ASSISTED REPRODUCTION AS AN ETHICAL ALTERNATIVE TO ILLICIT PATHWAYS TO PARENTHOOD.

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Abstract

The desire for procreation by some couples is often caused by cultural value systems, familial expectations, and cravings for human immortality. Procreation becomes problematic when barrenness and infertility impede its accomplishment. However, scientific research into this problem triggered breakthroughs in medical technologies and methods of assisting affected couples in the reproductive process, thereby, birthing "Assisted Reproduction". Despite the appreciable success recorded in the application of these legally viable technologies such as artificial insemination, in vitro fertilization, and surrogacy, some affected people tend to resort to an illicit pathway to parenthood when confronted with infertility. This pathway, mainly "baby factory", is considered illegal and an avenue for perpetrating social ills like child abuse, infant trafficking, rape, and sexual violence. What could possibly inform the preference of baby factory to the effective, legal, and scientific method of Assisted Reproduction? Employing the method of reductive analysis, this paper found out that victims of infertility are obstructed from seeking solutions through assisted reproduction due to their belief systems and ignorance. The paper argues that these victims' orientation can be aligned with assisted reproduction through seasoned philosophical arguments, and as well, dissuade them from patronizing baby factories. Consequently, the paper employs the Fletcherian, utilitarian, and Kantian arguments to showcase how assisted reproduction is a viable alternative to baby factory patronage. The paper recommends that enough awareness should be created on the immorality of baby factory patronage and, the moral and therapeutic attractions of assisted reproduction.

Keywords: Assisted reproduction, baby factory, human procreation, infertility.

Introduction

The quest for procreation remains one of the fundamental biological cravings of the human person based largely on familial, fulfilment, and cultural concerns (Roupa et al, 2009). People may have various reasons for participating in reproduction and making babies, but traditionally, many families seek to raise children that will perpetuate the family name or aid the attainment of immortality (Sharma, Saxena & Singh, 2018).

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Indeed, being a natural phenomenon and an instrument of the continuity of human existence, many individuals have the natural inclination to participate in procreation. Problems arise when this desire is not met due to some reproductive impediments that are either socially induced or associated with medical challenges. These impediments act as factors that trigger infertility.

Assisted reproduction is an attempt to overcome these impediments. Although in the past, couples simply accept their fate of infertility as given due to lack of knowledge, the situation is different today as development in medical sciences is fetching solutions through assisted reproduction (Roupa et al, 2009). Some cultures have already developed traditional methods of assisted reproduction to overcome this challenge (Nwaezeapu, 2011). In the scientific arena, assisted reproductive technologies are developed to serve as an alternative when the natural method of reproduction fails. However, certain belief systems consider assisted reproduction as an affront to parenthood and procreation. For instance, surrogacy is reasoned to be an absurd condition where multiple females can productively and reasonably claim motherhood to the same baby at the same time. Furthermore, surrogacy exemplifies reproductive prostitution (DeMarco, 1991).

Practically, the mental conditioning which holds that assisted reproduction is morally reprehensible makes the childless couples who fondly desire to have babies whether for personal joy, familial, or cultural considerations often resort to clandestine and illicit pathways to parenthood. Such dark routes include patronage of baby factories, child theft, and baby selling.

This paper seeks to dismantle the ingrained belief that condemns assisted reproduction. We argue that to curb the attendant evil associated with illicit pathways to making babies, wider public awareness of assisted reproduction is essential. More so, public policy intervention that can make access to Assisted Reproductive Technologies available and affordable will go a long way to serve as a panacea to closing down baby factories, discouraging baby theft and sales, and also enhancing documented births with medical history.

The paper is divided into four sections. Section one takes a critical look at the causes and effects of infertility while section two reveals the menace of illicit baby business and factory patronage as a common solution to the problem of childlessness. In section three, the paper introduces three critical arguments in support of assisted reproduction as a viable option for solving the problem of childlessness. In section four, the paper advances some recommendations on how to dissuade our mind-set from illicit baby business and factory patronage.

The causes and effects of infertility

Any discourse on assisted conception presupposes a condition of infertility. Basically, infertility is understood as the inability to achieve pregnancy after about twelve months of sexual intercourse properly timed and done without protection (WHO, 2022). It remains one of the existential problems of humanity as it obstructs the channel of life creation.

Infertility is considered a common and global issue since it is affecting a high proportion of couples worldwide (Roupa et al, 2009; Mustafa, Sharifa, Janan, Illzam & Aliya, 2019). In Nigeria, for instance, about 10% - 30% of couples are affected by this problem (Chimbatata & Malimba, 2016).

The factors behind the experience of infertility could be social or medical-related. Social factors are human activities and decisions that induce infertility. In this regard, Aitken (2022) draws attention to how women enlightenment belittles procreation as a crucial factor behind the continuity of human existence. Some women for instance consider procreation as a barrier to their professional career growth and hence engage in the usage of pregnancy preventive drugs whose side effect triggers infertility. The men equally are not helping matters as their lifestyles encourage health challenges that impede reproductive competence. Illicit drugs and excessive alcohol intake by such men sometimes a prompt reduction in the quality of their semen thereby leading to infertility. Sexually transmitted diseases caused by multi-partner sexual patronage have been linked with defective sperm quality among men.

Medical reasons are also ascribed to infertility. As a case in point, infertility in women is traced to the problem of fallopian tubes, disorders of the menstrual cycle, problems in the uterus, sexual disorders, ovarian failure (Roupa et al, 2009, p. 86), age-related factors, pelvic inflammatory diseases, and even age-propelled factor (Mustafa et al, 2019, p. 29). Male infertility on its own can be ascribed to medical disorders like low-level testosterone, genetic disorders, testicular cancer, and perhaps premature ejaculation.

While infertility blocks the way for human continuity (Mbiti, 1975), procreation is by common consent, understood as a sure way to human immortality as new humans come into being to take the place of the old (Meilaender, 2013). The inability to procreate is thus viewed as an aberration since it hinders the process of immortality (Sharma, et al, 2018). B. Bujo's remark corroborates the foregoing by asserting that offspring occupy the space between the living and the living dead (ancestors) as well as remaining the hope of family continuity (Bujo, 2003).

Infertility is quite devastating in developing countries. Besides blocking family continuity therein, it paves way for social dislocation, family disintegration, stigmatization, and social ostracism (Daar & Marelli, 2002). The emotional turmoil, usually underplayed by the medicalization of infertility, is even more worrisome (Mustafa et al, 2019). Infertile couples are reported to experience distress, psychological trauma, sexual dysfunction ascribed to anxiety, pressure-induced marital discord, and so on (Begum, 2008; Mustafa et al, 2019). Indeed, the pains of childlessness coupled with the familial and cultural perception of infertility make discourse on assisted reproduction a pressing issue.

Assisted reproduction as a viable option for childlessness

The term “assisted reproduction” can be used in two senses, namely, the medical sense and the moral sense. In its medical sense, assisted reproduction is a non-coital

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reproductive process meant to aid reproduction where the natural process fails. It is thus an alternative reproductive process involving the use of different medical technologies to facilitate childbirth. Such technologies include in vitro fertilization (IVF), surrogacy, artificial insemination, intra-cytoplasmic sperm injection, egg and sperm donation, Gamete Intra-Fallopian Transfer (GIFT), genetic enhancement, and many other processes (Fadare & Adeniyi, 2015; Nagera, 2016). Interestingly, the application of these technologies is guided by appropriate regulatory institutions and frameworks especially in developed countries (Bamgbopa, Okonta, Ajayi, Ogbeche, Igbokwe & Onwuzurigbo, 2018), thus giving the practice some legal support and legitimacy.

In its moral sense, assisted reproduction is a process of rendering reproductive assistance, aid, or support to couples who could not have babies through the natural process. By implication, it involves a third party who is to render this assistance with the help of reproductive technology. "Assistance" as used here is interpreted to mean moral favour or duty to help the needy. Some individuals render such assistance by donating sperm or egg to infertile couples at no cost. Some non-governmental organisations or groups even operate health institutions where assisted reproductive operations are carried out. According to Basterra (1994), prior to the advent of assisted reproductive technologies, childless couples had to adopt a child or accept barren love as their fate. The author further remarks that infertile couples within some cultures resort to spiritual solutions. However, he delightfully notes that with the revolutions in reproductive technologies, the hope and dream of childless couples having children of their own is becoming a reality. Development of technics in the field of assisted reproduction simply provides opportunities for solving the problem of infertility (Sharma et al, 2018), albeit with admirable success (Najera, 2016).

As clearly depicted in the moral sense, assisted reproduction involves a third party intervention in the reproductive process where, traditionally, an intra-couple affair is taken for granted. This third party involvement is chiefly the ground for moral ripples surrounding its acceptance. Appalled by the level of proliferation of reproductive technologies, Donald de Marco avers that "by initiating life apart from the embrace of husband and wife leads ultimately to so weakened a notion of parenthood." (1991, p. 22). He describes AR as an affront to parenthood and procreation. This position also reflects the stance of the Catholic Church concerning artificial reproduction (Magisterium, 1987). Such perspectives raise ethical objections to third party assisted reproduction and other extensions of the practice that are anchored on the manipulation of sperm and eggs. The Catholic Church considers sperm and eggs as potential lives such that spillage of same clearly amounts to the destruction of potential life (Magisterium, 1987).

Some other strong criticisms are levied against assisted reproduction. However, most of these criticisms are cantered on the methods and technologies of assisted reproduction and not the act itself. The use of preimplantation genetic analysis as an instrument for the selection of offspring, for instance, attracts divergent opinions and is claimed to be an attempt to usurp God's role in reproduction. There is a moral issue of confidentiality and whether gametes and embryo donors be compensated or not. Also of moral concern is the

issue of financial inducement and gratification ascribed to surrogacy (Bamgbopa, et al, 2018).

Within this climate of understanding, the desire to seek assisted reproduction as a way out of childlessness is confronted with stiff ethical objections. Assisted reproduction is argued to be akin to playing God, artificial interfering with the origin of life, and absurdly subjecting reproduction to technological influence. Such a situation makes candidates for assisted conception torn between choosing to follow the dictates of their hearts to seek assisted reproduction and maintaining fidelity to the tenets of popular religious views which raise objections against it (Cooper & Glazer, 1994). For some childless couples, resorting to illicit pathways to parenthood becomes the inevitable "secret" option. This latter clandestine choice invariably exacerbates the existence of "black market" reproductive practices in the form of baby selling, baby theft, and patronage of illicit "baby factories". This new practice raises deeper moral questions.

The menace of illicit pathways to parenthood

The desire to have children is heightened by people's cultural attitude to childlessness. Such traditional considerations make infertility perceived as a natural calamity that must be conquered by any means possible. The effort to make people reject illicit routes to parenthood must take cognizance of and address such cultural and societal factors that drive people into it. Daar and Marelli (2002) note that because motherhood is often closely connected to womanhood, barren women are commonly regarded as inauthentic women. Driven by the fear of social stigma some victims of infertility find it difficult to embrace child adoption; they would rather engage the services of baby racketeers to get fulfilment.

Philip Obaji (2020) makes a shocking revelation about the spate of sexual exploitation surrounding black market reproductive practices. According to Obaji, operators of baby factories and their abettors go as far as luring young girls displaced by terrorists in Northern Nigeria into their baby factories under the guise of securing employment for them. Such vulnerable girls are sexually exploited and made to bear children which will be sold to ready buyers who are mostly barren couples and local or international adopters (Huntley, 2014). The girls are conveniently camped in disguised maternity homes, welfare homes, and orphanages where these inhuman acts are carried out.

Identifying different faces of baby factory, Christiana Ele (2016) draws attention to its menace in Nigeria. "At one activity, it has the face of commercial surrogacy, where wombs are rented to help childless couples get babies which they could call their own. At another, it breeds children as new wares for sale for the purpose of trafficking, monetary gains, illegal adoption, black magic and rituals. Yet at another instance, it is a hiding place for unwanted pregnancies in order to protect the expectant mothers from social ridicule, stigma and psychological trauma" (p. 12). In all three faces, baby factory is a cover-up for immorality. It is an avenue for indulging in women exploitation (Nwaka & Akachi, 2019), infant trafficking (Owolabi, 2017) child abuse, physical, psychological, and sexual violence.

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Appalled by such condemnable and illicit approaches to parentage, this paper upholds that black market reproductive practice denies the victim children certain fundamental rights such as the right to identity of origin. It also commodifies children, and demeans parenthood and procreation among other moral ills. To dissuade patrons from this vice and re-channel their orientation towards assisted reproduction as a reasonable and ethical alternative of actualising their desires, we advance three arguments on the viability of assisted reproduction.

Three philosophical arguments in support of assisted reproduction

Fletcherian Endorsement of Assisted Reproduction.

Reflecting on the agony of childlessness, Joseph Fletcher outlines four options available for the victims of this existential condition:

(1) they may submit to a life of barren love, a so-called natural calamity over which they have no right to exert any control or adopt any means to overcome it;
(2) they may outwit the frustration by resorting to illicit (i.e., extra-marital conception by adultery);
(3) they may achieve partial compensation through the adoption of someone else's baby;
(4) they may turn to medical care for artificial insemination…(1969, p.102).

The first option could lead to frustration and psychological trauma. The second option is flawed by its immoral implications and complications for the born child. The third is reasonable if the adoption is legally implemented, but may not be fully gratifying to victims of infertility. The fourth is quite exciting since the baby is biologically linked to the parent. Indeed, Fletcher's fourth option represents the advancement in reproductive technologies such as in vitro fertilization, therapeutic insemination, and surrogacy. Fletcher is writing prior to the revolutions in biotechnologies. In his spectacular book, *Morals and Medicine* (1969), Fletcher embarks on a quest to present assisted reproduction as a welcome alternative to natural conception.

Fletcher's disposition is not surprising given his ethical theory of situationism. Accordingly, no action is intrinsically good or bad, it is the situation in which the action is performed that is the determining factor. Thus, an action, considered to be good in one situation, might turn out to be bad in another situation. Where victims of barrenness are frustrated, their situation can warrant them finding succour in artificial insemination. The question now is whether baby theft and patronage of baby factory are equally justifiable on the ground of situationism. Fletcher's application of the concept of “love” to situationism helps in resolving this dilemma. Fletcher (1969) avers that love is the only absolute norm on which situationism is anchored. Thus, acting for love in all situations whether good or bad is binding on everyone. He also adds that we cannot claim to love and be unjust at the same time. To love someone requires that we must not be unjust to that person. The choice of artificial insemination by victims of barrenness is argued here to be justified by these victims' love for humanity and its continuous existence. This is not applicable to baby factory phenomenon where all sorts of injustice like child theft, child abuse, and rape are perpetrated against humanity.

The Utilitarian justification of assisted reproduction

Reproduction is not only considered as one of the positive consequences of and the anticipated end of marriage, it is also viewed as a source of married couple's happiness and fulfilment. Utilitarianism as a philosophical doctrine advocates that humans should engage in actions that will promote their happiness and refrain from those that will lead to pain. Pain and pleasure are two moral sovereign masters that naturally govern human behavioural dispositions. However, humans are morally inclined to pleasure-giving actions (Bentham, 2018). As earlier discussed, infertility and barrenness are painful occurrences among married couples, hence assisted reproduction will be welcomed as the instrument of fulfilment and pleasure.

One of the cardinal features of utilitarianism is that it considers actions to be morally justifiable in terms of the proportion of happiness they promote in everyone concerned or the greatest number of people possible. The quest for human continuity through reproduction (Meilaender, 2013; DeGrazia, 2012) may end up being disrupted by bareness and infertility which subsequently lead to human pain and anxiety. On this count assisted reproduction will be a source of happiness for humanity by offering aid for the sustenance of human desire for procreation. In African communities, procreation is a source of joy not just to the married couple but the entire members of the community. Similarly, childlessness by any couple is a source of concern and sadness to every member. Assisted reproduction is thus viewed as a utility for community happiness.

Indeed, the argument may be advanced that child theft and baby factory may also yield similar pleasure and happiness since the objective is for couples to have a baby. If this argument is farfetched the utilitarian argument will appear self-defeating. One of the progenitors of the utilitarian theory, John Stuart Mill, clears the air on this issue. He points out that utilitarianism is not concerned with the agent's happiness alone but with everyone concerned. He advises that doers of action should be considerate of others' happiness in whatever they do (Miller, 2010). Couples that engage in child theft and baby factory are inadvertently promoting pain through their action. Note that parents whose children are stolen are already agonizing over their loss. One may be quick to ask the question of whether assisted reproduction in itself promotes any form of pain to anyone whatsoever. The difficulty in offering any pain-related argument against assisted reproduction is in fact the strength of offering it as a utilitarian solution to childlessness and barrenness. At this point, we want to reiterate that child theft and baby factory phenomena are in themselves immoral. They are the source of pain for those affected. Besides, we must not misconstrue child theft and baby factory syndrome as child adoption. The latter is achieved through moral and legal means while the former is participation in morally reprehensible deeds.

The Kantian justification of assisted reproduction

Although the utilitarian argument in support of assisted reproduction believes that, anyone who benefits from procreative assistance in order to conquer the pains of barrenness and infertility will be happy, the emerging question is whether such assistance can be rendered as a universal moral action. Patrons of baby factories may for instance see

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baby-buying as an immediate solution to their childless agony, but will they be willing to justify the patronage of such factories as a universally acceptable moral solution to childlessness? Immanuel Kant's moral theory clarifies this matter with his principle of universalization. Accordingly, in any moral situation, a moral agent can justify any action he intends to take once he considers such action desirable if everyone in a similar situation performs the same action (Wood, 1999). Will the moral agent be ready to will the action to become a universally acceptable action? Can we for instance will that the setting up and the patronage of baby factories become universally acceptable action? Definitely not since these two actions are inherently morally unacceptable. However, this will not suffice for assisted reproduction. We can easily will assisted reproduction to become a universally desirable action without getting entangled with any moral dilemma or contradiction.

One noble attraction of assisted reproduction is that moral agents can morally justify their participation in it as a call to duty for the promotion of human continuity. Following the Kantian argument that an action has moral worth if it is performed for the sake of duty, the exploration of assisted reproduction, after a long futile application of natural efforts to end barrenness and infertility, may be reinforced by the will to satisfy the duty to ensure human immortality. Assisted reproduction is thus seen as a goodwill exercise for promoting human continual existence. A culture that is desirous of promoting human continuity but denigrates assisted reproduction is unquestionably engaging in self-contradiction.

Recommendations.

Following our discussion on the need to reject baby factory and choose assisted reproduction in overcoming the problem of infertility and barrenness, we recommend the following;

i. Assisted reproduction should be celebrated and embraced by everyone as a landmark achievement in human medical history and practice.
ii. Researchers in modern medicine should be encouraged to deepen the research in assisted reproduction, hence government and concerned stakeholders should invest in this direction.
iii. Government should do more in clamping down on baby factories and putting in place proper legislation that will discourage their operation.
iv. There is an urgent need to address people's negative reactions to and treatment of victims of infertility and barrenness. Similarly, cultural disdain for these victims needs urgent revision given the current reality.
v. Vigorous public sensitisation should be carried out by the government on the critical benefits of assisted reproduction and the need to shun baby factories.
vi. Philosophers should not cease in their effort to cast a critical light on both assisted reproduction and baby factories.

Conclusion

In different parts of the world, victims of infertility and barrenness have been experiencing different forms of mental torture due to stigmatization and feeling of human incompleteness. Nevertheless, it is inhumane to engage in baby trading in order to solve

the problem. The paper has reflected on such a choice and condemned it on moral grounds. Indeed, the breakthrough in medical research on assisted reproduction has brought so much joy to many. Affected couples now have arrays of assisted reproductive technologies to choose from depending on their dispositions. The concern of the paper is the issue of proper sensitisation and orientation of the public on this subject hence its philosophical drive to justify assisted reproduction.

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