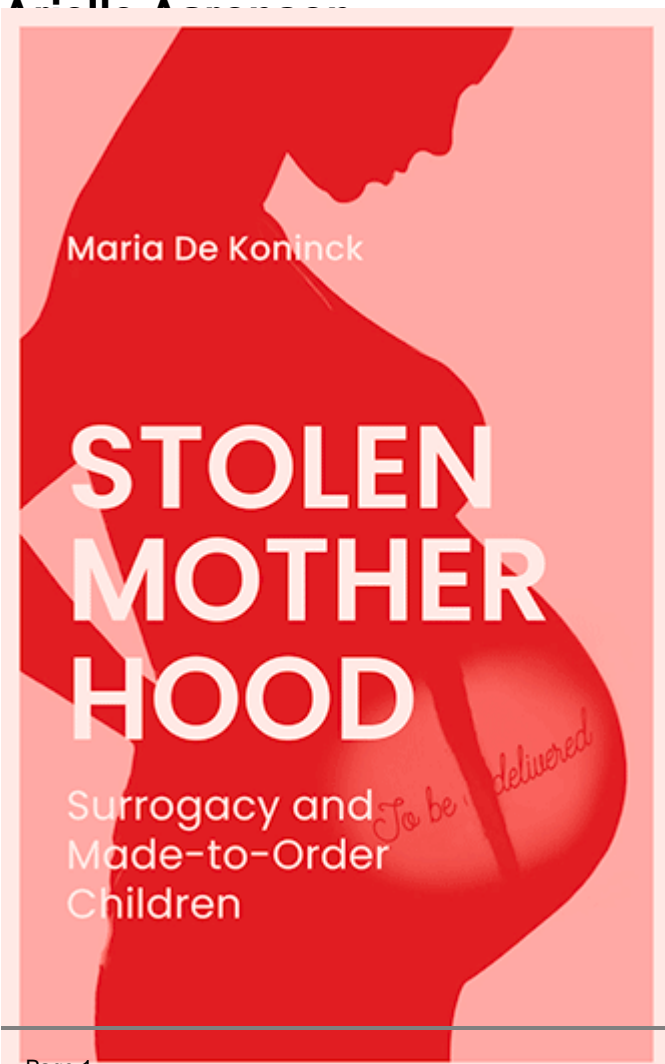




Stolen Motherhood: Surrogacy and Made-to-Order Children

Description

A review of the book written by Maria De Koninck and translated by





Author: **Maria De Koninck**
Translator: **Arielle Aaronson**
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Surrogacy is trending because international adoptions have become more difficult while the need for adoptions in rich countries has declined. **Maria De Koninck**, University of Laval's first Chair of Women's studies, explains "how normalizing surrogacy might transform human relations, including gender relations, by jeopardizing human dignity." She decries "efforts to appropriate women under the guise of progress" and laments the "lack of regard for children's wellbeing" by treating a child as a commodity.

Moreover, except for cases of "altruistic" surrogacy, it is generally women from underdeveloped countries who are exploited with the lure of a well-needed payment but which often constitutes just a small percentage of the fees charged by international surrogacy agencies. In developed countries, altruistic surrogacy is the common model in which close relatives or friends participate to "help" a woman who cannot conceive although, in fact, it is the man who is helped to perpetuate his lineage.

Commercial surrogacy is currently prohibited in Canada yet many couples take advantage of universal health care to resort to it. In Quebec, surrogacy is banned, although if a case comes up before a court with a *fait accompli*, the court decides in favour of the commissioning parents.

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The **United Nations Human Rights Commission** in 2018 rejected the legal concept of "never-a-mother" for the gestational carrier, which means that surrogate mothers have absolutely no legal rights. The most common modality of surrogacy is a three-party conception with the sperm of the father, the ova of one woman and the uterus of another woman. This is done to prevent possible legal claims.

In some cases, there is a whiff of racism, making it possible for "a non-white woman in a low-income country" to carry a white child for the intended parents. These stratagems to erase the motherhood of the surrogate also ignore the fetal-maternal exchange in utero for nine months. This legal construct only recognizes the "right to child" of third parties while ignoring the rights of the woman whose uterus is used. However, in Germany, the concept of the indivisibility of a woman is respected by banning the use of ova from one woman and the uterus of another.

De Koninck traces the devaluation of motherhood in the name of self-actualization to **Simone de Beauvoir's** statement that a woman is made, not born, although she clarifies that not all feminists share this viewpoint. Different surrogacy rules apply in different countries. In Canada, for example, the principle of extraterritorial jurisdiction of the Criminal Code only applies to certain cases such as child sex tourism or human trafficking.

In other words, a Canadian citizen can violate Canadian surrogacy legislation abroad yet will not be accountable on Canadian territory. This situation favours fertility tourism. De Koninck firmly believes that surrogacy is a step backward in the modern trend to humanize childbirth. For example, if a surrogate mother needs life-support, as has happened before, it is the intended parents who decide how long she is to be kept in that state, and not her partner or relatives.



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In cases of altruistic surrogacy, and even in commercial surrogacy, women are sold the myth that they are “women helping other women” but what about the rights of the woman surrogate? It is the latter who runs the risk of in-vitro fertilization, C-sections and all the attendant risks of pregnancy. Breastfeeding is required by some purchasers for a couple of days to benefit from colostrum, yet this practise is discouraged in most cases to prevent mother and child bonding. But not to worry, there is now an international trade in mother’s milk!

According to the author, present-day moral relativism is driven by an individualistic society where a child is seen as an individual’s right while ignoring the rights of the community at large. As she points out, legislation varies widely according to each jurisdiction but, in some cases, a child may be refused if the commissioning parents are not satisfied. There are many such documented cases.

Marie De Konick recognizes the joys of child-rearing. To make this possible, she calls for a return to “traditional practices for child circulation and... a model of collective responsibility for the development of children, instead of taking the practice out of context to justify making motherless children.”

Some readers may have strong views regarding surrogacy, but after reading this excellent translation of *Stolen Motherhood*, if they don’t change their minds they will at least be better informed of its pitfalls.

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Maya Khankhoje worked for ICAO, the International Civil Aviation Organization in Montreal, as an interpreter/translator in the Spanish and English sections from 1978 until her retirement in 2003. Prior to that she freelanced in New Delhi, Mexico City and at the United Nations Headquarters in New York. She is currently co-editor of montrealserai.com



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