

A Reflection On Surrogacy in The Context of Medical Ethics Western and Indian Perspective

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Abstract

Surrogacy means to carry the child for the other woman who is not capable, due to certain complexities. Today medical science has provides lots of alternative means to achieve pregnancy by artificial methods and surrogacy is one of them. Surrogacy is that topic which is in talks from the ancient times and is been known to almost every societies of the world. This paper try to reveal how surrogacy practice exploited women from ancient to modern ages and feministic view on practice of surrogacy treated both the fetus and surrogate mother as commodity or object. Through this practice they loss her dignity and identity. For the sake of freedom or right upon body how it ignored our responsibility as human being. In patriarchy society the worship of gene and caste purity and also family license, where everybody needs to have their own biological babies. The idea that patriarchy put into the people mind where everybody in the world should have their own genetic babies. So it's time to think morally and ethically and decided that what we should carry into practice which we found by technology.

Keywords: Surrogacy, Commodity, Ancient time, Patriarchy, Feminist, Gene worship, Reproductive choice.

“Technology has made all kinds of things possible that were impossible, or unimaginable in an earlier age. Ought all these things to be carried into practice?”¹

-Baroness Mary Worknock

Introduction

Nature has bestowed the beautiful capacities to procreate a life within women and every woman cherishes the experience of motherhood, unfortunately some women due to certain physiological conditions can not give birth to their offspring. The desire of motherhood leads them to alternative.

Today medical science has provided lots of alternative means to achieve pregnancy by artificial methods and surrogacy is one of them. Surrogacy is a form of third party reproduction in which a woman agrees to create and/or maintain a pregnancy for another person or couple. Surrogacy, though often included under the umbrella of ART (Assisted reproductive technologies). ART gives hope to the infertile couples through the technologies options like IVF. Surrogacy where money is involved and the surrogate acts for hire is called commercial surrogacy which is another name or popularly known as “Womb Renting”. Surrogacy has raised several socio legal, ethical issues.

In Biblical times: The first mention of surrogacy can be found in “The book of Genesis” in the story of Sarah and Abraham. Sarah and Abraham were married but could not conceive a child of their own, so Sarah turned her servant Hagar to be the mother of Abraham’s child. Surrogacy existed in ancient times as well, widely mentioned in our mythology, and was practiced. The birth of *Balaram*, the seventh child Krishna’s parent Devaki and *Vasudev*, where the embryo was transferred to the womb of *Rohini* (*Vasudev*’s first wife), to prevent the baby being killed by Devaki’s brother Kamsa. Reference of surrogacy is also evident in Mahabharata, the Madhavi story. In modern world, 1975 the first ethically completed IVF embryo transfer was

successful. In 1978 – Louise Brown, the first “test –tube baby”, was born in England, the product of the first successful IVF procedure. 1985-1986 – a woman carried the first successful gestational surrogate pregnancy.

Objective of the study: The study of the paper proceeds through certain objective. The study will precede keep in the view the following objective:

1. To find out feministic perspective on surrogacy and how women are exploited through this practice.
2. To bring out how women are treated as a commodity from ancient to modern world.
3. To examine how patriarchy society worship gene.

Research Methodology

The methodology adopted in the preparation of this paper is analytical. In this present work primary and secondary sources are used. The primary sources are books and e-book secondary sources are the creative writings and relevant materials are collected from various articles, journal, newspaper and book pertinent to the study area.

Explanation

Surrogacy is that topic which is in talks from the ancient times and is been known to almost every societies of the world. From ancient to modern world women are always exploited. In the process of surrogacy, women god gifted capacity to procreate life within herself become commodity and the fetus and surrogate mother just as object to treat. The practice of Surrogacy, surrogate mother just plays a delivery partner in front of her client. Surrogate mother keeping the fetus inside her womb and when time come she delivery the child as like a product. But pregnancy is not like machine to delivery the product after that the whole nine month program will be deleted. In Pregnancy emotion play a vital role, the experience of nine month journey inside the womb, the emotional attachment of both is totally ignored in the whole process of surrogacy.

Feministic perspective on commercial surrogacy is,

surrogate mothers, in India experience a triple alienation binding them different forms of institutionalized 'choicelessness', she is alienated by poverty and inequalities, physically alienated in surrogate homes where she live away from her family under restricted conditions and has to think, eat and behave in accordance to the requirements of the intending parents and finally she is alienated from the baby as she is made to sign off all right over the baby and repeatedly told to maintained a physical and emotional distance from the baby within their baby.

Women exploitation or commodify through surrogacy with special reference to the Mahabharata: In surrogacy is improperly treats children and women's reproductive capacities as commodities. And women are exploited here. But this practice existed in the ancient times as well, widely mentioned in our mythology. Mahabharata where we found a character Madhavi, who rent her womb by her father. The classic womb on rent is shown through the story of Madhavi in Mahabharata, UdyagaParva . Madhavi , the beautiful daughter of King Yayati, who was blessed with a rare boon that she would mother emperors, and with each childbirth she would regain her virginity. She was given by King Yayati to one Rishi Galav as he could not furnish the rishi's odd request for 800 white black-eared horses, his gurudakshina for Vishwamitra. Galav offered Madhavi to three kings, Haryasva of Ikshvaku race of Ayodhya, King Divodasa of Kashi and King Ushinara of Bhojanagiri, who each gave him two hundred ashwamedha horses in exchange for an heir. Finally Vishwamitra also accepting Madhavi to got a child from her.² Women are not exploited in todays but also exploited ancient time and women are regard nearly as commodity from ancient to today times. In the case of Madhavi where she treated as commodity by her father without her consent. After the birth of four children her identity are totally ignored.

In Mahabharata Niyog purva was so popular . And also surrogate fatherhood also described in Mahabharata. In Mahabharata queen Satyawati request her son Ved vyasa to

cohabit with her widowed daughter-in-law, Ambika and Ambalika to sire progeny. But in here Satyavati not consent with her daughter-in-law. So its not new, history revealed that women are always exploited. There identity and dignity always harm by society.³

Women Identity in Surrogacy

In 'Traditional surrogacy' is a form of surrogacy in which a woman provides her own egg or surrogated mother is the genetic mother or biological mother of the child. Here a question arise that Is father genetic link with the child is most important in patriarchy society? Where the identity of the surrogate mother has and also the intending mother identity is totally ignored here. Both intending mother and surrogate mother are denied by this process because the genetically the father only the genetic father of the child and intending mother identity are not the genetic mother of the child. Even also the child suffers from the identity issue who is her genetic mother. Although in Japan law, Japanese civil code, a child born via a surrogate (even to a surrogate that is genetically related) must be registered under the name of the women who gave birth. The parent may then adopt the child.

The concept of genetic child in patriarchy society so popular. Patriarchy society worship the gene but why genetic link with father is so important not mother? "The book of Genesis" in the story of Sarah and Abraham. Where Sarah and Abraham were married but could not conceive a child of their own, so Sarah turned her servant Hagar to be the mother of Abraham's child.⁴ So the concept of own genetic child or biological child found in also ancient time. But in here why gene need only father one not mother? When society thought about family or want baby to their family then why mother genetic link was ignored only father needed. All come from patriarchy society where gene worship and caste purity occupied more place rather then equality.

Surrogacy is an opportunity or not:

Many researchers convinced that through Surrogacy women are empowering. Women of India are through Surrogacy they were able to buy a house or give their children education or pay off debt. Through Surrogacy surrogate mother has changed their lives for better in term of finance. Surrogacy is better then other work like industry labour because for this job the pay better than others job. Are we call Surrogacy a job opportunity? But questions arise here is this only way to empower women or is it call as job? Ethically it's totally wrong because women used her body as commodity and used only for financial need. In the ground reality of India is very different from other countries. The study shown that 99.9% women are who voluntarily involved in Surrogacy are basically from poor background and in India patriarchal society forced women into Surrogate motherhood against their own choice and moreover, may not even have the opportunity to be the decision makers on how to use the money they received from their work as surrogates. So the empowering women through Surrogacy are totally an illusion.

Most feminist writer see surrogacy as a form of slavery or prostitution in which the surrogate is exploited through the enticement of money, the social expectation of self-sacrifice, or both. Andrea Darkin the well knows American feminist states that 'Motherhood is becoming a new branch of female prostitution where women can sell reproductive capacities the same way....'¹⁵ Surrogacy in now a day is much more similar to the prostitution where the women are hired and given the compensation in monetary terms for the work they do for others, sacrificing themselves. This only makes them a 'breeder machine' because then they avoid the bond with the child in the womb and only concentrate on the money which they are getting by this.

I respect the notion of freedom over our body but which freedom involves with someone life then we must rethink about our freedom. Its not like prostitution where we sell our body but also there we create a human being and his/her responsibility totally depends on them. If client are not ready to keep the baby

with them then what will be do surrogate mother? Many cases are founded in surrogacy where client are not accept the baby. Then what should do the surrogate mother with the baby. And also treated a fetus as property or use reproduction capacity to make money is totally unethical. We human being are rational so our work must be done by rational way. As a rational being we have some responsibility. So we never treated a being as object.

Surrogacy in India legal status:

Recently the Surrogacy (Regulation) Bill, 2019 was introduced by the Minister of Health and Family Welfare; Dr. Harsh Vardhan in Lok Sabha on July 15, 2019. The Bill prohibits commercial surrogacy, but allows altruistic surrogacy. Only heterosexual couples are legally performed this practice and homosexual, single parent are prohibited.

Conclusions

The lack of awareness and understanding of their rights a surrogate mother s make then vulnerable to the manipulated of the Surrogacy agencies and also because of the systemic handicap in law enforcement securing right for the people in low classes and the marginalized. Basically who are poor and marginalized, bear the brunt of an Indian system that treat them as mere objects or tool to carry a surrogate baby, a product needing to be delivered in good condition Thus from the perspective of surrogate mothers from India, commercial surrogacy is operated an unethical . Even also surrogate mothers also not use herself as means because is morally wrong.

Some feminist believe that surrogacy is one of the reproduction choice that women should free to choice but for century women were consider little more then property of their father . And most of the time women's bodies are being controlled by men for their own sake. Controlled over women's bodies, particularly over their reproduction capacities, has been largely in the hand of man. Many feminist contend that once women gain control over of their reproductive capacities, women will have made an essential first step in gaining the much-needed control

over their bodies and thus their destiny. Feminists have made great gain in their fight for the right to reproductive choice, then women can say no to surrogacy or other exploitation in the field of biomedical.⁶

The Surrogacy bill 2019, prohibited commercial surrogacy and aims to regulate altruistic surrogacy. But after the ban on commercial surrogacy may drive the while process underground like prostitution. Is altruistic surrogacy totally free from exploitation? It is the big question arises after bill pass because the new bill might be increase the pressure on the close relatives of the patriarchal society where middle class women will be forced by the family members to act as surrogate mother since the bill bans on commercial Surrogacy. If surrogacy ethically wrong and prohibited then it would be no cause for infertile couple to loose hope for raising a family because the option of adoption is still available.

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