



# Rethinking About The Ethical Perspective Of Surrogacy

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## Abstract:-

The process of Reproduction is natural and bearing a child is essential for any creature in this world to claim their existence. Generally every couple wants to give birth of their child but sometimes they are failure due to several causes like the problem of infertility, critical health issues, and some time it's biologically impossible. Nowadays infertility becomes a great problem that women have to face and in our Indian society a woman who has not a child is considered as an incomplete and inauspicious for any good social ritual. She has to tolerate undeserved comments and sometimes received worst behavior from society and even from her family members. Sometimes men have to face the same problem and in this way they are emotionally tortured by the society. So here it can be said that surrogacy is a new hope for these couples. Surrogacy is a contract between a fertile women and infertile couple or intended parent(s), where a fertile woman ready to give birth child on the behalf of intended parent(s). Generally on the basis of contract we found two types of surrogacy Altruistic surrogacy and Commercial surrogacy. Among this especially Commercial surrogacy is badly involved many ethical and legal issues. But here on this article I am going to discuss another ethical perspective from need based point of view. It helps us to rethinking about the ethical issues of surrogacy.

**Keywords:** - surrogacy, surrogate mother, intended parent(s), commissioning parents, commercial surrogacy, altruistic surrogacy.

The word surrogacy comes from Latin word 'surrogare'. Surrogate is a past participle of surrogare, which means substitute. In this process of surrogacy a person appointed to act in place of another. The surrogate mother is a woman who bears a child on behalf of another woman either from her own egg or from the implantation in her womb of fertilized egg from intended or commissioning parents.

Surrogacy is an agreement or contract where a woman agrees to carry a pregnancy from another person or couple who will become the parent(s) after birth of child.

From the point of view of surrogacy we found that there are two main types of surrogacy

1. Traditional or partial or natural surrogacy. Here the child is genetically related to only male partner of the intended or commissioning parent(s), but not the female partner. This involves artificially inseminating a surrogate mother with the intended father's sperm via IUI or IVF or home insemination.
2. Gestational surrogacy or total surrogacy or full surrogacy. Here commissioning couple or intended parents are used to produce embryo by the process of IVF (in vitro fertilization) and these embryos are transfer to the womb of surrogate mother.

But some time financial transactions are involved in this process intended parents have to pay for this process. From the point of view of financial transaction and relationship between surrogate mother and commissioning parents, we found two types of surrogacy. Such as

- i. Altruistic surrogacy and
- ii. Commercial surrogacy.

Altruistic surrogacy: - In Altruistic surrogacy; surrogate mother receives no financial benefit for her pregnancy or service after birth of the child. Although usually all the expenses related to pregnancy and birth are paid by the intended parents like medical treatment, medical test, medicine other related expenses. Generally it is the term used to describe the situation where there is no payment or fee to the surrogate mother for her service.

On the other hand in the form of commercial surrogacy, surrogate mother is compensated for her service beyond reimbursement of medical expenses. That's mean Intended parent(s) have to pay an amount to surrogate mother for her service as par pre-decided. That's why commercial surrogacy is sometimes referred to the terms of - 'womb for rent' 'baby selling farms' etc. Most of the ethical issues, questions and legal difficulties arise in this case of commercial surrogacy.

Many countries totally band all the form of surrogacy. Some of the countries have not proper guidelines and some countries like India have regulated surrogacy. Commercial surrogacy involves many controversies like it's a baby sealing business, it decries human values, it's a new window for human trafficking, it's one kind of prostitution, there is a chance of financial exploitation etc.

But I think before discussing about the ethical perspective of commercial surrogacy as well as altruistic surrogacy we have to think that who can use surrogacy because when we talk about applied ethics we can't judge directly altruistic and commercial surrogacy as ethical or not. We have to look specific uses of surrogacy. We will see from need based classification that there are different ethical issues. Generally we can categorize surrogacy into three groups on the basis of need or adoption of this process:-

1. Those couples who are physically fit to give a child also need surrogacy some times because some of them are engaged in their busy life so much to make their carrier or business more glorious and sometimes they don't want lose their perfect body shape and that's why they don't want bare child. So in these cases they are able to beg child but they don't want to use their fertility. So in those particular cases of altruistic surrogacy or commercial surrogacy whatever the procedure they take the basic ethical question arises that if parents have no time to bag a child how can we assume they can take proper care the child? The question is important because we know that caring a baby is not equal to dealing with non living object or goods, it's a matter of a human life. The child has personal needs, feelings, dignity of life. After all we know during pregnancy the mother has always life threat. Although Surrogate mother is considering as an alternative but we should keep it in mind that she is also a mother because the child grows in her womb. So she also has risk during nine months and she has also own family. Because when commissioning parents are physically fit and able to give a birth a child then comes a biggest ethical question whether it is ethically right or not to use a woman as surrogate mother.

2. Another category we define in the cases with lesbian, homosexual couples, transgender, widow, single man, also those couple who unfortunately lost their only child at old age, person with some dieses like AIDS or HIV, the person who is in living relationship etc.

Like the previous category we also have some ethical question. In that particular cases altruistic or commercial surrogacy whatever they chose before it we have some major ethical question. In the case of lesbian or homosexual couples firstly there comes a questions whether the child can comfortable accept that their parents belongs to same sex or not? Because when the child grows up he/she has to face different questions about their parents from society. And it is important to note that for a child it is very difficult for him/her to understand their parents' choices until he/she maturate. And when he/she has to give reply different question he/she becomes frustrated. Same thing happens for transgender. In the case of widow, single man then the question is single parent related. Is single parent is enough to develop a healthy mentally for a child? Yes, many children unfortunately lost their one of the parents. But it's an accident not a choice of the child. But when we discuss about the surrogacy, we should keep it in our mind that it's a choice not an accidental event. Rests of the cases have same kind of problem or we can say question.

3. Lastly surrogacy may use unfertilized couple. Who want to beg child but unable to do it by the help of medical science, medicine, modern treatment and technique which are available to help pregnancy or fertility to beg a child and successfully help to born an alive child. Altruistic and commercial surrogacy directly involve in that particular cases. Most of the ethical perspective support altruistic surrogacy but not in the case of commercial surrogacy. Like as per categorical imperative we cannot use any person for won profit. But here is a question that who have right of a womb of a lady. To improve financial condition or to fulfill own need if a woman uses her womb to rent who will have right to decide it is ethically right or wrong?

Yes, there is a chance of economic exploitation, possibility of human trafficking and so on. But here is a major difference between law and ethics. Anything may be ethically right but for a healthy society or to protect people a law may be implemented for society to keep balance, and it doesn't mean that it will be ethically wrong, may be ethically right.

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