The Commodification of Human Reproduction: Surrogacy and African Notions of Family and Cultural Identity

By

Cyril Osilama Adamu Ph.D
Department of Religions,
University of Benin, Benin City, Nigeria.
Email: cytechsystem@yahoo.com; Tel: +234(0) 8023354905

Abstract

This study looked at the commercialization of human reproduction by examining surrogacy within the frame of reference of the family and cultural identities that exist throughout Africa. The study drew upon both the Marxist and Polanyian theoretical views of commodification along with feminist and anthropological views of commercialized surrogacy from authors like Margaret Jane Radin and John S. Mbiti. The study examined how surrogacy changes the way in which reproductive labor becomes a marketable commodity. Although African kinship systems have been traditionally flexible enough to accept non-biological forms of parenting, they do not allow for the same level of flexibility when it comes to allowing for market exchanges. The study utilizes case studies from Nigeria, South Africa, and Kenya to demonstrate how different legal frameworks and socioeconomic conditions can affect the practice and perception of surrogacy. In Nigeria there has been little regulation regarding surrogacy so many women are exposed to potential forms of exploitation. The altruistic surrogacy model currently being used in South Africa is attempting to prevent the commodification of surrogacy through legal protections; however, the lack of clarity in the laws governing surrogacy in Kenya creates an atmosphere where debates over identity and parenthood occur. These case studies also help to illustrate how global reproductive markets intersect with local cultural systems creating inequalities and challenges to traditional perceptions of what it means to be a "mother" or part of one's community. This study found that the commercialization of surrogacy presents numerous ethically and culturally problematic issues in African societies specifically in terms of lineage, identity and human dignity. Furthermore, the study advocates for the establishment of contextually sensitive regulatory models that will

protect both technological advancements (through surrogacy) and cultural values, as well as social justice.

Introduction

Human reproduction has taken different forms and modes today due to advancements in assisted reproductive technologies which is creating new possibilities for people or couples who cannot produce offspring, however it also creates a multitude of issues at an ethical level, legally and culturally. The most debated topic among these is the creation of *commodified persons*. Commodifying refers to converting human capabilities, such as the ability to reproduce, into something that can be bought and sold on the open market. This idea is based upon the political economy of Marx (1867-1976) work and was developed further by Polanyi (1944). According to polanyi, commodification places a limit on what can be morally allowed for markets; specifically when it comes to personal parts of our lives like pregnancy and childbirth.

One example of how this commodification affects society is seen in commercial Surrogacy. In commercial Surrogacy women are paid money for their reproductive labor. Some scholars believe that reproductive technologies, such as Surrogacy, expand women's choices. Examples include Firestone (1970), who views reproductive technologies as a means of increasing women's freedom. Other scholars, such as Raymond (1993), and Radin (1996), believe that Surrogacy could lead to women's bodies and children being reduced to commodities. Additionally, they contend that Surrogacy will exacerbate existing inequalities in wealth. The debates surrounding Surrogacy are complicated even more when viewed in light of non-Western cultures where traditional views of family and identity vary dramatically from those of western cultures.

Family units in many African nations are built around communal values, extended families, kinship ties, and lineal continuation. As described by Mbiti (1969), the individual does not exists apart from the group, and identity is shaped by one's relationship to others rather than simply by his/her own autonomy. Thus, parenthood is not simply a biological occurrence but is socially and culturally determined as part of an individual's connection to ancestry, inheritance, and shared membership in a larger unit. Although there are examples of communal

forms of family care (fostering, communal childcare etc.) that demonstrate considerable flexibility in the definition of family, they typically rely on reciprocal obligations rather than financial transaction.

Therefore, the insertion of commercial Surrogacy into the African environment raises important questions regarding whether global reproductive technology can coexist with local cultural systems. When surrogate mothers can in some cases contribute genetically, carry the fetus gestationally and provide social support during the time leading up to birth; it raises the question of who is considered the "mother" of the child? In addition to the issue of whose is the mother of the child, how will lineage continue if children are born via multiple reproductive providers? Lastly, how far will commercializing reproduction damage the social and cultural structures underlying concepts of family in African communities? Given the developing legal and socio-economic environments present in countries such as Nigeria, South Africa and Kenya, these concerns are particularly urgent.

In this paper, there is the proposal that although African notions of family are flexible and socially constructed; commercialized reproductive Surrogacy poses considerable challenges to both ethical principles and cultural values. Through a comparative analysis of theoretical perspectives related to commercial Surrogacy along with several case studies from Africa, this paper demonstrates that Surrogacy represents a novel type of social process that not only transforms medical practice but also societal constructs of motherhood, identity, and human dignity.

Commercial Surrogacy: A New Method for Producing Human Life

Commercial surrogacy is a major paradigm shift in how human life is created, conceptualized and socially constructed. Unlike traditional reproduction, which has been based on biological and social intimacy, commercial surrogacy incorporates a contract-based, and market-oriented approach to create human life. Here, a woman typically accepts payment for her agreement to carry and give birth to a child for someone else; thus changing reproduction from a social relationship into a form of wage-labor.

In commercial surrogacy, reproduction becomes fragmented into separate roles: *The genetic contributors* (egg and sperm providers); *The gestational carrier* (surrogate mothers); *Intended/Commissioning Parents*. The separation of reproductive labor among these three categories exemplifies the "de-naturalization" of reproduction described by Franklin (1997). This de-naturalization refers to the fragmentation of formerly unified processes of conception, gestation and motherhood into distinct and managed elements. Thus, human life is produced through networks of biological, technological and contractual relations rather than as part of a single family unit.

Moreover, commercial surrogacy also raises questions concerning the status of children. When reproduction occurs under terms established by contracts and financial exchanges, there exists at least a theoretical possibility that the child could be perceived as the outcome of a service. Radin (1996) labels this phenomenon a "contested commodity," arguing that although certain forms of exchange might be acceptable; assigning a monetary value to human life and bodily processes may compromise human dignity.

For people living in Africa, this transformation holds particular significance. According to Mbiti (1969), human life extends beyond biology; it includes being connected to community, lineage and spiritual continuity. Therefore, the perception of producing a child through contractual arrangements is potentially incompatible with cultural understanding of procreation as both a communal and sacred process. Therefore, commercial surrogacy does not represent merely a new method for producing human life, it represents a re-interpretation of the very meaning of human life. Furthermore, it transforms the area of reproduction from a realm governed by kinship, culture and morality to an area largely influenced by markets, technology and unequal global economic systems. Henceforth the essential question is not if commercial surrogacy can generate human life but what type of society/culture/ethics will develop alongside.

Conceptualizing Commodification and Reproductive Labor

Commodification is an important theoretical framework to understand how human reproduction, once socially embedded and related to culture and morality, has been more recently incorporated into market-based systems. Marxian Political

Economy, specifically the contributions of Marx (1867/1976), defines commodification as the process of assigning an exchange value to goods, services and even human capacities with respect to trade within the marketplace; according to this definition, labor is transformed into a commodity. Under current conditions, this principle has moved into the private sphere of reproduction. Polanyi (1944) builds upon this concept by defining "fictitious commodities" as those aspects of human life which were not initially created for sale, yet are now considered to be commodities in the context of the market economy. Pregnancy and childbirth are examples of fictitious commodities because these are both natural and social processes that are being made subject to contract and economic transactions through commercial surrogacy.

In addition to expanding our analysis of reproductive labor, feminist scholars have developed a body of research focused on the role that women's bodies/biological capabilities play in this arena. Firestone (1970) identified reproductive labor as a site of women's oppression; however, she argued that technological control over reproduction could liberate women from biological constraints. Critics such as Corea (1985) and Janice Raymond (1993) have countered this optimistic viewpoint regarding the potential impact of reproductive technology, in particular, commercial surrogacy , as contributing to increasing rather than decreasing gender-based inequities in society. They contend that reproductive technologies transform women's bodies into instruments of production.

More contemporary research has emphasized that surrogacy is a form of "clinical labor," or "reproductive labor," as conceptualized by Pande (2014). According to her research, surrogates' bodies are disciplined, monitored and managed through contracts, institutions and financial incentives in global fertility markets. Pande's focus highlights that surrogacy is not simply a matter of individual choice or medical treatment but instead represents a structured form of labor. A similar emphasis on the structure of labor and the institutional environment is evident in the work of Waldby and Cooper (2014); they identify these practices as part of the "bioeconomy."

One of the primary ethical concerns associated with commodification was addressed by Radin (1996); Radin contends that there are certain aspects of human

experience that should either remain outside the market or be only partially commodified in order to protect human dignity. As such, Radin identifies reproductive capabilities as "contested commodities," and suggests that their commodification results in social discomfort and public discourse. Similar to Satz (2010) has argued that markets pose a problem when they increase inequality, limit agency or diminish the social significance of products - including human life and motherhood.

Therefore, reproductive labor exists at the intersection of three areas: biology, economy and social relationships. From one vantage point, it may represent a form of labor deserving of recognition and compensation. However, as a result of its commodification, reproductive labor raises significant ethical questions about the limits of markets and the possibility of exploitation, especially given existing disparities in wealth.

Given these tensions surrounding reproductive labor in Africa, they are perhaps most pronounced. Traditional systems acknowledge the social nature of childbearing and caring, although they do not traditionally consider reproduction as wage labor. Therefore, while commercial surrogacy represents a new economic paradigm for reproduction in Africa, it also represents a fundamental transformation in how reproduction is thought of, from a communal/culturally based process to a commodified contractual form of labor.

African Notions of Family and Kinship

To the contrary, however, one of the most important ways in which the African notions of family and kinship differ from the Western notion is that, instead of viewing the family as a group of separate individuals, it views the family as a group of people connected together by both physical and social ties. In addition, whereas African families tend to emphasize social ties and continuity through time, African societies tend to view the family as a single entity rather than consisting of separate units.

The emphasis on the communal aspect of family was well stated by Mbiti (1969). He states that "I am because we are." What he means is that, in the African society, you are your community. You do not exist without them; therefore, your existence

is dependent upon theirs. Therefore, you are part of something greater than yourself. Ii is hard to express just how much this difference affects our way of thinking about ourselves.

Furthermore, the concept of identity as understood by African societies is different from the identity as understood by European-American societies. For example, children do not belong to their biological parents alone. They belong to the entire community and all members of the community share in the raising of each other's children. A large number of anthropologists have conducted extensive research on kinship patterns throughout Africa. Many of these researchers have found that kinship patterns follow two basic principles.

First, kinship systems in many African societies rely heavily on lineage and descent. Lineage refers to a system where descendants inherit land, property, etc., from their ancestors. Descent refers to a system where the relationship between relatives is determined by blood lines. Social status and inheritance rights are usually based on membership in either a patrilineal or matrilineal line. Therefore, if an individual belongs to a particular lineage, they will receive certain rights and responsibilities associated with that lineage. These include rights to property and inheritance rights. Membership in a particular lineage also determines an individual's social status.

Secondly, in many African societies, social obligations toward others are considered important for establishing social order. An obligation to reciprocate support received from another member of the same lineage provides stability to the lineage and reinforces social ties. However, there is no inherent expectation that those who provide support for an individual will benefit directly from the actions taken by that individual.

Therefore, although the right to reproduce has been recognized since early times among African societies, there has never existed a clear-cut expectation that biological reproduction is essential for fulfilling parental obligations. Amadiume (1987) demonstrates that various forms of socially constructed roles such as "mother" and "father" exist among several African societies. Roles are socially

defined and not necessarily tied to biological reproduction. Examples of this can be observed through practices such as child fostering and communal childcare.

Motherhood, Identity, and the Fragmentation of Reproduction

As the field of anthropology continues to evolve, so too does our understanding of what it means to be human. Today we find ourselves at the beginning of a new era, one in which our very identities are being altered forever. One of the greatest changes to date has occurred with the advent of Assisted Reproductive Technologies (ART). Most notably, Surrogacy has disrupted our traditional understanding of motherhood. Historically, motherhood was defined as the combination of genetics, pregnancy, birth and care-giving. Surrogacy has now separated all four of these elements into separate entities for each individual involved. This disruption has caused confusion in both cultural, legal and moral aspects of identity.

Anthropologists and Sociologist view this fragmentation as part of larger transformation in how humans reproduce technology mediated society. Franklin (1997) claims ART "de-naturalizes" reproduction in that it separates reproduction from the assumed biological unity of motherhood. In addition, reproduction becomes a managed activity in which multiple actors are involved including the genetic donor, gestational carrier, health care provider, and the intended parent(s). For example, within surrogacy arrangements there are usually 3 types of mothers: Genetic Mother: The female who donated her eggs. Gestational Mother: The female who carried the pregnancy and gave birth. Social/Legal Mother: The female (or couple) raising the child.

These divisions blur long held beliefs that motherhood can be identified as a single biologically based identity. Rather than viewing motherhood as a biologic entity, we see it as a socially created role that is influenced by societal law, culture, and technology.

Many feminist theorist have analyzed the effects of this fragmentation. Some, like Firestone (1970), saw reproductive technologies as potentially liberating in that they allow for separation from women's biology thus reducing biological determinism and possibly ending gender oppression. Others, however, such as

Corea (1985), argue that these technologies will increase the exploitation of women - particularly poor women who participate in surrogacy contracts that create inequality between them and the potential adoptive families.

Satz (2010) makes a similar argument regarding legal/ethical issues related to markets. She states that when markets create artificial constructs to alter social values (such as family relationships), then they create moral problems. With regard to surrogacy, she argues that if reproductive roles become commoditized (that is: paid for) then we should consider if we are creating a market-based definition of motherhood as opposed to a relational/cultural definition.

In Africa, where motherhood is often culturally based upon blood-lineage and/or kinship ties, these concerns are heightened. Mbiti (1969) explains that personhood is relational and that identity is developed through membership in a community and/or lineage. Therefore, in African cultures motherhood is not simply biological but also symbolic - tied to the network of kinship that connects the living to their ancestors and to future generations.

Surrogacy creates additional cultural dilemmas: Who can claim to be the "true" mother within kinship networks? What happens to lineal continuation when gestation and parental socialization are split apart? Are there ways to develop mutually supportive relationships between traditionally defined forms of motherhood and family identity?

In some African cultures, where lineage and ancestry provide a foundation for establishing identity, these differences do not represent simply technical issues but represent deep symbolic representations. For example, if one were to break down motherhood into its various component parts (genetic mother, gestational mother, social/legal mother) would one risk undermining the coherence of kinship networks that require integrative definitions of birth/belonging/recognition?

Therefore, while surrogacy alters how we define motherhood at the biological level, it also changes how we conceptualize identity at large. Motherhood is no longer seen as a singular embodied experience but rather as an array of discrete roles determined by legal agreements, medical technologies and global economies.

Case studies: Nigeria, South Africa and Kenya

Nigeria, South Africa and Kenya illustrate how different legal frameworks; socio-economic factors; and cultural perspectives on family influence the development of surrogacy practices in Africa. Further, the cases highlight how the commercialization of reproduction in different ways impacts the relationships between transnational reproductive markets and local kinship systems.

In Nigeria, there is the unregulated Surrogate Practices. Commercialized reproductive services are growing rapidly in Nigeria. Although Nigeria has not enacted a unified, national statute establishing regulatory standards for assisted reproductive technologies (ART), many clinics in major cities (such as Lagos and Abuja) regulate surrogacy practices based on contractually-defined parameters established internally within each clinic. Private surrogacy contracts (as well as clinic-specific rules and regulations) establish the terms of surrogacy agreements. This regulatory vacuum allows informal reproductive economies to develop. Economic inequality is an important factor in the decision-making process regarding surrogacy. Feminist critiques of global reproduction have demonstrated that inequalities in power relationships can lead to situations where economically disadvantaged women may disproportionately participate in surrogacy arrangements (Raymond, 993).

Social stigma related to infertility is significant in Nigerian society, especially for women. Thus, in addition to being a medically viable solution to issues of biological motherhood, surrogacy serves as a means to avoid social pressure. Nonetheless, without a regulatory framework, several ethical considerations arise relative to: Contractual enforcement, Parental rights/custody rights and Exploitation of surrogate mothers. Thus, Nigeria demonstrates how the lack of regulation leads to increased opportunities for commercial development of reproductive services. Such development increases ethical risks associated with reproductive labour.

South Africa offers one of the most formalized models for the regulation of surrogacy in Africa. Specifically, the Children's Act No. 38 of 2005 regulates surrogacy. Pursuant to this act, altruistic surrogacy is permitted. Therefore, prior

to pregnancy occurring, court approval of the surrogacy agreement must occur. This approach to regulating surrogacy is reflective of Radin (1996) argument that certain aspects of humanity should never be subject to full commodity status. Consequently, South African law limits the commercialization of reproduction while providing individual's access to ARTs.

The South African model has the following key elements: Judicial oversight to determine the best interests of the child, legitimate parentage of intended parents from birth and Prohibition of making a profit off of a surrogacy arrangement
Although a regulatory structure exists for surrogacy, a continued debate remains between definitions of legitimate parenthood and broader societal understanding of kinship. For example, many families exist outside of a legal definition of family and instead recognize family members in relational terms versus legal terms.

Regulatory ambiguity exists in Kenya concerning surrogacy. Although surrogacy occurs in Kenya, no comprehensive statutory framework governs surrogacy. Each case is determined on a case-by-case basis by courts. For example, A.M.N & Another v Attorney-General (2015), a landmark case illustrating these issues was brought before Kenyan courts. Courts were unable to determine the correct mother for birth registration purposes. This issue arose because Kenyan law does not explicitly differentiate among genetic mothers, gestational mothers, or intended mothers. This issue illustrated gaps in current laws regarding: Registration of birth and citizenship; Recognition of parental status and Status of children conceived through surrogacy arrangements. This gap between technology and law is described as an "institutional lag" by Franklin (1997). Reproductive technologies advance at a rapid pace; however, legal and cultural systems often do not keep up with defining implications for identity and kinship.

Three main patterns emerge when comparing Nigeria, South Africa and Kenya: in Nigeria: Minimal regulation exists, leading to uncontrolled growth of commercial reproductive service markets. Risks of exploitation and contractual disputes increase with little opportunity for redress. South Africa: A highly regulated altruistic model exists to prevent the commercialization of reproduction while ensuring individuals' right to reproduce using ARTs. Kenya: Transitional; characterized by regulatory ambiguity; resulting in identity-related disputes.

These similarities reflect that although surrogacy is a relatively uniform practice globally, it is fundamentally socially-embedded within various cultures and societies influenced by law, economics and culture. Commonly, however, the tension between global reproductive markets and African kinship systems continues to exist. Kinship is viewed as a biological unit of people connected in a culturally and socially constructed web of belonging.

Ethical Concerns and Global Inequality

The increase in the number of people using paid surrogacy for having children has raised many ethics-related issues including the global inequalities in economics and healthcare. Commercial surrogacy is often viewed as a mutually beneficial agreement made between two people; however, recent studies indicate that the structural conditions (e.g., poverty, sexism/gender inequality, differences in wealth across countries) present choices to surrogate mothers. These structural conditions raise questions regarding the ethics of the rights of both the surrogate mother and the child being created as well as the right of the surrogate mother to make autonomous decisions.

Debra Satz (2010) extends the critique of commodified surrogacy through her analysis of the sex-dimensions of reproductive labor. Satz identifies that some markets are ethically flawed because they consistently harm marginalized groups or diminishes the inherent social significance of items. For example, Satz argues that when there exists a difference in bargaining strength between parties in a surrogacy contract, the notion of making voluntary choices is distorted. Furthermore, Satz states that many times women participate in surrogacy contracts simply because they do not have enough money to support themselves rather than being able to make their own decision freely.

Hochschild (2000) global feminist analysis introduces the concept of "Global Care Chains," which describes how poor women provide domestic and reproductive care for wealthier families in wealthy nations. This creates global hierarchies based on gender and class. Additionally, Pande (2014) demonstrates how surrogacy functions as reproductive labor within clinical settings. Pande's research indicates that surrogate mothers frequently experience close medical monitoring, contracting requirements and behavioral regulation that restrict their autonomy

during pregnancy. Although surrogate mothers receive payment for their services, these payments occur in an environment that may emphasize the needs of commissioning parents and fertility clinics over the needs of the surrogate.

Waldby and Cooper (2014) define surrogacy as one component of a larger "Biocapital System." A biocapital system includes biological processes such as gestation and transforms them into a source of economic value. This transformation of biological processes into a valuable commodity raises additional ethical questions regarding whether human life processes should be integrated into international markets in a manner that will likely favor wealthier participants at the expense of poorer women who are placed at greater risk.

Countries like Nigeria and Kenya represent locations where global inequalities are most evident. Both countries possess weak or emerging regulatory frameworks. Consequently, they may serve as locations in which reproductive labor is exported based on economic need. These circumstances raise concern for: Exploitation: Does financial need compromise the legitimate voluntariness of surrogate mothers? Inequality: Is there an unfair distribution of benefits between surrogate mothers and commissioning parents? Commoditization of the body: Can reproductive capabilities be reduced to a transferable good/service? Justice within Global Health Systems: Do disproportionate access to fertility treatment and opportunities to act as surrogates exist?

On the other hand, South Africa's regulated surrogacy program represents an effort to address these concerns via limitations imposed by law on commercial surrogacy. Nevertheless, even regulated programs cannot fully negate broad global inequalities that affect who acts as a surrogate and on what terms.

Therefore, ultimately, ethics-related concerns surrounding surrogacy cannot be resolved without considering larger global economic structures. Surrogacy reflects long-standing global inequality trends in which reproductive labor continues to concentrate in economically disadvantaged populations. Benefits derived from surrogacy primarily flow toward wealthier individuals/institutions. Therefore, surrogacy also poses substantial questions related to justice, dignity and what

constitute acceptable moral limits on participating in market transactions related to human reproduction.

Recommendations

1. Develop Context Sensitive Legal Frameworks: National laws regulating surrogacy need to develop legal frameworks sensitive to the cultures of each country and provide protection for individuals. They should not take a western model but, instead, allow for regulation based upon the traditions and values of each community. Laws must also provide clear definitions of who has parental rights and the status of the child and the responsibilities of each party; however, they cannot undermine cultural views of family and lineage.

2. Restrict or strictly control the practice of surrogacy for money: Because there is so much potential for exploitation, national governments need to either restrict the practice of surrogacy for money entirely or use a strict, regulated system of altruism like that used in South Africa. Payments to compensate for expenses may be allowed but compensation for a profit is not. In this way, it can prevent the commercialization of reproductive labor.

3. Protect surrogate mothers: There must be strong safeguards for the surrogate mother, especially if she comes from an impoverished background. The safeguards should include:

4. Establish National Ethics Committees: Countries need to develop national ethics committees to oversee Assisted Reproductive Technology (ART) including surrogacy. The national ethics committee would consist of lawyers, doctors, ethicists and cultural specialists to make sure that their decisions reflect both international best practices and their countries' local ethical considerations.

5. Provide public awareness and stimulate a cultural conversation about surrogacy: There is a great deal of confusion and misinformation among various stakeholders regarding the ethical, cultural and legal implications of surrogacy. It is necessary therefore to engage in ongoing public discussion about surrogacy. A number of entities including government, religious institutions and non-governmental organizations need to sponsor discussions involving community

leaders, women's organizations, legal and medical professionals etc... This will help to de-stigmatize surrogacy, dispel myths surrounding surrogacy, and lend legitimacy to policies related to surrogacy.

6. Address structural inequalities which drive surrogacy markets: Many forms of surrogacy occur in contexts characterized by extreme poverty and gender-based inequality. Therefore, national governments must address these underlying structural conditions by: Increasing women's economic opportunities; enhancing access to education and health care and developing stronger social welfare programs.

Conclusion

The study of commercial surrogacy as a mode of commodifying reproductive labour, and how it impacts on African family and kinship systems and cultural identity, was the focus of this research. Using classical and contemporary theories of commodification; including those of Karl Marx and Karl Polanyi, as well as Feminist and Bio-Ethical scholarship from writers such as Debra Satz, and Sarah Franklin, the analysis demonstrates that Surrogacy is not just an innovative medical procedure, but a profoundly social and moral practice based upon global inequality.

African kinship systems are flexible enough to accommodate non-biological forms of parenting, however, they are based on communal values, lineage continuity and Social responsibility (as opposed to Market Exchange). The case studies provided by Nigeria, South Africa and Kenya demonstrate how the governance of surrogacy is developing at different rates across the continent; Nigeria demonstrates a highly un-regulated commercially driven environment, South Africa demonstrates a highly regulated altruistic model and Kenya provides Legal Ambiguity creating uncertainty regarding identity and parenthood.

The Fragmentation of motherhood into genetic, gestational and social roles complicates traditional understandings of identity and belonging (especially in Societies where Reproduction is linked to Ancestry and collective continuity); simultaneously the expansion of global reproductive markets increases ethical concerns regarding exploitation, consent and inequality; particularly in Contexts

where economic vulnerability influences participation in Surrogate arrangements. As discussed by scholars such as Arlie Russell Hochschild, reproductive Labor is increasingly located within Trans-National systems which distribute care and bodily Work along lines of global inequality.

Commercial surrogacy ultimately signifies a fundamental transformation in the meaning of human reproduction; one that challenges established boundaries between biology, culture and economy and raises fundamental questions regarding the moral limits of markets and the protection of human dignity. Therefore, for African societies the primary task is not simply to respond to the technological possibilities of surrogacy but to engage critically with its cultural, ethical and social consequences. A balanced approach would require regulatory frameworks which protect vulnerable individuals, respect cultural understandings of family, and ensure that human reproduction is not reduced solely to a commodity within global markets.

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