

Egg donation and surrogate motherhood: opposed ideologies, common goal

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Opinion

Egg donation and surrogate motherhood represent two entirely different, yet equally controversial approaches to the treatment of infertility. The legal regulation of the use of these methods varies from country to country, which is at the origin of what is commonly called “fertility or reproductive tourism”. Egg donation is legal in most countries, but it is subject to specific requirements and administrative regulations which make its availability unequal in different places of the world. Surrogate motherhood, on the other hand, is legally accepted only in a few countries and, similar to egg donation, it is conditioned by different restrictive measures in each of them (Table 1). Among the countries that allow egg donation, distinction has to be made between those accepting this treatment unconditionally and those that impose specific restrictions to its practice. The most common restriction concerns the economic compensation of the donor (Table 1). On the one hand, altruistic egg donation (no economic compensation) helps limit abusive commercialization of the human body. On the one hand, it reduces the availability of donor eggs in the home country and thus promotes fertility tourism with all its potential problems related to the elevated cost of the procedure in some places and the insufficient sanitary and legal regulation in others. Other restrictions of egg donation encountered in some countries concern the marital status, sexual orientation, permanent residency in the country, or religion of the couple receiving donated oocytes. Some countries impose bilateral anonymity for the egg donation transaction.

Surrogate motherhood is allowed unconditionally (both altruistic and commercial one) in only a few countries, and only some of these provide corresponding legal coverage (Table 1). The countries with most complete legal coverage to both altruistic and commercial surrogate motherhood include Armenia, Belarus, Greece, Israel, Kazakhstan, Russia, Ukraine and some states of the USA (California, Connecticut, Nevada, New Hampshire, Oregon, Maine, Rhode Island). In other countries both altruistic and commercial surrogacy is possible, but there are specific restrictions or legal gaps that complicate the administrative recognition of the social couple (intended parents) as the legal parents of the resulting child. The most common restrictions include sharing the same religion by the intended parents and surrogate (Israel) having the citizenship or permanent residence in the country (Israel, Mexico, Thailand) and the marital status of the couple. As a matter of example, unmarried heterosexual couples (Arkansas) and homosexual couples (India) can be banned from surrogacy. Unconditional surrogacy with complete legal coverage is provided only in relatively few places of the world (e.g., California, Greece, Ukraine). The unequal access to egg donation and surrogate motherhood in different countries is at the origin of reproductive tourism with all its negative consequences (elevated cost, insufficient sanitary and legal guarantees, exploitation of economically weak subjects). This situation can only be alleviated by approaching the

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conditions required for these treatments in different parts of the world. In accordance with this idea, some countries have engaged debate at different levels to release the existing restrictions. The debate about eventual legalization of surrogate motherhood has recently burst with force in Spain.

Interestingly, the partisans and opponents of this treatment do not appear to have any definite political color. Notwithstanding, as almost all aspects of the current social life, opinions about surrogacy are conditioned by non political ideologies, if we defined the ideology as a set of conscious and unconscious ideas which make up one's beliefs, goals, expectations and motivations. Many of my colleagues, who always been strongly in favor of egg donation, refuse surrogate motherhood for ideological reasons, simply because the ideology backing surrogacy is entirely opposed to that they have been using to defend egg donation. Women seeking for egg donation are said that the experience of pregnancy and birth are at the basis of future conscious and unconscious emotional links between the mother and the future child, whereas the biological (genetic) motherhood is something related to learned knowledge rather than direct life experience. This argument is generally well received, and usually makes the acceptance of egg donation by female patients more easy than the acceptance of sperm donation by male patients in a similar condition. However, this reasoning has to be completely inverted when talking about surrogate motherhood, where the female patient will only share the genetic makeup with the future child, without any prenatal physical contact. If surrogacy is combined with egg, sperm or embryo donation, even the genetic parent-child lineage is lost. How to manage the need for using such different patterns of thinking when dealing with different categories of patients? New challenges call for new thinking patterns, and one possibility is to transcend traditional ideologies and abandon pseudo scientific rationales, based on the kantian dyad, in a hegelian way. In this way, the apparent ideological incompatibility of the thesis (parenthood through egg donation) and its antithesis (parenthood through surrogacy) would be transcended by forming a triad in which the legitimate desire for parenthood would represent a synthesis in which the apparently incompatible concepts can be englobed in the same ideology-free vision. It remains to be seen to what extent we are able to do so.

Table 1 Availability of oocyte donation and surrogate motherhood in some countries

Country	Egg donation	Surrogate motherhood
Argentina	Altruistic egg donation allowed	Altruistic surrogacy allowed
Armenia	Egg donation allowed	Surrogacy allowed and regulated
Australia	Altruistic egg donation allowed	Altruistic surrogacy allowed
Austria	Egg donation allowed	All surrogacy illegal
Belgium	Egg donation allowed	Altruistic surrogacy allowed
Belarus	Egg donation allowed	Surrogacy allowed and regulated
Brazil	Altruistic egg donation allowed	Altruistic surrogacy allowed
Canada	Altruistic egg donation allowed	Altruistic surrogacy allowed ¹
China	Egg donation illegal	All surrogacy illegal
Colombia	Egg donation allowed	No clear rules
Czech Republic	Egg donation allowed	No legislation
Cyprus	Egg donation allowed	Surrogacy allowed
Denmark	Altruistic egg donation allowed	Altruistic surrogacy allowed
Finland	Egg donation allowed	All surrogacy illegal
France	Altruistic egg donation allowed	All surrogacy illegal
Germany	Egg donation illegal	All surrogacy illegal
Georgia	Egg donation allowed	Surrogacy allowed
Greece	Egg donation allowed	Surrogacy allowed and regulated
Hong Kong	Egg donation allowed	Altruistic surrogacy allowed
Hungary	Egg donation allowed	Altruistic surrogacy allowed
Iceland	Egg donation allowed	All surrogacy illegal
India	Egg donation allowed	Surrogacy allowed ²
Ireland	Egg donation allowed	No legislation
Israel	Egg donation allowed with restrictions	Surrogacy allowed and regulated
Iran	Egg donation allowed with restrictions	Surrogacy allowed
Kazakhstan	Egg donation allowed	Surrogacy allowed and regulated
Italy	Egg donation allowed	All surrogacy illegal
Japan	Egg donation allowed with restrictions	All surrogacy illegal
Mexico	Egg donation allowed	Surrogacy allowed to residents
Netherlands	Egg donation allowed	Altruistic surrogacy allowed
New Zealand	Altruistic egg donation allows	Altruistic surrogacy allowed
Norway	Egg donation illegal	All surrogacy illegal
Pakistan	No legislation	All surrogacy illegal
Panama	Egg donation allowed	No legislation
Portugal	Egg donation allowed	Altruistic surrogacy allowed
Russia	Egg donation allowed	Surrogacy allowed
Saudi Arabia	Egg donation illegal	All surrogacy illegal
Serbia	Egg donation allowed	All surrogacy illegal
South Africa	Egg donation allowed	Surrogacy allowed
Spain	Egg donation allowed	All surrogacy illegal
Sweden	Egg donation allowed	Not clearly regulated

Table Continued

Country	Egg donation	Surrogate motherhood
Switzerland	Egg donation illegal	All surrogacy illegal
Thailand	Egg donation allowed	Surrogacy allowed for residents
Ukraine	Egg donation allowed	Surrogacy allowed
United Kingdom	Egg donation allowed	Altruistic surrogacy allowed
United States	Egg donation allowed	Varies from state to state
Vietnam	Egg donation allowed	Altruistic surrogacy allowed

¹Except Quebec; ²Severe restrictions since 2015.**Acknowledgements**

None.

Conflict of interest

The author declares no conflict of interest.