

Ethical dilemma of commercial surrogacy

Introduction

Anne Lamott (author of *Operating Instructions: A Journal of My Son's First Year*) said on parenthood "I don't remember who said this, but there really are places in the heart you don't even know exist until you love a child."

The whole idea of being a parent is something engraved in us on a basic level. Majority of us wants to procreate and leave a little something behind us, so once we are gone there is someone who will remember us. We created this sense of purpose in having children but sometimes life gets in the way, and we are robbed of that possibility. Some can accept the inevitability of the situation and find the purpose in other things, but some people just cannot. This is a situation when a person is left with basically two options – adoption and surrogacy.

Text of the essay

When talking about surrogacy we have to discuss the whole topic from different points of view. One of them is a view from the side of biological parents who can't fulfill their dream of having a child. Second view is from the side of surrogate mother who is willing to put herself in a rather difficult situation just to help, most of the time people she doesn't know, to have a child. Third view is a legal view, what is and is not permissible under the law. Forth important view to include is the ethical view.

Starting from the legal point of view there are two types of surrogacy – commercial surrogacy which includes individual getting paid to carry a baby and surrender the said baby to other person and altruistic surrogacy where individual doesn't gain any money related benefit from carrying and surrendering a child to other person. Aspects and practices of altruistic surrogacy are mostly tolerated and not punishable under the law worldwide.

Exception is for example China where all types of surrogacy are forbidden making a place for black market with surrogates. Many European countries, such as Germany, also ban all types of surrogacy. Another group of countries are those which don't have clear definition for surrogacy in the law. In this group we can find, for example Czech Republic, where we cannot find any regulations for surrogacy in the law, therefore surrogacy is considered generally legal here. Last group consists of countries that recognize surrogacy and have legally described process to protect both parties included (intended parents and surrogate) as well as medical provider. Greece is a very good example of a country with very progressive perspective on the surrogacy. Allowment of commercial surrogacy opens another opportunity such as international surrogacy and surrogacy travelling business, and this is in my opinion circumstance that can be perceived as ethically disputable.

From a perspective of intended parents, it is very hard for me to understand the road that led them to this position. I feel very empathetic towards people who must often suffer miscarriage, loss, infertility, or sickness to endure pressure and try one more time. It is not very hard to understand where they are coming from and why are they looking for someone who will help them. This is in my mind one group of intended parents, but I can imagine there is also a group of people who will seek the services plainly because they have resources to do so. I understand that the resources play significant role in the surrogacy process and can act as a parameter that separates ability to initiate surrogate process. Ethical dilemma can occur in the act of external judgment received from the public sometimes family. While I can fathom that procreation is one of the most natural things humans do, it may not seem as such to some people. I, myself, am very scared of pregnancy and childbirth. In supporting article from 2009, statistics clearly state that between 650 women included in the observation 25% reported high level of stress from childbirth and 20% reported to sleep less than 6 hours per night. Study concluded that fear from childbirth is a part of complex picture of women's experiences during pregnancy (Hall et al., 2009). Selected article is only one in hundreds of similarly executed studies. With postpartum depression prevalence of 17% in healthy mothers, bringing life onto this planet is a fearful notion (Shorey et al., 2018).

The most problematic point of view is from the side of surrogate mother. As motioned in the previous paragraph, pregnancy is a risky measure to undergo for sake of having your own child, but to take such measure to provide a child for someone else is a different type of sacrifice. Let's look at the requirements for surrogates in US as those were easiest to examine. Gestational surrogate is required to be 21-43 years old, have at least on full-term healthy pregnancy and delivery, have no more than 3 prior c-sections, have BMI of 35 or below and reside in surrogacy-friendly state (where surrogacy is legal) (What Are the Requirements to Be a Surrogate?, 2022). More requirements as it comes to health and other factors are accessible via direct consultation with IVF clinic and agency that mediates the whole process. Money-wise, surrogacy in US costs anywhere between 120 – 150 000 dollars. In Eastern Europe or South America, the costs are significantly lower and can be as little as 50 000 dollars (The Average Cost of Surrogacy, 2022).

Country with lowest price listed is Ukraine where surrogacy is legal commercially which makes it a very popular destination for parents from developed countries. Immediately after researching surrogacy in Ukraine using Google, we are presented with many agency websites that offer international surrogacy services as well as list of clinics in Ukraine. Over the years, surrogacy has increased in popularity and Ukraine became the main world center of surrogacy business (Reznik and Yakushchenko, 2020). Reportedly, around 2000 children are born to surrogate mothers in Ukraine every year (Ukraine: Impossible choices for surrogate mothers and parents, 2022). The biggest motivation for surrogate mothers is financial reward. Paid surrogacy will always represent ethical dilemma and some may argue that it is not right to "sell your body" or "rent your uterus". It is very complicated to definitively identify ethical accuracy. I realize the severity of situation of some mothers, and I also understand their wish to help their loved ones. I also realize that in a developing country with very low pays there aren't many options.

The ethical problem concerns fundamental freedoms, autonomy, self-determination, privacy, confidentiality, and informed consent as related to surrogate mothers. Recruitment process as a starting point promise to relieve chronic financial distress and can be a very powerful motivational factor to surrogate mothers. Suitability of a woman to become a surrogate is often viewed from a point to benefit future parents and not to protect

surrogate mother herself. Women in recruitment process are often not fit to argue their own opinions and are not submitted to psychological evaluation. In India, agents and clinics control every aspect of surrogate's life to avoid negative impact of environment and to monitor the pregnancy. Such interventions can cause a sense of involuntariness (Fronek, 2018). Voluntariness stands on the idea of mother giving an informed consent to the procedures. Reality, however, doesn't always reflect that. Reports indicate that women of an uneducated and financially poor background often cannot fully understand given medical and legal information and women are often not aware of their rights such as withdrawal of consent. Another big problem is a stress surrounding the surrogacy process and its effect on originally given consent (Kindregan and White, 2013). In some countries consent is mediated and sometimes provided by husband or a family member. Social consequences from being a surrogate are not to be overlooked. Women after completing surrogacy face social stigma and discrimination often leading to relocating of surrogate mother (28). Further disruption of social bonds include problems in marriage and conflicts with biological children of surrogate (Saravanan, 2010). After birth many surrogate mothers face difficult recovery and emotional detachment from the situation (Cohen, 2015).

Moreover, tempting financial reward doesn't include birth of disabled child. Some agencies promise full compensation to the parents in that case, but not to the mother (Harrison, 2014). Commercial surrogacy is predicted to produce healthy desired child as a necessary element. We cannot view commercial surrogacy as ethically neutral as there have been report of harm caused to surrogate mothers and children born as a result from gestational surrogacy.

Conclusion

After reviewing many articles, I tried to keep my unbiased opinion and open mind. As a woman I incline towards the idea of altruistic surrogacy. Commercial surrogacy, while tempting financially and often a last resort towards a biological child, is very ethically flawed concept, especially when executed internationally. In my opinion, we need clear rules and definitions to successfully provide information to surrogate mothers and intended parents. We need to evaluate atypical and critical situations and legally protect all involved parties.

Without these attributes there is a room for questionable practices that can endanger surrogate mothers and children born as a result of gestational surrogacy.

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