

## **Gay men's narratives of pregnancy in the context of commercial surrogacy**

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## Introduction

Historically, gay men have primarily become fathers in the context of heterosexual relationships, or for some men through foster care, adoption, or co-parenting arrangements as sperm donors (Riggs and Due). Since the beginning of the 21<sup>st</sup> century, however, gay men living in western countries have increasingly made use of commercial surrogacy services (Everingham, Stafford-Bell, and Hammarberg). The increased use of these services has become possible as a result of legislative change in countries such as the US (in which many states now allow for the contracting of surrogacy services), in addition to the provision of services in countries where the regulation of commercial surrogacy has not occurred until relatively recently (such as India and Thailand). The rapid growth in the use of commercial surrogacy services by gay men has been shaped by factors such as 1) a desire for genetic relatedness between children and at least one of their fathers (in a couple), 2) the perception that commercial surrogacy allows men to have greater control over the process of having a child, and 3) the perception that commercial surrogacy arrangements offer greater legal security to gay men (Murphy; Tuazon-McCheyne).

At the same time as this boom in the use of commercial surrogacy services by gay men, there has been a rapid increase in academic research and publishing on the topic of commercial surrogacy focused primarily on women who act as surrogates. Arguably, this research is divided into two camps: 1) research primarily undertaken in countries such as the US, where women who act as commercial surrogates are depicted as making agentic choices and experiencing primarily positive relationships with the people for whom they carry children (e.g. Markens), and 2) research focusing on countries such as India, where it has been argued that there is a considerable risk of the exploitation of women who act as commercial surrogates, women who may experience surrogacy as conflicting with their cultural beliefs, and who are typically estranged from those for whom they carry children (e.g. Pande; Rudruppa). Recent legislative changes in countries such as Thailand and India would suggest that potentially the latter framing of commercial surrogacy has played something of a role in informing legislative decisions about whether or not to allow for commercial surrogacy, and who is eligible to use surrogacy services.

Despite the now considerable body of research on commercial surrogacy – as noted above primarily focused on the experiences of women who act as surrogates – relatively little research has been undertaken specifically focusing on gay men who are intended parents. What research does exist in this area has primarily focused on 1) the functioning of gay families formed through commercial surrogacy (Bergman et al.), 2) gay men's decisions about having children through commercial surrogacy arrangements (Greenfeld and Seli), and 3) how gay men negotiate decisions about genetic relatedness (in the context of gay couples, Dempsey, "Surrogacy").

A small number of papers have explored gay men's experiences of pregnancy and birth in the context of commercial surrogacy arrangements, and these

indicate that men's participation in the pregnancy and birth is to some degree formative for their parental identities. Drawing on interviews undertaken with 20 gay fathers (of whom 5 had children through surrogacy arrangements), Berkowitz suggests that her participants "discussed living vicariously through the actual pregnancy" (p. 377). They did this by staying in close contact with the woman carrying their child throughout the pregnancy, including attending medical appointments and scheduling regular telephone conversations or emails so as to learn about the progress of the pregnancy. Lev too discusses from her own interview research how some gay men wish to stay in close contact throughout the pregnancy with the woman carrying their child, although Lev emphasizes that for some men this is about a concern to ensure that the woman is taking adequate care of the child she is carrying. More recently, Ziv and Freud-Eschar have studied the emotional experiences of gay men becoming parents through overseas surrogacy. They found that the men experienced some frustration and anxiety because of their physical distance from the pregnancy, and the lack of opportunity to 'bond' with the developing fetus. All of the men in this study felt their lack of physical proximity to the woman carrying their child and developing fetus hindered the development of their parental identities pre-birth. Finally, Riggs, Due and Power (2014) found that Australian gay men felt emotionally unsupported by offshore surrogacy clinics with regard to issues associated with the pregnancy and birth. The men reported that clinics did not consult them in decisions about how and when the surrogate would give birth, and also believed clinical staff could be insensitive to the emotional impact of a pregnancy loss on intended parents.

To add to this growing body of research on the topic of gay men negotiating pregnancies in the context of commercial surrogacy arrangements, the present chapter provides an analysis of a small sample of books written by gay men documenting their experiences of commercial surrogacy. The books were identified through a search of the website amazon.com, utilizing the search term 'gay surrogacy'. A total of eight books were identified, however four of these were 'how-to' guides not written by gay men or not including gay men's own narratives. The data included in the analysis below were derived from the remaining four books written by gay men who had undertaken a commercial surrogacy arrangement:

- *Dads: A gay couple's surrogacy journey in India* (Hirschi)
- *A gay couple's journey through surrogacy: Intended fathers* (Menichiello,)
- *The journey of same-sex surrogacy: Discovering ultimate joy* (Warner)
- *Our 'journey': One couple's guide to US surrogacy* (Westoby)

These four books were read, with a focus on the chapters within each book that specifically addressed the topic of pregnancy. Of the books, three document gestational commercial surrogacy arrangements undertaken in the US by US citizens (Menichiello; Warner; Westoby), and one documents a gestational commercial surrogacy arrangement undertaken in India by Swedish citizens (Hirschi). All of the authors were in a gay relationship when their child was conceived and born.

To a degree reflecting concerns raised by the previous literature outlined above in regards to how women who act as surrogates are represented, three of the books very clearly spoke of women who act as surrogates in ways that reduced them to functional objects. Indeed, this was even the case when one of the women was a close friend of the gay fathers (Warner). The fourth book provided something of a more critical reading of the ethics of commercial surrogacy, though as we shall see below ultimately resorted to a narrative that legitimated commercial surrogacy through an emphasis on the financial benefits it is presumed to provide to women (Hirschi).

## **Analysis**

For this chapter, the four books were analysed in terms of discursive repertoires. Discursive repertoires may be understood as ways of thinking or talking about a topic that provide a particular framework through which to understand the topic, and a particular language through which to speak about it (Wetherell and Potter). Two particular discursive repertoires were identified through repeated readings of the book chapters. The first discursive repertoire was the claiming of the pregnancy by the men, such as through the use of the pronouns 'we' and 'our'. The second discursive repertoire was one in which women who act as surrogates were positioned as an almost troublesome imposition upon the lives of gay intended parents. Each of these two discursive repertoires are now discussed in turn.

### *Claiming the Pregnancy*

In 2014, actress Mila Kunis (who was pregnant at the time) appeared on *Jimmy Kimmel Live* and performed a rehearsed skit in response to Kimmel's statement that he and his wife were pregnant. In the skit, Kunis emphasized that whilst men in heterosexual relationships are typically involved in creating a child (i.e., through heterosex), and whilst they may support their partner during the pregnancy, they are never at any time pregnant and therefore do not personally experience pregnancy in an embodied way. Predictably, the skit evoked strong responses from media commentators – particularly heterosexual men – with pieces appearing on the *Good Men Project* (Denkenberger) and in the *Huffington Post* (Schwem). Both of these responses were premised on the claim that in a heterosexual relationship there may indeed be many embodied activities undertaken jointly by both people in respect to the pregnancy, and that claiming that only the woman is pregnant is disrespectful to men.

This example provided by Kunis' skit and the responses to it – of men making a claim to a pregnancy as their own – was apparent in the extracts now presented in this first discursive repertoire. Researchers have noted the use of shared pronouns since the 1990s (e.g., Longhurst), and have suggested that it has the potential to contribute to the erasure of women's embodied experiences in regards to pregnancy. Specifically in regards to gay men, Lewin notes many instances where her participants, when talking about a pregnancy undertaken in the context of commercial surrogacy, claimed the pregnancy as their own, such as by saying 'I'm pregnant' (Phillip in Lewin, p. 175). In the four books examined

for this chapter, the notion of a pregnancy being shared by gay men who commission a commercial surrogacy arrangement was a common trope, and one that was never problematized or questioned by the authors. Examples within the book include: “Could it be that we were pregnant on our first attempt?” (Westoby), “Today marks the 35<sup>th</sup> day of our pregnancy... we have completed our seventh week of pregnancy” (Hirschi), and “The holidays were just around the corner. We also just entered our second trimester” (Warner, p. 43).

When examined in the abstract, it is possible to view these types of comments as the authors staking a claim to *their* child, a claim that arguably is important in regards to their future relationship with the child. At the same time, however, these comments typically appeared with sole reference to the male couples. In other words, whilst in the broader social phenomenon the claim that ‘we’re pregnant’ is made by heterosexual men and women, in the examples provided above the claims were made by male couples *solely about the couple*, thus in effect excluding the woman who was actually pregnant.

The use of particular pronouns to stake a claim to the pregnancy was not the only way in which the authors did this. They also made possessive claims about the women who were carrying their child, such as: “You really have to put a huge amount of trust in your surrogate” (Westoby). This example demonstrates how particular descriptions of pregnant women in the context of commercial surrogacy reduce such women to being the property of intended parents: ‘your surrogate’. Another example of the reduction of women to their role in carrying a child appears as: “Thing is, when our child is growing inside a womb 10,000 kilometres away, it’s hard to wrap around the concept” (Hirschi). In this example a pregnant woman in a commercial surrogacy arrangement becomes just ‘a womb’. Concern about this type of reductive logic has been repeatedly raised specifically in reference to Indian women who act as surrogates, and how the logic of ‘wombs for rent’ serves to reduce women to their reproductive capabilities (Rudruppa).

### *Women as Troubling Impositions*

Whilst it could be argued that the examples provided in the previous repertoire are indicative of the authors drawing upon culturally available discourses about men and pregnancy, the extracts included in the second discursive repertoire more clearly depict women in negative ways. Three of the authors spend considerable portions of their chapter/s on pregnancy discussing how challenging they found their relationship with the women who carried a child for them. It is of course understandable that, as with any relationship, stress may at times place individuals in antagonistic relationships with one another. This may be particularly the case where the woman who acts as a surrogate is not a friend of the intended parents prior to the surrogacy arrangement. Yet the extracts included below, it is argued here, go beyond the simple expression of antagonism in a stressful situation, and extend to the depiction of women who act as surrogates as troubling impositions upon the lives of gay men.

In the text that preceded the first extract below, the author had reported that the woman who was acting as the surrogate – who was a friend of the author – had expressed a desire for a vaginal birth. The author then went on to say, however, that:

In all honesty, we really would have preferred for her to have agreed up front to have a C-section. Not because we are ‘too posh to push’, but because it would enable us to plan all of the logistics around when the children were going to be born (Westoby).

Putting aside the rather odd comment about not being ‘too posh to push’ (given this claim is normally made about women’s decisions in relation to their own bodies, not about men’s decisions or bodies), the author’s seemingly mundane emphasis upon wanting to ‘plan all of the logistics’ is perhaps rather less mundane if we consider the position of the men, who do not have full ‘access’ to their child until s/he is born. Indeed, it is one thing for two men to wish to ‘plan all of the logistics’ related to the birth of a child, but it is another thing altogether to be the woman who is giving birth, for whom logistics may be just one of many concerns. Reducing the pregnancy and birth (and thus the woman undertaking both) to simply a series of logistics potentially contributes to the marginalizing of her experiences as a pregnant woman, and specifically as a pregnant woman who in this case had previously given birth vaginally to her own children.

These types of marginalizing comments are amplified in the following three extracts, all from the same author. This author spent a considerable amount of time in his chapter on pregnancy writing negatively about the woman who carried his child, a woman who, like the woman in the previous extract, was also married and had children of her own. In the first extract from this author the woman who acted as the surrogate – Michelle – is depicted as mercenary, and as making poor decisions:

Michelle has been doing a lot of complaining about money lately. First it was the compensation checks, now it’s that her maternity allowance check is late. I keep wondering if it would be different if she had kept her job... She’s also been talking a lot about how they’ve been spending the compensation money and I am feeling strange about that (Menichiello).

It is important to note that this was a commercial surrogacy arrangement, involving a contract and schedule of payments. To depict Michelle as ‘complaining about money’ is, in effect, to ignore the inherently fiscal nature of the arrangement: It is only Michelle who is depicted as mercenary, rather than depicting all parties as potentially mercenary. The author then implicitly dismisses Michelle’s ‘complaints about money’ by inferring that, had she kept her job, she wouldn’t have money troubles. He then further emphasizes this claim by talking about how she has been spending money received as part of the contract. Indeed, a paragraph is later devoted to outlining what Michelle had spent money on, with items such as holidays implicitly depicted as a waste of money.

The presumed binary of women who act as surrogates as being either altruistic or mercenary has been identified in previous research (Roach Anleu), and indeed research on gay men and surrogacy has indicated that a majority of gay men seek women who fall within the former category (Ressler et al). As the next extract from the same author again demonstrates – this time when reporting on a conversation with his partner – the emphasis upon altruism as a desirable characteristic potentially serves to allow some gay men to claim that women who act as surrogates should submit to the needs of gay men, rather than vice versa:

‘It has been hard, I know. It’s almost as though we’re married to Michelle and James [Michelle’s husband], isn’t it’ I asked. ‘Whatever they do, whatever decision that they make directly affects us, and it’s a feeling I can’t get used to’ (Menichiello).

This analogy to marriage mirrors analogies made by gay men in research by Scholz and Riggs on the topic of sperm donation to lesbian recipients. This research found that such men heterosexualise their relationship to lesbian recipients in order to claim a right to decision making about children conceived of their donations. Whilst the analogy in the case of surrogacy doesn’t *per se* heterosexualise the relationship between the gay men and the woman carrying a child for them (and her husband), it does remove the relationship from the realms of commercial surrogacy, instead locating it in the realm of the familial. Yet this appears to only work one way: the men are depicted as problematically impacted by the woman and her husband, yet the woman and her husband are not in turn seen as impacted by the gay men. The source of tension, then, is again the woman, not the surrogacy arrangement itself and the men’s desire for it. In the third extract from this author below, the depiction of women who act as surrogates as a troubling imposition is most clearly stated:

Our first thought was that there was no way that we could let Michelle pack up and move to Arizona being eight months pregnant with our child. It was way too risky. I put a call in to the same attorney who had been helping us with our prebirth order. ‘I wouldn’t let her move,’ our attorney said. ‘She’s doing something wonderful for you, yes, that’s a given, but there comes a time when you just have to put your foot down and say no, you’re not moving’ (Menichiello).

Prior to this extract the author had spent several pages discussing his anger at the fact that Michelle was moving to another state. In this extract both he and his male attorney are reported as sharing the view that, despite the contract not including terms preventing Michelle moving, the author should insist upon it. This was despite awareness that the move was important for Michelle and her family. This belief that intended parents should have the right to determine the movements of women who act as surrogates explicitly reduces such women to the role of service providers who, upon entering a contract to undertake a commercial surrogacy arrangement, relinquish rights to their own autonomy. Whilst this was the most extreme example of such a belief, it was also evident in

other books where a placenta previa meant that the woman was restricted to bed rest.

In the final extract below, the author who had negotiated with a friend to act as a surrogate comments on how the friendship was an imposition upon his experience of the pregnancy:

Being friends with the surrogate has its advantages in so many ways, but it also definitely comes with its challenges. I wanted the pregnancy to be a beautiful experience. I wanted to cherish each step and each moment. However, it was very difficult to enjoy it when Mary was always feeling sick and exhausted. This affected her in many ways, not to mention her being hormonal because of being pregnant, and trying to be there for her was exhausting. I felt guilty and responsible and, at times, thought, *It would be so much easier if the surrogate just lived somewhere else and I wasn't having to go through all of this with her.* Being my surrogate's friend was often difficult for me (Warner, p. 41, original emphasis).

In this extract, whilst the author acknowledges the positives of a commercial surrogacy arrangement undertaken in the context of a friendship, his primary emphasis is on the negatives of such an arrangement. Specifically, whilst he reports empathy for the effects of the pregnancy upon Mary, his concern appears to lie primarily with the difficulties the friendship presented to him. Arguably, what is implied is that undertaking a surrogacy with someone he did not know would have allowed him to care less about the woman, and to instead focus on his own feelings. Again, such a desire depicts women who act as surrogates as an imposition on men who commission surrogacy arrangements.

Whilst it is important to acknowledge the often complex journeys that gay men undertake to become parents, this discursive repertoire has highlighted that it is also necessary to be aware of the ways in which gay men's desires and beliefs may lead to the reduction of women who act as surrogates to paid employees who must submit to the will of their employer. Whilst this may not be the intention of the gay men analysed here, it is certainly a potential consequence of some of the ways in which they talk about the women who had acted as surrogates for them.

## **Conclusion**

In her research with gay men who had undertaken a commercial surrogacy arrangement, Berkowitz suggests that "a fascinating feature of gay men's procreative identity is how it becomes intertwined with the real or imagined identity of the child's birth mother" (p. 377). Our argument in the present chapter has been that, at least for the four authors analysed here, there is less of an intertwining of a real or imagined identity with the women carrying their children, and perhaps more of an overwriting of their identity. In other words, the two discursive repertoires identified suggest that in many ways the four authors not only distance themselves from the women carrying their children,



but also potentially attempt to replace them, or at least minimise their role to a paid biological function.

Importantly, this is not to suggest that such constructions of women who act as surrogates were necessarily intended by the authors to dismiss the role of women. Nonetheless, the authors are men living in the context of patriarchal societies, and hence are not outside of normative discourses of women and reproductivity. At the same time, we must acknowledge that the men live in homophobic social contexts where gay men are seen as inadequate parents who 'fail' to provide their children with a mother,, a stereotype that the men may have been attempting to refute by focusing attention away from the women who carried their children . Research on lesbian women who have utilised donor sperm has suggested that such women similarly feel an expectation to account for the 'lack' of men in their children's lives (Clarke). Yet despite this, it is much less common that lesbian women entirely discount the contribution that men make to the conception of a child through the donation of their sperm, even in cases where there are disputes between women and donors (Dempsey, "Donor"). Indeed, it is far more common that men who act as sperm donors to lesbian recipients demand a return upon their 'investment' (Scholz and Riggs)

Whilst the findings presented here may not necessarily represent the beliefs of all gay men who enter into commercial surrogacy arrangements, they certainly align to a significant degree with accounts of women and reproductivity in general, and commercial surrogacy specifically. As the persistence of these accounts would suggest, they are not likely to disappear simply by critiquing them. Instead, it is suggested here that wider conversations must be undertaken about gay men's reproductive desires. Indeed, one of the authors (Hirschi) spent a chapter outlining how he disagrees with commercial surrogacy, and believes that gay men who wish to become parents should foster or adopt. In his context (Sweden) this is not possible, but his argument was that it should be, and that this may reduce the demand for surrogacy services. Whether or not this would be the case is a matter of debate – given the desire for genetic relatedness identified in previous research (e.g. Murphy; Dempsey, "Surrogacy") – but it is certainly a line of thinking that warrants further attention.

To conclude, gay men, as is the case with most men, do not have an embodied relationship with pregnancy: it is something most men experience vicariously. This does not mean that gay men do not have an important role to play in supporting women throughout a pregnancy in the context of commercial surrogacy. Rather, it means that gay men should be encouraged to actively consider how their narratives of surrogacy and pregnancy may, even if unintentionally, dismiss or marginalize the embodied experience of pregnancy.

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