

Motherhood Beyond Biology: Surrogacy in the Light of Indian Moral Philosophy

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Abstract

Surrogacy has become one of the most contested reproductive practices in contemporary India, raising profound ethical questions about motherhood, bodily autonomy, and moral responsibility. Dominant legal and biomedical approaches often frame surrogacy in terms of consent, contracts, and reproductive choice. This article argues that such frameworks are ethically insufficient in the Indian context, where moral understandings of motherhood have historically extended beyond biological reproduction. Drawing upon Indian moral philosophy particularly the concepts of dharma, dayā (compassion), sevā (service), and relational personhood this paper reinterprets surrogacy as a moral practice embedded in social relations and structural inequalities. Engaging feminist ethics, care ethics, and Indian philosophical traditions, the article demonstrates that motherhood in Indian thought is constituted through responsibility and care rather than genetics or gestation alone. It concludes that Indian moral philosophy offers a critical ethical lens that resists both biological essentialism and the commodification of women's reproductive labor, calling instead for a framework of non-exploitation, dignity, and relational justice in assisted reproduction.

Keywords: Surrogacy; Motherhood; Indian moral philosophy; Dharma; Care ethics; Reproductive justice

1. Introduction

Assisted reproductive technologies have profoundly altered the meanings of kinship and parenthood across the world. In India, surrogacy has generated intense ethical debate because it operates at the intersection of reproductive desire, medical innovation, gendered labor, and economic inequality. While surrogacy is often defended as an exercise of reproductive choice, critics highlight its exploitative potential, particularly for poor women whose reproductive capacities become sites of commercial exchange (Pande, 2014).

Much of the existing ethical debate relies on liberal bioethical categories such as autonomy, informed consent, and contractual obligation. Although these concepts are important, they are limited in their ability to capture the moral depth of surrogacy within the Indian socio-cultural context. Indian moral philosophy does not conceptualize motherhood as a purely biological or proprietary relation. Rather, motherhood is understood as a moral role grounded in care, responsibility, and ethical duty (dharma) (Radhakrishnan, 1951). This article explores how Indian moral philosophy can illuminate contemporary surrogacy practices by reframing motherhood

beyond biological determinism. It argues that such a perspective enables a more ethically grounded critique of both commercial and so-called altruistic surrogacy arrangements in India.

2. Surrogacy in India: Ethical and Legal Background

India emerged as a global destination for commercial surrogacy in the early twenty-first century due to medical expertise combined with stark economic disparities (Pande, 2010). Empirical studies documented how surrogate mothers were subject to surveillance, restricted mobility, and emotional regulation within clinic-controlled environments, raising serious ethical concerns regarding bodily autonomy and dignity (Qadeer, 2016).

In response to growing criticism, the Indian state enacted the Surrogacy (Regulation) Act, 2021, prohibiting commercial surrogacy and allowing only altruistic arrangements among close relatives (Government of India, 2021). While the law aims to prevent exploitation, scholars argue that it simultaneously reinforces moralised ideals of motherhood and restricts women's reproductive agency (Saravanan, 2018).

These tensions reveal the inadequacy of purely legal approaches and underscore the need for deeper moral reflection.

3. Motherhood Beyond Biology in Indian Moral Philosophy

3.1 Relational Personhood and Moral Identity

Indian philosophical traditions conceptualize the self not as an isolated individual but as relationally constituted. Moral identity is shaped through social roles, responsibilities, and ethical conduct rather than autonomous choice alone (Radhakrishnan, 1951). Within this framework, motherhood is not reducible to biological reproduction but is constituted through sustained moral responsibility and care. Classical texts associated with dharma ethics emphasise nurturing, protection, and ethical obligation rather than genetic ownership (Olivelle, 1993). This understanding destabilises modern assumptions that gestation or genetic contribution alone determines moral motherhood.

3.2 Dharma as Context-Sensitive Moral Reasoning

Dharma functions as a contextual moral principle rather than a rigid rule. Actions are evaluated in relation to social harmony, compassion, and justice (Sharma, 2000). Applied to surrogacy, dharma demands scrutiny of power relations, economic vulnerability, and the lived consequences of reproductive arrangements. From this perspective, surrogacy cannot be morally justified merely by formal consent or legal compliance. If reproductive arrangements instrumentalise women's bodies or obscure structural coercion, they violate the ethical spirit of dharma.

4. Care, Compassion, and Gestational Ethics

4.1 Dayā, Sevā, and Moral Ambiguity

Indian moral traditions place significant emphasis on dayā (compassion) and sevā (service). Altruistic surrogacy is often rhetorically framed as an act of sevā. However, when such arrangements are shaped by poverty or familial pressure, the moral language of service becomes ethically ambiguous (Raghuram, 2019). Feminist care ethicists argue that genuine moral care requires attentiveness to vulnerability and structural inequality (Gilligan, 1982; Tronto, 1993). Indian ethics, grounded in compassion, similarly demands that moral evaluation consider whether care practices genuinely protect dignity or merely conceal exploitation.

4.2 Emotional Labor and Moral Recognition

Gestation involves profound emotional and psychological dimensions, including attachment, anticipation, and loss. Indian philosophical traditions recognise emotions as morally significant aspects of human life (Chakrabarti, 2014). Ignoring the emotional labor of surrogate mothers reduces motherhood to a mechanical function, contradicting relational moral values.

5. Feminist Ethics and Indian Moral Thought

Feminist scholarship on surrogacy has consistently highlighted the gendered and class-based nature of reproductive labor (Pande, 2014; Saravanan, 2018). Indian moral philosophy complements feminist critique by foregrounding responsibility and relational justice rather than abstract notions of choice. Sen's (1999) capability approach further clarifies that moral agency requires substantive freedoms. Consent obtained under economic constraint cannot be equated with genuine autonomy. Moral responsibility, therefore, extends beyond individual women to families, clinics, and state institutions that structure reproductive choices.

6. Rethinking Motherhood in Assisted Reproduction

Surrogacy fragments motherhood into genetic, gestational, and social roles. Indian moral philosophy does not insist that these roles must coincide biologically but insists that each relationship carries ethical responsibility. Parenthood, in this view, is justified by care and accountability rather than biological connection or contractual entitlement. This perspective rejects both biological essentialism and market-driven reproduction. It affirms diverse family forms while resisting the commodification of women's reproductive capacities.

7. Ethical Implications for Policy and Practice

An Indian moral-philosophical framework suggests that ethical regulation of surrogacy must go beyond prohibition. Policy should prioritise:

Protection of women's dignity and bodily integrity,

Recognition of emotional and social labor,

Long-term welfare of surrogate mothers and children, and

Institutional accountability of clinics and intermediaries.

Such an approach resonates with Gandhian ethics of ahimsā (non-harm) and moral restraint, which reject exploitation even when legally permissible (Gandhi, 1942/2010).

8. Conclusion

Surrogacy compels a rethinking of motherhood beyond biological determinism. Indian moral philosophy offers a nuanced ethical framework that neither idealises traditional motherhood nor legitimises the commodification of reproductive labour. Grounded in dharma, compassion, and relational responsibility, it exposes the moral limitations of purely contractual or rights-based approaches.

Rather than asking who the “real” mother is, Indian ethics asks how reproductive practices can uphold dignity, care, and justice. Surrogacy thus becomes not merely a technological or legal issue but a moral test of how society values women's bodies, emotional labor, and ethical responsibility in the creation of life.

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