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Book Review

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Book Review

Erratum

The citation for this review is *3 RISK 173 (1992)* in most commercial databases.

WARREN FREEDMAN, LEGAL ISSUES IN BIOTECHNOLOGY AND HUMAN REPRODUCTION. (Quorum Books 1991) [240 pp.] Appendices, bibliography, index to cases, index to subjects. LC: 90-20709; ISBN: 0-89930-635-7. [Cloth \$55.00. 88 Post Road West, Westport, CT 06881]

Mr. Freedman, former Liability Counsel and Assistant Secretary for Bristol-Meyers Squibb, begins by observing that “Modern biological science has brought forth many modern miracles, but none has achieved greater notoriety than artificial fertilization of the egg by the sperm in helping to solve infertility.” This book provides a concise and well-balanced tour of the tangled web of legal, ethical and religious issues surrounding artificial conception, modern genetics and biotechnology.

First, he surveys the legal implications of non-traditional approaches to conception and birth. Then, he devotes chapters to topics such as artificial insemination, surrogate motherhood and the role of religion (including Judaism) and morality in the creation of the “new” family. Also, he succinctly discusses such diverse subjects as cryo-preservation of both sperm and egg, in vitro fertilization, sperm and egg banking, patentable new organisms and the ramifications of mapping the human genome. Rights and responsibilities as applied to fetuses, donors and adoptive parents are considered in conjunction with the possible role of physicians, parenthood organizations, researchers, corporations and government. The inadequacies of existing statutes, policies and contracts affecting such issues are reviewed. Mr. Freedman concludes with several proposed solutions.

Insofar as it is recognized that a child may have as many as five parents — an egg donor, a sperm donor, a surrogate mother who gestates the fetus and the couple who raise the child — the permutations are numerous. The author describes myriad legal issues that can arise from these relationships (such as prenatal injuries, wrongful birth and wrongful life actions, abortion issues, paternal versus maternal rights, as well as the tort liability for the sexual transmission of AIDS) and

highlights the inadequacy of legal standards to address the rights and responsibilities of all relevant parties.

In a particularly interesting section, at 141–3, Freeman observes:

[T]he eternal conflict between maternal rights and fetal rights has never been resolved, although it appears that courts generally favor fetal over maternal rights. Moral, ethical, and religious opinions intermeddle, and frequently the fetus is protected at the expense of the mother. Undoubtedly a pregnant woman's medical decisions will affect her own life, as well as the life of the fetus she is carrying; her right to her bodily integrity may have to succumb to the state's compelling interest in the child after the first trimester of her pregnancy. On the other hand, the mother does have a legal right to refuse medical treatment pursuant to the informed consent doctrine, provided that the fetus is not viable.

Here, he also discusses matters such as workplace discrimination and “fetal abuse” that pose many questions as yet answered.

In light of the controversy surrounding *Roe v. Wade*, fetal tissue research, homosexual marriages and AIDS, this book is timely. Anyone interested in the resolution of these and important related issues should find it valuable. Also, because it is well documented, students in any number of disciplines will find it a good place to begin research on a wide variety of human reproductive issues, from both domestic and international perspectives.

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