

Original Paper

Representations of Surrogacy: Feminist and LGBT Controversy over Film and Media

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Abstract

Although transnational surrogacy has received much criticism owing to racial and class issues, the U.S. media portrays domestic surrogacy with overwhelming positive languages by employing specific narrative frameworks. Accompanying this shift, it is not so surprising that the number of gestational carrier cycles have skyrocketed from 727 to 3,423 over the last decade. (Note 1) In particular, increase in the number of gay and single men looking for surrogacy has yielded more controversies. This paper asks the following questions: How does the documentary Made in Boise present surrogacy in the context of a broader debate over feminist and LGBT's positions? How are gay parents used in the altruism narrative framework to downplay exploitation of surrogacy? By providing insight into the intricate economic and power relationships between surrogate and a new emerging group of intended parents, my case study prompts broader questions such as: How to best document the most authentic narratives of the surrogates? How can feminist and LGBT scholars reconcile their viewpoints over surrogacy? These are pertinent questions concerning exploitation and coercion in the industry, thus influencing future feminists' studies on reproductive technology and politics.

Keywords

surrogacy, media representation, Feminism, LGBT, Boise, exploitation, narrative framework

1. Introduction

In 1989, the highly controversial Baby M case was the first court ruling in the United States on the controversy of surrogacy. The court awarded custody to the intended parent, William Stern, instead of the surrogate mother, Mary Beth Whitehead. Since then, the New York State Governor has banned surrogacy. (Note 2) The case was contentious in part because the surrogate mother had genetic affiliation with the child. In other words, Mary Beth Whitehead offered both her egg and womb when she decided to become

a paid surrogate, and this was referred to as traditional surrogacy. Hence, she was the biological mother of the child she bore (Note 3). However, recently, new reproductive technologies have modified the dynamics of debates centered around surrogacy in ways that aggravate the ethical dilemma it displays. The emergence of In Vitro Fertilization (IVF) and embryo implantation no longer requires the surrogate mother to provide her eggs. (Note 4) Instead, either the commissioning parents or the egg donors, as in the case of gay men couples, offer genetic material for the child. This new trend expedites the formation of clinics which accentuate gestational surrogacy's benefit as the genetic unrelatedness between the child and surrogates.

On the surface, gestational surrogacy seems to set right the moral quandary that appeared in the Baby M case. It becomes easier to argue that the baby is not the surrogate's when the two are not biologically related, hence the practice does not involve any baby selling, a contestation held by many scholars against the legalization of surrogacy (Note 5). Nonetheless, many issues remain unresolved including whether the choice of the surrogate is completely freely made, despite clear economic incentives, and whether surrogacy, from an ethical perspective, abases women by instrumentalizing their bodies and reproductive capacities. While many countries, especially European countries, have taken proactive legal steps to outlaw surrogacy, the number of institutions providing surrogacy services within the United States has grown tremendously. In fact, according to the Centers for Disease Control, between 1999 and 2013, a total of 18,400 infants were born through surrogacy. (Note 6)

Since the Baby M case, any form of surrogacy has been banned in New York State. However, the growing focus of LGBT rights activism on surrogacy in recent decades has begun to fluctuate people's opinions on reproductive technologies and surrogacy specifically. In 2019, the New York State Senate passed a bill intending to legalize paid gestational surrogacy for couples who are unable to conceive (Note 7). Brad Hoylman, the only openly gay senator in New York State, was one of the main supporters of the bill who had two daughters through gestational surrogacy. Soon, the bill faced widespread criticism, especially from feminists like Gloria Steinem, underscoring the sharp divide between the LGBT communities and feminists.

The same year of 2019, *Made in Boise*, a new documentary that won the News & Documentary Emmy Award was released and aired on PBS's *Independent Lens* series. (Note 8) Filmmaker Beth Aala revealed the booming surrogacy industry that has emerged in Boise, Idaho. *Made in Boise* follows four paid gestational surrogates and their respective commissioning parents as they prepare for the rigors of pregnancy and negotiate their complicated feelings out of the surrogacy experience. (Note 9) One of the intended parents, David and Todd, are gay couples looking for the last reproductive option in order to have their own genetically-related children, making the formation of a family possible. Interestingly, two out of four intended parents filmed in the documentary are both single men. Hence, despite having drastically different geographic locations and polarizing political inclinations—comparatively liberal New York and conservative Idaho—a surprising parallel is spotted between New York State's recent surrogacy bill and the surrogacy industry in Idaho.

In this paper, I argue that the dominant representation of altruism, specifically in helping gay partners and resisting the overwhelming nuclear family narrative of heterosexual family building, has been used as a way to downplay the exploitation of surrogacy. I do so by first conducting a literature review which examines filmic portrayals of surrogacy in popular media, including documentaries and fictional accounts. Then, I proceed to explicate the different positions that feminist and LGBT scholars hold for and against surrogacy. The scale of the literature review comprises of journals and books published over the last 25 years found on Google Scholar, Sage Journals, NCBI, and JSTOR. After a comprehensive literature review of surrogacy in documentaries, films, and public debates, I go on to analyze how the broader discussion about feminist and LGBT positions on surrogacy is present or absent in *Made in Boise* by considering its presentation and the filmmaker's presentation of the relationship between exploitation and altruism. I attempt to investigate how gay parents and single male parents are portrayed and emphasized in popular media by selecting qualitative quotes from the documentary and investigating the discourses that circulate around it.

1.1 Filmic Representations of Surrogacy

Documentary films help make visible the varied configurations of family norms, critical kinship, and reproductive politics. Documentaries such as *Google Baby*, *House of Surrogate*, and *A Mother's Dream* are exemplary references for the debate about complicated subjects concerning surrogacy. Given documentaries' unique angle of analyzing surrogacy's socio-political impacts, they can form "the way in which the visual medium makes the common, non-expert audience, see the problem and learn about reproductive technologies." (Note 10) As a result, in order to gain a comprehensive perspective of how gestational surrogacy and split parenthood are narrated and molded in both academic and nonacademic discourses, it is conducive to survey the interrelation of different story-telling frameworks adopted by the media. (Note 11) Since the documentary *Made in Boise* is relatively new and no scholars have discussed it yet, I will present other films and documentaries about surrogacy that scholars have examined as a way to contextualize my analysis of *Made in Boise*.

Charlotte Kroløkke, professor for the Study of Culture at University of Southern Denmark, examines the documentary film *Made in India* which follows a couple from Texas as they embark on their journey to build a family via a surrogate in India. (Note 12) Kroløkke suggests that the film utilizes two main rhetorical frames and narratives: "baby-selling" and "the plight of the infertile couples". (Note 13) The film's portrayal of baby-selling positions the child as a commodity, the fertility industry as a baby factory, the intentional parents as privileged and self-indulgent consumers, and the surrogate mother as comparable to an oppressed factory worker. (Note 14) In sharp contrast, the film's "unfortunate infertile couples" framework legitimizes the choice of being a surrogate mother and engaging in these commercial transactions. (Note 15)

Scholars have also scrutinized other documentaries that restrictively frame the roles of intended parents. In the analysis of *Monsoon Baby* by German professor Waltraud Maierhofer in the Global Health Studies Program, the representation of a childless female as sorrowful and worthless underpins the

socially-constructed idea of women being sentimental and irrational, thereby deepening sexist stereotypes. (Note 16) Maierhofer poses essential questions for people to reexamine motherhood and womanhood: “Why is there so much obsession to reproduce? Who benefits when women think they can only be happy with a biological child? How have women learned to hate their bodies and find their relationships incomplete when there is no child of their own?” (Note 17) These inquiries are necessary to gain a clearer understanding of the true incentives that impel women into the surrogacy industry. With the assistance of reproductive technology, the social norm which states any women and couple can build a normative family with a biological child has gradually been established, rendering a childless family structure intolerable and adoption—raising a genetically unrelated child—less tolerable, be it due to infertility, homosexuality, or single parenthood. (Note 18)

Besides the prevalent narratives of surrogates and intended parents, the issue of legal obscurity also attracts scholars’ attention to further investigate laws and ethics surrounding the practice of surrogacy. In a filmic analysis of the documentary *Made in India*, scholars remark that during transactions among the commissioning parents, the surrogate, the clinics, and the third-party companies, legal obscurities are widely present. (Note 19) A medical tourism company based in California offered a surrogate pregnancy service for a couple from San Antonio, Texas who were unable to conceive children. The surrogate this company found was an illiterate mother in Mumbai, India who was experiencing extreme poverty while having to raise three children. (Note 20) However, the twins’ legal status was questioned after the surrogate mother gave birth to them. Eventually, the US consulate intervened and issued the twins American citizenship. After the dispute was resolved, the surrogate was paid much less than promised. (Note 21) However, this one example of transnational surrogacy did not explicitly outline the underlying problems with cross-institutional arrangements. What if incidents had happened to the surrogate mother during pregnancy? What if the legal status of the twins was settled in favor of the surrogate? Where a lawsuit would be heard, in this case, India or Texas?

Furthermore, the illiteracy of the surrogate mother also put her at a disadvantage. Was she acquainted with the possibilities of multiparity, hemorrhage, or surgery? Was there a contract to sign? If so, how would the surrogate be able to fully understand the terms in the contract to protect herself against exploitation of her basic rights. If there was a legal dispute, the costs for gathering evidence and securing witnesses would be challenging for both sides, not to mention that the imbalanced power relationships, economic disparities, and racial differences between the genetic parents and the surrogate would yield more difficulties for the surrogate to have an equal footing in a lawsuit. (Note 22) According to Hillary Berk from Berkeley, the legality of surrogacy currently depends on the normalization of “a socially acceptable emotion culture.” (Note 23) Although it is not uncommon to see third-party organizations imposing emotional separation between surrogate mothers and the child they gestate, enforcing the legal terms in written contracts which require surrogates to actively participate in the process of law to disentrall from any emotional attachments is something that warrants more investigation from legal institutions. Berk asserts that “in managing risk and intention for parentage through the formal

legalization of emotion, lawyers actively redefine and constitute broader social norms in the absence of informed collective agreements on the ethics and legality of commercial pregnancy” (Note 24) As *Made in India* has showcased to its audience, the nature of surrogate motherhood is deeply rooted in dealing with individual emotions; therefore, it is imperative to explore how regulations related to feelings can both challenge and moderate legal ambiguities.

In addition to documentary representation, surrogacy is depicted in popular fictional accounts. Gender studies scholar, Laura Harrison, analyzes the fictional movie *Baby Mama* which depicts an economically well-off, middle-class white woman Kate Holbrook who found herself unable to conceive after choosing her profession over pregnancy when she was young. It is in itself quite ironic that when a woman does not place childbearing on the pedestal, she is doomed to some negative consequences, such as infertility issues in the case of *Baby Mama*. Out of desperation, Kate eventually resorts to look for a gestational surrogate Angie Ostrowski in order to have her own genetic child. Interestingly, Laura Harrison remarks how the filmmaker deliberately portrays the surrogate mother with negative physical and personality traits which discredit her motherhood. The film also reinforces stereotypes that surrogate mothers are usually from the ethnic minorities, have poor hygiene, and tend to be materialistic and dishonest, thereby typifying Angie as “white trash”. (Note 25) Besides instilling stereotypical ideas to categorize surrogates as lacking education and financial capability, Laura Harrison points out that *Baby Mama* deepens popular assumption of “infertile women as the selfish victims of feminism-gone-wrong.” (Note 26)

The desperation of the tragically infertile and the selfless surrogates seem to match with each other perfectly; therefore, the popular women helping women narrative framework becomes more entrenched. Such media accounts of surrogacy impose the idea that altruism is the only acceptable motivation for becoming a surrogate while financial remuneration is just an add-on to a selfless act. (Note 27) Therefore, for Harrison, tension appears in surrogacy discussion between the two seemingly incompatible branches: “altruism and paid work.” (Note 28) Over the course of history in the United States, women’s financial contributions to the households have been deemed less valuable. (Note 29) In reverse, altruism is impelled by “less tangible rewards such as emotional satisfaction or personal growth” that “precludes financial gain”. (Note 30) Surrogacy as a clinical labor is thus rarely seen as a kind of work. The surrogates are depicted as voluntary, altruistic, and contributing to a greater cause, even if compensation is never absent. (Note 31) Such ambiguous incompatibility oftentimes subtly compels surrogates to avoid mentioning financial compensation when being interviewed. Additionally, instead of discussing financial arrangement with the intended parents right away, remuneration issues are left for the agencies or legal personnel to deal with. (Note 32)

1.2 Politics of Surrogacy: Feminist and Queer Positions

Opinions of surrogacy differ among feminist and queer studies activists and; therefore, I divide them into four different sections in order to demonstrate the arguments each holds and the frameworks each utilizes: feminist scholars supporting surrogacy, feminist scholars opposing surrogacy, LGBT advocates supporting surrogacy, and LGBT advocates opposing surrogacy. The review intends to respectively

answer the following questions: First, how do feminist supporters of surrogacy utilize feminist ideologies to buttress their arguments for the legalization of surrogate motherhood? Second, how do feminist opponents respond to the queer communities that aspire to build their own families through surrogacy? Third, what reasonings do queer scholars use to justify the ethics of surrogacy? How do they perceive the concept of family building? Finally, how do LGBT scholars in opposition to surrogacy react? How do they argue against the idea that family building is not a necessity for queer communities?

1.2.1 Feminism and Debates over Surrogacy

In the book *Full Surrogacy Now* Sophie Lewis argues that the legalization of surrogacy will not exploit surrogates but allow institutions to have the means to protect the surrogates from infringement upon their rights. On the contrary, the inundation of unregulated underground markets should be the culprit that deteriorates the exploitation. By presenting a concept of “family abolition,” (Note 33) Lewis goes on to justify paid gestational surrogacy, which she proclaims facilitates a communal fashion of raising children instead of under the nuclear family units. A pervasive idea in her writing—“children don’t belong to anyone, not the patriarchy, but themselves”—again, presents a new reproductive system that Lewis envisions as she describes in one of the interviews, “a radically collectivized, pluralized, communized gestational reality to come.” (Note 34)

Dismantling the nuclear family structure of heterosexual reproduction is a popular framework adopted by feminist scholars supporting surrogacy. Anthropologist Shireen Kashmeri from the University of Toronto, for example, also analyzes the notion of kinship which she deems capable of disrupting the essentialists conceptions of motherhood and parenthood which expect certain individuals to act in accordance to social expectations. For Kashmeri, these essentialist ideas deteriorate the sufferings of women who are unable to conceive and consolidate the “normative nuclear family stenography;” (Note 35) as a result, surrogacy can be a good catalyst to counteract normative notions that many feminists firmly champion. Hence, the poststructural feminist perspective in favor of more diverse family construction alternatives and a wide spectrum of interpretations for parenthood seems to dominate feminist arguments advocating for the legalization of surrogacy. This idea also comes into play when LGBT scholars assert the significance of exploring other possibilities of family building for single parents and gay partners.

Other feminist scholars have provided criticisms to the current practices of surrogacy, but they claim that by actively addressing these potential issues, surrogates can actually feel a sense of empowerment within the public operation of gestational surrogacy, according to feminist Gillian M. Goslinga-Roy, author of *Body Boundaries, Fiction of the Female Self*. (Note 36) Thus, the surrogacy industry needs continuous examination and supervision of the power relationship between surrogates, intended parents, and third parties because one of the major problems with surrogacy is the overwhelming singular narrative of the surrogacy experience. Charis Thompson, the professor of Sociology at the London School of Economics, also introduces the ideas of “good patients” in her book *Making Parents: The Ontological Choreography of Reproductive Technologies*. (Note 37) The “good patients” concept can also be termed as “good surrogate” in the case of surrogacy. In particular, this framework is restricted by a set of embedded rules

that permit the surrogates to act in just one way which is conducive to the procreative objective and the operation of infertility clinics. Intended parents benefit from not having “to deal with the surrogates’ feeling of grief, ambivalence, and vulnerability” while the third-party, such as clinics, doctors, and lawyers, benefit from receiving more revenue when an increasing number of women enter the surrogacy industry. (Note 38)

Because of the attempt to epitomize all surrogacy experiences with one narrow narrative, surrogates report unspoken social pressures in conforming to the expectations of the prevailing discourse of the “good surrogate.” These include the discouragement of crying and grieving, forming a close relationship with the babies they gestate, the secrecy and shame that surround surrogacy, as well as the emphasis of selflessness when proving this reproductive service. (Note 39) Nonetheless, Goslinga-Roy and Thompsen both positively believe that proactive and open discussion about surrogacy to weaken stereotypes embedded in the “good surrogate” narrative which deems the practice as secretive and dishonorable can potentially help surrogate mothers to rearrange relations with their own family and minimize unnecessary misunderstanding. Similarly, Brakman and Scholz, authors of research “Adoption, ART, and a Re-Conception of the Maternal Body” elicit that a “feminist embodied maternity,” which stresses the physical relations instead of the genetic or biological connections of the subjective body, is also necessary to reconceptualize motherhood. (Note 40) Consequently, for Brakman and Scholz, one way to eradicate the confidence that obscures the process of surrogacy is through embodied practice of gestational surrogacy, thus shifting the focus to open communication and empathy.

While multiple scholars have utilized feminist ideologies to support their arguments for surrogacy, other feminist scholars have, otherwise, demonstrated that surrogacy is simply an exploitation of women. Due to disparities in socio-economic conditions between the surrogates and the commissioning parents, feminist scholars have been perturbed by the risks of coercion that can exploit women unaware of the forceful terms offered by the third party. Although supporters of surrogacy provide a counterargument stating that women voluntarily choose to become surrogates, whether the choice is entirely free and cognizant is still debatable when the surrogates make those decisions under the pressure of financial imperatives, either consciously or unconsciously. (Note 41) Moreover, the murkiness of policies centered around surrogacy also allows for more possibilities of exploitation. For instance, some surrogacy agencies specifically look for surrogate who display submissive characteristics because they can be easily manipulated. (Note 42) While intended parents and medical personnel have the power to determine terms in the contract concerning to pregnancy that are beneficial to themselves, the surrogates have little autonomy over their own body once they enter the process because their failure to adhere to the criteria is considered a breach of the contract. (Note 43) These unfair practices proliferate especially when the demographics of the surrogates include mostly those who receive limited education, have little knowledge of legal terms, and in some worst cases, are illiterate. (Note 44) Some other clinics even expect surrogates to stay in surrogate homes where exploitation can further take place, including imposed residential rules, asymmetric power relationships between doctors and surrogate mothers, and hygiene

deficiency due to overcrowded surrogate populations.

According to Dorothy E. Roberts, a legal expert in gender, race, and class, surrogacy markets exert both visible and invisible influences on those who are socially marginalized and economically disadvantaged. Because of their specific status, the markets have great potential to take advantage of the minorities and manipulate underprivileged parents and children as money-making subjects. That being said, although baby markets give childless parents new possibilities for family building, “the baby markets aren’t free because they are just as susceptible to coercive practices as to liberating ones.” (Note 45) Baby markets maneuver within systematic oppressions that denigrate the choices made by particular groups of people. Moreover, Goslinga-Roy, though identifying herself as someone who supports surrogacy, also criticizes that objects like “the scrapbook, the ultrasound images, the practices and language of the assisted reproductive technologies” (Note 46) devalue surrogates’ contributions and obliterate their desired narratives while emphasizing the aspirations of the intended parents. In other words, these reproductive materials automatically place one narrative above the other, driving the conversation around surrogacy to be only about intended parenthood instead of the natural experiences of the surrogates. This intentional deletion from third party agencies can be awfully distressing for surrogates who voluntarily partake in the procreative service for, or at least the agencies and surrogates claim, majorly altruistic reasons. (Note 47) Hence, even though baby markets may grant privileged infertile couples, gay men, and single men capable of affording reproductive services an improved capability to oversee their own reproduction, it does not equate to giving society greater justice, equality, and autonomy. People with certain social status still remain to be the victims of such systems, and the most equitable way to deal with baby markets is through unveiling the superficial freedom that the industry has endeavored to present. Roberts gives an example of the adoption and foster care centers:

“Whatever benefits accrue to people who can afford to purchase reproductive goods and services are largely denied to those who don’t have enough money to do so. This deprivation is not just the unfortunate result of being poor or low income; it is the result of state and corporate decisions to prefer private reproductive market approaches to more equitable policies. The Adoption and Safe Families Act, passed by Congress in 1997, attempts to solve the problem of an exploding foster care population by incentivizing private adoption instead of supporting families to avoid placement of children in foster care in the first place. Baby markets not only favor the rich; they substitute for policies that would benefit those who aren’t.” (Note 48)

The privatization of foster care can be applied to the surrogacy clinics as well. Recently, an increase in the number of private-owned surrogacy organizations have encouraged more women to become surrogates. The state, instead of addressing infertility issues and an exploding single parent population, indirectly supports the privatization of surrogacy clinics by not picking a stand or not setting clear legal rules. One of the main motivations behind such legal obscurity and inaction is the rising demand for such services from the infertile rich.

1.2.2 LGBT and Debates over Surrogacy

What are the motivations for pursuing parenthood for LGBT couples or family units? The propensity for both lesbian and heterosexual women to narrate their desire to parent as a natural human instinct may be affected by the dominant belief that motherhood is an indispensable component of womanhood, that motherhood sublimates womanhood. (Note 49) While lesbians tend to share similar reasons for the pursuit of parenthood with heterosexual women due to common socialization and the eminence of motherhood to female identity buildout, lesbian couples' motivation do seem to be less complied to heteronormative norms which regard motherhood as mandatory for female identity development. Lesbian women are more free from the idea of "generativity," which refers to the passing on of one's genetic material through pregnancy, as well as the "the preservation of family tradition." (Note 50) It is thus "possible that the lesser salience of generativity" for lesbians indicates their disposition as "sexual minorities"—situating themselves outside of the heteronormative nuclear family ideals by pursuing parenthood alone, or simply with another woman. This also potentially indicate that gay men's sexual minority status may also influence how they comprehend and construct their own motivations for parenthood. (Note 51)

Research on gay couples' motivations for parenthood manifests a different pattern, however. Eddie E. Goldberg, professor of Psychology at Clark University and the author of "Lesbian and Gay Parents and Their Children: Research on the Family Life Cycle," has pointed out in her research that gay couples are prone to place "relational ties over biolegal ties in defining who they consider to be 'family,' perhaps in part because they are vulnerable to rejection" (Note 52) by their biological families. In the 1980s, gay men were largely rejected as parents because of prevailing social ideas that associate heterosexuality with parenthood or an intact family and homosexuality with infertility, childlessness, and dystopic. (Note 53) Over the past years, the popularization of gay rights movement and the legalization of gay marriage have gave rise to a trend of gay parents seeking for parenthood through adoption, reproductive technology (i.e., IVF), and gestational surrogacy, in part to reject the narrative of their unfitness as prospective parents. However, because it is often assumed that gay men are insufficient and, gay couples are met with countless difficulties in the adoption process, making surrogacy an appealing option. Such an environment has also led to an increase in agencies for surrogacy particularly serving gay clientele and having more surrogates actively choosing to bear children for gay couples. (Note 54)

On the other hand, scholars who simultaneously support gay rights offers arguments that question the necessity for gay men to seek parenthood from surrogacy. Laura Harrison records that in mainstream media, gay dads resorting to surrogacy epitomize the normalization of no normative family structure since "both their queerness and their use of a surrogate require naturalization." (Note 55) Gestational surrogacy has been presented with more optimism in recent decades mainly due to the incitement of gay men questioning and shattering social norms about reproduction, family, and parenthood. Nevertheless, during this supposedly empowering process, they also become unexpected defenders of conventional ideologies. (Note 56) The unequal gender dynamics in this gay men-surrogate relationship can also

further deteriorate the already embedded gender stereotypes.

So why do popular media and representative features of reproductive politics always project the narratives of gay men instead of lesbian women? Economic liability does play a role, and gay men are, indeed, more financially stable to afford the services that are not available to many other women who face gender discriminations in their workplaces and are obligated to take care of the family. Besides this, lesbian couples usually rely on “vaginal insemination and intrauterine insemination to conceive.” (Note 57) Lesbians have also employed a special form of In Vitro Fertilization (IVF) to provide both partners a biological attachment to their child. This is achieved by producing embryos that combine the eggs and a sperm from a donor. Afterwards, the medical practitioner implants the embryos into the other partner who is, nominally, the “surrogate” for her own genetically unlinked child. (Note 58) Regardless of the biological differences between gay and lesbian parents, the overall trend is that lesbians do receive less attention than gay men, both in fictional accounts, documentary films, and popular media.

Harrison goes on to explicate the complexity of arguments about surrogacy and gay couples breaking the nonnormative ideologies. She contends that reproductive technologies are indeed capable of deconstructing normative ideologies; nevertheless, many of these attempts are then reintegrated into the conventional normative framework which feminists or LGBT activists first intend to dismantle. (Note 59) As Harrison expresses in her research, such phenomenon is “exemplified by the birth stories that intended parents construct, the assimilationist rhetoric expressed by and imposed upon gay intended parents, and the multiple news reports that assert the ordinariness of surrogate families.” (Note 60) Recent surge in the frequency of utilizing these narratives indicates that we need to find out other possible ways of deconstructing normative ideology and non-exploitative processes of normalization that will most effectively respond to the particular complexion of reproductive technologies.

2. Method

Through scene analysis of the documentary, I intend to answer the following questions: Who is represented as a surrogate? Who is represented as the commissioning family? What isn't being talked about? Who's watching the film and where is it discussed? These questions will help me to compare and contrast the narrative frameworks proposed by scholars and those appeared in *Made in Boise*. I record the number of times positive and negative comments show up in the documentary and further analyze several representative quotes to demonstrate how surrogates and intended parents' perspectives shape the public image of surrogacy.

Then, I trace discourses around *Made in Boise* by locating 11 different blog posts on Google search and perform a qualitative and quantitative analysis on news and media's portrayal of the documentary, including multiple interviews with the producer and the cast, website articles, blogs, as well as on comments posted by viewers online.

3. Data and Analysis

3.1 *Made in Boise: A Case Study*

The documentary *Made in Boise* narrates the stories of four surrogates and their respective intended parents in Boise, Idaho. The film presents surrogacy with positive language, as the filmmaker Beth Aala emphasizes how surrogacy can be a loving, helping, and empowering experience. On top of stimulating the practice of surrogacy, the documentary underlines that Boise has turned into an attractive harbor for surrogacy because of the relatively cheap price for hiring a surrogate compared to other places like California. Its website and other media platforms even describe Boise as the unofficial “surrogacy capital.” Intended parties come from both domestic and international areas to rent the wombs of women in Boise with an ardent intention to have their own children.

Before diving into in-depth analysis of the documentary, I will incorporate essential context of surrogacy in Idaho. Firstly, in Idaho, the only statute or published case law that regulates surrogacy simply asks for a genetically unrelated parent to go through legal adoption process if the child that is born through surrogacy. (Note 61) Additionally, the courts are inclined to vindicate the contract drafted by the agencies and intended parents, indicating Idaho’s favorable attitude towards surrogacy. That being said, the risks that commissioning parents may undergo are limited, which explains the recent surge in the number of individuals and families searching for surrogacy statewide. The potential for profit thus incentivizes the fertility industry to look for more surrogates by capitalizing on current economic conditions and Boise’s demographics. Furthermore, fertility clinics have been operating in Boise for years, but population increase and social and economic changes in the 2010s aggravate the problems inherent to surrogacy. 80,000 people moved to Boise, Idaho in 2018, (Note 62) placing a huge strain on the residents’ economic and social well-being. (Note 63) Although Boise experiences less unemployment compared to other states and benefits from a growing job, (Note 64) grocery stores like Target and Walmart occupy the majority of the labor market. Hence, while hourly wages have remained the same, the cost of housing has doubled with a huge influx of new inhabitants. Under tightening financial situations, the monetary compensation gained from becoming a surrogate is a true blessing for those who are economically vulnerable. In *Made in Boise*, a surrogate can receive a revenue between \$28,000 and \$38,000, an amount that is equivalent to the yearly income of many Boise residents. (Note 65) It is thus undeniably an appealing option for many low-income families to sustain their life. Moreover, the demographics also indicate what the fertility industry wants in a surrogate. Idaho contains a sizable population of Latter-Day Saints (LDS) in the United States (Note 66) Because the LDS religious community encourages its members to marry and form large families, LDS women are perfect candidates for surrogacy. They are in their prime reproductive stage and have given birth to at least one child, thereby validating the authenticity of their motherhood. As an additional advantage, LDS mothers can receive monetary compensation from surrogacy to support their family and thus solidify the traditional female roles in the domestic realm.

Made in Boise overwhelmingly adopts the women helping women narrative framework devised by Laura

Harrison as shown in the literature review. (Note 67) Just like many other media portrayals of surrogacy, altruism is frequently presented as the most essential indicator that propels fertile women to become surrogates. Cindy Floyd, one of the surrogates featured in the documentary states that “If [the intended parents] didn’t do surrogacy, they would’ve never been able to be parents and they were amazing. [She] just felt like if [she] could give that to somebody, [she] would love to do that.” The producer also incorporates opinions of some other surrogates who are not presented in the documentary in the voice over. These women comment how surrogacy is an uplifting experience for them because of the selflessness that’s involved: “Seeing that intended parents hold their baby for the first time, you can’t describe that moment.” However, financial compensation, another influencer of the decision to become surrogates, is barely investigated even though it has great potential to be the determining cause given the socio-economic background. Consequently, because of increasing media exposure of a forced-upon binding between surrogacy and altruism, surrogates may feel compelled to only disclose the altruistic motives but not their financial incentives. Chelsea Frei, another surrogate featured in the film, discloses that “[she] feels like surrogacy has a really bad name to it, that it’s all deceit and money-seeking people. A lot of the women [she] met here are doing it for the most amazing reasons...incredible experience.” Although economic transactions are never absent in all four cases, they are either intentionally avoided or immediately diverted to the altruism framework which dominates the discussion around surrogacy. Besides emphasizing altruism between women, *Made in Boise* explores altruism between surrogates and gay men, single male parents, and other nontraditional intended parties. In fact, this modification which distinguishes itself from many other films or documentaries on surrogacy is substantial as demonstrated by the frequency these new forms of family units are presented. Out of the four intended parents, only one of them (Case 2) involves heterosexual relationships, the normative family unit. Case 1 and Case 4 are both male single parents from foreign countries and Case 3 features a gay couple, one from the United States and one born and raised in Taiwan (Table 1).

Table 1. Description of the Four Surrogates and the Commissioning Parents

Case 1	Intended Parent(s)	Surrogate
Name(s)	Ernesto	Chelsea Frei
Description	Single parent from Madrid, Spain	2nd-time surrogate and a stay at home mom

Case 2	Intended Parent(s)	Surrogate
Name(s)	Shannon and Tom Rayner	Nicole Williamson
Description	Heterosexual married partners; Shannon has failed the infertility treatment	4th-time surrogate and owner of the surrogacy agency "A Host of Possibilities"

Case 3	Intended Parent(s)	Surrogate
Name(s)	David Tsung and Todd Curzon	Samantha Diaz
Description	Married gay couples from Woodinville, Washington	Latin American, 1st-time surrogate, and nail technician

Case 4	Intended Parent(s)	Surrogate
Name(s)	Julian	Cindy Floyd
Description	Single parent from Grenada, Spain	NICU Nurse, St. Luke's Boise Medical Center

Based on these numbers, surrogacy seems to simply be women providing reproductive services for men to fulfill their desires to build families. The fact that three out of four of the intended parents featured in *Made in Boise* are male instead of infertile women unveils the specific narratives the media employs in order to promote surrogacy in a positive light. For instance, a steadfast advocate for surrogacy in the documentary repeatedly emphasizes that the normative nuclear family structure is counterproductive to making possible other available family building options which surrogacy can help make viable. In addition, intended parents construct birth stories that reinforce the destabilization of non-normative, heterosexual families through inviting the public to emphasize with their needs to form families in nontraditional ways. The narratives of gay couples and single male parents tend to concentrate on how social norms and ambivalent legalizations have barred them from having children just like any other heterosexual parent. In *Made in Boise*, both male intended parents report their failed attempts to adopt a child due to legal restrictions in their own countries. Nonetheless, the gay man/single male parent narratives which the film employs to justify surrogacy are also highly likely to strengthen processes of normalization. Such narratives inadvertently imply that gay intended parties should always assimilate into the family-building practice even when family construction, a normal process of heterosexual relationship, might not be necessary for gay couples and could be an integral step to utterly destabilize the normative social structure. As LGBT movements have gained popularity with the legalization of gay marriage in the recent decade, the media has started to capitalize on public's support to champion arguments in favor of surrogacy while ignoring how this portrayal can submerge other equally important narratives.

Surrogacy has been a controversial topic since the Baby M case in the United States, but oppositional voices have waned over the past few years when gestational surrogacy gradually replaced traditional surrogacy. However, surrogacy still garners scholars' critiques on its potential exploitation of women and unethical baby-selling practices. *Made in Boise* does not adequately address these concerns of surrogacy. I counted the number of positive and negative comments concerning surrogacy made by the cast throughout the documentary, and positive comments appear 34 times, 32 times more than that of negative comments, which only show up twice in the film. The only two negative comments on surrogacy only appear briefly in the film. A family friend of Ernesto—the male intended single parent—declares that “surrogacy is just another way of exploiting women.” Ernesto does not directly respond to her doubts about surrogacy; instead, he claims that he is looking forward to how this will come out after years of failed adoption. In the second comment, a legal official, herself an advocate of surrogacy, mentions the practice's potential exploitative nature but blames it on the lack of legal clarity surrounding surrogacy. Despite the only two negative remarks, the filmmaker presents surrogacy with mostly optimistic comments. One steadfast advocate for surrogacy passionately asserts in her speech that “the woman that's carrying the child is never the parent. They are never the mom. So, we don't refer to them as moms, and we don't refer to them as surrogate moms. No. The intended parents who're gonna parent the child are the parents.” The surrogates even believe that the children never belong to them and they actually consider the birth of the child as “giving the baby back” not “giving the baby up.” For either heterosexual parents or gay partners, the ease that accompanies the child's clear detachment from the surrogate mother makes surrogacy a yet more alluring business for many. Hence, gestational surrogacy has reshaped its meaning by undermining the surrogates' maternal credentials. When it is separated from genetic parenthood, gestational motherhood becomes less valuable because her labor is alienated. The surrogate must, and is anticipated to, disenthral from her emotional ties with the child, a detachment in which the social practice of surrogacy encourages. This idea is pervasive in *Made in Boise*, particularly when the filmmaker endeavors to adopt the gay and single male parents' sides of story to depreciate that mother-child bond developed in pregnancy.

These positive images of surrogacy, which serve to further promote the industry and attract more customers—especially prospected gay and single male intended parents whose requests are on the rise—obscure other essential questions in the vicinity of surrogacy. For example, from the devaluation of gestational motherhood, the media could've guided public attention to discuss “the extent to which the mother-child bond formed during this period is assumed to be a product of the genetic tie rather than of the nurturing relationship” and to “recall a long-rejected notion that parents have a property-like interest in their children based on biology.” (Note 68) The imbalance of positive and negative comments on surrogacy, therefore, does not align with this reproductive practice's equal potential for both empowerment and exploitation. In a sense, disguised optimism prevalent in *Made in Boise* downplays more important discussions that help the audience to critically assess surrogacy and the possible causes leading up a burgeoning surrogacy industry in Boise, Idaho.

3.2 Tracing Discourses around *Made in Boise*

I have accrued eleven online sources that discuss *Made in Boise*, including blog posts, interviews, news articles, and promotional material from the Northeast Assisted Fertility Group Blog, KPBS, NPR news, Boise State Public Radio (Note 69), *Motherly* (Note 70), *She Knows* (Note 71), Love and Kindness Surrogacy (Note 72), PBS (Idaho Public Television), KTVB7 (Note 73), and “Society of St. Sebastian.” Out of the eleven sources, seven of them support surrogacy and help promote the documentary. Two sources hold a neutral stance on surrogacy since they are recorded interviews. Three of them provide criticism to the documentary’s portrayal of surrogacy, with one of them found on the comment section of a promotion post for the documentary.

The Northeast Assisted Fertility Group Blog holds favorable opinions towards surrogacy, but it also points out the weaknesses of *Made in Boise*, especially the filmmaker’s inaccurate portrayal of surrogacy. Though not one of the filmic representations I have analyzed above, the webpage does provide another angle that reveals how the documentary has employed certain narrative frameworks to amplify the optimistic aspects of surrogacy while avoiding investigating the issues. The blogger writes,

“Although I enjoyed the film and left the theatre pleased that surrogacy was presented in such a positive way, my reaction to *Made in Boise* was not all positive. Having worked in the field for many years, I know that surrogacy is complicated. In my experience, women who become GC’s think about it for many years and go through an arduous screening process before being matched with IP’s. Many lovely women do not move forward to become GC’s either because they don’t pass their medical or psychological screening or (less often), they decide along the way that it is not the right decision for them. The long path to surrogacy is not captured in *Made in Boise*—at least not for the GC’s. As I mentioned earlier, *Made In Boise* is well made and well filmed, but I think that my problems with the film originate not in the filmmakers but in the agency that they feature. The agency director, a several time GC herself, comes across as rather glib and remarkably casual about signing women on to be GCs. Yes, the GCs featured seem to be kind, caring and responsible people, but there were things about their lives or their histories that I think would disqualify them for surrogacy in many programs.” (Note 74)

The blogger particularly identifies the documentary’s method of enlarging the stories of the intended parents and their interactions with the surrogates, which results in inadequate description of the processes that women have to go through before committing to become surrogates. The fact that there are certain elements in the surrogates’ lives that “disqualify them for surrogacy” also highlights the film’s failure to address potential risks associated with surrogacy. In addition, during an NPR interview of *Made in Boise*, when the interviewer asks Nicole Williamson, the owner of surrogacy agency “A Host of Possibilities” and a 4th-time surrogate featured in the film, “how does her agency make sure that the surrogates aren’t exploited,” Nicole responds that the agency has to verify that the surrogates are “not on any state assistance, that they are financially stable, that they don’t have any mental issues.” Simply assuming that surrogates who are not on state assistance don’t have any financial difficulty underestimates how economic incentives could play a role in surrogates’ decisions to provide their wombs. Nicole goes on to

explain that the surrogates can't have more than "two C-sections and six pregnancies; 44 is the cutoff age, and the fertility clinics are also at work to review all their medical records to make sure their previous pregnancies were no complications." (Note 75) These quantitative prerequisites are insufficient to determine whether a female is in good physical and mental condition to become a surrogate, not to mention that many women suffer from medical issues and psychological depression or other complicated emotions after surrogate pregnancies.

To certain extent, the documentary does not convincingly elicit the reasons which explain surrogacy's prevailing popularity and its ripe development in Boise. In another interview with NPR news, Nicole Williamson stated that Boise tends to be "active and outdoorsy" (Note 76) and promotes a healthy lifestyle, which she thinks partly explains surrogacy's popularity in Boise. However, it's worth noting that the fertility industry, indeed, values healthy women, not that women become surrogates because they are "outdoorsy." Therefore, there's still the concern for financial disparity that lies between the surrogates and the intended parents which can result in easier exploitation in Boise. Hence, exploitation is still highly possible even though the film seems to downplay the exploitative nature of surrogacy. Based on the comments found under articles about *Made in Boise*, the public reacts with concerns and criticisms over the practice of surrogacy. Jennifer Lahl, founder and president of The Center for Bioethics and Culture Network commented on a Boise State Public Radio post with the following: "Woman. Mother. 'gestational carrier' is dehumanizing and offensive to women. How many of these women would do this for no money (like an organ donor)? Money motivates and if it is removed many of these women who you say 'just want to help someone' won't help someone for FREE." In addition, under PBS's Independent Lens, one user remarked that *Made in Boise* is "the untold story of the 'Volunteer Handmaidens'?" These comments from public viewers on different websites, therefore, powerfully manifest the film does not straightforwardly address general concerns remained for surrogacy and even expose other potential risks attached to such a practice.

Although the film puts much weight on depicting male intended parties—two male single parents and one gay couple—as filmmaker Beth Aala advertises *Made in Boise* with the headline "An Inside Look at the Lives of Women Who Are Carrying Babies as Surrogates for Gay Couples, Single Men and Infertile Couples," discussion about the intersection of gay men, single men, and surrogates does not dominate the documentary's discourses. Only one of the eleven sources briefly touch on the disputes between feminist and LGBT advocates over surrogacy. Surprisingly, the gender perspective as a determining feature of the film is barely brought up in conversation despite scholars' different standpoints on gender power imbalance. Limited attention has been diverted towards examining the critical relationship of men looking for surrogates as a means to have children and build families. Besides, whether such reproductive liberation for men is achieved at the expense of systematic oppression of women is another pressing question that demands further research. Over the past five years, media exposure of gay men in search of surrogacy services has been on the rise, but there's a lack of public response to this new trend, specifically how gender identities can tremendously impact the power dynamics of surrogacy. Partly due

to the overwhelming positivity that media attempts to implant into surrogacy to draw more intended parents into the market and due to the equally massive oppositional voices that denounce third party's exploitation of surrogate, gender imbalance involuntarily becomes less vital for people to spot and then scrutinize.

The one source that introduces the topic of gay men and surrogacy is an interview by PBS's Idaho Public Television which featured producer Beth Aala and Nicole Williamson. The followings are their conversations:

"A lot of the intended parents are gay men. Has that been a change since you first started, or do you think that's also a reason for the growth of surrogacy because now gay marriage is legal?"

"I would say the majority of my non-traditional couples are from other countries where they can't have a surrogate. I don't know if the marriage piece has increased..."

"Because there are so many gay couples wanting surrogacy now, does that make it more controversial especially in a potentially more conservative state like Idaho?"

"At the beginning of filming, before marriage equality, there were a lot of states that were prohibitive to using a surrogate if you were a gay couple: you have to be married, you have to be heterosexual. And once that passed, I do think that it had an impact, and certainly worldwide, people come here because there is law here in place for civil protection." (Note 77)

Again, by utilizing a helping gay couple narrative framework, *Made in Boise* helps to counter the forces that thwart homosexual relationships from meeting the normalized standards of society. When the interviewer critically raises concerns over the increasing population of gay couples wanting surrogacy, the conversation immediately deflects to civil and social issues, perfectly according with popular activism that emphasizes equal treatments of interest groups regardless of their sexual orientation. Therefore, in the case of surrogacy, the tendency to focus on the grievances of gay couples that align with current social movements easily submerges the authentic narratives of surrogate and obscures the potential damages generated from disproportional gender relationships.

4. Discussion

As society becomes increasingly engaged in genetic engineering and biotechnology, reproduction has evolved to encompass political and legal disputes that require more scholars, legislators, and activists today to examine the fundamental ethical questions the surrogacy industry faces. From traditional surrogacy to gestational surrogacy, technological improvement in surrogacy eliminates intended parents' concern for genetic ties, contributing to surrogacy's growing popularity in the United States. Even though proponents and opponents of surrogacy had argued extensively since the Baby M case, after gestational surrogacy, their intensity waned. Since surrogacy is indeed a hugely profitable industry, there's a surge in the number of clinics that are looking for surrogates and providing the service, and popular media follows suit to portray surrogacy with overwhelming positivity in order to attract more intended parents. To keep up the demand, the industry employs specific narrative frameworks to hire potential surrogates. The

portrayal of the “surrogate mother” in *Made in Boise*, therefore, provides an opportunity to explore the dominant concepts of agency, exploitation, and emerging gender issues when gay and single male parents also become a huge part of the industry.

Made in Boise as a case study demonstrates that the surrogate’s does have a dual identity instead of the only one presented by the media. She is simultaneously perceived to be bestowed with the capacity for agency, shattering the normative heterosexual family norms and enabling new possibilities for bearing children, as well as to be susceptible to the coercion, either by financial imperatives or by emotional persuasion of altruism that takes advantage of womanhood and motherhood. The surrogate’s ambiguous identity, hence, can interfere with her decision-making process of becoming a surrogate. The dominant narrative of altruism in helping gay partners to build family also involuntarily ignores how gender imbalance that could pose a threat to the surrogates. Even in a political setting of legalizing surrogacy, gay men and single male parents are frequently brought up, downplaying potentiality of exploitation. This is not to say that every single narrative of gay couples and single men is counterproductive, but rather a call to attention that there’s been a lack of discussion of the potentially negative consequences of a dominating altruistic narrative framework which has already permeated our society.

Similar pattern found in New York State’s surrogacy bill in 2019 signifies that the same narrative framework is used in circumstances which involve legal efforts, and this new trend warrants serious attention from scholars and the general public, especially when the practice is permitted in 47 states but laws regulating surrogacy are limited and equivocal. The producer of *Made in Boise* claims to showcase the most authentic stories of the surrogates who are selfless enough to provide help for gay men, single men, and infertile couples, but is the documentary filmed in a specific narrative that compels surrogates to follow the exact framework of telling their stories? Are there possibilities for a variety of narratives to exist, thus diminishing the potential of coercion and exploitation and truly allowing the surrogates to utter their stories? Should surrogacy ever include financial compensation, or should it be purely voluntary to prevent financial imperatives that unknowingly impel women to become surrogates regardless of whether their physical and psychological conditions are suitable for the task? What are some precautions that legislators can take, and activists can inform the public to minimize gender imbalances when surrogacy is and most likely will remain legal in more than 40 states? These are questions that still need careful consideration before giving a conclusive and responsible answer.

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