

INTRODUCTION

Jennifer Merchant

This book is the first of its kind to compare the institutions and practices in assisted reproductive technology (ART) between two neighbouring countries whose peoples share the same language (in Brussels and Wallonia) and basically the same modern culture. Yet, despite these two countries sharing and interacting constantly with similar culinary tastes, music, movies, pop culture, mass media and social networks, literature, dance and other art forms, despite the homogeneity in the way democracy is practised in these two countries, and despite similar democratic political and legal structures, access to ART is strikingly different. Discrimination written into French law acutely contrasts with non-discriminatory access to ART in Belgium.¹

The contributors to this volume are social scientists from France, Belgium, England and the United States and represent different disciplines: law, political science, philosophy, sociology, anthropology. Each author has attempted, through the prism of their specialties, to demonstrate and analyse how and why this striking difference in access to ART exists. Together, these contributions also highlight how this disparity between these two countries accentuates cross-border practices (especially France to Belgium and/or other countries abroad), with all the legal and sometimes medical risks this may entail as well as the economic burden this has on middle-class and disadvantaged French couples/persons who want to have a child.

For several decades now, French and Belgian scholars have been studying and analysing the practice of ART in France and Belgium,

and have essentially published in French. This is another reason why this book is unique. For the first time, anglophone readers will be introduced to French and Belgian fieldwork and analysis, unknown until now for want of many anglophones able to read French. Because of the language barrier, it has not been possible for anglophone scholars to see how their work sheds often highly surprising and disturbing light on ART practices that have thus far remained in the shadows of international academia. Most preconceptions of how ART is carried out in France are based on stereotypical views, for example that France is a progressive and liberal state and that ART is accessible to all. These misconceptions will have to be reviewed in light of the work presented here.

Though conceptual and methodological approaches differ according to the social science discipline each author represents, there is a strong narrative thread that unites these chapters. Each one exemplifies how ART practices cannot be confined within the social, political and economic regimes of individual nation-states. An additional robust thematic that establishes coherency despite the diversity of the book's chapters is the focus on same-sex families, the status of embryos and the place and role of third-party donors. The book is divided into four parts: Part I, 'Visible Borders: Law and Public Policy'; Part II, 'Invisible Borders, France, Belgium'; Part III, 'Same-Sex Families and Surrogacy'; and Part IV, 'Cross-Border Practices'. Part I essentially lays out the juridical framework of ART practices in France and Belgium: France presented by the French legal scholar Laurence Brunet, and Belgium presented by the Belgian lawyer and legal scholar Jehanne Sosson. This will allow readers to grasp the striking differences in the governing of ART practices, which will then enable them to better comprehend the ensuing chapters that focus on actual practices and perspectives of French and Belgian persons relative to ART and all the issues surrounding them: the status of the embryo, same-sex couples, single-women access, surrogacy, the question of donor anonymity, the important role that social media now plays, and the viewpoint of French and Belgian ART practitioners.

Part II focuses on three issues that remain relatively absent from the public debate and/or appear too controversial. Chapter 3 (a sociological survey by Séverine Mathieu) discusses how the embryo is represented by French couples. Chapter 4 illustrates via four interviews of two French and two Belgian ART practitioners the untenable situation that French OB-GYNs are placed in when

solicited by persons who have no right in France to access ART and the difficult obstacles that French trans people have to face to access ART. The interviews of the two Belgian OB-GYNs show the other side of the coin – their willingness to treat French patients and even others from different countries. The last chapter touches on a very sensitive issue, that of donor anonymity, and how it plays out in the Belgian context.

Part III focuses on French same-sex families and surrogacy. Chapter 6 (a survey by Jérôme Courduriès, anthropologist) demonstrates how French gay men become parents via surrogacy abroad and the ties they maintain (or not) with the surrogate mother subsequent to the birth of the child. Chapter 7 (a survey of same-sex families by Martine Gross, sociologist) shows how French same-sex families have used their creativity to invent specific names for each person who is part of the engendering and parenting of a child. Chapter 8 (a survey by Michael Stambolis-Ruhstorfer, sociologist) clearly highlights the determinant role that social media plays today in assisting French same-sex couples to find ways to have the child they desire.

Part IV ends the book with three chapters that visibly demonstrate how strict limits and laws in France are easily side-tracked. Chapter 9 (a survey by Dominique Mehl, sociologist) focuses on French ‘solo moms’ and the difficult path that awaits them when they decide to become a mother. Chapter 10, written by the bioethicist Guido Pennings, provides substantial data relative to cross-border France-to-Belgium occurrences. Lastly, Chapter 11, written by the philosopher Marie Gaille, analyses the centrepiece of this book’s objective, that is to say that relying on national policy to govern ART is at worst dangerous and at best illusory.

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Note

1. The French case differs not only from Belgium, but from other EU countries as well. For a full panorama of access to ART in Europe, see <https://www.toutteleurope.eu/actualite/pma-quels-droits-en-europe.html> (accessed 24 June 2019).