



The Metaphysics of Surrogacy

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INTRODUCTION

Consider the following philosophical question about pregnancy regarding the metaphysical relationship between the mother and the fetus:

Is the fetus a part of, or contained by, the mother?

An answer to this question will impact significantly on bioethical issues regarding reproduction, particularly surrogacy. Yet despite its impact, answers have been generally underexplored in metaphysics and presupposed in public policy. In this chapter I outline some answers and explore their relevance for policies on surrogacy. A surrogate mother, as defined in the United Kingdom, is someone who (a) gestates the fetus for, and may also (b) donate their egg to, the intended parent(s). The first, (a), is named a ‘host’ (or ‘full’) surrogate; the second, (b), is named a ‘straight’ (or ‘partial’) surrogate. Surrogacy potentially implies three physically and legally distinct mothers: (i) genetic; (ii) gestational; and (iii) social. Assuming these can be separated and embodied by different people, a host surrogate is a gestational mother, a straight surrogate is both a gestational and genetic mother, and an intended parent may be a genetic and social mother. At the center of what it is to be any type of surrogate mother is the notion of a gestational mother since this is the mother that is pregnant, and it is this pregnant relationship between mother and fetus that is of interest here.

Since it is the metaphysics of pregnancy that I intend to apply to surrogacy, this chapter will focus on the metaphysical relationship specifically between the gestational mother in the surrogate arrangement and the fetus (regardless of whether the fetus is genetically related to the gestational mother, thus applying to both host and straight surrogates).¹ This is because I am interested in what

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pregnancy is like *per se*, and I take for the purposes of this chapter that a surrogate is no less pregnant than any other gestational mother and that the genes of the fetus make no difference to this. I should note that when I speak of the fetus, I use the term loosely to generally refer to whatever the gestational mother is pregnant with at any time during the pregnancy, including the zygote, embryo, blastocyst, and so on. I also note that my discussion of the public policies on surrogacy is connected to the policies in the United Kingdom. Yet much of what I say can be generalized to policies elsewhere.

The plan of the chapter is as follows: In the first section, I discuss surrogacy as a case of pregnancy. In the second section, I outline two metaphysical models of pregnancy—the Container model and the Parthood model. Then in the following sections, I apply these models to surrogacy, respectively, by assessing whether the conception of surrogacy utilizes the model and also by demonstrating what the conception of surrogacy would be like if the other model were utilized. The final section connects metaphysics with ethics and public policy and poses some methodological questions, before concluding.

Surrogacy as Contract Pregnancy

In this chapter I aim to show (i) how different metaphysical models of pregnancy give different understandings of the surrogate arrangement and (ii) how the way surrogacy is conceptualized in public policy illuminates a presupposed metaphysical model of pregnancy. As Shanley points out, the language that we use to understand the role of the gestational mother in surrogacy highlights some metaphysical issues:

The ways in which proponents and opponents of surrogacy describe the gestational mother reveal important but unarticulated differences in their views in... [their] understandings of the self.²

I agree that an understanding of the self plays a role in how we conceptualize surrogacy. Specifically, I aim to articulate how different views of surrogacy reveal different understandings of the *parts* of the self and what the self *contains*. Generally, it is an understanding of the pregnant self that I take to underpin views of surrogacy.

It may be that the way pregnancy is conceptualized in general may not match up with the way surrogacy is conceptualized. This is odd given that surrogacy is an *example* of being pregnant—it is a specific way of becoming a gestational mother, a pregnant being. Thus, the gestational mother in a surrogate arrangement for our metaphysical purposes is just like a gestational mother who is pregnant by other means. As such, what we say about pregnancy should carry over to what we say about surrogacy. If a certain model of pregnancy is true, then it is also true for surrogate pregnancy.³ Despite implications in the word ‘surrogate’, surrogacy is a case of *real pregnancy*, not a replacement to serve only as someone else’s assisted reproductive technology. I agree with

Rothman that ‘this is not a “surrogate” relationship, but an actual lived one’, as ‘one is not in a “substitute” or “replacement” or “surrogate” relationship – the [gestational mother] and [fetus] are in an intimate physical and social relationship’.⁴ I henceforth use the term ‘surrogate’ in scare quotes and talk of ‘contract pregnancy’⁵ rather than surrogacy to emphasize that I treat surrogacy as a full case of pregnancy.

THE METAPHYSICAL MODELS OF PREGNANCY

Our main question of interest here is whether the fetus is a part of, or merely contained by, the gestational mother. For x to be a part of a whole y is roughly for x to be one of the things that compose y , where x and y are not identical. For x to be contained by y is for x to be inside or surrounded by something else while not also being a part of y . Therefore, parthood and containment are incompatible states,⁶ and so the fetus is either a part of the gestational mother or contained by the gestational mother, but not both at the same time.⁷ It is worth noting that this is not a matter of choice, nor an argument over the language we use to describe what is otherwise considered the same situation. Rather, it seems, there is a fact of the matter to be found, and the truth about the metaphysical relationship between the fetus and the gestational mother will have far-reaching implications for our moral and legal practices involving pregnancy, as I will demonstrate with the case of contract pregnancy. I will now consider these two perspectives regarding the metaphysical relationship between the fetus and gestational mother, naming them as the Parthood model and the Container model, and I will then apply them to contract pregnancy.

Parthood Model

This model is held by Kingma and takes the fetus to be a part of the gestational mother: ‘fetuses are a *proper part* of the pregnant organisms – like hearts, kidneys, nails and hair’.⁸ So the gestational mother is the whole, and this gestational mother has many parts like limbs and organs, for example, where the fetus is simply one of those parts. And so we can say on this Parthood model that the fetus is a part of the gestational mother, just like any other part of the gestational mother. Of course, this isn’t to say that the fetus is not a special part of the gestational mother—it can be very different to other parts of the gestational mother, as all the parts are different to each other in many ways. So it is important to note that this model does not entail that the fetus is degraded to having a similar status to limbs and organs; rather all that it entails is that the fetus is a part of the gestational mother (which limbs and organs happen to be too). In summary, the fetus and gestational mother are not seen as separate individual entities, but rather are related to each other as a part is to a whole.

Container Model

The Container model can be seen as the extreme opposite of the Parthood model. According to the Container model, a gestational mother is literally a container for the fetus. This is the view held by Smith and Brogaard, who provide the analogy of the fetus being inside the gestational mother in the same way as ‘a tub of yogurt is inside your refrigerator’.⁹ The refrigerator, like the gestational mother, is said to have some sort of cavity, hole, space, or the like, within which the tub of yogurt or fetus can reside. Just as the tub of yogurt is not a part of the refrigerator but is merely inside it, a fetus is not a part of the gestational mother but is merely inside it. Again, this does not reduce the status of the fetus to anything like a tub of yogurt, as very special things can be inside other things. However, it does reduce the relationship between the fetus and the gestational mother to one between separate individual entities that are connected only insofar as one is contained within the other.

Now that I have outlined these two extreme opposing models of the metaphysical relationship between the gestational mother and the fetus, we have two distinct ways of understanding the metaphysics of pregnancy, both ways of which are defended in the literature demonstrating the live debate about the relationship. Given that in every contract pregnancy (whether it be as a host or straight surrogacy) it is the ‘surrogate’ that is pregnant, we are now in a position where we can evaluate what such an arrangement is like on a metaphysical level. By understanding the general metaphysical model of pregnancy, we can understand the metaphysical relationship between the ‘surrogate’ and the fetus. Is the ‘surrogate’ (like any other gestational mother) a container for the fetus, or is the fetus a part of the ‘surrogate’? And which model is portrayed in our public policies? I will now look at each option in turn.

SURROGACY AS CONTAINMENT

The Container model is particularly evident in our conceptualization of contract pregnancy. In contract pregnancy we imagine the gestational mother as an incubator or environment for the fetus, which develops as an individual entity, separate from and merely inside the gestational mother. For example, the naming of the ‘surrogate’ as the ‘host’ demonstrates that they are seen as hosting something *other* inside of them. Interestingly, the term ‘host’ is also used in philosophical contexts to refer to the thing that encompasses a hole, thereby suggesting that the host ‘surrogate’ is analogous to a thing with a hole for ‘guests’ to move in and out of.¹⁰ One such host ‘surrogate’ mother at ‘Surrogacy UK’ described the process of contract pregnancy as ‘the job of trying to help bake someone’s bun in our oven’,¹¹ and the ‘Harley Street Fertility Clinic UK’ states that ‘in this arrangement, the commissioning couple literally rent the womb of the surrogate host’.¹² This makes clear that the ‘surrogate’ mother is seen as a container, like an oven or a room to rent, where the fetus is a different entity like a bun or a guest that inhabits the space that the host provides.

Contract pregnancy is widely regarded as a service of gestation, where what the ‘surrogate’ provides is the use of their body as a space within which the fetus can grow. As a result, contract pregnancy is thought of as bodily labor, where the work required is to provide nutrients and physical care to the fetus. This in turn implies that the role of the ‘surrogate’ is to provide a safe space for the fetus to grow inside of them, rather than the role of the ‘surrogate’ to be to grow the fetus as a part of them. This strongly suggests a Container model has been presupposed in our understanding of contract pregnancy. A Container model also underpins our public policy on contract pregnancy, as we can see in the following quotations from legal documentation where the ‘surrogate’ is referred to as ‘carrying’ the fetus that is implanted ‘in’ her. We do not ‘carry’ what is a part of ourselves—rather we carry what is not a part of ourselves. And if something is implanted into us, then we may infer that it at least was not a part of us and is just inside us. These quotations (with all emphasis my own) thus demonstrate a clear assumption of the Container model:

Surrogacy is the practice whereby one woman (the surrogate mother) *carries* a child for another person(s) (the commissioning couple) as the result of an agreement prior to conception that the child should be handed over to that person after birth... The woman who *carries* the child is the surrogate mother, or ‘surrogate’. She may be the genetic mother (‘partial’ surrogacy) – i.e. using her own egg – or she may have a fertilised embryo – which may be provided by the commissioning couple – *implanted in her* womb using in-vitro fertilisation (IVF) techniques (‘host’ or ‘full’ surrogacy).¹³ (Brazier Report 1998)

(2) ‘Surrogate mother’ means a woman who *carries* a child in pursuance of an arrangement-(a) made before she began to *carry* the child, and (b) made with a view to any child carried in pursuance of it being handed over to, and parental responsibility being met (so far as practicable) by, another person or other persons... (6) A woman who *carries* a child is to be treated for the purposes of subsection 2a above as beginning to *carry* it at the time of the insemination or of the *placing in her* of an embryo, of an egg in the process of fertilization or of sperm and eggs, as the case may be, that results in her *carrying* the child.¹⁴ (Surrogacy Arrangements Act 1985)

So it is clear that the ‘surrogate’ is doing the carrying *of* the intended parents’ fetus that is put inside the ‘surrogate’, and this carrying is done *for* the intended parents. But in treating a gestational mother as only a container, one disregards their gestational contribution and reduces them to an incubator of sorts. Now, incubators do have important roles, but if that is the only role for the gestational mother then contract pregnancy looks like the rental of a womb. Understanding contract pregnancy in this way helps to remove any ownership or connection that the ‘surrogate’ may have with the fetus, such that there is no integration or interaction between them that could interfere with the intended parents’ claim to the fetus. This is due to viewing the fetus as being placed inside the ‘surrogate’ where the transition at birth is the ‘mere passage of [the fetus] from one environment to another’.¹⁵ This contributes to

depersonalizing the gestational mother by seeing them only as a space to go in and out of, a space that is rented in contract pregnancy. As Anderson notes:

The commercial promoters of surrogacy commonly describe the surrogate mothers as inanimate objects: mere ‘hatcheries’, ‘plumbing’, or ‘rented property’ – things without emotions.¹⁶

Even the usage of the term ‘container’ has been used in this context, for example:

The social message of this legal institution [of surrogacy] is that a woman can be a container for somebody else’s child. [There is a] cancellation of the ‘surrogate’ mother as a person to reduce her to a fetal container that gets paid, to a pregnancy worker.¹⁷

The [surrogate] is presented not as a feeling human being who experiences her pregnancy on an existential level, but as a container, an incubator.¹⁸

I thus take the similarities between our conception of contract pregnancy and the Container model of pregnancy to be striking. It appears that not only do promoters of contract pregnancy presuppose such a model, but they may also depend on it. In order to conceive of the gestational mother in a contract pregnancy *as* a ‘surrogate’ and not *the* mother, they need to be seen only as a swappable container for the fetus without having any claim to the fetus. This is in line with the message being fed to ‘surrogates’: ‘The surrogates are periodically told that their role is only as a vessel’.¹⁹

SURROGACY AS PARTHOOD

I now turn to our other model of pregnancy, the Parthood model, and see how this interacts with the way we understand contract pregnancy. On the Parthood model, the fetus that is ‘carried’ by the ‘surrogate’ mother is literally a part of the ‘surrogate’ mother. This seems to make the term ‘carry’ inapplicable, since we do not tend to think of ourselves as carrying our own parts like our organs. So rather than renting a space, contract pregnancy then appears more like the trade of a body part (namely, the fetus, a part of the gestational mother). Now if this fetus is itself a human (which it is at least after birth), then contract pregnancy is both a trade of a body part and a trade of a human, which is illegal. Furthermore, if the fetus is a part of the gestational mother, then the gestational mother is not so easily interchangeable and replaceable by any ‘surrogate’. One would not simply be removing the fetus from its container during birth but actually detaching the fetus from its whole. The connection between a part and its whole seems far stronger and more intimate than the connection between the contained and its container, making the swapping of the whole less flexible than the swapping of the container. A container can change what it contains without much change to itself, just as the contained can quite easily

find a new container without much change to itself. Whereas a whole cannot change its parts without some variation in what the whole is like, the removal of a part from a whole is more disruptive than the removal of the contained from a container.

Such a view of contract pregnancy as a transaction in body parts was suggested in the Brazier report, where the comparison motivated their recommendation to only allow ‘surrogates’ to be paid for their expenses, rather than for the fetus itself:

Parallels have been drawn between surrogacy and live organ donation. In the UK, bodily parts may be donated only as a gift for which no payments are allowed. We believe that surrogacy should be informed by the same values.²⁰

Even on the Container conception of contract pregnancy, the fetus would need to be treated as a gift since otherwise it may also fall foul to the accusation of being a trade in babies. Yet on the Parthood model the gestational mother does not contain a fetus that may already ‘belong’ to someone else—it is her own part to give away. There is more claim to ownership over what is a part of you than what you contain, especially if someone else claims ownership over what they put *in* you to contain *for* them. So, rather than the returning of someone else’s genetic material that the ‘surrogate’ contains (as the Container model would suggest), on the Parthood model, we see the giving away of the ‘surrogate’s’ own gestational product which was a part of them. Furthermore, if the intended parents in some sense owned the fetus, then they would be claiming ownership over a part of the ‘surrogate’s’ body, which doesn’t seem right.

It therefore seems that contract pregnancy is less palatable when understood with a Parthood model than with a Container model. This is because of the deeper connection afforded between a part and its whole than between the contained and its container. If the fetus is a part of the gestational mother, then the ‘surrogate’ is connected to the fetus in a way that is of importance to the identity of both the ‘surrogate’ and the fetus. In providing more than an environment, it is less easy to see how any gestational mother will do for the role of the ‘surrogate’. Furthermore, the fetus becomes an actual part of the ‘surrogate’ themselves, rather than something that the ‘surrogate’ simply houses inside of them for a while. With all of this in mind, when we understand contract pregnancy with a Parthood model, the arrangement looks more like the donation of a body part than the rental of a body space.

If surrogacy is to be aligned with the donation of a body part though, we must keep in mind that the part being donated is, in the end, a human. Legally, humans may not be donated, just as they may not be traded. However, humans *can* be adopted, and there do seem to be similarities in the transferal of parental rights and responsibilities in both the cases of adoption and contract pregnancy. This is clear when we notice that in a contract pregnancy the gestational mother is to be considered *the* mother until a parental order has been issued to the intended parents after birth. (However, this is also confusing given the

contrasting message that the ‘surrogate’ is considered only as a womb to carry the intended parents’ fetus.) As the following policy states:

The woman who is carrying or has carried a child as a result of the placing in her of an embryo or of sperm and eggs, and no other woman, is to be treated as the mother of the child.²¹ (Human Fertilisation and Embryology Act 2008)

Given this, the ‘surrogate’ is *the* mother, so perhaps we should just do away with the term ‘surrogate’ after all. The Human Fertilisation and Embryology Act 2008 (Section 54) also details the various and lengthy conditions for transferring legal parental status from the ‘surrogate’ mother to the intended parents after birth. What is it then that significantly distinguishes a contract pregnancy from adoption? Why not call the ‘surrogate’ simply the mother, and why not call surrogacy simply a pre-arranged adoption, and then treat them as such? Well, one of the problems with this is that the policy on adoption is such that one cannot set up an arrangement for adoption prior to birth, whereas in a contract pregnancy, the arrangement is always set up prior to birth. So, if we are to understand contract pregnancy according to a Parthood model and take seriously the naming of the gestational mother as the legal mother (until parental rights are transferred), then our policies on contract pregnancy will need to be more coherently aligned with those policies on body part donation and adoption.

CONNECTIONS TO ETHICS AND POLICY

Finally, how does our metaphysical understanding of pregnancy impact on the ethics and policies regarding contract pregnancy? It seems, given the way things currently stand, policies have been built without a critical reflection of the metaphysical model of pregnancy in place. But how strong would the influence of such a critical reflection be? If model X of pregnancy clashes with our policies or ethical responses to reproductive issues, do we reject model X on that basis? Or, if we learn that model X is true of pregnancy for other reasons, should that be what determines how we ought to respond to reproductive issues and change our policies on that basis? This is a deep and general methodological issue that I do not have space to tackle, but for now I note how Smith and Brogaard connect their metaphysical views on when a human starts to exist with ethical issues in abortion and stem cell research:

What follows is an exercise in ontology, and clearly no conclusions of an ethical sort can be drawn directly from the answer to any ontological question... It seems to us, however, to be equally clear that an answer to the question as to when a human organism begins to exist can be of some help in settling the difficult problems which arise in connection with the issue of abortion and embryonic stem cell experimentation.²²

I agree that given the complexity of the debates in reproductive ethics, the metaphysical models I have outlined will not on their own (as ‘exercises in ontology’) be *sufficient* to determine the legitimacy or illegitimacy of any particular problematic case, since the models alone do not determine, for example, the rights that a gestational mother has over their body or the produce of their body, nor the moral status of the fetus or what sort of thing the fetus is. However, many of the reasons that we cite to support our stance on reproductive issues *are* based (sometimes unknowingly) on metaphysical grounds, just as we seem to utilize a Container model in the traditional articulation of contract pregnancy. And so these debates will *in part* depend on their philosophical foundations given their philosophical presuppositions.

It is simply good practice to challenge the assumptions in one’s arguments, and given that there appears to be an assumption of a Container view with regard to contract pregnancy, I argue that we should therefore pay such models closer attention. So, although no moral conclusions follow *directly* from the metaphysical models I’ve outlined, we do need to get clearer about these metaphysical issues if we want to be justified in our use of metaphysical models in public policies on contract pregnancy. Given that our policies are written in such a way that utilize metaphysical models, let us work on establishing which model is correct before basing our law on it. Or else, our policies should be written without the use of any metaphysical models. So, unless policies can be metaphysically neutral, they had better be metaphysically informed.

CONCLUSION

To summarize, in this chapter I have shown that there is more than one way to think about the metaphysics of pregnancy and that this will have implications for how we view the ‘surrogate’ relationship in a contract pregnancy. It seems that many of the reasons why we have an ethical or political view about contract pregnancy are based on metaphysical grounds, and therefore I have argued that such metaphysical assumptions need to be acknowledged and discharged or removed. To do otherwise would leave our policies unjustified and potentially based on false presuppositions.²³

NOTES

1. One could argue that the metaphysical situation is different for ‘host’ and ‘straight’ surrogacies because the donated egg is relevant to whether the fetus is a part of or contained by the gestational mother. However, I am explicitly assuming that all cases of pregnancy involve the same metaphysical model, and I then ask how that metaphysical model is and should be connected to public policy.
2. Mary Lyndon Shanley, “‘Surrogate Mothering’ and Women’s Freedom: A Critique of Contracts for Human Reproduction,” *Signs* 18, no. 3 (1993): 619.

3. Here I am talking of pregnancy in a sociologically neutral and biologically centered way. But does the social status of surrogacy impact on the metaphysical model involved in the pregnancy? Since I am interested in understanding pregnancy per se from a metaphysical point of view, then I take the answer to be no—nobody can deny that surrogate mothers are pregnant, and it is this notion of being pregnant that I wish to model metaphysically. So I argue that surrogate pregnancy, in virtue of being a pregnancy, has the same metaphysical model as any other pregnancy, regardless of social differences.
4. Barbara Katz Rothman, “The Legacy of Patriarchy as Context for Surrogacy: or Why are we quibbling over this?,” *American Journal of Bioethics* 14, no. 5 (2014): 36. And a quote from Barbara Katz Rothman, in Susanna Pozzolo, “Round Table: ‘Surrogacy’ or Pregnancy for others. A first round of opinions,” *About Gender: International Journal of Gender Studies* 5, no. 10 (2016): 336.
5. The phrase ‘contract pregnancy’ is used elsewhere in the literature; see, for example, Debra Satz, “Markets in Women’s Reproductive Labor,” *Philosophy and Public Affairs* 21, no. 2 (1992): 107.
6. The sort of containment I am discussing is *mere* containment, rather than a containment that allows for parthood. For example, a bun in the oven is an example of the oven merely containing the bun, but the shelf in the oven is an example of the oven containing the shelf as a part.
7. It may be the case that the fetus is *neither* a part of nor contained by the gestational mother, since there may be other options that are not as extreme as these two models. It may also be that the model can change at different times throughout the pregnancy. I do not have the space to discuss these here.
8. Elseltijn Kingma, “Were you a part of your mother?,” *Mind* (forthcoming). Emphasis in original.
9. Barry Smith and Berit Brogaard, “Sixteen Days,” *Journal of Medicine and Philosophy* 28 (2003): 74.
10. See Roberto Casati and Achille C Varzi (2014), ‘Holes’, *The Stanford Encyclopedia of Philosophy*, Zalta, E. N. (ed.), URL = <http://plato.stanford.edu/archives/spr2014/entries/holes/> accessed July 1, 2017, for holes, where the thing with a hole is the ‘host’ and anything that goes inside the hole is a ‘guest’.
11. “Surrogacy UK”, accessed July 1, 2017, http://www.surrogacyuk.org/intended_parents/your-questions-answered
12. “Harley Street Fertility Clinic”, accessed July 1, 2017, <http://hsfc.org.uk/fertility/surrogacy/>
13. Margaret Brazier, Susan Golombok, and Alastair Campbell, “Surrogacy: review for the UK Health Ministers of current arrangements for payments and regulation,” *Human Reproduction Update* 1997 3.6 (1997): 5.13 p624.
14. Surrogacy Arrangements Act (1985) Chapter 49 p1. Accessed July 1, 2017.
15. Smith and Brogaard, “Sixteen Days,” 65.
16. Elizabeth S Anderson, “Is Women’s Labor a Commodity?,” *Philosophy and Public Affairs* 19, no. 1 (1990): 83.
17. Quotes from Daniela Danna, Emanuela Bonini and Susanna Pozzolo, “Round Table: Desires and rights. Surrogacy at the crossroads of new ethical dilemmas? Round table about GPA, second round,” *About Gender: International Journal of Gender Studies* 6, no. 11 (2017): 395 and 401.

18. Kajsa Ekis Ekman, *Being and Being Bought: Prostitution, Surrogacy, and the Split Self* (Spinifex Press, 2013), 157. Ekman goes on to argue this ‘process of abstraction’ from oneself is similar to that found in prostitution. Ekman seems to hold a Parthood model of pregnancy and uses it to claim that ‘few workers would say that their hands or feet are not their own, as prostitutes or surrogates insist that parts of their bodies *are not themselves*’. Ekman, *Being and Being Bought*, 173. Emphasis in original.
19. Amrita Pande, “Commercial Surrogacy in India: Manufacturing a Perfect Mother-Worker,” *Signs* 4, vol. 35 (2010): 977. Indeed this quote refers to ‘surrogates’ in India who are commissioned by Western intended parents, yet given the earlier quotation from ‘Surrogacy UK’, we can see that this message is applicable to how ‘surrogates’ are perceived in the United Kingdom too.
20. Brazier, Golombok, and Campbell, “Surrogacy: review for the UK Health Ministers of current arrangements for payments and regulation,” p45.
21. Human Fertilisation and Embryology Act (2008) Chapter 22 part 2 section 33 p37. Accessed July 1, 2017.
22. Smith and Brogaard, “Sixteen Days,” 46. They connect the issue of *timing* (when humans exist) with abortion, yet I connect the issue of *relationship* (between the fetus and gestational mother) with surrogacy.
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