



PREGNANCY BY PROXY: ETHICAL AND CULTURAL CHALLENGES TO AFRICAN PARENTAL IDENTITY

Cyril Osilama ADAMU, PhD

Department of Religions, University of Benin, Benin City, Nigeria.

Email: cytechsystem@yahoo.com; Tel: +234(0) 8023354905

Abstract

Pregnancy by proxy is an emerging reproductive technology that presents another solution to infertility. This study investigates the ethical problems and cultural contradictions associated with pregnancy by proxy in Africa. Utilizing the theoretical frameworks of commodification, critical feminist analysis, and African philosophical conceptions of personhood, family, and lineage, this study investigates how surrogacy affects traditional understandings of parenthood and kinship. The findings show that pregnancy by proxy poses complex questions in relation to definitions of parentage, motherhood, and family identity; that many African communities have a significant sense of communal responsibility, kinship and ancestral continuation, as part of what determines parental status and social legitimacy. Therefore, pregnancy by proxy challenges long-standing cultural assumptions regarding conception and inheritance. The study concludes that pregnancy by proxy undermines the notion of motherhood and social identity. Ultimately the study recommends an ethically informed model that integrates advances in reproductive technologies with the cultural values of Africans.

Keywords: Surrogacy, African Identity, Commodification, Kinship, Reproductive Ethics

Introduction

The increasing number of breakthroughs in reproductive technology has dramatically altered the way people view conception, pregnancy, and parenthood. Pregnancy by Proxy (PBP) commonly referred to as surrogacy, provides an alternative method for forming families, especially for individuals who are unable to conceive due to infertility issues. Beyond its technical applications, pregnancy through surrogate presents substantial ethical and cultural conflicts within the context of procreation in Africa as one of the most important aspects of cultural identity and beliefs systems. Procreation is considered much more than just an individual biological act to produce offspring, for most Africans it represents a social and moral obligation to ensure that the lineage continues, the community remains intact and the ancestors are honoured (Chuwu, 2022; Molefe, 2020). In addition to fulfilling familial obligations, producing children also fulfils societal expectations that have been passed down through generations. Therefore, reproductive practices which split the role of genetic motherhood from gestational motherhood and social motherhood disrupt long-standing cultural views on what constitutes parenthood and familial relationships (Molefe, 2020; Mokomane & Rochat, 2021).

The growth of globalized commercial surrogacy has created increased ethical concerns about the commercialization of women's reproductive capabilities. Commercialization of women's reproductive labour have led scholars to argue that women's bodies become commodities when they participate in reproductive activities that ultimately transformed them into products of economic exchange (Baylis & McLeod, 2023; Phillips, 2021). Because there exists an increasingly large socio-economic divide among many African nations, opponents of commercial surrogacy



fear that economically disadvantaged women will be targeted by commercial surrogacy arrangements and therefore face greater risks of exploitation. Opponents believe that these forms of reproduction will create new understandings of motherhood, kinship and family formation (Nwankwo, 2025; Afolabi, 2024).

Therefore, this paper studies pregnancy by proxy not simply as a technological innovation in reproductive medicine but as a sociocultural disruptive technology. This study evaluates both the ethical implications and the cultural contradictions associated with the convergence of surrogacy and the African conception of parental identity. Through the lenses of African philosophy, feminist ethics and commodification theory, the study provides a critical examination of the ways in which pregnancy by proxy redefine parental identity, challenge traditional perceptions of motherhood and lineage, and raise fundamental questions regarding the moral underpinnings of African family life in the contemporary era (Afolabi, 2024; Baylis & McLeod, 2023; Molefe, 2020).

Conceptual Clarification: Pregnancy by Proxy (Surrogacy)

Pregnancy by proxy (surrogacy), is a reproductive agreement in which a woman, described as the surrogate mother, carries, delivers, and transfers the baby to someone else or a group of people called the intended parents. Surrogate arrangements are made due mainly to reasons of medical infertility, repeated pregnancy loss, lack of a functioning uterus, and other medical issues that would make carrying a pregnancy hazardous. Social factors like delayed marriage, being a single parent, and the urge to have genetically-related children are also reasons why there is increased interest in surrogacy from around the world (Baylis & McLeod, 2023; Afolabi, 2024).

There are basically two types of surrogacies. First is traditional surrogacy. Here, the surrogate mother uses her eggs for conception, thus the woman is both the genetic and gestational mother of the child. Traditional surrogacy is usually done through artificial insemination. The second type is gestational surrogacy. An embryo produced through in-vitro fertilisation (IVF) is placed inside the surrogate mother's uterus. Thus, the surrogate carries the foetus, but has no genetic ties to the baby (Pennings, 2021; Baylis & McLeod, 2023). There is also the distinction between altruistic and commercial surrogacy. Commercial surrogacy includes some level of financial compensation; however, altruistic surrogacy does not. Commercial surrogacy typically includes both monetary compensation for the surrogate and payment for all of her expenses while she is pregnant. Commercial surrogacy allows a surrogate to receive money for the time and efforts required to be pregnant, along with acknowledging her risks in order to help others have children (Wilkinson, 2022).

Altruistic surrogacy differs from commercial surrogacy. Altruistic surrogacy provides compensation to cover the costs related to the surrogate's pregnancy such as medical care, and legal fees. However, there is no additional financial compensation provided to the surrogate. The motivations behind altruistic surrogacy vary depending on the situation. Many times, altruistic surrogacy occurs out of compassion toward those who cannot conceive, due to family relationships, friendships, or other personal connections. A primary concern of many advocates of altruistic surrogacy is that it maintains the moral and relational aspects of reproduction through emphasis on generosity and reciprocity instead of monetarily based transactions. Baylis & McLeod (2023) argue that altruism helps preserve these aspects.



Pregnancy by proxy indicates that there has been a significant shift about human reproduction from a sociological and ethical viewpoint. Historically, reproduction perceived as a personal and private activity, as now in contemporary times, increasingly viewed through the lenses of technology, contractual services, legal regulations and financial considerations. This shift is evaluated based upon commodity theory. Commodity theory defines the capability for humans to trade or sell their human abilities and social connections because such capabilities are capable of being marketed to consumers in a public market (Phillips, 2021; Wilkinson, 2022). Accordingly, reproductive labour may be legally and commercially contracted-out.

Pregnancy by proxy also creates differences among what we refer to as genetic parents, gestational mothers and social and legally designated parents. When individuals reproduce biologically these three categories are contained within one category. Surrogacy arrangements however create new types of familial relationship that raises critical questions concerning the identity, responsibility and accountability and membership status of the parties involved. The importance of these questions cannot be ignored or overstated given the significance of family lineage, kinship networks and ancestral ties to individual identities in many African cultures (Molefe, 2020; Chuwa, 2022). Pregnancy by proxy therefore cannot simply be viewed as a solution or resolution for those experiencing infertility. Rather it should be viewed as a complex social event that will challenge the traditional ways in which we conceptualize mothers and fathers, family relationships and family identity. Although pregnancy by proxy offers hopeful alternatives for those who experience infertility it raises very difficult ethical, cultural and philosophical issues particularly in Africa where reproduction is associated with moral obligations, spiritual values, communal living and ancestry (Nwankwo, 2025; Afolabi, 2024; Molefe, 2020).

Theoretical Frameworks

The commodification theory offers an appropriate analytical model for assessing the ethical implications of pregnancy by proxy. Commoditization is the process by which those elements of society, typically imbued with intrinsic social, moral, and personal worth, such as people, social connections, and physical capabilities are converted into marketable commodities. This theoretical framework is especially pertinent today as it relates to the current debate on reproductive technologies, since it raises significant questions about how far the marketisation of human reproduction and the permissible boundaries of market-based exchanges can be taken. Commoditization has its roots in the work of Karl Marx. Marx argued that capitalist systems typically convert human labour and social connections into commodity forms. Contemporary researchers extend Marx's argument to other areas of human existence, including reproductive activities and family formation. They assert that when reproductive abilities become subject to contracts and monetary payments, they become commodities that can be traded within a market structure (Wilkinson, 2022; Baylis & McLeod, 2023).

When analysing pregnancy by proxy through the lens of commodification theory, it becomes obvious that a surrogate mother's reproductive ability, her pregnancy and possibly the foetus she is carrying are all be commodified through commercial surrogacy arrangements. The act of paying money to a surrogate mother becomes a transactional relationship where a woman sells her ability to become pregnant and give birth, as a product. This creates a situation in which a woman's reproductive labour becomes a service that can be purchased by prospective parents looking to start a family (Phillips, 2021). This further reinforces an instrumental view of the female body.



Furthermore, some critics claim that commercial surrogacy may treat children like commodities by establishing that children are essentially products that must be provided upon completion of contractually obligated services. While prospective parents may intend to purchase children out of love for them and a desire for family building, the commercialized nature of surrogacy may obscure the difference between producing a family and buying a product (Baylis & McLeod, 2023).

Critical feminist theory offers a powerful theoretical model to help identify the ethical, social, and gender-specific aspects of pregnancy by proxy. Simone DeBeauvoir, Bell Hooks, Martha Nussbaum, and Shulamith Firestone have identified that the reproductive capabilities of women have historically been monitored and utilized in patriarchal societies. As such, the reproductive acts of individuals must be assessed based upon larger structures of power and inequity related to gender and economics (Tong, 2023; Nussbaum, 2021). Furthermore, critical feminist theory helps explain the interplay between reproductive choice and the potential for exploitation that exists with pregnancy by proxy. Views about surrogacy vary among feminist theorists. Generally speaking, liberal feminists see surrogacy as an embodiment of women's reproductive freedom and bodily autonomy. They assert that women should have the ability to voluntarily choose to utilize their reproductive capabilities to create new life. On the other hand, radical and critical feminists believe that commercial surrogacy may perpetuate already-existing inequities based upon gender by utilizing women's bodies for purposes of creating offspring for the benefit of another individual(s) and subjecting reproductive labour to market forces (Baylis & McLeod, 2023).

Further the analysis of critical feminist theory includes its condemnation of women being reduced to mere biological entities. In some cases, commercial surrogacy contracts treat women only for their biological ability to produce offspring thereby reducing them to merely reproductive function. The potential consequences include treating women as a commodity instead of persons. Additionally, feminist scholars emphasize that the process of gestation is an emotionally, physically, and psychologically demanding experience which should be acknowledged in all discourse related to reproductive technologies (Baylis & McLeod, 2023).

Critical feminist theory is especially useful in assessing how societal attitudes toward marriage, childbearing, and maternal roles affect women's participation in surrogacy agreements in African cultures. Maternal status is a highly valued form of social recognition and a source of personal pride in many African communities (Nwankwo, 2025; Chuwa, 2022), utilizing critical feminist theory as a framework of reference, this study assesses whether pregnancy by proxy enables women to expand their reproductive choices and enhance their opportunity to build families or simply continue to reinforce structures of gender inequality and profit off the reproductive labours of poor women. Through this theory-based analytical structure, one has the tools necessary to critically analyse the manner in which relationships of power, gendered cultural expectations, socioeconomic conditions and other factors affect the ways in which surrogacy arrangements are implemented in Africa. More importantly, it allows for an informed evaluation as to whether pregnancy by proxy represents a medium for empowering poor women, exploiting them or a mix of both.

The idea of personhood and family in African philosophy presents a unique theoretical base for assessing the cultural and ethical ramifications of pregnancy by proxy among cultures of the



African continent. As opposed to many Western philosophical ideas based on autonomous individuals making choices about their lives, most African philosophies see the individual as being embedded in webs of social relations, family obligations and duties to the community. Therefore, personhood is not only a bio-legal entity but also a socially constructed moral and relational status achieved through engagement in community life and fulfilment of communal responsibilities (Molefe, 2020; Chuwa, 2022).

Many prominent African philosophers and theologians have argued that human existence is fundamentally relational. One of the best examples of the communal nature of many African philosophies is John S. Mbiti's famous saying, "I am because you are; and since you are, therefore I am." This represents the relational orientation which is found in much of what is called African thought. In such a view, identity, dignity and recognition in society are not derived solely from individual achievements but from an individual's relationships with family, community and ancestors (Mbiti, 1990; Bujo, 2021).

Ifeanyi A. Menkiti argues that personhood develops through an individual's active participation in the life of the community and the fulfilment of one's moral obligations to other people. Through social interactions, ethics and commitments to the welfare of the community, an individual achieves full personhood. Therefore, reproduction and parenting are not just private events but are social obligations that support the continued existence and stability of society (Menkiti, 2021; Molefe, 2020).

Because these concepts help to illustrate how traditional notions of motherhood, fatherhood, kinship and lineage are challenged by surrogacy, this conceptual framework is useful for studying surrogacy. Surrogacy creates new questions about identity and belonging when it separates genetic motherhood from gestational motherhood and from social motherhood. Using this philosophical framework allows researchers to evaluate if surrogacy can coexist with traditional African ways of thinking about families and persons or if surrogacy challenges those ways of thinking about families and persons at their core.

This study uses the philosophical concept of personhood and family as a way to look at how pregnancy by proxy relates to traditional African values about kinship, motherhood, lineage and group identity and explains why discussions about surrogacy in Africa tend to focus on things outside of individual reproductive rights and personal choice. These discussions involve deeper considerations such as maintaining community solidarity, preserving culture, connecting with the ancestors and protecting social values. Using the African philosophical construct to analyse pregnancy by proxy will offer a culturally-specific examination of the ethics and societal implications of modern reproductive technology.

African Views on Parentage and Self-Identity

In many African communities, children play a very significant role in both cultural and spiritual life. Not only do they represent the continuation of a family line but they serve as the keepers of an ancestor's heritage. It is common for many Africans to view childbearing as both a gift to the parents but also as a collective obligation for the entire community. African views of family go far beyond the nuclear family unit to include all relatives, ancestors and descendants. Family is seen as a continuous lineage that links the living, the dead and those yet to be born. Therefore, when



speaking of parenthood, one cannot simply consider it in strictly biological terms but must also consider its cultural, social and spiritual aspects. Individuals gain their identities from their positions within larger family networks and communities; Children carry the family history, cultural heritage and ancestral legacies; Parents provide a connection between past generations and future ones; Parenting carries a sense of communal responsibility and duty to act collectively for the benefit of others; Many African communities believe that marriage is essential to creating a fulfilling life for oneself and ensuring continuity within families (Bujo, 2021; Gyekye, 2020);

Issues related to the lineage of children created via surrogacy and their ability to inherit property or participate in established family structures will likely become issues as children are born via surrogates. Given the importance of relationships with family and ancestors to defining social identity in much of Africa, surrogacy may also raise serious cultural and ethical problems related to parentage, inheritance rights, obligations to kinship groups and ancestral connections (Chuwa, 2022; Molefe, 2020).

Motherhood plays a particularly important role in many African societies. Motherhood is typically defined by a woman's experiences of pregnancy, giving birth to a child, and caring for that child. A woman who gives birth to a child is generally recognized as the legal mother regardless of her biological relationship to the child. Thus, the distinction between biological mothers and social mothers is often minimized within many African cultural contexts. Similarly, fatherhood is closely associated with preserving lineage, passing down family identities and property, and maintaining family continuity within patrilineal or matrilineal traditions. Most African cultures have extensive and inclusive kinship structures that allow for shared parental responsibilities among various relatives, including uncles, aunts, grandparents, and other community members. The participation of these additional caregivers strengthens communal bonds and enables each child's identity to be developed through multiple relationships beyond those existing within the nuclear family (Gyekye, 1996; Layefa et al., 2022; Spjeldnæs, 2021). Contemporary studies continue to emphasize the resilience of extended family networks and collective caregiving practices in African societies despite the pressures of modernization and urbanization (Adepoju & Olajide, 2025; Layefa et al., 2022)

As such and in addition to its cultural implications related to family structure and identity development, reproduction in Africa is also connected to spiritual continuity. That is, when a child is born, the child is generally believed to represent the continuation of an ancestor's lineage.

Because children embody a form of continued existence of ancestors' spirit; reproduction exists within a larger cosmic or spiritual frame of reference. Naming ceremonial practices and rites of passage help to solidify a child's place in the lineage and community.

Given this perspective, surrogacy challenges African views on identity formation. The separation of these previously integrated aspects of motherhood creates major cultural issues regarding identity formation and the legitimacy of kinship relations among communities using surrogates.

African perspectives on parenthood and self-identify therefore focus on unity, continuity and belonging to a larger community. Each of these values is challenged by modern-day surrogate pregnancies. The ethical problems associated with pregnancy by proxy, particularly in the context



of the cultural values of African communities, are derived from a convergence of economic circumstances, morality, gender roles, and emerging reproductive technology. The ability to have a child via surrogacy represents a potential solution to the desire for parenthood for many people; however, at the same time, it gives rise to several difficult questions regarding dignity and fairness, and the extent to which humans should intervene in the reproductive process.

Commodification of Human Reproduction

The most important ethical issue as regards pregnancy by proxy, is the commercialization of human reproduction. Theorists who view commodification as a threat contend that there are aspects of human life which have inherent social and moral values and therefore cannot be reduced to simply being subjects for market exchange. Radin (1996) has also noted that if we treat people's reproductive capabilities as something to be bought and sold then there is a serious risk that we will lose sight of what makes us human. She notes that when we allow ourselves to see our bodies and the bodily processes involved with reproduction as commodities rather than as parts of who we are, we create an environment where we begin to dehumanize each other. This is consistent with Polanyi (2001), who warns against expanding market principles into areas that are at their core social and moral in nature. Labour including reproductive labour, cannot be fully appreciated through the lens of market economics alone, but rather it exists within a larger context of relationship and self-identification.

In commercial surrogacy agreements, a woman's pregnancy becomes a service that she contracts out, purchases and receives compensation for. As a result, her reproductive potential is treated as a commodity, and the space within her body where she develops the foetus she carries for another couple transforms from a place of sacredness, spirituality and relationship building to one of production. When women carry pregnancies for money, critics warn that they are essentially turning the very personal and relational act of developing a new person inside them over to market forces. This is further exemplified in Africa where reproduction is typically seen as a sacred social institution and is inextricably connected to issues of kinship, lineage continuity, community and ancestral heritage (Chuwa, 2022; Molefe, 2020). Therefore, when communities throughout Africa have historically viewed childbearing as something greater than just an individual choice, it creates an additional layer of cultural disruption when those same choices become subject to market conditions. As a result, this leads to questions regarding whether or not we should view the issue of reproduction as a market activity or as a morally reprehensible, in terms of its implications on human dignity, the reverence associated with motherhood, and ultimately the limitations associated with how far we should go in allowing commercial exchanges involving human life.

Exploitation and Socioeconomic Inequality

Surrogate births often illustrate the larger societal and economic inequalities present both within and between communities. Pande (2014), notes that surrogacy often involves poor women acting as surrogate mothers for wealthy individuals attempting to become parents. She also makes a strong argument against the ethics of coercive use of surrogates, the use of surrogates to exploit them financially, and the imbalances of power involved with these transactions. While most people will say they volunteered to act as a surrogate, many feel coerced into doing so due to extreme economic hardship and few career options.



Economic inequality is even more prevalent on the continent of Africa, where there are numerous issues including poverty, high rates of unemployment, and large disparities in income and education. This creates difficult conditions for many women and causes them to accept acting as surrogate mothers for financial reasons rather than making a totally autonomous decision. As Rudrappa (2021) points out, many economically disadvantaged women view acting as a surrogate as a means of economic survival rather than as an opportunity for empowerment through reproduction. Additionally, Afolabi (2024) has found that surrogacy for those in developing countries may create the very same type of inequity that those fighting for reproductive rights are trying to eliminate.

Therefore, we face an ethical dilemma. On the one hand, supporters of surrogacy believe that it provides women with an opportunity to be empowered through exercising control over their reproductive rights and improving their economic situations. Supporters also believe that if women want to be able to decide what happens to their bodies and how they choose to spend their time and energy to support themselves and their families, then they should have that right. On the other hand, opponents of surrogacy argue that surrogacy allows those with wealthier lifestyles to hire poorer women to assist in fulfilling their dreams of having children. They also argue that while women appear to have choices in participating in surrogacy arrangements, their ability to make true choices is severely impacted by economic inequality. Therefore, while a woman appears to have freedom of choice, she may actually be at increased risk of being exploited. (Phillips 2021; Baylis & McLeod 2023)

In addition to economic pressures on women in Africa, they also face strong cultural expectations around responsibilities associated with motherhood and family. Many women who find themselves unable to support their families due to economic hardships may also feel pressured to serve as surrogates as a way of contributing to the welfare of their family. Therefore, the issue becomes whether surrogacy offers empowerment and reproductive freedom to women or whether it creates a system of inequality which places an unfair burden on impoverished women. The overall implications of the issue provide a framework for evaluating justice, informed consent, dignity and the rights of women throughout a growing market for reproductive services.

Ethical and Moral Concerns and Objections

Religion has been an influential source of moral direction and ethical choice-making across many African cultures. Christianity and Islam have been the major religions affecting views towards marriage, family life, sex and reproduction. Generally, they promote conception through the context of a married relationship and have negative views towards third party involvement in reproductive processes, such as surrogacy and assisted reproductive technologies (Peters, 2021; Olatunji, 2023)

Some Christian ethicist and theologian argue that surrogacy deviates from God's design for the marital and familial relationships by bringing a third party into the reproductive relationship of man and woman. Iheanacho (2017) states that surrogacy will also be seen as inconsistent with what God originally intended for humans' reproductive lives and forming families. Many Islamic scholars have expressed concern over maintaining "nasab" (lineage), marital unity, and introducing a third party (genetic/gestational) into the reproductive process could also lead to complications over establishing principles of family identity and inheritance (Sachedina, 2022).



In addition to theological issues, surrogacy has raised larger ethical problems related to maternity, parenthood, family relationships. Surrogate mothers bring confusion over the identity of the child's biological mother, especially where there is separation of the genetic, gestational and social motherhood. Such arrangements can cause controversy over parentage rights, spouse loyalty, inheritance, and the legitimacy of the child under both religious and cultural contexts (Baylis & McLeod, 2023).

These concerns are not only theologically driven but are deeply rooted in culturally determined social norms and customs. In many African countries, family relationships exist in a larger web of kinship, lineage continuation and communal identity. Therefore, alternative reproductive agreements that challenge traditional notions of parenthood and lineage may be seen as threatening established social and moral values (Molefe, 2020; Chuwa, 2022).

Also, religious and cultural opposition to surrogacy typically reflects a desire to protect social cohesion and moral order. Third-party reproduction may make it difficult to distinguish traditionally between mothers, fathers and family members. This creates ambiguity ethically and legally. For many religious communities, this ambiguity raises important questions about whether surrogacy is morally acceptable and compatible with their view of marriage, family and human reproduction.

Therefore, within the African context, evaluating pregnancy by proxy is inextricably linked with the values of religion and culture that define how people think about personhood, families, social obligations. The intersections of faith, culture and reproductive technologies continue to produce a lot of debate on whether surrogacy is morally defensible and if so, what are its implications for African society's understanding of family life.

Uncertainty Regarding Legal Regulation

Another major ethical issue connected to pregnancy by Pproxy in Africa is the general lack of complete legal and regulatory frameworks regulating surrogate pregnancies in many African countries. The expansion of assisted reproductive technologies has been tremendous throughout the entire African continent, yet the legal systems have generally failed to catch up with this expansion. As a result of the lack of adequate regulatory frameworks, many issues related to parental rights, contractual obligations, financial compensation, citizenship, inheritance, and the legal status of children born through Surrogacy Arrangements remain inadequately regulated or completely unregulated (Nwankwo, 2025; Dyer, 2021).

The lack of legal clarity creates a great deal of uncertainty for everyone involved in surrogacy arrangements (surrogate mother, intended parents, healthcare providers, etc.) as well as for the children born from these arrangements. According to Chima (2015), the lack of regulation significantly increases the potential for exploitation, abuse and disputes among parties to the arrangement due to a lack of clarity around the responsibilities and protections to each party.

Furthermore, without comprehensive laws establishing standards for surrogacy agreements, Disputes regarding contract enforcement, the rights and obligations of surrogate mothers, and the establishment of intended parents' rights could potentially develop into serious conflicts.



A large amount of controversy surrounds the issue of determining legal parentage. Many times, questions arise about whether parental status will be established based on genetic parents, gestational mother, or individuals wishing to raise the child. The ambiguity created by the above question(s) may create additional problems if disputes arise while the surrogate is pregnant or immediately after delivery. Additionally, other complexities may include concerns related to citizenship, birth registration, succession rights and family membership in cases where cross-border or trans-national surrogacy arrangements are utilized (Allan, 2022).

In addition to creating difficulties for the legal identities of children born through surrogacy arrangements, the ambiguity surrounding the law as it relates to surrogacy may have numerous other effects upon the welfare of children. Specifically, without clearly defined statutes or laws, children may experience various challenges associated with establishing identity, nationality, succession rights and access to parental care and protection. Thus, the creation of uncertainty raises important ethical issues concerning a state's duty to protect the rights and best interests of a child regardless of how they came to be born.

Within the African context, these legal issues are exacerbated by the diverse cultural, religious and customary understandings of family, parenthood and lineage present within many societies. As a matter of fact, many communities continue to utilize customary law in regard to family relationship and inheritance. Therefore, conflicts may exist between modern reproductive technologies and traditional legal norms defining kinship and parental identity (Chuwa, 2022; Molefe, 2020).

Therefore, the failure to establish effective regulations surrounding Surrogacy creates an environment in which ethical conflicts and social disputes will thrive. In the absence of clearly defined statutory guidelines and protective mechanisms for all parties involved in surrogacy arrangements advocates of comprehensive regulatory frameworks for surrogacy arrangements argue that reproductive autonomy can be balanced with human dignity, family stability and the rights of all parties involved in such arrangements (Allan, 2022; Dyer, 2021).

Emotional and Psychological Consequences

Legal and financial aspects of being pregnant by proxy are certainly relevant issues in relation to this type of reproductive assistance. However, one cannot ignore the emotional and psychological elements involved in pregnancy by proxy as well. A woman who agrees to carry another's child will likely bond strongly with that child. Consequently, she can expect significant emotional distress from relinquishing that child to someone else at birth. The intended parents of children born through surrogacy may feel anxious about the health of the child, the possible behaviour exhibited by the surrogate and whether or not the surrogate will adhere to the terms of the contract.

The children born as a result of surrogacy will eventually face questions about where they came from and their own identities and feelings of belonging. These types of questions will probably become even more emotionally charged and culturally meaningful than they already are for many individuals if they live in cultures where an individual's ancestry (lineage) is central to his or her identity.

**Conflict with Motherhood**

Motherhood is considered to be part of a woman's pregnancy and childbearing experiences. In many African cultures, it is assumed that the woman who gives birth to the child is the mother. The surrogate mother creates confusion in identifying who is the true mother when there are three possible identities: the biological mother, the gestational carrier/surrogate mother, and the social mother. Furthermore, because identity in African philosophy is contextual and experiential (Mbiti, 1990), having three women share the role of mother creates much uncertainty and conflict with respect to who is the real mother and who should receive recognition.

Confusion with Kinship Systems and Ancestry:

Traditionally, African kinship systems are based upon blood relationship. Individuals' inheritance rights, roles within society, and place within their community have been determined by their ancestry. Reproduction through surrogacy creates questions concerning whether the offspring would belong to the lineage of the biological parents or the gestational lineage of the surrogate. Such ambiguity could cause problems with established systems of inheritance and create some confusion with respect to family identity.

Spiritual Conflicts

Many people in Africa view reproductive processes as not only physical acts, but spiritual ones that provide a connection between the living and the dead. Birth represents a new generation continuing or returning to the ancestral way of life. Because surrogacy involves a person other than either the biological or social mother assisting in this process, it may interfere with this natural process.

Social Stigma

Because surrogacy is generally unknown and misunderstood in many African countries, individuals involved in such arrangements, either as surrogate mothers or as intended parents—may experience negative social stigma. Additionally, they may be judged negatively by members of their community. They may be viewed as doing something unnatural, foreign, or immoral. Such social stigma may also affect the children conceived through such arrangements and may impact their ability to accept themselves and feel accepted by others.

Loss of Community Based Principles

Most African societies value group responsibility, commonality among members of society, and inclusion of all members into a larger social system. Traditional African concepts do not separate parental responsibilities as independent contracts between two parties. However, in some cases, pregnancy by proxy may represent a shift away from these community-based principles toward a more individualistic approach to reproduction.

Therefore, surrogacy decision-making in Africa would ideally include discussions with the larger family unit, and would require a deep level of cultural awareness. The focus here is to move away from viewing surrogacy as simply a matter of two adults entering into a contract with each other regarding reproduction; instead, it would involve considering whether this action aligns with expectations around family, community and lineage.

**Prioritizing the Dignity, Autonomy, and Well-Being of Surrogate Mothers**

If one is to create a contextual ethical framework for surrogacy in Africa, then one must first prioritize the dignity, autonomy and well-being of the women involved as surrogate mothers. Many feminist scholars have argued that women's bodies cannot be seen solely as means to produce offspring; instead, we see the importance of recognizing the humanity and autonomy of women. Margaret Jane Radin has written extensively about protecting women from becoming mere "reproductive machines." To achieve this goal, we must develop clear safeguards against the use of coercion or exploitation; provide fair and equitable compensation structures (if applicable); and provide access to quality medical care, counselling and legal support to surrogate mothers. These protections are essential in Africa because so many women face socio-economic challenges that could make them vulnerable to exploitation.

Achieving Balance between Individual Reproductive Autonomy and Social Responsibilities

Individual reproductive choice is an important concept in ethics related to surrogacy. However, we also believe that individual reproductive choice must take into account social responsibilities and cultural obligations. There are different ways that cultures view the relationship between the individual and society. Some cultures place greater emphasis on the responsibility of the individual toward society than on the right of the individual. Traditional African thought emphasizes the duty that an individual owes to his/her community. Therefore, a contextual framework would respect the reproductive choice of individuals who want to become surrogate mothers. At the same time, such choices should not disrupt social balance and harmony.

There is no doubt that religion plays a significant role in shaping many people's views on ethics and morality in Africa. It is therefore necessary to discuss issues surrounding surrogacy with religious leaders and ethicists. Iheanacho has encouraged dialogue between bioethicists and religious thinkers in order to address reproductive technology. One benefit of engaging with religion in the discussion of reproductive technology is that it may allow us to clarify some of our moral boundaries, lead to greater social acceptability, increase public education and facilitate increased public education and acceptance.

It is obvious that creating laws regulating reproductive technology will be very helpful in developing an ethical structure for surrogacy. Laws developed to regulate surrogacy should clearly define the rights of parents and the responsibilities of parents. Laws should also define the terms under which surrogacy is allowed. Laws should protect the rights of the child, including their identity and citizenship. Laws should prevent exploitative or unprofessional practice.

Ongoing public debate regarding the cultural implications of reproductive technology is needed. We recommend that traditional leaders, religious leaders, government officials, health professionals, and civil society organizations be engaged in ongoing dialogue regarding issues associated with reproductive technology. By doing this, we hope to demystify surrogacy and reduce its stigma so that it can be considered within a culturally based ethical framework.

Conclusion

This study has clearly demonstrated how the various issues surrounding surrogacy (commodification, exploitation, moral ambiguity, lack of clarity around laws regarding surrogacy etc.) are heightened by the existing economic disparities and by the influence of religions



throughout much of the continent. Additionally, there are cultural implications that arise when using technology in areas related to reproduction and childbirth. These cultural disruptions include disruptions to maternal identities, the changing structure of kinships, and the breaking of continuities with ancestors. These examples demonstrate the conflict that exists in the attempt to address surrogacy in Africa without acknowledging the communal and relational nature of individual personhood. Therefore, surrogacy should not be viewed solely as a personal medical and contractual issue but also as part of a larger moral/cultural/social framework that provides the foundation for all of human life in Africa. While pregnancy by proxy does offer reasonable alternatives to some reproductive issues, these alternatives must be considered carefully and thoughtfully. There is a need for an ethical framework for addressing surrogacy in Africa that will respect the local culture(s); protect human dignity; and provide fairness for all members of society. It is only by establishing such an ethical framework that African communities may successfully resolve the problems associated with surrogacy while honouring both parental identity and modern scientific advancements.

Recommendations

- i. Establishing a clear legal regulatory framework for surrogacy practices: Legal regulatory frameworks must be developed at the governmental level to clearly and legally regulate surrogacy practices. The legal framework(s) must include definitions of parental rights of parents via surrogacy contracts, outline the contractual obligations of surrogate mothers and biological fathers/parents, and define the legal status of children conceived via surrogacy
- ii. Protection of surrogate mothers from coercion and exploitation: As socioeconomic conditions of some women may lead them into becoming surrogate mothers, governments must implement safeguards that protect surrogate mothers from being coerced or exploited. The following are examples of policy strategies that safeguard against coercive and exploitative treatment:
- iii. Promoting public education/awareness regarding surrogacy practices, and encouraging active participation of communities and leaders in dialogue processes: public education and campaigns must be initiated to create informed public knowledge and perceptions regarding surrogacy practices.
- iv. Grounding discussions regarding policy and ethics on personhood and community in African philosophies. When developing policy and ethics regarding surrogacy, it is essential to ground those discussions based upon African philosophical understandings of personhood and community.
- v. Constructive collaboration between religions and bioethics experts regarding guidelines for surrogacy. Religion has been found to play a significant role in influencing public morality in Africa. Consequently, constructive collaboration must occur between religious institutions and bioethics experts.
- vi. Oversight mechanisms to regulate commercial arrangements for surrogacy. If commercial surrogacy is permissible, oversight mechanisms must be created to regulate commercial surrogacy markets. These mechanisms must have the authority to oversee agencies involved in commercial surrogacy, identify cases of trafficking or exploitation of surrogate mothers, and verify whether all surrogacy contracts comply with ethical standards.
- vii. Promotion of alternative solutions to family formation for couples experiencing infertility. Government and healthcare systems must invest in affordable and accessible alternatives



to infertile couples' use of surrogacy as a method of resolving infertility. These alternative solutions include fertility treatments for infertile couples, counselling services for infertile couples, and alternative methods of forming a family (adoption).

References

- Adepoju, A., & Olajide, O. (2025). *Changing notions of kinship and family in contemporary urban Africa*. *Mahogany Journal de Social*, 2(4). <https://doi.org/10.37899/mjds.v2i4.289>
- Afolabi, O. A. (2024). Ethical challenges of commercial surrogacy in Africa: A socio-legal analysis. *African Journal of Bioethics*, 8(2), 45–61.
- Allan, S. (2022). *Surrogacy, law and human rights: Global perspectives on assisted reproduction*. Routledge.
- Baylis, F., & McLeod, C. (2023). *The ethics of reproductive technologies* (2nd ed.). Oxford University Press.
- Chima, S. C. (2015). Ethical and legal dilemmas of surrogacy in Africa. *Developing World Bioethics*, 15(3), 145–154.
- Chuwa, L. T. (2022). *African indigenous ethics in global bioethics*. Pickwick Publications.
- Crawshaw, M., Blyth, E., & van den Akker, O. (2022). Psychological aspects of surrogacy and assisted reproduction. *Human Fertility*, 25(3), 421–433.
- Dyer, S. J. (2021). Assisted reproductive technologies and reproductive justice in Africa. *Reproductive Biomedicine & Society Online*, 13, 45–54.
- Golombok, S. (2023). *We are family: What really matters for parents and children* (Updated ed.). Scribe Publications.
- Iheanacho, N. N. (2017). Ethical and theological reflections on surrogacy in African Christianity. *African Ecclesial Review*, 59(2), 145–160.
- Jadva, V. (2023). Surrogacy and the psychological well-being of surrogate mothers and intended parents. *Reproductive Biomedicine Online*, 46(2), 214–222.
- Layefa, G., Ezenagu, N., & Esoso-Agbor, J. (2022). Revisiting kinship in contemporary West African societies: The case of role-relationship. *F1000Research*, 11, 965. <https://doi.org/10.12688/f1000research.76054.1>
- Marx, K. (1867/1976). *Capital: A Critique of Political Economy, Volume I*. London: Penguin Books



- Mbiti, J. S. (1990). *African religions and philosophy* (2nd ed.). Heinemann.
- Mokomane, Z., & Rochat, T. (2021). Family, kinship, and reproductive decision-making in contemporary Africa. *Journal of Family Studies*, 27(4), 512–528.
- Molefe, M. (2020). *African philosophy and personhood*. Palgrave Macmillan.
- Nussbaum, M. C. (2021). *Creating capabilities: The human development approach* (Updated ed.). Harvard University Press.
- Nwankwo, C. U. (2025). Surrogacy, gender, and reproductive justice in Nigeria. *African Human Rights Review*, 12(1), 88–104.
- Olatunji, A. A. (2023). Religion, reproductive technologies, and family ethics in Africa. *Journal of Religion and Society*, 25(1), 66–82.
- Pande, A. (2014). *Wombs in labour: Transnational commercial surrogacy in India*. Columbia University Press.
- Pennings, G. (2021). Ethical issues in contemporary surrogacy arrangements. *Bioethics*, 35(6), 567–575.
- Peters, T. (2021). *Playing God? Genetic determinism and human freedom in the age of biotechnology*. Routledge.
- Phillips, A. (2021). Commodification, reproduction, and women's bodies. *Journal of Applied Philosophy*, 38(4), 521–536.
- Polanyi, K. (2001). *The great transformation: The political and economic origins of our time* (2nd ed.). Beacon Press. (Original work published 1944).
- Radin, M. J. (1996). *Contested commodities: The trouble with trade in sex, children, body parts, and other things*. Harvard University Press.
- Rudrappa, S. (2021). *Discounted life: The price of global surrogacy in India*. New York University Press.
- Sachedina, A. (2022). Islamic bioethics and assisted reproductive technologies. *Journal of Religious Ethics*, 50(3), 401–41
- Spjeldnæs, I. O. (2021). Mothering in socioeconomically marginalised communities in South Africa: A conceptual development. *Journal of Psychology in Africa*, 31(4), 406–415. <https://doi.org/10.1080/14330237.2021.1952730>
- Teman, E. (2021). Emotional experiences and identity in contemporary surrogacy arrangements. *Bioethics*, 35(7), 689–697.



Tong, R. (2023). *Feminist thought: A more comprehensive introduction* (6th ed.). Routledge.

Wilkinson, S. (2022). *Bodies for sale: Ethics and exploitation in reproductive markets*. Routledge.