

Editorial

IN THE YEAR 2022, WE WILL CELEBRATE 44 years since the birth of the first “test tube baby”. What began as a solution for fertility problems for heterosexual couples has now expanded to other actors: single women and men, male and female homosexual couples, transgender people, people with disabilities, with advanced age, with genetically transmitted diseases, among others. In turn, assisted reproduction has generated various family models beyond the heteroparental family. This is the case of single parent families by choice, homoparental gay families or lesbianparental families. All this variety of people who want to access reproduction requires, in many cases, the collaboration of reproductive donors (understood as reproductive donors are sperm donors, oocyte donors and surrogate mothers).¹ The participation of third parties in family reproduction receives varied legal responses, both in the European Union and in the American continent. From allowing or not the donation of gametes or gestation by substitution, granting restricted access to certain family models, different positions around anonymity, to possible contact with reproductive donors.

The Catholic tradition (like other religions) has configured for centuries a way of thinking the world, in various countries where its presence was notable, not only in the religious sphere; its influence also extended to the legal field and the State, with the purpose of intervening in broad domains of life in society. For decades, that Catholic culture sought to dictate the morality of family arrangements, the condemnation of certain sexualities, abortion and birth control. Consequently, it acted in the interrelation of gender, family and kinship.

It is true that the weight of this Catholic culture has decreased in many countries, particularly due to cultural changes in the contemporary world, as well as the pressure exerted by the growth of neopentecostal groups in traditionally Catholic countries. The Catholic tradition does not configure our object of reflection directly, but it establishes the background to reflect the ways (and even the resistance) by which the countries have verified transformations in the meanings

1 Rivas, A.M. Jociles, M. I. y Álvarez Plaza, C. (2016). Posicionamientos y actitudes ante la comunicación de los orígenes en las familias formadas mediante TRA-D. En María Isabel Jociles, *Revelaciones, filiaciones y biotecnologías. Una etnografía sobre la comunicación de los orígenes a los hijos e hijas concebidos mediante donación reproductiva*. Barcelona: Bellaterra, 37-68.

attributed to the family, filiation and maternity/paternity and the expansion of a reproductive bioeconomy.

What we are interested in pointing out is the different approach to all these aspects in the Anglo-Saxon academy compared to the academic sphere of countries with a Catholic culture. Cultural differentiation constructs very different objects of study in some countries and in others, both due to the different legal and cultural positioning.

After 44 years, assisted reproduction poses many challenges that must be discussed in a multidisciplinary manner. If a few decades ago the interest was focused on the subjects who should have access to assisted reproduction techniques, the right to know the genetic origins, whose consequence would be the disclosure of the origins and if anonymity should be lifted, nowadays it is reflected on several issues: who should choose the donors, the quota of children born per donor, the traceability of samples and donors, the possible relationships of children born from donors and/or surrogate mothers with reproductive donors and with the “own” children of the same, which comes to be the “genetic brotherhood”.

Another important aspect to highlight is the expansion of the market for technologies that involve access to thirdparty fertility (gametes, surrogacy) through the search for cross-border (transnational) treatment in various situations, involving donors, both from developed and developing countries, in north-south connections, but also south-south. This context of expansion of technologies is articulated with the growth of private clinics, global communication expanded by the Internet, the portability of health plans and the expansion of women’s reproductive work, whether paid or not. The existence of legal restrictions, in relation to some practices, has fueled the search for treatment of people outside their countries of origin, triggering, in reproductive recipients and donors, a series of ethical and legal questions related to filiation, territory, nationality, identity, autonomy, which reveal the institutionalization of gender inequalities and the stratification and exploitation of vulnerable groups.

Based on this context, the Latin American Network of Reproductive Biotechnologies Researchers (Redlibre, by its acronym in Spanish) was created, made up of a multidisciplinary group of researchers specialized in biotechnologies related to human reproduction. Specifically, it is interesting how, through these technologies and the systems they create and of which they are a part of, new social orders are being established. The Network has extensive academic production in this field.² Its members are specialized in different areas of knowledge (anthropology, sociology, law, medicine, philosophy, psychology, biology) that have in

² Network information available at <https://sites.usp.br/redlibre>.

common the impact of these reproductive biotechnologies in countries with a similar legal and cultural tradition. The sociocultural environment in which this network is located refers to that of the countries that share a Catholic cultural tradition and a Latin legislative framework, different from the countries with a Protestant tradition and an Anglo-Saxon legislative framework. We consider that Latino sociocultural research has a limited and marginal presence in theoretical and conceptual debates within Anglophone academic spaces.

Redlibre seeks to reflect on the impact of assisted reproduction, not only on users (suppliers of gametes and gestations, recipients and professionals of reproductive biotechnologies), but also on the descendants generated in this way. In this sense, the efforts of the Network aim to identify the main challenges posed by the practices carried out and in process, by these users and the effects on offspring.

As a starting point for the Network, we applied for the II-2019 Call for Inter-university Research Projects together with the Ibero-American Union of Universities (UIU). This is a strategic alliance made up of the University of São Paulo (USP), the University of Barcelona (UB), the University of Buenos Aires (UBA), the National Autonomous University of Mexico (UNAM) and the Complutense University of Madrid (UCM)). Our project, Social Challenges of Medically Assisted Human Reproduction in Ibero-American Countries of Catholic Culture Tradition,³ was selected.⁴

The first meeting of the group was scheduled to take place in São Paulo in March 2020, but in view of the situation of the COVID19 pandemic, it was impossible for the researchers to be present during 2020 and 2021. For this reason and with the same spirit, we developed a virtual workshop where we discussed the path of assisted reproduction since its appearance and how it has changed the way of seeing and interpreting social reproduction in Ibero-American countries.

This publication is the result of the papers presented at the workshop “New Frontiers in Reproductive Technologies. Questioning reproduction in the 21st century: how do they influence countries with a Catholic tradition?”, held on June 21, 22 and 23, 2021.⁵ The event was attended by researchers from Argentina, Bra-

3 Researchers in charge (PI) of the academic units: Rosana Machin, University of São Paulo; Consuelo Álvarez Plaza, Complutense University of Madrid; Natacha Salomé Lima, University of Buenos Aires; Norma Blazquez Graf, National Autonomous University of Mexico; Silvia de Zordo, University of Barcelona. Reference/code: USP-02-2019.

4 Other tasks that are being developed by the group are: favoring and promoting the academic mobility of both predoctoral students and researchers who work on the indicated topics; design future meetings on the subject; transfer of knowledge to a wide public through the creation of a computer platform, which allows those interested, on the one hand, to find out about aspects related to assisted reproduction techniques and, on the other, to maintain a dialogue with the Network’s researchers.

5 The workshop was broadcast and the recordings are available on [YouTube.com/user/CEIICHUNAM](https://www.youtube.com/user/CEIICHUNAM).

zil, Chile, Spain, France, Italy, Mexico, Portugal and Uruguay, addressing, with great richness, the context of assisted reproduction in these countries and its main challenges. Throughout those days we were able to record a significant audience interested in this debate.

This issue is organized according to the following themes: markets and reproductive flows between the two continents (Europe and Latin America); genetics, oocyte and semen donors; gestation by substitution, families and accesses; debates in relation to reproductive technologies: feminist and legal discourses. In sequence we have an interview with Dr. Aurora González and two reviews.

In the first article “Transnational reproduction with third parties: the reproductive market in Brazil”, Rosana Machin addresses the expansion of assisted reproductive technologies, in access to third party fertility, through the evaluation of the market situation of reproductive stem cells in Brazil. The existence of legal loopholes and the growing demand for gametes favored an increase in the importation of genetic material from sperm banks in the United States and from oocyte banks in Spain. The different regulatory systems that operate in these countries promote the reproductive cell market by reinforcing the business logic of the supply/demand power and the quality of the genetic material of third parties. Starting from the context of global fertility chains, the author analyzes the connections between reproductive practices in the markets of Spain (obtaining oocytes), the United States (obtaining semen) and Brazil (recipient of gametes).

Natacha Salomé Lima titled her article “Good wood: meanings associated with reproductive genetics.” In it, part of the sanction of the Civil and Commercial Code in Argentina (2015) to analyze reproductive technologies as a new source of filiation with its own characteristics through the analysis of the meanings associated with reproductive genetics in a subgroup of cis heterosexual women. According to the study, the way of signifying the genetic origin is articulated with the family structure. In this sense, the genetic component tends to relativize between the child and the bond shared in pregnancy, lactation and childbirth. Genetic inheritance can be threatening in the face of a future health condition and/or the obligation to register the birth. In this context, the privileged place of the doctor in the configuration of reproductive projects makes him a key figure.

Consuelo Álvarez Plaza and Ignacio Pichardo Galán focus on the context of sperm donors in the article “The genetic legacy: messages from sperm donors to families and their descendants”. Based on a virtual ethnography on the website of an international sperm bank, the authors analyze personal messages from sperm donors addressed to potential recipients of their genetic material, seeking to know who the messages are addressed to, the type of message produced and with what purpose in a context in which genetics is increasingly associated with its ability to establish links and hereditary characteristics, the personal messages of

the donors of genetic material seek to substantially motivate the recipients, highlighting the uniqueness of their potential contribution to the filiation project.

María Eugenia Olavarría in the article “The non-regulation of surrogacy in Mexico between 2018 and 2021. Laicism or evangelism?” discusses the recent changes in the practices and discourses of the actors in the regulation of surrogacy in Mexico. Addressing the legislative initiatives presented in the last three years before the Congress of the Union and the rulings of the Supreme Court of Justice of the Nation during 2021, the author questions whether or not these modification proposals contribute to the strengthening of the secular state and what they represent in terms of conservatism and neomoralist discourse. This debate is developed by the author discussing the three main features of conservatism: affirmation of the fertilized oocyte as a person, rejection of “gender ideology” and the notion of *natural family*.

María Helena Oliva Augusto and Douglas Mendosa in the article “The regulation of assisted reproductive technologies in Brazil: process and implications for expanding access” discuss the existing legal context in Brazil in relation to assisted reproduction. There is no specific law in the country, but ethical guidelines (resolutions) established by a national medical council, which have undergone continuous changes since 1992, the year of the first resolution. The objective of the article is to present how the process of modifying these norms is related to the expansion of access to assisted reproduction in Brazil. They discuss how the expansion of technologies shapes and is shaped by trends in contemporary societies, such as the valorization of women’s autonomy (empowerment) and individualism.

Ana María Rivas Rivas, Ariadna Ayala Rubio and Consuelo Álvarez Plaza in the article “Entrepreneurship and employability in the fertility industry: the case of surrogate mothers in California (USA)” analyze the development of a transnational care market in assisted reproduction involving the circulation of genetic material and people with reproductive intentions based on the existence of legislative differences between countries and limitations in international adoption processes. In this sense, surrogacy is treated from the perspective of women who gestate for third parties in California, United States, as well as the development of the so-called phenomenon of “entrepreneurship” and employability of these women. The study highlights how these women who gestate for others consolidate themselves as important agents of these practices, being valued by the American reproductive market. The interviews with these women show the need to question the perspective of exploitation or the lack of agency in the process.

The article “Chooosed female single parenthood in Brazil: reproductive strategies”, by Rosana Machin, Fernanda Lye Watari and Marcia Thereza Couto analyzes single parenthood by choice as a growing phenomenon in several countries, promoted thanks to assisted reproductive technologies as it allows women to be-

come mothers using genetic material from third parties. The study investigates the reproductive strategies adopted by observing the influence of sociopolitical and economic aspects in the decisions made. The authors consider that these women negotiate with hegemonic social norms and values, transgressing normative elements and modifying social norms.

Lucía Ariza in the article “The nonpathologizing foundation of the national law on access to assisted reproduction in Argentina: the situation in the field of public health two years after its implementation” analyzes professional attitudes regarding the provision of reproductive treatments in the context of public health in the City of Buenos Aires, Argentina. The study focuses on professional attitudes around the provision of treatment for gamete donation and access to assisted reproductive technologies for single women, same-sex couples and women of childbearing age. As a result, the existence of a harmony between the guarantees granted by the Law and the recognition of the rights to maternity of some social groups stands out. Despite this, there are some ambivalences on issues such as the donation of gametes and embryos, especially considering the economic dimension that these processes may imply.

In the article on “National and international transfers of gametes and embryos. Technical and legal aspects”, Francisco Guijarro Ponce describes how the management, storage and distribution of reproductive biological material has been promoted, regulated by legal regulations and recommendations of different scientific societies, which establish the technical conditions for the transport and documentation of patients, clinics of origin and destination, as well as companies in charge of these tasks, to guarantee the viability and traceability of the samples from their collection to the destination laboratory.

The article by Marc Abraham Puig Hernández “Information provided to oocyte donors. Some legal considerations” examines the informed consent used in cases of oocyte donors in Spain. The author values the judicial origin of informed consent and the current state of legislation aimed at protecting patients to assert their autonomy in medical practice. In oocyte donation, the law in Spain establishes that part of the information is constituted by the destination of the oocytes. Anthropological studies have shown that it is questionable whether donors are aware of the main destination of their gametes: the international market. The author argues about the need to comply with the regulation by informing the fate of the gametes as a way of incorporating an element of negotiation in the process.

Norma Blazquez Graf, Itzel Cadena Alvear and Ana Celia Chapa Romero in the article “Feminist debates around assisted reproduction” present a review of the main feminist debates and positions on assisted reproductive technologies. This trajectory is undertaken from its first academic manifestations, unfolding today

in a profusion of spaces for discussion and plurality of ideas. The authors address contributions of the feminist debate that puts life, bodies and women's possibility of choosing at the center, by problematizing and dimensioning the development and scope of these reproductive technologies. They point out some axes of discussion such as the separation of sexuality and reproduction, the tension between the genuine desire for motherhood and the imperative of compulsory motherhood, the right to free and desired motherhood, as well as the acceptance and access of these technologies through the development of new public policies.

Elizabeth Ormart and Constanza Curado in their article entitled "The construction of Catholic subjectivity through the figure of the virgin-mother in the field of assisted reproduction techniques", discuss female subjectivity in Argentina today from two perspectives: the legal-political plane, marked by a social dynamic that involves debates around abortion and assisted reproduction techniques and in the religious sphere, a discourse that is still based on the figure of the mother woman, supported by the myth of the virgin-mother. In this sense, the article unravels the permanence of religious representations around women present in the collective imaginary around the feminine that circulates in the media in debates related to abortion and in reproduction user forums assisted.

Flavia Andrea Navés, Paula Micaela Abelaira and Bianca Musante in the article "Knowledge of adolescents from public schools in Bahía Blanca about fertility care" address the representations and social practices of 4th adolescents from public secondary schools of the city of Bahía Blanca, Province of Buenos Aires, Argentina, on fertility care. The study reveals the importance of revising the contents transmitted at school to overcome the permanence of myths and beliefs linked to sexuality and reproduction.

In the article "Evolution of assisted reproduction technologies. A view from biomedicine", Javier Flores López describes the characteristics of the advances arising from scientific and technological research in this century, in particular transplants, artificial organs and the production of sexual cells in the laboratory and examines the collateral effects of these techniques, as well as the debates around them on the present and future of human reproduction.

Closing the articles of the dossier, is the interview conducted by Consuelo Álvarez Plaza and Ignacio Pichardo Galán with Dr. Aurora González Echevarría, professor of social anthropology at the Autonomous University of Barcelona, a recognized expert in kinship theories.

The monograph also has two reviews, in relation to recently published books on the subject of assisted reproduction in Ibero-American countries. Javier Flores López presents the review of the book *Ethnography of reproductive markets: actors, institutions and legislation*, by Ana María Rivas Rivas and Consuelo Álvarez Plaza (eds.). And Consuelo Álvarez Plaza presents a review of *The production of*

kinship. An interdisciplinary perspective on oocyte and sperm donation, by Ludmila Jurkowski, Natacha Salomé Lima and Mariela Rossi (coords.).

We invite readers to follow this challenging debate, based on the contribution of each of the articles. We hope that our work will be a small contribution to this collective task of fighting for reproductive justice, as a part of social justice. **■**

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