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Comparative study of surrogacy related laws in UK, USA and India

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ABSTRACT
In the global critique and public discussion of commercial surrogacy, income inequality has emerged as a central theme. We examine surrogacy from a gender perspective using available empirical data, including our two field studies in India and the US, and demonstrate how the visibility of gender inequities in a transnational environment promotes presumptions at the local and national levels. By doing this, we draw attention to the story of inequity, examine the complexities of surrogacy beyond a single narrative, and demonstrate how that story works to obscure the nuanced, lived realities of people who participate in surrogacy

Keywords: *Surrogacy, surrogate altruistic surrogacy, commercial surrogacy, worldwide comparison, mental health, India, UK, Canada, USA.*

1. INTRODUCTION

The practice of surrogacy is fraught with cultural discomfort in many different countries. Media and scholarly portrayals of these activities reveal this worry (Markens, 2012; Pande, 2014; Rudrappa and Collins, 2015: 938). Due to differences in socioeconomic and racial status between intended parents, surrogates, and those involved in the "baby business," concerns are mostly focused on the commodification of reproduction and children as well as the economic and reproductive exploitation of surrogates (Hovav, 2019; Saravanan, 2013; Spar, 2006). The limited scholarly work on surrogacy, which dates back to the 1980s, has mostly examined surrogacy as a means of exposing and intensifying harmful societal dynamics. It has been observed that surrogates are frequently exploited for reproductive purposes based on their socioeconomic status, gender, and race.

Surrogacy's exploitation framing is countered or contrasted with a liberation framing (particularly in the discourse of the fertility industry but also in some media representations), wherein using surrogacy is perceived as allowing for bodily autonomy or a path to parenthood that was previously closed to specific populations (such as gay men or cancer survivors) (Markens, 2012: 1746; Riggs and Due, 2018: 39). Surrogates themselves—their viewpoints, comprehensions, and voices—are "all but invisible" in a large portion of this media coverage and scholarly writing (Riggs and Due, 2018: 100).In this paper, we advocate for more complex interpretations of surrogacy agreements that are based on factual evidence rather than moral, political, or ideological judgments that frequently characterize surrogacy as either good or negative. Understanding the intricacies of these procedures requires empirical research on surrogacy, particularly as the surrogacy market grows internationally (despite contracting or becoming restricted in some regions). While research on surrogacy is growing as well, much more is needed, especially as surrogacy practices vary considerably across nations, regions, and states (Deonandan and Bente, 2013; Nadimpally et al., 2016; Rozée and Toulemon, 2017; Torres et al., 2019) We join others (Pande, 2014; Ragoné, 2000; Saravanan, 2016; Twine, 2011) in examining surrogacy in this study, taking into account the role of gender, race, and socioeconomic class in the social relationships and constructions in both local and international surrogacy. As we maintain class and race categories in birth control, we argue that surrogacy is not all that different from reproductive technologies in general (assisted reproductive technologies (ARTs), but also contraception and abortion) (Ginsburg and Rapp, 1991; Rapp, 2001). With this recognition, we may examine how surrogacy might perpetuate racial, class, and sexual disparities among those who can afford these services, those who cannot, and those whose bodies are used in these operations (Spar, 2005; Twine, 2011).We contend that common conceptions of surrogacy, which are predicated on oversimplified interpretations of gender, race, and class distinctions, promote presumptions of exploitation and obscure the diverse lived experiences, worries, and discourses of those who are located differently in relation to surrogacy (i.e., surrogates, parents, professionals, and the general public). More nuanced understandings of the various ways that structural inequalities may influence surrogacy practice and the lived experiences of surrogacy in different ways for people in different

situations are made possible by combining empirical data with an acknowledgment of social class, race, and gender dynamics

Two field investigations in India and the United States

Comparing these two national scenarios aligns with our goal of examining intersectionality in both domestic and international surrogacy arrangements. The United States and India are notable examples of surrogacy. Although cross-border reproductive care into the United States receives little academic or media attention, the United States is a significant location for the centralization of reproductive and ART-auxiliary services—a “reprohub” (Inhorn and Patrizio, 2015)—for both domestic and international surrogacy (Hughes and DeJean, 2010; Inhorn and Gürtin, 2011; Jacobson, 2020; König, 2018; Levine et al., 2017: 818; Martin, 2015: 19).

Rather, India has been at the center of the surrogacy debate, especially when it comes to worldwide media coverage. Due to the low cost of the practice in comparison to the United States and the absence of a legal framework, which leads to a greater imbalance in decision-making power for those involved, India was the second most popular location for transnational surrogacy between 2002 and 2016. Although Indian surrogacy clients from overseas included expat Indian intended parents and those regarded as lower middle and middle class within their own countries as well, surrogacy performed in India by local women for white and Western individuals, such as Australians, who are more affluent than these women was thought to be representative of everything that seemed wrong with the surrogacy industry.

There are drawbacks to restricting our examination to just two national situations, both of which exhibit significant internal national diversity. Globally, surrogacy is controlled, portrayed, and experienced in a variety of ways that are closely tied to particular political, social, and economic environments. Therefore, the variety of surrogacy arrangements around the world is not adequately represented by these two country situations. Comparing these two significant hubs of the worldwide surrogacy market, however, offers intriguing information that challenges the prevalent presumptions about surrogacy that are expressed in the media and in a large portion of the non-ethnographic literature. After reading the increasing amount of empirical research on surrogacy in the qualitative and ethnographic traditions of sociology and anthropology (Berend, 2016; Deomampo, 2016; Jadva et al., 2015; Majumdar, 2017; Olavarría,

The first author conducted the US case that serves as the foundation for our thesis. She conducted 63 interviews with surrogate professionals, including reproductive endocrinologists, surrogacy agency employees and directors, family law attorneys, and counselors, as well as surrogates in two significant US surrogacy states (California and Texas). The interviews were conducted over the course of four years (2009–2013). She conducted numerous interviews and studied individual social media posts as she followed specific surrogates and intended parents on their "surrogacy journeys"—the phrase used to describe the entire surrogacy process in US surrogacy jargon. This study's goal was to collect an ethnographically informed understanding of commercial gestational surrogacy in the United States from the surrogates' point of view, which had not been investigated toThe second author's research served as the foundation for the Indian case. In a two-year field study (2013–2014), she conducted interviews with 32 surrogacy professionals (physicians, agency managers, associations, and attorneys); eight Indian or Australian intended parents; and 33 Indian surrogates at various phases of the surrogacy process (pregnancy, postnatal, and recruitment). Out of the 37 clinics and agencies contacted from all over India, five were found in Mumbai (Maharashtra), Chennai (Tamil Nadu), and New Delhi (Delhi) to recruit surrogates and intended parents. This study's goals were to learn more about the experiences and perceptions of the key players in India's surrogacy industry and to examine this reality from a gender standpoint (Rozée, 2018).We have both come to the conclusion from our individual field research that studies of modern transnational surrogacy benefit greatly from a foundation in viewpoints that place surrogacy as (1) reproductive labor; (2) taking place within a networked, globalized, transactional framework (referred to as reprowebs by König and Jacobson, 2021); and (3) taking place within particular local meanings. In order to make our case for the significance of empirically placing surrogacy, we first address the merits of these three foundations in this article before moving on to provide examples of each within the particular settings of our individual investigations.

Reproductive labor through surrogacy

We both now view surrogacy as reproductive work, a "capacity to produce and reproduce in order to earn income," as a result of our individual study initiatives (Pande, 2010b: 972). According to Debra Satz (1992), even though labor during pregnancy and childbirth is unpaid and frequently not acknowledged as such, it should be seen as a profession. Therefore, gendered presumptions about what productivity is lead to treating reproductive work differently than other types of employment (Satz, 1992). Given that reproduction is viewed as labor, much like other productive endeavors (Satz, 1992; Tabet, 1998; Tain, 2013), surrogacy presents an intriguing argument for a gendered examination at the nexus of work, family, and reproduction. Studies on surrogacy have employed this strategy, which is viewed as alienating.

In order to better understand the complexity of surrogacy and to take into account how sex, class, and race constructions influence relationships and lived experiences within these arrangements, we mobilize this approach to reproductive work in order to move beyond the maternal and affective dimensions that are frequently present in surrogacy analysis (Rozée, Unisa, La Rochebrochard, 2020). By taking this approach, we can also steer clear of the typical dichotomy surrounding surrogacy, which portrays it as either individual liberty or exploitation. We support an approach that gives priority to the opinions and

ideas of those directly involved in surrogacy, primarily surrogates, by focusing our understandings of surrogacy on ethnographic evidence. The viewpoints of grounded theory, social constructionism, and symbolic interactionism inform this grounded approach (Blumer, 1969; Corbin and Strauss,

The use of surrogacy in reprowebs

Surrogacy has spread throughout the world since the early 2000s, becoming a component of what König and Jacobson (2021) refer to as "reprowebs." In a global society, the reproductive industry is defined by interconnected circuits of people (future parents, donors, and surrogates), technologies, medical knowledge and practice, genetic material (sperm, egg, and embryos), representations, and money. This idea builds upon and expands upon the ideas of "reproscapes" (Inhorn and Shrivastav, 2010) and "reprohubs" (Inhorn, 2015). The interweaving of these components for reproduction is known as a "global assemblage" (Ong and Collier, 2005), which necessitates several bodies and multiple locations (Waldby, 2012) as well as the capacity for rapid adaptation to change. They organize a "global chain of reproductive work" (Ehrenreich and Hochschild, 2002; Tain, 2013) whereby individuals from various racial, class, and sex groups collaborate to create a child from all over the world. Depending on the urgent needs, these interconnected webs can now swiftly shift to different sites and contract or enlarge (König and Jacobson, 2021).

These reprowebs include surrogacy, which is especially contentious because it functions in a commercial and transactional manner and, at least in the public's perception, mostly occurs in low- and middle-income nations like India. As a result, it is typically linked to exploitation (Busby and Vun, 2010; Rothman, 2014; White, 2014), with the supposition that illiterate and impoverished women primarily execute it for wealthy intended parents (Deonandan et al., 2012; Humbyrd, 2009; Kirby, 2014). These conversations mostly ignore the significant reproductive care sector in the US, which includes both domestic and international surrogacy.As previously mentioned, this exploitation argument—which has not been thoroughly defined and examined—is at the heart of the scientific literature and media presentations on commercial and international surrogacy (Markens, 2012). Nonetheless, several writers hypothesized the case to (in)validate surrogacy's exploitative role in the global reproductive labor network. According to Sera (1997: 337), "exploitation occurs when one person takes advantage of another person when making an offer," drawing a comparison between prostitution and surrogacy. In accordance with the same definition, Kirby (2014) examines three factors to investigate the exploitative nature of surrogacy in low- and middle-income nations: (1) the unwillingness to engage in the transaction, the commitment being forced by financial need or poverty; (2) the incapacity of those who are disadvantaged to make an informed choice; and (3) the reality that

The interests of those who are less fortunate are not considered. Surrogacy is exploitative, according to this interpretation, since it satisfies two of these requirements (2 and 3). In line with earlier surrogacy papers that differentiate between "harmful exploitation," in which only one party benefits, and "mutually advantageous exploitation," in which both parties benefit, Crozier (2014) challenges this oversimplified demonstration by arguing that there are different scales of exploitation (Humbyrd, 2009; Ramskold and Posner, 2013). According to Orfali and Chiappori (2014: 33), in response to Kirby,If used rigorously, the suggested criterion would essentially declare all business dealings with developing nations—and, for that matter, many inside wealthy nations—to be exploitative. Although there are some exceptions, when a garment factory is established in a developing country, the community is typically not informed about the specifics of the labor contracts. It is therefore difficult to claim that the contracts explicitly include the interests of the workers.

According to feminist literature, transnational surrogacy—which is essentially limited to migrants from the white Western world to the Global South—participates in "the internationalization of social reproduction" (Falquet, 2008; Verschuur and Catarino, 2013) and perpetuates inequality that has already been noted in other contexts, such as domestic work, sex work, or caregiving (Ehrenreich and Hochschild, 2002; Mazumdar, 2007; Vidal, 2007; Wichterich, 2000). According to a neoliberal and imperialist logic, reproductive labor, particularly when it is global, is therefore viewed as supporting white entitlement and wealthy Western motherhood (Wichterich, 2015: 37)."Transnational feminist analyses and practices require an acknowledgement of the fact that one's privileges in the world-system are always linked to another woman's oppression or exploitation," as Jyotsna Gupta (2006) notes (p. 34). Feminist organizations are among the organizations that have adopted this concept. For instance, a group of Mexican women opposed to surrogacy, known as "Femmva (Asociación Feministas Mexicanas contra Vientres de Alquiler)," asserted in the beginning of 2018 that surrogacy is reproductive exploitation that is closely linked to the feminization of poverty. This group denies the sovereignty and independence of impoverished women in surrogacy agreements (El Economista, 8 April 2018). Around the world, other feminist organizations and coalitions arose to condemn surrogacy and demand its national and even global outlawing (see, for example, ICASM, the European Coalition for the Abolition of Surrogate Motherhood.

A large portion of how transnational surrogacy is framed in the media is also influenced by this portrayal. In fact, the world press has been more interested in transnational surrogacy since the early 2000s, particularly in relation to India (Markens, 2012). The motivations of US surrogates are also primarily framed in a binary manner, either as exploitation or as altruistic gift-giving (Jacobson, 2016, 2021; Markens, 2007, 2012; Ragoné, 1999). Journalists typically offer a counterpoint view to the dominant exploitation framing, such as interviews with local medical doctors who portray Indian surrogacy as a win-win situation.

A quick look at the titles of articles about surrogacy in the US and India reveals how much of the media's focus is on current scandals, the liberal business of the practice (which is a result of social injustices), and the exploitation of women: “The Curious Lives of Surrogates” (Newsweek, 7 April 2008); “India Nurtures Business of Surrogate Motherhood” (New York Times, 10 March 2018); “Indian surrogate mothers suffer exploitation” (AlJazeera, 27 March 2014); “Commercial surrogacy risks exploitation of women” (Deccan Herald, 6 November 2015); “Surrogate mothers are caught in a vortex of exploitation (. . .)” (Indian Express, 16 September 2016); “Wombs for Rent, Cheap” (The LA Times, 19 April 2006). The media frequently takes an ideological stance when discussing surrogacy, leaving the people involved out of the discussion.

The media frequently takes an ideological stance when discussing surrogacy, leaving the people involved out of the discussion. Furthermore, as noted by Karen Hvidtfeldt (2016), the way filmmakers portray the journey and discourses of protagonists frequently reflects the liberalistic logic of surrogacy with its inequalities, dominations, and privileges, even though some pertinent documentaries (Can we see the baby bump please?, 2013; Google Baby, 2009; Made in India, 2010; Ma na Sapna. A Mother’s Dream, 2013) report the voices of surrogates and intended parents and continue to be fascinating data sources for scientific analysis.Building on Hvidtfeldt's study, we observe that a large portion of the media discourse on the surrogacy sector lacks consideration of the diversity in both domestic and international industries. For instance, gay men looking for surrogacy have fewer options due to national limitations and the closure of several overseas marketplaces, which pushes them toward the US market (Jacobson, 2018; Smietana, 2017). The pairing of affluent Chinese intended parents with middle- and working-class white surrogates in the US is another quickly expanding clientele that is rarely discussed (Harney, 2013; Jacobson, 2020). These (now-common) sorts of surrogacy variations cannot be robustly presented or analyzed using the typical exploitation framing, which would introduce more complex and nuanced variables into the conversation.

Surrogacy in its local context

According to Bronwyn Parry (2015), it is crucial to perform a "situated" analysis of surrogacy on multiple levels in order to better comprehend the logic and dynamics of this outsourced reproductive work. This means placing the global practice in its local sociocultural, political, and economic context, which is where the local population—that is, the pool of reproductive workers—becomes "bioavailable" (Cohen, 2007). Reporting the feelings and perceptions of the real participants is crucial, as is taking into account their "way of making sense of surrogacy" (Berend, 2016: 2) and their private (intimate) history (Deomampo, 2013). Our empirical studies on surrogacy have focused on this up to this point (Jacobson, 2016, 2018, 2021, 2022; Rozée, 2018; Rozée, Unisa, La Rochebrochard, 2019, 2020).This viewpoint is influenced by the traditions of social constructionism and symbolic interactionism, which emphasize how individuals interpret and comprehend their social environments. According to this theoretical framework, which is supported by the methodological viewpoint established by the Chicago School, especially by Howard Becker (1963), empirical research on surrogacy allows for the actors at the center of the practice and gives their own experiences and commitments more weight.

Based on the portrayal of women in developing nations as "disadvantaged" and so "vulnerable," the exploitation thesis in literature and the media portrays them as unable to make free and meaningful decisions and exposes them to socioeconomic exploitation. Some academics and journalists use the victimization of these women to analyze how women's bodies are mobilized for paid-wage work, often without using empirical data from surrogates themselves or the specific mechanisms of exploitation examined (Pande, 2010a: 293), despite the fact that they may be vulnerable to exploitation due to the compounding inequalities of race, class, and gender in both local and global contexts.

Women cannot be reduced to a “status of pure alienated victim” (Falquet, 2008: 53) as this would deny their capacity to act, to decide, to be resilient even in a context of power and domination. Ramskold and Posner (2013: 2) state that “it would be paternalistic and belittling to claim that well-informed women, in any economic situation, are incapable of taking a rational decision on this issue—to risk their lives for money.” In the same line, Sera (1997) argues that surrogacy commitment, far from being forced (through force or threat of force) or due to extreme poverty, may be “the best alternative among a very small range of choices” for women: similar to some sex workers, surrogates could have found another way to survive “but that they choose to engage in it as the best alternative amongst their options” (p. 336). Moreover, we argue that casting surrogates as inherently exploited, without empirical data from surrogates themselves, is problematic.

Reproductive labor may be a survival strategy, shaped by economic precarity, but it may also be an opportunity for women to strategically improve their living conditions—or, additionally, it may be an experience women frame as one they desire, as found in empirical studies of US surrogates (Berend, 2016; Jacobson, 2016, 2021, 2022; Ziff, 2019). The motivations and experiences of surrogates is an empirical question and demands empirical research. The prescribed framing of surrogates as necessarily “victims,” however, is difficult to challenge as labels tend to “stick” (Becker, 1963; Goffman, 1963). We posit in this call that an antidote to this broad-brush stroke understanding of surrogacy is empirically-based research.

The limited field research on surrogacy in the US and India does demonstrate the complexity of this worldwide practice. For instance, ethnographic studies reveal that surrogates frequently have a higher degree of socioeconomic stability than other women in their communities and, particularly in India, may view surrogacy as a better option than their prior paid employment that involved harassment and unpaid overtime (Rudrappa, 2015). Some scholars compare reproductive labor, such as surrogacy, to other forms of labor that are viewed as less valuable, less rewarded, and more challenging or risky

(Humbyrd, 2009; Kirby, 2014; Orfali and Chiappori, 2014; Ramskold and Posner, 2013; Sera, 1997).

The body is, in fact, subjected to pressure, control, and occasionally dominance in other paid occupations, such as sex work, garbage pickers, and domestic work. However, the existing research on surrogacy in developing nations like India (Deomampo, 2016; Mahajan and Marwah, 2012; Majumdar, 2017; Pande, 2014; Saravanan, 2016; Vora, 2013) typically does not allow for an identification of the (non)particularity of reproductive labor compared to other wage-paid labor or the (non)particular profiles of reproductive workers compared to other developing nations, with the exception of Sharmila Rudrappa's (2015), who empirically drew a comparison between surrogacy and textile factory labor in India.

In contrast, US surrogacy companies do not work with women who are receiving state assistance because of their poor status, and many US surrogates work in other fields while still performing paid reproductive work (Berend, 2016; Jacobson, 2016). I argue that relying solely on the image of the oppressed surrogate ignores the local voices and perspectives that ethnographers and feminists have long sought. We agree with Daisy Deomampo, who conducted interviews with 35 surrogates and egg donors in Mumbai between 2008 and 2010, as she advocates for empirically informed understandings of surrogates when she writes, Indian surrogates may be, or may become, victims in the unequal relationships formed between surrogate and doctor or intended parent. Deomampo (2013), p. 173.

We assert that in order to comprehend surrogacy in general—not just that which takes place in India—it is necessary to consider "local voices and perspectives." These claims are supported by our own empirical research on surrogacy conducted over the past ten years as well as our reading of the literature.

Moving toward an empirically based viewpoint: insights from the US and India

We have learned the significance of placing surrogacy within these three distinct grounding contexts—as reproductive labor, within reprowebs, and by paying attention to specific meanings operating at the local level—through our own empirically grounded research in India and the United States, as well as through comparing our findings and reading the ethnographic surrogacy literature. Key findings from each of our research that emphasize the significance of these contextual elements are presented in the sections that follow.

Surrogacy in India

The second author's study from India demonstrates that surrogacy is both a source of oppression and power in that country. She did notice significant socioeconomic disparities between intended parents (mostly from Australia), medical professionals, and surrogates.3. The fact that surrogates had less control over their living circumstances during pregnancy, the production process (pregnancy and delivery), or the end result of their labor (the future kid) served to further entrench these disparities. Their bodies were continuously monitored and controlled to maximize their performance during surrogacy, and medical professionals and intended parents made all of the decisions and oversaw everything, including what they ate, what they did, where they stayed, when they could leave, and whether they could host guests. Surrogates are shown in the study as "silent bodies under guardianship" (Rozée,

During surrogacy, most of them were aware of this lack of decision-making authority. Sushmita, 24, who is married and has two children, noted that "people like me have to listen to doctors because they are illiterate." The less fortunate ladies cited poverty as justification for following the doctors' orders. However, in a broader sense, it exposes the power and authority that physicians possess, even in surrogacy (Tanderup et al., 2015). When a pregnancy decision needs to be made, this lack of authority is even more glaring. For example, Gudenus' (2013) documentary Ma Na Sapna (A Mother's Dream) depicts doctors who chose to reduce an embryo for a surrogate's triple surrogate pregnancy without first consulting her.

The US surrogacy industry is shaped by race, despite the fact that ethnographic studies of the practice reveal that there are few women of color employed as surrogates in the country and that the majority of clients are white. On the other hand, studies show how race matters in the US when it comes to assisted reproduction (Becker, 2000; Bell, 2014; Briggs, 2017; Davis, 2019; Rapp, 2000; Roberts, 1997). It is instructive to see the ethnic uniformity among US intended moms and surrogates. We could contend that possibly the national worries about white people's reproductive exploitation of women of color, which recall a horrific past of black women being coerced, raped, and exploited, are what are happening to a specific person.

In other words, given that the majority of domestic intended parents in the US are white, the horrifying history and everyday realities of racism in the US may result in fewer Black women being interested in being surrogates or being recruited. For both Blacks and whites, individuals, and institutions, the optics of women of color acting as surrogates for white women may be appealing to long-standing social histories and cultural fears that are mainly unsupportable in the US surrogacy market. These concerns are brought to light by the few well-known instances of domestic transracial surrogacy gone wrong, such Johnson v. Calvert. Additionally, it may represent the difficulties women of color encounter in accessing reproductive care (and thus, in becoming

The economic exploitation and patriarchal coercion of impoverished women is another issue with surrogacy in the US (see Corea, 1985; Field, 1990). These worries influenced how surrogacy was first organized in the US. The United States is apart

from the majority of other nations that permit reproductive technologies in that it lacks both federal regulation and uniform national operating guidelines (Martin, 2015). Although the practice is somewhat shaped by state rules and regulations, surrogacy specialists in the US have mostly organized the industry's structure. Early surrogacy practitioners, such as lawyers, clinics, and agencies, came under fire for using financially weak women and tried to create unofficial guidelines to shield their businesses from such criticism. One such regulation, as mentioned by

The 2016 book Gestational Surrogacy and the Work of Making Babies, which forbids women receiving federal assistance from serving as surrogates, gained popularity among US surrogacy businesses and infertility clinics. In the industry, "financial stability" has become a basic prerequisite for surrogates (Berend, 2016; Ziff, 2017). In this sense, surrogates in the US are not consistently impoverished women, which is comparable to the conclusions of Deomampo (2016) and Rozée (2018) in India. The information gathered from heads of surrogacy agencies demonstrated their dedication to making sure surrogates are not using surrogacy as a means of obtaining financial support. The first author was informed by a director of a surrogacy business (Jacobson, 2016: 37–38) that her organization has been unable to assist women on welfare for decades as They were vulnerable to "attacks" on it. think the impoverished individuals you are dealing with are only doing this for financial gain. As a result, they avoid working with the impoverished. Similar to this, other surrogacy experts surveyed for the US study believed that surrogates' emotional and financial security, including family support, was critical to the efficient operation of their businesses and a component of their marketing efforts.

The majority of surrogates in the US are white, lower middle- and middle-class women, according to ethnographic research, however this does not always mean that there are no socioeconomic inequalities, coercion, or exploitation in the US surrogacy market. Researchers have addressed exploitation by analyzing the stated objectives of reproductive workers and their accounts of their personal experiences, despite the lack of extensive national studies that look at these concerns. Researchers can go beyond the typical exploitation vs liberty framework that is offered in a lot of the media on these arrangements by speaking with participants firsthand. Numerous reasons and complex experiences of surrogates as they work to conceive and give birth to children for others are presented in the empirical research on surrogacy in the United States. According to the majority of surrogates in these studies, they become surrogates because they enjoy pregnancy and childbirth, want to support their families financially, and want to help others (Berend, 2016; Jacobson, 2016, 2022; Ziff, 2017). They have not presented their surrogate work as a survival issue, just like the surrogates in the second author's study. This is not to say that surrogate mothers do not experience racial or economic precarity. Instead, a lack of explicit racial and socioeconomic exploitation as a result of surrogacy in general is seen in all of these investigations.

2. DISCUSSION

The authors' two case studies demonstrate how surrogacy is structured and experienced in India and the US using distinct contextual logics. Nonetheless, they have one thing in common: surrogacy was global and commercial in both places. Women were performing reproductive labor within certain reprowebs in both situations. Furthermore, despite the fact that surrogacy received less media or ideological attention in the US, both contributed to the development of stereotypes and even conjecture that were connected to the socioeconomic background or history of the respective nation. Surrogacy is perceived in India as a "gendered, exploited, and stigmatized" (Pande, 2009) form of work that reflects gender norms and the Indian culture. Surrogate labor is primarily framed in the United States as either exploitation or selfless gift-giving (Markens, 2012; Ragoné, 1999). However, the presumption that vulnerable women are exploited because of gender inequality is nuanced by field investigations. They show that women of some financial status or stability are recruited instead of impoverished women who are coerced into becoming pregnant and giving birth for others (Berend, 2016; Deomampo, 2013; Jacobson, 206; Rozée, 2018; Rudrappa, 2012b; Ziff, 2017).

Caste may also be a deciding factor in India (Majumdar, 2018). Additionally, the majority of surrogacies in the US and India are mono-racial, with Indian surrogates working with Indian intended parents and white US surrogates working with white US intended parents. This is particularly true since changes in Indian regulations have prohibited transnational and commercial arrangements.6 Therefore, the lived reality of many of those engaging in surrogacy today is not reflected in claims of rampant racial and economic abuse of poor women of color by white intended parents.

3. CONCLUSION:

conjecture and a lack of empirical support

Others have pointed out that several academic studies, a large portion of current public discourse, and the ensuing public awareness have characterized surrogacy as inevitably a system of racial, gendered, and economic exploitation (Berend, 2016; Markens, 2012). However, a more complex environment becomes available for study when taking into account the results of studies based on the experiences and discourses of those who are actually involved in surrogacy (intended parents and surrogates). Only ethnographic studies with a situated analysis can capture the complexity of surrogacy in terms of social class, race, and gender relations, and thus transcend ideological representations of local and transnational surrogacy, until we have large-scale surveys that would statistically analyze the socio demographic profiles of the surrogacy participants.As we have tried to show in this article, stereotypes can be dismantled and presumptions replaced with empirically supported

nuanced understandings that articulate both global realities and particular local contexts when field-based research is carried out with those directly involved in surrogacy (health professionals, agencies, and surrogates themselves).We are not claiming that exploitation or coercion does not—or cannot— exist due to the understood demographic trends of largely mono-racial arrangements with surrogates of working and middle class standing. Rather, we are arguing that claims about surrogacy should be based on empirical data and much of the empirical data available call into question broad-brush claims of wholescale exploitation. Although comprehensive national demographic data on surrogacy do not exist in the United States or in India, we can extrapolate from small-scale ethnographic research. That research points to a more complex landscape that calls for more nuanced analysis on the ways in which the systems of power of gender, race, and social class may be at play. We posit that surrogacy, like other reproductive processes and female-dominated occupations, reflects specific global and local systems of power and we encourage both further empirical research on these lived experiences and for that research to be integrated into theorizing about surrogacy

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