sake of brevity, leave them to one side and refer to them only insofar as they bear directly on questions of family, kinship, and human identity.

IV. THE SIGNIFICANCE OF BLOOD RELATEDNESS IN THE CONTEXT OF AR

Identity arguments often inform moral debate about human activities generally even though they may have significance in the more specific

context of AR. There may be controversy about whether, for example, a man should be permitted to marry his mother-in-law to whom he is not related by blood, or whether restrictions on individual liberty should be lifted to permit consenting adult blood-siblings to marry and raise a family. Concerns about identity, kinship, and ancestry also inform debates about AR specifically.

Central to identity arguments against AR is the idea that techniques and processes may alienate blood parents from their offspring, siblings one from another, aunts and uncles from nieces and nephews, grandparents from the offspring of their young, and so on. Alienation may involve loss and grief, or a life of self denial for those separated or compromised. It also, in turn, may involve a failure of responsibility by those who deliberately, intentionally, and knowingly abandon or compromise the lives of those they should properly love and support. Whether and to what extent techniques and processes do alienate people, damage relationships, families and indeed the common good, depends largely upon the techniques or processes in question.

The new reproductive technologies suggest a wide spectrum of potential loss of self-understanding, alienation, and damage to relationships. Kinship problems for the person created *in vitro*, who is born to his own blood parents, raised by them and without any existing siblings donated to other families¹⁶ (simple-case IVF) are, all things being equal, likely to be less than they are for those people who have been created by donor gametes. The losses entailed by being created by cloning or, once the techniques are perfected, cross-species fertilisation, are bound to be greater still. In the extreme case of the animal/human hybrid, not only would the "person" be created non-sexually, it would be alienated from the species to which it owes its very existence, possibly also losing one or both of its biological parents and having little in common with its social parents.

If identity arguments are right, there are a variety of ways in which the new reproductive technologies can create identity-related problems for people, thereby compromising also the common good.¹⁷ In the debate about human cloning, for example, it is often pointed out that human clones created by cell-nuclear transfer would not have any ordinary human genealogy. A clone would have no ordinary mother or father at all, since clones are not the result of the meeting of sperm and ova. Supposing that a clone were to be brought up by the woman whose clone she is, her mother would also be her genetic twin-sister, and the closest thing she would have

to a father would be the man who fathered her mother. Her grandparents would be her genetic parents, too. Her uncles and aunts would be her genetic brothers and sisters. All this would be the case because she was the genetic replica of another person. Her identity, paternity, kinship, and ancestry would have been scrambled. Moreover, the intergenerational scrambling would have been performed knowingly and deliberately.

In cases in which the commissioning party clones her own parents, the commissioning party would be rearing the genetic replica of the child's social grandparents. The variations, and thus the complexities, thrust upon the resulting offspring are legion. The human cone would in certain ways be like those conceived naturally, but in important ways not like them at all. Distinct and alien, with few, if any, who understood her plight, the clone would face a future of profound loss—loss of parents, of ordinary kin, of generational separateness and integrity, and radical dissonance between the worlds of social and blood kinship.

Add to this the fact that this type of cloning raises the possibility that a person so created would have been made precisely as a multiple of an already-known person, and the clone would be subject to rigorous social expectations. Domination and control of the cloned person's future would have been built into her very selection from the outset. In diverse ways, then, ranging from those relating to a clone's loss of blood parents, kin, and ancestry, to those relating to the predetermination of her future and individuality by intentional and deliberate acts undertaken before she ever existed, cloning challenges responsible procreation. It would involve entirely avoidable loss, alienation, ambiguity, and confusion. Like incest, it would suggest the need for prohibitions.¹⁸

In similar ways, what is now termed 'posthumous conception' raises a plethora of identity questions. Conceiving a child, whether by artificial insemination or by IVF after the death of the parent or gamete-provider, has significant consequences for notions of marriage, paternity, and inheritance. It also has significant implications for the child so conceived. Not only is the child not conceived by a sexual act, but he or she is conceived of the dead, acting through living agents. Permitting children to be created by the gametes of dead parents severs the link offspring have with the world of the living, and places parenthood squarely in the realm of the dead. Whilst this might suit people wishing to produce children by means of people who have died, the technique necessarily alienates the resulting

person from one of his parents as living, acting human beings. Not only is the child deliberately created after the death of its parent in full knowledge that he or she will be deprived of the love and support of that parent, this 'activity of the dead' mimics procreation by living men and women.¹⁹ Once reproduction is open to the dead acting through third parties, children may be born to people of generations long deceased with all the implications for inter-generational loss that such conception implies.

Recent developments in AR suggest that children may be created bearing the genes of multiple parents.²⁰ As with human cloning, this is bound to have repercussions for the identity and blood kinship of the people so created. If inter-generational loss and confusion is embedded in cloning, posthumous conception, and multiple genetic parenting, then the creation of animal-humans and certain kinds of chimeras²¹ suggests the possibility of further loss, disconnectedness and alienation from one's very species.²² If we suppose that such a creature were capable of self-understanding in the way that humans are, its partial removal from the realm of humanity by acts undertaken before it was conceived, or shortly after, must suggest novel forms of loss and sources of grief. Practical objections, such as that animal-human hybridisation is currently illegal, do nothing to undermine the idea that such creatures would suffer as the result of their origins.²³

V. OBJECTIONS TO IDENTITY ARGUMENTS

It is often claimed that identity arguments against AR are defective because all that can or should matter to people are social relationships and social ties. Accordingly there is no necessary significance to blood or biological relationships, kinship or identity. There are those such as John Robertson who deny that identity arguments have any genuine role to play in, for example, the debate about human cloning. He argues that "[c]oncerns about kinship and lineage provide no compelling basis for overriding a married couple's or an individual's wishes to use different forms of cloning to form a family."²⁴ Likewise, John Harris, arguing that it is "very difficult even to understand what is allegedly at stake here," rejects the European Parliament's reasons against human cloning for live birth. One argument he uses is the argument from natural twinning. Natural twins are not unique so why not clone whether by embryo division or by cell nuclear transfer,

where the child is a genetic replica of a known individual?²⁵ For reasons of brevity, the argument from natural twinning must be put to one side because it does not immediately bear directly on questions at issue regarding family, kinship, and blood relatedness.²⁶ But John Harris also undertakes a frontal assault on identity arguments when he rejects the idea that the clone by cell nuclear transfer would suffer loss of his own blood kin, of generational integrity and continuity, as well as radical fracturing of his blood relationships.

1. Harris's War-windows Objection

Harris dismisses identity arguments against cloning by cell nuclear transfer by disparaging the "right to have two parents." Conflating cloning *qua* asexual reproduction, with social separation of children from their blood parents by necessity of war, Harris asserts (controversially, it should be added), that "there is no significant evidence of any enduring harm from the violation of this supposed right."²⁷ Comparing war widows with commissioning parties to a contract to create a human clone by cell nuclear transfer, he says, "war widows throughout the world would find the assertion (of a right to two parents) highly offensive."²⁸ Harris's argument proceeds in the following way. Children of war widows throughout the world suffer no enduring harm by the unintentional absence of or separation from their fathers. So, by analogy, a child intentionally created by human cloning will suffer no enduring harm by being created asexually (without sperm and egg uniting) and thus without its own biological father and mother, biological aunts and uncles, etc., and as the replica of a known individual.

The analogy fails on several counts. The child of the war widow is not deliberately and avoidably deprived of its father. Part of the reason separation from blood parents is tolerated is precisely because it is not systematised or aimed at. Accordingly, an Offspring Warehouse, where children were donated to other people would not be tolerated—precisely because part of its object would be the deliberate, avoidable and systematised separation of children from their kin.²⁹

Again, the child of the war-widow is not created non-sexually by clinical means. Nor is it created asexually. It is not bereft of its own blood parents. It has blood parents but loses its father to the war effort. It is not dependent upon a prototype for its blood ties and kinship. It is not created

as a genetic replica of a known individual. In short, Harris's war-widow analogy is defective.

Further, it is simply questionable that war-widows and their children would agree that the loss of their husband and father respectively did not constitute an enduring source of pain and anguish to them, affecting them in ways they could not have foreseen at the time of the bereavement. There is simply no evidence that Harris's assertion is true and much to suggest that it is actually false.³⁰

It is often argued, more generally, that because many people overcome the loss of or separation from their blood relations, identity arguments are false. People can and do cope with the fact of having unknown and absent relatives, with ignorance of their race or medical inheritance. Likewise it is argued that many people cope admirably with the loss of their blood family and relatives and so there can be no compelling reason to believe that people should feel aggrieved when this is brought about deliberately in AR.

This argument fails for a number of reasons, first, because it compares cases that are unlike. *Ceteris paribus* impaired blood relationships and separation from one's blood kin deprive one precisely of the knowledge, love, and support that is beneficial for human beings. To compare exceptional cases in which people overcome loss and separation with deprivation brought about by, say, donor conception, or posthumous conception, or human cloning, is akin to comparing cases in which people overcome the loss of their eyesight and thereby conclude that a person is not wronged by being deliberately blinded.³¹ The failure to take account of *ceteris paribus* limitations also characterises Harris's more specific war-widows objection. All things being equal, people benefit from being able to see. That a blind man copes admirably without his sight poses no challenge to the general proposition. Likewise, people benefit from having been conceived of a loving, committed sexual relationship between a man and a woman who rear them and their siblings and against whom, day by day, they may come to understand themselves and their place in the world. The fact that in certain cases, circumstances force a loss of one or all of these factors in no way undermines the general proposition that people benefit from them. Further, to suggest that it is licit to bring about this state of affairs when it is altogether avoidable is not merely to misunderstand human needs and human flourishing, but it fundamentally misconstrues the nature of wrongdoing and culpability by focusing on consequences alone. There is

a distinction to be drawn between damage that is brought about by force of circumstance and damage that is deliberately brought about. Part of the problem with the war-widows objection, as indicated earlier, is that it fails to comprehend and explore this significant distinction.

John Robertson, too, issues a blanket denial that "kinship and lineage provide [any] compelling basis for overriding an individual's wishes to use different forms of cloning to form a family."³² But this is then contradicted by his recognition that:

Kinship issues are only marginally relevant when DNA of one's embryo or existing children is used. They are more relevant when the DNA of a third party is used, but the situation is similar to the kinship problems that arise with embryo donation. Cloning oneself or one's parent poses the greatest problems. In either case the expected psychological harm or conflict would not amount to a wrongful life for the resulting child, but the question whether either is so deviant from ordinary reproductive arrangements as to be perceived as beyond the pale of procreative liberty remains to be seen.³³

If individual desire were the touchstone of responsible procreation, as the blanket denial suggests, there would be no conceptual apparatus available to Robertson to reject as problematic cloning one's parent, for example. If he is to hold on to his supposition that there are such problems he must resort to some version of the proposition that there is significance in blood relatedness. But in this case individual desire cannot be the sole test of responsible procreation. Alternatively, he may retain his blanket denial and hold on to his principle of procreative liberty, but in that case he cannot reject as problematic cloning one's parent, a conclusion he appears to draw in another context. A person may wish to create people by incestuous relations, by mass human cloning, by cross-species fertilisation, in short by a variety of reproductive means. His desire gives the means no more legitimacy than reason allows.³⁴ And reason suggests that such means spell alienation, intergenerational confusion, and straightforward loss. They also have ramifications for customs and laws and thus wider implications for society and future generations.

2. Identity as a Social Construct

It is common now to discover a rejection of identity concerns about AR on grounds of what might be roughly understood as a version of cultural relativism. Accordingly, Peter Riviere,³⁵ commenting on the Warnock Report,

writes: "Perhaps one of the earliest lessons in social anthropology, is that genealogies are social and cultural constructs and not biological pedigrees."³⁶ He suggests that the role of social anthropology in the decision-making process surrounding the new reproductive technologies is to "help remove our cultural blinkers . . . so that then surrogate mothers might not appear to be the threat to civilisation that some people make them out to be."³⁷

Likewise, Marilyn Strathern writes:

To talk about kinship is to refer to the manner in which the social arrangements are based on [sic] and provide the cultural context for the natural processes. . . . in the case of kinship, what is at issue is the social construction of natural facts. At the same time, established critiques, including those from anthropology, make it evident that what are taken as natural facts are themselves social constructions.³⁸

Janet Carsten argues that new reproductive technologies "[f]ar from simply providing a means to essentialise genetics, . . . offer[s] various possibilities for transforming biology—by *coding it back to socioeconomic or cultural factors*."³⁹ Commenting on a London-based study of egg donors, she states that "instead of seeing themselves as providing unique, autonomous, and individualised genetic material, these women perceive themselves as donating body parts that are without inherent biogenetic properties."⁴⁰ Curiously, the question of biological parenting does not even enter into Carsten's discussion. What is regarded as noteworthy is the "unique, autonomous . . . genetic material" of the would-be biological mother and the central concern about maternity is sidestepped. She concludes that "[i]f we can manage to place side by side the ouija board and the Malay house, the sociality of anonymity and the Ecuadorean meal, or Tallensi personhood and organ donation in the United Kingdom, then we might be on the way to achieving a new kind of comparative understanding of kinship."⁴¹ Her new comparative understanding of kinship turns out to be one that is tolerant of the new reproductive technologies.

One principal concern with analyses such as these is that they rely on certain philosophical presuppositions of a permissive kind in relation to the emerging industry in new reproductive technologies. But this very permissiveness is itself normative. To say that a certain practice or belief prevails whether in Melanesia or in the United Kingdom in the later 20th century is not yet to justify that practice or ideology. To demonstrate

beyond reasonable doubt that human sacrifice prevailed amongst the Aztecs, that Nazi Germany was anti-Semitic, that certain societies practised ritual rape or female circumcision, or that Communist China practices forced sterilisation, does nothing to establish the rightness or wrongness of such beliefs or practices. It is this tendency to conflate what actually happens with what ought to happen that characterises much post-modernist social anthropology. Insofar as the post-modern anthropologist attempts to win legitimacy for certain practices by pointing to their existence or prevalence, his argument must count as a bad one. *A fortiori*, attempts to normalise surrogacy, donor conception, posthumous conception, human cloning, or hybridisation, by referring to the ideas of those who have used or seek to use the technology in question, go no way to establishing the rightness or wrongness of such activities. On the contrary, it tends to suggest bias in the post-modernist anthropological quest, a bias that gives voice to the interests of the beneficiaries of an emerging industry at the cost of those who, on a fuller philosophico-legal investigation, might well be regarded as its victims.

Meta-ethical cultural relativism offers the postmodernist social anthropologist no solace since it obliterates too much. If all practices and beliefs, including those relating to blood relations and kinship, are culturally relative and infinitely malleable, genocide, rape, baby buggery,⁴² and a raft of other activities at least arguably contrary to human rights (or the natural law) become simultaneously neutral facts about which there is no ethical truth. This may or may not be so.⁴³ I do not propose to defend the view that genocide and other offences involve a breach of fundamental unchanging natural law here. Suffice it to say that *if* one wishes to hold on to the view that this is true, then one had better abandon one's idea that there are no ethical truths. This introduces the real possibility that the cost of a theorist's post-modernism is co-operation and complicity in the face of systematic abuse (like genocide, or the implementation of abusive pro-creative techniques such as human cloning, etc.).

If concepts of parenthood, family, and kinship are not infinitely malleable or purely socially constructed, there are limits to what we can expect of people. Just as it may be improper to require a person not to grieve over a childhood lost to sexually gratifying adults, or to regard society's conservative constructs as the culprit in explaining his feelings of loss and wretchedness, it may well be improper to blame the victim of abusive pro-

creative techniques for his grief, separation, alienation, and anger.⁴⁴ If we wish to retain the idea that there are moral limits of the kinds outlined above, then we must abandon our supposition that all morality is a social construct. What this suggests, then, is that in certain circumstances re-education is itself illicit because it fails to recognise wrongdoing and indeed may compound it.

Cultural relativism is subject to various familiar objections, a discussion of which is beyond the remit of this paper. A fuller analysis would rehearse the arbitrariness of the standard and the degree of measurement used to identify any putative moral standard. Again there are arguments from self-defeatingness perhaps best summed up by Quine when he stated that the cultural relativist "cannot proclaim cultural relativism without rising above it, and he cannot rise above it without giving it up."⁴⁵

VI. CONCLUSION

Among arguments against AR are those that relate to family, kinship, and human identity. These are a variety of principles and reasons that suggest that family, origins, and biological connections matter to human beings, and bear on their very identity and definition. Once these principles are neglected it is possible to create people in ways that threaten significant human bonds, alienate people who are naturally related, and fragment families in ways that threaten human and familial solidarity, the welfare of individuals, and the common good. The new reproductive technologies introduce the possibility of practices that undermine human identity, family life, and the natural bonds of kinship that are central to a well-functioning society. The Twin Father example was designed to show that it is not merely DNA information that is significant to those undertaking the search for their blood kin. It also highlighted how and in what way facts about blood kinship have moral significance. Certain arguments calculated to challenge the assumption that people can be created in illicit or abusive ways have been examined and found wanting. Others *de facto* rely on the assumption that biological connections can have moral implications in order to protect certain other moral prohibitions that even they plausibly wish to retain. Still others, particularly those of a culturally relativistic nature either are so broad as to threaten the possibility of moral discourse or do nothing to justify the differing practices and beliefs they describe. The outright denial

that the blood bond does or should matter to people does not appear a sound rational footing on which to understand responsible procreation.

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NOTES

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1. H. J. Sants, "Genealogical Bewilderment in Children with Substitute Parents," *British Journal of Medical Psychology*, 37 (1964), 133–41. Sants popularised this term to describe the loss suffered by adopted children. It was this seminal work that in part led to the recognition that adopted children ought to be permitted access to their birth records. Birth certificates for donor offspring provide no facility for indicating that the person named is not biologically related to either or both parents.

2. U. Muller and B. Perry, "Adopted Persons' Search for and Contact with Their Birth Parents I: Who Searches and Why?," *Adoption Quarterly*, 4 (2001), 5–34; Rupert Rushbrooke, "The Proportion of People Who Have Received Their Birth Records in England and Wales," *Population Trends*, 104 (2001), 26–34.

3. David Velleman, "Family History," *Philosophical Papers*, 34 (2005), 357–78.

4. *Ibid.*, p. 357. See also: Leon R. Kass, "The Wisdom of Repugnance," *The New Republic* (2 June 1997), 17–26; Brenda Almond, "Family: Fact of Nature or Social Construct?" in *The Family in the Age of Biotechnology*, ed. C. Ulanowsky (Avebury, Aldershot, 1995); Rupert Rushbrooke, "Towards an Open Fertility Industry," *Journal of Fertility Counselling*, 6 (1999), 29–31, p. 30.

5. Onora O'Neill, *Autonomy and Trust in Bioethics* (Cambridge: Cambridge University Press, 2001), esp. 67–68.

6. *The Implementation Handbook for the Convention on the Rights of the Child* makes clear that 'parents' here means blood parents.

7. *R (on the application of Rose) v. Secretary for Health* [2002] 2 F.L.R. 962, [2002] E.W.H.C. (Admin.) 1593.

8. One donor-conceived adult who recently identified her father writes: "I do at least have a strong sense now of generational continuity and feel that I can see physical likenesses that have passed from my father. . . . I feel vindicated in my belief that much of my nature as opposed to my nurture has been inherited from my absent father." She goes on to add that "[b]y its very nature, donor conception distorts all the natural relationships which are fundamental to the essence of humanity": Christine Whipp, private correspondence.

9. Personal communication with donor-conceived adults who have recently discovered the identity of their fathers and who at this stage wish to remain anonymous.

10. See n. 9.

11. In one Australian case, a biological father, Michael Linden, has been reunited with his daughter Myfanwe Walker. Michael Linden, realising the implications of remote parenting, not just for Myfanwe but also for his own wife, Cornelia, and for his other kin, has become a well-known, respected and vociferous opponent of donor conception, regarding it a form of irresponsible parenting.

12. Limitations of space prohibit a fuller discussion of the possible discrimination practiced against people conceived of AR, such as affect their ability to access information about their parents, race, medical inheritance, and siblings. Their birth certificates fail to alert them to the fact that information they believe to be true about paternity is false. Again, whereas customers of AR are permitted to determine whether their children are told the truth about paternity on their birth certificates (*Human Fertilisation and Embryology [Deceased Fathers Act] 2003*), the same is not true for its products, the people born of AR themselves. Compare Section 4 of the *Perjury Act 1911* which makes it an offence to supply false information on a birth certificate.

13. For more on illicit dominion see: Jacqueline A. Laing and David S. Oderberg, "Artificial Reproduction, the 'Welfare Principle' and the Common Good," *Medical Law Review*, 13 (2005), 328–56.

14. J. M. Finnis, 'Personal Integrity, Sexual Morality and Responsible Parenthood,' *Anthropos*, 1 (1985), 43–55; Anthony Fisher, *IVF: The Critical Issues* (Melbourne: Collins, Dove, 1989); J. L. A. Garcia, "Human Cloning: Never and Why Not" in B. Mackinnon (ed.) *Human Cloning: Science Ethics and Public Policy* (Champaign, IL: University of Illinois Press, 2002); Leon R. Kass, "The Wisdom of Repugnance" (cited in n. 4, above).

15. "However, our biological fathers have never known, touched or loved our mothers," Joanna Rose, "From a 'Bundle of Joy' to a person with Sorrow: Disenfranchised Grief for the Donor-conceived Adult," Queensland University of Technology, available at <http://eprints.qut.edu.au/archive/00000737/>

16. This does not preclude the possibility of problems raised by the clinical and non-sexual nature of his origins. See Joanna Rose (cited in n. 15, above).

17. For more on the common good, see "Artificial Reproduction, the 'Welfare Principle' and the Common Good" (cited in n. 13, above).

18. *United Nations General Assembly, Declaration on Human Cloning*, 8 March 2005. Cloning both for live birth and for research is declared wrongful. Even the less prohibitive Article 11 of UNESCO's *Universal Declaration of the Human Genome and Human Rights*, states that, for example, "practices which are contrary to human dignity, such as reproductive cloning of human beings should not be permitted." Article 1.1 of the *Protocol of the Convention on Human Rights and Biomedicine on the Prohibition of Cloning Human Beings* states that; "any intervention seeking to create a human being genetically identical to another human being, whether living or dead is prohibited." The Preamble states that "The instrumentalisation of human beings is contrary to human dignity and thus constitutes a misuse of biology and medicine."

19. The pivotal British case on the subject of "posthumous" conception involved Diane Blood, who in the end bore her dead husband's children first two and then seven years after his death: *R. v. Human Fertilisation and Embryology Authority, ex p. DB* [1997] 2 All ER 687 (CA). Whilst the Blood children will know they were conceived non-sexually of a man years dead without his consent, they are in the relatively fortunate position of being able to know the identity of their dead father, as well as their grandparents, their aunts and uncles, their race and medical inheritance. Such need not be the case once procreative liberty is regarded as the sole test of responsible reproduction.

20. "Scientists win right to create human embryo with three genetic parents," *The Times*, 9 September 2005.

21. Stem-cell biologist, Irving Weissman, says he is thinking about making chimeric mice whose brains are 100 percent human. Commenting on his research, Rick Weiss writes: "He proposes keeping tabs on the mice as they develop. If the brains look as if they are taking on the distinctly human architecture—a development that could hint at a glimmer of humanness—they could be killed, he said. If they look as if they are organizing themselves in a mouse brain architecture, they could be used for research." (Rick Weiss, "Of Mice, Men and In-between," *Washington Post*, November 20, 2004.)

22. Julian Savulescu, "Human-Animal Transgenesis and Chimeras Might Be an Expression of Our Humanity," *American Journal of Bioethics*, 3 (2003), 22–25. Savulescu outlines some of the uses to which such creatures might be put.

23. There are, of course, other techniques such as surrogacy that further complicate maternity for the person created.

24. J. A. Robertson, "Liberty, Identity and Human Cloning," *Texas Law Review*, 76 (1998), 1371–1456, p. 1430.

25. John Harris, "Clones, Genes and Immortality" in *Ethics and the Genetic Revolution* (Oxford: Oxford University Press, 1998), pp. 32–33. See, also, Deryck Beyleveld and Roger Brownsword, *Human Dignity in Bioethics and Biolaw* (Oxford: Oxford University Press, 2001), pp. 159–60.

26. Suffice it to say here that natural twinning is sufficiently unlike cloning, whether by embryo division or by cell nuclear transfer, to warrant the general conclusion that uniqueness is irrelevant to human reproduction. This is not to say that arguments from loss of genetic uniqueness would not bear on a clone's sense of himself, far from it; simply that the scope of this analysis prohibits the broader discussion.

27. Cited in n. 25, above. Harris repeats a variation of this argument in *On Cloning*, (London: Routledge, 2004), p. 80.

28. *Ibid.*

29. For more on the Offspring-Warehouse argument see "Artificial Reproduction, the 'Welfare Principle' and the Common Good" (cited in n. 13, above). There is a significant distinction between damage that is done deliberately and systematically and that which happens by force of circumstance.

30. Even if we allow Harris's analogy, there is research to suggest that loss of a parent through divorce, albeit a more intentional form of separation, does have adverse consequences for children; Judith Wallerstein, Sandra Blakeslee, Julia Lewis, *The Unexpected Legacy of Divorce: A 25 Year Study* (New York: Hyperion, 2000); Bryan Rodgers and Jan Pryor, *Divorce and Separation: The Outcomes for Children* (York Publishing Services, 1998); Elizabeth Marquardt, *Between Two Worlds: The Inner Lives of Children of Divorce* (New York: Random House, 2005).

31. I am grateful to Joanna Rose for a variation on this analogy.

32. See n. 24 at p. 1430.

33. *Ibid.*

34. For more on procreative liberty, see "Artificial Reproduction, the 'Welfare Principle' and the Common Good" (cited in n. 13, above).

35. Peter Riviere, "Unscrambling Parenthood: The Warnock Report," *Anthropology Today*, 1 (1985) 2–7.

36. *Ibid.*, p. 4.

37. *Ibid.*, p. 7.

38. Marilyn Strathern, *Reproducing the Future: Essays on Anthropology, Kinship and the New Reproductive Technologies* (Manchester: Manchester University Press, 1992) p. 17.

39. Rachel Carsten, *After Kinship* (Cambridge: Cambridge University Press, 2004), p. 178. The emphasis is mine.

40. *Ibid.*, p. 181.

41. *Ibid.*, p. 189.

42. See Nicholas Denyer, "Is Anything Absolutely Wrong?" in *Human Lives: Critical Essays on Consequentialist Bioethics* (London; Macmillan, 1997), David S. Oderberg and Jacqueline A. Laing eds., pp. 39–57, esp. pp. 42–46.

43. Sources criticising moral relativism, whether individual or cultural, include David S. Oderberg, *Moral Theory* (Oxford: Blackwell, 2000), pp. 9–23; Renford Bambrough, *Moral Scepticism and Moral Knowledge* (London: Routledge, 1981).

44. Another argument used to pathologise and marginalise those victims of the fertility industry who complain of the manner of their conception is the argument from existential debt. I discuss this elsewhere. Briefly the search for one's blood identity is sometimes declared irrational because people created by AR owe their very existence to the techniques of which they complain. The argument is far from convincing. Were it true, a person conceived of rape or incest would be prohibited from protesting at the mode of his conception. But a person can have legitimate concerns about the loss, ambiguity, and confusion entailed by the manner of his creation without breaching any logical principle. And indeed, the very fact that there have long been prohibitions surrounding the business of procreation simply highlights legitimate concerns for people so created and the implications for society and future generations. See "Artificial Reproduction, the 'Welfare Principle' and the Common Good" (cited in n. 13, above). Cf. D. Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984) pp. 373–77.

45. W. V. O. Quine, "On Empirically Equivalent Systems of the World," *Erkenntnis*, 9 (1975), pp. 313–28 at 327–28.

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