



# ETHICAL DIMENSIONS

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## SURROGATE MOTHERHOOD: THREE LEVELS OF ETHICAL CONCERN

Medical technology now allows us to help persons with reproductive interventions that are remarkable. Surrogate motherhood is one of the new possibilities offered by modern medicine. To explore the ethics of surrogate motherhood is to ask: how much of what we *can* do is what we *should* do? In asking this we can look at surrogate motherhood from three perspectives: the individual, the institutional, and the societal.

### INDIVIDUAL CASE ETHICS

On this level we explore questions of ethically appropriate or inappropriate behavior for the individual.

For instance, some would argue that such artificial intervention so undermines familial relationships that they are ultimately destructive of the family and are therefore unethical. Others would argue that we are merely using technology to further extend the legitimate wish to become parents - much as one would use surgical means to repair a Fallopian tube and restore the ability to conceive. Here we must explore and discuss the ethical foundation for accepting or rejecting such options. Is it the *naturalness* of the act? the right of persons to procreate? the right to privacy? the right of competent individuals to self-determination? the best interest of the children impacted by the action?



If one accepts surrogacy as an ethical option, are there boundaries? To whom should this technology be made available? To couples only? To individuals? To all persons regardless of their sexual orientation? Should there be age, educational, IQ, socioeconomic parameters? To what extent is anonymity important?

Deciding such questions by establishing fundamental concepts, definitions, distinctions, principles, and methodology is all part of exploring ethical issues on the individual level.

### INSTITUTIONAL ETHICS

If we look at the issue of surrogate motherhood from the institutional perspective, we see that institutions such as hospitals need to deal with ethical questions of a broader nature.

First, a hospital needs to decide who will make a decision on the position of the institution. The medical staff? The trustees? Management? The ethics committee? All of these? If the hospital opposes surrogate motherhood as a general practice, should it develop a statement of its position? Should it advocate for public policy that supports its position? Should it deny meeting space to surrogate support groups?

What educational programs, what policies and procedures should it develop concerning surrogate mothers and their care in the institution? In cases where one woman donates the egg and another carries the pregnancy, which woman should be considered the mother when there is disagreement about treatment? How should the institution deal with court orders that contradict its stated

position? These are just some of the questions which must be addressed from the institutional perspective.

### SOCIETAL ETHICS

Beyond these two realms of ethical complexity there are concerns of societal ethics. What is in the best interest of society concerning surrogate motherhood? What issues need to be explicitly attended to and defined in terms of public policy? Should society allow the free market to govern the practice of surrogacy? Not everything should be put into law, but should society use the instruments of law to set some limits on the practice of surrogate motherhood? If legal mechanisms are well suited to protect society's values, would civil or criminal law serve us better? Should we use contract law to structure our practice or develop family law further to meet the unmet issues? Should we rely on the role of professional societies and their mechanisms of professional and moral persuasion to do the job? Should we allow individuals - potential parents, surrogates, physicians - to act freely but prohibit commercial ventures from marketing and profiting from surrogate motherhood? These are but a few of the ethical questions on the societal level.

An essential first step in dealing with ethical issues is to determine on which level we are working. Then we can decide *who* and *what ethical tools* are needed to address adequately the question on that level. The people and tools suited to one level are not always appropriate for other levels.

**OPINIONS AND FEELINGS ARE FREQUENTLY A PERSONAL TRIUMPH OVER GOOD THINKING  
YOU DEFINE REALITY BY WHAT YOU KNOW, WHAT YOU BELIEVE, AND WHAT YOU DO ABOUT IT.**