

Surrogacy: Attitudes, Laws & Ethical Considerations

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Attitudes toward Surrogacy: An Encyclopedia Entry

Attitudes toward surrogacy represent a complex and often polarized array of psychological, ethical, legal, and sociological viewpoints regarding the practice of a woman carrying a pregnancy for intended parents. Surrogacy, broadly defined as an arrangement where a woman (the surrogate) agrees to bear a child for another person or couple, has become increasingly visible due to advancements in assisted reproductive technologies (ART), particularly **In Vitro Fertilization (IVF)**. The primary distinction exists between traditional surrogacy, where the surrogate's egg is used, and gestational surrogacy, where the surrogate is genetically unrelated to the fetus, carrying an embryo created via IVF using the gametes of the intended parents or donors. Public attitudes are fundamentally shaped by the tension between the deeply held value of reproductive autonomy--the right to have a family--and critical concerns regarding the potential for exploitation, the commodification of the human body, and the welfare of the resulting child. Understanding these attitudes requires a multidisciplinary approach that acknowledges both the intense personal desire for parenthood and the profound moral questions raised by third-party reproduction.

The rise of gestational surrogacy has significantly altered the landscape of public opinion, largely because it mitigates some of the historical concerns associated with traditional surrogacy, such as complex genetic ties between the surrogate and the child. However, even within gestational arrangements, attitudes vary dramatically based on whether the practice is considered altruistic or commercial. Altruistic surrogacy, typically involving only the reimbursement of medical costs and incidental expenses, tends to garner greater societal acceptance, often framed as a profound act of charity. Conversely, commercial surrogacy, involving substantial financial compensation beyond expenses, frequently triggers strong negative reactions centered on the concept of **reproductive commodification**. These divergent views highlight a fundamental societal disagreement about whether reproductive labor should be treated as a service that can be bought and sold, or if it must remain within the realm of non-market exchanges to preserve human dignity. Furthermore, the increasing accessibility of these procedures to diverse family structures, including single individuals and same-sex couples, introduces another layer of variability in public acceptance, often intersecting with broader cultural norms regarding family formation.

The foundation of these attitudes rests heavily upon differing moral frameworks. For many proponents, surrogacy is viewed as an essential medical solution for infertility, a necessary extension of reproductive choice that ensures equality of opportunity for those unable to carry a pregnancy. This perspective emphasizes **individual rights** and the transformative power of technology to overcome biological limitations. Conversely, critics frequently employ deontological arguments, asserting that the act of outsourcing pregnancy is inherently wrong because it reduces a biological process to a contractual transaction, potentially obscuring the emotional and physical realities experienced by the surrogate. The intensity of these conflicting viewpoints necessitates careful consideration of the language used in public discourse; terms like "wombs for rent" versus

"gestational carrier" carry significant emotional weight and influence how the public conceptualizes the ethical stakes involved. This introductory examination reveals that attitudes toward surrogacy are not monolithic but are instead fragmented along lines of ethics, economics, gender roles, and definitions of family.

Ethical and Moral Dimensions of Gestational Agreements

The ethical debate surrounding surrogacy is perhaps the most forceful determinant of public attitude, often revolving around the principle of autonomy versus potential exploitation. Proponents argue that a mentally competent adult woman has the fundamental right to utilize her body as she sees fit, including contracting to carry a child for others, thereby exercising her reproductive autonomy. This viewpoint emphasizes the surrogate's agency and her ability to provide informed consent after thorough psychological and legal counseling. However, critics counter that the economic realities often faced by surrogates--particularly in international contexts--can vitiate true consent. When substantial compensation is offered, especially to women in vulnerable socioeconomic positions, the line between free choice and coercion becomes blurred, leading to the ethical concern that the arrangement constitutes the exploitation of the poor by the wealthy. The moral legitimacy of the entire process is thus often judged by the perceived voluntariness of the surrogate's participation and the equitable nature of the agreement, leading many jurisdictions to ban commercial surrogacy while tentatively accepting altruistic arrangements.

A core moral objection stems from the concept of **commodification**, which asserts that certain things, including human reproductive capabilities and infants, should not be subject to market exchange. Opponents argue that paying a woman to use her body for nine months fundamentally treats pregnancy and birth as marketable services, thereby undermining the intrinsic dignity of the biological process and the woman herself. This perspective often utilizes analogies to organ selling or other forms of bodily transaction deemed morally repugnant. Furthermore, the commodification argument extends to the child, raising fears that surrogacy arrangements may lead to treating children as consumer products ordered to specification, which could potentially undermine the unconditional nature of parental love and commitment. While intended parents vehemently reject this characterization, stressing that their desire for a child is rooted in profound love and commitment, the societal perception of transactional parenting remains a significant obstacle to widespread acceptance, fueling negative public attitudes and reinforcing the need for stringent regulatory oversight to protect against potential abuses.

Another critical moral dimension concerns the **welfare of the resulting child**, a perspective mandated by international conventions on children's rights. Attitudes are influenced by concerns about the child's psychological well-being, specifically regarding their right to know their origins and the identity of the woman who carried them. While studies often show that children born via surrogacy adjust well, provided they are raised in stable, loving environments, public debate

frequently focuses on the potential for identity confusion or feelings of being "bought." Furthermore, ethical scrutiny is applied to scenarios where the intended parents change their minds or where the child is born with disabilities. Attitudes tend to harden significantly when the contractual nature of the agreement seems to supersede the unconditional commitment to the child, forcing legal systems to prioritize the child's best interests over the contractual rights of the adults involved. These complex ethical considerations ensure that the moral dimensions of surrogacy remain at the forefront of policy debates, heavily influencing the acceptability of the practice across different communities.

Psychological Perspectives of Intended Parents and Surrogates

The psychological journey of **intended parents (IPs)** profoundly shapes their attitudes toward surrogacy, often beginning with years of struggle with infertility, recurrent pregnancy loss, or medical conditions preventing gestation. For these individuals, surrogacy is frequently viewed not merely as a choice, but as the last viable pathway to biological parenthood, resulting in deeply held positive attitudes toward the process. The decision to pursue surrogacy is often preceded by a period of intense emotional grief, frustration, and a sense of failure related to their inability to conceive or carry a child naturally. The hope and anticipation surrounding the surrogacy process can be overwhelming, leading IPs to idealize the arrangement and sometimes minimizing the psychological demands placed upon the surrogate. Their positive attitude is intrinsically linked to the successful realization of their profound desire for a child, making them strong advocates for the medical and legal protection of surrogacy practices.

For the women who choose to become surrogates, the psychological landscape is equally intricate, with attitudes often driven by a complex interplay of altruism, financial motivation, and personal satisfaction. Many surrogates report a strong desire to help others achieve their dream of parenthood, finding deep personal fulfillment and a heightened sense of self-worth in their ability to offer this unique gift. This altruistic motivation is a powerful psychological defense against the perception of commodification and helps maintain a positive self-image throughout the pregnancy. However, the psychological process also involves significant emotional work related to **detachment and boundary setting**. Surrogates must maintain a psychological distance from the fetus they are carrying, recognizing that the child belongs to the intended parents. The success of the arrangement often hinges on the surrogate's ability to manage this emotional boundary effectively, a process that requires considerable psychological resilience and support, influencing their overall satisfaction with the experience and their subsequent attitudes toward the practice.

The relationship dynamics between the surrogate and the intended parents also exert a powerful psychological influence on all parties' attitudes. Positive experiences are often characterized by mutual respect, clear communication, and defined expectations, leading to overall positive assessments of the process. Conversely, breakdowns in communication, disagreements over

medical care, or boundary violations can lead to significant psychological distress and negative attitudes. The psychological screening process is crucial in predicting the success of the arrangement, aiming to ensure that the surrogate possesses realistic expectations regarding the emotional challenges and that the IPs are capable of maintaining respectful engagement. The psychological well-being of the surrogate, both during and after the pregnancy, is paramount, and the quality of post-birth support often determines whether her long-term attitude toward surrogacy remains positive or shifts toward regret or ambivalence.

Societal and Cultural Variations in Acceptance

Attitudes toward surrogacy are profoundly shaped by **societal norms** regarding family structure, gender roles, and reproductive rights, leading to vast cultural variations in acceptance and legal permissibility. In Western, industrialized nations such as the United States and Canada, attitudes tend to emphasize individual autonomy and reproductive freedom, viewing surrogacy as a legitimate medical intervention that supports diverse family models, including those headed by same-sex couples or single parents. While commercial surrogacy remains contentious, the general trend supports the right to access ART, provided adequate safeguards are in place. However, even within the West, European nations often display more conservative attitudes, with countries like Germany and France maintaining outright bans on all forms of surrogacy, rooted in philosophical objections to the separation of gestation from genetic parenthood and concerns about the legal status of the birth mother.

In contrast, many Asian and African cultures place a much greater emphasis on lineage, blood ties, and traditional family structures, leading to complex and often conflicted attitudes. For example, in many societies where patriarchal norms prevail, the primary concern may revolve around ensuring the transmission of the family line, which can sometimes lead to acceptance of surrogacy as a necessary means to secure a male heir, even while simultaneously viewing the practice as morally ambiguous due to its technological nature. Furthermore, the historical emergence of countries like India, Thailand, and Nepal as major global hubs for commercial surrogacy created significant international ethical dilemmas. The ready availability of surrogates in economically disadvantaged regions, coupled with lax regulation, led to a surge in reproductive tourism. This practice generated highly negative global attitudes focused on the **economic vulnerability** of women in the Global South, ultimately pressuring these governments to impose severe restrictions or outright bans on international commercial surrogacy to curb exploitation.

The influence of collectivism versus individualism further distinguishes cultural attitudes. Cultures prioritizing the collective good and the established social order tend to view surrogacy with greater skepticism, fearing its potential to disrupt traditional kinship structures and definitions of motherhood. Conversely, cultures emphasizing individual choice are more likely to accept third-party reproduction as a private decision. Linguistic and conceptual frameworks also play a role; in

some societies, the term "mother" is inextricably linked to the act of carrying and giving birth, making the legal and emotional separation inherent in gestational surrogacy difficult to reconcile. Therefore, public education and media framing must be highly sensitive to these deep-seated cultural beliefs, as attempts to implement uniform global policies on surrogacy inevitably clash with deeply entrenched local values regarding reproductive ethics and the sanctity of the family unit.

Legal and Policy Frameworks Shaping Attitudes

Legal frameworks are perhaps the most tangible reflection of a society's attitude toward surrogacy, establishing boundaries that reinforce or restrict public acceptance. Jurisdictions generally fall into three categories: those that permit compensated surrogacy (e.g., specific U.S. states, Ukraine), those that permit only altruistic surrogacy (e.g., UK, Australia, Canada), and those that prohibit all forms of surrogacy (e.g., France, Germany, Italy). These legal distinctions directly influence public perception. Where commercial surrogacy is legally protected and regulated, public attitudes tend to acknowledge the practice as a legitimate contractual arrangement, provided the surrogate's rights are rigorously protected. However, in jurisdictions that ban commercial arrangements, the legal prohibition reinforces the societal view that **financial inducement is morally unacceptable** and inherently exploitative, thereby solidifying negative public attitudes toward the practice.

A key legal determinant of attitude is the method by which parenthood is legally transferred. In permissive states, laws often allow intended parents to be recognized as the legal parents from the moment of birth (pre-birth orders), minimizing legal ambiguity and reinforcing the positive narrative of the intended parents' rights. This legal certainty fosters positive attitudes among IPs and medical professionals. Conversely, in jurisdictions that only permit post-birth adoption or parental orders, the birth mother (the surrogate) is legally recognized as the parent immediately following delivery. This legal structure, while intended to protect the surrogate's rights, introduces a period of legal uncertainty that can heighten anxieties for all parties, often fueling public skepticism about the stability and reliability of surrogacy agreements. The complexity and variability of these laws globally contribute to confusion and inconsistent public messaging, complicating the formation of unified positive attitudes.

Policy debates frequently focus on establishing regulatory safeguards designed to mitigate the risks that fuel negative public attitudes. These safeguards include mandatory psychological evaluations, independent legal counsel for both parties, and caps on compensation in altruistic models. The effectiveness and fairness of these regulations are constantly scrutinized. For instance, the high cost of surrogacy, even in altruistic models where compensation is limited, raises questions of equity and access, reinforcing the perception that surrogacy is a service reserved exclusively for the wealthy. Therefore, the ongoing evolution of legal policy--especially concerning the regulation of intermediaries, agencies, and international transactions--is critical in shaping whether surrogacy is viewed by the public as a carefully managed medical solution or as a

potentially unregulated practice ripe for ethical misconduct and exploitation.

Religious and Philosophical Objections

Religious doctrines and traditional philosophical frameworks constitute a powerful source of negative attitudes toward surrogacy, often rooted in concepts of the "natural order" of procreation and the sanctity of marriage. The Catholic Church, for example, maintains a firm opposition to surrogacy, asserting that procreation must occur exclusively within the conjugal act of husband and wife and that any use of third-party reproductive technologies intrinsically violates human dignity by separating the unitive and procreative aspects of marriage. This stance is shared by many conservative Christian denominations and Orthodox traditions, which view the introduction of a third party into the reproductive process as a disruption of the divinely ordained family unit, thus influencing the attitudes of millions of adherents globally who rely on religious teaching for moral guidance.

Beyond institutional religion, philosophical objections frequently center on the potential breakdown of traditional definitions of motherhood and parenthood. Many philosophical critics, particularly feminists who adhere to the view that reproductive labor should not be compensated, argue that surrogacy exploits women by utilizing their reproductive capacity as a resource for others, thereby reinforcing patriarchal structures that devalue women's bodies. These objections are not necessarily rooted in theological dogma but in ethical principles concerning **gender equity and social justice**. The argument posits that while altruistic motives may exist, the inherent power imbalance--often between wealthy intended parents and economically disadvantaged surrogates--renders the arrangement morally suspect, regardless of legal contracts, thus fostering strong negative attitudes among those concerned with systemic inequality.

Specific concerns arise when surrogacy arrangements involve donor gametes, further complicating the notion of genetic and gestational ties. For religious and philosophical traditionalists, the use of donor eggs or sperm, combined with a gestational carrier, creates a lineage that is too fragmented, undermining the stability and clarity of the child's identity and parental structure. These critics argue that society has a responsibility to prioritize reproductive methods that maintain the biological integrity of the nuclear family unit. Consequently, attitudes derived from these frameworks tend to be resistant to the technological and social changes introduced by surrogacy, viewing it as a symptom of moral decline rather than a solution to infertility. These deeply held beliefs ensure that a significant segment of the population will continue to hold highly restrictive attitudes toward the practice, regardless of its legal status.

The Role of Media and Public Discourse

Media representations play a crucial and often disproportionate role in shaping public attitudes

toward surrogacy. When the media focuses on positive stories--such as a loving couple finally achieving parenthood after years of struggle, or an altruistic sister carrying a pregnancy for her sibling--attitudes tend to soften, emphasizing the themes of hope, love, and medical progress. These narratives humanize the process, making it relatable and morally acceptable to a wider audience. Conversely, sensationalized media coverage of failed arrangements, custody battles, or instances of international exploitation--often featuring vulnerable women being taken advantage of by wealthy foreign clients--can rapidly generate widespread panic and highly negative public attitudes. These negative portrayals reinforce the fear of **reproductive tourism** and the commodification narrative, leading to calls for stricter regulation or outright bans.

Public discourse is also heavily influenced by advocacy groups and professional organizations. Organizations representing intended parents and fertility specialists typically promote positive attitudes by highlighting medical advancements, ethical guidelines, and the profound benefits of family formation. They work to frame surrogacy as a legitimate medical treatment. In contrast, activist groups focusing on women's rights or child welfare often fuel negative attitudes by emphasizing the physical risks to the surrogate, the psychological impact of separation, and the potential for contracts to override the surrogate's bodily autonomy. The battle over terminology--using "gestational carrier" versus "birth mother"--is central to this discourse, as language directly influences the emotional and moral weight assigned to the arrangement in the public eye.

Ultimately, the overall attitude of a society toward surrogacy is a dynamic balance influenced by the stories that gain the most traction. The visibility of high-profile legal cases, celebrity use of surrogacy, and international policy shifts ensures that the topic remains highly visible and contested. For public attitudes to evolve toward greater acceptance, there is a need for balanced, factual reporting that moves beyond sensationalism to explore the complex realities faced by all participants, including the long-term psychological and social outcomes. Clear, consistent legal frameworks, coupled with transparency in the ethical conduct of surrogacy agencies and medical providers, are essential for fostering a public attitude that views surrogacy as a responsibly managed and ethically justifiable option for family building.