

US surrogacy

An interview with Zsuzsa Berend

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ABSTRACT: This paper is a partial transcription of a long conversation between the sociologist Zsuzsa Berend (University of California, Los Angeles) and the anthropologist Corinna Sabrina Guerzoni (Western Fertility Institute, Los Angeles) on US surrogacy. It is the outcome of an interview occurred on 6th October 2017 in Los Angeles, transcribed and revised by both the authors. The text analyzes some fundamental concepts that Berend explored in her book *The Online World of Surrogacy* (2016) and offers some food for thought to read the US commercial surrogacy with other lenses. Berend's study offers an in-depth analysis of compensated surrogacy in the US and unique perspective for a better understanding of the experiences and points of view of the women directly involved in this assisted reproductive practice.

KEYWORDS: SURROGACY, ANTHROPOLOGY OF REPRODUCTION, PREGNANCY, ONLINE COMMUNICATION, GIFT.

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The Online World of Surrogacy, book by Zsuzsa Berend (sociologist of the University of California, Los Angeles), is an ethnographic exploration of the largest online information and support forum for US surrogates. SMO, founded in 1997, it is a self-regulating group operated by surrogates; a public forum that also wants to educate people about surrogacy. From around 2014, discussions have largely relocated to Facebook groups, but SMO is still a rich source of information for potential surrogates and other interested parties. Berend read and analyzed SMO discussion threads during the forum's most vibrant years between 2003 and 2014.

Many critics of surrogacy focused on the commodification of life, the patriarchal exploitation on women's reproductive capabilities, and the idea that babies are snatched from the womb of the surrogates (Gross 2012) as the main problems. Rather than exploring these much-rehearsed and not particularly fruitful questions about ethics and moral risks of assisted reproduction, in *The Online World of Surrogacy*, Zsuzsa Berend pays attention to what Fourcade and Healy called "moral markets" (Fourcade, Healy 2007). Berend builds and expands on her previous work, providing an updated and extended analysis of her continuing research on US surrogacy. Berend's study offers an in-depth analysis of compensated surrogacy in the US and unique perspective for a better understanding of the experiences and points of view of the women directly involved in this assisted reproductive practice. Also, while the author situates her analysis within the rich literature of artificial reproductive technologies, her attention is not focused on the politics of reproduction but on documenting how surrogates, through online discussions, have fashioned a collective and social meaning of US surrogacy.

The main socio-anthropological studies that have investigated the topic of surrogacy have analyzed the developments in various socio-cultural contexts such as India, Thailand, Russia, etc. (Deomampo 2013; Pande 2014; 2015; Radruppa 2010; Twine 2015; Vora 2013). Despite a lot of criticism of this practice, few studies focused on US surrogates. *The Online World of Surrogacy* offers a unique perspective and a timely analysis of compensated surrogacy in the United States. Berend's book, focusing on their online communications and collective definitions, represents an opportunity to learn more about the thoughts, experiences, and points of view of women directly involved in surrogacy. *The Online World of Surrogacy* deconstructs some preconceptions related to surrogacy. Based on a decade of empirical data, the book documents and analyzes US practices and negotiated meanings and shows how the practice can only be understood in its socio-

cultural context. Rather than having universal characteristics, as normative analyses often argue, assisted reproductive practices develop and change in relation to different socio-cultural contexts.

CORINNA SABRINA GUERZONI – In your book, you paid a lot of attention to the contract. Can you explain the reasons of this choice?

ZSUZSA BEREND – The contract grew as a chapter because I realized as I was writing how significant it is in surrogates' own discussions, not just legally but also in terms of the relationship with intended parents. Surrogates often say that it is through contract negotiations that they figure out the relationship, to make sure they "are on the same page" with the intended parents, that it is going to work. And they said that such a negotiation is just so difficult that if people survived that, they come out of it as stronger partners in the "journey", as they call the surrogacy arrangement. But what I also found throughout my ten or so years doing this research is that contracts became more and more sophisticated, and they added more and more provisions and specifications. Legal professionals became more specialized in this field and contracts have gotten much longer, much more elaborate, often with more restrictions on the surrogates, and more detailed specific reasons for termination of the pregnancy, for example. Many of these changes were initiated by surrogates so as to make sure they are "on the same page" with their couple, especially in terms of embryo transfer, selective reduction if multifetal pregnancy, and termination of pregnancy in case of abnormalities. Surrogates are quite adamant that they want to give life, not take it, so they insist that reasons for termination should be specified ahead of time. Money issues are important, too, especially items such as lost wages and childcare in case of complication during pregnancy. Women may lose money if lost wages are capped, for example.

C.S.G. – People who are generally against surrogacy, depict the contract as a tool designed to force women to accomplish a "task", based on the fact they have signed it. What does your long research reveal about US surrogates' experiences?

Z.B. – From all the discussions I've read, surrogates see the contract is a binding manifestation of a mutual agreement that honorable and responsible people should all work out anyways when they want to collaborate. And even if the contract is not legally binding, they always encourage everyone to have such a detailed contract, knowing that it is not going to be good for legal purposes. They agree that it is still certainly worth going through the contract negotiation for the purposes of the journey, the purpose of clarifications, and the purposes of knowing exactly where you

stand and what you want and what you agree to. So, in that sense they are just as adamant that contracts are important as the intended parents are. No surrogate on the support forum I researched ever said that people force contracts on them; in fact, they advise newcomers to take the contract very seriously, make sure they understand what contract entails and make sure they have everything clearly specified so as not to be surprised later. They also often advised that surrogates should not agree to provisions they don't agree with, hoping such things won't happen, and should not work with couples with whom they are not on the same page.

C.S.G. – In relation to the contract, many critics describe the surrogate pregnancy as an exploitative practice, as a commodification of life. What is your opinion on that, having done research for more than ten years with US surrogates?

Z.B. – Surrogates very often discussed the value of giving life, the value of creating families. Women on this online support forum generally said that family is the most meaningful and most important institution and that infertility is one of the most devastating misfortunes. In this context, we can understand that they considered helping people have a family an altruistic action. But they also said that it was not reasonable to expect anyone to do such a thing for free when pregnancy involved risks and hardships. Surrogates considered the arrangement a “win-win”, a reciprocal agreement in which couples have the baby they wanted, and the surrogate and her family receive money that helps them “achieve their dreams” (down payment for a house or saving for their children's education). Surrogates emphasized that being informed and knowledgeable were crucial for mutually beneficial outcomes and that all surrogates “should do their homework” before matching with IPs. What's more, US surrogates often said that it is intended parents who have no choice but do surrogacy while surrogates do have a choice whether to help such couples and which couples to help. This choice and knowledge are central in surrogates' understanding of the practice.

C.S.G. – And what do US surrogates think about this idea of surrogacy as exploitative practice?

Z.B. – Ironically, surrogates consider surrogacy in India exploitative. But once we read their discussions, we understand the reasons: from what they had read, they considered Indian surrogates poor, even destitute women who do not understand the legal and especially the medical complexities. According to US surrogates, these Indian women are oppressed by family or necessity and “have no choice”, no real autonomy – as opposed to US

surrogates who do. They generally insisted that if a surrogate gets exploited in the US, it is her own fault because she could and should have researched surrogacy before “jumping in without thinking”.

C.S.G. – Many critics say that money is the most important resource to analyze this practice. What is your opinion about it?

Z.B. – A lot of people think that money is the most relevant resource because it does cost a lot for couples to pay the surrogates, pay clinics and doctors and lawyers. But what is missing here is that money by itself can't buy babies and there is a lot of truth in surrogates' point of view which is that couples may spend a lot of money on treatments, IVF, and various procedures and experts and still have no baby. So, money is clearly not the only resource, not the only important resource. Obviously, it is a resource because people that don't have the money can't probably start the surrogacy process, but also people with money cannot end up with a baby if the surrogate doesn't put her resources, her generosity, all the other skills that they are so proud of into providing the baby for this couple. And in their understanding, the IPs should see the surrogate as a key player, maybe even the most important person, during the surrogacy process.

C.S.G. – So, which are the other different forms of power that play a role during the journey?

Z.B. – Surrogates consider their ability to gestate and give birth, to be able to follow all the rules and all the medical protocols as a kind of a resource, as a skill, not something that is given but as achieved, like a combination of skills and abilities that is pretty valuable and pretty impressive. Their fertility is a biological fact but using it to carry other people's children is a purposeful activity. The fact that they will do that, the fact that they will follow medical protocol even when it means shots, medication, and various invasive procedures, and it takes time to go to medical appointments, they think of all those things as resources that most intended parents don't have. This is an interesting reversal: the surrogate can do things for this couple that the couple can't do themselves and surrogates are very proud of that, and they take their agency very seriously. And they would say: “I know my body, I know I can do that. The doctor said this, but I know my body better”. So, they have a lot of stories in which they emphasize their agency, as well as their ability and their resources. They do not think of themselves as powerless at all. They also say that surrogates need to be informed and knowledgeable and be their own advocates, rather than simply rely on doctors' or other professionals' advice or opinion.

C.S.G. – There is a complex meaning around the concept of the gift-giving. Often, the common sense tends to describe just the baby as the gift of

life. The critics say that the baby cannot be considered as a gift cause the interrelation with the money. What did you find that you can add to this discussion?

Z.B. – It would be very simplistic to think of the baby as the precious gift, because when you actually read all the things that surrogates are talking about, it is a whole long list of things that they include as their gifts. It starts with the willingness to carry for the couple. Because they always say that the money itself it is not enough for the hardships and risks, so there must be some other good motivations, and some generosity, compassion, some other reasons for wanting to be a surrogate. When they talk about their own children as a gift, then you also imply that children in general are gifts and the ability to have them is a gift, meaning that no one can take it for granted that they can have children. They also say that their generosity to carry for others is a gift to these people. And once they start the surrogacy, all the bodily involvement and risks and sacrifices become the surrogates' gift to the intended parents. But then they talk about the gift of trust that they are receiving from their couple, because the intended parents are trusting them to carry “their baby”, and surrogates are honored to be trusted to gestate the baby. It becomes very interesting, a mutual kind of gift-giving, a reciprocal relationship, at least when things go well.

C.S.G. – Did you analyze the relationship between altruistic and commercial dimension of surrogacy?

Z.B. – In these kinds of relationships, where the intimate and the financial components are so interrelated, I think there is more of a continuum rather than opposition. In general, altruism coexists with commercial practices. When money changes hands there is still a space for altruism. I agree with the definition of altruism that says that people are altruistic if they do things for others with the intention to benefit them, even if themselves benefit. Surrogates often say that they feel good when they help others – and argue that feeling good is a benefit, so would it disqualify the act as an altruistic one? Of course not – if it did, only mean and callous people who don't feel good when they accidentally do good would be able to act altruistically. In relationships that involve bodily commodities (as some people called organ donation, surrogacy, etc.) there is always going to be a kind of coexistence of gift and money, because these are not standard goods, they are not produced for the market for profit. Thus, it is impossible to calculate “costs” and “profit”, and money is generally used in ways that are somewhat different from money practices in commodity exchange. There are all kinds of risks involved in these kinds of practices that people can't put a price tag on. This

is not saying that this kind of giving has nothing to do with financial consideration, just that giving and helping, coexist with monetary practices in ways that have nothing to do with “profit”. There are economists like Kenneth Arrow, for example, who write about how certain risks don’t have a monetary price and can’t be expressed in monetary terms.

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Zsuzsa BEREND received her PhD from Columbia University in 1994 and has been teaching sociology at University of California Los Angeles since 1996. Her recent ethnographic research project investigated the interconnections between the economic and emotional realms in US surrogacy, and the ways in which surrogates' discussions and debate on a large and influential online support forum shape meanings, understandings, and practices. She published, among others, in *Medical Anthropology Quarterly*, *Sociological Forum*, and *American Anthropologist*, and her book, *The Online World of Surrogacy* was published by Berghahn Books in 2016.

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