



Understanding Surrogacy in the Light of Ethical Values: A Review

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ABSTRACT

Surrogacy is an Assisted Reproductive Technology (ART) in which a woman carries and gives birth to a child for another individual or couple, raising complex ethical concerns. Scholarly perspectives on surrogacy remain divided. Proponents argue that it provides a pathway to parenthood for individuals and couples unable to conceive, potentially alleviating significant emotional and social distress. Critics, however, contend that surrogacy may blur parental and lineage boundaries and challenge established norms surrounding family and marital relationships. From this ethical standpoint, the use of embryo transfer involving a surrogate mother is questioned due to concerns related to identity, responsibility, and the moral implications of third-party involvement in reproduction.

INTRODUCTION

The term 'surrogate' refers to a 'substitute' or 'replacement'¹. Surrogacy is an Assisted Reproductive Technology (ART) in which a woman carries and gives birth to a child for another individual or couple, raising complex ethical questions². From an ethical perspective, surrogacy engages several key principles. These include respect for autonomy; promotion of well-being; the avoidance of harm, and the need for fair protection against exploitation. In addition, considerations of lineage, identity, and human dignity further complicate ethical deliberations about this practice³. In light of moral frameworks that prioritize the protection of human dignity, these concerns gain heightened importance. Therefore, it is crucial to examine how surrogacy practices may be assessed, permitted, or restricted in accordance with these ethical principles.

Nevertheless, contemporary scholars remain divided in their assessment of the ethical acceptability of surrogacy. On one hand, proponents argue that surrogacy serves as a means to support couples unable to conceive while overcoming their emotional and social distress stemming from infertility. On the other hand, critics contend that surrogacy can blur lineage boundaries and undermine established marital and family structures. These concerns are deemed ethically significant within certain moral and legal frameworks^{4,5} that place strong emphasis on foundational values.

Therefore, this analysis examines the proposition that couples may pursue embryo transfer through surrogacy to achieve parenthood, while also emphasizing that such an approach may give rise to significant ethical, social, and moral consequences. These include potential identity and lineage issues for the child, health and emotional



implications for the surrogate mother, and broader cultural and societal challenges.

The Couple Should Opt for Surrogacy

This view of surrogacy can be examined through the ethical principles of autonomy and beneficence^{6,7}. Respecting the couple's decision to pursue this procedure honors their autonomy, as autonomy refers to the freedom to make informed choices about one's life. This principle of autonomy also supports the woman who voluntarily agrees to act as a surrogate by carrying an embryo. Moreover, the principle of beneficence strengthens this position by emphasizing actions that promote the well-being of others. Through embryo transfer, the couple may achieve parenthood, which can help them avoid the social stigma associated with childlessness⁸.

Furthermore, various ethical theories offer frameworks for analyzing and clarifying these situations, along with their rationales. For example, the liberal school of thought supports the idea that individuals can improve circumstances through their own efforts, provided they do not harm others or society as a whole⁹. Therefore, the choice of embryo transfer becomes justified if made freely without coercion. On the other hand, utilitarianism, also known as consequentialism, is an ethical theory that evaluates actions according to their consequences. According to this theory, an action is considered right if it provides maximum good for the greatest number of people⁶. The above statement regarding couples' and the surrogates' decision to proceed with embryo transfer aligns with this school of thought because it results in benefits for many individuals, including the husband, wife, and their family members.

Owing to all these circumstances, embryo transfer is the only choice for the couple to maintain the integrity of their relationships with the family.

The Couple Should Not Opt for Embryo Transfer

Contrary to the earlier statement, the statement '*the couple should not....*' supports the ethical principles of non-maleficence and justice. The term *Non-maleficence* refers to an obligation not to cause harm to others. The procedure for embryo transfer is harmful because it can distort the relationship between father, mother, surrogate mother, and child. The genetic mother might see the surrogate child as a symbol of her failure to carry the pregnancy. In this case, it would be harmful for all of them, including the genetic mother, father, and the child, as it would affect their behavior towards each other, which could ultimately result in emotional torture for the whole family. Another important point is that if the child were to come to know in his future about his conceived status, his reality would be shaken. The child may experience a profound sense of difference from peers whose biological origins are clear⁹. An ethical principle of justice requires respect for an individual's right and seeking fair treatment². The decision to go for embryo transfer would not be justified as it leads to unfair treatment of all the parties, which include the couple, the surrogate mother, and the unborn child. The rights of infertile parents are often put forward over those of the unborn child.

Turning to deontology, this school of thought looks at the nature of the action rather than its consequences. It

believes that people should be treated as ends and not merely as means. This theory does not support the decision of embryo transfer, as in this case, the surrogate mother and the resultant child will be treated as a means, not as an end. Likewise, feminist theory would not support embryo transfer, as it believes that this procedure uses women's wombs as living laboratories and invades their lives and their sense of self¹⁰.

In alignment with ethical arguments against embryo transfer, a similar perspective supports this practice on religious and moral grounds. From this viewpoint, infertility may be understood as part of God's divine wisdom. It may serve as an opportunity for the couple to provide a home and care to an orphaned or abandoned child. Millions of children worldwide live without families and deserve love, care, and belonging just as much as infertile couples desire parenthood¹¹. Within Muslim culture and values, great importance is placed on family relationships and their integrity. However, embryo transfer and surrogacy are not permitted in Islam, as pregnancy is regarded as the outcome of a legitimate marital relationship¹². Consequently, surrogacy is not acceptable, as it disrupts established concepts of lineage and family structure. At the same time, it is important to acknowledge that women who are unable to conceive often face stigma, disrespect, and dishonor within their families and society. In extreme cases, this social pressure can become so overwhelming that it leads to severe psychological distress and even suicide. Such outcomes violate the ethical principle of non-maleficence, as they cause harm not only to the individual but also to society as a whole.

Additionally, a child born through surrogacy is not the direct outcome of a marital relationship and is therefore deprived of the right to legitimacy as defined within Islamic teachings. Surrogacy may confuse the child regarding their true maternal identity, deny them knowledge of their biological mother, and relieve the biological mother of responsibility towards her own flesh and blood. Furthermore, this practice increases the risk of inadvertent marriages between biological siblings and violates the Islamic legal system of lineage and inheritance¹¹. Although biologically a child is connected to both the ovum and the womb, the Quran consistently emphasizes the womb relationship. It repeatedly states that mothers are those women who give birth. As mentioned in the Quran, "*None can be their mothers except those who gave them birth*" (58:2)¹³.

Embryo Transfer: Not Recommended:

There are legitimate arguments on both sides, making the decision complex and challenging. However, the concluding argument opposes embryo transfer, backed by strong ethical reasoning¹⁴. From the perspective of a healthcare provider, it would not be appropriate to recommend embryo transfer, as doing so may override the rights of the future child for the benefit of the family. This practice may result in serious emotional and psychological consequences, not only for the child but also for the genetic mother, the surrogate mother, and the family as a whole^{15,16}. Many professionals argue that even when parents choose not to disclose the circumstances of

conception, children may intuitively sense that something is amiss within the family¹⁷. Such uncertainty can lead to harmful assumptions, such as beliefs about infidelity or unrealistic explanations of births, which may be far more damaging than transparency¹.

Moreover, the act of creation belongs solely to God, as stated in the Quran: *“He bestows (children) male or female according to His will (and plan) or He bestows both males and females, and He leaves barren whom He will. For He is full of knowledge and power”* (Al Quran, Sura 42: 49-50)¹³. Furthermore, the issue of lineage would not be resolved through embryo transfer, as Islam safeguards lineage by prohibiting adultery and legal adoption¹⁸. Therefore, adopting a child from among relatives or caring for an orphan, as discussed earlier, may offer a morally acceptable alternative for fulfilling the desire for parenthood. This point is supported by the principle of non-maleficence, justice, deontology and feminism, and above all, cultural and religious beliefs.

Consequences of Acting: Embryo Transfer: Not Recommended

The decision against embryo transfer carries several consequences. It may affect not only the couple and the surrogate mother, but also the family and providers involved. Adhering to this position means that the couple would not pursue surrogacy and, consequently, would not have a child of their own¹⁹. If a woman discloses her small uterus condition to her family, she may experience feelings of being damaged, defective, worthless, or powerless. Strong emotions such as guilt, despair, loneliness, isolation, and stress may also arise. The couple may experience loneliness due to childlessness and may also face social stigma.

If a couple chooses to adopt a child, the family may not fully accept the child as a family member. In the absence of a biological child, other relatives may inherit the couple's property. Acknowledging and accepting the woman's fertility issues (small uterus) may also be challenging for the family members. For health care providers, witnessing the couple's inability to conceive may evoke feelings of sympathy and concern.

CONCLUSION

Infertility and the desire of a couple to have a child of their own is not a new problem. Biotechnologies have helped the human to solve this problem. However, in the context of Islam, the biotechnical parenting is only allowed if it is the product of an intact marriage and is performed during the life span of marriage²⁰. Embryo transfer using a surrogate mother is not allowed or permitted, especially in Islam. Thus, if we look at the debate in the context of Islamic values and beliefs, the procedure of embryo transfer using a surrogate (surrogate mother) would be rejected because they confuse lineage and is considered a form of adultery.

The health care providers should refer the couple to an infertility counselor who would help them to go through the grieving process and to accept the reality. The providers can encourage the couple to ventilate and express their feelings. They could help the couple identify support groups for infertility. They can assist the couple in exploring adoption options. Moreover, if the couple wishes to adopt an orphan, healthcare providers may refer them to the orphanages.

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