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Toward a gender-sensitive economic sociology of surrogacy

Marie Trespeuch

Surrogacy has been recognized by the World Health Organization as an assisted reproductive technology (ART) since 2009. It is a means of addressing infertility, similar to artificial insemination and in vitro fertilization (IVF). It concerns women who do not have a uterus or have pathologies preventing pregnancy, as well as male couples. Through in vitro fertilization, it is now possible to create embryos in test tubes and transfer the embryo into a woman's uterus, who may or may not be the biological mother. In the latter case, a "surrogate" bears the child until birth, at which point the child is handed over to the commissioning (or "intended") parents. This is referred to as gestational surrogacy, the most common case today, accounting for 95 percent of surrogacy arrangements worldwide.

Women are at the heart of this economic system, which is both profit-driven and morally contested, revealing the value of an analysis at the intersection of economic sociology and gender studies. To examine the surrogacy market, I conducted qualitative research through interviews (N=50) with French couples of intended parents (both homosexual and heterosexual) who pursued transnational surrogacy and with association leaders and professionals (agencies and clinics) in the sector, supplemented by observations in associations and analysis of online discussion groups.

While the practice is prohibited in many European countries, it is legal, under certain conditions, in the United States, Canada, Colombia, and Ukraine, generating transnational flows of intended parents to these countries. This sparks numerous political and moral debates that partly concern the meaning attributed to motherhood and the economic transactions that may surround it. I will briefly trace these debates before demonstrating the value of conducting empirical research on these "contested markets" (Steiner and Trespeuch 2015) that would benefit from better consideration of gender issues. The first concerns, unsurprisingly, the economic stakes surrounding women's bodies, which are at the heart of the surrogacy market. But the identity of cisgender men in same-sex couples also raises, more surprisingly, specific issues in surrogacy. We will see that this minority mode of reproduction (a few hundred French children born abroad through this means each year) ultimately reactivates broader debates about gendered social roles in the family. Surrogacy can represent alternately an ultimate form of domination or a path to emancipation, similar to the controversies also exposed regarding prostitution.

Debates on freedom, consent, and exploitation

The first debate concerns the freedom of surrogates and their capacity to consent, particularly in contexts of poverty. Are surrogates free to carry for others when no economic alternative presents itself? This issue is common to other reflections on biomarkets that would allow "distress commerce" to develop (Steiner 2010). It takes on a particular dimension here because it concerns women. Similar to the debate on prostitution, some critics advocate for "universal" prohibition of the practice, which is then equated with a form of slavery. A recent UN report (docs.un.org/en/A/80/158) thus presents girls and women as "vulnerable populations" who are commonly victims of violence and exploitation and should be protected from surrogacy,

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which also carries threats. Moreover, according to the author, using these women who have no alternative for survival other than offering the "sale" or "rental" of their uterus (Stoicea-Deram and Devillers 2022) represents a form of commodified exploitation of poor women from the Global South by intended parents generally from wealthy countries, thus highlighting the reproduction of existing structural inequalities.

Other works suggest these arguments are paternalistic: Women have the freedom to make their own decisions and informed choices just like men, including in markets (Arneson 1992; Ogien 2010). Furthermore, surrogacy can constitute a less harmful alternative for their health and safety, as shown by empirical work on gestational carriers in India (Rudrappa 2012). Finally, when performed under good conditions, carrying for others can be experienced as a form of empowerment and personal fulfillment (enjoying being pregnant, feeling recognized in this social role) that removes motherhood from the sacrificial myth in which it is sometimes confined (Bertrand 2019).

Feminist perspectives: From prohibition to recognition of reproductive labor

Surrogacy thus generates a stimulating debate on women's economic position through the lens of the role accorded to motherhood in societies: Certain strands of feminism (particularly "radical feminism") advocate for the prohibition of surrogacy (similar to what they recommend for prostitution) because, in their opinion, it is a form of oppression of women as women, targeting their sexuality and fertility and assigning them to the domestic sphere. Others believe that surrogacy precisely plays the welcome role of revealing the "reproductive labor" freely assumed by women. Following the spirit of the "Wage for Housework campaign" led by Silvia Federici in the 1970s, carrying a child could be considered full-fledged work deserving wages and social protection, rather than being defined as a care activity performed purely altruistically by mothers. Moreover, authors such as Sophie Lewis, following Donna Haraway's proposals, argues that surrogacy, far from being reactionary, could serve to thoroughly dismantle the traditional family by refunding filiation bonds on bases other than biological connection, provided that non-market pathways are imagined for its deployment (Lewis 2019). Far from being consensual, feminist scholarship on the question reflects the broader fault lines that structure "the women's cause field" studied by Laure Bereni (2021). Yet, as Margot Lherbet and Marlène Jouan show in a survey of 550 French feminist activists, the practice elicits more nuanced reactions than media positions suggest, with concerns particularly focused on the conditions under which freedom and dignity could be actualized (Jouan and Lherbet 2024).

Commodification, money, and relational work

This leads us to consider the concrete conditions under which surrogacy is practiced as well as specific issues related to the "commodification" of pregnancy. To arguments that surrogacy would entail, at birth, a "tearing away" of the child from the woman considered its "natural" mother (Busnel and al. 2009), criticisms related to money are often added: Paying a woman so that others can become parents pollutes a relationship that should be preserved from any pecuniary stakes (Anderson 1995); and it especially provokes arguments around the commodification of bodies, which often appears as an absolute moral repellent (Agacinski 2013), including when transactions are officially altruistic – the risk of under-the-table payments being considered impossible to circumvent (Segalen 2017). Being compensated for donating one's eggs or carrying someone else's child causes discomfort that is connected partly to the more general suspicion surrounding women's money (Lazarus 2021) but also to the idea that, in accordance with "hostile worlds" representations, intimacy and economy do not mix well, necessarily polluting one another (Zelizer 2005).

These criticisms regarding exploitation and commodification of women's bodies, as well as the motivations and money of female protagonists in surrogacy, do not prevent the market from functioning, due to the intense "relational work" provided by intermediaries in the sector to give acceptable meanings to the money that circulates (Zelizer 2005). In Canada, surrogacy is subject to "reimbursements" of pregnancy-related expenses rather than compensation, to ward off the threat of commodifying women and babies (Lavoie 2018). In the United States, surrogacy agencies actively work to produce altruistic narratives to cover any financial motivations of surrogates, even though they are compensated (Jacobson 2016). While the financial stake is not ignored by intended parents, it tends to be associated with other reasons for action that are considered nobler, such as the desire to help

infertile couples, give them an invaluable gift, and/or build relationships. These discourses are apparent in practice: The parents I interviewed all maintain social relationships that exceed the commercial transaction with their surrogate, at least when surrogacy took place in North America. Agencies ensure this by becoming the interface through which money circulates, so that intended parents and surrogates no longer have to "talk about money" together once the contract is signed.

On the gestational carrier side, the US system presents a myriad of matching arenas decentralized at the level of surrogacy agencies that manage, in a context of scarcity, the construction of compatible pairs of intended parents/surrogates based on legal criteria and availability rather than auctioning off women to the highest bidder. Agencies additionally select non-precarious surrogates and seek to organize "smooth relationships" among protagonists to avoid conflicts and accusations against their activities (Jacobson 2016).

Comparative perspectives: Gametes and sex work

These observations call for more systematic comparison with the gamete market (Almeling 2011) and prostitution (Pande 2009; Ogien 2010) to understand how processes of qualification and valorization are defined (particularly pricing modalities, Ham 2020). Rene Almeling in *Sex Cells* shows that fertility markets produce differential valuation systems for gametes depending on whether they are produced by men or women. The altruism that necessarily surrounds compensated egg retrieval anchors this gesture in a paradigm of gift-giving, while sperm collected from men is seen only as the result of a "job" whose compensation is unproblematic.

The comparison often made between surrogacy and prostitution takes two main paths: that of "commodification" of women's capacities on the one hand, and that of sexual/reproductive labor on the other. Margaret Jane Radin explores the first path in her chapter "Prostitution and Baby-Selling: Contested Commodification and Women's Capacities" (Radin 1996). According to this author, we must envision the "domino effects" of commodification. If we allow sexual relations to become as commodified as consumer goods, discourses might be infused with this evolution, to the point of making non-priced relations difficult to imagine: Every human being, particularly women, would be potential products that could be evaluated and whose services could be sold. Thus, this argument of "domino effect" risk would require absolutely protecting sexual relations from market control. But this implies that non-monetized sexual relations are never imbued with power relations, which many feminist authors, like Catharine MacKinnon (or Paola Tabet, 2004, we might add), contest, who believe that the ideal of equal sharing is rare or even impossible in this matter. In this context, Margaret Radin suggests, it is useless to maintain an ideal; it is even counterproductive because inequality is an integral part of social structures and maintaining clandestine commerce in sexuality tends to harm vulnerable women more. Thus, a prostitution market could emerge in the form of "incomplete commodification," meaning regulated legalization including decriminalization of the market practice, prohibition of pimping, and establishment of non-enforceable contracts to leave women free to perform or not perform the service even if they had contractually committed to doing so.

Despite her hesitations, Margaret Radin ultimately concludes that surrogacy should be excluded from the market, in part because such a market would encourage women to view their personal attributes through a cost-benefit lens, but also because compensated surrogacy, within our hierarchical gender structure, could symbolize the idea that women are fungible in the role of child producers for men. This feminist argument, which held in 1996 when surrogates were also the biological mothers of children, carries much less weight today since surrogates very rarely have a genetic link to the child.

Another path of comparison is that of labor: If "sex workers" have found a political path (with mixed success in France) to have their activities recognized as deserving social recognition, compensation, and related social protections, this argument concerning surrogacy (gestational carriers as providing procreative labor) is essentially defended today by scholars (see, for example, Jouan and Clos 2020; Rozée 2020; Straehle 2023). Surrogates themselves continue more readily to adhere to the rhetoric of gift-giving that North American market intermediaries strongly valorize in the framing they provide for their activities today (Jacobson 2016).

To conclude, women are often not fully recognized as having the capacity to engage in sexual or reproductive labor for pay, as such activities are frequently framed as necessarily driven by coercion or altruism rather than choice. The concepts of incomplete commodification and procreative labor are interesting to explore in this regard to stimulate political imagination.

Surrogacy market clients and gender issues

On the "demand" side, examining surrogacy journeys recounted by intended parents, two aspects emerge: First, they are far from behaving like lawless clients seeking to obtain a baby forthwith for a sum of money; rather, they fumble and evolve throughout what I sketch as a "career of parents-clients." This is less due to particular moral dispositions than to confrontation with very heterogeneous forms of exchange often hybridizing market transaction and gift. Moreover, gendered stakes produce specific contestations with which they try to contend.

Among the forms of exchange they encounter, the stages of matching with the egg donor and then with the surrogate are particularly crucial, and gender often emerges as a central issue. How to choose these women who are essential for the journey's success without reducing them to products? As with sperm samples (Darius and Déchaux 2017), the presentation of egg donors in online catalogs brings them closer to a market system: Their characteristics are listed as so many biological materials available for financial compensation. In interviews, it emerges that this stage embarrasses French intended parents, particularly same-sex couples. When purchasers are affluent white men, the threat of exploiting women surfaces with a force not found when sperm samples are commodified and purchased by single women or women in couples. Unlike other contested markets, intended parents must themselves perform the work of distancing the market relationship according to their identity in the market (man or woman, heterosexual or homosexual, single or in a couple): Gay men strive to choose donors with a standard of living they deem sufficient to avoid accusations of exploitation, and who are not too socially distant from them, the stake being to nourish an acceptable origin story for the child to be born.

Conclusion

Surrogacy thus offers numerous avenues for dialogue between economic sociology and gender studies. These can take valuation, money, or matching as privileged conceptual lines. Above all, surrogacy calls for empirical investigations to move beyond monolithic positions that often contrast with the complexity of actors' economic experiences and the variety of contexts in which surrogacy takes place. Beyond the concepts of dignity and freedom, exploitation and commodification, which are essential operators of thought, my research instead highlights the value of entering into the details of forms of exchange to show their plurality and the work accomplished by market actors to address the issues of contestation specifically attached to gender. It is only by descending to this level of granularity of practices that such morally contested journeys become intelligible.

References

Agacinski, Sylviane. 2013. *Corps en miettes*. Nouvelle éd. revue et augmentée. Paris: Flammarion.

Anderson, Elizabeth. 1995. *Value in Ethics and Economics*. Cambridge, MA: Harvard University Press.

Arneson, Richard J. 1992. "Commodification and Commercial Surrogacy." *Philosophy and Public Affairs* 21 (2): 132–64.

Bereni, Laure. 2021. "The Women's Cause in a Field: Rethinking the Architecture of Collective Protest in the Era of Movement Institutionalization." *Social Movement Studies* 20 (2): 208–23.

Bertrand, Elodie. 2019. "Don ou marchandise: les deux fictions de la GPA." In *Procréation assistée et filiation. AMP et GPA au prisme du droit, des sciences sociales et de la philosophie*, edited by Marie-Xavière Catto and Kathia Martin-Chenut, 213–45. Paris: mare & martin.

Busnel, Marie-Claire, René Frydman, Myriam Szejer, and Jean-Pierre Winter 2009. *Abandon sur ordonnance: manifeste contre la légalisation des mères porteuses*. Paris: Bayard.

Darius, Mérylis, and Jean-Hugues Déchaux. 2017. "Les familles homoparentales féminines dans la bio-économie reproductive." *Ethnologie française* 47 (3): 425–36.

Ham, Julie. 2020. "Rates, Roses and Donations: Naming Your Price in Sex Work." *Sociology* 54 (5): 953–68.

Jacobson, Heather. 2016. *Labor of Love: Gestational Surrogacy and the Work of Making Babies*. New Brunswick, NJ: Rutgers University Press.

Jouan, Marlène, and Clémence Clos. 2020. "Le privé est politique … et économique! Pour une économie politique du travail de gestation pour autrui." *Nouvelles Questions Féministes* 39 (2): 47–61.

Jouan, Marlène, and Margot Lherbet. 2024. "La Gestation pour autrui vue par les féministes françaises: normes de genre et justice sociale." Grenoble. Working paper.

Lavoie, Kévin. 2018. "Son enfant, ma grossesse, notre entente : la négociation des projets de gestation pour autrui au Canada"" In *Des grands enjeux à la quotidienneté: les familles au Québec vues par les jeunes chercheur.e.s*, edited by Ariane Boyer, Janie Gagné, Anna Goudet, and Annick Vallières, pp. 25–30, Montréal (Québec): Institut national de la recherche scientifique.

Lazarus, Jeanne. 2021. "L'argent des femmes. Quelques pistes de recherche." *Sensibilités* 9 (1): 60–71.

Lewis, Sophie. 2019. *Full Surrogacy Now: Feminism Against Family*. London: Verso.

Ogien, Ruwen. 2010. *Le corps et l'argent*. Paris: la Musardine.

Radin, Margaret Jane. 1996. *Contested Commodities: The Trouble with Trade in Sex, Children, Body Parts and Other Things*. Cambridge, MA: Harvard University Press.

Rozée, Virginie. 2020. "Quand la performance du corps reproducteur devient un travail. La gestation pour autrui en Inde." *Travail, genre et sociétés* 43 (1): 103–23.

Rudrappa, Sharmila. 2012. "Working India's Reproduction Assembly Line: Surrogacy and Reproductive Rights?" *Western Humanities Review* 66: 77–101.

Segalen, Martine. 2017. "Pourquoi la gestation pour autrui dite 'éthique' ne peut être." *Travail, genre et sociétés* 38 (2): 53–73.

Steiner, Philippe. 2010. *La transplantation d'organes: un commerce nouveau entre les êtres humains*. Paris: Gallimard.

Steiner, Philippe, and Marie Trespeuch. 2015. *Marchés contestés: quand le marché rencontre la morale*. Toulouse: Presses universitaires du Mirail.

Stoicea-Deram, Ana-Luana, and Marie-Josèphe Devillers. 2022. *Ventres à louer: une critique féministe de la GPA*. Paris: l'Échappée.

Straehle, Christine. 2023. "Defending Surrogacy as Reproductive Labour." In *Debating Surrogacy*, edited by Anca Gheaus and Christine Straehle, 17–87. 1st ed. New York: Oxford University Press. https://doi.org/10.1093/oso/9780190072162.003.0002

Tabet, Paola. 2004. *La grande arnaque: sexualité des femmes et échange économico-sexuel*. Translated by Josée Contréras. Paris: L'Harmattan.

Zelizer, Viviana. 2005. *The Purchase of Intimacy*. Princeton: Princeton University Press.