

SURROGACY AND PARENTING IN A HYPER-TECHNOLOGICAL WORLD: ETHICAL CONSIDERATIONS

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Abstract

Changes in the environment as well as lifestyle alterations are two key burgeoning issues in a hyper-technological world. Whilst environmental changes negatively impact on the air, water and human nutrition leading to the escalation of Infertility, lifestyle alterations seem to debase traditional family structures in support of homosexual relationships. These, and a plethora of other reasons create a horde of couples who are not able to, or are unwilling to conceive a child, leading to the option for surrogacy. The exponential upswing in the practice of surrogacy over the past few decades has highlighted the complexities of inequalities in our societies, the issues of parentage, the natural mother-infant bond, and the overall ethical concerns, all of which impinge on exploitation, human rights abuses and the social justice system. This paper discusses the complex phenomenon of surrogacy and parenting in a hyper-technological world with their associated problems and ethical quandaries. Using the hermeneutic and analytic methods, it intends to show that even though surrogacy provides hope and optimism to the childless, its practice is fraught with abuses that demand strict regulations.

Key words: Surrogacy, hyper-technology, parenting, infertility, lifestyle alterations.

Introduction

The questions of human nature, existence and purpose are perennial issues that have confounded generations in diverse ways. These questions lead back to the more general interrogation: ‘what is the purpose of life?’ And ultimately to the very essential and basic one — ‘who am I?’ The question ‘who am I?’ encapsulates issues relating to my origin (source or starting point of my life), fundamental dispositions and characteristics (including ways of thinking, feeling and acting), and finality (purpose or goal toward which I stride). In history, scholars’ attempts in resolving these issues have fitted into one of three principal phases of anthropological development of ideas. Relying on cosmocentric interpretations, the Greeks, as depicted in the works of Plato, Aristotle, Plotinus, etc., understood the value of human life within the prism

of the laws of nature. For them, man is an ineluctable part of nature whose path to fulfilment lay in obeying its laws.

With the advent of Christianity in medieval times, the emphasis shifted from nature and conformity to cosmic realities to the history of salvation. Reflections on man, as illustrated in works of Augustine and Thomas Aquinas, became theocentric in nature. God became the focal point of departure as St. Augustine would say: “You have made us for yourself, O Lord, and our heart is restless until it rests in you.”¹ Then again, these (cosmocentric and theocentric) approaches were to give way to the anthropocentric method that overtly elevates man’s place in the modern and contemporary eras. The Cartesian cogito, Spinoza’s ethics or Hume’s enquiries all attempted to provide a definitive feature of human life. Coupled with scientific innovations, the emphasis dispersed to culture, history, sociology, science, psychoanalysis, etc., giving vein to different images of man. For August Comte, man is a social being; for Marx – an economic man; for Kierkegaard – an anguished man. Gehlen sees him as a cultural man; while Ricoeur calls him a fallible man.² These conceptualizations, for the most part, tend to align with scientific progress that has somewhat reduced man to a mere biological material to be researched upon.

The eclipse of the spiritual by the material within the scientific community, opened the floodgate to innovations and technologies designed to intervene in the process of human reproduction known as the Artificial Reproductive Technologies, commonly referred to as ART.³ Since the second half of the 20th century, the ART have engineered scientific breakthroughs in the areas of cloning and surrogacy, and are hell-bent on creating a functional “artificial man.” Surrogacy—an arrangement wherein a substitute mother bears and delivers a child for another person(s), comes as a handy alternative for infertile women and couples, who for diverse reasons, need to have a child of their own. As the issue of infertility escalates in the modern world, “surrogacy provides hope and optimism to those who are depressed and

¹ Augustine, *Confessions* (Lib 1,1-2,2.5,5: CSEL 33, 1-5).

² B. Mondin. *Philosophical Anthropology*. (Rome: Urbaniana University Press, 1985), 18.

³ M. Stanworth, (ed.) *Reproductive Technologies: Gender, Motherhood and Medicine*. (Oxford: Polity Press, 1987), 10

gloomy for not having children.”⁴ It has become a much sought-after succor to barren couples and individuals.

However, its legal prohibition in some countries has given rise to some sort of fertility tourism, which is open to various forms of abuses. In recent times, and given the potential for exploitation of surrogates, and commodification of babies, there is a burgeoning concern by interested players regarding the welfare of all involved parties, the invasion of the hallowed family chambers by the marketplace, and the issues of parentage and citizenship.⁵ These concerns generally range from the preservation of human values and dignity, to legal and economic matters. Although the scientific breakthrough of the ART seems to have brought succor to human infertility problems, it has raised questions and created circumstances that jeopardize some of the long-held, cherished human values. In this work, we shall critically appraise the idea of surrogate motherhood and its associated reproductive technologies. This, by no less means, will contribute to the pull of research on the ethical issues arising from surrogacy and parenting in a hyper-technological age.

On Human Being and Being Human

To properly situate the imports of surrogacy and parenting, it is necessary to first, do a hermeneutic of the diverse forms in which the referent—human being, has manifested. Although switching of words with slight modifications is a common practice to eliminate verbosity, linguists are agreed that the order of words are significant to the meanings in a sentence. Sometimes, all that is needed to portray divergent realities is the manner of the combination of two separate words. This is archetypal of the notion: human being and being human.

From the expression – human being and being human, the only variance, in what might appear as a simplistic distinction, is the relative positions of the word “being.” Nonetheless, this relative positioning is what makes all the difference in the meaning. In the first usage (human being),

⁴ Jishtu, D. “Surrogacy: A boon in modern times,” (SEP 21, 2020), <https://timesofindia.indiatimes.com/readersblog/make-a-change/surrogacy-a-boon-in-modern-times-26304/>

⁵ Z. Berend. The romance of surrogacy. *Sociological Forum*, 27/4, (2012), 913–936.

“being” designates a noun, and as such, delimits the conceptualization of the referent to scientific or biological terms. A human being is thus, a biological organism—man or woman, with complex brain that allows for introspection. It is an animal member of the species of *Homo sapiens* which, is distinguished from other species of animals by ‘advanced mental development, power of articulate speech, and upright stance.’ While the second feature – linguistic skills, is largely due to the first – superior mental development, the third (ability to stand upright stance) provides the organism a unique carriage for authority and exercise of power. A human being is a biological reality with certain static features of introspection, articulate speech and upright stance, which are explainable using scientific tools. John Locke latches on this when he avers that humans are certain living organisms whose identities depend on their biological organizations.⁶

The ability of science to explain away the human organism opens the doors for far-reaching interpretations. Science reveals that the human being is an amazing structure made up of facial features, the hair and the nails, many yards of intestines, miles upon miles of nerves over the hundred bones and countless billions of cells. A living human being has almost 99% of the mass of its body composed of six elements, namely: oxygen, carbon, hydrogen, nitrogen, calcium, and phosphorus. Barely 0.85% is composed of another five elements—potassium, sodium, chlorine, sulfur, and magnesium. All of these, together with residual trace elements, are adjudged indispensable for human flourishing.⁷ They are found in various proportion especially in the basic structure of life called DNA (deoxyribonucleic acid). The DNA conserves and transmits the genetic code, with its molecules capable of performing humongous functions. At the close of the 20th century, scientists took gigantic steps at creating artificial gene and lysosome which led to the partial synthetic reconstruction of the cell in laboratories.⁸ This and subsequent breakthroughs in molecular biology reinvigorate nuclear biologists’ impetus to push harder in their quest to be co-creators of life. For the most part, natural science consigns the resolution of the question of life to the existence of complex

⁶ J. Locke, in P. Edwards (ed.). *The Encyclopedia of Philosophy*, Vol. 5.

⁷ M.A. Zoroddu, et al. "The essential metals for humans: a brief overview." *Journal of Inorganic Biochemistry*. 195 (June 2019), 120–129

⁸ B. Mondin. *Philosophical Anthropology*, 34-35.

molecular structure. This reductionist posture which glamorizes ingenuity, elicits diverse forms of experimentation with the human organism, including cloning and surrogacy.

Conversely, by prefixing ‘being’ to ‘human’ as in “being human”, the “being” acts as the present participial form of the verb—literally, to exhibit human qualities. “Being human” means the ‘act of displaying human qualities,’ which ultimately stems from superior mental development that is unique to *homo sapiens*. It is the quality of showing the distinctive features of humans. Unlike the static scientific view, these unique qualities are fluid and diverse since they are open to philosophical analyses. The meaning of ‘being human’ can vary from one person to another, and from one culture to another. Much as it can be used to designate the superlative quality of the intellect, from which ensues humane acts such as compassion, empathy, charity, etc., it can also be used to amplify the flawed nature of humans. Being human involves displaying all natural human qualities like love, anger, pity, hatred, care, jealousy, etc. Its signification is subject to whimsical interpretations and contexts, and its meaning-content could vary depending on religious, nationalistic, and familial/ethnic affiliations.

The enigmatic nature of the concept of man is established within the confines of this later taxonomy. It is enigmatic because man is both the object and subject of the enquiry; he, at once, is the initiator, the process as well as the goal or focus of the probe. As Battista Mondin would say, ‘man is the supreme question for man.’⁹ This explains why in all times, ages and cultures, scholars have expressed diverse conceptualizations regarding him. Besides the already outlined postulations of Kierkegaard, Marx, etc., above, there is a pluriformity of views amongst other philosophers: for Freud, he is an ‘erotic man’; for Heidegger, an ‘existent man’; a ‘symbolic man’ for Cassirer; ‘utopic being’ for Bloch; ‘problematic man’ for Marcel; a ‘rational animal’ for Aristotle; a ‘fallen soul’ for Plato; an ‘image of God’ for Origen. Thomas Aquinas calls him a ‘rational subsistent’; Blessed Paschal sees him as a ‘thinking reed’; for Baruch Spinoza, he is ‘a mode of substance’; and for Friedrich Nietzsche, he is ‘will to power’.¹⁰ Max Scheler sees the essence of being human in love; while Helmuth Plessner sees it in ‘eccentric

⁹ B. Mondin. *Philosophical Anthropology*, 1.

¹⁰ B. Mondin. *Philosophical Anthropology*, 18, 20.

positionality'. Whereas none of these views captures the whole essence of what it means to be human, they nonetheless, demonstrate the latitude to which the meaning of the concept is subjected to. In his Collected Essays: *In Front of Your Nose: 1945-1950*, George Orwell notes:

The essence of being human is that one does not seek perfection, that one is sometimes willing to commit sins for the sake of loyalty, that one does not push asceticism to the point where it makes friendly intercourse impossible, and that one is prepared in the end to be defeated and broken up by life, which is the inevitable price of fastening one's love upon other human individuals.¹¹

Being human can really mean a whole range of things: from hating those who hurt you, to being kind to the needy; from feeling pity for those suffering, to being jealous over others' successes. It can also mean feeling shy because of barrenness; or abnegating childbearing for cosmetic and career / social pressures. It can entail 'renting a womb', or contracting a surrogate to fulfill the need for having babies; etc.

The Phenomena of Associated Reproductive Technology and Surrogate Motherhood

Technology, in very simple terms, entails the human capacity to use precise scientific knowledge in crafting tools for practical use or application. It typically consists of specific piece of device or equipment, which can be really simple and small, or incredibly complex and big, and can fast-track solutions to the problems of everyday life and industry.¹² Although the concept of technology may have appeared relatively new in English, especially in connection to industrial and technical means of accelerating material production,¹³ its origin is prehistoric, as it deals with human capacity to use equipment ready-at-hand to satisfy needs. Ogbujah asseverates:

For the most part, the history of technology could be linked to the history of humanity since its products range from as simple as stone

¹¹ G. Orwell. *In Front of Your Nose: 1945-1950* (The Collected Essays, Journalism & Letters, vol. 4). (New England: Nonpareil Books, 2002).

¹² C.N. Ogbujah. "Conceptual frame of History, Science and Technology," in C.N. Ogbujah (ed.). *History and Philosophy of Science and Technology: A Reader*, (Port Harcourt: Pearl Pubs., 2020), 50.

¹³ M.I. Nwoke. *Philosophy of Technology and Nigeria*. (Owerri: Claretian Institute of Philosophy, 1991), 21.

tools used by *homo Floresiensis*, to as complex as genetic engineering and information technology of the latter part of the twentieth century.¹⁴

The implication is that from the moment humans began to ‘crack stones’ to make fire, or fabricate tools for hunting, eating and fighting, technology has been in display. Micheal V. Berry agrees no less to this when he identifies technology with “any application of the discoveries of science, or the scientific method to the problems of man and his environment in peace and war.”¹⁵ In a broad sense, technology embraces a variety of practical activities that provide goods and services for man’s use, enjoyment, and welfare.

This broad view, in fact, encapsulates the rationale for Associated Reproductive Technology and Surrogate Motherhood. The human reproductive system is a complex structure by which a fertile sperm fertilizes an egg in a series of physio-chemical processes in which the two gametes, the nuclei of which have previously undergone meiotic division, fuse to form a single cell, called the zygote. All things being equal, the zygote develops over time into a fetus, which is born as a child some nine months afterwards. The reproductive system is thus, the entirety of processes by which humans give birth to their offspring. Its central component structures include the spermatozoa, the egg cells, and the act of copulation between the male and female. The sperm carries genetic material in a large nucleus, which is rich in DNA (deoxyribonucleic acid). The egg cell contains a large haploid nucleus that is surrounded by dense cytoplasm containing the usual organelles found in a living cell. When the sperm fertilizes the egg, the resulting zygote is constituted of the full chromosomes evenly donated by the two gametes. The resulting child would embody the DNA of the parents, and can conserve and transmit same genetic code to future generations.

In the event of irregular or malfunctioning of the gametes leading to infertility of either or both partners, modern science has provided remedy through the artificial reproductive technology (ART). The ART is a conglomerate of basic and advanced systems that aim to assist otherwise infertile couples to have babies. The basic forms include the issuance of

¹⁴ C.N. Ogbujah. “Intellectual Censorship in Liberalism: Ethical Concerns,” *Journal of Interdisciplinary Studies*, XXXI, 1/2, (2019), 94-95.

¹⁵ V.B. Micheal, “Technology,” in *The Fontana Dictionary of Modern Thought*. (London: Fontana/Collins, 1983), 625.

fertility drugs to women to cause ovarian stimulation (OS), controlled ovarian hyper stimulation (COTT), or ovarian induction (OI), as a means of medically increasing the number of eggs produced, or regulating the time of their production. This may be followed by the introduction of spermatozoa through regular intercourse. Or, it might involve series of treatments to raise the sperm count of males, so that they can fertilize eggs naturally after copulation. The advanced forms are more complex and sophisticated, ranging from sperm and zygote banking, to Artificial Insemination; from In-vitro Fertilization to Surrogacy.

Sperm and zygote banking entails the extraction, freezing, and preservation of the sperm or zygote at low temperatures for future use. Generally, the most acceptable cryopreservation technique is by being immersed into liquid nitrogen at -196°C. Sperm banking in animal species has, specifically, been in use for the transference of desired genes in livestock breeding, and for the conservation of endangered species. But in humans, the essence is to overcome infertility in others; or in oneself, as the donor may wish to undergo vasectomy, or may, through challenges, become sterile later in life. Zygote banking, similarly, entails the extraction of female ovary through laparoscopy. The egg is subsequently fertilized in vitro, and the resulting zygote is then frozen in similar liquid and temperatures as that of the sperm.

The technology of artificial insemination entails the achievement of pregnancy not by copulation, but through the mechanical use of syringe to transfer sperm to the genital track of a woman.¹⁶ The process could be *homologous* or *heterologous*. It is homologous when the previously collected sperm of a husband is introduced into the genital tracks of the wife. The resulting pregnancy would be from the gametes of both spouses in a marriage, and the child would embody the genetic codes of both parents. It is heterologous when pregnancy is achieved with one gamete coming from at least a donor other than the spouse. In other words, this technology, through the use of intra cervical or intra uterine means, delivers sperm into the female reproductive tract for the purpose of achieving conception.

¹⁶ K.H. Peschke. *Christian Ethics* (vol. 2) Bangalore: St Paul's Press, 1992, p.282

On the other hand, in-vitro fertilization (IVF) is the “fertilization of egg by sperm in a glass dish or test tube.”¹⁷ This involves the mining of the egg from a woman’s ovary through laparoscopy, and the extraction of the male sperm. The egg is then mixed with sperm in a glass vial. If fertilization occurs, the embryo is allowed to develop in the laboratory for a certain period of time usually two or three days and then inserted into the woman’s uterus through a plastic tube. In other words, fertilization in vitro is outside the woman’s body in laboratory conditions and under the watchful eyes of medical scientist. This technology yielded the first test tube baby in 1978, and has been used primarily in cases of tubal blockage, endometriosis, hostile cervical mucus, low sperm count, or in idiopathic infertility (where the cause of infertility is unknown).¹⁸ Couples, who prior to the advent of this technology, would have lost every hope of child bearing, now have opportunities to smile home with their own babies.

Surrogacy is an arrangement, wherein a woman (hereafter called surrogate mother) accepts to undertake pregnancy and delivery of a child for another person or persons who are unable to conceive or do not want to conceive.¹⁹ It could occur either in traditional or gestational forms. Traditional surrogacy entails the fertilization of the surrogate’s egg with the intended father’s or donor sperm either through copulation (natural insemination), or by the aid of a syringe (artificial insemination). This makes the surrogate both the genetic and gestational mother. Conversely, gestational surrogacy occurs when an embryo formed through the technology of in vitro fertilization (IVF) is implanted in a surrogate. The surrogate does not contribute her gamete in any way to the pregnancy, and as such, is genetically unrelated to the ensuing child. Oftentimes, there are legal contracts to compel the surrogate to hand over the baby to the contractor(s)/commissioner(s) who become the parent(s) after birth.

¹⁷ R. Higginson. *Whose Baby: The ethics of In Vitro Fertilization*. Marshall Morgan and Scott Pub., 1988, p.6

¹⁸ Higginson, *Whose Baby*, 6.

¹⁹ D. Jishtu. “Surrogacy: A boon in modern times.” (SEP 21, 2020), <https://timesofindia.indiatimes.com/readersblog/make-a-change/surrogacy-a-boon-in-modern-times-26304/>

Over the years, scholars have identified the reasons for ‘renting a womb’ as ranging from infertility, to repeated miscarriages, not wanting to pass genetic diseases to offspring, to same sex union, or late marriages. Other social factors range from cosmetic reasons to carrier pursuit—where ambitious women are unwilling to divert or derail their attention by having a baby. For some, it presents the opportunity to lend their wombs in order to gain some financial benefits. Whatever be the reasons, surrogacy, as a potent assisted reproductive technique, has put smiles on a lot of faces of otherwise infertile couples. But this is not without glitches. In the following passages, we shall examine some of the ethical issues arising from this technology.

Ethical Issues Arising from Surrogate Technology and Parenting

By surrogate parenting, we mean the complexity of nurturing roles parents do play as soon as the surrogate delivers their child. Ordinarily, surrogacy seems an attractive win-win alternative wherein infertile couples get their long-desired biologically related babies, poor surrogate mothers get the much needed money, and the country earns foreign currency,²⁰ as it boosts fertility tourism. But the real picture shows some strong potential for exploitation and abuse. Often, the existence of inadequate regulations, and the quest for speedy success of the procedure blur attention to a lot of salient ethical and moral issues such as: the psychological traumas undergone by especially genetic surrogates (after being separated from their babies); the life and dignity of fetuses; the commodification of women’s bodies; and sundry social blips.

Ample documentations abound regarding the exploitation of poor surrogate women whose physical, emotional and psychological wellbeing are harmed in the process.²¹ There is palpable danger for genetic surrogates to develop feelings and emotions for their babies, but are denied every form of connection after delivery. This could lead to depression and a forlorn feeling, and when not properly assuaged, to a more debilitating problem of psychosis. In the absence of proper emotional and psychological care, a surrogate mother could turn psychic and develop affection for the father and child and

²⁰ P. Saxena, A. Mishra, & S. Malik. “Surrogacy: Ethical and Legal Issues,” *Indian Journal of Community Medicine*, 37/4, (2012 Oct-Dec), 211.

²¹ N. F. Bromfield & K. S. Rotabi. “Global Surrogacy, Exploitation, Human Rights and International Private Law: A Pragmatic Stance and Policy Recommendations.” *Global Social Welfare*, 1, (2014), 123–135.

eventually refuse to deliver the child. This, as Jishtu avers, will destroy faith in the very rationale of surrogacy.²²

Allied to the psychological trauma of surrogates is the question of commodifying female bodies. The body, in the rendition of Australian scholars—Moirra Gatens and Elizabeth Grosz, ‘can be understood as the primary site of the embodied and sexually differentiated social practices.’²³ Opara accentuates this in noting that radical feminism is concerned with the female body as a prominent site of oppression.²⁴ In a sense, surrogacy reduces the woman’s body to mere commodity that can be procured. This is especially true of its *commercial* hue, and resonates a long drawn practice in many cultures which sees the human body and its members as targets of commodification. Historically, women’s bodies have been sites of patriarchal control, and surrogacy provides a cavalier opportunity for men to expand this control. In the work: *Sexual Contract*, Paterman compares surrogacy contract to prostitution, and views it as yet another public affirmation that men are women’s sexual masters. For him, surrogacy contract is but a new form of access to and use of women’s bodies by men.²⁵ Notwithstanding the good intent of its *altruistic* hue, to break into women’s reproductive consciousness would amount to reducing them to a few of their purely biological functions of providing ova and womb.²⁶ This is radically commodifying and exploitative.

Further to the indignity of objectifying female bodies is the palpable danger to which fetuses are exposed. In modern times, three commonly held views regarding the status of the embryo jostle for supremacy. The first—genetic characterization, attaches moral status to the individual from the moment of conception; the second—biological /physiological depiction, assigns moral status at the emergence of the first signs of electrical activity in

²² D. Jishtu. Surrogacy: A boon in modern times, para, 3.

²³ M. Gatens & E. Grosz, cited by C.C. Opara. “A House Integrated: Reflections on the nuances of African Feminism,” in C. F. Ojukwu (ed.). *Critical Issues in African Literature: Twenty-first Century and Beyond*. (University of Port Harcourt Press, 2013), 67.

²⁴ C.C. Opara. A House Integrated: Reflections on the nuances of African Feminism, 67.

²⁵ C. Paterman. *Sexual Contract*. (Oxford: Polity Press, 1988), 20.

²⁶ Pontificia Academia Pro Vita. Reflections on Cloning. (Vaticana: Libreria Editrice Vaticana, 1997),

https://www.vatican.va/roman_curia/pontifical_academies/acdlife/documents/rc_pa_acdlife_doc_30091997_clon_en.html

the brain; while the third—cultural ascription, asserts moral status only when the individual becomes sentient and self-conscious. Each of the views elicit specific theories and philosophies of man. While the first is hinged on human ontology, with its rationale ensconced within pro-life ideals; the second and third hinge on biological or cultural specifications that are reinforced by the dictates of pro-choice movements. Rational moral judgement tends to support the former, as it captures every stage of the developmental process of human being. In this regard, the saintly Pope John Paul II wrote:

The human being is to be respected and treated as a person from the same moment of conception, and therefore from that same moment, his rights as a person must be recognized, among which in the first place is the inviolable right of every innocent human being to life.²⁷

Undoubtedly, the processes involved in surrogate motherhood tend to undermine the dignity, and in some respects, the very life of the fetus. Besides the fact that the techniques have a high rate of failure and do easily expose the embryos to the risk of death,²⁸ not many people seem to be bothered about the fate of unused embryos. In gestational surrogacy, for instance, the excessive formation of embryos in the laboratory opens the door for massive abuses. After implantation is achieved, there is the danger of experimenting with these ‘spare embryos’ which, are often destroyed in researches. Thus, under the pretext of medical progress, surrogate technology reduces human life to the level of “simple biological materials.” A test case came with the implementation of the British law which required the destruction of embryos not used in five years. This led to the destruction of 3,300 frozen embryos created through *in vitro* fertilization for surrogacy in 1996.²⁹

Besides these, the technology of surrogacy has raised palpable socio-cultural issues. Surrogacy leads to poor parentage, especially its traditional hue when donor sperm is used in the fertilization of the surrogate’s egg. With no blood affinity to the commissioning parents, and given a baby’s potential to exhibit ‘unanticipated’ tantrums as a result of genetic imbalance, the child’s needs are often treated with ignominy. Without stringent laws, the life and

²⁷ John Paul II, ENCYCLICAL LETTER: *Evangelium Vitae*. (25TH March 1995) No.60.

²⁸ John Paul II, ENCYCLICAL LETTER: *Evangelium, Vitae*. (25th March 1995) No.60

²⁹ H. Forster, *The Legal and Ethical Debate Surrounding the Storage and Destruction of Frozen Human Embryos: A Reaction to the Mass Disposal in Britain and the Lack of Law in the United States*, *Washington University Law Review*, 76/2 (1998), 759.

survival of surrogate children with genetic defects, are in jeopardy. When commissioning parents abandon such a child to the care of a gestational surrogate, who neither feels emotionally bonded to, nor mentally / financially ready for the task, it is always a disaster for the child's upbringing. In some bizarre instances, where the child given to commissioning couple after surrogacy is not genetically related to them and is, in turn, disowned by them, the child is forced to spend its life in the orphanage.³⁰ Hence, in spite of the sublimity of intentions, the phenomenon of 'anonymous paternity' is riddled with palpable potential for childcare abuse.

As social beings, humans can only thrive and survive within the complex network of social relationships that begins from the family. Snowden succinctly identifies this complexity when noting that "the web of family relationships is far more complex than is often supposed and the implications of these relationships are far reaching."³¹ In many societies and cultures, questions are often asked about the societal status of a "manufactured person": Of what rights and privileges does a "manufactured person" have in our complex societies? In traditional societies, for instance, childbirth is a sacrosanct act that originates from a marriage. Surrogacy separates procreation from marriage relationships by entrusting the life and identity of the embryo into the hands of scientists. The reality of surrogacy therefore, conflicts with, and undermines the concept of marriage and traditional family values. Besides the psychological impact of the child's knowledge of his unnatural and scientific origin, there is the question of integration, which could lead to personality crisis. In some organic cultures, a surrogate child will not only be stigmatized by peers, but could be deprived of proper family integration and growth. Such a condition stifles a child's development, and raises serious justice concerns in relation to the most vulnerable.

Understandably, many couples are averse to the idea of adopting a child with whom they have no genetic link. Surrogacy comes in as a handy way to 'burst' the trauma of infertility and guarantee the transmission of one's genes to one's progenies. But this has the potential to create imbalance in sex ration, especially among tribal groups that historically place premium on male offspring. In sub-Sahara Africa, for instance, the near total eclipsing of social

³⁰ P. Saxena, A. Mishra, & S. Malik. "Surrogacy: Ethical and Legal Issues," 212.

³¹ R. Snowden. Social Implications of Artificial Insemination by Semen Donor. P.2

and political power by males, and the overarching dominance of patriarchy, seem to demean marriages without the boy child. This has led to the ‘arrogance of sex selection’ before surrogacy, and the unethical destruction of female embryos.

Since the legalization of commercial surrogacy in India in 2002, it has become a multi-million-dollar business.³² Given the profitability of the venture and the cogency of the arguments for its sustenance, one would expect by now, a robust coordinated regulatory effort between national and international bodies put in place. Much to everyone’s chagrin, there isn’t at the moment, any international protocols directly addressing global surrogacy. This has encouraged exploitative situations, leaving both surrogate mothers and intended parents as victims of a cabal of middlemen and commercial agencies. Since surrogates are often women of low means, they are open to abuse and exploitation as they do not likely have educational or financial assets to defend themselves.

Conclusion

A reflection on the imports of surrogacy and parenting in this hyper-technological era would most likely revolve around ethics and morality: while the ethical encapsulates the enforceable legal protocols, the moral deals with issues within the province of individual consciences. These manifest in what Schotsmans designates as two great challenges: the task of rational and critical reflection, and the need to respect the conscience and personal responsibility of every person involved in the situation.³³ Although appeals for personal responsibility are made to goad the consciences of everyone involved into doing the right things, emphasis should be placed on regulatory laws based on rational and critical reflections.

The phenomenal progress in Artificial Reproductive Technologies (ART), and the ensuing prodigious surrogate motherhood, are testaments to

³² S. Carney. Cash on delivery: Gestational dormitories. Routine C-sections. Quintuple embryo implants. Brave new world? Nope surrogacy tourism. *Mother Jones*, (2010), 69–73.

³³ P. Schotsmans, “Bioethics and Human Reproduction: An Ethical Approach of In Vitro Fertilization and Embryo Transfer,” in R. Borghgraef & P. Schotsmans. *The technological Advances in Health Science and The Moral Theological Implication*. (Leuven: Leuven Univ. Press, 1993), 15.

human ingenuity and capacity to conquer nature. They have put smiles on faces of infertile couples and those that have repeated miscarriages, and have spared those in late marriages or with some genetic diseases the blushes of passing same to offspring. There are sundry social and financial benefits, as we highlighted above, which make arguments for “renting a womb” cogent and plausible. But by the same token, many fundamental ethical issues needed to be reexamined.

The products of science (technology) can only be invaluable resources to humans only when they are placed at their service, and for the promotion of their integral development. As the architects of technology, it is within the province of humans to give meaning to reality and stratify rules in consonance with universal principles. In this vein, technological innovations and guidelines for use require an unconditional respect for all basic criteria enunciated in moral law, and must be at the behest of humans and not vice versa. This is the crux of philosophy of technology, which clamours for a value-laden society with right balance between technological growth and human progress.³⁴ Re-echoing Matthew Nwoko’s incisive thoughts, we note that technology is meant to serve human persons and not dominate them. Its purpose is for the overall material, spiritual and moral good of humans. As a human activity, it must be regulated by human values and civilized principles.³⁵ The technology of surrogacy therefore, must be attuned to the ontological principle of inviolability of the human life, the dignity of the spouses, vocation to parenthood, and respect for justice. To achieve these, both individual states and the international community would need to enact laws to cover all aspects of interests of surrogate mothers and commissioning parents, framing them in line with recommendations from social, legal, and medical personnel. The aim is to ensure that all surrogate agreements are binding and legally enforceable.

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³⁴ C.N. Ogbujah. “Philosophy of Science and Technology,” in C.N. Ogbujah (ed.). *History and Philosophy of Science and Technology: A Reader*, (Port Harcourt: Pearl Pubs., 2020), 75.

³⁵ M.I. Nwoko. *Philosophy of Technology and Nigeria*, 29.

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