



Reproductive labour in fertility markets: a new precariousness

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In the context of an ongoing transnational reconfiguration of reproduction, emerging fertility markets based on assisted reproductive technologies and reproductive value chains shape new forms of labour, new labour relations and new subjectivities. Due to ethical considerations, many nation states restrict or ban certain reproductive technologies and waged reproductive labour. Often moral discourses, similar to those around sex work, and a discourse about the gift economy and altruism among women, obscure labour issues.

Waldby and Cooper (2008) acknowledge egg-cell transfer and surrogacy as 'clinical' or 'reproductive' labour which is informal and largely invisible but the key resource of a big transnational business. For labour economics, surrogacy is outsourced physical work, a service agreed upon in a market contract that aims at producing a clearly defined product: a healthy, quality child. 'Renting out one's womb' as means of production for nine months is precarious work lacking social security or control by the surrogate mother. Since the largest part of the remuneration is due only after delivery, the women bear the risk of miscarriage, stillbirth or rejection of the ordered child in case of any physical challenge or genetic 'disorder' such as Trisomy 21.

Because of legal bans or high prices for these services in many countries including Europe, Australia, Canada, parts of the US, many commissioning parents turn to low and middle income countries. This results in fertility tourism, and reproductive enterprises are constantly on the move, operating in a transnational, often legally grey, area (Wichterich, 2017). While the vast majority of the commissioning parents (hetero- and homosexual) hail from middle classes with high purchasing power, most of the reproductive workers are from disadvantaged classes. For them this work is an attractive alternative income option.

This article unpacks narratives and discourses on women's agency, reproductive labour and its regulation in India and Russia.

India: the labour of surrogacy

Women's reproductive labour is performed within the institution of family and marriage, invisible and unacknowledged, excluded from the formal economy. It is not considered a productive social activity, but rather couched in ideas of familial love and care as a sacred and superior space. In India, reproductive technologies ruptured this dichotomy with commercial surrogacy bringing child bearing into the market domain.

India became a destination for international reproductive tourism

from 2002 to 2016. The context is the economic liberalization by the state, a flourishing private health sector including medical tourism, and the availability of women's cheap labour. Surrogacy and gamete 'donation' represent new forms of embodied labour at the lower end of the biomedical economy as an avenue for women from poor and marginalised communities. While surrogates receive what they consider a substantial payment to bear babies for more privileged people, their own reproductive lives stand in stark contrast: they come from a class of women often targeted for population control and who face high maternal mortality and morbidity.

The prime motivation to enter into commercial surrogacy is long-term social, economic and systemic deprivation. Most of the surrogate mothers in studies by Sama, a resource group for Women and Health lived in precarious financial situations; many struggled with huge debts, often accumulated over years of insufficient income. (Sarojini and Marwah, 2014)

Contrary to the popular discourse of altruistically gifting motherhood to an infertile woman, the prime motivation is being good mothers to their own children, which is used to convince their husbands. However, articulations of the nobility of giving the gift of a child to other people informalise the commercial arrangement and can adversely affect the possible bargaining power of the surrogates.

The women in Sama's study consistently referred to surrogacy as 'work', acknowledging the labour of bearing a child, taking injections and medication and making extra efforts to care for the embryo – contrary to the pregnancies with their own children. Additionally, since they have to hide that they are surrogates, they regret that the satisfaction and respect one gets from working and earning openly in other jobs, is lacking.

Transgression of the hegemonic norms of family and kinship stigmatize surrogacy and colour it as undignified. It is often called 'dubious' or 'illicit' and equated with sex work. The emotional labour, such as distancing oneself from the child, also referred to as 'labour of estrangement', and invisibilising the pregnancy in response to stigma, remains unacknowledged. Therefore, altruism surfaces in the rationalizations that the surrogates offer to themselves and others to counter the stigma.

Surrogates complain that the government never consulted them before banning commercial surrogacy in 2016; neither were their demands and concerns considered. They stress that surrogacy has 'helped many poor families' and that they don't have other decent options for income generation.

Russia: wanted as workers, feared as entrepreneurs

Surrogacy in Russia is clearly framed as a working relationship. All parties involved – surrogates, professionals, intended parents – use the language of business, by emphasising for instance that they ‘work’ or ‘collaborate’ with each other. Most surrogates consequently see themselves not as altruistic helpers but as workers, who participate in surrogacy for financial reasons. It may be more appropriate to speak of ‘surrogate workers’ rather than ‘surrogate mothers’ (Weis, 2015). Many such workers aim at buying a small flat with the salary of around 15 000 Euros for programmes in Moscow. Surrogacy programmes in Russia take the shape either of mediated or direct arrangements. Surrogates who value autonomy often prefer direct arrangements with intended parents, made through online platforms. Having direct contact, they can – to some extent – negotiate their salary and their working conditions with the (mostly Russian) intended parents, who then decide their preferred clinic. The downside to such arrangements is that they are time-consuming, require medical knowledge and can expose surrogates to excessive control and demands from the intended parents.

Surrogacy agencies providing mediated programmes sell their services by offering protection to both the surrogates and the intended parents, who often fear that surrogates could take advantage of their emotional vulnerability. While the surrogates are economically in a much more precarious situation than the intended parents, they are perceived as more powerful in other ways: they are fertile, can gestate the child, and can influence the development of the pregnancy. Furthermore, according to Russian law, the surrogate is the legal mother of the child until she resigns this right after delivery.

Being pregnant, the surrogates’ bodies are seen as overly steered by hormones, can easily get out of control, and must therefore be tightly regulated. Agencies promise to pick the ‘right’ surrogate – a woman who is an obedient and easily controllable worker with hardly any demands or rights. They embrace the image of the surrogate as worker but fear her as entrepreneur who could foreground her own interests (Siegl, 2018). As most agencies are not willing to negotiate individual contracts, surrogates have little influence on the salary or on working conditions.

Framing the surrogate’s role as a paid worker allows agencies and intended parents to subordinate the surrogate body and exert control over it. While conceiving surrogacy as work can have empowering potential where workers’ rights are protected, regulations in Russia and Ukraine are too minimalistic to guarantee protection. Neither surrogates’ nor intended parents’ rights are clearly formulated or protected in this framework. It rather facilitates the agencies stepping in to fill the void with rules and regulations foregrounding their own interests. Furthermore, while surrogates can develop a self-understanding as workers or entrepreneurs, this is not an accepted identity within Russian society, where surrogates are highly stigmatised as baby-sellers.

Surrogacy arrangements are thus shrouded in secrecy, making it difficult for surrogates to claim their rights as workers.

Surrogacy as work

To confront the challenges in surrogacy, it is important to first abandon moralistic and patriarchal views of decisions made by women for the sake of survival, as well as to avoid false equivalences and binaries. Surrogate mothers demand respect for their decision and their work, not stigmatisation as sex workers or victims of exploitation.

On one hand, many feminist scholars criticise the commodification of reproductive labour, while on the other hand they acknowledge surrogacy as work. However, demands for labour rights, rights to organise or for fair-trade principles assume normalisation of reproductive work as waged labour – which is morally contested in many countries. Additionally, the question is raised whether national rules and labour regulation are sufficient or whether transnational governance of transnational markets is needed in this new labour sector.

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