Religious Issues in Gestational Surrogacy in Nigeria

By

Cyril Osilama Adamu PhD
Department of Philosophy
Faculty of Arts
University of Benin, Benin-City
Phone Number: 08023354905
&
Valentine Adetayo Inagbor
Department of Religions
Faculty of Arts
University of Benin, Bnin-City
Email Address: inagborbose@gmail.com
Phone Number: 08096589050

Abstract

This paper examines the religious issues contiguous to the choice of Assisted Reproductive Technologies (ART) in gestational surrogacy. The study examines the moral dilemma created by the fragmentation of motherhood into genetic, gestational and social motherhood, that has created enormous conflicts over who should be considered a 'mother' and the concomitant parental rights and responsibilities for a child. The debates surrounding gestational surrogacy and its implications on existing reproductive rights raises the most profound ethic-religious issues on the maternal roles which historically resided in one mother. The overall objective of this survey is aimed at evaluating the virulent religious arguments associated with gestational surrogacy. With the phenomenological and religious qualitative analysis based on Judeo-Christian traditions, this paper surveys and highlights some religious arguments for and against gestational surrogacy. This disquisition posits that the availability of these medical technologies in the Nigerian healthcare system has opened a floodgate of serious religious issues which are yet to be fully considered nor critically studied. The paper argues that these medical procedures ought to be properly considered and debated in

all ramifications within the Nigerian context. The religious import of these technologies on the African human value system needs to be comprehensively examined and debated at this early stage of this new emerging phenomenon, so as to preserve both the African value system and religious sensibility. This tractate finds that the use of these technologies in gestational surrogacy presents challenges with some religious objections and unfavourable disposition within the Nigerian context. Therefore this research recommends a national discourse and concludes that these technologies have the potentials to adversely impact the value of human dignity and the family unit.

Key Words: Gestational, Surrogacy and Religion.

Introduction

In an attempt at self-reinvention, modern science has developed means other than the ordination of natural human reproductive system (copulation) in order to give infertile couples the opportunity to enjoy the right of parenting. These extra-natural means of human reproduction include amongst others: Intra-Uterine Insemination (IUI), In Vitro Fertilization (IVF) and most recently, outsourcing of pregnancy or gestational surrogacy (GS). These new human reproductive technologies have spawned a new area of ethico-religious discourse in the field of bioethics which is very challenging, complex and fascinating to its proponents, ethicists and religionists. Gestational surrogacy is one of these new human reproductive techniques whereby surrogates are implanted with foreign embryos and paid to carry the resultant babies to term (Rosemarie Tong 1).

Cheshire Fertility Centre, defines gestational surrogacy as a "medical reproductive technology whereby a surrogate is implanted with an embryo created by In-vitro fertilization (IVF), the resulting child is therefore genetically unrelated to the surrogate".

Gestational surrogacy has resulted in the creation of new family types and structures that would not otherwise have existed. With these various

configurations of family structures, it is now possible for a child to have five parents: the egg donor, the sperm donor, the birth mother, and the two social parents whom the child knows as mother and father (Sozos Fasouliotis and Joseph Schenker 26). The new complexities of social family structures arising from gestational assisted reproduction have captured the public imagination and preyed on widespread fantasies which have resulted in the necessity of judicial regulations and public control concerning the practice (Joseph Schenker and David Frenkel 409).

Gestational surrogacy and its associated assisted reproductive techniques have become common practice in many countries today, regulated in very few countries by established legislation and regulations (Howard Jones 1091). In a country like Nigeria, there is a clear case of lack of any meaningful legislation or ethical standards as the rapid evolution and the progress that these techniques have made upswing issues with religious imputation.

However legislators have raised doubts as to whether any single piece of primary legislation will ever be sufficient in itself to deal with such a complex area and with such fast-moving technology (Eric Blyth and Chris Cameron 2340). Beyond legal legislation, there are also more profound fundamental issues that have to do with the dignity of the human person and religious ethos.

Gestational surrogacy is 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).

In 2007, Osato Giwa-Osagie announced to Nigerians that his team has successfully performed a surrogate pregnancy at the OMNI Advanced Medical Centre in Lagos with a little over ₦1 million. According Osato Giwa-Osagie the pregnancy was outsourced to a single lady in her 30s who graciously carried the pregnancy at the cost of ₦200, 000 while the balance was paid for the medical bills and cost of In Vitro-Fertilization (qtd in Omo1)

According to Matron/Clinic Manager, Medical Assisted Reproductive Centre (MART), Abiola Adewusi, patients who come with various uterine disorders are the ones that are usually advised to consider using a surrogate. Adewusi maintains that "even though the practice is new in Nigeria, clients have started embracing the idea and it is now creating hope for those couples who otherwise thought there was no other option for them (cited in *The Nation* 18)

It is no longer news that former Miss Nigeria, Adenike Oshinowo, is a proud mother of a set of twins. Due to her long-term association with endometriosis (since age 13), 47-year-old Nike delivered the set of twins with the help of a surrogate gestational carrier in United States. Expressing happiness and gratitude to God for making her a mother despite all odds, Nike said: "I am overwhelmed and humbled by the depth of my love for my children. God has been most gracious to me. I am beyond happy" (*The Nation* 17). Her open declaration can be said to be a giant stride to demystify surrogacy in Nigeria. Hitherto, the act had been ongoing in mooted voices or concealed activities.

Worried by these developments the Catholic Bishops Conference of Nigeria (CBCN), on the 7th of June 2014, alleged that some Nigerian women now sell their private parts, wombs, ovaries and human eggs as commodities in the global bio-technology market. The President of Conference, Archbishop of Jos, Most Rev. Ignatius Kaigama, disclosed this during the International Family and Pro-Life Conference tagged: "Witnesses to the Dignity of every Human Life" in Abuja. Kaigama speaking on the topic: "The Catholic Church in Nigeria and the Imperative of Scaling up Pro-Life Activities across the Country," the Bishop revealed that most of the transactions were done with people who hold influential positions in the society. Kaigama said: "it is becoming increasingly clear to us that even in Nigeria, our women have become the targets of all manners of intrigues, especially as their fertility is concerned. Personal private parts of women, ranging from wombs, ovaries and human eggs risk being put up as commodities for sale at the global biotechnology market-places" (Caleb Ayansina 14).

The objective of this paper therefore is to present these complexities arising from gestational surrogacy, and the religious issues and perspective regurgitated by this phenomenon. The intent is not to provide the final word on these complexities, but to bring them to sharp focus, contestation and religious analysis with the hope of providing better enlightenment, especially in making changes that will result in effective solutions. These religious issues are: Surplus Embryos Elimination, Dignity of Human Person (*Dignitas Personae*), Personal Context, Sperm Collection and Masturbation, Violation of the Marital Covenant, Commoditization of Genetic Material and Embryo, and gestational family structure and the welfare of the child.

Conceptual Clarity

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. Some others may opt for gestational surrogacy simply for cosmetics reasons. 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. 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" .

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).

Religion

Religion which is "respect for what is sacred, reverence for the gods"(Douglas Harper 1), "obligation, the bond between man and the gods" (*Shorter Oxford English Dictionary* 78) is derived from the latin word *religiō*. Modern scholars such as Tom Harpur and Joseph Campbell favor the derivation from *ligare* "bind, connect", probably from a prefixed *re-ligare*, i.e. re (again) + *ligare* or "to reconnect", which was made prominent by St. Augustine, following the interpretation of Lactantius (John Green 94).

Clifford Geertz defines religion as a cultural system of behaviors and practices, worldviews, sacred texts, holy places, ethics, and societal organization that relate humanity to "and order of existence"(116). Different religions may or may not contain various elements, ranging from the "divine", "sacred things", "faith", "supernatural being or beings" or "some sort of ultimacy and transcendence that will provide norms and power for the rest of life" (Anthony Vergote 16). According to James Swindal, religious practices may include rituals, sermons, commemoration or veneration (of God or deities), sacrifices, festivals, feasts, trances, initiations, funerary services, matrimonial services, meditation, prayer, music, art, dance, public service, or other aspects of human culture. Religions have sacred histories and narratives, which may be preserved in sacred scriptures, and symbols and holy places that aim mostly to give meaning to life. Religions may contain symbolic stories, which are sometimes said by followers to be true, that have the purpose of explaining the origin of life, the Universe, and other things. Traditionally, faith, in addition to reason, has been considered a source of religious beliefs (19). According to the *Association of African Studies*, there are an estimated 10,000 distinct religions worldwide (119). About 84% of the world's population is affiliated with one of the five largest religions, namely Christianity, Islam, Hinduism, Buddhism or forms of folk religion (Pew Research Center).

The study of religion encompasses a wide variety of academic disciplines, including theology, comparative religion and social scientific studies. Theories of religion offer various explanations for the origins and workings of religion.

In this study, the word religion is used as the belief in and worship of a superhuman controlling power, especially a personal God. Religion is seen as a set of beliefs that is held by a group of people as there are many different religions, each with a different set of beliefs. These beliefs are about the world and the people in it, about how they came into being, and what their purpose is. Each religion also has a "moral code" which is a set of beliefs about how humans should act.

Religious Issues of Outsourcing Pregnancy

Gestational surrogacy is a complex and contentious religious issue across global religions and cultures. Religion is naturally concerned with procreation and family structure because of the spiritual laws guiding human life. Therefore, the complexities of gestational surrogacy do force the religious thinker to consider these new reproductive technologies which have resulted in the creation of new family types and structures that would not otherwise have existed. The objective therefore is to present these complexities arising from gestational surrogacy, and the religious issues regurgitated by this phenomenon from a Judeo-Christian religious perspective.

Course of Nature versus Biological Connection.

Gestational surrogacy raises the question of whether it is proper for science to interfere with the natural mode of reproduction. Jerry Falwell argues against surrogacy on the grounds that "God's way is still the best way" (3). The Catholic Church argues that reproductive technology tempts man "to go beyond the limits of a reasonable dominion over nature"(Arthur Greil 7). Certain Jewish writers, in contrast, take the opposite tack and argue that

people have a moral obligation to take all reasonable steps necessary to preserve reproductive health.

Therefore the religious issues thrown up by gestational surrogacy is the debate whether gestational surrogacy is an interference with the course of nature as ordained by God? Proponents maintain that gestational surrogacy create room for biological connection between mother and child and therefore in accordance with God's plan of procreation. On the other hand religious opponents insist that the outsourcing of pregnancy to a third party is against the course of nature and against God's mandate on procreation.

When couples are unable to naturally bear children, they have several other alternatives in starting a family. Certainly, while adoption is one choice, there are many who wish to see a child through conception, pregnancy, birth, and rearing (Modern Family Surrogacy Center). For some, there is also the issue of having a true biological connection with that child. Oftentimes these individuals will choose the surrogacy process in order to accomplish their goal of having a child. In this situation, a third party, referred to as the surrogate mother, will carry the embryo throughout the pregnancy, giving up the baby to its intended parents at the time of birth (Modern Family Surrogacy Center). While this procedure has become much more accepted over the years, there are many religious groups (Catholic Church) and some other faith organizations that frown upon it, stating that it is not natural – with some even going so far as to call gestational surrogacy "pregnancy-for-hire" (Haworth 4).

Procreation is God's plan (Gen. 1:28)

Research done by John Kilner, Paige Cunningham, and David Harger testifies that the desire to have a baby remains one of the most primal and deep-seated desires of most women (40). Without the biological urge to reproduce, God's created species would die out. Many women grow up emulating their mothers and planning for their own family: how many kids to have, what they will name them and how they will raise them (Cristina Richie 9). Then, once married, many couples desire to raise a family of their

own and have biological children; however some couples find their desires and plans thwarted by infertility. As pressure mounts to have children - from society, family, and even church members - so also frustrations escalate; in order to avoid these frustrations proponents are of the opinion that man should do whatever is possible to procreate including the use of gestational surrogacy, which they maintain is in accordance with God's plan of procreation (Richie 12). According to this line of thinking medical technologies that aid infertility that does not venture from religious principles should be acceptable in good conscience.

Children as the Gift of God

Another religious issue concerning gestational surrogacy is the debate that Children are gifts from God (Psalm 127:3) and not a commodity that can be bought and sold. Religious opposition to traditional surrogacy is the view that it is always immoral for the mother to give up her child for payment. According to this view, gestational surrogacy is always immoral when the embryos or games used in the surrogacy are "purchased" for the purpose of implantation and that the deep desire for a child does not justify the exploitation of another woman's body (Ethics and Religious Liberty Commission 45). Children are not commodities to be bought and sold, and women are not containers to be used as baby makers.

Third-Party Reproduction and Violation of the Marital Covenant

Treatment that introduces genetic material from a third party raises the fundamental question: does gestational surrogacy technology violate the exclusiveness of marriage? As Scott Rae and Paul Cox explain, surrogacy violates the creation norm for marriage, family, and procreation, by introducing a third-party contributor, either in the form of a womb donor or a womb and an egg donor (35). According to these scholars, the use of donor gametes is an act that includes a third party in an event that was meant to remain strictly within the marriage covenant. It also prevents

infertility from being a burden shared by both spouses (36). As Dawn Mc Colley explains,

> Because of the special union in marriage, problems such as infertility are shared by both spouses and should be borne by both. The refusal to share burdens is not a Biblical response to God's will, nor is it the way Christian spouses ought to treat each other. Children are not the sole, sacred purpose of marriage. If God has chosen to withhold that blessing from one spouse, He necessarily chose to withhold it from the other (243).

Even theologically liberal Catholics are inclined to agree that the use of third-party genetic material violates the sanctity of the marriage covenant. Some fundamentalist Protestants even deem it tantamount to adultery. Some Jewish theologians reject AID not only because it could be construed as adultery, they argue that it is extramarital sexual intercourse; and that the use of the genetic materials of a third party constitutes adultery which could result in inheritance problems as a child with an unknown parentage may unwittingly commit incest.

Embryo-Destructive Reproductive Technology

There is also the religious concern about gestational surrogacy because it involves embryo-destructive reproductive technology. Some Christians believe that the unwanted embryos should not be destroyed as they are potential human beings and/or because they believe that life begins at conception. The Roman Catholic and many Evangelical churches take this view. The Roman Catholic Church teaches that embryos have "the right to be respected as a person from the moment of conception" (*Roman Catholic Catechism* 2378).

However some other Christians are of the view that it is common for more than one embryo to be produced by IVF, and for some to be left over. Embryos can be frozen for use at a later date by the couple. A couple may

give their consent for the spare embryos to be used for research or be destroyed within 14 days (according to UK law). The Church of England and the Methodist Church supports this view.

The Dignity of the Human Persons

The Congregation for the Doctrine of the Faith document titled: *"Dignitas Personae"* issued by the Vatican in 2008 with the approval of Pope Benedict XVI, addresses advances in biotechnology such as use of surrogates, embryo adoption, artificial insemination and In Vitro Fertilization. This document acknowledges that "the human embryo has, from the very beginning, the dignity proper to a person"(no. 6). Working from the concept of human dignity expressed in the *"Dignitas Personae,"* the USCCB asserts that a child is a gift from God, and that while "many couples are tempted to resort to reproductive technologies; as in other areas of life, a good end does not justify every possible means"(10).

Sanctity of Marriage

The use of a third party to donate eggs or sperm, or to conceive or carry a child violates the sanctity of marriage and natural sexual relations, the Catholic Church has said. The USCCB comments,

> The child resulting from these arrangements (surrogacy) is not the fruit of the spouses' commitment to procreate only with and through one another. In an important sense, the spouses have decided not to be fully the mother and father of their child, because they have delegated part of their role to others (6).

The Catholic Church view is that these reproductive technologies violate the procreative marital pacts of parents and undermines their human dignity, the dignity of the child and that of the donor.

Religious Concern about Embryo Adoption

The *National Catholic Reporter* outlines the rulings of the *Dignitas Personae*, including the bioethical option of adopting embryos. According to *National Catholic Reporter*, over 400,000 embryos have been frozen since the late 1970s, and many couples unable to conceive consider "adopting" or bringing one to term. For Catholics, this invites a serious moral dilemma, since the adoption of a frozen embryo, even while it saves a potential human life, indirectly condones the artificial generation of human life and is unacceptable in Catholic doctrine (24).

Religious Concern about Artificial Insemination

Another religious issue surrounding gestational surrogacy is the religious concern about artificial insemination. Opponent of gestational surrogacy are of the opinion that in the Book of Genesis, God urges Adam and Eve to procreate by uniting their bodies in the act of intercourse. Therefore obtaining a semen sample, whether from a donor or husband/partner, is at odds with the intention of marital intercourse. According to the Pope Paul VI Institute Guidelines on the treatment of infertility, introducing sperm into the woman's body by artificial means is a substitution for, or suppression of marital intercourse and therefore unacceptable (10).

However the use of a donor egg or sperm is considered acceptable by some Christians, whether the donor is anonymous or known to the couple. According to these Christians, donation is a compassionate act to help a fellow human being. They may also agree that a surrogate mother might be used to carry the child, as long as this is not done for money. Conversely, some Christians do not agree with donation of sperm or an egg as this is introducing a third person into the relationship and it is like committing adultery, which is forbidden by the Ten Commandments.

Collection of Genetic Material

Treatments that involve laboratory collection of genetic material (AIH, AID and IVF) raise questions about the appropriate use of such materials.

Treatments like IVF, which involve the creation of a human embryo outside the womb or the removal of an embryo from the womb, raise questions about the moral status of the embryo and its rights. Can it be destroyed or experimented upon? Who will look out for its interests? The Catholic Church condemns both the freezing of human embryos and non-therapeutic experimentation on human embryos (Congregation for the Doctrine of the Faith No 1). While not all religious leaders would rule out experimental use of embryos, most believe that human genetic material should be used only under limited conditions. The Catholic Church and some fundamentalist Protestants view the discarding of extra embryos as abortion. But most religious commentators believe that the best response to this problem is to see that reproductive technology is regulated, not banned.

Religious Arguments:

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

Religious Arguments against Gestational Surrogacy

There are different religious inclinations. The acceptability or not, of the concept of surrogacy and issues consequent upon that, may vary from one belief to the other. Opinions among Christian groups differ. For the Catholic Church, a child is a gift, and not a right and procreation can only result from the conjugal love of married people. She describes as "gravely immoral" any technique that entails the dissociation of a married couple, by the intrusion of a person other than the couple including gamete donation (Eleanor Mckenzie 10). The Catholic Church further states that surrogacy violates the dignity of the child (Mckenzie 10). Protestant denominations have a more liberal attitude to infertility treatments, but however express reservations about probable challenges arising from gestational surrogacy, such as future psychological problems for the child and questions regarding ownership of the child (Mckenzie 12)

Some specific religious arguments against outsourcing pregnancy or gestational surrogacy technologies include:

Surplus Embryos Elimination

This argument is posited on the fact that in gestational surrogacy procedure, several embryos are created. If one embryo transfer fails, other attempts are possible. On average, only about 25 percent of embryos that are created by the use of In Vitro Fertilization (IVF) and transferred to the womb develop until birth (Advance Fertility Center 30). When pregnancy occurs before all of the embryos have been transferred, there are extras left over in the laboratory. The embryos are usually kept in a state of suspended animation (i.e., cryogenically frozen) until their death, which usually occurs in less than 10 years (Advance Fertility Center 34). In some cases, IVF recipients pay a recurring fee to have them stored for future use. Unwanted surplus embryos can be donated, with permission, to another couple or disposed of, especially if found to have defects (Joe Carter 12). The "*Dignitas Personae*" speaks out strongly against In Vitro Fertilization and the destruction of surplus embryos on the grounds that focusing only on a positive clinical outcome, disregards the life and humanity of each embryo. For these reasons, Christians should not support any reproductive techniques that create embryos that will not be implanted in a womb (Carter, 12).

Personal Context

The official ruling of the Catholic Church, as voiced in the "*Dignitas Personae*" instruction is that attempting to separate conception and birth from the "personal act" of marital sex is against the will of God. According to the Catholic Church, replacing natural conception with scientific processes dehumanizes embryos and leads to "blithe acceptance" of the destruction of human life. The separation of sexual intercourse from the process of conception creates a new and artificial process into human reproduction; one that demands technological intervention at virtually

every stage, from the collection of the sperm and eggs, to the actual fertilization, to the implantation of the embryo in the uterus. This clearly brings a significant measure of artificiality into the process of human conception.

Commoditization of Genetic Material and Embryo

Opponents of gestation surrogacy argued that the process involved some kind genetic material manipulation and accused scientists of "playing God" (Erika Check 12). These critics include Alison Cook of Great Britain's Human Fertilization and Embryology Authority, who argues that there should be ban on gestational surrogacy to protect the welfare of the embryo and the child. The core issue relates to the status of the embryo. Is it a human being with a soul that must be protected or is it a collection of cells that will not become part of humanity until a later time? This issue cannot be resolved on a scientific basis but rather plays a central role in religious notion of the human person.

Christopher White argued that children are the gift from God (Psalm 127:3) and not a commodity that can be bought and sold. It is religiously offensive for a mother to give up her child for payment. Likewise, gestational surrogacy is religiously offensive if the embryos or gametes used in the surrogacy are “purchased” for the purpose of implantation. Many, if not most, Christian bioethicists and legal scholars would agree that commercial surrogacy is morally and legally problematic since it constitutes the sale of a child. Some even claim it is a form of human trafficking (White 14).

Sperm Collection and Masturbation

This argument against gestational surrogacy excogitates the fact that both for male factor testing and in order to use sperm for IVF the couple must first collect a sperm sample. For many religious groups this creates a challenge due to a prohibition on masturbation. The Roman Catholic Church and some other churches still consider masturbation to be a sin. However, some other churches have accepted it as normal for young

unmarried people of both sexes and an acceptable alternative to the very real dangers and evils of promiscuous sexual intercourse (Anthony Wilhelm 23). Even some Roman Catholic theologians say that the potential sin of masturbation is not the act itself, but that habitual, compulsive masturbation in adulthood may be used as an escape from normal heterosexual and interpersonal growth (Wilhelm 25).

Violation of the Marital Covenant

As Scott Rae and Paul Cox explain, surrogacy violates the creation norm for marriage, family, and procreation, by introducing a third-party contributor, either in the form of a womb donor or a womb and an egg donor (35). *Lawrence* Bilkes argues that the use of IVF in gestational surrogacy underlines the extent to which the modern mind has reduced human reproduction to a technology rather than a divine gift, mystery, and stewardship (29). Bilkes asserts that the biblical language reminds us that we are "begotten", and not merely made (7). Scripture clearly shows and teaches that children are not the products of a technological process, but the gifts of the Creator, the loving and merciful God whose intention it is that children should be born to a man and a woman united in the bond of marriage, and the fruit of that marital bond realized in the conjugal act (Gen. 4:1; see also Gen 4:17; Ruth 4:13; 2 Sam 12:24). Indeed, children are neither by-products of this act; neither are they mere "products" of our technological innovations. This is why most religions and relevant organizations are against surrogacy, particularly its commercial aspects, since they see it as immoral, against the unity of marriage and procreation, or against the dignity of the child; as a result, they call upon the law to maintain surrogacy as illegal.

Religious Arguments in Favour of Gestational Surrogacy

The Benefits of IVF argument

This argument hypothesizes the positive benefits of IVF, which is the major technology used in gestational surrogacy. According to this argument

helping infertile couples to have a child is one of the major injunctions of God, which is also the major objective of IVF and gestational surrogacy. Therefore the arguments in favour of IVF have remained fairly consistent over the years; chief among these arguments is the potential of allowing previously infertile couples to finally have children of their own. Infertility expert Howard Jones recalled that prior to IVF, "it was often necessary to sit with a patient and say that we had come to the end of the line. But IVF therefore seemed like a possibility of one more step that would make less frequent this distressing conversation with a patient" (cited in American Experience).

"God saw all that he had made, and it was very good" (Genesis. 1:31)

Another important religious argument for gestational surrogacy is that IVF technology in gestational surrogacy, allows for the studying of fertilization and early embryonic development outside the womb. Through this process scientists might learn more about how to prevent certain birth defects. Proponents also note the possibility that knowledge gleaned from IVF would advance medicine in general, helping with better prenatal care. This argument posits that the elimination of births defects and the prevention of genetic disease through IVF in gestational surrogacy is in conformity with God's plan of perfect creation, attesting to the fact that God saw all that he had made, and behold, it was very good (Genesis 1:31).

The Biblical Example Argument

Some Christians have used the biblical example argument to provide a religious basis for the acceptance of surrogacy, stating that the use of a surrogate mother to bear children for couples who are unable to conceive for themselves is a process that is thousands of years old. According to these Christians, this is proven in the writings of the Bible through the story of Abraham and his wife Sarah who was infertile. At this time in human history, a woman who was childless was oftentimes shamed by her family and friends. Therefore, these women would offer their servants to act as

"surrogates" for the purpose of bearing children (Genesis 16), claiming that the Bible does not specifically forbid the process of surrogacy itself.

"…be fruitful and increase in number" (Gn 1:28) Argument

Some Christian have relied on Genesis 1:28 as a biblical foundation in support of surrogacy, maintaining that God's command to *'be fruitful and increase in number'* is one that should be taken seriously. According to this argument since this command to *'be fruitful and increase in number'* has not been nullified, many Christians therefore understand science as part of fulfilling this process. According to this argument, it is therefore good and right to use scientific means to aid fertility and help infertile couples. Therefore, the responsibility of humans to procreate and preserve the human race makes surrogacy permissible for infertile couples (Mckenzie 12).

Happiness of the Infertile Couples Argument

This argument is cogitated on the fact that the use of IVF in gestational surrogacy is supported theologically as it brings happiness to people who otherwise would not be able to have children. That life comes from God and anything that brings forth new life must be good. The intension of God is that we should have children and bring forth families. Therefore the most loving religious and loving action is to offer medical help and to use these God-given gifts of healing to bring joy to childless couples through gestational surrogacy (Beth Haile).

Infertility as a Medical Problem Argument

Some religious people argue that infertility is a medical problem, and should not be different from any other medical problem. Abdul-Majeed asserts that "for every disease God has created a cure, except death" (97). According to this basic religious principle, persons facing hardships should use all lawful means to solve their problems, while at the same time

preserving their trust in God, that He will help them achieve their goal which is especially true in matters of disease and health (Abdul-Majeed 98). This argument posits that God is also gracious and merciful; He is in the business of healing and restoration. The command to 'fill the earth and subdue it'(Gen 1:28) is a call to human beings to be God's co-workers in mastering the world he has created and to restore it with God-given knowledge and talents to do good. Therefore, this principle of stewardship validates scientific enquiry and application, for the purpose of helping other human beings and to alleviate infertility. Thus the discovery of new methods of treatment for infertility as well as other diseases is in principle, a perfect legitimate pursuit. The most loving action is to offer medical help and to use these God-given gifts of healing. So they argue that infertility is a disease and IVF/gestational surrogacy is a cure for this disease (Mohammad Shad).

God's Response to Infertility Argument

According to this argument God is supremely sensitive to human suffering; and Scripture gives us many examples of Him responding compassionately to the pain of childlessness. God hears Rachel's heart-cry to her husband, 'Give me children, or I will die!' (Gn 30:1). The Scriptures tell us that he 'remembered Rachel…listened to her and opened her womb' (Gn 30:22). As a result she gives birth to Joseph and responds by declaring, 'God has taken away my disgrace' (Gn 30:23). Similarly God responds to Hannah's tears of sadness over her longing for a son. She calls him Samuel, meaning 'because I asked the Lord for him' (1 Sam 1:20).

This argument posits that God understands the pain of childlessness, just as it is striking that Joseph, Samuel, Isaac, Samson and John the Baptist were all born to initially infertile couples. The argument therefore, is that it is a wonderful privilege for doctors to participate in alleviating infertility through IVF and gestational Surrogacy.

Gestational Surrogacy is Honouring Life and Upholding Marriage

The argument is based on the fact that human life is precious because it is made in the image of God and belongs to him. To these proponents, people within matrimonial bondage should not be deprived of the benefits of IVF and gestational surrogacy. To them IVF/Gestational surrogacy is a treatment that is available which can prevents people from getting desperate thereby seeking ways to end their childless marriage.

Religious Evaluation

Developments in science and technology and corresponding clinical applications resonate new religious questions, often without clear answers. The role of religious reflections in bioethics is integral to clarify perceived attitudes toward these developments for different religious communities. Although science makes some things possible, it does not make them right. In evaluating the religious issues involved in gestational surrogacy technologies and the problems associated with married couples struggling with infertility, care must be taken to pay great attention to the suffering of couples with infertility, God cares for them and precisely because of this, God endowed man with intellect for medical research. But the lure of these technologies must not lead us to the debasement of the value of human dignity; namely the dehumanization of the human person in the earliest stages of life. Therefore the first step is to provide a more holistic and balanced approach to the whole subject of infertility, dismantling myths that prevent couples from having a fulfilled and satisfying marriage in whatever stage God has placed them. The fact must also be noted that the vocation to marriage is no less because of the absence of children in a conjugal union. In line with the Catholic teaching, human sexuality has two components, the unitive and procreative; gestational surrogacy technologies separate these components and make the procreative the only goal. Pope Paul VI said that there is an "inseparable connection, willed by God, and unable to be broken by man on his own initiation, between the

two meanings of the conjugal act: the unitive meaning and the procreative meaning."

Another issue involved in gestational surrogacy technologies is that these technologies make the child a commodity produced in a laboratory, and makes doctors, technicians, and even business people part of the conception process. The sperm or eggs used may not come from the couple desiring the child; because one of the spouses may be infertile, it may be necessary to use the sperm or eggs from an outsider, this also creates some religious misgiving. Most of the embryos conceived (which should be respected as new human lives) are killed, or frozen indefinitely for later implantation, or used for research, or are discarded, this also is religiously unacceptable.

Almost all Christian bioethicists agree that most forms of surrogacy are theologically problematic. As Scott Rae and Paul Cox explain, surrogacy violates the creation norm for marriage, family, and procreation, by introducing a third-party contributor, either in the form of a womb donor or a womb and an egg donor. Many, if not most, Christian bioethicists and legal scholars would agree that commercial surrogacy is morally and legally problematic since it constitutes the sale of a child. Some even claim it is a form of human trafficking. The general consensus is that such arrangements violate the human dignity of the child and the gestational mother. However one surrogacy arrangement that some Christian bioethicists believe may at times be morally acceptable is "rescue surrogacy," when a surrogate mother volunteers her womb to save an IVF-created embryo that has been frozen and is destined for destruction.

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 of ourselves 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 ethico-religious argument for and against outsourcing pregnancy, these arguments must not be disaggregated from the harms that the practice may produce and that 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 outsourcing pregnancy or 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, ethical and religious in dimension.

However empathy and discernment is advocated as a starting point in this religio-moral judgment associated with married couples struggling with infertility, care must be taken to pay great attention to the suffering of couples with infertility. God cares for them as the vocation to marriage is no less because of the absence of children in a conjugal union.

Recommendations

This study makes the following recommendations:

(a) that religious implications of gestational surrogacy should be of paramount consideration in all gestational surrogacy engagements;
(b) that studies on the religious 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 outsourcing pregnancy;
(c) that, there should be stimulation of discussions, debate and enlightment on the religious perspectives of gestational surrogacy at the national level;
(d) that seminars and conferences based on the Religious implications of outsourcing should be at the fore front of all engagements on gestational surrogacy;

(e) that unless the religious dimensions are considered, the international community may choose responses that are ethically and religiously unsupportable or unjust and
(f) that a Theo-centric ethics should drive human reproductive scientific advancements.

Conclusion

Gestational surrogacy has an inscrutable impact on the family structure and the welfare of the child. Non-intervention in this emerging moral dilemma will not be proper at a time of diverse human reproductive technologies which have continued act as instruments for the distribution of positive entitlements that have brought unprecedented joy to a number of families; yet at same time the value of human life and human dignity have greatly be compromised by these technologies. Prohibition and condemnation on vague moral grounds without a proper assessment of social ends and purposes which gestational surrogacy can serve would be unfair to concern families, however active religious intervention is required to facilitate correct uses of these new technologies.

Works Cited

Abdul-Majeed, Alaro. "Assisted Reproduction Technology (ART): The Islamic Law Perspective'. In A.B Arda and V. Rispler (eds) *Islam and Bioethics*. Turkey: Ankara University 5.6 (2012): 97. Print.

Advance Fertility Center. "IVF Implantation Failure: Why does In Vitro Fertilization Sometimes Fail?" Web: 24th June, 2015. <http://www.advancedfertility.com/>.

American Experience. "The Pros and Cons of IVF". Web: 20th December 2016 <http://www. pbs.org/wgbh/americanexperience/>.

Ayansina, Caleb, "Women Sell Body Parts in Bio-tech Market, Catholic Bishops Alleged", *Vanguard Newspaper*, 6 June 2014, 14. Print

Bilkes, *Lawrence.* "In Vitro Fertilization". Web: 24th December 2016 <*http:// reformedresource.net/ index.php/pregnancyreproduction/119-in-vitro-fertilization.html* >.

Blyth, Eric and Chris Cameron. The Welfare of the Child: An Emerging Issue in the Regulation of Assisted Conception. *Human Reproduction* 13.9 (1998):2339–2355.

Carter, Joe. "Issue Analysis: Surrogacy." *The Ethics and Religious Liberty Commission.* Web: 14th December 2016 <https://erlc.com/article/ issue-analysis-surrogacy>.

Catechism of the Catholic Church. Section 2377. Rome: Vatican. 1993. Print.

Check Erika. "Gene Study Raises Fears for Three-Parent Babies." *Nature* 438.764(2005):12. Print.

Cheshire Fertility Centre. "Egg Donation & Sharing." Web: 12th June 2015 <Retrieved from *http:// www.cheshirefertilitycentre.com*/>.

Ethics and Religious Liberty Commission. "Issue Analysis: Surrogacy". Web: 12th February 2017 <http://erlc.com/resource-library/articles/issue-analysis-surrogacy>.

Falwell, Jerry. "The Religious Response to Surrogacy". Web: 20th December 2016<http://www.religion-online.org/showarticle .asp>.

Fasouliotis, Sozos and Joseph Schenker. "Social Aspects in Assisted Reproduction." *European Society of Human Reproduction and Embryology*. 5.1 (1999): 26–39.Print.

Feldstrin, Lisa "Reproductive Law". *Lisa Feldstein Law Office Professional Corporation*. Web: 4, March, 2016. <http://familyhealthlaw.ca/ reproductive-law/>.

Geertz, Clifford "Religion as a Cultural System". In *The Interpretation of Cultures: Selected Essays*. Washington: Fontana Press, 1993. Print.

Green, John . *The Pagan Christ: Recovering the Lost Light*. Toronto: Thomas Allen Press, 2004. Print

Greil, Arthur. "The Religious Response to Reproductive Technology". Web: 20th December 2016<http://www.religion-online.org /showarticle.asp?title=807>

Hague Conference on Private International Law. *A Preliminary Report on the Issues Arising from International Surrogacy Arrangements*, 2012. Print.

Haile, Beth. "A Character-Based Approach to Artificial Reproductive Technologies." Web: 20th June 2015<http://catholicmoraltheology.com/a-character-based-approach-to-artificial-reproductive-technologies/>.

Jones, Howard. "The Time has Come." *Fertility and Sterility* 65 (1996):1090–1092. Print.

Kilner, John, Paige Cunningham and David Harger. *The Reproductive Revolution: A Christian Evaluation of Sexuality, Reproductive Technologies, and the Family*. MI: Eerdmans, Grand Rapids, 2000. Print.

McColley, Dawn. "A Biblical Response to Baby-Making: Surrogacy, Artificial Insemination, In Vitro Fertilization and Embryo Transfer". *Journal of Biblical Ethics in Medicine*. 5.3(2009): 243-56. Print.

Mckenzie, Eleanor. (2015). Religious views on surrogacy: Opposing views. Web: 14th December 2016< *http://www.people-opposingviews.com/religious-views-surrogacy-9339.html* >.

Modern Family Surrogacy Center. "Christian Surrogacy". Web: 12th February 2017 <http://www.modernfamilysurrogacy.com/page/christian_surrogacy>.

National Catholic Reporter. Web: 22nd December 2016 <https://www.ncronline.org/>.

Omo, Franca. "IVF Success Story from Omni Fertility Center." *IVF Babies in Nigeria.* Web: 11th February 2015 <http://ivfbabiesnigeria.blogspot.com>.

Pew Research Center. "The Global Religious Landscape" Web: 7th January 2017.<http://www.pewforum.org/2012/12/18/global-religious-landscape-exec/>

Pope John Paul II. *Apostolic Exhortation Familiaris Consortio of Pope John Paul II on the Role of the Christian Family in the Modern World*. Vatican City: Libreria Editrice Vaticana, 1981. Print.

Pope John Paul II. *Evangelium Vitae: Encyclical of Pope John Paul II on the Value and Inviolability of Human Life*. Vatican City: Libreria Editrice Vaticana, 1995. Print.

Pope John XXIII. *Mater et Magistra: Encyclical of Pope John XXIII on Christianity and Social Progress*. Vatican City: Libreria Editrice Vaticana, 1961. Print.

Pope Paul VI Institute. "Infertility Work-up Overview". Web: 20th December 2016 <http://www.popepaulvi.com /PDF/Infertility-Work-up-Overview.pdf>.

Pope Paul VI. *Humanae Vitae: Encyclical of Pope Paul VI on the Regulation of Birth*. Vatican City: Libreria Editrice Vaticana, 1968. Print.

Pope Paul VI. *Humanae Vitae: Encyclical of Pope Paul VI on the Regulation of Birth*. Vatican City: Libreria Editrice Vaticana, 1968. Print.

Pope Pius XI. *Casti Connubii: Encyclical of Pope Pius XI on Christian Marriage*. Vatican City: Libreria Editrice Vaticana, 1930. Print.

Rae, Scott and Paul Cox. "Bioethics: A Christian Approach in a Pluralistic Age" *Critical Issues in Bioethics*, 1999. Print

Richie, Cristina. "A Christian Understanding of In Vitro Fertilization". Web: 12th February 2017 <https://www.ministrymagazine.org/archive/>

Schenker, Joseph and David Frenkel. Medico-legal Aspects of In Vitro Fertilization and Embryo Transfer Practice. *Obstetrics and Gynecology Survey* 41 (1987):405–414.

Shorter Oxford English Dictionary "Religion" England: Oxford Press, 1987. Print.

Storey, Grayce. *Ethical Problems Surrounding Surrogate Motherhood*. Connecticut: Yale-New Haven Teachers Institute, 2016. Print

Surrogate Parenting Act (Excerpt) – Act 199 of 1988. Michigan Legislature. Print.

Surrogate Parenting Act 199 of 1988, Michigan Legislature. Legislative Council State of Michigan, 2015. Web: 30th July 2016 <https://www.legislature.mi.gov/>.

Swindal, James. 'Faith and Reason" Web 7th January 2017. <http://www.iep.utm.edu/faith-re/>.

The Jerusalem Bible. Ed. Alexander Jones. New York: Doubleday & Company, Inc. 1968. Print.

The Nation. "Surrogacy a Beacon of Hope for the Hopeless". Web 15th October, 2016 http://thenationonlineng.net/surrogacy-a-beacon-of-hope-for-the-hopeless/

Tong, Rosemarie. "Surrogate Parenting*." Internet Encyclopedia of Philosophy. Web: 4th June 2015 <http://www.iep.utm.edu/surr-par/>.*

United States Conference of Catholic Bishops (USCCB). "Life-Giving Love in An Age of Technology". Web: 20th December 2016<http://www.usccb.org/beliefs-and-teachings/what-we-believe/love-and-sexuality/life-giving-love-in-an-age-of-technology.cfm>.

Vergote, Anthoina. *Religion, Belief and Unbelief. A Psychological Study*. Leuven : Leuven University Press, 1996.Print.

White, Ellen. *The Seventh Day Adventist Bible Commentary*. Hagerstown: Herald Publishing Association, 1978. Print.

Wilhelm, Anthony. *Christ Among Us: A Modern Presentation of the Catholic Faith for Adults, 5th ed.* Harper San Francisco, 1990. Print.