

MOTHERHOODS, BODIES AND INEQUALITIES: AN EXPLORATION OF
SURROGACY AND ITS IMPLICATIONS FOR SOCIAL WORK

MOTHERHOODS, BODIES AND INEQUALITIES: AN EXPLORATION OF
SURROGACY AND ITS IMPLICATIONS FOR SOCIAL WORK

By

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Abstract

Surrogacy is an emerging phenomenon in Canada, facilitated by societal changes and advances in reproductive technologies. Although surrogacy offers individuals an alternative form of family creation, it is rife with issues of inequality and social injustice based on gender, class, age, sexuality and geographical location. These social justice issues are evident in surrogacy discourses, which have influenced public perception on surrogacy and particularly in relation to women and their role as mothers. This exploratory research will examine these discourses and their representations of women and motherhood through a critical discourse analysis combined with a theoretical framework drawing upon post-structural feminist, social constructionist and social justice theories.

Surrogacy discourses have been influenced by patriarchal notions of women and motherhood which evolved during time from focusing on issues of paternity, to women's rights, to children's best interests and finally to family interests. Although the rhetoric surrounding surrogacy has changed, the discourses have always contained oppressive norms concerning women and their bodies. With the rise of global markets and capitalism, these oppressive discourses have taken on global implications for families involved in surrogacy arrangements. These implications beckon the attention of the field of social work on various individual, institutional, structural and global levels through program development, research and advocacy. This research will highlight these implications and will explore recommendations for the social work field in the hopes of providing avenues for social workers to act as agents of social change.

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Chapter 1 – Introduction

The face of Canadian families has been changing with the evolution of society and the emergence of capitalism and globalization. Although the use of surrogacy can be traced back to Biblical times (New International Version), its popularity as a form of family creation has increased with the changes in society and in particular, with the rise of technology, in particular reproductive technology (Markens, 2007). Although surrogacy arrangements in Canada are an emerging trend, surrogacy is not a frequent topic of public discourse, however, when it is, it is the source of heated debate and controversy. The public's visceral reactions to surrogacy beckon the social work field to closely examine of the ideologies and assumptions of women, families and kinship that underlie these reactions as they generate questions of social justice, both on the local and global levels.

Surrogacy is the act of one woman carrying a baby in her body for another person, whom she then relinquishes to the intended parent(s) at the time of birth (Markens, 2007). Surrogacy arrangements can occur in two ways: 1) where a woman who does not use any biological material to conceive a child but 'simply' functions as a gestational carrier to host a baby in her body; and 2) where a woman uses her egg as well as her womb to help carry a baby for another person (Markens, 2007). Depending on the involvement of financial compensations, surrogacy can also be classified as altruistic (where the surrogate is not paid to carry the child or for her egg if that occurs) or commercial (where the surrogate is paid) (Ciccarelli and Beckman, 2005).

There is a current lack in statistics on the prevalence of surrogacy in Canada (Reilly, 2007), however, the increase in media representations on surrogacy point to an

increased interest by the public on this topic (Gazze, 2007; Dolnick, 2007; Hammel, 2011). This spike in interest is tied to a number of social, global and technological factors, which have impacted Canadian families (Kashmeri, 2009). These changes in society coupled with the advancements in technology have been the two predominant factors influencing the increase in demand for surrogacy (Garofalo, 2010).

Social factors have included changes in family constellations and marriages in developing countries such as the United States (US) and Canada (Kashmeri, 2009). More couples are now cohabitating, there is a decline in the marriage rate, a rise in the number of identified same-sex couples and blended families, and an increase in the divorce rate (Statistics Canada, 2010). These changes point to an increase in diversity of Canadian families as compared to prior decades when the norm was a heterosexual two-parent family. Additionally, population dynamics have been changing with an aging population, low birth-rates, and couples waiting longer to have children (Garofalo, 2010).

The rise of technology has fuelled public debate on the constructions of motherhood¹ and parenthood (Krishna, 1994). Artificial reproductive technologies, such as surrogacy, have been perceived as controversial topics as they challenge the traditional notion of biologically creating children within the heterosexual marital unit (Robinson & Miller, 2004). These traditional patriarchal notions of family and kinship place expectations on women to be able to procreate biologically (Rothman, 1994). Surrogacy

¹ Traditional discourses on “motherhood” have focused on the patriarchal institution of motherhood and women’s roles within it (O’Reilly, 2010). This institution affects women’s experience, identity and structurally as it serves to prioritize men’s interests over women, and assigns women to the primary role of mother. If women are not able to achieve this role, they are subject to societal shame and judgment (O’Reilly, 2010).

challenges these notions as procreation is taken out of the bedroom and into the medical sphere, which opponents argue are detrimental to societal norms and values (Menon, 2009).

Currently, the picture of surrogacy in Canada is one that is rife with social justice implications for women and families. Canada has outlawed commercial surrogacy and only permits altruistic surrogacy (Department of Justice, 2004), which has placed restrictions on women's rights of choice over their own body. Canadian surrogates are portrayed in media as White lower-middle class women who carry babies for more affluent individuals and couples (Garofalo, 2010). Alternatively, some Canadian families have resorted to "outsourcing" (Garofalo, 2010) surrogacy to countries such as India due to the restrictive legislation in Canada. This legislation is a result of controversial debates surrounding surrogacy which have focused on whether women should have the ability to commercialize their bodies for reproductive purposes. These morally and politically charged discourses have also placed social restrictions on women based on their class and racial identity, which beckon closer examination as key social justice issues.

The intricacies of the multiple factors influencing surrogacy discourses make it an important issue for Canadian social workers to address. Social workers need to examine the issue of surrogacy on various levels (individual, family, group, systemic, and global) in order to address the social implications of its use to build families. The social work field needs to pay particular attention to, and challenge, the issues of inequalities and marginalization present with this issue, as it is our role as advocates and supports for all Canadian families, not just those that conform to traditional roles of gender and family.

Surrogacy is a complex issue as it contains various questions of power, body ownership, gender norms, parenthood, and global influences (Harrison, 2010). The goal of this research is to uncover, deconstruct and challenge the dominant discourses surrounding surrogacy through a post-structural feminist lens using a critical discourse analysis. In particular, this research will illustrate the predominant patriarchal static and essentialized representations of gender, motherhood, kinship, and family that were present during key periods of the surrogacy discourse.

The aim of this research is to critically analyze these discourses in order to change them, as without this, “oppression, repression, and marginalization go unchallenged if the text is not critically analyzed to reveal power relations and dominance” (McGregor, 2003, Understanding the Theory of Critical Discourse Analysis section). Therefore, this research will examine how these discourses have marginalized women affected by surrogacy in particular and the implications for the social work field. In particular, this thesis will critically examine the multiple social construction of surrogacy in the West (United States, United Kingdom and Canada) during different time periods and will specifically explore, two research questions:

- a. How have women and motherhood been represented in different surrogacy discourses?*
- b. What are the implications of these discourses on surrogacy on Canadian social work?*

The first research question will explore different key time periods that have influenced the construction of women’s roles and motherhood in relation to surrogacy in

North America. I will examine themes of kinship, patriarchy, and how women's bodies and motherhood were constructed in these representations. In order to answer this question, I will pay particular attention to the relationships between the dominant discourses and gender norms around motherhood, womanhood, family and women's relationships with their own bodies. I will examine how language is used to describe the players involved, and whose voices are presented and whose are silenced. While reviewing these texts, I will examine the presence of fluidity in women's roles and what the results signify, as fluidity in discourse constructions is key to a post-structural feminism (Gavey, 1989). Additionally in order to gain an in-depth understanding of the public discourses, I will examine discourses not only in academic texts, but also those from the mainstream media in order to explore how larger institutions of power (such as academia and the law) have influenced the representation of gender norms.

In answering the second research question, I will examine the implications of these representations and how the field of social work can help address the pertinent social justice issues. Social justice issues highlighted with surrogacy include concerns of exploitation of women's bodies, restrictions of women's reproductive and democratic rights, issues of inequity and inequality within the Western and global contexts and the silencing of women's experiences. Additionally, through this research question, I will examine how the social work field can critically challenge these current discourses in order to push for larger systemic and societal changes to the ideology of motherhood. This role is vitally important as change agents in order to prevent further marginalization

and oppression of women and families not only in Canada, but also in other countries where women are being surrogates for Canadian couples.

This research project consists of six chapters (including this introduction). In the next chapter, I will delve a theoretical framework, which will be informed by primarily by post-structural feminist, social construction and social justice perspectives. This framework will assist with peeling away the layers of how women, family and parenthood are constructed in relation to surrogacy and how these constructions have been maintained and reinforced through different time periods. Additionally, it will help uncover the fluidity and multiplicity of meanings associated with concepts of women, body, and mother/parent in the discourses and how these meanings should be fluid and changing if we are to be inclusive of all women. The following chapter will discuss the methods by which I examine the public representations, through a critical discourse analysis. I will examine certain texts from particular time periods, which were identified by increases in surrogacy discourses in both academia and the media. I will identify themes through the discourses, which will help uncover the subtleties embedded in these discourses, which influence the public's perception of surrogacy. I will then proceed into two chapters discussing how surrogacy discourses have constructed notions of kinship, motherhood, children's best interests, women's roles and the family. The first of these chapters will explore how discourses have framed surrogacy around patriarchal notions of kinship, women and children, while the following chapter will discuss how they have been framed around notions of family. I will complete this by examining the surrogacy journey at specific points in time and how this journey has been riddled with rigid

assumptions and structures of women's roles of motherhood and their reproductive role. I will conclude this discussion with exploring the implications of these discourses on social work. This conclusion will bring forth recommendations for the Canadian field of social work.

Chapter 2 - Theoretical Framework

In order to examine the issue of surrogacy and the representations of motherhood, I chose to use a framework informed by post-structural feminist, social construction and social justice perspectives. Each of these theories offer a particular lens, that when working in conjunction with a critical discourse analysis (CDA) methodology (which will be discussed in the following chapter), help uncover the role of discourses in constructing societal views on surrogacy. I used this framework to guide my examination of the social construction of women's identities with a particular focus on representations of gender, motherhood and women's expected capacity to conceive and bear children.

Post-Structural Feminism

Weedon (1987) defines post-structural feminism as:

a mode of knowledge production which uses poststructuralist theories of language, subjectivity, social processes and institutions to understand existing power relations and to identify areas and strategies for change (p. 40-41).

Butler and Scott (1992) identify post-structuralism as “a critical interrogation of the exclusionary operations by which positions are established” (p. xiv) and Hughes (2002) argues that “poststructuralist deconstruction can be viewed as a methodology that is used to examine, for example, how commonly accepted ‘facts’ about women's lives come to be established and maintained” (p. 66). A key component of post-structuralism is its resistance to define or identify anything because in doing so, one categorizes and essentializes it (which are erroneous since both categorizing and essentializing are socially constructed notions) (Gavey, 1989). There is no one truth or knowledge, but

instead, knowledge is fluid and changeable (Gavey, 1989). Post-structural feminism therefore, resists rigid and stagnant notions of women and men which are used to maintain male privilege (Butler, 1990). A key component of post-structural feminist analysis is examining how patriarchal power is maintained through knowledge and language, as they are inextricably linked. Knowledge is created through the use of language and discourses generated by institutions of power, which privilege certain groups over others (Kirby, 2006). People in positions of power have maintained their structures of dominance through producing the discourses and thereby the knowledge, which is then used to influence the public perception and understanding of gender relations. This component of post-structural feminist analysis is key to exploring the research questions for this topic as surrogacy texts are overrun by discourses from people in positions of power, such as doctors, lawyers, and academics. There is very limited discourse created by the people involved in the surrogacy process, which is problematic as the knowledge created around surrogacy is skewed towards representing the views of the privileged. The links between power and knowledge constructions were key points of consideration during this research as they highlighted key social justice issues in the discourses and guided the resulting recommendations.

Multiplicity of meaning is welcomed in post-structural feminism and in particular, no truth is seen to carry more weight than the other. As Gavey (1989) argues, “feminist post-structuralism would...be concerned with disrupting and displacing dominant (oppressive) knowledges” (p. 463). For post-structuralist feminists, language creates meaning and therefore is fluid since language is socially constructed into multiple

discourses (Gavey, 1989). Butler (1993) echoes this in her work as she also argues that language creates reality through our everyday discourse, and subsequently, we create and perform our reality. For example, a woman is called or labeled a “woman” by society and the societal expectations of what a “woman” should be and do, is dictated by how we talk about women and the acts that they should perform in order to meet that description or label. For Butler (1990), first and second wave feminism had erroneously grouped women into a single category with common characteristics and interests: “there is the political problem that feminism encounters in the assumption that the term *women* connotes a common identity” (p. 6). These approaches created an “unwitting regulation and reification of gender relations” (Butler, 1990, p. 9), which is problematic as it did not take into account social location factors that influenced gender relations such as culture, geography, class and so on. These early feminists rejected the idea of an inherent destiny based on biology, but nevertheless created discourses based on the strict binary categories of male and female which did not open a space for difference or resistance (Butler, 1990). Butler (1990) argues that this is problematic as being male or female is not inherent, but is instead created by narratives and should be flexible, fluid and on a continuum rather than fixed identities. This is a key issue when examining surrogacy discourses as women’s identities are created to not only privilege men over women, but to also privilege certain groups of women over others. In addition to gender issues, post-structural feminism helps unpack similar concerns of rigidity and essentialization as they pertain to class and race issues.

Post-structural feminists also argue that the “body” is not a stagnant, rigid entity but is instead created by societal constructions and expectations (Butler, 1993). Butler (1993) collapses the issues of sex and gender as she argues that they are inextricably linked through socially constructed performances. These acts are prescribed with rigid patriarchal notions intended to subjugate women’s ownership over their own bodies. For example, women are expected to use their bodies to have children that they will raise in their heterosexual family unit (Markens, 2007). Surrogates challenge these patriarchal ideologies as they use their bodies to have children for others; however they face societal reaction because of it. Post-structural feminism will help unpack these patriarchal societal constructions and reactions to resistance by surrogate women and their relationships with their body.

Using this theory also helps to conceptualize the issue of surrogacy in the larger societal context as the prevalence of surrogacy has been impacted by societal changes such as women entering the paid sector, environmental factors, religious influences and political influences. All of these factors impact women and their reproductive status as societal conceptions of women and motherhood are based on patriarchal notions of women’s roles (Speier, 2004). This research will examine how these patriarchal notions have socially constructed the varying social attitudes towards surrogacy.

Additionally, post-structural feminism also lends well to examining the issue of surrogacy from a global perspective. There are marked differences in the experiences of women from the East versus from the West, with the recent surge in people from the West hiring women in developing countries such as India to be their surrogates

(Westhead, 2010). For example, this thesis will examine how representations have predominantly portrayed the issue of global surrogacy around issues of gender, but do not take into account the fluidity of gender roles and intricacies of racial, cultural and class differences affecting women globally.

As the researcher, I was particularly drawn to the concept of the “third eye” (Tisdell, 1998, p. 150) in post-structural feminism. Using your “third eye” (Tisdell, 1998, p.150) is the ability to “recognize that the self (or the author) constructs knowledge in relation to others and both the self and others are situated within social structures where they are multiply and simultaneously privileged and oppressed” (p.150). I will be using my “third eye” (Tisdell, 1998, p. 150) to examine the connection between knowledge creation and the dominant classes. In turn, this will highlight how knowledge creation has led to the construction of systems that reinforce the privilege of the dominant classes, which in turn creates a distinction between the voices that are heard and those that are silenced. Unpacking this issue is the primary motivator for my thesis, which is to bring to light the discourses surrounding surrogacy. In particular the research will examine how these discourses have been shaped by powerful structures, which has led to the predominantly negative discourse surrounding surrogacy based on patriarchal notions of woman and motherhood. It is my hope that by bringing light to this issue, I will be “giving voice and...working for social change and emancipation. The point is not merely to see with the third eye: it is also to move beyond “seeing” and to actively work to change such conditions” (Tisdell, 1998, p. 150). Therefore combining a critical theoretical framework with post-structural feminism will result in an examination of how

knowledge, language and discourse are created to influence societal understandings of gender, while recognizing that these discourses are fluid as meaning is subjective and fluid.

Social Constructionism

There are multiple definitions for social constructionism depending on the field from

which the definition is located. Castle (2004) states that:

A social constructionist position argues that concepts such as identity and ways of interacting in the world can be considered a social construct: “a system of meaning that organizes interactions and governs access to power and resources” (Crawford, 1995: 12). From this perspective gender becomes socially constructed and exists not on the individual but in transactions with others. (p. 192)

Burr (2003) argues that there are guiding tenants of social constructionism, which have one or more of the following assumptions as its foundation:

A critical stance toward taken for granted knowledge...
Historical and cultural specificity...
Knowledge is sustained by social processes...
Knowledge and social action go together (pp. 2-5)

These assumptions illustrate how social constructionism and post-structural feminism are similar and lend well together as they are both critical stances that examine how identities and knowledge are constructed, maintained and distributed. Additionally, examining or deconstructing texts is important to “illustrate how language is used to frame meaning. Politically its purpose is to lead to ‘an appreciation of hierarchy as illusion sustained by power’” (Boyne as cited in Hughes, 2002, p. 19). Social constructionism takes into account that knowledge is historically and culturally specific.

This is important to note, as this research will examine the construction of surrogacy through key periods in time with a particular focus on the implications for present day. Key social events impacting surrogacy discourses during these time periods will be highlighted in order to prevent missing or overlooking important linkages or correlations. It is important to note this, as without appreciating the journey that surrogacy has already traversed, it would be easy to replicate the patterns of the past and to perpetuate systems of oppression and silencing of voice of those involved in this process. Instead, the intent of this research is to challenge these oppressive systems and to help bring these voices to the forefront.

Social constructionism is also helpful to examine how surrogacy has been portrayed in certain texts as a “social problem” and to peel away the layers of this construction from a social justice perspective. The world is socially constructed to sustain “some patterns of social action and exclude others” (Burr, 2003, p. 16). These constructions are laden with power relations as they dictate roles, norms and expectations of societies (Burr, 2003) based on their historical and cultural contexts. Consequently, knowledge is seen as being gained from perceiving the world from a certain perspective based on one’s social location. Additionally the prevailing knowledge and discourses are often skewed towards the interests of some at the expense of others (Burr, 2003) as echoed by post-structural feminism (Butler, 1990). The lens of social constructionism assists with deconstructing this issue in answering the first research question as it helps peel away the layers of messaging and knowledge creation in surrogacy discourses. In

particular, this research will focus on the social constructions of issues such womanhood, motherhood and family.

Social Justice

As surrogacy continues to emerge as a phenomenon in the West, and in Canada in particular, questions about social justice have also been generated on both local and global levels. A social justice perspective “emphasizes societal concerns, including issues of equity, self- determination, interdependence, and social responsibility” (Bell, 1997). Baker (2003) defines social justice as “an ideal condition in which all members of a society have the same basic rights, protection, opportunities, obligations and social benefits. Implicit in this concept is the notion that historical inequalities should be acknowledged and remedied through specific measures. A key social work value, social justice entails advocacy to confront discrimination, oppression, and institutional inequities” (p. 420). According to Vera and Speight (2003) a key way to maintain social injustice is through marginalization, which is evident in terms of surrogacy as families involved in this process are on the ‘margins’ of the mainstream as will be explored further in this paper. These families are marginalized as they fight up against social norms of family, procreation and the socially imposed value of a genetic link to children (van den Akker, 2001). Additionally, surrogates globally are marginalized as they do not conform to social expectations of women, and consequently, with intended parents, straddle balancing conforming to these roles and fighting against them in different ways.

It is imperative to examine the issue of surrogacy through a social justice lens in order to uncover key issues of inequality, inequity, oppression and social responsibility embedded in both Canadian and global surrogacy discourses. In particular, the social justice framework will help to peel away the layers of discourse to uncover issues of racism, classism and heterosexism, which impact Canadian families. For example, this study will highlight key representations of racism in portrayals of infertility issues and reproductive rights in the West, as well as global issues of racism, inequity and inequality in portrayals of Indian surrogates. These important issues warrant further examination through a social justice lens as they reinforce the privileging of people in positions of power. For example, surrogates and intended parents are usually from vastly different social classes, which is problematic as it opens the door to issues of exploitation or coercion of surrogates by intended parents. Additionally, the class differences between surrogates and intended parents also influence who is portrayed in a socially acceptable light in the discourse. For example, this study will show that lower-class women were more apt to be villainized in the media as compared to intended mothers, who were usually treated with compassion. This unequal representation creates discourses influencing societal expectations of women's roles as individuals and as mothers. This issue beckons closer examination, as these discourses need to be challenged and changed in order to stop women from being further oppressed and marginalized.

Using a social justice lens also lends well to examining the emergence of Indian surrogates carrying babies for Western families from individual, societal and global perspectives. This emerging phenomenon is problematic for a number of reasons. For

example, it is imperative to use a social justice lens to examine how Indian surrogates are represented and in particular around issues of choice. This research will highlight how Indian surrogates are portrayed as choosing to be surrogates, however they do not further explain that these women are facing social injustice as they have few other options to gain money. These inequity issues will be explored further in this research as well as issues of women's voice in the representations.

The various points for consideration outlined above have helped inform my analysis of the constructions of surrogacy and the implications and suggestions for the social work field. As social workers, we have a key role in examining surrogacy from this critical lens in order to address the various levels of social justice issues present. With this deconstruction and careful analysis, we are more likely to be able to challenge these dominant forces of oppression rather than continuing to reinforce them.

In summary, using post-structural feminist, social construction and social justice theories, in tandem with a critical discourse analysis was the best fit to examine the social construction of surrogacy with a particular focus on how it has affected women's roles and public perception of this issue. Post-structural feminism will help peel away the multiple meanings and understanding of women's roles and constructions in society. It will help highlight how women's identities are fluid and influenced by a multitude of social and global factors. Social constructionism will help deconstruct how these social and global factors have influenced surrogacy discourses in order to contextualize themes of motherhood. Using a social justice lens will help uncover the power dynamics present in discourses and practices, and how the social work field can address these dynamics.

My hope is that through this critical analysis, it will help highlight the complexity of factors that influence not only the women involved in the process of surrogacy, but also the other key players such as the partners and children involved in the process and how we as social workers can help advocate for social change.

Chapter 3 – Methodology

Locating the Researcher

Before discussing the methodology, it is important to locate myself as the researcher and outline the journey that brought me to examine surrogacy. I identify as a feminist social worker with a particular interest in global issues, which has been influenced by my identity as a lesbian South-Asian immigrant who is now a Canadian citizen. As a feminist I believe in advocating for the rights of marginalized groups and in particular for women (recognizing that “women” as well as “gender” are socially constructed concepts). As a child, I grew up in a Middle Eastern country, which has minimal rights for women, which influenced my drive towards social justice issues especially as they pertain towards women. My identity as a social worker has been created by my education and experience (both volunteer and professional) in the field of social work for the past thirteen years. I have worked in the field of child welfare for the past decade, which has influenced my interest in this topic as it pertains to concepts of parenthood and children’s welfare. I am rooted in a critical social scientific approach (McGregor, 2003) as (in my practice and everyday life) I make every effort to question and examine the social realities that marginalized groups experience, in order to help identify and address the forms of oppression that are used to subordinate them (McGregor, 2003). This is important to note as I am often drawn to the critical social science perspective, which unpacks the meaning of events, discourses, knowledge, social practices, rather than assuming and accepting their social construction. Critical discourse analysis helps us gain: “(a) personal freedom from internal constraints such as biases or

lack of a skill or point of view and (b) social freedom from external constraints such as oppression, exclusion, and abuse of power relations” (McGregor, 2003, How to Conduct Critical Discourse Analysis section).

My interest in surrogacy is fueled by my personal journey through the field of assisted human reproductive technology in order to assist with the creation of my family. The desire to have a child, without the biological means to conceive, resonates with me as I started to ponder this issue after conversations with numerous friends who were having fertility issues. Hearing their stories made me wonder about what resources were available for people who could not biologically have a child. This prompted my research into surrogacy in Canada, and in particular the legislation surrounding it. As I perused websites related to this issue, I noticed a trend in the government’s literature of rhetoric that was rife with language about “Canadian values” (Department of Justice, 2004) and how the government was trying to protect the “vulnerable members of society” (Department of Justice, 2004): women and children. This infantilization of women guised under the terminology of protection forced me to percolate on my discomfort with this terminology as it not only essentialized and generalized women and children, but also placed major restrictions on how women used their own bodies. Criminalizing commercial surrogacy and seriously limiting altruistic surrogacy inferred that women were not capable of making appropriate choices over their bodies when it came to issues of money and child-bearing. This discomfort pushed me to explore surrogacy in more detail to help uncover how different participants have been socially constructed and how

this has influenced societal perceptions and therefore social resources (such as social capital and support) available to them.

Understanding Critical Discourse Analysis (CDA)

In order to fulfill this goal, this research contains a critical discourse analysis as my research method as it was the appropriate fit to help uncover how surrogacy has been socially constructed and controlled throughout history and the impact that this has and continues to have on Canadian families. A critical discourse analysis (CDA) begins with examining various texts through a lens informed with an “interest in understanding, uncovering, and transforming conditions of inequality” (Rogers, Malancharuvil-Berkes, Mosley, Hui, & Joseph, 2005, p. 368). A discourse is an “interrelated system of statements which cohere around common meanings and values [that] are a product of social factors, of powers and practices, rather than an individual’s set of ideas” (Hollway, as cited in Gavey, 1989, p.464). CDA focuses on analyzing various forms of discourse or texts in order to examine and uncover patterns or issues of power, dominance, discrimination and control (Blommaert & Bulcaen, 2000). CDA works to examine the fluid, fragmented and sometimes incongruent language processes that people use to constitute their world (Gavey, 1989). Language, in its written or oral form, has a great deal of power and analyzing these discourses is critical “for describing, interpreting, analyzing, and critiquing social life reflected in text” (Luke as cited in McGregor, 2003, Understanding the Theory of Critical Discourse Analysis section).

CDA attempts to “link the text (micro level) with the underlying power structures in society (macro sociocultural practice level) through discursive practices upon which the text was drawn (meso level)” (Thompson, 2002, as cited in McGregor, 2003, Understanding the Theory of Critical Discourse Analysis section). The connections between the text, individual and society are greatly influenced by social location. CDA will help uncover these connections in surrogacy texts as they particularly relate to gender, class and race. Fairclough (as cited in Bloomaert & Bulcaen, 2000) describes three dimensions of examination that are required in a critical discourse analysis, the *first* of which is to examine the “discourse as a text, i.e. the linguistic features and organization of concrete instances of discourse” (Bloomaert & Bulcaen, 2000, p. 447). This step involves analyzing the words, patterns and intricacies of the language, grammar, sentence structure, paragraph structure, and so on. For example, some of the words that have been used while discussing surrogacy have included “commodification” (Blythe, 1993, p. 263), “social problem” (Blythe, 1993, p. 259), “exploitation” (Tong, 1996, p. 174), “surrogate” and “intended parent” (Ciccarelli & Beckman, 2005, p. 24).

The *second* dimension is examining the “discourse as discursive practice” (Bloomaert, Bulcaen, 2000, p. 448), which involves examining how the texts were created, shared with and consumed by society. This includes both the visible and unspoken rules and norms of society which govern how information is created and disseminated, which in turn, influences peoples’ reaction or understanding of a certain topic and how to operationalise this discourse in everyday life (McGregor, 2003). “Discursive practices involve *ways of being in the world* that signify specific and

recognizable social identities” (McGregor, 2003, Understanding the Theory of Critical Discourse Analysis section). For example, people have learned to recognize certain socially constructed practices that label individuals as belonging to certain groups or having a certain identity such as, in the case of surrogacy: “mother”, “father”, “intended parent”, and “child”. I was particularly interested in examining the discourses that contain the voices of the families or individuals involved in the surrogacy process. One of the biggest gaps I found in the literature was the miniscule amount of research or information including the voice of the participants involved in the surrogacy process (such as the surrogates, intended parents, children of the surrogates, and children conceived out of surrogacy). Therefore, throughout my research, I paid particular attention to where these few voices were located and the discourses that were created by them and how this information was socially constructed and disseminated, which will be discussed later on in this paper.

The *third* dimension for examination is the “discourse as social practice” (Bloomaert & Bulcaen, 2000, p. 448). This involves examining the power that was created by these discourses in society and how this power is used to control and/or dominate. In this section, examination included looking at where these discourses were situated and how these locations affected the social understanding or incorporation of the discourse surrounding it. Through this dimension, I have examined surrogacy not only in the Western context, but also in the global context. This is vitally important to note as with the rise of globalization, surrogacy has also crossed cultures and countries. The discourses in the West now impact people in countries on complete opposite ends of the

world, such as India, since the legislation in countries such as Canada have resulted in families seeking out women in other countries to be surrogates for them (Garofalo, 2010).

Research Design

I chose to use CDA to complete this exploratory research on selected texts, rather than completing empirical research for a number of reasons. Exploratory research was the most appropriate research design for this topic because there is currently very limited social work information on the topic of surrogacy. Yegidis and Weinbach (2009) state that exploratory research is “predicated on the assumption that we need to know more about something before we can begin to understand it or attempt to confront it using intervention methods” (p.121). When I began to explore this topic, I was particularly interested in the fact that there was such a limited amount of information available on surrogacy and the information that was present, was predominantly negatively skewed. These negative constructions usually paid particular focus on women’s roles in surrogacy, which led me to wonder about the effects of these discourses on public perception and in particular on perceptions of motherhood and women’s ownership over their own bodies. Therefore, in order for me to be able to advocate for change to oppressive structures, I had to gain a deeper understanding of the intricacies of this issue.

I chose to do exploratory research through discourse analysis of texts rather than participant interviews as it is difficult to engage participants involved in the process due to the shroud of secrecy surrounding this issue. Additionally, as the purpose of my research is to offer foundational information on the issue of surrogacy around

constructions of women and motherhood, I chose texts that would most lend to this purpose and therefore this study did not examine all of the discourses that are available on surrogacy. As social workers, we are not able to address issues appropriately without understanding their roots, and this thesis is aimed at helping provide that groundwork information. My hope is this research will help inform further social work research on surrogacy from a Canadian perspective.

Strengths and Limitations of CDA

There are a number of strengths and criticisms of CDA, however I will address the ones that are the most salient issues to this research paper. One criticism of CDA is that it does not focus enough on the context of texts, but instead “bits of texts and talk are analyzed outside the context of their production, consumption, distribution, and reproduction” (Rogers et al, 2005, p. 377). I attempt to address this by examining surrogacy in various different contexts (historical, political, legal and social). I selected certain texts from each of these arenas for the purposes of this project, as examining all the texts regarding surrogacy would be outside the scope of this thesis. This is important to note as I specifically chose certain texts that highlighted the predominant discourse during that time. For example, I chose a certain number of newspaper articles that highlighted the dominant discourses rather than evaluating all the articles (since there were common themes in all), which will be explored further in this paper.

One of the strengths of CDA is that its meaning is fluid and contingent on the researcher as it is seen as a shared perspective (vanDijk as cited in McGregor, 2003). This

fluidity, however, can also be viewed as a weakness of the model. The ambiguity in the definition of CDA makes it problematic for social scientists who seek a singular theoretical framework to adopt, however this fluidity can be viewed as a positive as it opens up different entry points to examine issues.

Another strength of this approach is that it opens up the space to expose how dominant discourses are extremely influential on people's perceptions and understanding of certain subjects. Therefore, it is my hope that this research will help shed some light on the issue of surrogacy and how it is portrayed in society in order to discuss the impacts on families in Canada and the implication on the social work field.

The Chosen Texts

The discourses used for this research included texts from mainstream media such as newspaper articles, articles from popular magazines as well as television representations. I chose two religious texts, which had references to surrogacy in order to show how surrogacy is not a new phenomenon but instead has existed for centuries; however has not been on the public consciousness until the 1970s in the US and UK. Additionally, I chose these two texts in order to illustrate how patriarchal notions of kinship and family were constructed from ancient times. I chose materials from the 1970s on from the US and UK to highlight controversial cases of surrogacy (Baby M and Baby Cotton) to illustrate how the discourses on surrogacy were framed around these key events as they are the most often referred to as formative events in the surrogacy journey by the texts of today. I chose to find news texts from either regularly accessed sources

such as Canadian Broadcasting Company, National Post, The Toronto Star, the New York Times, British Broadcasting Company and Time Magazine as they are national news forums. Deconstructing these materials is important, as they are influential on forming the public perceptions, as they are so widely distributed and accessible. Additionally, I examined academic texts from the social work, bioethics, philosophy and feminist fields as well as legislation. This was key in order to examine how researchers have examined and framed the issue as well as how the Canadian government in particular has chosen to legislate surrogacy in response to public opinion. These discourses are important to deconstruct as it pertains to this research project as they have impacted on Canadian families and in turn need to be understood if they are to be addressed by the social work field in particular. Due to the limited amount of social work research on the topic, I expanded my parameters to include texts from other disciplines as noted above which illustrates that the issue of surrogacy impacts various facets of society and has been highly debated in various arenas.

Method of Analysis

In completing this analysis, I examined the three dimensions of CDA as outlined above. I first examined the discourses as texts through paying particular attention to the language that was used and narrative construction. I examined how the texts were created, including vocabulary, sentence structure, word patterns, and the physical layout of the material (headlines used, location of material in the text and so on). I paid particular attention to the methods in which these texts were distributed, target audiences, and the

implications of these discourses on the recipients. I focused on the third dimension of CDA by examining how power was created and maintained through surrogacy discourses and in particular, how power was and continues to be used to control women's roles and reproductive rights in society.

In completing the CDA, I used the following questions to guide my analysis and grouping of information:

- a. How has the author(s) represented the players and in particular, the women?
- b. What are the central themes of surrogacy highlighted in the title of the article?
- c. How are gender roles portrayed through these discourses?
- d. How are public perceptions portrayed?
- e. What are the social justice issues presented in this discourse?
- f. Whose voices are included and whose voices are excluded?
- g. What issues are neglected in these discourses?

Using questions such as these helped guide my analysis of how surrogacy was being portrayed as well as who were placed in positions of power and how were these positions of power were endorsed by these social constructions. Using these questions allowed me to identify themes in the surrogacy discourses grouped according to the following themes:

- a. Patriarchal notions of kinship
- b. Women's rights
- c. Children's rights
- d. Class representations

- e. Race representations
- f. Family interests

The prevalence of these themes is highlighted in detail in the *Appendix*. The *appendix* provides a chronological grouping of primary texts that were used to illustrate relevant surrogacy discourses in those time periods. I used a number of secondary texts, to provide contextual information for this research, which are included in the reference list at the conclusion of this paper. The *appendix* identifies the kind of text, their geographical location of origin and the prevalent themes identified in them. It was important to examine the texts chronologically to determine key time periods, which influenced surrogacy discourses. This research examines these key times in their social and political contexts in order to gain a deeper understanding of the myriad of factors influencing surrogacy discourses. It was important to categorize the geographical origins of the texts as it illustrated the fact that the discourses were predominantly created by texts from the United States (US), Canada and the United Kingdom (UK). This highlighted the creation of knowledge and discourses in the West, which privileged those countries over developing countries such as India. The last column in *Appendix A* contains themes found in the selected texts. These themes helped uncover the dominant discourses surrounding issues influencing women, which formed the basis for the analysis in the following two chapters.

Approaching the subject of surrogacy with a critical post-structural feminist lens felt like the best fit for myself when searching for a framework by which to examine this issue. Using CDA suited the purpose of this research, which is to uncover the way

information or discussions around surrogacy have occurred historically as well as in current everyday life. Additionally CDA helps deconstruct how these discourses impact on people's thinking of the issue and in particular how it has constructed motherhood and women's roles in their own reproduction. This is of particular interest to myself, since as a social worker, it is my duty to advocate for those who are marginalized in order to help bring their voices to the forefront. This is of importance to those dealing with the issue of surrogacy since popular understanding of the issue still centre around issues of gender, class and other oppressions. This in turn, behooves us to examine these issues from my chosen methodology while taking into account the strengths and challenges of the approach in order to recognize my own place and privilege in having a voice in this discussion.

Limitations of this Research

A limitation of this research is that it is not a complete analysis of all the available discourses on surrogacy as that is beyond the scope of this research, however the texts were chosen intentionally to highlight constructions of women and motherhood. Another limitation is that it focuses predominantly on discourses in the West and therefore cannot be explored globally. Despite these limitations, this research provides valuable information to add to the field of knowledge on this controversial and intriguing topic.

Chapter 4 – Women’s Representations in Surrogacy Discourses

In this and the following chapter, the first research question of how women and motherhood have been constructed in surrogacy discourses will be answered. I will unfold this construction by examining particular discourses during key time periods in the surrogacy journey. This research will illustrate how the construction of motherhood has changed through time, however, the underlying subtle messaging of what it means to be a mother is still laden with patriarchal assumptions of women’s roles and ownership over their own bodies.

Surrogacy and Patriarchal Notions of Kinship

The notions of family, kinship and genetic relatedness have held important places in history and have set the context for societal perceptions of surrogacy (van den Akker, 2001). According to van den Akker (2001), constructions of family and kinship have historically centered on around the importance of the genetic relation between the child and parent. Historically, the ability to prove genetic relatedness, otherwise known as “consanguinity” (van den Akker, 2001 p.138) was seen as a socially privileging people who were able to genetically link their children to their fathers in particular, as this differentiated “between uncivilized and civilized societies” (van den Akker, 2001, p. 138-9). This rigid dichotomization of two categories of society is problematic from a post-structural feminist lens as it strictly relegated certain groups into categories of powerful or powerless. This dichotomization highlighted the patriarchal structures that were historically in place that defined the norms of family and kinship, which set up a

hierarchy in society (those who could identify a genetic link and those who could not).

The reinforcement of these social constructions of family and kinship as important societal norms can be traced back through the Bible. During the time of the Old Testament, the role of the woman in a family was one of child-bearer and propagator of her husband's lineage (Otwell, 1977). During that time, having children was vitally important to the future of the family and community as people were nomadic (Wright, 1990) and so having more children increased the status associated with the size and strength of the clan. At the time, the men's roles were centered on being the providers and leaders and therefore male children were revered (Wright, 1990). Being able to bear a male child was seen as a symbol of status since males were the providers rather than the dependants that women were viewed as. This social context set the stage for women to be seen as inferior to men and that their roles were solely to propagate male identity.

Issues of infertility have occurred throughout history and are highlighted in the Bible, which contains an example of surrogacy being used as a way to address this procreative barrier (Barrs, 2009). The Old Testament contains an example of surrogacy with the story of Abram, Sarai and Hagar (Genesis: 16:1-9, New International Version). In Genesis, Sarai (Genesis 11:29-30) is first introduced as Abram's wife and she is then described as "Now Sarai was childless because she was not able to conceive" (Genesis 11:30). This patriarchal representation of Sarai contains prevalent prescribed gender roles and expectations as Sarai is first characterized by her relation to Abram (as his wife) and then by her productive capability. There are no further identifying characteristics about her in either of the verses leading up to this introduction or following it. Her existence is

purely in relation to her connection to a male and her biological capability and no other defining characteristic. Sarai functions “as a relational term between groups of men; she does not have an identity, and neither does she exchange one identity for another. She reflects masculine identity precisely through being the site of its absence” (Butler, 1990, p.39). This representation highlights the value placed on women at the time: of reproductive capabilities only and in relation to their connection to men, rather than their ‘value’ by virtue of who they are as people. This is troublesome when viewed from a post-structural feminist lens, as women were confined to a social class of inferiority to men based on the rigid construction of their essentialized reproductive capabilities.

As Sarai was unable to conceive, she offered up her “slave Hagar” (Genesis 16:1) to Abram as a surrogate for herself: “Now Sarai, Abram’s wife, had borne him no children. But she had an Egyptian slave named Hagar; so she said to Abram, “The LORD has kept me from having children. Go, sleep with my slave; perhaps I can build a family through her” (Genesis 16:1). Abram agreed to Sarai’s proposal and had sexual intercourse with Hagar (Genesis 16:4), which illustrates the use and misuse of Hagar as a ‘slave’ and someone whose body can be bartered or delegated away. Women’s bodies were treated secondary to the role of having a male child as it did not matter which woman’s body was used to conceive this child. What was socially important was that a woman bore a male child who could carry on the male lineage (Barrs, 2009), which is problematic as it prioritized male children over female children and therefore reinforced patriarchal values and norms.

Additionally, it is important to note that the definition of ‘family’ during this time

was very different than current day nuclear definition. During the time of the Old Testament, families included several generations as well as the families' slaves (Wright, 1990). This social construction of family as well as the socially unjust practice of having slaves allowed Sarai and Abram to control how Hagar used her body. This reinforced women's inferiority to men and the marginalization of oppressed women by other women in positions of more power and privilege.

After Abram slept with Hagar and she conceived a child, Sarai quickly turned angry towards Hagar and started to mistreat her, even though she instigated the surrogacy arrangement. Hagar escaped but then according to the Bible "the angel of the LORD found Hagar...and he told her, "Go back to your mistress and submit to her....I will increase your descendants so much that they will be too numerous to count" (Genesis, 16:9). This promise of lineage motivated Hagar to return to Abram's house, where she eventually gave birth to a boy named Ishmael. The importance of lineage and kinship is highlighted as God's promise of "descendants" (Genesis, 16:9) enticed Hagar to return to Abram and to have his child, even though Sarai mistreated her. Sarai is portrayed as having inconsistent feelings towards Hagar as on the one hand, she brought forth the suggestion of Abram having a child with Hagar, however on the other, once Hagar was pregnant, she began to mistreat her (Hagar). This contradiction could be a symptom of Sarai's reaction to her inability to fulfill her role as propagator of Abram's lineage. This role was vitally important during that time as status was aligned with children and being able to have progeny (Ottwell, 1977).

Certain aspects of the representation of surrogacy in this early text are congruent

with representations throughout time. Sarai's struggle with infertility is one that caused her to seek alternatives for family creation in order to fulfill her role of being able to produce a male child. The motherhood construction of Sarai is based on the premise that she was barren and therefore could not biologically conceive and fulfill her role of having a child, but instead used her social status as a slave owner to help fulfill Abram's role of propagator of his lineage. The mother's role was not highlighted at this time, instead it was fatherhood and paternity that was key, as Hagar retained her status of Ishamel's mother and Abram was his father.

The importance of paternity and kinship during Ancient times is also evident in Hindu mythology as there is an example of surrogacy in the Bhagvata Purana text (Pattanik as cited in Blatt, 2009). Pattanik (as cited in Blatt, 2009) discusses how Kans, a king, imprisoned his sister Devaki and her husband Vasudeva because he thought that their child would kill him. Every time they had a child, he would kill this child to prevent them from potentially harming him. So Vasudeva prayed to the god Vishnu for help and "Vishnu heard these prayers and had an embryo from Devaki's womb transferred to the womb of Rohini, another wife of Vasudev. Rohini gave birth to the baby, Balaram, brother of Krishna, and secretly raised the child while Vasudev and Devaki told Kansa the child was born dead" (Smerdon, 2008, p. 6).

In this representation of surrogacy the issue of children is once again linked to lineage but in this case, rather than surrogacy being used to propagate one's lineage (as in the case of Abram), it is used to prevent one from being killed because of their kinship relations. Similar to the story of Sarai and Hagar, in this example, it is another woman

who is tied to the male who becomes a surrogate. It is not an unknown stranger, but instead a woman who has a connection to the man and therefore women's bodies are once again used almost interchangeably for the benefit of lineage, which highlights patriarchal notions of ownership rights over women's bodies. These constructions of women and families is important to note as they formed the basis for the current societal subjugation of women's reproductive rights and ownership over their own bodies.

Surrogacy Discourses Shift Focus on to Women

The social constructions of surrogacy as a means to continue male lineage continued on into the twentieth century. However with the influences of societal evolution, the framing of patriarchal discourses began to change to focus motherhood and particularly on issues of class, race and kinship. Through the first two thirds of the twentieth century, the issue of surrogacy was quiet on the public discourses, however there were a myriad of social and cultural changes occurring which set the stage for surrogacy to appear on the public's radar. These social and cultural movements challenged the traditional roles of women in the 1950s, which consisted of strict gender roles and expectations, such as women's role of "homemaker" (Meyerowitz, 2002, p. 391) and men's role of "breadwinner" (Meyerowitz, 2002, p.391).

The women's movement of the 1960s challenged social constructions of women's roles in the private sphere and the methods by which women's bodies were being controlled (Baxandall and Gordon, 2002). It is important to note that feminists from the early parts of the twentieth century fought for the recognition of women's rights and

unpaid work in the home and pushed for pensions for the labour produced in the home (Markens, 2007). Second wave feminists, however pushed against the restrictions of the public and private sphere dichotomy of women's roles by fighting for equal rights in the workforce (Markens, 2007). This movement however, was steeped in racial privileging as it highlighted a "white motherhood" (Markens, 2007, p.15), as women of colour had been in the workforce for decade prior to this movement. At this time, however, women of colour were fighting for their own recognition of their work outside the home by advocating for assistance with child-care (Markens, 2007). They were however unsuccessful in their struggles, which illustrates how the only mothers who were being recognized were White mothers. The voices of women of colour or other non-White middle class women, were either silenced or met with condemnation and judgment at the time.

The emergence of White women into the workforce resulted in an emergence in discourses on the perceived effects of this change to women's roles, such as leading to higher divorce rates, and the emergence of the 'latch-key kids' who were not being cared for by the traditional mother (Markens, 2007). This highlights how women's roles were still prioritized as belonging in the private domain and in particular as they related to children. This ideology is important to note as it's powerful construction would lead to condemnation of women who did not conform to these norms, either by working outside of the home or not being able to procreate.

These constructions of motherhood were influenced by key changes during the 1960s, such as increasing divorce rates and decreasing fertility rates (Markens, 2007).

The discourses on the decreasing fertility rates were focused on white, middle-class women's fertility, while ignoring the rest of the female population (Markens, 2007).

When the media did focus on women of colour, they highlighted them in the context of rising rates of out-of-wedlock mothers and in particular, racialized teenage pregnancies (Markens, 2007). These constructions began to create and reinforce fears in the public about the dissolution of the institution of marriage and worries about the “preservation of the American family” (Markens, 2007, p.10) and in particular, the White, middle-class nuclear family. “These simultaneous concerns about over- and under-fertility demonstrate the combination of gendered and racial anxieties embedded in reproductive politics” (Markens, 2007, p.10).

Societal institutions of power were being challenged as fears about the White classes being diminished in size and the rise of racialized classes heightened (Markens, 2007). These heightened fears are evident in discourses on reproductive rights at the time as this period saw the rise of technology in the spheres of reproductive and population control. The history of sterilization and abortions were mainly focused on racialized women, rather than White women. In fact, the pioneers of the birth control pills were eugenicists who were interested in preventing further propagation and infiltration of the poor and coloured classes on the white population (Markens, 2007). Women of colour were overrepresented in the population of people who were forced into sterilization at the time (Markens, 2007). However, medical professionals turned away White women who wanted an abortion or sterilization (Markens, 2007). These practices highlight the racialization of birth control and population control which placed an importance on White

motherhood (Markens, 2007). This prioritizing of White women over racialized women as the “ideal mother” is further enforced by consequent surrogacy discourses propagated with the rise of technology.

The racial and class constructions of mothers and motherhood set the stage for surrogacy in the mid to late 1970s. Surrogacy began to be discussed more publicly with the rise in technology, the change in the social climate and the emergence of a few “high profile” surrogacy cases. This time period saw the rise of technology and especially in the area of reproductive technologies. Although surrogacy occurred in ancient times as discussed earlier, it was not until the rise of technology that it started to be seen by the public as a controversial issue (Kirkman & Kirkman, 2002). In 1978, the first in-vitro fertilization occurred which was a “true catalyst for the surrogacy explosion” (Harrison, 2010, p. 263). This rise in artificial reproductive technologies challenged the notions of family, kinship and parenthood as it separated reproduction from sex and especially disjoined reproduction from the confines of marriage (Robinson & Miller, 2004). Becker (as cited in Kirkman and Kirkman, 2002) argues that reproductive technologies also changed the ways that society viewed “biology and the body” (p.136). Reproductive technologies introduced the issue commodification into reproduction, as now there was a monetary exchange, which moved procreation from the private to the public, market sphere (Markens, 2007). This challenged the public perception of family and motherhood as it assigned a monetary value to the work that was traditionally perceived as the role of a woman and mother. This was seen as problematic as it challenged the socially constructed perception that women should have children for altruistic reasons and

because they have an innate desire to be a mother (O'Reilly, 2010). By attaching a monetary value to procreation, these norms were challenged as it highlighted the possibility of fluidity in women's roles and attachment to their bodies and to children.

The role of reproductive technologies bringing surrogacy into the medicalized profession created huge debates amongst feminists who had divergent responses to it. Kirkman and Kirkman (2002) argue that surrogacy became a feminist issue because "it has been implicated in the science-fiction nightmares of technologically manipulated reproduction" (p.136). There were two opposing factions on surrogacy and each side's arguments still resonate with the debates surrounding surrogacy today. The debates highlighted discourses around women's bodies in particular. One faction of feminism was vehemently opposed to surrogacy as activists argued that the surrogacy process further marginalized women as it relegated women's bodies to mere "vessels" (Markens, 2007, p.17). They argued that surrogacy was analogous to prostitution in that women's bodies become compartmentalized and commodified and that surrogacy could lead to "reproductive brothels" (Markens, 2007, p.17). Surrogacy was viewed as

symptomatic of the dissolution of the American family and is a threat to the sanctity of motherhood to charges that it reduces or assigns women to a new breeder class, one structurally akin to prostitution (Dworkin 1978), or that it constitutes a form of commercial baby selling (Neuhaus 1988) (Ragone, 1994, p. 1).

Radical feminists also argued that surrogacy was a form of patriarchal control as women's bodies were being used to propagate men's genes (Kirkman & Kirkman, 2002). These arguments about the use of women's bodies as vessels were similar to those made in the prostitution debate, where women's bodies were seen as being compartmentalized and used to satisfy men's needs (Overall, 1992). Opponents for both of these practices

argued that surrogacy was harmful to women as their bodies were essentialized to be either incubators for men's progeny or vessels for men's pleasure. Discourses around prostitution were also similar to surrogacy discourses in that they challenged the notion of choice for women and argued that prostitution, like surrogacy, negated "self-determination" (Overall, 1992, p.707). In surrogacy discourses, none of the women involved as surrogates identified themselves in the discourses as feminists, which is also echoed by Overall (1992) who stated that "the majority of prostitutes have not identified as feminists" (p.707). Perhaps this is because of the rigid construction of women's roles created by the strict dichotomization of gender roles by radical feminists, which did not open a space for fluidity in women's experiences.

Surrogacy arrangements were also seen to threaten women's autonomy over their bodies as it involved multiple players, such as the intended parents and the medical professionals, who could have a possible legitimate claim to delegate how a surrogate should use her body (Diprose, 1994). These multiple players and claims to a woman's body is problematic from a feminist perspective as it furthers patriarchal control over women's bodies and reproduction by minimizing women's autonomy. Additionally, during this time (the 1970s) feminist surrogacy discourses started to discuss the needs of a woman to be able to separate her emotions or her mind from her body and to be able to compartmentalize herself (Markens, 2007). Interestingly, these were the same arguments supported by conservative religious groups who argued that surrogacy was "wrong...because it rests on the false premise that women can divorce their bodies from their minds" (Canadian Broadcasting Company, 1980). These arguments made the

assumption that the different components of a person could not live in harmony together (in this case the body and the mind) and that surrogacy was so abhorrent that one had to separate themselves emotionally and mentally from the process in order to be a surrogate (Canadian Broadcasting Company, 1980). These statements clearly illustrated the staunch arguments against compartmentalizing the surrogate experience and that being able to do so, was perceived as socially undesirable. Similar to the prostitution discourses, this fear of compartmentalization is problematic as it assumes that women are not capable of separating their bodies from their emotions and makes the assumption of a universality of women's experiences and reactions towards surrogacy or prostitution.

The opposing pro-surrogacy feminist argument constructed the denial of surrogacy as the denial of women's rights over their bodies (Markens, 2007). Surrogacy proponents argued that restrictions would not only infringe on women's reproductive rights, but also on their democratic rights of choice (Markens, 2007). Women's reproductive rights were a controversial topic at the time as legislators were looking at placing more restrictions on women's bodies, through abortion, pregnancy and gender-based workplace restrictions (Markens, 2007). Proponents for surrogacy argued that legitimatizing surrogacy would prevent it from becoming an unregulated industry or means of family creation as would limit issues of exploitation or commodification (Lacayo, Frankin and Leavitt, 1987). Arguments for women's democratic rights were made as men who were infertile could turn to sperm banks to help them procreate, however women who were infertile, were being subjugated to more scrutiny and legislation (Kerian, 1997). This was problematic as it once again privileged men's bodies and procreation over women's and placed more

control over women's bodies than men's.

These feminist arguments are problematic as they not only group all women into a singular category based on their sex, but in doing so, they reinforced patriarchal views of what it means to be a woman (Lloyd, 2007). Butler (as cited in Lloyd, 2007) argues that this categorization of women by sex is a way of maintaining “reproductive sexuality as a compulsory order” (p.73). By negating the diversity of women's experiences and privileging the voice of White middle class women, these feminist debates centered the issue of surrogacy within the heterosexist patriarchal confines of motherhood and family which further ostracized and silenced the roles of women from the margins as will be explored further in this paper. Lloyd (2007) highlights this by stating that by doing this, “the concept ‘women’ thus becomes a coercive category, normalizing femaleness and femininity in restrictive and exclusionary ways” (p.45)

All of these social and discourse changes set the stage for the emerging discourses on surrogacy which were pushed on the societal stage in the late 1970s, with a combination of key events in US surrogacy history. In 1976, there was the brokering of a legal agreement between a set of parents and a traditional surrogate (who didn't get paid) (Keane & Breo, 1981). This key agreement led to the subsequent emergence of literature on the issue, one being *The Surrogate Mother* written by Keane and Denis Breo (1981). This book introduced a new discourse on surrogacy: one that was positive and highlighted his journey not only as the broker of the agreement, but also as a “legal champion of ‘surrogate mothers’, a revolutionary new source of hope for infertile couples” (Keane & Breo, 1981, p. 11). Keane introduced the intended couple as “simply people who needed

help. A woman sat across from my desk and cried” (Keane & Breo, 1981, p. 11). This couple was portrayed in a very sad and longing way and with a huge sense of pain for the woman and for the couple who needed help in attaining the sought after mainstream norm of having children. It pulled on the reader’s “heartstrings” because the average reader would empathize with this desire to have a child. This trend is found throughout the literature when the narrative was written by someone who supported surrogacy: their narrative started with putting the reader in the ‘couple’s shoes’. This construction of “the plight of infertile couples” (Markens, 2007, p.80) is used to elicit a greater sympathy for the couples and to help explain why someone would choose surrogacy as an alternative for family creation since it is shrouded by so much public controversy as it challenges traditional societal norms.

Although Noel Keane brokered the first legal surrogacy agreement in the 1970s, it was not until the Baby M case hit the media in 1987 that the American public really started to pay attention to the topic of surrogacy (Markens, 2007). The Baby M case revolved around Mary Beth Whitehead (the surrogate) and William and Elizabeth Stern (the intended parents) (Markens, 2007). Elizabeth was not infertile, but had multiple sclerosis, which would have resulted in a highly risky pregnancy if she were able to conceive (Sanger, 2007). The Sterns entered into an agreement with Mary whereby her egg and William’s sperm was used to conceive a baby that she carried for the couple. At the time of the birth however, Mary changed her mind and did not want to give up her parental rights to the baby who was then referred to as Baby M (Sanger, 2007). This triggered a high-profile case, which resulted in a legal battle pertaining to custody and

parental rights (Ragone, 1994). The lower court in New Jersey awarded custody of the baby to William and allowed his wife to adopt the baby (Ragone, 1994) on the grounds that the surrogacy agreement was valid (Markens, 2007). This however was overturned by the New Jersey Supreme Court in 1988 who stated that the surrogacy contract was illegal and reinstated parental rights to Mary (Markens, 2007). The judge argued that this was the first instance where child was removed from a competent mother who gave birth to the child (Frost-Knappman & Cullen-DuPont, 1997), and that the surrogacy arrangements are detrimental to women (Appel, 2010). William was granted custody but the court prohibited his wife from adopting her and allowed Mary to have visitation rights to the baby (Ragone, 1994). According to Ragone (1994), “the decisions of the two courts reflect public opinion” (p. 2) of the time.

This 1987 high profile case elicited a strong response from the American public who had mixed reactions (Ragone, 1994). Polls completed at the time “captured the public’s contradictory and ambivalent response to surrogate motherhood, both with regard to Baby M and more generally” (Markens, 2007, p. 22). Not surprisingly, 1987 was also the year of “peak news coverage of surrogate motherhood” (Markens, 2007, p. 22) in the US. The traditional concepts of motherhood were challenged in this situation as Mary’s role was meant to be one of gestational and biological mother, but not social mother. This however changed once the baby was born and she wanted to claim all forms of motherhood as her own. The differences in the courts decisions on the concept of mother are evident in their different verdicts. Although Baby M was biologically Mary’s daughter, Elizabeth Stern was first awarded visitation and adoption rights to Baby M and

Mary's role was negated. This decision was based on the grounds of William's paternity but was also influenced by the construction in the courtroom of Mary's appropriateness as a mother.

The courtroom discussions during this case focused on the construction of motherhood of both Mary and Elizabeth. Mary and Elizabeth's roles as mothers were dichotomized by the prevalent discourses of the time. Elizabeth's commitment to motherhood was questioned by Mary's lawyer who argued that her medical condition was grossly exaggerated and that she was capable of bearing a child, but chose not to (Frost-Knappman & Cullen-Dupont, 1997). Although Elizabeth Stern had multiple sclerosis (MS), she was portrayed in the court proceedings as a woman who was capable of procreating but who chose to focus on her career and to have another woman fulfill her "role" as a mother (Frost-Knappman & Cullen-Dupont, 1997). Elizabeth's MS did not prohibit her from having a child, but pregnancy could result in possible complications (Frost-Knappman & Cullen-Dupont, 1997). This representation is also problematic as Elizabeth not only had to deal with the societal condemnation of her procreative limitations, but also public reaction to her having a paid profession, which was viewed as secondary to the role of mother. Mary on the other hand, conformed to social norms and constructions of motherhood as she was able and chose to have a child. Although Mary was less privileged than Elizabeth in areas such as class, she held a position of privilege as a "woman" with choosing to bear a child.

The discourses around Mary also focused on the separation of her mind and body, in that the Stern's lawyer stressed the monetary and legal transaction negated the impact

of any human emotion (Frost-Knappman & Cullen-Dupont, 1997). Mary's lawyer, on the other hand, focused on the totality of Mary's attachment to Baby M (one that was filled with an emotional as well as physical connection) (Frost-Knappman & Cullen-Dupont, 1997). When the New York Supreme Court reinstated Mary's parental rights and stated that both William and Mary had genetic ties to the baby, motherhood was brought under scrutiny again in the public domain as it evoked questions about parental rights and the legal enforcement of contracts (Ragone, 1994). This back and forth of who was Baby M's mother "raised and ultimately left unanswered many questions about what constitutes motherhood, fatherhood, family, and kinship" (Ragone, 1994, p.1).

The media and public construction of Mary's role of mother paid particular attention to messaging around "class, gender and assigned social role" (Rosler, 1988). Mary came to represent all women of her class (lower-working class Americans) and was portrayed as "ignorant, untrustworthy, unstable and profoundly deceitful and manipulative" (Rosler, 1988). This representation was further reinforced by other people in positions of power such as different medical or counselling professionals who identified her as "not a mother, but a rented uterus" (Salk as cited in Rosler, 1988) and as having a "mixed personality disorder" (Rosler, 1988). These strong statements were provocative and portrayed Mary and other surrogates as being "less than desirable" with negative intentions.

If we are to examine the representation of Mary and the Sterns through a post-structural feminist lens, there are various areas of dissection, particularly around issues of class. Mary Whitehead was a housewife at the time of the surrogacy arrangement and her

husband was a Vietnam War veteran and a sanitation worker (Chelser, 1988). The Sterns were identified as being middle to upper class as Elizabeth Stern was a doctor and her husband a medical researcher (Sanger, 2007). As previously noted, Mary came to represent all women of her class but this construction was geared towards a negative portrayal of her and therefore all other women in the same class. Lower to working class women were villainized and portrayed as inappropriate caregivers because their intentions and motivations were called into question. Media representations during the time highlighted the use of Mary's uterus and the fact that there was a monetary exchange for this use, however they did not pay similar attention to the fact that the Sterns paid her this money. These class constructions by the media are troublesome as they unequally represented the Sterns and Mary and constructed Mary's motivation as being based on monetary concerns. Andrews (1989) challenges this by stating that Mary's reason for becoming a surrogate was to give "the most loving gift of happiness to an unfortunate couple" (p. 127). This is echoed throughout the media representations of paid surrogates, in that money is seen as a primary motivator, when in fact often altruistic reasons are highlighted as surrogate's primary motivator and that if money was the motivator, it was for the benefit of others rather than themselves (Williams-Jones, 2002). The representations of surrogates' motivations were often dichotomized between solely either altruistic or monetary gains without any middle ground, which is where I speculate that Mary probably rested. This dichotomized representation of surrogates' motivations still carries on today (Williams-Jones, 2002), and Ragone (1994) argues that "the tendency to cast surrogates' motivations into dichotomous, often antagonistic, categories such as

either altruism or monetary gain may reveal more about American culture itself than it does about surrogacy itself” (p. 51).

Mary’s villainization continued with the construction of her reaction towards the baby when she was born. Both Mary and William had the same genetic relation to Baby M (each of them made up half of the baby’s genetic composition) but Mary’s change of heart and desire to keep the child was villainized whereas William’s desire to keep the child was glorified. This villainization of Mary can be linked to the marketplace expectations of Mary as the seller of her egg and her body. When she did not follow-through with the expectation of providing the Sterns with what they paid for, she was held under scrutiny within a capitalist context. Mary was judged for not adhering and conforming to the norms of the marketplace in that she did not follow-through with the contract where she agreed to relinquish the baby. This case became not only an ethical issue but also a legal issue with marketplace implications, as Mary was not following through with the legal agreement. Additionally, this situation continued to frame the importance of kinship through the paternal side since in both the rulings, paternity was given precedence rather than maternity. Mary’s motivations were constantly called into question, whereas William’s were not even though he also entered into this marketplace arrangement with Mary. This reinforced patriarchal kinship which is seen as “the core of what is meant to by patriarchy: the idea that paternity is the central social relationship (Rothman, 2004, p. 141). Another point of examination from a post-structural feminist lens is how the constructed roles of player involved (the Sterns and Mary Whitehead) called into question things such as parental rights, which were based on biology. With

Baby M, the media portrayed William as having more rights as it was his sperm, but it did not take into account that it was Mary's egg. Although the Supreme Court took into account that it was Mary's egg that conceived Baby M, the majority of the public discourse centered around the rights of William as the father. This reinforcement of patriarchal kinship highlighted the lack of movement around notions of parenthood from the representations in the Bible. This is an area of concern when viewing this through a post-structural feminist lens as William's position of power and privilege as a male continued to be reinforced by societal structures, which at the same time subordinated Mary's rights.

Women's Choice and Children's Best Interests

Following the Baby M case, the issue of surrogacy began to be reframed by two distinct framings, one of choice (women's choice over how to use their bodies) and the other of best interests of children (Markens, 2007). During the late 1970s, the "tender years" (Markens, 2007, p.66) construction of child custody (which argued that young children would be better cared for by their mothers) changed to the "best interests of the child" in the 1980s (Markens, 2007, p.66). This resulted in a shift of focus from women's rights to children's rights (Markens, 2007). During the early 1980s, discourses about fetal rights began to emerge which also resulted in greater restrictions on women's bodies (Markens, 2007). These fetal rights discourses began to demonize women in their roles as mothers and "increasingly women became seen as vectors of risk rather than victims themselves" (Markens, 2007, p.55). This change in the discourse placed children's rights

over women's rights and demonized women who were seen as placing their babies at risk. This discourse was also influenced by the advances in technology during this time, with the emergence of ultrasounds in prenatal care, which highlighted fetal discourses as people were now able to see the fetus/child on a screen and therefore s/he became less of an abstract construction until birth (Markens, 2007). Technological changes as well as the changes in focus on discourses to children's rights led to public campaigns highlighting risks to fetus' and the role of mothers in protecting children while in utero. Examples of campaigns during this time were public initiatives highlighting the effects of drinking and smoking during pregnancy (Markens, 2007). These changes also altered the discourses of motherhood as women were now being held legally responsible for their children's health in utero and women (typically from racialized or economically marginalized groups) were being criminally charged for fetal neglect (Markens, 2007). These methods of control over women are concerning as they illustrate how women were once again controlled by institutions of power through manipulation of language, discourses and laws.

Both sides of the surrogacy debate used the argument for children's rights to further their case. Opponents of surrogacy argued that surrogacy arrangements would "jeopardize the welfare of children and undermine the dignity of women" (Markens, 2007, p.51). Proponents for surrogacy also used the children's rights discourse, but framed it in a positive lens by arguing that intended couples were committed to children since they usually had a long emotional journey through infertility and lack of alternate methods of family creation (Markens, 2007). It was argued that surrogacy was focused on family and children's rights, as intended parents would have gone through great lengths to have a

child and would therefore be committed to ensuring that their children would be cared for appropriately (Markens, 2007).

During the same time that the Baby M case was going on, there was another surrogacy controversy occurring across the ocean in the UK over the “Baby Cotton” case (British Broadcasting Company, 2011). On January 4th 1985, Kim Cotton gave birth to a baby girl for another couple who paid her to carry their child (British Broadcasting Company, 2011). This child was conceived using Kim’s egg and the intended father’s sperm (British Broadcasting Company, 1985). Although surrogacy was legal in the UK at the time, it was not legal to pay a person to have the baby, but instead could only accept “reasonable expenses for costs incurred during the pregnancy” (British Broadcasting Company, 1985, Context). This birth caused controversy in the UK from the moment that the baby was born as Scotland Yard investigated the case on the day of the baby’s birth “following reports she is to receive £6,500 for her baby from a childless couple” (British Broadcasting Company, 1985, para.1). After the baby was born, Kim was “forced to leave her” at the hospital as the court imposed a court order until the matter could be heard by the court (British Broadcasting Company, 1985, para.2).

Congruent with the Baby M case, the media representations and discourses surrounding the Baby Cotton case were centered around issues of gender, motherhood and class. For example, in the article from the British Broadcasting Company that was written on the day that Baby Cotton was born had the title “Inquiry over ‘baby-for-cash’ deal” (1985). The phrase “baby-for-cash” highlights the monetary exchange that occurred and boiled the issue down to money rather than the relationship or personal dynamics of

the interaction between Kim and the intended parents. The article goes on to describe how a hospital administrator stated that “Until we hear to the contrary the baby must remain here in a place of safety” (British Broadcasting Company, 1985, para.4). It made the assumption that the baby would not be safe with either Kim or the intended parents and vilified the arrangement that had occurred. It was very one-sided and placed a shroud of criminality over the entire process. The Health Minister at the time reinforced this and “revealed that Parliament will move to ban it after MPs came under pressure to take urgent action” (British Broadcasting Company, 1985, para.5). This is indicative of the social climate and reaction to surrogacy at the time. This situation pressed the government to examine the issue of surrogacy more closely, however it begs the question of what would have happened if there were no “reports” that Kim was not going to receive any payment from the intended couple. The article also contextualizes the person who brokered the arrangement as being a “former health visitor Barbara Manning, it is expected to make thousands of pounds from the Cotton surrogacy” (British Broadcasting Company, 1985, para.7), which highlights the monetary nature of this transaction.

In reviewing “The Hasty British Ban on Commercial Surrogacy” (Brahams, 1987), the author described the social outcry that resulted when Baby Cotton was born, as “the mood of the British public was so hostile and disapproving that the Government rushed to pass criminal legislation. Six months later, the Surrogacy Arrangements Act 1985 was in force” (Brahams, 1987, p. 16). This Act criminalized any third parties from receiving any compensation from a surrogacy arrangement by institutionalizing fines of up to \$2000 (Brahams, 1987). Brahams (1987) sets the stage for the issue of surrogacy in her article

by discussing this public opinion at the beginning of her article and continued on by using words such as “pious sentiment” “disapproving”, and “hostile” (p. 16). Contrary to the Baby M case where Mary was villainised for wanting to keep the baby, in the Baby Cotton case, Kim Cotton was villainised because she did not want to keep the baby and she “was harshly criticized for her non-maternal feelings” (Scheper-Hughes & Sargen, 1998 p. 95). She was therefore seen as not fulfilling her role as a woman and a mother who should have the feelings of the idealized “all loving mother” (DuQuaine-Watson, 2004). In this representation, Kim is portrayed negatively because she is not conforming to the rigidly structured role assigned to her as a woman by society, and this judgment is again reinforced by the media and the fact that she followed-through on the contract that she entered into with the couple.

Like the Baby M case in the US, the issue of class also emerged in the Baby Cotton case. After the court got involved in this matter, the judge ordered that the “social parents” (Brahams, 1987, p. 16) had to go through an assessment by the local social services department. This assessment highlighted the couple as being “both materially and emotionally equipped to give the baby a good home. They were warm, caring, sensible, and highly intelligent. They had a nice home and would be able to cope with the kind of questions that might arise in the future” (Brahams, 1987, p. 16). If we are to deconstruct this, it is evident that certain classes were seen as being more desirable for parenting (middle to higher classes) than others (lower classes). This beckons us to examine the social justice issues presenting here as the Baby M and Baby Cotton cases illustrate issues of classism in the public discourse regarding motherhood, which carry on

today. Mary Whitehead was portrayed as being an inappropriate parent because of her class, whereas the Sterns and the couple in the Cotton case were seen for the most part as being appropriate because of their access to resources. These constructions of who is appropriate to parent are socially constructed to favour the middle and higher classes and create a social expectation that belonging to these classes will make a person a “better parent”. If we are to look at this in the present time, you can see that this line of thinking continues to exist as currently, this issue has also been highlighted by the child welfare sector, where families from lower incomes are disproportionately more likely to be involved with child welfare services than families with higher incomes (Ontario Child Welfare Anti-Oppression Roundtable, 2008). This illustrates the biases against class and parenthood are still reinforced not only by current discourses, but also by current practice in the social work field which further propagates the structural imbalances against marginalized families.

Following the era of Baby M and Baby Cotton, reproductive technology further progressed and offered the opportunity for not only altruistic surrogacy but also for commercial surrogacy (Kirkman & Kirkman, 2002). Prior to the availability of donor eggs, the surrogate had to also donate her egg, whereas the option of using donor eggs, set up a new dichotomy of surrogacy that also impacted on public and legal perceptions of motherhood (Kirkman & Kirkman, 2002). The availability of donor eggs negated the genetic link that surrogates previously had with the children they were carrying, which brought up additional concerns of compartmentalization of women’s bodies, as well as issues of commercialization and exploitation.

In response to the public discourses on surrogacy, the Canadian government began to explore this issue of surrogacy through public consultation, and found a clear distinction in the public perception of commercial versus altruistic surrogacy (Royal Commission on New Reproductive Technologies, 1993). Government reports clearly outlined that situations where surrogacy should be permitted were in cases where it was not for monetary exchange and when it was to provide an option for family creation due to medical reasons and for reasons of personal autonomy (Royal Commission on New Reproductive Technologies, 1993). The arguments that the public had against surrogacy were: the potential for exploitation, that it was degrading, dehumanizing and harmful to women, that it was harmful to the individuals involved in the process (including the children born out of surrogacy) and that the process had social harms and promoted sexual inequality (Royal Commission on New Reproductive Technologies, 1993). There were however also circumstances where Canadians believed that surrogacy arrangements could be a viable option but also clearly delineated that these circumstances only outlined surrogacy arrangements of the non-commercial kind (Royal Commission on New Reproductive Technologies, 1993). It was seen as being acceptable and almost constructed like a ‘time old tradition’ in the report for women to have a baby for another woman who was “known to them personally” (Royal Commission on New Reproductive Technologies, 1993, p. 681). This clearly delineated what was socially acceptable: surrogacy arrangements where a personal relationship existed and there was no money exchanged and not so when it was between strangers and there is a payment involved.

The Royal Commission on New Reproductive Technologies (1993) echoed a negative and rigid perspective towards surrogacy and any forms of commercial surrogacy in particular. The Commission found commercial surrogacy to be particularly “offensive” (p. 683) as it commodified women and children, is harmful to women, children and society and set up conflicting personal relationships. If we are to examine these issues and deconstruct them, we can argue that the harm to women and children with the issue of commodification is no more pertinent than the issues of adoption and kinship arrangements, where children are transitioned from the care or “ownership” of the state or parent to a new parent. These issues are discussed in a much more positive light in the media and public discourse and do not have the same stigmas attached to it as surrogacy does. Blythe (1993), Tong (1996) and Williams-Jones (2002) draw parallels between children born of surrogacy to children who are adopted since they are similar in that they have also been separated from their parents, however, interestingly, this factor does not impede or cause as much concern as with surrogate children. They argued that surrogacy is the most critiqued form of family creation because it does not afford a “clean break” between the child and his/her genetic origins” (BMA, 1987 as cited in Blythe, 1993, p. 264).

As the public’s interest in surrogacy was piqued due to the emergence of commercial surrogacy, the academic sector also began to examine surrogacy further and in particular the differences between altruistic and commercial surrogacy. Brenda Baker (1996) examined the Canada’s Royal Commission Reproductive Technologies (Baker, 1993) and how it solely focused on commercial surrogacy without examining altruistic

surrogacy, which would counteract the main objections of the Commission. Baker (1996) argued against the Commission's arguments against surrogacy by stating that there were positive reasons for permitting altruistic surrogacy and that the Commission's arguments against it were insufficient to warrant a total eradication, but instead could be mitigated by regulating the practice. She addressed the issue of the commodification of children through the process and highlighted that in altruistic surrogacy, no money is exchanged, and in fact, the child is not treated as an object but instead is cared for by people who are bound by "obligations of parenthood" (Baker, 1996, p. 38). She went so far as to argue that if moral objections to creating a child for people who want to become parents is a valid argument, then "we must say that natural biological reproduction in traditional families is suspect" (Baker, 1996, p. 38). Baker (1996) also tackled feminist arguments against surrogacy at the time and counteracted them by stating that surrogacy should be examined in the larger social and cultural context and agrees that there are potential issues of feeding into patriarchal notions of woman and motherhood. She argued that a priority of feminism is to push for greater gender equality, where women have more choices and opportunities for fulfillment, and surrogacy can be seen as one of those choices, just as motherhood or being a homemaker may be a choice for some. The author argued that altruistic surrogacy had strengths such as an emphasis on the relationship between the parties involved as well as on the child in question. Baker (1996) stated that altruistic surrogacy, as opposed to commercial surrogacy, provided a mutually beneficial relationship with "moral, psychological, and expressive dimensions" (1996, p. 42) that contractual models do not. Baker (1996) also argued that another benefit of altruistic

surrogacy was that it placed more of the power in the hands of the women involved rather than in the hands of the medical field.

In examining the issues of commercial versus altruistic surrogacy through post-structural feminist and social justice lenses, there appears to be a problematic two-level system set up for women and their constructions of motherhood. Surrogates who are seen as doing it for altruistic reasons are set up in a positive light and are almost revered since their intentions are constructed as being benevolent and wanting to assist another person with the “gift-giving” of a child. In deconstructing the notion of “gift-giving”, it highlights that although there might not be any monetary exchange in altruistic surrogacy, there are other forms of exchange happening that do not entail the situation as one that is entirely altruistic and freely giving of a gift from one person to another. Altruistic surrogates also give their bodies away to someone else for an extended period of time during the surrogacy process and the rhetoric of “gift giving” silences this and plays on the “long and accepted tradition of giving women and their bodies away” (Kroløkke, Foss, & Sandoval, 2010, p.98). Additionally, “gift-giving rhetoric also disguises the commercial gains made by agencies and other ‘baby brokers’ who instead of ‘selling babies’ now are fulfilling the ultimate dream of parenthood and providing services in the process” (Kroløkke et al, 2010, p. 98). These multiple layers of commercialization issues present with both types of surrogacy are not highlighted in the public discourses as they continue to focus on the dichotomization of commercial versus altruistic surrogacy. This surface discourse portrayal of acceptable versus unacceptable forms of surrogacy maintains and reinforces notions of which surrogates as seen as being “acceptable” in

society (altruistic surrogates) and which are not due to the monetary compensation (commercial surrogates).

Commercial surrogates however were and continue to be seen as being motivated by money and discourses highlight the marketplace implications of surrogacy, which heighten the public's anxiety over the process. The public discomfort with commercial surrogacy can be seen in the framing of it as "baby selling" (Markens, 2007, p.82). This discourse framing centered around comparing children with commodities to be bought and sold and compared surrogate women's bodies with "factories" (Markens, 2007, p.83). These constructions of commercial surrogates is troubling from a social justice standpoint as it emphasizes the market factor of the arrangement but it also effectively silences or depersonalizes women who choose the commercial surrogacy route. By equating these women with being factories or being like factory workers (Markens, 2007), insinuates that their bodies are interchangeable as long as they can produce a child and that their voices or personal discourses were not important. This discourse also highlights how children's interests once again dominate over women's interests. Women are constructed as churning out children like they are commodities rather than taking into account the various emotional and psychological aspects involved in surrogacy.

Commercial surrogacy also heightens the public's anxieties as it brings up additional concerns of exploitation as there is a monetary exchange involved. Wilkinson (2003) examined this issue of exploitation and in particular whether commercial surrogacy involves "*unfair advantage exploitation*" (Wilkinson, 2003, p. 172) which entails one person taking advantage of another in a way where one party does not consent

or their consent is invalid. He examined this by looking at the distribution of harm versus benefit for all parties as well as whether the surrogate's consent is valid. He argued that if the answer to both of these questions is yes, then surrogacy can be exploitative.

Wilkinson (2003) argued, as have others (Tong, 1996, Cicarelli & Beckman, 2005: Garofalo, 2010), that the best way to diminish the exploitative factors of surrogacy is through legislation.

In 2001, the Canadian Liberal government drafted up the *Proposals for Legislation Governing Assisted Human Reproduction* (Government of Canada, 2001) which advocated prohibiting commercial surrogacy based on the issues of commodification and exploitation. This proposed legislation stated that consent regulations would need to be developed in cases of altruistic surrogacy to ensure that women were not being coerced into surrogacy arrangements by either the intended parents or third party individuals such as lawyers, doctors, partners, and so on. What is most intriguing is at this point, the legislation started to point towards allowing money transfers to occur, but not for the women or families in question, but for the paid professionals who would be “permitted to support the surrogate mother” (Government of Canada, 2001). This discourse positioned the surrogate mother in a weak role as someone who needed help and that these supportive services warranted a payment, while her contribution to the process of creating a child was not worthy of compensation. This is once again tied into the social construction of women as bearers of life and that this role should be an expectation and not something to be compensated for. It additionally raises the question of women's rights over their own bodies since this legislation restricts women's choice over their own

reproduction.

The Assisted Human Reproduction Act (AHRC) or Bill C-6 came into effect in 2004 as a result of the recommendations outlined in 2001 (Department of Justice Canada, 2004). This Act finally came into affect after the ongoing debate and public consultation between the public and the legislating bodies, as well as the emerging need for the government to “take a stand” on the surrogacy debate (Kashmeri, 2008). The Act defines a “surrogate mother” as a “female person who — with the intention of surrendering the child at birth to a donor or another person — carries an embryo or foetus that was conceived by means of an assisted reproduction procedure and derived from the genes of a donor or donors” (Department of Justice Canada, 2004, Interpretation and Application section). The *AHRA* (Department of Justice Canada, 2004) is based on guiding principles outlined below which illustrate the ideological stance the then Liberal Federal government had towards surrogacy. The principles include:

- (a) the health and well-being of children born through the application of assisted human reproductive technologies must be given priority in all decisions respecting their use;
- (b) the benefits of assisted human reproductive technologies and related research for individuals, for families and for society in general can be most effectively secured by taking appropriate measures for the protection and promotion of human health, safety, dignity and rights in the use of these technologies and in related research;
- (c) while all persons are affected by these technologies, women more than men are directly and significantly affected by their application and the health and well-being of women must be protected in the application of these technologies;
- (d) the principle of free and informed consent must be promoted and applied as a fundamental condition of the use of human reproductive technologies;
- (e) persons who seek to undergo assisted reproduction procedures must not be discriminated against, including on the basis of their sexual orientation or marital status;
- (f) trade in the reproductive capabilities of women and men and the exploitation of children, women and men for commercial ends raise health and ethical concerns

that justify their prohibition; and
(g) human individuality and diversity, and the integrity of the human genome,
must be preserved and protected. (Department of Justice Canada, 2004, para. 2).

In socially deconstructing these principles, it is evident that there is a hierarchy of importance placed on groups and norms. The first principle outlined is about children and their need for protection, while families and society comes next and followed by the view of women in relation to surrogacy. Women are clearly delineated from men by their “application” and therefore needed additional attention through the legislation. This once again limits women’s choice over their own bodies and essentializes women based solely on her procreative abilities and deems that women are in a meeker role due to their reproductive capabilities. This construction also does not allow women the choice on how to use their bodies and once again places the view of children’s rights over their own. It is important to note changes in discourse at this time too, that highlighted the relation of children to women. During this time, discourses changed to prioritize the child as creating the social construction of parenthood, while her/his parents biologically construct them (Williams-Jones, 2002). Williams-Jones (2002) argued that motherhood was now constituted through the relationship between the mother and the child, and fatherhood was constituted through his relationship with the mother. Surrogacy was therefore seen as once again breaking down the traditional patriarchal notions of the role of motherhood since there could be multiple women involved in the process of creating the child and the person who is gestating them is not the person who is going to raise and nurture them.

The AHRC (Department of Justice Canada, 2004) carries on outlining the regulations now in place governing assisted human reproduction. As it pertains to

surrogacy, the Act has very strict guidelines on what is permissible, such as it is illegal to pay a woman to be a surrogate mother and also illegal to accept payment for arranging “the services of a surrogate mother, offer to make such an arrangement for consideration or advertise the arranging of such services and that no person under 21 can become a surrogate” (Department of Justice Canada, 2004). Although the legislation delineates between commercial and altruistic surrogacy, it does not draw a distinction between traditional (genetic) surrogacy and gestational surrogacy. This can be problematic as each kind of surrogacy arrangement has its own particular challenges and issues to be negotiated around as has already been illustrated.

Additionally, although the AHRC states that a person could not be discriminated against based on their sexual orientation or marital status (Department of Justice Canada, 2004), the predominant have focused on the heterosexual plight of infertility and do not often portray same-sex couples or single people having children. These discourses have changed slightly with the changing constellations of family in present day Canadian society, which will be discussed in the next chapter.

As this chapter has illustrated, surrogacy discourses have focused on patriarchal notions of women, motherhood and family creation. The rise of technology has contributed to changes in surrogacy discourses as they have opened the door for both gestational and altruistic surrogacy arrangements, each of which have their own unique challenges and issues of social justice. These surrogacy arrangements carry into present day, however have evolved to include and influence other members of society, which will be explored next.

Chapter 5 - Surrogacy Discourses in the New Millennium

This chapter will continue to explore the representation of surrogacy discourses, with a particular focus on the past decade. It will explore the emergence of the use of surrogacy by diverse families, the emergence of outsourcing of surrogacy and the representations of Western mothers and intended parents. All of these discourses will be examined and deconstructed to highlight how they have shifted their focus onto highlighting the family while still oppressing women.

Surrogacy and Diverse Families

Changes in societal factors and an increased focus on family discourses in Canada have resulted in an increased interest in surrogacy (Markens, 2007). Issues such as couples and women delaying having children has greatly affected the demand for surrogates as “age plays the largest role in fertility...and is the number one factor in increased demand for fertility treatments” (Garofalo, 2010). Markens (2007) cautions us to examine the social construction of higher rates of individuals seeking out fertility treatments by arguing that the rates of infertility have not risen per se in the West but that the population has increased and therefore there are more couples going through fertility issues. This increasing rate of infertility based on age is socially constructed to negatively reflect on women as they cast a shadow of judgment on women in the workforce and further reinforce social expectations that women prioritize their roles as mothers over any other.

The increase in families experiencing infertility (although the actual infertility

rate has not increased substantially) has led to an increase in the popularity of surrogacy as an option for family creation. This in turn has led to an increase in the media representation of surrogacy in recent times (Markens, 2007). There is diversity in the current constructions of family with the emergence of divorced families, step-families, single-parent families as well as same-sex families which has influenced surrogacy as well. These diverse families have influenced the surrogacy discourse by changing it from one of motherhood to focusing more on the family and different forms of family. These representations however have still been heteronormative (Warner, 1991) as they have focused on families who closely resemble the heterosexual family matrix (with the few exceptions of single gay males).

Although the public discourses and legislation has predominantly focused and emphasized surrogacy as an option for heterosexual couples, there has been an emergence of media representations of surrogacy being used as a form of family creation for same-sex individuals or couples. For example, the singers Ricky Martin (Laudadio, 2010) and Elton John (Hammel, 2011) as well as the actor Neil Patrick Harris (Jordan, 2010) have all had babies with the help of surrogates. Additionally the popular television show “Brothers and Sisters” (Baitz, 2010) also had a storyline whereby a gay male character tried to have a child with their friend who was going to be a surrogate for them. The representations of Elton John, Ricky Martin and Neil Patrick Harris ended happily (in that there were no conflictual issues portrayed in the media). However, in the TV show, the storyline following the gay male with the surrogate, who lied to them about having a miscarriage and then disappeared. While she disappeared, she ended had the baby who

was genetically related to one of the male partners. The child eventually ended up with the gay couple after the storyline perseverated on the issue of her lying and taking the baby away and the emotional turmoil that this caused the couple and her, which resulted in her giving the child to the couple (Baitz, 2011). The surrogate was villanized in this representation as she was portrayed as fuelling societal fears over surrogacy (that surrogates will change their mind and will not relinquish the baby). It is interesting to note how the media representations imposed the social construction of the heterosexual experience onto this gay couple, who were portrayed in a much more positive and sympathetic light. This is problematic from a post-structural feminist lens as this reinforces heterosexual norms and expectations onto diverse families and does not provide a space for an alternate discourse to be formed.

Additionally, these representations either do not discuss the role of the surrogate in detail (in the case of Ricky Martin and Neil Patrick Harris), or they do but in a negative manner (Brothers and Sisters). This is interesting as it negates the experience of the surrogate and thereby do not acknowledge the notions of motherhood, but instead focus on parenthood and more so on fatherhood. Interestingly, Kashmeri (2008) poses a counter argument by highlighting the fact that gay fathers more readily acknowledge the surrogate as a kind of mother, whereas heterosexual couples tend to de-emphasize the gestational surrogate through their genetic tie with the child” (p. 126). This begs the question of whether this occurs because neither of the intended parents in a gay male couple are female and therefore do not make any claim to the mother role whereas in a heterosexual relationship, the intended mother wants to take on their role and identity and therefore

there are more struggles with sharing that role. The answer to this question is beyond the scope of this research, however can be seen as a recommendation for further research.

Examining these representations from a social justice perspective, we can see that the media is more inclusive of certain marginalized groups (in this case gay men) and highlighting their experiences with fatherhood and creating families. However, if we are to examine it from a class lens, once again it is people from positions of power who have access to surrogacy as a method of creating their family. These people (intended parents) who are predominantly White, male, rich and famous have the power and privilege by virtue of their social location of being rich and male to inform the discourses on surrogacy, whereas less privileged couples, are not represented in the media to the same degree. Additionally, same-sex couples that do not have financial resources would not see surrogacy as an option. This creates a class hierarchy within the same marginalized group (men who are gay) as lower income gay individuals would only have the option of adoption as a means to create their family. If these avenues are the only accessible ones, then they are faced with long waiting times to create families than their more affluent counterparts have to face (which can also be said for heterosexual couples who do not have the financial means to pursue surrogacy).

Surrogacy today has also opened up opportunities for other marginalized groups, such as those facing issues of ableism, to create families. For example, a recent television show entitled “The Little Couple” (Schotz & Rivin, 2011), portrayed a heterosexual couple who suffer from dwarfism seeking out a surrogate to have a child. In this case, the female partner, due to her stature was not able to carry a child and without the availability

of surrogacy, would not be able to have a biological child. This representation is interesting to note as although the couple was privileged due to their status as a heterosexual, white, affluent couple, they were also marginalized due to their body stature and therefore surrogacy can provide them with an opportunity to create their biological family.

Another facet of surrogacy and family discourses emerging in a secondary way is the rise of an altruistic surrogacy industry in Canada. This discourse and industry are geared towards companies assisting couples with matching and navigating through the altruistic surrogacy process (Gazze, 2007). Although this is an expensive process in Canada, due to the higher cost of medical fees and expenses in other countries, Canada actually was cited by the Globe and Mail as the “destination for infertile couples” (Gazze, 2007, p. 1). It is noteworthy that Canada is seen as a surrogacy option for affluent people (Soupcoff, 2010) and people from other countries in the West and Europe as “Ontario pays pregnancy and delivery costs of a surrogate who lives in the province, regardless of where the intended parents of the child are from” (Gazze, 2007, p. 2). Additionally, surrogacy in the United States can cost almost \$70,000 (Garofalo, 2010) and so Canada is perceived as a more viable option as compared to other countries in the West and Europe such as Germany (Garofalo, 2010). This is important to note as the impact of globalization has influenced surrogacy in different ways with Canadian women being surrogates for a certain class of people, while at the same time, Canadians from the middle classes are seeking out surrogates from other countries. These dynamics are noteworthy as surrogacy has truly become a multi-faceted global phenomenon.

Additionally, discourse representations highlight the importance of family relationships as surrogate mothers are portrayed choosing surrogacy to help others create a family (Garofalo, 2010). These constructions of family appeal to the public as they reinforce social expectations of kinship, however, when you peel away the layers, the marginalization of women is still present as women are now seen as secondary to the family unit (Markens, 2007).

Representations of Outsourcing Surrogacy

Another area that has gained public attention in surrogacy discourse is the process of surrogacy being outsourced to India by Western families (Westhead, 2010). In the past decade, there has been a spike in the number of clinics that offer fertility treatments in countries like India, where surrogacy is estimated to become a 2.3 billion dollar industry by 2012 (Brenhouse, 2010). In completing online research on this topic, one encounters numerous websites for agencies specializing in surrogacy all over the world. The rise in technology has not only increased the public's awareness of surrogacy but also increased the opportunities for "reproductive outsourcing" to India (Garofalo, 2010) and currently one in three surrogate births in the world occur in India (Garofalo, 2011). This huge influx in the reproductive industry in India is due to Indian regulation being more permissive of surrogacy than other countries as well as the affordability of surrogacy in India. Commercial surrogacy arrangements are legal in India (Government of India, 2009) where the intended parents are the legal parents (Garofalo, 2010). This newly booming industry has been influenced by the restrictive legislation in Western

countries (Garofalo, 2010).

Additionally, there are pertinent issues of power and privilege in play, which influence people's decisions to carry out surrogacy arrangements in other countries. For example, according to Williams-Jones (2002) commercial surrogacy arrangements in developing countries have a greater potential for exploitation due to the social location of the surrogates who are typically from lower incomes. Western couples sometimes find having surrogates from developing countries to be more appealing since they (the surrogates) are less likely to take them to court to contest parenthood. Williams-Jones (2002) also states that couples prefer this option since it provides certain emotional boundaries as the surrogates are seen as no more than a "fetus-sitter" (p. 8) for the couple since they would not share any genetic material with their baby. These perceived emotional boundaries are reinforced by the construction of commercial surrogacy as a "9-month business arrangement" (Riggs & Due, 2010, *Desire for Genetic Relatedness and the Enactment of Race Privilege*), which emphasizes the distancing of a genetic link between the surrogate and the child and the construction of the intended parents as "the only parents that they will ever know" (Riggs & Due, 2010, *Desire for Genetic Relatedness and the Enactment of Race Privilege*). This effectively eradicates the role of the surrogate as a mother and relegates her to the marketplace function that she performs.

The construction of surrogates being mere "fetus-sitters" is also problematic from a social justice lens as it implicates and silences the experiences of the families of Indian surrogates. Indian surrogates often live in hostel-like settings while they are pregnant so that they can be closely monitored to ensure that they will be able to produce

a healthy baby for the intended parents (Garofalo, 2010). This is problematic on various levels as she is isolated from her own family and community (Riggs & Due, 2010). Since Indian surrogates have to have had at least one successful pregnancy of their own in order to be accepted as a surrogate, she leaves behind her own children for an extended period of time and therefore this process benefits the families and children of Western couples, but negates the needs and interests of Indian children (Riggs & Due, 2010). This is troublesome not just from a post-structural feminist lens, but also from a social justice lens, as the influences of Western society impact on the everyday lives of the families of Indian surrogates, however, these impacts are negated or silenced in the popular discourses. This silencing not only maintains the privileging of wealthy Western families who choose surrogacy, but also removes the lived experience of the families of Indian surrogates from the Western radar and therefore reinforces the ideology of surrogacy as a market transaction without social implications.

Another pertinent issue to examine from a post-structural feminist and social justice lens is the portrayal of Indian surrogates in the media. In examining the different discourses on outsourcing the process of surrogacy to India, I noted that often it was the doctor's whose voice was represented through the media (Garofalo, 2010; Brenhouse, 2010; Dolnick, 2007). The doctors create the discourse about not only the surrogates, but also their families. This is of concern as these discourses about marginalized women are being created by individuals in positions of power and privilege, who are often male, which further reinforces patriarchal and Westernized perceptions of women's reproductive rights. The surrogate women are often represented as submissive where they

do not talk or they speak minimally about all the benefits that being a surrogate have offered to them since the money is often used to improve living conditions or to send their children to school (Garofalo, 2010). With global economic factors, the amount of money that a surrogate can make for having a child is enough to significantly change the social location of her family. Although some argue that this is a positive aspect (Garofalo, 2010), this is a social justice issue as it highlights the lack of equity in women's work. So, not only are Indian surrogates having babies for privileged Western families, but they are paid less than their Western counterparts (for example, the price of surrogacy can cost around \$7500 in India as opposed to \$70,000 in the US). This beckons questions of inequality and inequity as women's compensation for completing the same task is determined by her social location and Indian women's bodies as portrayed as being "cheaper" than White women's bodies. This is echoed by Glenn (2004), who argues that "a woman of colour can now bear a "white" baby for a "white" couple breaks the last barrier to women of colour doing all the reproductive labour for white women, and greatly expands the possibilities for exploiting poor women's lack of economic options" (p. 8). Additionally, the social injustice issues prevail around economic freedoms as Indian surrogates unequivocally state that if there were other options to attaining resources, they would not resort to surrogacy (Riggs & Due, 2010). These issues with outsourcing surrogacy to India are important to note for the Canadian context as there is a rise in this phenomenon, which will probably continue with globalization trends.

The Voices and Construction of Western Surrogates and Intended Parents

In discussing surrogacy, it is important to hear from the voices of the players involved in the process. Researchers have attempted to either challenge or confirm the various public perceptions about surrogates. For example, in examining the common public misconception that surrogates do it ‘for the money’, Ciccarelli (as cited in Ciccarelli & Beckman, 2005) found that in her study of White American surrogates, they stated that the primary motivation was not money, but instead a desire to help others have a family and the personal motivation of enjoying pregnancy but not desiring to having another child. This was also echoed in Ragone’s (1994) study of twenty-eight American surrogates (who were predominantly White and from lower socio-economic classes) which also found that money was not the primary motivator for surrogacy of American surrogates. Another common perception of surrogates and in particular of commercial surrogates is that they were poor, uneducated women. Ragone (1994) confirms this in her previously mentioned study, which also found that surrogates were of lower socio-economic classes as compared to the intended parents. Blyth’s (as cited in van den Akker, 2003) study of nineteen British surrogates concurs with Ragone’s (1994) findings as he also found surrogates to be of lower socio-economic classes from the intended parents. This once again highlights the social justice issue of class location and the imbalance between financial power between the intended and surrogate mothers.

Jadva, Murray, Lycett, MacCallum and Golombok (2003) completed a study of the experiences of thirty-four surrogate mothers in the UK who had given birth to a surrogate child. The researchers examined the motivating factors for the women to choose

to be a surrogate, her experiences of the surrogacy process, her view on her relationship before, during and after the pregnancy with the intended couple, and lastly how her social environment perceived her decision to be a surrogate (Jadva et al, 2003). The researchers found that “surrogate mothers do not generally experience major problems in their relationship with the intended couple, in handing over the baby, or from the reactions of those around them. The emotional problems experienced by some surrogate mothers in the weeks following the birth appeared to lessen over time” (Javda et al., 2003, p. 2196). They concluded that “surrogate mothers do not appear to experience psychological problems as a result of the surrogacy arrangement” (Javda et al., 2003, p. 2196). Contrary to the popular belief that surrogate mothers “will experience psychological problems” (Javda et al, 2003, p. 2203) after the baby’s born, the research found that being a surrogate actually increased the women’s feelings of self-worth. These increased feelings of self-worth are probably due to the fact that surrogate women successfully conformed to the social expectation of bearing a child (even though the child is not theirs). This increase in positive feelings is important to note as this representation provided the actual experiences of surrogates, which was different than the rhetoric in the rest of the societal representations where there were huge fears for the women involved as previously discussed. The researchers did acknowledge that these experiences were garnered from women a year after they had delivered the child, so long-term feelings or experiences have not been researched.

In the Canadian context where altruistic surrogacy is legal, the construction of surrogate women’s experience echoes similar trends as surrogates in the UK. In a recent

Canadian television investigative report show, Elizabeth M., an altruistic Canadian surrogate was sharing her experience of being a surrogate for a German couple (Garofalo, 2010). She spoke of clear boundaries being set regarding who the child's parents are which she illustrates by stating that "I know from the start, it's not my baby, it never was my baby and never will be my baby, it's all theirs, I just keep it safe for a few months" (Garofalo, 2010). Elizabeth talks about the pain that a couple must feel when they realize that they cannot have their own child and that she was motivated from being able to share the joy of parenting and to be able to "actually able to give that to somebody" (Garofalo, 2010). Although this highlights Elizabeth's motivation as wanting to help others, she is portrayed in a somewhat cold light in the show. This is evident by phrases such as "they are at a fertility clinic for a baby they won't keep" and "Elizabeth is essentially providing a healthy womb" (Garofalo, 2010). These representations depersonalize and de-mother her in this arrangement, which correlates with Elizabeth's representation of what she feels her role is. She does not claim to be the child's mother, but instead is carrying a child for another woman who will claim the role of mother. Looking at this from a post-structural feminist lens, it is easy to see how Elizabeth's role in this challenges the societal expectations or constructions of women's ties towards a child that they carry in that she does not see the baby as hers and does not have an emotional attachment to her/him. This is contrary to the patriarchal assumptions of motherhood that women should want to be mothers to the children that they carry and should have an emotional tie to them (Glenn, 1994).

MacCallum, Lycette, Murray, Jadvá and Golombok (2003) carried out a study on

the experiences of forty-two commissioning² couples in the UK. The findings of the researchers correlated with previous knowledge that couples usually turn to surrogacy “only after a long period of infertility or when it was the only option available” (MacCallum et al, 2003, p. 1334). The average time that couples had been trying to have a child was seven and a half years and usually after trying other means such as IVF treatments (MacCullum et al, 2003, p.1336). The couples in the study did not predominantly find surrogacy to cause them a huge financial burden or strain and only 7% found it to be a definite strain which resulted in them taking out loans or borrowing from their support circle (MacCullum et al, 2003). This also resonates with all the other data showing that surrogacy is usually an option for those from the upper classes. The researchers found that couples experiences were relatively good in that they reported low levels of anxiety during the pregnancy and that their relations with the surrogate was “generally good” (MacCallum et al, 2003, p. 1336) regardless of whether she (the surrogate) was known to them or not. All the couples told their family and friends about the surrogacy and most of their responses were either supportive or neutral and that it did not matter whether the surrogate was known to the couple or not (MacCullum et al, 2003). This is interesting as it is not what one would expect with the dichotomization of public perception over the media representations. The researchers stated that surrogacy families tended to be open to sharing information on the surrogacy arrangements with their family and friends because of the “absence of a pregnancy means that the

² The authors used “commissioning” to identify intended parents, which highlighted the commercial nature of their relationship with the surrogate.

commissioning couple cannot pretend that they have had the child through natural conception” (MacCallum et al, 2003, p.1341). This sharing of surrogacy arrangements illustrates how couples choose to confront not being able to achieve the societal construction and expectation of naturally constructing their family. The implications of the discourses and social construction of surrogacy on these families will be explored further in the next chapter.

As this and the previous chapter have illustrated, the selected representations of surrogacy highlight how surrogacy has been constructed to maintain women in subordinate positions of power through framing around issues of class, gender, race and geographical locations. There are common themes of questions of objectifying women’s bodies, however if we are to examine the issue through the lens of post-structural feminism, social construction and social justice, we can see that the media as well as the legislation and academia have contained dichotomizing views on the topic. With the recent developments of technology, globalization and global markets, surrogacy has become a global phenomenon, which beckons the need for the Canadian social work field to examine how this impacts on families, which will be discussed in the next chapter.

Chapter 6 - Implications of this Study for Social Work

I chose to examine the representations of surrogacy and motherhood and how its journey through key time periods affected current perceptions of surrogacy in Canada. In today's society, surrogacy is still not a topic that is talked about in everyday discussion. When discussing the subject of my research with friends and colleagues, I was often met with reactions of confusion and surprise and people often had a multitude of questions on the topic. Often people had heard about the term (surrogacy) but did not know the intricacies of the subject and the prevalence of infertility issues that are present today which result in some families choosing surrogacy. This lack of knowledge of the issues surrounding surrogacy is a result of the ebbs and flows of surrogacy discourses through time. As there are times when surrogacy almost "falls off the radar" of the public. This, in turn, impacts on families as it is hard to know how to access information or support to help guide them through the process from a structural level as well as instrumentally (the pragmatics of the surrogacy journey) and emotionally. The impact of these inconsistent and sometimes hushed representations of surrogacy has resulted in the lack of services available in mainstream society, as it is not perceived as a need. This has been enforced by societal dichotomization on the topic around by mixed perceptions about issues of exploitation and commodification. If we are to examine all of these issues from a post-structural feminist lens, we can argue that these constructions are based on the social expectations of women's roles as they pertain to motherhood in particular, as well as assumptions of parenthood and the stigma attached to those who cannot fulfill societal roles. This chapter will focus on answering the second research question with examining

the implications of these discourses on social work and will make subsequent recommendations for the (social work) field.

As the previous chapter has illustrated, the constructions of surrogacy have focused on framing the subject within the context of societal norms of patriarchy, kinship and motherhood. Although the discourses have changed through the years to focus on children's rights and then on family interests, the rights of women have always been viewed as secondary to others. This is problematic as it places women in the subordinate position of patriarchal norms either overtly (as was illustrated with the examples of the Bible) or covertly (as was illustrated with examples such as Baby M and the current day examples). These representations have contained various issues of gender, class and race, which have been guised under the larger rhetoric of women's choice, parental rights, children's best interests, and family interests. These representations have implications for families as they have constructed surrogacy in certain ways, which still prioritize not only patriarchal norms but also heterosexist norms of family.

These constructions of motherhood impact society as they not only relegate women to certain roles or processes through reproduction, but they also inform women's role in society in general. The language used and knowledge created by these discourses maintain the positions of power over women not only as it pertains to surrogacy, but as it pertains to women's roles in the home, in the workplace and in the medical sector. For example, women's desire to work outside of the home was called into question with the Baby M debate (Frost-Knappman & Cullen-Dupont, 1997). This is problematic as it still highlights woman's primary role as mother over all other facets of her identity. Although

the rhetoric has changed through time to highlight the best interests of different groups, women are still constructed as being subordinate to either men's or children's interests. Their interests are also seen as secondary to the family unit, which in essence, maintains the constraints of patriarchy.

These representations in society are also problematic as they generalize the experience of people going through the surrogacy process as a unified group, which does not highlight the fluidity and diversity of women's social locations and experiences. Although surrogacy as a global phenomenon impacts women all over the world, only certain women's voices are heard (usually White affluent women) while others are silenced (Indian women and racialized or lower-income women). This silencing highlights inequalities over the women's experiences and prioritizes the needs and experiences of one group over another. The voices of Indian surrogates, for example, are silenced and if they are heard, it is in the context of how the surrogacy process is a positive thing for them or their family. There are limited representations on the realities of what surrogacy means for them and their families and how this process can be exploitive and detrimental to not just their physical health but also to their emotional health (Riggs & Due, 2010). This is also referenced for gestational surrogates in the West whose claims to motherhood are silenced by the market implications of being a gestational surrogate and the presence of a contract.

Implications for Individuals and Families

On an individual level, these representations are problematic as it creates a

“cognitive dissonance” (van den Akker, 2001, p.140) in the perceptions of people pursuing surrogacy. van den Akker (2001) argues that this dissonance is a result of the unease that individuals face when they are unable to conform to societal expectations of traditional procreation. When individuals struggle with fertility issues, they are faced with having to straddle societal judgment with their desire to use surrogacy as a means to create their family. This is particularly important in the case of surrogacy because it not only pertains to constructions of the ideal family but also the ideal roles for women. For example, it has already been illustrated how surrogates are subject to judgment as they are not seen as conforming to the societal expectations of womanhood. This can lead to dissonance as they are fulfilling a role that is vilified, however their stated motivations help frame the reality of their situations. This is also illustrated in the narrative of Indian surrogates who stated that if there were other options available to them, they would not choose to be surrogates. So in the reality of their social location, they have chosen to be surrogates, which is not a socially embraced role either.

Surrogacy has also impacted Canadian families, as Canadian women are also being surrogates as well as intended parents. Social work can provide a layer of support here to both surrogates and their families. As this research paper has shown, surrogates can have a variety of reactions (from grief, shame, regret to pride, pleasure and increased feelings of self-worth) to the process and especially after the baby is born. Social workers can assist surrogates with processing through their feelings about the process and especially after the child is born. Social workers can assist surrogates and their families with providing information on what the process will look like and how it might affect

their family. Surrogacy impacts entire family systems as people's partners and children's mothers are choosing to be surrogates, which has implications for each family member. It was noted by Javda et al, (2003) in their study in the UK that partners' reactions were initially mixed but that the children's responses were predominantly positive towards the arrangement. Social work can provide support in this area to help couples navigate through the process of their own emotional reactions to the concept of surrogacy. Social workers can help deconstruct some of the negative social constructions of surrogacy to help provide some possible context to the public's continued dichotomous relationship to surrogacy.

Social work can also provide support to intended parents during this process. Social workers can provide individual, family and group support for intended parents to help them navigate their feelings through the surrogacy process as well as after the baby is born. After the baby is born, social workers can help assist with the parents in education on how to tell their child about their birth story at an appropriate age. Although there is no longitudinal research on children born out of surrogacy, MacCallum et al (2003) liken the importance of telling them (surrogate children) their birth story to children who have been adopted. They argue that research shows that adopted children fare better emotionally and psychologically if they are told about their conception as a child rather than an adult (MacCallum et al, 2003). Social workers can help connect families who are going through the surrogacy process through community development initiatives as families who are involved in this process can share their experiences, struggles, celebrations and so on together in order to help build connections and support

with one another.

Additionally, with the rise of technology, a recent trend over the past decade is the emergence of various websites and internet-based groups that have been created to discuss surrogacy. Members of these groups are usually families who are contemplating surrogacy or who are surrogates (Just Starting Out, 2011). These online communities offer support and advice to others, which would not have been possible to provide on such a large-scale prior to the Internet. The increase in popularity of internet based information and support groups can be due to the privacy that the internet affords them. For example, there are no face-to-face interactions over the internet, which could help alleviate some of the social pressures when engaging in this topic as has been illustrated through the public's mixed emotions towards this issue. These avenues could be used as a potential way for the social work sector to intersect with families and offer alternative forms of support by providing literature or information on surrogacy options, or by providing online forums for families to process through their feelings or struggles that they may be having through the process. Intended parents may require support to explore their feelings of loss with not being able to biologically conceive and adhere to social expectations and constructions of reproduction. Additionally although some research has shown that intended parents did not report high levels of anxiety through the surrogacy process (MacCallum, 2003), social workers could assist parents with navigating through this emotional and legal process.

In discussing the support that social work can provide to this topic, it is important to be cognizant of the moral judgments associated with this issue as this affects

how we work with families. Social workers dealing with this issue should be highly skilled and experienced to be able to offer the appropriate support and resources required (Blythe, 1993). These staff should be trained on the intricacies of not only the surrogacy process, but also on fertility and reproductive issues and their affects on individuals in order to be able to provide the appropriate kind of support. I suggest that all members of the family involved in surrogacy arrangements (i.e. surrogates, intended parents, their respective children, grandparents, and so on) should be consulted when creating a training curriculum to ensure that they have a space to inform the practice that will directly affect them.

From a larger community and structural level, social workers can help further support Canadian families going through surrogacy by providing education to the larger public on the issue. This is vitally important to consider as Butler (1993) discussed, knowledge creates power and influencing the surrogacy discourses in Canada can help to eradicate some of the powerful silence or judgment placed on families with a surrogacy arrangement. Social workers can also focus education efforts on services involved with families and children in particular such as child welfare sector, family health practitioners, schools and so on, so that these organizations can not only help support these families, but also help advocate for them in different spheres (legal, health and so on).

Implications for Research and Advocacy

The social work field can also provide research support as there are numerous

opportunities to study different facets of surrogacy due to the limited amount of current social work research. I echo recommendations cited in studies such as Blythe (1993) and MacCullum et al (2003) who recommend longitudinal research on the experiences of the family members of the surrogates, surrogate mothers' experiences and intended parents' feelings about the surrogacy arrangement. This is important, as currently the limited research has occurred shortly after the child has been born but has not examined how families have evolved through the years and the emotions, celebrations or possible hurdles that have arisen as a result of the process. For example, in researching material for this project, I came across a few public Internet sites created by children born out of surrogate arrangements (Stephanie, 2011; C, 2011). These websites provided an avenue for these children who are now adults to have a voice, however there were limited websites or information available and none from a Canadian perspective, and therefore longitudinal research with families both here in Canada as well as the surrogates in other countries (if reproductive outsourcing was used) would be beneficial to examine the journey of these families over a longer period of time.

Another recommended area for further exploration and possible research is the impact of Canadian legislation or policies on countries like India, but in particular, focusing on discourses created by Indian researchers. These discourses would add another layer of understanding to the topic of surrogacy as it would provide an alternative discourse to the common Western portrayal of the issue. Additionally, with the rise in outsourcing the process of surrogacy to India, it is vitally important to hear from the voices of Indian feminists in particular as the issues impacting Indian surrogates and their

families are vastly different than Canadian surrogates or intended parents as has already been illustrated.

As was illustrated in the previous chapters, there were common themes that were repeated throughout the discourses (such as those of women's reproductive choice, race issues and class issues). As Butler (as cited in Kirby, 2006) argues, these repetitive acts of discourse are used to maintain the positions of power and privilege in society since it is not merely how women are constructed but how these constructions are maintained and reinforced. Social work can influence change by challenging these prevailing discourses surrounding surrogacy by introducing new or alternate discourses to the public. By changing the discourses and changing the essentialization of women and their bodies (Lloyd, 2007), social workers and the field can use their positions of power to challenge other structures of power to change the discourses that they propagate.

Additionally, the field of social work can advocate for changes to legal and social policies dealing with surrogacy. One of the downfalls against the legislation on surrogacy in Canada, is that it is perceived as giving all the protection to the surrogate and not providing the intended parent with any protection (Garofalo, 2010). The current Canadian legislation outlawing commercial surrogacy does not eradicate the transfer of resources between the intended parent(s) and surrogates, but instead drives it "underground" where there are no parameters or mediating influences (Garofalo, 2010). This opens up the door for the possibility of exploitation on both sides of the parties, however some have argued that intended couples are more vulnerable in some senses in that "the power or desire to have a family is so overwhelming that many couples will do

anything” that a surrogate asks and are therefore more apt to be exploited (Garofalo, 2010). Although the legislation on surrogacy greatly impacts on Canadian families, it has not been openly examined as a social justice issue. This can be an area where social work can help move advocacy movements forward to change the legislation so that surrogacy is not either driven underground which lays the groundwork for exploitation of either party, or is a process that is outsourced to a different country. For example, social work can advocate for legalizing commercial surrogacy so that there are laws that can help govern the transactions that are already occurring “so that Canadians aren’t forced to turn East...have it legalized and have some government protocols that couples involved in surrogacy can follow” (Garofalo, 2010).

Additionally, social workers can help advocate for preventative measures to infertility as suggested by Ciccarelli and Beckman (2005) and Tong (1996). This research into preventative methods to infertility is important, as it would help address the reasons why couples seek out alternative methods to family creation and can help alleviate some of the secrecy and shame associated with infertility. In completing the research for this project, it was hard to locate any information on preventative measures to infertility from a social work perspective, and therefore this is another area that can be examined by the field as infertility impacts on Canadian families and member’s relationships with one another. If there was more research into this area, it would help guide individuals on possible preventative measures that they could take prior to attempting to conceive and would perhaps alter the perception that fertility is something that is taken for granted.

The social work field can also help to advocate for social justice for all the women and families involved in surrogacy, both in Canada as well as globally since there are issues of inequality and inequity present. For example, although being surrogates has been portrayed as a positive thing for surrogate women in India, if we are to examine it from an anti-oppressive and social justice lens, these women are living in conditions of poverty and gender inequality which result in the attraction towards surrogacy as it provides them with an opportunity to earn money that would otherwise not be open to them. This begs the question of if they were not living in positions of marginalization, would they turn to surrogacy as a means of attaining opportunities for themselves and their families such as new home or education for their children (Garofalo, 2010). As a field, social work can advocate for these women, while still respecting women's right to choose how to use their bodies. It would be presumptuous of us in the West to say that women in India should not be allowed to choose to be surrogates, however, we can help to shed light on the economic deprivation of these women as well as the other societal injustices that these women face which result in them choosing surrogacy as it is the only option that they have. Additionally, social work can help to advocate for the families of Indian surrogates who lose their wives/mothers for the duration of the period of the surrogacy contract (Riggs & Due, 2010). This is an important social justice issue to address and advocate against as it highlights the valuing of White families over racialized ones.

Implications for the Researcher

As I located myself in a previous chapter, I came to explore this topic of surrogacy as a result of my own personal journey and experiences. I initially approached the material with frustration over the Canadian legislation governing women's bodies and after completing this research, I am more ambivalent towards certain aspects of surrogacy such as the legislation. As I reflect on my journey through this process, I have come to realize that I approached this issue from my own social location and points of privilege and of marginalization. For example, my initial feelings of frustration were fuelled by my own class privilege, as I did not take into account the predominant social location difference between the intended parents and surrogates. For example, since I am a university graduate, I made the assumption that Western women would be able to navigate the necessary legal processes in order to ensure that she was not being exploited. This, however, is not the reality of many surrogates who are from lower economical and educational levels (as previously discussed) and may not have the educational resources to navigate through the complicated legal processes involved. Although I was drawn to exploring this topic due to my own journey as a lesbian (who used reproductive technologies to help create my family), as I delved into this topic as it pertained to same-sex issues, class inequities quickly became apparent again. Although surrogacy has afforded gay males options to have a biological child, I struggle with the class implications present as this is only an option for affluent gay males. The issues of inequity are troublesome here not only for gay males, but also for other couples who cannot afford surrogacy.

Another area where surrogacy has influenced my understanding of my social location as an East Indian woman is the prevalence of East Indian women being surrogates for families in the West. This fuelled my social justice drive to delve deeper into this topic and to peel away some of the multiple layers of implications for both the surrogate women and their families. My understanding of the complexity of issues facing Indian women has deepened through this research process. On initial thought, I pondered on how surrogates in India, who had limited means of gaining income, were being judged for using their bodies as a form of reproductive labour. As an East Indian woman who has faced the pressures of patriarchy, I imagined that it would be a difficult sphere for these women to navigate. This process has highlighted to me that further research on the social justice issues pertaining to these women are imperative. Additionally, although I resonated with Indian surrogates based on my ethnic origin, I came to recognize my geographical privilege of living in the West and that it is imperative that women's experiences are not generalized across borders and boundaries as my experience is very different from surrogates in India. I have the privilege of having a multitude of job opportunities available to me not only based on my social location but also based on geography as Canada affords more opportunities for women to gain financial resources.

Additionally as a child welfare worker and a social worker, this research journey has identified new areas that the field has to explore and challenge. As a child welfare worker, we have not yet explored this field of support to families. As social workers and advocates, we have a duty to advocate for all families both on the service level as well as on a larger societal level by challenging the predominant discourses which influence the

social structures in place.

At the end of this research project, I am left feeling more ambivalent about the topic than frustrated. I have delved into the multiple layers of discourse and issues pertaining to surrogacy and I can see the arguments for and against it based on the different social locations of the women involved. Although I challenge the social constructions of women and motherhood that have occurred during time, I am also cognizant that these constructions have led to issues of marginalization and that certain amounts of legislation may be necessary to help prevent opportunities for oppression. However, to explore this on a larger level, this project has pushed me to advocate for changes to the prevalent discourses by offering this paper as an alternate discourse, as well as educating people on the multiple issues involved with surrogacy.

Concluding Remarks

The goal of this research was to explore, deconstruct and challenge the dominant discourses on surrogacy and their implications for social work. As this exploratory research has highlighted, surrogacy continues to be a controversial issue in mainstream society as it challenges patriarchal notions of gender and motherhood. These static and essentialized representations of women's roles and responsibilities have predominantly marginalized surrogate women in particular, but have also had implications for the intended mothers and their claims to motherhood. Additionally, these representations have changed with the rise of technology and global markets, each of which had major implications for women. With the rise of technology, reproduction was moved to the

public sphere and changed the notions of motherhood as related to the private domain, which opened up different opportunities for family creation. Global markets have influenced surrogacy, as it is now a cross-cultural practice, which has implications for all the parties involved. As this paper has illustrated, these debates on surrogacy have occurred during key time periods and have centered around patriarchal rights, women's rights, children's best interests and finally family rights. Although these representations have mutated over the years, they have all consistently contained oppressive notions of motherhood, gender, race and class, which have reinforced control over women's bodies.

These representations implicate social work in a myriad of ways as this paper has explored. The emotional, psychological, physical and financial implications for the various players involved in the surrogacy arrangements beckon the attention of social workers as they are embedded with social justice concerns. On a structural level, the field of social work can help to challenge and change the predominant discourses and knowledge around surrogacy by offering alternate discourses. Surrogacy is not only an important issue for social worker to research, but also to advocate for. It is important to advocate for the rights for all the players involved as this paper has illustrated that the impacts of surrogacy discourses are rife with issues of marginalization and oppression.

The purpose of this paper was to bring to light an alternate discourse on surrogacy by illuminating how the prevailing discourses have implicated women in particular and how social work can push for change. This change has to occur on multiple levels, otherwise families who choose surrogacy will continue to be subject to societal reaction as they challenge social and patriarchal norms. It is our duty as social workers to

work with and advocate for these families and women in particular by challenging these multiple levels of oppression. Without this change, women will continue to experience a lack freedom and rights, especially to their own bodies.

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Appendix

Surrogacy Discourses

Date, author and text.	Type of text.	Geographical origin of text	Predominant discourse themes. P - Patriarchal notions of kinship W - Women's rights CR - Children's rights C - Class representations R - Race representations F - Family interests
Bible	Religious text	N/A	P
Bhagvata Purana	Religious text	N/A	P
1980 - Canadian Broadcasting Company. Surrogacy: Renting out the womb.	Television news report	Canada	CR, F, P
1980 – Canadian Broadcasting Company. “Just say “No!” to surrogate motherhood”.	Television news report	Canada	CR, F, P

1987 - Lacayo, R, Franklin, R & Leavitt, B. Ethics: Whose Child Is This?	Magazine	United States of America	F, CR, C
1988 - Chesler, P. (1988). <i>Sacred Bond: the legacy of Baby M.</i>	Book	United States of America	W, F
1988 - Rosler, M. Born to be sold.	Television show	United States of America	W, R, C, P
1993 - Blythe, E. Children's Welfare, Surrogacy and Social Work.	Journal article	United Kingdom	CR, CR
1993 - Royal Commission on New Reproductive Technologies. <i>Proceed with Care</i>	Government legislation	Canada	CR, W, F
1994 - Ragone, H. <i>Conception in the heart.</i>	Book	United States of America	W, F, CR, R, C
1996 - Baker, B. M. A Case for Permitting Altruistic Surrogacy.	Journal article	United States of America	W, F
1997 - Kerian, C. Surrogacy: A last resort alternative for infertile women or a commodification of women's bodies and children?	Journal article	United States of America	F, CR, W
2001 - Government of Canada. <i>Proposals for Legislation Governing Assisted Human Reproduction: An Overview.</i>	Government report	Canada	F, P, W
2002 - Williams-Jones, B.	Journal article	United States of America	W, CR,

Commercial Surrogacy and the Redefinition of Motherhood.			
2003 - Jadva, V. Murray, C. Lycett, E. MacCallum, F. & Golombok, S. Surrogacy: the experiences of surrogate mothers.	Journal article	United Kingdom	W, C, FB, CR, R
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