**Title:** Beyond the commercial/altruistic distinction in surrogacy arrangements

**Abstract:**

In this paper, I will critique the commonly accepted dichotomy between commercial vs. altruistic surrogacy. Whether a surrogacy arrangement is morally acceptable does not, I claim, depend on whether it is paid (commercial) or unpaid (altruistic). The moral justifiability of surrogacy will depend less on the compensatory aspects of surrogacy contracts and more on, as I will argue, context-dependent factors *alongside* the virtue-abiding conditions related to the formation and enforcement of the surrogacy arrangement. Given this, I will argue in favour of a more virtue-theoretical approach to evaluating the moral legitimacy of surrogacy arrangements. My view is that with a virtue-theoretical approach, we can look for virtue-abiding conditions and non-virtue-abiding conditions in a surrogacy arrangement to come to an assessment of its moral legitimacy. For instance, an acceptable surrogacy arrangement might be caring and honest, whereas a problematic surrogacy arrangement might lack compassion and fairness. The salient virtue-abiding or non-virtue-abiding features of a surrogacy arrangement, then, can explain why we should find some surrogacy plans acceptable, whilst others less so.

The advantage of this view is that it does not vilify the notion of a paid surrogacy, nor does it treat ‘altruistic’ surrogacy as acceptable by default. Rather, compensatory aspects of the surrogacy figure in only as part of a larger, virtue-related assessment of the terms. Furthermore, my view can acknowledge the nuances that emerge from the context of the arrangement. It is possible to assess that a surrogacy arrangement is not straightforwardly either good or bad. Rather, it may be that a surrogacy arrangement is, for instance, morally justified to the extent that it is virtue-abiding, yet morally problematic in its failures to do so. As a framework that aims to morally assess surrogacy without overtly focusing on whether the surrogates are compensated for their gestational labour will help us pick out the moral values and disvalues of surrogacy arrangements without unduly blaming (or praising) the surrogates themselves.

**Keywords:** Surrogacy, Bioethics, Reproductive Technologies

**Author name:** Ji-Young Lee

**Position:** Postdoctoral researcher in bioethics

**E-mail:** ji.young.lee@sund.ku.dk

**Institutional Affiliation:** University of Copenhagen

**Bio:** J.Y. Lee is currently working as a postdoctoral researcher in bioethics on the Velux-funded project “The Future of Family Relationships.”