

Part 1 - Introduction

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In “Is Women’s Labor a Commodity?” Elizabeth Anderson argues that commercial surrogacy is an inappropriate use of parental rights, as the surrogate mother relinquishes her parental responsibilities not in the interest of the child. This is because the mother’s motivation for getting pregnant is material compensation for herself or providing parents with a child they desire. In this paper, I will argue that Anderson is wrong about surrogate mothers not acting in the child’s best interest because a surrogate mother may give the child to parents who desire it more and are therefore more likely to treat it better than she would. While her motivations may include her or the parents’ interests, they also include her belief that the child will be better-off.

Set-up:

To understand my argument, it is necessary to define some terms. **Acting in self-interest** is defined as acting with the intention to further only one’s own happiness, wealth, or satisfaction, even if the act happens to benefit others. **Parental rights** are defined as parents’ rights to make decisions that affect their child’s life, such as education, healthcare, and custody. **Parental love** is defined as loving and cherishing children for their own sake, and an unconditional commitment to nurture and support children until maturity.

Throughout this paper, the situation of surrogacy I’m talking about is commercial surrogacy using artificial insemination and the surrogate mother’s egg.

I will support premises 2 and 5 in part 3 with the surrogacy-over-adoption example. This is a situation where to-be parents (who I’ll call parents B) are wealthy enough to afford adoption but still choose surrogacy because they prefer to have a biological connection to their child. Surrogate B consults with parents B and knows their reasons before going through with the surrogacy. Surrogate B is a minimally decent person who cares for others.

Part 2 (Author Reconstruction):

1. [Assumption] The most fundamental duty of parents to their children is to love them for their own sake, not for the advantages they can give parents.
2. [From 1, from definition in set-up] Parental rights as informed by parental love must always be used in the interest of the child, not the parents.
3. [Definition] In commercial surrogacy, the mother conceives a child with the intention of relinquishing her parental rights in exchange for her own material gain.
4. [Assumption] If the surrogate’s motive for relinquishing her parental rights is to provide a child for parents who desire one, she acts in the parent’s interests.
5. **[From 3, 4] When the surrogate mother relinquishes her parental rights, she does so not in the interest of the child.**
6. [From 1, 2, 5] The surrogate does not exercise her parental rights as informed by parental love and does not perform her duty as a parent.

Part 3 (Critical Engagement, Premise-Conclusion Form):

1. [Assumption] Children who are wanted by parents are more likely to be loved and treated well by their parents than children who are less wanted.
2. [From surrogacy-over-adoption example] Parents desire a child conceived through surrogacy more than they desire an adopted child.
3. [From 1, 2] A child born through surrogacy to parents B will be more loved and better treated than an adopted child.
4. [From 2, 3] Parents B choose surrogacy because they are more likely to love and treat the surrogate child better than the adopted child.
5. [From surrogacy-over-adoption example] Parents B are more emotionally and financially prepared to take care of the child than the surrogate.
6. [Assumption] Surrogate B is a minimally decent person and prefers for people to have the best possible lives.
7. [From 4, 5, 6, surrogacy-over-adoption example] Part of the reason the surrogate willingly relinquishes her parental rights is because the child will be more desired and therefore better treated by the new parents than if she kept it or if the parents adopted a child.
8. [From 7] Therefore, it is false that all surrogate mothers act only in their own self-interest and not in the interest of the child.