



**UNIVERSITATEA
„ALEXANDRU IOAN CUZA“
din IAȘI**

UNIVERSITATEA “ALEXANDRU IOAN CUZA” DIN IASI

Faculty of Philosophy, Social and Political Sciences

Department of Sociology and Social Work

FIELD: SOCIOLOGY

DOCTORAL THESIS

**VIEWS HELD BY ISRAELI WOMEN REGARDING
SURROGACY**

PhD Coordinator: Professor Stefan Cojocaru

PhD Student: Mrs. Racheli Silvern

2023



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**Facultatea de Filosofie și Științe Social-Politice
Departamentul de Sociologie și Asistență Socială**

Domeniul: SOCIOLOGIE

TEZĂ DE DOCTORAT

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ABSTRACT

This study deals with the issue of surrogacy, aiming to find out the differences between intended and surrogate mothers in sociological, medical, legal, and ethical aspects. It examines the attitudes of bereaved and non-bereaved intended mothers, as well as surrogates towards surrogacy. The participants are 34 intended mothers, five of them bereaved mothers, and 36 surrogates, a total of 70 participants. This study is conducted according to the mixed methods paradigm, integrating both quantitative and qualitative methods. The participants have been asked to respond to a questionnaire, and have also been interviewed. The research themes and categories have been obtained from the interviews. The research instruments used for exploring the independent variables are descriptive statistics and chi square test. The interviews have been qualitatively analyzed, using themes and categories. In the sociological aspect, the findings show differences between the positions of the intended mothers and those of the surrogates regarding the surrogacy procedure. These differences are reflected in the choice of the surrogacy location, the source from which they have first heard about the surrogacy procedure, the level of education, and the socioeconomic status. In the medical aspect, the findings indicate differences between the positions of the intended mothers and those of the surrogates regarding the surrogacy procedure. These differences are reflected in pregnancy complications, in the course of the childbirth, and reasons for absence from the childbirth. In the legal and ethical aspects, no differences have been between the attitudes of the intended mothers and those of the surrogates towards the surrogacy procedure. Furthermore, the research findings show that surrogates who perform the surrogacy procedure in Israel do so from a place of giving, self-actualization, and altruistic reasons. The findings also illustrate a synergy between the sociological, medical, legal ethical aspects and they are inherently related to each other. The importance of the research findings helps in the development of an optimal surrogacy model, and their analysis indicate that an optimal surrogacy model is based on universal values of altruism, humility, consideration, sensitivity, and concern. In order to build such a model, the synergy that exists between the aspects of the surrogacy process must be understood and taken into consideration.

Keywords: surrogacy, intended mother, surrogate mother, full surrogacy, partial surrogacy, ethical issues, medical issues, Israeli Embryo Carrying Agreement Law, bastards, bereavement, bereaved mothers

INTRODUCTION

Surrogacy is an initiated process, “whereby intended parents wish to have a child by having an embryo carried in another woman’s womb and, after the birth, the baby is given to the intended parents” (Silvern & Cojocaru, 2022). In 1991, “Arlette Schweitzer, a librarian from Aberdeen, South Dakota, became the first woman in history to carry her grandchildren in her womb” (Kolata,1991). Since her daughter was unable to carry her fetuses in her womb, Schweizer would do it for her. The daughter's fertilized eggs were later on implanted in her mother's womb, and nine months later she gave birth to twins (Silvern & Cojocaru, 2022). Such example illustrates how advanced fertilization technology opens up new options for the family. Despite the rapid development of this highly beneficial technology, surrogacy raises moral-ethical issues, as well as sociological, medical and legal aspects. For example, Brugger (2012) argues that surrogacy is an exploitation of the weak population, whereas Shapiro (2014) advocates individual rights, and maintains that women have a right to autonomy on their bodies, and can improve their financial situation and quality of life. (Shapiro 2014). Advanced technology makes it possible to bring a child through full or partial surrogacy:

Full surrogacy is “a condition in which the surrogate carrying the baby does not take part in the genetic material. In that case, both the egg and the sperm are taken from the intended parents and the fetus passes into the surrogate’s womb. She carries the pregnancy and, after birth, the baby passes to the intended parent” (Silvern & Cojocaru, 2022).

Partial surrogate – is “a condition in which there is an egg donation and the sperm is taken from the spouse. Most often it is the case of same-sex couples, or cases where the woman has no ovaries or cannot become pregnant for some reason. In this case, the woman carrying the pregnancy process also contributes the egg, and the surrogate is considered the genetic mother” (Silvern & Cojocaru, 2022).

In Israel, “giving birth and motherhood are perceived to great extent as a meaningful, essential, and natural component of female identity. Children are perceived as a vital and central element of couple-hood and family” (Silvern & Cojocaru, 2020). The Israeli

society encourages fertility and family expansion. This is illustrated by the support of surrogacy and fertility treatments pursuant to the Israeli Embryo Carrying Agreement Law (Agreement Authorization and Status of the Newborn Child) (Ministry of Health, 1996). On the other hand, the government limits the supply of contraceptives that are included in the authorized list of medicines, pursuant to the State Health Act (Ministry of Health, 1994) and the instructions regarding cycles of in vitro fertilization treatments (Ministry of Health, 2014). Moreover, the state can set boundaries for the termination of pregnancy. That is, legally, one cannot terminate a pregnancy privately, but there is a need for a special pregnancy termination committee in order to approve it. Pregnancy termination by law is allowed only if one of the causes for the termination is stipulated in the law. This demonstrates that the State of Israel encourages natality.

The issue of surrogacy raises ethical dilemmas which have become more prominent in the present age, due to the COVID-19 pandemic that entailed cancellation of all flights and obliged all countries to close down their borders to foreign travelers” (Silvern & Cojocar, 2020).

Research Focus

This study focuses on Israeli surrogate mothers, Israeli intended mothers who sought surrogacy, and a unique population of intended bereaved mothers who looked for surrogacy as well. To the best of my knowledge, there are no studies of surrogacy among bereaved women. There are many studies of surrogacy, but this issue has not been researched yet among bereaved mothers. Hence, this study contributes to social, medical, legal, and ethical aspects related to surrogacy among bereaved mothers and contraband to the practical knowledge as well. This study is particularly important in light of the Israeli reality in which the geopolitical context unfortunately causes bereavement among Israeli mothers.

This study aims to explore and comprehend the process of surrogacy according to the following theories: the Economic Sociological Theory, called the Agency Theory and the relationships between the parties (Ross, 1973); The Symbolic interaction theory - “Chicago oscula”, which is a social theory that examines the relationship and the interaction between the parties (Nickerson, 2021), namely interactions that are expressed by language, symbols,

behaviors that affect the continuation of relationships between two parties: the Marxist Theory, i.e., class struggle noticed that the changes were partly balanced by technological progress, but emphatically insisted that the main driving force of social change was the conflict between the economic classes (Marx & Engels, 1959/1972); and the Readjustment Model (Shannon-Klein-Klein, 2016), that is based on a theory that presents the process of adjustment to the loss experienced by the bereaved person. This study was conducted according to the mixed methods paradigm, that is both quantitative and qualitative approaches.

Gap in Knowledge

As indicated above, surrogacy is a process whereby individuals unable to give birth to children in the conventional way, due to various problems, such as same-sex couples, medical problems and gynecological problems. the surrogate mother carries the pregnancy for them and, after the birth, delivers the baby to the intended parents. The empirical literature reviews extensively the issue of pregnancy from various aspects. This study deals with a unique question in the context of surrogacy in general and among bereaved women in particular. As mentioned, research on surrogacy among bereaved mothers has not been investigated yet.

Motivation for the Research

The motivation for conducting this study stemmed from a random meeting with a bereaved mother who had lost her son during a military campaign in Gaza. He was a 20-year old soldier who was killed and left a huge vacuum among his family members. When I talked to the mother, she told me she had decided to have a baby by means of a surrogate. Choosing surrogacy was a necessity since, during the pre-pregnancy tests, she found out she had uterine cancer and had to undergo a hysterectomy procedure. This left her no choice but to have a baby through surrogacy. The bereaved mother told me that throughout the entire process and the post-natal stage she grew from a very low place, empowering herself and her family. As a lawyer and registered nurse who engages in this field, I have found it fascinating. After reviewing the literature, I found no studies of this issue and, therefore, decided to investigate it.

Research Aims

Main research aim

To develop an integrative conceptual framework for understanding surrogacy as a sociological phenomenon, including sociological, medical, legal, and ethical aspects.

Secondary research aims:

1. To investigate the views of surrogacy (sociological, medical, legal, and ethical) embraced by Israeli bereaved mothers.
2. To investigate the views of surrogacy (sociological, medical, legal, and ethical) adopted by Israeli women that are not bereaved mothers.
3. To investigate the views of surrogacy (sociological, medical, legal, and ethical) embraced by Israeli surrogate women.

Research Questions

Main research question

What components might comprise an integrative conceptual framework for understanding surrogacy as a sociological phenomenon, including sociological, medical, legal, and ethical aspects?

Secondary research questions

1. What are the views of surrogacy (sociological, medical, legal, and ethical) embraced by Israeli bereaved mothers?
2. What are the views of surrogacy (sociological, medical, legal, and ethical) adopted by Israeli intended mothers?
3. What are the views of surrogacy (sociological, medical, legal, and ethical) embraced by Israeli surrogate women?

Research Boundaries

This study investigates attitudes towards surrogacy, held by bereaved intended mothers, intended mothers who are not bereaved, and surrogates. The examined issues were in the sociological, medical, legal, and ethical aspects. The chosen research topic is important since I have not found any studies of the chosen issues among bereaved mothers. Furthermore, this issue is essential in the indicated aspects due to its global prevalence. There are intended mothers who yearn for a child and go on an exhausting journey in order to hold a baby in their arms. On the other hand, there are surrogate mothers who have a family of their own and are willing to

give from themselves in order to enable mothers to have a child and raise a family. This study was conducted among Israeli intended mothers. Some of them decided to engage in surrogacy in Israel, while others decided to undergo this process outside the borders of the country. All the surrogates who participated in this study were Israeli. The data were collected from questionnaires administered in Internet groups and by a friend brings-friend process, as well as by semi-structured interviews. The interviews were conducted for about six months, from the beginning of June 2021 until December 2021, and lasted about 45 minutes

Significance of the Research

The importance of this study resides in its sociological, medical, legal, and ethical aspects. Although there are many studies of surrogacy, there is still no global database of this issue. This is due to the fact that in some countries, in spite of regulatory measure, there is no exact registration. This is a worldwide phenomenon, whereby those involved pass from different countries to other states in order to hold the wished-for baby in their arms. This study can contribute to the analysis of surrogacy in the sociological aspect, mainly among bereaved mothers who have lost one child, do not wish to give up motherhood, and decide to have another baby by means of surrogacy. As far as methodology is concerned, this study has important aspects. It was conducted according to the quantitative paradigm that enables triangulation of information, and quantitative paradigm by content analysis. The integration of these two approaches facilitated reference to sociological, medical, legal, and ethical aspects.

Keywords: surrogacy, intended mother, surrogate mother, full surrogacy, partial surrogacy, ethical issues, medical issues, Israeli Embryo Carrying Agreement Law, bastards, bereavement, bereaved mothers

CHAPTER 1: THEORETICAL PERSPECTIVES

This study is grounded in four theories: (1) Marxist theory – class struggle (Marks & Engels, 1959/1972); (2) Symbolic Interaction Theory (Nickerson, 2021); (3) Economic Sociological Theory (Ross, 1973); (4) The Readjustments Model (Shannon-Klein-Klein, 2016).

1.1. The Marxist Theory

Class Struggle (Marks & Engels, 1959/1972) Marxism (Marx & Engels, 1975) has been chosen as a theory for this study because it is

a social theory that examines the development of the phenomenon from social aspects as well as the impact thereof on society. Marx was one of the key figures in the evolution of sociology, and he explored how human societies had changed throughout history. He indicated that these changes were usually gradual, but from time to time they transpired in a rapid and revolutionary way. Marks (1959/1972) pointed out that the changes were partly balanced by technological progress.

1.2. Symbolic Interactionism Theory

“Chicago Oscula “Chicago oscula”, chosen as another theory in this study, is a social theory that examines the relationship and the interaction between the parties (Nickerson, 2021). The theory is based on mutual relationships between two parties and on their interpretation of language, symbols, and behaviors that affect the continuation of relationship between them. Moreover, Voskoboynik (2016) describes surrogacy in several countries around the world, indicating the phenomenon as an exploitation of the surrogates. Shapiro (2014) argues that this does not constitute a violation of autonomy, since women are sovereign on their body and can do with it whatever they want. There is a controversy over the issue of exploitation in all types of surrogacy.

1.3. Economic Sociological Theory – Agency Theory

This is a classic theory discussed in corporate economics literature, and it was originally presented by Ross (1973). The theory explains two-sided relationships (such as those between employers and employees, whose goals are incompatible). The core assumptions of this theory are that humans are self-interested individuals, who think about their own good and avoid taking risks. Hence, each side acts in order to maximize what is best for it in any situation. The theory can be applied on a personal or organizational level. The agents wish to work at their own pace, avoid risk, and seek self-interest before those of the corporations, Hence, the purpose is a mismatch. The nature of the problem may be asymmetric information problems, caused by managers’ inability to properly monitor and accurately assess the agents’ behavior.

1.4. The Readjustment Model

Bereavement and Parental Mourning- the Readjustment Model (Shannon-Klein-Klein, 2016) embodies, together with the involved

grief, a process of learning and readjustment, options for growth and change for the better without the physical presence of the deceased. According to this model, parents who have lost their child, undergo changes during the mourning period, aiming to adapt to their new situation. The parents imagine the deceased child, based on the fantasy of what the child would be today, had he/she lived, reflecting the feelings of bereaved mothers and what place the child would perceive in their life.

1.5. Literature Review and Conceptual Framework

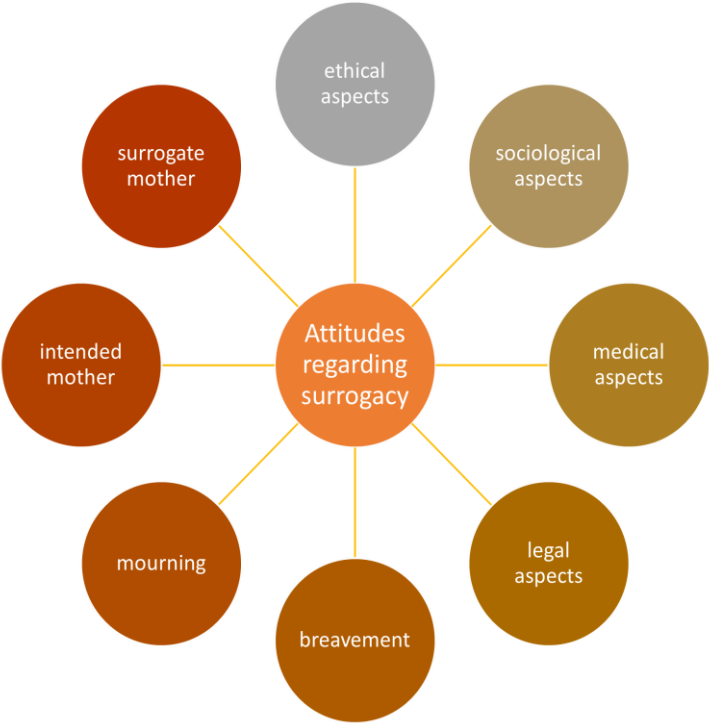


Figure 1 Conceptual framework

This study is grounded in concepts from sociological, medical, legal, and ethical aspects. The terms include: intended mother definition, surrogate mother definition, The Israeli Embryo Carrying Agreement Law and the restrictions specified in this law, coping with mourning and bereavement, life with bereaved people, and the implications of informed consent from the ethical aspect.

Sociological aspect – The Israeli Embryo Carrying Agreement Law limits young women from acting as surrogates. This protects the decision of young women who might be emotionally immature for making such a decision. Moreover, the law stipulates that women interested in serving as surrogates must be mothers of at least two children. This aims to ensure that the surrogate mothers have a family of their own, have undergone a process of pregnancy and birth, and understand the meanings of such a procedure, as far as informed consent is concerned.

Intended mothers – this study explores the status of intended mothers according to the Marxist Theory that defines class differences and distinguishes between the strong, dominant class and the weak class. In the case of commercial surrogacy, intended mothers have the economic means, and can afford paying high sums of money in order to hold a child in their arms. They are intelligent and educated women that know who to address, who to consult, and so on. Conversely, the surrogates come from a weak place, from countries under development. Furthermore, the surrogacy process is characterized by employer-employee relationships that are specified in the Agency Theory. The employers determine the employees' working conditions, employment terms, payments, etc. In order to improve the value of the production and reduce its costs, employers look for cheap places of production, where the value of manhours and production conditions are cheaper. Moreover, for the purpose of increasing the profitability of the product, employers can use several employees for the same goal, or demand more output from the same employee. In fact, this is a vicious circle, whereby the output grows, leading to greater demands by the employers, the employees continue working harder in order to please the employer. Thus, the employees accept all the terms dictated by the employers in order to make a living, even at the price of compromising their basic rights and autonomy.

In the surrogacy process, intended mothers are in the position of employers who turn to countries under development, where the

payment to the surrogates is low relatively to developed countries. The intended mothers define the arrangements and terms for the surrogates. Among others, they determine that the surrogates have to eat a nutritious diet, stop smoking, restrict their sexual relationships, and so on. All this is done in order to improve the product that is, in fact, the baby. Intended mothers undermine the surrogates' autonomy by virtue of their authority as employers.

Furthermore, this study examined the relationship between intended mothers and surrogates. According to the Symbolic Interactionism Theory, society has behavioral codes, symbols, language, culture, body language, values, and behavioral norms that create a connection between people. This study explored the differentiation between the relationships of intended mothers and surrogates who underwent this procedure in Israel, when both the surrogate mothers and intended mothers were Israelis, and between the relationships of intended mothers and surrogates who underwent this procedure outside Israel, when the intended mothers were Israelis whereas the surrogate mothers were foreigners. This study also investigated a relationship, whereby the parties shared a common language that constituted the basis for communication and connection between them. In this case they can conduct a discourse between them, ask questions and clarify unclear issues. Conversely, when the two parties do not share the same language, they encounter difficulties in communication and understanding. They are unable to conduct an inter-personal communication without the assistance of an interpreter and, in fact, this results in a barrier between them, deepening their alienation and distancing. Moreover, when people understand the language, they also understand its nuances that are essential for comprehending other people's intricacies and intentions. A simplistic interpretation of words is not necessarily sufficient for understanding the intention of the language speakers. Hence, in many cases, in order to understand the intention, we need not only to comprehend the simplistic meaning of the words but also the codes encompassed in the language. The Symbolic Interactionism Theory indicates that culture, symbols, values, and norms also affect the communication between the parties. In the Israeli society, for example, there is an almost immediate connection between people who have served in the army, this concerns people who share the military culture. They were educated for values in the military system, were exposed to the

military jargon and similar symbols, and were subject to similar behavioral norms and enhancing the connection between them. According to the Marxist Theory, usually the surrogates involved in commercial surrogacy come from a low class, from economically-poor families. Sometimes, husbands exert pressure and encourage their wives to become surrogates, in order to improve the quality of their life and that of their families. In the case of commercial surrogacy, the surrogates agree to be involved in this process based on economic motives and their difficult economic background. From this weaker place, the surrogates do not have the economic resources for financing an appropriate counselling. Frequently, they are not aware that they can get professional counselling. Hence, they get help from the mediation firms that not always consider the interests of the surrogates.

The surrogate – is subject to the terms dictated by the intended mother. According to the Agency Theory, the surrogate has a status of an employee whose role is to produce a healthy baby on a high quality. She receives instructions and terms from the intended mother and is willing to accept all these terms in order to make a living, even at the cost of compromising her basic rights and autonomy.

Medical aspect – in fact the maximal age limitation protects the rights of the surrogate mother since, at an older age, the risks to the pregnant woman and the embryo are considerably higher than those of younger mothers.

Legal aspect – the rights of the surrogate mother, as well as those of the intended mother, are guaranteed by the articles of The Israeli Embryo Carrying Agreement Law (1996). This Law aims to ensure that there is no discrimination of the weak party and that the surrogacy is not commercial.

The Israeli Embryo Carrying Agreement Law (1996) – this law constitutes a platform for regulating surrogacy in Israel. Pursuant to the Law, no commercial surrogacy can be implemented in Israel. The Law stipulates a series of restrictions and terms for this process and, thus, guarantees that women who act as surrogates in Israel, do it from altruistic motives and not due to economic considerations. The Law prevents a situation of exploitation of either party, determining an equal status for both the surrogate and the intended mother. In fact, the Law eliminates the relevancy of the Marxist Theory regarding surrogacy in Israel, since there are no class differences. It reduces the

relevancy of the Agency Theory to surrogacy in Israel but does not eliminate it. There are still employer-employee relationships but they are not as draconian as described by the theory. Eventually, the parties sign an agreement that legally validates the procedure. Pursuant to The Israeli Embryo Carrying Agreement Law, in every surrogacy process in Israel, both the surrogate and the intended parents are required to legalize the process by signing a binding agreement between them. The law stipulates cognitive articles, namely articles that must be implemented by law, maintaining the fairness of the procedure and the basic rights of both surrogates and intended parents. This study engaged, among others, in the legal aspects of the surrogacy process. It received its normative validity through The Israeli Embryo Carrying Agreement Law that attempted safekeeping the rights of the surrogate and the intended mothers.

Ethical considerations – informed consent – the ethical aspects give rise to difficult questions regarding the surrogate's informed consent about her decisions. As mentioned, surrogates are perceived as the weak party and have a much lower status than the intended mothers. Their consent to the decision-making process is not necessarily real. In many cases, the surrogates are pressured to accept the intended mothers' demands or even to initiate the process at all. Surrogates are not aware of the implications of the informed consent and, sometimes, they are obliged to consent because they have no alternative, rather than out of their free will. For example, if they are requested to express their consent to give birth by a Caesarian section, not due to medical considerations but due to the intended mother's wish to come to the birth of the baby at a pre-determined date. In such a case, the surrogate did not necessarily receive the appropriate counselling in order to understand the risks and implications of the surgery, the meaning of general anesthesia, and the post-operative recuperation. Moreover, according to the Agency Theory, surrogacy is like an employer-employee relationship. Hence, the surrogates have to accept these demands so that they can receive the payment promised to them, because they will receive it only after delivering the finished product, i.e., a healthy baby.

In addition, a woman who has not experienced pregnancy and birth is not necessarily capable of understanding the meaning of her commitments. During the process, there are things that words cannot explain. For example, labor pains cannot be explained by words but

only by experiencing them. The assumption is that a woman who has not experienced labor pains is unable to commit to undergo them out of a real wish, unless she has experienced them in the past. In the ethical aspect, the Law reduces the risk of an uninformed consent in a surrogacy process in Israel. Thus, the limitation of age and the requirement that a woman can serve as a surrogate only if she has at least two children, guarantee the maturity of the woman to engage in this process.

Adjustment to loss – the term defines a process undergone by people who have experienced a loss. During this process, people adjust to the loss of a person and to life side- by-side with this loss. Parents who have lost their child, undergo changes during the mourning period in order to adapt to their new situation. The parents imagine the deceased child, based on the fantasy of what the child would be today, what place the child would have in their life, reflecting the feelings of bereaved mothers.

According to the Readjustment to Loss Theory (Shannon-Klein, 2016), parental bereavement constitutes a process of integrating an internal and external looking of the grieving parents. The objective is self-inquiry, asking questions, e.g., why did it happen, why do they deserve such punishment? The external looking is manifested by people noticing the change, such as going back to work, engaging in volunteer activities, etc. A turning point in the grieving process is when bereaved parents find a meaningful purpose in their life. For example, paying attention to the family, being attentive to the children who were ignored during the week of mourning, setting up a memorial site, etc. (Shannon-Klein, 2016). Despite their deep sorrow and the feeling of guilt, bereaved mothers identify a new meaning to their life by having a child through surrogacy. They do not forget the dead child but live with a new meaning together with memories.

CHAPTER 2: RESEARCH APPROACH AND METHODOLOGY

2.1. Research Hypotheses

1. Differences in views will be found between the intended mothers and the surrogates in relation to sociologic aspects.
2. Differences in views will be found between the intended mothers and the surrogates in relation to medical aspects.

3. Differences in views will be found between the intended mothers and the surrogates in relation to legal aspects
4. Differences in views will be found between the intended mothers and the surrogates in relation to ethical aspects

Research variables

Dependent variables

Sociological variables

- Characteristics of surrogacy process.
- Sociological characteristics of the surrogacy process during the pregnancy and after the birth.
- Characteristics of the relationship and communication.

Medical variables

- Medical characteristics.
- Pregnancy process characteristics.

Ethical and Legal variables

- Attitudes towards the surrogacy process.
- The availability and quality of the committee's work.

Independent variables:

Mothers' group: intended mothers and surrogate mothers.

2.2. Research Paradigm: Mixed Methods Approach

This study was conducted according to the mixed methods paradigm, integrating both quantitative and qualitative approach. This research method was the most suitable, since it concerned a complex and sensitive topic about which quantitative data could not provide a sufficient picture of the phenomenon. The interviews conducted as part of the qualitative research, allowed the researchers to receive more information, feel the emotions involved in the process, and get an impression from the facial gestures, the pain, and joy, that accompanied the process. A quantitative analysis illustrated that intended mothers who participated in the study, spoke about feelings of excitement, anticipation, and empowerment, together with feelings of difficulty, failure as women, and sorrow for not experiencing the process of giving birth by themselves.

2.3. Research Design

Table 1 Research Design

Stage	Aim	Research instrument	Research population	Data analysis method
Quantitative research	What components might comprise an integrative conceptual framework for understanding surrogacy as a sociological phenomenon, concerning sociological, medical, legal, and ethical aspects. All the research stages are suitable for the purpose of this study.	Close-ended questionnaire	34 mothers who looked for a surrogate 36 surrogate women All together – 70 participants	Descriptive statistics x ² T-tests.
Qualitative Research	To investigate the views regarding surrogacy embraced by Israeli women	In-depth Interview (Semi structured interviews)	Five bereaved Mothers who looked for a surrogate 29 intended mothers who looked for a surrogate 36 mothers who engaged in surrogacy	Content analysis

2.4. Ethical Considerations

In order to maintain the rules of ethics, several measures have been adopted. First, an application for the approval of this study was submitted to the University of Iasi. The Ethics Committee of the

university approved this study and the questionnaire administered to the participants. Second, the participants received an explanation about the research aims and about their right to discontinue their participation in the research at any given moment. Details about the researcher were added for the purpose of communication if necessary. The participants were told that their personal details were confidential and would not be transferred to another body, and that the collected material was only for the purposes of this study. The participants signed an informed consent form in order to participate in this study and each research participant received an ordinal number for identification purposes. Finally, the researcher ensured the participants that all the materials were kept safely in order to maintain the privacy necessary for conducting the research in an ethical manner.

CHAPTER 3: FINDINGS

3.1. Qualitative Findings Obtained from Research Question 1: What Are the Views of Surrogacy (Sociological, Medical, Legal, and Ethical) Embraced by Israeli Bereaved Mothers?

Sociological findings

The sociological findings include two themes: values and emotions. The bereaved mothers attested that at the end of the 30-day mourning period, they contacted a mediation firm that gave them the required information about the surrogacy process.

“At the end of 30 days from our child’s death, we applied to a surrogacy agency. We started the process in India, but India closed the surrogacy to foreigners” (Subject 2, intended mother, 52 years old).

The theme of values consists of seven categories that are demonstrated in Table 2.

Table 2 Values

Category 1 Continuity	“Hope life can go on and on, although my son was killed”.
Category 2 – Sharing	“The surrogate shared with me everything; it was amazing”.
Category 3 – Empowerment	“I felt I had come out of darkness into light”.
Category 4 – Meaning to life	“Deep sorrow for the son who was killed, excitement about the child to be born, despair of life and hope to cling to something new”.

Category 5 – Betrayal of the memory of the deceased	“My son was always in the background. I felt I was cheating on him. That I'm looking for a replacement. My husband was always there and reassured me”.
Category 6 – Responsibility	“I am already an adult; how I will be able to take care of another child, where is my responsibility”.
Category 7 – Respect	“Respected all her desires. I came from a place of gratitude and not from a place she owes me”.

The theme of emotions consists of eight categories that are demonstrated in Table 3.

Table 3 Emotions

Category 1 – Grief	“Grief for the child who is no longer with us”.
Category 2 – Hope	“I also think that somewhere I wanted, hoped and got out of the darkness in which I found myself”.
Category 3 – Joy	“There were moments I was happy and joyful”.
Category 4 – Guilt	“There were moments when I felt guilty”.
Category 5 –Sadness / Bereavement	“There were lots of moments of sadness”.
Category 6 – Pain	“I felt pain for my son who was killed”.
Category 7 – Anxiety	“That I will be able to keep him alive”.
Category 8 – Support	“Everyone has been very supportive and is still supportive and helpful”.

The category of emotions illustrates that many emotions were involved in the process of surrogacy and the birth of the child, emotions of pain, anxiety, and sadness about the child that had been killed. On the other hand, there were emotions of hope, a wish to get out of the darkness, and the support they got.

3.2. Quantitative and Qualitative Findings Obtained from Research Question 2: What Are the Views of Surrogacy (Sociological, Medical, Legal, and Ethical) Adopted by Israeli intended mothers?

The research hypotheses of this study were: “Differences in views will be found between the intended mothers and the surrogates in relation to sociologic, medical, legal, and ethical aspects”.

3.2.1. Quantitative sociological findings

The intended mothers were asked to respond to some questions about sociological characteristics (see Table 4).

Table 4 Sociological characteristics of the surrogacy process among intended mothers (n = 34)

Sociological characteristics	Values	n (%)
Who was the entity that provided you with information on the surrogacy process in Israel and referred you to the Committee for the Approval of Agreements?	The attending physician	9 (26.5%)
	Mediation center	23 (67.6%)
	Internet	1 (2.9%)
	Other patients	1 (2.9%)
How did you locate the surrogate?	Mediation center	31 (91.2%)
	Newspaper	1 (2.9%)
	Personal acquaintance	1 (2.9%)
	Other	1 (2.9%)
How many candidates did you meet or interview before choosing a surrogate?	One	17 (50.0%)
	Two	15 (44.1%)
	Three	2 (5.9%)
How long did it take you to find a suitable surrogate from the moment you started the search process?	Less than a month	5 (14.7%)
	One to 3 months	8 (23.5%)
	3 – 6 months	13 (38.2%)
	Over 6 months	8 (23.5%)
Who helped you choose the surrogate?	Mediation center	32 (94.1%)
	Friends	1 (2.9%)
	Independently	1 (2.9%)
Who was involved in the decision of how many embryos will be returned to the surrogate's uterus? ¹	Physician	29 (85.3%)
	The intended parents	13 (38.2%)
	The surrogate	14 (41.2%)
Were you present in the treatment room when the embryos were returned to the surrogate?	No	19 (55.9%)
	Yes	15 (44.1%)
Who was present in the treatment room when the embryos were returned to the surrogate?	The intended mother	14 (41.2%)
	The intended parents	1 (2.9%)

3.2.2. *Qualitative sociological findings*

The qualitative findings relate to sociological, medical, ethical, and legal aspects. The sociological findings include were divided into themes: values and emotions. The theme of values consists of eight categories that are demonstrated in Table 5.

Table 5 Values

Category 1 - A dream come true	"I was privileged to be a mother"
Category 2 – Expectation	"I had expectations that the surrogate would keep me updated"
Category 3 – Respect	"I respect her for what she did for me"

Category 4 – Pride	“I was proud of her so she could carry the baby for me”
Category 5 – Gratitude	“I was privileged to hug a child in my arms”
Category 6 – Empowerment	“Today I have an understanding of parenting”
Category 7 – Closeness	“We meet on birthdays on holidays, lovely”
Category 8 – Sharing	“The surrogate occasionally shared with me about the development of the pregnancy but these were dry data”

3.3. Quantitative and Qualitative Findings Obtained from Research Question 3: What Are the Views of Surrogacy (Sociological, Medical, Legal, and Ethical) Embraced by Israeli Surrogate Women?

The research hypotheses of this study were: “Differences in views will be found between the intended mothers and the surrogates in relation to sociologic, medical, legal, and ethical aspects”.

3.3.1. Quantitative sociological findings

The surrogate mothers were also asked some sociological characteristics questions (see Table 6).

Table 6 Sociological characteristics of the surrogacy process among surrogate mothers (n = 36)

Sociological characteristics	Values	n (%)
What was the reason for applying for surrogacy?	Economic	3 (8.3%)
	Altruistic	16 (44.4%)
	Self-Realization	29 (80.6%)
Do you think the legal advice you received was important for the surrogacy process?	No	8 (22.2%)
	Yes	28 (77.8%)
With whom did you consult about the process?	A professional	7 (19.4%)
	Family member	15 (41.7%)
	Friends	9 (25.0%)
	The intended parents	3 (8.3%)
	Mediation center	9 (25.0%)
	Other	4 (11.1%)
How many times have you been through a surrogacy process?	One	32 (88.9%)
	Two	3 (8.3%)
	Five	1 (2.8%)
If you have been through more than one surrogacy process, was it with the same intended father?	No	1 (25.0%)
	Yes	3 (75.0%)
The results of the psychological diagnosis - a degree of consistency and perseverance	Did not know	1 (2.8%)
	Low degree	0 (0.0%)

	Medium degree	0 (0.0%)
	High degree	35 (97.2%)
The results of the psychological diagnosis - the degree of understanding of the process	Did not know	1 (2.8%)
	Low degree	0 (0.0%)
	Medium degree	0 (0.0%)
	High degree	35 (97.2%)

3.4. Integrative Findings

3.4.1. *Integrative findings obtained from research question 1*

Research question 1. dealt with views held by intended bereaved mothers regarding surrogacy from sociological, medical, legal and ethical aspects.

In the sociological aspect, values and emotions raised by the intended mothers were examined.

Continuity: The intended mothers indicated a sense of continuity and the meaning of life, hope, sharing between the intended mother and the surrogate, a sense of empowerment that was expressed by coming out of the darkness into the light, feelings of sorrow and pain for the child who was killed on the one hand, and on the other hand, a feeling of joy and happiness for the child that was born. All the mothers indicated that the newborn child was not a substitute for the child who had been killed.

Emotions involved in surrogacy: The intended mothers indicated emotions that were involved in the surrogacy process, such as: Coping, Guilt, Hope, Dreams, Loss, Grief, Bereavement.

Medical Aspects: The intended bereaved mothers pointed out that they were over 50, and because of their age could not get pregnant: a) one mother stated that the tests that she had undergone, showed she had uterine cancer and had to undergo hysterectomy; b) physical limitations that made it difficult for her due to her age.

Legal aspects: The intended mothers indicated that they had received legal advice regarding the process because of: a) unacquaintance with the laws and the process; b) cumbersome work of the committee.

Ethical aspects: The intended mothers indicated that:

1. **Age** - older parenthood and the consequences for the child.
2. **Exploitation** - The intended mothers mentioned there was no feeling of exploitation in the process.
3. **Partnership** - partnership and even identification of the surrogate with the bereaved mother.

4. **Difficulties** - in accepting that someone else her daughter's age is carrying the pregnancy for her.

3.4.2. **Integrative findings obtained from research question 2**

Research question 2 explored the views held by Israeli intended mothers regarding surrogacy from sociological, medical, legal, and ethical aspects

Sociological aspect: In the sociological aspect, the quality of the relationship between the intended mothers and the surrogate was examined, indicating that: a) most of the intended mothers had a good and high-quality relationship with the surrogates; b) The intended mothers mentioned values and emotions that inundated them during the surrogacy. For example, values such as: respect, pride, expectations, a dream come true, etc., and emotions as support, caring, compassion, sensitivity, etc.

Contact with the surrogate: The intended mothers who went through the process with an Israeli surrogate indicated that they wanted to be in contact with the surrogate, On the other hand, the intended mothers did not want to be an any contact with the foreign surrogates.

Medical Aspects: The findings showed that most of the women turned to surrogacy due to a serious illness, gynecological problems, and some of them were required to donate an egg.

Legal Aspects: Intended mothers who underwent the process in Israel, were required to obtain the approval of the Commission for Carrying Embryos, in order to perform the surrogacy: a) most of the women mentioned the committee's work as cumbersome. Also the indicated that It is important to get legal advice due to lack of familiarity with the laws relevant to surrogacy in Israel in general, and in foreign countries in particular.

Ethical Aspects: The intended mothers were asked questions about alienation and exploitation in the process: a) Most of the mothers stated that they did not feel that way. They said the surrogates received payment, so they didn't have a feeling of exploitation; b) One of the mothers indicated that two different women were fertilized in order to increase the chance of getting pregnant.

Integrative findings obtained from research question 3

Research question 3 related to views held by surrogate mothers regarding surrogacy from sociological, medical, legal, and ethical aspects. It is noteworthy that all surrogates who participated in the study were Israeli.

Sociological aspect: About 66% of the surrogates were academically educated middle-class women. Fifty-two percent lived in an apartment they owned and had a good relationship with the intended mothers: a) All but one of the surrogates turned to surrogacy for altruistic motives and self-actualization; b) One surrogate stated that she applied for financial reasons but after starting the process and meeting the intended mother, she realized the predicament of the intended mothers, and she would definitely do it again for altruistic reasons; c) The surrogates have established a good relationship with the intended mother and still maintain good relationship with her, like on birthdays and holidays; d) The surrogates mentioned the values and feelings that overwhelmed them during the surrogacy, such as: pride, respect, compassion, frustration; e) Responsibility for the child - the surrogate indicated she felt responsible for the baby.

Medical Aspects: the surrogate indicated they were concerned for their medical state, and they were worried about the Caesarian Section. Moreover, they specified that they were generally healthy, with families of their own. Some of them had an amniocentesis test to make sure the baby did not have any physical deformities.

Legal Aspects: The surrogates mentioned the importance of getting legal advice because they did not know the laws, so all of them turned to a lawyer to get legal counsel. All the Israeli surrogates obtained the approval of the committee for The Israeli Embryo Carrying Agreement Law (Ministry of Health, 1996). However, all of them criticized the cumbersome work of the committee. Eighty-six percent of the surrogates indicated that they were married women.

Ethical Aspects: The surrogate mothers indicated there was no feeling of exploitation in the process. Moreover, they were usually involved in the decision-making, although sometimes they felt the other parties “talked over their head”. The surrogates felt appreciated and grateful for the opportunity given to them for enabling another couple to become parents.

CHAPTER 4: CONCLUSIONS AND RECOMMENDATIONS

4.1. Factual Conclusions

The conclusions drawn from the Discussion chapter are divided into three research questions according to sociological, medical, legal and ethical aspects.

4.1.1. Views embraced by intended bereaved mothers regarding surrogacy in the sociological, medical, legal, and ethical aspect

Sociological aspect

The research findings illustrated that the views embraced by intended bereaved mothers regarding surrogacy were related to the continuity of their own lives. The bereaved mothers found a sense of life through a “new” child. They attested that the choice of a “new” child as a way out of bereavement, entailed a lot of criticism, both self-criticism and social criticism, manifested by feelings of guilt. The criticism evoked ambivalent feelings. On the one hand, the thought that the new child would come “as a replacement” was necessary and resulted in strong feelings of pain, guilt, sorrow, shame. On the other hand, it inspired hope, excitement, renewal, and empowerment. For these mothers, the “new” child was a kind of lifeline through which they managed to get a renewed meaning to their lives, enabling them to maintain the continuity of their life together with the loss and grief of their death child.

Medical aspect

The conclusion drawn from the findings related to the medical aspect was that in order to fulfill their wish for a “new” child, the bereaved mothers turned to surrogacy because of their age and some severe illness. These were women who had given birth to a child who served in the IDF, that is, about 20 years’ old. That implied that these were older women, in their 50s, an age involving high risks of pregnancy and childbirth for the fetus and mother, assuming they could conceive and carry the pregnancy to term.

Legal aspect

The conclusion drawn from the findings related to the legal aspect was that receiving professional legal advice regarding surrogacy was highly important. All the bereaved mothers sought legal advice before starting the surrogacy process since it involved a binding legal agreement. The lack of a detailed and clear agreement may result in a state of ambiguity. Disputes in such a process can cause heavy and irreversible damage to both the baby, the intended mother and the surrogate, since this process concerns human life.

Ethical aspect

The conclusion drawn from the discussion was that bereaved mothers' attitudes toward surrogacy in the ethical aspect were characterized by concerns about late parenthood. This could potentially make orphans out of children born to elderly mothers due to their age and the inability to act as parents until the child's adulthood, as well as not be there for the child for specific events in his or her life. Moreover, as far as the issue of exploitation is concerned, the attitudes differ. Intended mothers who performed surrogacy in Israel, perceived surrogacy as a partnership between mothers, as well as an act of altruism. Conversely, mothers who performed surrogacy outside of Israel, in underdeveloped countries, surrogacy was perceived as exploitation. This was due to the condition of the country, although the surrogates were paid for the service they provided.

4.1.2. Views embraced by intended mothers regarding surrogacy in the sociological, medical, and legal, and ethical aspect

Sociological aspect

The conclusion drawn from the discussion was that the attitudes of intended mothers regarding surrogacy in the sociological aspect were characterized by a diverse nature of relationship between the intended and surrogate mothers. The relationship between the intended mother and a surrogate from another country was not maintained after the birth, while the relationship between the intended mother and the surrogate from Israel was maintained for a long time, even after the childbirth. This was due to the fact that as far as the process took place in Israel, the intended mother and the surrogate shared a common culture based on values of mutual commitment and responsibility, friendships, and common acquaintances. In accordance with the

Israeli culture, it was expected to find a warm and close relationship between the intended mothers and the surrogates, especially when it concerned altruistic surrogacy, whereby from the beginning, the surrogate came from a position of wanting to help and make another couple happy.

Medical aspect

The conclusion drawn from the discussion was that the attitudes of intended mothers towards surrogacy in the medical aspect, was related to the health condition of the intended mothers. This condition prevented women from getting pregnant due to severe illnesses and gynecological problems. Moreover, it did not allow these women to give birth to a baby because of chronic diseases.

Legal and ethical aspects

The conclusion drawn from the discussion was that the attitudes of intended mothers towards surrogacy in the legal aspect, was characterized by the need to seek legal advice, whether due to lack of knowledge of the law in relation to surrogacy in Israel or in the country of the surrogate origin.

4.1.3. Views embraced by surrogates regarding surrogacy in the sociological, medical, legal, and ethical aspect

Sociological aspect

The conclusion drawn from the discussion was that the attitudes of Israeli surrogate mothers towards surrogacy in the sociological aspect, were related to the variety of emotions and values that characterized the surrogacy process.

Surrogates in Israel perform the process for altruistic reasons. They come from a safe place, and are not in an inferior position than the intended mothers. Rather, they come from a place of a good will to help and assist another woman to become a mother. Conceptually, the price paid by the surrogate (the dangers inherent in pregnancy and separation from a child that developed in her body) is higher than the price paid to her. For the most part, the intended mother is full of respect for the surrogate and there is no employer-employee relationship.

Medical aspect

The conclusion drawn from the discussion was that the attitudes of Israeli surrogate mothers towards surrogacy in the medical aspect, was characterized by taking care of the surrogate mother in order to prevent short-term risks of pregnancy (gestational diabetes, hypertension) or a long-term risk (cancer).

Legal aspect

The conclusion drawn from the discussion was that the attitudes of Israeli surrogate mothers towards surrogacy in the legal aspect, was characterized by a strong need for legal consultation about the whole procedure, for the purpose of guaranteeing the surrogates' rights.

Ethical aspect

The conclusion drawn from the discussion was that the attitudes of Israeli surrogate mothers towards surrogacy in the ethical aspect, was characterized by altruism and sharing between two women: the surrogate who wishes to give and help, and the intended mother who needs this help.

4.2. SMUOS: A Sociological Model of Universal Optimal Surrogacy

The main research question of this study was: “What components might comprise an integrative conceptual framework for understanding surrogacy as a sociological phenomenon, including sociological, medical, legal, and ethical aspects?”. In response to this question, the research findings indicated that it was possible to promote a sociological model of optimal surrogacy. Figure 2 presents the model built on the basis of the research findings

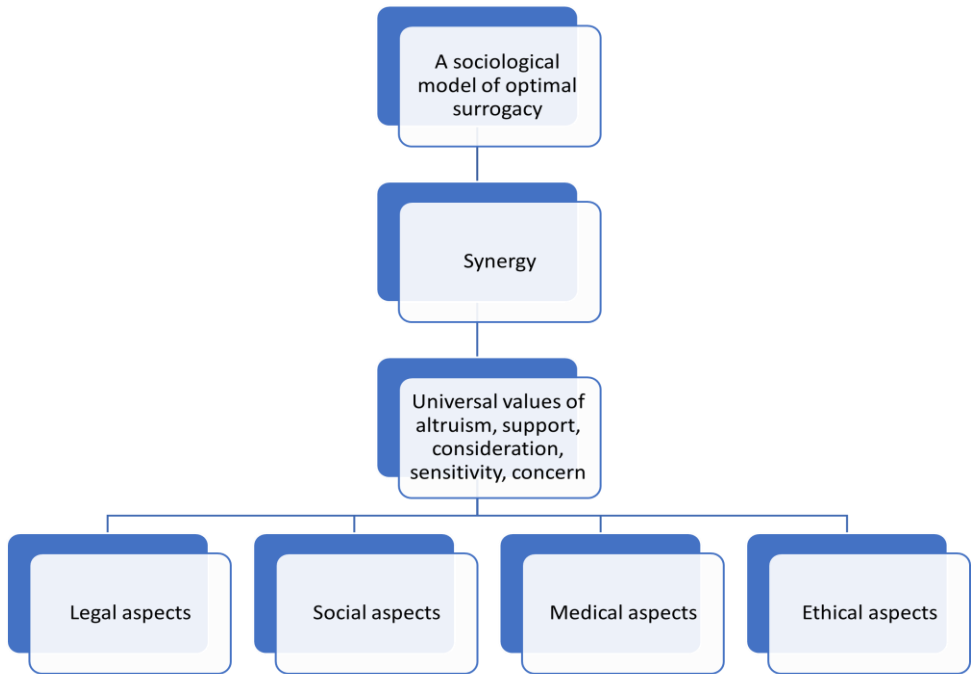


Figure 2 Sociological model of optimal surrogacy

Looking from the bottom up, one can see the four aspects analyzed in this study. Figure 2 showed that these aspects did not stand apart from each other, but rather had a mutual affinity between them. The ethical aspects were related to the medical aspects and reinforced each other, e.g., in the issue of ageism. Since it concerned an older intended mother, there was a question about the responsibility of the physician who performed the procedure for the benefit of the child to be born. In optimal surrogacy, the physician is obliged, in addition to medical judgment, to consider the ethical aspects related to the birth of children who are going to become orphans at young age. The physician, should act out of concern and sensitivity both for the patient - the intended mother - but also for the newborn baby.

The issue of ageism is also intertwined with the sociological aspect. This study found that 54% of the intended mothers were over

the age of 40. The question arose whether society should encourage surrogacy for older intended mothers, because it increases the chances that the baby was going to become an orphan at a relatively young age. Moreover, even if the child did not become an orphan at a young age, the process of growing up would be unusual for the rest of society. Most of the children who would grow up with this child, would be children of younger parents. The parents themselves would probably experience greater difficulties as older parents. The older mothers who participated in the study, expressed concerns about their absence from formative events that would transpire later in their children's lives, such as military service, marriage, etc. Another concern expressed by those mothers was about the physical disability they might have when raising the children. They stated that they “were already not younger anymore” and expressed their fear of physical difficulty in the daily care of the baby and later, in raising the child.

Ageism also involves the legal aspect. In optimal surrogacy, it is expected that ageism is reflected in the legal aspects. The system of laws and rules of a country manifests the desired norms that society should follow. Hence, if from a sociological point of view society does not encourage childbirth among older women, the expectation is that this will also be reflected in the system of laws that are binding for society. That means that there is a legal limit to the age at which surrogacy can be performed. The inherent nature of the aspects analyzed in this study is also reflected in the surrogate's age. After all, optimal surrogacy is performed out of reasons of altruism and is characterized by universal values of support, consideration, sensitivity, and concern. A woman who applies to be a surrogate for altruistic reasons, is probably more mature and considerate than a very young woman. Even in the medical aspect, the age of the surrogates is manifested. In addition to the medical procedures recommended according to the age of the pregnant woman, the physician must adjust the explanations and recommendations to the age of the surrogate. The physician plays an essential role in the surrogacy process, and his or her attitude towards surrogacy is crucial and may sometimes determine the nature of the experience of the surrogate. Thus, the physician must act with the sensitivity, compassion, care and support required for this type of situation. All of the physician's activities are subject to the legal requirements and the legal framework defined in the surrogacy agreement. On the other hand, the agreement is subject

to the medical requirements of the surrogacy process, and so are the social norms that determine the legal framework. The system of laws dictates the social norms and the powers of the medical and ethical procedures. The goal of altruistic surrogacy cannot be accomplished only through the fulfillment of one aspect, but through the set of aspects that are mutually connected and reinforced. To the extent that universal values of concern, support, altruism, and sensitivity are reflected in the optimal surrogacy model, the gaps between the parties will also be reduced and the employee-employer relationship will be diminished.

This study illustrated that the connection between the four aspects was found in the universal social values that included altruism, support for all participants in the surrogacy process, sensitivity to all parties with genuine concern for their health and of course for the newborn. The implementation and application of the universal social values, created a synergy that facilitated the design of a sociological model of optimal surrogacy. The model is integrative and integral because it combines sociological, communicational, and medical theories. It is humanistic because it sees people's humanity in society, while considering and being sensitive to people's own needs.

This study illustrated that there is an altruistic surrogacy in Israel. In such surrogacy, the surrogates perform the process because they want to help another woman or a couple in becoming a family, unlike commercial surrogacy, in which the surrogate lives outside the borders of Israel. The status of surrogates in Israel is high in the surrogacy process. The surrogates' wishes, values, and opinions are considered, and they can meet the demands since they do not come from a low place. The intended parents consider the surrogates and are grateful to them.

Recommendations

Social workers - social workers who work with these communities should prepare a workplan, in which they refine the unique characteristics of the surrogacy process among bereaved mothers, intended mothers and surrogates.

Nursing staff training - instruct the nursing staff how to treat these patients.

Nursing administration - to include the subject in the core curriculum of the studies for the degree of registered nurse.

Legal Department - to guide the legal advisor of the Ministry of Health regarding the great sensitivity involved in these issues.

Legal Department - promote guidelines to create a platform for the countries with which we have treaties for regulating the issue of surrogacy.

Regressed nurse – add a qualified nurse who will be a member on the committee to approve the agreements .

Mediator centers - examine the brokerage companies dealing with the issue and the regulation in these companies.

Universal importance of the research

This research aspired to develop a surrogacy model that could serve as guideline to those who wish to regulate the process. In the light of the SMUOS Model developed in this research, as long as there are countries where commercial surrogacy exists, the optimal surrogacy model can assist in incorporating the social, medical and ethical aspects, so as to turn this process into a less exploiting and more woman-to-woman endeavor. The issue is global and is relevant to all countries.

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