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Surrogacy: The Pros and Cons

Introduction to Surrogacy

Surrogacy, like other forms of ART, such as artificial insemination, in-vitro fertilization, gamete and sperm donation, is a relatively new practice that has been the center of attention for many critics. Examples of criticism of surrogacy include a child being created with the intention of immediately being separated from its gestational mother, questions of who qualifies as the intended parents, and the risk of exploitation and organ trafficking. However, surrogacy is vital to some individuals experiencing fertility issues. Allowing another woman to carry a fertilized egg that may or may not be hers genetically, allows for women who do not have a good structural uterus for pregnancy, or women who are expected to have complications during pregnancy due to previous health concerns such as prior C-sections, a history of hemorrhaging, and/or a history of preeclampsia¹. Surrogacy is also common among same-sex couples, specifically gay men looking to have a child.

Before diving into the ethics, it is important to note the different types of surrogacies. There is traditional surrogacy in which the surrogate mother is the genetic mother of the child. Again, this type of surrogacy is most common for gay male couples, but is also a resource used when the intended mother does not have any viable eggs to contribute to a fertilized embryo. Gestational surrogacy is the surrogacy that most people commonly think of where the surrogate mother is not the genetic mother of the fetus. Instead, both the intended parents are the genetic parents of the baby, and the fertilized embryo is transferred into the surrogate mother's womb².

¹ *Reasons to need surrogacy for intended parents: San Diego*. United States. (2023, March 16). Retrieved March 28, 2023, from <https://cacrm.com/surrogacy-and-egg-donation/reasons-to-need-surrogacy/>

² Patel, N. H., Jadeja, Y. D., Bhadarka, H. K., Patel, M. N., Patel, N. H., & Sodagar, N. R. (2018). Insight into Different Aspects of Surrogacy Practices. *Journal of human reproductive sciences*, 11(3), 212–218. https://doi.org/10.4103/jhrs.JHRS_138_17

There is also a difference between altruistic surrogacy and commercial surrogacy. Altruistic surrogacy is when usually, a friend or relative of the intended parents' volunteers to be the gestational mother of the intended parents' fertilized embryo. However, commercial surrogacy involves monetary compensation from the intended parents to the surrogate mother as a form of reimbursement for the gestational mother's service³. Although there are different forms of surrogacy, the criticism of surrogacy is usually applied to all forms of surrogacy for several reasons, including the ones previously mentioned. The ethics of surrogacy is a topic that I constantly flip-flop on because it can be such a positive or negative experience depending on the circumstances. As seen in the film, *Made in India*, the experience could be painted as negative for the intended parents, the Swishers, and the surrogate mother, Aasia. Both the intended parents and gestational mother faced challenges with the surrogacy process ranging from monetary disputes, pregnancy complications, and government recognition. However, in preparation for class, I watched many different surrogacy journeys in different countries. Although there were some instances in which surrogacy seemed to have negative effects like the film, *Made in India*, there were quite a few surrogate videos in which the intended parents filmed their journey in which no complications seem to arise. While researching surrogacy journeys, I stumbled across the page *WeAreDanandSam*. The couple Dan and Sam decided to become a surrogate for another family for seemingly completely altruistic reasons. Although Sam, the gestational mother, was compensated for her surrogate pregnancy, she did not mention that financial pressures were a reason for wanting to be a surrogate in any of her videos. After

³ Gonzalez, A. (n.d.). *Commercial surrogacy in the United States - Georgetown University*. Retrieved March 28, 2023, from https://www.law.georgetown.edu/gender-journal/wp-content/uploads/sites/20/2019/11/Alicia_Surrogacy-6.pdf

hearing Sam's testimony on her calling to surrogacy, I realized that I held certain biases when it came to surrogate mothers. One of which, I assume most surrogate mothers who carry a child for intended parents they do not know, are usually in it primarily for the financial gain. While reading Elly Teeman's article, "The social custom of surrogacy research: An anthropological critique of the psychosocial scholarship on surrogate motherhood," I realized that I had major personal biases that blocked my ability to view surrogacy from a different perspective despite my own feelings of encouragement for it.

Personal Biases and its effect on Surrogacy

In Teeman's article, she mentions three assumptions that researchers have when they research surrogacy, which affects their research methodology.

Assumption 1

The first assumption is that women who choose to become surrogate mothers are not "normal" people. The reason being is that society does not consider that women can carry a child and not consider it their child by the end of the pregnancy. This assumption reveals a social construct that motherhood is defined by the gestational carrying of a child. For example, Teeman mentions one particular question that she noticed in the article, "Who becomes a surrogate? Personality Characteristics": "What kind of woman is willing to conceive a child by a man not her husband, carry it within her and feel it move, go through the effort and pain of delivery, and then give it to relative strangers for love and care?" (pg. 1106)⁴. As Teeman mentions, this question invokes

⁴ Teman, E. (2008). The social construction of surrogacy research: An anthropological critique of the Psychosocial Scholarship on Surrogate Motherhood. *Social Science & Medicine*, 67(7), 1104–1112. <https://doi.org/10.1016/j.socscimed.2008.05.026>

the connotation of sexual deviance on the surrogate mother's part. However, I disagreed with Teeman on this concept of motherhood, being based on gestation, being primarily a Western construct. In articles that we read last week, we read about the thoughts of surrogacy in other religions such as Sunni and Shia Islam. In Sunni Islam, the use of donor gametes in surrogacy is unacceptable and is regarded as analogous to zina “adultery”⁵ (158).

Assumption 2

The second assumption by researchers, according to Teeman, is that surrogate women are “normal” personality-wise but choose to do surrogacy because they are subconsciously dealing with emotional trauma⁶. One of the obvious reasons for a woman to choose surrogacy, which we have explored in class, is due to financial pressures. In the film, *Made in India*, it was made clear that Aasia began as a surrogate to ease her financial stress and provide her children with better economic outcomes. However, according to Teeman, this is not a sufficient answer for researchers, and they try to find the “real” reason behind a woman's choice to endure surrogacy. Like Teeman, I believe women can simply go through surrogacy for the simple fact that it is a way to make a great lump sum of money. Within my own family, I have had female relatives express their wish to become a surrogate for monetary gain, and to my knowledge, there's no other competing factor.

Assumption 3

⁵ Inhorn, M. C., & Tremayne, S. (Eds.). (2012). *Islam and assisted reproductive technologies : Sunni and shia perspectives*. Berghahn Books, Incorporated.

⁶ Teman, E. (2008). The social construction of surrogacy research: An anthropological critique of the Psychosocial Scholarship on Surrogate Motherhood. *Social Science & Medicine*, 67(7), 1104–1112. <https://doi.org/10.1016/j.socscimed.2008.05.026>

Finally, the third assumption Teeman identified is the assumption that greatly changed the way in which I view surrogacy and made me realize my own internal biases based on my personal experiences. To begin, Teeman addresses that the third assumption researchers have of surrogate mothers is that nature “will get the best of them”⁷ (pg. 1108) and they will ultimately want to keep the child or have feelings of regret for giving the child to the intended parents. However, Teeman counteracts this argument by saying this assumption was formed from research on birth mothers and their experience with adoption. To expand, she claims that research has found that birth mothers do usually have feelings of doubt or regret when going through with adoption; however, this is completely different regarding surrogacy because, “surrogates enter into a contracted agreement with the intent to become pregnant and relinquish, while birth mothers make the decision to relinquish under the pressures of an existent confirmed pregnancy”⁸ (pg. 1107). However, Teeman does fail to acknowledge that there have been cases where parental rights have been contested by the surrogate mother. This is usually seen in traditional surrogacy, like in the case that Rothman mentions in her article, “Reproductive Technologies and Surrogacy: A Feminist Perspective.” Rothman argues that “We need to reject the very concept of surrogacy” (1608). She mentions the case of Baby “M” in which a traditional surrogate wanted to fight for parental rights of the child that was carried through surrogacy in 1985⁹. Rothman also argues that surrogacy is similar to women “buying their rights to patriarchy” because they are buying another woman’s womb to carry their seed (). Although, I do understand Rothman’s

⁷ Teman, E. (2008). The social construction of surrogacy research: An anthropological critique of the Psychosocial Scholarship on Surrogate Motherhood. *Social Science & Medicine*, 67(7), 1104–1112. <https://doi.org/10.1016/j.socscimed.2008.05.026>

⁸ Teman, E. (2008). The social construction of surrogacy research: An anthropological critique of the Psychosocial Scholarship on Surrogate Motherhood. *Social Science & Medicine*, 67(7), 1104–1112. <https://doi.org/10.1016/j.socscimed.2008.05.026>

⁹ Rothman, B. (1992). Reproductive technologies and surrogacy: feminist perspective. *Creighton Law Review*, 25(5),

concerns about the possible human trafficking of women's bodies through surrogacy since during my research, I found that Planet hospital has also been involved in commercial surrogacy in Ukraine, Mexico, and Georgia. All of these countries where commercial surrogacy has been under strict scrutiny by government officials.

Survival Bias and Surrogacy

The reason why the third assumption that Teeman addressed caught me off guard is that I realized that I had too been looking at surrogacy through the lens of adoption due to the fact that I am, in fact, adopted myself. Being adopted, I have explored much literature reviewing the effects of adoption on the birth mother, but especially on the adoptee themselves. One interesting perspective that I discovered in my search to learn more about my situation, I came across the idea of the “primal wound” which was discovered by Nancy Verrier. She describes the primal wound as being a trauma that all adoptees go through at birth due to being separated from their birth mother. In utero, a baby has “primal” instincts to recognize their gestational mothers at birth. For example, from pheromones, babies recognize the smell of their gestational mother. Before a fetus is even born, they can recognize the voice of their gestational mother. From this, Verrier implies that when adopted infants are separated from their birth mother, this causes a disjunction in the maternal-fetal attachment hence assigning the infant trauma. She goes on to imply that this trauma can last with the adoptee throughout their life manifesting in subconscious abandonment issues, lack of belonging, and etc. Technically, children born through surrogacy are also separated from their gestational mother at birth and handed over to the intended parent usually immediately. However, again using my own bias as being an adoptee can be harmful when researching and formulating opinions regarding surrogacy since adoption and surrogacy are two different things. However, as an adoptee, I still want to advocate for child-centered

thinking when it comes to new reproductive technologies such as surrogacy, IVF, and potentially cloning in the future.

So How Do We Examine Surrogacy?

With this week's readings, two alternate perspectives were brought up for the use of surrogacy, which we have seen can be a very joyful process for the intended parents and the surrogate alike. However, as Rothman mentioned with the case of Baby "M," surrogacy can come with complications. However, in the United States and many other countries, surrogacy is allowed on a commercial level. With surrogacy being treated as a commodity, we must accept that surrogacy will be like most other items that are bought and sold: you get what you pay for.

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