

SOCS30001

'There is no significant ethical difference between a woman renting her house and woman renting her womb.' Discuss.

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A renting process usually involves two parties: the owner of the possession and the renter. House renting is commonly understood as a contract between a landlord who permits someone else's occupancy and a tenant who pays a fixed sum periodically in exchange for such occupancy; while womb renting refers to an arrangement in which a woman agrees to carry a pregnancy for someone else in exchange for financial gains.

The rental markets above are operated through free exchange between individuals and thus they are viewed as an efficient mechanism for allocation of resources in Economics. However, such a profit-oriented perspective seems to be applicable for house renting but not womb renting, mainly because of differences between meanings of these goods: the former is about production in society (house rental is included in GDP measure) and the latter is about reproduction of next generation.

In this essay, my stance is that there is significant ethical difference between a woman renting her house and renting her womb, and such significance will vary subject to the reasons for using womb rental service. Specifically, I will argue that designer surrogacy, surrogacy due to non-medical reasons, is more different ethically than medical surrogacy to house renting by considering the main argument from many anti-surrogacy theorists: commercialisation of wombs violates the social meaning of women's reproductive labour (WRL).

Before I start my argument, I would like to highlight that the approach of this essay is on Ethics but not Policies. Thus, it should not be a concern if it seems

implausible to identify the reasons for renting wombs once they are traded in markets. Due to the word limit, the paper will only concentrate on the ethical difference between house renting and womb renting, whether womb renting should be allowed is not examined.

Last but not least, the scope of the paper needs to be identified based on the question provided. Because the question denotes womb renting, it therefore omits the possibility of altruistic surrogacy where surrogacy takes place without financial benefits. On top of that, to simplify matters, I only consider full surrogacy here, which the women are paid only for her womb not her eggs. I do recognise different stakeholders involved, such as the children and the government, regarding womb renting. As the question states about a woman renting her house or womb, I will take on surrogate mothers' perspectives.

I will begin with the explanation of why womb renting violates the social meaning of WRL, by referencing the effects of outsourcing, and market valuation and exchange. Next, comparison will be made between house renting and womb renting to illustrate their differences.

Throughout human history, though there is no official definition, we generally agree that a mother is a woman who has given birth to a child or adopted a child, as well as raised a child. With the womb rental service, the social definition of WRL is changed because the special bonding between mother and baby disappears. Such bonds are built as the mother sacrifices her time and effort in order to foster and protect the baby. For example, she may

change her diet for the health of the child. She may also spend time on reading materials about baby caring instead of playing her favorite sport, tennis. The 10-month bonding period is now replaced by outsourcing, i.e. hiring another woman to do the job. I am not saying such bonds are sufficient to the meaning of WRL here, because not all women can bond with their child during their pregnancy period (hence they opt for abortion) and there are cases where non-biological mothers (for example adoptive mothers) can bond with their children completely (Satz 2010:116). The main point is, rather to say, renting a womb from other women breaks down its social meaning in terms of intimacy of the mother-child relationship. Even if the surrogate mother still provides care to the baby adequately, the relationship is built and the care is provided due to conditions in contracts, not natural occurrence.

On the other hand, house renting does not incur such a relationship as the case in womb renting. Even if an owner and a tenant are really close, the owner will not sacrifice for the tenant in the same way as a mother would for her baby. An owner is not required to change his/her diet for the health of tenant or to give up his/her hobby for the protection of the tenant. Compared to womb renting, house renting lacks of such special bonding. Therefore, they are ethically different.

Outsourcing is not the primary reason of the violation of social meaning of WRL, but also market valuation and exchange. To put a market price on wombs and to trade them in markets is to regard them as a commodity, a consumer good.

According to Anderson (1990:72), 'a commodity is (where) the norms of the market are appropriate for regulating its production, exchange, and enjoyment'. Houses are commodity because the application of market norms is necessary. As I mentioned at the beginning, markets allocate resources efficiently by equalising supply and demand of the goods. If there is an excess demand in house renting market, owners may consider to rent out more of his/her properties and the market will be at equilibrium level again as a result. Markets are also functioned via free exchange between individuals, based on price signals and their enjoyment (utility) levels. Owners and tenants trade in house renting market, at the same price level, which they both agree to receive or pay at and the same enjoyment level, which they both are satisfied at.

House renting is ethically different from womb renting as wombs are not commodity. Instead of operating through market norms, wombs are operated through the norms of parental love. Even if markets can be used to determine the supply and demand of surrogacy efficiently, the intrinsic value of wombs cannot be captured in market price. The exact value may subject to different interpretation but one can argue that wombs are necessary for the constitution of personhood and they then possess the same kind of intrinsic value as people do; or they have symbolic meaning in both women and reproduction (Wilkinson 2003:210). To set a market price for wombs is akin to set a market price for a human being. To most, they are priceless. Therefore, monetary exchange for wombs is incompatible to the social meaning of WRL.

An objection may be related to the idea of mother-child relationship. Because the surrogate mother is paid to carry the baby, the relationship is changed from mother and child to producer and product. As a result, it can be said that they are ethically similar to house renting, which can be subject to market norms.

This claim implies that surrogacy is baby-selling. I would like to reply with the notion of property right, which is a principle that allows the owner of the resource to decide how it is used, given that by doing so, it does not infringe upon the rights of other individuals. Because the agreement of womb renting is formed before the reproduction process, the surrogate mother cannot 'sell the baby' since she cannot sell things that she does not have the property right to.

This brings us to another objection related to the notion of self-ownership by Liberalitarianism. Women are the owners of their wombs and thus they have property right of the wombs. If it is plausible to say she can rent her house to a tenant because she has rights to perform any actions to the house that she owns, the same logic follows that she can rent her womb to carry someone else's baby because she has rights to perform any actions to the womb that she owns. To say women should not rent out their wombs is to restrict their freedom.

To say that one holds property rights of the womb is to treat womb as a commodity. Imagine you have an iPhone and a boyfriend Mark. You will claim that you have property right towards the iPhone but not your boyfriend. This is because iPhone is a commodity and Mark is not. The argument which womb should not be treated as a commodity is stated above. Another point is about the idea of 'state-ownership' instead of 'self-ownership'. Like in many developed countries, organ donation is based on 'presumed consent' which means doctors are allowed to donate a dead person's organs unless (s)he had opt-out from the programme before (Zúñiga-Fajuri 2014). In this case, even if you own your body (this is justified by the option to opt-out), your body parts seem to be subject to government intervention (otherwise the programme should be opt-in instead). This infringement of freedom may be justified if it is to increase social benefits i.e. one can be made better-off without making the other worse-off as it is mostly harmless to extract organs for donation from a dead body but the organ receivers may be given the chance to live. Notice that this is not to reject the whole concept of self-ownership, or even Liberalitarianism. Rather, the point is to understand the role of government in human body here: they may be justified to restrict our use of self-ownership.

One may argue that commercialisation of wombs are not owing to market norms but women themselves. An instance will be related to the recent trend of 'gold-diggers' where young women develop relationships with old rich men because of inheritance (Turner 2008). Similar to womb renting, these young women rent out their bodies for financial rewards. Hence, there are markets for womb renting because some women are willing to sell. The 'gold-diggers'

example is incommensurable to womb renting because the women involved in the former case participate voluntarily whereas womb renting is common mostly amongst poor women. While markets are operated based on freedom of choice, where sellers and buyers can determine the prices of goods based on their willingness, most surrogate women do not enjoy such freedom. In fact, their choice is limited and involuntary (Sandel 2013:112). Because they are poor, they do not have enough human capital to sustain basic quality of life. To do so, many of them will rent their wombs out as one-time rental can make as much as salary that they could only earn in 15 years (Parks 2010:334). Therefore, those surrogates cannot be classified as commercialising themselves as they lack of alternatives.

Finally, I would like to explain the reason why designer surrogacy is more different ethically to house renting, compared to medical surrogacy. People use designer surrogacy ‘in order not to upset their work life or ruin their bodies’ (Peppers 2014) or to use as an immigration plan to the other country (DeHart 2013). Instead, medical surrogacy is for patients with medical conditions that may be deemed impossible to be pregnant, for instance, infertility of eggs, malfunction of wombs and even LGBT (Lesbian, Gay, Bisexual and Transgender) couples.

While the social meaning of WPL is hard to be substituted as the ideologies of motherhood exists in human instinct (Letherby 2008:114), surrogacy creates an opportunity for those unfortunate people who were once alienated genetically to such social conception.

Designer surrogacy, nonetheless, is a pure manipulation to children. They transfer the responsibility of mother to another woman due to selfish reasons. As I stated before, the social meaning of motherhood includes a sacrifice of mother for her child. If one is too busy to carry her own baby, or does not like the physical appearance of pregnancy, she is not ready to be a mother (Mayes n.d.). To raise a child may take at least 18 years, if one is too busy to bear the 10-month pregnancy, how can she be suitable to be a mother? Further, as a mother, she has to give up part of her own life to raise a child (let's say instead of going to play tennis with friends on the weekends, she may choose to stay home to look after her child). If one cannot tolerate the 'ruins of their bodies', how can one tolerate the 'ruins of their lives' because of having children? It seems to me that having a child is just a tool for them to accomplish their goals, ranging from sublimating their relationship with partners to satisfying the expectation of families.

In addition, people who use foreign surrogates to gain 'citizenship for the child and one day down the road, for themselves' (DeHart 2013) are using children ultimately. Even if it is for the better future of the families, it is inappropriate to treat children as a commodity in which parents decide to 'make the purchase' because of the 'benefits behind'. The generation of children in the case of designer surrogacy is not constructed by 'right' motivations, which may include parental love.

This is to say, though medical womb renting breaches the meaning of reproductive labour still, it is far less significant than designer surrogacy as the latter is related to manipulation of children.

In conclusion, I have shown that there is significant ethical difference between house renting and womb renting, based on the social meaning of WRL. I have also discussed that such significance is greater in designer surrogacy than medical surrogacy.

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