

Conference Abstract

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Author: Katarzyna Chludzińska, MA, PhD Candidate

Affiliation: Center for Bioethics & Biolaw, Institute of Philosophy, University of Warsaw
3 Krakowskie Przedmieście Street, 00-097 Warsaw, Poland

E-mail: k.chludzinsk@gmail.com

Title: Surrogacy and the Problem of Autonomy

Abstract text: Although still not legal in many countries, the practice of surrogacy is perceived as a very important issue in contemporary ethical and legal debates. Surrogacy arrangements can take many forms, depending on the origin of the gametes used (prospective legal parents or donors) or financial arrangements between prospective legal parents and the surrogate. Surrogacy arrangements can be altruistic, in which no remuneration to the surrogate is involved (except for compensation of reasonable expenses associated with pregnancy), or commercial arrangements in which the gestational mother is being paid for her service.

One of the many ethical and legal problems associated with surrogacy arrangements concerns respect for the surrogate's autonomy in commercial arrangements. The focus of many of worries is economic and educational vulnerability of prospective surrogates. Those who organize surrogacy services and those who employ surrogates may have an advantage over her as far as resources and information are concerned. Therefore, there is a possibility of exploitation and abuse of the surrogate. The main instrument of protection of the surrogate's autonomy that is discussed in the literature is informed consent, which has been an essential ethical and legal requirement for legitimization of medical and research intervention.

In my presentation I will focus on the problem of autonomy of women entering into surrogacy arrangements as surrogates. My main goal is to identify the components of the surrogate's autonomy and the threats to it that surrogacy arrangements may pose. Against the background of the two elements (surrogate's autonomy and possible threats to it), I will try to assess how informed consent protects or enhances the surrogate's autonomy. Accordingly, I will discuss two possibilities. Informed consent, as it is understood and used today in medical and research practice, may provide sufficient level of protection of surrogate's autonomy, or it may prove to be defective. I will attempt to delineate the mechanisms of protection and their limitations. In the remaining part of my presentation I will explore the two possibilities and try to determine how, beyond (and independently of) informed consent, the surrogate's autonomy can be not only respected and protected but also enhanced.

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