

Book Review
Conundrums of Contractual Motherhood
Review of Anindita Majumdar's *Surrogacy*. Oxford
University Press, India, 2019
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Surrogacy by Anindita Majumdar, a part of the series of Oxford India Short Introduction, provides some fundamental insights into the highly contentious and stigmatised subject of surrogacy. Many approaches, primarily anthropological, Marxist, and feminist, have been used by researchers to comprehend surrogacy. Although significant ethnographic studies by feminists have been carried in the past, what this short introduction does is provide a bird's eye view for the readers and researchers alike.

In order to engage with the aforementioned questions, the text has been divided into six chapters including an Introduction and a Conclusion. The Introduction gives an overview of the commercial surrogacy in India which lies in the "complicated terrains of infertility, technology and intimate relationships" (p.2). It analyses and reformulates the meaning and definition of surrogacy and charts out surrogacy in medico-legal and public discourse. The varied forms of surrogacy viz. commercial, altruistic, genetic, gestational, domestic and transnational are explored. Surrogacy as a practice is examined in the context of Indian mythology, contemporary discourse and popular mediums like films and celebrity culture. Through the mythological reference of the Hindu God Krishna, who was born to Yashoda but was raised by Devki, commercial surrogacy is justified as God's work. Majumdar tries to trace the examples in popular discourse and relies heavily on Bollywood movies and the celebrities to elucidate her argument. Citing examples of Aamir Khan, Karan Johar, Tushar Kapoor she explores how the embracing of IVF surrogacy by celebrities to have children lead to its endorsement and exaltation. The fetish for genetic lineage among Bollywood single parents is demonstrated to augment that surrogacy leads to complex affective ties of kinship.

The second part, “The Technology” investigates the commercial surrogacy industry in India as a site of neoliberal eugenics and state led biopolitics. The advancements of biomedicine and biotechnology have furthered the revival of the consumer driven neoliberal marketplace, reducing surrogates to mere “wombs-for-hire.” The section unpacks the problematics of the medico-industrial complex of the fast growing Indian fertility industry dependent on the nexus of neoliberal markets and medical practitioners. The modes of recruitment of surrogates by the clinics are discussed to bring forth the sexual exploitation of the bioprecarious bodies of women in the commercial surrogacy industry.

“The Surrogate ‘Mother’” the title of the next section explicates the complex issues related to motherhood within commercial surrogacy arrangements and how it impacts Indian surrogates. Majumdar illustrates that in Indian medico-legal framework, gestational surrogacy is preferred over genetic surrogacy. Surrogates are conditioned to think of themselves in metonymic terms as “wombs”, “vessels” “incubators” and “rooms for rent” so that they remain emotionally detached to the commissioned babies and relinquishing the baby becomes easier for them. The surrogate is bound by a surrogacy contract which acts as an important disciplining tool used by the medical clinics and the agents to alienate the surrogate from the arrangement and position her as a subsidiary. Moreover, the legal language of the contract and unavailability of legal counsel for the surrogates is done so as to scare the surrogates into conformity.

After discussing the commercial arrangements of surrogacy, Majumdar elucidates on altruistic surrogacy, an arrangement based on giving “gift of life” from the surrogate to infertile intended parents. In US and other European countries including UK, Spain, France, Germany surrogacy is outlawed except when it is done without any monetary exchange. In India, commercial surrogacy was banned for transnational couples in 2016, but domestic heterosexual couples can avail the facilities. The ethnographic research carried out by Pande (2010), Vora

(2013) establishes that gestational surrogacy should be considered as intimate labour.

The section four titled, “The Parents” discusses the affective kinship ties that emerge between intended parents, surrogates and commissioned baby due to surrogacy arrangements. The idea of parenthood is under scrutiny due to “the artificial mode of reproduction through IVF, the participation of the anonymous egg/sperm donor, and the presence of a surrogate.” (p.77) The complex entanglement of genes and biology due to biomedicalization of surrogacy has made transnational affective ties a unique phenomenon. The medical practitioners and IVF specialists built a rhetoric that privileges genes over nurturance. This section analyses the affective domain of surrogacy to lay bare the socio-political and cultural motivations behind the desire to have genetic children and how these motivations create avenues for exclusion and exploitation even as they create new geographies of belonging. The family and kinship ties are seen as located within a multiplicity of temporal and spatial sites. By situating the family in a variety of socio-political contexts, the complex significations and the varied perspectives of the biological parents and surrogate mothers is highlighted. The problematics of race and homosexuality in case of transnational surrogacy compounds well with the affective rigour of the section.

The chapter five, “The Law” delineates commercial surrogacy through the juridical apparatus. It looks at the draft regulations and surrogacy bills proposed by ICMR in 2010 and 2016 and further critiques the issues related to the legal rights of the surrogate and the child within the surrogacy arrangements. The ethical imperatives of the surrogacy laws are analysed vis-à-vis the economic conditions of the surrogates. Commercial surrogacy in India has been legalised since 2002, which ultimately led to the engagement of many marginalised women in “reproductive slavery for the benefit of their families” (Reddy, 2020, p. 98). This raised certain concerns about the ethicality of the surrogacy markets and hence a draft Surrogacy (Regulation) Bill was introduced in the Parliament of India in

2005 and its appearance in two subsequent drafts in 2008 and 2010 (there is also a 2012 version) had not led to any significant changes in its primary perspective through these reworkings. On July 15, 2019, Harsh Vardhan, Union Health Minister of India, reintroduced the surrogacy (Regulation) bill 2019 in the lower house of the Indian Parliament (Lok Sabha), which “prohibits sex selection for surrogacy, modifies several criminal penalties to possible sentences rather than minimum sentences, and notably, allows surrogate mothers the option to withdraw their consent for surrogacy before embryo implantation” (Reddy, 2020, p.109). The Upper House of the Parliament of India (Rajya Sabha) passed the bill in February 2020, banning the commercial aspects but allowing only the option of altruistic surrogacy to the intended parents.

The feminist conversations about the body and reproduction of surrogates and their role in the entire arrangement form the conclusion of the book. The feminist scholarship has viewed the issue of surrogacy primarily from two positions: those who advocate surrogacy as a kind of “reproductive liberalism” and base their argument on the notion of autonomy or “choice” citing that the surrogates and the intended parents have bodily and reproductive rights. On the other hand, ethical feminist scholarship opposes surrogacy and positions it as a form of commodification and exploitation of the female body. The book, thus, emerges as a complex and compelling representation of the problematics of the medico-industrial complex of the commercial surrogacy industry in India. The dynamism and the varied levels of engagement with the surrogacy arrangement suggest at discussions and debates for future research.

Works Cited

Reddy, J. (2020). “Indian Surrogacy: Ending Cheap Labour”. *Santa Clara Journal of International Law*, 18(1), 2020, 92.

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