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Surrogate Motherhood: A Statement by the National Council of Churches of Singapore

Introduction

In an article published on 31 December 2017, *The Straits Times* reported that more couples from Singapore are seeking surrogacy services in the US (Sue-Ann Tan and Tiffany Fumiko Tay, 'More S'pore Couples Seeking Surrogacy Services').

'While there is no surrogacy services allowed here', it states, 'one centre in the United States said it has seen a doubling of inquiries from Singapore each year over the past two years, with more heterosexual couples turning to surrogacy as the stigma of infertility has lessened ...'

Surrogate motherhood raises a number of important ethical, legal and social issues. From the standpoint of Scripture and the tradition of the Church, surrogacy not only introduces profound distortions to the biblical pattern of procreation, but also to what the Bible teaches about marriage, family and parenthood.

What is Surrogacy?

Surrogacy literally means 'to take the place of someone else'. The surrogate is therefore a 'substitute' or a 'replacement'. In the case of surrogate motherhood, the surrogate carries the child of another person or a couple on their behalf. At the birth of the child or shortly after, the surrogate through a prior agreement, will surrender the child to the couple.

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"... one body in Christ" *Romans 12:5*

There are several types of surrogacy.

In **traditional surrogacy**, the husband's sperm is used to inseminate the surrogate primarily because his wife is unable to carry the child through pregnancy for physiological or medical reasons. The surrogate, in this case, would be the genetic parent of the resulting child.

If the husband is impotent or has a low sperm count, sperm procured from a donor will be used to inseminate the surrogate. In this case, the surrogate will be the genetic parent of the child, but neither the husband nor the wife will be genetically related to the child.

In the case of **gestational surrogacy**, the surrogate mother has no genetic ties whatsoever with the offspring. The sperm and the egg are extracted from the husband and the wife respectively, fertilised *in vitro* and implanted into the uterus of the surrogate. In the situation where either the husband or the wife is unable to provide the gametes, donor gametes are used. A couple would also resort to gestational surrogacy when the wife is suffering from a medical disorder that affects the ovaries, like endometriosis.

Surrogacy can be either altruistic or commercial.

Altruistic surrogacy refers to surrogacy arrangements where the surrogate does not receive payment or monetary compensation from the intended parents. In altruistic surrogacy arrangements, the surrogate is usually either a member of the family or a close friend of the couple.

Commercial surrogacy refers to surrogacy arrangements where the surrogate receives monetary payment or compensation from the commissioning couple based on some sort of contract.

Theological and Ethical Issues

Violation of Biblical and Creational Norms

Although the Bible does not address the ethics of surrogate motherhood directly, it provides a framework within which we can discern the creational norm for procreation, parenthood and family. It is therefore on the basis of what Scripture has to say about these topics that we may arrive at a proper Christian response to modern issues of surrogacy.¹

According to the Bible, human beings are created in the image of God as male and female and are commanded to 'be fruitful and multiply' (Genesis 1:26-28). However, although the Bible emphasises procreation and gives it an honoured place, it also stresses that it is only in the

¹ Surrogate motherhood, however, is found in the Bible. For example, in Genesis 16, Sarah gave her servant Hagar to Abraham because she could not have children. This is the closest the Bible comes to the current practice of 'traditional surrogacy'. It is important to note, however, that the Bible does not present this as an acceptable arrangement. In fact, this act showed that both Abraham and Sarah did not entirely trust in the promises of God. The story also revealed that there was a fracture in relationships between Sarah and Hagar and between Ishmael and his brothers as a result.

context of monogamous marriage between a man and a woman that sexual intimacy should take place. Put differently, the Bible does not affirm procreation outside of the covenantal relationship between husband and wife called marriage.

A man and a woman form a union through marriage in which they become 'one flesh' (Genesis 2:24). They and their children become a family, which is the basic building block of a society. Adopted children are also included as members of the family.

Surrogacy violates the creation norm of marriage, parenthood and the family in profound ways. By including other parties into the process of procreation – i.e., the surrogate, and in some cases the donor(s) of gametes – surrogacy raises disturbing questions about the child's relationship with these parties and the contracting couple.

In the case of traditional surrogacy, the surrogate – not the wife – is the genetic mother of the child. In the case of gestational surrogacy where either a donor egg or sperm or both are involved, at least one genetic parent of the child is a third party, and not a member of the contracting couple, i.e., the husband and wife.

Even in the case of gestational surrogacy where the husband's sperm and the wife's ovum are combined in a *petri* dish and subsequently implanted into the uterus of the surrogate, the situation remains complicated. Although it is true that the surrogate in this case is not the biological mother of the child, it should be emphasised that motherhood is much more complex than simply the question of whose genes are involved.

The woman who carries the child in her womb establishes a profound intimacy and bond with that child. Science has created the distinction between genetic and gestational motherhood, a distinction that was never intended by God. Hence, in gestational surrogacy, a distortion is introduced to the very nature of motherhood.

The biblical understanding of procreation, parenthood and marriage opposes all forms of surrogacy, commercial as well as altruistic. Needless to say, these biblical norms also prohibit single men or homosexual men from having children through in vitro fertilisation and surrogacy.

Potential Exploitation of the Surrogate

Commercial surrogacy has the potential to be exploitative. This is because potential surrogates are often recruited from the poor or from underdeveloped countries.

John Stehura of the Bionetics Foundation starkly describes the inclination towards exploitation in commercial surrogacy in this way: 'Often they [the potential surrogates] are looking for a survival situation – something to do to pay the rent and food. They come from underdeveloped countries where food is a serious issue'.² Stehura also speculates that perhaps only one-tenth of the normal fee is paid to these women.³

² Cited in Gena Cora (1985) *The Mother Machine* (New York: Harper and Row), 245.

³ *Ibid.*, 214-5.

Commercial surrogacy often involves surrogacy brokers whose primary aim is to maximise profit, often at the expense of the welfare of the surrogate. Thus, a combination of factors – desperate infertile couples, poor or low-income surrogates, underhanded surrogacy brokers with very little moral compunction – raises the prospect of the entire commercial surrogacy enterprise being exploitative.

Distorts Relationship between the Surrogate and the Child

An important criterion for a good surrogate is her ability to detach herself from the child and surrender him or her to the commissioning couple. In surrogacy arrangements, the more detached the surrogate is from the child she bore, the easier it is to complete the contract or agreement.

This is true for both commercial and altruistic surrogacy.

Surrogacy therefore requires of the surrogate and the child she carries something that is not required of any normal pregnancy. In a normal pregnancy the detachment of the woman from the child in her womb is strongly discouraged, as this would adversely affect their relationship. But in surrogacy such detachment is made a requirement.

In most surrogacy arrangements, the surrogate provides not only the womb, but also her genetic materials (traditional surrogacy). This means that the surrogate is the biological mother of the child. To require her to surrender her child under the terms of the surrogacy arrangement is to violate her basic right to associate with and raise her child.

This attitude towards women would be detrimental to society, should the practice of surrogate motherhood become widespread. As Daniel Callahan, the co-founder of the Hastings Centre, has perceptively put it: 'We will be forced to cultivate the services of women with the hardly desirable trait of being willing to gestate and then give up their own children, especially if paid enough to do so ... This is not a psychological trait we want to foster, even in the name of altruism'.⁴

Complicates Family Relationships

As we have noted above, the sperm and egg that give rise to the embryo can come from different sources in a surrogacy arrangement.

In traditional surrogacy, the sperm of the commissioning man is used to impregnate the surrogate. In this case, the surrogate and the commissioning man are the genetic parents of the child. However, if either the commissioning man or woman is unable to provide viable gametes, then donor gametes from a third party (a stranger) must be used.

If both the commissioning man and woman are able to provide gametes, the surrogate serves as the 'gestational mother'. Although the surrogate in this case provides only the womb, the emotional bond that she develops with the child she carries in her womb for nine months should not be taken lightly.

⁴ Daniel Callahan (January, 1987) 'Surrogate Motherhood: A Bad Idea', New York Times.

There are also other permutations of surrogacy that must be taken into consideration. For example, a woman can give birth to her sibling's child by serving as his or her surrogate. In 2004 *The Telegraph* reported the case of Edith Jones, a grandmother in Essex who gave birth to her own grandchildren through surrogacy.⁵ The eggs of her daughter were combined with the sperm of her son-in-law and implanted in her uterus.

Complications in family relationships that result from assisted reproductive technology and surrogacy may have serious legal and social ramifications. They may cause confusion about parentage and also social roles. They may also cause confusion to the children who are either told or found out how they were conceived and born.

Commodification of Children

According to the Bible and Christian tradition, the child is the result of the mutual self-giving of the husband and the wife, the embodiment of their union. The child must not be seen as the product of the rational will of the husband and wife. Having a child is not a right; neither is the child a commodity or object. Rather, in the Christian Faith, the child must always be seen as a blessing and a gift from God.

Surrogacy often results in the commodification of the child, i.e., treating the child merely as a means to satisfy the needs of the intended parents, the commissioning couple. The child becomes a means to an end, an object that fulfils the desires of adults. This is true for all forms of surrogacy, including altruistic surrogacy. But in commercial surrogacy, where children are reduced to commodities with a price tag, their objectification, which is a direct violation of their dignity and rights, is most obvious and alarming.

There is another way in which children are treated as objects in surrogacy. The basic pregnancy contract that the surrogate enters into tacitly, if not directly, endorses the supposition that mothers are allowed to relinquish their fundamental parental rights to the child for economic profit. The contract also suggests that the commissioning couple are entitled to induce her to do this. Here again, the child is treated merely as an object, a victim of the different interests of the adults.

The child is also treated as mere object when the commissioning couple ask the surrogate to abort it because they no longer wish to have the child for various reasons. For example, an anomaly scan during mid-pregnancy could reveal that the baby has certain medical conditions that may require long-term and expensive medical attention if it were brought to full term. The surrogate may also be pressured to abort to reduce the number of fetuses she carries.⁶ In all these cases, the interests of the child are not taken into consideration.

⁵ David Derbyshire (January, 2004) 'Woman Gives Birth to Her Grandchildren' *The Telegraph*, <http://www.telegraph.co.uk/news/2016/12/07/woman-gives-birth-grandson-surrogate-cancer-survivor-daughter/>, accessed 1 January 2018.

⁶ Brandy Zadrozny (December, 2015) 'Her Body, Their Choice: When a Surrogate Refuses to Abort', *Daily Beast*, <https://www.thedailybeast.com/her-body-their-choice-when-a-surrogate-refuses-to-abort>, accessed 1 January 2018.

Conclusion

The Council opposes every form of surrogacy.

From the standpoint of the Bible and the teachings of the Church, surrogate motherhood violates the norms of procreation, parenthood and family that God has established in creation. Surrogacy potentially exploits the surrogate and treats children as objects or commodities. Instead of being received as God's gifts, children are treated as a means to an end. With the help of assisted reproductive technology, modern surrogacy may introduce profound complications and confusion to family relationships.

The practice of surrogacy therefore has profound ramifications in the way in which society perceives parenthood, having children and the family that may be detrimental to its own wellbeing. It instrumentalises women and regards children merely as the means to an end.

While the Council understands the struggles of married couples that are unable to have children of their own, it maintains that surrogacy is not the way to fulfil this desire.

The Council would instead urge such couples to consider adoption. Adoption serves the adoptive couple as well as the adopted child. It serves the adoptive couple because it fulfils their genuine desire to have a child. It serves the adopted child because it provides him or her with a safe, loving and nurturing environment where he or she can be raised in godly ways.