

Unattainable Joy: Unequal Access to Assisted Reproductive Technologies

Desiree Rogers

Writing 50 with Dr. Leslie Hammer

2 June 2010

As use of in vitro fertilization and artificial insemination procedures grew more popular in the United States over the last few decades, the demand for them became larger and larger, encompassing groups that were denied access.¹ This problem of unequal access was and still is most visible among the population consisting of single women and lesbians. Although they, too, suffer from infertility and have a strong desire to birth biological children, access to IVF and infertility treatment is often denied based on marital status and sexual orientation.

This denial of assisted reproductive technologies to lesbians and single women seems to have stemmed from social as well as religious and psychological ideals. Some scholars suggest that allowing lesbians and single mothers to conceive children using IVF would be harmful to the development of the child-to-be, causing predisposition to homosexuality, initiating social isolation, and destroying the male role within the family. Others suggest that they cannot morally or spiritually support homosexuality and therefore, cannot support lesbian partners procreating. Still some scholars hold the alternative view that it is a violation of civil liberties to withhold these technologies from anybody wanting to reproduce if they have the means (financial, emotional and otherwise) to undergo these procedures. Do the negative social views of infertility and infertility treatments, such as IVF, for lesbians and single women stem from concern for the child-to-be or from discrimination and stigma concerning marital status and sexual orientation? I argue that refusal or limitation of the access of assisted reproductive technologies provided to lesbians and single mothers are based on the social prejudice and attitudes regarding homosexuality, and the stigma associated with the breakdown of the nuclear

¹ Margaret Marsh and Wanda Ronner, *The Fertility Doctor: John Rock and the Reproductive Revolution*, (Baltimore: The Johns Hopkins University Press, 2008).

family unit. Furthermore, this unequal access does not accurately assess the welfare or wellbeing of the child being conceived.

How Access Is Limited: Law, Religion, and Social Prejudice

Several factors play a role in limiting lesbian and single mother access to assisted reproductive technologies. Firstly, there are legal issues regarding access to these technologies. The status of gay marriage in various countries around the world severely limits parental rights of gays and lesbians. Both parents of the child cannot be deemed biological and usually one partner must adopt said child in order to obtain full parental rights. There is also the issue of child custody should the parents choose to separate.² This limitation on parental rights limits access to even having children in the first place because it's not an equally joint endeavor.

Concerning single women, it is usually easier for a court to deem a single mother unfit to care for her children than the parents of a two-parent household. This can affect single mothers who are trying to expand their families as well as legally trying to seek the right to use IVF or AI when denied by a doctor or clinician.³ Furthermore, in certain countries, such as Italy, it is illegal to seek and use assisted reproductive technologies unless you are a heterosexual married couple, or in a stable heterosexual relationship.⁴

Secondly, there are issues involving physician refusal to provide assisted reproductive technologies to certain demographics. Some physicians hold moral and religious beliefs that interfere with some instances of their medical practice. Those physicians who refuse infertility

² This differs from custody laws regarding heterosexual parental separation. Homosexual separation or death of a partner usually ends in the child being placed in a state system rather than the custody of the other "adoptive" parent. See Naomi R. Cahn, *Test Tube Families: Why the Fertility Market Needs Legal Regulation* (New York: New York UP, 2009), 76-78.

³ *Ibid.*, 165.

⁴ *Ibid.*, 167.

services claim that homosexuality is a sin and helping lesbian couples procreate is furthering a moral wrong.⁵ Also, some physicians refuse to treat single women and help them conceive because of the religious belief that it is a sin to procreate outside of wedlock.⁶

Lastly, social prejudice plays a prominent role in determining who has access to assisted reproductive technologies. Social attitudes consider the homosexual lifestyle unnatural and believe that allowing lesbians and single mothers access to these technologies will lead to the breakdown of the nuclear family. Some believe there is a reason that we biologically must have both male and female parts to create another life and that anything that circumvents this is unnatural and therefore acknowledged. Some think allowing access to lesbians and single women will erase a man's worth in society and reduce him to nothing but a sperm donor to his children.⁷ However, both Golombok and Broderick and Correia argue that these views are based on erroneous ideals. Golombok states, "It is no longer appropriate to assume that traditional families are good for children and unusual families are bad."⁸ Golombok says that we cannot judge the moral rightness or wrongness of a situation based on what society deems the norm.

Social Attitudes towards Homosexuality

To better understand why lesbians experience unequal access to assisted reproductive technologies, we must thoroughly explore the social attitudes towards their lifestyle choices. In

⁵ Amy Adamczyk and Cassidy Pitt, "Shaping Attitudes About Homosexuality: The Role of Religion in Cultural Context," *Social Science Research* 38 no. 2 (2009): 338-351.

⁶ Bambi E.S. Robinson, "Birds Do It. Bees Do It. So Why Not Single Women and Lesbians?" *Bioethics* 11, no. 3 and no. 4 (1997): 219

⁷ Pia Broderick and Helen Correia, "Access to Reproductive Technologies by Single Women and Lesbians: Social Representations and Public Debate," *Journal of Community and Applied Social Psychology* 19 (2009): 242

⁸ Susan Golombok, "Unusual Families," *Ethics, Law, and Moral Philosophy of Reproductive Biomedicine* 1, no. 1 (2005): 12

many parts of the world, and until fairly recently in the United States, homosexuality is viewed as a mental illness. It is something that one is supposedly able to cure or seek treatment for, not accept or pursue. Bambi Robinson writes, “They were not expected to push for things such as equal rights for gays and the legalization of homosexual marriage...they were not expected to have children”⁹. Robinson points out that because homosexuality was not widely accepted or understood it must be a biological anomaly, and those who “suffer” were supposed to do everything they could to revert to the norm. Continuing on that, she suggests that pushing for equality in the areas of marriage and childbearing only further aggravates those who already see something wrong with homosexuality. Because lesbians contested traditional gender roles and displayed gender-transgressive behaviors, they were often confined to asylums to correct their immorality and protect society from their degenerate ways.¹⁰ This further reinforced the idea that homosexuality was something to fear and equivocated homosexuals to serial killers, schizophrenics, and the clinically insane.

This social stigma caused many issues when it came to the issue of conceiving and raising children. Lesbian women were seen as highly masculinized and in some cases biologically incapable of bearing children or possessing motherly instincts. They were also viewed as a danger to heterosexual procreation because they threatened to lure other women away from men.¹¹ Being a lesbian mother was considered dangerous to the children and was grounds for removing a child from the custody of a lesbian parent.¹²¹³ Many also believed that

⁹ Robinson, “Birds Do It,” 218

¹⁰ Laura Mamo, *Queering Reproduction: Achieving Pregnancy in the Age of Technoscience*. 1st ed. (London: Duke University Press, 2007), 36.

¹¹ Ibid., 37-38.

¹² This law pertained until 1994 when it was reversed by a court case in the higher court of Virginia.

¹³ Robinson, “Birds Do It,” 218.

lesbian co-mothers were unfit to raise children because there would be jealousy between the mothers. This proposed jealousy would stem from each mother not being able to fully express each maternal instinct because she would always have the other mother's instinct to consider.¹⁴ The want to parent by lesbian women was deemed unnatural and was met with extreme social and legal regulations, especially in regard to lesbian access to assisted reproductive technologies.

Social Attitudes towards Single Mothers

Now the social attitudes towards single women vying for assisted reproductive technologies must be discussed. The main reason for discrimination against single women (and lesbians) wanting to use infertility treatments is the belief that allowing single women access to conception will lead to the further breakdown of the institute of marriage, the collapse of the nuclear family unit, and the undermining and depreciation of males. Pia Broderick and Helen Correia argue that lesbians have just as much to offer as heterosexual parents in demonstrating a loving, committed family relationship and those single mothers who provide love and support for their children can provide a stable family environment in the absence of a male parent.¹⁵ Similarly, Robinson states that raising children in stable, committed, loving lesbian and single-mother homes is preferable to a dysfunctional, abusive home lead by married heterosexual parents. Robinson also claims, "The lack of a biological father is not, in and of itself, detrimental to a child's well-being".¹⁶ Even if the role of a male parent is unnecessary for a positive home, some still hold the view that children raised in the absence of a father figure suffer emotional,

¹⁴ Monica M. E. Bonaccorso, *Conceiving Kinship: Assisted Conception, Procreation and Family in Southern Europe* (Oxford: Berghahn Books, 2009), 95.

¹⁵ Broderick and Correia, "Access to Reproductive Technologies," 248.

¹⁶ Robinson, "Birds Do It," 221-223.

psychological, and developmental trauma. However, extensive research has found these assumptions to be false. Robinson states that the children of both lesbian and single mother families were no different, psychologically from children raised by heterosexual parents.¹⁷ Sozos Fasouliotis and Joseph Schenker parallel this argument suggesting that controlled studies show there is no developmental or psychological difference between children raised in the presence or absence of a father.¹⁸ This demonstrates that the need for a father figure is an argument unfounded in fact.

Fearing the Loss of “Family”

In his “Murphy Brown” speech, Vice President Dan Quayle argues that deviation from and failure of the heteronormative family leads to a breakdown in society and ultimately social failure. He further suggests that children can only become productive members of society and learn to appreciate themselves as men and women if they have both those examples to follow in their parents.¹⁹ What Quayle suggests is a productive member of society is one who can understand and can carry out gender specific tasks learned from a mother and a father, meaning both must be present in the child’s life. In this same speech he states, “Children need love and discipline; they need mothers and fathers...marriage is a moral issue that requires cultural consensus and the use of social sanctions. Bearing babies irresponsibly is simply wrong.”²⁰ In other words, Quayle believes that having babies outside of marriage and without a father, the case for both lesbians and single women, is socially irresponsible.

¹⁷ Ibid., 223

¹⁸ Sozos Fasouliotis and Joseph Schenker, “Social Aspects in Assisted Reproduction,” *Human Reproduction Update* 5 no.1 (1999): 28

¹⁹ Dan Quayle, “Restoring Basic Values: Strengthening the Family,” *Vital Speeches of the Day*. 19 May 1992.

²⁰ Ibid.

In her book, Laura Mamo also examines this view put forth by Quayle. She states, “As a result, while heterosexuality and the biological family are cultural constructions, they remain very powerful ideas that do not evaporate or cease to hold sway over social interactions.”²¹ Even though Mamo disagrees with the ideas and values Quayle presents, she does recognize them as widely accepted view and one that continuously works against progress in achieving overall equality.

While Quayle’s view does accurately assess the main view held by the social majority it errs in the fact that it oversimplifies and generally creates a blanket scenario for all children raised in non-traditional households, which is clearly not the case. Broderick and Correia, Fasouliotis, Golombok, and Robinson all argue that the importance in deciding one’s ability to parent and therefore granting access to assisted reproductive technologies should be based solely on the welfare of the child or child to be.

Child Welfare

It is clear that lesbianism, single motherhood, and their correlation to parenting have often been misrepresented as being undermining of males, unnatural, and even harmful to the child or children in question. It has even been suggested that the welfare of the children of lesbians and single mothers is jeopardized simply because of the lifestyle their parents maintain. Trying to dispute these claims, Helen Correia and Pia Broderick again argue that we must foremost consider the child’s right to be born and developed.²² The most important aspect of parenting is providing the environment for these basic things to happen. Perhaps the most profound point they argue is contained within the following statement: “Being a fit and proper

²¹Mamo, *Queering Reproduction*, 233.

²² Broderick and Correia, “Access to Reproductive Technologies,” 249.

parent is not about slotting into some social or sexual template. It's about being able to provide long term commitment, care, love, responsibility, and guidance.”²³

Even when the welfare and wellbeing of the child is taken in the highest priority, there are still some who find qualms. There seems to be a familiar idea that the children of homosexual parents produce a higher number of homosexual children. Fasouliotis aims to put these notions to rest by arguing that gender development does not seem to differ from children of two-parent heterosexual families. Furthermore, he claims that a mother's lesbian identity does not have a direct effect on the gender roles of her children.²⁴

There also seems to be the idea that having a single parent household means constant emotional burden, financial struggle and an unavoidable descent into poverty. Robinson also addresses this idea in her article. She argues that single mothers who are single mothers by choice are typically better educated and have higher paying jobs than those who are single mothers because of divorce. She also states that the decline into poverty by single mothers is usually because of divorce. Furthermore, she presents a valid point in saying that single mothers who conceive using assisted reproductive technologies must have the financial means to do because such treatments can cost more than twelve thousand dollars and are rarely covered by insurance.²⁵

Social Change and Acceptance

Although society has come a long way about the social allowance of homosexuality and unique family construct, limitations and prejudices in these areas are still prevalent. Lesbians and

²³ Ibid., 250

²⁴ Fasouliotis and Schenker, “Social Aspects,” 28.

²⁵ Robinson, “Birds Do It,” 222.

single mothers are still only imagining a world free from reproductive scrutiny. Where laws and physician beliefs will not stand in the way of conceiving a child and where “...current practices of achieving pregnancy are no longer confined to a binary matrix.”²⁶ In discussing the future of access to assisted reproductive technologies Laura Mamo states, “The future is here and it is profitable (for some). But, of course the risks are high, the field is stratified, and for the most part, it is an unregulated terrain.”²⁷ This is her subtle suggestion that social construct has taken over to a point where even the creation of a child is only allowed and accepted among the richest, most beautiful, and educated of society while those at the bottom of these social ladders will continue to suffer.

The wider scope of this issue is simply the fact that IVF is widely misunderstood. It is seen as the easy way out or a simple solution to not being able to have a child. Infertility and the desire but inability to conceive, for whatever reason, can be the most painful experience of one’s life, homosexual, single, or otherwise. Broderick and Correia illustrate this by stating, “It is ridiculous to think that IVF is an easy option. It is an expensive, intrusive and at times traumatic experience...An IVF baby is a wanted and cherished baby regardless of one or two parents” and “No one does IVF gladly. Anyone who needs to use it is at the end of the fertility road.”²⁸ Even medical personnel and institutions have a way of instilling a sense of guilt and inadequacy in reference to a patient’s infertility.²⁹ While advocacy groups maintain a valiant effort in transforming the negativity associated with the need for assisted reproductive technology, true change will only occur when it is integrated into social language.

²⁶ Mamo, *Queering Reproduction*, 233-34.

²⁷ Ibid., 241

²⁸ Broderick and Correia, “Access to Reproductive Technologies,” 252

²⁹ Karey Harwood, *The Infertility Treadmill: Feminist Ethics, Personal Choice, and the Use of Reproductive Technologies (Studies in Social Medicine)*. 1st ed. (Chapel Hill: The U of North Carolina P, 2007), 52

If social acceptance and equal justice regarding assisted reproductive technologies is ever to be achieved, the fear to deviate from the norm must be eradicated. The welfare of the child must be considered above all else. The only times when the right to reproduce should be questioned is when there are moral concerns that trump this right.³⁰ Mamo even suggests that the desire to reproduce is a tribute to heterosexuality and should be seen as a yearning to assimilate to the social norm.³¹ Karey Harwood eloquently writes, “Babies made in love tie us to our partners powerfully and irrevocably, for all time. They tie us to our pasts...babies tie us to all human kind”.³²Harwood’s point is that it must be recognized that the desire for children and the want to reproduce is universal. It does not belong to heterosexuals, homosexuals, single, or married people alone and thus should not be discriminated on these grounds.

What’s been Said and Why It Matters?

I have included scholarly interpretation throughout this argument in an effort to participate in the conversation surrounding this important issue. The consensus is that assisted reproductive technologies should be based on more than marital status, sexual orientation, and even personal attitudes regarding these matters. Broderick and Correia argue that restriction of assisted reproductive technologies does not agree with public opinion. Golombok says that deviation from a cultural norm, such as the heteronormative family, does not necessarily make something bad. Also, Mamo provides strong evidence that social discrimination is the source of these restrictions on assisted reproductive technologies. I have used these arguments to parallel and support my own argument that the restriction and limitations that lesbians face concerning

³⁰ Robinson, “Birds Do It,” 226.

³¹ Mamo, *Queering Reproduction*, 126.

³² Harwood, *The Infertility Treadmill*, 52.

assisted reproductive technologies is based on social discrimination. I have also used these authors' expertise to analyze these social attitudes and to further my own argument pertaining to the utmost consideration for the rights and welfare of the future child.

In conclusion, human beings have a right to reproduce and this right should not be eliminated or limited because of social attitudes. Furthermore, injustice regarding one civil liberty should not weigh heavily in preventing further civil injustice. Just because homosexuals do not have the right to get married that should not mean that they also do not have the right to become parents. I have argued that social prejudice is the main aggressor in the fight for equal access in the realm of assisted reproductive technologies. I have demonstrated that erroneous social ideas and stigmas concerning homosexuality and the family unit prohibit equality in this area. I have also shown that social acceptance and legal action are necessary in order to undo these discriminations. Infertility and the need for assisted conception are difficult enough situations to handle without society trying to control your every move.

Bibliography

- Adamczyk, Amy, and Cassady Pitt. "Shaping Attitudes about Homosexuality: The Role of Religion in Cultural Context." *Social Science Research* 38, no. 2 (2009): 338-351.
- Bambi, Franca and Federico Neresini. "The Lack and the 'Need' of Regulation for Assisted Fertilization: The Italian Case." *Bodies of Technology: Women's Involvement with Reproductive Medicine*. Columbus: Ohio State University Press, 2000.
- Bonaccorso, Monica M. E. *Conceiving Kinship: Assisted Conception, Procreation and Family in Southern Europe*. Oxford: Berghahn Books, 2009.
- Broderick, Pia and Helen Correia. "Access to Reproductive Technologies by Single Women and Lesbians: Social Representations and Public Debate." *Journal of Community and Applied Social Psychology* 19 (2009): 241-256.
- Cahn, Naomi R. *Test Tube Families: Why the Fertility Market Needs Legal Regulation*. New York: New York UP, 2009.
- Fasouliotis, Sozos, and Joseph Schenker. "Social Aspects in Assisted Reproduction." *Human Reproduction Update* 5, no.1 (1999): 26-39.
- Golombok, Susan. "Unusual Families." *Ethics, Law, and Moral Philosophy of Reproductive Biomedicine* 1, no. 1 (2005): 9-12.
- Harwood, Karey A. *The Infertility Treadmill: Feminist Ethics, Personal Choice, and the Use of Reproductive Technologies (Studies in Social Medicine)*. 1st ed. Chapel Hill: The U of North Carolina P, 2007.
- Mamo, Laura. *Queering Reproduction: Achieving Pregnancy in the Age of Technoscience*. 1st ed. London: Duke University Press, 2007.

———. “Sexuality, Reproduction and Biomedical Negotiations: An Analysis of Achieving Pregnancy in the Absence of Heterosexuality” PhD diss., University of California, San Francisco, 2002. Ann Arbor: ProQuest Information and Learning Company.

Marsh, Margaret, and Wanda Ronner. *The Fertility Doctor: John Rock and the Reproductive Revolution*. Baltimore: The Johns Hopkins University Press, 2008.

Quayle, Dan. “Restoring Basic Values: Strengthening the Family.” *Vital Speeches of the Day*. 19 May 1992.

Robinson, Bambi E.S. “Birds Do It. Bees Do It. So Why Not Single Women and Lesbians?” *Bioethics* 11, no. 3 and no. 4 (1997): 217-227.