

The Gaze; Objectification of the Surrogate Mother in Cross-Border Surrogacy: An Empirical Study Applied to Surrogacy Facilitators

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Abstract : Cross-border surrogacy is seen by many as a market in which women are bought and sold commodities at risk of trafficking. A surrogate can be framed as either a fully acknowledged subject, with whom intended parents engage in cross-border surrogacy—or as a tool utilized by intended parents and surrogacy facilitators in the furtherance of their own objectives. In order to identify which frame prevails, this paper applies subjectivity theory to an empirical study of cross-border surrogacy facilitated by facilitators in Australia analysing interviews with surrogate agents, counsellors and lawyers, and observations at trade show. The aim of the paper is to advance understanding of the dynamics of the relationship between intended parents, surrogates, and surrogacy facilitators by collecting new data and applying unique framework. As dominant players, surrogacy facilitators have a significant impact on determining the nature of cross-border surrogacy. However, little is known concerning the manner in which facilitators influence the inter-subjectivity between surrogate mothers and intended parents. Thus, this paper intends to identify how facilitators depict surrogate mothers, the degree to which their perspectives bear upon both the subjectivity of the surrogate mother and the relationship of intended parents with surrogate mothers. For the purpose of introducing and developing this framework in the context of cross-border surrogacy, this paper borrows from the work of theorists not often mentioned in bioethics, including Jacques Lacan, Marco Cavallaro, Michel Foucault, and others. It also applies the concept of 'the gaze' along with the dynamic of 'self' and 'other' to the cross-border surrogacy arrangement. Applying the concept of the gaze can provide a new way to interpret the power dynamic that plays out among surrogacy facilitators, intended parents, and surrogates within the commercial surrogacy arrangement and how the subjectivity is produced through the power. Viewing the relationships between the players in cross-border surrogacy through the lens of gaze theory, this paper finds that, in cross-border surrogacy, due to the structural power imbalance, affluent intended parents and surrogacy facilitators are possessors of the gaze, while surrogate mothers are under the thrall of the gaze. Specifically, facilitators frame surrogate mothers' reproductive abilities as commodities that intended parents can purchase to fulfil their urgent need to have children and experience full subjectivity, and they take a cut of the money that paid by intended parents. Therefore, commodification of the body results in degrading a surrogate mother (the object), reifying her as no more than a walking womb (the other), a process which is highly detrimental to the self of surrogate mothers. This relationship, formalized through contractual means, allows intended parents and facilitators to take advantage of surrogate mothers in the furtherance of their own objectives. This argument is enriched by new data from interviews and observations that provide nuance to this understanding of inter-subjectivity.

Keywords : cross-border surrogacy, facilitators, self, surrogate mothers

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