

# The moral implications of motherhood by hire

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## *Introduction*

Traditional concepts and values have undergone dramatic upheaval consequent to advancement in biomedical technology. As newer technologies replace existing ones, they throw open a host of ethical questions. We need to reflect on many issues if ethics in biomedical sciences is to have any meaning at all. One such issue that has attracted recent attention and is surrounded by controversy is surrogate motherhood. Surrogate means substitute. Surrogate motherhood implies using the womb of another woman to obtain a child conceived of the husband's sperm and wife's ovum because the wife is unable to bear the child. Infertile couples have turned to surrogacy in a final desperate attempt to have a child.

Surrogacy has raised moral and social questions. Some groups condemn it and seek to have it banned. Supporters acknowledge the need for legislated guidelines and regulations. What is so special about the morality of surrogacy that it provokes such varied responses? This essay tries to highlight some of the ethical problems involved in surrogate motherhood.

## *Status of the surrogate*

An important question that we need to ask is: 'What prompts women to act as surrogates by offering their wombs for bearing children?' Money seems to be a crucial factor for many surrogates'. This being so, various attempts are being made to legalise commercial surrogacy. In the United States surrogate arrangements are enforceable by law. However, if commercial surrogacy were to become an alternative to adoption, it would be so only for the wealthy. Poorer people, who might be just as deserving, or even more so, could never afford the fees demanded. In one notorious British case in the mid 1980s, the fees paid totalled thirteen thousand pounds<sup>2</sup>. What we may see in the future is a class of breeder women, probably poor women, who rent their wombs to wealthy people. Elizabeth Kane, the first commercial surrogate in the United States, now active in the National Coalition Against Surrogacy writes - A woman (surrogate mother) feels like a flesh covered test tube during the entire experience. As the fetus grows, the woman is depersonalised, she becomes fragmented from the whole person - merely a vehicle for breeding babies!

One therefore, treats a woman's womb as a commodity to house the fetus, which can be rented for a few months for a stipulated amount of money. Women are used as human incubators. The relation between the surrogate and the child

is commercial rather than emotional.

As stated above, since money is a crucial factor- that prompts women to be surrogates, it inevitably leads to their financial exploitation. Is it morally right for a woman to offer herself for a fee, procreate and then sell the child? In some cases money may not change hands, as when one sister obliges another sister by carrying her child for her. Even so, when a woman agrees to carry a child and hand it over to another couple, she is contracting her body and herself. Many women in the past have sold their bodies for sex, they have now ended up selling their bodies for reproductive purposes'. From this perspective surrogate motherhood can be regarded as a new form of female prostitution. Are children meant to be born this way'?

## *What is motherhood?*

Another sensitive issue that demands reflection is the concept of motherhood. A woman who carries the baby in her womb for nine months and then gives birth to it, is called the child's natural mother. Even if she decides not to keep the child and offer it up for adoption, she still is the natural mother. The concepts of childbearing and childrearing are very closely associated. It is further assumed that the woman who gives birth to the child will also be the woman who looks after it. Now, surrogate motherhood, insofar as it involves one person who bears the child and another who proposes to be the child's mother, challenges this association. Surrogate motherhood therefore demands that we reexamine the way we think about motherhood. What do we mean when we talk about a child's real mother? Do we mean the person who rears the child and is, in a social sense, the child's mother? Do we mean the person who bore the child for nine months and gave birth to it? Or do we mean the person who is genetically related to the child? Under British law", a woman who gives birth to a child should be regarded as the legal mother. If a surrogate mother had a child for another woman, the child is legally the surrogate mother's, no matter whose egg was used. The eventual mother would have to adopt the child legally, even if she was the genetic mother. If the surrogate mother wants to keep the child and not give it up for adoption she would have the legal right to do so.

## *The commissioning couples*

There are a number of women, most of them wealthy, who do not want to disrupt their careers for child bearing. They are ambitious and give priority to their professional interest over their family. There are some who are worried about ruining their figures by pregnancy. It is these women who avoid being pregnant altogether. Surrogacy serves as an ideal solution to their problem. They get a ready-made child

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without undergoing the pains of creating one, even though they have no infertility problem. All that one is doing is transferring the pain from one woman to another<sup>4</sup>. Is it ethically justifiable for a surrogate mother to be used for satisfying the desires of such women?

Where a couple enters into a contract with the surrogate, the contracting couple wants complete control over the type of woman who is to bear their child. This control is enshrined within the contract'. The woman is expected to abstain from smoking, drinking, engaging in sexual activities. If the couple wants the fetus aborted (for whatever reason) the surrogate must be willing to do so. The contract stipulates that if the surrogate refuses to relinquish the child the couple can sue her. All this amounts to the exploitation of women. The surrogate is used and her womb is not only misused but also abused. This leads to a complete degradation and devaluation of the surrogate mother and merely reinforces the age old notion that a woman is nothing better than a baby-producing machine.

### Position of the child

When we turn our attention to the child that is born, a number of difficulties arise. For instance, if the child born is handicapped or retarded, who would be responsible for the infant? In such a case, usually, neither the surrogate nor the commissioning couple would willingly assume responsibility of the deformed child. Legally, if the commissioning couple refuses to accept the child, the surrogate and her husband (if she has one) are obliged to keep it since it is she who has given birth to the child.

There are also eugenic considerations when the couple pays money. They want value for their money and are likely to refuse to accept the child, if it does not meet their

expectations. What does one do in such a situation? What if the commissioning couple seeks a divorce before the child is born? In such a case, who would be entitled to the custody to the child? What if both the commissioning parents die before the birth of the child? The surrogate mother may feel that she is in no way obliged to continue with the pregnancy or give birth to the child, because she is merely interested in the money. Can she then abort? Would we then have to deal with the morality of abortion?

### Conclusion

If women are now expected to function merely as reproductive vehicles, birth mothers with no identity apart from being a suitcase to carry the child, how far can they be pushed into invisibility? How far can we ignore their moral status? It is not the intention of this article to suggest that surrogacy is wrong or unethical. There are serious problems involved, and these are partly legal and partly ethical. Any attempt to legalise surrogacy, commercial or otherwise, must take into account the above implications. A failure to consider the ethical implications of surrogate motherhood, commercial or otherwise, is to show a lack of concern for another being (a surrogate mother).

### References

1. Mason JK, Smith McCall: The management of infertility and childlessness. *Law and medical ethics* 4th edition. London: Rutterworth 1994.
2. Richardson Diane: *Reproductive technologies. Women, motherhood and childrearing*. Hasingstokc: Macmillan Press 1993.
3. Rowland Robyn: *The depersonalisation of birth mothers: so-called 'Surrogacy'*. *Living laboratories: woman und reproductive technology* London: Limetree 1992.
4. Vander Zanden James W: *Human development* 5th edition. New York: McGraw Hill 1993.

