

Weighing the ethics of international surrogacy

On May 16, a woman named Premila Vaghela, 30, died from unexplained complications of pregnancy, according to the Ahmedabad edition of the India Times. She was eight months pregnant at the time.

The infant Vaghela was carrying survived, delivered by emergency Caesarean section at Pulse Hospital, where she had arrived for a checkup when she suddenly suffered a seizure. After the baby was born, Vaghela was transferred to another hospital, where she died.

Her death is a tragedy for her family — her husband and two sons — but not so much for the family of the baby that was delivered a month early. Vaghela was a gestational surrogate, offering her uterus to carry a baby who is the genetic offspring of American parents. The genetic mother, according to the Indian media, arrived in India two days after Vaghela's death to be with the infant, who was in the neonatal intensive care unit.

A growing industry

Vaghela's death has provided a focus for criticism of India's "reproductive tourism" industry, which is estimated to be worth \$500 million a year. More and more western couples have flocked to India, especially in the last five years, after the Oprah Winfrey Show did a segment on one clinic in Anand.



Surrogate mothers rest in a clinic in India that pays them to carry fertilized eggs until delivery for foreign couples. Newscom

Surrogacy at a Glance

- ▶ Celebrity couple Nicole Kidman and Keith Urban have used an American surrogate, as have Republican presidential candidate Mitt Romney's son and daughter-in-law, who had twins delivered by a surrogate earlier this year.
- ▶ The cost of a surrogate pregnancy in India, estimated at less than \$35,000, is about half the cost in the United States, and involves far fewer legal restrictions. This is why it appeals to so many middle-class Westerners who cannot afford an American surrogate.

For the poor, rural women who volunteer to become surrogates — who almost always have children to support — the payment of about \$7,000 is what they could make in several years of work.

But the practice is fraught with moral and ethical problems, from the very nature of surrogate pregnancy

to the potential for exploitation of the women who are willing to offer their bodies for money.

“Even if both parties walk away with exactly what they want, that doesn’t make it right,” said Joseph Incandela, a professor of religious studies at St. Mary’s College in Notre Dame, Ind.

Catholic Church teaching in a succession of documents — from *Humanae Vitae* (1968) to *Donum Vitae* (1986) to *Dignitas Personae* (2008) — insists that the creation of new life must come from the mutual self-giving of husband and wife in sexual intercourse.

“The concern here is that you’re separating two things that, according to Church teachings, are inseparable,” said Incandela. “You’re separating sex from procreation. You’re separating the life-giving and love-giving parts of sex. The Church starts with the foundational assumption that children are gifts from God, and children should be conceived in a relationship that is giving. When it doesn’t happen within that relationship, that child is not being treated as children deserve to be treated.”

That’s an issue also with in vitro fertilization, in which a sperm and egg are united in a laboratory and the resulting embryo is implanted into the mother. It’s even more of an issue when there is a surrogate involved, because it essentially brings a third party into the marital relationship, said Paulist Father Richard C. Sparks.

“Anything that takes it out from between the couple is an infringement on the marital covenant,” said Father Sparks, a moral theologian based in Chicago.

The cost of surrogacy

Traditional surrogacy can either involve in vitro fertilization with the couple’s own egg and sperm or, if the woman does not have viable eggs, artificial insemination with the father’s sperm, making the surrogate the genetic and gestational mother of the child. In most cases, when Westerners use Indian surrogates they use their own egg and sperm so the resulting baby will not look to be of Indian background.

In some ways, Incandela said, serving as a paid surrogate is analogous to prostitution.

“Someone is selling something, and someone is buying something,” Incandela said. “A woman is selling something that at the core is very related to her identity. ... Are you taking advantage of women in a certain economic class, because they are not even making a free choice?”

Surrogacy advocates more often compare the process to adoption, in which one family takes in the child of another woman and raises it as their own, but in that case, the child already exists, and for whatever reason, the birth mother cannot raise it. In that case, adopting the child is the best solution for all.

An ethical dilemma

Journalist Scott Carney, who included a chapter on Indian surrogacy in his 2011 book “*The Red Market: On the Trail of the World’s Organ Brokers, Bone Thieves, Blood Farmers, and Child Traffickers*,” (William Morrow, \$25.99) said that when he visited surrogacy clinics in India, he found the gestating women confined to houses near the clinics to better monitor their pregnancies and their lifestyles. That can be an added attraction for American couples who want children, but fear using an American surrogate who might drink alcohol or use drugs while pregnant with their baby.

The gestational mothers’ living conditions were not terrible, Carney said, although the women he spoke to were a bit bored. But that’s like saying prison isn’t bad, as long it’s comfortable.

“What it comes down to is we wouldn’t lock an American woman up,” said Carney, “Here’s my question: Is it standard procedure to, when an 8-month pregnant woman falls to the floor convulsing, to do an immediate Caesarian section? Was the policy of this hospital to hold the unborn (and paid for) child’s life to be more valuable than the mother?”

Jennifer Lahl, president of the California-based Center for Bioethics and Culture Network said the whole notion of surrogacy twists the idea of motherhood, and international surrogacy, in which a child is born by a woman halfway around the world, strains the thread even more. Lahl wrote, directed and executive produced the documentary film “Eggsplotation,” on the business of harvesting donated eggs, and “Anonymous Father’s Day,” on how children conceived with donor sperm are affected.

“What about the bond between that woman and the baby she’s had inside her for nine months?” Lahl asked. “How is the woman affected? How is the baby affected?”

Up until now, according to Carney and Lahl, pregnancy has not been considered paid work. Making it so changes the nature of the relationship of mother — or surrogate — to child.

“A womb is not just an empty vessel,” Lahl said. “That’s the environment where the child develops.”

And the child that is produced is seen less as a gift of infinite value and more as a product to be purchased.

“A baby is not a piece of furniture that you order,” Sparks said. “A baby is not something you own.”

Michelle Martin writes from Illinois.