

Legalization of surrogacy requires careful planning

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The issue of surrogacy has raised some eyebrows recently with the news that one of Taiwan's most prominent families — namely that of Vice President Lien Chan — had added three new members through two surrogate mothers.

Surrogacy is not yet legal in Taiwan, and Lien's daughter, Hui-hsin, employed the surrogate mothers in the United States, where the practice is legal.

It is not certain whether it is a coincidence, but a body of the Cabinet-level Department of Health (DOH) has disclosed that the government will hold a meeting soon to discuss surrogacy, with an aim to accelerate the practice's legalization.

It is not a new issue in Taiwan, and perhaps it has been too long since the government last made attempts to legalize surrogacy.

A draft Surrogacy Act laying down 40 regulations was first put forward in 2004, and since then, according to the DOH's Bureau of Health Promotion, about two dozen meetings have been held. Experts have so far failed to reach a consensus on a host of fundamental issues concerning surrogacy.

They have been unable to agree on the donations of sperm and eggs as well as the rights of the surrogate mothers, biological parents and the children who are born to such a method.

The DOH will discuss at the upcoming meeting whether these issues should be included in the Surrogacy Act or in another new set of laws to be written separately.

The bureau's chief, Kung Hsien-lan, said the DOH is looking to implement as soon as possible a consensus reached in September this year that infertile couples should be given the legal right to have children by surrogacy.

The DOH's stance is clear: It is bent on lifting the ban on surrogacy even before all the implications and possible problems — both legal and moral — have been fully discussed and understood.

The DOH may have an honorable purpose in helping infertile couples have children of their very own, genetically speaking.

After all, it has been a strong Chinese tradition that a person — in this case, the paternal line — must have offspring (sons, of course) to carry on the name of the family. In older days, it was common for men to get a second wife, or more, if the first failed to give birth to sons.

And of course Chinese men might have had more than one wife because of other reasons, but that is not the issue we want to touch on here.

So traditionally enlisting the help of surrogate mothers would not have been too alien an idea to Chinese, or Taiwanese, society.

But, after all, modern-day Taiwan is very different from the one where women were not equal to men, and where their major job was to give birth to children to carry on their husbands' ancestral line.

It is a society where we are obligated to tackle the feminist, financial, legal and moral implications of turning a woman into a “tool” for carrying another's baby and then denying her the biological (if not genetic) and psychological bond with the baby by taking it away after birth.

There are too many problems and questions that need to be addressed (see how we are even wondering whether the meaning of “biological” may have to be redefined as opposed to “genetic”).

A legislator has claimed that over 5,000 infertile couples in Taiwan have sought the help of surrogate mothers illegally because they could not afford the expenses of doing so in other countries.

The DOH obviously is trying to stop the “black market” and give more protection to both parties involved in surrogacy, but the draft Surrogacy Act has been tabled for eight years and not without reason. We don't want to take sides in the issue, but we are simply asking the government not to rush the legislation.