

Feminism and the Practice of Gestational Surrogacy in the Identity of the Child and the Woman

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ABSTRACT- In opposition to the spread of gestational surrogacy as a new reproductive practice and women's labor, this essay examines the limitations of the feminist idea of commercialization of women's bodies. Surrogacy should be prohibited, according to feminist academics and activists, in order to preserve the unitarily of motherhood and women's dignity. This theoretical viewpoint obscures women's decision-making process to participate in free activities, which may be harmful to the female subject's and other people's well-being, by thinking that surrogates are victims of imbalanced power relations. In reality, so-called liberal feminists who support legalization and regulation of the practice believe that women should have complete choice over how they utilize their bodies and reproductive potential. In this essay, I propose reclaiming the need to safeguard the kid as the only subject with "no choice" by recognizing surrogates' agency, positing them as subjects of social activities, and reclaiming the need to protect the child as the only subject with "no choice".

KEYWORDS- Agency, Feminism, Gestational Surrogacy, Motherhood, Surrogates.

I. INTRODUCTION

Feminism, is crucial in creating social realities involving women – both within and outside of connection with other themes – in the gaze of the social and media decision-makers, as both a political and social activity and then a theoretical stance. Many societal issues concerning woman (as heroines or not) are addressed in this book framed as exclusively women's concerns in public discourse, and the subsequent discussion is influenced by the cultural models and theoretical ideas employed by feminist intellectuals to explain social reality. Domestic violence, sexuality, procreation, and sexual identity are all part of this phenomena, which is often referred to as "feministization." One of the difficulties involved with this procedure is gestational surrogacy. Since the 1990s, the discussion about this practice in Europe, as well as in the Anglo-American globe, has evolved from a worry about the inaccessibility of humankind to a larger issues with women,

her health, and their control over natural sexual decisions decisions[1].

While using feminist subgroups in public debate can help to highlight women's stories, roles, and perceptions, it's important to remember that theoretical frameworks based about the need for more emancipation and trying to overcome male-dominated communal areas have confirmed to be limited and inappropriate in reading mortal interaction and social structures. Women's will being passivated, victimized, and denied, the relation feature of social activity being overshadowed in favor of independent action, and the continuance of a dichotomous perspective of conflict seem to be just a few instances. Consequently, the feminist debate about surrogacy has faults, partly because it is trapped in an insurmountable contradiction between three philosophies: on a one hand, women's commodification, but on the other, women's freedom of choice.

Ulrich Beck's dissertation on the world's morphing illustrates the need to reconsider the surrogacy debate's constructs: it's not just a societal movement, but a metamorphose since it transforms pre-existing ideas and certainties. According to academics, surrogacy represents a significant milestone of motherhood, weakening for the first occasion the notion that the organic marriage of mother and infant constitutes the beginning of a new life [2]–[5].

Because it does not following a developmental trajectory or a from before the guiding tenets, this is just not advancement; rather, it reinvents the philosophical substrate of life's origin. Furthermore, this transition has a host of unfavorable outcomes. Due to a lack of antecedents and a language that is incomprehensible, laws and regulations are unable to address the situation maintains outdated certainty, are two of them[6].

The purpose of this article is to contribute to this revival in theory we'll start with a quick outline of the current discourse of that sector of Italian renaissance liberalism that has been fighting for the nationwide ban of surrogacy for some years on an influence of cultural level. We'll next illustrate how the monetization thesis, by contrasting the paradigms of personal freedom of choosing, fails to support the practice's condemnation.

We'll next suggest that we conceive of surrogates as participatory subjects whose make choices mostly in context of home and social objectives, based on Max Johnston's theoretical foundation. Finally, after granting entire agency to the surrogate, we propose that the abolitionist viewpoint be reassessed by changing the creature to be protected from the sociological perspective personal accountability: the child, not the woman [7]–[11], who is seen as a person who does not choose to be born. This new theoretical viewpoint necessitates a reconsideration of women's ability to utilize their bodies for economic gain [12].

The woman's individual-individualist freedom, which is conceived as unlimited and omnipotent in a neoliberal paradigm even when it causes harm to another woman, a consenting adult subject, is When she accepts responsibility for safeguarding a thing but with much less authority than herself, such as a kid, and, in larger words, decides not to be helpful in the protection of that subject, she is restricted harming future generations' health.

A. Female Abolitionist Movement

Other hotbeds of resistance are arising in different nations across the globe, consolidating into a global abolitionist movement against surrogacy, under the banner of the Stop Surrogacy Now network, founded by Jennifer Lahl and headquartered in California. Stop Surrogacy Now is not only a feminist organization; bioethicists, pro-life activists, intellectuals, and professionals are all part of it. The French mobilization was followed by the Italian one, since Italy's primary feminist tendency has been influenced by (and interwoven with) French thinkers on difference throughout history, particularly in regards to thoughts on female identity and motherhood.

Surrogacy is illegal inside both nations' borders, however individuals who use it outside of their borders (for example, in the United States, Canada, or Ukraine) are not punished after they return home with the kid. Although heterosexual couples are more likely than gay couples to use surrogacy (because same-sex couples are still a minority in both nations), the current mobilization against the practice in both countries stems from the fight over civil unions or same-sex weddings. Surrogacy had previously surfaced as a problem during the debates on bioethics legislation in France in the 1990s and assisted reproduction law in Italy in the early 2000s, but it was less visible to the general public [13].

Some Italian feminists joined the Paris event, having filed a public petition last year calling for a blanket ban on surrogacy and proposing a similar gathering in Rome on March 23, 2017, in one of the Parliament's chambers SNOQ-libere, a women's group that was created in 2011 with a very separate purpose in mind: to combat persistent discrimination in democracy and public atmosphere, or what went on to graduate first place in the fight against "femicide," is leading the German front. Surrogacy was recognized as the principal issue of recruitment by SNOQ-libere in a larger framework of reflection on women having independence and parenting, was formed in 2013.

The committee endorsed an appeal to the United Nations agencies in charge of ensuring conformity At the Rome Forum, the Convention for the Elimination of All Forms,

international convention, and the free trade agreements on children's rights were signed. The Additional Controller to the International Covenant against Drug Gangs, The Hague Event held on International Adoption, Adopted by The council Agreements on Surrogacy, Combating Drug Trafficking, and Microfluidics, and at last the European Commission Provision of Fundamental Rights are all mentioned in the Greek document as being in conflict with surrogacy [14].

Surrogacy is described as a practice that commodifies women and their procreative capacities, not to mention children, in both the Charter of Paris and the Rome document. The latter, on the other hand, remains in the background of the debate: the worldwide reproductive market places a monetary value on these reproductive capacities and regulates them, robbing women of their reproductive independence, human integrity, and dignity throughout pregnancy. Women, together with their children, become marketable production assets. According to the Rome declaration, this procedure obstructs the implementation of the's concept of equality and full enjoyment of human rights by women [15]–[18].

The proposal for a blanket prohibition is based on the Roman law concept *matter semper carta Est*, which means "always true". Defending this concept, abolitionists argue, would prevent the replication of dna from being restricted to a machine procedure, as well as the commoditization of reproductive capacity and individuals. Maternity is seen as a significant event in women's lives, happening simultaneously with and after the birth of their children inextricably linked to pregnancy. However, if surrogacy actualizes this divide, the feminist abolitionist rhetoric prioritizes the biological, mental, and emotional connection between the unborn child and the pregnant mother above the genetic bond.

Surrogacy also regresses the progress of women's liberation, which has incorporated motherhood in the many areas in which women's freedom is articulated, particularly in the language provided by SNOQ-libere. According to SNOQ-libere, gestational surrogacy relegates motherhood to the realm of dominance from "an essentially human act, the greatest manifestation of women's human dignity." Finally, the abolitionist front endorses the call for a total ban on surrogacy, citing the dangers to both the pregnant mother and the child's health and life [19].

Surrogacy is described in the two papers (Paris and Rome Charters) as a social practice and a market in which women and their children are victims of social injustice, exploitation, and commercialization, with the children remaining in the shadow of a woman-centered debate. According to this discourse, protecting women from this commodification process, from the abstract entity of an unethical market, would also protect children. The decision of a woman to enter into a contract that is harmful to her health, alienates her from her own person, is traumatic and dangerous for the fetus is rejected a priori on the assumption that such decisions are not made in complete freedom but are influenced by relationships of inequality and dominance (family or gender-based, economic, and geopolitical). Women in impoverished nations, especially in India, the

primary center of the procreative market in the South, are often cited as an example[20].

II. DISCUSSION

The debate against gestational surrogacy that has been detailed so far did not begin with the abolitionist movement in France and Italy. It draws on a wealth of theoretical work on reproductive technologies as well as previous mobilizations against the use of these technologies on women's bodies, which began in the United States in the 1980s in response to the opening of the first clinics offering surrogacy as a means of having a child. However, it should be noted that the profession has experienced significant changes throughout the years. To begin with, surrogacy was technically feasible in the 1980s, but it had not yet reached the level of normalcy and societal acceptability that has transformed it into a procreative practice and a way for women suffering with their life choices to generate money. Furthermore, during the time, the genetic mother and the pregnant lady tended to be the same person. Following the widespread adoption and advancement of in vitro fertilization (IVF) and intracytoplasmic sperm injection (ICSI), gestational surrogacy emerged as the most common type of surrogacy, in which the eggs do not belong to the woman carrying the pregnancy but to the person commissioning the surrogacy or to a third-party "donor." As a result, a multibillion-dollar international market for medical services, financial intermediation, and legal aid was born, with its heart in the United States[21].

Reproductive technologies have been primarily discussed in feminist literature as: tools of freedom and female self-determination; patriarchal tools for reducing women to reproduction machines; devices that consolidate the normative model of femininity coinciding with motherhood (the woman obtains social recognition by becoming a mother) and a representation of infertility as deviance; Feminist views on gestational surrogacy are becoming more extreme. The one side demands that national governments, the European Union, and the United Nations outright ban the practice as it is harmful to women's dignity, while the other side takes a more pragmatic approach and calls for regulation of an existing practice and market in order to reduce the risk of abuse between contracting parties.

This schism is not just seen in feminist theory, but also in the public realm. Diane Roman, a French thinker who has studied both proponents and opponents of the practice, has identified the following feminist reasons. Surrogacy, according to the opposition, is a humiliating practice to which impoverished women submit for economic reasons, a practice that exploits and consolidates gender inequity. Furthermore, this perspective honors pregnancy's peculiarity as a period in a women's body, its one behavioral, neurological, and behavioral contact with the fetus that is inseparably interrupted inside this case of miscarriage gestational surrogacy (biologist and essentialist vision)[22]. Surrogacy supporters, on the other hand, argue that women have the right to utilize their own bodies (which, as Roman recalls, is a concept conveyed also in the discourse on organ donation, transsexualism and biomedical experiments).

Surrogacy is also supported because it allows for the expression of sisterhood, solidarity, and generosity among women, as well as the creation of mutual aid and reciprocal benefit connections.

When it comes to the feminist discussion, all sides' arguments center upon women, which may seem like a minor point. On the one hand, they are seen as victims whose acts are the consequence of oppression, social disadvantage, and a lack of freedom; on the other hand, they are seen as contractual subjects capable of choosing their own route to empowerment. Different uses of the ideas of choice and agency influence these two images of women, just as they do in the ongoing debate on prostitution. Surrogacy is seen as a patriarchal element of exploitation, abuse, and subjugation of women by those who advocate abolitionist views, while liberal feminists encourage women's right to do what they think is best with their bodies.

On the other side, Amrita Pande, a sociologist at the University of Cape Town who did ethnographic research with Indian surrogates in Bangalore clinics and believes the need to regulate rather than prohibit this practice, advocates for the woman as a subject of agency. Researchers say that before getting into a contract, women must be fully educated and aware of the dangers, rights, and responsibilities. She also hopes that surrogates will establish themselves as a collective subject in order to make their 'work' visible, to have their rights as a group formalized and respected, and to improve social recognition of their contribution – including emotional aspects – in the process that culminates in the birth (production process).

Reformist feminists discuss the following aspects of surrogacy: the Continuing to allow family planning only in a free form or with a simple payments, as in the English approach; Making it possible family planning only in a different mode or with a simple compensation for damages, as in the English model; Permitting artificial insemination only in a straightforward or with a simple payments, as in the Bilingual model; Allowing artificial insemination only in a free form or with a simple plus costs, as in the Bilingual model; Continuing to allow surrogacy only in the necessity to reconsider the conceptual categories with which to develop a thought opposing the reinforcement of this social practice is shown by this collection of feminist views. Such a viewpoint would be appropriate in a neoliberal society, where the individual's autonomy of action and the fulfilment of his wants have risen to a dominant place in the hierarchy of values, while rationalizing any human connection. Clearly, in such a society, restrictions on one's ability to establish a family and better one's economic circumstances through market-based tools have little chance of being heard [23]–[25].

Our suggestion for reviving the anti-surrogacy arguments is to acknowledge the distinctive character of procreative activities as creating a third party, while also acknowledging women as agency subjects in a neoliberal society. As a result, it's important to understand why people do what they do while also limiting their freedom of choice, including self-commodification. The goal is to safeguard youngsters as future society subjects who are weaker than adults. The juxtaposition of these two reasons, in our view, enables us to

confirm the necessity to abolish the practice, as the abolitionists want, without denying women's autonomy and therefore victimizing them.

III. CONCLUSION

Once the surrogates take on the role of the action's subject, it is difficult to find reasons to oppose the practice, particularly since it enables the intended parents to fulfil a need or want that they otherwise would not be able to fulfil. It has already been stated that defining the boundaries of individual action is extremely difficult because the freedom to determine one's own destiny and the satisfaction of one's own desires are at the top of the hierarchy of values in contemporary society, which protects the so-called private spheres from interference by the law. An alternative strategy for resolving the stalemate is to redirect attention away from the subjects of social action and towards the one subject who, without a shadow of a doubt, has no choice and whose mere existence is the product of the will of others: the kid.

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