Narratives of choice amongst white Australians who undertake surrogacy arrangements in India

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Introduction

This paper reports on a rhetorical analysis of a corpus of fifteen interviews undertaken with white Australian citizens whose children were born through an offshore commercial surrogacy arrangement in India. Different from so-called 'altruistic surrogacy' (where women who act as surrogates are only reimbursed for their direct expenses), commercial surrogacy arrangements involve the payment of a fee both to the clinic who facilitates the arrangement and to the woman who acts as a surrogate (in addition to all of her expenses being paid). At the time the interviewees entered into a surrogacy arrangement, *altruistic* surrogacy was legal *onshore* in all Australian states and territories, whilst *commercial* surrogacy was only legal *offshore*. Since that time, however, offshore surrogacy arrangements have been made illegal in two Australian states (Queensland and New South Wales). In terms of the number of surrogacy arrangements entered into by Australian citizens, Millbank (2013) suggests that in 2010 only 16 altruistic surrogacies were undertaken onshore in Australia, as compared to 394 children born in India to Australian citizens. Obviously compared to the national birth rate this number is very small, however Millbank suggests that the number of children born in India to Australian citizens doubled from 2008 to 2011, suggesting a rapidly growing use of offshore commercial surrogacy services.

Despite the relatively small numbers of Australian citizens undertaking offshore surrogacy arrangements, considerable attention has been paid to the issue of commercial surrogacy across all sectors of Australian society. For example, Australian politicians have argued both for and against offshore commercial surrogacy (resulting in the two states mentioned above banning offshore arrangements for residents of the state). Analyses of Australian political debates on the topic have found that politicians invoke a number of paired contrasts when discussing the topic, with contrasts made between 1) surrogacy as a legitimate individual choice versus surrogacy as an illegitimate mode of family formation that is not in the best interests of children, and 2) surrogacy as an altruistic gift versus surrogacy as devaluing the role played by women in reproduction (Riggs and Due 2012; Collins, Riggs and Due 2013). In terms of public opinion, a survey of 1000 Australians undertaken in 2007 (Dempsey and Critchley 2010) suggested that only 30% of the sample were comfortable with the idea of a heterosexual couple using surrogacy, and only 14.5% of the sample were comfortable with the idea of a gay couple using surrogacy. Finally, Australian media reporting has consistently raised concerns

about the ethics of offshore commercial surrogacy arrangements, particularly in India. Whilst throughout the period 2009-2012 there have been an increasing number of positive news story about such arrangements, these are often accompanied by considerable negative attention to arguments about the exploitation of Indian women (Riggs and Due 2013).

These differing public accounts of offshore surrogacy are outlined here to establish something of the social context in which Australian citizens make decisions about entering into surrogacy arrangements. Importantly, and as explored in detail below, this paper argues that, given Australians who undertake offshore surrogacy arrangements are likely aware of the contentious nature of their decisions, it is important to examine and identify how they orient to such contentions. This is important for two reasons. First, and given the aim of the research reported here was to identify the support needs of Australians who enter into offshore commercial surrogacy arrangements, it is important to understand the potential barriers and challenges that this population faces in terms of accessing support. Such barriers and challenges may potentially include awareness or experiences of negative attitudes towards offshore commercial surrogacy as perceived by parents. Identifying how the participants oriented to potential negative attitudes is thus an important first step in addressing the barriers that such attitudes present. Second, and as elaborated in the discussion section of this paper, it is important to consider how a perceived need to respond to the contentious nature of offshore commercial surrogacy arrangements may prevent those who enter into such arrangements from adequately considering the ethical implications of their decisions. Together, these two reasons for the rhetorical analysis presented below add a novel dimension to existing research on the topic of reproductive travel for the purposes of entering into a surrogacy arrangement. The existing relevant research is now briefly summarized.

Previous Research on Reproductive Travel

A consistent theme across much of the literature on reproductive travel is that of choice, and specifically, how those who enter into offshore commercial surrogacy arrangements as intended parents construct their choice as commensurate to that of women who act as surrogates. Rudruppa (2010) suggests that this emphasis on 'choice' functions to mitigate the moral ambiguity that surrounds surrogacy. As Markens (2012) suggests, the discourse of choice within narratives of reproductive travel

is reliant upon an individualized account of reproduction. Kroløkke and Pant (2012, 234) make a similar claim in their suggestion that "(in)fertility and surrogacy are situated within an individualistic rhetoric of choice and draw upon an understanding of the body (and its parts) as individually owned and governed". This construction of surrogacy as an individual choice (both in regards to intended parents and women who act as surrogates) obfuscates the fact that "new techniques of 'fertilisation' do not remedy fertility as such, but childlessness; they enable a potential parent to have access to the fertility of others" (Strathern 1992, 37). The rhetoric of individual choice, then, allows reproductive services such as those provided in the context of offshore surrogacy arrangements to be positioned on more morally-defensible grounds, thus avoiding the substantive concerns raised about the ethics of surrogacy, particularly those related to the power differentials between intended parents and women who act as surrogates (Damelio and Sorenson 2008; Palattiyil, Blyth, Sidhva and Balakrishnan 2010; Raymond 1994; Riggs and Due 2010; Rotabi and Bromfield 2012; Vora 2009).

Strathern's (1992) early work on the topic of reproductive technologies provides an important background at to how the rhetoric of choice has become firmly embedded in discussions about surrogacy. Strathern suggests that not only are people in western societies increasingly directed towards the value accorded to 'choice', but that *not* choosing is no longer a choice. In other words, and with specific reference to having children that are genetically-related to at least one of their parents, Strathern suggests that choosing *not* to have children - in a society where active citizenship is at least in part determined by one's reproductive contribution to society - is not a viable option (see also Turner 2001). For Strathern, then, reproductive technologies "construct those who seek assistance… not as the disabled seeking alleviation or the sick seeking remedy… but as customers seeking services" (35). Reproductive travel, as Kroløkke, Foss and Pant (2012, 278) note, thus "becomes framed as a legitimate practice, articulating and reinstating the rights of a self-governing consumer/citizen/entrepreneur".

Australian research by Murphy (2013) outlines the ways in which Australian citizens who become parents through offshore surrogacy position themselves within a relationship to what Turner (2001) terms 'reproductive citizenship' (i.e., where reproductivity has become a hallmark of active citizenship). In Murphy's research this was apparent where participants made statements such as: "[My

partner] spent the whole night going through the different ways we could have children, adoption, surrogacy, foster parenting and the pros and cons of each and made a, flow chart of it and when I woke up in the morning we went through the flow chart and said, 'this is it, we want to do surrogacy'" (p. 11). In this example, the participant and his partner assess a range of options available to them before making the choice about which route to becoming parents best works for *them*. Arguably, what Murphy identifies here is the 'list' as a rhetorical device – one used to shore up the decision to enter into a surrogacy arrangement, such that it is presented as the most valid or appropriate option.

Participants in Dempsey's (2013, 44) research similarly invoked the notion of a list of possibilities to justify their decision to enter into a surrogacy arrangement: "A very common response to my question 'Why surrogacy?' was a variation on the following: 'We would have been very happy to adopt but this wasn't legally possible in Australia'". It is notable that both Dempsey's and Dean's (2013) samples were primarily comprised of gay male couples, which reiterates Turner's (2001) point that reproductive citizenship as a hallmark of western societies focuses more on the outcome of reproductivity (i.e., children), rather than on who is parenting the children *per se*. Whilst some participants indicated that the options available to them for having children were limited on the basis of their sexual orientation (as was the case in the present research reported below), their options were still framed by both the injunction to reproduce, and the belief that choices *should* be available.

In addition to choice, another key issue arising from the literature on reproductive travel is the value accorded to genetic relations. Again, this literature draws substantively on the work of Strathern (1992, 19), who argues that kinship is commonly thought of as the "social construction of natural facts"… [and] in twentieth-century culture, nature has increasingly come to mean biology". Strathern's argument is that whilst notionally a distinction is made between the cultural meanings that surround kinship and the ways in which kinship relations are formed, more often than not this distinction is collapsed in favour of an understanding of genetics-as-kinship, or at least genetics as the *natural* (and thus valorized) mode of kinship.

This naturalization of genetics is emphasized in two ways in the literature on reproductive travel and offshore surrogacy specifically. The first involves an emphasis upon genetic relations between intended

parents and children, as evidenced in the work of Dean (2013) and Murphy (2013), both of whom report on the varying investments displayed by their primarily gay samples in the genetic relationship afforded (at least to one father) by offshore surrogacy arrangements. The second way in which the literature on reproductive travel demonstrates how genetics are naturalized is in the framing of 'choices' about reproductive travel in terms of biological urges. As Krøløkke and Pant (2012, 241) note with regard to one of their participants, "'desperation' made her 'google' surrogacy. Characteristic of her narrative is not the element of choice but, rather, the absence of choice: 'When you're backed into a corner, you have nowhere else to go and you have no alternative way to have a family, you have to try something different and you have to believe in something'". Echoing points raised earlier, not choosing to have children is not a viable option for this participant. Rather, she is driven to have a (genetically-related) child in any way possible. Again, and similar to the points made by Murphy (2013), a rhetorical argument is worked up here that legitimates the decision to enter into a surrogacy arrangement, thus mitigating any objections perceived.

As this summary of previous literature suggests, the ways in which people account for their decisions to undertake reproductive travel are shaped by broader western notions of individualism, consumerism and choice, as well as by the injunction to engage in reproductivity as citizens. Importantly, and whilst not the focus of previous research *per* se, a number of rhetorical arguments appear evident in terms of how participants in previous research warrant their decisions. As will be explored below, these issues repeat in the interviews undertaken for the research reported here.

Method

Participants

Following ethics approval from the author's institution, a flyer was circulated to members of the advocacy group *Surrogacy Australia* via the group's administrator. The flyer stated that the author was looking to interview people who had children through an offshore surrogacy arrangement in regards to their experiences and support needs. A total of 21 people responded to the flyer. Of these, five represented a heterosexual couple, fifteen represented a gay male couple, and one represented a single

gay man. Of the participants, five had undertaken commercial surrogacy in the US and the remaining 16 had undertaken surrogacy in India. Whilst at the time in Australia it was legally possible for citizens to enter into non-commercial surrogacy arrangements onshore, as Millbank (2011) notes, such arrangements were relatively rare given the considerable and restrictive legal requirements governing them. As such, the focus of the research was on those who had undertaken surrogacy offshore. At the time, the greatest numbers of people entering surrogacy arrangements were doing so in India, facilitated by its relative geographic proximity to Australia and the relative cost as compared to the US. Since the data were collected, this has again shifted as India has now closed its borders to gay men wishing to enter into surrogacy arrangements, with Thailand rapidly becoming a key focus for many Australians. Only this limited demographic information is provided here in order to protect the anonymity of the sample given the fact that the numbers of people within Australia who have undertaken offshore surrogacy are relatively small, as outlined in the introduction.

Procedure

Participants were invited to make a time with the first author to undertake a telephone interview. Interviews lasted between 30 minutes and one hour. Before commencing the interview participants were given full information about the project, and were asked to return electronically a signed copy of a consent form. Questions in the interview schedule included "how have members of your family or community responded to you entering into a surrogacy arrangement?", "what support have you received from the government in terms of undertaking a surrogacy arrangement?", and the question of interest to this paper "Could you tell me about your journey to becoming a parent?". Interviews were audio recorded and transcribed verbatim. At this stage participants were assigned a pseudonym.

Analytic Approach

The analytic approach utilized is that of rhetorical analysis, as outlined by Billig (1998) and Potter (1996). This form of rhetorical analysis focuses on the dilemmatic nature of discussions about contentious topics. Specifically, rhetorical analysis as outlined by Billig and Potter identifies the need to examine how individuals who stake a claim to a particular position in terms of a contentious topic

warrant their claim. As they note, such claims are typically not random. Rather, they draw on culturally available arguments that are seen as having the greatest success in securing consent or support. Given the debates over reproductive travel outlined in the introduction to this paper, and the fact that previous research on reproductive travel indicates a number of key issues to which those who have undertaken such travel appear to orient, it was deemed both appropriate and productive to examine how the sample reported here similarly oriented to contentions surrounding reproductive travel, and the rhetorical devices they drew upon to defend against any perceived negativity about offshore commercial surrogacy. This was done in two ways. First, the focus was on patterned responses where participants clearly provided an account of the ideological dilemmas related to offshore surrogacy, and the ways in which they sought to resolve these dilemmas in favour of their own decisions (i.e., to warrant offshore commercial surrogacy as a legitimate choice). Second, having identified accounts of ideological dilemmas and how they were resolved (in this case, the ethics of surrogacy in India being resolved through a focus on surrogacy as the safest mode of family formation out of those available), attention was paid to specific rhetorical devices (such as paired contrasts, concessions, and the trope of genetics as security) in order to identify the particular ways in which each participant negotiated the ideological dilemmas they appeared to be faced with.

For the purposes of the rhetorical analysis presented below, only those participants who had undertaken surrogacy in India are included. This decision was made on the basis of the fact that there are considerable differences between the US and India in terms of public attitudes towards commercial surrogacy. Given that commercial surrogacy in India has received considerable negative attention in the Australian media, it was considered likely that participants who had entered into a surrogacy arrangement in India would be those most likely to be negotiating contentions over their decision. The findings presented in this paper are also limited to responses to the question "Could you tell me about your journey to becoming a parent?" (and subsequent probe questions). This decision was based on the fact that this was the second interview question in the schedule (the first being "what does the word 'family' mean to you?"). A basic premise of rhetorical analysis is that such analysis should examine how participants orient to what they see as contentious. Given the fact that subsequent interview questions specifically addressed the potentially contentious nature of commercial surrogacy arrangements, it was deemed important to focus on responses provided by participants before these

questions were asked, the argument being that these would be more likely to reflect participants' own awareness of the contentions surrounding their decisions. A total of seven extracts are analysed, with these being broadly indicative of the 15 interviews included in the sample, with similar rhetorical arguments presented by participants across all 15 interviews.

Results

In the first extract presented below, the notion of a 'list' of options for family formation is introduced, echoing the findings of Dempsey (2013):

> **Extract 1**
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> Interviewer: In describing how your family came to be you just said that "at the end of the list was commercial surrogacy". Why was that the end of the list?
>
> Bob: Well adoption was a pretty quick decision, because it was illegal. Fostering was a pretty quick decision because it doesn't work with our life, and also the children themselves, you're not actually able to be their parents. We didn't want to have a child that we had to hand back over to mothers. So it was last on the list, but it was always something that was floating around as a possibility. Surrogacy was a way to *have* a child [emphasis original]. With the other ways there were a lot of questions about whether we would actually be able to have the child, and a lot of hurdles to overcome. Commercial surrogacy just allowed us to get right into the process and there were no objections from any of the parties involved, because everyone's there deriving a benefit from the process.

This extract introduces what became a familiar pattern across the interviews, namely that participants reported being aware of a range of modes of family formation, yet found ways to discount each option so that surrogacy became the 'natural' choice. Yet despite the rhetorical strength of such an argument, it could be argued that ultimately this reveals much about the investments some participants had in a particular type of kin relationship. This can be seen in the use of statements such as 'you're not actually able to be their parents', which implies that 'being a parent' comes hand in hand with not 'hand[ing]

back over to mothers'. Parenting in this sense is about '*having*' a child (with 'having' referring here not to giving birth - as might be the more common way of using the term - but more specifically to having an exclusive relationship with a child). Surrogacy thus helped this couple to 'overcome hurdles', the hurdles being modes of family formation that would in some way fall short of fulfilling a desire for children that could be 'had'.

The extract above also introduces a theme that appeared across a number of extracts – including the following – in which offshore surrogacy arrangements were depicted as benefiting not just intended parents, but also women who act as surrogates:

Extract 2

Interviewer: Could you tell me about your journey to becoming a parent?

Sarah: We used a surrogate based in India because due to medical reasons I can't carry my own child. We looked into adoption but we've heard so many heartbreaking stories about the time that it takes for adoption and I just felt having someone else coming to our home to judge our parenting skills wasn't for me. And similar for foster care, having someone else judge me on how I handle certain situation is not really a good indicator of how good a parent you are. And well with fostering I just felt there wasn't a real end date, no there is an end date, any time they could go back to their biological families. It did concern me about using an Indian surrogate - you know exploitation and all the connotations that go along with it –but surrogacy works for us because it's a business deal, and everyone is getting something from it. Surrogacy means we have our own biological child and no one has formally assessed us as to what type of parents we are. And we actually have a guarantee of having a child for life rather than part time/6months/6 years and so on. And it just, it was the right option for us.

This extract opens with the interviewee clearly referring to what might be termed a 'reproductive vulnerability' - the inability to carry a child. Yet, as has been argued elsewhere (Riggs and Due 2013), this is treated primarily as a plot narrative in a story of agency in which a very particular goal (of

having 'our own biological child') is achieved. The discourse of genetics repeatedly appears in this extract, thus implicitly constructing other modes of family formation not simply as 'heartbreaking' or as involving being 'judged', but also as second best to an idealized genetic relationship to a child. Surrogacy is depicted as providing a 'guarantee', one in which the child is their 'own', rather than being shared with others. Yet with this investment in a genetically-related child comes complex issues of identity management in terms of surrogacy in India. The participant rhetorically manages these issues by both acknowledging that there are ethical debates over offshore surrogacy, whilst still dismissing these through the logic of a 'business deal', thus allowing the desire for a genetically-related child to seemingly stand outside of ethical considerations.

The reference to having a child that is your 'own' again repeats in the following extract, as does the justification for choosing surrogacy over other modes of family formation:

Extract 3

Interviewer: Could you tell me about your journey to becoming a parent?

Tamara: I was really familiar with the odds being against us with adoption, just the numbers being very much reduced. And you know, I'd seen the numbers plummet to almost single digits for international adoption. And I'd been involved in the foster care system and I kind of knew that they were never yours and that there were lots of difficulties with that. So I just thought that that was it, and then I was online and I was talking to someone who I knew and he said he was doing surrogacy and I said "oh yes you must have money coming out of your bum!" Because it's really expensive in the US, and he said "I'm not doing it in the US, I'm doing it from Australia but I'm doing it in India". So then becoming a parent seemed viable to me through surrogacy, and also that you end up full biological parents or at least one of you is the biological parent.

Here again surrogacy is presented as a 'solution' to either 'reduced' options - the children 'never [being] yours' - or simply not having children. Again, then, what may be referred to as reproductive vulnerability is replaced by a discourse of surrogacy as making parenting 'viable'. It is of note across

these extracts that surrogacy is represented not simply as 'overcoming hurdles' (as the first extract termed it), but that such a representation implicitly depicts other modes of family formation (that do not involve genetic relatedness) as always already involving 'difficulties'. The point here is not to deny the challenges associated with foster care and adoption as modes of family formation, but rather to highlight how a hierarchy of modes of family formation is implicitly invoked through a discourse of difficulty. In contrast to the depiction of adoption and foster care as 'difficult', in this extract the only thing depicted as 'difficult' about offshore surrogacy is the cost, which for this participant was circumvented by choosing India (where the costs are much lower than the US). As was suggested in the introduction to this paper and as will be discussed later, an implicit hierarchy used to rhetorically justify the benefits of commercial surrogacy may potentially prevent intended parents from truly considering the ethical implications of their decisions in terms of the impact upon women who act as surrogates.

The notion of surrogacy circumventing perceived difficulties appears again in the following extract:

Extract 4

So how did you choose surrogacy out of the range of options available to you?

Mark: Well we wanted to be full time dads and that's simply the only option that was available to us. Foster care was the closest one after that but that was an uncertain route, and we didn't think that we were suited for that. The tenuousness with foster care would probably be far more acute. The situations are usually extremely fluid and you just don't know from day to day. There is a tenuousness with surrogacy of course, and it can undermine people, but I always try to impress upon people that I talk to that there's always a third way, there's always a way of getting around something.

In this extract a paired contrast is set up between foster care and surrogacy as modes of family formation. This paired contrast functions to position surrogacy as a way of 'getting around something', with foster care thus implicitly positioned as not offering the same way of circumventing an issue. This of course raises the question of what is being circumvented. Whilst it is only possible to conjecture

here as to what this might be, arguably it could be that what is made possible through surrogacy *as compared to foster care* is a genetic relationship, one in which there *isn't* fluidity: one where there is legal and psychological certainty. Whilst this representation of surrogacy may in many respects be true, what it overwrites is the fact that surrogacy doesn't ensure positive parental outcomes or experiences, nor does it do away with reproductive vulnerabilities (a point that will be returned to in the conclusion of this paper). Instead, by creating a list of other modes of family formation that are then dismissed as too tenuous, surrogacy is rhetorically positioned as a solution to a problem that in and of itself is never truly addressed. The notion of foster care as representing a tenuous mode of family formation again appears in the following extract:

Extract 5

Interviewer: Could you tell me about your journey to becoming a parent?

John: We were initially maybe going to maybe foster kids and we did a fostering course in Sydney some years ago now and we finished that course and had it approved and everything, but then my partner got cold feet about the potential of a child being returned to its genetic extended family so he said "well look I can't do that". And we put the whole thing on hold for a few years and then we moved to Melbourne and met some families who'd had children by surrogacy, gay families who'd had children by surrogacy overseas and we've always thought it was ridiculously expensive and a ridiculous thing to squander money on because so many kids needed homes, but we realised we couldn't adopt, and we were sort of getting sick of just spending money so we thought let's spend it on some kids instead. And we sort of talked to some families in Melbourne who'd done surrogacy overseas and got some insights that that could work and you could do it in somewhere like India and not pay too much money and we sort of went down that road

This extract is interesting not simply for the fact that it repeats the representation of foster care as tenuous (in terms of children potentially being returned to birth families), but also for the fact that recognition of 'so many kids needing homes' functions rhetorically as a concession prior to surrogacy ultimately being presented as the couples' chosen mode of family formation. In other words, the

participant is clearly cognizant of the high demand for foster carers, and indeed is aware of the fact that surrogacy may be read as 'a ridiculous thing to squander money on'. Yet despite this awareness there is a slippage between 1) acknowledging the need for foster carers, 2) the evocation of adoption (rather than foster care) as something that couldn't be done, and 3) the justification of surrogacy as a pragmatic (and implicitly less wasteful) use of money. Further, the evocation of spending money is deployed in a very specific way with reference to the couples' decision to undertake surrogacy in India, where 'not too much money' needs to be spent to have children. What this obfuscates are the reasons why surrogacy in India is less expensive than, for example, the US, and the potential for exploitation that this brings, as will be discussed later.

The following extract similarly sets up knowledge about the demand for foster carers prior to the justification of surrogacy as the chosen mode of family formation:

Extract 6

Interviewer: Could you tell me about your journey to becoming a parent?

Amanda: My current partner always wanted a child of his old blood, of his own making, to carry on his name; he just wanted to be able to have that. Even though he loves my other children [from a previous relationship] dearly he just wanted to be able to have his own child. And also with adoption and things like that it's just, we're too old, and you're usually on a very long waiting list. My mother in-law actually worked in fostering out children, she actually fostered children herself as well, so we knew about fostering and adoption, and looked into all those sorts of things, but really it was either going to be surrogacy with both my eggs and his sperm, or nothing at all. So we went through the test and if we weren't both able to do it, we weren't going to do it. In terms of doing it in India, having carried a child myself, I know it would be hard to give up a baby, even if it's not your DNA, you've carried it all that time. You'd have to be a pretty strong person to be able to just hand that over at the end. But India was the best option for us,

financially. And I think even if you could do commercial here I'd probably still go

somewhere where I know there wouldn't be complications.

This extract highlights the complex issues of identity management at stake in many of the interviews. Whilst the participant starts by acknowledging that a genetic relation was what her partner desired, she nonetheless offers a concession in regards to knowledge about a range of other possible modes of family formation. Yet this is followed up by the bottom line argument that 'it was either going to be surrogacy with my eggs and his sperm, or nothing at all'. Such a rhetorical manoeuver thus utilizes the concession as a way to warrant stake in the desire for a genetically-related child.

This extract is also interesting for the construction it provides of Indian women who act as surrogates, and the issue of identity management that this invokes. Specifically, the participant - speaking as a woman who has given birth - acknowledges that 'it would be hard to give up a baby'. Yet in order to limit the import of this concession, the participant makes reference to 'strength' to implicitly suggest that Indian women are strong enough to 'just hand over at the end'. Not only are Indian women thus represented as 'strong', but their 'strength' is minimized through the word 'just', where all they are doing is ' just handing over' (rather than 'giving up'). Notable also is the fact that 'a baby' becomes reduced to 'that' (i.e., 'hand that over'), a pronoun substitution that minimizes the emotional impact of the statement. Yet despite the rhetorical effect of these constructions of Indian women and the children they carry for Australian intended parents, the final sentence of the extract highlights the fact that 'strength' and 'just handing over' are not the only possible outcomes in terms of surrogacy arrangements more broadly. The word 'complications' implicitly references the fact that onshore altruistic surrogacy arrangements have, in some cases, led to women who have acted as surrogates petitioning for custody (in Australia, most notably in the *Re Evelyn* (1998) case, see Millbank 2011). What India represents, then, is the opportunity for such complications to be kept at a distance, a point that will be returned to in the conclusion of this paper.

In the following and final extract both the norm of genetic relatedness and issues associated with surrogacy in India are again raised:

Extract 7

Interviewer: How did you decide on surrogacy as the way you would have a child?

Edward: I looked into foster care and that kind of stuff, but I didn't like the idea of potentially having a child taken away from me once I was attached to them, for the child and for me, and I also thought that I wanted to have my own biological child and the sense of security around that. So yeah I ended up doing surrogacy. Initially I had some issues around choosing that path in terms of the Indian women involved and what their rights were and how they were treated and all that sort of thing, but once I kind of investigated it I kind of realised that it was a win-win for everyone really. Everyone got what they needed. They were mostly making informed choices if you chose a good agency they were choosing the right path, the women were choosing the right path for them. And it was helping them get out of poverty and all that kind of stuff.

Similar to extract 4, this extract presents a paired contrast between foster care and surrogacy, with the latter providing a 'sense of security'. Importantly, however, this sense of security is tied to genetics, with having 'my own biological child' treated as preventing issues from arising. As with other participants, the decision to undertake surrogacy in India presents the participant with issues of identity management in terms of offshore surrogacy being seen as a form of exploitation. As was the case for other participants who raised this concern, the question of ethics is sidelined through a discourse of economic choice. Yet notably, the only party whose 'winnings' are clearly elaborated are those of Indian women who act as surrogates (who surrogacy can 'help get out of poverty'). What is being 'won' by the participant, whilst referenced earlier in the extract (in terms of a 'biological child' and a 'sense of security'), is not explicitly named alongside the 'wins' to be experienced by Indian women. This avoidance of clearly pairing the gain of a genetically-related child alongside the 'gains' experienced by Indian women, it could be suggested, ultimately speaks of the intersections of the discourse of choice and the ethics of reproductive travel, as is now discussed further.

Discussion

The findings reported in the rhetorical analysis above extend previous research on reproductive travel in novel ways. The participants in the present study both drew upon the discourse of choice and valorized genetic relationships, much the same as was the case in research by Murphy (2013) and Dempsey (2013). Adding to this previous research, the rhetorical analysis indicates that this was done by making concessions to other options for family formation, but contrasting these with the depiction of surrogacy as a 'safer', less 'tenuous' option. Similar to previous research, Indian women who act as surrogates were depicted as making active choices that are commensurate to the choices made by Australian intended parents. Adding to this previous research, the rhetorical analysis indicates how the justification of commercial surrogacy as the only possible choice appeared to effectively preclude the explicit consideration of the ethics of commercial surrogacy. By including both heterosexual and gay parents, the present research indicates that these narratives of surrogacy are not limited to gay parents (as previous research might have been taken as suggesting), but rather extend also to heterosexual parents.

In terms of a further discussion of the findings, it is notable that surrogacy was frequently depicted as the easiest option (in comparison to foster care or adoption). This is notable as elsewhere in their interviews many participants spoke about the challenges of offshore surrogacy arrangements (including language barriers, the cost of travel, cultural differences, and not being in the same country during the pregnancy and for some at the time of birth). As such, it is somewhat surprising that surrogacy was so glowingly depicted as the preferred mode of family formation. Part of the explanation for this might be that, as with any retrospective account, issues of identity management were at stake. In other words, participants needed to provide an account of their decisions about family formation that justified their choices, often in the face of the availability of other choices (in addition to the ethical issues associated with the choices they made). It is for this reason that a rhetorical analysis is useful for highlighting how participants display awareness of possible contentions over their decisions, and how they rhetorically negotiated a viable position in the face of such contentions.

Another explanation for the emphasis upon surrogacy as the best option might be the framing of offshore surrogacy arrangements as a viable economic choice for both intended parents and Indian

women who act as surrogates. What disappears in this account, however, are factors such as 1) the fact that acting as a surrogate may place some Indian women in conflict with their families and religion, 2) the impact of the time they may spend away from their families whilst carrying a child for another person, and 3) the impact upon their own reproductive health of carrying a child. It is notable in this regard that so many participants considered foster care to be untenable given the possibility that placements might end and children returned to their birth parents, yet there was very little application of this concern about third parties being involved in surrogacy. It could be conjectured that this is a product of the cultural and economic distance between those who undertake reproductive travel from Australia, and women in India who act as surrogates. Seeing Indian women as benefactors in a reproductive travel marketplace positions them not solely as part of a 'win-win' arrangement, but as shrewd players who are unlikely to compromise such an arrangement. Such a possible view of Indian women, however, has likely nothing to do with Indian women themselves, and more to do with an investment in seeing Indian women in such a way that allows the reproductive desires of intended parents to be left unchallenged or not placed at risk.

Of course Indian women who act as surrogates are not only depicted by intended parents as equal players in a financial transaction. The literature on reproductive travel also suggests that a discourse of altruism appears in the accounts of intended parents (Markens 2012). Whilst this was not a significant focus of the interviews undertaken for the present research (and hence is not included in the literature review or analysis above), it warrants comment here due to the fact that participants did on occasion mention the 'generosity' of Indian women, and certainly Australian media reports have emphasized the altruism of Indian women who act as surrogates (Riggs and Due 2013). Vora (2009) suggests that one of the ways Indian women may reconcile entering into a surrogacy arrangement with their religious beliefs is through applying the logic of familial duty that exists within many Indian families. Such an approach, albeit in culturally-different ways, has also been reported as shaping the experiences of white American women who act as surrogates (Teman 2010). Following Strathern (1992), however, we might question the gift logic invoked by the discourse of altruism (in which Indian women are depicted as generously sharing their bodies with intended parents, and intended parents are depicted as generously supporting Indian women). In this gift logic, the 'gifts' given are treated as alienable (an Indian woman can give a child who is seen as an individual, and the intended parents can give money

to an individual Indian woman). We might question, though, whether 1) a child can be treated as an alienable property, and 2) which value system this gift logic is reliant upon. Following Strathern, we might suggest that the only way in which offshore surrogacy can be viewed by intended parents as functioning via the exchange of gifts is if the framework for the transaction is individualism (which is thus counter to Vora's notion of surrogacy being framed by notions of familial duty).

The issue of children as alienable gifts is also of relevance to the analysis presented above in regards to the emphasis within the data upon genetic relatedness. Again following Strathern (1992), when genetics are taken as standing in for nature, and when kinship thus comes to stand for the 'naturalness' of certain relationships, then having (genetically-related) children represents a truth claim to a normative kinship. Moreover, when, as described above, such children are taking as alienable property produced by individual people making choices, then claims about genetics become valorized because they are what legitimate the tying of one individual to another. Importantly, however, in the context of offshore surrogacy in India (and particularly where either donor eggs or donor sperm are used, which was the case with the majority of participants), it is notable that only the genetic material of certain individuals is made to matter. Whilst in the case of surrogacy in the US, egg donors and women who act as surrogates are encouraged to have an ongoing relationship with the intended parents and their child, in India it is largely the case that this is either implicitly or explicitly prohibited. Another question for future research, then, is how, beyond the western rhetoric of individual choice, are genetics invoked at times to justify surrogacy arrangements, whilst at the same time dismissed or ignored when it comes to other parties involved in the conception of a child through surrogacy (i.e., donors, or indeed the biological relationship that a child will have with the woman who carries them in the case of surrogacy).

To conclude, and to return to a point made in the analysis, it seems vital to recognize that genetic relations are no guarantee of security, and no guarantee of positive outcomes for families. The very fact that social forces can result in some children being removed from their birth parents, or some women having no other option but to act as surrogates, is a clear statement of the fact that nothing protects us from vulnerability in the face of disadvantage or marginalization. Whilst, at law, genetic relationships might offer a blanket of security in many instances and a degree of remove from intervention from

government agencies, this is the province of social privilege more than it is a product of genetic relationships. In their broadest sense, the findings presented here indicate not only that further attention must be paid to both public and private attitudes in Australia towards offshore commercial surrogacy arrangements, but that the question of which forms of kinship are valorized and why must continue to be investigated.

References

Australian Bureau of Statistics. 2012. *Births, Australia.* Canberra: Australian Bureau of Statistics.

Author. (in-press).

Billig, Michael. 1988. Methodology and scholarship in understanding ideological explanation. In *Analysing lay explanation: A case book,* ed. C. Antaki. London: Sage.

Collins, Catherine, Damien W. Riggs, and Clemence Due. 2013. Constructions of the 'best interest of the child' in New South Wales parliamentary debates on surrogacy. In *Reframing reproduction: Conceiving gendered experiences in late modernity,* ed. M. Nash. London: Sage.

Dempsey, Deborah. 2013. Surrogacy, gay male couples and the significance of biogenetic parenting. *New Genetics and Society* 32: 37-53.

Kroløkke, Charlotte, Karen A. Foss and Saumya Pant. 2012. Fertility travel: The commodification of human reproduction. *Cultural Politics* 8: 273-282.

Kroløkke, Charlotte and Saumya Pant. 2012. 'I only need her uterus': Neo-liberal discourses on transnational surrogacy. *NORA: Nordic Journal of Feminist and Gender Research* 20: 233-248.

Markens, Susan. 2012. The global reproductive health market: U.S. media framings and public

discourses about transnational surrogacy. *Social Science and Medicine* 74: 1745-1753.

Millbank, Jenni. 2013. Resolving the dilemma of legal parentage for Australians engaged in international surrogacy. *Australian Journal of Family Law* 27: 135-169.

Millbank, Jenni. 2011. The new surrogacy parentage laws in Australia: Cautious regulation or '25 brick walls'?. *Melbourne University Law Review* 35: 165-207.

Murphy, Dean A. 2013. The desire for parenthood: Gay men choosing to become parents through surrogacy. *Journal of Family Issues* 34: 1104-1124.

Palattiyil, G., Blyth, E., Sidhva, D., & Balakrishnan, G. (2010). Globalization and cross border reproductive services: Ethical implications of surrogacy in India for social work. *International Social Work,* 53, 686-700.

Potter, Jonathan. 1996. *Representing reality: Discourse, rhetoric and social construction*. London: Sage.

Raymond, Janice. 1994. *Women as wombs: Reproductive technologies and the battle over women's freedom*. North Melbourne: Spinifex Press.

Riggs, Damien W and Clemence Due. 2013. Representations of reproductive citizenship and vulnerability in media reports of offshore surrogacy. *Citizenship Studies* 17: 956-969.

Riggs, Damien W and Clemence Due. 2012. Representations of surrogacy in submissions to a parliamentary inquiry in New South Wales. *Techne* 16: 71-84.

Riggs, Damien W and Clemence Due, C. 2010. Gay men, race privilege, and surrogacy in India. *Outskirts: Feminisms Along the Edge* 22.

Rotabi, Karen Smith and Nicole Footen 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: 129-141.

Rudruppa, Sharmila. 2010. Making India the 'mother destination': Outsourcing labor to Indian surrogates. *Research in the Sociology of Work* 20: 253-285.

Strathern, Marilyn. 1992. *Reproducing the future: Anthropology, kinship, and the new reproductive technologies.* Manchester: Manchester University Press.

Teman, Elly. 2010. *Birthing a mother: The surrogate body and the pregnant self.* Berkeley: University of California Press.

Vora, Kalindi. 2009. Indian transnational surrogacy and the commodification of vital energy. *Subjectivity* 28: 266-278**.**

Whitelaw, Anna. 2012. Hundreds pay for overseas surrogacy. *Sydney Morning Herald* June 3.