

**Czech University of Life Sciences Prague**

**Faculty of Economics and Management**

**Department of Humanities**



**Bachelor Thesis**

**Ethics of Commercial Surrogacy in Russia**

**Anel Shamrenova**

## BACHELOR THESIS ASSIGNMENT

Anel Shamrenova

Economics Policy and Administration  
Business Administration

Thesis title

**Ethics of Commercial Surrogacy in Russia**

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### **Objectives of thesis**

The objective of the thesis is to describe the basic concepts of commercial surrogacy (in which women are paid to carry and give birth to children) and to analyze the ethical and legal issues that arise from the practice of it. 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.

### **Methodology**

Develop a literature review about the history, process, types and legal frameworks for commercial surrogacy as well as the ethical and legal debates concerning it.

The practical part will investigate issues raised by the literature review, focusing on the example of Russia.

This will be based on:

- analysis of the existing laws and regulations surrounding surrogacy in Russia and comparison with other countries.
- interviews (where possible) with those involved in surrogacy practices.

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## **Declaration**

I declare that I have worked on my bachelor thesis titled "Ethics of Commercial Surrogacy in Russia" 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 24.03.2020

**Shamrenova Anel**

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**Ethics of Commercial Surrogacy in Russia**

## **Abstract**

This paper discusses moral standards that use surrogate motherhood in Russia. The literary part speaks of the concept of surrogate motherhood, explaining the history of appearance, species, and legality in the world. Also, this work shows various aspects of surrogacy, on the one hand, considering it unethical, wondering why it is spreading around the world.

The practical part speaks in detail about surrogacy in Russia. Interviewing surrogate mothers from all over Russia. On the psychological influence, the opinion of society and the subtleties in this process. Also, the practical part contains a brief comparison of the opinions of philosophers and mothers of surplus.

The conclusion answers the question of whether surrogacy in Russia is unacceptable on the basis of analysis. There will also be a conclusion about the ethics of surrogacy as In conclusion, it will be determined whether commercial surrogacy in Russia can be considered unethical on the basis of a comparative analysis of social stigma and local regulations along with surrogate evidence. In conclusion, a general verdict on the ethics of surrogate motherhood in Russia will also be given based on an analysis of both current legislation and its features.

**Keywords:** Surrogacy, ethical issues, commodification, assisted reproductive technologies, infertility

# Etika komerčního náhradního mateřství v Rusku

## Abstrakt

Tato práce pojednává o morálních standardech, které v Rusku používají náhradní mateřství.

literární část hovoří o pojmu náhradní mateřství, vysvětluje historii vzhledu, druhu a zákonnosti ve světě. tato práce také ukazuje různé aspekty náhradní, na jedné straně, považující to za neetické, přemýšlel, proč se šíří po celém světě.

praktická část podrobně hovoří o náhradě v Rusku. Rozhovory s náhradními matkami z celého Ruska. Na psychologický vliv, názor společnosti a jemnosti v tomto procesu. Praktická část obsahuje také stručné srovnání názorů filosofů a matek nadbytku.

Závěr odpovídá na otázku, zda je na základě analýzy nepřijatelná náhrada v Rusku. Rovněž dojde k závěru o etice náhradnosti jako

Závěrem bude určeno, zda lze komerční surrogaci v Rusku považovat za neetickou na základě srovnávací analýzy sociální stigmaty a místních předpisů spolu s náhradními důkazy. Závěrem lze říci, že obecný verdikt o etice náhradního mateřství v Rusku bude rovněž vydán na základě analýzy současné legislativy a jejích charakteristik.

**Klíčová slova:** Náhrada, etické otázky, komodifikace, asistované reprodukční technologie, neplodnost



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# 1 Introduction

“Birthing is the most profound initiation to spirituality a woman can have.” – Robin Lim

Many married couples, as well as single people, suffer from the fact that they cannot have their own children. It can be due to various reasons – health problems, infertility of one of the partners, unfavorable heredity, various chronic diseases, social taboos, psychological complexes, and finally, because of a simple unwillingness to burden themselves with marriage bonds.

In Russia and in many foreign countries, mortality exceeds birth rates and the demographic problem is extremely acute. Oddly enough, the human population of developed countries, including Russia, is dying out. After the collapse of the Soviet Union, there has been an unfortunate demographic decline caused by low birth rates and high death rates in Russia. Since 1992, death rate exceeded the birth rate, which led to a natural population decline. And since that, the birth rate had not reached the level of simple replacement of generations. This situation develops for different reasons. Firstly, significant part of the population has difficult financial situation. Other factors are ever-worsening health of young people, lack of elementary sexual culture, and subjective factors (like career considerations that prevent many couples from having children on time). According to medical statistics, more than 20% of all couples do not have the natural ability to have children. It is no secret that the happiness of having a baby is not given to every woman, as well as to every man. One in five couples cannot have their own children. And the overwhelming number of divorces is not due to the notorious dissimilarity of characters, adultery, alcoholism or drug addiction of one of the spouses, but precisely One of the five couples cannot have their own children. And the overwhelming number of divorces is not due to the irreconcilable differences, adultery, alcoholism or drug addiction of one of the spouses, but because of the absence of a child in the family. Even passionate love, mutual respect, stable income, similarity of interests and tastes cannot save the marriage. It may seem that the only way out for such people is to adopt a child. This, of course, is a very courageous and responsible step that deserves approval and support. However, childless couples can find happiness in having their own, biologically related child. The “surrogate motherhood” program gives a chance to women who, due to physical characteristics or medical contraindications, cannot give birth to a child by themselves.

Surrogacy is considered as a treatment for infertility, which allows infertile couples or single people to feel the joy of parenting. However, it also brings a wide range of ethical, social and legal issues, which will further be discussed in this paper.

## **2 Objectives and Methodology**

### **2.1 Objectives**

The objective of the thesis is to describe the basic concepts of commercial surrogacy (in which women are paid to carry and give birth to children) and to analyze the ethical and legal issues that arise from the practice of it. 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.

### **2.2 Methodology**

Develop a literature review about the history, process, types and legal frameworks for commercial surrogacy as well as the ethical and legal debates concerning it.

The practical part will investigate issues raised by the literature review, focusing on the example of Russia. This will be based on:

- analysis of the existing laws and regulations surrounding surrogacy in Russia and comparison with other countries.
- interviews (where possible) with those involved in surrogacy practices.

## 3 Literature Review

### 3.1 Introduction to Surrogacy

#### Surrogacy – definition and types

The word “Subrogatus” is rooted from Latin language and it literally means substitute, which is “putting in the place of another” as stated in Merriam-Webster Dictionary. Surrogacy is a significant fertility treatment, where a surrogate or ‘substitute’ mother carries a pregnancy on request for another person or couple. It is divided into several types and is accomplished in different ways. Based on Anne Phillips’s book “Our bodies, whose property”, we can have a better knowledge of how surrogacy can be categorized. She claims that surrogacy today is one of three types: a woman becomes pregnant through artificial insemination, having agreed to relinquish any child born from this to the 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 the genetic material; a woman has a fertilized egg implanted in her uterus, created with donor ovum or donor sperm, having agreed to relinquish the child to the commissioning parents, only one of whom is also a genetic parent (Phillips, 2013). This can then be divided to two kinds of surrogacy arrangements: **traditional** and **gestational** surrogacy.

The first type is traditional surrogacy, which can also be called straight or partial surrogacy. It has been practiced since ancient times, and it means that the surrogate is artificially inseminated with the sperm from the male partner of the intended parents. Donor sperm may also be used. The surrogate in this case is a genetic mother of the child that is produced.

In gestational or host surrogacy, the surrogate carries a pregnancy created by transferring an embryo created with the sperm and egg of the intended parents. This fertilization occurs through in-vitro fertilization (IVF) which means that eggs can be fertilized externally and then implanted in a uterus for gestation (Marway, Johnson, Widdows, 2014). Donor sperm may also be used in this case and the surrogate has no genetic connection to the child that is born. This form of surrogacy can sometimes be called as ‘full surrogacy’. What is now known as gestational surrogacy is by far the commonest form these days, and it is particularly with this development that the commercial markets have flourished (Phillips, 2013).

Surrogacy can also be classified as **altruistic** and **commercial**. If the surrogate voluntarily agrees to surrogacy arrangements and does not receive any fee or material benefit other than the payment of expenses related to pregnancy, like medical care and insurance coverage, it is considered as an altruistic or non-profit surrogacy. With non-profit surrogacy, the surrogate mother is found through friends or advertising. This type of surrogacy seems to be more broadly accepted as it is allowed in many countries, where compensated surrogacy is prohibited. With commercial surrogate motherhood, intended parents pay a financial reward to the surrogate mother for carrying their child. Price of this fertility treatment varies on the country and its legal regulations, on medical clinic and requirements of the surrogate mother.

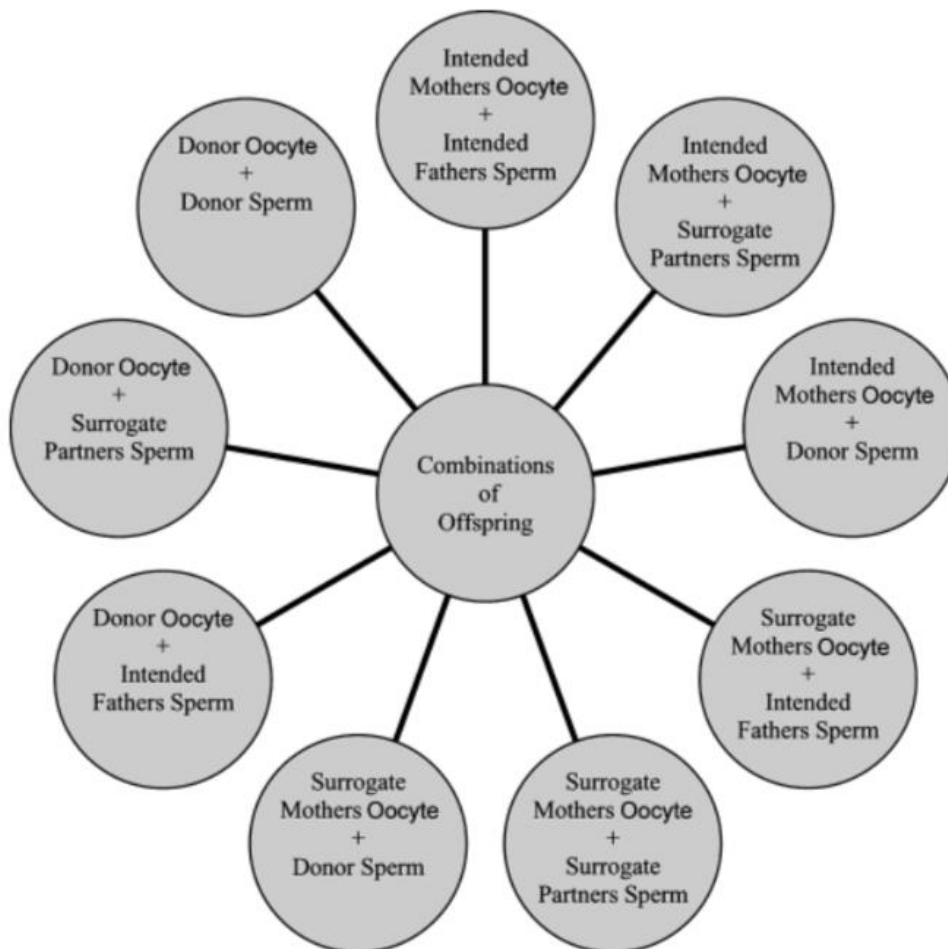


Figure 1. The figure above demonstrates all the possible ways of artificial insemination in the process of surrogate motherhood

Source: Van den Akker, O.B.A. (2007) Psychosocial aspects of surrogate motherhood. Human Reproduction Update, 13(1), 53-62

During the commercial surrogacy's arrangements, to avoid any problems, it is necessary to conclude a contract with a surrogate mother, in which these should be stated:

- Compensation for medical expenses
- Compensation for losses in earnings
- Surrogate mother's place of residence during pregnancy
- Medical facility where in vitro fertilization will take place
- Consequences of the birth of an inferior child
- Duty of the surrogate mother to comply with all the doctor's instructions aimed at giving birth to a healthy child

Surrogate is a healthy woman, who consents, on the basis of an agreement after artificial insemination, to bear and give birth to a child for another family, who cannot conceive a child. Surrogate mother may be a woman who voluntarily agreed to participate in this program. For instance in Russia, requirements for the surrogate are following:

- Age from 20 to 35 years;
- Having at least one healthy child of her own;
- Good mental and somatic health

### **3.1.1 History of Surrogacy**

The history of surrogate motherhood origin dates back a several thousand years, but initially this method had little in common with its modern analogue. In some countries like Ancient Greece or Ancient Rome, if a wife could not get pregnant, it was considered possible to find a successor by contacting a more fertile woman who gave her child to the infertile couple after birth.

For instance, the first case of surrogacy is believed to have happened in Hebron, land of Canaan, about 2000 years before the birth of Christ. As mentioned in the Old testament of the Bible states, Sarah, the wife of Abraham, was infertile and could not bear him a child. So she decided to hire her Egyptian maiden named Hagar to carry a child for them. Hagar gave birth to Ishmael, who was the first child in history carried through the traditional surrogacy procedure. The second mention of surrogacy dates back to Sumerian

Mesopotamia in 1750 BC, where it was legalized in the code of laws of King Hammurabi. Hammurabi's Code was the first legal document which regulated and allowed surrogacy on legal grounds. [27]

Surrogacy was also common in ancient Egypt. Egyptian pharaohs did not want to mix the blood of people of higher ranks with the ordinary peoples' blood, so they took their own sisters as wives. As a consequence, children that were born in such an incestuous marriage had significant health problems and for the continuation of the lineage, Egyptian pharaohs used the services of concubines. For instance, dating back to 1500 BC, Amenhotep I did not have an heir and he had to seek assistance from a surrogate mother, who was a concubine and gave birth to the future great pharaoh – Thutmose I. [27]

Modern history of surrogacy dates back to 1790, when famous Scottish surgeon John Hunter injected a semen to the woman's vagina to conquer infertility and was the first person to make an artificial insemination in history. Thanks to this, the woman got pregnant and gave birth to a healthy child. [27]

Oddly enough, the method of so-called traditional surrogacy existed until the second half of the last century. Another phenomenal event that happened on 25 July 1978, was the birth of British Louise Brown. She was the first baby born 'in the test tube', not conceived in her mother's body. The experiment was made by two British researchers: gynecologist Patrick Steptoe (Oldham and General District Hospital) and physiologist Robert Edwards (Cambridge University), who worked on in the field of reproductive health before their collaboration. They both were concerned in issues of human infertility, and only after about 600 failed IVF attempts, Louise was successfully born as a result of in vitro fertilization. In 1979, Louise had a brother born by a similar method insemination. [11]

Moreover, back in 1976, American lawyer Noel Keane opened the first agency of surrogate maternity and wrote the first surrogacy contract. His programs were based on traditional surrogacy, and he practiced in vivo fertilization for a long time, which did not encounter any obstacles from the authorities. In 12 years, his clinic has conducted over 300 fertilizations, from which embryos were transplanted to surrogate mothers. In 1980, the first surrogacy program was implemented in the US and the world. One of the exceptional cases was the birth of Melissa Stern, also known as 'Baby M', in 1986. Her biological and surrogate mother was Mary Beth Whitehead, who signed a surrogacy contract with the Sterns, intended parents of Baby M, but later after pregnancy she refused to cede custody



of her daughter and decided to keep her. As a result, Mary spent two years fighting over custody, but in the end she lost the battle to the Sterns and was allowed to visit her daughter only two hours per week. This was the first case when a commercial contract was broken down. [11]

### **3.1.2 Legal control of surrogacy – international perspectives**

Legal jurisdictions on surrogacy vary across the country and regions. Some countries completely prohibit any type of surrogacy, while others approve only altruistic surrogacy. There are also countries that permit both forms of surrogacy procedure and finally, in some countries it is not mentioned in laws, thus is not regulated, but it still takes place. In this section of thesis, I will introduce various legal regulations that allow or ban surrogacy depending on the country.

While some countries and states have favorable laws toward these reproductive technologies, others are very restrictive or even unclear. For instance, in the article 119 of Constitution of the **Swiss Confederation**, it is stated that all types of surrogacy are prohibited. In **France**, surrogate motherhood contradicts adoption legislation and violates the provision on “non-alienation of the human body”, but if French citizens become parents of a child born by a surrogate mother abroad, he/she has the right to be a French citizen [18].

Also, in **Germany**, any attempt to “artificially inseminate a woman, who is ready to abandon her child after his birth or implant a human embryo” is considered as a crime [18]. And the responsibility in accordance with it lies with the doctor, and not the alleged parents or the surrogate mother [15]. As stated by German legislators, surrogacy should be banned because it violates the *bonus mores* i.e. morality.

The most progressive country regarding the use of this procedure in the treatment of infertility is the **United States**. However, the peculiarity in this country is that no federal law regulates surrogacy and each state can independently adopt laws at its discretion. USA was the first country that altered the classic concept of the parentage and allowed intended parents to have the legal parenthood over a child that was born with the help of reproductive technologies.

**Canada, Australia, Great Britain, Denmark, Sweden** only allow altruistic surrogacy, and commercial surrogacy arrangements are prohibited in these countries. In the **UK** it is allowed to pay exclusively current expenses for medical services. In **Denmark**

and **Hungary**, only a relative is allowed to take out a child for third parties. In countries such as **Norway, Greece, the Netherlands, and Spain** according to the legislation, a commercial agreement is the bearing of a child for other parents in order to make a profit, but in this case this does not include compensation of expenses associated with the indicated process[19]. As for the Netherlands, advertising of this method of human reproduction and the provision of surrogate mother services on commercial terms is prohibited. [18]

The policies of **Kazakhstan, Georgia, Ukraine, Finland, South Africa, Poland, Estonia, the United States** (except for the states of Michigan, Arizona and New Jersey) allow the conclusion of agreements providing for the reward of a surrogate mother for bearing and giving birth to a child.

In **Czech Republic**, there are no laws regulating surrogacy, so is generally considered legal. As stated in Czech legislation, the mother of the child is the woman who gave birth to it, while the father is the donor of the sperm. The biological mother, who donated her egg to the surrogate mother, can only adopt the child when the surrogate mother officially gives it up.

In **Israel**, surrogate motherhood is available to heterosexual couples and only if there is no relationship between a woman and a child and his genetic parents. In addition, a surrogate mother must belong to the same religion. Obtaining the right to a fertilization operation is possible only through a special procedure exclusively in a specialized committee, which includes social workers, doctors and religious figures.

In **China**, any form of surrogacy is prohibited. However, since 2016, the government has been discussing the possibility of lifting the ban due to a significant reduction in the number of newborns in the country and the trend towards an aging population. [34]

Until 2018, the surrogacy market was thriving in **India**. The commercial surrogacy was legalized in 2002. As all forms of surrogacy were permitted, India was the favorite destination for fertility tourism, attracting citizens from the UK, US, Japan, Australia and many more countries. “Relatively inexpensive medical facilities, know-how in reproductive technology, and the availability of women, largely from poor socio-economic situations and who are willing to take up the task, have aided the growth of surrogacy in India. The cost of the procedure in India is roughly a third of the price being charged in the UK and only around a fifth of what it costs in the United States” [25]. In July 2012, United

Nations estimated that surrogacy industry in India was worth more than \$400 million a year, with over 3,000 fertility clinics across India. [2]

But, **Indian** government decided to ban the commercial surrogacy in 2018 due to the fact that it was undermining and threatening the human rights of the surrogate mothers, and was paving the way for the exploitation of vulnerable women by various agents and clinics.

In 2019, Minister of Health and Family Welfare of India introduced ‘The Surrogacy Regulation Bill’, which prohibits commercial surrogacy, but allows altruistic surrogacy. According to this bill, only married Indian couples, who have been together for a minimum of 5 years and who are not able to conceive children naturally will be allowed to use the help of the surrogate mother. By banning the compensated surrogacy in the country, the government made it complicated for people for whom surrogacy was the perfect revenue generator. [30]

Countries where surrogacy is prohibited by law	Countries where only non-profit surrogacy is allowed:	Countries where surrogacy is legally permitted, including commercial:	It is not regulated by law, but it takes place:
Germany (doctors and mediators are punished, not parents and a surrogate mother), Italy, Sweden, France, certain US states (Arizona, Michigan, New Jersey), Austria, Norway	Israel, Canada, some US states (New Hampshire, Virginia), United Kingdom, Australia, Denmark (with severe restrictions), Hungary, Netherlands, Spain	Kazakhstan, Ukraine, United States (in most states, although legislation varies greatly from state to state), Russia, Georgia, Estonia, South Africa	Greece, Finland, Belgium, Ireland

Table 1. In the table above countries are divided into groups depending on their jurisdictions regarding surrogacy.

In the **Russian Federation** there is no special law that would regulate surrogacy, but some provisions on it are enshrined in several documents at once. The main provisions are fixed in the Federal Law No. 323 “On the Fundamentals of Protection the Health of

Citizen in the Russian Federation”, Art. 55 (“The use of assisted reproductive technologies”). [10]

Paragraph 3. A man and a woman, both married and unmarried, are entitled to the use of assisted reproductive technologies in the presence of mutual informed voluntary consent to medical intervention. A single woman also has the right to use of assisted reproductive technologies if she has informed consent to medical intervention.

Paragraph 4. It also says that “surrogacy is the bearing and birth of a child (including premature birth) under a contract concluded between a surrogate mother (a woman bearing a fetus after transferring a donor embryo) and potential parents whose germ cells were used for fertilization, or a lonely woman for whom carrying and giving birth to a child is not medically possible”. The medical indications that are needed for the procedure are listed in the order of the Ministry of Health "On the procedure for using assisted reproductive technologies, contraindications and restrictions on their use."

Paragraph 10. A surrogate mother may be a woman between the ages of twenty and thirty-five, who has at least one own healthy child, has received a medical certificate of satisfactory health and has given her written informed voluntary consent to the medical intervention. A married woman registered in accordance with the procedure established by legislation of the Russian Federation may be a surrogate mother only with her husband's written consent. A surrogate mother cannot be an egg donor at the same time.

After the birth of the child, surrogate mother in accordance with paragraph 4, Art. 51 of the Family Code of the Russian Federation [9] and guided by paragraph 5, Art. 16 of the Federal Law of the Russian Federation "On acts of civil status" [9] gives her consent to the entry of the biological parents into the book of birth records as parents of the child. After making this entry, the surrogate mother loses all rights to the child.

### **3.2 Surrogacy costs worldwide**

The total cost of the surrogacy arrangement depends on two main factors. Firstly, the cost of living in the chosen country, where a gestational carrier will live during pregnancy, significantly impacts the amount of financial compensation. It is the actual money that the surrogate mother receives. Secondly, the cost of health care coverage, including insurance for the surrogate and baby. [12]

As reported by Families Through Surrogacy, an international non-profit surrogacy organization, average costs of commercial surrogacy vary depending on the country.

COUNTRY	APPROXIMATE COSTS(\$US)
AUSTRALIA	IVF: \$25,000 Expenses: \$10,000 Legals & counselling: \$22,000
GEORGIA	IVF: \$8,500 Surrogacy: \$26,000 + Local egg donor add \$5,000 +
CANADA	\$90,000
KENYA	\$50,000
USA	IVF costs: \$30,000 Surrogacy: \$68,000 Other costs: \$30,000
UKRAINE	IVF: \$8,500 Surrogacy: \$26,000 + Local egg donor add \$5,000 +
GREECE	IVF: \$20,100 Surrogacy: \$44,000 Legals: \$10,000+ Local egg donor: \$1,360
MEXICO	\$80,000 (incl US egg donor)

Table 2. The table above illustrates an estimate costs of surrogacy in various countries worldwide. These averages include the cost of clinical fees, surrogate compensation, legal fees and egg donor.

Source: Families Through Surrogacy. Available online at <https://www.familiesthrusurrogacy.com/surrogacy-by-country/>

### **3.3 Ethical Concerns regarding commercial surrogacy procedure**

Commodification is one of the crucial topics that rises plenty of debates in ethics and bioethics. Firstly, let's analyze what the term 'commodification' means. As stated in the encyclopedia of business ethics and society, commodification is "the social process of rendering something capable of being bought or sold in a market" (SAGE encyclopedia, 2018). Concept of commodification is that first it transforms "persons" into "things"; and second that it changes "relationships" into "contracts." Commercial surrogacy, selling

human organs, selling donor sperm and eggs, providing sexual services – all of these represent ways in which the human body can be commodified. In this section of the thesis I will present ethical considerations concerning the practice of surrogacy and provide examples of commodifying the body in the surrogacy process.

We live in the world where money can buy almost anything. But are there some things that should not be sold? Especially when it comes to human bodies, the topic of commercialization becomes highly debatable. Immanuel Kant in one of his major work on ethics called “Metaphysics Morals” rejects the concept of self-ownership by saying: “Man cannot dispose over himself because he is not a thing; he is not his own property; to say that he is would be self-contradictory; for in so far as he is a person he is a Subject in which the ownership of things can be vested, and if he were his own property, he would be a thing over which he could have ownership.” [29] According to his moral philosophy, we should not think of ourselves as properties and we lack property rights in our body parts. He asserts that we cannot sell our body parts for money “even if we were offered ten thousand thalers for a single finger”. For him, persons are ends in themselves and should be treated as intrinsically valuable. Surrogacy on the other hand is considered to be a process of commodification of the human body, because the surrogates are used as incubators and children are mere objects of the contract, i.e. commodification turns “persons” into “things”. Such commodification in itself violates the dignity of both the surrogate mother and the child.

### **3.4 Commodification of human life**

The biggest concern seems to begin with the fact that children and surrogates are being treated as commodities and that surrogacy is a baby-selling. American philosopher Elizabeth S. Anderson in her book “Is women’s labor a commodity?” argues against the commercial surrogacy. She states that commercial surrogacy arrangements treat women and children as objects, not as human beings, and one of her main points, which I will concentrate on, is that they eventually lead to degradation and immoral commodification. She starts by expressing the significance of the parental love between a mother and a child. She states that

“children are to be loved and cherished by their parents, not to be used or manipulated by them for merely personal advantage. Commercial surrogacy substitutes market norms for

some of the norms of 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 and 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)

From the quotation stated we can draw a conclusion that commodification diminishes bonds between individuals to formal agreements, in other words it converts “relationships” into “contracts”.

She further argues that commercial surrogacy devalues children, because intended parents invest considerable amounts of money into the surrogacy process, up to \$100,000 in the US (Families Through Surrogacy), so they expect the child to answer their wishes and appear the certain way. “So the surrogate industry provides opportunities to adoptive couples to specify the height, I.Q., race, and other attributes of the surrogate mother, in the expectation that these traits will be passed on to the child”. In this way, as Anderson considers, surrogacy agencies and adoptive parents are degrading the child, because not only can they contract to buy a baby, but they can also select one who is more likely to be good looking and to achieve social and academic success in the future.

Even the UN’s Special Rapporteur, Maud de Boer-Buquicchio is concerned about the babies being treated as market commodities. She is a Dutch lawyer and Deputy Secretary General of the Council of Europe, who is focused on children’s rights and on issues like sale and sexual exploitation of children. She called for urgent measures to protect the rights of babies born to surrogate mothers. In the report that she presented to the Human Rights Council in Geneva, she declares that “children are not goods or services that the State can guarantee or provide. They are human beings with rights.” [23] According to her, the spread of this practice, in the absence of international legal norms that regulate it, risks to turn children into commodities. Her worry is that the laws, which allow a compensated surrogacy (in countries like USA, Ukraine, Georgia and Russia) are approving practices that violate several protocols of the Convention on the Rights of the Children; and also violates the 1993 Hague Convention on Protection of Children and Co-

operation in Respect of Intercountry Adoption, which aims to prevent the kidnapping and sale of children; and prioritizes the best interests of the child. She provided a series of recommendations and one of them was adopting “international and national legal frameworks that clearly regulate surrogacy”. Moreover, she added that labelling those arrangements as ‘altruistic’ does not automatically mean that they are not violating the Convention on the Rights of the Child, and “it is necessary to appropriately regulate altruistic surrogacy to avoid the sale of children”. Courts or other competent authorities must review all reimbursements and payments for the medical costs of surrogates, that should be reasonable and itemized. [23]

### **3.5 Surrogacy as prostitution**

The other major argument against the practice of surrogate motherhood is that it is often compared to prostitution. Many opponents agree that similarity exist between these two. Both in prostitution and the surrogate motherhood industry, women's bodies are transformed into commodities that can be bought, used or abused. In surrogacy, the body of a "surrogate" mother is rented for the period of pregnancy, used as a womb for bearing and giving birth to a child, after which the child is taken away by "buyers".

Based on the statements of opponents, surrogacy is selling and renting out the female body. One of the main critics of the surrogate maternity practices is Andrea Dworkin. She is a famous American feminist theorist, who wrote a thought-provoking book called “Right-wing women”, in which she argues that surrogacy is similar to prostitution. As she claims: “Motherhood is becoming a new branch of female prostitution with the help of scientists who want access to the womb for experimentation and for power. A doctor can be the agent of fertilization; he can dominate and control conception and reproduction. 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; this is not sex, it is reproduction.” She then states that “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”, pointing to the fact that a surrogate has no choice and in order to survive she has to “rent out” her body (Dworkin, 1983).



Another example for those who believes that surrogate maternity is related to prostitution is that in both processes women contract and are obliged to follow the terms. Phillips quotes Lawrence Stone referring to the 'Baby M' case, which was mentioned earlier: "Referring in 1987 to the famous Baby M case, where the surrogate mother changed her mind during the 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." She then adds that a broker who deals with surrogacy arrangements in India persuades potential surrogate mothers that this process is morally acceptable and that they are not working as prostitutes by saying: "To convince the women I often explain to them that it's like renting a house for a year. We want to rent your womb for a year, and Doctor Madam will get you money in return. (Phillips, 2013)

### **3.6 Exploitation**

One of the main criticism surrounding surrogate maternity is that it is a new form of exploitation and trafficking in women. Most of the time the reason for surrogates to "rent their wombs" is poverty and inequality in society. As they usually live in the countries where wages are extremely low, or they are a 'working class', they do not earn the amount of money that they can make from surrogacy procedure. Usually, the educational level of the gestational carriers is low, which often prevents them from understanding the terms of contract, the risks to their physical health and the processes they will have to undergo. Also, opponents argue that this method can be used as means to exploit women as paid incubator machines that produce children for wealthy customers. Women in this case are willing to do this because they want to help their families, pay the debts or help in other ways.

The Centre for Bioethics and Culture released the documentary called "Big Fertility", in which it reveals the similarities between the surrogate industry and the tobacco industry - in both industries, harm and danger of the processes were hidden for profit. The documentary tells the story of Kelly Martinez, a woman who almost died during a surrogate pregnancy, and was threatened with huge financial consequences. As in the case of the tobacco industry, where profits are considered more important than harm,

the surrogate industry was allowed to thrive because of large financial investments and support from politicians. [14]

### **3.7 Psychological affects**

In surrogate motherhood, opponents argue that the surrogacy contract “turns women's labor into alienated labor by requiring the suppression of the feelings of parental love and attachment that the pregnant woman will predictably experience” (Van Niekerk and Van Zyl, 1995). To force the surrogate to hand over the newborn, to entrust him to someone else, is a serious violation of her maternal instincts. But most surrogates and intended parents view the surrogate pregnancy only as a business transaction, which leads to several mental issues. The main task of a surrogate mother is to prevent the personal attachment to the baby. That is why they do not talk to him when he grows up in their womb, they do not even call him a baby. He grows in some kind of an emotional isolation, which is not good for the child’s development. And for the mother herself, it is abusive to some extent as it is also going to be stressful sooner or later. Even if at the beginning the surrogate woman thought that she could easily hand the child to adoptive parents, there are also fears that some of them may be psychologically traumatized by the need to give up "their" child after establishing the connection with it that was created during the 9-month pregnancy and a childbirth. To prevent the personal attachment to the baby, Anderson says: “Finally, as the agent of the adoptive parents, the broker has the task of policing the surrogate (natural) mother's relationship to her child, using persuasion, money, and the threat of a lawsuit to weaken and destroy whatever parental love she may develop for her child” (Anderson, 1990).

### **3.8 Child’s perspective**

Another argument against the surrogacy arrangements is that the surrogate industry is not aimed to represent the child’s interests, but to fulfill the wishes of intended parents at any price. As Anderson claims, the surrogate agency promotes the adoptive parents' interests and not the child's interests where matters of custody are concerned. (Anderson, 1990)

A child can inherit genetic defects from a surrogate mother and, unfortunately, some of these defects cannot be detected by modern methods. Equally important, but the

questions of the psychological adaptation of the child remain unanswered. If the adoptive parents explain to the child (or he accidentally finds out) that another woman gave birth to him, would this become a source of problems or painful experiences for him? And if the child's contacts with this woman continue after his birth (as happens when the surrogate mother is a relative or close person to the family), then how can this affect the child in the future?

Besides that, a child born after a surrogacy agreement may have up to six adults claiming parent's rights over him or her: the genetic mother (egg donor), the gestational mother (surrogate), the commissioning mother; the genetic father (sperm donor), the husband of the gestational mother (presumption of paternity) and the commissioning father. [7] So it raises the concern that the process of surrogate motherhood is contrary to the genetic truth and it can store up identity issues for the child who will not know their "real" mother. It violates the child's right to know his or her origin and identity, as guaranteed in Article 7 of the Convention on the Rights of the Child. The UK addresses this by providing anonymity to the DNA donor until the child becomes an adult. At that time, the child has the right to access the DNA donor's information.

### **3.9 Religious perspectives**

The question of surrogate motherhood was discussed in the Church in 2000, when the "Fundamentals of the Social Concept of the Russian Orthodox Church" was adopted. This document, adopted by the highest authority in the Church, the Council of Bishops, states: "Surrogacy," i.e. carrying an impregnated egg by a woman who returns her child to "customers" after delivery, is unnatural and morally unacceptable even in cases where it is carried out on a non-commercial basis. Metropolitan Hilarion Volokolamsky, chairman of the Moscow Patriarchate Department for external church relations, believes that its implementation entails disregard for the deepest emotional connection that is established between mother and baby during pregnancy. In addition, while recognizing the importance of childbearing, he does not consider it to be the sole purpose of marriage. He thinks that surrogacy calls into question traditional concepts of family and the idea of intimacy between two people. By defining marriage as "the sacrament of love," he sees the ethical value of the sexual relationships of the spouses in full and mutual commitment, where soul and body become united. In this case, sexual relationships are designed not only for the reproduction of the human race. Therefore, if the husband is infertile and medicine is not

able to help him, the wife must accept him as he is, not trying in one form or another to find a substitute for him. [24]

The Muslim religion approaches the problem of surrogate motherhood somewhat differently. Typical surrogacy is not allowed in Islam. As stated in “Islamic Principles on Family Planning”, “it is illegal and immoral to introduce into a woman the sperm of any man other than her husband. The formation of the embryo outside the human body will only be permissible subject to certain strict conditions. It will be Haram (forbidden) to form the embryo by the fusion of a woman's ovum with the sperm of a man other than her husband. It is also not lawful to implant into a woman an embryo developed in a haram way.” [20] However, as polygamy is permitted in Islamic countries, the surrogate mother may be the husband's other wife.

### **3.10 Conclusion**

All in all, we can conclude that surrogacy, especially the one where a gestational carrier receives a financial reward after the childbirth, is generally considered as unethical and morally unacceptable due to various reasons. First of all, opponents of commercial surrogacy argue that it turns babies into commodities and the relationships into contracts. It diminishes the Another reason against compensated surrogacy is that it is often seen as prostitution, because in both processes women are “renting out” their bodies for money. The next issue is that in surrogacy arrangements, women are exploited by wealthy clients, as they are used as “incubators” who produce babies for any money. Furthermore, commercial surrogacy has negative effects on mental condition of both surrogate, as trying to abstain from building up a unique bond with the youngster in the womb causes stress for her, and consequently for the baby too. After that, commercial surrogate motherhood fails to protect the interests of the children, because surrogacy agencies, surrogate mother and future parents are making decision for the children and fulfilling their own dreams. Finally, we talked about the fact that most religions believe that surrogacy should not be allowed because it destroys the concept of “normal family” and includes the intervention of third-parties to the relationships of spouses.

### **3.11 Arguments in favour of commercial surrogacy**

Despite all the criticism and ethical issues, surrogacy has also several benefits. It is allowing thousands of people to fulfill their dream of becoming parents and helping many surrogates to make money and improve their living conditions. Technological progress makes regulation necessary. The case of gestational regulation is one of them. In this chapter of the paper, the benefits of the commercial surrogacy will be explained.

Supporters of the use of surrogate maternity, of course, look at this practice in a completely different way. They indicate that for a childless family this is the only way to get a child who will be genetically “his” for the husband. Also, no one has canceled the concept of human compassion and mutual assistance, because by agreeing to bear someone else's child, a woman makes happy the whole family, who decided to do it only after long painful failures to borrow a baby on their own. In their opinion, this is not the commercialization of children, but a profoundly humanistic act of love and cooperation. This act is, of course, associated with potential dangers for the surrogate mother, but she is able to evaluate them and can consciously take risks; thus, the decision to conclude a contract would not be riskier for her than for many other women who choose not quite safe occupations for themselves. In addition, after childbirth a woman receives financial compensation for her "work", which is usually quite significant.

We can as well examine the surrogacy from a utilitarian point of view. According to utilitarian morality, an action is moral if it produces the maximum amount of happiness for the maximum number of people. Hence, in order to be able to judge the morality of action, we must analyze the consequences. If an action brings more joy than pain, it should be considered moral. The surrogacy arrangements can be seen as something positive because it allows the host couple to have a genetically related child. But, it also has some negative sides as it leads to the child being removed from its biological mother, which is often very complicated to manage (for example with the Baby M case), especially if the surrogate mother is also an egg donor. Many ethics experts claim that it is better for a surrogate not to donate an egg to minimise the emotional and psychological stress, and to reduce the attachment to the child. Another ways to lower the stress is the presence of surrogate's own child and of course the financial compensation for surrogate mother's labor. As a result, utilitarians believe that surrogate motherhood has more benefits than drawbacks and can be claimed as ethically valid and rewarding experience for both parties.

Anderson in her book “Is women’s labor a commodity?” lists the main reasons why people look surrogate maternity services. “First, given the shortage of children available for adoption and the difficulty of qualifying as adoptive parents, it may represent the only hope for some people to be able to raise a family. Commercial surrogacy should be accepted as an effective means for realizing this highly significant good.” Thanks to modern medical technologies, people who are doomed to childlessness and who have lost hope of ever becoming parents can challenge nature and still get a child - not an adopted one, but their own child related by blood.

Besides that, Anderson claims that surrogate motherhood should be allowed because people have the right to reproduce and to make contracts: “Second, two fundamental human rights support commercial surrogacy: the right to procreate and freedom of contract. Fully informed autonomous adults should have the right to make whatever arrangements they wish for the use of their bodies and the reproduction of children, so long as the children themselves are not harmed.”

“Third, the labor of the surrogate mother is said to be a labor of love. Her altruistic acts should be permitted and encouraged.” This point of Anderson explains that a woman who has agreed to the role of a gestational courier, is doing a very good job - helping to find family integrity and carrying a baby for an infertile couple or single parent.

And lastly, she states that commercial surrogacy is kind of similar to processes like adoption, wet-nursing and etc. in a way that they involve helping other people, accepting and treating others as your own blood. “Finally, it is argued that commercial surrogacy is no different in its ethical implications from many already accepted practices which separate genetic, gestational, and social parenting, such as artificial insemination by donor, adoption, wet-nursing, and day care. Consistency demands that society accept this new practice as well,” she says (Anderson, 1990).

### **3.12 Conclusion**

All the aspects taken into consideration, we can draw a conclusion that the birth of a child through surrogacy can bring a great joy to infertile people. But it also raises many concerns regarding psychosocial, physical and legal situations. Thus, it is extremely important for countries to strictly regulate the laws so that surrogacy arrangements do not become a business that take advantage of vulnerable women and commodify children.

## 4 Practical Part

This practical part refers to 4 women from Russia, who were surrogate mothers. Earlier, I talked about ethical issues that do not approve of surrogate motherhood, cited the pros and cons, and quoted famous philosophers. Since many consider this to be prostitution, the use of female bodies, the sale of children, and much more, I wanted to know the opinion from the "first person". What do they think of established moral standards? Indeed, as experience shows us, the theory says one thing, but in practice it is completely different. In addition to these standards, there are many other things in interview that question the relevance of surrogacy.

### 4.1.1 Interview surrogate mothers

**The first interviewee is 29 years old Olga from Arkhangelsk region. She carried a baby for a married Spanish couple.**

#### *Why did you decide to become a surrogate mother?*

I come from a small village in Arkhangelsk region. I am married and I have my own 3 kids. The reason I became a surrogate is that I wanted them to be well provided for. I was unemployed and I was taking care of my children and my mom at home while my husband was at work.

#### *How much did you get paid for your labor?*

After the pregnancy I received 850,000 rubles (10,625 dollars), and 20,000 rubles every month.

#### *What was the toughest part of the surrogacy process?*

The hardest part for me was living separately from my family and lying to my kids that I have to work in another city for a long time. The only person who knew that I am carrying a baby for another couple was my husband and I am thankful to him, because he helped me go through this. He took care of our children and was calling me almost every day to support me.

#### *Where you afraid of condemnation from society?*

I live with my mom, and I didn't tell her where I have left. For her, I was just earning money in Saint-Petersburg. I kept it as a secret because she is quite old and conservative,

so I knew that she wouldn't understand me and my decision. I also did not want to share it with my relatives and friends, as I was afraid of being judged by them.

***What did you feel? Have you not developed a feeling of love and affection for the baby inside you?***

Of course I developed an affection for the baby, because I am a human, not a robot. I felt the baby moving and kicking in my womb and I talked to him, but subconsciously I realized that it is not my baby.

***How did you psychologically manage this situation?***

Honestly it was quite challenging for me because during the pregnancy I managed to get attached to the baby, and sometimes I was calling him "my son". But right after that I was telling myself that it is not right, that the baby has his own parents and I am just a temporary "nanny" for him. I tried to always remember that I have my own kids waiting for me at home and that I am doing it for them.

***Don't you think that the child in your womb also got attached to you during pregnancy?***

Children always get attached to nannies, but they can't be with them forever. Sooner or later the nanny will have to leave anyways. So I think this is a similar situation.

***If they offer you to become a surrogate again, will you agree?***

It is very difficult question for me to answer, because this process requires time and nerves, and also a good health. I think I am not ready yet, because I am afraid to do it again. I don't know if I can handle the psychological stress again.

***Are you religious?***

Yes, I am a Christian.

***Is surrogacy allowed in your religion?***

Unfortunately, it is not allowed. I know it is a sin to be a surrogate mother, because it contradicts to the usual concept of a family. Church representatives believe that it is unethical and morally unacceptable, as it is the relationship between spouses and any third-party should not be permitted to enter the family affairs. I even heard that priests are refusing to baptize the children born through In Vitro fertilization or a surrogate mother. They only do it after the surrogate mother's repentance.

***Do you think you helped the intended parents or you provided service for them?***

I want to say that I helped them, because they are not able to conceive a baby for a very long time, and I have a good health and fertility to give birth.



***Opponents of commercial surrogacy argue that it is similar to prostitution. Do you agree or disagree with this statement?***

I don't really care how society calls this process.. As long as I am not hurt, I am doing a good thing and I get a reward for my help, then I don't see it as prostitution. I give them what they desperately want, i.e. a child, and they assist me to solve my financial problems.

***Opponents of commercial surrogacy argue that it exploits women. Do you agree or disagree with this statement?***

From my point of view, it is not exploitation, because no one forced me to make this decision. It is a win-win situation for everyone involved.

***Opponents of commercial surrogacy argue that it turns babies into commodities and relationships into contracts. Do you agree with this statement?***

To be honest, I agree AND disagree with that statement. I don't think that in surrogacy babies are treated as commodities because for adoptive couple they are long-awaited gifts, a miracle... and in no way they treat them as some items. However, some gestational carriers agree to become a surrogate and a donor of the egg at the same time because they earn more money for it. In this way I can say that they are selling their own children. I can also understand the statement that it turns relationships into contracts as I myself tried to perceive it as a job and not to have an emotional connection with the baby.

**2. Elizabeth, 30 years old, is also a surrogate mother. A few months ago, she gave birth to a baby for a couple from Slovenia.**

***Why did you decide to become a surrogate mother?***

Today, due to the rapid decline in living standards, Russians are looking for any opportunity to make money. They no longer expect the government to improve the economic situation in the country. Therefore, you have to take everything into your own hands and seek for a better life.

***How much did you get paid for your labor?***

They paid about 900,000 rubles. We had an agreement that the first half will be paid immediately after conception, the remaining amount after signing the abandonment of the child.

***What was the toughest part of this surrogacy process?***

Most likely the toughest part was moving to another city. I live in a small town called Dimitrov, and have never traveled outside this town. But at the 7th month of pregnancy I had to move and give birth to the child in Moscow. It was difficult because I was not used to being far from my relatives, especially in another city.

***Were you afraid of condemnation from society?***

As I said earlier I moved to Moscow because I did not want to attract any attention. People would start asking a lot of questions and making their judgments.

***What did you feel? Have you not developed a feeling of love and affection for the baby inside you?***

I admit that it is impossible to completely avoid the emotional connection with the child who is being carried under my heart. You need to be a completely callous person and not to have trembling feelings for the child. But when you see the joy and smiles on the faces of biological parents, you understand that everything is over. You are convinced that everything is fine with the child and the parents are happy. When I returned to my own daughter, who was waiting for me at home, I realized that I went through all this for her sake.

***How did you psychologically manage this situation?***

I was sharing my happiness of being a mother with the people who had not experienced it. The Slovenian parents of the child called him "the most important person in their life". We still communicate and send each other photos of our children. They also regularly send gifts to me and my family.

When parents cry and thank you, I feel how much I have done for them.

***If they offer you to become a surrogate again, will you agree?***

Yes, I will sign my new surrogacy agreement in a few weeks. My plans for the future are connected with surrogate motherhood, because this is a valuable chance to become parents for many couples: both foreign and Russian.

***Do you think you helped the intended parents or you provided service for them?***

I'd like to answer that I provided service for them, because it was easier for me to bear it. Not to think about it as a blessed event, but just a job.

***Opponents of commercial surrogacy argue that it is similar to prostitution. Do you agree or disagree with this statement?***

I don't see any similarities between these two processes.

***Opponents of commercial surrogacy argue that it exploits women. Do you agree or disagree with this statement?***

Maybe. We live in a world where wealthy people take advantage of poor people anyway. We cannot change anything. So why not think about it as something negative, but also use benefits of it.

***Would you agree to carry a child for someone close to you if you wouldn't receive a financial compensation?***

That is a hard question. I think I would not agree.

***You mentioned that you still communicate with the host couple and send each other photos of your children. Will they tell their child that he/she was born by a surrogate mother?***

No, they said that they will keep it as a secret, because they are afraid of how it will affect their child, his feelings and relationship with his parents.. maybe he will feel like he was a result of some experiment, or like his mother abandoned him, etc.

**3. The third interviewee is Svetlana, who lives in Novosibirsk. She is 26 years old married woman. She carried a child for American couple**

***Why did you decide to become a surrogate mother?***

Picture yourself in my shoes. I came to live in Novosibirsk from Central Asia with my husband and my little child. We came to the Siberian city, as they say, in search of a better life.

We were financially unstable and had no prospects to buy our own house, so we rented an apartment. And then my husband got seriously ill, which made it more difficult. And then I remembered that I once saw a TV show about surrogacy. And I thought, why don't I try it. I'm a young woman with a good health. I talked to my husband. He didn't agree at first. I had a hard time convincing him that this was probably our only chance to get out of the situation that life had put us in.

***How much did you get paid for your labor?***

The host couple paid me 970,000 rubles, which is about 12,000 dollars. Every month I received 22,000 rubles for monthly expenses.

***What was the toughest part of the surrogacy process?***

The toughest part of the surrogacy was giving away the child that you carried for 9 months. Also, hiding it from all the relatives and friends, and even people from your neighborhood.

***Where you afraid of condemnation from society?***

Yes, I really wanted to remain anonymous. I was afraid of rumors, and that people will begin to judge me and my family. Very few people knew that I was a surrogate mother - only my husband, doctors, lawyer and parents of the child I gave birth to.

There are a lot of stereotypes in society associated with surrogate motherhood, a lot of negative ones. It is considered as "business," "child trafficking," etc. Many people think about it as something wrong. Therefore, not only me, but also many other surrogate mothers, are trying to hide everything. So that people do not poke a finger, and say, "that's what they are doing for money."

***What did you feel? Have you not developed a feeling of love and affection for the baby inside you?***

The pregnancy itself was very easy. Emotionally, I felt very comfortable too. I knew very well that I had other people's baby inside me. They were waiting for it and they were very worried. You know, I just felt like a stork. It's just like in a fairy tale - I've become a bird that brings children. Genetic parents used to visit me all the time. We used to call each other often. I didn't even have thoughts of keeping the baby for myself after pregnancy. They were very nervous, and I really wanted to help them.

***How did you psychologically manage this situation?***

After delivery I was taken to the room. And I didn't even expect that suddenly I could be pulled so strongly towards the newborn. I suddenly wanted to see the girl so badly. Just to look at her. I cried so much and asked everyone to bring her to me. Of course, they didn't bring her to me or show me. After some time, with a cold head, I understood that my instincts woke up. In case they showed me the baby, I'd want to hold her. And if I took her in my arms, I probably wouldn't be able to give her away for any money.

I was drawn to the child for two more weeks. All this time I was periodically crying. I will not hide, it was very hard for me. But my family was there for me. When I came home, I saw my son and hugged him, then I started to calm down slowly. I began to realize that everything was fine, that the newborn had a beautiful home with very kind and loving parents, and I'm with my family. We now have the opportunity to solve the housing problem, which means my son will finally have his own corner in his own apartment.

***If they offer you to become a surrogate again, will you agree?***

At first, when I was only thinking about surrogate motherhood, of course I had many doubts. I was not sure about it and to be totally honest, I initially went for it only for the financial reward. But now that I've gone through everything, I treat surrogate maternity in a completely different way. I've seen the eyes of those people who finally picked up the baby they've been dreaming about for so many years. They were the happiest people I have ever met in my life.

You have to think that it's all for the good. In the end, everybody wins in this process. Now I don't regret or worry about anything. I'm doing really well. And I even think that I'm ready to be a surrogate mother again.

***Opponents of commercial surrogacy argue that it is similar to prostitution. Do you agree or disagree with this statement?***

No, they are not similar.

***Opponents of commercial surrogacy argue that it exploits women. Do you agree or disagree with this statement?***

No, I don't feel like I was exploited. So, I disagree with that statement.

**4. The last interviewee is Marina from Kazan, 29 years old. When the child was born, her husband filed for divorce. Two years in her personal life was a pause. In 2016, she decided to have a baby as a surrogate mother. Genetic mother from St. Petersburg, 54-year-old single woman. From first husband there is a son of my age. She divorced her second husband, and decided to give birth to another child with the help of a surrogate mother. She could not give birth because of health reasons.**

***Why did decide to become a surrogate mother?***

The film "Surrogate Mom" pushed to take this step. After a month and a half, like this, without planning ahead, I decided to offer myself as a surrogate mother. I wanted to help. This is also not free. Then I can please my child, myself, by buying something.

***How much have you been paid for this work?***

She paid 1 million rubles. On the second day after the birth, a lawyer came. I wrote a refusal to the child. The next day, the genetic mother came, congratulated, gave me a present. Then I transferred the money to the account. Gave a family ring. I didn't want to

take it, I told her: “You have a daughter, your family continues, you should pass it to her.”  
“No, you made me happy,” she said and gave me a ring with white pearls.

***What was the toughest part of this surrogacy process?***

I didn't find any process hard for me as everything went well.

When we met for the first time, she's very simple woman. She held my hands, begged me to help and said that everything will be fine, that they will do everything they can.

The embryo implantation was very successful, I became pregnant very quickly.

During pregnancy was observed in the clinic. This is a very responsible work, because, firstly, I am carrying someone else's child, and my condition should also be kept under control, I must faithfully reach the end. There is psychological pressure from many angles, but we were great.

Everything went well. A girl was born. This woman also wanted a girl, prayed that it would be so, we talked to her every month. They paid all expenses, congratulated me on my birthday, Happy New Year.

***Were you afraid of condemnation from society?***

Not at all, when I decided to become a surrogate mother, I told friends and my son about this, they supported my decision. I don't worry about the opinions of other people.

***What did you feel? Have you not developed a feeling of love and affection for the baby inside you?***

No, I was calm, did not perceive as my own. I have no rights to keep the baby. I can't cause suffering to a stranger. And I told my son that this child is not ours, this is the child of another aunt, and that we will give him away. After the birth of the baby, they paid me, before delivery I was paid 25 thousand rubles a month. Three days after birth, I was examined and discharged. Genetic mother said that I can give birth wherever I want. Although I could enjoy comfortable conditions, but I didn't want to. Private clinics are very expensive, so I chose to give birth in a regular hospital.

After delivery the doctors said: “Do you want to look at the baby?” No, I didn't look, the child began to cry. During childbirth, I lost a lot of blood, so they injected me into a vein, and I fell asleep.

***Have you ever seen a child?***

No, I have not.

***How did you psychologically manage this situation?***

I did my job, and that's it. She is happy. I returned to my previous state, in almost 40 days I got in shape.

***When the child cried, did you feel something?***

No, I didn't feel anything. He is not mine, I speak sincerely. I am like this - I love only my child. I love cousins, babysitting with friends' kids. And this is not my child: I was pregnant, gave birth, gave him to intended parents and that's all. That was my goal, my sudden impulse. I wanted to help.

For myself, I don't want to give birth anymore, I already have a son. I also don't think about giving birth to a man whom I'm dating now. I met this man after I agreed to become a surrogate mother. And perhaps I don't want to get married.

***If they offer you to become a surrogate again, will you agree?***

I will tell you a secret ... I will go for it again in the fall. This couple is also from St. Petersburg. They didn't tell what is their problem. I know that they are under forty. During eight years, they couldn't conceive a child. They did IVF twice, it didn't work.

***Opponents of commercial surrogacy argue that it is similar to prostitution. Do you agree or disagree with this statement?***

I disagree

***Opponents of commercial surrogacy argue that it exploits women. Do you agree or disagree with this statement?***

I disagree

## 5 Results and Discussion

In this part I will discuss the results of the practical part in which I interviewed 4 Russian women, asking them about their experience on being a surrogate, and their views on some ethical stigmas that surround surrogacy. As mentioned earlier, in the literature part of the paper I focused on the ethical, moral, social and legal issues like commodification, exploitation, prostitution, psychological and religious aspects of commercial surrogacy. Therefore, to obtain a better understanding, I decided to make a table, in which I will compare the arguments against the surrogacy with the surrogate mothers' answers.

Arguments against surrogacy Literature part	Answers of Russian surrogate mothers Practical part
Commodification of human life	
<p>American philosopher Elizabeth S. Anderson in her book "Is women's labor a commodity?" argues:            "Commercial surrogacy substitutes market norms for some of the norms of 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 and 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. 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)</p>	<p>The first interviewee answered that she both agrees and disagrees with this argument. She doesn't think that in surrogacy babies are treated as commodities because for adoptive couple they are long-awaited gifts, a miracle... and in no way they treat them as some items. However, she mentions that some gestational carriers agree to become a surrogate and a donor of the egg at the same time because they earn more money for it. In this way she can say that they are selling their own children. She can also understand the statement that it turns relationships into contracts as she tried to perceive it as a job and not to have an emotional connection with the baby.</p>
Surrogacy as Prostitution	
<p>Andrea Dworkin, famous American feminist theorist, wrote a thought-provoking book called "Right-wing women", in which she claims:            "Motherhood is becoming a new branch of female prostitution with the help of scientists who want access to the womb for experimentation and for power. A doctor can be the agent of fertilization; he can dominate and</p>	<p>Based on the answers of our surrogates, they don't think that surrogacy is like prostitution. The first interviewee said that she doesn't care how society calls it. And as long as she is not hurt, she is doing a good thing and she gets a reward for her help, then she doesn't see it as prostitution.</p>



<p>control conception and reproduction. 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; this is not sex, it is reproduction.”</p>	<p>The second interviewee doesn't see any similarities between these two processes. The third interviewee admitted that she initially went for it only for the financial reward. But after seeing the eyes of those people who finally picked up the baby they've been dreaming about for so many years, she treats surrogate maternity in a completely different way. She also added that you have to think that it's all for the good. In the end, everybody wins in this process.</p>
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**Exploitation**

<p>Most of the time the reason for surrogates to “rent their wombs” is poverty and inequality in society. As they usually live in the countries where wages are extremely low, or they are a ‘working class’, they do not earn the amount of money that they can make from surrogacy procedure. Usually, the educational level of the gestational carriers is low, which often prevents them from understanding the terms of contract, the risks to their physical health and the processes they will have to undergo. Also, opponents argue that this method can be used as means to exploit women as paid incubator machines that produce children for wealthy customers. Women in this case are willing to do this because they want to help their families, pay the debts or help in other ways.</p>	<p>None of the interviewees wanted to call the surrogacy as exploitation of women. The first interviewee said that no one forced her to make this decision. It is a win-win situation for everyone involved. Interviewee 1 became a surrogate because she is from a small village, has 3 kids and she wanted them to be well provided for. Interestingly, the second interviewee's answer was “Maybe. We live in a world where wealthy people take advantage of poor people anyway. We cannot change anything. So why not think about it as something negative, but also use benefits of it.” From the answer of the third interviewee we can say that she made this decision because she had financial and health problems with her husband, and “that was probably their only chance to get out of the situation that life had put them in.”</p>
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**Psychological affect**

<p>The surrogacy contract “turns women's labor into alienated labor by requiring the suppression of the feelings of parental love and attachment that the pregnant woman will predictably</p>	<p>Based on the answers of all surrogates, we can say that they all agreed that surrogacy impacted their psychological health. Interviewee 1 said “Of course I developed</p>
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<p>experience” (Van Niekerk and Van Zyl, 1995). To force the surrogate to hand over the newborn, to entrust him to someone else, is a serious violation of her maternal instincts. But most surrogates and intended parents view the surrogate pregnancy only as a business transaction, which leads to several mental issues. The main task of a surrogate mother is to prevent the personal attachment to the baby. That is why they do not talk to him when he grows up in their womb, they do not even call him a baby. He grows in some kind of an emotional isolation, which is not good for the child’s development.</p>	<p>an affection for the baby, because I am a human, not a robot. Honestly it was quite challenging for me because during the pregnancy I managed to get attached to the baby, and sometimes I was calling him “my son”. But right after that I was telling myself that it is not right, that the baby has his own parents and I am just a temporary “nanny” for him. I tried to always remember that I have my own kids waiting for me at home and that I am doing it for them.” Interviewee 3 said that after delivery didn’t even expect that suddenly she could be pulled so strongly towards the newborn. And that she would cry for two more weeks because she wanted to see and hold the girl so badly.</p>
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Child’s perspective

<p>Equally important, but the questions of the psychological adaptation of the child remain unanswered. If the adoptive parents explain to the child (or he accidentally finds out) that another woman gave birth to him, would this become a source of problems or painful experiences for him? And if the child’s contacts with this woman continue after his birth (as happens when the surrogate mother is a relative or close person to the family), then how can this affect the child in the future?</p> <p>Besides that, a child born after a surrogacy agreement may have up to six adults claiming parent’s rights over him or her: the genetic mother (egg donor), the gestational mother (surrogate), the commissioning mother; the genetic father (sperm donor), the husband of the gestational mother (presumption of paternity) and the commissioning father. [20] So it raises the concern that the process of surrogate motherhood is contrary to the genetic truth and it can store up identity issues for the child who will not know their “real” mother.</p>	<p>Second interviewee answered that the adoptive parents “will keep it as a secret, because they are afraid of how it will affect their child, his feelings and relationship with his parents.. maybe he will feel like he was a result of some experiment, or like his mother abandoned him, etc.” This shows us that the child’s rights are being violated as the adoptive parents are hiding the genetic truth.</p>
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Religious perspective

<p>Metropolitan Hilarion Volokolamsky, chairman of the Moscow Patriarchate Department for external church relations, believes that its implementation entails disregard for the deepest emotional connection that is established between mother and baby during pregnancy. In addition, while recognizing the importance of childbearing, he does not consider it to be the sole purpose of marriage. He thinks that surrogacy calls into question traditional concepts of family and the idea of intimacy between two people. By defining marriage as "the sacrament of love," he sees the ethical value of the sexual relationships of the spouses in full and mutual commitment, where soul and body become united. In this case, sexual relationships are designed not only for the reproduction of the human race. Therefore, if the husband is infertile and medicine is not able to help him, the wife must accept him as he is, not trying in one form or another to find a substitute for him.</p>	<p>Most of the interviewees did not want to answer the question related to the religion. Only the first surrogate answered that she is a Christian and that in her religion commercial surrogacy is not allowed. She said that she knows it is a sin to be a surrogate mother, because it contradicts to the usual concept of a family. Church representatives believe that it is unethical and morally unacceptable, as it is the relationship between spouses and any third-party should not be permitted to enter the family affairs. She even heard that priests are refusing to baptize the children born through In Vitro fertilization or a surrogate mother. They only do it after the surrogate mother's repentance.</p>
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## **Conclusion**

All things considered, we can conclude that there are no definite answers when it comes to dealing with the concerns of commercial surrogacy, specifically in third world nations. From all the above discussions, we can claim that commercial surrogacy is a very complex process, which requires a close attention. As mentioned in the literature part of the paper, there are various stigmas going around compensated surrogacy. From surrogate women who are being exploited by rich people, to adoptive parents who need a child of their own, to children who are being treated as commodities and to the agreement of surrogacy. My suggestion would be to increase the regulation of the existing surrogacy systems in countries worldwide. Also, adjusting the adoption laws would be also a solution, as for today I know a lot of people who want to adopt a child, but it takes several years to wait and fill the papers. As a result, they decide to use the help of the surrogate, instead of adopting a baby, who is already looking for a home and loving family. Based on the interview answers of Russian surrogate mothers, we can also state that they go for this step due to the fact that the economy of the Russia makes them to use their bodies a way to make money.

We cannot come to a single conclusion that commercial surrogacy is unethical practice in Russia. But, referring to the arguments mentioned both in theoretical and practical parts of the paper, it can be stated that there are plenty of serious ethical, moral, psychological, legal and social problems that should be studied closer and thoroughly by the general audience and governments.

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