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Bachelor Thesis
Ethics of Commercial Surrogacy

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Declaration

I declare that I have worked on my bachelor thesis titled "Name of the bachelor thesis" 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.

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Acknowledgement

I would like to thank Daniel Rosenhaft Swain, and all the participants in my interview for their advice and support during my work on this thesis.

Ethics of Commercial Surrogacy

Abstract

This work based on topic of Commercial surrogacy. Every part discusses different issues about surrogacy. Quotation from different articles were taken in order to show different opinions of scholars and critics. All the chapters were written in order to look at the from different perspectives in order create wide perception about the Ethics of Commercial Surrogacy. In the practical part method of qualitative interviewing used to gather opinions of people from different part of world, as it is opinion based topic.

Keywords: Commercial surrogacy, Exploitative, Moral, Ethical, Commodity, Body-selling, Renting body, Intended Parents, Surrogate mother, womb-for-rent, Altruistic Surrogacy, Compensation.

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1.Introduction to Surrogacy.

Throughout the history of mankind, children are considered one of the main goals of marriage. Our dreams, cares and hopes are connected with their birth and upbringing. But not everyone can feel the joy of fatherhood and motherhood. Despite the fact that people from ancient times tried to find a solution to this problem, only in recent years, through the use of artificial methods of human reproduction, the opportunity has arisen to change the situation. The operation of artificial insemination and implantation of the embryo allowed the spouses to gain hope of becoming parents.

1 in 8 couples in US(or 12% of married women) have trouble getting pregnant or sustaining a pregnancy. (2006-2010 National Survey of Family Growth, CDC) 7.4 million women, or 11.9% of women, have ever received any infertility services in their lifetime. (2006-2010 National Survey of Family Growth, CDC).

Infertility is commonly defined as the inability to get pregnant, or maintain a pregnancy.

Surrogacy is the arrangement between intended parent(s) and surrogate mother to carry their baby due to complications to have their own biological baby.

There are two kinds of surrogacy: Traditional and Gestational surrogacy.

In Traditional surrogacy used intended father's sperm and surrogate's own egg. In this case surrogate mother is the baby's biological mother. This type of surrogacy is rarely used in modern days.

Another type of surrogacy is gestational surrogacy, where the eggs from mother fertilized with the sperm of father and the embryo placed into the uterus of gestational surrogate mother. Sometimes the eggs from another woman (egg donor) used for fertilization (in case if intended mother cannot

produce healthy egg of her own).

It is common practice to use the term “surrogate host”, “surrogate mother” or “surrogate” for the woman who carries and delivers a baby for another couple. “IVF surrogacy”, “gestational surrogacy”, or “full surrogacy” are defined as treatments by which the gametes of the “genetic couple”, “commissioning couple” or “intended parents” in a surrogacy arrangement are used to produce embryos, which subsequently are transferred to a woman who agrees to act as a host for these embryos.

Usually surrogacy is used by infertile couples who tried many ways to have their own biological baby. It is the couples where the women had to fight problems such as:

- Medical problems with uterus
- Where woman had hysterectomy that removed her uterus
- Conditions that made pregnancy impossible or impossible for her, such as severe heart disease etc.,.

1.1What is commercial surrogacy?

Commercial surrogacy is in other words compensated surrogacy. That is when the surrogate mother agrees to become a surrogate for agreed financial compensation. Prices varies depending on country where compensated surrogacy is legal.

As the commercial surrogacy become legal in certain countries,the market for IVF started growing rapidly. In countries like India Infertility clinics started growing like mushrooms after rain. Which made easier to gather more surrogate mother, hiring them by recruiters and get more clients from other countries where surrogacy is not legal or it is costly.

2.Objectives and Methodology

2.1Objectives

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.

2.2Methodology

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.

3.Laws and regulations across the world

Reproductive rights are one of the most gender-sensitive areas. However, until recently, this area has remained almost entirely outside the legal analysis, and it has not received proper attention. Perhaps this is explained by the fact that the concept of reproductive rights is relatively new. Only recently, issues of reproductive law began to attract the close attention of lawyers, human rights committees.

The legality of surrogacy varies widely between countries and in some countries between state to state (i.e., the United States, Australia and Mexico) (Armour, 2012)

In most parts of Europe, surrogacy is an illegal procedure. While the law explicitly forbids it in some countries, others do not mention surrogacy as an option to become parents at all. Germany, Belgium, Spain, Italy, Switzerland, Austria, Norway, Sweden, Iceland, Estonia, and Moldavia are some examples. (Cristina Mestre, 2017)

Examples of countries allowing surrogacy nowadays include the United States of America, Russia, Ukraine, Greece, Georgia, Portugal, Canada and India.

According to Russian legislation, which allows surrogate motherhood in all subjects of the federation, a mentally and somatically healthy woman between the ages of 20 and 35 who has a child of her own can become a surrogate mother. At the same time, legal parents and a surrogate mother make out their written consent to participate in the Surrogate Motherhood program, and if the surrogate mother is married, her husband also gives written consent. The legal framework of surrogate motherhood in Russia cannot be considered sufficiently developed, since there are many gaps that prevent the full-scale implementation of this program. The rules governing legal relations in the field of human reproduction with the involvement of a surrogate mother are contained in Art. 51-52 of the Family Code of the

Russian Federation (IC RF), in Art. 35 “Artificial insemination and embryo implantation” of the Fundamentals of the Russian Federation Law on the Protection of Citizens' Health dated June 22, 1993, in the Order of the Ministry of Health of the Russian Federation No. 67 dated February 26, 2003 “On the Use of Assisted Reproductive Technologies in Therapy of Male and Female Infertility” civil status ”of 11/15/1997. However, these documents contain ambiguities, which allows the parties to interpret the same article in two ways with the resulting problems and conflict situations. For example, the RF IC provides only written consent of persons married to an embryo implantation, however, it does not contain a provision on concluding a written contract between the surrogate mother and genetic parents, although in accordance with civil law the conclusion of such a contract is not prohibited. In the absence of a clear legal mechanism for concluding contracts, the use of a surrogate mother service a priori, there is an opportunity for the parties not to fulfill their obligations. This means, for example, when a surrogate mother refuses to give up the child, it is very difficult for genetic parents to return the funds spent on the IVF procedure and keeping the pregnant woman, as well as to recover moral harm, although there are obvious moral sufferings of the spouses. Also in the opposite situation, when the spouses refuse to take the child and pay the surrogate mother's remuneration - since the law initially recognizes such a woman as the mother of the child, then the need to restore health and the need for funds for this is not considered.

The RF IC is on the side of the surrogate mother, leaving her the right to decide whether to give the born child to genetic parents or not. If she does not give consent to the entry of genetic parents on a birth certificate, it is difficult to win the case in court, because the law, although it does not deprive the spouses or genetic mother of the right to challenge the surrogate mother's decision (refusal to write them to the parents of the child), does not give them real grounds for challenging.

An example of a deep study of the regulatory framework of surrogate motherhood is the legislation of Ukraine, where this program is regulated by the Family Code, adopted in 2004. A.2 of Art. 2. 123 of this code establishes the child's origin when applying methods of artificial insemination and determines the parents of the child born by the surrogate mother who provided their gametes. Paragraph 3 of this article establishes the possibility of spouses

using donor oocytes in the IVF method, and the embryo will in any case be considered as originating from the spouses. In addition to the Law of Ukraine "On Transplantation of Organs and Other Anatomical Materials of a Person" dated July 16, 1999, it is stated that spouses who have agreed to use ART will have full parental rights and duties towards children born as a result of these techniques. . After the birth of a child, the standard procedure of registration of an act of civil status in relation to the newborn is carried out, the birth of him from the surrogate mother does not play a role in this case. Even before the birth of the child, she signs an agreement that she does not object to the recording of her “customers” by the parents; This document is notarized and becomes an additional guarantee for genetic parents. The samples of these documents, the conditions of their conclusion and the database of surrogate mothers are presented on the websites of Ukrainian reproductive clinics.

The rights and obligations of the parties in surrogate motherhood programs in Kazakhstan are quite clearly defined. Art. 17 of the Law of the Republic of Kazakhstan No. 565-2 “On the reproductive rights of citizens and guarantees of their exercise” dated July 16, 2004, involves bearing and giving birth to a child, including cases of premature birth, under a contract between the surrogate mother and potential parents with or without remuneration. In this case, the contract is drawn up in writing and is subject to mandatory notarization. The terms of payment of expenses for the maintenance of a surrogate mother during the period of bearing a child, as well as the measures of responsibility of the surrogate mother for refusing to transfer the child and genetic parents for refusing to accept the child are included in the contract. The termination of such a contract on the initiative of genetic parents is possible only in case of a deliberate violation by the surrogate mother of the child-bearing regime. An additional guarantee for a surrogate mother is the rate at which those who decide to use the surrogate motherhood method are required to pay her compensation in the amount established by the contract in case of abandonment of the child. This article also contains a clause that protects the interests of a child born as a result of such an agreement - if genetic parents refuse a child, their mother is recognized as a surrogate mother, which is entered on his birth certificate.

In March 2017, a bill to ban surrogate motherhood in Russia was submitted to the State Duma. Its initiator was Anton Belyakov, a member of the Federation Council from the

Vladimir region. According to the author of the bill, the "relative cheapness" of such services has already led to the fact that surrogate motherhood has become "very rapidly developing and almost not regulated by the state business." And Belyakov believes that until Russia solves these problems and begins to respect the rights of surrogates, the interests of children and potential parents, surrogate motherhood should be prohibited. But for now, to the calm of many people, consideration of the bill has been postponed.

In many contracts it is shown that commissioning parents cannot refuse the unhealthy child. As the embryo is only transferred to host mother, therefore she is genetically unrelated to any offspring that may be born as a result of arrangement. Therefore "genetic parents" cannot refuse unhealthy baby if host mother was following all the medical instruction what was given to her when making the arrangement.

In the Czech Republic decided to find a middle ground between the complete legalization of surrogate motherhood and a ban on it. Judging by the upcoming changes to the Civil Code, one of the authors of which was the Minister of Justice of the Czech Republic, Jiří Pospišil, the direct relative of a wife or husband, such as a mother or sister, can carry a child. In this case, the adoption procedure will be as simple as possible.

In the Czech Republic, there are about 30 medical centers offering artificial insemination services, but only for women suffering from serious uterine diseases. Artificial insemination in this case is available only for married couples. And insurance companies pay for three long-term cycles of procedures only for women under 39 years old. If a Czech woman is not married, does not want to undergo long-term treatment, does not want to spoil the figure or experience inconvenience associated with pregnancy, then there is only one way - to Ukraine or to another country.

The risk of surrogate motherhood commercialization can be reduced by the fact that relatives of the infertile couple can act as substitute mothers, and they will treat the child with genuine love. For example, in Australia, in 1994, a number of restrictions were lifted from the law on the use of surrogate motherhood, which allowed sisters and cousins of genetic parents to become substitute mothers. In the state of North Carolina (USA), the sister of a woman who herself was not able to bear the child was fertilized with the sperm of her husband and in May

1994 she gave birth to a child. Before making such a decision, the spouses were treated for six years for infertility. The Englishwoman Edith Jones was transplanted with an embryo created by the fusion of her daughter's 22-year-old Suzanne's egg and the sperm of her 23-year-old Shrik Lengston's husband. The first case of carrying a child by a mother instead of a barren daughter was registered in South Africa in 1987.

According to doctors, in Russia there is no bank of surrogate mothers. If spouses want to have a child and are ready to go through surrogacy, then they themselves are forced to look for a woman who is ready to help them.

Indications for “gestational surrogacy” The principal indications for treatment by “IVF surrogacy” are: (1) Patients without a uterus, but with one or both ovaries functioning:

(a) Women with congenital absence of the uterus

(b) Women who have had a hysterectomy for carcinoma or other reasons

(2) Women who suffer repeated miscarriage and for whom the prospect of carrying a baby to term is very remote. In this group, women who have repeatedly failed to achieve a pregnancy following IVF treatment may also be considered.

(3) Women with certain medical conditions which may make pregnancy life-threatening, but for whom the long-term prospects for health are good.

(4) Requests for career or social reasons are not considered to be reasonable indications.

(IFFS Surveillance 2010)

A few countries make quite specific provisions about IVF surrogacy:

- In Australia a birth mothers name should be in the birth certificate, however in different states there are different regulations.
- In Belgium it will be regulated by a separate Law on IVF surrogacy
- In Brazil the surrogate mother should be related to on of the intended husband or wife, and payment is not allowed

- In Greece Court approval is obligatory, no payment is allowed
- Hong Kong allows only IVF surrogacy (does not allow when the surrogate mother is related to the baby genetically)
- Most of the Muslim countries do not allow any form of surrogacy
- In New Zealand each IVF surrogacy case must be submitted to the National Ethics Committee on ART (ECART)
- Russia requires that any surrogate host is 20-35 years of age and already has at least one child.
- In South Africa requires that IVF is provided only to residents and Courts approval is needed and surrogate host should have at least one child of her own.
- In Thailand birth mother is legal mother, and commissioning parents should adopt the baby.
- In UK surrogacy is legal for UK nationals only if it is altruistic. Thus, no payment is allowed other than for “expenses”

In Most of the Europe any type of surrogacy is banned.

Country	Rules on access to surrogacy	Foreigners engaging there	Altruistic or compensated
Albania	No definitive laws	✓	Compensated
Austria	Banned for all	✗	—
Belgium	Arrangements void and unenforceable	✗	—
Bulgaria	Banned for all	✗	—
Croatia	Banned for all	✗	—
Cyprus	No definitive laws	✗	—
Czech Republic	Arrangements void and unenforceable	✗	—
Denmark	Banned for all	✗	—
Estonia	Banned for all	✗	—
Finland	Banned for all	✗	—
France	Banned for all	✗	—
Greece	Heterosexual couples and single women, including foreigners	✓	Altruistic
Germany	Banned for all	✗	—
Georgia	Heterosexual couples and single women, including foreigners	✓	Compensated
Hungary	Banned for all	✗	—
Ireland	Arrangements void and unenforceable but under review	✗	—
Italy	Banned for all	✗	—

Latvia	Banned for all	X	—
Lithuania	Banned for all	X	—
Luxembourg	Banned for all	X	—
Malta	Banned for all	X	—
Netherlands	Arrangements void and unenforceable	X	Altruistic
Norway	Banned for all	X	—
Poland	Banned for all	X	—
Portugal	Heterosexual couples with medical need	✓	Altruistic
Romania	Banned for all		—
Russia	Allowed for locals and foreigners		Compensated
Slovakia	Banned for all		
Slovenia	Banned for all		
Spain	Banned for all		
Sweden	Banned for all		
Switzerland	Banned for all	X	—
UK	Allows UK nationals only	X	Altruistic
Ukraine	Heterosexual married couples, including foreigners	✓	Compensated

(Alice Cuddy 2018)

Dr. Paula Gerber in her speech to Human Rights Response to Commercial surrogacy in Ted Talks says:

“Unfortunately, the law tends not to be able to keep pace with scientific and medical advancements. We are very conservative and traditional and it takes us a long time to change the laws.”

4. Business of commercial surrogacy.

Recently, problems related to reproductive rights started concerning more people and organizations, in addition the discussion of reproductive rights in terms of gender equality is now, as never before, relevant. Certainly, vitro fertilization and any experiments with human gene turn children into a kind of product, creating a situation in which rich people can hire women to carry their genetic child. At the same time, maternity becomes an arrangement in which, as in any business, the desire for personal gain prevails. As a result surrogate motherhood is a market, business, commerce.

Probably, despite the presence of conflicting opinions about surrogate motherhood, this method will be actively developed further. The main reason for this is that, despite the high cost and complexity from the moral, ethical and legal side, it remains highly demanded. For many childless couples, the genetically birth of their child, even if conceived by another woman, is more desirable than the adoption of a completely foreign baby. As for the surrogate mothers themselves, there may be a lot of reasons pushing them to such a decision. But they themselves bear the greatest psychological stress, and receive considerable money not only for the strength and health spent on another's child, but also for the moral injury that remains with them for the rest of their lives.

For past years as technologies started developing and demand for that kind of product started growing, commercial surrogacy has become a profitable business. Surrogacy works differently according to the country. For example, in US surrogate mothers tend to be working class but not very poor. Usually surrogate mother in US gets paid from \$25,000 to \$40,000. Parents pay about \$100,000 to the fertility clinics.

Commercial surrogacy has been legal in India since 2002 and become a great economic success. The industry is worth more than \$ 2,3 billion a year. Websites advertises the services and makes it more affordable for working class poor women to get certain knowledge about this type of job. As a demand was growing and more foreigners started travelling to India, the companies started growing and they started to build more and more clinics and surrogate hostels. Clients usually pay about \$50,000 to fertility clinics and surrogate mother gets only paid in average \$3000 to \$7000. Most of the money goes to the clinics as well as to the recruiters who found them and “gave ability” to earn “good money” by the standards of India. But the surrogate mothers get only crumbs of the big pie. Concerns about exploitation of poor women have made government close the borders for foreigners for that type of tourism.

Even though India banned commercial surrogacy for foreigners in 2015 , Nepal, Thailand and Mexico, the global demand is not going anywhere.

In Ukraine surrogacy arrangements costs approximately \$30,000 to \$45,000 for foreign parents of which surrogate mother receives between \$10,000 and \$15,000. It can be seen by the numbers that is paid to surrogate mothers, most of the money goes to the clinic, meaning to the business. Obviously part of the money goes to pay the wages of clinic workers and for the maintenance of the clinic, but seeing the number we can make a statement that the surrogate mothers role is being devalued.

Commercial surrogacy involves not only surrogate mothers, but egg donors all around the world, mainly from eastern Europe. Many women in countries like Ukraine sells their eggs for extremely low price, while being injected with harmful hormones in order to produce more eggs, and experiencing side effects of it. When older women from Western countries ready to pay more than \$4,000 for donor eggs that could be fertilized into an embryo. Women are being injected by powerful drug called known as follicle stimulating hormone, or FSH.

One of the women in donor clinics in Ukraine, Kiev named Svetlana secretly from her family went to one of the clinics in her city in order to become an egg donor. She was injected by FSH hormone and produced batch of 40 healthy eggs. Her reward was around \$500 in total.

One leading British fertility expert, Adam Balen, Professor of Reproductive Medicine at Leeds General Hospital, believes the fact that Svetlana produced 40 eggs is evidence that she was being hyper-stimulated by the clinic and her health was being put at risk. Another woman named Erena says that once she was injected with five ampoules of FSH. Each capsule contained 75 units of the hormone, so she received 375 units. According to Balen, this is a potentially dangerous amount that could spark OHSS (Barnett and Smith,2006)

In today's global market, a healthy human egg from a young white European woman is more valuable than gold. But the ignorance of Western Countries clients, of the clinics and the National legislation system (where egg selling is legal) to the health of actual donors should be concerning for all of us.

On the other side the strict Law in countries like UK or so makes women to travel to Russia and Ukraine or get the healthy eggs from them in order to have their baby. The market of “baby making” is now global. And this problems has to be solved and law should be regulated internationally. When it comes to the business, big companies act like “sharks”,not caring about how does it affect poor women, but caring about the profit. Therefore this type of businesses should be regularly checked and women should be regularly interviewed.Underestimating the importance of these issues and insufficient attention to them, may bring very undesirable consequences which may lead to lots of conflicts in the future.

5.Ethical aspects of surrogacy.

We all know how great is the importance of the family in the life of every person, society and state. The family for each person is the source of love, faithfulness and support. In the family laid foundation of morality, spirituality and tolerance. A healthy strong family is guarantee of stability and prosperity of any society.

Medical science has developed a number of methods for treating infertile marriages, including in vitro fertilization and embryo transfer. The use of methods of reproductive technology and its success are perceived ambiguously by both researchers and the public as well causes a considerable number of ethical problems.

People tend to have imagination about traditional families, with mother, father and their kids which were conceived in traditional way. For many of them using surrogate mother to build the family and to make it complete does not fit within the perception of “normal” family. Having your own family, yet carrying another peoples child brings some concerns about its morality in the society. Women who cares usually some other couples baby tries to hide the type of “service” she is providing. In most of the countries where compensated surrogacy is legal women tend to move to hostels for surrogates or even move to another city. Sometimes social stigma can be truly harsh, and causing complexity to live within particular society which judges women and does not approve the type of activity they are doing.

The practice of substitute maternity is being criticized and the possibilities of commercialization. Most of the critics says the it is a fact that method can be used as a means of exploiting women as paid incubators that produce children for rich customers.

The opinions whether surrogacy is ethical or not, and whether it should be legal or not varies. One of the critics Elizabeth Anderson has strong opinion about commercial surrogacy:

“I shall argue that commercial surrogacy does raise new ethical issues, since it represents an invasion of the market into a new sphere of conduct, that of specifically women's labor- that is, the labor of carrying children to term in pregnancy. When women's labor is treated as a commodity, the women who perform it are degraded. Furthermore, commercial surrogacy degrades children by reducing their status to that of commodities” (Anderson, 1990)

However, surrogacy remains as a commercial service, the service that is for money and only for money. With the development of this technology, the mechanisms of market regulation are introduced according to the scheme money-commodity-money. Under the product means a set of services and the child himself. In this process, human life and the person himself becomes the subject of trade, acquires the properties of the goods. Demand creates supply and supply creates demand.

“I start by setting aside what some have seen as the most powerful objection to commercial surrogacy: the idea that it turns babies into “things” that can be bought and sold. Surrogacy advocates never, of course, describe it as the sale and purchase of a baby economics, no one defends markets in babies, but the fact that early contracts so decisively linked payment to the delivery of a child gave some credence to this view.” (Phillips, 2013)

Payment or the financial compensation for surrogate mother can be seen as the money for giving up the baby or payment for moral damage when giving up the baby. For instance, when a very close person dies, the who caused his death cannot fill the damage with paying compensation, thus it is the same with relinquishing the baby.

There are things that can not be sold and bought. If society crosses this line, then it becomes another - a society where you can buy human life.

Why is surrogacy, mainly compensated one considered as unethical for some individuals.

- 1) Surrogacy considered as body selling or selling part of body.
- 2) The commercialized surrogacy considered as a selling kids, selling a human life.
- 3) Surrogacy considered as degrading and exploiting poor and uneducated work class women
- 4) Surrogacy degrades value of families of host mothers.

Let us explain each of the bullet points.

1) In most of the fertility clinics it is explained for applicants that they should not have any emotional attachments with the baby that they caring, cause they simply renting a womb and the child is not genetically attached to them. Surrogate mother as well known as host mother is simply the one who cares the child for another couple, for the reason that she is capable of

doing that because of her good health. Women in this situation is considered simply as a body in which transferred embryo rises and when she delivers it she does not get a chance to interact with the baby, cause the baby has own genetical parents. Mostly intended who goes to fertility clinics, does not consider surrogate as a person who has feelings, family and her own life. they usually consider her as a body which is going to bring them such a precious gift. Seems like womens labour is becoming a commodity nowadays.

2)When the surrogacy is compensated, it is basically seen as buying a person. Since in this type of arrangement the main outcome is the “final product” meaning a “healthy baby”, and the money is paid (by most of the contracts) during the pregnancy, but the biggest amount paid when the healthy baby is delivered, human life is degraded to the point that it can be product which has a price in the global market. In no condition in modern society, human life would have any price. Human had a price in the times when slavery was considered as a normal thing, yet humanity raised above that and nowadays it is abnormal and immoral.

“Children should be loved by their mothers, yet commercial surrogacy responds to and promotes other motivations.” (Satz,2010)

3)As the main motivator for surrogate mothers (in the countries where compensated surrogacy is legal) remains getting the financial compensation, surrogacy will be seen unethical for some individuals, as she is not doing the for altruistic reasons. Most of the women as it was mentioned above are work class women (some of them are very poor and uneducated), which does not have any other option than to do surrogate mother job in order to help their families, pay the debts, and make the ends meet. Most of the women cannot make this amount of money in other job, usually because the wages are extremely low in the countries where they live (may be not U.S.), and the surrogacy compensation is equivalent to 2 or 3 years of work.

4)As it is required in common surrogacy contracts that the applicant should have at least one child of her own, most of the surrogates has families. While some of the surrogates gets a lot of support from their spouses, some experience the sapt in their families. Caring another couples child, yet having your own family can be emotionally complicated. Some of the women were complaining that their husband would not act supportive, because it is other peoples child that she is caring (which degrades woman`s, child's and family's value).

In a contrast to the bullet points mentioned above we can say:

1) Although surrogacy explained as “rent-a-womb”, it can also be seen from the perspective of healthy fertile woman helping another infertile woman to have her own child. Being a parent is a truly great thing, yet some of the people due to health problems or so, cannot have own kids, thus cannot experience such a great feeling. We will never be able to fully understand the emotional state of woman who is infertile and was compelled to do such a thing, but we can always try to put ourselves in that position and understand what she was driven by.

2) There are two opinions about surrogacy: One of them says that surrogacy is selling child for money, calls fertility clinics as “baby factories”, the other says that helping another couple to have their own child is truly heartwarming, and it is a biggest achievement of today's technology. Even though surrogates get a financial reward in the end of 9 month, this reward can be seen as for the willingness to help others, but in no way as buying a baby for some amount of money. Surrogates gets paid during the pregnancy as well, and in case she will not be able to give a birth to the baby she will still be financially rewarded (at least a little bit)

3) Many of the us will say that existence of commercial surrogacy is exploitative towards poor, who has no other option to make that amount of money but to become a surrogate. But this can be tricky, since surrogacy is the only option for work class women to make that amount of money, it would be exploitative to take that chance from women by law and strict regulations.

4) Every family is different and responses to different situations in many different ways. Being a surrogate mother yet having your own kids and husband can be extremely hard, yet in different families surrogate mother might get respect from family members for doing such a honorable job. Whereas in the end she does it for the wealth her family.

Half of the women in Cicarelli's (1997) study found that many of the women felt the surrogacy experience actually brought them closer to family members. Hohman and Hagan (2001) found that husbands and partners found to be generally supportive of surrogacy.

Surrogate mother from UK, who have a surrogate four times and eventually started a

volunteer work for Surrogacy UK says:

“My own children have learned that if you have the ability to help someone then you should – and if you have a dream then you should follow it. I did, and I feel very privileged to have been able to be a surrogate four times over.” (*Sarah T Jones, 2018*)

Different opinions on this subject are expressed in the scientific literature. Some scholars give priority to the biological mother in trying to find a solution who is legal mother of the baby. In justification of this point of view, first of all, considering ethics, comes down to the fact that pregnancy and childbirth put the caring mother closer to the child than genetic mother. Which can be also true. The fact that in many cases and in many countries surrogate mothers name does not figure in any type of document like birth certificate, rises the question about morality of such a type of activity.

Yet some scholars say that no matter what are the terms of the contract, since the baby is born, we should act for the best interest of the baby and even if the will be conflict of keeps the baby (in case surrogate changes her mind), the legislation system should be always caring about the best interest for the child.

In conclusion of the above let us underline the pros and cons of Commercial surrogacy.

Pros

- Surrogacy allows those who cannot have children to create a family
- Gestational surrogacy lets parents to share common genes with their child
- Surrogacy in most cases is a choice made by surrogate mother. This way she shows that she can do whatever she wants with her body. Banning surrogacy can be explained as a discrimination of women, not letting them decide what is for them.
- The money earned with surrogacy allows women to improve their life conditions.
- It can be perceived as a sign of kindness, altruism and charity.

Cons

- Surrogacy contracts involves “sale of self”, which can be morally problematic

- becoming surrogate may lead to physical and emotional problems. For example injection of hormones can be harmful for health and general emotional stability.
- It establishes an attitude towards human life as a product that can be chosen according to one's own tendencies.
- Surrogate mothers when signing the contract might not be aware of physical and emotional side effects.
- In some countries surrogate receives a small fraction of the price paid by parents.
- Surrogacy is usually very expensive procedure, not everyone can afford it.

The diversity and inconsistency of opinions on the use of methods of reproductive technology to solve the problems of childbearing needs to be widely discussed by various specialists: gynecologists, geneticists, embryologists, psychiatrists, ethics, lawyers, sociologists, theologians.

Everyone has the right to decide how to treat surrogate motherhood. For people who have received a long-awaited child, it is good. But a society with existing moral principles still condemns women who become surrogate mothers. The disagreement of religious, moral, moral and legal points of view on this problem leads to relentless disputes. But we have to admit that surrogate motherhood is just a fact that has come into our life and, apparently, nowhere does not go anywhere from us.

5.1 Is surrogacy like any other job?

Certainly surrogacy is different from any other job, mainly because it involves woman reproductive ability. The length of the job is usually 9 month (might be less or slightly more), and work time is 24 hours every day. Outcome can be assumed relying on health of surrogate mother. Depending on woman this type of job can be emotionally for everyone.

When the women gets pregnant it is well known that she gets emotionally sensitive. Due to hormones and changes in the body woman can experience up and downs, mood swings during the pregnancy, so does surrogate mother.

Surrogacy also like any other pregnancy is emotionally challenging. Giving up the baby can

be very hard in the end, it can cause some unpleasant consequences. In very rare situations surrogates interact with their host child after delivering. Usually it is agreed that the baby will go straight to the hands of the biological parents. Most of the surrogates when signing the contract are not aware of the difficulty of the job. They can have postpartum depression and the psychological help for the surrogate is suggested in that case. Study found that a significant minority of women (approximately 25%) reported experiencing significant emotional distress such as depression, stress, and anxiety in giving up the child. (Blyth, 1994) But study by Blyth was conducted nearly 15 years ago, and it is possible that the attitude of surrogates towards pregnancy is different in 2019.

Let us look the truth in the face, surrogacy for past years have become a kind of job. If you type in any search browser surrogacy job, you will see many different job offers. There are requirements and payment information as well. As the researches showed that many of the applicants are money driven, they go to the clinics to become a surrogate for foreigners or richer people in their country in order to get paid.

Considering payment for some required skills, surrogacy is a job, but it is different from any other type of job. There are many jobs which require the good health of the applicant, but in a way is more exhausting and more exploitative. As many doctors say that pregnancy is not a disease and you can regenerate after delivering a baby.

Surrogacy is a job, but it takes time for public to change their opinion and consider it as any other job. Not all of us will be able to do that kind of job, even after years when there will not be any social stigma, because it requires good physical and mental health, and emotional stability. It is a job, but it is a hard job.

5.2 Is surrogacy exploitative?

The main concern of many scholars is that surrogacy exploits surrogates. As vast amount of surrogates is working class women, and many clients are usually in higher social level, it truly looks like exploitation of poor women. Many of the women if they had a choice to get financially rewarded at the same period of time would choose another type of job. The cost of

surrogacy depending on the country is different. Most of the money as it was mentioned before goes to the owners of the clinics. Many of us can state that even though the technologies and the doctors in fertility clinics makes the whole process happen, the surrogate mother is the main figure. Surrogate mother is the one who is putting her health at the risk, caring the baby for nine month, should honestly be treated far better than they are being treated no matter what is her motivation.

Most of the people who says surrogacy is exploitative, while wearing shoes from made in Chinese factories, which made by kids in factories working for 20 hours a day often aching and dying from overwork.

On the other hand strict regulations does not let many women to work as a surrogate, grow socially, educate and feed their kids.

5.3 Emotional experiences of surrogate mothers. (Researches in Isfahan)

Qualitative researches was made by Iranian researching group on emotional experiences on surrogate mothers. The research included 8 uterus-donor participants who referred to Fertility and Infertility Center in Isfahan (Iran). Researchers prepared series of determined questions for to be answered by each participant. The time of interviews was unlimited and interview lasted approximately 45 minutes (35-55 minutes).

The main themes:

- A. Feelings toward pregnancy
- B. Fear and worry about being baby abnormal/baby health
- C. Relationship with family, relatives and the commissioning couples
- D. Fear of husbands reactions in marital relationship
- E. Doubt about informing her own children of the pregnancy type
- F. Worries and concerns about informing the relatives and friends
- G. Consequences of surrogacy
- H. The complications of pregnancy
- I. Hospitalization due to threatened abortion and elevated blood sugar

- J. The religious and financial problems of surrogacy
- K. having no obvious religious legitimation and social acceptability
- L. No enough payment for expenses by the commissioning couples

1)Feeling towards pregnancy.

All the participants stated that they tried to have no motherhood feelings to the child inside their womb. For instance, a participant said: "That baby would never belong to me. I only provided an appropriate environment for the baby in my womb to be born and delivered to his/her parents. That was the easiest type of a child nursing".

2)Fear and worry about baby being abnormal/baby health :

One of the most unpleasant and annoying emotional experiences of surrogate mothers was fear of baby's health or abnormality. For example, Zahra, one of the uterus donors, said: "I was always worried that this child would be retarded. My sister said that "don't worry because your child is health" but, actually that was not my own child. That was child of someone else. I thought if the baby was abnormal, maybe his/her commissioning couple didn't want him/her. Thereafter what could I do with a retarded baby."

Even if the surrogate mother is the one who is carrying the baby, she can not rely and compare the present pregnancy with her previous pregnancies when she was the biological parent of the child she is carrying. That is why most of the surrogates are concerned about the health of the child, because they do not know about the health or genetic background of intended parents.

2. Relationship with family, relatives and the main parents of fetus

Fear of husbands reactions in marital relationship :

The fear of husband's reactions in marital relationship is one of the emotional experiences in uterus donors. As, one of the donors stated about her marital relationship: "The sexual relationship between my husband and I was in trouble. He didn't tell me anything, but I figured out that he wasn't willing to have intercourse with me because he thought that somebody else's baby was in my belly. I got very upset but I tried not to bug shim".

Most of the uterus donors might experience troubles in their marital relationship. Some might not get enough support and from their partners as they expected and that can cause emotional instability in already tense situation for surrogate mother. But it also can turn in a positive way, that the partner will become more supportive during the pregnancy, knowing that the their partner is doing that for their wealth or for their family's wealth.

Doubt about informing her own children of the pregnancy type :

One participant stated: "I have a little girl who is very smart and understands many things so I did not know how to tell her. She frequently asked: "Mom, do you want to bring me a brother or a sister?". I could not really explain it to her. I did not know what to say."

It is extremely hard to explain kids anything complex like surrogacy. It is one of the concerns of families who is in process of surrogacy to explain their kids that the baby her/his Mother is caring is not their sibling.

Worries and concerns about informing the relatives and friends :

The perception of the family members, relatives and friends of the surrogacy volunteers and also their responses about the issue of surrogacy were different. One participant stated that: "None of my family members and relatives did know that I had rented my uterus except my mother and sister. I was very worried. I did not know if my mother-in-law found out, how she would react. I had to undergo this action because my husband was in a bad financial situation but I did not know what should I say to others?"

Another participant said: "My husband and I did not want another child because we had financial problems. I did not know how to tell the others I was pregnant while we had money issues. My husband said: "tell them it was an accident". I was always worried that if other people found out I got pregnant this way, what would they think about us? "

Support from relatives and family is one of the main things that needed for surrogate mother. Some might react negative, some will not be able to accept it and that can cause mixed feelings for surrogate about the decision she made in order to become a surrogate.

3. The complications of pregnancy

Hospitalization due to threatened abortion Maryam, 29 years old participants said: "I was engaged in a terrible situation. In addition to emotional problems, I faced a medical problem too. I was hospitalized due to bleeding in early weeks. I was worry about my health. In addition, excessive worry of commissioning couple annoyed me too. Furthermore; I was concerned about my money because if the baby had been aborted I could not have received the agreed money".

As the most important thing in the whole process is the result of delivering healthy child, without doubt every surrogate mother had a concern of not being able to deliver a healthy child and not being paid for their try.

4. The Religious and financial problems of surrogacy

Having no obvious religious legitimation and social acceptability : The fifth participant said: "At first my husband and I did not like anybody to get to know I was pregnant because we were not sure about its religious righteousness. After referring to Shia scholars and jurists and asking our questions, we were partially assured. Indeed, I was not completely sure that surrogacy was religiously right although they said that the baby was theirs and did not belong to me and I was just going to keep it. Anyway, I had to do that because my husband was jobless for a while".

No enough payment for expenses by the main parents :

One of the participants named Hadith said: "It was very difficult for me to ask somebody else for money. My husband did not give me any money during the nine months of pregnancy because he believed that the baby was not his but belonged to somebody else so the main father had to pay for everything but It was really hard for me to frequently ask for money." She went on saying at the end: "I wish the financial problems were resolved".

Process of surrogacy is emotionally hard first of all to surrogate mother who is bonding with baby. Since it is still not fully accepted by society, surrogates feel the pressure of telling the truth to their relatives, neighbors, friends and so. Additionally to that her body is in the process of change, also there might be some miscommunication with intending parents makes the whole process emotionally hard for her. However, study accomplished in England by

Jadva showed that all of the surrogate mothers in postpartum period, with no doubt, delivered the babies according to previous agreement. The follow up of those women showed that 32% of women had emotional and psychological problems for several weeks after losing the babies. After a few months, this rate decreased to 15% and continued until 1 year only in 6% of cases. According to this study we could state that the surrogate mothers needs a time to recover and to become emotionally stable.

5.4 Risks of Surrogacy

Studies have shown that only 22.4 percent of all in vitro fertilization cycles resulted in live births. Failure rates in surrogacy are very high. In order to increase the chances infertility specialists in India almost always hired two surrogate mothers for one client. Also studies have shown that many women were not aware of the health risks neither about that they would probably deliver Cesarean surgery at weeks 36 to 38 of pregnancy. Finally, none of the mother interviewees by the investigation of Liverpool University had received postnatal care from the agencies that hired them. Many respondents complained that they had no direct contacts with mothers.

6. The Commercial Transnational surrogacy.

As the commercial surrogacy is prohibited in vast amount of the countries, while altruistic surrogacy is not so popular, there are several problems with Transnational Commercial surrogacy. There have been couple of cases when the intended parents after successful surrogacy procedure happily were going to return to the country from they from, but unfortunately their home country refused to recognise the newborn child as a citizen of that country, forbidding them to enter the country.

Same thing happened to a father from Japan Ikefumi Yamada who divorced with his wife Yuki Yamada who then refused to travel to India where the surrogate mother were already 8 months pregnant with the baby after they went through process of IVF. On top of that when Ikefumi Yamada travelled to India to take the newborn Manji Yamada to Japan he found out

that Japanese Civil Code does not recognize children born of surrogacy. Therefore the the consulate refused to issue the requisite documents because the also only mother recognized by the Japanese Civil Code is the birth mother.(Choudhury,2016) The egg donor also as surrogate mother had no responsibilities to the child. By that time Yamada`s Visa for legal stay in India had expired and he had to travel back to Japan without Baby Manji. Luckily with the help of his Yamada`s Mother who then travelled to India to take care of Baby Manji they managed to bring her to Japan.

In 2015 the Nepalese court of this country has banned the export of babies born by Nepalese women, among whom were 25 children of Israeli couples. Israeli diplomats have made considerable efforts to obtain permission to export these babies, as well as those children who are to be born in the next seven months.

This kind of cases happens when there are no regulations between the countries. some of the countries do allow commercial some of the do not, but there are no other agreements between those countries in this type cases. However, we should always act in the best interest of the child. National legislation of any country should consider this kind of cases, in order to change law and put reasonable regulations. The kids should never be left over and if it happened because of flaws of legislation system it should be immediately changed.

In 2015, Thailand restricted surrogacy in the wake of the Baby Gammy controversy (where Australian couple refused to take one of the twin babies who was born with Down's Syndrome from Thai surrogate mother) and another serious scandal involving a Japanese commissioning father who contracted with multiple agencies to produce a large number of children.The country`s laws now ban foreigners and same-sex partners from contracting for surrogacy. The law carries a penalty of a ten-year jail sentence. (describing Thailand`s *Protection for Children Born Through Assisted Reproductive Technologies Act*)

There are two main reasons why some couples prefers to travel to other countries in order enter the IVF process.

- 1) It is banned in the country from where they come from
- 2) The cost significantly cheap from the cost in their country.

While many of the individuals considers surrogacy in general as unethical and immoral thing. Many of other individuals although could agree with surrogacy, but thinks that transnational surrogacy utterly unethical and exploitative. Growth of recent reproductive tourism started concerning many people.

First of all many of the clients comes from the first world country. Not knowing about the culture and mentality of the country, they come to absolutely unknown country in order to find a surrogate mother to their future child. Since they do not know the country, consequently they do not know how to treat the citizens of that country. many of the commissioning parents stays ignorant towards feelings of surrogate mother, not knowing anything about her life or about her motives. Hence, this looks like third world country women seving first world couple or woman. Most of the women are being treated as a human incubator, expected to have the same level of emotions as a machine. In this case we could draw parallel between surrogacy and slavery. Why there might be something in common with slavery and surrogacy, because both of these things considers human as a commodity.

“Slaves are treated in accordance with the market norm that owners may use commodities to satisfy their own interests without regard for the interests of the commodities themself. To treat a person without regard for her interests is to fail to respect her. ”
(Kantian argument about slavery)

Second of all is it not exploitative towards surrogate mother when the couples travel to other countries in order to pay less? Surrogate mothers in India, Russia, Ukraine and Thailand gets paid vastly less than in U.S. Supply increases to meet the demand, and there are more and more women decides to become surrogates not knowing of all the aspects of the job.

At the national level, states that permit surrogacy must consider the serious gaps and risk of exploitation that results from leaving regulation to private contracting between the

commissioning parents, the infertility or surrogacy clinic, and the surrogate. (Cyra Akila Choudhury,2016)

As such, the current direction in which The Hague Conference is moving, to bring all surrogacy-providing countries to the table along with countries that currently ban the practice to resolve parentage and citizenship issues, is the best course. (Hague Conference on Private International Law)

In sum, transnational surrogacy is morally suspect activity. Mainly because it exploits Third World working-class women. However many interviews and questionnaires outlines that clients as well as surrogate mothers are mutually benefited from this market exchange.

7.Practical part.

In this part I interviewed the girls from different countries where commercial surrogacy is legal, asking about their opinion about all the aspects of surrogacy. Interviews were from 40 minutes to 1 hour and 30 minutes long. This part of my thesis were eye opening, and made gather more information about commercial surrogacy in different countries. Thanks to honesty and openness of interviewees I managed to write the most exciting part of thesis. Most of the responders decided to stay anonymous, thus I will not use any names at all.

7.1Interview with 1st responder

Student of CULS.

Faculty of Economics.

This responder comes from India. First of all, I was very excited to interview person from India, because, from reading articles and books about India and watching Indian movies, found out that their culture is very different from Western countries. Thanks to her willingness to help me, I gathered a lot of information about country so unknown to me.

Brief explanation about responder and where she comes from. My responder comes from the small city in India, as she mentioned, called Jamnagar. The population of Jamnagar is 2.159 million people. She said that most of the men in her city works in metal mines, and women works accordingly in the factories packaging things made from metal. She said that women usually works in that industry for 6 days a week, 10 hours every day. Average earnings is between 10,000-15,000 Indian rupees a month, which is equivalent to \$140-\$220.

When I asked her if it is good amount of money, she said:

“Yes, in India cost of living is very cheap, so it is good amount of money for Jamnagar. Of course if you live in big cities like Delhi and Mumbai it is not enough, but in Jamnagar is enough to feed yourself.”

Following part will be in from of question and direct answer.

1. What do you think about surrogacy in general?

“I think if two people agrees it is ethical. It is like, both side have reasons to do that. I think the law should be evaluated to allow them do what they want”

2. What do you think about commercial surrogacy?

“There are uneducated people in India which does not their skills. Surrogacy could help them to earn some money. In some way they could change their lifestyles in a good way, because money is needed to survive”

3. You think the existence of surrogacy business is exploiting women?

“Yes, in the way that India is a country where we live not for ourselves but for society, we always think what other people will think. This idea is the fact that will affect whole process of surrogacy, so surrogate mother will not tell anyone that she is doing it commercially, but she will that it is her baby. The factor will exploit her in being able to tell the truth.”

4. What part India you come from, and where most of the women work in your city.

“I come from small city close to coast called Jamnagar. We have less amount of poor people. Most of the males work in the metal mines and females work in the industry of packaging and quality checking. Most of women who work there come from poor background”

5. If the wages vary from \$140 to \$220 a month, you think it is enough amount of money if I am single mother with kids?

“It is very hard. In India we do not have any subsidies for single mothers. And the Indian Government gives free education for kids up to age of 14 years, but the government school are not quite good. Most of the parents pay for their kids to go to private schools, and those are good in terms of education.”

6. Do you know how much Indian rupees it costs per year of private school.

“My parents paid around 30,000 Indian rupees per year.”

7. What about your parents? What kind of job do they do?

“My father has a business of manufacturing screws and my mother is housewife. I am quite blessed with the family, so I never had to go to government school”

8. You think it is hard for women to give up the baby in the end of nine months?

“If we go to it emotionally, the bond between mother and child is the greatest ever. I think Indian Mothers are very emotionally attached to their kids and they can do anything for them. If the kid turns the back to the mother it is a harshest feeling she can have. Again if the mother would not get paid in the end of the contract, she would forgive couple who asked for the child. Believing that she gave a birth to the child, and children are considered as a God's blessing. The kids are mini version of God in India, and they

will think it their head “at least I did something good for others”.The women will suffer from physical pain and she will go through trauma in this nine month, but they will take care of their health even knowing that she will have to give the child to another person.”

9. What do you think about ethical aspects of surrogacy?

“If I think about ethical and unethical terms I am somewhere in between.This is a natural process and we have commercialized it. So if we have made commercial surrogacy, at least we have to take care of women, who is going to give the greatest gift. I don't think that money can pay the amount pain that she had to go through all nine month.”

10. Do you think commercial surrogacy is regulated in India?

“No it is not, mainly because India is a big country and with the big amount of people. It is very hard to regulate, when it is so hidden and corrupted.”

11. Why do you think women who has a husband who could also earn money would go to be a surrogate mother?

“Because most of the men in poor families are addicted to alcohol, so woman has to step out of their houses and make money for living and educating the kids.And as both of the parents in the family are uneducated they both earn very small amount of money which is not enough to feed the family”

My first responder said that she is for commercial surrogacy, if both parties agreed, it is ethical and there is nothing wrong with it. She also thinks that society in India is very harsh to people who do not fit within their ethical and moral frames. Things that India is going through a lot of changes in beliefs was said during the interview. As a female living in India it can be hard to deal with a lot of things, and she is for women relieving themselves from patriarchal pressure, and being able to choose whatever is good for them. When I mentioned about transnational surrogacy, my responder did not seem to have something against it. She explained that Indian women are kind-hearted and willing to help to anybody, no matter where you come from. She is happy that technologies developed to the point that infertile couples could have their genetic kids through IVF, and there is nothing wrong that India is becoming center of Surrogacy.

7.2 Interview with 2nd responder.

Russia

University of Economics

Faculty of International Relations

What do you think about surrogacy in general?

“Of course if there is a couple which was trying to have own children and was fighting infertility for several years, surrogacy would be logical solution. I cannot say if it is good or bad, because there are different aspect, and it depends from which perspective you look at it. If I would be a kid and I would found out that my parents bought me and my mother, who was caring me for nine month, sold me, I would be very upset. On the other hand if I look at it as an adult person, it is ok that some couple who can afford themselves that service getting it from woman who is willing to help them”

Do you find surrogacy unethical?

“In Russia there a lot of women who could abandon their newborn babies in the streets, next to bin containers, just because they do not have maternal instinct. I have read about this kind cases in newspapers or saw it in television and it happens a lot in my country, usually those women are alcoholic or they are very poor. I would rather see people intending to have kids and to take care of them and making it happen.”

Do you know that in gestational surrogacy (which is most used nowadays) usually intended parents egg and sperm? Surrogates mother is only one who cares the baby who does not belong her genetically?

“I understand that. On the other hand, surrogate mother created baby's body by using her own body. She is the one who cared the baby for nine month under her heart. But perhaps if the surrogate mother is not the genetic mother of the baby, that way it is easier for her to give up the baby. Knowing that the baby you caring genetically belongs to other people, will make her feel responsible to give the baby to genetical parents.”

caring the baby under the heart- Russian expression. Definition of how hard it is to be pregnant and connection between mother on baby.

Do you think the adoption is better idea than surrogacy?

“Of course, I would first of all, suggest or insist in adopting babies, but people could have different reasons. Certain people might have a desire to extend the family line. We cannot force anyone to do one thing or another, it is absolutely up to them if will adopt or go through the process of vitro fertilization. Also some people might understand rationally that adoption is a good thing to do, but emotionally they cannot accept baby from another parents. ”

How do you think, in the family where women decides to become surrogate mother, husband takes this kind of situation?

“I think if in the family is everything alright it is hardly that woman would do that kind of job. If woman has loving husband and loving family she wouldn't go for that kind of thing. Usually women who decides to become surrogates has difficult life situation. On the other hand, I could imagine the situation, if the surrogacy is altruistic, and your family knows the other couple which was going through hard times to have their own baby. I am talking from the point of view of Russia, that for Russian it will be hard to take that his woman is carrying another couple's baby for money. Most of the men in Russia are possessive, they would hardly agree with their wife becoming surrogate mother.”

I know that many Russian celebrities has surrogate kids.

“Yes, mostly surrogacy is considered in Russia as an entertainment for celebrities. Though the examples of celebrities might make most of the people think that it is normal.”

You think it should be allowed for single parents?

“Of course, imagine that you could not the person who you could build the family with, but you still would like to have kids. Clearly, it would leave particular footprint in the life of the child, but if the intended parent is willing to love the child, why not.”

What do you think about laws and regulations considering surrogacy?

“I think the laws and regulations should be rational. For instance, I think the women who wants to become surrogates, should go through serious psychological preparation for months or even for years. The women has to be psychologically prepared and knowing that they have to give the baby to genetic parents in the end of nine month. For example, I know that to change the sex people has to go through serious psychological tests, attend therapist for number of years, to prove that he is not feeling good in this body, and that he is aware of the changes and consequences it might bring. It should not be one day decision.”

“Also I have read an article that that feminists considers surrogacy as a exploitation of women's body. I think that everybody has a right to do whatever they want with their bodies.”

My second responder does not have anything against surrogacy, but she said that there should strong legislation system and strict rules. She specifically mentioned that by legislation system, surrogates should visit therapist for several times, in order to prove that she is psychologically ready to carry the baby as well as relinquish the baby. She also believes that there is no way that woman who cared the baby for 9 month did not feel any bond.

7.3 Interview with 3rd responder

What do you think about surrogacy?

“The whole thing makes it look like we are cattle and baby is being ripped away from the mother, even though they are not connected genetically and you just the one who is caring the baby. It is like in cases when you adopt the child which is not yours, but you raise him like your child.”

Would you use the service of surrogacy?

“As a homesexual person I was thinking about surrogacy. But knowing that there are so many kids who does not have parent I would rather consider adoption than going through the whole process. My Mom always used to say:

-How do you know there is nothing wrong with the baby when you adopt?

Some people think that way, and it is hard when people bring their thoughts and considerations after what have they been told their whole lives”

What do you think about commercial surrogacy?

“I am a big believer that everyone should decide whatever they want to do. For me personally it is like giving up a part of me. It is like abortion, if you want to do it, do it. I wouldn't do it even for money. I could do it only for in one case, for example my sister went through something and she cannot care a baby, I could care my nephew, because it is part of family. Caring a baby for absolute stranger seems obnoxious to me.”

Do you think it is emotionally hard for surrogate mother?

“It really depends, some women does not feel attached even to their own babies. It all comes down to moral values, what are you willing to do for money.”

Why do you think it is banned in most of the countries in Europe?

“I think if the whole thing would be done under the table, something like black market, it could be even more dangerous. I do not know why would you ban it. On the other hand, if this service is only for elite, I could see why would the make it ilegal. It is kind of playing God thing, manipulating people. Also it is very unnatural, you do not see animals doing that.”

Do you think Commercial Surrogacy exploitative?

“If both parties are agreed, and the surrogate is fully aware that she is selling her body who am I to tell them to stop it. But then again, when you bring the family picture, is the surrogate mother in this picture?”

My third responder seems to have liberal opinion. She said that everyone should decide for themselves, and did not think that some countries have banned Surrogacy. She thinks that banning Surrogacy might bring it all to black market, which later on will bring dangerous consequences. if she would provide such a service to absolute strangers, she would feel that her body been used.

7.4. Interview with 4th responder

Ukraine

University of Chemistry and Technology in Prague.

What do you think about surrogacy?

“Commercial surrogacy is not considered as a regular activity. For me, this is equal to human trafficking, therefore, in a commercial sense, I am against it.”

What do you think about ethical aspects of surrogacy?

“The question of morality is very difficult to describe, because each has its own morality, but I adhere to the fact that a human life, even a baby's who is not aware of anything, cannot be sold.

Every year, the representatives of Ukraine descend lower and lower in all aspects of life, ethics and morality! And to me, I will be honest, I am very ashamed of my people, and especially for women. People in Ukraine have always been corrupt, but this already goes beyond all limits.”

What do think about Commercial Surrogacy?

“Surrogate motherhood is a very easy way to earn enough money for your own needs. And all because people have become lazy. . I have never encountered such a question and have no idea what motivates girls at this moment. But a person in his right mind sell a person he grew in himself.

I understand surrogacy without a material bias. When for some personal reasons you cannot raise a child, and you give your child to people who cannot have children, but really want it. This is the right and the choice of each person. But life is given to us for free and it is unacceptable to trade it, as sausage in the market.

Why do people resort to this?! - rather because of the lack of funds for living, which in principle I consider to be the fault of the people themselves, and in particular of the government, which does not give an opportunity to exist.”

Do you think exploitative?

“I don’t know about exploitation .. man himself is responsible for his whole life and for everything that happens in it. Just some used to give up and want to have it all at once, without any special effort.

I understand that there are people who need children who cannot physically have their own. But there are so many children in the world who are abandoned by their parents, or lost their parents, who need mom and dad. I do not understand why pay for life, if you can give someone a family.”

My 4th responder has strong opinion about Commercial Surrogacy. We did an interview two times within time range of 2 months. I gave her some information about gestational surrogacy, the reasons why would couples go for that and where in the world Surrogacy is legal during those two months. My responders opinion did not change, she thinks that becoming surrogate is a sign of laziness, and she does not support women who decided to sell their bodies for money. She also mentioned that it is government's fault, not giving people opportunities to exist.

7.5 Additional discussion to Practical Part.

During the interview three of the responders said that, they are not against the surrogacy, but at the same time they would not do that. Also all three responder except did not know what is gestational surrogacy and thought that there is only traditional surrogacy, where surrogate mother is the biological mother of the baby. All of the responders said that they would rather consider adoption, at the same time they understand why people would want to have a baby who is genetically connected to them. One of the responders were very judgemental and said that becoming a surrogate is the sign of laziness. Three of the responders said that they understand why would women become a surrogate. One of the responders said that surrogacy is a great opportunity to earn money, and that women should be able to do whatever she wants with her body.

8. Conclusion

In my thesis about Ethics of Commercial Surrogacy I did research reading and analyzing articles written by various Scholars. In different chapters I did brainstorming and looked at Commercial surrogacy from different perspectives, in order to find if whole Idea of Commercial Surrogacy is ethical for me or not. Additionally, I have read researches made in hospitals using qualitative data collection method and wrote my opinion about it.

Those researches I have read and quoted in my thesis eventually shaped my own qualitative data collection. The aim of my qualitative was to gather different opinions of people from different countries, mainly where Commercial Surrogacy is legal. The questions were structured and mostly the same depending on person's willingness to answer to one or another question. While interviewing my responders I realised that only one of them knew that nowadays most common of Surrogacy is gestational one, some of them did not know that it is allowed in their country, perhaps because it is very well hidden. However after explaining what is gestational surrogacy, most of the responders stayed in the position that Commercial Surrogacy is not fully ethical and some of them even mentioned that it is unnatural.

Nevertheless, the World and Society is not staying at one place, it keeps changing in many different ways. As well as slavery used to be normal back in times, and many used ban abortions. For instance, Republic of Ireland made abortion legal last year, yet in some countries it is still a taboo. People tend to think based on other people's opinions.

Obviously it takes time for society to accept one thing or another, especially when it comes to traditions, culture, family, religion etc. Moreover, there seems to be difference between legal and moral.

We live in the age of Technology. If the technology helps other people, why to not use fully advantages of this age. Although many people has a strong opinion that most of the people degrading using technologies. In this “smart” age, smartphones seems to be replacing everything that was important for humanity, starting from friendship and relationship, ending with having a casual talk. But also there is nothing vicious in wanting to have kids, since the it remains to be one of the main reasons of marriage.

9. References

1. ANDERSON, Elizabeth S. (1990), 'Is Women's Labor a Commodity'. *Philosophy and Public Affairs* 19(1), pp. 71-92.
2. Armour L.(2012), “An Overview of Surrogacy Around the World”.
3. Barnett, Antony and Smith, Helena.(2006), “Cruel cost of the human egg trade”.
4. Choudhury, Cyra Akila (2016), “Transnational Commercial Surrogacy: Contracts, Conflicts, and the Prospects of International Legal Regulation”.
5. Cuddy, Alice. (2018), “Where in Europe surrogacy is legal?”
6. Howard W. Jones, Jr., M.D., Ian Cooke, M.B., B.S., Roger Kempers, M.D., Peter Brinsden, M.B., B.S., and Doug Saunders, M.D.(2010), “International Federation of Fertility Societies Surveillance 2010”
7. Jadva V, Murray C, Lycett E, MacCallum F, Golombok S.(2003), “In Vitro Fertilization”, *Hum Reprod.* 2003 Oct; 18(10):2196-204
8. Kalindi Vora.(2013), “Potential, Risk, and Return in Transnational Indian Gestational Surrogacy”, *Current Anthropology* Volume 54, Supplement 7, S97
9. Lindsay B. Gezinski, James R. Carter, and Marissa Kaloga. (2014), “Economic Necessity or Noble Cause? A Qualitative Study Exploring Motivations for Gestational Surrogacy in Gujarat, India Sharvari Karandikar”, *Journal of Women and Social Work* 2014, Vol. 29(2) 224-23
10. Mestre, Cristina. (2017), “Surrogacy Laws by Country – Where Is It Legal?”
11. NIEKERK, Anton and VAN ZYL, Liezl. (1995), 'The Ethics of Commercial Surrogacy'. *Journal of Medical Ethics* 21(6), pp. 345-349.
12. Palzeman, Joseph.(2013)“Womb for Rent”: International Service Trade Employing Assisted Reproduction Technologies (ARTs). *Minn. J. Global Trade*
13. Panitch, Vida. (2013), "Global Surrogacy: Exploitation to Empowerment" *Journal of Global Ethics*, 9(3): 329-343 (article)
14. Pateman, Carole.(1989,) “Sexual Contracts Extract on Surrogacy”
15. Pardes, Arielle.(2014), “How Commercial Surrogacy Became a Massive International Business”
16. PHILLIPS, Anne. (2013), *Our Bodies Whose Property?*. Princeton University Press.
17. RUDRAPPA, Shamila and COLLINS, Caitlyn. (2015), 'Altruistic Agencies and Compassionate Consumers'. *Gender and Society* 29(6), pp. 937-959.

18. Sandel, Michael and Lane, Allen (2012), “What Money Can’t Buy: the Moral limits of Markets.”,University Press. Especially pp. 72-96 (on surrogacy)
19. Satz,Debra.(2010), “Why Some Things Should Not Be for Sale: The Moral Limits of Markets”

