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## Introduction

The inclination to experience parenthood is rooted in a large percentage of humans. When generating a new life is not feasible by natural means, the couple or the person explores other possibilities. Adoption has been the traditional alternative to biological parenthood which allowed the aspirations of those who cannot have children on their own. For several decades, development of assisted reproductive techniques has opened new avenues to meet the wishes of procreation, so many individuals no longer have to give up have children with their own genetic heritage despite suffering infertility problems (Kini, 2014).

One of the most controversial techniques of assisted reproduction is popularly known as "surrogate mother", which continues to generate many ethical dilemmas. Since the birth of the first "test tube baby" in the late 70s, breeding techniques have made thousands of births of healthy children and have brought hope and joy to many parents. In recent decades, the advancement of these techniques has been spectacular, resulting in new ways of experiencing motherhood.

The main ethical issue is whether the right to procreate and raise a family must come to the point of promoting certain techniques of reproduction and surrogacy or gestational substitution. Gestational surrogacy or surrogate uterus, which is traditionally called "surrogate mother", is that a woman becomes pregnant and exploits a baby of another woman who, for a reproductive health or some other problem, cannot become a mother. That baby can come from the egg and sperm of the parents, preserving the genetic heritage of both parents or come from the surrogate's egg with the sperm of the biological father (Söderström-Anttila et al., 2015).

Surrogacy is allowed in several countries like USA, Canada, Britain etc. Britain is the first country to have legislated on the matter by authorizing surrogacy in 1985 (Horsey& Sheldon, 2012). The British Parliament has had to legislate on surrogacy after a number of cases have shaken its public opinion. It is, however, the case Cotton Kim which was decisive. This young woman had agreed to carry a child conceived by artificial insemination with the sperm of the intended father. After the birth of the child, the father spoke to the London Youth Court, which, noting that the gestational (and also organic) had voluntarily relinquished her parental rights, establish parentage against parents of intention. In consideration of the service, Cotton Kim had received the sum of 65,000 pounds(Horsey& Sheldon, 2012). This case brought in the public square by the media scandal.

Therefore, the legislator had to intervene to prevent the risk of commodification of the human body in matters of reproduction. Rather than banning the practice of surrogacy, which would have been consistent with the prevailing view of the time but also the position of the countries of the European Union, UK decided to authorize it but is asking the territorial limits. Indeed, the Surrogacy Arrangements Act (SAA) of 1985 opened the use of this practice only by permanent residents of the UK(Horsey& Sheldon, 2012).

The principle of free Surrogacy is not possible; however the payment of a financial contribution to reimburse the costs and other income losses suffered by the surrogate is authorized. Such compensation is to be "reasonable". The "reasonableness" of compensation is at the discretion of the courts that take into account the social status of the surrogate. Financial control between intentional couples and surrogate motherhood remains very difficult. The 1985 Act relates to surrogacy while the laws of 1990 and 2008 are related to medically assisted procreation.

The Human Fertilisation and Embryology Act of November 13, 2008 has the provisions of the new law came into force in April 2009. Its main contributions consist in the fact that it maintains the voluntary nature of Surrogacy contracts, the intended parents can now be married, cohabiting or have concluded a civil partnership(Horsey& Sheldon, 2012). Moreover, this law allows agencies specializing in the activity to mediate between the intended parents and gestational mothers to resort to advertising and be paying for certain services; such as the provision of a local order to enable interested parties to meet and keeping lists of women volunteer's carriers.

Certainly the female carrier makes an assignment or rather, making available temporary non-separable part of her body for use by others or for the benefit of others, which may make her, at the end of the gestation process, the fruit resulting from this process. The person or couple needs the cooperation of the pregnant woman, whose body ultimately hosting the unborn child. Therefore, beyond the location of the pre-embryo in its belly, pregnant woman explicitly or implicitly acquires the commitment to do everything within her power to ensure that the pre-embryo, embryo and then fetus, come to reach life outside the womb as an independent creature, forcing to observe a duty of care for the duration of the pregnancy, including adoption and avoiding activities that may input some risk. The presence of these obligations, put in charge of the mother takes us away from mere things and leasing. Thus, in this sense, women out to be offered to carry a pregnancy to change substitution of a payment, and who offers other kinds of personal services to the market for purely financial gain (Mohapatra, 2012). This would be the most likely to meet the demand generated in people who cannot become parents for some medical or physical disability; however, this issue has several ethical issues, which will be discussed in this paper.

### Arguments against paying Surrogate Mothers

In order to make an ethical judgment about the position or conduct of the pregnant woman, it is whether she is motivated by an altruistic impulse or for profit making. Certainly, the same ethical behavior of a woman, who decides to precede with free pregnancy of a child for her sister reproductive cells, who is a victim of an illness or deficiency that prevents you gestate the child herself, is not applied to the woman who carry a pregnancy in exchange for a sum of money. Presumably, except cases of kinship or friendship between the mother and the principal, the surrogate mother articulated between strangers will tend to incorporate the element of economic consideration, given that the benefit, to which the mother agrees, is of lasting nature and acts for her in wider bondage than the case-which-worth by simply donate some gametes (Van Zyl& Walker, 2013).

With the involvement of money, the concept of intermediary agencies (known in the field as baby-brokers) has also emerged which connects the principals who are searching the most suitable women for their interests. Currently, there are hundreds of websites where one can find information about such agencies, which receive a fat commission for negotiations (in the United States it is estimated that their fees range at least \$ 15,000 and \$ 20,000, which must add the fees of the mother, which can amount to as much). In some countries, alluded to the case of India, it has been generated an entire business sector around the concept of bellies at rent. This business sector usually serves citizens of other countries, whose legislation does not allow this technique. There is talk of procreative tourism refer to the phenomenon of people traveling to more permissive countries-usually less-advanced to order the gestation of a baby and return to their country of home with the child once born (Martin, 2014).

However, it is believed by many that a permissive contemplation to onerous substitution gestation contracts, in which the mother obtained a financial compensation in return to her provision, could encourage the emergence of cases of such women who do not want to give birth to their babies just in the fear of inconvenience and lead to increase in commercialization of the concept and will extend a new social behavior social under which, upper class women omitted to become pregnant and instead going to gestate their children, custom paid, through women of lower economic status (something analogous to what happened historically with wet nurses, when women of wealthy families left the function to breastfeed their children in the hands of young nurses who could, now live in the family home, now the creature to move home to care for her there until weaning) (Nicolau et al., 2015).

Indeed, critics of surrogate motherhood tend to emphasize this risk, stressing that this procedure can have dehumanizing effects as it behaves as a reification of women and children themselves, trying the reproductive capacity of women and infants born through gestation process as substitution products which can be bought and sold. Similarly, for some feminist groups, legally admitting surrogacy could reinforce gender stereotypes and lead to the emergence of new groups of exploited women.

On the other hand, the risk of subrogated motherhood is exploitation of socially disadvantaged women which is not greater than these women have, in general, be exploited to be doomed because of financial need, to accept any kind of undesired and underpaid employment (Cattapan, 2014). Some noted that this procedure gives the woman greater autonomy, and there are calls also issued from feminist sectors, according to which the subrogation is a way to get rid of yoke of pregnancy and motherhood imposed by the patriarchal system: women should have their reproductive force, the manner of a factor of production, and hiring freely with her.

It seems ethically justified to go to a surrogacy agreement when the need of principals could be satisfied through adoption. The main thing is that in traditional assisted reproduction techniques the new born baby remain under the custody of the woman who conceived; while surrogacy, by definition, is designed to where the baby is to be separated from who has sheltered him in her womb. Indeed, this one has been conceived by and to deliver to another person (s), which seems to contradict the system logic, which is based on conceiving own children (Nicholson&Bauling, 2013).

Altruistic surrogacy alludes to situations where the surrogate mother is inspired via administer to an infertile couple, for the most part companions or relatives, to manage a youngster and afterward to exchange parental rights to them. Despite the fact that she may be repaid for costs connected with the pregnancy, she is not paid. Commercial surrogacy (Allan, 2014), on the contrary, is masterminded through an organization which puts potential surrogates in contact with individuals wishing to utilize their administrations. Notwithstanding her costs, the surrogate mother is paid a charge. Albeit both types of surrogacy are ethically disputable, the predominant perspective is that altruistic surrogacy is ethically unrivalled to, or if nothing else less dangerous than, commercial surrogacy(Söderström-Anttila et al., 2015).

We positively would prefer not to see potential surrogate moms contending with one another to offer the best arrangement at the best cost to infertile couples, (with ladies who wish to keep smoking amid pregnancy maybe offering a unique rebate to pull in clients). Nonetheless, it is an oversight to accept that it takes after from this that surrogate moms should not to be paid, and that the relationship between surrogate moms and infertile couple is best sorted out as indicated by the standards of a blessing relationship. Rather, the surrogacy is best seen as, and sorted out as per the standards of, semi-professionals, in that:

1. Surrogacy is an employment which is gone for serving people in public good;
2. The surrogate mother is spurred by philanthropy or the benefit of other people, yet gets a charge;
3. The procedure is managed, encouraged and directed by an association or office in charge of screening and selecting potential surrogate moms, giving the fundamental training and mental backing and setting benchmarks and desires, concerning both surrogate moms and their customers(Söderström-Anttila et al., 2015)

#### Arguments in favour of paying Surrogate Mothers

It is questionable whether demonstrations of 'unselfishness', comprehended as demonstrations of helping other people without getting any sort of reward, exist by any stretch of the imagination; promoters either are or hope to be remunerated by a feeling of accomplishment, an upgraded notoriety and other immaterial remunerations. There are numerous cases of philanthropic acts where the supporter does not get (or hope to acquire) any sort of material reward from the recipient or an outsider. We, however, appreciate and support such demonstrations of benevolence, however it ought to be noticed that they ordinarily happen inside of a relationship as of now described by material imbalance, where the supporter has much to give, and can do as such at generally little cost to himself, while by complexity the recipient is powerless, poor, or generally hindered. The sponsor might consider himself to be being in a favoured or advantaged position, as giving something back to the group, and accordingly to some degree reducing the level of disparity that exists between them.

It is, therefore, argued that not all selflessness, or nonreciprocal benevolence, are ethically worthy. In situations where the recipient is not more regrettable off, in light of present

circumstances, than the advocate, and fit for giving something consequently. This is on the grounds that recipients cause an obligation of appreciation, and this is so regardless of the fact that the supporter makes it clear that they do not expect anything consequently. In releasing this obligation, recipients are to some degree allowed to settle on the way of the counter-gift, however there are definite social standards that figure out if the counter-blessing is fitting and satisfactory in a specific circumstance. These standards include the nature and estimation of the first blessing, that implies the recipient has available to her, and in addition the requirements and yearnings of the advocate. On account of gestational surrogate motherhood, the accompanying contention can subsequently be made:

In order to give the gift of baby to an infertile couple, the surrogate mother experiences a lot of torment and inconvenience connected with IVF, pregnancy, and labour. She expects a danger to her health and a percentage of the physical impacts of pregnancy and labour are perpetual. Her flexibility as to eating regimen and other way of life decisions might likewise be fundamentally diminished. It would hence be obscene for the couple not to give something of extensive worth consequently on the off chance that they are equipped for doing as such. As in different situations where recipients bring about an obligation of appreciation, they ought to have some opportunity to choose the size and nature of the counter-blessing, yet there is by all accounts no motivation behind why, on a basic level, the blessing could not be in the form of cash.

Against this some might need to contend that though non-financial blessings may be proper, the minute that a trade of cash happens we no more have a blessing relationship yet a business one. Furthermore, one motivation behind why this is thought to be unseemly in surrogacy is that it puts a cost on something which has incomprehensible worth, therefore

lessening the estimation of women's regenerative work to an insignificant commodity (Nelson, 2013).

Accordingly, it has been counter-argued that a trade of cash happens between two parties is not adequate for the relationship between them to be esteemed a business one instead of one of complementary charitableness (Nelson, 2013), where one individual performs a service or makes a penance for someone else who then responds somehow so that the penance of the supplier is adjusted by a comparing benefit by the recipient.

Money can be a blessing, and in reality, in numerous cases cash could be a superior – more astute – blessing than something made or something purchased. Hence, it is not the trading of money that transforms the relationship into a business one – rather, the actuality both sides view the giving of cash as 'full and last instalment for services rendered', and consequently as the demonstration whereby the couple completely releases their commitment towards the individual who gave the services, in this way finishing the exchange.

A solid case can be made, then, to allow the couple to give cash as an image of their appreciation and as a method for responding the surrogate mother's awesome demonstration of benevolence. Without a doubt, the obligation of appreciation contention appears to be another reason given by some is that a surrogate mother who gets cash is as a result offering the baby. For a decent discourse of the complaint that if commercial surrogacy commodifies babies, then altruistic surrogacy is the act of giving babies as a gift. One important element of the ordinary gift relationship is that the demonstration of giving is both free and voluntary. It is free, in that nobody drives the sponsor to go about as one, and it is deliberate, in that

(a) The advocate picks the demonstration of giving from various worthy choices and,

(b) Can choose what to give and accordingly additionally the amount of her assets to spend(Söderström-Anttila et al., 2015)

In case of surrogate mothers, guilt may be more intense than financial motivating forces as a method for making a companion or relative go about as a surrogate mother. An unpaid surrogate is not allowed to choose what to give, or the amount of time, cash or push to put into the blessing, for what the aiming folks require and need from her is something certain – her conceptive work. The way that she might cheerfully do these things, the truth of the matter is that once she is pregnant she is not free not to do them. At long last, while supporters are normally allowed to stop their demonstrations of helpfulness, this is not valid for a surrogate mother. When she gets to be pregnant, she has an ethical – and perhaps at the same time a contractual – commitment towards the planning folks to stay pregnant and to hand over the baby after childbirth (Nicholson & Bauling, 2013). She might for reasons unknown come to discover the possibility of proceeding with the surrogacy course of action extremely ugly, however the options – to have a premature birth or to sue for care of the tyke – may be even less alluring or worthy.

### Conclusion

In short then, though a woman may be pretty much allowed to go about as a gestational surrogate mother, once she is pregnant her opportunity is abridged in different routes, not by the aiming folks or whatever other gathering, yet by the way that she now acquires a solid good obligation towards the couple and in addition the unborn baby. Taking after a sound eating regimen is no more a blessing or some help that she can uninhibitedly offer on others, yet an

ethical obligation. The ramifications of this are unseemly to control the relationship between the planning couple and the surrogate as indicated by the standards of a gift relationship.

A further point that can be made in such manner is that were we to demand that the planning couple ought to be allowed to choose how to respond her demonstration of generosity – whether to give cash, or endowments, a progressing fellowship or just a true 'thank you' – there would exist a significant lop-sidedness in the measure of flexibility that the two parties have, which recognizes it most different types of proportional selflessness. This leads us to a second contention against surrogacy as a gift relationship, in particular that it is uncalled for towards the surrogate mother.

A woman who embraces a surrogate pregnancy for altruistic reasons is significantly more powerless against abuse and foul play than the standard member in a gift relationship (Van Zyl & Walker, 2013). This is less on the grounds that she is a woman or may be impeded, uneducated, or unequipped for giving educated assent, as is at times contended. Maybe, she is helpless against abuse essentially in view of the way of what she gives. When we give a gift or help somebody out, we expect that our graciousness will be responded sooner or later. We do not tell others this, not just in light of the fact that they should know about it effectively, given the standards of our general public, additionally in light of the fact that we need them to realize that we are giving the gift on the grounds that we give it a second thought, and not as a way to a counter-gift.

In the meantime, we likewise need them to need to give us something consequently on the grounds that they care for us, and not just in light of the fact that we bugged them into doing as such or in light of the fact that they feel committed to do as such. Numerous connections turn

sour in light of the fact that one or both sides feel they are accepting deficient or no response, but since individuals by and large give a progression of little endowments and supports instead of one vast one, neither one of the party is prone to be genuinely burdened, or if nothing else not for long, for they can quit giving whenever, or even end the relationship altogether.

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