

# Surrogated Motherhood: “Solidarity” Or “Utilization”?



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## Opinion

It can not be ignored that the issue of pregnancy or surrogate motherhood is very topical, not only because of the recent political proposals presented in several countries to legally regulate and legitimize this technique, but also and, above all, because some celebrities have managed to be fathers and mothers by this reproductive procedure. Some think that this is a question of solidarity with infertile couples, so it is a reproductive practice, born of the autonomy of pregnant women and the right that every human being has to be parents. Others think that the defenders of surrogate pregnancy, in any of its two modalities: altruistic and lucrative, forget the two most important subjects involved in it: the pregnant woman and her baby.

Indeed, the basic question, from the ethical point of view, to the objections about surrogate motherhood does not lie in the fact that medical malpractice sometimes occurs, that there are companies or clinics that can traffic with babies (which it is a criminal offense), or that it is a method of assisted human reproduction reserved to be used only for medical indications and not for social reasons, but with the surrogate pregnancy is discriminated and reified to the baby and the pregnant woman, commercializing and instrumentalizing her body.

That is, the gestation of rent supposes a use of women, because it treats the pregnant woman and the child as means at the service of fulfilling the desires of the clients, and not as ends in themselves. On the one hand, with the admission of surrogate motherhood it is evident that the dignity of women and maternity are not seen as unavailable and worthy of protection, but that women can be used to satisfy a desire. It involves the instrumentalization and depersonalization of the pregnant mother's body, ignoring the basic distinction between people and things. People, obviously including their body (the woman's belly), can not be traded. Thus, the freedom of individuals to establish contracts for mutual benefit has limits, especially when the reason for the contract is the same human being (there is no respect for the person without respect for their body dimension), so that the act of “selling” or offering the body involves a serious social and human problem.

Therefore, maternity by surrogacy or rental gestation is, unequivocally, a new form of exploitation of women, contrary to their dignity, to use their body, and therefore their person, as a negotiable object, human incubator or a simple receptacle. On the other hand, surrogate pregnancy also converts the child conceived *in-vitro* (from the gametes of the parents, the egg of the pregnant woman inseminated with the sperm of the husband, or the gametes of some donors) in a commercial product with quality control, but a baby is a human being, not an object of consumption to hide needs of those who own it and that can be acquired through a purchase.

Indeed, with surrogate motherhood, the baby becomes a mere commercial product to satisfy the desire of adults to be parents or an adult to be a father or mother, and as such they can demand quality standards and their return in case of not fulfilling them. Babies are deprived of fundamental rights, apart from their “self-understanding” of the child in the future. In this sense, the rental gestation leads to abortions or “returns” of “imperfect” children or the abandonment of the baby purchased at the end of the couple's relationship before their birth.

If the wish of the parents were admitted, the baby would be denied the consideration of absolute good in itself and by itself. It would become an available object, something instrumentalizable. The baby is used, has no value in itself, but has it only if it is wanted, received, desired. For all these reasons, in the rental gestation the baby is treated as an object of sale and in many contracts it is established that the surrogate mother must return the money if she fails to give birth or the baby does not have the established health conditions. which accentuates the insecurity that affects both the surrogate mother and the child. Therefore, commercial surrogacy implies the commodification of the filiation, since this will depend on the conclusion of a contract with a strong economic content.

In effect, the creature remains in a very vulnerable position in the surrogate pregnancy, given that its situation depends on the clauses established in said contract, which does not ensure, at all, the protection of its interests and rights. The gestation of rent makes manifest the dislate that is to consider the baby as a

right that impels to possess it in any way. Therefore, surrogate motherhood involves the use of women as a reproduction machine and is regulated through a contract, which also sees the child, who is in the womb of that woman, as if they were objects of an assignment. The child becomes a market product that is in charge, bought and sold. Its goal is not the good of the pregnant woman, nor the child or the best interests of the child, but to satisfy the desire of adults to be parents at any price.

The most effective way to dissuade potential parents from going to rented maternity and thus reduce the business and exploitation that this entails is the prohibition to non-biological parents to enroll children who have obtained them by national and international subrogation in the Civil Registry, that is, the woman, who has given birth, would be the only mother. Also, from a legal point of view, it is not enough that surrogate motherhood is prohibited at the national level, because couples will continue to go and return with a child. A possible solution is

to declare the nullity of the contracts signed abroad and sanction the intermediary agencies, that is, to prohibit the practice in the international arena and to protect the minors resulting from these processes. In the matter of surrogate motherhood, there are several questions to be asked: Who will really benefit from this practice? Perhaps, the business agencies? Who gets harmed in the rental gestation? What happens with the Subrogated women and babies? You can not accept a practice that aims to be a father or mother at any "price", without thinking about the biological mother and the child and trading with him and the women's bodies.

A world where money and individual desire prevail over all is a world destined to corruption and inequality. In conclusion, for these reasons all decisions and measures related to the gestation of rent, altruistic and lucrative or commercial, should, in my opinion, be directed to prohibit this practice.



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