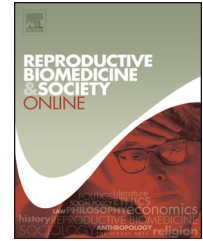




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## SYMPOSIUM: MAKING FAMILIES

# Troublesome reproduction: surrogacy under scrutiny

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**Abstract** In recent years, the emergence of transnational commercial surrogacy arrangements has prompted consideration of how and whether it is possible to bridge claims for reproductive rights from involuntarily childless couples and singles, many of whom historically have been excluded from reproduction, with the rights and well-being of the reproductive assisters. In this article, I suggest that a fruitful starting point for a conversation on how to tackle such a challenge is to examine the way in which surrogacy is conceptualized. Thus, I examine how scholars have queried surrogacy, asking how different conceptualizations of who this reproductive phenomenon concerns have led to the formulations of different types of 'troubles' of surrogacy. I delineate three different conceptualizations of surrogacy. Firstly, how surrogacy as a way to make parents has troubled scholars because of the conflation of reproduction with consumption, thereby making reproduction a matter of financial resource. Secondly, the trouble emerging when surrogacy is conceptualized as baby-making relates to how surrogacy turns babies and bodies into commodities. Thirdly, surrogacy understood as a phenomenon that concerns the women gestating and birthing the children has brought attention to issues of exploitation. These different formulations of trouble point towards tensions in the literature, while also offering reminders that surrogacy is not one thing alone; a finding that provides an opening for new forms of reproductive justice. This brings me to propose a rethinking of the notion of 'reproductive assistance', arguing in favour of moving away from substitution and transaction towards a relational being-together.

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## Introduction

In 2010, the word 'surrogacy' entered the Norwegian dictionary ('surrogati'). The occasion for this linguistic innovation was the cross-border reproductive travels taken in increased numbers by Norwegian couples and singles, straight and gay, in order to access surrogacy in countries such as the USA and India

(Førde, 2017; Stuvøy, 2018b). The word itself – 'surrogacy' – came to Norway from the English language. More specifically, it came from the USA, where surrogacy in its organized and commercial form emerged in the late 1970s and early 1980s (Spar, 2006). Thus, it was a travelling term, moving parallel to the Norwegian desiring-to-be parents' travels for reproductive opportunities not available in their home country. The new

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word supplemented the term 'surrogate motherhood' ('surrogatmoderskap'), which had longer usage in Norwegian although not decidedly forming part of a Norwegian reproductive imaginary (cf. Melhuus, 2009: 150). Instead, 'surrogate motherhood' seemed to refer to something going on outside of Norway, involving women from other countries. The introduction of 'surrogacy' in the Norwegian language gives notice of a change in that regard. Attention is now seemingly moving from the motherhood at stake towards the parenthood in 'the making' (cf. Thompson, 2005) – and, more specifically, towards the Norwegian parenthood in the making. Surrogacy has 'arrived' in Norway (Stuvøy, 2018b), used now to describe the making of new Norwegian parents and babies.

The story of surrogacy's arrival in Norway serves here as an illustration of the situatedness – in time, space and concrete politics – of the conceptualizations of a phenomenon that, in the last decade, has been subject to increased attention across the world. It also works as a reminder of how different conceptualizations bring different people into the spotlight, and, as I will argue, also bring different types of trouble into view. Of concern to me in this article, the idea that situatedness affects the way in which a phenomenon is conceptualized gives opening to an examination of how surrogacy has been understood and who it has been seen to concern. Such an examination, I contend, may serve as a fruitful starting point for a conversation on how to ensure that new reproductive rights and opportunities for some, such as queer subjects previously shut out from reproductive imaginaries and possibilities, do not rest on the continuation of hierarchies of gender, race, nation and class. This seems particularly urgent as surrogacy has 'gone global', taking place across borders, and involving people differently and unevenly situated in geographic and social space (DasGupta and Dasgupta, 2014b; Førde, 2017; Pande, 2016; Twine, 2015).

In this article, I examine how scholars have queried surrogacy, with particular attention on the transnational version of surrogacy. A question of interest to me throughout the article is how different conceptualizations of surrogacy – and of who this reproductive phenomenon is seen to concern – have led to the formulations of different types of 'troubles' of surrogacy. The troubles of surrogacy first came to my attention while researching in the field and, more specifically, researching transnational surrogacy in the context of Norway. The 'arrival' of surrogacy in Norway did not take place without commotion; from 2010 onwards, surrogacy has been a topic of intense public debate. The debate revolved around issues such as the purchase of babies and rental of wombs; notions of parenthood and motherhood; gender equality; gay reproductive rights; and exploitation of poor(er) women in other countries (Andersen, 2013; Kroløkke, 2012; Nebeling Petersen et al., 2017; Stuvøy, 2016). As debaters compared surrogacy with prostitution – or the purchase of sex, which is criminalized in Norway – it was clear that surrogacy, particularly commercial surrogacy, was seen as a 'troublesome' way of making babies and becoming parents in Norway (cf. Kroløkke, 2012).

Notably, Norway is the only place where surrogacy has been problematized and considered to be what I refer to as 'troublesome'. Studying surrogacy in Israel, Elly Teman (2010: 7) comments that while birth in itself is a 'cultural anomaly', surrogacy 'represents an even more blatantly anomalous phenomenon'. From the US context, Heather Jacobson points to how commercial surrogacy represents a

challenge to 'the notion that our children and our families in general are separate from the market' (Jacobson, 2016: 13). Similarly, in her early and by now seminal book on surrogate motherhood in the USA, Helena Ragoné comments on how this reproductive phenomenon raises 'many questions about what constitutes motherhood, fatherhood, family, and kinship' (Ragoné, 1994: 1). Such questions, one may argue, are not raised by surrogacy alone, but made topical by assisted reproductive technology (ART) more generally (Thompson, 2005). Correspondingly, surrogacy is not necessarily more troublesome than other types of reproduction or, as argued by Sophie Lewis (2018), other types of reproductive or gestational labour. Instead, my concern here is with what insights the troubles associated with surrogacy may offer in a quest to move beyond the seeming 'stand-off' between the reproductive rights of some and the well-being of those assisting them.

The articulation of surrogacy as troublesome in the Norwegian context, as described above, eventually led me to reflect upon the different troubles as they are posed in the scholarly literature on surrogacy. Much of what has been written on surrogacy has been written by feminist scholars and activists, for whom reproduction has long been a central concern. Correspondingly, 'trouble' has a particular feminist history, perhaps most famously captured by Judith Butler with her landmark book *Gender trouble* (2006, orig. 1990). Butler encourages a centering on the trouble as a way to bring into question that which is taken for granted and 'open up the field of possibility' (Butler, 2006: viii). This resonates with the message conveyed by Sara Ahmed (2010) through her figure of 'the feminist killjoy'. Ahmed encourages feminists to embrace unhappiness – conceivable as a type of trouble – as a strategy of 'heightening our awareness of what there is to be unhappy about' and thereby 'open up other ways of being' (Ahmed, 2010: 592–593). This is also the errand of Donna Haraway (2016) who, in her most recent books, impels her readers to 'stay with the trouble'. Haraway's own grappling with how to 'make kin' or 'oddkin' illustrates alternative ways of thinking reproduction. Additionally, as noted by Lewis (2018: 221), Haraway's alternative kinmaking allows for consideration of what a call for reproductive justice (Luna and Luker, 2013; Silliman et al., 2004) might imply in the context of surrogacy. Inspired by these theorizations of trouble, I find the troubles of surrogacy to be of value as a reminder of tensions and discontinuity, of what there is to be unhappy about, and to render visible what alternative ways – and new forms of reproductive justice – there might be.

Thus, throughout this article, I pay attention to surrogacy as a type of troublesome reproduction, trying to bring into view how scholars are bothered by different things in relation to surrogacy, depending on who this reproductive phenomenon is seen to concern. I start by delineating how the scholarship on surrogacy is situated in time, space and politics. Thereafter, I go through the types of trouble emerging if surrogacy is understood, respectively, as a way to become parents; as a way babies come into being; and, finally, as the provision of reproductive assistance. Finally, in the conclusion, I spell out the tensions between the different types of trouble, and what to gain from having these different tensions and troubles in mind. I argue here that the troubles serve as a reminder that surrogacy is not one thing alone; a finding that gives opening to alternative ways to think and configure contemporary reproduction. Attempting to render visible such alternative ways, I propose a relational rather than substitutional and transactional

conceptualization of surrogacy, and of the assistance implied in a phenomenon such as surrogacy – or surrogate motherhood, if one prefers.

## A scholarship situated in time, space and feminist politics

In my own case, it was transnational surrogacy – involving Norwegian desiring-to-be parents and surrogate mothers from other countries – that first brought this reproductive phenomenon referred to as ‘surrogacy’ to my attention. Transnational surrogacy is, it should be noted, a phenomenon that emerged only recently; one that has caught the attention of the media and the academic field only within the last decade, from approximately 2006 (Markens, 2012: 1745; Pande, 2014: 1). Surrogacy as a phenomenon, however, has a longer history, both culturally and within the scholarly literature. Surrogacy has been dated back to biblical times and situated alongside historical phenomena such as wet nursing (Spar, 2006), as well as slavery; the contemporary version of surrogacy has been described as representing the ‘afterlife’ of chattel slavery (Weinbaum, 2013), noting the historic continuance of what is currently unfolding.

The scholarly assessment of surrogacy also has its particular history. This history is specific to place, as much surrogacy scholarship has, until a decade ago, come out of the Euro-American context (cf. Pande, 2011: 618) and, in particular, the US context. In the three decades of scholarly attention devoted to surrogacy, surrogacy has proven to be a phenomenon that bridges concerns of scholars from a wide range of disciplines and geopolitical contexts. In particular, it has drawn the attention of feminist scholars and activists. The feminist assessment of surrogacy has been diverse and far from uniform, reflecting different historical periods, theoretical and disciplinary commitments, and critical projects.

Early feminist responses to surrogacy were mainly formulated in the USA in the 1980s, and were often critical and dismissive of this new reproductive phenomenon. Feminist scholars critically queried surrogacy, and saw its commercial variety as an instance of reproductive prostitution or the trafficking of women and babies, and part of a broader patriarchal and capitalist system in which men were seeking control over women’s bodies (Dworkin, 1983: 187–188; Raymond, 1989; Rothman, 1988). Often representative of a radical feminist position,<sup>1</sup> these scholars and activists were markedly ‘anti’ in their approach to surrogacy and ART more generally. In Laura Briggs’ words, they ‘saw in reprotch a male, technocratic effort to harness and control women’s reproductive capacity for eugenic and oppressive ends’ (Briggs, 2010: 361). In this early assessment of surrogacy, then, surrogacy at once illustrated broader ‘troubles’ associated with ART and made these troubles more pronounced.

Into the 1990s and 2000s, more empirical social research about surrogacy emerged, led by a renewed attention within anthropology to kinship in the wake of ART (Franklin, 1997; Franklin and Ragoné, 1998; Strathern, 1992). As argued in a

review by Markens (2012: 1746), the emphasis was now more on the contradictions inherent in the phenomenon. In this period, surrogacy was, like ART more generally, seen as simultaneously subverting and reinforcing gender norms, family ideals and ideas of motherhood (Goslinga-Roy, 2000; Ragoné, 1994; Roberts, 1998; Thompson, 1998, 2005).

The divergent feminist assessments of surrogacy in these different historical periods can be understood as reflecting a more general divergence between so-called second- and third-wave feminists, as suggested by Charis Thompson (2005) in her review of feminist approaches to ART. With transnational surrogacy entering the scene in the mid-2000s, however, some of the earlier dismissal – and trouble – of surrogacy from the so-called second wave of feminism has re-emerged (Ekman, 2010; Ekman et al., 2017; Klein, 2017). The recent calls for a politics of abolition may illustrate a historical development in which, as Aditya Bharadwaj comments, ‘[w]hat seemed plausible in 1985 has become an empirical reality’ (Bharadwaj, 2012: 149). Bharadwaj draws a line from what radical feminist Gena Corea foresaw in 1985 as a dystopic future of American outsourcing of surrogacy to Mexico, akin to how American companies at the time were already outsourcing industrial labour to Mexico, to present-day transnational surrogacy arrangements in low-income countries.

Transnational surrogacy has not only caused new debate on a feminist politics of reproduction (Ekman et al., 2017; Lewis, 2017), but has also led to empirical research being undertaken in new and multiple places by scholars from a wide range of countries. Transnational surrogacy has served as an illustration of the geography of contemporary reproduction (Deomampo, 2013; Schurr, 2018), reflecting a broader scholarly interest in the global dissemination and local appropriation of ART (Inhorn, 2003; Melhuus, 2009). Scholars have noted the significance of the institutionalization of surrogacy within a market context (Nadimpally and Venkatachalam, 2016; Sama, 2012; Spar, 2006) and to the role of the state, governance and regulation (Knecht et al., 2012; Mitra et al., 2018), including different legal models, such as commercial and altruistic versions of surrogacy (Allan, 2017; Horsey and Sheldon, 2012). The transnational version of surrogacy has also prompted an increased emphasis on (bio)capitalist and post-colonial analyses to help understand the outsourcing of pregnancy to women located in another, often low-cost, country and the mechanisms of stratification upon which this outsourcing rests (Bharadwaj, 2012; DasGupta and Dasgupta, 2014b; Deomampo, 2016; Pande, 2014; Rudrappa, 2015; Twine, 2015; Vora, 2015; Whittaker and Speier, 2010). These formulations situate surrogacy firmly within broader developments, while also, I contend, pointing to different types of trouble of surrogacy.

## Surrogacy and the making of (troublesome) parents

Surrogacy – as both a word and a phenomenon – arrived in Norway as a new way to become parents. As such, the Norwegian story of surrogacy at the onset of this article reflects how this reproductive phenomenon makes new parents, a point succinctly made by Thompson in her seminal book, *Making Parents* (Thompson, 2005). Notably, the particular way of making parents in surrogacy has troubled its observers for how

<sup>1</sup> This anti-surrogacy, radical feminist position is often linked to FINRRAGE, which was ‘a loosely structured international women’s network’ (Lewis, 2017: 102). People such as Raymond and Corea, referred to above, were both associated with FINRRAGE.

parenthood is reformulated into a matter of choice, consumption<sup>2</sup> and privilege, while also demonstrating lack of privilege.

Surrogacy and ART more generally have prompted scholars to examine understandings of kinship and parenthood, such as questions of what makes someone a parent and others not (Deomampo, 2015; Majumdar, 2017). Surrogacy has been referred to as a reproductive arrangement in which 'nothing guarantees one's status as the parent: not eggs, sperm, womb, or breast milk' (Pande, 2014: 143), and where what 'we' thought was certain, namely motherhood – *mater semper certa est* – no longer is (cf. Gruenbaum, 2012). This calls for a designation of who the parents are, as captured in Thompson's (2005) widely disseminated idea of 'ontological choreography', in which things of different ontological order – such as intentions, sperm, ova and, also, money – are strategically choreographed to confirm kinship and make parents.

Among the first to theorize parenthood in the context of surrogacy, Marilyn Strathern (1998) once contended that surrogacy is culturally challenging due to what it does to the notion of 'real parent'. With the mother no longer being defined as the one who gives birth, Strathern comments on a 'merging of purchasing power and biological identity' (Strathern, 1998: 203) in the popular attempts of giving foundation to parental claims. Thus, Strathern indicates concerns that have preoccupied – and troubled – scholars in relation to surrogacy, such as the tendency that parenthood is becoming a matter of consumption (Strathern, 1992).

On that note, scholars have pointed to how 'individuals, frequently from the West, take up a flexible consumer position [...] to fulfil their dreams of parenthood' (Kroløkke et al., 2016: 7). In the quote, the role of the consumer is one assumed and performed by individuals, who consciously act – and 'go global' by crossing borders – to make their dreams come true. As such, the quote echoes theorizations of reproductive or fertility tourism (Bergmann, 2011; Deomampo, 2013; Kroløkke, 2016; Speier, 2016), presenting the reproductive travelling involved in transnational surrogacy as short term and consumption oriented, and also somewhat carefree and effortless.

While the notion of tourism and the idea of a flexible consumer position both draw attention to individual reproductive practices, scholars have also been careful to position this practice within larger structural and ideological developments. The consumption involved in surrogacy has been theorized as the result of structural constraints that give *inter alia* gay men few other reproductive opportunities than those available in the market (Lewin, 2013). Additionally, the existence of surrogacy – particularly its commercial version – has been seen to reflect a market frontier on the move, resulting in a market that plays an ever more central role in people's intimate and reproductive lives (Hochschild, 2011).

In terms of ideological developments, Strathern commented in the 1990s on the reconceptualization of infertility as a problem solved through consumption, writing that '[t]hose who

seek assistance, we are told, are better thought of not as the disabled seeking alleviation or the sick seeking remedy – analogies that also come to mind – but as customers seeking services' (Strathern, 1992: 35). To Strathern, this reflected what she referred to as the 'enterprise culture'. Strathern's point can be read as parallel to more recent theorizations of neoliberal ideological configurations of the self, demanding the infertile individual to take personal responsibility, and to be entrepreneurial and agentic in order to alleviate their infertility (Kroløkke and Pant, 2012; Nebeling Petersen et al., 2017).

The neoliberal demand on the desiring-to-be parent to be agentic also implies a reconceptualization of reproductive choice, as Charlotte Kroløkke and Saumya Pant (2012) comment. Instead of a liberation from state control over women's reproduction, reproductive choice now refers to individualistic behavioural and lifestyle choices (Ibid.). Again, there is an echo back to Strathern's theorization of parenthood and reproductive choice in the wake of ART, where she noted that 'procreation can now be thought about as subject to personal preference and choice in a way that has never before been conceivable' (Strathern, 1992: 34). While reproductive choice has long been a central feminist issue, it seems now to be an obligation to make choices in order to reproduce, such as the choice of trying ART if one does not conceive the conventional way (Franklin, 1997), or travel abroad for surrogacy if this appears to be the best opportunity to reproduce (Kroløkke and Pant, 2012).

The demand to carry out reproductive choices also extends to queer subjects, who are increasingly becoming culturally intelligible as potential parents (Nebeling Petersen, 2012), with surrogacy being a 'game changer' for gay men in that regard (Nebeling Petersen, 2018). The language of choice has been prominent among lesbian, gay, bisexual, transgender and queer scholars, through notions such as 'families of choice' (Weeks et al., 2001; Weston, 1991). Increasingly, however, questions are being raised concerning the types of queer families that are being made through surrogacy (Smietana, 2016), the demand on queer people to be agentic in order to reproduce (Riggs and Due, 2013), and the role of consumption in queer people's paths to parenthood (Mamo, 2013).

The trouble with consumption in the context of reproduction is *inter alia* that parenthood is becoming a matter of purchasing power, as noted earlier in the quote by Strathern. In transnational surrogacy arrangements in particular, the privilege, mobility and emotionality of the Western desiring-to-be parents (Gondouin, 2014; Kroløkke et al., 2016; Kroløkke and Madsen, 2014) stand up in sharp contrast to the often poor(er), Non-Western women assisting the parents (DasGupta and Dasgupta, 2014a; Deomampo, 2013; Pande, 2011; Rudrappa and Collins, 2015). Thus, one of the troubles of surrogacy as a way of making parents is that it reiterates patterns of 'stratified reproduction' (cf. Colen, 1990). This pattern is also perceptible in domestic surrogacy; even if the class and race disparities tend to be smaller, surrogacy arrangements in the USA are founded on the surrogate mother's lower socio-economic status (Smietana, 2017).

Queer scholars have noted, however, that privilege and non-privilege is not only an issue in the relation between desiring-to-be parents and surrogate mothers, but also a matter structured by the privileging of heterosexuality (Nebeling Petersen, 2018; Riggs and Due, 2013). Thus, the trouble at stake is not only that

<sup>2</sup> The element of consumption is most markedly present in commercial surrogacy, but altruistic surrogacy may also require the desiring-to-be parents to spend money. In my study of Norwegian desiring-to-be parents, those parents travelling to Canada – where surrogacy is altruistic – spent approximately 600,000 NOK, which is approximately US\$ 80,000 at the current exchange rate. The money was spent on travelling, insurances, medical treatment, consulting services, and covering the surrogate mother's expenses.

of privileged desiring-to-be parents but also a 'reproductive vulnerability' produced by one's location outside the norm of heterosexual reproduction (Riggs and Due, 2013), affecting both queers and infertile straight couples whose ways of having babies set them apart from the norm. This brings into question the relevance of talking about choice in a situation which may be conceived of as a 'reproductive disruption' (Becker, 1994; Inhorn, 2007). Thinking in terms of, for instance, disruption rather than choice, an opening is made to explore what it is that happens when reproduction is problematized (Inhorn, 2007: iv), and how alternative reproductive practices and parental projects are normalized (Smietana, 2016; Thompson, 2005). A move away from a choice rhetoric allows, moreover, for claims for reproductive justice (Luna and Luker, 2013; Silliman et al., 2004), and a perspective on how the privileging of the reproduction of some people, by governments as well as markets, is interconnected with the marginalization of the reproduction of others (cf. Luna and Luker, 2013: 345).

### Surrogacy as baby-making and the trouble of commodification

Surrogacy is a way of making babies; a circumstance that positions the children as someone whose 'best interests' may be at stake in this reproductive phenomenon (cf. Crawshaw et al., 2017). Admittedly, less attention has been devoted to the children in surrogacy (cf. Davies, 2017: 11; Riggs and Due, 2017: 74). Psychological studies of the well-being of children born through surrogacy have been undertaken (e.g. Golombok et al., 2006; Jadva et al., 2012; Jadva and Imrie, 2013) with the objective of evaluating the psychological development and well-being of surrogacy-born children, the children of the surrogate mothers, and the relationships between surrogacy parties. One of the main findings of those studies has been that children born through altruistic surrogacy in the UK have been following what psychologists consider a normative development and well-being. Additionally, there has been scholarly consideration of the legal status and risks facing children in transnational surrogacy arrangements, being born in one country with the intention of living their future life in another (Crockin, 2013; Darling, 2017). Much attention, from sociological, anthropological and interdisciplinary perspectives, has also been devoted to the potential trouble of making babies and bodies into commodities, bought and sold in markets.

In an early commentary on commercial surrogacy within the US context, commodification scholar Margaret Jane Radin (1994) labelled surrogacy as 'baby-selling' and expressed her concerns for what it means to view children as commodities that can be bought and sold. Her argument was that baby-selling 'impinges on personhood', pointing to how it 'equates your whole self to a dollar value' (Radin, 1994: 145).

In Radin's work and other commodification scholarship, surrogacy has emerged with some frequency as an example – or even 'the' example – of commodification (Phillips, 2013; Sandel, 1998; Satz, 2010; Sharp, 2000). Radin's early concerns for baby-selling have also been echoed in more contemporary assessments of surrogacy, as noted in the title of a recent edited volume, *Babies for sale?* (Davies, 2017). Additionally, more general concerns for commodification have been recurring, as scholars have pointed to the commodification of procreation

(Sandel, 1998), motherhood (Kroløkke et al., 2010), the womb (Hewitson, 2014), women's reproductive bodies (Phillips, 2013; Sharp, 2000; Whittaker and Speier, 2010) and the vital energy produced by the surrogate mothers (Vora, 2009). This taps into broader discussions of commodification of the body and its parts (Scheper-Hughes and Wacquant, 2002). This topic has received increased attention in recent years, following biotechnological developments that have made it possible to extract body parts that could not be reached previously, such as eggs, but also to profit from body parts that could not formally be put to use, such as human tissue and the human genome (Dickenson, 2007; Franklin and Lock, 2003; Waldby and Cooper, 2010).

Commodification reflects a process of making persons (subjects) into commodities (objects) (Radin and Sunder, 2010: 8) or, alternatively, making something conventionally thought of as outside the market into commodities with a price. This latter aspect is noted by Sharmila Rudrappa, who situates surrogacy within a 'market in life', which she defines 'as the emergent commodification of life processes that had previously not been incorporated into the market' (Rudrappa, 2015: 9). Similarly, Arlie Hochschild refers to surrogacy as 'the ultimate expression [...] of a world of 'everything for sale'' (Hochschild, 2011: 22), referring to a market expanding its territory. Accordingly, commodification may be seen as denoting a process where the limits of the market are at stake, including its moral limits (cf. Sandel, 2012; Satz, 2010); the idea being that the limits of the market are being removed as children are becoming central to the exchanges of the market.

In past years, there has been a broader interest among scholars regarding what it means that children are increasingly acquired and conceived in markets (Goodwin, 2010; Schurr, 2018; Spar, 2006). Economist Deborah Spar has described markets in babies, together comprising 'the baby business', which is, as she notes, 'alive, well, and growing' (Spar, 2006: 196). Within this broader baby business, Spar also locates an emerging market for surrogacy. The surrogacy market, Spar explains, emerged in the USA from the late 1970s to early 1980s, before it developed into a global market in the early 2000s, moving into new countries (Nadimpally and Venkatachalam, 2016; Sama, 2012). This global development notwithstanding, the epicentre of the surrogacy market is said to remain in the USA (Jacobson, 2016: 16, 18; Spar, 2006: 3).

While the surrogacy market has a recent history, baby markets, as such, are nothing new, as Carolyn Schurr (2018: 2) notes in a recent review of the economic geographies of reproduction. Correspondingly, Michele Bratcher Goodwin (2010) draws links between the long-established adoption market and the markets currently developing around ART, such as the surrogacy market. She comments, moreover, that markets in babies within the USA stretch back to the selling of children into slavery, denoting thereby the potential trouble of markets in babies.

This troubling aspect of baby-selling has been countered by an idea of the 'priceless child', famously coined by Vivana Zelizer (1985). Zelizer studied how a change in the value of children in the early 20th century in the USA caused a market in babies to evolve. Despite this development of a baby market, Zelizer argues that the sentimental value of children 'serves as a bulwark against the market' (Zelizer, 1985: 211). The idea that the priceless child works as a limit to the market is also present in Thompson's work. Her argument is that the

fertility markets developing around ART are purposefully configured in ways that preserve the ideal of the priceless child, as the consumers are being charged for 'a chance to overcome fertility' (Thompson, 2005: 255) and not made to pay for a child (Stuvøy, 2018a). In such an assessment of the markets in which babies are acquired, these markets are not first and foremost displaying how the limits of the market are disappearing, as noted above. Instead, it is precisely because these markets do not put a price on the child, but still allow people to have a child, that baby markets function.

It has also been noted that surrogacy needs not result in a commodification process to which one should object, depending on whether surrogacy is taking place within an explicitly commercial context or an altruistic one (Phillips, 2013: 96). Whilst much scholarly attention has been devoted to commercial surrogacy, the presence of altruistic surrogacy models in countries such as the UK, Canada, Australia and New Zealand, and recently also India, may be seen as disturbing the commodification argument against surrogacy as the child emerges not as a commodity but as a gift. The preference for altruistic surrogacy has, however, been problematized by scholars who have pointed to the gendered character (Almeling, 2011; Tober, 2001) and potentially disempowering effects (Gupta, 2006; Pande, 2014; Ruparelia, 2007) of the language of the gift, with the resulting disregard of women's labour (Rudrappa, 2017). Additionally, research on surrogacy in the USA has demonstrated how gift and commodity exchange tend to overlap (Berend, 2016; Jacobson, 2016; Ragoné, 1994), with narratives of gift-giving and relatedness facilitating commodification (Smietana, 2017). Such findings indicate that it is difficult to make a clear-cut division between commodification and non-commodification, as also seen in broader bioeconomies (Dow, 2016b; Mamo, 2007).

More explicit challenges to the idea of surrogacy as commodification have also been voiced, arguing that such a theorization rests on ideas of 'separate spheres and hostile domains' (Zelizer, 2011) that corrupt one another. As such, the commodification scholarship is seen as taking for granted that the particular and historically-specific limits of the market are worth defending. This is noted in the title of Sophie Lewis' article 'Defending intimacy against what?', where Lewis problematizes how feminist critics of surrogacy make commodification rather than capitalism their point of attack. Lewis' argument is that when viewed as a matter of commodification, surrogacy as a type of labour that is exploited in the name of profit and accumulation is ignored. Lewis' critique thereby moves attention away from the children and towards those doing the labour, namely the surrogate mothers. This is also where I turn next.

### Surrogate motherhood and the trouble of exploitation

At its appearance in the 1980s, what I thus far have referred to as 'surrogacy' was commonly referred to in the scholarly literature by the term 'surrogate motherhood' (Andrews, 1988; Arditti et al., 1984; Ragoné, 1994). 'Surrogate motherhood' reflects an understanding of this phenomenon as representing a new type of motherhood emerging in the wake of ART – and, as such, a new role to which women could dedicate themselves. More critically, this phenomenon represented new ways in

which women's reproductive bodies and labour were on the line. A recurring topic – and trouble – in the assessment of this new type of 'motherhood' has been the question of exploitation. As British social anthropologist Katharine Dow (2016a) comments in a blog post, 'surrogate motherhood has a bad rep', and 'with the growth of an international surrogacy industry over the past two decades, worries over surrogacy's fundamentally exploitative character have only intensified'.

One dimension of exploitation in the context of surrogacy is what may be understood as an inherent exploitation, one related to the very idea of having someone give birth to a child on behalf of someone else, who are to parent the child. This is noted *inter alia* in the analytical parallels drawn and discussed between surrogacy and slavery (Allen, 1990; Twine, 2015; Weinbaum, 2013), reflecting concerns about the historical continuity between contemporary commercial surrogacy arrangements and the exploitation of Black women's reproductivity and the denial of Black kinship under US slavery. More frequent are the comparisons made between surrogacy and prostitution. In their early assessment of surrogacy, Corea (1985) and Dworkin (1983) famously drew dystopic imaginaries of 'reproductive brothels', wherein women's reproductive capacities are sold and used by others, akin to how women's capacities for sex are sold in (sexual) brothels. More recently, Swedish feminist writer and activist Kajsa Ekis Ekman (2010) has argued that both prostitution and surrogacy alienate women from their own bodies – and the products of their own bodies – as sex and pregnancy are put on sale, and pleasure and babies are 'produced' to please others. In these depictions, it is not labour performed by a 'free' worker, but instead women sold as commodities (cf. Cherry, 2014), with exploitation linked to a patriarchal social order working as a structural force that makes commercial surrogacy possible.

Commenting on the prostitution analogy, transnational surrogacy scholar Amrita Pande argues that we need to place surrogacy 'within the continuum of reproductive labor, with sex work, care work, and other intimate forms of labor' (Pande, 2014: 186) in our examination of how exploitation is at stake in transnational surrogacy arrangements. This introduces a second assessment of exploitation in the context of surrogacy; this time related to labour, the valuation of this labour and the conditions for those doing the labour. The turn to labour can be understood as an attempt at moving beyond discussions over commodification, and instead focusing on the surrogate mothers' efforts and conditions. Moreover, it reflects a Marxist feminist analysis of surrogacy and of capitalist relations of (re) production.

In her much-acclaimed ethnography *Wombs in labor. Transnational commercial surrogacy in India*, Pande (2014) insists on analysing surrogacy as labour in order to capture how this is, at once, an activity done to earn an income and the process of childbirth. Her conceptualization of surrogacy as a type of embodied labour is a way of bypassing gendered dichotomies rendering reproductive labour incomprehensible as waged labour. As such, there is an echo from Pande's work to earlier feminist work troubling problematizing how reproductive labour has been rendered invisible and not considered 'proper' labour under capitalism (Federici, 2012; Glenn, 2010; Wærness, 1975).

Notably, the emergence of ART has both enabled and altered this embodied, reproductive labour, creating a new form of

'biomedical' or 'clinical labour', which implies not only the centrality of the body, but also the worker's compliance with medical regimes (Waldby and Cooper, 2010: 59). Scholars have also emphasized the role of globalization and how transnational surrogacy rehearses a by now familiar gendered and racialized pattern of outsourcing from the global north to the global south (Rudrappa, 2010, 2015; Twine, 2015; Vora, 2015). On that note, Rudrappa (2015) draws comparisons between surrogacy and work in the textile factory, a known site for feminized outsourced labour. She shows how the garment industry and its assembly line are linked to surrogacy not only in abstract means, but also as a recruitment site for surrogacy: functioning as 'the main conduit to the reproductive assembly line' (Rudrappa, 2012: 23). Correspondingly, Kalindi Vora (2015) compares the labour done by Indian surrogate mothers to the labour done at call centres and within the information technology sector, both being prototypical sites of outsourcing from the global north to India.

In both Vora's and Rudrappa's comparisons of surrogacy with other types of outsourced labour, there seems to be a move away from Pande's emphasis on the embodied character of surrogacy. Instead, Rudrappa theorizes the labour in surrogacy as a type of intimate labour (cf. Boris and Parreñas, 2010), referring to 'the paid employment involved in forging, maintaining, and managing interpersonal ties by *tending to the bodily needs and wants of care recipients*' (Rudrappa, 2015, p. 13, emphasis added). In the case of Vora's conceptualization, the labour is simultaneously biological and affective (see also Schurr and Miltz, 2018; Siegl, 2018). Not only (re)producing babies for others, the labour performed by these women 'supports life' in other parts of the world.

From this, a third dimension of exploitation may be distilled, namely the potential exploitation by desiring-to-be parents of their reproductive assisters and of these assisters' vulnerability (Ballantyne, 2014). No longer the relation between capitalist and worker as in labour analyses, attention is drawn here to the interpersonal and stratified relation between desiring-to-be parents and the surrogate mothers, and to the relation between the rich consumers in the market and the poor (re)producers.

### Conclusion: from substitution to a relational being-together

In this article, I have examined how surrogacy has been understood within the scholarly literature, and how different conceptualizations bring into view different stakeholders, as well as different types of trouble. The purpose of such an examination has been to contribute to a conversation on how new reproductive opportunities such as surrogacy can be configured in ways that avoid reproducing social inequalities and dominance (cf. Luna and Luker, 2013). Paying attention to the troubles of surrogacy as they are posed in the literature is of importance to gain awareness of what there is about this reproductive phenomenon and the ways it is organized that 'we' – as feminists, scholars, activists or fellow living beings – should be unhappy about, to recall Ahmed's proposition with which I started this article.

Throughout the article, I have displayed different formulations of trouble: commodification and marketization; exploitation and stratification; and a conflation of reproductive choice with consumer choice, with choice emerging more as a demand

on the individual than a liberation from state control. These different formulations of trouble give notice of tensions between different conceptualizations of surrogacy. Part of this tension relates to the existence of different models of surrogacy. Much of the trouble of surrogacy is ascribed to its commercial model – and the trouble is exacerbated when surrogacy is both commercial and transnational. The trouble is not exclusively about commercialization, however. Gendered and racialized notions of (reproductive) labour, self-sacrifice and emotion management, as well as ideological configurations of 'choice', are also part of the trouble, making the altruistic model of surrogacy not necessarily what it takes to avoid trouble and unhappiness (cf. Rudrappa, 2017).

The tensions may also be read as reflecting a history and politics of feminist theorizing. Thompson has argued that feminist theorizing and ART, including surrogacy, have walked hand in hand over the last few decades, as 'reproductive technologies have been performed as the perfect feminist text', combining 'the economic, technical, rhetorical, personal, legal, and political elements through which phases and conflicts of recent feminism have been articulated' (Thompson, 2005: 56). The different theoretical approaches of radical feminists, Marxist feminists, feminist scholars of neoliberalism and queer feminists provide different views on surrogacy and troubles. As a consequence, surrogacy is variously situated within patriarchal structures of domination, heteronormativity, capitalist labour exploitation and neoliberal marketization. Thus, the trouble of surrogacy is conceptualized differently depending on how the current social order is theorized.

A somewhat different reading of this tension is to conceive of it as a question of whether emphasis is put on the 'new' – on surrogacy as a challenge to the current social order – or on the 'old', where the distribution of labour in surrogacy exemplifies well-known patterns along lines of gender, race, class and nation. My own starting point was that surrogacy was new in Norway; it was, simultaneously, a new word in Norwegian and referencing a new reproductive opportunity and practice for Norwegian desiring-to-be parents. My interest in the change of terminology in Norway was what it reflected about our changing ideas of what surrogacy 'is'. In that regard, the different troubles as they are posed in the surrogacy literature may work as a reminder that surrogacy is neither one thing nor is it affecting people in the same way regardless of time and space (see also Riggs and Due, 2013). This reminder, as I see it, indicates the shortcomings of conceptualizing surrogacy as an issue that alone concerns either desiring-to-be parents, babies or surrogate mothers.

Significantly, seeing the different troubles together may also work as a reminder of how surrogacy is neither about transgression of the social order alone, nor is it merely reproducing the same as what came before it (cf. Strathern, 1995; Thompson, 2005). In that space between new and old, there might also be an opening for alternative ways of being (cf. Ahmed, 2010) and an expanding field of possibilities (cf. Butler, 2006). More to the point in this case, there might be an opening for alternative ways of thinking and configuring surrogacy and contemporary reproduction that allow for new forms of reproductive justice.

Reproductive justice, as I use it here, refers to a call coming from 'a justice-aimed movement that emphasizes intersecting social identities' (Luna and Luker, 2013: 327), positing simultaneously the right not to have and to have

children. Importantly, reproductive justice as a framework encourages 'attention not just to choice, but to the endemic social, political, and economic inequalities among different communities which shape individuals' abilities to access a good life' (Rudrappa, 2015: 182). Additionally, reproductive justice may be read as a call to analyse the reproduction and well-being of different groups next to one another rather than as distinct issues (cf. Luna and Luker, 2013: 345). This call indicates the shortcomings of conceptualizing surrogacy as an issue that alone concerns either desiring-to-be parents, babies or surrogate mothers. Having reviewed different conceptualizations of surrogacy, and how each bring different people and troubles into view, throughout this paper, I wish to stress now the need to conceptualize surrogacy in a way that brings the relations at stake to the fore. Thus, as a final reflection, I will elaborate briefly on alternative ways to think and configure reproductive relations by focusing on the notion of assistance in the context of surrogacy. Doing this, I aim to contribute to the conversation initiated by Sophie Lewis in her 2018 article on international solidarity, reproductive justice and surrogacy.

Surrogacy as an assisted type of reproduction is conceivable as a type of 'third-party reproduction' (Blyth and Landau, 2004) or 'collaborative reproduction' (Thompson, 2005). These definitions draw attention to surrogacy as a reproductive arrangement, understood as an agreement between and joining together of different people with the ambition of making new people: the children. This arrangement involves desiring-to-be parents and also the women who 'birth mothers' (or parents) (Teman, 2010), 'assist' (Inhorn, 2010) or 'support' (Vora, 2015) others in their quest to become parents, or function as 'substitutes' (Strathern, 1998) or 'supplements' (Bharadwaj, 2012) to the parents-in-making. In my own work, I have referred to these women as 'surrogate mothers' (Stuvøy, 2018b)<sup>3</sup>; this being a linguistic construction with which I have sought to capture a sense of ambiguity with regard to these women's relation to the families, parents and children being made.

In thinking about the assistance provided by these women, it seems important to find a way to think across the intimate level of the family and the structural level of neoliberal capitalism. That is, to find a way to think in terms of reproductive relations. A way of doing that is to think of the role of these assisting women in the surrogacy arrangement through an analogy to the role of women and reproduction within capitalism. Like feminist economists have argued insistently, women and reproduction have historically constituted the 'background conditions' for production under capitalism (Fraser, 2014; Sassen, 2000). Correspondingly, the reproductive assisters could be seen as constituting the 'background conditions' for the family-making projects of involuntarily childless couples and singles. Akin to how the 'economic' foreground features [of capitalism] depend on the 'non-economic' background conditions' (Fraser, 2014:

65), the family depends on a (constitutive) outsider: the woman who carried and gave birth to the child(ren) of the family.

A challenge, as I see it, is to find ways of acknowledging the contribution of those assisting others as something more and other than a 'background condition' that needs to be erased for the parenthood of the 'real' parents to be legally acknowledged. Embracing the possibility of assisted reproduction requires that the assistance – and the assisters – are made visible and not relegated to a 'hidden abode' (cf. Marx in Fraser, 2014). What I would like to suggest here is to look for ways of thinking about this assistance in new ways. The ambition could be to move away from the notion of 'surrogate' in the meaning of substitution and supplementation towards a more relational being-together, thus expanding our ideas of family to include more categories of people (Lewis, 2018: 222). This would reflect more fully how children are made through collaborative efforts (cf. Thompson, 2005); efforts that include more than the conventional two biological parents.

Surrogacy framed as a relational being-together could, I suggest, counteract the troubles of surrogacy, such as commodification and exploitation, as it implies reciprocity beyond the market exchange. As such, it allows for an insistence on treating those providing the reproductive assistance as 'full human beings' (Rudrappa, 2015: 186), without requiring them to provide their labour as a gift. Not in any way a trouble-free proposition, it may promise a different type of happiness than one that seems to rely heavily on the perpetuation of existing social hierarchies and unequal distribution of power and money.

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<sup>3</sup> Inspired by Derrida's (2016, orig. 1974) elaboration on the Heideggerian idea of *sous rapture*, I cross out 'mother' since the term 'surrogate mother' is inaccurate and potentially problematic for the gendered ideas it conveys about the reproductive labour performed (Pande, 2014). Yet, as the term 'surrogate' – or other common alternatives such as 'gestational carrier' – is no more accurate or politically responsible, the word 'mother' seems to be necessary and therefore remains legible.



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