

Assisted Reproductive Technologies Abuse Women in the form of Surrogacy

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Abstract— In the world, each and every woman has a wonderful capacity for procreation and every woman cherishes the experience of motherhood. Meanwhile, the social and cultural factors coerce women to procreate, suppose the women cannot procreate due to some biological and physiological condition, the duos are unfit to live their life and there is no meaning to live in the world. There are many reasons for infertility like lifestyle factors, habits etc. Owing to modern life style infertility is a common problem to everyone. The defect can be either with men or women or both. In this particular situation they seek medical attention. Here, the physicians have introduced technology like Assisted Reproductive Technology to the duos. Compare to other Assisted Reproductive Technologies (ARTs) the duos are mainly focused on surrogacy because in surrogacy they can easily get their own genetic child.

The word surrogate is derived from Latin word meaning 'surrogatus' (substitution) – meaning to act in the place of. Surrogacy is divided into two categories that are altruistic and gestational. In this paper the author is mainly focused on the Gestational Surrogacy and impact of ART and to suggest policy regularize the ART bill. Because of the medical/ fertility tourism more number of foreigners coming to India to get their genetic child. If the Indian government failed to regularize the commercial surrogacy, vulnerability of women seems like a kind of slave. We should realize, seven decades before the foreigners treated Indian people as slave but now due to the reproductive technology again the Indian women were using as slave for procreation.

Keywords—Gestational surrogacy, procreation, exploitation, medical technology.

1. Introduction

Human In the world, each and every woman has a wonderful capacity for procreation and every woman cherishes the experience of motherhood. But, the social and cultural factors coerce women to procreate, if suppose the women cannot procreate due to some biological and physiological condition, the duos are presumed to be unfit to live their life and there is no meaning to live in the world. There are many reasons for infertility like lifestyle factors,

habits etc. Owing to modern life style infertility is a common problem to everyone. The defect is either with men or women or both. In this particular situation they seek medical attention. Here, the physicians have introduced technology like Assisted Reproductive Technology (ART) to the duos. Compare to other Assisted Reproductive Technology the duos are mainly focused on surrogacy because in surrogacy they can easily get their own genetic child.

The word surrogate is derived from Latin word meaning 'surrogatus' (substitution) - meaning to act in the place of. Surrogacy is divided into two categories that are altruistic and gestational. In this paper the author is mainly focusing on the Gestational Surrogacy, impact of ART on women and to recommend policy regularize the ART bill. In surrogacy, the altruistic surrogacy involved within the family members or akin relationship. But in gestational surrogacy, third parties are used as a carrier. Here, third parties belong to a woman who is economically backward and vulnerable. Also, these women's are supplied/ selected by mediators/ brokers and/or doctors. The most, important thing is, in gestational surrogacy the reproductive health of women is abused by medical technologies, doctors and the economically sophisticated groups. In gestational surrogacy, surrogate is essentially seen as a glorified incubator. Carriers become commodities. To view human person as parts of commodities for our primarily use and exploitation is dubious. No human being or her parts should be treated as a commodity precisely as object, but they are human being as subjects, not to treat as fragmented organ. Thus, to view, treat a woman as a mere incubator belies her dignity and worth as an individual person.

2. New Reproductive Technology and Impact on Women

The New Reproductive Technologies and Assisted Reproductive Technologies have been serving the infertile couples to have their own child and facilitate to own genetic child. The ART is emerging as panacea for infertile couples across the countries in the world. As literature revealed that it serves to help the homosexual partners to also have a child. The adoption scheme earlier followed had stringent procedures and the duos are not able to have their own genetic child. Hence, parents prefer their

own biological child and consequently there has been a huge market emerging for such ARTs including surrogacy. On the supply side, the economically backward and vulnerable sections are being targeted by the intermediaries. The price for the vulnerability is exploiting the women in terms of poor payment and leaves them once the child is delivered. It is here that the door for exploitation and abuse is opened. Laws are needed to protect the weak and vulnerable in an increasingly popular market, largely ignored by legislators, apart from grand gestures of criminalization that are then ignored by citizens and prosecutors alike. It is inhuman to just leave the mother who carried the child in her womb and hence at least one year health insurance may be made part of the payment. As demand grows, and with the stringent procedure towards adoption of child, in various other countries coupled with huge cost involved, India has figured in as a potential market. Women who opt for gestational surrogacy are often not informed and aware of the dynamics involved in the market and the black market, as the parents who look for child do not directly come in contact with the surrogate mothers. Moreover, there is a requirement to maintain the confidentiality and not to reveal the identity of the surrogate mother to the couples seeking a child.

The problem of surrogacy needs to be addressed now as there is a requirement for surrogacy services, the practice is currently occurring and legal issues are arising because of the increased involvement of third parties such as doctors and lawyers in modern surrogacy arrangements. Above all the growing market, intermediaries and the desperate need of the duos for a kid, lead to a system of exploitation of the vulnerability of the surrogate mothers, who are often from economically backward, less educated, and not aware of the legal rights and formalities, which are often targeted and exploited by the commercial brokers and ever growing market dynamics including various stakeholders connected and involved in surrogacy. Surrogate is essentially seen as a glorified incubator. This is where the 'Carriers' become 'Commodities'.

3. Exploitation of Women as being a Surrogate

The image of Women as reproductive object, as the image of women as sexual object, is rooted in most societies. It is this image of women as reproductive object at the disposal of men which must be changed. Surrogate targets vulnerable situation of a woman; Women who are emotionally and economically vulnerable.

The harm of surrogacy includes de-humanization, the objectification and the commoditization of women. It contributes significantly to lowering in human dignity, worth and civil status of women and undermines women's equal experience of civil rights by the constraints of Surrogate contract.

4. Theories on surrogacy

Below are some of the relevant theories in areas of surrogacy that are briefly discussed:

A. Radical Theory

The original radical feminist claim that reproduction can be a site of political power has more resonance than ever before. The view of the new reproductive technologies as a new male weapon in the battle to maintain or consolidate patriarchal power and reproduction is the original division of labor. Also, the new reproductive technology, especially fertility control, might be used against women to reinforce the entrenched system of exploitation. Firestone complains, "reproduction of the species cost women dearly, not only emotionally, psychologically, culturally but even in strictly material (physical) terms". The new technologies, in this perspective, are a scientifically based medicalized form of violence against women's bodies.

B. Gender Theory

In gender theory discuss the discrimination in patriarchal society, men control women's productive labor and their reproduction. Patriarchy idealizes motherhood and thereby forces women to be mothers and also determines the conditions of their motherhood. Patriarchy restricts women's mobility and reproduces male dominance. Surrogate exploits the limited roles and the personal identifies given women in gender defined society. It reinforces the cultural definitions which leads women into motherhood at any cost to themselves.

5. Feminist views on Surrogacy

While gestational surrogacy is a modern development, "surrogacy is, in fact, a very old concept dating back to ancient times. Prior to the 1970s, the only surrogacy option available was if a husband of an infertile woman consorted with other women for the sake of having a baby for the couple. After the development of artificial insemination, a couple could pursue surrogacy without the husband engaging in intercourse, as the husband's sperm could be inserted into a surrogate woman via a catheter. Under this arrangement, the child is genetically related to the commissioning man and the surrogate woman. Almost immediately after the debut of surrogacy through artificial insemination, "several sensational court battles" erupted.

The surrogacy industry has transformed the understanding of motherhood. It creates two classes of mothers, birth mothers and commissioning mothers, who may or may not be related to the babies they pay for. An industry created for profit has already upturned

generationalism, with grandmothers bearing children for their own daughters.

The third party women who give birth to the children are called surrogate mothers, in an attempt to distance them from the “real” or commissioning mothers. Yet the surrogate mothers are the persons who have carried the infants in their wombs. They created them out of their flesh and blood for nine months. Here, the motherhood is converting as a surrogate mother/ slave women/lease women.

Feminist author Shulamith Firestone (1971) feels that these technologies have the potential to liberate women from the burden of motherhood and hence act as an instrument through which women’s emancipation can be achieved.

Feminist scholar Marsha Darling (2006) gave the concept of ‘women’s bodily integrity’ which is threatened by the extent to which women’s biological and reproductive organs, tissues, cells, including ovum and genes, are quickly becoming ‘spare parts’ in a medical industrial complex. At the very same time that reproduction is imagined as an industrial process by the biotech industry, women are sought after as consumers of the very technologies that will weaken women’s right to bodily integrity.

According to Kembrell (1988), the practice of surrogacy exploits women economically, emotionally and physically. An important factor is that most women who get involved as surrogates do so because they are in desperate need of the money to maintain their family. In addition, agents are often involved and arrange contracts of questionable legality. Those contracts require the women to undergo all the rigors of childbearing, and eventually they have to give the child away. They suffer not just the exploitation of having their bodies controlled by others such as the buyers, agents and doctors but then must suffer the psychological effects of having their babies removed. The pain of poor and often desperate women in other countries who are sometimes repeatedly pimped out to baby farms by male partners or families for profit is not considered relevant. They are expected to treat their bodies as factories and their babies as products that are unrelated to their humanness.

Feminist activist Gene Correa (1985), questions the technological intervention in what she considers the otherwise natural process of reproduction. She believes that women derive special attributes, power, and meaning from their procreative role, and argue that these will lose their value if reproduction is technologies and controlled by male medical practitioners. The technology is also created by patriarchal groups. Thus, technology is seen as having the potential to erode true female consciousness and female affinity with nature. Trafficking is made easier because the surrogacy industry has separated childbirth from motherhood. Once the ability to give birth was a source of women’s strength, something women could do in a male

dominated society that men could not. It is now possible for men to acquire children without bothering about developing a relationship with a woman.

6. Consequence of Surrogacy

- Surrogate mother gets adversely affected physically, mentally and biologically.
- Surrogate mother relationship within family members and neighbors gets negatively affected.
- In Vitro fertilization is generally more invasive, and therefore more risky, than AI (Artificial Insemination). IVF also carries a higher risk of multiple pregnancies, which is riskier than single pregnancy.
- Multiple pregnancies also increase the risk of miscarriage, anemia, urinary tract infections, high blood pressure and organ damage (preeclampsia), excessive bleeding (hemorrhage), increased chance of cesarean delivery, too much amniotic fluid (polyhydramnios), and problems with the placenta, such as placenta abruption or placenta previa.
- There is scant information indicating the potential risk of medical harm to surrogates. The lack of medical studies on rates of success and adverse reactions in surrogate pregnancies, including risks of Sexually Transmitted Infection and multiple pregnancies
- All the drugs have side effects that is hormones or drugs the surrogate is instructed to take.
- Most studies find little evidence that the use of fertility medications heightens long-term risks of endocrine disorder, reproductive problems and cancer, some studies still suggest there may be a link.

7. Discussion

In human being life particularly in women’s life, the social and cultural factors are coercing to women to relinquish the child. In the New Assisted Reproductive Technology coerce the people to opt for the technology. Commercial surrogacy market can, and is, being used by people ill suited to be parents, driven by cash with no oversight by any regulating body, and likely to expose vulnerable women and children to terrible abuse. Gestational surrogates also face mental health risks, such as postpartum depression and anxiety from the social stigma of surrogacy. The new technology is abusing the women reproductive health, which is economically backward and vulnerable sections are being targeted by the intermediaries. The major issues are; the price for the vulnerability is exploiting the women in terms of poor payment and leaves them once the child is delivered. The control over the surrogacy mother’s body can have dire consequences for the birth mother, especially where surrogacy agencies insist on unnecessary caesarean births

to comply with birth date requests and return-travel itineraries.

Another kind of abuse in surrogacy is, most of the deliveries were caesarean. Caesarean births are promoted by agency clinics as they can control the birth schedule and inflate prices for ‘guaranteed, on-time delivery!’ and not necessarily nor substantially passed on to the surrogate mother who undergoes the surgery. Indeed, little thought or information is given to the birth mother in some clinics about the potential consequences of such procedures.

Government at all levels must be seen as having a responsibility to protect the poor and vulnerable, especially women and children. A properly regulated commercial surrogacy regime in India should avoid many of the major pitfalls which currently exist, and eliminate the opportunities for unscrupulous middlemen, including lawyers, to exploit the vulnerabilities of those desperate to be parents for legitimate reasons, surrogate mothers, and the newly born.

8. Conclusion

At the end, the government should strongly regularize the ART bill towards health safety of economically backward women. Should treat woman as a human being and not as an object or any commodities primarily for our use and exploitation is dubious. No human being or her parts should be treated as a commodity precisely because we are whole subjects, not fragmented organ. We must ask ourselves whether the elation childless couples experience following the birth of a genetically related child is sufficient to offset the health risks, the violation of a surrogate’s autonomy and her potential exploitation, the commoditization of her reproductive health, and the resultant alteration of societal values.

References

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