Eastern and Western Perspectives on Surrogacy

Over the past 10 years, a convergence of scientific, demographic, legal and social developments has led to a significant influx of cases of international surrogacy. What was previously a marginal form of parenthood has become a multi-billion dollar industry, raising concerns for surrogate mothers, commissioning parents, and children alike. Lawyers, philosophers and health care professionals have struggled to formulate a framework to ensure the protection of surrogate mothers from exploitation, whilst combatting the vulnerability of commissioning parents to agencies and intermediaries, and providing children born as a result of this practice with certainty regarding their identity, status, and nationality.

The transnational nature of the issues raised in relation to international surrogacy agreements means that individual states have struggled to take decisive action, and there remains a myriad of different responses to this issue. This book brings together experts from Eastern and Western backgrounds, to consider the way in which different jurisdictions have responded to surrogacy, both within their own borders, and when an international agreement takes place involving one of their citizens. Each chapter includes a discussion of the laws concerning the establishment and contestation of legal parentage through surrogacy under domestic law; the rules and laws concerning surrogacy arrangements on a domestic level; and approaches to recognition of legal parenthood acquired through surrogacy in other jurisdictions. In addition, the chapters consider the socio-economic context of surrogacy in the chosen jurisdictions, through questions concerning the profile of surrogate mothers and commissioning parents, the involvement of intermediaries, and the nature of the interactions between these parties. In this way, the book provides a comprehensive understanding of the confluences and tensions in the way surrogacy is approached in these jurisdictions, and seeks to identify trends emerging from these different regions.

In doing so, Eastern and Western Perspectives on Surrogacy seeks to contribute to the greater understanding of the regulation of surrogacy throughout the world, and will serve as a reference work for anyone involved in practice, academia or law reform in this subject area.

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