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Surrogacy

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There are few topics that have attracted as much academic and popular interest as surrogacy. Various forms of “traditional” surrogacy arrangements have long existed, referring to arrangements in which a woman uses her own ova to be fertilized either through intercourse or some form of artificial insemination, to gestate and birth the resulting pregnancy in order to hand over the child to be parented by other people. The advent of in vitro fertilization (IVF) and other assisted reproductive technologies made a new category of “gestational” surrogacy possible and it is this form of surrogacy that I will concentrate upon in this chapter. In gestational surrogacy, the baby gestated is not genetically related to the surrogate mother. Intended parents may use any combination of donated gametes or their own gametes to produce an embryo using IVF and have the resultant embryo implanted in the womb of a surrogate to carry the pregnancy and give birth to a child who is then handed over to the intended parent/s.

Several countries ban all forms of surrogacy, such as Germany, Denmark, France, Spain, and Italy among others. In some jurisdictions, such as Australia, South Africa, New Zealand, the United Kingdom, and Canada only “altruistic” surrogacy, in which the surrogate receives no form of payment, is allowed, although these differ in the level of compensation permitted. In other jurisdictions regulated limited forms of compensation are allowed; others, such as certain states of the US, Ukraine, and India allow commercial surrogacy, although India only allows surrogacy for Indian citizens. Countries also vary on the restrictions placed on who can access surrogacy; with the majority restricting it to local heterosexual married couples. Differences in regulations governing the availability of surrogacy have spawned the development of a global cross-border trade in surrogacy. Some states of the US, specifically California, Illinois, New Hampshire, and Oregon among others, have long been destinations for people from other countries to access legal commercial surrogacy services. But the 2000s saw the proliferation of cross-border commercial surrogacy in other countries, in many cases low or middle-income countries with little or no regulation of the trade.

The first gestational surrogacy took place in 1985 in the US, provoking immediate debate about the ethical, legal, and social significance of this new form of reproduction. Early accounts of gestational surrogacy within feminist social science cautioned about the potential for commodification and exploitation of surrogates’ bodies, and viewed surrogacy as a form of alienated reproductive labor by women, another product of patriarchal medicalization, demeaning to motherhood and human dignity, with some scholars likening commercial surrogacy as akin to
a form of prostitution or slavery (Corea 1985; Klein 2008; Klein et al. 1984; Rothman 1989; Raymond 1989). Many of these early studies were not the result of original qualitative fieldwork, but rather analyses of various source materials. This was within a context of a general critique of assisted reproductive technologies, genetic testing, and biomedical interventions within feminism and reflected early social responses to surrogacy which were concerned about the role of science in assisting reproduction (Strathern 2003).

A plethora of empirical ethnographic scholarship on assisted reproduction countered this earlier suspicion, highlighting how women were not mere dupes of technologies but active and pragmatic agents, embracing the possibilities assisted reproduction presented as new means of fulfilling their quests of family formation. Hence assisted reproduction was revealed to have a dual nature, at the same time it challenged notions of the family and gendered norms, it frequently served to reinforce those same norms and social stratification. This more nuanced approach was reflected in a series of empirical studies of the complexity of the relationships and exchanges within surrogacy and the potentials for empowerment and exploitation. Although concerned with the political economy of surrogacy, they recognize that surrogates can achieve a measure of agency autonomy and empowerment through various narrative and performative strategies, despite the systems of class, race, and power structuring their work (Roberts 1998; Goslinga-Roy 1998; Teman 2001, 2003, 2010; Ragoné 2005; Jacobson 2016; Pande 2014; Rudrappa 2015; Whittaker 2018). Such studies of surrogacy provide an opportunity to reflect upon how reproductive potentials and women’s bodies are being mobilized in different societies and how different communities react to third-party assisted reproduction.

Qualitative research on surrogacy has been concentrated upon a few locations, some states of the US, Israel, and India. Although there are a few accounts of surrogacy in other locations (Kroløkke et al. 2010; Mitra et al. 2018; Nebeling Petersen 2018), these three settings dominate the anthropological and sociological literature. This is partly due to the ease of access as these three settings are those in which surrogacy is visible, legal, and well organized. Access to other settings where surrogacy remains highly secretive or illegal is more difficult. Several notable full-length ethnographies have been published that cover surrogacy arrangements and the development of an international trade in surrogacy and these provide rich in-depth accounts of the realities of surrogacy in different settings (Deomampo 2016; Ragoné 1994; Jacobson 2016; Pande 2014; Majumdar 2017; Rudrappa 2015; Stockey-Bridge 2017; Teman 2010; Whittaker 2018).

In this chapter I review the major themes running through the rich anthropological literature on surrogacy. These can be broadly categorized as: The moral economies of surrogacy; kinship and relationality; gay men and surrogacy; the political economy of surrogacy; race and ethnicity; reproductive nationalism; brokerage in surrogacy; and the importance of digital technologies. Finally, I suggest issues yet to be fully explored.

The terminologies used within scholarship on gestational surrogacy are indicative of the politics of authors. Within this chapter, I describe people who are undertaking a surrogate pregnancy as “intended parents,” a term indicating the importance of “intent” as a designator of the validity of their claims for their commitment as parents. This is the term favored by most of those involved in creating families through surrogacy. This is in contrast to other writers who sometimes use “commissioning parents” as a means of highlighting the financial exchange or contract involved. I describe women who gestate a pregnancy for another person as “surrogates.” This term is contentious, with some authors and women preferring the terms “gestational carrier” or “surrogate mother” depending upon their political stance differentiating on the issue of whether a woman gestating a pregnancy is mothering.
Moral economies of surrogacy

A number of ethnographic studies have noted how surrogates and intended parents utilize the language of the gift as altruistic practices in which women help other women to form families, distancing surrogacy from accusations of the commodification of children. In her early work on traditional surrogacy in the US, Helena Ragoné (1994) analyzed how gift-giving was emphasized. These discourses are often deployed as markers of class, with middle-class surrogates in the US depicted as motivated by notions of altruism and gift-giving, while poorer women are depicted as doing surrogacy “just for the money.” Heather Jacobson (2016) notes the strong narratives of US surrogacy as an altruistic labor of love which obfuscates the profit-oriented business of surrogacy. She describes a “reproductive-industrial complex” in operation in the US, which frames surrogacy as natural, minimizes the low success rates, deemphasizes the financial exchange, and promotes an affirming narrative. She notes how surrogates present themselves as “strong, independent, self-determined, fertile and empathetic” (108) positioned within a Western cultural ideology of motherhood that separates motherhood and parentage from commercial considerations and commodification. Money is deemphasized; exchanged as compensation for the sacrifice of the women carrying a pregnancy to term. Only “bad surrogates” are motivated by financial remuneration. Surrogate families emphasize genetic relatedness as the basis for their own families, surrogacy is thus “giving back” a child rather than “giving up” a child. She argues that a distinct culture of surrogacy with its own norms, behaviors, values language, and marketing has emerged in response to social unease about the practice.

Thompson suggests the narratives of gift-giving and economic agency are not in opposition, rather they constitute the surrogacy relationship, disambiguating kinship relations between intended parents and surrogates and donor providers (Thompson 2005). As Marcin Smietana (2017) notes in his study of gay men undertaking surrogacy in the US, the contractual and financial aspects of commercial surrogacy negate surrogates’ potential parenthood claims, yet this did not exclude affective relationships where surrogates could take up roles other than as parents. As he notes, intended parents become socialized into such cultural narratives of surrogacy through surrogacy advocacy organizations.

Cross-cultural work on the subject further demonstrates there is no neat division between altruism and commercial interests in surrogacy. This false dichotomy is based upon Western constructions and the exchange of money does not exclude affective bonds, altruism, and social relationships. Work in Thailand (Whittaker 2018), Ukraine (Lance and Merchant 2016) and India (Pande 2011, 2014, 2015; Vora 2013) suggests that the moral economy does not exclude the exchange of money; indeed, such exchanges are common in demonstrations of care and religious merit-making. The surrogacy industry in Thailand drew upon local understandings of mothering, nurturance, and Buddhist merit to promote and legitimize its practice. Merit-making often involves exchanges of money, hence commercial exchanges are not seen as diminishing the sacrifices of a surrogate in nurturing a fetus, nor is it incompatible with viewing this as an act of merit (Whittaker 2015, 2018). In Ukraine, Delphine Lance and Jennifer Merchant (2016) note that surrogates combine a vision of women as naturally altruistic with ideas of duty towards their families. Decisions to act as surrogates are valorized as consistent with an ideal of women supporting their families. They found that Ukrainian surrogates sought supportive Eastern Orthodox priests to bless their actions, appealing to the religious idealization of motherhood and the Virgin Mary as a surrogate Mother of Jesus.

In India, Amitra Pande (2014: 170) details the ways in which Indian surrogates negotiate the relationships between their labor as surrogates, emphasizing their higher motivations, referencing divine examples of surrogacy, and claiming the formation of kin ties with the baby.
Andrea Whittaker

and clients. Likewise, Vora (2013: S103) notes that Indian cultural logics suggest that debt and repayment is not just a financial exchange but also involves acknowledging the open-ended social relationship. She suggests there is a fundamental misreading of surrogates’ soliciting more money and gifts from intended parents—that to the surrogates the giving of money and gifts by intended parents is an expected acknowledgment of the transcendental nature of her gift, which involves continuing relationality and exchange. She argues that the ontological and material expectations of both surrogates and intended parents differ cross-culturally and affect the ethics of practice and remuneration in clinics.

**Relationality and “kinning”**

Surrogacy troubles normative notions of kinship. A number of studies explore the work involved in disambiguating kinship within surrogacy relationships and the new forms of kinship it begets. The advent of assisted reproductive technologies has disrupted traditional biological ideals of family where children are descended from their mother and father. Yet, biogenetic kinning narratives still prevail within surrogacy acting to legitimize the claims of intended parents and used by surrogates to distance themselves from the child they bear. For example, Birenbaum-Carmeli (2016) notes that biological relatedness continues to dominate reproduction narratives in Israeli surrogacy. US surrogates reported in Berend’s (2016) analysis of the Surromomsonline forum reject the suggestion they have any kinship to the child they gestate: In their opinion, the child is not theirs but they are merely providing a uterus and the child will go to its rightful parents—they “were just an oven” and felt they were “giving babies back rather than giving babies up” (2016: 58). This is consistent with the findings of other studies that suggest surrogates are able to deemphasize their links to the child, with one woman described by Arlie Hochschild as stating she would “detach herself from her baby, her womb, and her clients” (2013: 168).

This sentiment is reminiscent of that expressed in Teman’s (2009) study of Israeli surrogates who argued that the IVF technologies through which they conceived the pregnancy disrupt any “natural” bond they might feel for the pregnancy. Her ethnography traces how surrogates conceptualize and map their bodies, temporarily demarcating their pregnant bellies to the developing fetus and its “true” parents. She suggests the experience of surrogacy can be one in which women experience their bodily boundaries as shifting through the gestation period as the pregnancy is gradually transferred from the surrogate to the intended mother.

Several studies of transnational surrogacy note that intended parents sometimes do not desire any possibility of a continued relationship with the surrogate after birth. Anonymous transnational arrangements may be favored for the lack of any feelings of affective obligations to the surrogates or future relationships with the child born. Amrita Pande (2015) highlights that despite socialization insisting that women should only see themselves as renting out their womb, Indian surrogates in her study drew upon local understandings of pregnancy which place emphasis upon the bodily exchanges of blood and breast milk and the sacrifice of labor. Birthing a child for others thus brings with it certain expectations of ongoing obligations and fictive kin ties that are frequently unrealized in the anonymous commercial setting.

Those intended parents who wish to maintain relationships with their surrogates often do so for several years and tend to report positive relationships (Jadva et al. 2012). This seems to be more likely when intended parents and the surrogate reside in the same country. In transnational surrogacies when geographical distance and language differences impede the maintenance of any relationship or anonymity precludes it, long-term relationships appear relatively rare (Gezinski et al. 2018; Whittaker 2019).
In her account of local surrogacy exchanges in Israel, Elly Teman (2001) describes how surrogates and intended mothers negotiate maternity, kin relations, bodies, and boundaries in surrogacy arrangements. She describes an intense hybridized fusion that occurs between Israeli surrogates and intended mothers, creating a sense of shared embodiment of the pregnancy—some intended mothers have bodily experiences akin to phantom pregnancy (Teman 2003, 2010), while surrogates commonly contrasted their surrogate pregnancies with those with their own children. In such ways, the surrogate pregnancy is transferred to the intended mother and allows the intended mother to build an identity as the “true” mother of the child. The Israeli surrogates in her ethnography report that they do not suffer significant feelings of loss or trauma upon relinquishing the child to the intended parents, but rather it is the relationships between herself and the intending parents that is most precious and relinquishing the child to the intended parents is the climax of the process of helping another woman to become a mother.

Recently, Teman (2019) has reflected upon the effects of her ethnography upon popular accounts of surrogacy in Israel. She suggests this narrative of triumphant sacrifice by surrogates and the intimate relationship between the intended mother and surrogate has become a dominant trope among surrogates that creates difficulties for those who do not successfully achieve this vision and find themselves feeling unappreciated or resentful for failing to achieve such a relationship.

Gay men and surrogacy

These questions of the various forms of kinning possible through surrogacy arrangements are most marked for gay men creating families through surrogacy. Surrogacy is one of the few options for planned fatherhood for gay men. There is a small but significant scholarship on gay men and surrogacy (Lewin 2009; Bergman et al. 2010; Blake et al. 2016, 2017; Dempsey 2013; Riggs and Due 2010, 2018; Smietana et al. 2018; Smietana 2017, 2018; Murphy et al. 2013, Murphy 2015a, 2015b; see also Twine and Smietana in this volume). As Smietana et al. (2014) note in a comparative paper on gay fathers in Belgium, Spain, and the UK, men make their decisions about how they will become parents—whether through surrogacy, or through adoption or co-sharing arrangements—based upon their perceptions of the importance of genetic relatedness, views on sexually differentiated parenting roles, their desire for autonomy in parenting, and their moral views on options such as surrogacy. For those who choose surrogacy, an important factor is the desire for genetically related children. Murphy (2015b) describes the tactics undertaken by gay couples when deciding upon the biogenetic connections their children will share, such as both donating sperm and having one embryo from each transferred to a surrogate, or deciding that only one man should be the biogenetic parent. Similarly, Greenfeld and Seli (2011: 227) note that gay couples make decisions around genetic paternity based on which parent had “better genes.” The Australian gay parents studied by Dempsey (2013) downplayed genetic links, yet genetic paternity was an important aspect to maintaining relationships between the partners, the grandparents and wider family, and their children born through surrogacy.

The US is currently the only stable global commercial gestational surrogacy destination in which there are legal protections for gay men (Smietana 2017). Heather Jacobsen (2018) notes that despite this, heteronormative ideas about gender, sexuality, and social class continue to dominate the infertility industry in the US. Some surrogates refused to work for gay couples due to religious objections or because they did not see them as forming “good families” (2016: 91). However, other surrogates suggested they prefer to match with gay men due to what they view as gay men’s positive attitude because they have no experience of reproductive loss and infertility or because of their ideological support for gay rights.
In a study of media representations of gay surrogacy, Murphy (2015) found that Australian and the US media discourse portrayed gay men as consumers; “choosing” surrogacy, rather than being “forced” to undertake surrogacy (as often used in depictions of heterosexual couples and surrogacy). Gay couples are forced to constantly prove their desire to be parents in such depictions; they are presumed to lack a natural drive to parent in the same way as heterosexual couples. In contrast, Murphy et al. (2013) describe gay men as asserting their higher-quality parenting than heterosexual couples due to their careful and deep investment in choosing parenthood. In a similar vein, in his empirical work with Spanish gay fathers, Smietana (2016) explores how gay fathers normalize their families. He finds that they distance themselves from unconventional family models, to bring themselves more into alignment with dominant social expectations, by equating their families to previously existing family formation practices and through their own practices as parents. Work on Swedish media representations of gay parents through surrogacy suggests they reproduce heteronormativity through three discursive strategies: The depiction of the same-sex couple as respectable, the idea of parenthood as genetic and linked to physical relatedness, and finally, the ideal of exclusive parental rights within the nuclear family unit (Gondouin 2019).

**The political economy of surrogacy**

A large body of work is concerned with the organization of surrogacy, its political economy, and the potential for exploitation. Much of this work has been inspired by Colen’s (1990) concept of “stratified reproduction” and has focussed upon transnational Indian commercial surrogacy which flourished between 2001–2015 (Dasgupta and Dasgupta 2014; Deomampo 2013, 2015, 2016; Majumdar 2017; Pande 2009, 2011, 2014, 2015; Vora 2009; Gupta 2012; Rozee et al. 2016; Rudrappa 2015; Twine 2015; Bharadwaj 2012, 2016; Saravanan 2018). Taken together, these studies capture the rise and demise of an industry emblematic of neoliberal capitalism in India—one of many industries that “recycle the pauper bodies of its many millions of citizens and reinvest the ‘reproductive viability’ of its formerly going-to-waste citizens in the service of a booming neo India” (Bharadwaj 2016: 184–185). Many of these ethnographies concentrate upon the experiences of surrogates or the “supply” side; the presence of surrogacy hostels in which surrogates are confined for the term of the pregnancy making it possible for an ethnographer to access multiple surrogates once the support of the gatekeepers was obtained or circumvented.

In her ethnography among surrogates involved in international surrogacy in Anand, Gujarat, Amrita Pande approaches surrogacy as a form of reproductive labor: “a capacity to produce and reproduce in order to earn and income” (2010: 972). As a form of labor, surrogacy is subject to both market forces as well as ideologies of gender, race, and sexuality that shape its characteristics and dynamics (Pande 2016). The surrogate is socialized by the clinic staff into the perfect mother-worker who suspends her bodily autonomy for the duration of the surrogacy contract as a form of self-sacrifice to further her own family’s welfare or pay off a family debt (2016). Surrogates view themselves as agents in their choice to work as surrogates within the deeply problematic conditions involved in the exercise of that agency under conditions of neoliberal capitalism.

Writing of Bangalore, Sharmila Rudrappa conceptualizes transnational surrogacy as part of the emergent “markets in life” (2015: 9). Drawing upon both Rothman’s (1989) ideas of reproductive assembly lines and Boris and Parrenas’(2010) notion of intimate labor, Rudrappa describes how the surrogacy trade recruits not poverty-stricken women who may be malnourished but women from the garment industry, from precarious positions within an “already
unequal world structured by global labor markets” (2015: 18) who have already been socialized into industrial discipline (cf. Pande 2016). She describes the continuities between the garment industries and surrogacy work as another form of “cheap and compliant labour.” In contrast to working in garment factories, women viewed the opportunity to earn a large sum of money as potentially empowering and the surrogacy hostel a “curiously liberating place” offering space and freedom from domestic duties. The gradual demise of opportunities in garment manufacturing industries obliges women to look for other means of work (2016b: 187).

In their analytical work, Melinda Cooper and Catherine Waldby (2014) characterize the surrogacy industry as epitomizing rentier capitalist relations building upon the extraction of bio-value. Cooper and Waldby place surrogacy within a category of labor they call clinical labor—forms of labor in which the “in vivo biology of human subjects is enrolled into the post-Fordist labor process” (2014: 7). Other forms of clinical labor include gamete vendors and surrogates, as well as the work of clinical experimental subjects and blood and tissue donors. They note that much clinical labor involves embodied risk and exposure to risk that may be actively harmful. They describe this as a form of rentier capitalism or rentier reproduction: Another form of labor outsourcing in which “workers are constituted as entrepreneurs of their own productive, and indeed reproductive, capacity” (2014: 15).

Most studies of Indian surrogacy concentrate upon the transnational market, with very few documenting the practices of surrogacy among locals due to the secrecy and stigma it evokes. An exception is Anindita Majumdar (2017) who discusses how relationships of conjugality within North Indian kinship define local surrogacy arrangements for Indians: From the definition and choice of “suitable” kin as surrogates to patrilineal norms in which children belong to the patrilineage. In many cases, she notes that compensation received by a surrogate may be controlled by her husband.

In my ethnography of the rise of the surrogacy industry in Thailand and Southeast Asia (Whittaker 2018), I suggest the “disruptive” Indian model of surrogacy was adopted across Asia, providing new surrogacy and ova options for the market and creating new demands for surrogacy. The popular destinations in Asia for international surrogacy in the 2000s all had little or no regulations governing surrogacy: They disrupted the carefully monitored, expensive regulated bespoke access to surrogacy as previously practiced in the UK, Australia, and parts of the US. In contrast, clinics in the region offered couples access to surrogacy services easily, faster, and at a lower price, and they provided access to a whole new demographic of consumers traditionally denied access to surrogacy: Namely gay couples and singles. I characterize the industry as highly flexible, rapidly responding to change and opportunities, and multinational, with many clinics and facilitators working across borders.

**Stratification by race and class**

Surrogacy relationships tend to reproduce class and race hierarchies, especially in contexts where gestational surrogates tend to come from poorer or racially different backgrounds to the intended parents (Banerjee 2014; Roberts 1995; Ragoné 2000). African American feminist scholar Dorothy Roberts (1995) documented the legal presumptions about the use of surrogacy services by White couples when using the services of African American surrogates. She suggests that African American women may often be implicitly viewed as ideal surrogates by White commissioning parents due to the fact that they are less likely to be able to afford to litigate if they wish to amend the surrogacy contract and if they do litigate, they are less likely to be successful. Laura Harrison’s (2016) study of domestic commercial surrogacy in the US, explores the racial semiotics of surrogacy. She argues that surrogacy practices that deploy brown bodies in the
production of White babies serve to perpetuate the dominance of the “white, heterosexual, married, middle-class family” (2016: 2) seen throughout history in which women of color acted as wet nurses, nannies, and domestic workers for the children of White women. Writing of an open surrogacy arrangement in the US, Goslinga-Roy (2000) analyzes how biogenetic discourses and class ideologies deny the surrogate’s attempt to develop an intimate relationship with the intending parents who are unable to even comprehend the surrogate as anything other than as a womb (see also Kroløkke and Pant 2014).

Susan Markens’ (2007) feminist sociological study explores how the media coverage and legal debate about surrogacy developed in the US by examining two high-profile cases in 1980–1992 in California and New Jersey. Gestational surrogacy has been positioned within two tropes: The plight of the infertile couple and baby selling. While surrogacy was banned in New Jersey as a form of baby selling, in California, legislators decided to regulate it. Markens suggests that the issue of race was crucial to these differing decisions. In New Jersey the surrogacy case involved two White women; in California, the arrangement was between an Asian-Caucasian couple and an African American surrogate. She suggests that the tacit understandings of kinship and relatedness shaped the differing decisions—that it was cruel to take away a baby from a surrogate when she shared the same race with the baby, but not otherwise. She argues that the competing discourses of genetics and gestation have been deployed as a veiled way of speaking of race.

In India, Daisy Deomampo (2016) describes transnational surrogacy as a technology of race and stratification. In her study of commercial surrogacy in Mumbai in India, she notes how race operates as a process of othering through unchallenged stereotypes or racial reproductive imaginaries throughout the industry. For example, ova donation is riven with genetic essentialism and the high valuation of white skin color as opposed to dark skin color. Indian surrogates are imagined by intended parents as poor, hyper-fertile, generous, and illiterate who may be rescued through the life-changing amount of money they may make through surrogacy. At the same time, clinic doctors discourage any contact between surrogate and intended parents by characterizing the surrogates as uneducated and manipulative—seeking more money from the intended parents. Deomampo suggests that the international surrogacy industry operates with “a racial reproductive imaginary [that] enables actors to envisage their reproductive endeavours in ways that conceal the operation of race” (2016: 14). Similarly, in their analysis, Damien Riggs and Clemence Due (2010) note the pervasive discourse of race privilege that White gay men evoke when they undertake surrogacy arrangements in India. They suggest this evolves from the desire for genetic reproduction amongst gay men and the proprietary claims this evokes, which becomes privileged over the rights and needs of non-White women.

In a similar vein, I note the Orientalist imaginaries in an analysis of the promotional materials and websites of surrogacy facilitation agencies operating in Thailand. Thai surrogates are depicted as smiling, gentle, submissive, and willing, in imagery that recalls representations of workers in domestic service, or the international marriage market (Whittaker 2018).

**Reproductive nationalism**

The identities negotiated in surrogacy—that of the developing embryo, the intended parents, and surrogates may mirror how the nation and its borders are imagined. Daisy Deomampo (2015) describes how issues of nationality and citizenship figure prominently for intended parents. In transnational surrogacy, definitions of parenthood, kinship and family, and citizenship as defined by intended parents sometimes conflict with incompatible national legal frameworks. Notions of citizenship based upon being born upon a national territory (jus soli or “right of the soil”) or sharing a blood relationship with a citizen (jus sanguinis or “right of blood”) delimit notions
of belonging and legal relationships with a state, but frequently are inadequate when faced with international surrogacy. She notes, for example, that for US parents seeking to bring children born of Indian surrogacy home, notions of blood ties and genetic relations are reasserted as the natural entities conferring relationship and citizenship rights. In contrast, in Norway, motherhood is defined in uterocentric terms as the woman who gives birth, hence a Norwegian woman can never confer her Norwegian citizenship to a child born in India through surrogacy (Nebeling Petersen et al. 2017).

These complications are examined in detail in Marit Melhuus’ (2012) legal anthropological study of how the choices of Norwegian parents are constrained by the legal boundaries which prohibit egg donation and surrogacy. Children may be left stateless due to the differences in definitions between Indian legislation which does not recognize the surrogate as a legal mother and countries such as Norway which only recognize the woman who gives birth as a mother. I have also detailed the legal complexities navigated by Australians seeking transnational surrogacy (Whittaker 2016, 2019). Several Australian states ban international surrogacy through extraterritorial laws, forcing parents to avoid applying for legal parenting orders so as not to bring attention to the circumstances of their child’s birth through surrogacy. The crisis caused by the sudden banning of international surrogacy in Thailand by the military government following the “Baby Gammy” affair is a further example of how commercial surrogacy by Australians came to stand for Australia’s relationships with its Asian neighbors (Whittaker 2019).

In stark contrast, Elly Teman’s account of surrogacy is situated within Israel’s ardently “pro-natalist national ideologies and demographic policies” (2010: 6) encouraging all Jewish Israeli families to have children. A strong sense of national service pervades accounts from Israeli surrogates who perceive that they are doing something valuable for the state and heroic for the intended parents. Likened to state military service, she suggests surrogates claim a masculine mastery over their bodies in the service of the state. The surrogacy arrangement thus reaffirms both the goals of nation-building and a particular definition of motherhood based upon ethnic and religious lineage (Birenbaum-Carmeli 2016).

Brokerage

In-depth ethnographies have also highlighted the operation of the industry, in particular the role of facilitators within international surrogacy. The roles taken by facilitators vary. They may run surrogacy brokerages or link clinics to brokers; arrange patients’ travel and, in some cases, organize the legal requirements for liaison with embassies; and facilitate the local registration of births, passport applications, citizenship applications, and exit procedures. Facilitators usually maintain a close association with a selection of IVF clinics, often receiving a payment from clinics for referrals. Facilitators structure choices and mediate the relationships and logistics for intended parents. The role of facilitators varies according to the context. In the US, where the surrogacy industry and the role of agencies are more stable, many surrogates advertise and act as independent negotiators. In contrast, international surrogacy arrangements in India and Asia have been highly dependent upon facilitation companies for mediating all aspects of the process. Many facilitators and their employees have personal experiences of surrogacy, ova donation, or fertility issues and use their insider knowledge to claim expertise.

Elo Luik (2018) gives a detailed account of the business of brokering in Indian surrogacy from the networking and recruitment strategies, the purchasing of bulk “packages” from clinics then sold onto intended parents at a profit, to their roles mediating between clinic doctors, intended parents, and surrogates. In Thailand, I characterized three models of facilitation agency (Whittaker 2018). The first model relates to medical facilitation companies that specialize in
offering a range of treatments and services for patients, of which surrogacy is only one. The second model covers small, local surrogacy facilitation companies that utilize local knowledge to make arrangements, and the third are large multinational companies with branches in multiple countries which are able to easily arrange surrogacies across various jurisdictions, moving ova donors, surrogates, and embryos between states as required. These agencies are very flexible and require minimal capital investment. As different countries in Asia moved to close down the industry there in the 2000s, companies responded by quickly transferring their operations to other jurisdictions, including arranging for the export and transfer of frozen embryos to other destinations if legal to do so. When surrogacy was banned for gay couples in India, agencies quickly opened up in Nepal. Likewise, when Thailand banned international surrogacy in 2015, agencies started advertising in Cambodia and Mexico, and later Laos (Whittaker 2018).

Michelle Stockey-Bridge (2018) notes the importance of facilitation companies, clinic staff, and caretakers in promoting hope for intending parents. She describes how “hope is the rhetorical tool of the clinics, a tool they use to attract surrogates and IPs to the clinic and to keep trying again and again” (2018: 123). In the absence of any or minimal contact between the surrogate and intended parents, these brokers mediate communication, information, and access. Working closely with intended parents, she shows how they often have little power in their relationships with clinics and are placed in positions of dependency upon facilitators to navigate the financial demands, travel logistics, and labyrinthine regulations.

**Digital technologies and surrogacy**

Digital technologies facilitate, enable, and mediate international commercial surrogacy arrangements. An analysis of facilitator web advertising, blogs, and social media sites advertising surrogacy in India shows how they perpetuate narratives that minimize the unequal status of surrogates and instead present them either as angel-like mother figures or stakeholders in a professional business arrangement (Hvidtfeldt 2016). Likewise, Sayantani DasGupta and Shamita DasGupta (2010) critique the depictions of surrogates used by Indian fertility clinics, which depict surrogates as motivated by altruism. They view the rhetoric of Indian surrogacy as a form of “cultural and physically invasive colonialization” (2010: 130) that ignores the economic exploitation at stake and positions the surrogates as Other, different from the intended parents.

Zsuzsa Berend (2016) undertook a “nethography” of the US online site Surrogacymomsonline, or SMO, which she describes as a “virtual meeting ground for real people” but a collective internet-based effort to create surrogates as well as surrogacy (2016: 5). This site allows for direct communication between surrogates and intended parents, unmediated by agencies or facilitators. Surrogacy communications “play a major role in propagating surrogacy” (2016: 27); by talking to each other online about the social, financial, legal, and emotional aspects of surrogacy. Similarly, I describe the crucial role of the Internet as “digital umbilical cords,” crucial to the organization, contracting, management, treatment continuity, and communication required in foreign surrogacy arrangements. The Internet is not only a crucial source of information about surrogacy, but facilitates the pregnancy itself: Email, digital ultrasound scans, translation programs, and pregnancy monitoring apps are utilized by intended parents as a form of electronic couvade to monitor and share the experience of the surrogate pregnancy and maintain a social relationship with the surrogate (Whittaker 2018).

**An agenda for future research**

The study of surrogacy is difficult. It is a sensitive issue often shrouded in secrecy and medical confidentiality and is multi-sited, sometimes across national borders. Anthropologists who work
closely with agencies, intended parents, and surrogates are only able to do so through building trusting relationships, patience, and sensitivity. Many of the insights they provide are not possible through other means of research. In this final section I suggest several lacunae constituting an agenda for future research.

There are very few studies exploring the families of surrogates. Jadva and Imrie (2013) have looked at the psychological wellbeing of surrogates’ children and how they assess the sibling status of the children their mother has born for other families, but there are few studies of how surrogates families and partners experience the surrogate pregnancy and negotiate the relationships with the surrogacy-born child. Jacobsen (2016) has explored how US surrogates negotiate and justify their work as surrogates to their husbands and children by utilizing the language of a vocation or calling rather than work. Berends’ (2016) work on online surrogacy forums also discusses how surrogates describe the management of the relationships with their husbands and children and the crucial role husbands play in supporting the surrogate throughout her pregnancy, but there is clearly further scope for understanding surrogacy as not just an exchange between individuals, but as an exchange between families.

Although there are several studies of gay intended parents, accounts of heterosexual intended fathers’ experiences and roles during surrogacy remain scarce. Despite the importance of the intended father as the primary source of biogenetic certainty and identity, their relationships are overlooked. While many studies have concentrated upon the relationship between the intended mother and surrogate, Anindita Majumdar (2017) reasserts the importance of examining the often-overlooked relationships between the surrogate’s husband and intended father and between the surrogate and intended father.

Most studies of surrogacy have concentrated upon the “mature” destinations such as the US, Israel, India, and more recently Thailand and Ukraine. However, the ban on international surrogacy in India, then Nepal, and later Thailand and Cambodia spurred the development of new destinations such as Laos. More scholarship on these newer locations is needed. In addition, new forms of surrogacy are being marketed: Hybrid models of surrogacy involving the movements of surrogates, gametes, and specialists across borders to circumvent local bans. These hybrid forms are popular in Asia and are also operating in Africa, yet little is known about how they operate and the experiences of mobile surrogates and medical staff (Hörbst and Gerrits 2016).

Little is known about the growing market for surrogacy in China. A large underground market for surrogacy exists within China, although women face the risk of arrest by authorities if discovered. This results in large demand from Chinese couples for surrogacy arrangements involving foreign women. Controversies such as the “eight baby scandal” case in which a wealthy Shanghai couple paid nearly one million yuan to have eight babies by two surrogates have drawn attention to the trade and authorities are reportedly increasingly concerned. Further research is needed to understand the extent of this trade and the conditions for those involved.

In Africa, countries such as Ghana, Mali, Uganda, Nigeria, and Kenya are emerging as important hubs for local surrogacy in the region but also for a growing overseas trade, including diasporic Africans (Gerrits 2016a, 2016b, 2018; Gerrits and Hörbst 2016). Yet to date, Gerrits’ article on surrogacy in Ghana is the only detailed publication on surrogacy in the Sub-Saharan African context (Gerrits 2016). In the former Soviet states, and Russia, Ukraine, and Kazakhstan in particular, local markets in surrogacy are thriving, and commercial agencies are turning to increasingly advertise to international clientele. The first comprehensive ethnographic accounts on surrogacy in Russia and Ukraine have been provided by Weis (2013, 2017) and Siegl (2018). Rahbaek and Stefansdottir (2018) explore transnational surrogacy arrangements between Ukraine and Denmark. There are hardly any empirical research-based publications on the prac-
tice of surrogacy in the remaining former Soviet states. These new forms of repro-commerce are set in very different social, cultural, and legal settings to those previously studied.

A final gap in our understanding is the experiences of those most affected: The children born through surrogacy (Jadva et al. 2012). Although some work on the psychological adjustment of children born through surrogacy with gay parents is underway (Golombok et al. 2018), a cohort of children born through different transnational surrogacy arrangements is just starting to reach adolescence. Many know the circumstances of their births, and their sense of identity, kinship relations, and social acceptance will reveal the degree of naturalization of gestational surrogacy as a new means of forming families.

Conclusions

Surrogacy has led to new scholarship on the politics of reproduction; the significance of the market in our intimate lives and intentionality, the effects of biocapitalism upon poorer women, and the mechanisms of stratification. It has also drawn attention to genetic essentialism and the complexities of kinship within the new family forms it begets. Empirical research has been undertaken in a range of locations. These studies demonstrate an anthropological truism; surrogacy is not singular; ethnographies in different contexts reveal differing conditions, opportunities, and organization of surrogacy with implications for the experiences of surrogates, intended parents, and the children born through surrogacy. Surrogacy will continue to highlight our changing relationships with technologies and the dilemmas and changing social values they pose.

References


Surrogacy


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Surrogacy


