

**Representations of reproductive citizenship and vulnerability in media  
reports of offshore surrogacy**

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In his elaboration of the concept of 'reproductive citizenship', Turner (2001) suggested something of a homogeneous accumulation of cultural capital to those who make a reproductive contribution to contemporary western societies. The present paper takes up this suggestion and proposes that whilst reproduction is indeed a hallmark of contemporary citizenship, the cultural capital arising from this is still differentiated by mode of reproduction, with reproductive heterosex remaining the norm against which other modes are compared. This norm, it is suggested, produces what is termed here 'reproductive vulnerability', namely vulnerability arising from being located outside of the norm. Through an analysis of media representations of Australian people who have undertaken offshore surrogacy arrangements in India, the present paper demonstrates how reproductive vulnerability is highlighted only to be dismissed through recourse to the construction of those who undertake reproductive travel as agentic citizens. The paper concludes by considering what it would take for an ethics of reproductive travel to exist; one in which multiple, incommensurable vulnerabilities are taken into account, and the representation of which encourages, rather than inhibits, careful thought about the reproductive desires of all people.

**Keywords:** surrogacy, reproductive travel, vulnerability, India, Australia, media representations, reproductive citizenship

## **Introduction**

In arguing for the centrality of reproductivity to citizenship in contemporary western societies, Turner (2001, 197) proposes that “the state’s interest in sexuality and sexual identity is secondary and subordinate to its demographic objective of securing and sustaining the connection between reproduction and citizenship”. This connection between reproduction and citizenship is vital, Turner argues, given the fact that “western societies in demographic terms enjoy only modest rates of successful reproduction, [and thus] the state promotes the desirability of fertility and reproductivity as a foundation of social participation” (196). Yet despite sharing this view that contemporary citizenship in western societies is shaped by a drive towards reproduction as a mode of social participation, our concern in this paper lies in what counts as ‘successful reproduction’. Whilst Turner suggests that sexual identity is a secondary concern to the state, and whilst, as he notes, ‘successful reproduction’ only produces modest outcomes, we would nonetheless argue that reproduction via heterosex remains the most valued form of reproduction.

In regards to the range of people who are unable to reproduce via heterosex - as a result of either medical infertility or ‘social infertility’ (referring here to individuals who do not engage in heterosex, see Boivin et al., 2001) – we would suggest that they are exposed to what we refer to in this paper as ‘reproductive vulnerability’. We suggest this term on the basis of Turner’s (2001) argument that, in a context where reproductive capacity has become a key marker of citizenship, and when such capacity is seen as diminished, then even though technologies are increasingly available to support reproduction in modes

other than through heterosex, access to the cultural capital arising from reproductive capacity is hierarchized according to an individual's approximation to that which is still seen as emblematic of fertility, namely reproductive heterosex.

In terms of cultural capital, and summarising the work of Bourdieu (1977), Lamont and Lareau (1988) define it as “institutionalized, i.e., widely shared, high status cultural signals... used for social and cultural exclusion” (156). Their emphasis on exclusion is important, they argue, given the fact that cultural capital is centrally about the operation of power. In the case of reproductive citizenship, heterosexuality is the institutionally normative sexuality within western societies, and reproductive heterosex specifically is the form of reproduction typically referred to by the words ‘natural conception’. Reproductive heterosex as the normative mode of reproduction is thus accorded high status value (i.e., cultural capital). The attribution of such value to reproductive heterosex operates to diminish the value attributed to those who cannot (for whatever reason) reproduce by this method. Vulnerability, then, arises not primarily because reproduction is not possible for those who are medically or socially infertile, but rather because infertility is measured against the approximation of a norm. To be outside the norm of reproductive heterosex, then, is to be vulnerable to the diminishment of one's cultural capital as a reproductive citizen.

Our interest in this paper, then, is not to engage with debates over whether or not reproduction is a human right. Rather, our interest is in how those positioned in a compromised relationship to the norm of reproductive heterosex – those positioned as vulnerable – negotiate their positionality, and in

so doing make a claim to the cultural capital attached to reproductive citizenship. Specifically, our focus in this paper is upon how the decisions of Australian citizens who enter into offshore surrogacy arrangements in India (arrangements that are currently legal in most Australian states) are reported in the media. Our interest in examining the experiences of this cohort of people is not to demonise their reproductive decisions, nor is it to argue against offshore surrogacy arrangements *per se*. Rather, it is to consider how the reproductive vulnerability that drives their decision to utilise offshore surrogacy appear to be routinely dismissed, or at the very least spoken of only to then be treated as a 'problem solved'. Whilst we are cognisant of why some people might wish to forget about the reproductive vulnerability that led them to offshore surrogacy arrangements (see Cousineau and Domar 2007), we would argue that centring the reproductive vulnerability of those who undertake reproductive travel might engender ways of developing offshore surrogacy arrangements that are not simply sustainable, but also more ethical for all parties, an issue we take up in the conclusion of this paper.

Focusing on the reproductive vulnerability of those who undertake reproductive travel thus represents a novel and useful way of furthering discussions about reproductive citizenship in terms of: 1) how dominant understandings of citizenship in Australia produce a drive towards particular modes of reproduction, and 2) how taking up such modes of reproduction does not necessarily address issues of vulnerability, but rather simply overwrites them through a discourse of agency. This latter point, we believe, is of vital importance when considering offshore surrogacy, due to the fact that if reproductive vulnerability is seen simply as a 'problem to be solved', then this

does nothing to destabilise the norm of reproductive heterosex, just as it does nothing to place the reproductive vulnerability of intended parents into a relationship with the vulnerability experienced by women who act as surrogates.

This lack of focus upon the intersections of differing vulnerabilities is exacerbated in the academic literature on reproductive travel (summarised below), which to date has understandably focused on the experiences of women who act as surrogates and the ethics of reproductive travel itself in terms of such women. One implication of this primary focus on women who act as surrogates, we would suggest, is that it constructs those who undertake reproductive travel by contrast as 'successful' agentic citizens fulfilling their human right to reproduce. Whilst the focus on women who act as surrogates has of course involved a discussion of those who undertake reproductive travel as caught up in a discourse of 'reproduction as consumerism' (Lundin 2012, Kroløkke 2012), this, we believe, only tells part of the story. In other words, and as our argument here suggests, it only represents those who undertake reproductive travel as successful neo-liberal citizens who are actively making agentic choices about their reproductive options (Larner 2000). It does not, however, fully explore how such 'success' is the product of a reproductive vulnerability in the face of the norm of reproductive heterosex.

As a way of mapping out public discourse about the reproductive vulnerabilities of Australian citizens who have undertaken offshore surrogacy arrangements in India, in this paper we present an analysis of media reports of the experiences of those who have undertaken reproductive travel. As we have argued elsewhere (Riggs and Due 2010, 2012), media representations of reproductive travel (and surrogacy specifically) do not simply reflect the

narratives of those who travel. Rather, they potentially shape the decisions and actions of those who are considering such travel. In other words, when the media depict reproductive travel not simply as possible, but also present it as a relatively unproblematic way of having children, then reproductive travel becomes positioned not simply as a last resort, but potentially as a viable and indeed privileged first choice.

In the sections of the paper that follow, we first outline previous research on offshore surrogacy in terms of issues of vulnerability, before turning to examine in close detail a selection of Australian media reports focusing on offshore surrogacy arrangements in India. Our focus in the analysis is on how reproductive vulnerability is often mentioned only to be sidelined or presented as a problem that has been overcome. In the analysis we make some possible suggestions about why reproductive vulnerability might often be rendered invisible, and we comment on what this says about Australians as citizens whose reproductive decisions occur within global contexts. Following on from this analysis of media reports we then conclude the paper by returning to our point above in regards to how greater attention to reproductive vulnerability amongst intended parents might help to facilitate more sustainable and ethical ways of thinking about reproductive travel.

### ***Offshore Surrogacy Arrangements and Vulnerability***

As mentioned above, there is an existing body of literature that focuses on the vulnerability of women who act as surrogates (e.g., Blyth and Farrand 2005, Kroløkke 2012, Lundin 2012, Marken 2007, Ragoné 1996, Vora 2009). Primarily

written within a feminist framework, this literature has long provided a critical examination of the practice of surrogacy in terms of its potential for exploiting women who act as surrogates (see Raymond 1994 specifically). This literature mirrors other feminist writing concerning the vulnerabilities of all women in terms of their presumed reproductive capabilities and the subjugating effects this can have (Jones 1990, Orloff 1993). In terms of offshore surrogacy, commentators have highlighted the vulnerability of women who act as surrogates, particularly in terms of their potentially limited alternative financial options (see Damelio and Sorenson 2008, Vora 2009). For example, it has been pointed out that Indian women who act as surrogates can earn the equivalent of 6 to 10 years' work through a surrogacy arrangement. Commentators have noted that this raises questions about the extent to which entering into a surrogacy arrangement is truly a choice for many women (Haworth 2007, Blyth 2008). Vulnerability in this sense is thus conceived of both in terms of the commodification of women's bodies (that is, that the capability of women's bodies for reproduction renders them vulnerable to practices such as surrogacy), as well as inequalities in terms of outcomes and choice between the privileged and the disadvantaged, leading to the potential for exploitation (Palattiyil *et al.* 2010, Rotabi and Bromfield 2012).

In relation to intended parents and vulnerability, there is a growing body of work which considers the health and wellbeing of families formed through surrogacy. This body of work, we would argue, does implicitly acknowledge the vulnerabilities of such families, precisely as families formed outside the norm of reproductive heterosex (for example, see Golombok *et al.* 2006, Bergman *et al.* 2010, Jadvá *et al.* 2012). Nonetheless, the notion of reproductive vulnerability as



we define it is rarely explicitly attended to in the context of research on intended parents through surrogacy. There is of course research exploring emotional vulnerability in terms of family formation more broadly, such as the adverse psychological effects of involuntary childlessness for those wanting to have children (Daar and Merali 2002, Cousineau and Domar 2007), together with research concerning the stigma of childlessness (see Blyth and Moore, 2001). And research has of course examined how social norms related to reproduction impact upon women who choose not to have children (Gillespie 2003). Yet to date none of this research has focused specifically on the reproductive vulnerability that may shape the journeys of those who enter into offshore surrogacy arrangements.

As a result of this lack of attention to the reproductive vulnerability experienced by families formed through surrogacy, we would argue that a gap exists in the literature in terms of examining the impact of the norm of reproductive heterosex upon this cohort. In particular, and for the purposes of this paper, this gap in the literature results in a lack of acknowledgement of the fact that reproductive vulnerability causes people to seek reproductive alternatives, and therefore that reproductive travel is driven not only by a lack of services within a person's country of residence, but also by a desire to overcome a perceived vulnerability. This claim is supported by research which suggests that, for intended parents, participation in reproductive travel often involves a quest to realize an identity they felt they already had: that of a parent (Lundin 2012, Kroløkke 2012).

## **Method**

Data for this paper were sourced from Australian newspapers with the highest circulation as identified by the Australian Press Council's *State of News Print Media 2007* report. Reports were sourced using the database 'Factiva' via the search term 'surrog\* AND India', and were sourced from newspapers published between January 2009 and October 2012. The reason for this time period was indicated by a google insights search, which indicated that the search term 'surrogacy India' went from no searches prior to 2009, to over 100 searches made from within Australia in early 2009, falling to an average of 60 searches from the later months of 2009 and continuing on in this trend throughout 2010, with searches falling to 40 on average throughout 2011 and 2012. A google citation search for news reporting on the topic of surrogacy within Australia suggests that on average 30 reports were published in the middle months of 2009, with a large spike (approximately 100 reports) in early 2010, an average of 30 reports published each month in the first half of 2011 and a spike in reporting (approximately 40 reports per month) in the middle of 2012.

From our own database search we identified 96 media reports published within the time period. Of these, 86 focused on Indian women acting as surrogates for people from western countries. The remaining 10 reports were excluded as they focused on surrogacy as only a secondary consideration (for example, in reports that focused on business in the 'third world'). As would be expected, reports identified through the Factiva search followed the same trend as the google insight search: that is, most of the reports were published in 2009, with less in 2010, 2011 and the first half of 2012. Typically, most of the reports published in 2009 covered surrogacy as a new 'trend', with a focus upon the

ethical concerns related to offshore surrogacy. From the latter part of 2011, these stories were replaced by more routine representations of surrogacy arrangements as 'feel good' stories in which surrogacy was represented as helping people to form families.

Of the 86 reports focusing on offshore commercial surrogacy arrangements, only a minority (26) actually included the voices of Australians who had undertaken reproductive travel. As will be seen, despite subtle differences across this sample of 26 reports, there was relative homogeneity in terms of how the narratives of the intended parents were reported. As such, the six extracts analysed in detail below should be taken as indicative of the sample as a whole in terms of the narrative structure and rhetorical content of the reports.

## **Analysis**

In the analysis that follows, we consider the rhetorical devices utilised, and the particular representations of surrogacy they allow, following the principles of discourse analysis as outlined by Wetherell and Potter (1992). We of course acknowledge that media reports typically run to the more sensationalist end of the spectrum, and further that the words of any person reported in a media report can be presented in ways entirely different from their original meaning. Nonetheless, and as we indicated above, media reports tap into the zeitgeist of any given topic, even if this is only typically the dominant narrative available on the topic. As such, the reports we analyse, whilst not necessarily indicative of the actual beliefs of those who engage in reproductive travel, have much to tell us

about how reproductive vulnerability is rendered intelligible to the general public.

In the first extract below, the report speaks clearly of the difficult journey the heterosexual couple experienced on their path to offshore surrogacy, yet the focus on their reproductive vulnerability quickly shifts within the story to the vulnerability of Indian women who act as surrogates, before resolving all vulnerability through a discourse of 'helping others':

***Extract 1***

After several years of trying to conceive, Ms Banach and her husband went through two unsuccessful surrogacy cycles before they were matched with Rani by their surrogacy clinic.

Ms Banach said she suffered five miscarriages before realising that because of her "wonky uterus" she would never carry a baby of her own. A relative got her thinking about surrogacy.

"The first thing I thought was that I can't exploit another woman that way," Ms Banach said.

"But these women want to do it. This idea that surrogates are being pulled from the slums and are being forced into it is absolute rubbish."

Ms Banach said the surrogates used by the Delhi clinic were well looked after. She said Rani was paid \$6000 to carry the child, money

she would use for her children's education. Ms Banach gave her an extra \$3000 after the birth and still provides financial assistance to Rani and her family.

She said although the money enticed numerous Indian women to act as surrogates, Rani and many others just wanted to help people have a family of their own (Buckley-Carr 2011).

This report provides a clear template for how reporting of the reproductive vulnerability of Australian intended parents typically serves as a plot narrative in a 'feel good' story, rather than as a genuine discussion of how such vulnerability is produced in a broader social context. The report begins by depicting *not* being able to carry a child as a failure, and thus surrogacy as a mode of redress for that failure. The extract utilises both vagueness ("several years of trying to conceive") as well as numerical information ("five miscarriages") to present surrogacy as a 'last resort' option: an option to be used only when other methods for reproduction have been extensively tried and have failed.

Yet despite this initial focus on what could be construed as Ms Banach's reproductive vulnerability, the report then shifts away from a discussion of what brought the couple to surrogacy, and towards Ms Banach's concern over exploitation (with stake inoculation used to immediately counteract this concern, through an argument that "these women want to do it"). So again, vulnerability (in this case of Indian women) is presented, only then to be dismissed as a red herring in what is ultimately presented as a mode of family

formation that serves all parties well. Interestingly, however, something of Ms Banach's reproductive vulnerability returns at the close of the report, where mention is made of making ongoing financial assistance to the woman who acted as a surrogate. Whether or not this ongoing financial assistance does indeed speak of Ms Banach's sense of vulnerability is something we can only conjecture about, but we certainly would suggest it signals something of the ongoing nature not simply of relationships between intended parents and women who act as surrogates, but also the dependency of the former upon the latter in terms of having addressed their reproductive vulnerability.

The operation of reproductive vulnerability as a plot narrative appears again in the following extract, albeit in a more complex fashion:

***Extract 2***

Mackenzie, now 18 months old, is living proof of the bond the Wylie family feel with India after taking a "big leap of faith" to use a commercial surrogate there to have a child.

Candice Wylie, unable to have children because she suffers from a non-curable disease, says surrogacy was the only option for her and husband Michael. "My fertility profile is that of a 90-year-old," she said.

The hardest part of overseas surrogacy was not the \$80,000 they spent, she said, but the detachment of distance. "You live on the edge with every email ... relying on other people to give you any tangible information. There's this feeling 'are they telling me everything?' " ...

The Wylies want another sibling for Mackenzie. Their surrogate has agreed to have the child for them and they have frozen embryos in India, meaning any baby will be genetically linked to Mackenzie.

"There is definitely a personal side to it, we feel [Mackenzie] is a gift she gave us," Ms Wylie said (Marriner 2012).

In this extract the challenges facing the intended parents are perhaps rendered even more emotive than in the previous extract. Such emotion is achieved through the use of descriptive language, with not simply the 'fertility profile' of Ms Wylie producing reproductive vulnerability, but also the tyranny of distance the couple experienced whilst they awaited the birth of their child. Yet this narrative of vulnerability is preceded by the phrase 'big leap of faith' used to describe the couples' journey to having their child, who is 'living proof of their bond to India'. Thus whilst the couples' reproductive vulnerability is presented to the reader, it is framed in terms of 'overcoming an obstacle', and that this overcoming provided not simply a child, but also a bond to another country. Interestingly, this notion of a 'bond' is not framed as a product of reproductive vulnerability *per se* (i.e., that there is a bond because surrogacy in India addressed the couples' infertility), but rather as a response to a 'gift' relationship.

Reproductive vulnerabilities are again introduced in the following extract through the language of 'desperation', only to be put aside through a focus on 'draconian laws' in Australia:

### ***Extract 3***

Australia's prohibitive surrogacy laws are driving hundreds of desperate couples overseas, with figures revealing at least 155 babies were born to Australians through overseas surrogacy arrangements last year...

Surrogacy Australia secretary Sam Everingham said yesterday... "Our laws have become so draconian that it's forcing hundreds of Australian families to deal with foreign countries and medical systems to create a family," he said.

"The kind of expense and risks that Australians go through to do this are extraordinary" ...

Alexander Heights couple Cameron and Nardia, whose seven-month-old son Lawson was born through a commercial surrogacy arrangement in India, said WA's strict surrogacy laws prevented many couples like them from starting a family.

"The laws made it pretty much impossible for us to do surrogacy here," Nardia said... She had a radical hysterectomy at 29 after she was diagnosed with cervical cancer. Nardia said that although bringing their baby home had involved a lot of paperwork, the process had still been easier and quicker than if they had pursued surrogacy in WA (Boddy and Fleming 2011).

Here again reproductive vulnerabilities are evoked only as a plot narrative to argue against laws that prohibit onshore commercial surrogacy in Australia, with



extreme case formulations used to strengthen the argument (e.g., “desperate couples” and “forcing hundreds of Australian families...”). Interestingly, whilst reference is made to the possibility that the couple in question could have pursued (altruistic) onshore surrogacy in their home state, this is dismissed in favour of the ‘easier and quicker’ option of offshore surrogacy. This is despite the depiction earlier in the report of offshore surrogacy requiring “Australian families to deal with foreign countries and medical systems”. The question we feel must be asked of this representation, then, is that if onshore surrogacy might have been possible for the couple, why was it not pursued? What is the reproductive vulnerability that is being addressed through offshore surrogacy in ways that seemingly could not be addressed onshore? Again, our point here is not to dismiss the heartfelt desires that people have to raise a child, but rather to question how reproductive vulnerability here is reduced solely to legislative issues.

The emotive language of ‘desperation’ is again introduced in the following report, though in this example is framed by positive descriptors such as ‘joy’ and ‘dreams’:

***Extract 4***

An Australian gay couple have told of their joy at becoming parents to two sets of male twins...

“We did freak out initially I must admit, because I had never ever changed a nappy, never fed a baby, never done anything,” Tony said.

But they said they have been surprised at how calmly they were

coping with the huge responsibility.

They paid \$130,000 to realise their dream of having a family, with each surrogate paid \$6000-\$7000...

They said they have huge support from family and friends who were chipping in to help.

Tony, who admitted to being the "clucky" one, said they had resigned themselves to the fact they were not going to have children.

But he said they desperately wanted a family of their own and he is taking 12 months off work to look after the babies.

Melbourne family psychologist Sally-Anne McCormack said... "They were clearly desperate to have children and there are people who have children who don't have that same passion." (Herald Sun 2011)

This extract builds a case that legitimates offshore surrogacy arrangements by positioning such arrangements as solutions to a problem that are taken up by intended parents, thus positioning the couple as agentic, rather than vulnerable. This can be seen in the use of a causal narrative (i.e., resignation to not having children leading to desperation and then to surrogacy as the solution), as well as the use of expert voicing in the final section (where a psychologist explicitly positions the couple as active in their decision to utilize reproductive travel to have children).

Also of interest to us is the way in which the language of ‘dreams’ (versus the language of ‘desperation’) highlights what disappears when reproductive vulnerabilities are treated as plot narratives or as problems to be overcome. In the case of this report, part of what disappears is the fact that gay men in Australia occupy an inherently vulnerable position in terms of children, because (at least for cisgendered gay men) they cannot carry children themselves, combined with the fact that historically legislation in Australia has prevented gay men from having children other than through privately negotiating co-parenting relationships with women (van Reyk, 2007). In this sense, gay men’s reproductive vulnerabilities represent the very nexus of how the state produces such vulnerabilities (where having children is represented as desirable, but where having children is rendered legally impossible).

As such, to experience joy through the fulfilment of a dream is an entirely expected response for gay men who historically may have felt no avenues open to them. Yet what potentially disappears here when ‘desperation’ becomes a mere precursor to ‘joy’ is that the desires that fuel such desperation are not treated seriously. In other words, we would suggest that there is a significant difference between prohibition and desire, and that whilst the former might fuel the latter, once the former is removed,<sup>i</sup> what remains is reproductive vulnerability. In other words, what shapes some gay men’s desires to have children who are genetically related to them (and the factors that still bar that even with decreased prohibition) is thus left unmentioned, the implication being that the net effects of the ‘desperation’ is left unexplored.

This use of agency to depict intended parents appears again in the following extract:

### ***Extract 5***

After six miscarriages, years of failed in-vitro fertilisation treatments and endless queues at Australian and international adoption agencies, Megan Sorensen is finally expecting a baby this week, at age 43.

Like an anxious father-to-be, Sorensen (not her real name) will pace the corridors of New Delhi's Phoenix Hospital while a woman she met six days ago and knows only as Rani goes through childbirth for her....

Sorensen says she is determined to make a difference to Rani's life by helping her buy a home and paying for her children's education. "I feel very maternal towards Rani," she says. "She's part of our baby-making team" (Hodge 2010).

In this extract the intended parent in question (Sorensen) is depicted as the agentic global citizen *par excellence*, as she makes use of the available reproductive options locally before exercising her freedom to travel internationally to collect her baby and then return to her own home, at the same time as deploying her own privilege and capital to help the woman who carried the baby for her. As such, the rhetorically self-sufficient argument of "injustices should be righted" is used within this extract to position Sorensen as having the right to a child, thereby again positioning surrogacy as providing a solution to a problem, together with a representation of offshore commercial surrogacy itself as providing a financial solution to women such as Rani.

Importantly, this representation of Sorenson does not nod towards her vulnerability in the relationship; clearly, Sorenson is aware of her dependence on Rani (evident in the representation of Rani “going through childbirth for her”). Yet in contrast to this recognition of Sorenson’s vulnerability, we would draw attention to the statement that Sorenson ‘feels maternal’ to Rani, which, we would suggest, could be read as a re-claiming of Sorenson’s status as a mother, and therefore as a way of glossing over her own vulnerability. Indeed, by presenting Sorenson as in a position to *help* Rani by making a difference in her life, the extract again reproduces the inequalities inherent in the relationship, positioning Sorenson as being able to use the market to fulfill her own desires within a neo-liberal framework.

At the same time, however, the final section of the extract does offer a glimpse at what might be considered a more viable ethics of transnational surrogacy. Here, the mutual vulnerability of the two women is evident; albeit represented in terms which imply that it is only the Indian woman who is truly vulnerable and in need of assistance. In terms of vulnerability, then, it would be productive to read both Sorensen as at the mercy of the reproductive market (through being unable to bear a child), and Rani as at the mercy of a market which does not afford her the ability to become an equal global citizen. Although this extract presents the vulnerability of Rani alone as the ethical dilemma at stake in negotiating surrogacy arrangements, we would argue that in fact a truly ethical representation of surrogacy would highlight the vulnerability of *both* women in the global market of reproductive rights.

The following and final extract also highlights how vulnerability in regards to intended parents is raised, only to be swept away through a focus on

their location as agentic consumers:

***Extract 6***

The couple's first attempt, where four embryos were implanted into an Indian mother at the clinic, failed. With the procedure for each round of IVF and care of the surrogate mother for two weeks costing about \$10,000, excluding airfares and accommodation, the couple decided to quit after the second visit. But they went for a "last-ditch effort", with Mrs Geary, now 37, visiting a naturopath beforehand.

They made a third visit in April and again flew back to Australia. This time the email was different. Mrs Geary said: "The first word of the email was 'congratulations'. We were ecstatic." The baby was due on January 9 but the surrogate went into labour six weeks early. "She was four days old when I got to see her at hospital. I can't even think of a word to describe how I felt. I was so excited just to see her. Our surrogate and her husband and child were at the hospital - we were in a room a couple of doors down from them. I would take Mia down to see her or she would bring the milk she expressed in. I would invite her to sit down and give her Mia to hold. We just felt grateful; she's a really happy, peaceful person" (Barlass 2011).

Clearly this extract begins by highlighting the vulnerability of the commissioning parents in terms of their desire to have a child. Yet despite the implicit

recognition of their reliance upon offshore surrogacy and the vulnerability this represents, the extract primarily presents the Gearys as agentic consumers. Furthermore, and following their subsequent 'success', the Gearys' vulnerability is further hidden by the representation of the couple as holding the power in their relationship to the surrogate, with it being Mrs Geary who holds the ability to offer 'invitations' to 'their' surrogate, who clearly does not hold similar power. Yet at the same time, it is the surrogate who expresses the milk, and it is the surrogate to whom the Gearys show gratitude. As such, whilst much of the language of the extract appears to introduce a shift away from any vulnerability on the part of the Gearys, their vulnerability within a global reproductive market continues to show through. Our point of course is not that the Gearys were necessarily any more vulnerable than was the woman who acted as their surrogate, but rather that vulnerability within the context of reproductive travel exists for all parties, even if media accounts typically either discount vulnerability, or emphasise only Indian women as vulnerable.

## **Discussion**

Through the analysis presented above we have highlighted how the reproductive vulnerability of Australians who undertake offshore surrogacy in India is typically rendered as a mere plot narrative in an overarching story of such individuals as agentic citizens who fulfill their human right to reproduction. Whilst for many readers such a narrative may seem logical (in that it presents a problem that is identified and then solved), we would argue that sweeping away the reproductive vulnerability of those who undertake reproductive travel does

nothing to either 1) examine how such vulnerability is produced in social contexts that privilege reproductive heterosex, or 2) conceptualise reproductive vulnerability as a way of thinking about what might constitute ethical reproductive travel. In what remains of this discussion we explore these issues.

The first point in any consideration of the issues we raise here must be the paramount focus given to genetic relationships in much of the public discourse about offshore surrogacy. As parents ourselves, we are very much aware of the desire to have children, and to raise them and care for them. But the issue at stake when it comes to reproductive travel is when this desire to have children becomes automatically or unquestioningly a desire to have genetically-related children (Markens 2007). Importantly, and to return to the work of Turner (2001), taking up a position within a relationship to the norm of reproductive heterosex does not necessarily guarantee state recognition. Rather, it perpetuates the very norms by which citizenship is measured (i.e., the same norm that produces reproductive vulnerability in the first place).

When it comes to thinking about the ethics of reproductive travel, we would suggest that the first step is to acknowledge that reproductive heterosex continues to function as the norm against which all forms of reproductive citizenship are measured, and from there to consider how this potentially prevents some individuals from considering the broader ramifications of the decision to engage in reproductive travel. In terms of the media, then, the drive to reproduction must not only be spoken of when reporting on reproductive travel. It must also be spoken of when anxieties over reproduction are raised in general, such was the case when then Australian federal treasurer Peter Costello urged Australian families to have “one [child] for your husband, one for your



wife, and one for your country” in response to concerns about the national birth rate (see Lain *et al.* 2009). In other words, focusing on vulnerability should not solely be evoked when the parties involved are clearly vulnerable in the context of a society where reproductive heterosex as reproductive citizenship is valorized. Rather, it is important that vulnerability is emphasized as existing in a continuum across all people (however differentially distributed). Given the fact that cultural capital is accrued and not predetermined, and that what is valued within any system is subject to change, then there is no guarantee that the remit of vulnerability will not shift at any time. Emphasising all citizens’ vulnerability, then, may help to facilitate recognition of how trading on another person’s vulnerability – whether that be women who act as surrogates or those who are unable to reproduce via heterosex – is, in reality, trading upon one’s own potential to be vulnerable.

Another key area requiring attention is the media’s role in alternately exacerbating or failing to acknowledge the shame that for some people accompanies infertility. To focus on shame is important, for to focus on shame is to focus on vulnerability, which, we believe, is different to simply stating why people undertake reproductive travel. We certainly would not deny that most of the media reports we examined (including those that appear in this paper) made some mention of why the intended parents had undertaken reproductive travel. But in most instances this was in the form of a paired contrast: unfortunate infertile couple/agentically infertile couple who find a way to have a child anyway. This, in our reading, is not a representation of vulnerability. Rather, it is a way of staving off vulnerability. Furthermore, and when this type of representation appears alongside representations of ‘India’s poor’, the only image of

vulnerability we have is one of Indian women and their families. Media recognition of the struggles of people in India would of course be welcome, if it were to focus on the role that countries such as Australia could play in working with Indian governments to address issues of poverty. Yet as the media reports included here indicate, not only does this not occur in media representations of reproductive travel, but it is instead replaced by a representation of reproductive travel as a 'boon' and thus a solution to vulnerability in India.

The final point we would raise here is the difference between ethics and rights. As Markens (2007) notes, much of the discussion in the US on surrogacy has to date focused on rights: either the rights of intended parents, or the rights of surrogates not to be exploited, or the rights of children born through surrogacy to know all involved in their conception. Whilst we would certainly endorse the need for there to be rights that support all individuals to live a life free of exploitation and to a life in which they have the freedom to fulfill their desires, we are concerned as to how these two sets of rights could move beyond oppositionality, unless an ethics underpinned them that allowed them to exist coextensively.

One response to this concern to move beyond oppositionality is suggested by Vora (2009), who highlights the potential for women who act as surrogates in India to be woven into the kinship narratives of commissioning parents and their families through a sense of duty. This sense of duty, Vora suggests, is one that typically informs Indian families, and is something that could be taken up by intended parents when they engage in transnational surrogacy. Obviously claims to kinship with Indian women hold the potential to be taken up in benevolent ways by commissioning parents, or in ways that claim inclusion when in reality

they function disingenuously to feign kinship when really it is not desired. But recognising that intended parents are always already in a dependent relationship to women who act as surrogates (rather than simply treating women who act as surrogates as 'wombs for hire' who are expected to disappear after the birth of child) may go at least some way toward encouraging recognition of the global context in which transnational surrogacy occurs, one in which dominant discourses of family and consumerism produce vulnerabilities that impact upon all people, albeit differentially.

We are of course not suggesting that having an ongoing relationship with women who act as surrogates ameliorates the hardships such women face, nor the ways in which the surrogacy industry commodifies their bodies. But at the very least, recognising the relationships between those in countries such as Australia and those in India may encourage greater understanding amongst the former as to the complex interdependencies between the two cultural contexts, both in terms of the differences between the contexts (where one group stand to benefit at the expense of another), and the similarities (where the global market positions all people as vulnerable citizens, albeit in highly differential ways).

To be vulnerable, then, as a person living in the overdeveloped west, is not to cry 'pity me, I cannot reproduce', but rather to recognise that the forces that impact upon the most marginalised impact upon us all. Recognising vulnerability is thus one step towards developing ways of achieving one's desires that do not require treating another as an object of commodification. Instead, recognising and speaking of vulnerability requires acknowledging the damaging and dangerous logic that underpins the global marketplace, and a willingness to refuse to unthinkingly take up a place within this logic as a way of denying our

own vulnerability. In terms of an ethics of reproductive travel, and to think about what this means in relationship to a desire for children, the question that must be asked of those who take up a position within a normative discourse of reproductive citizenship (one in which individual worth results from having children), is whether this model of valuing individuals is what they would want for their children? If Indian women can be reduced to 'wombs for hire' in a context where genetic relatedness is given so much currency, then how far can we be from a dystopia where other groups of people *within* Australia are seen as less valuable citizens and thus available for commodification? This echoes the point made above, namely that cultural capital, whilst a bankable asset in terms of privilege, is not necessarily something that one can bank on. In other words, given the changeability of what is constituted as the norm, it is possible that those who at present accrue considerable cultural capital may accrue less in the future if what is valued changes.<sup>ii</sup> If anything, then, the findings presented in this paper suggest that vulnerability is a shifting target that can be applied to any group of people. Questioning how people respond to reproductive vulnerability is thus not just about questioning what drives the desire to have children *per se*, but is instead about questioning what kind of world we want for children born of such desire.

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## References

- Barlass, T. 2011. 'Look at Mia. How can this be a crime?' asks mother. *The Age*, 23 January, p. 3.
- Bergman, K., *et al.* 2010. Gay men who become fathers via surrogacy: The transition to parenthood. *Journal of GLBT family studies*, 6 (2), 111-141.
- Blyth, E. 2008. Cross border reproductive services. *International Federation of Social Workers*. Available from <http://ifsw.org/policies/cross-border-reproductive-services/> [accessed 17 September 2012].
- Blyth, E. and Moore, R. 2001. Involuntary childlessness and stigma. *In*: T. Mason, *et al.* eds. *Stigma and social health care*. Routledge: London, 217-225.
- Blyth, E. and Farrand, A. 2005. Reproductive tourism – a price worth paying for reproductive autonomy?. *Critical social policy*, 25, 91-114.
- Boivin, J., *et al.*, 2001. Guidelines for counselling in infertility: Outline version. *Human Reproduction*, 16, 1301-1304.
- Boddy, N. and Fleming, K. 2011. Couples go offshore for surrogacy. *The West Australian*, 17 October, p.17.
- Bourdieu, P. 1977. Cultural reproduction and social reproduction. *In*: J. Karabel and A.H. Halsey, eds. *Power and ideology in education*. New York: Oxford University Press.

- Buckley-Carr, A. 2011. Wrong to 'judge' surrogate birth. *The West Australian*, 22 January.
- Cousineau, T. and Domar, A. 2007. Psychological impact of infertility, *Best practice and research clinical obstetrics and gynaecology*, 21 (2), 293-308.
- Damelio, J. and Sorenson, K. 2008. Enhancing autonomy in paid surrogacy. *Bioethics*, 5, 269-277.
- Gillespie, R. 2003. Childfree and feminine: Understanding the gender identity of voluntarily childless women. *Gender and society*, 17 (1), 122-136.
- Golombok, S. *et al.* 2006. Surrogacy families: Parental functioning, parent-child relationships and children's psychological development at age 2. *Journal of child psychology and psychiatry*, 47 (2), 213-222.
- Haworth, A. 2007. Surrogate mothers: Wombs for rent. *Marie Claire*, 29 July. Available from <http://www.marieclaire.com/world-reports/news/surrogate-mothers-india> [Retrieved 17 September 2012].
- Hodge, A., 2010. Birth of a booming baby industry. *The Australian*, 26 July, p. 13.
- Herald Sun. 2011. Gay couple hit family jackpot with Indian surrogates: Two dads, four babies. *Herald Sun*, 1 November, p. 4.
- Jadva, V., *et al.*, 2012. Surrogacy families 10 years on: Relationship with the surrogate, decisions over disclosure and children's understanding of their surrogacy origins. *Human reproduction*, 27 (10), 3008-3014.
- Jones, K. 1990. Citizenship in a Woman-Friendly Polity. *Signs*, 15, 781-812.
- Kroløkke, C. 2012. From India with love: Troublesome citizens of fertility travel. *Cultural politics*, 8 (2), 307-325.

- Lain, S., *et al.*, 2009. The impact of the Baby Bonus payment in New South Wales: Who is having “one for the country?”. *The medical journal of Australia*, 190 (5), 238-241.
- Lamont, M. and Lareau, A. 1988. Cultural capital: Allusions, gaps and glissandos in recent theoretical developments. *Sociological Theory*, 6, 153-168.
- Larner, W. 2000. Post-welfare state governance: Towards a code of social and family responsibility. *Social politics: International studies in gender, state and society*, 7 (2), 244-265.
- Lundin, S. 2012. “I want a baby: Don’t stop me from being a mother”: An ethnographic study on fertility tourism and egg trade. *Cultural politics*, 8 (2), 327-344.
- Marken, S., 2007. *Surrogate motherhood and the politics of reproduction*. Berkley: University of California Press.
- Marriner, C. 2012. When a leap of faith pays off. *Sun-Herald*, 2 September, p. 17.
- Orloff, A. 1993. Gender and the social rights of citizenship: the comparative analysis of gender relations and welfare states. *American sociological review*, 58 (3), 303-328.
- Palattiyil, G., *et al.*, 2010. Globalization and cross border reproductive services: Ethical implications of surrogacy in India for social work. *International social work*, 53 (5), 686-700.
- Ragoné, H. 1996. Chasing the blood tie: Surrogate mothers, adoptive mothers and fathers. *American ethnologist*, 23 (2), 352-365.
- Raymond, J. 1994. *Women as wombs: Reproductive technologies and the battle over women’s freedom*, North Melbourne: Spinifex Press.

- Riggs, D.W. and Due, C. 2012. Representations of surrogacy in submissions to a parliamentary inquiry in New South Wales. *Techne*, 16, 71-84.
- Riggs, D.W. and Due, C., 2010. Gay men, race privilege, and surrogacy in India. *Outskirts: Feminisms along the edge*, 22. Available from <http://www.outskirts.arts.uwa.edu.au/volumes/volume-22/riggs> [accessed 25 September 2012].
- Rotabi, K. and Bromfield, N. 2012. The decline of intercountry adoptions and new practices of global surrogacy: Global exploitation and human rights concerns. *Affilia: Journal of women and social work*, 27 (2), 129-141.
- Turner, B.S. 2001. The erosion of citizenship. *The British journal of sociology*, 52 (2), 189-209.
- Van Reyk, P. 2007. Baby love: gay donor father narratives of intimacy. *Gay and lesbian issues and psychology review*, 3 (1), 44-52.
- Vora, K., 2009. Indian transnational surrogacy and the commodification of vital energy. *Subjectivity*, 28, 266-278.
- Wetherell, M. and Potter, J. 1992. *Mapping the language of racism: Discourse and the legitimation of exploitation*. New York: Columbia University Press.

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<sup>i</sup> As is the case for gay men who can now: undertake offshore surrogacy in most Australian states, enter onshore altruistic surrogacy arrangements in all states, undertake onshore adoption in some states, enter into long-term foster care arrangements in all states



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<sup>ii</sup> Consider, for example, the fact that the converse of the injunction to 'populate or perish' is recognition of the fact that overpopulation is equally a risk. It is possible that reproductivity may, at some point in the future, become a less desirable characteristic, and thus those who can 'accidentally' reproduce (i.e., those who engage in unprotected heterosex) may become a liability.