

## **SECTION C. PARENTHOOD AND THE FAMILY**

Modern—or is it post-modern?—life styles have created new forms of relationships between, within, among, and outside the traditional nuclear family (consisting exclusively of mother, father, and their own offspring). These new frameworks have given rise to moral rights and obligations that weaken the old patriarchal and absolutist structures of past traditional families. For example, grandparents have gained certain legal rights over their grandchildren in the United States, and single parenthood has become overwhelmingly accepted in many countries throughout the world. Another change in the traditional relations within families results from new technologies such as IVF (in vitro fertilization) sperm donation and DNA testing. These technological innovations enable widows to bear children from their deceased husband's sperm, mothers to bear children from their deceased son's sperm, or simply allow infertile couples to bear children from sperm or egg donations of strangers.

Thus, this section is devoted to some of the issues that have arisen due to these changes, such as the rights of adults born as a result of donated insemination and the rights of grandparents and other extended family members vis-à-vis the parents. Our attempts to navigate between the conflicting claims of different parties of the extended family sometimes raise very complicated issues, and these issues are examined here.

### **CHAPTER 8: RIGHTS OF RELATIVES AND GENERATIONS**

The presupposition of dealings in rights of family matters has always been that parents are the ultimate authority in anything having to do with (their own)

children. However, the waning of traditional norms brings about challenges to this assumption. In this chapter, we address the rights of relatives beyond the nuclear family. The first issue discussed in this chapter are grandparents who insist on their rights in seeing, meeting, or maintaining contact and relationships with their grandchildren against the will and preferences of the parents (who are the grandparents' children). The issue of grandparents' rights has become accepted in US Courts as all 50 states have laws that acknowledge such rights, at least to some extent. My view regarding this issue acknowledges and respects these rights and includes them within the large framework of rights within the family. In my opinion, though grandparental rights are subordinate to parental rights, they should still exert considerable weight when there is a conflict. Of course, the decisive consideration in resolving the conflict of parental rights with rights of grandparents should remain the children's welfare.

The second issue of this chapter relates to the controversial case in year 2000 of the Cuban child rescued from drowning and brought to the US where his mother's relatives claimed custody over him against the claim of the Cuban father (the mother drowned in the attempt). Although the boy was rightly returned to his father in Cuba, this case exposed some ugly aspects of American society though ultimately, the superior status of parental rights over the rights of other extended family members was maintained.

The third issue discussed in this chapter is a new law in Britain which allows children who will be born in the future of sperm donations to reveal the identity of their biological fathers, who will no longer have the right to anonymity. Apparently this decision equates the rights of children who were born from sperm or egg donations to those of adopted children, who can see the adoption files when they turn 18 and become adults. (This will affect only future donors and children, and not those in the past whose anonymity will still be maintained.) In this chapter I discuss how such a law changes sperm and egg donations within the concept of biological parenthood.

## **CHAPTER 9: PROCREATION AFTER DEATH**

A more complicated issue that relates to parenthood and family is the desire of parents or spouses who have lost loved ones to use the deceased's sperm in order to create a new generation of that same family. There are a number of subtle moral dilemmas: often, it is not technically possible to obtain informed consent of a dying man. Also, a child produced from the sperm of a deceased man, will be the biological grandchild of the man's parents who will raise him as their child, causing a skip-over or a confusion of generations. Finally, there is the dilemma of bringing a child into the world as a "monument" to a deceased family member.

This chapter deals with two different requests, each with its own complexity. The first case is the request of a young widow to use the sperm of her deceased husband to have his child. Although the sperm was harvested from the husband before his tragic and unexpected death, he was not able to give informed consent as he was unconscious. However, his parents and the widow's parents all gave their consent and agreement to support the young widow in raising the man's biological child.

The second case is the request of parents to use the sperm of their dying son to create another child; in this case, the dying son was able to give his consent. The moral issue here is of a child born to much older parents who might not be able to take care of him appropriately over the long term, and might even need the new child to take care of them due to their advanced age.

## **CHAPTER 10: BABIES AS COMMODITIES**

The dimensions of global trade between rich and poor countries—certainly a direct consequence of current globalization—has both transcended traditional state boundaries as well as transformed anything and everything into objects of trade and commerce. That human beings have been used as commodities is familiar in our history: witness slavery and prostitution. However, the extension of this regrettable phenomenon to babies is one of the most objectionable aspects of our new global form of life and thought. What started as a generous movement of international adoptions, with well-meaning motivation and intention, has deteriorated into a capitalistic profit-making venture in which babies are no more than a means of maximizing profits. In this chapter we endeavor to pose, and answer, queries about the ethical implications of the tragic move from adoption to baby commerce.

The specific case is a story about an adoption agency in San Diego that first offered twin girls for adoption to a couple from California and then took the babies back shortly afterwards to offer them to a couple from Britain, who evidently paid more than the first couple. The whole story was exposed after the babies arrived at the new home in Britain. This story ended after 4 years, when the twins were finally restored to the custody of their biological mother. But the entire case raises the specter that children are becoming just another form of merchandise for sale in the Internet, as "paid adoption" may cross the line into actual baby commerce. This chapter discusses the meaning of commodification of human beings in general, and of children in particular.