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Peter J. Riga

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A Baby with Two Mothers?

By Peter J. Riga

The author is a Texas attorney who is a frequent contributor to Linacre.

Recently, Judge Richard Parslow of Orange County Superior Court ruled that Mark and Crispina Calvert are the only parents of a baby boy who was delivered of Anna Johnson, the birth mother. In other words, the fertilized egg from the Calverts was scientifically implanted into the womb of Johnson who nurtured and carried the child to birth. This resulted in two mothers: the genetic mother (Calvert) and the birth mother (Johnson). The judge decided that having three parents would be too traumatic for the child so he cut off all parental rights of Anna Johnson. The judge reduced her role to that of an incubator or babysitter with only the possibility of future visitation rights. The real and only parents of the child, he held, were the Calverts. In other words, the judge tried to resolve a reality of nature by a legal fiat of his word attached to a piece of paper. This, of course, was and is absurd. Only God creates by His word. Everyone else has got to deal with what is.

It was absurd because no legal fiat can change nature. In this case, Anna Johnson was a real mother for nine months. The bonding process began when the fertilized embryo was implanted into her womb. She carried and nurtured the child for nine months and then experienced the trauma of real birth of *her* child. The child, in a valid sense, could be no one's child but hers. That is why she fought for parental rights and visitation, but not for custody. In this she was absolutely correct and the judge wrong: she was the child's parent just as much as Crispina Calvert and perhaps more. Given the situation (for better or for worse), she should have been given parental and visitation rights.

But the judge was also correct in another sense. The new fertility technologies have completely changed the delicate balance of nature and biology. In this case, three parents created a fissure in the historical, genetic and human chain which will be difficult for the child to live with. Considering the best interest of the child, the judge tried to reduce the child's future trauma by mandating as "normal" a family life as possible. The judge's intent was well placed; it's just that it was impossible for him to repair or rather, to unite what had been irremediably torn asunder with

untold and dangerous long term effects on the child. Given the *fait accompli*, the judge had no other alternative than to do what he did.

The second problem with this case was the deep mixture of ethnic backgrounds of the child. He now has a Caucasian father, an Asian genetic mother and a Black and Native American birth mother. This may well prove the most traumatic aspect of this case for the child. Ethnic identity is very important for a child.

We are not, as some have argued in this case, building or creating a *novus homo* (new man) from the mixture of many ethnic identities into this one child.

Races as well as individuals are inherently limited in ethnicity. It is difficult with one ethnic identity (Asian, Caucasian, Black, Native American, etc.); but to try and combine this many is to invite inevitable confusion, doubt and division. How will this child understand, and master a multiplicity of ethnic backgrounds in his life? At best we have placed a terrible burden on this child; at worst, we have put the child into an impossible situation which can result in terrible confusion and in a real identity crisis. No child coming into the world should face such a fate.

We know that the whole business of adoption is painful enough. Adoptees want to know the birth mother, the genetic mother and the historical mother who are usually (at most) two. It is difficult to divide two histories in the adoption process. This has worked out comparatively, but not completely, well. To further divide this is to bring great pain to the third party — the birth mother — because she has had a great input into the life of the child, as previously explained.

At the same time, this case should show us how deeply disturbing the whole process of the new fertility technology really is. What serious effects will this have on the child? After all, when all is said and done, the most important aspect of every custody case is simply this: the child and its best interest. Its best interest may not be that of the parents, no matter how badly they desire a child. Not to consider the long term interests of any potential child and the effect of these technologies on him or her, is to act from motives of egoism and selfishness. In American society, we seem to do all that technology makes possible for us, not what is or will be in the best interests of the child who is the final result and object of the new fertility technology.

While this new fertility technology has given us marvelous possibilities of birth to previously infertile couples, not all of it has been good. Witness the Johnson/ Calvert baby. And while it is surely incorrect to say that it would have been better that this child had never been born, his example should give us pause before applying such technologies in the future, particularly that technology which separates genetic and birth parents, artificial insemination, ova from third parties into another, etc. These technologies are therefore ethnically suspect and perhaps dangerous for the child and certainly not in its best interest. It should cause us grave concern, for example, when a lesbian wants to conceive a child via these technologies

and bring that child into a home without a father.

Simply put, it is not ethical nor moral to do anything and everything to beget a child. There are certain ways of giving birth to a child that pose such suspicious long-term effects on the child, that one should entertain grave moral and ethical reservations about conceiving a child such as the Calvert/Johnson baby. Cross transference of genetic material, back and forth from biological to birth mothers and fathers, is questionable for the future of the child so begotten. These fertilization technologies of cross genetic transfers of any kind should give us long and serious pause.
