

# Rethinking Surrogacy in the Perspective of Posthumanism

Priyanka Basak

Post-doctoral Fellow

Indian Council of Philosophical Research

Darshan Bhawan, 36, Tughlakabad Institutional Area, (Near Batra Hospital)

Mehrauli Badarpur Road, New Delhi – 110 062

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## Abstract

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Humans are complex beings and human reproduction is as intricate as the species itself. A mother gives birth to a baby naturally from her womb. However, there are instances when the natural reproduction process stumbles because of a parent's medical condition. Because of this, the reproductive strategy adapts to help human survival as the most fitting in the world. In the 1980s, a novel reproductive technological practice was introduced to the world-at-large through the media coverage of the custody case of Baby M in the United States. Since then, the issue, 'surrogacy', has gained unprecedented attention in human socio-cultural and political life. In the posthuman period, the sacred and indispensable role of motherhood has become a contentious topic because of the advancement of technology for assisted reproduction (ARTs). A woman can now generate a life that grows inside the womb of another woman and is fed, nurtured and cared for by still another woman. This paper focuses on the bioethical concerns surrounding childbirth that are brought up by surrogacy, a new approach to childbearing.

**Keywords:** Surrogacy, posthumanism, reproductive technology, human reproduction, surrogate mother, and the body.

## Introduction

Reproduction is a basic feature of human beings. The process of beginning a new life in the world has often been overlooked in human culture. In the era of humanism, human beings are considered free subjects with rationality, reflexivity, linguistic efficiency, and determinism. So far, gestation, reproduction, and motherhood have not received any recognition and discussions about maternity did not begin until the late 20th century. Since the beginning of the 21st century, humanism and humanity have faced several arguments in contrast to various

revolutionary enhancements in the scientific and technological fields. In the last quarter of the 20th century, the human reproductive process underwent a revolution after the beginning of in vitro fertilization (IVF). The rise of IVF has introduced the concept of 'Surrogacy', where another woman is pregnant to give birth to a child for another person.

Key drivers of the assisted reproductive revolution are to promote technological advancement that can transcend human beings' present biological and intellectual limitations and expand human capacities. In response to Charles Darwin's Natural Selection-based 'human' and their power of reproduction, posthumanism talks about a new type of person who undergoes 'assisted evolution' through human-made artificial selection. The traditional reproductive process of humans is regarded as natural, and reproduction through technological means is viewed as artificial immediately. However, making the line of a philosophical dissimilarity between artificial and natural has not been simply justified. So, the reproductive revolution necessitates a critical analysis of the ethical issues of various domains. Posthumanism deconstructs some classical ethical and bioethical principles but does not propose a new moral foundation; instead, it seeks to undermine the classical ethical theories. According to an optimistic philosophical approach, bodily treatment and enhancement are both considered rights of human beings; but, in posthumanistic movement, the line between bodily treatment and enhancement has become increasingly blurred. The goal of the posthuman movement is to form 'the posthuman', who would be able to 'have everything'. Human reproduction is among those areas that posthumanism tries to enhance, focusing on artificial selection or insemination over the natural procedure. Posthumanism through technological advancements tries to enhance human capacities. Human beings are mortal and so their capacities are limited too. Reproductive issues are one of the significant limitations that humankind faces today. Hence, science and technology in the medical field try to solve reproductive issues with several aspects and surrogacy is one of those. Posthumanism not only emphasizes a quest for human bodily immortality but also seeks to eliminate the inherent fragility of human life, including aspects such as pregnancy, childbirth, and childrearing.

Posthumanism incorporates various human enhancement procedures, including birth control practices in digital modes and all new reproductive technologies, like IVF, IUI, IVG, PGD, Surrogacy, genome editing, cloning, designer baby, creating mind clones, germline engineering and artificial womb. The reproduction in a posthuman manner discards innate limitations of being born and mortal. Existence of humans is essentially natural, but the posthuman method of reproduction postulates that in the human condition, evolution's poor performance in random natural selection makes natural reproduction the source of pain, trauma and suffering. It emphasizes the 'morphological freedom', which suggests individuals can completely choose themselves to be who they are, shape their desires of living and will. The morphological freedom for human beings is associated with 'proactive principle' instead of 'precautionary principle' of human freedom. The

posthuman revolution approach seeks to address the fundamental flaws in natural selection by developing a new course and determinism for human self-enhancement. So, the posthuman reproductive approach contends that natural selection for reproduction in evolution is not entirely sensible and that methods other than natural birth systems must be discovered for human reproduction. Hence, the paper tries to establish a direct connection between the posthuman reproductive system, surrogacy, and the phenomenon of the disappearance of the natural mother and the physiological motherhood.

### What is Surrogacy?

The idea of what it means to be 'human' has changed due to advancements in biotechnology and medicine. Human life, science, and technology have amalgamated in this era. In the field of human reproduction, Assisted Reproductive Techniques (ARTs) are a well-known method of reproduction among parents who face a variety of medical challenges regarding a child's birth. Assisted reproduction is an attempt to eradicate infertility of all sorts. As a result, assisted reproductive technologies are linked to fertility treatments that surgically remove a woman's eggs from her ovaries and fertilize them in vitro with sperm, followed by the implantation of the fertilized egg or the embryo into the woman's uterine cavity. Therefore, various treatments known as ARTs combine to help overcome the obstacles faced by natural reproduction and offer a conducive approach to artificial fertilization using cutting-edge technologies and medical science. Although a woman's egg can be returned to her through assisted reproductive procedures following in vitro fertilization (IVF) or artificial insemination, there are situations where specific medical issues make the return of the fertilized egg to the same woman difficult. In these and several more instances, the fertilized egg or embryo has been transferred to the body of a different woman, who is not the biological mother of the embryo but bears the baby for another couple within her uterus. This method of Assisted Reproductive Techniques (ARTs) is signified as 'Surrogacy.'

The 'surrogate' refers to the Latin term 'subrogare', meaning 'to substitute' or 'employed to enact in the place of'. It follows that surrogacy is an act of substituting one person for another to accomplish a specific role. Since the word is typically connected to the modern reproductive system, in this context, the surrogate or substitute would undoubtedly be a woman who steps in for the other woman to fulfil a certain role, such as childbirth, for example. Therefore, a surrogate mother is a woman who consents to get pregnant and give birth, intending to give the baby away to another individual or couple, typically referred to as "intended parents" or "commissioning parents" after the baby is born. Surrogacy is a reproductive practice usually suggested to women who are infertile due to uterine anomalies preventing pregnancies or other contraindications for pregnancy or alike severe medical conditions or women without a uterus, aiming to possible the motherhood of those women by creating an embryo in the laboratory by merging either intended parents or donors' egg and sperm and placed that embryo to the surrogate mother's uterus. Surrogacy is of two types, traditional and gestational. In

the first one, the traditional one, the intended father's sperm and the surrogate mother's egg are used to create an embryo and then are inseminated in the womb of the surrogate mother. Herein, the surrogate shares partial genetic material with the child. In the second one, the gestational, the embryo is created from both intended parents or the donor's sperm or oocyte and subsequently passed on to the surrogate mother's uterus. Surrogacy might be either altruistic or commercial. The altruistic surrogacy is where the surrogate mother is not compensated with any kind of financial assistance from intended parents. Commercial surrogacy is where the surrogate is offered an economic incentive for her job. For a variety of reasons, many couples throughout the world need this technique of reproduction, and it appears to be highly advantageous for both parties involved.

#### The Concept of Posthumanism:

Posthumanism has taken central place in today's academic discourse, advocating a comprehensive reinterpretation of human beings via advancements in ontology, science and biotechnology. It covers a variety of movements and schools of thought, including transhumanism, cultural, philosophical and critical posthumanism, the feminist idea of new materialism, the heterogeneous approach of metahumanism and antihumanism. These generic and all-inclusive features and uses of posthumanism cause methodological and theoretical confusion among experts and non-experts. The presence of technology within the sphere of posthumanism can be gleaned from the famous essay of Martin Heidegger, 'The Question Concerning Technology'.<sup>2</sup> In this essay, he asserts that, nowadays, technology is not a mere means, but rather it is revealing itself profoundly. Thus, posthumanism explores technology as a mode of telling and is willing to set an ontological significance of technology in the contemporary world. Drawing inspiration from Martin Heidegger, as he declares that Technology is more than just a tool and it has a deeper significance, posthumanism, in a similar manner, views technology not just as tools but as a method through which the world can be understood.

Another history of attachment to technology with the posthumanist frame can be traced back to the writing of Michel Foucault. In his work, 'The technologies of the self'<sup>3</sup>, Foucault promotes a theory of technologies of the self in which he attempts to use a relational ontology to eliminate the division of own self from others. This view plays a crucial role in existential revelation, sparking debates on applied ethics and posthuman ethics. Being a praxis, posthuman thought works to connect future conceptions and imaginations to their authentic representations. In posthuman understanding, the 'what' becomes the 'how'. According to posthumanism, technology is neither the 'other', which everyone must fear or reject, nor is it supported by divine characteristics, as attributed by some transhumanists.

The concept of technology has found its way into posthuman theory via feminist theory's mediation, particularly through the works of feminist philosopher Donna

Haraway. In her famous book *Simians, Cyborgs, and Women: The Reinvention of Nature*. In the book, she remarks, “A cyborg is a cybernetic organism, a hybrid of machine and organism, a creature of social reality as well as a creature of fiction”.<sup>4</sup> Thus, a cyborg is an amalgamation of human and machine. Human biology and advanced technology blends here to form a new meta-human, technological human or posthuman. Her concept of cyborg and her view of dismantling dualism and boundaries among physical and non-physical, biological organisms and technological gadgets and the technology and the self, helped technology to become posthuman.

In the book *How We Became Posthuman: Virtual Bodies in Cybernetics, Literature, and Informatics*,<sup>5</sup> N. Katherine Hayles has suggested and pointed out that posthuman beings can be depicted as an assembled hybrid multifaceted cross-textured being existent in the form of a material body and body image, aiming to sharpen and maximize the sense and sensitive reaction. The posthuman standpoint is to be characterized by four assumptions: one is the preference of informational design over material representation; second is an outlook on consciousness as an epiphenomenon and third is the body as the original prosthesis, which is involved with replacement and expansion of that body with other external or internal prostheses and finally, the arrangement of human beings enunciated with intelligent devices.

#### Posthumanist Disposition: Reproduction through Surrogacy

The notion of ‘produced human’ derives from the support of ‘created human’, since then, it has grown. The ‘Created’ and ‘produced’ are typically signified by natural and artificial. However, in the contemporary age, the distinction between created and produced or natural and artificial is not purely philosophically defensible because the boundary between these two is becoming blurred and these increasingly blurred features among the natural and artificial change the ethical implications attributed to both concepts. In the Posthumanist movement, this distinction is eroded as it seeks to enhance human conditions using technological methods. Altogether with socio-cultural and educational means, posthumanism emphasizes direct and radical technological enhancement in human health, mainly in the reproductive domain. Jane Metcalfe, at the Exponential Medicine Conference held in Singularity University, proclaimed, “We can design embryos. We can edit genes in humans. We have synthetic biology. And so we really are looking at designing future humans”.<sup>6</sup> The objectified aim that posthumanism sets, typically aspires for human beings, is the reduction or elimination of suffering, enhancing physical, emotional, and intellectual capacities, prolonging life and empowering humans to employ better control on their destiny. Humans should have the right to both treat and enhance the body. Humans can maximize pleasure and minimize pain in their lives only through the help of biotechnology. Present human conditions should be enhanced, improved, or developed to improve their futures.

The posthuman reproductive revolution grows through ‘Assisted Reproductive

Technologies' (ARTs), like IVG, IVF, IUI, surrogacy and artificial womb phases. Hence, it could firmly be said that posthumanism aims to uplift human beings by different technological means. Therefore, when a couple, called intended parents, with severe medical complications, seek surrogacy as an option for making their life better by having a baby, the technological enhancement in the reproductive system helps them to the fullest. Technological development in the field of reproduction makes humans free from their constrained physical limitations. At the same time, it allows humans to explore alternative ways of feeling, thinking, living and parenting. Depending on this assertion, surrogacy may be recorded as a clear example of posthumanism. The embryo is not made here by natural factors; first, it is crafted in the laboratory and later inserted to the womb of the surrogate. It should be a matter of consideration that the pregnancy in surrogacy is not a natural one; rather, it is an act of human-machine unification and the born child is a creation of bioengineering. Hence, the embryo, subsequently the born child, is a posthuman. The mother is also a person whose body actively participates in the posthuman advancements. But the fact that surrogate mothers are neither generally thought of as posthuman nor the born child. Surrogacy should be suggested as strong evidence of posthuman technology because neither the surrogate nor the newborn is an outsider within the world, nor do they look different from the entire human clan.

Posthuman enlightenment imposes a profound hope in the mind of the human beings and their freedom that they want to be the best variety of their own species. When people use their individuality to make decisions that will benefit both themselves and humanity, any diverse consequences can be managed proficiently. The reproductive revolution, furthermore, emphasizes the implication of nurturing parenting over genetic parenting as a sign of individual autonomy and free choice. Zoltan Istvan predicts that, "as through genetic engineering, the production of more talented children becomes possible, thus the method of traditional childbirth would become obsolete within 50 years".<sup>7</sup> Human lifestyle, desires, the use of technology, such as ultrasonography, MRI scans and so on in the reproductive field, the rising number of infertility cases and the use of surrogacy for having a baby are contributing largely to making this possible.

#### Do Posthuman Standards of Surrogacy Possibly Harm Society?

In *Simians, Cyborgs, and Women: The Reinvention of Nature*, Donna Haraway talks about an innovative form of labor economy by introducing technology in the field of women's space, which would create a new form of capitalism that would enable control over dispersed labor. In relation to sexuality and reproduction, new technologies interpret the body as a utility-maximizing machine. In the field of surrogacy, the body of the woman is taken as labor, representing the feminization of all labor, about which Donna Haraway criticizes.

Surrogacy is linked to several intricate legal, moral and ethical concerns. These legal, ethical and social factors of surrogacy are stimulated when a surrogate

mother is being contracted and compensated for her work. The surrogate's body, more profoundly, the gestational surrogate mother, is a representation of body labour, which is a very controversial and sensitive social issue. In gestational surrogacy, a woman's genetic makeup becomes irrelevant because her body is monitored in every step of pregnancy and she runs under continuous appraisal. The body of a woman is treated as an object and a place where experiments can be done but the fact should be kept in mind that her body is also a space of resistance and a claim of a sense of control. On the other hand, it has been seen among many women in the recent era that, by deprecating the thought of natural maternity, they appreciate the idea of technological gestation and generation. Maternity, traditionally, was considered either as a sacred consecration or as close to a disease. For that, pregnant women's bodies were either purged or covered up by different outfits, so that the changes in the body were suppressed. But in the present-day scenario, the pregnant body of a woman acts as an instance of perfect feminine beauty, and the pregnant body is observed as a beautiful form of body representation. As surrogacy involves financial involvement, the concept of body labour in surrogacy fails to explain the extreme corporeality as paid labour. Nursing, salon work and sex work necessarily implicate body-related services. Surrogates, in place of providing services to client's body, financed their own bodies to give birth to the baby. Thus, contributing the body in surrogacy deal is diverse because other body-labour services do not employ any intrinsic interest in the body as surrogacy does. Despite the medical, socio-political, legal and moral sides, an emotional side is also present in surrogacy, which is overlooked by us most of the time. At the growing stage, the mother and the baby emerge with an indescribable emotional attachment. But being contracted in nature, after birth, the baby is detached from the surrogate mother and the precious bond among them is lost.

The process of surrogacy involves the extraction of value, either economic or societal, from living human tissue, i.e., from the surrogate mother. Surrogates are treated as reproductive and sexual labourers, which has been standardized, technologized and internationalized in such a way that they are now recognized as a new type of labour by scholars, under the terms biomedical, clinical, or biological labour.<sup>8</sup> It can be said that, in the case of reproductive technologies, when *ex vivo*<sup>9</sup> human tissues, eggs, sperm or embryos are at stake, the matter of labour is no longer analytically relevant. Such a kind of human tissue used in the reproductive technological method moves us beyond the classical Marxist sense of labour. In the classical Marxist thought, labour created profitable goods and workers might have been detached from the benefits of their labour. Still, in the reproductive technological era, profitable things are produced by bodies and bodies are separated from their reproductive gains. In the global tissue economy, the participation of women or a surrogate should be explicitly cognised as a form of labour, a biological labour, as she provides her body for living tissues and productive processes. Hence, in the case of surrogacy, it could be said that the surrogate mother, who could be signified as a labourer, is being alienated from the

baby after the birth of the baby.

Regarding such issues, from the point of view of the posthumanist reproductive revolution, it could be said that it always emphasizes the capability of making free choices over one's own body. Women associated with surrogacy are also free to choose their bodies. Posthumanism, in the domain of reproductive rights and freedom, emphasizes the 'morphological freedom'. According to this notion, any individual is free to decide the fundamental matters of their life, such as their identity, ideal mental and physical features, desired lifestyles, psychological and physical needs, and so on. In fundamental human rights, the right to self-enhancement should be included. Over time, the morphological freedom has grown. In this connection, Nick Bostrom states that morphological freedom is presently expressed as the "civil right of a person to either maintain or modify their own body [...] through informed, consensual recourse to, or refusal of, available therapeutic or enabling medical technology".<sup>10</sup> As long as any kind of human enhancement does not cause harm to others, every individual has the right to satisfy their physical or intellectual capabilities by means of technology. Thus, in surrogacy, rights are given to all parties so that they can equally satisfy their bodily or intellectual dimensions, unless it harms others. The surrogate mother carries her right to use her physical ability, or reproductive ability, to ensure other needs of life. The intending parents also hold the right in choosing reproductive technology, i.e., surrogacy, for the betterment of their lives and intellectual needs of having a genetic baby, even though they are incapable of maintaining their reproductive health.

Again, two main aspects are there in morphological freedom: 'freedom from coercion' and 'freedom of privacy'. The 'freedom of coercion' denotes individuals' capacity to create free, independent and conversant decisions about their own body and life, without outside pressure. According to "Freedom of privacy", any physical alteration to a person's appearance should be regarded as private. Providing importance to individual autonomy proves that commissioning reproductive technologies in human life not only helps in curing reproductive disorders but also in fulfilling personal desires. The natural reproduction is accompanied by suffering, pain and trauma. It also seems fragile, naive and limited when several intricate processes, like a prolonged and problematic pregnancy, along with a birth that is painful and postnatal problems, children born with birth difficulties, troublesome childhood and complications in child-rearing, challenging months and unplanned or risky pregnancy, are present in the natural reproduction process. With their vast techniques, reproductive technologies seek to enhance human conditions in these intricate situations. Also, artificial reproductive techniques try to overcome the natural barriers to human enhancement by eliminating inherited genetic and individual defects of natural reproduction at the time of artificial insemination into the surrogate mother's body. Therefore, societal norms, dogma, beliefs and flaws in the socio-political and legal framework often paint reproductive technology and surrogacy as negative concepts for society.

### **Conclusion:**

In the technological era, physical boundaries no longer serve as a prime place for social dealings. Besides the decentralization of identity to virtual bodies, the creation of a new cyber identity has emerged as a form of hyper-reality. Human cloning, human body enhancement, and prosthetic implementation are challenging modern concepts, and IVF and surrogate motherhood are deconstructing the natural reproductive system. All these scientific and technological transformations are blurring out the semantic differences among humans and cyborgs (posthumans) and between humans. Similarly, human babies are like one another, regardless of how they were conceived naturally or through IVF and surrogacy. Thus, do new reproductive technologies and techno-biopower technologies not include a paradigm shift in understanding the human body from an ontological and epistemological perspective? If so, then the phenomenon of artificial insemination and surrogacy should be revisited from a futuristic perspective. Again, it can also be said that the surrogates are a moderate witness to posthumanistic assisted reproductive technologies. They could be mentioned as ‘moderate witnesses’ because surrogates situated in their position witness, record and inform the whole reproductive process. Whereas the lines between natural and artificial, birth and death, are disappearing under the posthumanistic perspective, surrogate mothers offer themselves as tangible representations of bio-power, bio-capital, reproductive rights and bio-labor. Once more, it is a significant problem related to the new reproductive technologies to which attention should be paid.

Despite various concerns, we must consider that surrogacy in the posthuman era has become an irresistible part of humanity. The primacy of sexuality in posthumanism is observed as an ontological force by contradicting the gender system that privileges heterosexual, familial reproductive sex and surrogacy wipes away the sexual orientations and able-bodiedness of human ‘normality’. Parenthood is a blessing and surrogacy allows experiencing parenthood to those persons who break the stereotype and deconstruct the social dimensions.

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