

Week 3a	<p>COMMERCIAL SURROGACY Casey Hymryd- “Fair trade international surrogacy”</p>
Key Definitions:	<p>Non-commercial surrogacy: no payment is provided to the surrogate mother although the prospective parents may provide reimbursement for medical care - typically occurs between family members + friends.</p> <p>Commercial surrogacy: a fee is paid to the surrogate mother who carries the pregnancy - commonly occurs between individuals previously unknown to each other.</p> <p>International surrogacy: commercial, gestational surrogacy which occurs across country borders, typically with prospective parents from wealthier countries + surrogate mothers from poorer countries</p> <p>Harmful/wrongful exploitation: someone is [wrongfully] exploited when they are induced to behave in a manner contrary to how they <u>want</u> to act</p> <p>Mutually advantageous / beneficial exploitation</p> <ul style="list-style-type: none"> - A + B gain relative to the no-transaction baseline, but transaction is unfair to B in some way - intended parents + surrogate gain from the transaction but the interests of wealthy contracting couples are better served than those of surrogates
Arguments	<p>Believes:</p> <ul style="list-style-type: none"> • absence of regulations has created a market that is free but not fair ∴ enables mutually beneficial exploitation • only valid objection to international surrogacy = surrogate mothers may be exploited by being given too little compensation • international surrogacy is only ethical if practiced following Fair Trade Principles • international surrogacy should only be practiced under Fair Trade Conditions ∴ establishes less exploitative pricing standards for women at the disadvantaged end of the power spectrum. <p>Refutes 3 arguments against surrogacy:</p> <ol style="list-style-type: none"> 1. The Welfare Argument – possibility of physical / psychological harm to the surrogate mother or child. 2. The Commodification Argument – economic definition of commodification is the process of moving something into the market ∴ making it a fungible object ∴ a commodity available for sale + purchase. International surrogacy commodifies reproduction, children + women, and unlike the international trade in coffee, human life has infinite value ∴ shouldn’t be traded in the marketplace. <ol style="list-style-type: none"> a) Commodification of children - making the “products or pets”. b) Commodification of the mother - by making women’s labour a commodity, a women becomes a “reproductive conduit” or “human incubator” ∴ women are dehumanised and not treated as an end in and of herself. 3. The Exploitation Argument – international surrogacy shouldn’t be permitted because surrogate mothers are exploited. <ol style="list-style-type: none"> a. Mutually advantageous exploitation: <ul style="list-style-type: none"> • Irrespective of whether surrogate mothers in developing countries benefit from surrogacy arrangements, they may still be exploited if they are unfairly compensated. • A + B gain from the transaction, but it is still unfair to B in some way b. Harmful exploitation: <ul style="list-style-type: none"> • the intended parents gain from the transaction while the surrogate is encouraged to make a grave self-sacrifice to the broker's and adoptive couple's advantage <p>Fair Trade Surrogacy Proposal:</p> <ul style="list-style-type: none"> • Regulation of international surrogacy should be concerned with <u>limiting</u> mutually advantageous exploitation. • Designed to ensure the benefits of surrogacy <i>are justly shared between the participating parties</i> + sufficiently beneficial to the surrogate mother (less exploitative pricing standards) • 3 standards: <ol style="list-style-type: none"> 1. Payment of Fair Price – should take into account surrogate mother’s time, risks + labour <ul style="list-style-type: none"> • Wages should be the same for surrogates regardless of their country of residence • Wage should cover time, risk + labour • Wage should be independent of outcome - whether or not the baby is born ∴ avoids commodification of child

	<p>2. Working Conditions – safe + healthy working environment that minimize potential physical + psychological harm</p> <p>3. Transparency + Accountability of financial transactions between surrogacy brokers, prospective parents + surrogate mothers</p> <p>Ways to implement Fair Trade Surrogacy:</p> <p>1. Formal International Agreement governing inter-country surrogacy could be developed + adopted by participating countries.</p> <p>2. Regulation Through Immigration Law - prospective parents must work with a nationally accredited adoption service provider (brokers + agencies involved in international surrogacy)</p>
Potential Objections	<p>Fair trade policy is supposed to benefit the child as well.</p> <ul style="list-style-type: none"> ○ No reason to believe that the fair-trade policy benefits the child, or deduces from the notion of the child being a commodity
Rebuttal of Objections	<p>Doesn't take into consideration the child, but perhaps if they are adequately funded or paid, they have more incentive/resources to bring the child to birth with the best resources</p> <ul style="list-style-type: none"> ○ Healthier for the child in the long term