

ETHICAL ISSUES IN COMMERCIAL GESTATIONAL SURROGACY

Cyril Osilama Adamu, Ph.D.

Adjunct Lecturer: Department of Philosophy, University of Benin.

E-mail: cytechsystem@yahoo.com; +2348023354905.

DOI: 10.13140/RG.2.2.26043.64803

Abstract

This paper explores the ethical issues involved in the rising popularity of commercial gestational surrogacy in Nigeria against the backdrop of the landmark case of the famous Nigerian beauty queen, Nike Oshinowo twins who were conceived and birthed through a gestational surrogate in the United States of America. The debate surrounding this event in the Nigeria media and its implications for the existing legal frameworks, reproductive rights, and the moral dilemma it created raises most profound ethical issues. This study extrapolates virulent ethical arguments for and against gestational surrogacy, and with the phenomenological and philosophical qualitative analysis based on ethical evaluation, this paper surveys and highlights some ethical frames that could be applied in the Nigeria context. These ethical issues include: Exploitation versus Empowerment, Reproductive Autonomy versus Coercion, and women's choice and freedom, contractual surrogacy as a service, and the principle of equity and fairness. The paper argues that these moral issues are pressing within the purview of public ethos that require moral and philosophical reflections and debates to win over not only the minds but also the hearts of practitioners in order to make changes that will result in effective solutions in this novel emerging moral dilemma called "commercial gestational surrogacy".

Keywords: Commercial Gestational Surrogacy, Ethics.

Introduction

Gestational Surrogacy is an arrangement in which one or more persons, typically a married couple (the intended rearing parents), contract a woman to gestate a child for them and then to relinquish the child to them after birth (Rosemarie Tong 3). Gestational surrogacy is also sometimes referred to as "contract pregnancy". It simply means that this mode of parenting allows a couple to have a child by involving a third party in their relationship who serves as birth mother or surrogate mother (Shein Chang 456).

India today is currently the world capital of outsourced pregnancies and has become a transnational hub for reproductive tourism. In 2002 the India government legalized commercial pregnancy outsourcing in an effort to promote medical tourism, a sector the confederation of Indian industry predicts will generate \$2.3 billion annually by 2012 (Hillary Brenhouse 2). Indian surrogate

mothers are readily available and less expensive, unlike in most developed countries where surrogacy is lawful (Brenhouse 4). According to Brenhouse, the entire process costs customers around \$23,000, less than one-fifth of the going rate in the United States of American, of which the surrogate mother usually receives about \$7,500 in installments (2). These women are implanted with embryos, using specimens from sperm or egg donors if necessary. Once pregnant, the surrogates are housed in a dormitory so that they can be supervised until delivery (Brenhouse 3). After delivery the child is taken away from the surrogate mother and given to the would-be parents after final payment.

Gestational surrogacy or pregnancy outsourcing is a new reproductive practice commonly accepted as an increasingly prevalent phenomenon. The *Hague Conference on Private International Law* recent report have documented a rise in the practice of gestational surrogacy, to include arrangements across international borders (6-8). However, precise statistics relating to surrogacy are hard to estimate for a number of key reasons. First, although gestational surrogacy does requires medical intervention, officially reported statistics do not necessarily record the surrogacy arrangement, but often only the IVF procedure (Human Fertilization and Embryology Authority 4). Second, in many countries, there is simply no legal provision, regulation or licensing regime for either fertility treatment and/or surrogacy. According to the Policy Department C of European Parliament, this means that there are no formal reporting mechanisms, which can lead to a rather ad hoc collection of statistics by individual organizations, if indeed they are available at all (9). Finally, in countries where surrogacy is legally prohibited, those involved could potentially face criminal prosecution, thus exacerbating the difficulties of collecting relevant and accurate data.

Despite these problems, one can still point to a number of factors which signal a rise in the practice of gestational surrogacy. First, a simple internet search reveals a plethora of agencies and clinics that very explicitly seek to facilitate gestational surrogacy arrangements. Sometimes these are voluntary organizations like COTS (Childlessness Overcome through Surrogacy), which seek to match willing surrogate mothers and hopeful parents on a non-commercial basis (COTS 7); while others operate on a commercial basis either as part of a fertility clinic or in partnership with fertility clinics (The Policy Department C of European Parliament 9). Second, there are also increasingly frequent stories in the media about surrogacy arrangements: whether positive or negative, successful or unsuccessful; as well as references to gestational surrogacy in popular arenas,

such as television shows. Finally, there has been a recent surge in reported law cases relating to surrogacy across a number of jurisdictions. Interestingly, while some of these law cases do involve private disputes between the parties to the arrangement, the primary thematic trend relates to arrangement with respect to the legal status and legal parenthood of the children involved (The Policy Department C 9).

Some countries like Canada, the United Kingdom, France, Norway, and Italy do not allow commercial surrogacy and it is illegal for a woman to receive payment for her reproductive services specifically. But in the United States and India commercial surrogacy is legal and remains a luxury of the wealthy (Karen Busby and Vun Delaney 20).

In Nigeria, there is no clear and well defined legislation on what constitute gestational surrogacy as it is a new concept in Nigeria, and the country is yet to acknowledge and provide legislation to govern this emerging concept. According to Oluchi Azoro-Amadi, the need for gestational surrogacy legislation in Nigeria cannot be overstated as most countries have moved from acknowledging its existence to providing legislation to govern surrogacy contract (2). Azoro-Amadi further observes that it is pertinent that the issue of the legality or illegality of the concept of gestational surrogacy be put straight so that the Nigerian populace can understand their rights if any within a contract of gestational surrogacy (6). It is one line of reasoning that incidences of baby factories, illegal sale of babies, babies being swapped in hospitals, stolen from the arms of their mothers amongst others are direct results of the void created by the lack of any legislation or express legitimization of the concept of gestational surrogacy. This will probably continue until the issue of legalizing or non-legalizing surrogacy whether commercial or altruistic is properly addressed (Azoro-Amadi 2).

On Wednesday June 1, 2011 the Nigerian police raided a home used by teenage girls to have babies that were then offered for sale. According to Bala Hassan, the then police commissioner for Abia State:

We stormed the premises of the Cross Foundation in Aba following a report that pregnant girls aged between 15 and 17 are being made to make babies for the proprietor. We rescued 32 pregnant girls and arrested the proprietor who is undergoing interrogation over allegations that he normally sells the babies. Some of the girls told police they had been offered to sell their babies for between 25,000

and 30,000 naira (192 dollars) depending on the sex of the baby. The babies would then be sold to buyers for anything from 300,000 naira to one million naira (1,920 and 6,400 dollars) each. (qtd. in David Smith A6)

In 2007, Osato Giwa-Osagie (a renowned professor of obstetrics & gynaecology) announced to Nigerians that his team has successfully performed a surrogate pregnancy at the OMNI Advanced Medical Centre in Lagos with a little over ₦1million. According to him the pregnancy was outsourced to a single lady in her 30s who graciously carried the pregnancy at the cost of ₦200, 000. The ₦200,000 was a compensation for the lady that carried the pregnancy, while the balance was paid for the medical bills and cost of In Vitro Fertilization (qtd. in Franca Omo 1). Interestingly, the lady that carried the pregnancy on behalf of the couple hails from the South Western part of the country and lives in Lagos, while the couple from the South Eastern part of the country, resides in the east. But the hospital ensured anonymity between both parties. The carrying mother was referred to the hospital by somebody who had discussed it when they met and were talking socially about modern fertility. The person told her that people were doing it, and anyone who accepted the offer would be paid for it, so the lady took up the offer. Giwa-Osagie further maintains that in the last two years, over 20 Nigerian couples have approached the hospital for the same purpose including three Nigerians resident abroad (qtd. in Omo 3).

Proponents of commercial gestational surrogacy see no problem with it. They consider it a win/win situation for all those involved. The infertile married couple gets a baby; the surrogate mother receives huge sum of money. Proponents argue that fundamental human rights support commercial gestational surrogacy: the right to procreate and freedom of contract. The thinking is that fully informed autonomous adults should have the right to make whatever arrangement they wish for the use of their bodies and the reproduction of children so long as the children themselves are not harmed (Abigail Haworth 4).

There is no gainsaying the fact that commercial gestational surrogacy has brought joy to many infertile married couples. The question must however be asked whether commercial gestational surrogacy is morally defensible. It might be regarded as such by appeal to the liberal freedom of contract, which protects the rights of adults of sound mind and full information to contract for the performance of services they desire at a price they are willing to pay, or to offer

services for a fee they find compensatory (Vida Panitch 340). It might also be defended on the grounds that it provides a source of independent income to poor women whose economic options are otherwise quite limited. And also, it might be defended on the grounds that it satisfies the reproductive rights of richer women who have chosen to delay child-rearing to pursue a career or other projects of interest to them and who would otherwise be biologically, legally, and economically prevented from exercising that right (Panitch 339). But there is a decidedly more pressing reason to be concerned with the practice, namely, to examine if commercial gestational surrogacy exploits the reproductive labour of poor women in developing countries like India and Nigeria.

There is no doubt that gestational surrogacy is a highly controversial form of infertility treatment, with views varying widely between faiths, personal beliefs and national legislation. There is also a range of far more personal surrogacy issues to consider, such as whether the intended parents will bond with the child in the same way as would the parturition mother; as well as the difficulty of whether the child should be told about his or her origins.

The most worrisome dimension is the abdication of a woman's natural reproductive right for cosmetic reasons and outsourcing that same right to another woman. Ethical questions must therefore be asked as to the right for a woman to rent out her womb for a fee? Can the "womb" be subjected to the invisible hand of the market forces of demand and supply? Why are people apparently more willing to accept a practice that was once considered abnormal, immoral or distasteful? Are there some values that are higher than market values? Is paid gestational surrogacy ethical? Is outsourcing pregnancy by developed countries to underdeveloped and developing countries ethical? Although at the most fundamental level, paid gestational surrogate motherhood could be interpreted as an economic transaction, the reality is far more complex due to the degree of intimacy involved. Inclusive to the basic economics of the markets are layers of emotional complexity, rights of bodily autonomy, and the unaddressed questions of women's rights in developing countries. Furthermore should legal motherhood be attributed on the basis of parturition or genetic make-up? Similar difficulties can arise in relation to legal fatherhood, as well as the recognition of two parents of the same sex.

Therefore, this study sets out to answer some basic hypothetical questions which include among others: Is it morally justifiable to subject the gift of the womb to the market forces of demand and supply? What are the ethical implications of

gestational surrogacy? Can non-commercial gestational surrogacy be morally justified? And what are the positives of gestational surrogacy in an age of growing childless couples?

The clear testament from abundant literature review shows that ethical concerns were rarely made explicit in most previous engagement on this subject; therefore these ethical concerns are not adequately scrutinized or debated. This has created a deficit in the examination of the ethical perspective of commercial gestational surrogacy, even as it obvious that the ethical stakes surrounding gestational surrogacy cannot be avoided or reduced. Commercial gestational surrogacy raises not only a number of questions that have to do with medical science, but also, many questions of a more universal nature that are based on philosophical and ethical assumptions with colossal ethical implications which have largely been ignored. Failure to have this evaluation could have catastrophic implications. Responses must be thoroughly considered, with ethical implications in mind in order to avoid creating new paradigms of distorted values and misdistribution, as well as render even more vulnerable those who have already found themselves uprooted by other socio-economic and ideological struggles. The need for an ethical approach to commercial gestational surrogacy is therefore profound and compelling.

Conceptual Clarity

Commercial Gestational surrogacy

“Gestational surrogacy” is the contracting of pregnancy to a surrogate. It is an arrangement or agreement whereby a woman agrees to carry a pregnancy for another person or persons, who will become the newborn child's parent(s) after birth. Intended parents may seek gestational surrogacy arrangement when either pregnancy is medically impossible; pregnancy risks present an unacceptable danger to the mother's health, or in the case of same sex couple's preferred method of having children. Monetary compensation may or may not be involved in these arrangements. If the surrogate receives money for the surrogacy, the arrangement is considered commercial surrogacy, if she receives no compensation beyond reimbursement of medical and other reasonable expenses it is referred to as altruistic surrogacy (*Lisa Feldstrin 7*).

In this study gestational surrogacy is a designated term used to refer to a medical procedure whereby surrogates are implanted with foreign embryos and paid to carry the resultant pregnancy to term. After delivery the child is given to the intended parent. In this study gestational surrogacy is used interchangeably

with different terms such as “outsourcing pregnancy”, “pregnancy outsourcing”, “paid pregnancy”, “contract pregnancy”, “rent a womb”, “wombs for rent” and “wombs for hire” .

“Gestational” is a term relating to pregnancy. The *Surrogate Parenting Act 199 of 1988* defines “gestational surrogacy as the procedure that occurs when the eggs of intended mother and the intended father's sperm are used to create an embryo (via [IVF](#)) that is transferred into and carried by the surrogate mother”. With this method, the child born is genetically related to the parents and the surrogate mother has no genetic relation. There are different typologies of gestational surrogacy. (a) Gestational Surrogacy with Donor Embryo (GS/DE) is when the intended parents are unable to produce sperm, egg, or embryo, the surrogate mother can carry a donated embryo (often from other couples who have completed IVF that have leftover embryos. With this method, the child born is not genetically related to the intended parents and the surrogate mother also has no genetic relation (*Surrogate Parenting Act 199 of 1988*). (b) Gestational Surrogacy with Donor Sperm (GS/DS) is when there is no intended father or the intended father is unable to produce sperm, the surrogate mother carries an embryo developed from the intended mother's egg (who is unable to carry a pregnancy herself) and donor sperm. With this method, the child born is genetically related to the intended mother and the surrogate mother has no genetic relation (*Surrogate Parenting Act 199 of 1988*). (c) Gestational Surrogacy with Egg Donation (GS/ED) is when there is no intended mother or the intended mother is unable to produce eggs, the surrogate mother carries the embryo developed from a donor egg that has been fertilized by sperm from the intended father. With this method, the child born is genetically related to the intended father and the surrogate mother has no genetic relation (*Surrogate Parenting Act 199 of 1988*).

In this study Gestational surrogacy refers to all the different typologies of gestational surrogacy, excluding genetic gestational surrogacy. Genetic gestational surrogacy is when the resulting child is genetically related to the surrogate. Gestational surrogacy as used in this study, simply means non-genetic gestational surrogacy. Non-genetic gestational surrogacy is when the resulting child is not genetically related to the surrogate; that is the gestational mother is just a gestational carrier (Karisa Ding 3).

Ethics:

The term ethics derives from the Ancient Greek word ἠθικός (ethikos), which is derived from the word ἦθος ethos (habit, "custom"). It is a branch of philosophy

(axiology) which comprises the sub-branches of ethics and aesthetics, each concerned with values (*Random House Unabridged Dictionary*)

As a branch of philosophy, ethics investigates the questions "What is the best way for people to live?" and "What actions are right or wrong in particular circumstances?" In practice, ethics seeks to resolve questions of human morality, by defining concepts such as good and evil, right and wrong, virtue and vice, justice and crime. As a field of intellectual enquiry, ethics is moral philosophy which is related to the fields of moral psychology, descriptive ethics, value theory and moral theology.

According to the *Internet Encyclopedia of Philosophy*, three major areas of study within ethics are recognized today. Which are:

- (a) Meta-ethics, concerning the theoretical meaning and reference of moral propositions, and how their truth values (if any) can be determined,
- (b) Normative ethics, concerning the practical means of determining a moral course of action, and
- (c) Applied ethics, concerning what a person is obligated (or permitted) to do in a specific situation or a particular domain of action (30).

Rushworth Kidder states that "standard definitions of ethics have typically included such phrases as 'the science of the ideal human character' or 'the science of moral duty'" (63). Richard Paul and Linda Elder define ethics as "a set of concepts and principles that guide us in determining what behavior helps or harms sentient creatures" (np). The *Cambridge Dictionary of Philosophy* states that the word ethics is "commonly used interchangeably with 'morality' and sometimes it is used more narrowly to mean the moral principles of a particular tradition, group or individual"(156). Paul and Elder state that most people confuse ethics with behaving in accordance with social conventions, religious beliefs and the law and do not treat ethics as a stand-alone concept (np).

Merriam Webster Dictionary sees the word "ethics" as referring to philosophical ethics or moral philosophy, which is a project that attempts to use reason in order to answer various kinds of ethical questions. As the English philosopher Bernard Williams writes, attempting to explain moral philosophy: "What makes an inquiry a philosophical one is reflective generality and a style of argument that claims to be rationally persuasive"(2). Williams describes the content of this area of inquiry as addressing the very broad question, "how one should live" (1). Ethics can also refer to a common human ability to think about ethical problems

that is not particular to philosophy. As bioethicist Larry Churchill has written: "ethics, understood as the capacity to think critically about moral values and direct our actions in terms of such values, is a generic human capacity"(253). Anthony Echekwube in his book *Contemporary Ethics: History, Theories and Issues*: defines ethics as the systematic study of the fundamental principles of the moral law; or the normative sciences of human conduct, which means that ethics is a normative science as distinct from the empirical sciences.

In this study ethics is defined as the branch of moral philosophy which deals with the moral standard of behavior and what is acceptable. It is a system of fundamental moral principles that affect how people make decisions and lead their lives. Ethics in this study is concerned with what is good for individuals and society.

Ethical Issues in Commercial Gestational Surrogacy

The question is again reiterated: is commercial gestational surrogacy morally defensible? On its most fundamental level, commercial gestational surrogacy raises the most basic and profound ethical questions. Gestational surrogacy generates ethical questions regarding autonomy versus vulnerability, money versus altruism, reproductive autonomy versus coercion, and multiple motherhood versus single motherhood. There are also ethical concerns relating to the contract signed between the surrogate mother and commissioning parents possibly through surrogate agent or agency in terms of degree of disclosure and confidentiality. These ethical issues are discussed below:

Exploitation versus Empowerment:

Is pregnancy outsourcing an act of dehumanization or empowerment for the poor women who agree to the procedure? Is this exploitation or opportunity? Critics of commercial gestational surrogacy argue that payment for bodily services dehumanizes the surrogate mother and exploits her reproductive organs and capability for personal gain of the wealthy (Pikee Saxena, Archana Mishra, and Sonia Malik 211). Aldous Huxley's book *Brave New World* and Margaret Atwood's *The Handmaid's Tale* depict dystopia era where child-making is performed by mass incubators and subjugated handservants. John Lantos from the Center for Practical Bioethics in Kansas City (one of strongest opponents to gestational surrogacy) argues that the practice only raises the risk of baby farms or baby factories especially in developing countries like India and Nigeria, compounded by the possibility that increasing competition among clinics will compromise safety measures for women (Haworth 3). Panitch is of the opinion

that gestational commercial surrogacy is an option that is inordinately enticing for women who lack other remunerable options and whether the conditions are adequate and the compensation fair is a question that must be considered (345). Panitch argues that the moral harm of global commercial surrogacy lies in the exploitative nature of transactions involving unequally vulnerable parties. More specifically, he argues that the practice exploits surrogates on the basis of an inter-contractual failure of both justice and consent (343).

Aditya Bharadwaj one of the strongest supporters of commercial gestational surrogacy, however, highlights the overwhelming economic opportunities for these women in the light of their educational background and social circumstances as these women generally express optimistic and positive outlooks. If gestational surrogacy contracts are transparent and surrogate mothers are protected by adequate laws, proponents argue that shifting the income generation to mothers does lead to empowerment (873).

Money versus Altruism

According to Charles Dougherty, the most persuasive set of arguments against commercial gestational surrogacy involved potentially negative effects on the women who may be motivated to become surrogates for money. There is an obvious possibility for exploitation of poor women who may sell wombs-for-hire (45). Dougherty further states that in commercial surrogacy, expected financial gain is the driving force for the decision. If a woman does not foresee any monetary benefit, the surrogacy arrangement might not be in place (48). Poonam Pariya argues that in many climes, commercial blood donors are discouraged and not permissible. How ethical then, is it to permit the commercialization of the uterus and pregnancy? (149). One argument is that financial reward accruable to the surrogate mothers can shore up the family economy and status. But is this way of thinking ethical? Economic differences generate power difference in surrogacy contract arrangement and therefore skewed towards the intended parents (Pariya 151).

Dougherty opinion is that it might be argued that adult women should have the right to make choices for themselves, but that some choices are so potentially harmful or so inherently degrading that they should not be permitted as a matter of commerce (50). Dougherty argument is that it is possible to consider the difference in moral complexion between these two cases of surrogacy: a career surrogate contracting for her services as a job, versus an unpaid relative or friend motivated by affection for an infertile couple. The first case is objectionable; the

second is tolerable, even laudable. This is society's general moral stance on prostitution versus promiscuity, the marketing of human organs versus donating them as gifts, and the buying and selling of children versus the renunciation of parental rights and adoption. The first activity of each pair is demeaning in itself and can lead to multiple negative consequences because of its commercial motivation. Could this be the case commercial gestational surrogacy, Dougherty queries (54).

Reproductive Autonomy versus Coercion

How much control do these women have over their bodies and reproductive capacities? Is there evidence of coercion? These are the questions asked by Mark Matousek. Feminists might argue that equal rights for women means giving women autonomy to choose for themselves, to choose their lifestyle, sexual, and reproductive freedom. With this premise in mind, telling a woman that hosting a surrogate pregnancy dehumanizes her just imposes a new form of paternalism. Why not let each woman choose for herself? (Surrogate Motherhood in India).

In addition, Nayna Patel of Akanksha Fertility Clinic, and Janice Raymond are of the opinion that arguments based on democracy, posit the need for reproductive freedom and procreative liberty; and declared as a negative right, any interference by government on matters of personal choice(cited in Surrogate Motherhood in India). Along these lines, the silence of most governments is in conformity with the values of democracy, with ethical guidelines advocating for a woman's autonomy to choose her own reproductive rights.

However the argument must go further to examine the economic rights and opportunities available to poor women in developing countries like Nigeria to enable them truly make an informed decision without economic and social coercion. John Lantos and Nalini Mahajan on the other hand, question the extent of the right for women to commercialize any or part of their organs, as it is believed that the autonomy of most surrogate mothers is compromised by poverty and desire to make a living (cited in Surrogate Motherhood in India). The ethical question remains: Would they ordinarily have accepted commercialization of their uteri and pregnancy if they had the wherewithal? By getting a surrogate to carry their pregnancy, it is interpreted that the intended couple is using a surrogate mother as a means to achieve pregnancy and child birth (Amelia Gentleman A9).

Although this might be countered with the argument of informed consent before a contract is sealed, the validity of such consent may be questioned in view of the vulnerability of the surrogate mother. Additional protections for the vulnerable mothers need be considered in this reproductive health tourism.

Therefore coercion is closely tied to the issue of autonomy. According to Gentleman, coercion here does not necessarily imply the influence of another person on the surrogate. One may be coerced or forced into a surrogate agreement by his compromised economic condition. The desire to alleviate her suffering or the family's may be a motive. It might also be possible that the male spouses may unduly influence or coerce the surrogate mother into the agreement, considering the huge financial benefit implicit on it (A9).

Gentleman would have us ask the question: who determines the financial package involved in a surrogacy arrangement? Some, if not all of the surrogacy arrangements are made by an agency driven by profit. Many interests are served by the arrangement, all dependent on the acquiescence of the surrogate mother (A9). Sheela Saravanan assertion is that the surrogate mother might be influenced unduly by overblown financial packages. It is also possible that surrogacy agents may exploit the vulnerability of both surrogate mothers and intended parents (543). Safety standards may also be lowered for economic considerations (Kumar 140). Therefore ethical discourse justifying commercial surrogacy based on the premise of rational choice and mutual benefit ignores social and cognitive conditions in a structurally unjust society (Saravanan 543).

Multiple Motherhood versus Single Motherhood.

Commercial Gestational surrogacy raises the moral issue of Multiple Motherhood versus Single Motherhood. Is it possible to socially or legally conceive of multiple modes of motherhood and or the recognition of multiple mothers? What, if any, is the relationship between genetic motherhood, gestational motherhood, and social motherhood? In its purest form, a surrogate mother has no genetic link to the child she bears (Kumar 140). An embryo that is the genetic offspring of another couple is implanted in her uterus. The surrogate is a mother only biologically and only for nine months; she gives the child to its genetic parents at birth (Kumar 142). When all goes as planned, a healthy and very much wanted child is born and the three adults involved all get what they contracted for. The question is what are the maternal rights and the family links of the two or three mothers involved?

Tim Cannon in his Study, *Surrogacy: A Black Hole for Children's Right*, rises the issues faced by children born through surrogacy arrangements, which partly stem from the way surrogacy disrupts certain family relationships, which in their natural form are clear and uncomplicated. According to Cannon, principally, surrogacy confounds the question of who a child's mother is, by artificially dividing motherhood into discrete and functional categories. A child born via surrogacy will have an intended mother, a gestational mother, and in cases where donated gametes are used, a separate genetic mother (34).

One effect of this division of motherhood is to deprive the child of the benefits of the bond formed with the mother during gestation (Cannon 38). Studies identified the importance of hormonal activity during pregnancy in establishing a bond between the mother and the child, and that the development of such a bond is linked to the gestational period itself which is of great significance in considering the potential effects of surrogacy on children (Saravanan 543). Bruce Perry in his study on *Attachment and Adult Relationships* discovered that the "attachment bond" which is the term for the first interactive love relationship between mother and child shapes an infant's brain, profoundly influencing self-esteem, expectations of others, and ability to attract and maintain successful adult relationships (3).

Children, who through a surrogacy arrangement, are separated at birth from their gestational mother, are unavoidably denied the lifelong benefits of the mother-child bond established during gestation (Cannon 34). Again, it might be argued that while many children are unintentionally deprived of the benefits of the mother-child bond through divorce and death, surrogacy is unique in actively and intentionally imposing the deprivation of the mother-child bond on the child (Sidney Callahan 13).

Additionally, by segregating motherhood into discrete categories, surrogacy presumes that certain aspects of motherhood are not sufficiently important to the child to outweigh the desire of the parties to the surrogacy to proceed with the surrogacy arrangement (Callahan 13). The issue raised by Callahan is that as the women who are party to the surrogacy freely forego certain aspects of motherhood (i.e. the surrogate mother forgoes the ongoing mother-child relationship; the commissioning mother forgoes the gestational aspect of motherhood) the child does not freely forgo the benefits of being conceived, carried to term, and raised by the same mother. Rather, surrogacy denies a child

the right to be born free from such impositions, in favour of adults' preferences to have a child by whatever means possible (14).

Traditional Family-Linked Concerns versus Legal Family links

Within the ethical perspective of gestational surrogacy is the issue of inheritance, as this could become confounded. Does the child have any right to inherit from a birth mother or not? According to Umeora et al, in traditional African society, it will be interesting to know the position of the customary laws in term of inheritance from the birth mother; as the customary laws in African countries like Nigeria did not envisage the fractionalization of motherhood (109). So of particular and practical relevance to this question in Africa is the issue of inheritance, especially, if the surrogate offspring arrives in a family where other children existed before or after them (Umeora et al 108).

Privacy versus the Right to Know

Should a child born via surrogacy have the right to know the identity of any or all of the people involved in that child's conception and delivery? Tong would argue that surrogacy will create harmful effects on the child. When he or she discovers that gestation and birth involved another mother, the child may be affected by feelings of being different or of having been deceived (Tong 6).

Involvement of a third party in the surrogacy arrangement means the privacy and sanctity in a two party arrangement are compromised (Sarah Frankel 43). Surrogacy arrangement also entails total disclosure of personal medical history and conditions by the potential surrogate mother to the physician during evaluation, who may subsequently disclose same to the intended parents. In so doing, confidentiality between physician and client may be breached, where the potential mother may not want some aspects revealed (Umeora et al 105).

Umeora et al further convoke a situation where children from surrogacy may want to have full disclosure of their parentage in later years. Would it be ethically correct not to fully disclose their origin to them, including who carried them "in utero"? Such disclosure especially when there is a genetic link may be medically invaluable. Complications may arise where the surrogate mother declined such disclosure *ab initio* at the contract level, or where all contact links between the parties were severed (106).

Mental Inconsistency versus Change of Mind

The moral question can be asked if the surrogate has the legal right to change her mind and keep the child, even when the baby she gave birth to is not genetically

related to her. Is there a consideration of the possibility of a breakdown in the surrogacy arrangements and whether this is likely to cause serious harm to the child to be born or to existing children? At what point can any of the parties change their minds? (Grayce Storey 23).

Furthermore, how ethical is the rigidity and enforcement of a rigid surrogacy contract? What happens if the surrogate mother decides not to continue with the arrangement midway into the pregnancy? What would be the compensation should she suffer severe maternal outcomes (mortality and acute morbidity) as a result of the pregnancy or labor? These are ethical questions seeking answers (Saxena et al 211).

Socio-Cultural Ethical Issues

Nigeria and African continent in general is replete with rich cultural traditions relating to family issues. These cultural systems did not foresee births via gestational surrogacy, hence, creating some discomfort at trying to situate such births in the family and society (Erik Babatunde 245). The African society has a vertical conception of family that dates back to ancestry and projects into the future. According to Babatunde, the family comprises ancestors, the present generation and the unborn, all blood related in an unbroken sequence. Commercial surrogacy threatens the sanctity of this lineage and changes the way children are valued, from being loved and valued by their parents and others, to being used as the case may be, as an object of commercial profit-making (248). Children are not treated as commodities in African culture (Babatunde 248). How gestational surrogacy could be culturally situated in African anthropological thought process could form a topic for anthropological research.

Pregnancy is celebrated in Nigeria, as much as in other African countries. Pregnant women move around with joy in the community displaying their fertility. Passively and actively, her delivery is awaited at the end of gestation period by the community. It is therefore construed as an abomination to deliver a child and hand over the child to "strangers" for money (Umeora et al 107). The surrogate mother may be culturally and socially stigmatized. Some surrogate mothers may be forced into social isolation to prevent this disposition (Umeora et al 108).

Psychological Burden

In a surrogacy arrangement, the private act of love, intimacy and secrecy of creating a child becomes "public act", commercial transaction and a professional

managed process (Jaff Daar 43). This surely may impose a huge psychological burden on both the surrogate mother and intending parents. The nine month journey of pregnancy is fraught with many medical and psychological difficulties that require attention and adaptation by the surrogate mother as pregnancy complications may arise including operative deliveries (Kumar 69). The realization that one is undergoing such complications preparatory to a delivery of a child that would be handed over to another couple may have psychological impact on the surrogate mother (Lycett MacCallum and Jadva Murray 1334). In a survey of 3412 participants in Japan, perception of pregnancy related complications influenced participants' attitude toward gestational surrogacy and disapproval of the technique (Kohta *Suzuki* , Rintaro *Sawa*, Muto Kaori, Satoshi *Kusuda*, Kouji *Banno* , Zentarō *Yamagata* 79). There may also be psychological impacts consequent upon breastfeeding difficulties (Kumar 141) and neonatal care.

Other sources of potential psychological stress for the surrogate mother would include guilt feelings that pregnancy is carried for money as well as social isolation and stigmatization (Kumar 65). Relinquishing the child at the agreed time may also impose some psychological stress on the surrogate mother (Damien Gayle A7+). Jadva et al. evaluated the experiences of 34 surrogate mothers and found that 32% of the women reported some difficulties in the weeks following relinquishing of the child to the commissioning couple, 3% experienced moderate difficulties and none experienced major difficulties (219). A year later 94% had no difficulties and only 2% had moderate difficulties. It implies that surrogate mothers adapt well to relinquishing of the baby especially as time wears on (Jadva et al 219).

The intending parents may also face psychological difficulties. The intending mother may feel guilty and lose self-worth at another woman being able to do what she could not and this may affect bonding with the baby. She may also not be psychologically prepared to undergo all the discomforts of a new born. This may continue for some time. Also, Susan Golombok found a less positive mother-child interaction among surrogate families than natural conception mother-child (1579-88).

Parental Identity and Family Integrity.

Surrogacy arrangements necessarily confuse the question of who a child's parents are. It is suggested that the question of who a child's parents are is generally recognized as being a question of fundamental importance to that

child's sense of identity and emotional and psychological wellbeing (Cannon 33). Further, the question of the identity of a child's parents is a matter of objective fact, and is not a purely arbitrary matter determined by the decisions of judges and legislators (Richard Egan 12).

Cannon's opinion is that the society does not treat the separation of children from their natural parents lightly. Adoption is recognized as a necessary solution for children who are deprived of an ongoing relationship with their natural parents for a variety of unavoidable reasons, including the death of parents, or in rare cases, to preserve the safety of the child. Adoption is widely acknowledged to present serious challenges both for adoptive parents and for adoptees (44). Cannon therefore asserts that in the case of adoption, such negative outcomes are the result of unavoidable circumstances. These circumstances are not imposed on adoptees by choice. Surrogacy arrangements impose a similar burden on the children they produce. However surrogacy arrangements are a product of the exercise of the free choice of the parties to such arrangements. The negative impact of the disruption of natural family relationships is thus forced upon children to satisfy the demands of adults (45).

Ethical Arguments

From the ethical issues examined above, it is possible to extrapolate some basic arguments for and against gestational surrogacy. These arguments are discussed below.

Ethical Arguments for Gestational Surrogacy

Bodily Autonomy Argument

The argument of the feminist movement is that bodily autonomy and equal rights for women means giving women autonomy to choose for themselves, to choose their lifestyle, sexual, and reproductive freedom (Gloria Bird and Michelle Sporkowuski 156). The argument is that a woman owns her body and so entitled to decide how it is employed. Therefore Liberal approaches emphasize the need for the state and the law to stay neutral towards competing moral standards, drawing, among else, on John Stuart Mill's principle that only harmful practices should be prohibited by law and that one is ultimately sovereign over one's body and mind (Aristides Hatzis 207).

In addition, arguments based on democracy posit the need for reproductive freedom and procreative liberty. Along these lines, the silence of most governments on gestational surrogacy is in line with the values of democracy,

with ethical guidelines advocating for a woman's autonomy to choose her own reproductive rights (Surrogate Motherhood in India par 8). Therefore arguments based on reproductive liberty may also support surrogacy arrangements as the freedom to decide whether and when to conceive or bear a child, which is highly valued and protected in most developed nations. Thus, some have argued that intended parents and surrogate mothers should be free to cooperate in procreating, at least in cases of medical need and where care is taken to avoid harming others, especially the prospective child, as some women willing to participate in surrogacy may derive satisfaction from helping the intended parents.

Financial Autonomy Argument

One argument in favour of gestational surrogacy is that financial reward accruable to the surrogate mothers can shore up the family economy and status. Supporters of gestational surrogacy highlight the overwhelming economic opportunities for these women in light of their educational background and social circumstances. If gestational surrogacy contracts are transparent and surrogate mothers are protected by adequate laws, proponents argue that shifting the income generation to mothers does lead to empowerment and financial autonomy (Bharadwaj 873).

Informed Consent Argument

This argument is based on the fact that surrogate mothers are conscious of their choice. Under normal circumstances surrogate mothers are very conscious of their decision to carry someone else's child. They are well informed and well paid. Most of these women have a positive experience and feel satisfied in what they perceive as an altruistic gesture (even though they are getting paid), and that a woman has the right to choose to be a surrogate if she gives informed consent. The liberal feminists are stressing the right of women to determine their reproductive rights and be perfectly capable of entering legal contracts as they please (Positive-Parenting).

Fulfilling the Deep Seated Wish for a Family Argument

The premise of this argument is that there are growing number of women having difficulties getting pregnant and that infertility is frustrating and stressful for couples who dream of having their own children (Paul Adamson 440). Having children and fulfilling the wish for a family with the help of a surrogate mother is therefore a possibility of living out that dream. That surrogate motherhood makes it possible for a couple to have a child—their own child—when they

otherwise could not (Positive-Parenting). Even in those cases where the biological mother could bear her own child, why should anyone else object if she can find another woman willing to do it for her on mutually acceptable terms? Women who are unable to overcome their infertility through other natural reproductive means may opt for use of a gestational surrogate in order to obtain an infant (Positive-Parenting).

The argument goes further to posit that some medical contraindications may also prevent an otherwise fertile woman from carrying a baby to term. Therefore supporters of surrogacy argue that the practice provides a valuable option to women who are medically unable to carry a child. These people believe that surrogacy is merely another way to treat infertility.

Gestational Surrogacy is Better than Adoption Argument

That gestational surrogacy is better than adoption; is yet another argument from proponent of gestational surrogacy. They argued that adoption which is morally allowed by the society does not provide a genetic link to the child, an important consideration for some prospective parents. That if adoption is allowed by the society, while not allow gestational surrogacy which provides genetic link to the intended mother. Therefore gestational surrogacy is chosen by some prospective parents because of a desire for genetic linkage or for some other practical reasons, such as the scarcity of adoptable children and the difficult process of adoption (Positive-Parenting).

The Joy of Altruistic or Noncommercial Surrogacy Argument

This argument is based on the fact that altruistic and noncommercial surrogacy brings joy to many. Eric Blyth (146) and van der Akker (277) found that most surrogates enjoyed pregnancy and childbirth, felt fulfilled and experienced, and increased feelings of self-worth and self-confidence. Some developed strong friendship with the commissioning parents, particularly the commissioning mother. For some, however, relinquishment of the children threw up mixed emotions of happiness and sadness (van den Akker 280).

The Intention Argument

This argument posited on the fact that there seems to be the case increasingly among legal scholars and surrogacy agencies, that parenthood should be established on the basis of intentions, rather than biology or genetics. In this respect, only the intended parents can be considered as parents, since the

surrogate does not have the intention to become a mother when she conceives the child (Positive-Parenting).

Ethical Arguments against Gestational Surrogacy

The Exploitation Argument

The exploitation argument against gestational surrogacy is based on the vulnerability status of the poor women who are gravely exploited in gestational surrogacy arrangements (Kristine Schanbacher 6). If not, why is the industry thriving in non-industrialized countries? Is there any ethical justification to exploit the vulnerability implicit in the economic differences between the commissioning parents and the surrogate mothers? (Schanbacher 11) One argument is that financial reward accruable to the surrogate mothers can shore up the family economy and status. But is this ethical? It is therefore the belief of this argument that the autonomy of most surrogate mothers is compromised by poverty and desire to make a living.

Some feminists view gestational surrogacy as a form of prostitution or slavery and compare it to organ transplant marketing. They argue that to denounce the commercial exploitation of a kidney and accept the exploitation of the womb constitutes a moral dichotomy of patriarchal society. The mere fact that a woman rents her body opens the road to exploitation, particularly since the logic of surrogacy is to fulfill the desire of a couple at any cost. Horsey Sheldon expresses fears that poor women might be transformed into an army of surrogate labour or a caste of pregnancy carriers (68).

Elizabeth Anderson considers surrogacy as the extreme form of alienated labour which is more about generating profits and reproducing sexism, rather than about generating life (141). In the words of Anderson:

When market norms are applied to the ways we allocate and understand parental rights and responsibilities over children, children are reduced from subjects of love to objects of use. When market norms are applied to the ways we treat and understand women's reproductive labour women are reduced from subjects of respect and consideration to objects of use' (189).

The Gestational Mother's Bond Argument

This argument posits that the gestational mother's bond with the child is a physical one and cannot be ignored. Some have argued that the law might account for parental duties and responsibilities, but still this is not enough: a re-

conception of motherhood or mere self-deception is required on the part of the surrogate in order to be able to relinquish the child. One must depersonalize the whole process and treat the surrogate as an object and commodity, or a 'womb for rent' in order to make the breaking of the biological bond more palatable; but this entails making a surrogate susceptible to exploitation and coercion (Matthew Tieu 171).

Coercion and Undue Influence

One argument against gestational surrogacy is that of coercion and undue influence. Tied to the exploitation argument is the fact that one may be coerced or forced into a surrogate agreement by his compromised economic condition. The desire to alleviate suffering and the huge financial benefit implicit in gestational surrogacy might unduly influence surrogates mothers as they might be coerced by being influenced unduly by overblown financial packages (Rosalie Ber 153).

Disclosure/Confidentiality

Another argument against gestational surrogacy is the involvement of a third party in the surrogacy arrangement, which means that the privacy and security in a two party arrangement are compromised (Frankel, 203). The thrust of this argument is that gestational surrogacy is based on secrecy about the actual maternal circumstance of the child. The question is should children from surrogacy have full disclosure of their parentage in later years. Would it be ethically correct not to fully disclose their origin to them, including who carried them "in utero"? (Tong 6).

Afro-centric Ethical Argument

The Afro-centric ethical argument is based on the rich cultural traditions relating to family issues. This argument is that commercial surrogacy threatens the sanctity of African lineage system and changes the way children are valued, from being loved and valued by their parents and others to being used as the case may be, as an object of commercial profits. Children are not treated as commodities in African cultures and how gestational surrogacy can be culturally situated with African anthropology raises fundamental ethical questions (Umeora et al 106).

Commoditization of the Womb

Perhaps no argument relating to gestational surrogate motherhood is more contentious than the argument based on the compensation of the surrogate mother by the intended parents (Moody-Adams 178). Several questions about

payment for surrogacy have been raised: for what is the payment made? Why is payment offered or requested? There are many reasons to be suspicious of surrogate motherhood but the most convincing have to do with the motives of the couple and the effect on the surrogate (John Burr 115-117). Both are connected to problems raised by commercialization and commoditization of the relationship. The potential for abuses by both buyer and seller are serious and far-reaching. If money lies at the heart of this relationship, then surrogacy contracts should be made illegal and legally unenforceable in order to avoid the development of a market for surrogate mothers (Anthony Panda 618).

Evaluation

There is no doubt that the issues resonated in this discourse abound on axiology, specifically in the field of bioethics. Philosophers and ethicists have developed ethical models for moral evaluation, which they hope will provide clear guidance in ethical debates as human history is replete with ethical controversies. Scientific and medical professionals are often in difficulties when it becomes clear that these controversies often involve philosophical and theological questions which are beyond their own scientific professional competence (John Onimhwo 1). It is in view of such difficulties that the development of a more realistic approach to these moral controversies becomes imperative. Most ethical controversies proceed on the assumption that the value system of their group, social class or professional clique is self-evident, and therefore make little or no effort to understand the viewpoint of opponents who have other competing value systems. This kind of approach has always tended to stalemate debate on moral issues (Onimhwo 1) like gestational surrogacy.

However, a more advance level of thinking is possible when we subject these divergent assumptions and models to a critical examination, reinterpretation, and eventual convergence. This level has been identified in the psychological studies of Jean Piaget and Lawrence Kohlberg, as the third level of moral maturity which is marked by an increasing internalization and independence of moral judgment (Piaget 16, Kohlberg 113).

In the development of the logic of moral decision making and evaluation, this study recognizes that the acceptance or otherwise of commercial gestational surrogacy and its moral justification is entirely dependent on the normative ethical model one ascribes to. Deontologists do believe that surrogate motherhood is morally impermissible in the light of Kantian notion of human dignity. In contrast, consequentialists focus on the pleasure and the pain of an

action in order to arrive at its “badness” or “goodness”, morally speaking, hence the likely acceptance of commercial gestational surrogacy by intended parents.

On one hand, the non-intervention in this emerging moral dilemma will not be proper at a time of diverse human reproductive technologies which have continued to act as instruments for the distribution of positive entitlements that have brought unprecedented joy to a number of infertile couples; yet at same time the value of human life and human dignity have greatly be compromised by these human reproductive technologies. Prohibition and condemnation on vague moral grounds without a proper evaluation of social ends and purposes which gestational surrogacy can serve would be unfair to those involved. However active moral intervention is required to facilitate correct uses of these new technologies.

It must however be said that there are plenty of reasons to be suspicious of surrogate motherhood but the most convincing have to do with the motives of the couple and the effect on the surrogate. Both are connected to problems raised by commercialization of the relationship. It is unseemly to want to buy out of a pregnancy and delivery that is otherwise impossible, and demeaning to sell one's body to serve such a desire. The potential for abuses by both buyer and seller are serious, grave and far-reaching.

The statement of this paper is that the primary arguments for and against gestational surrogate motherhood should not be disaggregated from the impairments the practice may produce: harm to the child that is born, harm to the surrogate mother herself, harm to her existing children if she has children, and harm to society as a whole. It is surely a disservice to any child to be the object of a custody dispute. In addition, the rejection of an infant - for example, rejection of an infant with a disability by both intended parents and surrogate mother - is a significant harm. These children and the society as a whole may be harmed by the perception that reproduction is trivialized by transactions that translate women's reproductive capacities and the infants that result into commodities to be bought and sold. Depersonalization of a pregnant woman as a "vehicle" for the genetic perpetuation of other individuals may harm not only surrogate mothers but also the status of women as a whole. Further, a distinction should be drawn between harms that inevitably or almost invariably associated with a practice; and harms that could be avoided through advance planning, appropriate counseling, or oversight mechanisms.

There is also the concern that redefining the concept of motherhood may threaten traditional understandings of parenting and family. The implication of gestational surrogacy is that thinking of humans in this fashion would bring serious negative consequences, a slippery slope that is difficult to assess. Gestational surrogacy certainly does suggest a morally defective motive if it is done for the economic convenience or comfort of the couple rather than as a desperate measure around infertility

By far the most persuasive set of arguments against gestational surrogacy involved potentially negative effects on the women who may be motivated to become surrogates for money. There is an obvious possibility for exploitation of poor women who may sell wombs-for-hire. Though it might be argued that adult women should have the right to make such choices for themselves, some choices are so potentially harmful or so inherently degrading that they should not be permitted, at least not as a matter of commerce.

It is good and right to use scientific means to aid fertility and help infertile couples, provided that these means do not contravene basic moral laws. In this case, the end cannot be said to justify the means. We need to be sure that our use of science is in accordance with the ethical principles.

Conclusion

Despite the benefits of commercial gestational surrogacy to the infertile couple, the use of gestational surrogacy, especially the wide use, might lead to a depreciation of our idea of what it is to be a person, to a decline in self-respect. It might cause future generations, for example, to think of the human embryo or fetus as interchangeable parts, reproduction as a mechanical process, and wombs as organs for rent. The implication is that thinking in this fashion would bring serious negative consequences.

Surrogacy will probably always represent only a small percentage of births since the more usual method has substantial attractions of its own. Whatever the ethical argument for and against gestational surrogacy, these arguments must not be disaggregated from the harms that the practice may produce. After a careful consideration of the arguments, precautions must be taken to prevent moral, medical, psychological, and legal harms to the intended parents, the potential surrogate mother, and the prospective child. Conclusively this study recognized that gestational surrogacy has the potentials to adversely impact the

value of human dignity and the family unit, and therefore a problem of public ethos, moral and ethical in dimension.

However empathy and discernment is advocated as a starting point in this moral judgment associated with married couples struggling with infertility, care must be taken to pay great attention to the suffering of couples with infertility.

Recommendations

This study makes the following recommendations:

- (a) that ethical implications of gestational surrogacy should be of paramount consideration in all gestational surrogacy engagements;
- (b) that persons who are schooled in axiology must be engaged in actions and debates on gestational surrogacy.
- (c) that studies on the ethical and moral perspective of gestational surrogacy should be a major concern of scholars of underdeveloped and developing nations of the world (i.e Nigeria) because these nations will suffer most from the effect of gestational surrogacy ;
- (d) that, there should be stimulation of discussions, debate and enlightenment on the ethical perspectives of gestational surrogacy at the national level;
- (e) that seminars and conferences based on the ethical implications of outsourcing pregnancy should be at the fore front of all engagements on gestational surrogacy;
- (f) that unless the ethical dimensions are considered, the international community may choose responses that are ethically unsupportable or unjust;
- (g) that an equitable approach to gestational surrogacy policy is necessary to overcome barriers currently blocking progress in international prohibitions;
- (h) help ordinary citizens around the world see gestational surrogacy as an ethical and moral problem.

Works Cited

- Anderson, Elizabeth. *Values in Ethics and Economics*. Cambridge, MA: Harvard University Press, 1993. Print.
- Appleton, Susan. "Reproduction and Regret". *Yale Journal of Law & Feminism*. 23.2(2011): 255. Print.
- Arora, Ishika. *Wombs for Rent: Outsourcing Surrogacy to India*. California: Prospect, 2012. Print.

- Azoro-Amadi, Oluchi. "The Concept of Surrogacy in Nigeria-A Call for Legislation in Nigerian". *Institute of Advanced Legal Studies*. Web: 20th January 2015 <<http://nials-nigeria.org/PDFs/SORROGATE.pdf>>.
- Babatunde, Erik. *Culture, Religion and the Self: A Critic Study of Benin and Yoruba Value Systems in Change*. New York: Edwin Mellon Press, 1992. Print.
- Ber, Rosalie. "Ethical Issues in Gestational Surrogacy". *Theory of Medical Bioethics* 21(2000):153-69. Print
- Bharadwaj, Aditya. "Why Adoption is not an Option in India: the Visibility of Infertility, the Secrecy of Donor Insemination and Other Cultural Complexities". *Social Science and Medicine* 56 (2003): 873-920. Print.
- Bird, Gloria and Sporkowuski Michelle. *Taking Sides: Clashing views on Controversial Issues in Families and Personal Relationships*. Guilford: The Dushkin Publishing Group, Inc., 1992. Print.
- Blyth Eric and Cameron Chris. "The Welfare of the Child: An Emerging Issue in the Regulation of Assisted Conception". *Human Reproduction* 13.9 (1998): 2339-2355. Print.
- Brenhouse, Hillary. "India's Rent-a-Womb Industry Faces New Restrictions." *TimeWorld*, Saturday, 05, June 2010. Print.
- Burr, John. "Repellent to Proper Ideas About the Procreation of Children: Procreation and Motherhood in the Legal and Ethical Treatment of the Surrogate Mother". *Psychology, Education and Gender* 2 (2000): 115-117. Print.
- Busby, Karen and Delaney, Vun "Revisiting the Handmaid's Tale: Feminist Theory Meets Empirical Research on Surrogate Mothers". *Canadian Journal of Family Law*. 26.1 (2010): 13-93. Print.
- Callahan, Sidney. "The Ethical Challenges of the New Reproductive Technologies". Web: 7th February 2017 <<http://samples.jbpub.com/9781449665357/chapter4.pdf>>.
- Cambridge Advanced Learner's Dictionary & Thesaurus*. "Definition of Evaluation" Cambridge: Cambridge University Press, 2001. Print.
- Cannon, Tim. "Surrogacy: A Black Hole for Children's Right". *Australian Family Association Journal* 30.2(2009): 32-49. Print.
- Chang, Shein. "Surrogate Motherhood". *Formos Journal of Medicine and Humanity* 5 (2004): 448-462. Print.
- Childlessness Overcome Through Surrogacy (COTS). "Help Childless Couples Through all Aspects of Surrogacy". Web: 14th December 2016 <<http://www.surrogacy.org.uk/>>.

- Daar, Jaff. "Physician Duties In The Face of Deceitful Gamete Donors, Disobedient Surrogate Mothers, and Divorcing Parents". *Virtual Mentor* 16 (2014): 43-8. Print.
- DasGupta, Sayantani and Dasgupta, Shamita. *Globalization and Transnational Surrogacy in India: Outsourcing Life*. Maryland: Lexington, 2014. Print.
- Ding, Karisa. "What is Gestational Surrogacy?" Web: 4th June 2015<<http://www.babycenter.com/surrogacy/>>.
- Dougherty, Charles. "What's Wrong With Surrogacy?" *Center for Health Policy and Ethics* 3.2 (1992): 45-67. Print.
- Echekwube, Anthony. *Contemporary Ethics: History, Theories and Issue*. Lagos: Sparrow Books Ltd. 1999. Print.
- Egan, Richard. "The Dark Side of Donor Conception". *News Weekly*, 16 July 2005. 12. Print.
- Feldstrin, Lisa "Reproductive Law". *Lisa Feldstein Law Office Professional Corporation*. Web: 4, March, 2016. <<http://familyhealthlaw.ca/reproductive-law/>>.
- Gentleman, Amelia. "India Nurtures Business of Surrogate Motherhood". *New York Times*, March 10, 2008, A9. Print.
- Golombok, Susan. *Families Created Through Surrogacy: Mother-Child Relationships and Children's Psychological Adjustment at Age 7*. *Developmental Psychology* 47 (2011):1579-88. Print.
- Hague Conference on Private International Law. *A Preliminary Report on the Issues Arising from International Surrogacy Arrangements*, 2012. Print.
- Hatzis, Aristides. "From Soft to Hard Paternalism and Back: The Regulation of Surrogate Motherhood in Greece". *Portuguese Economic Journal* (2009): 207. Print.
- Haworth, Abigail "Womb for Rent: Surrogate Mothers in India." *WebMd*. Web: 26th July 2016 <<http://www.webmd.com/womb-rent-surrogate-mothers-india>>.
- Human Fertilization and Embryology Authority*. Web: 15th December 2016<<http://www.hfea.gov.uk/>>.
- Internet Encyclopedia of Philosophy*. "[Ethics](#)". Web: 7th January 2017<<http://www.iep.utm.edu/ethics/>>.
- Kidder, Rushworth. *How Good People Make Tough Choices: Resolving the Dilemmas of Ethical Living*. New York: [Harper Collins](#), 2003. Print.
- Kohlberg, Lawrence. Indoctrination vs Relativity in Value Education. *Theology Digest*. 21(1973):113 -119. Print.

- Kumar, Anu and Sharma, Inder. "Surrogacy and Women's Right to Health in India: Issues and perspective". *Indian Journal of Public Health* 57 (2013):65-70. Print.
- Kumar, Anu. "Ethical Aspects of Assisted Reproduction: An Indian Viewpoint". *Reproductive BioMedicine* 14.1 (2007): 140-142. Print.
- MacCallum, Lycett and Murray, Jadva. "Surrogacy: The Experience of Commissioning Couples". *Human Reproduction* 18.6(2003):1334-42. Print.
- Matousek, Mark. "Why Men and Women Make Different Ethical Choices". *The Huffington Post*. 18th April, 2011. 23. Print.
- Merriam Webster. "Surrogate". Web: 9th December 2012. <<http://www.merriam-webster.com/dictionary/surrogate/>>.
- - - "Ethics". Web: 7th January 2017< <https://www.merriam-webster.com/dictionary/ethic>>.
- Moody-Adams, Michelle. "On Surrogacy: Morality, Markets, and Motherhood". *Public Affairs Quarterly* 5 (1991):175-90. Print.
- Omo, Franca. "[IVF Success Story from Omni Fertility Center](http://ivfbabiesnigeria.blogspot.com)." *IVF Babies in Nigeria*. Web: 11th February 2015
<<http://ivfbabiesnigeria.blogspot.com>>.
- Onimhawo, John. *Ethical Medical and Legal Perspective on Euthanasia*. Ibadan: Stirling-Horden, 1999. Print.
- Oshinowo, Adenike. Interviews by Oyeyemi Gbenga-Mustapha. *The Nation Newspaper*, 15th October, 2013. Print.
- P.M. News. "Nigerian Ladies Paid to Get Pregnant for Childless Couples" Web: 20 January 2015. <<http://www.pmnewsnigeria.com/>>.
- Pande, Amrita. "Transnational Commercial Surrogacy in India: Gifts for Global Sisters". *Reproductive Medicine Online* 23 (2011) 618-625. Print.
- Panitch, Vida. Global Surrogacy: Exploitation to Empowerment. *Journal of Global Ethics* 9.3 (2013): 329-343. Print.
- Pariya, Poonam. "Womb on Rent: Surrogacy Tourism in India-Ethical or Commercial". *International Journal of Recent Research in Commerce Economics and Management (IJRRCEM)* 2.4 (2015): 194-205. Print.
- Paul, Richard and Elder, Linda. *The Miniature Guide to Understanding the Foundations of Ethical Reasoning*. Florida: Foundation for Critical Thinking Free Press, 2006. Print.
- Pereira, Paulo. "Teleology and Randomness in the Development of Natural Science Research: Systems, Ontology and Evolution". *Interthesis*, 8.2 (2011): 316-334. Print.

- Piaget, Jean. *The Moral Judgment of the Child*. New York: The Free Press, 1965. Print.
- Positive-Parenting. "The Ethics of Surrogacy: A List of the Pros and Cons of Surrogacy". Web: 7th February, 2017 <<http://www.positive-parenting-ally.com/ethics-of-surrogacy.html>>.
- Random House Unabridged Dictionary. "Ethics" Web: 7th January 2017<<http://www.dictionary.com/browse/axiology>>.
- Rousseau, Jean-Jacques. *Discourse Upon the Origin and Foundations Of Inequality Among Mankind in Social Contract and Discourse*. New York: Dutton, 1979. Print.
- Saravanan, Sheela . "An Ethnomethodological Approach to Examine Exploitation in the Context of Capacity, Trust and Experience of Commercial Surrogacy in India". *Philos Ethics Humanit Med* (2013): 8-10. Print.
- Saxena, Pikee., Mishra, Archana., and Malik, Sonia. "Surrogacy: Ethical and Legal Issues". *Indian Journal of Community Medicine* 37.4 (2012): 211-213. Print.
- Schanbacher, Kristine. India's Gestational Surrogacy Market: An Exploitation of Poor, Uneducated Women. *Hastings Women's Law Journal* Volume 25.2 (2014): 1-12. Print.
- Smith, David. "Nigerian 'Baby Farm' Raided: 32 Pregnant Girls Rescued." *the guardian* 2 June 2011: A6+. Print.
- Spagnolo, Antonio. "Bioethics" *Interdisciplinary Encyclopedia of Religion and Science*. Web: 4th July 2016< <http://inters.org/bioethics/>>.
- Subramanian, Sarmishta. "Wombs for Rent." *Macleans*. Web: 10th October 2015 <<http://www.macleans.ca/article.jspcontent/>>.
- Surrogate Motherhood in India. "Understanding and Evaluating the Effects of Gestational Surrogacy on Women's Health and Right". Web: 7th February 2017<<https://web.stanford.edu/group/womenscourage/Surrogacy/moraethical.html>>.
- Surrogate Parenting Act (Excerpt)* – Act 199 of 1988. Michigan Legislature. Print.
- Surrogate Parenting Act 199 of 1988*, [Michigan Legislature](http://www.legislature.mi.gov). Legislative Council State of Michigan, 2015. Web: 30th July 2016 <<https://www.legislature.mi.gov/>>.
- Surrogates* 411. "Types of Surrogacy". Web: 30 July 2016. <<http://www.surrogate411.com/>>.
- Suzuki, Kohta; Sawa, Rintaro; Muto, Kaori; Kusuda, Satoshi; Banno, Kouji and Yamagata Zentaro. "Risk Perception of Pregnancy Promotes Disapproval of Gestational Surrogacy: Analysis of a Nationally

- Representative Opinion Survey in Japan. *International Journal of Fertility and Sterilization* 5(2011):78-85. Print.
- The Policy Department C of European Parliament. "A Comparative Study on the Regime of Surrogacy in EU Member States". Web 2nd August 2015 <<http://www.europarl.europa.eu/>>.
- Tieu, Matthew. "Altruistic Surrogacy: The Necessary Objectification of Surrogate Mothers". *Journal of Medical Ethics*, 35 (2009): 171-175. Print.
- Tong, Rosemarie. "Surrogate Parenting." *Internet Encyclopedia of Philosophy*. Web: 4th June 2015 <<http://www.iep.utm.edu/surr-par/>>.
- Twine, France. *Outsourcing the Womb: Race, Class and Gestational Surrogacy in a Global Market: Framing 21st Century Social Issues*. New York: Routledge, 2011. Print.
- Umeora, Odidika., Umeora, Maryjoanne., Emma-Echiegu, Nkechi., and Chukwuneke , Nzube. "Surrogacy in Nigeria: Legal, Ethical, Socio Cultural, Psychological and Religious Musings". *African Journal of Medical Health Science*. 13 (2014): 105-9. Print.
- Van den Akker "A Longitudinal Present Pregnancy to Postdelivery Comparison of Genetic and Gestational Surrogate and Intended Mothers' Confidence". *Journal of Psychosomatic Obstetrics Gynecology* 26 (2005):277-84. Print.
- Williams, Bernard. *Ethics and the Limits of Philosophy*. Oxford: Oxford Press, 2007. Print.