

**Czech University of Life Sciences Prague**

**Faculty of Economics and Management**

**Department of Humanities**



**Bachelor Thesis**

**Ethics of Commercial Surrogacy in Kazakhstan**

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# **BACHELOR THESIS ASSIGNMENT**

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Business Administration

Thesis title

**Ethics of Commercial Surrogacy in Kazakhstan**

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## **Objectives of thesis**

The thesis will investigate ethical questions concerning the practice of commercial surrogacy, in which women are paid in order to carry and give birth to children, in Kazakhstan. Advances in technology have made surrogacy a viable option for many people, and there are extensive debates about whether it is something that should be paid for. It is often seen to raise ethical questions about commodification of the body, exploitation and inequality both within and between countries.

The thesis will look at the issues surrounding surrogacy in Kazakhstan, where it is legal, with a particular focus on the role of religion in shaping laws and attitudes towards it.

## **Methodology**

The thesis will develop a literature review covering ethical and legal debates regarding commercial surrogacy, with a particular focus on debates within Islam and in countries similar to Kazakhstan.

The practical part will involve exploratory, qualitative research into attitudes towards surrogacy through interpersonal interviews.

## The proposed extent of the thesis

40-50 pages

## Keywords

Commercial Surrogacy, Commodification, Kazakhstan, Islam

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### **Declaration**

I declare that I have worked on my bachelor thesis titled "Ethics of Commercial Surrogacy in Kazakhstan" by myself and I have used only the sources mentioned at the end of the thesis. As the author of the bachelor thesis, I declare that the thesis does not break any copyrights.

In Prague on 15.03.2023

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# **Ethics of Commercial Surrogacy in Kazakhstan**

## **Abstract**

The thesis will investigate ethical questions concerning the practice of commercial surrogacy, in which women are paid in order to carry and give birth to children, in Kazakhstan. Advances in technology have made surrogacy a viable option for many people, and there are extensive debates about whether it is something that should be paid for. It is often seen to raise ethical questions about the commodification of the body, exploitation, and inequality both within and between countries. The thesis will look at the issues surrounding surrogacy in Kazakhstan, where it is legal, with a particular focus on the role of religion in shaping laws and attitudes towards it. The thesis will develop a literature review covering ethical and legal debates regarding commercial surrogacy, with a particular focus on debates within Islam and in countries similar to Kazakhstan. The practical part will involve exploratory, qualitative research into attitudes toward surrogacy through interpersonal interviews. To conclude, the author is able to highlight that based on the series of interpersonal interviews and analysis of rather diverse responses provided by three participants each having a different religion, belonging to a different age category, and having a different background, religion is not the only factor that shapes the perception of the ethical issues of commercial surrogacy in the country. Like anywhere in the world, the practice raises concerns about the very nature of excessive commodification and for some people, it even looks rather disturbing as more and more people can join the practice in order to improve their financial position without even considering the potential consequences for themselves and for society.

**Keywords:** Commercial surrogacy, commodification, Kazakhstan, Islam

# Etika komerčního náhradního mateřství v Kazachstánu

## Abstrakt

Práce se bude zabývat etickými otázkami týkajícími se praxe komerčního náhradního mateřství, ve kterém jsou ženy placeny za účelem nošení a porodu dětí v Kazachstánu. Pokroky v technologii učinily z náhradního mateřství životaschopnou možnost pro mnoho lidí a probíhají rozsáhlé debaty o tom, zda je to něco, za co by se mělo platit. Často je vidět, že vyvolává etické otázky týkající se komodifikace těla, vykořisťování a nerovnosti uvnitř i mezi zeměmi. Práce se zaměří na otázky týkající se náhradního mateřství v Kazachstánu, kde je legální, se zvláštním zaměřením na roli náboženství při formování zákonů a postojů k němu. Práce vypracuje přehled literatury zahrnující etické a právní debaty týkající se komerčního náhradního mateřství, se zvláštním zaměřením na debaty v islámu a v zemích podobných Kazachstánu. Praktická část bude zahrnovat průzkumný, kvalitativní výzkum postojů k náhradnímu mateřství prostřednictvím interpersonálních rozhovorů. Na závěr je autor schopen zdůraznit, že na základě série interpersonálních rozhovorů a analýzy poměrně rozmanitých odpovědí poskytnutých třemi účastníky, z nichž každý má jiné náboženství, patří do jiné věkové kategorie a má jiné pozadí, náboženství není jediným faktorem, který formuje vnímání etických otázek komerčního náhradního mateřství v zemi. Stejně jako kdekoli na světě tato praxe vyvolává obavy o samotnou povahu nadměrné komodifikace a pro některé lidi to dokonce vypadá poněkud znepokojivě, protože stále více lidí se může k této praxi připojit, aby zlepšilo svou finanční situaci, aniž by zvažilo potenciální důsledky pro sebe a pro společnost.

**Klíčová slova:** Komerční náhradní mateřství, komodifikace, Kazachstán, Islám

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## **List of abbreviations**

**CIS**.....Commonwealth of Independent States

**ART**....Assistive reproductive technology

**IVF**..... Vitro fertilization

**ICSI**..... Intracytoplasmic sperm injection

## **1 Introduction**

The author comes from the country of Kazakhstan, where the overwhelming majority of the population is Muslim. Based on the author's perception of the issue of commercial surrogacy, she was able to build an impression that the overwhelming majority of the population is strongly against such a practice. Yet, the author does not share the point of view of numerous acquaintances of hers but effectively, she belongs to one of the numerous minorities living in the country of Kazakhstan and has a different religion from the one that is practiced by the country's ethnical majority – Kazakhs.

Nevertheless, it is vital to take an insight into the topic and understand the ethics of it and what is even more, the author has a profound interest in understanding if the perception of the following issue varies from one generation to another and from one religious group to another in Kazakhstan. Hence, this is the main leitmotif of the following work – understanding the attitude towards the concept of commercial surrogacy in Kazakhstan and differentiating this attitude according to the generations and religion.

## **2 Objectives and Methodology**

### **2.1 Objectives**

The thesis will investigate ethical questions concerning the practice of commercial surrogacy, in which women are paid in order to carry and give birth to children, in Kazakhstan. Advances in technology have made surrogacy a viable option for many people, and there are extensive debates about whether it is something that should be paid for. It is often seen to raise ethical questions about the commodification of the body, exploitation, and inequality both within and between countries.

The thesis will look at the issues surrounding surrogacy in Kazakhstan, where it is legal, with a particular focus on the role of religion in shaping laws and attitudes towards it.

### **2.2 Methodology**

The thesis will develop a literature review covering ethical and legal debates regarding commercial surrogacy, with a particular focus on debates within Islam and in countries similar to Kazakhstan.

The practical part will involve exploratory, qualitative research into attitudes toward surrogacy through interpersonal interviews.

## **3 Literature Review**

### **3.1 Essence of Surrogacy**

The term "surrogate" refers to a woman who acts as a substitute for another. Surrogacy, in medical language, refers to the practice of employing a woman other than the biological mother to carry and deliver a child. In surrogacy, one woman carries and gives birth to a child on behalf of another. The motivation might be monetary gain or selflessness. "The word surrogate originates from the Latin word 'surrogates' and means substitution. Surrogacy has two types which are traditional surrogacy (the surrogate provides the egg and the intended father provides the sperm) and gestational surrogacy (the surrogate carries the pregnancy but genetic material like sperm and egg are provided by donors)" (Charan, Verma, Gupta, & Kumar, 2012). The author will be discussing the difference in more detail in further chapters.

Infertile couples now have a better chance of achieving their goal of starting a family because of advances in reproductive technology, which makes it feasible to interfere in the process of bringing a human being into the world. Such technologies include the donation of sperm and surrogacy, which refers to the bearing and birth of a child in accordance with an agreement between the surrogate mother and potential parents whose germ cells were used for fertilization. However, surrogacy is a highly debated subject today.

Straight surrogacy, which is also known as traditional or natural surrogacy, was the sole method of assisting childless women in having a child prior to the development of modern assisted reproductive technology (ART). This method has been in use since ancient times. The biblical account of Abraham, Sarah, and Hagar is often regarded as one of the earliest known instances of surrogacy, since Sarah, Abraham's wife, was barren. As the story is told, Abraham came to Hagar, a servant, to ensure the continuation of his family lineage. They eventually got married, and Ishmael was the child that Hagar gave birth to. Sarah's envious feelings toward Hagar led Hagar to refuse to hand over their child to Sarah so that Abraham could raise her with him (Lasker, 2016).

“The practice of surrogate motherhood, though not unknown in previous times, came to international attention in the mid-1970s when a reduction in the number of children available for adoption and the increasing specialization of techniques in human embryology made such methods a viable alternative to lengthy and uncertain adoption procedures or childlessness. Surrogate motherhood has raised a number of issues—such as the matter of payment for services (which, taken to the extreme, has implications of making children a commodity) and the rights of all of the individuals involved should any aspect of the procedure go awry” (Brittanica, 2021). Given that surrogacy entails the economic exchange of reproductive services and the resulting kid, it is sometimes argued that it treats children no differently than any other commodity. Ethical questions are raised by the commercialization of children, including whether or not it devalues the kid as a person and whether or not it exploits women who act as surrogates. However, others who support surrogacy say it can be done in an ethical and controlled manner that protects all parties involved and is an important service for people who cannot have children the conventional way.

“When the intended host is inseminated with the semen of the husband of the “commissioning couple”, the procedure is known as “straight surrogacy”, or “partial surrogacy”. The resulting child is genetically related to the host. When the sperm and oocytes of the “genetic couple”, or “commissioning couple” are used and IVF is carried out on them and the resulting embryos are transferred to the host, this is known as “gestational surrogacy”, “full surrogacy”, “host surrogacy” or “IVF surrogacy”. The “surrogate host” is genetically unrelated to any child born as a result of this arrangement” (Brinsden, 2003). A female who has had her uterus removed but still has her ovaries is said to have had a gestational surrogacy procedure. The egg can be given for pregnancy by her, but she does not have a womb in which to carry the baby. After a procedure known as in vitro fertilization (IVF) or intracytoplasmic sperm injection (ICSI), in which the egg of the wife is fertilized in vitro by the sperm of the husband, the embryo transferred into the uterus of the surrogate mother afterward and the woman will have to carry the child for 9 months now (Sambhu, Anuradha, Shiv, & Babita, 2012).

However, the difference between types of surrogacies might not always be simple to understand. A clearer and more thorough comprehension of all the different surrogacies is provided in Figure 1.

**Figure 1, types of Surrogacies**

<b>TRADITIONAL SURROGACY</b>	vs	<b>GESTATIONAL SURROGACY</b>
The father's sperm is used to fertilize the surrogate's egg.		The intended father's sperm and the intended mother's eggs are combined, creating an embryo, which is then implanted into a surrogate.
Typically costs less than gestational surrogacy.		Typically costs more than traditional surrogacy, which may require careful financial planning.
May pose more legal issues since the baby is genetically related to the surrogate, which is why it's important to have a legally-binding surrogacy agreement.		The baby is genetically related to both parents, making this method a more safe and risk-free option.
The surrogate undergoes IUI, Intrauterine Insemination, where the sperm cells are placed in the surrogate's uterus.		IVF, In-Vitro Fertilization is used, where the egg is harvested from the intended mother or donor and fertilized with the father's sperm outside of the womb.
Offers a viable alternative to adoption, but comes with some risks.		Has a high rate of success and is used to help many individuals create the family of their dreams.

Source: Elite I.V.F., 2022

## 3.2 Attitude towards Surrogacy

### 3.2.1 Perspective of Countries

Around the world, up to 15% of couples of reproductive age worldwide experience infertility. Research undertaken by the World Health Organization in 2004 revealed that among women aged 25 to 49 in sub-Saharan Africa, more than 30% have secondary

infertility, or the inability to conceive a child after having already given birth (Cui, 2010). The European Union is made up of 27 different countries, each of which has a distinct cultural identity. Surrogacy is illegal in Austria, Germany, France, Italy, and Switzerland. France and Italy also have strict regulations against the practice (Lasker, 2016). As early as January 10, 1989, the European Union's Ad Hoc Committee of Experts on Bioethics (CAHBI) defined surrogate motherhood on a continental basis (Lutkiewicz, Bieleninik, Jurek, & Bidzan, 2022).

Surrogacy is legal only in ten US states; those are Arkansas, Florida, Illinois, Nevada, New Hampshire, North Dakota, Texas, Utah, Virginia, and Washington under certain conditions; and it is illegal in seven states, such as New York, Michigan, Arizona, Nebraska, Kentucky, New Jersey, and Indiana and the District of Columbia. Despite the lack of surrogacy-specific laws, California is often considered to be a progressive state on this issue (Lasker, 2016). It is important to remember that the legality and regulation of surrogacy can vary greatly from one country to another and that the availability of commercial surrogacy may be dependent on the specific laws and policies of certain states or provinces. Further, the laws and guidelines that regulate surrogacy are frequently and rapidly updated.

In a manner comparable to that of the United States, the many states of Australia each have their own set of laws. It is possible to carry out surrogacy procedures in the Australian federal capital territory of Canberra, as well as in New South Wales and Western Australia. Although commercial surrogacy is not against the law in Australian states such as Victoria, South Australia, and Tasmania, it is extremely difficult to carry out due to the region's stringent rules and controls on surrogacy and remuneration. Surrogacy is not against the law in any of the other Australian states. However, surrogacy performed for charitable purposes is entirely permissible in all Australian jurisdictions (Lasker, 2016).

The 27 countries that make up the European Union each have their own set of regulations regarding surrogacy. Noncompliance with the surrogacy ban in Austria, Germany, France, Italy, and Switzerland carries harsh consequences, including fines and jail time. Lawmakers in Germany are against surrogacy because of the ethical issues it raises. Surrogacy is legal only in the United Kingdom, Belgium, the Netherlands, and Finland among the European

Union member states. Patients in the UK can undergo gestational surrogacy for exceptional reasons following proper screening and counseling, but commercial surrogacy agreements are prohibited by law. Surrogacy in the United Kingdom is facilitated by charitable and non-profit organizations like Surrogacy UK and COTS (Childlessness Overcome Through Surrogacy), and all procedures must adhere to the guidelines laid out by the Human Fertilization and Embryology Act of 1990. Although surrogacy contracts are invalid in Spain, the practice of surrogacy is legal, and the country is a hub for reproductive tourism thanks to the high number of Spanish women who donate eggs for the sake of helping other people, whether they receive any remuneration. Once the "wild west" of assisted reproduction in Europe, Italy passed the Medically Assisted Reproduction Law (Law 40/2004) in 2004 and outlawed all reproductive technologies, including surrogacy, citing moral justifications such as the risk of incest, lineage issues, problems with biological paternity, and positive eugenics (Lasker, 2016).

Greece legalized gestational surrogacy in 2002. Medical documentation attesting to the commissioning mother's infertility is required, and her husband's written agreement is also necessary if she is married. Furthermore, both the intended parents and the surrogate mother must call Greece home (Lasker, 2016). Because surrogacy includes the creation of a child and the participation of numerous parties, including the surrogate mother and the intended parents, she must obtain the written consent of her husband, if she is married. The husband's written agreement guarantees that both parties are informed of the arrangement and agree with it. This condition serves to guarantee that the surrogacy procedure is ethical, transparent, and done so following what is in the child's best interests (Surrogacy in Greece, n.d.).

Most of the nations that were formerly parts of the Soviet Union, such as Armenia, Belarus, Georgia, Kazakhstan, Kirgizia, the Russian Federation, and Ukraine have passed laws making commercial surrogacy lawful and people often even refer to Russia as a kind of heaven for reproduction. According to the Fundamental Law of the Russian Federation for the Protection of Citizens' Health, every adult woman that is of reproductive age can do fertilization artificially and embryo implantation, although this right does not apply to men (Lasker, 2016).



"The "law on marriage and family", adopted in 1998, made surrogacy a legal method of treating infertility. The government of Kazakhstan annually allocates money for infertile couples for IVF programs. Surrogate mothers in the country have strict requirements: good health, consent of the spouse, a certificate from a psychologist about readiness to participate in the program, and a native child" (VittoriaVita, Surrogacy in the World, 2020).

“For the first time, surrogacy in the Czech Republic received its legitimization relatively recently, in 2014, after the adoption of the new Civil Code of the Czech Republic. The use of this method of infertility treatment is not prohibited by Czech legislation, but a clear regulatory framework that would regulate this area of medicine has not yet been developed.

There are many shortcomings in the legislation that complicate the procedure for registering parental rights by biological parents" (VittoriaVita, 2020).

In 1996, Israel made it legal for intended parents to hire a surrogate to carry their child. Compensation for the surrogate's time, loss of money, and pain is limited to the costs of legal representation and medical insurance (Lasker, 2016).

South Africa permits all forms of surrogacy. The highly disputable aspect is that a kid born of an invalid agreement is legally considered to be the biological child of the woman who gave birth to her. But a good part is that the surrogate mother who is also the child's biological mother has the right to end the surrogacy contract at any time by giving the court written notice (Lasker, 2016).

The legality of surrogacy in Asia is unclear, Reuters reported in 2009 that over 25,000 children had been born in China because of commercial surrogacy deals regardless of its illegality. Contrary to the law, women in the nation are offering their wombs for money (Lasker, 2016).

The Surrogacy Act and the Assisted Reproductive Technology Act are the two pieces of legislation in India that are responsible for regulating surrogacy and assisted reproductive technology (ART). Because the Surrogacy Act exclusively permits surrogacy for altruistic

purposes, engaging in surrogacy for commercial purposes is unlawful and can result in legal consequences. The statute establishes guidelines for both the surrogate and the intended parents, the conditions under which surrogacy can be performed, and the regulations that must be followed by surrogacy clinics. In vitro fertilization, gamete donation, and surrogacy are some of the assisted reproductive technology (ART) services that are outlined in the ART Act, which regulates gamete donation and maintains assisted reproductive technology facilities and banks through a national registry. The Act also protects the rights of children conceived by assisted reproductive technology (ART), such as the right not to be abandoned and the right to an inheritance (New Laws in India Regulate Assisted Reproduction and Surrogacy, 2022).

Except for Iran and Lebanon, every Muslim country adopted a bioethical edict in 1980, and all of them allow assisted reproduction therapies but any type of third-party ART is prohibited. There are several reasons for this. For instance, it has the potential to result in an act of incestuous behavior between the kids of the unknown donors, which can lead to a wide range of physiological and psychological complications. In 62 Muslim-majority nations, including Egypt, Sudan, Morocco, sub-Saharan Muslim countries, Kuwait, Qatar, Saudi Arabia, the United Arab Emirates, Bahrain, Syria, Turkey, Indonesia, Malaysia, Afghanistan, Pakistan, India, Bangladesh, and others, gamete donation and surrogacy are both illegal. Ayatollah Ali Hussein Khamanei, the Shiite successor to Iran's Ayatollah Khomeini, delivered a decision in 1999 allowing donor technologies like surrogacy. Several Shiites in Iran, Iraq, Lebanon, Bahrain, Syria, Saudi Arabia, Afghanistan, Pakistan, India, etc. are coming around to this verdict (Lasker, 2016).

To cover all the information above, the author would like to provide a visual representation in Table 1:

**Table 1, the law on surrogacy by country**

Countries where both commercial and altruistic surrogacy is allowed by law:	Countries where only altruistic surrogacy is allowed by law:	Countries where all kinds of surrogacy are banned by law:
Russian Federation, Ukraine, Belarus, Georgia, Kazakhstan, Armenia, India, Kirgizia, South Africa, United States (Arkansas, Florida, Illinois, Nevada, New Hampshire, North Dakota, Texas, Utah, Virginia, and Washington)	Australia, Canada, United Kingdom, Netherlands, Belgium, Israel	Germany, France, Spain, Italy, Switzerland, Austria, Turkey, Saudi Arabia, Pakistan, China, United States (New York, Michigan, Arizona, Nebraska, Kentucky, New Jersey, and Indiana), Egypt, Sudan, Morocco, sub-Saharan Muslim countries, Kuwait, Qatar, Saudi Arabia, the United Arab Emirates, Bahrain, Syria, Turkey, Indonesia, Malaysia, Afghanistan, Pakistan, India, Bangladesh

Source: Lasker, 2016

### 3.2.2 Perspective of Generations

Nevertheless, it is essential to bring up another important perspective on surrogacy, but this time of different cultures. Clearly, the author has mentioned a couple of times the fact that one of the main reasons for outlawing the concept of commercial surrogacy in a given country is religion and especially Islam. However, it is also important to mention the fact that sometimes, in highly conservative communities with a prevalence of old traditions, situations the outlaw commercial surrogacy are encountered. For instance, a prominent case worth mentioning in the context of this research would be the situation that happened in the United Kingdom in 1985, when a lady named Kim Cotton became the first surrogate mother this occurrence caused a large controversy in the British community and attracted the attention of various media. It all boiled down to the fact that just within a matter of 6 months commercial surrogacy was indefinitely outlawed in the United Kingdom, (BBC , 2017).

Clearly, the United Kingdom does not really fall under the category of a Muslim country or a society possessing specific traditions unique to the members of this community.

Presumably, when talking about the UK case, it is wise to understand that in the 80s, when the first ever case of commercial surrogacy was brought up, people had a completely different perspective on what can be accepted and what cannot, from various points of view – religion, tradition, culture, and morals. As one author mentions, the fact that fees and additional expenses related to surrogacy are outlawed but there is still a way for altruistic surrogacy helps to understand the fact that the main reason behind banning it was purely ethical; British Society was not willing to accept the fact that babies are sold almost in the same way as any commodity (Armour, 2012). Yet, as time went on and a new generation came, which undoubtedly has a different perspective on the world and understanding of what is good and what is bad, the topic started to be brought up again in the 10s and 20s, thus helping to assume that indeed, the key characteristic that influences the perception of commercial surrogacy is the generation to which the overwhelming majority of the domestic population belongs (Latham, 2020). There are several notable ways in which contemporary youth culture, regardless of its location diverges from that of previous decades. First of all, a more cosmopolitan and multicultural society is the result of growing variety and globalization. The widespread adoption of social media and other technological developments have also had an enormous effect on how today's youth engage with one another. More progressive views on issues like LGBTQ+ rights and gender equality are a sign of the growing tolerance and acceptance of all people today. A fast-paced lifestyle and a growing LGBTQ+ community have also influenced this. For example, girls who have uncertain sexual identities are less prone to using condoms or effective contraception during sex and are more likely to have used alcohol or drugs during their last sexual encounter compared to straight girls. Meanwhile, lesbian girls are less likely to use a condom during sex, and girls who have both male and female partners are less likely to use condoms and more likely to have used alcohol or drugs during their last sexual encounter. Bisexual girls are also more likely to become pregnant during their teenage years compared to straight girls (Everett, et al., 2019). There has also been a shift toward more sustainable lifestyles and increased awareness of environmental challenges. Finally, there is a shift in perspective regarding the importance of striking a work-life balance, with many young people now

placing a premium on independence and finding purpose in their work (Sánchez-Hernández, González-López, Buenadicha-Mateos, & Tato-Jiménez, 2019).

Henceforth, it would be wise to say that the generation to which the overwhelming majority of the population belongs is a crucial point that helps to differentiate countries according to their attitude towards the concept of commercial surrogacy. In addition to that, it is wise to say that the tendency does not really happen in Muslim countries and there is a logical explanation for that – religion plays a much more powerful role for people living in those countries and it is downright essential for older generations to transfer their values and attitude towards religion in general to their children. For this purpose, there cannot be observed a drop in the share of religious people in Muslim countries (Muaygil, 2017).

### **3.3 Kazakhstan – Country, Society, and Islam**

"Kazakhstan, from the Kazakh language, means land of Kazakhs (Stan – land). Kazakhstan is located in Central Asia and is the ninth largest country in the world (after Russia, China, the USA, Argentina, Brazil, Canada, India, and Australia). It is situated north of Uzbekistan, northwest of Kyrgyzstan, northwest of Turkmenistan, east of China, and south of Russia. Kazakhstan shares the Caspian Sea with other countries on its western border. As its neighbors in the region, Kazakhstan is a landlocked country and the second largest republic of the Commonwealth of Independent States (CIS) after the Russian

Federation, although the CIS is basically a symbolic organization” (Johnson, 2009). The flag of Kazakhstan is depicted in Figure 2.

**Figure 2, the flag of Kazakhstan**



Source: Johnson, 2009

The two religions with the most followers are Islam and the Russian Orthodox Church, however, the number of Protestant Christian congregations is around four times bigger than that of Russian Orthodox churches. Protestant Christian missionary organizations with deep pockets in the West have a big influence on the proliferation of these groups, having put a great effort to enlist native Russians and Kazakhs as members (Johnson, 2009).

“Kazakhstan is a multiethnic society with several dozens of ethnic groups, including Azerbaijanis, Armenians, Bashkirs, Belarusians, Bulgarians, Chechens, Germans, Greeks, Ingush, Lezgins, Turkmen, Dungans, Kazakhs, Koreans, Kurds, Kyrgyz, Moldovans, Mordvins, Poles, Russians, Tajiks, Tatars, Ukrainians, Uyghurs, and Uzbeks representing many different religious, languages and cultural identities. During Josef Stalin’s long and repressive rule, many ethnic groups were deported to Kazakhstan and many Jews escaped from Nazi Holocaust in Europe by fleeing to Central Asia, including Kazakhstan” (Johnson, 2009).

**Figure 3, Kazakhstan on the map**



Source: Johnson, 2009

When trying to comprehend a nation's perspective on surrogacy, it is of foremost relevance to be familiar with the religion of that nation. As we have previously observed, there are a lot of Christian countries that also prohibit surrogacy. A document by Catholic Church shows their position in the document called *Donum Vitae*, which describes surrogacy as wrong in many ways. However, there are specific marriage traditions in Islam that implicate certain rules that indirectly make surrogacy wrong (Surrogacy and religion, 2019). During the Arab invasion of Central Asia in the eighth and ninth centuries CE, Islam was introduced to Kazakhstan for the first time. After the Kazakh Khanate was created in the 15th century, it quickly rose to become the most prominent religion practiced by the Kazakh people (Religion and Islam in Kazakhstan, n.d.). Turkic people make up most of the population in Central Asia and their roots come from East Asia. Eventually, they moved

westward as horse-riding nomads. They make up most of the region's population now. In the end, these people went separate ways and now are divided into Turkish, Kazakh, and Uzbek nations. The Khanates of Central Asia were engaged in conflict with one another during the early modern period. Before the Kazakh Khanate seized control of the territory, Kazakhstan was ruled over for some time by the Uzbek Khanate and its hegemony lasted for a great many centuries, all the way up until the 18th century (Cataliotti, 2022). Because the czarist administration in Russia pushed Kazakhs to become devout Muslims as part of their campaign to bring Kazakhstan under czarist authority, the religion of Islam gained stronger when Russia was in control of that country. During this historical period, the construction of a great number of madrassahs and mosques took place and during the time of the Soviet Union, there were not many people in Kazakhstan who went to mosques or studied the Koran, and mullahs were subjected to persecution and were occasionally put to death as a result. There is a mosque in Almaty that is still in use featuring a wooden minaret that was topped with a crescent made of metal. When it was time for prayer, a muezzin would ascend to the top of the building and call those who believe to pray. Since the fall of the Soviet Union in 1991, there has been a resurgence of religious life happened in Kazakhstan. There were over 170 mosques in operation in 1991, with over half of them being brand new constructions, and at the same time, there were approximately 230 Muslim communities that were functioning throughout Kazakhstan. Between the years 1988 and 2002 increase from 4 to 1623 mosques and madrassahs was observed. Not very surprisingly, a significant number of them were financed by the governments of other Muslim nations, most notably Turkey, some wealthy Gulf states, Saudi Arabia, and Egypt (Religion and Islam in Kazakhstan, n.d.). "Most Kazakhs are Sunni Muslims of the Hanafi School of Jurisprudence. Traditionally, the stronghold of Islamic teaching and practice has been in southern Kazakhstan. Here in close proximity to Uzbeks, the settled tribes of Kazakhs were highly influenced by Islam. The ancient cities Taraz, Turkestan, Otrar, Sayram, and Shymkent were all centers of Islamic learning" (Johnson, 2009).

The words "Nobody can be their mother, except the lady who gave birth to them" may be found in one of the verses that are included in the Koran. Surrogacy is not permitted in most nations that practice Islam; this is even though the birth of a child is one of the most significant aspects of religion. Islam does not allow donating sperm, eggs, or frozen embryos



either, putting surrogacy on the same level as prohibition. It is related to the marriage rules since women and men are not allowed to have physical contact if they are not married. Therefore, if a woman gets biological material from a man to whom she is not married, this practice can be seen as a sin. Nevertheless, there was a time when the Islamic Council of Fixes of Mecca issued a fatwa that allowed surrogacy. However, this fatwa stipulates that the embryo must be jointly owned by the couple, and the sole responsibility of the SM is to bear the child. Still, a year later, it was sent back for further editing. Surrogacy services have contributed to uncertainty about who a child's true parents are, and according to the Koran, every child has the right to know who their parents are (IVF and surrogacy in the Islamic religion, 2021). It should also be mentioned that Sayyid Muhammad Rizvi claims that the Islamic position on ART is nuanced, lying in between outright prohibition and complete freedom. The majority of Islamic scholars agree that ART is fine for a married couple, however, there are a few who hold that view. If a couple wants to employ in vitro fertilization, for example, they can do so with the wife's eggs and the husband's sperm but utilizing donor sperm would be illegal (McKenzie, 2017).

“In making a legal ruling, Muslim scholars consider *Maqasid al- Sharī‘ah* or purposes of the Law. *Maqasid al- Sharī‘ah* is *Hifz al- Dīn* (Protection of Religion), *Hifz al- Nafs* (Protection of Life), *Hifz al- Nasl* (Protection of Progeny), *Hifz al- ‘Aql* (Protection of Mind) and *Hifz al- Māl* (Protection of Wealth)” (Islam, Bin Nordin, Bin Shamsuddin, Mohd Nor, & Al-Mahmood, 2012).

“Hiring a “womb” for procreation is a very recent phenomenon that contemporary jurists have to handle. Islamic bioethics cannot accept this practice because surrogacy is a clear form of using donor sperm, a foreign element, in the womb of a woman which results in the mixing of lineage. Mufti Sheikh Ahmad Kutty, an Islamic scholar, opine's that the introduction of male sperm into the uterus of a woman to whom he is not married transgresses the bounds of Allah” (Islam, Bin Nordin, Bin Shamsuddin, Mohd Nor, & Al-Mahmood, 2012).

There are several reasons for laws associated with the subject of surrogacy and one of them is to safeguard the offspring. Having children and reproduction are highly emphasized

in Islam, therefore treating infertility is something that makes you stick to Islamic rules. More than that, protecting future generations requires prioritizing the well-being of expectant mothers and newborns, therefore your family name will be alive for a longer time. It was already discussed, that surrogacy may contribute to some confusion about who are the real parents of a child and that every infant has a right to know who his or her parents are and how they are related (Islam, Bin Nordin, Bin Shamsuddin, Mohd Nor, & Al-Mahmood, 2012).

"Islamic ethics strictly advises forming the family solely on the basis of biological ties. Islam condemns surrogacy because the child will be deprived of information about his lineage and may result, unknowingly, in a half-sibling marriage which is a dangerous consequence for society. But on the contrary, a Western secular bioethicist argues that family ties have never been only biological: a husband and a wife, to take the most obvious example, are not biological relatives. It is also argued that, if "the family" is a good thing, then developing more children by different methods, including non-biological ones, to form a family should also be seen as a good endeavor" (Islam, Bin Nordin, Bin Shamsuddin, Mohd Nor, & Al-Mahmood, 2012).

### **3.4 Prostitution Controversy**

It is sometimes argued that surrogacy has similarities with prostitution. The main thing is that it involves the payment of money in exchange for the use of a person's body. Andrea Dworkin believes surrogacy is analogous to prostitution because it gives no choice to a person. She is questioning the legitimacy of surrogacy for its similarity to prostitution. For example, she questions whether a woman has the right to make a contract involving her own body in a context where "the state has constructed the social, economic, and political situation in which the sale of some sexual or reproductive capacity is necessary to the survival of women; and yet the selling is seen to be an act of individual will". Dworkin compares pimps to doctors and medical institutions to brothels. It has been said that a broker in the context of surrogacy is like a pimp since he or she puts the parties to the arrangement together in exchange for a fee. The practice of surrogacy allows people to equate women with nothing more than sex. Because the state is responsible for the social, economic, and

political conditions that exist in both prostitution and surrogate motherhood, Dworkin argues that a woman has no ability to get into a surrogacy arrangement by her own free decision. This is because the state has created the conditions that make it necessary for a woman to sell some aspect of her sexual or reproductive capacity for her to survive. According to Dworkin, the conclusion that stems from this line of reasoning on free will is the idea that there is no female who could "want" to have the role of either a surrogate or a prostitute in her life (Sera, 1997).

“It is not difficult to detect certain similarities between prostitution and surrogacy. Prokopijevic notices the following: "In both cases, one's physical service is being offered, in both instances, a deeply personal or emotional relationship is not required for the transaction to be completed, in both cases material compensation is offered for the physical services provided". These similarities are, as Prokopijević rightly points out, superficial and relatively unimportant compared to the differences between the two cases. They are also characteristic features of most transactions where physical labor is traded for material compensation. It happens every day that we trade money for services without forming a “deep personal or emotional relationship” with each other. Those who claim that surrogacy is similar to prostitution on these grounds (and that it is, therefore, immoral), must be living in a society of "prostitutes" and feeling very unhappy about the situation" (van Niekerk & van Zyl, 1995).

## **4 Practical Part**

### **4.1 Limitations**

Before proceeding to the specification of the practical part and the description of the procedure, it is first wise to mention the biggest limitations of the approach taken by the author for her research. Surrogacy and ethics in general are complex topics for which the qualitative approach is more suitable due to the fact that extracting deeper data and analyzing them is something that will help the author to understand differences in the way how people perceive issues related to the discussed phenomenon.

However, the problem with the qualitative approach, in this case, is the fact that the research cannot anyhow be categorized as representative due to the low number of responses collected. Effectively, given the scale of the research and the author's resources, as well as time constraints, it is rather hard to create a larger sample, so the author focuses on collecting responses from just three different participants of the interview. Therefore, the author's research is an illustrative one which, given the overall academic level of the author and the context of the study, is suitable for drawing the most important insights that can further on be elaborated and expanded during further studies conducted by the author.

### **4.2 Concept**

The concept of the author's practical part lies in conducting three interviews with participants from Kazakhstan, each of which will represent a particular group of people highly important to understand the ethical problems of surrogacy in the country selected for the analysis – Kazakhstan. Due to the fact that the author currently is not in Kazakhstan, and she did not have any opportunity to travel to the country recently, she decided to conduct those three interviews online, where the list of questions had been prepared in advance and later on asked selected participants of the study through Google Meet platform.

After conducting those interviews and extracting important data related to each category of people questioned, the author will proceed to the elaboration and summarization of the results obtained during the series of structural interviews. The list of questions with

responses collected during the series of interviews both are available and presented in the appendix chapter of the following bachelor thesis.

### **4.3 Participants**

In order to understand the way how the perception of commercial surrogacy can differ from one person to another, and from one particular category of people to another, the author tried to incorporate more or less a diverse sample of people to be interviewed. In addition to following a particular selective pattern for participants, the author also avoided engaging any of her personal acquaintances, friends, or relatives so that the answers of people will not be biased, and they will reflect the way how people really think.

Consequently, the author manages to engage the following list of participants for her study:

- 1) A young man (25 years old) from Almaty, who is Muslim and also an ethnic Kazakh, currently finishing his master's degree at one of the leading universities.
- 2) A woman (43 years old) from Kostanay, who does not affiliate herself with any religion, an ethnic Tatar currently not working anywhere and taking care of her children.
- 3) A man (63 years old) from Pavlodar, who is Christian and an ethnic Russian, has a small enterprise specializing in the production of traditional Kazakh cups.

The author managed to contact all those people with the help of acquaintances and former classmates, as well as with the help of V Kontakte, which offered the author an opportunity to find people related to particular categories. Thus, the author selected 1 Muslim person, 1 atheist, and 1 Christian, which offers a wide diversity in terms of the religious aspect. Then, the author also managed to include people belonging to different age categories with one relatively young participant, the second relatively mature, and the last one being closer to the senior category. Also, the author managed to incorporate a wide geographic and regional diversity with participants coming from the north of the country (Kostanay), from the east of the country (Pavlodar), and from the center of the country (Almaty).

#### 4.4 Structural Interviews

After conducting a series of interpersonal interviews with a total of 3 of them conducted, the author was able to summarize all of her findings in the table below which offers a perfect overview of the responses of each participant.

**Table 2, an overview of responses**

Question	Azamat	Diana	Timur
<i>Place of origin</i>	Almaty	Kostanay	Pavlodar
<i>Age</i>	25 years old	43 years old	63 years old
<i>Religion</i>	Muslim	Atheist	Christian
<i>Occupation</i>	Student	Housewife	Self-employed
<i>Attitude toward commercial surrogacy</i>	Uncertain, but leans more to the disapproval	Positive	Negative, it is something similar to black market practices
<i>Attitude towards the allowance of the practice in the world</i>	Believes that it should be allowed in countries where it does not go against the culture	It should be allowed due to the fact that restricting market procedures will not do any good	Should be banned, resembles prostitution
<i>Attitude toward the allowance of the practice in Kazakhstan</i>	Thinks that there should be a national referendum where the people of Kazakhstan will decide	Should be allowed for the very same reason as everywhere in the world	Should be banned because Kazakhstan is a very traditional environment
<i>Is there anything wrong with commercial surrogacy?</i>	Underlines the problem of commodification and the emergence of similar practices	Can go against morals and culture	Yes as it can attract more and more women for easy money
<i>Would you personally consider commercial surrogacy as an option?</i>	No, prefers to take a child from an orphanage instead	Yes	No
<i>Do you believe that it should be regulated by the government?</i>	Thinks that quotas and specific controls are good ideas for regulation	No, because government regulation does not do any good	Yes, it should be banned

Source: own research

The author will further elaborate on the findings of her research in the following chapter.

## 5 Results and Discussion

### 5.1 Ethics of Surrogacy in Kazakhstan

To begin with, it is worth beginning by saying that the author has managed to conduct a series of interpersonal interviews with participants each having more or less different opinions and perspectives on the question. Yet, before going into details and specifying the author's findings, she wants to once more point out that she does not try to pretend that the interview has representative nature and that the whole population of Kazakhstan can be summarized based on those 3 people. However, the author believes that this interview that had been conducted offers almost a perfect illustration of the attitude that inhabitants of Kazakhstan might share based on the common culture and traditions. The author will step by step analyze the outcome of each interview and draw the most important insights in this chapter.

When it comes to the interview with the first person, Azamat, who is currently finishing his master's degree at one of Almaty's universities, he does not really have any particular definite attitude towards surrogacy, as he confesses by saying the following: *“I do not personally have any opinion about it because it is really hard to come up with any. When I try to think about it, I start searching for the answers in religion, but there is nothing in particular that forbids it. At the same time, my religion forbids people from doing other similar things, so I would rather say that I do not fully approve of it, but not entirely against it either”*, which partially lives up to the author's expectations that there will definitely be a participant referring to religion as the main factor that complicates his or her perception of commercial surrogacy. Yet, despite the fact that the phenomenon raises particular questions, Azamat suggests that the practice should be allowed in those parts of the world, where it does not go against culture or religion, which can be observed in the following answer provided by him: *“I think that it should be allowed in countries, where the concept of commercial surrogacy does not go against culture. For instance, I cannot imagine such practices to be happening in Saudi Arabia and I think that it is always better to let domestic populations decide for themselves, conduct referendums, etc.”* Yet, for the case of Kazakhstan, he believes

that it should be decided at people's will whether practices of commercial surrogacy should be allowed or not, which is noted in the following statement: "*The case of Kazakhstan is rather complicated because we have over 50 different ethnicities living in the country with different cultures and religions. I think that there should really be some kind of referendum or vote where the people of Kazakhstan will be able to decide for themselves whether it is a good idea or not.*" Clearly, Azamat has a rather interesting point of view especially given the fact that he believes that questions of commercial surrogacy should be regulated by the central government which could impose various quotas and specific means of control. In addition to that, it is wise to say that the idea of holding a referendum might prove itself to be rather useful and it can really seem fair as the domestic population will decide. However, the author believes that holding a similar kind of referendum might create problems even despite the fact that the country has a very diverse population, where up to 35% of the domestic inhabitants are represented by other ethnicities (not Kazakh) since almost all kinds of direct votes cause a given amount of disproportionality given that minorities' interests are likely to be damaged. However, Azamat does not believe that the interests of minorities will be damaged, which can be concluded based on the assessment of his answer to the question about minorities: "*I do not think so because even despite the fact that the overwhelming majority of the population are Kazakhs, there are still many Kazakh people who are not really religious, and I think that commercial surrogacy for them will not present a big problem. Hence, I think that the interests of minorities will not be damaged as the result of this referendum is uncertain.*". The author believes that the key to having a particular attitude towards commercial surrogacy lies in empathy and mutual understanding. Of course, it is highly likely that the overwhelming majority of the population will not face a serious need to go for this option, so they can just judge the phenomenon solely based on the general picture without trying to understand the motives of other people. Henceforth, the author criticizes the idea of Azamat about holding a referendum due to the fact that not everyone might be fully aware of the reasons behind this practice for both sides. Rather similar findings were made by Allan, 2017.



Then, continuing to the second participant, Diana, it is wise to say that she has a rather interesting attitude to this question, and she does not really consider the ethical side of the question as the most important argument for her in favor of not prohibiting the practice of commercial surrogacy is avoiding excessive market regulation for practices that do not really require them. For example, Diana provided the following opinion about the question of whether commercial surrogacy should be allowed in the world or not: *“I think that it should be allowed everywhere in the world, but I know that it is not possible. After all, if we consider commercial surrogacy as an ordinary good or service, it is wise to say that people should be economically restricted from offering something that they could. However, we have lived for more than 70 years under the Soviet system where the government was controlling everything, and it did not bring any good us. Hence, I consider that it should be allowed for a very simple reason – we don't have to restrict market economies at all as long as legal products are being sold.”* Indeed, this attitude might prove itself to be correct, but it is still wise to understand that in most situations, government regulation is there for a particular reason, so saying that economical restrictions and restrictions, in general, are bad presents a rather excessively radical attitude towards government. Of course, the commodification of everything is an ambiguous subject, which is noted by Scott, 2009, but it is wise to understand that some practices should still be monitored by the government. However, the author believes that the argument about commercial surrogacy that justified allowance of the practice by the fact that the human body belongs only to the person herself, and if she feels like giving birth to someone, she should not be anyhow restricted might be somewhat similar to what Diana believes. The fact that she stresses the negative side of government regulation might indicate that Diana has concerns about the government excessively trying to intervene in almost spheres of human activity, which might be a consequence of living in the Soviet Union. At the same time, it is rather interesting that the first practices of commercial surrogacy in the post-Soviet environment started right after the collapse of the Union, which is highlighted by Weis, 2021. To some extent, this historical fact can suggest that in fact, excessive government intervention during the times of the Soviet Union made those practices be delivered in a clandestine way and presumably, it was causing a lot of difficulties for people.

Finally, when it comes to the third participant – Timur, it is fair to say that he is the most radical one when it comes to his attitude towards the practices of commercial surrogacy, which was visible straightaway after hearing him answer the question of whether commercial surrogacy should be allowed in the world or not: *“I do not think that it should be allowed because, to me, commercial surrogacy is something similar to the black-market trade of body parts and other obscure things. I believe that given the amount of money that women and organizations get paid, more and more women will start to consider occupying themselves with this business due to the high amount of money. In a sense, I believe that it can become some kind of prostitution, but a smoother one due to a higher amount of money and a slightly different nature of the business.”* Interestingly, Timur becomes the first participant who directly reflects on the commodification issue of commercial surrogacy and also makes a remark that this practice can somewhat be referred to as the prostitution of the 21<sup>st</sup> century. Of course, when comparing the results of the third and the second interview, it is fair to say that Diana and Timur are most likely to disagree on the question about the choice of people to do whatever they want with their bodies. Yet, as Majumdar, 2014 has analyzed, one of the most fundamental arguments in favor of not banning commercial surrogacy is the choice that women have. At the same time, the author can also understand the concerns of Timur, which believes that as the practice becomes more and more lucrative and widely used, especially in troubled neighborhoods and less economically developed regions, women will start to treat babies as commodities. However, it will not be fair that the main argument of Timur against commercial surrogacy is purely related to commodification, he also has concerns about the traditional values, which can be followed by the following statement: *“First, it is lucrative and the fact that it is lucrative does not make the practice bad alone, but it is just not acceptable to consider babies as products and what is more, it really distorts the whole idea of child-making and family.”*

## **5.2 Future of Commercial Surrogacy and Potential Solutions**

For certain, after analyzing all responses collected by the author during the series of interpersonal interviews, it is fair to assume that inhabitants of the country have rather diverse opinions about the issue, where ones mostly express concerns about the religious side of the question with the aforementioned practice directly violating long-lasting traditions of one's religion and others care about potential consequences for society in terms of intensifying commodification practices. Of course, when thinking about the potential solution and when finding a proper strategy for handling the legislation in relation to commercial surrogacy, it is wise to realize that not everyone in the country fully understands the motivation of parties involved in the practices of commercial surrogacy. Of course, the author partially shares the opinion of Azamat, who thinks that allowing and encouraging such practices might intensify the degree to which everything will start to be commodified, which might have crucial repercussions for Kazakhstan, since the country did not entirely manage to finish its transition from the planned economy and communism to capitalism and free market, so people might get a rather distorted opinion of what is capitalism and how it looks like, which was also noted by Murphy, 2006. The author believes that in societies that do not have a solid experience with capitalism and upon giving an entirely free choice of economic activity, issues of commodification are the most intense and complicated as people sometimes tend to forget about morals and the concept of good and bad entirely.

At the same time, the author thinks that somehow restricting such an ambivalent practice as commercial surrogacy might make people recall what was happening in the country's past, which is not good at all, and in that regard, the author shares the opinion of Diana. Another argument in favor of not entirely forbidding commercial surrogacy practices might be the free choice everywhere and especially of women to do whatever they want with their bodies. Yet, the author believes that this thinking has a few limitations and one of them is the fact that ordinary people can get manipulated by large organizations that will exploit the reproductive function of a woman's body and make fortunes on it while at the same time paying the bare minimum to women not

fully aware of the real degree of the business, which is also a big issue according to Wilkinson, 2003.

Based on arguments provided by participants about holding a potential referendum, violating principles of religion, as well as traditions of Kazakhstan and also the argument about not restricting economy and offering people a chance to do with their bodies whatever they want, the author believes that the issue of commercial surrogacy is not likely to cause a lot of trouble to people of Kazakhstan and the practice will remain legal as long as the current government remains in charge with its relatively Westernized politics and politics of respect for minorities and people that have values different from the Islamic ones. Yet, if the current government will continue to intensify the role of Kazakh language and will slowly start to somehow push minorities towards the Kazakh self-identification, it is quite likely that the fate of commercial surrogacy will be the same as in Saudi Arabia and Turkey, where right-wing traditional politics slowly lead to situations where all ambivalent practices whose nature can to some extent be characterized as immoral were banned.

The author's recommendation for handling the issues of commercial surrogacy would lie in leaving the practice to be legal as it is now, but imposing a fair amount of government regulation or control, such as quotas, will be a good idea since it will prevent situations where companies exploit women and their financial situations and make enormous amounts of money. The author believes that a small degree of regulation or centralization will not anyhow distort market mechanisms and it will not really go against the idea of having an own choice to do something with one's body as this potential legislation can just smooth all processes and help women not to be tricked by companies profiting from one's misfortune.

## **6 Conclusion**

To conclude, the author is able to highlight that based on the series of interpersonal interviews and analysis of rather diverse responses provided by three participants each having a different religion, belonging to a different age category, and having a different background, religion is not the only factor that shapes the perception of the ethical issues of commercial surrogacy in the country. Like anywhere in the world, the practice raises concerns about the very nature of excessive commodification and for some people, it even looks rather disturbing as more and more people can join the practice in order to improve their financial position without even considering the potential consequences for themselves and for society.

However, the author believes that the future of commercial surrogacy as of 2022-2023 is out of danger, but the situation can change fast if the government will continue to exercise its policy focused on traditional values, such as religion, language, and national identity due to the fact that commercial surrogacy does not really go in the foot with traditional values and it might even be used by the government to gain more votes. In other words, the author believes that the practice of commercial surrogacy might repeat the scenario in other Muslim countries that try to stick to market economies but still are slightly overprotective and use traditions as a weapon against the opposition, such as Turkey and Saudi Arabia.

At the same time, the author believes that the best solution for commercial surrogacy in Kazakhstan would be imposing a fair amount of regulation or quotas that will at least partially protect women from being exploited. By doing so, it will be possible to avoid big companies prying on misfortunate women seeking to improve their financial position and also, and it will make sure that all parties get equal terms. Also, it will help to persuade the general public that commercial surrogacy does not really violate anything and it is a good concept that can help people to get something that they sincerely wish – people unable to have children will eventually be able to have one, while women that seek a fairly good amount of money in just a couple of months will inevitably get it.

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## 8 Appendix

### 8.1 Translated Interview with Azamat

1. What is your name?
  - Azamat.
2. Where are you from?
  - Almaty.
3. How old are you?
  - 25 years old.
4. What is your ethnicity?
  - I am Kazakh.
5. What is your religion?
  - I am Muslim.
6. What is your occupation?
  - I am finishing my master's degree in one private university here.
7. What is your attitude towards commercial surrogacy?
  - Generally, I do not personally have any opinion about it because it is really hard to come up with any. When I try to think about it, I start searching for the answers in religion, but there is nothing in particular that that forbids it. At the same time, my religion forbids people from doing other similar things, so I would rather say that I am not fully approve of it, but not entirely against it either.
8. Do you think that it should be allowed everywhere in the world? Can you, please, justify your answer?
  - I think that it should be allowed in countries, where the concept of commercial surrogacy does not go against culture. For instance, I cannot imagine such practices to be happening in Saudi Arabia and I think that it is always better to let domestic populations to decide for themselves, conduct referendums, etc.
9. Do you think that it should be allowed in Kazakhstan? Can you justify your answer?
  - The case of Kazakhstan is rather complicated because we have over 50 different ethnicities living in the country with different cultures and religions. I think that there



should really be some kind of referendum or vote where people of Kazakhstan will be able to decide for themselves whether it is a good idea or not.

10. Don't you think that in such case, the interests of minorities will be damaged?

- I do not think so because even despite the fact that the overwhelming majority of population are Kazakhs, there are still many Kazakh people who are not really religious, and I think that commercial surrogacy for them will not present a big problem. Hence, I think that the interests of minorities will not be damaged as the result of this referendum is uncertain.

11. What do you think is wrong with commercial surrogacy if there is anything wrong at all?

- I think that it is just not okay to sell babies as if they are some kind of product that is put on the market. I am just afraid that if we continue this way, people will start selling other things which will be way worse than babies. As I said it earlier, I do not really have anything in particular against the idea because it brings joy to people, but I am just worrying about the religious side of the question and potential consequences with other similar practices emerging.

12. Would you ever be willing to go for commercial surrogacy?

- It is hard to tell, but I think that I would rather take a child from orphanage because it is something that is better for all parties. By doing so, I will not just help myself and my spouse, but we will also bring joy and happiness to another human being.

13. Do you think that commercial surrogacy should be regulated by the government?

- I think that another alternative to holding a referendum would be introducing quotas or specific controls that will prevent this practice from happening too often.

## **8.2 Translated Interview with Diana**

1. What is your name?

- My name is Diana.

2. How old are you?

- I am 43 years old.

3. Where are you from?

- I am from Kostanay.

4. What is your ethnicity?
  - I am Tatar.
5. What is your religion?
  - Originally, I was Muslim but over time, I decided to shift to no particular religion, so I am atheist.
6. What is your occupation?
  - I am taking care of my own children and currently out of work.
7. What is your attitude towards commercial surrogacy?
  - As a mother of two children, I think that commercial surrogacy is a good thing that can help less fortunate people to have children, so I have a positive attitude towards the practice.
8. Do you think that it should be allowed everywhere in the world? Can you, please, justify your answer?
  - I think that it should be allowed everywhere in the world, but I know that it is not possible. After all, if we consider commercial surrogacy as an ordinary good or service, it is wise to say that people should be economically restricted from offering something that they could. However, we have lived for more than 70 years under the Soviet system where the government was controlling everything and it did not bring any good to us. Hence, I consider that it should be allowed for a very simple reason – we don't have to restrict market economies at all as long as legal products are being sold.
9. Do you think that it should be allowed in Kazakhstan? Can you justify your answer?
  - Yes.
10. What do you think is wrong with commercial surrogacy if there is anything wrong at all?
  - The only concern I might have about allowance of commercial surrogacy in some countries is the fact that it might go against the morals and culture of people. However, I do not sincerely believe that there can be anything wrong with offering people chance to have a baby. After all, commercial surrogacy does not involve causing any harm to anybody, so it is definitely a good concept.
11. Would you ever be willing to go for commercial surrogacy?

- If I had not been able to have children with my partner, I would have considered commercial surrogacy as an option, if our financial position would have allowed it.
12. Do you think that commercial surrogacy should be regulated by the government?
- No, because government regulation is not good when it comes to normal products being sold.

### **8.3 Translated Interview with Timur**

1. What is your name?
  - My name is Timur.
2. How old are you?
  - I am 63 years old.
3. Where are you from?
  - I am from Pavlodar.
4. What is your ethnicity?
  - I am Russian.
5. What is your religion?
  - I am Christian.
6. What is your occupation?
  - I have a small enterprise specializing in the production of traditional Kazakh cups.
7. What is your attitude towards commercial surrogacy?
  - I am against commercial surrogacy.
8. Do you think that it should be allowed everywhere in the world? Can you, please, justify your answer?
  - I do not think that it should be allowed because to me, commercial surrogacy is something similar to the black-market trade of body parts and other obscure things. I believe that given the amount of money that a woman and organization get paid, more and more women will start to consider occupying oneself with this business due to high amount of money. In a sense, I believe that it can become some kind of prostitution, but a smoother one due to higher amount of money and a slightly different nature of the business.
9. Do you think that it should be allowed in Kazakhstan? Can you justify your answer?

- I do not think that it should be allowed in Kazakhstan because Kazakhstan is a country that used to live according to historical traditions and I cannot anyhow see the concept of commercial surrogacy fitting into this doctrine.
10. What do you think is wrong with commercial surrogacy if there is anything wrong at all?
- First, it is lucrative and the fact that it is lucrative does not make the practice bad alone, but it is just not acceptable to consider babies as products and what is more, it really distorts the whole idea of child-making and family.
11. Would you ever be willing to go for commercial surrogacy?
- I will not because for this purpose, there are plenty of orphanages with children waiting to be taken home for ages.
12. Don't you think that people should always decide for themselves what to do with their bodies?
- Yes, but I do not think that people should decide for themselves when it comes to sensitive situations with rather dubious goods being offered and sold.
13. Do you think that commercial surrogacy should be regulated by the government?
- I think yes and what is more, I think that it should be banned.