DasGupta, Sayantani & Dasgupta, Shamita Das (eds.), Globalization and Transnational Surrogacy in India: Outsourcing Life

Noémie Merleau-Ponty

Electronic version
URL: http://journals.openedition.org/samaj/3869
ISSN: 1960-6060

Publisher
Association pour la recherche sur l'Asie du Sud (ARAS)

Electronic reference

This text was automatically generated on 1 May 2019.

This work is licensed under a Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License.
DasGupta, Sayantani & Dasgupta, Shamita Das (eds.), Globalization and Transnational Surrogacy in India: Outsourcing Life

Noémie Merleau-Ponty

REFERENCES
Surrogacy is an Assisted Reproductive Technology by which intended parents (IP), who cannot conceive or carry the fetus by themselves, are nonetheless able to give birth as a woman will bear the child for them. Surrogacy is a complex phenomenon that is organized in different ways and which implies different politics around the world. For example, ‘traditional surrogacy’ occurs when the surrogate is also the egg provider, while ‘gestational surrogacy’ refers to carrying a fetus without being an egg provider. There is also a difference between ‘altruistic surrogacy’, implying no financial payment, and ‘commercial surrogacy’, where a financial contract exist between people involved in the child conception. Numerous intermediaries are generally implied in the procedure, such as agencies recruiting surrogates and setting up contracts as well as biomedical clinics carrying out technical procedures. This reproductive practice is highly controversial and produces many societal and bioethical debates that are even more complex in the context of cross-border reproductive care (CBRC) studied in this book. Indeed, modes of access and prices vary singularly from one country to the other and many IP engage in transnational journeys. On the global map, India has authorized gestational and commercial surrogacy in 2002, although there is no law unifying the practices or institution controlling them. Guidelines exist but are not compulsory; they are more or less followed depending on each clinic. This absence of regulation has allowed a proliferation of clinics and facilitated CBRC towards this country. Offering one of the cheapest surrogacy in the world, with highly trained physicians and a numerous work force of women, India is an important destination for people having parental projects not allowed or not affordable in their own country, generally a rich one. After the two main anthropological books on surrogacy in the United States of America (Ragoné 1994) and Israel (Teman 2010), Globalization and Transnational Surrogacy in India: Outsourcing life offers a first multidisciplinary book on this subject in India.

This co-edited volume’s subtitle ‘outsourcing life’ summarizes the core of the arguments, which analyze surrogacy through the prism of market economy and industry. Like call centers, gestation is now outsourced to India. One point at stake, stress the authors, is the reconfiguration of what motherhood and femininity might mean in such a labor context. In kinship formation, gestation is a key moment, not only for fetus development, obviously, but also for relationship building. In this case, the status of the surrogate and her relation to the IP and the child is a locus of questioning the meaning of motherhood and its different biological and intentional implications for feminine work. In the introduction, the co-editors Sayantani DasGupta, professor of pediatrics and a core faculty member of the Program in Narrative Medicine at Columbia University, and
The strength of this book is to bring concrete information gathered among the very people involved on a topic that is often only discussed through strong media-centered divides when in-depth research is needed (Inhorn & Gürtin 2011). Doing so, it also brings together articles that address this issue with different perspectives, including surrogates' interviews, screening of press and IP blogs/websites, market intermediaries focus, legal perspective on the child and as well as the presentation and summary of a play. This rich set of contexts helps the reader to understand the multiple scales and steps involved in such a transnational practice. The ambiguity and complexity of surrogacy in India is well presented in this book, even reflected in the ways it is approached, described and analyzed. Indeed, the multiple scales are not analyzed through the same discipline, methodology, or aim. The writers, working from North American and Delhi-based institutions, come from women and gender studies, history, sociology, anthropology, non-governmental organization activism, narrative medicine, law and theater. This makes the reading at the same time very rich and quite difficult to synthesize. I hope this review will render justice to this book.

The twelve authors are from different disciplines and approach transnational commercial surrogacy through different scales. The unity of the book comes from the crossing of three themes: the global medical industry, women’s bodies and labor, and kinship. As the introduction states, the democratization of surrogacy in India is made possible by the partition of the body through biomedicine, the promotion of CBRC and an abundant number of poor women ready to take on the job. Clinics, with the help of brokers, are thus medical institutions that use commercial trends to promote abroad their services for assisted reproduction. As stated in the book, following on-line publications, six hundred clinics and two thousand births are estimated in India, though it is quite difficult to assert the real numbers as no systematic control or registration is available. Clinics claim that surrogacy contracts are ‘win-win’ exchanges. Poor women receive money in exchange of carrying a child for desperate people. This positive scenario is interrogated throughout the book, beginning with what surrogates say themselves of their experience. These in-depth analyses provide contextualized specifications of the surrogacy phenomenon while having a clear political and feminist agenda, expressed through their insistence on framing legislation. The latter would diminish the risks posed by a market industry towards surrogates and children, whose rights would be defined and protected more clearly. At the same time, the importance given to neutral moral positioning in highly controversial debates and the value of ethnography (e.g. the articles of Alison Bailey, Amrita Pande and Sharmila Rudrappa) makes the social anthropologist happy. Surrogacy is a controversial subject with seemingly endemic moral judgments. A methodological adjournment of morality is thus important, I think. The ‘win-win’ scenario, the choice and gift rhetoric are deconstructed showing that these American notions are not always useful in other contexts. This is the tricky aspect of transnational phenomena. They bring to India not only people and funds but also values from other cultures which frame meanings in distinct local contexts. The critic of a neo-liberal choice rhetoric shows...
clearly that there is obviously ‘no choice’ for surrogates, if we redefine the meaning of choice with a feminist anti-exploitative framework or using local meanings.

The three first articles, by Preeti Nayak, post-doctoral sociologist at the Delhi School of Economics, Alison Bailey, director of the Women’s and Gender Studies Program at Illinois State University, and Varada Madge, a doctoral candidate at Jawaharlal Nehru University in Delhi (seemingly in social sciences, although not specified), focus on the surrogates, using interviews gathered by Sama (SAMA 2012), ethnographies of everyday life, and analyses of journal articles. Nayak attempts ‘to understand the perspectives and experiences of surrogates’ by locating ‘their narratives in a feminist bioethical framework’ (DasGupta & Dasgupta 2014: 1). She shows how the very fragile social, familial and economic backgrounds of surrogates, the minimum health care they receive while pregnant, the numerous risks they take with minimal informed consent and the differences in salary based on racial criteria challenge the rhetoric of ‘choice’ and ‘win-win’ scenarios. The article, after Qadeer (2009), calls for debate and regulation in order to protect the surrogates. Stressing the importance of defining proper tools for Western feminists to ensure that their ‘moral observations and judgments about outsourcing surrogacy to the so-called ‘third-world’ are based on the broadest contexts of surrogacy workers lives’ (DasGupta & Dasgupta 2014: 24-25), Bailey calls for an ethnographic method in order to avoid both the ‘discursive colonialism’ of the extension of western moral framework and the ‘moral absenteeism’ of liberal values. To frame her analyses, she uses reproductive justice as a moral indicator of the reproductive labor exportation from rich countries to India. She shows how this model identifies sites of oppression for surrogates. Madge finishes by trying to unveil ‘problematic issues’ and shows surrogacy as an opportunity for exploitation by the biomedical industry, which might fail to acquire proper informed consent for the contract conditions and medical procedures, as well as a source of stigmatization from the neighbors and extended family, who might associate surrogacy with immoral sex work.

The feminist theory helps frame a ‘no choice’ thesis which has the advantage of taking the opposing view of a liberal prochoice way of thinking, that would undermine the exploitation potential of transnational surrogacy. Moreover, the importance also given to the collection of discourses of the first concerned is a springboard for sharpening academic analysis and deepening mainstream analysis as well as enter local moral worlds (Inhorn 2011). This position might have been further sharpened, as an anti-exploitative feminist framework can sometimes forget an important question, asked by one of the author of the book later on. Indeed, after showing the absence of regulation and the very few rights given to surrogates, Sharmila Rudrappa asks in the seventh article why would so many workers take on the job then. This is an interesting question she has partially answered in another article (Rudrappa & Forest 2014) where she presents results of an inquiry in Bangalore. She highlights how the surrogates she met could improve their work conditions compared to their previous jobs in the clothing industry. In 2011, a surrogate earned 4000 dollars for the birth of a child, when a worker in the clothing industry earned 50 to 100 dollars a month. Also often sexually harassed by their bosses, these women say that they are relieved from this pressure when working as surrogates. She stressed also how surrogacy could be a way to empower for women whose social background put them in more difficult struggles than surrogacy labor. One may then argue, maybe provocatively, as Doctor Nayna Patel, at the head of the most renowned Gujarat based surrogacy clinic abroad, that doing surrogacy and running surrogacy
clinics might be a kind of feminism. At least, it could be interesting to question these practices as framing new contexts and definitions for feminism in India and also interrogate what might be a transnational feminism (Gupta 2006).

7 The fourth article, by the editors, stresses a key aspect of transnational surrogacy: the role of informatics and the online international relations, showing the interplay of ‘cyber-markets with the reproductive bodies of Indian women and how such markets inscribe the gendered and racialized colonized subject’ (DasGupta & Dasgupta 2014: 68). They show the creation of a cyber-community where IP bond but Indian surrogates are denied full personhood. Seen as strangers, surrogates disappear on the blogosphere. Ultrasound photos of the fetus and ‘belly shots’ create an online independent baby in a ‘cross-border cyber nation’ separated from the surrogates whose faces are rarely to be seen.

8 The fifth article is by Amrita Pande, lecturer in the Sociology Department at University of Cape Town. She was one of the first to open fieldwork and academic discussion on the subject in India, and she just published her monograph (Pande 2014). In here article, she presents some results of her in-depth investigation undertaken between 2006 and 2011. She stresses the commodification of motherhood and the specificity of the Indian context, where the language of the divine (‘gift’, ‘god’s labor’, ‘mission’) is used in ‘unexpected ways’ (DasGupta & Dasgupta 2014: 93) compared to the American ones. God’s gift is not for the IP but from God to the surrogates, ‘needy but not greedy mothers’ (p. 101) who downplay the choice rhetoric and the commercialized ties imposed by the clinics to stress the ‘dream’ to keep a tie with the IP and even be rescued by them. This, for the author, reinforces national/racial domination. In the intended mothers’ narratives, the focus is on a ‘mission’ rhetoric where the surrogacy program would transform the life of Indian families by reinforcing the structural inequalities between them. The profound power, class, national and racial differences between surrogates and couples thus make the gift-giving metaphor ineffective as a cultural tool, if we stand with the classics of anthropology that define it as reciprocal (Mauss, Lévi-Strauss & Gurvitch 2004) or as an investment in a lasting social bond (Strathern 1988). Furthermore, the fact that surrogates see themselves as didi (sisters) undermines their capacity to defend their interests as workers as no kinship ties are to be seen. The stress on the unexpectedness of the meaning of the gift and its relation to the divine is, to my mind, a very important point as it implies all the necessity of the ethnographic method which puts Euro-American conceptions into perspective. This unexpectedness is obviously not from Indian surrogates’ conceptions, unless the biomedical Americanized rhetoric has taken over completely (Corea 1985, Agacinski 2013), which doesn’t seem the case, according to the authors collection of surrogates words. The critic of the Euro-American gift narratives used by intermediaries and the IP, framed as the rise of an unexpected meaning is also an invitation to interrogate the very conceptions of the scholars themselves who often talk from a Euro-American perspective, as I tried to suggest regarding the feminist framework earlier.

9 In the sixth chapter, Anindita Majumbar, a doctoral candidate in social anthropology at the Indian Institute of Technology-Delhi, focuses on the Indian media’s ‘rhetoric of the womb’ and the ‘Indian surrogacy story’ of the Bollywood stars Amir Khan and his wife Kiran Rao or Shahrukh Khan and his wife Gauri. The media is analyzed for their framing role (Jasanoff 2005) and as a driver of public opinion. The article shows the transformation of a bad rhetoric into a good one, stressing the surrogates’ need of life...
changing experiences. She also underlines several cases of babies stuck into India because of the impossibility to produce proper filiation and the passport and visa coming with it, due to different legal systems in the different countries of the people involved (Baby Manji and Jan Balaz cases). Doing so, she highlights the need for legislation that changes the idea of what is a legal family. Finally, ‘the quest for the biological tie was positioned as the primary driver in most of the news items on surrogacy’ (DasGupta & Dasgupta 2014: 122), and the power of technology seems to reinforce the commodification of the kin (Sharp 2001) and undermines the surrogate role, again seen as a womb.

The seventh chapter, written by Sharmila Rudrappa, associate professor of sociology at the University of Texas at Austin, asks: ‘how did couples/individuals like the West’s end up halfway across the world, hiring Indian surrogate mothers to have their babies for them?’ (DasGupta & Dasgupta 2014: 125). If the practice is morally ambiguous for all actors, the author doesn’t want to deal with moral questions, but instead prefers ‘positive ethics’ that focus on practical activities and the way of life. This leads her to highlight the consumer-driven commodity chain market in babies and the role of ‘market intermediaries’. Commercialization can thus be seen as a way of taking control over one’s infertility using a consumer choice approach (selecting the egg donor and surrogate). From the clinics’ point of view regarding the surrogates, commercialization would avoid the blackmailing that an altruistic approach might entail and to hire ‘good workers’ that are, in fact, fully trained and controlled to be so (Pande 2010). But while the contract opens a legal path to fight for rights, in reality surrogates have very few rights as there are no laws governing the field. In the end, contracts seem to be more a way to control ‘post-contractual opportunities behavior that surrogate mothers of IP might engage in’ (DasGupta & Dasgupta 2014: 144).

If this book is pretty convincing on all these issues regarding a market-driven surrogacy, as a social scientists, I am uncomfortable with this insistence that commercialization only means industry, exploitation and a fool’s bargain. This is why this stimulating and rich book should also be an invitation to go deeper into unexplored dimensions of these phenomena. I would like to recall here an article by Pande (2009) where she shows how kinship ties are developed through blood sharing during the labor of gestation and how these ties undermine the patriarchal Indian view of descent through sperm. But Indian patriarchal views are also respected as surrogates justify the legitimacy of letting go of the baby by analogy with the letting go of the daughter for marriage. Furthermore, says one surrogate, spending money on one’s child makes it your property. The IP are in this position, not her. For me, this is a very interesting point that needs to be more deeply studied and would also offer a path to interrogate the relation between surrogates and IP other than racially unequal. Here, money and property seem to have meanings quite different from those associated with capitalism, industry, and liberalism. Can a baby be seen as a property without being merchandized?

The eight chapter, by Seema Mohapatra, associate professor of Law at Barry University Dwayne O. Andres School of Law, goes through the legislation in the USA and stresses the need for regulation in India, using the Hague Convention as a touch stone. This multilateral treaty is meant to fight against the international abduction of children by parents and provides means to return children from one member country to another. It can be a model for finding solutions for children stuck in India. In the same vein, the ninth article, by Marsha J. Tyson Darling, professor of history and interdisciplinary studies at Adelphi University, interrogates the status of the child born through surrogacy.
She uses the welfare principle to underscore the issues in relation to the best interest of the child in a context of ‘human life engineering’. Topics such as nationality and belonging to a state, the right to know your procreative background, the depersonalization of the uterus and the reframing of motherhood through intent-based standards are some of the challenges to address.

The tenth article is a general conclusion by the editors, asking a rhetorical question, I would say, as all the articles are framed by firm affirmatives. ‘Are we dealing with business as usual?’ they ask, a business that is violence against women and sexualized care work. Research on surrogacy definitely shows the industrial capitalism’s power to organize lives and bodies’ statuses, with questionable effects on the rights and protections of persons. The need for social debate, legal regulation and control is apparent, as deplorable stories have accompanied the rise of this assisted procreation phenomenon. Journals and articles in the books recount, from the surrogate side, poor health treatment, overstimulation and far too many embryos transfers (up to seven sometimes). They show, from the children, difficulties in assessing filiation, a nationality and safe travels with their IP (the baby M case in the USA, the baby Manji and Jon Balaz cases in India) as well as stories of abandonment, which made the headlines (the recent Australian-Thailand scandal around baby Gammy).

The last article, by Amy Feinberg, a theater producer working with the University of the Arts in Philadelphia, and Jennifer Maisel, a playwright, gives extracts of a play as well as its contexts of writing and production. There or Here, produced in 2008 in the USA, focuses on the emotional dimension of such transnational experiences. Playing on the idea of outsourcing informatics, the play shows the ways to plug, unplug, connect and disconnect people in a globalized world.

To sum up this review on the reproductive global market, writing with French words in mind, I verified that the word commerce was literally translatable in English. The first answer you get is ‘industry’, which is the trade of merchandise. The second meaning is the commercial profession itself, not necessarily implying a commoditized good. Following this book which relates a political agenda to an anthropological reflection on the body, I would like to open a discussion by stressing that what is at stake is to what extent the industrial ontology penetrates kinship and body relations, making commodities of babies and wombs of surrogates. What is at stake is what comes with financial exchange, as how and by whom it is organized. The book claims with great strength that intermediaries tend to nourish a commoditized version of commerce. Is it possible then and how to organize a commerce that does not commoditize people? This would be the question stemming out of this book as it makes very clear that the first steps would be political and social actions in order to promote the security of the vulnerable in such market driven contexts. The laborers and the children, and, even if this book does not particularly stress it, the IP can be severely endangered, especially in CBRC. There is an evident need for tracking down abuse as well as promoting transparency and regulation. Capitalism and modernity do certainly contain racism, stigmatization, exploitation, and commodification of bodies and babies and a feminist framework is definitely helpful to underline these issues. In my opinion, and this is where I think the book could have gone further, using more radical ethnography and reflexivity, scholars should more systematically highlight what was unexpected: the shredded threads of empowerments, kinship building and social inventiveness of these practices at the intersection of the local and the global.¹
BIBLIOGRAPHY


NOTES

1. My thanks go to Alex V. Barnard, Delphine Lance and Virginie Rozée for their wise reading, remarks and corrections.

AUTHORS

NOÉMIE MERLEAU-PONTY
Institut Interdisciplinaire d'Anthropologie du Contemporain (IIAC), Laboratoire d'Anthropologie des Institutions et des Organisations Sociales (LAIOS), EHESS, Paris