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Guseva, Alya

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Scandals, morality wars, and the field of reproductive surrogacy in Ukraine

Alya Guseva

Surrogacy – contracted gestation and birthing of babies for other people – is a multibillion–dollar global industry. Because it commodifies a practice that belongs to an intimate, "sacred" sphere of the family, and mixes babies and money, it offers a natural window into a theoretical problem of great interest to economic sociologists: the role of morality and moral framings in shaping and sustaining economic exchange.

The US is the oldest and largest commercial surrogacy market in the world. But surrogacy costs $100,000 or more there, and it is out of reach for middle-class would-be parents. Ten years ago, many Americans, Europeans, Australians, and Israelis would travel to India, Thailand, or Mexico. But following several publicized scandals involving surrogacy babies abandoned by their foreign parents, these countries banned commercial surrogacy entirely, or made it only available to the countries' own nationals and only on an altruistic basis, which means surrogate mothers cannot be paid above the costs they incur. It was then that all eyes turned to Ukraine. Ukraine has long been known in the global reproductive circuit as a source of inexpensive but high-quality Slavic eggs. It has a well-developed fertility industry and a legal environment that is generally favorable to surrogacy. Surrogacy in Ukraine is regulated by two main documents: Article 123 of the Family Code, which defines surrogacy and names the couple whose genetic material is used to create the embryo as the baby's legal parents; and Article VI of the 2013 Order of the Ministry of Health on Assisted Reproductive Technologies, which specifies who can commission surrogacy (infertile married couples only) and who can serve as a surrogate (healthy married or unmarried woman with a child of her own). It is legal to advertise surrogacy services, recruit, and pay surrogate mothers. Ukraine has now become the major destination for affordable global surrogacy outside of the US. It costs $40,000–$50,000 there, about half of what it would cost in the United States.

At this very moment, however, Ukraine is the epicenter of a global surrogacy scandal, an unexpected victim of the COVID-19 pandemic. Travel restrictions both in Ukraine and other countries have stalled all international travel in much of the world. Ukrainian surrogate mothers continue to give birth every day, but babies' parents can no longer travel to meet them and take them home. The current surrogacy scandal involves Kiev-based Biotexcom, a reproductive clinic – by its own account the largest provider of surrogacy services in Ukraine –, and it illustrates the way morality, law, and politics can rub against the markets. Biotexcom posted a video of forty-six newborns, some almost three months old, currently housed and cared for in the Kiev hotel Venezia because their foreign parents cannot travel to collect them. The video starts with a dramatic sight of dozens and dozens of neatly arranged bassinets and is accompanied by a deafening chorus of baby cries. It then shows the babies held by several women in bright uniforms, masks, and gloves, while the voiceover explains that they are fed, bathed, and even provided with physical exercise and massage by trained nannies and overseen by a pediatrician. The hotel is equipped with cameras and computers that allow the staff to talk to the parents and show the babies to them. The video was originally posted on the clinic website and its YouTube channel, but it gained broad public attention after it was reposted on a Facebook page of conservative Christian NGO Rodyna accompanied by this statement: "The aim of this video is to ensure the buyers that the goods are being held in the warehouse (pardon, the hotel) in an acceptable condition. The name of the clinic (Bio Tex, which derives from the Russian spelling of "biotechnology") indi-

Alya Guseva is Associate Professor of Sociology at Boston University and has researched consumer finance, reproductive markets, and household economies. Her work appeared in *American Sociological Review, Annual Review of Sociology, Socio-Economic Review, Journal of Comparative Economics, Social Science Research* and *Journal of Family Issues.* She is the author and co-author of two books on emerging credit card markets in the postcommunist region – *Into the Red* and *Plastic Money* (with Akos Rona-Tas), both with Stanford University Press. She is currently pursuing a project on markets for commercial surrogacy in Russia, Ukraine and Kazakhstan. *aguseva@bu.edu*

cates that human life is a technology, mass produced on an assembly line." Five days later, the video was shared more than 200 times, including by Lyudmila Denisova, an ombudsman of the Ukrainian parliament. On her own Facebook page, she wrote, critically, that she considered this video "a sort of an advertisement for the clinic that used this as an opportunity to demonstrate the scale of its operation, and the technology of surrogacy as a 'high quality good.'" Societal reaction to this video was quite predictable: it was the headline of dailies, talked about on nightly news programs, led to spirited discussions on social media, and provoked calls to ban surrogacy for foreign parents or at least to "finally regulate" it. Ms. Denisova took personal interest in this case: she held a press conference which was streamed live on Facebook explaining the gist of the problem and lamenting that this situation constitutes a violation of babies' rights to be brought up in families. She also appeared in several interviews assuring that she was working tirelessly liaising between the parents, their countries' consulates, and branches of the Ukrainian government trying to ensure that parents can travel to Ukraine and receive all necessary exit documents to take their babies home. If she held a critical position towards surrogacy, she was willing to suspend it for the time being in order to focus all her energies on helping to reunite families. In one of the interviews, she added that there may be as many as one hundred newborn babies currently being held throughout Ukraine, and that in the next month or two it may become "thousands" unless the countries coordinate their efforts to ensure that parents can travel to Ukraine and back. Biotexcom itself warned that they are expecting fifty more babies to be born in the next month or two. Two weeks after the original post, when The New York Times reported the story, the number of babies had grown to sixty.

I have been studying surrogacy markets in Ukraine, Russia, and Kazakhstan since 2015. I conducted sixty interviews with fertility doctors, embryologists, heads of assistant reproductive clinics, the leadership of national associations of reproductive medicine in the three countries, owners and managers of surrogacy agencies, lawyers, and surrogate mothers. I conducted participant observation at three reproductive medicine symposia – two in Ukraine and one in Kazakhstan – as well as at several other smaller meeting and roundtable discussions organized by Ukrainian lawyers. I have not specifically set out to investigate surrogacy scandals, but the past scandals were frequently mentioned by my interviewees, and in the last three years I have witnessed several of them firsthand, as they spilled onto the pages of newspaper publications, social media posts, including by many people I interviewed, made their way into official briefings, press conferences, and, most recently, webinars. Widely publicized scandals are what brought down global surrogacy hubs in India and Thailand. It should not be surprising to a sociologist that public scandals are an excellent entry to understanding a topic (recall the famous Dreyfus Affair and the crisis of anti-Semitism it helped to highlight). It is where the tensions and the conflicts that are managed every day covertly and behind the scenes become unmanageable and come into full view (Adut 2010; Fine 2019). Scandals illustrate where the present legal regulation of surrogacy is weak, contradictory, or simply lacking. And subsequent reactions to scandals by various social actors – reproductive clinics and fertility doctors, the legal profession, surrogacy agencies, journalists, lawmakers, and law enforcement – help reveal their interests and claims vis-à-vis one another, as well as the skill with which resources are mobilized to protect those interests and positions. In other words, scandals matter not only because of their effects, but also because of what they reveal about present social dynamics (Adut 2010). All recent surrogacy scandals involved foreign parents, and several followed a similar pattern: first, law enforcement informs the public of an investigation; next, several members of the parliament file an initiative to ban surrogacy entirely or specifically for foreign parents; finally, representatives of fertility medicine, medical tourism, and law that would stand to lose if the flow of reproductive tourists to Ukraine dried up attempt to contain the damage by controlling the narrative around surrogacy and proposing their own draft laws.

What makes surrogacy particularly prone to scandals is that it sits at the uncomfortable spot of mixing the intimate realm (family, reproduction, parenthood) and commerce. This particular scandal is a result of an unexpected force majeure, not the fault of any particular actor in the Ukrainian surrogacy market. In fact, many of the US fertility clinics were similarly affected, struggling to care for the newborns while their parents were desperately trying to travel to the US. But Ukrainian public reaction to this scandal underscores the general unease with surrogacy, and in particular when it involves foreign parents. Like other contested commodities (Radin 2001) and peculiar goods (Fourcade 2011), surrogacy is a battleground for morality wars. A common reaction to surrogacy follows the "hostile worlds" position (Zelizer 2005) that intimacy and reproduction should be kept apart from markets because otherwise markets would contaminate them, reduce them to tradeable commodities, and erode human values. Opponents of surrogacy dub it "baby selling" and "womb renting" and accuse organizations involved in surrogacy of exploiting women and violating the rights of children (Markens 2007; Pande 2014; Rudrappa 2015).

Rather than conceiving of markets as necessarily destructive to social fabric and human values, economic sociologists point out that morality and commerce are often inextricably intertwined in markets (Fourcade and Healy 2007) and remind us that practices that are legal – reselling of life insurance policies on secondary markets – may nevertheless be challenged as immoral and illegitimate (Quinn 2008). Establishing legitimacy – shared cultural and moral frames or conceptions of control – is necessary to establish a working market (Beckert 2010; Fligstein 1996; Rona-Tas and Guseva 2014). Scandals undermine the legitimacy of surrogacy simply by bringing surrogacy practice into the open and subject to public inquiry, which inevitably leads to moral battles striking at the heart of surrogacy practice and raising familiar objections.

So what brings about these frequent scandals? In his analysis of economic scandals, Swedberg (2005) questions the arguments that economic scandals are driven mainly by greed and are inherent in the economic system, following a progression from economic boom, to mania, and finally to a crash (Kindleberger 2015), or that economic scandals necessarily follow the Polanyian double-movement logic or a cycle where opportunism struggles with restraint (Abolafia 1996). Instead, Swedberg proposes that rather than being inevitable, scandals are more likely a result of specific combinations of social mechanisms brought about by purposeful or strategic action. Whatever the specific focus of a particular scandal, they are fundamentally moral tales about transgressions that are articulated in ways to make them resonate with particular institutional realms and organizational cultures (Fine 2019).

Here I broadly follow Swedberg's insight and frame surrogacy scandals as outcomes of strategic action by field actors (Fligstein and McAdam 2012) who struggle for jurisdictional control (Abbott 2001) over the surrogacy field. Strategic action fields are meso-level social spaces where actors mobilize and deploy resources and "jockey for positions" vis-à-vis other actors (Fligstein 1996; Fligstein and McAdam 2012). Incumbents – dominant actors within a field – cooperate with each other and the state to develop rules of exchange and shared conceptions of control – understandings of the fundamental guiding principles of exchange in a given field that are imposed on the rest of the field actors. The goal of incumbents is to mitigate competition and ensure stability. Stability benefits everyone, but it benefits them in particular, because they occupy dominant positions in the field and ensure that their worldviews dominate. Challengers are smaller, younger, or less centrally positioned and less influential actors. Fields are subject to external and internal dynamics that provide opportunities for challengers to destabilize existing fields and challenge incumbents' positions and worldviews, or organize new fields, where they may assume the role of incumbents. Field-level struggles are as much about actors' positions and resources they can claim as they are about the ability to define key field parameters, including "what is going on" in the field, what are its boundaries, who are the actors, and what are the rules and conceptions of control (Beckert 2010; Fligstein 1996; Rona-Tas and Guseva 2014). Scandals have not been specifically theorized as elements of field dynamics, but while frequent scandals can be a symptom of field instability, they also provide opportunities for both challengers and incumbents to "fight it out" for field control. Because the scandals are public, they are played out with the help of new allies – media, politicians and the general public. For instance, challengers can use scandals to draw attention to injustices, moral corruption, or weakening legitimacy of incumbents in order to precipitate field change. As much as incumbents usually want to avoid scandals because they benefit from maintaining stability, they too can use scandals to their advantage, as the scandals open a platform to publicly delegitimize challengers in the hopes of preserving their position.

The Ukrainian surrogacy field is comprised of three types of actors: assisted reproduction clinics that carry out medical testing, fertilization, and embryo transfers; lawyers or legal firms that draft surrogacy contracts and help obtain birth certificates and exit documents in the case of foreign parents; and the various brokers (some of them are called "surrogacy agencies") that assist in recruiting and matching prospective parents and surrogate mothers and managing relations between them throughout pregnancy. These three types of actors represent the three sides of surrogacy: medical, legal, and organizational/relational. The fertility profession and its professional association, the Ukrainian Association of Reproductive Medicine (UARM), has assumed the role of incumbents who successfully claimed their professional jurisdictional control over surrogacy. Surrogacy is defined as a last-resort *medical* treatment for infertility, available to married couples that are unable to bear their own children for one of several stated *medical* reasons; the surrogate cannot at the same time be the egg donor, which means the surrogate cannot gestate her genetic baby, and can only get pregnant by IVF, in a *medical* clinic, and never by artificial insemination like in traditional surrogacy arrangements that are still sometimes practiced in the US; and at least one of the intended parents has to be genetically connected to the baby, again necessitating a *medical* test. These requirements and conditions are specified by the Order of the Ministry of Health (for a field analysis of surrogacy market in

Kazakhstan, see Guseva and Lokshin 2018). But the increased global demand for Ukrainian surrogacy has led to the change in the composition of field actors and to the challenge to the incumbents' position. The last ten years have seen an explosion in the number of surrogacy agencies or various other brokers that recruit and match couples and surrogates from a handful to probably many dozens (there is no exact count). These brokers are neither licensed nor monitored, and several are now organized by Spanish and Chinese nationals who assist in bringing parents from their countries into Ukraine. Agencies mainly work with foreign intended parents because local parents can, in theory, find surrogate mothers on their own, or they can go directly to a clinic, bypassing the agency. Ukrainian fertility clinics responded to this dramatic increase in the number of foreign couples and new agencies by "in-sourcing" – organizing their own surrogacy agencies in order to provide legal and relational services in-house. According to my interviewees, the reason for "in-sourcing" is that there are too many agencies with little track record and questionable practices; the clinics do not know whom to trust, and they are concerned about risking their reputation by working with unreliable partners. The proliferation of a lot of newcomers that do not share the incumbents' views on surrogacy or may not play by the field rules threatens the clinics' ability to control the market. But there is another reason for in-sourcing: potential revenues. Medical tourism is a growing sector of Ukraine's struggling economy. According to the Ukrainian Association of Medical Tourism, around 60,000 foreign patients visited Ukraine in 2018, which generated $150 million in revenue. And fertility clinics want a piece of the action. But openly embracing surrogacy commerce – recruiting surrogate mothers, overseeing pregnancies, and managing relations with prospective parents, particularly if it is carried out on a large scale – challenges medical conceptions of control that the clinics and UARM strived to establish and maintain, signaling that clinics are embracing the commercial side of surrogacy, which casts doubt on the "surrogacy is but a last-resort medical technology" mantra. Surrogacy is poorly understood by the broader public and is frequently sensationalized as "baby selling"; clinics that start openly selling surrogacy step into shaky moral territory. That is why in my interviews and the public addresses, fertility doctors stressed over and over again their medical (as opposed to commercial) approach to surrogacy,and the desperation of their infertile patients for whom surrogacy is the last chance to become parents, while they downplayed both the scale and the profits of their surrogacy programs.

Challenges to the established order in the surrogacy field are not only coming from the outside – foreign parents and brokers – but also from within the field. One such challenge is from a group of lawyers who openly admit the limitations of the current legal regulation of surrogacy in Ukraine and call for transparency and for licensing of surrogacy brokers. A call for licensing is a classic field-level tactic intended to raise barriers to entry and control competition. Those that call for licensing typically run their own small surrogacy agencies: they can find and match surrogates with prospective parents, and they provide comprehensive legal assistance. But at the same time as these lawyers are trying to weed out non-reputable or unprofessional brokers to establish control over legal aspects of surrogacy, they are also challenging the incumbent status of fertility doctors. Infertile couples turn to fertility doctors in search of miracles, while the lawyers' services seem to be merely supportive and usually rather mundane. Yet, when scandals arise it is the lawyers that put out fires to save the parents and babies caught in the middle. Foreign parents more generally have unique legal needs that elevate the role of surrogacy lawyers vis-à-vis the doctors and challenge the latter's incumbent status. And as the number of foreign parents exploded in the last several years, the perception of the importance and visibility of lawyers' work increased too.

The second type of challenge to the incumbent clinics' control over the field comes from within their ranks. The prime example is Biotexcom, the clinic at the center of the current scandal. This is not the first time Biotexcom has found itself in a surrogacy-related controversy. In the past several years, the clinic and its owner were the subjects of several lawsuits in at least two regional jurisdictions. And soon after I started to interview key actors of the Ukrainian assisted reproductive industry, it became clear that Biotexcom had long been considered a "black sheep" by the incumbent clinics. Unlike most other clinics that were founded and headed by prominent medical doctors and typically provide a large variety of fertility services besides surrogacy, such as pioneering cutting-edge reproductive technologies like pronuclear transfer by Kyiv clinic Nadiya,[1] Biotexcom is the only large provider of surrogacy that grew out of a surrogacy agency and is headed by an entrepreneur, who, I was told, started in the assisted reproductive field as a free agent recruiting surrogate mothers for a couple of Kiev-based clinics; an outsider without a medical degree.

In the summer of 2018, Biotexcom was the subject of another public scandal. The Office of the Prosecutor General of Ukraine accused the clinic of human trafficking, tax evasion, and fraud. The human trafficking accusations referred to the 2011 case involving an infertile couple from Italy whose baby had been

born by a Ukraine surrogate but was later found to be *genetically unrelated* to either of the parents, a violation according to Ukraine's Health Ministry order. After the baby's birth, Biotexcom issued a document confirming the genetic connection of the baby with one of the parents ("dovidka pro genetychnu sporidnenist"), the evidence that foreign consulates typically require to issue exit documents to any surrogate baby born in Ukraine. When Italian authorities later became suspicious and ordered a retest in Italy, the results came back negative. It was reported that the baby was taken from the parents and placed in an orphanage, while the parents faced criminal charges in Italy.

One of the most interesting aspects of this 2018 scandal was what happened afterwards, because it illustrated the mobilization of the incumbents to salvage the reputation of the whole industry. In the process, the scandal and its aftermath laid bare the existing tensions within the field, both between actors and between the competing conceptions of control. Following the prosecutor general's briefing, several members of the Ukrainian parliament submitted a draft bill, the central provision of which was to ban assisted reproductive services to most foreign nationals. If passed, the bill would have severely affected the Ukrainian reproductive industry and most likely have forced Biotexcom to close down completely, because its business model is exclusively based on serving foreign prospective parents (Biotexcom employs a large multilingual staff as well as logistical support personnel, and it owns accommodation for short-term stays in Kiev – Venezia hotel among them).

To forestall this alarming possibility of an industry-wide impact, UARM sprang into action. It submitted its own – competing – draft bill on assisted reproduction and issued a statement on its website affirming existing surrogacy legislation but condemning those that violate it, namely Biotexcom. A week later, UARM held a press conference, which was attended by its president and vice-president to further affirm their professional grip on the surrogacy field and their adherence to professional standards, ethics, and existing legal provisions.

In one of the press conference's most telling moments, Albert Tochilovskiy, the head of the embattled Biotexcom, who was in the audience, asked the panel the following question:

> Do you think we have a chance? … Portugal recently liberalized surrogacy, it is essentially turning it into an industrial process … will we, the Ukrainian clinics, be able to compete with Portugal? There, surrogacy will be cheaper … they allowed Latin [American] surrogate mothers to come, gestate and give birth … Will Portugal rather than Ukraine become the surrogacy mecca?

As he was searching for words, the UARM vice-president was visibly impatient and did not miss a beat jumping in: "If Portugal becomes [the surrogacy mecca], I would be very glad. This is my own point of view." Then he proceeded, undoubtedly referring to my earlier interview with him, though not naming me by name:

> Some time ago, one of our compatriots came to our UARM annual meeting … she is from Boston, and studies sociology of surrogacy, and she wanted to research the surrogacy market. I told her that the market is what market actors are interested in growing. I myself, as a representative of the Association of Reproductive Medicine, and I think [UARM president] too, we are not interested in making Ukraine the center of world surrogacy in other words, this method of medical treatment is necessary, particularly for married couples that have no other chances, and besides for those patients that have been going through a certain number of attempts at our clinics and you cannot help them reach the end (so you need to complete [the treatment] somehow), but to transform [Ukraine] into India, Thailand, and all that … We would not want Ukraine to become like that. So let's say … let's look for ways to make money not only on surrogacy.

This was a clear rebuke to Biotexcom for violating what I call the medical conceptions of control (Fligstein 1996; Fligstein and McAdam 2012): surrogacy is a small but necessary portion of fertility treatments, only indicated for couples who have tried everything else or have no other hope of having a biologically related child.

Second, with the last phrase ("let's look for ways to make money not only on surrogacy"), the UARM vice-president essentially admitted that Ukrainian assisted reproductive medicine has already inextricably tied itself up with commerce, yet he issued a plea to other clinics and fellow doctors to steer away from making surrogacy the global face of Ukrainian assisted reproductive medicine, despite the understandable lure of profits. If it was not a plea for professional ethics over commerce, it was definitely a plea for self-restraint.

Unlike that scandal, this time Biotexcom stepped into the spotlight willingly and on its own. It faced a problem it could not solve alone, and it needed help from the Ukrainian government. A New York Times article quoted Biotexcom's founder and director Tochilovskiy: "I'm in a very difficult situation … Hundreds of parents are calling me. I'm exhausted."[2] Several other clinics and surrogacy agencies are in the same boat, but the scale of Biotexcom's operation must make Tochilovskiy feel like Charlie Chaplin's character in the movie *Modern Times*, who falls behind the pace of the conveyer belt and gets sucked into the factory machine trying to catch up. Biotexcom is now juggling the growing number of babies whose final delivery to

their parents has been stalled so abruptly, while the biological processes of pregnancy and birth continue their relentless pace accumulating new tiny lives without any solution in sight.

It was a risky move to draw the attention of the public and the state to surrogacy, and particularly to the scale of surrogacy programs catering to foreign parents. Recent history illustrates that public surrogacy scandals are swiftly followed by moral panics that "babies are trafficked abroad for who-knows-what purposes" and attempts by politicians to ban or severely limit the practice. None of these attempts have been successful so far, at least not in Ukraine: draft laws proposing to ban foreign parents from contracting surrogate mothers in Ukraine have never been passed, moral panics eventually died down, fertility clinics that were accused of violations, including, most recently, Biotexcom, never ceased their activities, and everything eventually went back to normal. Except the fear and the desire on the part of the fertility industry to avoid the unwanted attention at all costs.

UARM's strategy can be best characterized as "don't ask don't tell," and it has run along two parallel tracks. The first was to publicly downplay the scale of surrogacy programs and the extent to which it is a rapidly developing global business. UARM's motto has been that surrogacy is "but one of the many assisted reproductive technologies, a small and boutique treatment for most desperate patients, for whom nothing else works." The second was to overstate the effectiveness of legal regulation of surrogacy in Ukraine and to downplay the need to pass a comprehensive law on surrogacy, as doing so would unavoidably involve public debates and the attention to the industry that the industry desperately wanted to avoid. The first strategy made UARM resistant to monitoring the number of surrogacy births in Ukraine. When the arguments erupt whether or not Ukraine is a mecca of global surrogacy or not, neither side has hard data to draw on, only guesses and estimates. The second strategy, overstating the effectiveness of current legal regulation, prevented UARM from following through with a comprehensive law on surrogacy (or, more generally, on assisted reproduction). Such a law was passed by the Ukrainian parliament in 2012 but vetoed by the then president Yanukovich in 2013, shortly before he was ousted from office by the popular uprising setting off a chain of events that involved annexation of Crimea, hybrid war with Russia, and economic recession. Since then, the fertility profession has favored the status quo, responding to periodic scandals with an already familiar set of claims and supporting the idea of a new law on assisted reproductive technologies only when threatened with a potential clampdown.

Scandals and their immediate aftermath reveal field-level struggles and illustrate that the unilateral grip of the fertility profession on the surrogacy field is weakening. Once the unchallenged incumbents, prominent fertility clinics and reproductive doctors now have to reckon with new actors entering the field – quickly proliferating surrogacy agencies, both local and foreign. These actors scale up the "production" of surrogacy, making it difficult to maintain UARM's favorite "surrogacy is a small portion of everything we do" motto. The challenge also comes from some of the clinics, whose practices violate the laws and attract the unwanted public attention to surrogacy, prompting UARM to go on the defensive for damage control. Biotexcom is the usual suspect, but several other well-known clinics have been implicated in more recent scandals. For instance, the Kiev-based Mini-IVF clinic was recently raided by Ukrainian security forces, its medical director, her adult son, and three Chinese nationals accused of human trafficking. It was reported that they arranged fictive marriages for single Chinese men with Ukrainian women and organized surrogacy programs for these "couples" based on false diagnoses of infertility. The scheme fell through when one of the "wives" tried to get a birth certificate for the surrogate baby and it turned out that she had recently given birth to her own baby, despite having a diagnosis of infertility. Additional challenges are coming from legal professionals who have been very active in bringing visibility to surrogacy and advocating for a need to pass a new law on surrogacy, which, unlike the version submitted to the parliament by UARM, contains a proposal to license surrogacy agencies and other brokers. Lawyers have a particularly strong voice when it comes to foreign parents, who by now comprise the overwhelming majority of couples commissioning surrogacy in Ukraine. Helping couples that have suffered endless miscarriages, or women who were born without uteri or had hysterectomies to become parents is undoubtedly an accomplishment. Fertility doctors are superheroes in the eyes of couples desperately trying to have children, and many proudly exhibit pictures of babies that they helped bring into this world. What many of the scandals poignantly illustrate, however, is that when it comes to foreign parents, particularly from countries where surrogacy is illegal, legalizing the baby, and getting all the documents needed to send the family home is no trivial task, and no less of an accomplishment than achieving that coveted pregnancy in the first place. Legal professionals are claiming their rightful place at the table, asking doctors to move and make space. And the latest scandal helps their case: fertility doctors may be the parents' heroes, but it is the lawyers that ultimately help bring the babies homes.

How can economic exchange be organized and sustained in markets for contested commodities? The case of surrogacy scandals offers a window for economic sociologists to study the moral underpinnings of markets. In Ukraine, the field of surrogacy has been organized by the fertility profession, its professional organization UARM, and the Ukrainian Ministry of Health, the latter defining who can commission surrogacy and who can act as a surrogate. Framing surrogacy as a medical technology and a last-resort treatment for infertility shifts the attention away from commercial aspects of surrogacy and downplays the core moral conflict between intimacy and reproduction on the one hand, and money and markets on the other. Recently, because of the changes in the legal regulation of surrogacy in several other global reproductive tourist destinations like India and Thailand, Ukraine has emerged as the most popular alternative to a more reputable but much less affordable US surrogacy. Rapidly increased global demand is changing the composition of the Ukrainian surrogacy field and threatens the incumbent position of the fertility profession and its ability to control the field. Periodic surrogacy scandals attest to the instability of the field, where fertility clinics' incumbent status and framing of surrogacy are challenged by clinics like Biotexcom, surrogacy lawyers, and the newly organized and completely unregulated surrogacy brokers. Irrespective of how scandals are initiated, they are unfolding in a similar way because scandals are fundamentally field-level morality battles, which provide opportunities for field actors to challenge or defend existing order. Studying morality and markets through the lens of field dynamics offers a rich toolbox to economic sociology because it makes it possible to account simultaneously for power, institutions, culture, and strategic action.

Endnotes

1 Clinic Claims Success in Making Babies with 3 Parents' DNA https://www.npr.org/sections/health-shots/2018/06/06/615909572/inside-the-ukrainian-clinic-making-3-parent-babies-for-women-who-are-infertile

2 Andrew E. Kramer, "100 Babies Stranded in Ukraine after Surrogate Births," *NYTimes*, May 16, 2020.

References

Abbot, A. 2001. *The Chaos of Disciplines.* Chicago, IL: University of Chicago Press.

Abolafia, M. 1996. *Making Markets: Opportunism and Restraint on Wall Street*. Cambridge, MA: Harvard University Press.

Adut, A. 2009. *On Scandal: Moral Disturbances in Society, Politics, and Art*. New York, NY: Cambridge University Press, 2009.

Beckert, J. 2010. "How do fields change? The interrelations of institutions, networks, and cognition in the dynamics of market." *Organization Studies* 31 (5): 605–627.

Kindleberger, C. 2015. *Manias, Panics and Crashes*. 7th edition. New York: Palgrave Macmillan.

Fine, G.A. 2019. "Moral Cultures, Reputation Work and the Politics of Scandal." *Annual Review of Sociology* 45: 247–64.

Fligstein, N. 1996. "Markets as politics: A political-cultural approach to market institutions." *American Sociological Review* 61 (4): 656–673.

Fligstein, N. and D. McAdam. 2012. *A Theory of Fields.* Oxford, UK: Oxford University Press.

Fourcade, M. and K. Healy. 2007. "Moral Views of Market Society." *Annual Review of Sociology* 33: 285–311.

Fourcade, M. 2011. "Cents and Sensibility: Economic Valuation and the Nature of 'Nature'." *American Journal of Sociology* 116 (6): 1721–77.

Guseva, A. and V. Lokshin. 2019. "Medical Conceptions of Control in the Surrogacy Field in Kazakhstan." *Salute e Società* XVIII (1): 28–45.

Markens, S. 2007. *Surrogate Motherhood and the Politics of Reproduction*. Berkeley: University of California Press.

Pande, A. 2014. *Wombs in Labor: Transnational Commercial Surrogacy in India*. New York: Columbia University Press.

Quinn, S. 2008. "The Transformation of Morals in Markets: Death, Benefits, and the Exchange of Life Insurance Policies." *American Journal of Sociology* 114 (3): 738–780.

Radin, M. 2001. *Contested Commodities*. Cambridge, MA: Harvard University Press.

Rudrappa, S. 2015. *Discounted Life: The Price of Global Surrogacy in India*. New York, NY: NYU Press.

Rona-Tas, A. and A. Guseva**.** 2014. *Plastic Money: Constructing Markets for Credit Cards in Eight Postcommunist Countries.* Stanford: Stanford University Press.

Swedberg, R. 2005. "On the Importance of Analyzing Economic Scandals and Contemporary Economics Institutions: A Comment on Dobbin and Zorn." *Power and Social Theory*. Volume 17: 199–205.

Zelizer, V. 2005. *Purchase of Intimacy.* Princeton, NJ: Princeton University Press.