

After the housewife

Surrogacy, labour and human reproduction

Kalindi Vora

Human reproduction in the form of pregnancy, childbirth, breastfeeding and nurturing of infants and children has been at the core of Marxist feminist understandings of reproductive labour. When this labour is overtly commercialised, as in the case of surrogacy, it brings together biological processes of gestational and social processes of nurture and parenting into market relationships. Just as feminist scholars have had to work to theorise how domestic labour, sex work and service are economically and socially productive activities, researchers are now extending and building upon those theories to encompass practices like commercial surrogacy as hired human reproduction, and in general the biological processes of bodies (i.e. clinical trial subjects) and tissues (novel cells in the lab that come from an individually important body) as sites that generate economic value.

Commercial gestational surrogacy is a practice in which someone enters a paid contract to gestate an embryo and deliver an infant for one or more commissioning (also called 'intended') parents. Embryos are created by in vitro fertilisation, a lab-based process in which ova from an intended mother or donor are fertilised with sperm from an intended father or donor. The resulting embryo (or embryos) is then transferred to the uterus of the gestational carrier, which has been prepared by hormones to allow the embryo to attach, and thereby start pregnancy and gestation.

The first documented gestational surrogacy in India was in 2004. A small industry quickly grew from this success, with as many as 3,000 operating clinics in late 2015 when transnational surrogacy arrangements were banned by the Indian government.¹ At the Manushi clinic in northwestern India, where I conducted ethnographic research on transnational surrogacy arrangements between 2008 and 2015, surrogates were strongly encouraged to move into residence hostels after the first

trimester of pregnancy. Here, they would eat a regulated diet, receive regular preventative medical exams in line with the Euro-American standards of prenatal care, and participate in sanctioned activities which the clinic described as preserving them from manual and other paid work, as well as household work for their own families. These conditions were described by current surrogates as very different from pregnancies with their own children, which were almost exclusively overseen by local midwives outside the clinic and the practice of allopathic medicine.

The surrogate is a complicated subject of labour. First, there is the social location of surrogacy as *mothering* labour and the cultural economic weight of the household/family economic unit which comes with that location. Second, gestation and childbirth are imbricated with the body and subject of the surrogate in a way that makes it difficult to distinguish between what is labour and what is not. Finally, because women becoming surrogates in India are at a disadvantage in terms of financial resources, political influence, mobility and access to knowledge, the idea that surrogacy contracts are freely entered into with informed consent is also complicated.² Moreover, the women I spoke to who were pregnant as surrogates offered their own theories of what surrogacy was: for instance, many described the value and meaning of surrogacy as different from a job, as apart from categories of kinship new or old, and as apart from clinic and market discourses. There was instead an emphasis on a feeling that carrying a child for a couple that could not otherwise have a child was something so extraordinary that it was almost a divine act; this aspect of the arrangement was more important than money as a motivation. As I have written elsewhere: 'Discourse about the divine aspects of surrogacy points to simultaneous and competing logics for the social meaning and value of

gestational surrogacy. These meanings cannot be easily organised or communicated through the genetic definition of a biological parent, though it is a condition of possibility for commercial surrogacy, or even through the economic logic of the value of the labour of surrogacy as underpaid and technologically mediated 'women's work' in the global economy.³

My argument, then, is that commercial surrogacy involves both biological and affective labour (for example self-care and surveillance in addition to gestation), but also produces value through more than just labour.⁴ Like most forms of gendered labour, these biological and affective processes are difficult to separate from the body and person of the woman acting as a surrogate. This makes the work of surrogacy a form of labour that engages histories of race and colonialism and, at the same time, in the reproduction of the human that supports social reproduction, is pertinent to the arguments of materialist feminists for the need to classify and compensate reproductive labour.

Transnational surrogacy contracts in India

The context in which women enter surrogacy contracts as their best employment option, which includes privatisation of land and other resources, resulting in the loss of family farms, and a subsequent shift to urban employment, is one where entering surrogacy is like entering the industrialised workforce. Yet, because these conditions engage the history of colonialism, which instrumentalised consent, freedom and choice, alienation, and sexual and reproductive relations that do not register as 'labour', it is easy to overlook them.⁵ The history of India's rule as a colony to be exploited for labour and resources left behind infrastructure that continues to affect the hyper-availability of racialised and gendered bodies.⁶ The emergence of women in working and lower middle-class India as gestational surrogates fits into a pattern where advances in biotechnology make the bodies and body parts of workers more sellable and mobile than their labour, what Lawrence Cohen calls 'bioavailability'.⁷ The structural adjustment policies to liberalise India's economy in the early 1990s contributed to the conditions under which women cannot find sufficient work other than by finding some way to make their value travel to meet capital when labour migration is not finan-

cially possible; here through transnational surrogacy. In fact, Kamala Kempadoo argues that neoliberal reforms imposed by the World Bank and IMF upon these formerly colonised nations have effectively been a process of re-colonisation of female, reproductive work.⁸ While all biological life represents a site of speculation and potential biological production and accumulation, the legacies of imperialism continue to affect the hyper-availability of racialised and gendered bodies. In the case of transnational gestational surrogacy contracts in India, which were in place between 2004 and 2016 when the practice was officially banned, the colonial prehistory of contemporary globalisation and outsourcing of labour and labouring populations influences how we can understand the very nature of the work being performed.⁹

The biological and affective nature of women's participation as surrogates under paid contract challenges the analytical frameworks most often used to quantify or even identify an activity as labour. As scholars studying the bioeconomy have argued, this challenge to the labour categories of political theory characterises a number of emerging biological markets.¹⁰ However, contrary to the newness of the technologies that make gestational surrogacy contracts possible, the difficulty in accounting for embodied and therefore gendered labours of care, affect and the body is not new. In fact, both materialist feminist analysis of housework and black feminist analysis of women's reproduction and bodies under chattel slavery have raised problems with the labour theory of value and the privileging of the subject of labour. For example, Leopoldina Fortunati has argued that reproductive labour has a dual function in capitalism: work occurring in the domestic or otherwise non-public realm that produces service, whether bodily, physical or emotional, represents itself and the person performing it as nonvalue, yet it simultaneously channels the value it actually does produce into the capitalist system through the visibly productive workers who consume it.¹¹

Maria Mies argues that the modern marriage contract sets up a model of unpaid labour in the private sphere, the home, that is then extended through globalisation to encompass the formerly colonised world's labour economies.¹² We can add casualised labour, including many forms of crowdsourced digital labour and sweatshop work, as extending from this model of unpaid and under-paid labour in the gendered private sphere. The

former colonial metropole, in the position of patriarch, commands the gendered labour of globalised service economies in the position of ‘wife’ – sweatshop garment work, customer service call centre work, long-distance tutoring and distance education, or crowdsourced microtask work like that managed by platforms such as Amazon Mechanical Turk. These forms of labour have little in common except that they are deemed to be uncreative or reproductive, and therefore while they are performed by people of any gender, the work itself is feminised, a process that Mies called ‘housewifisation’.

After the housewife

Contracted surrogacy involves a spectrum of intimate and bodily actions that are still being theorised and catalogued as labour. As the paid work of pregnancy, gestation and childbirth, surrogacy falls into a category of bodily work in the private sphere that is not only devalued in Fortunati’s terms, but becomes difficult to regulate, and given the limits on other choices and informed consent, walks a line between free and coerced participation. In the context of transnational commercial surrogacy contracts, the intended parent then becomes the commissioning parent, a type of profit-based patient. Doctors, formerly agents of pastoral care, become paid service providers who manage the technical, medical and social supervision of the process being commissioned. The clinic provides a portal for the transition of surrogates into the global service economy and, ironically, their transition into an industrialised labour force.

Women of colour feminists have critiqued the racialised nature of domesticity and free labour, whether or not it is performed in the home, pointing out that capitalism has grown not just because of so-called productive and reproductive labour, but also through the exhaustion of life past the possibility of its reproduction.¹³ For example, the reproductive labour and bodies of women under slavery weren’t comparable to unpaid housewives, as enslaved women were legally considered property, rather than a subject who could exchange labour for a wage. Children born to women under slavery remained slaves, and therefore the property of slave owners. The domination of women under slavery meant that the first issue of concern wasn’t the lack of the wage for their work; it was the fact that they were property, rather than subjects

who could sell their labour.

Other women of colour feminists in the US, including Evelyn Nakano Glenn and Grace Chang, among others, have pointed out that immigrant and low-resourced women have always done their own household labour, plus additional under-paid wage labour in the households of wealthier, often white, families.¹⁴ Angela Y. Davis also argues that, historically, the reproductive work of the household in Black families has not been socially valued in the US. For example, in 1971, Davis described the domestic or reproductive work of women under slavery in the U.S., which was performed not in the family household, but for men and children who were not necessarily a family group under conditions of complete domination. She goes on to theorise this domestic space as the main space of resistance, because this reproductive labour was the only work not fully claimed by the slave owner, and while reproducing the lives of the enslaved, also created the conditions for resistance.¹⁵ In the early 1980s, Davis critiqued the ‘Wages for Housework’ campaign by arguing that Black women and other women of colour had been performing paid housework for decades, in other words making housework a public responsibility, and that this had not improved the valuing of that labour, which was still low-waged work. Supplementing Fortunati’s argument about middle-class white women’s labour in the household, Jennifer Morgan argues that Black women’s bodies were as essential to the success of chattel slavery as their labour in the antebellum U.S. south.¹⁶

Like domestic workers in the home who create the opportunity for middle-class women to work outside the home, outsourced service work is supposed to supply lower-valued, often feminised tasks so that other workers can be freed to do more highly valued, masculine tasks. First performed by women, then by hired women of colour and female immigrant workers, and finally sent to overseas workers, these tasks do not lose the association of being feminised and therefore unskilled, resulting in low compensation and social valuing. New technologies, like the biotechnologies discussed earlier, have historically marked what kinds of labour are considered replaceable and reproducible, and those that are productive and therefore highly valued. Long-distance telecommunications allowed for the outsourcing of voice-based customer service, and the Internet extended this to text and visual based labour.

Surrogates, like the figure of the housewife in the Wages for Housework campaign, but also other workers isolated to labour in the private sphere, (including domestic workers and intellectual pieceworkers doing crowdsourced work, among increasing numbers of others), have inherited the feminisation, and therefore devaluation, of the home as a workplace. They are also positioned in a global division of labour that has mapped itself onto the decolonising world to feminise developing labour markets. At the same time that commercial surrogacy upholds Davis's point that the 'housewife' is limited as a bourgeois figure that represents only the tip of the iceberg of women's labour and experience, surrogacy illustrates the enclosure and expropriation of women's bodies discussed by Silvia Federici.¹⁷ More than the class-specific, race-delimited and advanced capitalist location of the housewife, Federici's observation of the enclosure of women's bodies to harness and control reproductive capacity explains why commercial surrogacy is continuous with the logic of capitalist accumulation via women's bodies and reproductivity.

Surrogacy as a site of resistance?

Bringing together materialist feminist, women of colour critique, and contemporary work on reproduction presents an urgent need to decolonise reproduction and to imagine domestic labour as a site of resistance. In the case of surrogacy, this should include empowering the models for sharing of resources advocated for by surrogates who see their work as above and beyond what can be represented by a labour contract, which imposes a regime of property and privacy where many surrogates expect ongoing social relation and reciprocity.¹⁸ In my ethnographic study of surrogacy, women who were currently engaged in surrogacy contracts talked about the value and meaning of surrogacy in two ways. On the one hand, there was the feeling that such bodily work, so closely associated with adultery in carrying the child of a man not your husband, was dangerously stigmatising.¹⁹ On the other hand, there was an emphasis on a feeling that carrying someone else's child was extraordinary, almost divine. While the need for income was the impetus to become a surrogate, this extraordinary aspect of surrogacy was much more heavily weighted, and in fact, inspired a common-sense expectation for ongoing

social relations and social support of their own families by the commissioning parents. In this sense, women refused the alienation of the commercialisation of their surrogacy through the contract, insisting on its meaningfulness as social reproductive activity even though it is outside the area of the household proper. These women undertaking surrogacy thus describe their understanding of the risks and future potential of their work in terms that acknowledge, but also exceed, the clinic's discourse of surrogacy as simply the paid service of gestation and rented use of an otherwise unused uterus. Their 'unreasonable' expectation of a sense of indebtedness on the part of commissioning parents could be seen as an attempt to 'potentialise' relationships formed through the clinic and to stabilise one of the competing meanings of surrogacy as exceeding what is represented by the contract.

Kalindi Vora is an Associate Professor at the University of California, Davis and author of Life Support: Biocapital and the New History of Outsourced Labour (2015).

Notes

1. It is difficult to get comprehensive statistics for the nature and outcome of births associated with ART clinics in India right now because there is no required reporting (Sama Resource Group for Women and Health 2010).
2. See Kalindi Vora, 'Limits of Labour: Accounting for Affect and the Biological in Transnational Surrogacy and Service Work', *The South Atlantic Quarterly* 111:4 (2012), 681–700; Kalindi Vora, *Life Support: Biocapital and the New History of Outsourced Labour* (Minneapolis: University of Minnesota Press, 2015).
3. Kalindi Vora, 'Potential, Risk and Return in Transnational Indian Gestational Surrogacy', *Current Anthropology* 54: Supplement 7 (2013), S97–S106.
4. See Kalindi Vora, 'Re-Imagining Reproduction: Unsettling Metaphors in the History of Imperial Science and Commercial Surrogacy in India', *Somatechnics* 5:1 (2015), 88–103; Kalindi Vora, 'Experimental Sociality and Gestational Surrogacy in the Indian ART Clinic', *Ethnos: Journal of Anthropology* 79:1 (2014), 1–18; Kalindi Vora, 'Limits of Labour'.
5. See Vora, 'Limits of Labour'; *Life Support*; 'Re-Imagining Reproduction'.
6. Vora, 'Re-Imagining Reproduction'.
7. Lawrence Cohen, 'Operability: Surgery at the Margins of the State', in *Anthropology in the Margins of the State*, ed. Veena Das and Deborah Poole (Santa Fe: School of American Research Press, 2004), 79–106.
8. Kamala Kempadoo, 'Continuities and Change: Five Centuries of Prostitution in the Caribbean', in *Sun, Sex and Gold: Tourism and Sex Work in the Caribbean*, ed. Kamala Kempadoo (New York

and Oxford: Rowman & Littlefield, 1999).

9. Vora, *Life Support*.

10. See Catherine Waldby and Melinda Cooper, 'The Biopolitics of Reproduction', *Australian Feminist Studies* 23:55 (2008), 57–73; Catherine Waldby and Melinda Cooper, 'From Reproductive Work to Regenerative Labour: The Female Body and the Stem Cell Industries', *Feminist Theory* 11:1 (2010), 3–22; Melinda Cooper and Catherine Waldby, *Clinical Labour: Tissue Donors and Research Subjects in the Global Bioeconomy* (Durham, NC: Duke University Press, 2014); Kaushik Sunder Rajan, *Biocapital: The Constitution of Postgenomic Life* (Durham, NC: Duke University Press, 2006).

11. Leopoldina Fortunati, *The Arcane of Reproduction: Housework, Prostitution, Labour and Capital*, ed. Jim Fleming, trans. Hilary Creek (New York: Autonomedia, 1989).

12. Maria Mies, *Patriarchy and Accumulation on a World Scale* (London: Third World Books, 1986).

13. Angela Y. Davis, 'Reflections on the Black Woman's Role in the Community of Slaves', in *The Angela Y. Davis Reader*, ed. Joy James (London: Blackwell, 1998), 111–129; Grace Hong, 'Existential Surplus: Women of Colour, Feminism and the New Crisis of Capitalism', *glq: A Journal of Lesbian and Gay Studies* 18

(2012), 87–106; Jennifer Morgan, *Labouring Women: Reproduction and Gender in New World Slavery* (Philadelphia: University of Pennsylvania Press, 2004).

14. Evelyn Nakano Glenn, 'From Servitude to Service: Historical Continuities in the Racial Division of Paid Reproductive Labour', *SIGNS: Journal of Women and Culture in Society* 18 (1992), 1–43; Grace Chang, *Disposable Domestic: Immigrant Women Workers in the Global Economy* (Cambridge, MA: South End Press, 2004).

15. Davis, 'Reflections on the Black Woman's Role'.

16. In *Labouring Women*, Morgan writes, 'The obscene logic of racial slavery defined reproduction as work, and the work of the colonies – creating wealth out of the wilderness – relied on the appropriation of enslaved women's children by colonial slave owners ... The effort of reproducing the labour force occurred alongside that of cultivating crops' (145).

17. Silvia Federici, *Caliban and the Witch: Women, the Body and Primitive Accumulation* (Oakland, CA: Autonomedia, 2004).

18. See Vora, 'Experimental Sociality'; *Life Support*; 'Re-Imagining Reproduction'.

19. See also Amrita Pande, 'Not an Angel, Not a Whore: Surrogates as Dirty Workers in India', *Indian Journal of Gender Studies* (2019), <https://doi.org/10.1177/097152150901600201>

