

2015-5

A Consideration of International Surrogacy Under Act-Utilitarian Ethics

Rosa Dale-Moore

Follow this and additional works at: <http://soundideas.pugetsound.edu/sounddecisions>



Part of the [Bioethics and Medical Ethics Commons](#)

Recommended Citation

Dale-Moore, Rosa (2015) "A Consideration of International Surrogacy Under Act-Utilitarian Ethics," *Sound Decisions: An Undergraduate Bioethics Journal*: Vol. 1: Iss. 1, Article 1.

Available at: <http://soundideas.pugetsound.edu/sounddecisions/vol1/iss1/1>

This Article is brought to you for free and open access by the Student Publications at Sound Ideas. It has been accepted for inclusion in Sound Decisions: An Undergraduate Bioethics Journal by an authorized administrator of Sound Ideas. For more information, please contact soundideas@pugetsound.edu.

A Consideration of International Surrogacy Under Act-Utilitarian Ethics

By Rosa Dale-Moore

Surrogacy is the practice of a woman who gestates a fetus for another person or couple. Through a contracted agreement, the surrogate gives up the child to this person or couple, who then adopt the baby. Surrogacy companies in other countries than the United States, especially India, has become very prevalent and successful. The surrogates conceivably earn much more money than they ever could at their permanent jobs, as well as often receiving housing and healthcare during and/or after their pregnancy. From a utilitarian point of view, international surrogacy is generally morally permissible because there are many more benefits to all parties involved than it harms either party. Utilitarian ethical principles hold that the ethically permissible choice is the one that does the most good for the greatest amount of people. Following utilitarian logic, there are several downfalls to international surrogacy, but the benefits far outweigh them, which leads to the conclusion that international surrogacy is ethically permissible.

Utilitarian ethics is very much about weight, often numerical, given to outcomes of an ethical issue. The most ethically permissible choice is the one that simply has a greater number of good outcomes than bad outcomes. This requires the examination of all the outcomes and their effect on all parties involved. In the case of surrogacy, these parties are: the women choosing to be a surrogate, the intended parents, the company providing surrogacy technology, and support for the surrogate and parents, and in some cases of international surrogacy, the city in which surrogacy has become a true market. In this essay, I will explore the ramifications and positives outcomes concerning each of these parties with utilitarian ethical frameworks in mind in order to determine that surrogacy is morally permissible.

Laura Purdy argues in her article: *Surrogate Mothering: Exploitation or Empowerment?* that surrogacy may be morally permissible in certain cases¹. There are many beneficial factors that weigh in favor of surrogacy, both for the surrogate and the person or couple that raise the baby. Through act-utilitarian methods, Purdy calculates the amount of good outcomes and the amount of harm done in the cases of surrogacy. First, the surrogate may be able to pay for or receive medical care, food and housing while she is pregnant, and possible healthcare benefits after giving birth. The surrogate may also gain a sense of control over her body and be more able to claim her autonomy.

The intended family created by surrogacy is greatly benefited by both international and local surrogacy. Some families do not have the biological necessities to have a baby naturally. This is a stress for many people who want a child, and for whom adoption is not ideal. International surrogacy is less expensive than hiring a local surrogate, but there are downsides to going overseas to employ a woman to have a child. The family rarely gets to actually meet their surrogate, which may cause a lack of connection to the means in which they received their child. The intended parents also cannot completely have knowledge or control over the wellbeing of their surrogate and child during the pregnancy. The idea of control or 'ownership' of a person while they are performing a service is a different issue altogether, but there is often an aspect of the parents feeling control over the surrogate because of exchange of money for services.

The basis of utilitarian ethics relies on the greatest good, which requires in turn, a compilation of the bad. Surrogacy can cause a significant burden to the surrogate, including physical complications and loss of income while she can't work at her original job. Additionally, Purdy points out that some women do not actually enjoy being pregnant, and it is very

¹Purdy, L., *Surrogate Mothering: Exploitation or Empowerment?* from: *Bioethics; Principles, Issues, and Cases* (2nd ed.) Vaughn, L. (2013). p. 454

emotionally damaging to them. This list is noticeably shorter than the positives of international surrogacy. However, there are many arguments against international surrogacy that hold merit, which are necessary to consider².

Surrogacy takes away the autonomy of the woman in multiple ways, because the ‘social parents’ control the pregnancy, even from across the world. The women may lose autonomy because the parents adopting the baby will control the pregnancy as a way to control their baby’s life. She could also lose her job while pregnant. However, surrogacy can in fact be a way to gain autonomy because the woman is able to choose to use a resource she has to earn money (more than any other profession for a woman in most countries) and she is able to get health care and support her family. In this way, the woman is able to reclaim her ability to make money for her family.

Critics suggest that the surrogate will feel a loss of connection to the family adopting the baby, and therefore a loss of connection to the baby while it is gestating. While this may be primarily true for some women, most surrogates have already had children and know how important loving parents can be. I believe that is usually clear that the surrogate made this choice to carry a baby for people she may not know. There may be unexpected emotions, but she is ultimately helping another family come into being.

The question arises of whether the surrogacy market in India benefits the women more or the monetary compensation of the surrogacy agencies. It would be very easy for a woman to be coerced into making more money than she could anywhere else. Surrogates in huge demand in the United States, so when international surrogacy became more prevalent, the women choosing

² Purdy, L., *Surrogate Mothering: Exploitation or Empowerment?* from: *Bioethics; Principles, Issues, and Cases* (2nd ed.) Vaughn, L. (2013). p. 460

to carry a baby for another couple began to have a tendency to come from severely impoverished areas or not fully understand what is going on. Critics paint a picture of a poor, unknowing woman being coerced and bribed into carrying a baby. In reality, the women are usually carefully screened, but there is no way to make sure their decision was pure at heart. There is never a way to be sure that a surrogate is not making their choice to be a surrogate under coercion, or is not going to want the baby after it is born instead of giving it to the intended parents. This is true whether the surrogate is in India, or is one of the intended/social parent's family member, as is common in the United States.

International surrogacy benefits the women that choose to do this job more than it burdens them, and the same holds true for the intended parents. This demand for surrogates creates a market. The surrogates become products, and the demand is sky-high. From a Utilitarian point of view, this works quite well. The women make money and receive healthcare, and the families receive a baby and services for their money. In this respect, I see the ethical "balances" as equal.

In counter to the argument that surrogacy is better for all parties involved, Elizabeth Anderson argues that women become a commodity when they are paid to carry a baby for another person or couple³. Anderson believes that women, by being surrogates, create a market. However, this conclusion is flawed because as Anderson points out, coercion aside, humans have the right to reproductive rights and to decide how to make decisions about their bodies⁴. The ultimate positive outcome that arises when a family that may not be able to naturally have a child but is able to hire a surrogate far outweighs the negatives that Anderson points out of forming a market of women.

³ Anderson, E. *Is Women's Labor a Commodity?* from: *Bioethics; Principles, Issues, and Cases* (2nd ed.) Vaughn, L. (2013). p. 471.

⁴ *Ibid.*, 473

While women who are surrogates suffer physical and emotional burdens, they also are paid and accommodated during and usually after their pregnancy. For women who often live far below the poverty level and already have children, this can make many very important differences in their lives, both financially and health-wise. Pregnancy alone can be a burden for women while they are working as a surrogate, which is why international surrogacy companies often house women while they are pregnant as surrogates. This means that many women are more supported working as a surrogate than not. The parents who receive the baby are also benefitted greatly. They are able to pay a lower fee to receive the gift of a child, biological or not, from a woman in another country. I believe the practice of international surrogacy is morally permissible under the structure of utilitarian ethics because the benefits dwarf the negative outcomes.

Works Cited

Anderson, Elizabeth S. "Is Women's Labor a Commodity?." in *Bioethics: Principles, Issues, and Cases*, edited by Lewis Vaughn, 671-82. New York, NY: Oxford University Press, 2012.

Purdy, Laura M. "Surrogate mothering: exploitation or empowerment?." in *Bioethics: Principles, Issues, and Cases*, edited by Lewis Vaughn, 654-63. New York, NY: Oxford University Press, 2012.