

Czech University of Life Sciences Prague

Faculty of Economics and Management

Department of Humanities



Bachelor Thesis

Ethics of Commercial Surrogacy

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BACHELOR THESIS ASSIGNMENT

Zoha Ishtiaq

Economics and Management

Thesis title

Ethics of Commercial Surrogacy

Objectives of thesis

The thesis will investigate ethical questions concerning the practice of commercial surrogacy, in which women are paid in order to carry and give birth to children. Advances in technology have made surrogacy a viable option for many people, and there are extensive debates about whether it is something that should be paid for. It is often seen to raise ethical questions about commodification of the body, exploitation and inequality both within and between countries. While in many countries surrogacy is illegal or restricted, differing laws make possible a thriving surrogacy industry.

The thesis will consider ethical questions and attitudes towards commercial surrogacy through a comparison of existing debates in legal and philosophical literature with attitudes towards surrogacy among the public.

Methodology

Develop a literature review considering the contemporary debates about the ethics of commercial surrogacy. Present comparative analysis of the existing legal framework in different countries. Carry out qualitative interviews to determine attitudes towards commercial surrogacy.

The proposed extent of the thesis

40-50 pages

Keywords

Commercial Surrogacy, Commodification, Ethics,

Recommended information sources

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Declaration

I declare that I have worked on my bachelor thesis titled "Ethics of Commercial surrogacy" by myself and I have used only the sources mentioned at the end of the thesis. As the author of the bachelor thesis, I declare that the thesis does not break copyrights of any their person.

In Prague on 15 March 2019

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Ethics of Commercial Surrogacy

Abstract

This thesis investigates ethics of commercial surrogacy based on the arguments who oppose and support this process.

The literature reviews and explains the process of surrogacy as a whole concept. It will give brief description of surrogacy, types of surrogacy, types of surrogacy arrangements, history, legal regulation concerning surrogacy in different countries. In the later part we also discuss the various reasons why it is unethical based on different arguments and also the reason why surrogacy is happening today despite so many ethical concerns.

The practical part will focus on the semi- structure interviews that I took with Russian women. This part will be divided into different ethical arguments surrounding surrogacy. The practical part will focus on arguments such as general views on surrogacy, surrogacy as prostitution, surrogacy exploits/benefit woman, surrogacy is alienated labour, commodification of children, morality of surrogacy contracts and if they will ever choose to be a surrogate mother.

The conclusion will focus on the arguments presented in literature part and practical part and see how similar these arguments are and based on this what can we say about the ethics of commercial surrogacy.

Keywords: Surrogacy, Ethics, Exploitation, Commodification, reproductive labour, baby business

Etika Obchodních Náhrad

Abstrakt

Tato práce zkoumá etiku komerčního náhradního mateřství založenou na argumentech lidí, kteří jsou pro nebo proti tohoto procesu.

Tato práce přezkoumává a vysvětluje proces komerčního náhradního mateřství jako celek. Poskytne stručný popis náhradního mateřství, typů náhradního mateřství, druhů dohod v rámci náhradního mateřství, historií, právní úpravy týkající se náhradního mateřství v různých zemích. V další části práce také diskutujeme o různých důvodech, proč je náhradní mateřství považováno za neetické a také důvody, proč se i dnes děje přes tolik etických obav.

Praktická část se zaměřuje na polostrukturované rozhovory, které jsem měla s žen z Ruska. Tato část bude rozdělena do různých etických argumentů týkajících se náhradního mateřství. Praktická část se zaměří na argumenty, jako jsou obecné názory na náhradní mateřství, náhradní mateřství jako prostituce, zdá náhradní mateřství je ohrožující či v prospěch žen, komodifikace dětí, morálka smluv o náhradní mateřství a pokud by se někdy rozhodly být náhradní matkou.

Závěr se zaměří na argumenty uvedené v části literatury a Praktické části a uvidíme, jak podobné jsou tyto argumenty a co můžeme říci o etice komerčním náhradním mateřství v souvislosti s těmito argumenty.

Klíčová slova: náhradní mateřství, etika, vykořisťování, komodifikace, reprodukční práce, dětský obchod

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1. Introduction

The evolution of science and technology has unfolded path to many life changing innovations. Some of these innovations have a great controversial aspect to them such as Surrogacy. Surrogacy is a process that is widely used today. The reason for this high demand today is due to the high infertility rate. As well as the changing of the family forms such as same-sex couple, single parents having children without any relationship have led to surrogacy being used as a way to have their own genetically linked child. As a report suggested that:

“The absolute number of couples affected by infertility increased from 42.0 million (39.6 million, 44.8 million) in 1990 to 48.5 million (45.0 million, 52.6 million) in 2010.” (National, Regional, and Global Trends in Infertility Prevalence Since 1990: A Systematic Analysis of 277 Health Surveys, 2012).

Therefore, Surrogacy gives chance to such couples to fulfil their desire to complete their families. Due to large number of infertility rate, different form of families and advances in technology such as assisted reproductive technologies is making surrogacy an option to help childless couples. However, this may lead to commodification of children and also exploitation of women which we will discuss as well. A study estimated that due to large number of people using surrogacy in near future:

“Nearly 400 million people in 2100 may be alive as a result of Assisted Reproductive Technologies (ART). The figure, which would account for three percent of the world's projected population, includes not only those conceived using ART, but also their descendants. Even if there is no further development in fertility services, nearly 170 million people (1.4 percent of the world's population) alive in 2100 will owe their existence to ART.” (Ash, 2018).

Surrogacy is a complex procedure. Many things come together for a successful arrangement for surrogacy. In this study we will talk about these aspects of Surrogacy. How surrogacy takes place and how it affects society and the people related with this process.

2. Objectives and Methodology

2.1 Objectives

The main objective of this study is to investigate the ethical arguments concerning commercial surrogacy in which women are paid to carry a child for someone else. This thesis will consider ethical questions and attitudes towards commercial surrogacy through comparison between legal philosophers' debate and attitude of surrogacy among women.

2.2 Methodology

To understand the ethical dilemmas that surround the process of surrogacy. It was important to understand what philosophers discuss about this and what attitude women have towards surrogacy. For this study, I choose the women in Russia specifically as it is legal in their country so in future it can be an option for them.

In the literature part we will discuss what is the general argument that surround this topic. Talking about its Types, History, Laws, Ethical Discussions and Arguments that support surrogacy. The Practical paper will be divided into different Ethical debates and will focus on the interview question that will be asked to these Russian Women.

In conclusion we will compare the arguments between philosophers' debate discussed in literature part and argument of Russian women in practical part for surrogacy.

3. Literature Review

3.1. Introduction to Surrogacy

3.1.1 What is surrogacy and its types?

Surrogacy is a fertility treatment in which a woman carries and delivers a pregnancy for another couple. To understand it better let's look at the definition/explanation given by Anton van Niekerk and Liezl van Zyl in their work "The ethics of surrogacy: women's reproductive labour":

"The word 'surrogate' literally means 'substitute' or 'replacement'. A 'surrogate mother' is therefore a 'substitute mother': she is a woman who, for financial and/or compassionate reasons, agrees to bear a child for another woman who is incapable or, less often, unwilling to do so herself. In other words, she is a substitute or 'tentative' mother in that she conceives, gestates and delivers a baby on behalf of another woman who is subsequently to be seen as the 'real' (social and legal) mother of the child." (Niekerk and Van Zyl, 1995, Page 345).

Surrogacy has many types and can be completed in many ways. There are three different types in which surrogacy can be completed. The differences are based on how the surrogate and the intended parents will participate in the process. Anne Philips talks about different types of surrogacy in her book "Our bodies, whose property", Surrogacy today has one of three types: a woman becomes pregnant through artificial insemination, having agreed to relinquish any child born from this to genetic father and his partner; a woman has a fertilized egg implanted in her uterus, having agreed to relinquish the child to the commissioning parents who have provided genetic material; a woman has a fertilized egg implanted in her uterus, created with the donor ovum of donor sperm, having agreed to relinquish the child to the commissioning parents, only one of whom is also a genetic parent. (Philips, 2013).

This could be divided in two forms, Gestational and Traditional Surrogacy. In gestational surrogacy, an egg is removed from the intended mother and fertilized with the sperm from the intended father. This fertilization occurs through in vitro fertilization (IVF) and the fertilized egg is then inserted into the uterus of the surrogate mother who carries the baby till the birth. Therefore, the child is genetically similar to the intended parents but

not the surrogate mother. Reasons to opt for gestational surrogacy may include medical complications due to which the intended mother is at a risk or unable to go through pregnancy. These complications might include uterine abnormalities, chronic reproductive loss and hypertension. However, there might be other non-medical reasons as well for gestational surrogacy for example, nowadays some perfectly healthy celebrities choose this surrogacy to avoid going through pregnancy themselves as it will affect their body and career. This type of surrogacy also usually attracts lesbian couples as one partner, in the couple, may provide the egg and the other may carry the baby. (hrc.org- “Overview of the surrogacy process”).

In traditional surrogacy, a sperm is removed from the intended father or an anonymous donor and is artificially inserted into the surrogate mother to impregnate her. Henceforth, the child born is genetically similar to the surrogate mother, who provides the egg, and the intended father or the anonymous donor, who provides the sperm. Traditional surrogacy is more complex and controversial than gestational surrogacy, this is because of the biological relation between the surrogate mother and the child which further complicates the process of parental rights and legal authority over the child. Mostly same-sex couples may opt for traditional surrogacy in which the surrogate mother may be a close relative. In gay couples, one of the intended partners will provide the sperm which will be used to inseminate the surrogate mother however, this may raise questions between the couple as only the sperm donor is genetically related to the child. (hrc.org- “Overview of the surrogacy process”).

To sum-up all the types of surrogacy I’ve made a table below. It tells what they are, whose egg and sperm is used in that process following with the genetic link of surrogate mother and intended parents with the child.

Table 1: Types of Surrogacy

Gestational Surrogacy (host surrogacy or full surrogacy)	Traditional Surrogacy (Genetic or partial surrogacy)	Traditional Surrogacy (Total Surrogacy)
The egg and sperm of the intended parents are use or donor. Child is biologically related to intended parents or donor. No genetic link to surrogate mother.	the surrogate mother uses her own egg and is artificially inseminated using sperm from either by the intended father Child is genetically related to Surrogate mother and the intended father.	the surrogate mother uses her own egg and sperm of the anonymous donor. Child is genetically related to the surrogate mother and the anonymous donor. Intended parents have no genetic link.

Source: Author, 2019

Furthermore, there are two types of surrogacy with reference to the finance of the process. One is the altruistic surrogacy and the other is commercial or compensated surrogacy. So, what is the difference between these two? Altruistic surrogacy refers to a mutual agreement in which the surrogate mother does not receive any kind of financial support and this is usually done by close family relatives that carry the baby for helping their loved ones. Commercial surrogacy occurs when a certain amount of money is given to the surrogate in addition to the medical services.

Table below summarizes both forms of Surrogacy Arrangements:

Table 2: Surrogacy Arrangements

Commercial Surrogacy	Altruistic Surrogacy
Surrogate mother is compensated for her services beyond repayment of medical expenses.	Surrogate mother volunteers to carry a pregnancy without receiving any monetary compensation in return.

Source: Author, 2019

3.1.2 History of surrogacy

What is the history of surrogacy? How long has surrogacy been around? When it all started? While traditional surrogacy has been practiced for ages. Gestational surrogacy, the modern surrogacy, has developed more recently. For thousands of years, the history of surrogacy referred to only one process which was traditional surrogacy. Since no medical procedures existed to allow an intended mother to be genetically related to the child, all surrogacies before 1975 had to be traditional surrogacies.

Technologies discoveries of 20th century has changed the way of surrogacy process and enabled other reproductive options like IVF, gestation surrogacy and egg donation. The use of surrogacy gradually increased in 1978 after the first ever IVF baby or the test tube baby was born, and fertility treatments became more accepted. In 1983 first pregnancy via egg donation took place. Events like these made gestational surrogacy possible and the after 2 years the first ever gestational surrogacy took place in 1985. (Marsoli,2017).

The first legal surrogacy agreement in the history of surrogacy was brokered by lawyer Noel Keane in 1976 in new jersey. This was a traditional surrogacy, and the surrogate did not receive any compensation for the pregnancy. Keane used this experience to establish the Infertility Centre, which arranged hundreds of surrogate pregnancies a year and played an important role in the history of surrogacy. (Parkerherringlawgroup.com- “The History of Surrogacy- Important Eras to know”)

The first documented surrogacy agreement where surrogate was compensated was in 1980. Elizabeth Kane was the first surrogate mother to get compensated with \$10,000 to carry a baby for another couple. However, she was unprepared with the emotions of surrogacy after giving the child to intended parents. She eventually regretted her choice of becoming a surrogate and later wrote a book called ‘Birth Mother’. (Parkerherringlawgroup.com- “The History of Surrogacy- Important Eras to know”).

Another high-profile case that is considered important in the history of surrogacy is the ‘Baby M case’ which took place in 1984-1986. This was a traditional surrogacy in which Bill and Betsy Stern hired Mary Beth Whitehead to be their surrogate, agreeing to pay her \$10,000. Whitehead’s eggs were used in the artificial insemination process,

making her the biological mother of the child. When the baby was born and it was time for Whitehead to sign over her parental rights, she refused and took custody of baby Melissa Stern starting a long custody battle in 1986. The results of the custody case played a key role in the development of some of the stricter surrogacy laws in the U.S. The New Jersey Supreme Court ruled that the surrogacy agreement between Whitehead and the Sterns was illegal and, therefore, restored Whitehead's parental rights. Custody was granted to Bill Stern, with Whitehead receiving visitation rights. This case marked a huge turning point in the history of surrogacy, and, not surprisingly, many surrogacy professionals began to move toward the use of gestational surrogacy to avoid these legal entanglements. (Parkerherringlawgroup.com- "The History of Surrogacy- Important Eras to know")

Clearly, surrogacy has come a long way and evolved significantly from where it was before the late twentieth century. Today, the combination of rapidly advancing medicine, surrogate agencies and the different types of surrogacy available make it easier than ever for intended parents, to complete their family and for prospective surrogates to change the lives of others. The rate of children born from surrogacy keeps on increasing. According to the American Society for Reproductive Medicine, surrogates gave birth to 2,807 babies in 2015, up from 738 in 2004. (Shellnut,2018) which clearly shows how much it is growing, and new reproductive technologies are making it easier.

However sometimes laws surrounding this may make it difficult for such agreements to take place as it varies from country to country. Depending on the law's surrogacy can be domestic or an international process for some couples. In the next chapter we will look at some laws in different countries for surrogacy around the world.

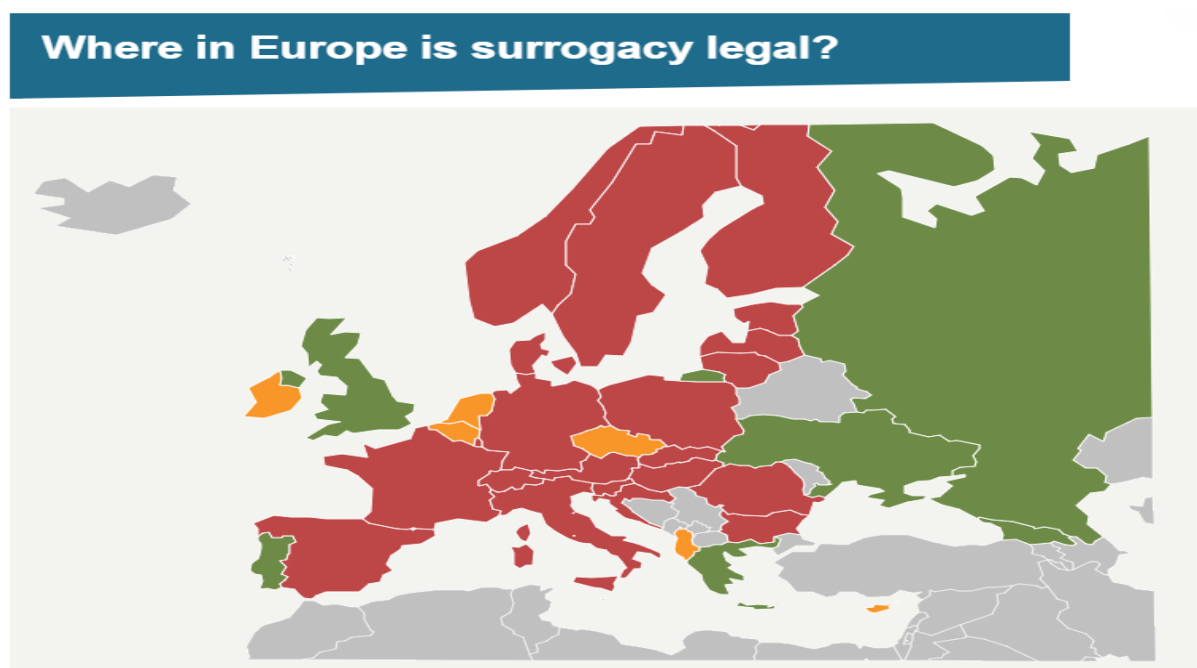
3.1.3 Laws Surrounding Surrogacy

Laws surrounding surrogacy varies from country to country. Every country has its own law and system. Surrogacy is only permitted only in those countries where the law explicitly allows this fertile treatment. Law that is favourable to this procedure clearly mentions the conditions and requirements for it such as family structure, rights of intended parents and surrogate, types of surrogacy. For some countries altruistic surrogacy is accepted but commercial surrogacy is not while in some countries both are prohibited. In this section we will discuss laws and requirements in different countries.

Commercial surrogacy is banned in Canada, Denmark, New Zealand, the UK and Australia (except for the Northern Territory which has no laws on the matter), but they all allow some forms of altruistic surrogacy (Biotexcomsite.wordpress.com – “Commercial Surrogacy Laws in Different Parts of the World” 2017). Altruistic surrogacy is also legal in Belgium and Netherlands (Alexandra Temblador, 2015). In Bulgaria, France, Germany, Italy, Portugal, Finland and Spain all forms of surrogacy are prohibited (Biotexcomsite.wordpress.com – “Commercial Surrogacy Laws in Different Parts of the World” 2017).

Let’s start by simply looking at laws in Europe. For a better understanding, a map of the continent marking where it is legal and prohibited and what does the law have to say is shown below: (Cuddy,2018)

Figure 1: Where in Europe is surrogacy legal?



Source: Cuddy, 2018

So, Red means that it is Banned for all. Orange countries means Arrangements are void and unenforceable. And lastly Green coloured country means that it is allowed for Heterosexual married couples, including foreigners. So according to this map:

Italy, Spain, France and Germany are among those to outlaw all forms of surrogacy. In Ireland, the Netherlands, Belgium and the Czech Republic, arrangements are “void and unenforceable”, meaning “there is no legislation recognizing surrogacy and so no way to transfer parentage to the commissioning parents,” Families Through Surrogacy said. In the UK, surrogacy is legal for UK nationals if it is altruistic, while Portugal also allows for altruistic surrogacy for heterosexual couples with medical needs. Ukraine and Russia have the most lax laws on surrogacy in Europe, allowing people — including foreigners — to pay a surrogate for their services. (Cuddy,2018)

Now let’s look at few countries where surrogacy is allowed around the world and what the laws have to say about it and the requirements in these countries, how they differ from one another:

Russia

Surrogacy is legal in Russia in accordance with the provisions of the Federal law On Basics of Health Protection of Citizens of the Russian Federation, published in January 2012. The law grants couple, foreign citizens and unmarried couples to participate in gestational surrogacy if they meet the following requirements. It is only allowed to heterosexual couples and single females. Only gestational surrogacy is allowed. Intended mother should have a medical cause preventing her from getting pregnant. Additionally, some requirement is for surrogate mother as well, like they should be aged between 25 to 30, at least one child of her own, being mentally and physically healthy and if married must have permission from their civil partner. The cost of surrogacy in Russia can be from \$42,000 to \$54,000. (Salvador, 2018)

Ukraine:

Situation of surrogacy in Ukraine is quite similar of Russia. It is regulated under even a stricter law as only heterosexual couples have access to this fertility treatment. The intended mother must prove that there is a medical reason behind the need for surrogacy preventing her from getting pregnant. One of the advantages here is that they can choose family member or a friend as egg donor unless it is a relative or a friend the donor must be remained anonymous by law. Also. Gender selection can be done through PGD (Preimplantation Genetic Diagnosis). Surrogate cannot claim maternity rights after birth

even if she wanted to. Intended parents are listed as parents on birth certificate and law does not require a court ordered adoption process. The surrogacy cost can range from \$33,600 to \$48,100. (Alvarez, 2017)

India:

India used to be a popular destination for commercial surrogacy all around the world. However, On August 24, 2017, the Union Cabinet approved the Surrogacy (Regulation) Bill 2016. The bill was introduced in the Lok Sabha (the lower house of parliament) in November 2016 and was later referred to a parliamentary standing committee on Health and Family Welfare in January 2017. The bill allows only altruistic surrogacy and bans commercial surrogacy internationally and domestically. As per now altruistic surrogacy is only available to Indian, infertile, heterosexual couples. Singles or homosexual couples cannot apply for this. The couple must be married for at least 5 years. Arrangements only permissible between intended parents and relatives. No payment can be made to surrogate except reimbursement for medical expenses. The surrogacy can cost around \$20,000 to \$ 30,000. (Express Web Desk, 2018)

Thailand:

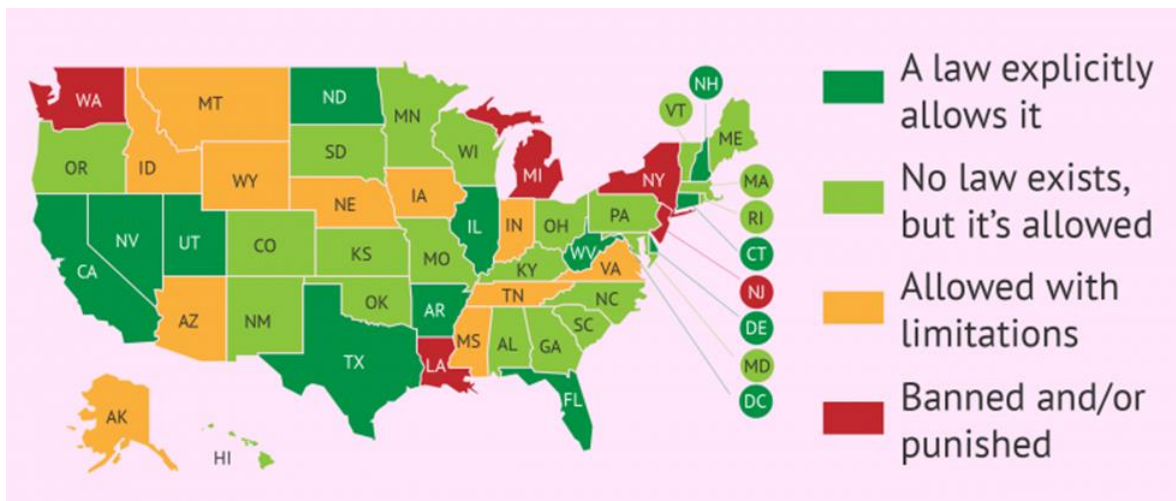
Commercial surrogacy was also banned recently in the country as per 2015 ART act (Assisted Reproductive Technology Act, 2015). The Act bans the selling of eggs, sperm and embryos while requiring eligible couples to be married under Thai law, at least one spouse must be Thai, and they must be married for at least three years. Financial gain from the action is prohibited. The Act requires a surrogate mother to be aged between 20 and 40, to have her own child before the surrogacy and not serve as a surrogate more than two times. The approximate cost of surrogacy can be around \$40,000. (The Sunday Nation,2016)

United stated of America:

There is no federal law that governs surrogacy arrangements across the country, but it differs state by state. The average cost surrogacy in the states where it is allowed can be from \$95,000 to \$290,000. We can classify the US states into three groups according to their level of laxity: Surrogacy-friendly states with an explicit law, Surrogacy-friendly

states without a law, States where surrogacy is allowed with limitations and States where surrogacy is banned and/or punished. (Mark P. Trolice and Natalie Alvarez, 2018)

Figure 2: Surrogacy laws in USA



Source: Babygest.com-2017

Georgia:

In Georgia, only married heterosexual couples can have a baby through surrogacy, where the partner must give consent for it beforehand. Some basic requirements are that intended mother must provide a medical condition that prevents her from getting pregnant with valid medical certificate. After the birth of the child, the name of the intended parents is automatically included in baby's birth certificate. The cost of surrogacy can be from \$27,000 to \$37,000. (Alvarez, 2017)

Greece:

In Greece only heterosexual couples and single females have access to surrogacy. Since July 2014 it can for foreign couple as well. Age limit for intended mother is set at 50 years and they must also provide medical justification to prove that they are infertile or have trouble getting pregnant. There is a strict law here and for those who fail to comply have sentence of 2 years imprisonment and fine as well. In Greece the cost of surrogacy can be from \$42,000 to \$60,300. (Alvarez, 2017)

Vietnam:

Since 2015 under Amended law on marriage and family has allowed altruistic surrogacy. The intended parents must be childless and are able to prove that they can't get pregnant even with IVF (In Vitro Fertilization). Arrangements only can be done between intended parents and relatives. Only three hospitals deal with surrogacy In Hanoi, Ho Chi Minh City and Hue. Gestational mother can carry a child once and need a consent written by spouse by married. The law only allows gestational surrogacy not traditional surrogacy. (Surrogacy360.org- "Current Law")

The Summary of the legal aspects of some countries of surrogacy is given in the table below. From this we can see the similarity and differences between law in different countries.

Table 3: Surrogacy Laws By Countries

Countries	Type of Surrogacy Allowed?	Allowed to what kind of people?	Requirement?	Cost of surrogacy?
Russia	Both	Couples(heterosexual), Foreign couple, Unmarried couples, single females	-Intended mother provide medical cause -Surrogate age (25 to 30) 1 own child, permission of partner.	\$42,000 to \$54,000
Ukraine	Both	married heterosexual couple	Intended mother provide medical cause	\$33,600 to \$48,100
India	Only Altruistic	Indian infertile heterosexual couple. (married 5 years)	-Married 5 years -Arrangement with relatives only	\$20,000 to \$30,000
Thailand	Only Altruistic	married for 3 year under Thai law (1 spouse Thai)	-Surro gate age (20 to 40) -1 own child, can serve 2 times	—
Georgia	Both	married heterosexual couple	Intended mother provide medical cause	\$36,000 to \$48,000
Greece	Both	Heterosexual couples’ single females Foreign couple	Intended mother provide medical cause	\$42,000 to \$60,300
Vietnam	Only Altruistic	Married Couples	-Prove can’t get pregnant -Arrangement with relative -Surrogate mother can once, need consent from spouse	—

Source: Author, 2019

3.1.4 Conclusion of Laws Surrounding Surrogacy

Despite being legal in many countries' surrogacy is a topic that concerns many ethical questions. As it was recently banned in India and Thailand due to the exploitation of women and the way the surrogacy process is carried out.

Commercial surrogacy is often criticized due the money aspect attached to it. It is said that this surrogacy demoralizes and exploits women who are in desperate situations and who take the money offered to give their womb on "rent". Some of the complications of surrogacy also include the laws regarding it. It takes a lot of time and patience for the intended parent to have full custody of the child and bring the child back to their home country. Moreover, the recent delicate cases have increased the complexity of surrogacy for example the Gammy case in which a Thai surrogate mother through gestational surrogacy gave birth to Gammy a boy with Down syndrome. In this case, the intended Australian parents allegedly refused to take the boy with Down syndrome, and this started an international up rise of questions and controversies. Since this case, the Thai government has also banned commercial surrogacy and have allowed only altruistic surrogacy with proper medical evidence for it. (Cheung, 2014)

Therefore, Critics of surrogacy say the practice is open to exploitation of the surrogate, commodification of the child and can lead to emotional and legal issues when it comes to parenthood and custody rights. Swedish activist and writer Kajsa Ekis Ekman, the author of "Being and Being Bought — Prostitution, Surrogacy and the Split Self", believes all forms of surrogacy should be banned.

"Surrogacy is baby trade and exploitation of women, and it goes against the UN Convention on the Rights of the Child and therefore should not be allowed," she told Euro news. "Surrogacy turns babies into commodities and women into factories, and it is also an industry that leads to trafficking and to the sale of children for abuse." She added that any country that "does not allow the sale of children must not allow the erasure of the [surrogate] mother on the birth certificate nor when it comes to custody rights." (Cuddy, 2018)

However, some disagree. "Banning surrogacy has been proven to simply encourage the practice to go underground, creating unnecessary risks for vulnerable surrogates, intended parents and children," said Families Through Surrogacy founder Sam

Everingham. "Cross-border surrogacy is fraught with problems and given the high levels of infertility in developed countries as well as the increasing trend for gay couples to form families, European nations need to look carefully at their citizens' attitudes to surrogacy and formulate laws that allow better access to domestic surrogacy," he added. (Cuddy, 2018)

So, in the next part we will look at the ethical questions that surround this topic, why some people consider it to be unethical and what still makes it still possible today?

3.2 Ethical Questions Related to Surrogacy

Being ethical means something that is morally right or wrong. So, what is morally right and wrong with surrogacy? What makes a multimillion-dollar, transnational intimate industry possible when many people see it as exploitative? (Rudrappa, Collins 2015) It can be considered ethically wrong for various reasons. Some critics have objected commercial surrogacy because it takes advantage of vulnerable women, exploits the system of reproduction and commodifies human life. Commercial surrogacy constitutes a degrading and harmful traffic in children, violates the dignity of women and subjects both children and women to a serious risk of exploitation (Anderson, 1990) In this chapter we will discuss social stigmas associated with surrogacy and reason why it thrives despite its ethical dilemmas.

3.2.1 Surrogacy as Prostitution

One of the main criticisms surrounding surrogacy is that it is often related to prostitution. Some of the opponents agree that similarities exist between these two.

Anne Phillips, Graham Wallis Professor of Political Science, Professor of Political and Gender Theory at the London School of Economics mentions in her book "Our Bodies, Whose Property" in chapter the Case of Commercial Surrogacy says:

"With both prostitution and commercial surrogacy, we encounter something that looks like the renting out of the body. The women are paid for the use of her body like the renting out of the body. The women are paid for use of her body (this could be for a matter of minutes with prostitution, but nine months for a successful pregnancy) in ways that seem to parallel the renting out of a house or car". (Phillips, 2013)

Phillips cites Lawrence Stone arguing that in the famous Baby M Case: “Referring in 1987 to the famous Baby M case, where the surrogate mother changed her mind during pregnancy and sought to keep the child, historian Lawrence stone managed the double act of defining both prostitution and surrogacy in this way. “contracts”, he argued, “should be fulfilled. This is rather a bizarre contract I agree. You’re renting out your body. But one expects a prostitute to fulfil a contract” (Phillips, 2013)

Another example for those who believes that similarity exist among them are, an English philosopher of morality, education and mind Mary Warnock or Andrea Dworkin a well-known American feminist. Mary Warnock in her article “A question of Life: The Warnock report on human Fertilization and embryology” describe surrogacy as “a form of exploitation similar to prostitution” (Warnock,1985).

Andrea Dworkin, the well-known American feminist, in her book “Right-wing women: the politics of domesticated female” states that “Motherhood is becoming a new branch of female prostitution with the help of scientists who want access to the womb for experimentation and power. Women can sell reproductive capacities the same way old-time prostitutes sold sexual ones but without the stigma of whoring because there is no penile intrusion. It is the womb, not the vagina, that is being bought. Dworkin further states that surrogacy is like prostitution because the surrogate has no choice. She argues that surrogacy raises questions regarding the legality of prostitution, such as whether a woman has a right to enter into contracts involving her body, where "the state has constructed the social, economic, and political situation in which the sale of some sexual or reproductive capacity is necessary to the survival of women; and yet the selling is seen to be an act of individual will." (Dworkin,1983)

3.2.2 The commodification of Babies

Another concern is that Surrogacy is the commodification of Babies and relationships. “Commercial surrogacy degrades children by reducing their status to that of commodities” (Anderson, 1990)

Critics argue that this process questions children parent relationship. Elizabeth S. Anderson in her book “Is a women’s labour a commodity?” talks about how surrogacy affects the relationship of a child and his parents. She argues that, Commercial surrogacy

substitutes market norms for some of the parental love. Most importantly, it requires us to understand parental rights no longer as trusts but as things more like property rights-that is, rights of use of disposal over the things owned. For in this practice the natural mother deliberately conceives a child with the intention of giving it up for material advantage. Her renunciation of parental responsibilities is not done for the child's sake, nor for the sake of fulfilling an interest she shares with the child, but typically for her own sake (and possibly, if "altruism" is a motive, for the intended parents' sakes). She and the couple who pay her to give up her parental rights over her child thus treat her rights as a kind of property right. They thereby treat the child itself as a kind of commodity, which may be properly bought and sold. (Anderson, 1990)

She also argues how the process of surrogacy can allow parents to manipulate with characteristics of children which further manipulates the relationship of a child and parent as parent love should be unconditional. Whereas parental love is not supposed to be conditioned upon the child having particular characteristics, consumer demand is properly responsive to the characteristic of commodities. So, the surrogate industry provides opportunities to adoptive couples to specify height, I.Q., race and other attributes of the surrogate mother in the expectation that these traits will be passed on the child. Since no industry assigns agents to look after the "interest" of the commodities, no one represents the child interests in the surrogate industry. (Anderson,1990)

On the other hand, Anne Philips in her book "Our bodies, whose property" in the chapter the case of Commercial Surrogacy criticizes "the idea that it turns babies into "things" that can be bought and sold" she says, I am unconvinced also by the broader argument about surrogacy encouraging us to consider children as if they were commodities- a less literal argument than the claim that it is baby selling, and the closer to what critics like Elizabeth Anderson or Margaret Radin have suggested. For the brokers, the argument goes, the business arranging surrogate pregnancies is regulated by the usual business norms. The broker seeks a profit, which means keeping down the costs of the surrogate and keeping up the price.

She further argues and comments on the statement of Anderson that, while success is measure by the number of births, the actual children are incidental. For the surrogate, too, we might say the actual children are incidental: they are "valued as mere use-objects",

as Anderson puts it, or treated as mere means to someone else ends. The commissioning parents clearly have an enormous amount invested in the particular child, but invested may be the appropriate term, for there is a financial and well as emotional investment, and large sum of money change hands. Critics see the relationship of parents to child as distorted by this intrusion of market norms, with the child carrying through life the burden of living up to its high cost and associated high expectations. (Phillips,2013)

3.2.3 Surrogacy as Alienated Labour

What does Alienated labour mean? As mentioned in the work of Anton van Niekerk and Liezl Van Zyl that ‘Alienated labour’ is the situation when the product of labour is separated from its producer but the reason it is separated from the producer is because the producer surrendered it to someone else and more generally to the market. (Niekerk and Van Zyl,1995, Page 346)

Elizabeth S. Anderson in her book “Is a women’s labour a commodity?” argues that why surrogacy alienated, degrades and commodifies women. She states: “First, by requiring the surrogate mother to repress whatever parental love she feels for the child, these norms convert women’s labour into a form of alienated labour. Second, by manipulating and denying legitimacy to the surrogate mother’s evolving perspective on her own pregnancy, the norms of the market degrade her. Third, by taking advantage of the surrogate mother’s non-commercial motivations without offering anything but what the norms of commerce demand in return, these norms leave her open to exploitation” (Anderson,1990).

Richard j Anderson wrote a “commodification and commercial surrogacy” an article in which he rebuts the argument of Andersons by saying that the contract “does not require the surrogate mother to feel in certain ways, but rather to act in certain ways”. Arneson argues that surrogate is well within her rights to feel however she wants and as such she should be free to make any sort of lab or contract, she wishes regardless of what type of work it is. He acknowledges that the contract may require her to act against her feelings to fulfil its terms, and that to this extent her labour might turn out to be alienated labour. 'But “in a liberal society alienated labour is not forbidden” (Arneson,1992)

Anton van Niekerk and Liezl Van Zyl talks about these arguments presented by Anderson and Arneson in their work “This ethic of surrogacy: women’s reproductive labour”. Here they discuss that, with these remarks Arneson completely misses the point that Anderson tries to make. Everybody knows that 'alienated labour is not forbidden in a liberal society, and that it would be inappropriate (or at least unasked for) for me to develop a personal and emotional relationship with every baker before I buy his bread, or with every electrician before I employ his services. I use these people as nothing more than means to an end, and no one complains that my treatment of them is similar to prostitution.

They further argue that: “Anderson's point is not that surrogacy is immoral because it is a form of alienated labour, but because pregnancy should not become an act of alienated labour. Being denied the legitimacy of one's perspective on one's labour, being alienated from your feelings and having to act against one's emotions is not wrong per se, but only wrong if the labour in question is women's reproductive labour (or another special form of labour). It is in this sense that surrogacy is similar to prostitution: not that both are forms of alienated labour, but that in both cases a physical capacity (sexual intercourse and gestation) that should be afforded special respect, is degraded to a form of alienated labour.” (Niekerk and Van Zyl,1995, Page346)

3.2.4 Surrogacy as Dehumanising Labour

What is Dehumanizing about Surrogacy labour? A Van Niekerk and L. Van Zyl also talks about that “Surrogate’s Labour is ‘Dehumanizing’”. They explain that there are couple of ways of seeing a pregnancy. One way refers to pregnancy as a biological process and other as a psychological one. “Thus, human reproductive labour is not only physical labour or a biochemical state but may also be a social and psychological process in which a bond is established with the fetus in expectation of its birth.” They argue that dehumanizing labour in case of surrogacy means that the surrogacy process with surrogacy contracts suggest that she will experience surrogacy in a physical labour way not as psychological or social way. (Niekerk and Van Zyl,1995, Page 348)

Anderson also talks about pregnancy being a social practice as well she says “Pregnancy is not simply a biological process but also a social practice. Many social expectations and considerations surround women's gestational labour, marking it off as an

occasion for the parents to prepare themselves to welcome a new life into their family” (Anderson,1990).

However, there are few who disagree with this statement as they are not sure what emotions pregnancy normally involve. A Van Niekerk and L. Van Zyl mention Debra Satz, argument in “The Ethic of surrogacy: Women’s reproductive labour”: “Satz tries to bypass this criticism by saying that we are not really sure which emotions pregnancy 'normally' involves. She points at the fact that many women fail to bond with their fetuses (some abort them), and that some even fail to bond with their babies after they deliver them.” (Niekerk and Van Zyl,1995, Page 347)

So, we cannot be sure about the emotions a pregnant woman may feel. Whether she experiences in a psychological way or in a social way. It can be different for each woman. Therefore, Satz also mention in his argument that we should not object to surrogacy as such but only to those cases in which “the surrogate does bond with the fetus but is nevertheless forced to give up the child against her will.” He further argues that, by this she is forced to act against her will, but this problem could be overcome by “not legally forcing surrogates to hand over the babies to whom they gave birth.” (Satz,2010)

In the next part of the ethical arguments we will continue and talk in detail about the morality of the surrogacy contracts.

3.2.5 Morality of Surrogacy Contracts:

Another problem discussed by the opponents of surrogacy is the enforceability and morality of surrogacy contracts. “The problem with surrogacy arrangements is therefore that it causes a woman to be pregnant while expecting her not to acknowledge the fact that she is expecting her child. It tries to divorce pregnancy from the conscious knowledge that you are going to give birth to your child. In this way the surrogate becomes a mere 'environment' or 'human incubator' for someone else's child.” (A. Van Niekerk and L. Van Zyl, 1995, 347)

Anderson also talks about how surrogacy contract exploits women’s labour: “in the surrogate contract, she (the birth mother) agrees not to form or to attempt to form a parent-child relationship with her offspring. Her labour is alienated because she must divert it

from the end which the social practices of pregnancy rightly promote—an emotional bond with her child. The surrogate contract thus replaces a norm of parenthood, that during pregnancy one creates a loving attachment to one’s child, with a norm of commercial production, that the producer shall not form any special emotional ties to her product. The demand to deliberately alienate oneself from one’s love for one’s own child is a demand which can reasonably and decently be made of no one” (Anderson, 1990).

Anne Philips on her book “Our Bodies, Whose Property” talks about the intrusive conditions attached to surrogacy arrangements. How one contract includes so many conditions for a surrogate mother to follow which sometimes are way too demanding. Surrogacy contracts have included clauses banning alcohol consumption, sex with one’s partner, and the otherwise regulating diet and lifestyle. They have required the pregnant women to undergo a battery of medical tests, including amniocentesis. They have included clauses forbidding her to seek, or in cases of foetal injury, requiring her to have, an abortion. In the highly regulated Israeli contracts, the women typically agree to refrain from smoking, drinking, or sex during the pregnancy; to receive daily hormone injections at the beginning, and take all required tests, medicines, and vitamin supplements during the pregnancy; and to undergo selective reduction of the embryos, caesarean birth, or intrauterine foetal surgery, as considered by the doctors. (Philip,2013)

Philip further argues, in the Indian surrogacy hostels, the surrogate move, for the period of their pregnancy, into rooms at the IVF clinics or nearby hostels, and their daily routine is regulated by a system of rules and regular injections. If a woman backtracks on any of these arguments, she can expect to lose some, if not all, of her fee, but it is hard, to envisage a court ordering her to do what she promised to do. (Philip,2013)

Therefore, the critics argue that all these conditions and legal regulations around surrogacy exploits women. They take advantage of their conditions and use it against them. However, there is always two sides of an argument. So, in the next part we will continue the discussion by looking at some arguments that support surrogacy, why it is still happening and how this process benefits the system.

3.3 Arguments supporting Surrogacy

Despite being such a controversial topic what makes surrogacy possible? How surrogacy persists and thrives despite its common portrayal as the “rent-a-womb industry” and “baby factory.” (Rudrappa, Collins 2016) So now let’s look at the factors that make surrogacy possible today. Firstly, it is a desirable option for couples who can’t have their own child due to some reason. Secondly adoption is a very complicated process. Thirdly, surrogacy can help women financially and lastly there are agencies who help make all these things possible.

3.3.1 Desirable Option for Infertile and intended parents

Infertility can be frustrating and stressful for couples who dream of having their own children. Having children and fulfilling wish of family with the help of surrogate mother is a dream come true for such couples. So, one of the main reason’s surrogacy is still happening is the desire of infertile couples to have children of their own.

Intended parents come from all different backgrounds — many are same-sex couples or hopeful single parents who are ready to start a family, while others have struggled for years with infertility and have exhausted their fertility treatment options. However, all these intended parents have one thing in common: a strong desire to add to their families. For these couples and individuals, surrogacy makes this dream possible. (Surrogate.com – “About Surrogacy”)

3.3.2 Difficult Adoption process

Why do couple choose surrogacy over adoption? Being able to adopt is a difficult and long process. It can take many years because of the paperwork process, psychological evaluation, waiting list can be a long and hectic process. It can be emotionally breaking for parents to wait, never knowing when the adoption will finally go through. This is another reason why couples prefer surrogacy process.

Another reason is the inability to adopt. There are many requirements that a couple should fulfil. As surprising (and unfair) as it might seem, certain individuals and couples

may not be allowed to adopt children based on the laws of their country. For example, certain countries do not allow gay and lesbian couples to adopt children. In other cases, a parent with a history of certain medical conditions may not be approved for adoption. No matter how much love and generosity you have in your heart, adoption may be out of your reach due to something you cannot help or change. In such cases, it may be easier to pursue surrogacy. (Circleoflifesurrogacy.com- “Why Some Couples Choose Surrogacy over Adoption”)

Horsburgh B. believes that in order “to meet the high demand for reproductive services, surrogacy may become more common as a solution for childless couples because it provides better solution to infertility than adoption” (Horsburgh B.)

3.3.3 Benefits surrogate mothers:

In some countries where commercial surrogacy is legal it can benefit the surrogate mother and the parties involved economically.

Adrienne Arieff, who had two daughters through an Indian surrogate mother, explains: “This was a win–win, allowing the surrogate to have a brighter future and the couple to have a child. If my money was going to benefit an Indian woman financially for a service she willingly provided, I preferred that it be a poor woman who really needed help because the money that a surrogate earns in India is, to be blunt, life-changing.” (Grinberg,2012)

“There is nothing immoral or wrong in this. A woman is helping another woman, one who does not have the capacity to have a baby and the other who lacks the capacity to lead a good life”. The resilience of such a frame, half a decade later, is noteworthy. Dr. Patel explains that with the money they earn surrogate mothers are “able to buy a house, educate their children and even start a small business. These are things they could only dream of before. It’s a win–win situation”. Thus, the story of transnational surrogacy is framed as an event where two women who are vastly different assist one another in the maternal work of birthing and nurturing children. (Bhalla and Thapliyal 2013).

One other important argument to mention is that surrogate mothers are very conscious of their decision to carry someone else's child. They are well informed and well paid. Most of these women have a positive experience and feel satisfied in what they perceive as an altruistic gesture even if they are getting paid. (Positive-parenting-ally.com – “The Ethic of Surrogacy: A list of the Pros and Cons of Surrogacy”)

3.3.4 Surrogacy Agencies

Surrogacy agencies are one of the main factors today that surrogacy is happening and becoming easier for couples today. They help intended parents to find a surrogate mother who is willing to help them complete their family. Surrogate agencies can be considered a profitable business today.

So, what does a surrogate Agency do? Surrogacy is a complicated process, but surrogacy agencies make it easy by taking their expertise, breaking down the process and helping intended parents and surrogates every step of the way. It provides most or all services that you need as you complete your surrogacy experience. They manage the entire surrogacy case for intended parents. So, their job includes to help you find a surrogate or an intended parent. Screening services to ensure every party is mentally, physically and emotionally ready for the surrogacy process. Coordination of information and services between clinics and surrogacy attorneys to make sure every step is completed. (Surrogate.com – “About Surrogacy”)

3.3.5 Conclusion

Surrogacy is surrounded by many objections and many people see it exploitative. As we discussed earlier it is considered unethical due to many reasons: Firstly, many people see it as prostitution “prostitution and commercial surrogacy appear as two leading examples of markets in intimate bodily services” (Philips, 2013). Secondly many have concern that it turns baby into commodities, something that can be sold and bought. This would damage the relationship between a child and his parents. Third argument is that surrogacy is alienated labour as it commodifies women’s reproductive labour “by requiring

the surrogate mother to repress whatever parental love she feels for the child; these norms convert women's labour into a form of alienated labour". (Anderson,1990).

Another ethical concern is that the "surrogate's labour is dehumanizing" (Niekerk and Van Zyl,1995, page 348) lastly, we discussed about the morality of surrogate contracts as she has no legal right over the child and the terms and condition she must fulfil in the contracts.

Then we discussed about the positive aspect of this process as it helps intended parents who are infertile and can't have their own child for some reason. Also, it can help homosexual couples as they can't have their own child. As adoption is a difficult process and many parents prefer their own genetically related child, so this process helps them complete their family. It also benefits surrogate mother. For some it helps economically (commercial surrogacy) and for some it is a selfless act without being compensated to help such couples (altruistic surrogacy)

Surrogacy is a process that involves many advantages as well disadvantages. For some its exploitative and for some it's a blessing. Every person has a different view. Some agree with some aspects whereas some disagree. So, the next part of my thesis will focus on these ethical arguments and try to see what attitude women have on surrogacy.

4. Practical Part

The following Practical Part of my work will focus on the Ethical arguments presented previously in my literature part. For this I decided to take some interviews of women to see what they think about this process and how they feel about the ethics of surrogacy. For my interviews I focused on Russian women between the age of 18 to 25 studying in CZU. The reason to choose these group of women was, as it is legal in Russia, so surrogacy can be an option for them in future. To do this I prepared a set of Questions which focuses on the ethical aspects of surrogacy. The set of questions I asked my interviewers can be found in the Appendix below. I got the chance to take interviews of only 6 Russian women, it is not many people but the arguments they make are very interesting and important. Even though my group of interviewers are small, but it gives us more information about what these women think about something that is legal in their country.

To present what my respondents said in their interview, I decided to divide the interview in different sections each focusing on one ethical aspect at a time. From this we will focus on one ethical aspect at a time. The main things that I focused on these interviews and which I will talk about in detail were there General view on surrogacy as a process, Surrogacy as Prostitution, Children as Commodities, Surrogacy as Alienated labour, Surrogacy Exploiting/Benefiting women, Morality of Surrogacy Contracts, and Will they ever consider being a surrogate mother in future? I started my interview by asking some questions like:

“Are you from Russia?”

“Your Age?”

“Have you ever about surrogacy?”

“Do you know what Surrogacy is?”

“Do you know its Legal in Russia?”

In the first section we discussed the General views on Surrogacy

4.1 General views on Surrogacy?

The first thing I decided to ask my interviewers was “Have you ever heard about Surrogacy?” and “What do you think about Surrogacy as a process?” The reason to ask these questions was to see if they have any knowledge about the topic we will talk about and do develop the basis of my interview. Generally, everyone had an idea about what surrogacy means and what is the process. However, I also asked them if they know its “legal in Russia” and out of 7 only 3 knew that it was legal in their country. So, the answers I got were:

Respondent 1: “I think that if people are able to make babies themselves, they should do it by themselves not by surrogacy. The only people who should go for surrogacy are the ones who can’t have kids. Other than that, if it was my family and I was not able to have kids I will not do it because it will be my husband’s kids not mine.”

From her answer I asked her and explained her that in gestational surrogacy as they can use your egg and sperm of your husband which means the child will be genetically related to you. To which she replied:

“Yeah but still I would not want for someone else to carry my child. I think the better way for me will be to adopt a child.”

Respondent 2: “I don’t know for me when I hear the word surrogacy, I mostly have negative feelings rather than positive feeling because I think in some ways it is unfair to surrogate mothers.”

Respondent 3: “I think it’s a great idea for people who cannot have a child because they wanted and cannot have one.”

Respondent 4: “Why Not, if the women can’t do it and if the parents want one so the best way, I think to get it by surrogacy.”

Respondent 5: “Personally I think that it’s okay, there is nothing wrong with it, there are no negative thoughts behind it because this is a solution to have baby when you can’t have one. If there is a problem with pregnancy or you don’t want to adopt and still need a child, it’s okay. I know surrogacy may have some negative experiences, but all the business has

pros and cons, good experiences bad experiences but I'm sure surrogacy has helped a lot of people and families"

Respondent 6: "I think it's a good option. If you can't have a child and want one. I think it's a good option for these kinds of people."

Respondent 7: "It's a good option when some parents can't have children but want children, they have some problem and can't do it by themselves. So, they go for surrogacy."

4.2 Do you think surrogacy Benefits or Exploits Women?

I continued my interview by asking one the most criticized thing about surrogacy. The reason to ask these two things together was to see what these women think how this process treats the surrogate. Although these two are separate arguments, I asked this together was not to confuse them with these broader topics. "Do you think Surrogacy Benefits Women or Exploits Them?" The answers I got were:

Respondent 1: "I don't think so they are exploiting women because it is something she has agreed to, like she wants to do it. It's not like it's against her will. I mean its same as prostitution in a sense nobody forces you to do it, they agreed to it. I don't think it's against them it's just something bad."

Respondent 2: "It depends on the situation for example if the women is in strong need of money then I think it's okay and if she's doing it for free and willing to help other it's fine as well, but I think in a situation where a woman needs money people can take advantage of her because she needs money. So, for this reason I think it's not a good idea. I think for the women who are doing it for free it's okay but in the other situation rich can take advantage of a such women."

Respondent 3: "Yes I think its exploits women and it's not a good business."

Respondent 4: "I don't think so Its exploiting women. Also, it's not about helping it's about being generous. I think it's okay if you get paid for it because you are going through

this phase where you have to be extra cautious, eat healthy, you can't work for last few months and after, you must stay home so I think it's okay to get paid."

Respondent 5: "I think it is beneficial for these women as maybe they need money, and this can be a source of income for them and I don't think it's bad because it is her body and she have the right to do whatever she wants. Especially as it is legalized in many countries and I think there will be laws that help stop exploiting of this.

Respondent 6: "I don't know for me it seems awful because you are carrying this child for 9 months and you just give them to another person. I think for a woman who gives birth to this child it's not so good but of course for the people who accepts this child it's a good opportunity to have a child from this woman. So, may be in some case they are trying to as women she needs money but there are some people who actually really needs this child and don't have any choice."

Respondent 7: "I don't know it's hard to say."

4.3 Surrogacy as Prostitution

One of the main Ethical concerns for the criticizers of Surrogacy is that surrogacy is like Prostitution. My Question was "Many people argue that Surrogacy is like Prostitution? Do you Agree with this Statement?"

Respondent 1: "I don't think that its prostitution but still I think it's not something good because imagine the women who is doing this. Basically, you are renting your body but Imagine in the end it's a kid and you are doing it for money ang giving away your child, something that has been inside you for 9 months and after this you give it to someone else. Basically, it's your kid and you are giving it away to other people, I think it's wrong, a little bit wrong."

Respondent 2: "No! This is no way near prostitution. They are two completely different things. Prostitution is like a whole one different story. As compared to this surrogacy is helping those who are willing to have children but can't have it. Soo it for something good. They are using the body of a women to have a child that they want. That is no way near prostitution for me. No comparison whatsoever between these two."

Respondent 3: “I don’t think it’s like prostitution but for the women who do it it’s okay.”

Respondent 4: “I’m sorry you mean surrogacy is like prostitution. But she is helping other people. I disagree because she is helping people because in this process, she didn’t sleep with someone it was done through this process where they put this inside her.”

Respondent 5: “For me no I don’t think so it’s like prostitution. But for some people I think it could be like prostitution because money and body are involved. They think that if god didn’t give you child it should be like that and that’s why you should not do it and that is how your life should be, so it’s like prostitution where you are paying money. They think that is the body is involved you are selling and buying it something about this is not right. Also, this is something new for them and they don’t want to accept this as it involves money and human beings.”

Respondent 6: “You sell yourself like a part of your body So in a way you can say this it is. However, I don’t think so it is”

Respondent 7: “No because I don’t know to explain it but this woman who is doing this is doing something good, even if she is getting paid, because it’s dangerous, she can have some problem with labour.”

4.4 Commodification of Children.

As we have talked earlier in the literature part. Commodification of children is another concern of the critics of the surrogacy. As they believe that this process leads to “baby business” (Spar 2006). So, this question was important to ask in my study. My question was, “Another concern for the criticism for the process of surrogacy is that it turns children into commodities. Something that can be bought and sold. What do you think?”

Respondent 1: “Umm May be. Like the women who do this are doing it for money right, so I think in a way it is like a business. Also, may be in future the kid will grow up and he will want to know his real mother, I mean not real the surrogacy mother after he is 18, he will try to contact her and may be this can affect the family”

Respondent 2: “I don’t really think so that’s the case. I mean in adoption you also must pay right this is what I know. So, it’s not that. I mean those women are carrying the baby for someone else, so they must pay for her health and medical expense. So, it’s not a business in my opinion but you never know may be in future it can be. If more people are doing it even if they can have their own child like some celebrities are doing it today so then may be in future and then that’s a whole new other story. Now, I don’t think so it’s a business or babies are treated as commodities.”

After her answer I further asked her, “Do you think it effects the relationship of parent and a child if a child is born through surrogacy?” to which she said: “if the parents are treating him like his own child then no. He’s not going to think how he was born”

Respondent 3: “No I don’t think so it’s like that okay because it’s a baby and he or she is being born to parents.”

Respondent 4: “I don’t think so I don’t know because it’s a hard question because she is helping in completing a family. She is giving the child to a family.”

Respondent 5: “Yeah probably I think there could be I’m not sure because I feel like I don’t have any deep knowledge about it as no one in my circle has been through this experience. But I’m sure there are some negative experiences with some families because may be someone can lie and use this process as business for money to get paid. They don’t think about the family who is suffering and wants to have a kid so I think some people may use this as some sort of business commercial way and use it negatively.”

Respondent 6: “For me if you think about it sounds more like a baby business but for me, I was born in Russia, so this is my mentality, I guess. Like we are not so free minded people. We Russian people I can say in general are not so free, we have some standard of living. A child should be born in a family with two persons like mother and father. We have the standard of living and what does not come to this standard, it’s not normal. May be why I’m thinking like this but I’m trying to think more freely but for my parents for example they will not.”

Respondent 7: “No I don’t think so.”

4.5 Surrogacy as Alienated labour

Another important argument that I wanted to discuss with my group of interviewers was Surrogacy as 'Alienated Labour'. It was hard to explain them what it exactly means however I tried to phrase my question as easy as I could. My Question was "Do you think Surrogacy is like Alienated labour? Alienated labour is the situation when the product of labour is separated from its producer because the producer surrendered it to someone else and more generally to the market. What do you think?"

Respondent 1: "I don't know it's hard to say."

Respondent 2: "That makes sense. I think Yes it makes sense to think like this because she has already signed a contract in order that she's not going to have any sort of emotional attachment to this child because of the contract that is written, and she has to follow it."

Respondent 3: "I'm not sure maybe."

Respondent 4: "No I don't think so because she is helping others to complete their family."

Respondent 5: "Yes Exactly I think so this could happen that's why I was saying earlier that some people could have a problem with it because there is a strong relationship between parent and a child. This process changes this relationship as the woman who is carrying this child for 9 months is asked to not feel attached to it and do it for money so this is unacceptable for them."

Respondent 6: "I Think so yes because as I said earlier it is not something that come under the standard of living."

Respondent 7: "I don't know I don't think so."

4.6 Surrogacy Contracts

One more important thing that I asked in my interviews was about the surrogacy contracts. As it was important to know what these women think about such agreements. The thing that I asked them was the binding nature of the contracts, should women be allowed to keep the baby if she has a change of heart when she gives birth. My Question was “According to surrogacy contracts a surrogate mother has no right over the child. Even if she wants to keep the child she can’t. Do you think that if a surrogate mother wants to keep the baby after the delivery baby, she must have the option to do so?” The reason to ask this question was to know how they feel about a surrogate mother changing her mind, like it happened in the “Baby M” case as we mentioned it above in the literature part in the history section. The answers I receive were very interesting.

Respondent 1: “I don’t think so because it’s probably not your baby. They took the genes of parents so if she is doing something like this, she should be fully aware and give the baby to parents because if she tries to keep the baby for herself it means that she stole their genes and took their baby.”

Respondent 2: “If you know some reason you are not going to be able to follow it just don’t even sign the contract. I mean it’s a contract and your feelings don’t matter. This is why contracts are made of and if you are willing to break it there will be consequences. If a woman feels and thinks that she will have some sort of attachment with the child, she should not agree to this. As this will be unfair for the parents because they are waiting for their child. So, I think the parents must choose the right person to be a surrogate, who are they sure will not do something like this. I know it is hard to know something like this, but I think the person who is carrying the child should not have a right to keep it. Is she has signed the contract she must follow it?”

Respondent 3: “I think it is. I think the women can keep the baby, but she must return the money to family because family will say we give money and we want baby back. If the women want to keep the baby, she must return the money.”

From her answer I asked her a further question asking her that “don’t you think so it will be unfair for parents who are waiting for the child?” to which she said, “Yeah I think so it will be that’s why this situation is confusing.”

Respondent 4: “Yes I think it could be a contract because it is some kind of work and if you agreed with this you should not keep the child because this family is also waiting for this child. You know they can make some kind of relationship if something like this happens. Family can allow the surrogate to come visit them, they should not be like leave the us, leave the country, leave us forever.”

Respondent 5: “Oh No that’s unacceptable. I think there should be a strict contract where everyone must follow it because it’s unacceptable. It’s not about the money it’s when people are waiting for their child it’s their egg and sperm, even if it’s not they are waiting for it. Keeping this baby to a stranger woman because she got attached. I’m sorry by signing this contract she’s doing a job and that’s the business right she’s doing the job, she got paid. So, I don’t think this woman has any right on that kid.”

Respondent 6: “I don’t know so because is a woman thinks that something like this could happen, she should not sign the contract.”

Respondent 7: “No I don’t think so she should be allowed as it’s the baby of the parents.”

4.7 Being a surrogate?

One of the most important question of my study was to find out if these women ever choose to be a surrogate. The reason to ask this question was to see if they were do something this in future. If they decide to do this what type of surrogacy will they prefer, commercial or altruistic and why? I think a question like this is important because by asking such question a person thinks about all the circumstances, places themselves in the shoes of another person and think. The answers I got from my interviewers were interesting, as they belong to same country. My Question was: “Will you ever consider being a surrogate? If Yes which one will you choose commercial or Altruistic?”

Respondent 1: “No, I would not for sure not. It’s like I said before that it’s your kid and you are giving it away, I don’t think it’s okay.”

Respondent 2: “I will not do to get paid honestly like I said I disagree with surrogacy in a way where its commercial. I would only do it under one condition. If somebody that I really love, somebody that I really care for are willing to this for their own baby and the

mother cannot carry her own baby so I will do it for her for free without any money. But to do it for other people to get paid then no I wouldn't do it. Because I'm going to go through this process of pregnancy here it can be dangerous, I will go through nine months of pain and suffering so I'm not willing to do it for someone I don't know."

Respondent 3: "No I don't think I can do something like this."

Respondent 4: "No I can't because I know I can't leave this child after birth, after being pregnant with this child. I just can't"

Respondent 5: "No I don't think so. Today I don't know but I don't know what will happen in future. I'm not against the women who are doing it. Never say never because anything can happen. However, if I start this job, it's called a job right, to make some families happy and families can't afford me I will agree to work for free because at the end of the day my purpose will not be money it will be to make people lives easier considering my own health is okay and the child will be happy. I don't think so money will be my priority but because there are strict contracts ns requirements in different country so a woman can decide if she gets paid or not."

Respondent 6: "For now it's hard to answer this question really but I think No. Because I'm like a person who really relates to others, so if I give birth to someone, I wouldn't just reject from him I just couldn't do it. I will not be able to do that so that's why I think for me it's not."

Respondent 7: "No, because I'm not in this position that I need money and I'm not in this situation to do it to go through this physical and emotional pain because if I will do it for example, I don't think so I will be able to give them the baby."

5. Results

In this part we will discuss the results of my practical part in which I took interviews of 7 Russian women, asking them about their views and opinion on some ethical dilemmas that surround surrogacy. In my literature part we discuss these ethical issues in detail talking about arguments that support and arguments that does not support surrogacy. The ethical issues that we focused in this study were surrogacy as Prostitution, Exploits/Benefits woman, Alienated labour, commodification of children and morality of these contracts.

So here we will compare the arguments of philosophers and Russian women. It is obvious that an average normal woman who may not have a deep knowledge and understanding of things like philosophers, sociologists etc. Like Anton Van Niekerk and Liez Van Zyl, Anne Philips, Elizabeth Anderson, Debra Satz, whose articles I've used as reference in my work for ethical arguments.

However, that is the point to see how these arguments differentiate with each other. What kind of arguments they make? For Philosophers view point I will mention one argument that I have already mentioned in my literature part comparing it with general summary of my respondents' answers.

To do that I decided to make a table in which I will put both these arguments side by side for a better evaluation of my results:

Table 4: Results

Philosophers View Point	Russian Women View point
Surrogacy as Prostitution	
<p>Anna Philips in her book “Our Bodies, whose Property” she argues: “With both prostitution and commercial surrogacy, we encounter something that looks like the renting out of the body. The women are paid for the use of her body like the renting out of the body. The women are paid for use of her body (this could be for a matter of minutes with prostitution, but nine months for a successful pregnancy) in ways that seem to parallel the renting out of a house or car”. (Phillips, 2013)</p>	<p>Generally, all my respondents disagree with this statement that surrogacy is like prostitution. For example, Respondent no. 2 argues in her answer: “They are using the body of a women to have a child that they want. That is no way near prostitution for me.”</p>
Exploits/Benefit Women	
<p>As two different sets of arguments was combined in this one question for this section, I will use quotes from both discuss.</p> <p>For Benefit: “There is nothing immoral or wrong in this. A woman is helping another woman, one who does not have the capacity to have a baby and the other who lacks the capacity to lead a good life” (Bhalla and Thapliyal 2013)</p> <p>For Exploit: ““The problem with surrogacy</p>	<p>The response in this question was an interesting one. They mostly said that it depends on the situation.</p> <p>As respondent no.2 argues that If a woman is doing it free (Altruistically) then its fine but in other situation (commercial) rich can take advantage of such women.</p> <p>Respondent 1 made an interesting comment linking it with surrogacy she says: “it’s same as prostitution in a sense nobody forces you to do it, they agreed to it. I don’t think it’s</p>

<p>arrangements is therefore that it causes a woman to be pregnant while expecting her not to acknowledge the fact that she is expecting her child. It tries to divorce pregnancy from the conscious knowledge that you are going to give birth to your child. In this way the surrogate becomes a mere 'environment' or 'human incubator' for someone else's child.” (A. Van Niekerk and L. Van Zyl, 1995)</p>	<p>against them it’s just something bad.”</p> <p>Respondent 5 supported this argument and said that it could be beneficial for such women as they need money.</p> <p>So according to the response I got it mostly depends on situation.</p>
<p>Surrogacy Alienated Labour</p>	
<p>Here I decided to take the argument of Elizabeth S. Anderson from her “Is Women’s Labour a Commodity”</p> <p>“First, by requiring the surrogate mother to repress whatever parental love she feels for the child, these norms convert women’s labour into a form of alienated labour. Second, by manipulating and denying legitimacy to the surrogate mother’s evolving perspective on her own pregnancy, the norms of the market degrade her. Third, by taking advantage of the surrogate mother’s non-commercial motivations without offering anything but what the norms of commerce demand in return, these norms leave her open to exploitation” (Anderson E. S. 1990).</p>	<p>For this question 3 out of 7 agreed and explained why it could be Alienated labour:</p> <p>Respondent 2 argues and talks about the contracts here “she has already signed a contract in order that she’s not going to have any sort of emotional attachment to this child because of the contract that is written, and she has to follow it.”</p> <p>Respondent 6 says that yes that’s the case as it is something different from normal standard of living.</p> <p>Respondent 5 says this this effects relationship of a child and parent as she is carrying this child for nine months and then gives it away for money and this is unacceptable.</p>

Commodification of Children	
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<p>“She and the couple who pay her to give up her parental rights over her child thus treat her rights as a kind of property right. They thereby treat the child itself as a kind of commodity, which may be properly bought and sold” (Anderson, 1990, 76)</p>	<p>The answers I got here were very different from one another. Some argue that its not as the child will be going to parents. Whereas some argues that it sounds like a baby business. As it does not come under the standard of living.</p> <p>They argued that some can use this process just for money without thinking about family and the child.</p>
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Surrogacy Contracts	
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<p>“The problem with surrogacy arrangements is therefore that it causes a woman to be pregnant while expecting her not to acknowledge the fact that she is expecting her child. It tries to divorce pregnancy from the conscious knowledge that you are going to give birth to your child. In this way the surrogate becomes a mere 'environment' or 'human incubator' for someone else's child.” (A. Van Niekerk and L. Van Zyl, 1995)</p>	<p>Mostly all argued that contract should be binding as intended parents are also waiting for there child. If a woman believes she will not be able to fulfil their contract and may have a change in heart she must not sign the contract.</p>
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6. Conclusion

We can conclude from all the above Discussions that surrogacy is a complex process and needs a lot of understanding. There are a lot of things to consider when talking about surrogacy. From surrogate mother who are being exploited, to intended parents who need a child of their own, to a child who may be treated as commodity and to the agreement of surrogacy. A lot of things go under this process.

Based on the ethical arguments presented in the literature part and the arguments of the interviewers presented in the practical part we can say that more or less they feel the same way. Though, the way they presented their arguments were different. As my interviewers did not agree that surrogacy is like prostitution, they argued that these two are completely different things. To think surrogacy is like prostitution is way to extreme, in surrogacy you are helping the parents and the outcome is a child. Another point that they made which was interesting, when talking about exploitation and benefit of women, that it depends on the situation, if a woman is doing it free (Altruistic) its okay as her only motive is to help but in the other situation she can be exploited when the money is involved (Commercial) as rich can take advantage of such women. As we have mentioned earlier in our literature part how surrogacy in India got ban because foreign couples were exploiting woman's there who were in need, due to extreme conditions it got Banned in India. One more point that most of the woman in my interview made was that contracts should be binding, as parents are also waiting for the child, if a woman has doubt that she can't fulfil her contract she should not sign it.

Last thing that I would like to mention which I believe is the most important question from the interviews I took was "Will you ever consider being a Surrogate mother? If Yes which one Altruistic or Commercial?". Out of Seven, five women did not want to become or ever consider being a surrogate in the future. The reason to reject was that they can't give away the child. They believe that if they ever do it, they cannot detach themselves from the child they were carrying for 9 months. Although two interviewers had different opinions. One argued that she will just go for the altruistic one and only do it for someone she cares for. Whereas the last one said, she may do it and she does not have problem with either commercial or altruistic.

Therefore, we can conclude that Surrogacy is a process that has many social stigmas attach to it. We cannot come to a single conclusion that either it is ethical or not as so many things are attached to it. From the study we can say that overall surrogacy is not considered something wrong however it can become an issue when commercial aspect kicks in and people start using this as per their benefit without seeing how some things can be ethically wrong. Surrogacy is a blessing for desirable parents, who want their own child however some may exploit this blessing.

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8. Appendix

Table 5: Questions for interviews

1) Are you from Russia?
2) Your Age?
3) Have you ever heard about Surrogacy?
4) What do you think about Surrogacy as a process?
5) Do you know its Legal in Russia?
6) Do you think Surrogacy benefits Women or Exploits Them?
7) Many people argue that Surrogacy is like Prostitution? Do you Agree with this Statement?
8) Another concern for the criticism for the process of surrogacy is that it turns children into commodities. Something that can be bought and sold. What do you think?
9) Do you think Surrogacy is like Alienated labour? Alienated labour is the situation when the product of labour is separated from its producer because the producer surrendered it to someone else and more generally to the market. What do you think?
10) “According to surrogacy contracts a surrogate mother has no right over the child. Even if she wants to keep the child she can’t. Do you think that if a surrogate mother wants to keep the baby after the delivery baby, she must have the option to do so?”
11) “Will you ever consider being a Surrogate mother? If Yes which one Altruistic or Commercial?”