Giving Birth

Debating Surrogate Motherhood in Sweden, A Question of Equality

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Abstract

The purpose of this study has been to identify, analyze and interpret the framing and meaning of the surrogacy debate in Sweden. The study is built on a textual analysis of statements produced within the political sphere on the topic (2001-2012), as well as within other public contexts by actors such as interest groups, different debaters and newspaper editorials (2010-2014).

Core conflicts revolve around equality, and the tension between women’s and children’s rights, high priorities in the Swedish context, and the emergence of new family constellations, including gay couples. The other central issue regards human value and women’s right to bodily integrity or autonomy, as well as questions relating to private and public spheres: what can be – or ought not to be – given or sold.

Different frameworks have been dominant in the discussion to state a particular opinion. Those in favor of surrogacy often emphasize the importance of being open and modern, and pragmatic rather than ideological. In contrast, Feminist and Christian frames emphasize the risk of exploitation, as do those who from an inequality-perspective point to the act’s connection to – apart from gender – class and ethnicity.

Overall, the child’s perspective has been important and there has been a strong stance against commercial surrogacy, spanning different frameworks. Giving birth, rather than selling, is thus generally seen as the ethically correct alternative, if surrogacy is to be allowed.

Keywords

Surrogate motherhood, Public Debate, Social Problems, National context, Women’s rights, Children’s rights, Equality, Human value, Family, Separate spheres and hostile worlds
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1. Introduction

The topic of surrogacy has, in a few years’ time, gone from nonexistent in Swedish media to being widely discussed. The public debate spurred up around 2010 when the book *Varat och varan: prostitution, surrogatmödraskap och den delade människan* (2010)\(^1\) by feminist Kajsa Ekis Ekman was published. It declared a strong and aggressive stance against all forms of surrogacy agreements, comparing it to prostitution and human trade. Not everyone agreed with these opinions, and politicians had a few years earlier begun to argue that surrogacy out of altruistic motivations ought to be considered. In 2012 it was decided by a majority of the Riksdag that an impartial investigation should be made whether to allow these arrangements in Sweden. The majority of the Swedish National Council on Medical Ethics (SMER)\(^2\) came to the conclusion that an altruistic form ought to be allowed. Influenced by the council’s recommendation, the investigation for possible implementation of this alternative is currently taking place at the Ministry of Justice\(^3\) and is to be finished in June 2015 at the latest. These recent activities are thus indicating that the long-term restriction might become overturned, making it a sociologically relevant and socially important case to study. As will be shown, the debate also relates to longstanding issues within sociology such as the interconnection between public spheres; the market and the state, and more private spheres; family.

Surrogacy has raised controversy all over the globe (Inhorn & Birenbaum-Carmeli 2008) and can be discussed from an array of different perspectives: from the viewpoint of the child born through surrogacy; the surrogate mother’s; the intended parents; the potential donors of genetic material; fertility clinics and other involved actors; and more broadly from legal, psychological, ethical, cultural, political and economic perspectives. A lot of research is still yet to be done, partly because the practice is a relatively new phenomenon. More studies are needed that analyze the cultural values that surrogacy becomes intertwined with in different national contexts and the impact these attitudes and beliefs have on various legislative outcomes (Ciccarelli & Beckman 2005: 39). This paper partly falls within this area of research. Neither has much been written on the topic in Sweden: consequently the study also adds to this scarcity.

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\(^1\) Published in English by title *Being and being bought: prostitution, surrogacy and the split self* (2013).

\(^2\) Statens medicinsk-etiska rád.

\(^3\) Justitiedepartementet.
1.1 Purpose and research questions

The purpose of this study is to identify, analyze and interpret the framing and meaning of the surrogacy debate in Sweden. The following research questions have been constructed:

- How has surrogacy been framed in the political and public debate?
- Have some frameworks been more dominant than others and if so, why?
- Do any core conflicts emerge from the debate?

1.2 Limitation of study

Firstly, as interesting as it would be to speculate on the coming legislative outcome based on the ideas expressed in the public debate, it falls outside the scope of this study. Based on this research I will not be able to draw any causal links between the discourses or ideas expressed in the debate and the political decision. It is neither so that dominating beliefs about what is right necessarily decide the final verdict, nor that they conquer over other social processes involved in change. Secondly, the paper does not take a stand on surrogate motherhood.

1.3 Outline of paper

The paper starts by describing what surrogacy is, as well as presenting a short description of the past and current political and legal situation, mainly in Sweden (chapter 2). In the following chapter, theory and previous research are interwoven (chapter 3). Next is the method’s section (chapter 4) and after that the chapter presenting the analysis and results (chapter 5). The paper ends with a discussion (chapter 6).
2. Background

Indeed, [assisted reproductive technologies] are a key symbol of our times, representing the growing prominence of biotechnologies in the configuration of individual, familial, and collective identities around the globe. (Inhorn & Birenbaum-Carmeli 2008: 177)

2.1 What is surrogacy?

In 1978, Louise Brown, the world’s first “test-tube” baby was born in England from in vitro fertilization (IVF). Another method soon to be expanding and be made aware to the public was surrogacy. A surrogate mother is someone who carries a child on behalf of someone else. Traditional surrogacy implies that the surrogate is the genetic mother and has been practiced since ancient times. In much academic literature on the topic, references are often made to Biblical stories in which women unable to bear children “sent their husbands to their maids”.

However, it was not until the development of artificial insemination (AI) that conception could occur without sexual relations. This method led to the development of a surrogacy market in the U.S. in the beginning of the 1980’s. Through the development of IVF, also gestational surrogacy was made possible, which implies that the surrogate mother is not genetically related to the child she carries. Eggs and sperm can be either the intended parent(s) or donated from third parties (Spar 2006). Debora L. Spar who has written the book The Baby Business: How Money, Science and Politics Drive the Commerce of Conception (2006) describes how this development “revolutionized the business” as a consequence of “splitting the baby-making process into three fully separate components” (ibid.: 78). The gestational surrogate did no longer need a good genetic set-up often deemed important in the traditional form, but what mattered was the ability to keep a healthy lifestyle during pregnancy. This allowed for a greater supply of surrogates, as did the fact that women did not have to carry and give up their genetic child. The supply of egg donors also increased as there were groups of women now willing to donate eggs but not undergo a pregnancy (ibid.: 79-80).

In later years, the public has been made aware of the development of an increasing “reproductive tourism” to countries such as India, where Indian women give birth to children.

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4 Conception outside the body.
5 Partiellt surrogatmödraskap.
6 Fullständigt surrogatmödraskap.
sprung from eggs and sperm originating from different parts of the world. What the debate has come to revolve around in later years is the gestational form, which is also what this paper deals with.

Surrogacy is a consequence of the longing for children and the market needs to be understood as an outcome of this demand. Around 10-15 percent of those couples wanting children are affected by infertility (SMER 2013: 28). Groups presently lacking access to infertility treatment in Sweden are couples where both parties experience infertility problem; women with uterine malfunctions; gay male couples; single women; and single men (ibid.: 100). For some of these groups surrogacy has served as a solution and The National Board of Health and Welfare has estimated that around 100 children have arrived in Sweden the last few years after having been born through surrogacy abroad (Sveriges Radio 2013).

### 2.2 Legislation in Sweden and abroad

The difference between altruistic and commercial surrogacy plays an important role in the global legislation. Briefly explained, the former implies that the surrogate mother only receives compensation for the expenses related to the pregnancy. The latter implies that the host mother is apart from receiving compensation also paid for the service itself, often by previously unknown recipient(s). Examples of where altruistic surrogacy is possible are Great Britain and the Netherlands. Examples of where commercial surrogacy is possible are India, Ukraine and parts of the U.S. (SMER 2013: 156). Surrogacy is not allowed in the Scandinavian countries, not always banned by a law specifically aimed at the practice, but other laws prevent it. Finland used to allow the altruistic form, but not since 2007 (ibid.: 161-162). Many countries lack or have an unclear legislation, and considering the global character of the practice, several with knowledge of the field have started to argue in favor of a globalized solution (see e.g. Spar 2006; Pande 2012).

Many countries have set up national commissions to study different aspects of the controversial practice, whose reports later have been used as guidelines for implementation of legislation (Markens 2007: 23). This is a good example of how it has been processed in Sweden. In 1995 SMER issued a report on assisted reproduction that argued that the practice could contravene the human right’s principle, människovärdesprincipen, as ”the woman who

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7 It has recently been recommended that single women should get access to insemination in Sweden from the 1st of July 2015 (Justitiedepartementets delbetänkande SOU 2014:29).

8 Socialstyrelsen.
goes through the pregnancy at least initially is used as a means to solve the childless couple’s problem” (SMER 1995: 35, my translation). What was also emphasized were the difficult conflicts that can arise over the rights to the child, with court cases in the U.S. taken as examples, as well as how it could open up for a commercialization of the emergence of life. The Ministry of Health and Social Affairs published a memorandum in 2000 on the topic and stated that they agreed with SMER on not allowing surrogacy (2000:51, p. 49-50), and in the 2001 Government Bill on the treatment of infertility they took a stance stricter than SMER’s by stating that the practice contravened the human right’s principle, and not just that it could do so (Stoll 2013: 57). There is no legislation banning surrogacy, but in the same bill it was proposed that a new paragraph on motherhood in "Föräldrabalken" should be introduced stating that "if a woman gives birth to a child who has come to life through the inserting into the woman’s body an egg from another woman which has been conceived outside of the body, she shall be regarded as the child's mother” (Proposition 2001:02-89, p. 6, my translation). The law came into force January 1st 2003 (Socialutskottets betänkande 2001/02:SoU16) and simply means that the birth mother is always the legal mother, thereby protecting women who have received donated eggs (Stoll 2013: 324) and preventing surrogacy. It also follows from regulations on “insemination” and “conception outside the body” (6-7 kap. Lagen om genetisk integritet) that it should not be practiced within healthcare.

In the beginning of the 2000’s there was a general resistance towards allowing surrogacy and no public opinion in favor of legalization (Jönsson 2003: 66). However, during the past decade, particularly the later part, private members’ bills, motioner, have been issued arguing that surrogacy ought to be investigated more thoroughly and in 2012 it was decided that an unprejudiced investigation should be made, with the only parties being against were the Christian Democrats (KD) and the Left Party (V) (Socialutskottets betänkande 2011/12:SoU26). The Swedish National Council on Medical Ethics had already begun to evaluate the question from an ethical perspective and this time reached the conclusion that altruistic surrogacy ought to be allowed (SMER 2013). In the days and weeks after their statement the Swedish public debate on the topic was greater than ever before, which this
paper deals with more specifically. The governmental investigation that is currently running looks at the question from a broader perspective that also includes e.g. legal aspects and takes place at the Ministry of Justice. It is led by lawman Eva Wendel Rosberg and is to be finished in June 2015 at the latest. Consideration will be given to the UN Convention on the Rights of the Child, as well as the UN Convention on the Elimination of All Forms of Discrimination against Women, and the investigation will only judge whether to allow altruistic forms, not commercial (Kommittédirektiv 2013:70). Jane Stoll who has written a dissertation on Swedish family law and surrogacy arrangements questions this limitation, as the aim was initially to conduct an unprejudiced investigation characterized by ”open-mindedness and impartiality”. She writes: ”The limitation of this part of the investigation to issues concerning altruistic surrogacy indicates a pre-conceived notion that commercial surrogacy is not an acceptable alternative, without first exploring whether some forms of commercial surrogacy might in fact be suitable” (2013: 44).
3. Theoretical framework and previous research

In this section I will discuss how surrogate motherhood has been conceptualized in previous research and theory. The first section (3.1) gives an introduction to how we can understand social problems and conflicts in general, whereas the others sections (3.2-3.5) present topics related to surrogacy, often expressing different understandings that I will return to in the analysis. The controversies surrounding surrogacy have been described in different ways in academia. For example, a study that this paper shares similarities with looked at public responses in the U.S., and described them “as a publicly perceived social problem” (Markens 2007: 9). I will also use this concept in the text in order to point to the conflicts that surround the practice, without judging the practice itself as a social problem.

3.1 Social conflicts and problems: The battle of values, interests and classification schemes

Some of the conditions we consider to be social problems were not so considered in earlier times. And some of the things our grandparents saw as social problems are accepted without question today (...). And there are probably some things, that, regardless of their troublesome nature, never have been and never will be considered to be social problems. (Rubington & Weinberg 2011: 3)

Many people have opinions about surrogate motherhood. Less people have opinions about, say, public procurement. Why is this so? The intense debate that has taken place in the public on the former topic says something about its penetrative power. Societal consequences relating to procurement might be greater and have an influence on more people than those presently stemming from surrogacy, but an ordinary person might not have the knowledge of the former that is required in order to understand particular implications of the practice. The famous sociologists Émile Durkheim (1893) as well as Peter L. Berger & Thomas Luckmann (1966) have talked about how in modern society, characterized by a massive division of labor and specialization, we know less about what other people do and the specific knowledge tied to a role different from ours. It becomes harder to moralize around actions we do not fully
understand, compared to previous times when people lived their lives in more similar ways. However, at times an entire (modern) society becomes aware of the fact that its basic constituents are changing or being threatened. As in the case of surrogacy. Reproduction simply touches upon core practices and values in a society that overrides the fact that it involves fewer people than many other issues that could be argued to deserve as much attention, but which pass without notice.

There are different ways within sociology of understanding how social problems or conflicts are born. Many have emphasized the impact of opposing values and interests of different groups (Rubington & Weinberg 2011: 98). In a seminal paper, sociologists Richard C. Fuller and Richard R. Myers argued that social problems go through the natural stages of awareness, policy determination, and reform (1941). Although this has been criticized as a simplification (Lemert 1951), it illuminates parts involved in the process. Herbert Blumer instead emphasized the different activities that actors engage in – the collective behavior – to create awareness of a specific problem: the “role of agitation in getting recognition for a problem”; the role of different interest groups, political figures and “powerful organizations and corporations” in illuminating particular dimensions of the problem and discourage others; the neglect of the perspectives of “powerless groups”; and finally, “the role of the mass media in selecting social problems; and the influence of adventitious happenings that shock public sensitivities” (1971: 302). Different national contexts consist of different actors. There are of course more actors with interests in the continuance of surrogacy where clinics are already established and money is being made. Here, a range of different professionals have become involved in the service (Gupta 2006: 31-32) and in many countries national policies are often intertwined with these interests (Donchin 2010: 326) Therefore, one could argue that once something profitable has been allowed, it is harder to make it illegal. As surrogacy is allowed in some countries but not in others, it causes people longing for children to cross borders and bring children born through this method back to countries where it is not allowed. Consequences of these situations are part of creating awareness for a specific problem and calling for action.

Why surrogacy is seen as provocative could be understood from the perspective of it being what anthropologist Mary Douglas (1966) would call an anomaly. Human beings use classification systems in their making-sense of the world. What falls in between these categories, i.e. anomalies, become problematic and have to be dealt with in various ways, e.g. by classifying a particular anomaly according to one definition, e.g. “a mother is this, but not
this”. Classification systems are culturally tied, so what is seen as problematic in one context might not be so in another: as in the case of social problems. However, Marcia C. Inhorn and Daphna Birenbaum-Carmeli (2008) who have written a review over anthropological work on assisted reproductive technologies conclude that “assisted reproduction has diversified, globalized, and denaturalized the taken-for-granted binaries of, inter alia, sex/procreation, nature/culture, gift/commodity, informal/formal labor, biology/sociality, heterosexuality/homosexuality, local/global, secular/sacred, and human/nonhuman” (ibid.: 178). In other words, the practice has crossed many cultural barriers and raises ethical issues in almost all countries (Pande 2009).

In Western societies there has long existed a division between private and public spheres, also reflected in much scholarly work. Different expressions and motives are seen as more appropriate in one sphere than the other: e.g. the view that love and affection is supposed to be the guiding principle in intimate relationships and not money and calculated rationality (Zelizer 2005). The separation of gifts and commodities, reciprocity and market exchange, go a long way back in much theoretical writing. Arjun Appadurai has, in the well-cited book The Social Life of Things: Commodities in a Cultural Perspective (1986), argued that these dichotomies – gifts as signs of reciprocity and commodities as sprung from self-interest – are simplifications. The former can also be guided by a calculative spirit and the latter are, just like gifts, embedded in cultural contexts and social relationships (ibid.: 11-12). This reasoning partly builds on Marcel Mauss’ ideas expressed in the classic The Gift: Forms and Functions of Exchange (1925), which emphasized how gifts are not only about altruism but can also be used to build relationships with expectations to gain something in return, or to establish hierarchies. In more recent decades, sociologists have tried to show how economics (traditionally understood mainly through theories of self-interest) and social relationships are intertwined and not opposites (see e.g. Granovetter 1985, Zelizer 2007).

Regardless, the conceptual and cultural distinction is very much alive and connected to gender: to traditional male and female attributes. “Male traits” have often been connected to behaviors understood to dominate the public sphere, e.g. rationality, whereas “female traits” have been connected to those understood to be prevalent within more private spheres, e.g. being emotional and selfless (see e.g. Berezin 2005; Almeling 2011). Helena Ragoné, who has written the by now influential book Surrogate Motherhood: Conception in the Heart writes: “(…) women who become surrogate mothers bridge the domestic and public spheres through their work” (1994: 52) which can help to explain why many find it controversial.
Sharyn Roach Anleu explains that understandings of surrogacy:

> involve[s] the application of pervasive gender norms specifying that women's motivations to have children should be based on emotion, selflessness, and caring, not on self-interest, financial incentives, or pragmatism. Applying these norms renders commercial surrogacy deviant, but altruistic arrangements more acceptable. (1992: 30)

Altruistic forms keep the act within more private realms, thereby avoiding turning it into an anomaly. Even when women are being paid for becoming surrogates or providing eggs they emphasize their motivations to be altruistic (Teman 2010; Ragoné 1994; Haylett 2012, Almeling 2011). However, Rene Almeling (2011) has shown in a study of the U.S. medical market for eggs and sperm that while donation programs are active in constructing women’s paid donations as gifts, men’s are more constructed like a job. Thus, it is more accepted that men’s motivations might be economic: they do not have to cross the same cultural barriers.

### 3.2 What is a mother?

Different conceptualizations of motherhood follow from the way new reproductive techniques are used. A woman who donates eggs can downplay the genetic tie in favor of the impact of the gestational and intended mother who also carries the baby (Haylett 2012: 237). On the contrary, when an intended mother donates the eggs and a surrogate carries the baby it is instead the genetic link that is deemed important (Ragoné 1994). When the eggs have been donated from yet a third part and carried by a surrogate mother, it might instead be the intent of the commissioning mother that is regarded the most significant. Charlotte Krokøkke talks about how motherhood can be understood through performance theories. Inspired by theorists such as Richard Bauman, John L. Austin and Judith Butler she argues that motherhood is not something fixed, but made through performances. Participating actors express different discursive constructs, some more legitimate than others, which are part of forming cultural meanings (2012: 308-309). E.g. fertility clinics have been shown to have a great impact upon the way participants view their roles (Almeling 2011; Haylett 2012). Assisted reproductive techniques allow for new ways of constructing motherhood and families where different jurisdictions are important active participants in the meaning making. In Sweden, the legislation currently says that the mother who gives birth to a child is to be considered its mother. In e.g. India the status of a baby born as a result of a surrogacy agreement is more fluid as it is determined by the legislation in the home country of the intended parent(s)
In the case of transnational surrogacy, postmodern reproductive processes enable bodies to be fragmented into movable parts (eggs and sperm that are moved from one body to another); yet through legislative and cultural processes, these often are made to appear controlled and whole. (Kroløkke 2012: 312)

However, as the global fertility travel has increased it has become evident how different legislations clash, simultaneously as different understandings of motherhood are revealed. A case that can serve as an illustration and which received much attention in the media in Norway was when single, and 42-year old Kari Ann Volden hired a surrogate in India, and the twins born were not allowed Norwegian citizenship. To strengthen her case, Volden first stated she was the genetic mother, thereby normalizing her position within accepted Norwegian understandings of motherhood. When it was later revealed that Volden was not the one who had donated the eggs, and therefore lacked a genetic connection to the children, the authorities rejected the application. What was then referred to by herself and support groups were the social aspects of motherhood, that what mattered was her love and nurturance of the twins and her obligation as the sole provider: something that is not recognized by the Norwegian state as constituting motherhood. In the end, Volden was allowed coming to Norway with the twins by a special stipulation (Andersen 2013: 42-46).

Similar legal complications are common in Sweden, which currently lacks specific regulation to establish parenthood to children born through surrogacy. Presently it is instead done through adoption (Stoll 2013: 49).

Not all accept the views of motherhood as something constructed. Some feminist theorists, like Barbara Katz Rothman, argue that motherhood is established through pregnancy, period. That is, every woman carries her own fetus no matter whose the genetic material is (2008: 265). This would be to speak against the more postmodern view of motherhood as something fragmented and flexible. Katz Rothman has expressed how surrogacy is rooted in old patriarchal ideology that deprives women of their labor, including their children (1988: 21). Opening up for this practice, she argues, poses “(…) an enormous threat to further constrain all pregnant women (if any woman is pregnant with a baby not her own, all women can be seen to carry babies for their fathers, the state, and others)(…)” (2008: 266).

In comparison to Sweden Norway does not allow egg donation, thereby keeping genes and blood together (Kroløkke 2012: 315).
3.3 Changing structures and values: understanding contemporary families and individuals

Independent of how one values the development of motherhood, it is a fact that it has become less self-evident. The same can be said about family life and the modern individual.

And the old assurances of ‘knowing your place’ in the world are replaced by a new self-reflexivity in which individuals must now actively work at constructing their identities through the project of the ‘self’. (Chambers 2012: 37)

What Deborah Chambers is referring to is Anthony Giddens’ well-cited concept of the reflexive-self, entangled with a society made up of less overarching authorities and more alternatives to how to live one’s life (Giddens 1991). In a similar vein, Elisabeth Beck-Gernsheim and Ulrich Beck (2002) talk about the rise of individualism, and how it, especially for women, has implied a change from ascribed to acquired roles and not only living for others, but also having a life of one’s own. What these theories have in common is an emphasis on today’s importance of self-fulfillment, something that is also regarded important to attain from intimate relationships.

The structural changes in family patterns seen on a macro-level over the past few decades are often termed The Second Demographic Transition (Mills & Blossfeld 2013). Relevant to this paper, it involves new ways of living together: changing gender roles (Goldscheider et al 2010); less permanent partnerships (Bernhardt 2004); there are more “blended” families of stepparents and stepchildren; and there has been an increase in same-sex couples living together (Chambers 2012: 52). Even if it has become more apparent that “family and kinship are social creations and not products of biology” (Fox & Luxton 2001: 24), reproduction has for a long time been part of (re)producing the nuclear family pattern and it is not controversial to say that it is still a strong norm and reality for many. New reproductive techniques have been part of changing the past postulate of a sexual union between a woman and a man for the creation of a child. However, many still prefer using their own genetic material in the making: a preference that is, not surprisingly, one of the primary motivations for couples pursuing surrogacy (Ragone 1996: 358). Thus, new reproductive techniques both reproduce and challenge notions of family.

Why do people have children? In the influential Pricing the Priceless Child: The Changing
Social Value of Children (1985) Viviana Zelizer showed how children up for adoption went from being primarily economically valued to obtaining a sentimental value at the end and turn of 19th century America. For long the demand had been greater for children who were older and able to work than for smaller children, but with the shifting value it became less about taking “(…) a child for what you can get out of him” and more about “what you can put into him” (1988: 24) and infants thus became more popular. Today, the decision to have children has been understood as integrated with modern self-expressions (Mills & Blossfeld 2013). Nonetheless, the ability for self-expression needs to be understood as connected to having the resources to consume different lifestyles. Therefore, the theories of the modern self and her relationships have partly been criticized for neglecting a social class perspective as they often relate to the situation of the middle-class (Chambers 2012: 40). To illustrate, a study carried out in Sweden showed that working class and middle class fathers experienced the transition to fatherhood differently. For the former it was more of a natural process while for the latter it meant an active choice that was viewed as transformative to the personality, described as: “an opportunity to develop their identity and to get to know new sides of themselves” (Plantin 2007: 93). However, regardless of the differences that exist “out there”, ideas of the modern family life are popular in political and other public debates and shape current understandings (Chambers 2012: 40) and from a global perspective there are more well-off people using reproductive services than less privileged, indicating that these theories are applicable to this group.

3.3.1 The impact of different national contexts: The Swedish case

Although Western societies share similarities in terms of family life and the individual, these topics also need to be understood within their different national contexts. If taking the U.S. as an example, family has often been described in terms of ”a haven in a heartless world” (Hochschild 2013) where state ”intrusion” should be kept to a minimum (Markens 2007). In contrast, the state in Scandinavian countries plays a greater role in the structuring of family life. The theoretical understanding of family policies in Sweden points in different directions: some have described them as trying to make the citizens structure their lives in similar ways and thereby not respecting social differences (Kaufmann 2002: 467), whereas others view them as more neutral, leaving room for different moral outlooks and ways of living (Perelli- Harris & Sanchez Gassen 2012: 460). Regardless, they do have an impact. Taking an example from another Nordic country, Andersen argues that the Volden-case (see p. 11) is a good example of an individual appealing to the Norwegian welfare state that is supposed to help
infertile citizens in the quest for children. When not being granted the parental rights she argues to deserve as a woman with difficulty conceiving, and as a good mother, she puts herself in the role of a victim to the state (2013: 44-45).

Along with the other Nordic countries, Sweden has been argued to be the forerunner of family matters, or the least traditional (Andersson et al 2006; Kaufmann 2002: 468). In referring to Hernes (1987) and Carbin et al (2011) Andersen writes: "(...) political resistance and progressive social movements connected to gender and sexuality in the Nordic area have a history of becoming incorporated into the system, into the Socialdemocratic welfare state" (2013: 53, my translation). In Sweden, much political as well as scientific work has over the past half century collaborated to encourage fathers’ active relationships to their children, reducing the difference between mother- and fatherhood, as well as questioning the division made between women and men, and female and male attributes (see discussion in Olsson 2011: 355-362). As Hellgren & Hobson point out "(...) gender equality has become a marker of the Swedish state identity (...)" (2008: 386). Sweden has also placed a firm emphasis on the protection and “quality” of children, expressed in e.g. “being the first country to forbid corporal punishment of children” (Kaufmann 2002: 468-470).

3.4 Debating unequal circumstances: exploitation or denied self-determination?

The following two sections (3.4 and 3.5) deal more specifically with what have been raised as problems in relation to surrogacy in previous research.

Richard Titmuss, in writing about donations of blood in The Gift Relationship: From Human Blood to Social Policy (1971), compared England and the U.K. and argued that a system based on unpaid donations of blood led to better consequences compared to one being organized through paid donations, and structured more like the market. If givers were being paid it was the people most in need of payment who donated the most blood and at the receiving side were more of the privileged. In other words: "the well-off benefitted from the blood of the poor" (Steiner 2003: 149). Similar arguments have been raised in relation to surrogacy. It is more common that surrogates are from lower socioeconomic groups than the intended parents in countries like the U.S. and India where commercial surrogacy is allowed (Ragoné 1994: 54; Spar 2006: 73; Pande 2009: 150-154), which also marks the relation between donors and recipients of eggs in the U.S. (Haylett 2012: 241). Allowing paid
surrogacy has, from a Marxist perspective, been understood as inviting to an establishment of a "reproductive proletariat" (see discussion in Jönsson 2003: 165), where poor women make up the willing sellers (Radin 1996). Transnational surrogacy has been discussed through these aspects: how rich people in affluent countries use poor people in developing countries (Donchin 2010: 323); how it reproduces a colonial practice (Krolokke 2012: 311; Donchin 2010: 329); and as a type of "reproductive trafficking", or control over women’s bodies by others than themselves (Corea 1985; Raymond 1993). "Within global capitalism women’s cheap labour is not only used to produce for the world market, but also to ‘reproduce’ for the world market” (Gupta 2006: 32). Surrogacy needs to be viewed from an intersectional perspective: although it is a question clearly relating to gender, it does not mean that all women share the same interests and experiences (see discussion in Markens 2012: 1746-1747). For well-off women it has opened up a new form of reproductive control and freedom while simultaneously implying "outside control and expropriation” for less advantaged women (Gupta 2006: 28). Women partake both as buyers and sellers (ibid.: 31), but the roles are not interchangeable between groups, as the former is in general more well-off than the latter.

There are different opinions to whether these circumstances should be accepted or not. One of the arguments is that (paid) surrogacy does not assert itself as a desirable option to all kinds of women; what is a desirable option is rather shaped by one's position within different social structures, and these aspects also play out and structure market logics (see discussion in Winddance Twine 2011: 7-10; Donchin 2010: 324; Spar 2006: 77). Under unfavorable and oppressive circumstances, some scholars talk about an internalization of ‘adaptive preferences’, i.e. one comes to accept and prefer what is in fact disadvantageous. Other researchers disagree and argue how this implies a victimization of women in e.g. developing countries, not recognizing that they are active agents able to make informed choices (see discussion in Donchin 2010: 324). Helena Ragoné, who conducted interviews with surrogate mothers in the U.S., described: “Although couples are primarily upper-middle class and surrogates are primarily working class, surrogates view their decision to become a surrogate as an informed choice and do not articulate any experience of class inequity in relationship to couples, even when questioned extensively about this issue” (1994: 54). Liberal feminists and debaters have supported a woman's right to enter a surrogacy contract. (see discussion in Winddance Twine 2011: 7-10; Spar 2006: 77). This stance is also what Kutte Jönsson reaches in the book Det förbjudna mödraskapet: En moralfilosofisk undersökning av
surrogatmödraskapet\textsuperscript{14} (2003), one of the few Swedish academic literatures on surrogacy. He challenges the Swedish legal prohibition arguing that it cannot be morally justified. In a liberal democratic society every adult member should have the "(…) right to decide what to do with his or her body without state interference, as long as the actions do not interfere with the equal rights of others" (ibid.: 232). By others it has been raised that some rights are inalienable, i.e. some things should not be possible to sell. For example, one is not allowed to sell oneself as a slave even though there might be consent over this between involved parties. Philosopher David Ellerman (2010) has stated that consent throughout history has been used to legitimize the relationship between the superior and the subordinated. The same argument could be raised in relation to surrogacy, i.e. although there is consent between the parties over the contract, it should not be possible to sell one’s reproductive labor. Donchin writes: "It is understandable that impoverished women in poor economies may accept offers to sell their bodily resources rather than sink further into poverty, but their consent can’t turn a morally unacceptable offer into a morally fair purchase" (2010: 325).

3.5 Commodityfication: discussing exploitation of humanity and presenting counterarguments

Arguments against paid exchange in social relationships often lead to a discussion of commodification. Overall, it deals with the "intrusion" of the economy into social spheres seen to ought to be guided according to other principles than market values, where theorists raise questions such as “what happens to the kinds of traditional reciprocal relationships that are born of affection, love, and devotion?” (Rifkin 2000: 112). Elizabeth S. Anderson argues in a well-cited article about commercial surrogacy that women are degraded if their pregnancy is treated as a commodity (1990: 75). From this perspective, surrogacy becomes exploitative in itself and not solely because of the unequal circumstances that surround it, as described earlier. Lesley Sharp (2000), who has written an extensive article on commodification of the body, explains how it transforms “(...) persons and their bodies from a human category into objects of economic desire” and continues “Thus, the presence of objectification in a host of forms is significant because it flags the possibility that commodification has occurred (...)” (ibid.: 293). It implies the reduction of people to solely their potential as an object within a particular context. In Marx's (1867) classical understanding, in the context of capitalism, it

\textsuperscript{14} If translated: The forbidden motherhood: A moral philosophical investigation of surrogate motherhood.
would imply being reduced to a mere cog in a working-wheel, a subjectivity which goes against human beings' creation of themselves through their being in the world. However, people are not only commodified in the name of profit. The weaker part in social relationships can be exploited, and in a patriarchal context "(…) women's bodies are fragmented in a host of ways, through their reproductive potential, so that they are reduced to vaginas, wombs, or breasts" (Sharp 2000: 294): aspects that have been raised as arguments against altruistic surrogacy.

Commodification theories have been criticized for simplification, partly in relation to what Viviana Zelizer has called a “separate spheres and hostile worlds” perspective: made up of an idea of “distinct arenas for economic activity and intimate relations, with inevitable contamination and disorder resulting when the two spheres come into contact with each other” (Zelizer 2005: 20-21). This conceptual division was brought up earlier on (between private and public spheres), but it also applies to the consequences of mixing these “distinct arenas”. In much of Zelizer’s influential work, she has shown various examples of how money and private relationships are entangled in different ways and asked questions such as: “Does it only take a payment to transform a baby into a commodity?” (1988: 26). In contrast to Anderson (1990) she states: “The surrogate payment may be a venal and dehumanizing payoff, but it can also symbolize an acceptable retribution” (1988: 28). Believing that money has only one effect is a narrow understanding according to Zelizer, and what becomes important is to understand the different relationships between money and intimate relationships that are formed in different social situations and settings. Money can also be used to sustain intimate relationships (2005); “not all dollars are equal” (1988: 26).
4. Methodology

In this section I will discuss the used material: why this type of material was chosen, how it was accessed and selected, and finally how the textual analysis was carried out. I will also briefly discuss ethical considerations.

4.1 What material to use and why?

This study falls within the qualitative field. To capture the range of ideas expressed in relation to surrogacy, I chose to examine the political and public debate on the topic. What have been analyzed are political documents consisting of private members’ bills (motioner), reports, and one debate; as well as newspaper editorials, debate articles and statements made on websites by various interest groups. Susan Markens has written the book Surrogate Motherhood and the Politics of Reproduction (2007) where one section is an analysis of part of the American debate on surrogacy that took place during the late 1980’s and early 1990’s. She points out that "newspapers (…) play an important role in shaping the views and behavior of public officials and other activists" (ibid.:186). The surrogacy debate in Sweden which has taken place in media the last few years, is to a great extent, a response to what is happening in politics, therefore these two spheres need to be understood as being in dialogue with one another. So, what does this kind of material tell us? Not necessarily what other parts of the community believe. However, speaking from positions of power, it could be argued that the ideas expressed have an influence on public opinion. It is thus an interesting material to study as well as being sociologically relevant.

Gathering already published material was deemed more suitable than other methods, such as conducting interviews. Considering my aim has been to reach saturation, i.e. gain access to the most common ideas expressed in the debate, this type of material enabled a comprehensive overview of the public debate on surrogacy. Interviews were deemed to not contribute any information relevant for this paper that could not be obtained from public documents and statements. As I have been interested in the actors involved, I reasoned that they have publicly expressed the ideas they are interested in expressing and would not necessarily want to go any deeper into why they have reached a certain conclusion. That is, I want to be able to tie a particular statement to a particular actor, which would make interviews more complicated if not granting anonymity.
4.2 Access and selection

To gain access to political documents, I searched the Riksdag’s website. A collection was made of all private members’ bills, on the topic issued between the years 2001-2012, i.e. from the year when the first was issued until the year when it was decided that surrogacy should be investigated. I also collected other political reports: most of which were published over the same period as the motions. All the material was sorted into Scrivener, a writing and draft software, divided by year so I would get a clear understanding of the development of the process. What was selected for the analysis, apart from different private members’ bills (most from 2008 and later), were Socialutskottets betänkande 2011/12:SoU26, Protokoll 2011/12:91 (debate over the proposal in 2012), and Report 2013:1 by SMER.

Compared to e.g. the U.S. where discussions on surrogacy in the media were the largest in the end of the 80’s beginning of the 90’s (Ciccarelli & Beckman 2005, Markens 2007), the attention given to the topic in Sweden was almost nonexistent up until a few years ago. The same year Kajsa Ekis Ekman’s book (2010) was released, there was a steady increase in articles on the topic compared to previous years and I therefore chose this as the starting year: deciding to analyze articles published between 2010-2013. In order to gain access to the newspaper articles I have used the database Mediearkivet, the largest digital news-archive among the Nordic countries (Retriever 2014). I have gone through all articles published during the period in 657 sources (Swedish printed press) that are accessible through the database by the search terms surrogatmödraskap or surrogatmoderskap or värdmödraskap or värdmoderskap15. The search resulted in 452 hits in 2013; 316 hits in 2012; 200 hits in 2011; and 149 hits in 2010. On account of my main interest to analyze what participating debaters have to say about the practice as such, I believe to have gained access to most of the relevant material by the used search terms. Terms such as surrogat and surrogatmamma16 resulted more often in articles that were focused on telling personal stories. These would of course have been interesting to analyze as well, but fall outside the realm. Some journals are not included in Mediearkivet. Therefore, a kind of ”snowball technique” has been applied: if someone has referred to an article I have not gained access to through Mediearkivet I have looked it up separately. However, it is impossible to access (moreover to analyze) everything published on the topic, but after going through the material I believe saturation has been reached.

15 Mödraskap and moderskap mean motherhood. Värd means host.
16 Surrogate and surrogate mother.
The selection of newspaper articles was conducted in the following way: all editorials published on the topic have been selected as well as all debate articles, except for those written by anonymous debaters or private persons just having an opinion without stating anything about themselves or what their relationship is to the practice. The reason for this is that part of my interest is in who says what. The analyzed articles are those that clearly express an opinion, more “neutral” ones like "She gave birth to a surrogate child” that turned up in the search have not been analyzed. I have gone through interviews made with participating debaters, but only selected texts written by the debaters themselves. I have also looked at involved organizations that have made public statements regarding their stance on e.g. their website\textsuperscript{17}. All of the relevant texts were sorted – based on the above criteria – into Scrivener, in the same way as I did for the political documents. General news and recurring stories were sorted in another section, just to keep track of what was happening in general on the topic during each year.

I have also watched and listened to news and debates which have taken place on TV and radio. I participated in a meeting arranged by The National Swedish Association for Sexual Information (RFSU\textsuperscript{18}) in the end of January on the topic, where a panel discussion took place between the president of RFSU: Kristina Ljungros, and the chairman of The Swedish Women’s Lobby\textsuperscript{19}: Gertrud Åström. The latter being against an introduction of the practice in Sweden, and the former "carefully positive”, försiktigt positiv. These extra activities have given a good overview of the field and the participating actors.

4.3 Coding and analysis

In the start-up of the analysis I was interested in seeing how some themes from the theoretical framework were expressed in the debate. However, considering one of my research questions has been how surrogacy is framed in the debate, I did not want to limit the analysis to what John Creswell calls prefigured categories (2007: 152), which constrains the analysis to aspects to a great extent already known. Rather, emergent categories led to the expansion and change of the initial theoretical framework. First I read through all the articles and coded them according to main issues being brought up, e.g. “children is no right”, “women’s right to choose” etc, which helped to gain an understanding of which themes have been dominant and what have been marginal. Although counting belongs in a more quantitative context, it has

\textsuperscript{17} Referred to by (2014) if the statement does not include a date.
\textsuperscript{18} Riksförbundet för sexuell upplysning.
\textsuperscript{19} Sveriges Kvinnolobby.
still been important to pay attention to recurring statements.

Considering the large amount of material, I did not conduct e.g. a thorough discourse analysis, but have rather, in relation to the research questions, conducted a textual analysis in which I looked at different understandings of the main themes that came out of the analysis: e.g. of motherhood and family, of differences in viewing the act as either exploitative or altruistic, etc. In other words, I have to a great extent used *in vivo codes* (Creswell 2007: 153), i.e. used the same terms as the debaters. In the end I analyzed how these different types of understandings lead to conflicts – reconnecting to the theoretical section on how social conflicts or problems are formed, on what grounds, and which frames have been able to gain more recognition than others.

4.4. Ethics: the researcher’s impact and responsibility

From a qualitative point of view, “all research is interpretive: guided by a set of beliefs and feelings about the world and how it should be understood and studied” (Denzin & Lincoln 2011:13). If one believes that there are several ways of telling a story and that this also applies to science, what becomes important is to tell about the tools one has used in the analysis. The researcher will focus on different aspects depending on the research question and the theoretical framing. This means that the story could have been told in another way. My aim, however, has been to examine the material in an open and systematic way while being transparent about how the collection and analysis have been carried out. Although no human subjects have been directly involved, there are ethical considerations also to be made when studying text. Important questions to ask are: Is this interpretation plausible? Is this account representative or misrepresentative of the texts as a whole? Does the statement I have picked out for illustration express the original line of thought by the author of the text or is it removed out of context to back up *my* argument? I have tried to avoid the risk of explaining that a statement *essentially* means something different than what the author is indicating (Repstad 1999).
5. Analysis & Results

Aspects raised in both the political and public debate are the difficulties experienced by couples who want children, but who cannot get them without assistance. This longing is the reason why surrogacy is investigated in the first place – maybe evident, but considering all the different actors and ideas surrogacy becomes intertwined with, it warrants a repeating. The social problem of infertility has thus not been explored to a great extent in this analysis, but I have rather considered what ideas it runs up against. Neither have I analyzed all the different legal issues discussed, nor the little research on the well-being of actors involved that is being referred to by debaters – either to state their case, or by criticizing the studies as problematic for different reasons.

Sections 5.1 & 5.2 are thematically presented, i.e. according to the two general themes of family and unequal circumstances, commodification, and self-determination. The subsections are presented according to a dialectic or dialogic outline (see e.g. Jarrick & Josephson 1996), i.e. by showing the disagreements on particular topics, which partly builds on the themes presented in the theoretical framework. I have separated the political discussions from those carried out in other public arenas, simply naming participants in the former politicians and participants in the latter debaters. It should be pointed out that views can of course differ within parties, as an example: members of the Left Party were the first to issue a private member’s bill calling for an investigation of surrogacy, but the party as a whole was a little more than a decade later against an investigation.

5.1 Debating family

In this section, I will highlight what is being debated in relation to family in general, children, childless adults, and mothers.

5.1.1 Political discussions on the rights of children and adults

We cannot (...) pretend like reality does not exist. It exists. The children exist. The women exist and the parents exist. (...) Do not call these children surrogate children! (...) Talk about labeling children! (...) They are loved children - children that should grow up the exact same way as all other
Over the years a recurring statement has been that children born through this method exist in Sweden and face several legislative problems, together with their parents. Not granting them equal rights as other children is seen as problematic (e.g. Christin Hagberg, The Social Democratic Party (S)\textsuperscript{21}, Protokoll 2011/12:91). As Barbro Westerholm and Birgitta Ohlsson of the Liberal Party (FP)\textsuperscript{22} have argued: “the question has to be investigated, not swept under the rug” (Motion 2008/09: So222). On the contrary, politicians from the Christian Democrats (KD) have not focused on the children born through surrogacy, but instead on the rights perspective of children in general\textsuperscript{23}. Surrogacy is criticized for being a solution to the wishes of adults and an argument has been that ”the claims of adults need to be denied (…) from the rights perspective of the child” (Kjell Eldensjö (KD), Motion 2009/10:So563). This right is often connected to growing up in a nuclear family consisting of biological parents of opposite sex. Eldensjö writes:

\begin{quote}
The notion that the child is best off growing up in an intact relation to both its mother and father is further a notion that goes deep into our society. Not less than 87 percent of the Swedish people believe that children have a fundamental right as far as possible to grow up with their biological parents (SIFO 2007). (...) It is neither so that the social parents’ sex is insignificant, even if that sort of a theory exist within e.g. the academic world. It is not a proven fact, even if the theory sometimes is driven in an opinion forming and ideological way as if it were. (Motion 2009/10:So563)\textsuperscript{24}
\end{quote}

The statement resonates well with the concept of “people of the reality”, verklighetens folk, used by party leader Göran Hägglund (KD) to describe the reality of what he sees as the “common people”, located far away from the values and ideas of the cultural elite (DN 2009). In comparison to representatives of the other parties who generally express that caring and love are what matter for the well-being of the child and not the constellation, Anders Andersson (KD) stated in a debate over Socialutskottets Betänkande 2011/12:SoU26: “[W]e are moving towards a redefinition of the family concept that is not healthy” (Protokoll 2011/12:91). Constructing families in new constellations according to the preferences of involved adults where children are deprived of their origin is not the right way to go, he

\textsuperscript{20} I have translated all statements into English, trying to change as little as possible. See References for Swedish titles and to find the original statements. Protokoll 2011/12:91 is found under References as “Riksdagens protokoll”.
\textsuperscript{21} Socialdemokraterna.
\textsuperscript{22} Folkpartiet.
\textsuperscript{23} Which also involves emphasizing how children born through surrogacy might be caught up in conflicts between involved parties (Protokoll 2011/12:91).
\textsuperscript{24} Expressed in relation to be being critical towards single women getting access to insemination.
explains.

To illustrate an opposite standpoint, six members of the Green Party (MP)\textsuperscript{25}, among them Gunvor G. Ericson and Thomas Nihlén, issued a private member’s bill in which they criticized the current legislation related to infertility as based on hetero-normative thinking. In relation to children, they ask the rhetoric question: "Why would a child who obviously is so longed-for that the parents have gone through great inconvenience to get it have it worse off than a child that was not planned?" (Motion 2008/09:So559). What comes into question is consequently a right’s perspective of adults:

\begin{quote}
Society changes and so do people’s living conditions. When lesbian couples have been given equal opportunities to assisted reproduction as same-sex couples it can be plausible that also gay male couples have the opportunity to become biological parents. (Motion 2008/09:So559)
\end{quote}

Surrogacy could thus be a help to those who wish to have a family that resembles the nuclear family, i.e. two parents and biological child(ren). Eva Olofsson, of the Left Party (V), criticizes how far people are willing to go – i.e. using a woman as a surrogate – in the quest for a genetically related child: "It is not an Indian child living at an orphanage one is looking for, but a child that resembles oneself. (...) One wants a Western child” (Protokoll 2011/12:91). Striving for a genetic link becomes complicated in the case of surrogacy, but not when it comes to allowing single women insemination\textsuperscript{26}. She continues: “Instead I believe that we should keep working for more guardians, more generous insemination rules and adoption rules that are more allowing (Socialutskottets betänkande 2011/12:SoU26: p. 22), something Carina Hägg, of the Social Democratic Party (S)\textsuperscript{27} has also encouraged as an alternative to surrogacy (Motion 2010/11:So296).

Many emphasize how times have changed, including SMER who elaborates on how new reproductive techniques can help the modern family, or person. SMER discusses research on family and states that the nuclear family is to a great extent ”a reality and an ideal” for many, but also bring up how ”instead of family one can talk about family practices that suggest that family is something that is being made\textsuperscript{28} and constantly changing, rather than something static and unchanged” (see discussion in 2013: 36). In other words, constructionist awareness is to a great extent present in the report and used as a guiding principle. Social factors, like safety and love (ibid.:136), are seen as more important than genetic connection for the well-being of

\textsuperscript{25} Miljöpartiet.
\textsuperscript{26} Debated simultaneously as surrogacy.
\textsuperscript{27} Socialdemokraterna.
\textsuperscript{28} Något som görs.
the child (SMER 2013: 20). Consequently, parenting is viewed from the perspective of what one does rather than what one is, echoing the theoretical perspectives brought forward by Giddens (1991) and Beck-Gernsheim & Beck (2002). Expressions of this are the opinions that donation of fertilized eggs should be allowed (SMER 2013: 136), women who want to freeze their eggs because of age related infertility should be able to do so29 (ibid: 21) and age30 should not determine who gets infertility treatment or not as people age individually (ibid.: 25). In comparison to the Christian Democrats, the council declares an acceptance over people’s ability to construct their reproduction to a greater extent. However, they carefully emphasize that "(...) it cannot be a right of childless couples to have access to assisted reproduction” (ibid.: 116). What is of highest importance is the child’s best interest and children should have the right to know about their origin (ibid.: 125). In other words, although the parents might view biology as insignificant, the child might not.

5.1.2 Having children is no right – public questioning of the desires of the modern individual

And everything (...) exclusively in the intended parents’ interest: obedient31 references to the child’s best does not change the fact that it was hardly for the sake of children that the question was initiated. (Barometern 2013a32)

Public discussions in the media share similarities to those expressed in the political debate. In relation to the statement made by SMER, many emphasize the positive aspects of surrogacy; in letting more couples have children and expanding the notion of family (see e.g. Helsingsborgs Dagblad 2013; Motala & Vadstena Tidning 2013; Ljusnan 2013; Öppna Moderater 2013). New reproductive techniques are seen as helpful to the “project” of the modern person:

We live in a time when family planning and family formation for many are the effects of own, free choices. It is a sign of freedom, life quality and humanity in development. That we within ethically acceptable frames try to support and help others to take part of the blessings of development is therefore both reasonable and relevant. (Södermanlands Nyheter 2013)

Few of those debaters who express an understanding of the difficulties involved in the longing for children and who are positive about surrogacy argue: "having children is a right”, but

29 Although at own cost.
30 They see it as inappropriate that general age limits decide who gets infertility treatment or not.
31 Pliktskyldiga.
32 When references are made to an editorial, the name of the paper is used. To other articles the name of the author is instead used as a reference. For the exact dates, see “References”.

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several debaters have the opinion that people seem to think so and therefore argue: "no one has a right to become a parent" (see e.g. Malin Wollin 2013; Claphaminstitutet 2013; Ingemar Kjellmer 2013). Similar ideas are expressed as in the political debate: children’s rights in general are often described as in opposition to the wishes of adults. Hanne Kjöller, editorial writer at Dagens Nyheter (DN), has made a few comments on the topic over the years. Partly by criticizing the way self-fulfilling and self-centered adults see themselves as having the right to a child of their own:

Children are viewed, not least among the middle class of the big cities, as the crowning glory of an otherwise successful life (...) I believe that the fixation by the mother cult that we see today is at least partly about perfection and self-image rather than an actual longing to be close to a child. A lot of us have plenty of children around. And a lot of us have the possibilities to develop own relationships with some of them. But no, it’s not really the same. One wants a child of one’s own. (Dagens Nyheter 2013)

Having children as part of a self-expression rather than out of a wish to build a relationship with a child is illuminated as problematic. Why this is so could partly be related to how this want is often connected to consumerism – and to how market forces sprung from the public sphere have also come to dominate the private sphere. “Based on consumerism, new lifestyles seem to offer a wider-range of choices about how to live one’s life” (Chambers 2012: 35). Many of today’s self-expressions are created through consumption, and concepts from consumption discourses are often intertwined with discussions concerning why the modern individual chooses to have children:

The children who are to be born are sorted, planned and composed like never before. The gifts to the world and to the parents that children are, risk in the future to be increasingly more like specially ordered accessories. (Västerviks Tidningen 2012)

Children are (...) no right. The individualism and self-realization should not be driven so far that children and women’s bodies begin to be looked upon as commodities. (Gotlands Allehanda 2013).

Using the expression “children as commodities” quickly establishes surrogacy as a repellant practice. By appealing to cultural understandings of the separation between the market and more private spheres it clearly declares that what is for sale is family (Almeling 2011). Using rational concepts such as “sorted”, “planned” and “composed” also make the practice sound more like being about constructing a product rather than creating a child. Children should be

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33 Although not mentioned here, many politicians connected to the Christian Democrats have participated in the public debate with this argument.
34 Kronan på verket.
gifts and not products. However, as one debater, a mother to an adopted child, points out: international adoption is also a form of trade with children and those being against commercial surrogacy should thus also object to the former. She continues “(…) that my husband and I were willing to pay 150 000 crowns to move a child from the other side of the earth was pure egoism” (Jenny Steen 2013). Hence, she helps to show how international adoption, an accepted practice in Sweden, can also be viewed from those perspectives from which commercial surrogacy is being criticized. The argument can be related to what Zelizer (2005) has pointed out: putting a price on something does not instantly turn it into a commodity, but one needs to pay attention to the context in which the transaction is carried out. However, some view adoption and surrogacy as different practices. The Christian Council of Sweden (SKR) emphasized: “To plan and systematically deprive children of the mother they have lived inside during nine months, who the child already has created a relation to intrauterine is something completely else” (SKR 2013). Likewise, a medical doctor against surrogacy explains: “It is an essential difference between taking care of a child that is already born, and taking responsibility for a life being created” (Ingemar Kjellmer 2013). In comparison to adoption, surrogacy arrangements have introduced “(…) a ‘custom-made’ market for children” (Zelizer 1988), which some debaters find more upsetting and also relate altruistic forms to. Other debaters emphasize how it is wrong to view childlessness as a consequence of personal priorities and chosen lifestyles that have gone wrong:

There is probably no other illness in Sweden that is as exposed to ignorance, marginalization and prejudice as involuntary childlessness. Within politics and health care the disease is lowly prioritized and in society there is a widespread view that it is not a “real” illness but a luxury problem.

(Aleksander Giwercman et al 2013)

Through this perspective, the longing for children becomes portrayed as an illness rather than just another self-expression and becomes placed within a discourse far from consumption.

5.1.3 Why not co-operate instead of surrogacy?

In the theoretical section, I brought up how family patterns have changed during the last couples of decades (see e.g. Mills & Blossfeld 2013). One aspect that has not changed, though, is how people in general want to pair up with one other person and have a child together. This has been questioned as problematic in relation to surrogacy. E.g. Hanne Kjoller questioned the right of men to choose to remove the mother from the picture instead of co-operating (Dagens Nyheter 2011). Katrine Kielos writes in an editorial:

35 Sveriges Kristna Råd.
In Sweden RFSL\textsuperscript{36} raises the question as a solution for HBT-couples to have children. And one can wonder why it is so important to do this without the woman who has carried it also becoming a guardian. Is it so fundamental to imitate a conservative two-togetherness norm\textsuperscript{37}? Is not a better solution that we for example open up for further guardians? (Aftonbladet 2012)

Maria Haldesten, editorial writer at Göteborgs Posten (GP) who has been engaged in the surrogacy debate over the years with a critical stance, also advocates more gay couples cooperating in the family makings: “(...) their children do not have to ponder one second on their genetic origin” (Göteborgs Posten 2011). Petra Östergren challenges the emphasis on how it is problematic to deprive children of their mother by stating:

(...) more people should have tried to exchange the criticism against surrogate motherhood with insemination and wondered why we have a society that allows men to be used as “breeding bulls\textsuperscript{38}”, why lesbian families are allowed to exist when they can be said to “be characterized by the demand” of an absent father. (Petra Östergren 2010)

The demand can thus be criticized from the opposite direction as well\textsuperscript{39}, and this gender analysis points to how it is culturally easier to exclude the father than the mother from the family making. Two members of Moderatmännen, Urban Johansson and Sten Holmström, who advocate an introduction of surrogacy in Sweden, also emphasize unequal consequences relating to the status of the mother. Apart from pointing out that adoption is not practically possible for gay men, they emphasize that earlier parenthood arrangements between gay men and lesbians have started to become phased out, as women have access to insemination either in Sweden or by going abroad. Moreover, they declare that many feel insecure in making those type of arrangements as mothers are often favored if there would ever be a custody battle, rendering surrogacy as a safer alternative. In the same vein as several politicians have argued, they state that it is about time to broaden the possibilities to parenthood for all citizens. Reproduction thus becomes a question of equality that the state should help in securing: gay men and men in general should also be granted rights to parenthood (Moderatmännen 2010). A parallel can thus be made to the Volden-case in Norway (see p. 11 and p. 13-14 or Andersen 2013) and the expectations on the welfare state to help in the family making. Surrogacy is to a great extent an HBTQ issue, however not solely, and politicians as

\textsuperscript{36} Riksförbundet för homosexuellas, bisexuellas, transpersoners och queerar rättigheter (The Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights).
\textsuperscript{37} Tvåsamhetsnorm.
\textsuperscript{38} Avelstjurar.
\textsuperscript{39} The Christian Democrats have argued against allowing insemination for single women in Sweden from the perspective that the child is deprived of its father, while others emphasize that there can be plenty of other father figures in the immediate surrounding (see e.g. Protokoll 2011/12:91).
well as debaters emphasize that it is mostly heterosexual couples who hire surrogate mothers. This way, it is pointed out that it is not about the Swedish state not granting homosexual men the right to parenthood, but has to be viewed from a greater perspective.

5.1.4 The bond between mother and child

By looking at the political debate over the years, it is possible to see that motherhood per se or what it constitutes is seldom problematized. The only party to express opinions on this matter is the Christian Democrats, although there is a widespread opinion that it is important that the child gets to know about those parties who have been involved in its conception. The disruption of the bond between the gestational mother and the child is questioned to a greater extent in other parts of the public debate, although a minority in SMER also raised it as one argument to why surrogacy should not be allowed (SMER 2013: 175). While some debaters argue: “We should (…) open up for broader families where one for example out of solidarity can give birth to the child of one’s friends without being the child’s biological parents” (RFSL Ungdom 40 2010), others argue that pregnancy is different from just a production technology. Partly by pointing to the fact that there is not enough knowledge about what it means for a fetus to be carried by someone who does not want to or has the ability to connect to it, or how newborn children or surrogate mothers are affected by being separated from one another right after birth (see e.g. Göteborgs Posten 2010, Margareta Viberg 2013, Sveriges Kristna Råd 2013).

Helena Granström, who has written the novel Hysteros, dealing with pregnancy, writes in an article: ”If we are not able to formulate better arguments against surrogate motherhood than how socially exposed women risk economic exploitation, we have a very frail foundation to problematize a literate mechanization of pregnancy” (Granström 2013). Problematic, according to her, is instead the denial of the relationship that is built between the carrying mother and the growing child.

What is a pregnancy? If the answer is growth, supply of nutrition and regulation of temperature during nine months the question is just as easy as RFSL and others want it to be: a child should be produced, and from its perspective the conditions of production are insignificant, as long as they fulfill the technical specification. (ibid.)

In the Swedish public debate, surrogacy is often problematized from the perspective of the circumstances that surround it, which I will delve deeper into later in the analysis. Granström

40 Swedish Youth Federation for LGBTQ Rights.
instead questions “The mechanical view of pregnancy that has ectogenesis as its logical end point”. If pregnancy means nothing but a production of a child where the sole purpose of the body that carries it is to work as a container, the long term implication is that it could just as well occur outside of the body. The question is thus different from those being raised in connection to adoption, she argues, and has to be discussed from a greater perspective of technological innovation, the creation of life and humanity.

Ebba Witt-Brattström writes in relation to SMER’s recommendation for allowing altruistic surrogacy:

*The proposal is a return to the most patriarchal of all lines of thoughts, Aristotle’s perception 300 years B.C. that the uterus is a passive container of the man’s life-giving substance. SMER’s proposal is nothing less than a crime to women’s - and children’s - human rights. (Witt-Brattström 2013)*

The dissolution of the relationship between the carrying mother and the child can be interpreted as the crime. Women have the right to their children, and children to their mothers, resonating the argument brought forward by feminist Katz Rothman (2008). Kajsa Ekis Ekman has also emphasized how: “This right should not, under any circumstances, be possible to remove by contract⁴¹” (Ekman 2010b) and problematizes constructionist perspectives to motherhood:

*Children come from women. They are inside us for nine months, we feel them grow, we can get pelvic girdle pain and pregnancy poisoning⁴², our bodies and psyches change - not to speak of what a delivery implies (...) [In surrogate motherhood] the woman has to disassociate from the child she carries which is a part of herself (...) She has to think of her uterus as a function separated from herself. (Ekman 2010c)*

This can be compared to those who overlook the fact that it is always (presently) a woman⁴³ that will carry the children of others, e.g. like the quote above “one can give birth to the child of one’s friends” (RFSL Ungdom 2010) or arguing that surrogate motherhood should be called surrogate pregnancy, *surrogathavandeskap*, instead (Aylward & Alvelin 2013). Göran Greider writes in an editorial that the notion of motherhood as something holy will fade away along with religious beliefs (Dala-Demokraten 2013). Thus, what constitutes motherhood is something that will change with time. Nina Lekander, cultural critic at Expressen, criticizes Kajsa Ekis Ekman as being conservative, hostile against progress and being too focused on biology. Compared to Ekman – who is critical of how surrogacy leads to constructing

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⁴¹ Kunna avtalas bort genom kontrakt.
⁴² Foglossning och havandeskapsförgifning.
⁴³ Or at least someone with a uterus.
pregnancy into something the woman *owns* instead of something a woman *is* (2010a: 165) – Lekander instead states "Finally women elude\(^{44}\) being their uterus" (Lekander 2010). There are other feminist views, she concludes, and refers to radical feminist Shulamith Firestone’s *The Dialectic of Sex: The Case for Feminist Revolution* (1970), a classic declaring that freeing women from reproduction would imply a positive development as it is the main cause to female subordination and stands in the way of female liberation\(^{45}\). However, presently this liberation comes at some women’s expense, or if you will: wish.

### 5.2 Discussions about unequal circumstances, commodification and self-determination

This second part of the analysis deals more specifically with the surrogate mothers – the helpers in the making of family.

#### 5.2.1 Political discussions: exploitation vs. autonomy; public vs. private

Carina Hägg (S), has issued several private members’ bills over the years in which she has equated surrogacy with exploitation:

> *Those who agree to become surrogate mothers are usually poor or in some other way exposed women. (...) A woman in an exposed life situation demands respect for her situation and should be protected from being used. (...) It is important that we firmly oppose the development of trade with surrogate motherhood. We have a firm opinion in our country that women’s bodies should not be possible to buy.* (Motion 2008/09:So322)

Hägg only discusses commercial surrogacy and connects it to the troublesome trade with women’s bodies. A link is made to Sweden’s legal stand on prostitution\(^{46}\): it should not be possible to buy a woman’s body. She points both to the general problem of *commodification* of women and that those in risk of becoming exploited are *poor* women. A few years later, she advances her argument: "Women from different social classes do not have the same prerequisites to autonomous decisions" (Motion 2011/12:So221). Olofsson (V) also emphasized how many of the women becoming surrogates in India are illiterate, and therefore cannot “read the contract they are about to sign” (Protokoll 2011/12:91) – arguments also brought forward by critics within academia (see discussion in Donchin 2010: 324). In order to

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\(^{44}\) *Slipper.*

\(^{45}\) The view of Firestone, and not necessarily Lekander.

\(^{46}\) *Sexköpslagen,* The act on prohibiting the purchase of sexual services (SFS 1998:408).
uphold equality, an important principle in Sweden, the practice ought to be rejected in order to protect poor women. These arguments can be compared to the ones in the first private member’s bill ever to be issued on surrogacy in Sweden by Tasso Stafilidis and Charlotta L Bjälkebring (V) in 2001:

One argument being raised against [surrogate motherhood] is that poor women would be used, as they would be the women who carry the child. [However] (...) [it does not at all] have to be poor women who give birth to the children, but it can be women who want to give a couple the joy of having children. The argument is also based on the view that poor women cannot think or understand on their own. (Motion 2001/02:So449)

Contrary to Hägg, they argue that poor women are able to make autonomous decisions and are therefore not in need of protection, echoing an argument brought forward by supporters of surrogacy (see discussion in Donchin 2010: 324). Further, they do not view the practice as exploitative in itself (cf. Anderson 1990). Moreover, they bring up that surrogate mothers might have other motives than economic and originate from different social classes. The motives are consequently placed within more accepted cultural understandings of reproduction, where women give birth out of love, but not for money (Roach Anleu 1992), as well as the social inequality between those participating is downplayed. Other politicians do not bring up unequal circumstances between the surrogate mothers and the intended parents as a problem; neither do they see surrogacy as exploitative in itself. As Fredrick Federley, member of the Centre Party (C)47 expresses: "It is (...) hard to understand why grown up people should not be allowed to make this agreement with one another” (Motion 2010/11:So475) Likewise Maria Abrahamsson and Olof Lavesson, members of the Moderate Party (M)48, question why capable women should be constrained in their decisions:

It should not be part of the state’s interest that through legislation prohibit adult, sound people to have children. (...) If there are women who out of nonprofit reasons or through payment want to help childless couples with that process, the state should not prevent49 that. (Motion 2010/11:So396)

These statements echo the perspectives brought forward by more liberal debaters (discussed in Winddance Twine 2011, Spar 2006). Apart from arguing that women should be granted autonomy, the latter private member’s bill expresses an acceptance for different motives surrogates might hold, including economic. This standpoint is rare in the Swedish debate: it has not been raised in any other private member’s bill issued over the years, and was neither

47 Centerpartiet.
48 Moderaterna.
49 Lägga krokben.
included in the second bill raised by Abrahamsson & Lavesson (M) a year later. This omission could be an indication of a widespread perspective of what Zelizer calls “separate spheres and hostile worlds” (2005), i.e. mixing economics and private relationships is viewed as deeply problematic and only entails negative consequences. Commercial agreements are often connected to the business in countries like India, and altruistic surrogacy is generally seen as the ethically correct alternative:

In some countries a business has started to grow where poor and exposed women give birth to babies ordered by rich childless couples. This is unethical and unacceptable. Body parts and children are not commodities. In Sweden surrogate motherhood is not allowed. At the same time we are aware that there is also surrogate motherhood without economic gain. (Motion 2010/11:So419 by Börje Vestlund, Hans Ekström and Jonas Gunnarsson (S))

In other words, both the economic inequality between those partaking as well as the commodifying effect of paying someone for this service are portrayed as repulsive. In a debate held on surrogacy a few years later, Vestlund (S) stated: "we want to avoid this bad habit with people having to go to India to become surrogate parents today” (Protokoll 2011/12:91). That is to say, Sweden would provide a better service: a context of less inequality and those women who become surrogates would not gain economically from providing the service. The market would be substituted by altruistic agreements, and a clear parallel can be made to Appadurai’s (1986) emphasis on the dichotomy often placed between commodities and gifts. Birgitta Ohlsson (FP) was amongst the first to issue a private member’s bill on surrogacy (in 2007 along with party member Barbro Westerholm) and in one issued in 2009, she argued:

I believe that Sweden should work internationally so that host/surrogate mothers are held economically harmless for those expenses they have in connection to pregnancy, delivery and the following process, but not "make money” on their contribution. That is the fundamental attitude we in Sweden have in relation to giving blood and donating organs. (...) Children should not become a commodity. (Motion 2009/10:So645)

Although the focus here is on the risk of exploitation of children, rather than of women, it expresses a view of how putting a price on the act leads to a uniform negative effect: commodification. In similar fashion as Jane Stoll (2013) has emphasized in relation to the ongoing investigation on surrogacy, this is being concluded without first exploring whether some commercial forms could be suitable alternatives.

SMER similarly argues, like they did in 1995, that allowing payment opens up for a commercialization of the reproductive process and the genesis of life. They also question if
women who become surrogate mothers in commercial contexts are "(…) acting autonomously if they are in an economically pressured situation" (SMER 2013: 23). Therefore, the principle of self-determination and autonomy, i.e. the right of women to decide on their own over their bodies, should not be granted the same weight in these circumstances as in altruistic surrogacy:

*The person who according to altruistic reasons helps a close one to become a parent can experience great satisfaction over her ability and deed. The surrogate mother then fulfills her own needs and thus does not become solely a means to satisfy somebody else’s wishes. (ibid.)*

This view can be described as a criticism of commodification theories: just because someone is used as a means does not necessarily reduce that person to solely a means. E.g. a woman lending her uterus does not only become a container, if she’s appreciating the act. However, according to SMER this is not true in commercial arrangements. Payment is portrayed as ruling out an experience of "great satisfaction over ability and deed". The council continues: "For poor women in 'the third world' who have little opportunity making earnings, surrogate motherhood can imply a possibility to a better life for them and their families" (ibid.: 169). This could be argued to be self-fulfilling, but apart from the risk of being forced into the act, becoming pregnant for economic reasons are not the right cultural motives. Giving somebody a gift without charging for it is seen as less problematic, and the two forms are portrayed as dichotomies and incompatible with one another. This contradicts studies that have shown how surrogate mothers in Western contexts view their act from an altruistic perspective and use rhetoric of love and gift even when money is involved (Ragoné 1994; Teman 2010; Berend 2012). SMER argues that it is important to make sure that "(…) the surrogate mother experiences a strong wish to carry a child for someone else" (2013: 168), which has been expressed also in those studies. As Ragoné has explained: "(…) surrogates as a group tend to view surrogacy as a vocation or calling, an important means by which to express and fulfill themselves" (1994: 55). The statements by SMER thus illustrate the division made between private spheres and market exchange, where the former is understood as more ethically correct than the latter. This is also expressed in their recommendation that the intended parent(s) and the surrogate mother should have a close relationship to one another (2013: 21).

The Left Party (V) together with the Christian Democrats (KD) were the only parties to object to an investigation of surrogacy for possible implementation. Eva Olofsson (V), apart from pointing to the problem of trading in children as well as the commercialization of women’s bodies, questioned the *altruistic* form. In a debate over the report, she stated that "The Left
Party as a feminist party says no to the decision made by the majority of the committee” (Protokoll 2011/12:91). She had earlier explained:

*There are examples of women who have been pressured to go through the process by relatives or friends. A close relationship does in other words not guarantee that the deal is fairer. Like in other situations in life it can even be so that it is harder to say no to a friend or relative. Many bring up that the surrogate mother can change her decision during the pregnancy as an argument securing the voluntarism. (...) [However it] can e.g. be hard to say no to a friend who has already decorated the nursery.* (Socialutskottets betänkande 2011/12:SoU26: p. 22)

This argument could, at the time, be seen as new in the political debate as it questioned the view of altruistic surrogacy as the ethically correct alternative. Here, Olofsson points to how exploitation can occur also within families and not only in the context of the marketplace (also raised by the minority in SMER). Thus viewing processes of *gift giving* as uncomplicated is a simplification (Appadurai 1986). Anders Andersson (KD) also bring up arguments against the altruistic form:

*The starting point in our reasoning is built on consideration for the dignity and integrity of the human being. The human being is according to the personalism a goal in itself. No other human is allowed to own her or use her as a means.* (Socialutskottets betänkande 2011/12:SoU26: p. 23)

This statement makes a clear connection to the theories of exploitation of humanity brought up in some commodification theories. In other words, using the woman as a means, i.e. as a *uterus*, is wrong regardless of if she wants it or not, or if she is being paid or not. Therefore, a connection can be made to the perspective of inalienable rights: even if there is consent it is not an acceptable act (Ellerman 2010).

### 5.2.2 Response in public discussions

Similar arguments to those raised in the political discussion have been raised in the public discussions in relation to *unequal circumstances, commodification* and *self-determination*: to a great extent a response to the recommendation by SMER.

Many refer solely to the commercial form when discussing surrogacy, in which human beings are described as becoming commodities (Västerviks Tidningen 2013; Göteborgs Posten 2013a; Borås Tidning 2012) or by pointing to the inequalities that surround the practice, e.g. how it is the poverty that is upsetting and not surrogacy in itself (Sydsvenska Dagbladet 2010) and how the practice is tightly connected to gender, class and power and should therefore not be seen as a voluntary agreement between equal parties (Arbetet 2013). In relation to the stance taken by the majority of SMER, different conclusions are reached regarding what an
introduction of altruistic surrogacy in Sweden would imply: less people would go abroad and it could help to avoid exploitation of poor women in poor countries (e.g. Ann Heberlein 2013; Norran 2013; Bohusläningen 2013); it would not lead to less people going abroad (Katrineholms-Kuriren 2013; Västerbottens-Kuriren 2013; Kyrkans Tidning 2013); it would lead to an acceptance of the method and eventually also of commercial forms (see e.g. Barometern 2013b, Borås Tidning 2013, Smålandsposten 2012).

Others are also against – or point to the problems with – the altruistic form. Many agree with the minority in SMER, i.e. how women are reduced to means or “containers” even if money is not involved (see e.g. Riksorganisationen för kvinnojourer och tjejerjourer i Sverige, Roks50 et al 2013). That is, in emphasizing how women are not only commodified by profit, but also fragmented into wombs by the patriarchy (Sharp 2000). Another similar reason is that women can be used or pressured also in close relationships, not only at the marketplace (see e.g. Göteborgs Posten 2013b, Expressen 2013, Svenska Dagbladet 2013). For some, this is seen as reason enough for prohibiting the practice, but for others it is not. Another problematic aspect brought up is the impact a pregnancy has over body or mind (e.g. Sveriges Kvinnliga Läkares Förening51 and Sveriges Kvinnolobby 2013).

Others emphasize that – or question why not – women should have the right to choose what to do with their bodies in this circumstance (Östgöta Correspondenten 2013, Ystads Allehanda 2013, Kvällsposten 2013). Some express that this is only true for Western women in altruistic arrangements, but not for poor women in commercial: i.e. the latter group is not understood to be as autonomous as Swedish women (e.g. Heberlein 2013). The statement by recurring debater Andreas Bengtsson, father through surrogacy and founder of Surrogat.info (2014), sums up a view in favor of also granting poor women autonomy:

It is time to let go of ideology and start talking with the women who are surrogate mothers instead of talking about them. (...) After that maybe you can explain to the Indian woman why it is ok that she sews the clothes you are wearing but why she should not get to decide if she wants to be a surrogate mother? Also explain why women in Sweden should not have the right to decide on their own over their bodies and pregnancies. (Bengtsson 2013)

In the following two sections I will expand the discussions that have taken place on the surrogate mother’s self-determination and motivations sprung from private and public spheres.

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50 The National Organization for Women’s Shelters and Young Women's Shelters in Sweden.
51 The Swedish Medical Women’s Association.
5.2.3 To give or not to give: expanding discussions on altruism

Discussions focused on altruistic surrogacy remove the act from the market – between buyers and sellers – to the private sphere. Or, when it takes place between previously unknown persons, often by describing it in terms of reciprocity and gift-giving, i.e. terms culturally related to women and the private sphere (Roach-Anleu 1992):

(...) a surrogate mother can also be a sister, a mother or a best friend\(^\text{52}\) who wants to help an involuntary childless couple with one of the most beautiful gifts that is possible to give. Or women who are so altruistic that they choose to carry an unknown woman’s child for nine months just because she can, and wants to. (Kvällsposten 2013)

She wanted to give others the possibility to experience the same intensive happiness that she feels when looking at her children. To help someone to become a parent must be something of the most beautiful a human can do, she says. (Heberlein 2013)

From this perspective, not granting women the right to self-determination becomes problematic. The editorial above criticizes how these women are understood as “seduced, confused or bribed” (Kvällsposten 2013). Also, Lydiah Wålsten criticizes in the same vein how presently it is the law that ”(...) regulates humanity” (Sundsvalls Tidning 2012). Ann Heberlein writes that the Swedish debate on surrogacy is too focused on exploited Indian women. She criticizes debaters who do not approve of the choices made by those who have chosen to become altruistic surrogate mothers in countries such as the U.S. (Heberlein 2012) and in the quote above she is referring to the motivations expressed by a surrogate mother from whom her friends had received help.

As I have shown, for others the risk of being forced to carry out the act is given greater weight than the possibilities of carrying out a kind self-fulfilling deed for someone (e.g. Sveriges Kvinnliga Läkares Förening and Sveriges Kvinnolobby, 2013). Felicia Ohly does not see the choice of becoming a surrogate mother as a wish stemming from within, but rather being forced upon women from the outside:

The altruistic surrogate motherhood supposes not only that the woman should agree to become pregnant and give up her child, but also that it should be something she wishes. Something her body should agree to\(^\text{53}\) because of someone else’s wish to have children. To be nice. (Ung Vänsters feministiska utskott 2013)

From this perspective, altruism becomes problematic – it becomes more about fulfilling what

\(^{52}\) In the editorial it only said "best", but it is probably supposed to say "best friend".

\(^{53}\) Ställa upp på.
is expected from you as a woman rather than something that is wanted by the woman herself. Thus, many debaters see the becoming of a surrogate mother as a response to something else than self-fulfillment, or it is not viewed as the right kind of self-fulfillment. In the theoretical section, I wrote that the theories of the modern self, popular in political and public debates, have been criticized for neglecting a social class perspective (Chambers 2012). It might be more common that women from some groups see surrogacy as more self-fulfilling than women from other groups (e.g. middle-class), e.g. those with mainly working class background who receive much more appreciation for this act than they would be given in any other role open to them (Ragoné 1996: 357). However, like the editorial above emphasized: many see them as fooled (Kvällsposten 2013). Ekman views them as enchanted by the myth of the Madonna. Through a façade of holiness a particular group of women try to remedy past pain (2010: 183-187). Therefore these women should be protected from the choices they make, as they are self-defeating. A connection can be made to the criticism brought forward by Anderson against surrogacy: “Lacking the power to achieve some worthwhile status in their own right, they must subordinate themselves to others' definitions of their proper place (as baby factories) in order to get from them the appreciation they need to attain a sense of self-worth” (1990: 85-86). Ulrika Westerlund, chairman of RFSL, has criticized Ekman’s arguments stating: "I think it is problematic to completely condemn those women who actually want to become surrogate mothers, like this would be an impossible choice to make” (Westerlund 2010).

Claes Gustafsson, a debater (under the name professor), questions the contract-makings over these matters in general, pointing to how the difference between altruistic and commercial surrogacy is not as great as is often portrayed. The perspective of inalienable rights brought forward by David Ellerman (2010) resonates well with Gustafsson’s parallel to how people do not have the right to sell themselves as slaves. “The right to contract is namely not absolute and never has been.” (Gustafsson 2013). He sees surrogacy as a prolongation of “(…) the neoliberal cliché of freedom to contract and own choice” (ibid.): similar ideas as Ekman (2010) criticizes.

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54 Vill ställa upp som.
5.2.4 To sell or not to sell: expanding discussions on commercialism

In the theoretical section, I brought up the cultural divide between public and private spheres. Although surrogacy and other new reproductive techniques can be discussed from an array of different perspectives connected to the troublesome consequences of introducing economics into the practice, an effective strategy both in the public and political debate is to simply refer to the conceptual division between the spheres. That is, by appealing to common cultural understandings of the repulsiveness of mixing economics with family building. Outsourcing the Womb (...) (2011) by Winndance Twine; Sex Cells (...) (2011) by Almeling; and The Baby Business (...) (2006) by Spar, can statue as a few examples of startling beginnings of titles in the academic world, which are playing on this division. The debaters below can thus be seen as quite rebellious when questioning this division and asking why surrogacy cannot be viewed as any other service offered in the public sphere:

SMER has taken a step in the right direction, but unfortunately avoids making an economic evaluation of the surrogate mother’s input. Why should not this service\(^{55}\) cost just like other types of service work where time and comfort are sacrificed? The claim that surrogate motherhood is exploitative has a paternalistic tone of what young women ought to use their working time for.

(Angela Aylward & Christina Alvelin, Aftonbladet Debate 130306)

Although a rare comment in the debate, it could be understood as a feminist view different from those expressed by e.g. The Left Party (Protokoll 2011/12:91), Kajsa Ekis Ekman (2010), The Swedish Women’s Lobby and The Swedish Medical Women’s Association (2013), The National Organization for Women’s Shelters and Young Women's Shelters in Sweden (2013) and Feminist Initiative (F!)\(^{56}\) (2013). Women should be able to carry out the act out of economic motivations. The intimacy between the gestational mother and the child is downplayed and the authors state "(...) surrogate pregnancy is unlikely more challenging for the health than e.g. a heavy healthcare job or a stressful service job". From a performance perspective (see discussion in Kroløkke 2012), this is another way of discursively constructing pregnancy. It is understood as just another type of service and the authors argue that mother should be removed from the term because that gives the wrong associations in regard to the purpose of the act. No class perspective is brought up as problematic, although the jobs that are being referred to are usually jobs taken up by the working class.

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\(^{55}\) Tjänst.

\(^{56}\) Feministiskt initiativ.
One editorial asks why it is wrong to pay poor women if it leads to a better life for them and their families:

_The condemnation of paying women in countries like India and Russia to be surrogates is interesting. Is that something that needs to be counteracted, that impoverished are given an opportunity to a new life for themselves and their children? A homosexual couple that told about their experience of paying a surrogate mother in India had calculated that the woman who gave birth to their child received an equivalent of 15 million crowns for the inconvenience._ (Skånska Dagbladet 2013)

From this perspective, commercial surrogacy becomes understood as a win-win situation: satisfaction is reached for all parts, although what is being exchanged between those who participate differs. The Christian Council of Sweden instead brings up arguments that have also been raised in the political debate: “Despite the taboo of the surrounding, the women feel forced to offer their bodies to birth a child for others for the purpose of contributing economically to their own family” (SKR 2013). In other words, the emphasis is instead on how poor women are forced to offer their bodies rather than seeing them as actors who have chosen to do so, which we saw was also brought up as a problem by opponents of the altruistic form. A great deal of those critical towards surrogacy thus portray the intended parents as the perpetrators, and the surrogate mothers as victims. Per Bauhn, professor in applied philosophy, instead writes:

(...) _the surrogate mother can herself take on the same instrumental attitude to the child she is carrying on account of someone else. She can see it as an opportunity to finance the children she already has or wants to get personally. Here the temptation can appear to blackmail the employers in order to raise the price, or simply offer the child she carries to the highest paying on the market._ (Bauhn 2010)

Why this type of comment is not more common in the debate could be understood through theories of gender, where women are more often connected to traits of reciprocity (Roach Anleu 1992). By many, it is deemed unlikely that a mother would be so self-interested and calculative that she would sell her child. It is more common to focus on the risk for exploitation of women, rather than on the risk of surrogate mothers becoming “baby-sellers”. Neither is it common to bring up the fact that gifts can be given out of self-interest (Appadurai 1986) with a wish of gaining something in return (Mauss 1925). That is, power relations generally seem to be understood to go one way: from intended parents to surrogate mothers.

Commercial surrogacy is often connected to the selling of one’s body in terms of prostitution, where views differ on whether women should be allowed to do so. Swedish legislation has aimed to prevent prostitution through The Act on prohibiting the purchase of sexual services,
Sexköpslagen. Several debaters draw a parallel to those opinions that the law is based on. E.g. one congressman of the Moderate Party requests that a future investigation of surrogacy has to "consider from an unprejudiced perspective how Sweden could open up for surrogate motherhood simultaneously as our country has a clear legislation concerning purchase of sexual services" (Wallmark 2012). The Christian Council of Sweden emphasizes this to be of importance "(...) even if the compensation is symbolic" (130305). RFSL criticizes the law for being based on heteronormative thinking and on a gender power perspective, könsmaktsperspektiv, of men’s sexualized violence against women that does not apply to HBT-persons involved in selling or buying sex (RFSL 2014a). "RFSL instead advocates a development of the social work within the area and active discouragement of the social exclusion of those who are selling sexual services", and they criticize the law for not being able to make a difference between involuntary and voluntary forms (ibid.). In other words, those who want to sell their bodies should be able to do so, which can be connected to the right to bodily autonomy also emphasized in surrogacy:

To deny individual women the opportunity to make own decisions about their bodies represents a restriction for women and is wrong. The principal opinion of RFSL is that every individual should be accredited bodily autonomy. Surrogate motherhood as such is not exploitative. (RFSL 2014b)

RFSL states that it would be hard to control that economic motivations are not behind altruistic surrogacy contracts. “Therefore a better solution is that in connection to an evaluation of the woman who wants to be a surrogate mother, one undertakes a restrictive stance in those cases where a woman is assessed to primarily have economic reasons for choosing to become a surrogate mother” (ibid.). In other words, RFSL does not view economic compensation to be as problematic as many other debaters see it, which may be related to their fundamental questioning of traditional gender norms. Money could be involved, although it should not be the primary reason for becoming a surrogate. Kajsa Ekis Ekman criticizes the dualism between body and mind that prostitution and surrogacy have in common: “(...) what happens to the body, also happens to the self” (2010d). Consequently, if the human is selling her body she is also selling herself. She argues:

In prostitution the woman does not have sex because she wants to57, but for the sake of the man. In surrogate motherhood the woman does not have children because she wants to have children, but for the sake of others. (...) We should give birth for one, and only one reason: that we want to have children ourselves. (Ekman 2010e)

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57 För att hon själv har lust.
From this perspective, it does not matter if motivations are either economic or altruistic, the body should not be used by anyone else than for purposes of the person who is the body. References are made to Marxist thinking and concepts throughout her book *Varat och varan: prostitution, surrogatmödraskap och den delade människan* (2010), and thus adds to the literature within this field (see p. 15). *Labor*58 should be carried out for one’s own sake, and in order to enjoy what one has created. *Alienation* occurs when work is carried out for someone else and the person loses control over the process and the finalized product. The worker who only has his *labor* to sell can be compared to the woman who only has her *body* to sell - but Ekman argues that surrogate motherhood needs to be understood as an extreme form of alienation as it is oneself and one’s baby that one is selling (see discussions in 2010a: 153; 178-180). Her reasoning has been criticized for being too caught up in old theories (Östergren 2010) as well as ideology rather than reality (Bengtsson 2013). Kutte Jönsson, author of *Det förbjudna mödraskapet* (2003), emphasizes how surrogate motherhood can be viewed from another feminist perspective as it entails a parallel to abortion – i.e. the right to self-determination over one’s body, and asks why that right should not be granted also in this circumstance (Jönsson 2010).

5.3 Results: conflicts over equality and human value

The results have shown that the debate on surrogacy has, to a great extent, revolved around different *interests* and *rights* of actors participating in the making of family: concrete actors as well as being carried out on a more abstract level. *Children* as a category are described as being in the risk of becoming deprived of their rights: to their biological parent(s) (i.e. their “true family”), to their birth mother, and in the case of commercial surrogacy: of their human value and in becoming an object of trade. However, most importantly, *real* children born through surrogacy already exist in Sweden, and the need for granting them equal rights as other children is one of the dominating issues, especially in the political debate that led up to the investigation. For other debaters, surrogate motherhood is mainly described as a threat to the interests of *women*: to women as a category in a patriarchal world and more specific to poor women in developing countries, additionally to (gestational) *mothers* and their children. The quest for a family resembling the nuclear form thus becomes problematic from these

58 By coincidence, a suitable word for referring both to work and pregnancy.
perspectives and it is questioned why people need a child of their own and why they cannot co-operate with others (apart from surrogate mothers) in their makings of more “modern” family constellations. Few argue that childless adults have the right to become parents, but many instead argue indirectly that their interests are being denied by not allowing women who want to carry a child for them to do so. In both the political as well as public debate, many emphasize the importance of facilitating the road to parenthood for gay male couples – although the issue also applies to other couple constellations – indicating a willingness to incorporate further family constellations into the Swedish welfare state. A dominant part of the debate deals with women’s rights to become surrogate mothers – almost to the point that one comes to think of a group standing behind the barricades crying out their wishes to become surrogates – with the consequence of forgetting that it was not for their sake the question was initiated. The debaters being against what they see as a quest for children gone too far often use a commercial discourse when stating their case, i.e. the problem of children becoming another commodity, or criticizing adults for being too focused on self-realization also in this sphere.

Interwoven with these discussions of rights are issues of equality that are hard to solve – where different values come into conflict. Many see the supporting of one group to come at the expense of reduced rights of another group. The issues of equality are discussed in relation to – apart from gender – class, ethnicity, and power spanning Swedish borders. The discussions lead onto the surrogate mothers, questioning if it is possible to justify choices made within unequal circumstances, where those embracing a more protective stance argue no and those with a more liberal point of view argue yes: there’s no conflict, but a win-win situation. Others emphasize that it is not solely a question about equality, but about human value. That is, what is one allowed to ask of – or buy from – other people (more specifically women), and what should women be allowed to agree upon? These issues trigger cultural conflicts over what can be – or ought not to be – given or sold and challenges the distinction made between private and public spheres. Once again, rights-perspectives are brought up: the right to one’s own body – where some argue in favor of bodily integrity and others for bodily autonomy. Overall, there is a strong opposition to commercial surrogacy in the Swedish debate. For those who are not against both forms, the altruistic alternative is seen as paving the way for more justice.
6. Discussion

The purpose of this study has been to identify, analyze and interpret the framing and meaning of the surrogacy debate in Sweden. In this final discussion the main focus is on the frameworks that have been dominant, on what core conflicts that have emerged from the debate, and how this relates back to theory and previous research.

A frame of opposition to commercialism has spanned different frameworks. Considering the strong stance against commercial surrogacy there has been a general lack of interest, especially in the political debate, in exploring whether there are different commercial forms, and in asking if it is not so, that this form responds to a different demand, which the altruistic will not be able to solve. A connection can therefore be made to the concept of “separate spheres and hostile worlds” (Zelizer 2005). Consequently, many conclude that “giving birth” is better.

For those in favor of investigating altruistic surrogacy, the frame of being pragmatic rather than ideological has been successful, as has being modern and open to new family constellations, rather than being conservative. However, as this paper has shown, not everyone has agreed with these stances, and a consequential question thus becomes what ideological frames that have worked as resistance. Frames focused on inequality, point to the unfairness that surrounds the act because of its connection to gender, class and ethnicity. This emphasis becomes interesting in comparison to the debate that took place in the U.S. during the late 1980’s and early 1990’s, where few “(…) questioned whether these rights existed equally for all members of American society (…)” (Markens 2007:100). However, with the public becoming aware of the industry in countries like India, the discussions in later years have also come to shift in these directions in the U.S. (Markens 2012). The fact that discussions in Sweden started in a time when a global reproductive market had already been established could help to explain why these dimensions are emphasized, but it could also be understood from how it challenges deeper cultural values of equality that are dominant in Sweden.

The feminist frame that emphasizes a woman’s right to body integrity is also widespread. The arguments brought forward by Kajsa Ekis Ekman (2010) resounds in arguments by organizations such as the Swedish Women’s Lobby, the Swedish Medical Women’s Association and The National Organization for Women’s Shelters and Young Women's
Shelters in Sweden, which have been part of setting up the campaign “Feminist No to Surrogate Motherhood”\textsuperscript{59}. Apart from the Left Party and the Christian Democrats, also Feminist Initiative has taken a stance against the practice on equal grounds, to name some of the political organizations. From the perspective of gender equality being interwoven with Swedish state identity (Hobson & Hellgren 2008), it is not surprising that voices are raised when women’s rights are understood as being threatened. Feminist perspectives supporting a woman’s right to enter into a paid contract are few. One explanation could be that a connection is made to Sweden’s legal stand on prostitution, which has aimed at protecting women rather than emphasizing their rights as free agents to sell their bodies. Some emphasize the bond between gestational mother and child as a special one not to be broken. Others do not but rather focus on the risk for exploitation – which could be an indication of the difficulty with using a perspective that in a Swedish context could be criticized for essentialism. That gender and what follows from it to a great extent is socially constructed, is a view that probably is more widespread here, at least in public, than in many other places across the globe, which easily render discourses on biology and genes as outdated.

Several using a Christian frame have participated in the debate, and argued against the practice on equal grounds as the feminist perspective, i.e. in favor of bodily integrity and that it is inhumane using others as means, but also from the perspective of how the practice challenges a child’s right to its genes and to a nuclear family, an argument nonexistent in the feminist discourse. However, those feminists emphasizing a child’s right to its mother could partly be understood to build their arguments on equal grounds. That the child-perspective has been important is not very surprising, considering the status of this actor in Sweden (Kaufmann 2002), and this emphasis has also spanned different frameworks. Finally, both of these counter-orientations share the use of concepts connected to a market discourse to point to the repellence of the practice, by often designating also altruistic arrangements “trade”.

Not surprisingly, the findings support the understandings of social problems as boiling down to conflicting interests and values of different groups (Rubington & Weinberg 2011): although it is important to remember that the debate deals more with perceived conflicts than being played out between surrogate mothers, children born through surrogacy, their parents and fertility clinics. The findings illustrate the influence of politicians, interest groups and other debaters in illuminating particular dimensions of the practice; creating a certain type of awareness of the problem (Blumer 1971). Few criticize the practice for being unnatural, an

\textsuperscript{59} Feministiskt nej till surrogatmödraskap (nejtillsurrogat.se).
anomaly (Douglas 1966), presumably because these types of arguments are not effective in public “enlightened” discussions when arguing in favor or against something. These outcomes thus point to the importance of paying attention to where the debate is taking place, which has an impact on how social problems are discussed.

The debate revolves to a great extent around core conflicts regarding human value and cultural distinctions related to public and private spheres, which was also expected from previous research. An interesting – and more unexpected – finding, is the conflict over equality, not only at a more abstract and transnational level, but from the perspective of how the participants in the making of family are understood as having different interests, which impinge on the rights of other groups: a finding that may be understood as a consequence of the context in which the debate is carried out, i.e. public Sweden. One of the core political conflicts thus deals with granting equality: played out between the wish to incorporate newer family constellations such as gay male couples and children born through surrogacy into the welfare state, simultaneously as some participating actors see it as conflicting with women’s and children’s rights, which are priorities in the Swedish context. This study thus demonstrates the complexity of equality.

More comparative studies would be fruitful that examine how these issues are being discussed in different national and public settings. That would allow for a comparison of how the findings support or challenge what have come out from other public debates, and thus a firmer reflection on the influence of various cultural and political contexts on these discussions. Lastly, when the final verdict is reached – if altruistic surrogacy will be allowed in Sweden or not – tracing the different social processes involved in this outcome would be interesting from a sociological perspective.
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