

Chapter 2

The Study's Origins and Methodology



I started to craft the idea of this study as early as 2016 when surrogacy was hitting the headlines for the first time in Italy: feminists, pro-life and pro-family groups were sensitizing public opinion and politicians on the need to keep the prohibition already in place in the country and extend it to an international level. As I will describe in more detail in the chapter dedicated to the Italy case, the danger that these groups wanted to avoid was that surrogacy, increasingly used abroad by Italian citizens, would be legitimized as a way to have children through the reduction of women to reproductive vessels and life to an assembly process. Italy was not the only country where surrogacy at that time became a hot topic of public debate: in France, Sweden, and Spain concerns were also mounting. Moreover, in 2015 the European Parliament condemned “the practice of surrogacy, which undermines the human dignity of the woman since her body and its reproductive functions are used as a commodity” and considered “that the practice of gestational surrogacy which involves reproductive exploitation and use of the human body for financial or other gain, in particular in the case of vulnerable women in developing countries, shall be prohibited and treated as a matter of urgency in human rights instruments” (European Parliament, 2015).

My interest in the topic grew even more when I came to know that a transnational campaign calling for the universal abolition of surrogacy was launched in the United States and was subscribed by many activists in Europe, feminists as well as those belonging to more conservative segments of the civil society. I was fascinated by seeing that, as in the debate on prostitution and pornography in the 1980s, part of the feminist movement and conservatives are in the same prohibitionist side as strange bedfellows (Ferguson, 1984; Goode & Ben-Yehuda, 2010). At the same time, I quickly realized that the sentiment of disapproval towards surrogacy was not shared by all feminists: some in fact think that surrogacy is just one of the most recent spaces of opportunities for women to do whatever they like with their bodies and thus to embrace more and more fully that body ownership and reproductive freedom they strove to achieve. I also came to know that some scholars and even some women's groups in India were defending surrogacy as an opportunity for women's empowerment. I realized that surrogacy as prostitution and pornography is a highly

divisive topic. The feminist movement, as we will see in the literature review chapter (Chap. 4), is not united but split into two factions, the liberals or autonomy feminists who advocate for full women's freedom in all sexual and reproductive issues and the radicals who understand these types of market-driven use of women's bodies as forms of exploitation and abuse embedded in patriarchal system. Moreover, I was observing that there was a contrast between feminist abolitionists and LGBTQ movements, although both of these movements continue to recognize themselves as progressives and find their traditional political interlocutor in the centre-left.

It goes without saying that I was facing quite an intriguing scene and I wanted to understand more about the arguments that were competing the public understanding of what in my social context is a relatively new and emerging reproductive practice. However, as I proceeded with the study, I realized that "new" and "emerging" were not always adequate qualifiers. On the one hand, in Italy I needed to explain what the topic of my study is and it is not uncommon to find reactions of disbelief on the fact that there can be such a practice of having children, and only in the last 2 or 3 years has the issue become of relevance. On the other hand, when I arrived in the United States, in Austin, Texas, it was not uncommon to find myself in front of reactions of obviousness: "what's wrong with surrogacy? What do you need to study about it?" a taxi driver said. As I read the scientific literature and interfaced with colleagues, I noticed how surrogacy is dissected in all its facets and that the way in which scholars write and talk about it in the vast majority reveals a consolidated acknowledgment of the existence of the phenomenon. This might explain why the ideal proposed by abolitionist groups of seeing surrogacy disappear has more hold in Western Europe than in the United States.

In Mexico, I found myself in a situation in some ways more similar to that of the United States and in some ways more similar to Italy: surrogacy entered the debate in Mexico around 2015 and today it cannot be assumed that everyone knows what it is, despite it being present in society as a form of reproductive labour for Mexican women. Mexican feminism, highly committed to the battle against violence against women (VAW) and femicide, within a critique of patriarchy, closely resembles Italian feminism, but against surrogacy it has not yet developed a structured and convinced battle: as will be seen in Chap. 6, Mexican feminism claims that the autonomy of women over her body seems to be more organized and influential, a situation that mirrors the one I found in the United States.

These are just samples of what I will discuss in depth in the next chapters, each dedicated to a country case: for each case, I will focus on the description of the context in which the debate on surrogacy takes place, I will identify the civil society organizations that contribute most to it, in particular focusing on the role of the women's movement.

At this point I would like to clarify the term which I consider important so that the focus of my investigation is clear. Women's movement is a "collective action by women organized explicitly as women presenting claims in public life based on gendered identities as women" (Mazur et al., 2016, p. 657). "Women's movement actors, including individuals and informal and formal groups, are those whose expressed ideas are overtly gendered, identify with women as a group, and are

framed as women representing women” (Mazur et al., 2016, p. 653). In this category, which is to be taken as a conceptual category of social sciences and not as a group of individuals working together or sharing the same opinions on every issue, I include groups and individuals belonging to different streams of feminism, but also pro-life women (Derr et al., 1995), and women who do not agree with the feminist assumption of structural female subordination to men as well as the feminist goal of subverting existing gender relations and heteronormativity. Those in the broader women’s movement endorsing a feminist discourse “seek to change the status of women and challenge women’s subordination to men and the gender hierarchies that sustain it” (Mazur et al., 2016, p. 653). In line with these distinctions, in this study feminist opinion makers, representatives of women organizations and feminist groups, as well as pro-life women are all included in the varied landscape of the women’s movement.

Why did I choose to focus on the women’s movement? How does women’s movement matter in the surrogacy debate and policy making? My previous study was an analysis of feminist discourses on domestic violence: I looked at how the feminist understandings of this social phenomenon, that is a gender-based reading of interpersonal violence rooted in patriarchy and gender inequality, has spread in society and influenced the institutional approach as well as the popular imaginary of the problem (Bandelli, 2017). I became very much aware of the power of the feminist vantage point in setting the lens through which society, the media, policy makers, and also scholars learn how to look at phenomenon that involves women. If, on the one hand, the feminist contribution has been needed to reveal female perspectives on society, this process of what I like to call the “feministization” of the public discourse has also some side effects. In domestic violence, the feminist discourse highlights the sufferance of women victims of male violence, the role of misogyny, gender inequality, and stereotyped assumptions on femininity and masculinity in the persistence of the phenomenon; at the same time, this discourse backgrounds the influence of situational factors, relational dynamics, drug and alcohol abuse, history of violence, as well as the sufferance of men in domestic violence and the active role that women might have in violent dynamics (Felson, 2002). As I was observing the emergence of feminist mobilization against surrogacy, I started to wonder how the “feministization” of the debate on surrogacy would have an influence on the public understanding of this phenomenon. If feminists channel the dissent on the basis that surrogacy is a form of patriarchal commodification of women’s body and maternity, I started to wonder, whether this opposition would turn out to be obsolete very soon when experiments on the artificial womb will be finalized and babies could be produced without commodifying women? I also started to wonder whether an opposition to surrogacy framed in this term would be effective once we acknowledge that often women’s decision to serve as surrogates is the outcome of costs and benefits evaluation and they are not forced to do so. I also wondered whether this feminist frame would be appealing to all those women who use surrogates to have their motherhood desire accomplished: are these women complicit in what feminists view as a form of patriarchal violence against other women? I will come back to these reflections, which during my research journey have been more or less confirmed, and deepened in light of field-work conversations, readings, and social theories.

In addition to my research interest in feminist discourses, there are also more solid answers explaining the focus of this study on women's movement. It is common knowledge that women's movement is the primary actor in the making of public discourses and policies on sexuality, procreation, its bioethical aspects and interlinks with technology (Botti, 2014; Farquhar, 1996; Mazur et al., 2016). Conception, contraception, medicalization of pregnancy, birth, motherhood, and abortion are all topics on which women's organizations have made their voices heard. Since the 1970s, feminism has been one of the most visible agents of cultural change and social policy in terms of procreation and the family (Mazur et al., 2016; Willson, 2010): in Italy, the law on abortion, the result of a crucial battle of feminism, has helped to legitimize a concept of family that developed from individualism and the fragmentation of contemporary society, as a "residue of individual decisions that have their fulcrum in the mother-child dyad" (Donati, 1994, p. 340). Regarding the role of technology in reproduction, women activists as well as feminist thinkers have elaborated some original perspectives (Corradi, 2021; Farquhar, 1996): some posit technology advancements (birth control, fertilization techniques) as an ally in women's emancipation that could relieve women of the burden of childbearing (Firestone, 1970); others look at assisted reproduction with the fear that women will be expropriated of the uniqueness of their female identity, which is given by the potentiality of giving birth (Corea, 1985); technology is seen as emanation of male-dominated science and thus as a tool of patriarchy to take control of the procreative resources of women (Klein, 2018); some express concerns about the loss and devaluation of traditional knowledge of women in pregnancy and birth (Di Pietro & Tavella, 2006; Katz Rothman, 1982).

Surrogacy specifically poses quite challenging dilemmas to feminists: to what extent does it help the emancipation of women, and from what/whom? If in vitro fertilization with sperm donation has been welcomed by lesbians and some feminists as an advancement in lessening women's dependency on men to have a family, are gay men to be entitled to the same independency from women? Is surrogacy creating a class of women breeders for other women and men who can afford to delegate pregnancy? I would say that, in the diverse arrays of topics in women's reproductive politics, surrogacy is the one that ignites more conflictual debate and divisions.

When a social phenomenon is debated, a variety of discourse makers and stakeholders participate in which Stuart Hall would call the "politics of signification": "a struggle to create collective social understandings on events and consent to be mobilised" (Hall, 1982, p. 70). They compete to impose on the debate their understandings of the problem, from which policy approaches will be drawn. In my analysis, I will borrow from social movements studies, and specifically from Benford and Snow's (2000), the concepts of diagnostic and prognostic frames: explanations that social movements elaborate to make sense of the causes (diagnostic frames) of social problems and of the cure or recipe that they offer (prognostic frames).

As we will see in Chap. 4, scholars have already dealt with the feminist views on surrogacy and women's mobilization against surrogacy is acknowledged in several studies, although these studies are not necessarily focused on the politics aspects of

this practice. Mine is not certainly the first contribution of this kind, but I will try to add to the existing literature an in-depth account of the arguments advanced in the women's movement, the theoretical basis of their inner divergences, and the relevance that this emerging topic of reproductive politics has in the movement. I will not only describe their discourses and initiatives, but I will try to contribute with a critique of their theoretical underpinnings and ideological approaches.

I pursue these objectives through first-hand data that I have collected in the United States (August 2018–October 2018), where I first focused on the Texan context, in Mexico (November 2018–March 2019) where I conducted field-work in Mexico City and Villahermosa, the capital of the Mexican State of Tabasco, and Italy (May 2020–September 2020), where I also had the opportunity to network, especially in Rome, with feminists and surrogacy discourse makers since my earlier interest in the topic in 2016. The data were produced through in-depth interviews with 50 informants in total: 18 for the American case, 21 for the Mexico case, and 11 for the Italian case. The duration of interviews was 30–90 minutes each. The informants were selected for their participation and expertise in the surrogacy debate or more broadly in the area of reproductive rights, women's rights, child's rights, bioethics, and included feminists, activists, scholars, and journalists. For each case, I conducted a thematic analysis of the media coverage of surrogacy in the principal newspapers (*The Dallas Morning News*, *the Austin American Statesman*, *the New York Times*, *the Washington Post*, *El Universal*, *Reforma*, *La Jornada*, *Il Corriere della Sera*). The total number of articles I analysed is 92: 44 from the Texan-American press, 28 for the Mexican case, and 20 for the Italian one.

My methodology is purely qualitative. For the press analysis, I coded each article with a serial number and I extrapolated the following information that I systematized on a database (manually built with OpenOffice) with the following columns: topic of the article; location/country; sources used by the journalists; whether the surrogacy is contextualized as a reproductive method for same-sex or heterosexual couples; description of the baby, surrogate and intended parents; representation given to the mother–foetus bond. In the analysis of the Mexican press, two more columns were added because they were recurrent themes in the sample of analysed articles: description of surrogacy agencies and role/demand attributed to the State. In the Italian case the State column was primarily dedicated to the role of State bureaucracies in the recognition of parental rights over babies born through surrogacy abroad.

I conducted 50 interviews (18 for the USA case, 21 for the Mexico case, and 11 for the Italian case). Whenever possible I interacted in person, otherwise online. Interviewees were selected on the basis of their engagement in surrogacy debate, for being representatives of feminist groups engaged in reproductive issues, and/or for being experts on surrogacy, reproductive technology, or feminism. Interviewees were approached through networking and snow-ball sampling.¹ I did not follow a fixed list of questions but I tailored each interview to the expertise of the interlocutor. For each interview I transcribed the verbatim and on these scripts, I coded diagnostic

¹More details will be provided in the chapter dedicated to each case study.

and prognostic frames. I conducted the same analysis on 35 additional texts such as op-eds, statements, positioning papers, reports and law proposals written by women activists and other surrogacy discourse makers. This addition enabled me to analyse the view of subjects who I could not reach for interviews or to add more details about the thoughts of key activists/organizations already involved as interviewees. As provided by the ethical protocol of the project, the identities of all the interviewees are not disclosed and thus all the interview's extracts that are reported in these pages are in anonymous form.

I chose these countries to ensure diversity in the social contexts, presence of the surrogacy industry, legal framework, and organization of women's movement. Initially, I planned one more field-work in India, but unfortunately I had to cancel this country from my plans because of complications in the issuing of the visa and subsequent insurgence of the COVID-19 pandemic. My intention was to ascertain to what extent women in the Global South elaborate their own perspectives on surrogacy and to what extent they use the same arguments used in the North, on which principles they are based, to what extent they are based on values and ideologies that are already used to frame other women's issues or are based on factual information about the specific social issue.

This curiosity stems from the acknowledgment that in radicalized pro and against debates, the multiplicity of perspectives rooted in the complexities of the social contexts and linked to other ongoing debates are subsumed in viable discourses (e.g. discrimination, human rights, gender violence) which are adopted as the founding blocks of paradigms for national and international policies. This process of generalization is documented in the literature on the globalization of discourses on contemporary women's issues. For example, Sanghera (2005) criticizes the dominant global discourse on trafficking and resulting policies and interventions insofar these have been constructed through anecdotes, moralist positions, and non-verified hypotheses, in absence of country-level and context-specific studies and by conflating different phenomena such as trafficking and prostitution, and different subjects such as women and children. Another facet of generalization is that perspectives of women in developing countries are often missed in the construction of global discourses on problems affecting women and related policies, such as gender equality, violence, and reproduction, which, on the contrary, build upon conceptual categories produced by "white feminism". In this regard, Gupta (2006) and Ryan (2009) maintain that liberal feminist notions of agency and choice underlying the dominant discourse on reproductive technologies and rights are not easily applicable in those countries where the human capacities of women are hindered by poverty, lack of access to food and health services, and power of the State patriarchal culture.

In surrogacy scholarships, the tensions between developed and developing world have been widely discussed with regard to the concern about the disparity between surrogates and commissioning parents (Pande, 2014; Twine, 2015; Whittaker & Speier, 2010), while the risk that women activists' perspectives in developing countries, which are the main providers of surrogate mothers, are silenced by the formation of a global discourse based on more visible reflections is yet to be taken in serious consideration by sociologists. Does the women's movement in Mexico

provide innovative perspectives and representations on surrogacy or do they speak through discourses that are similar to the ones of their American sisters? How does the division into two fronts (abolitionists and reformists) apply to different countries? Do they use the same frames? These are some of the underlying questions that guided me during this research project.

To sum up, this study was inspired from my desire to understand how the women's movement, which is one important contributor in building knowledge and shaping imaginary and policies on reproduction, contributes to the public discourse and policy making on surrogacy in different countries. I hope the findings that I could reveal during this journey can contribute not only to academia but also to a better understanding of surrogacy as well as the different perspectives that circulate in the public sphere and the challenges to decision makers, at both a national and a supranational level. As we will see in the next chapter, legal frameworks across the world are rapidly changing and each State is taking different pathways of restrictive and permissive regulation influenced by conflicting pressures coming from social movements with different demands and social visions, private sector representatives (e.g. clinics, agencies, lawyers, psychologists, and other fertility professionals), and media hypes on surrogacy scandals. By focusing on mobilization, alliances, and discourses of feminists and other groups in the civil society, my aim is to shed light on the perspectives that are competing to shape the social acceptance and regulation of this booming way to make babies. In particular, I will provide insights on the theoretical underpinnings and frames competing in the public sphere of each of the three countries included in my study to define the problems and solutions in surrogacy. I will also discuss the different relevance that surrogacy has in women's movement in each country, the disagreement and common concerns of abolitionists and those in favour of surrogacy regulation, their capacity to influence policy change and their international network. Ultimately, my aim is to offer a fresh perspective on surrogacy as a social phenomenon whose scope I believe cannot be fully grasped simply through the frames conveyed by either the pro-surrogacy discourse or the abolitionist one.

References

- Bandelli, D. (2017). *Femicide, gender and violence. Discourses and counter-discourses in Italy*. Palgrave MacMillan.
- Benford, R. D., & Snow, D. A. (2000). Framing processes and social movements: An overview and assessment. *Annual Review of Sociology*, 26, 611–639.
- Botti, C. (2014). *Prospettive femministe. Morale, bioetica e vita quotidiana*. Mimesis.
- Corea, G. (1985). *The mother machine. Reproductive technologies from artificial insemination to artificial wombs*. Harper & Row.
- Corradi, C. (2021). Motherhood and the contradictions of feminism: Appraising claims towards emancipation in the perspective of surrogacy. *Current Sociology*, 69(2), 158–175.
- Derr, M. K., Naranjo-Huebl, L., & MacNair, R. (1995). *Prolife feminism. Yesterday and today*. Sulzberger & Graham.

- Di Pietro, A., & Tavella, P. (2006). *Madri selvagge. Contro la tecnorapina del corpo femminile*. Einaudi.
- Donati, P. (1994). *Teoria relazionale della società: Concetti base*. Franco Angeli.
- European Parliament. (2015). *Resolution of 17 December 2015 on the Annual Report on Human Rights and Democracy in the World 2014, paragraph 115*. Retrieved from https://www.europarl.europa.eu/doceo/document/A-8-2015-0344_EN.html?redirect#top
- Farquhar, D. (1996). *The other machine: Discourse and reproductive technologies*. The University of Chicago Press.
- Felson, R. B. (2002). *Violence and gender reexamined*. American Psychological Association.
- Ferguson, A. (1984). Sex war: The debate between radical and libertarian feminists. *Signs*, 10(1), 106–112.
- Firestone, S. (1970). *The dialectic of sex. The case for feminist revolution*. William Morrow and Company.
- Goode, E., & Ben-Yehuda, N. (2010). *Moral panics: The social construction of deviance* (2nd ed.). Wiley-Blackwell.
- Gupta, J. A. (2006). Towards transnational feminisms. Some reflections and concerns in relation to the globalization of reproductive technologies. *European Journal of Women's Studies*, 13(1), 23–38.
- Hall, S. (1982). The rediscovery of 'ideology': Return of the repressed in media studies. In M. Gurevitch, T. Bennett, J. Curran, & J. Woollacott (Eds.), *Culture, society, and the media* (pp. 56–90). Routledge.
- Katz Rothman, B. (1982). *Labor: Women and power in the birthplace*. W.W. Norton & Company.
- Klein, R. (2018). *Surrogacy. A human rights violation*. Spinifex Press.
- Mazur, A. G., McBride, D. E., & Season, H. (2016). Comparative strength of women's movements over time: Conceptual, empirical, and theoretical innovations. *Politics, Groups, and Identities*, 4 (4), 652–676.
- Pande, A. (2014). *Wombs in labor*. Columbia University Press.
- Ryan, M. A. (2009). The introduction of assisted reproductive technologies in the "developing world": A test case for evolving methodologies in feminist bioethics. *Signs*, 34(4), 805–825.
- Sanghera, J. (2005). Unpacking the trafficking discourse. In K. Kempadoo (Ed.), *Trafficking and prostitution reconsidered* (pp. 3–25). Taylor & Francis.
- Twine, F. W. (2015). *Outsourcing the womb race. Class and gestational surrogacy in a global market*. Routledge.
- Whittaker, A., & Speier, A. (2010). "Cycling overseas": Care, commodification, and stratification in cross-border reproductive travel. *Medical Anthropology*, 29(4), 363–383.
- Willson, P. (2010). *Italiane. Biografia del Novecento*. Laterza.

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