

Canadian Surrogacy as an Ideological Struggle

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# Abstract

Surrogacy is increasingly prevalent, particularly in Canada where despite its long status as a legally permitted practice it is only permissible through ‘altruistic’ arrangements as it is illegal to pay a surrogate to carry a child. This unpaid labour performed by Canadian surrogates transforms the dystopian perception of commercial surrogacy into a utopian vision of community welfare. This vision persists amid a major contradiction in Canada’s legal framework of altruistic surrogacy: while paying surrogates is criminally prohibited, paying for-profit surrogacy agents, lawyers, and clinics remains legal as does Canadian participation in highly stratified commercial surrogacy markets abroad. This thesis explores the value of Stuart Hall’s concept of ‘ideological struggle’ for examining these complex and sometimes contradictory representations of altruistic surrogacy in Canada. I argue that surrogacy is both a site that contests and constructs normative ideologies of reproduction and motherhood in ways that struggle to reconcile or at least displace the potentially problematic politics of commercial third parties profiting off the altruistic exchange of others. In this thesis, I draw upon legal and policy documents, newspapers, a documentary, and the websites of surrogacy agencies. I triangulate this original empirical data with a series of interviews to offer new insights on how legislative ambiguities and everyday ambivalences among Canadians towards the unpaid nature of surrogacy combine to naturalize a contested process and foreclose critique. This work proposes thinking of Canadian surrogacy as an ideological struggle to highlight the public and private resources that make the altruistic model possible and reveals routes of rethinking it in these terms.

# Résumé

La gestation pour autrui est un phénomène de plus en plus répandu, en particulier au Canada où la pratique est légale seulement pour les arrangements dits «altruistes», rendant illégal le fait de payer un·e gestateur·ice pour porter un futur enfant. Le travail non rémunéré effectué par les gestateur·ices canadien·nes transforme la vision dystopique de la gestation pour autrui commerciale en une vision utopique de bien commun. Cette vision persiste malgré les contradictions majeures au sein du cadre juridique canadien de la gestation pour autrui altruiste: alors que le paiement des gestateur·ices est interdit par la loi, le paiement d'agent·es, d'avocat·es et de cliniques de gestation pour autrui à but lucratif pour le soutien et les traitements de fertilité est légal, tout comme la participation du Canada aux marchés commerciaux étrangers hautement stratifiés de gestation pour autrui. Cette thèse explore la valeur du concept de «lutte idéologique» de Stuart Hall pour examiner ces représentations complexes et parfois contradictoires de la gestation pour autrui altruiste au Canada. Je soutiens que la gestation pour autrui est à la fois un site qui conteste et construit des idéologies normatives de la reproduction et de la maternité de manière à tenter de concilier, ou du moins, d'écarter les politiques potentiellement problématiques des tiers commerciaux qui profitent de l'échange altruiste des autres. Dans cette thèse, je m'appuie sur des documents juridiques et politiques, des journaux, un documentaire et les sites web des agences de gestateur·ices. Je triangule ces données empiriques originales avec une série d'entretiens pour offrir de nouvelles perspectives sur la façon dont les ambiguïtés législatives et les ambivalences courantes des Canadien·nes envers la nature non rémunérée de la gestation pour autrui se combinent pour naturaliser un processus contesté et exclure la critique. Ce travail propose de penser la gestation pour autrui au Canada comme une lutte idéologique pour mettre en évidence la contribution des ressources publiques et privées qui rendent possible le modèle altruiste et révèle des voies pour la repenser en ces termes.

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# Introduction

In 2013, surrogacy agent Leia Picard pled guilty of compensating individuals to act as surrogates, thereby violating Canada's *2004 Assisted Human Reproduction Act* (henceforth "the Act"). The Act defines surrogacy as exclusively 'altruistic,' criminalizing payment for surrogacy and the arrangement of surrogacy services through third parties like Picard (S.C. 2004, c.2). It however remains legal in Canada's altruistic model that surrogates be reimbursed for out-of-pocket expenses such as maternity clothing, vitamins, and transportation costs. As part of her guilty plea, Picard admitted to making payments to surrogates disguised as "reimbursement" (Snow 2018), therefore benefiting from an "ambiguity" in the Act's lack of limits for surrogacy-related expenses (Fantus 2020). The conviction of Picard and public fallout raises long-standing debates about the efficacy of the Act, whether surrogates act only for altruistic reasons, and the role of third parties in Canadian surrogacy.

Picard's case also constructs and contests ideas Canadians have about surrogacy, especially as these ideas relate to the dominant "altruistic woman" trope (Raymond 1990). This trope informs opposition to commercial surrogacy by conflating voluntary labour with a selfless act, and unpaid surrogacy with gifting. While the Act does not use the word 'altruism' directly, altruism refers to both Canada's legal framework of unpaid surrogacy but also as a gendered conception of care that presents strong affinities between motherhood, reproduction, and feminine virtue. Surrogacy agencies, like Picard's business Canadian Fertility Consulting Ltd (CFC), makes use of these affinities to market and match intended parents with surrogates like a kind of "an online dating site" (Carsley 2021, 34). Agents offer a consulting-like service, advising and connecting clients to fertility clinics and lawyers through referrals. These agents are a popular way to 'do' surrogacy in Canada; in fact, one study shows a large majority of Canadian surrogates report using agencies (Yee et al. 2019). As a result, these agencies serve as important sites from which to construct representations of altruistic surrogacy and do recruitment.

This thesis suggests that the Picard case is emblematic of gendered understandings of altruistic care that register in the Canadian imaginary. The Act's selective criminalization on payment to surrogates draws on two assumptions; first, that surrogates become exploited when payment is involved (Anleu 1990), and second, that surrogates choose to be "gift givers," donating their bodies and labour voluntarily (Stoeckle 2018). These assumptions rely on and reinforce normative ideologies of reproduction and motherhood that make up the "constellation of ideas and images" used to judge people's reproductive lives (Kline 2008, 190). Therefore, the puzzle at the centre of this project is how the Act's legislative framework of altruism struggles to maintain its legitimacy alongside major inconsistencies: while paying surrogates is prohibited, paying for-profit agents, clinics, and lawyers for various surrogacy-related services remains legal as does Canadian participation in highly stratified commercial surrogacy markets abroad.

Amid these inconsistencies there are also times where normative ideologies of reproduction and motherhood coincide with altruistic surrogacy as a real selfless act and concern for the well-being of others. Acts of mutual aid are embedded in the constellation of ideas that make the gifting and receiving mandatory in the practice of Canadian surrogacy. By grounding my analysis in the actual practice of Canadian surrogacy, I ask: What representations of altruistic surrogacy exist in Canada? And what role does ideology play in these representations? To answer my research questions, I draw on relevant legal and policy documents, the websites of Canadian surrogacy agencies, as well as popular media sources between 2011 and 2019 that represent surrogacy at a time when the Act's ambiguities left all those involved in an ever-commercializing industry of assisted reproduction to great uncertainty.

Picard claims that "business is booming" since her conviction (Motluck 2016a), only adding urgency to research surrogacy as a site of ideological struggle that has real material consequences. Ultimately, I argue that the meaning of altruism in opposition to paid work is not only reinforcing normative reproduction and motherhood, but also allows those who are ambivalent towards or explicitly critical of the commercialization of surrogacy to render it valuable without attending to the role of agents. I do not mean



to suggest that people are not using surrogacy agents to make sense of surrogacy. Rather, I show that they are, and that how Canadians use agents to make sense of surrogacy makes it possible to dismiss the profiting and maintain the legitimacy of the Act. While there is no saying whether the current role of agents would pose a transformative challenge the model of surrogacy in Canada, it perhaps could be a place to start.

The structure of the thesis is as follows. I begin in Chapter 1 with a review of relevant literature that includes empirical and theoretical works related to surrogacy globally and specifically within Canada, altruism, and reproductive labour more broadly. Next, Chapter 2 outlines the methods used, which are grounded in a qualitative interpretive methodology. I explain my approach for selecting Canada as a site for this research and outline a framework for analyzing representations of surrogacy as discourse. Additionally, I discuss the data for this project, which consists primarily of policy documents, surrogacy agency websites and online news sources, and explain how my interpretations of this data were triangulated through interviews.

Chapter 3 presents my core argument which is three-fold: first, I introduce Stuart Hall's approach to 'the problem of ideology' for analyzing how ideological forces struggle to makes surrogacy valuable and explain how this relies on and reinforces taken-for-granted ideas about the hegemonic family form. Second, I show that these same ideological forces are rooted in contradictory and material practices with commercial surrogacy agents, fertility treatments, the Canadian welfare state, and family beyond the nuclear unit and discuss their subversive potentials. Third, and finally, I track the legislative and everyday ambivalence towards the un/paid nature of Canadian surrogacy and how this reconciles or at least displaces the potentially problematic politics of commercial agents like Picard profiting off the 'altruistic' exchange of others. Chapter 4 concludes with a summary and outlook for re-thinking the value of surrogacy based on the original empirical data I set out here.

# Literature Review

This section discusses some of the most relevant literature that informs my research design and theoretical approach. I aim to be explicit rather than exhaustive about what empirical and theoretical literature contextualizes the project's main research questions. I also articulate, examine, and discuss other approaches to studying the practice of surrogacy with particular attention to its altruistic form by way of introducing the general domain of this research topic.

## The Canadian Context

It is necessary to acknowledge at the outset that Canadian scholarship on surrogacy to date is largely focused on evaluating the efficacy of the Act. Such a view primarily takes the policy process as “reactive” to issues (Bacchi 2016, 28), whereas I intend to understand issues in Canadian surrogacy as constitutive of subjects. The volume titled, *Surrogacy in Canada: Critical Perspectives in Law and Policy* (2018), edited by Vanessa Gruben, Alana Cattapan, and Angela Cameron is the only comprehensive book-length project dedicated to the governance of surrogacy in Canada. While Gruben et al. collects a range of critical qualitative perspectives, its major focus remains on the Act and opportunities for better regulation. There has been little research on the role of surrogacy agents, and analysis is limited in this volume to the fact that agents “profit from the anxieties of intended parents and the labour of surrogate[s]” (Nelson 2018). Other authors doing similar research in the Canadian context are those that employ qualitative methods but lack an interpretive lens (Dowedoff 2018; Hammond 2018; Carsley 2020). There is also recent qualitative data about how surrogacy contracts between surrogates and intended parents are negotiated showing that fertility lawyers struggle to advise their clients about what counts as a permissible expense (Carsley 2021).

To my knowledge, Yee et al. (2019) is the first and only large-scale quantitative study of Canadian gestational surrogates at the time of writing. Reporting on 184 surrogates, their main findings indicate Canadian surrogates are more likely to be satisfied with their experience if they carry for domestic intended

parents and have a viable pregnancy outcome (2019, 254-5). In addition to providing important demographic data about who Canadian surrogates are, this study is useful to my analysis because it lends empirical evidence to a relational dynamic between intended parents and surrogates. Further qualitative research like my project is necessary to understand how this dynamic is formed, negotiated, and managed. Yee et al. also finds no difference in surrogate satisfaction between agency-involved cases and non-agency-involved cases but a striking 78 percent of surrogates reporting agencies acting as intermediaries (2019, 255).

While all these earlier studies offer useful insights into the practice of surrogacy, none of these previous studies use an interpretive methodology. Collectively, these works represent an effort to develop and generate qualitative data on surrogates, intended parents, fertility agents and lawyers alike to get a better understanding of surrogacy as a means of evaluating law and policy. While I believe this is important and end up having things to say about the law as well, it is not my main goal. Rather, I seek to parse out understandings of surrogacy in terms actors understand themselves.

Also in the Canadian context, political scientist Alana Cattapan analyses the Act's discourse of "protection" vis-à-vis the precarious position of egg donors, arguing there is "a gap between the rhetorical commitment to women's welfare [and the] realities of women's reproductive lives" (Cattapan 2013, 203). More recently, Cattapan has argued that only women with the economic resources necessary can partake in surrogacy for only altruistic reasons. This argument only goes as far as saying the language of "compensation" as opposed to "payment" is a way of avoiding "difficult conversations" about payment to surrogates in Canada (Cattapan et al. 2017). An interpretivist lens is necessary to explain how this discursive turn towards compensation are at work in the Canadian context. While my project does not explain this turn completely, I contribute a partial answer by tracking how ideology makes representations of surrogacy contingent on the question of payment and demonstrate how various actors rely on this fact to account for their involvement in surrogacy.

I draw primarily upon Canadian legal scholars, political scientists, and bioethicists publishing on Canadian surrogacy, including but not limited to Vanessa Gruben (2016; 2020), Karen Busby (2010), Maneesha Deckha (2015), Erin Nelson (2018), Pamela White (2015; 2017; 2018) and Stefanie Carsley (2018; 2020; 2021). A key contribution is Lozanski (2015) whose work on transnational commercial surrogacy argues there is a contradiction between the Act's ethical underpinnings. The contradiction is that the Act domestically prohibits commercial surrogacy and citizenship policy that implicitly sanctions the straightforward provision of citizenship for children born of such commercial surrogacy arrangements abroad. Like Cattapan (2013), Lozanski identifies a gap between the rhetorical commitments of the Act and the lived experiences of Canadians. But Lozanski goes further to argue that there are a series of "moral contradictions" with respect to the Canada's commitment to non-commodification of persons and gender equality (2015, 384). While I aim to resist drawing such a clean line between legislative discourses and lived experience, these projects serve as a starting point for my thinking about print media, parliamentary debates, and other secondary sources.

### Surrogacy in Ethnographic Perspective

Due to the absence of interpretive works on this topic published in Canada, I am required to look internationally to find ethnographic fieldwork on surrogacy. Teman's (2010) ethnographic study of gestational surrogacy is conducted with Jewish Israeli surrogates to trace the processes by which a relationship with the intended mother is established. However, the study takes commercial forms of surrogacy as its focus. Furthermore, the study is situated in the Israeli context where only heterosexual married couples are permitted to participate in surrogacy unlike the Canadian context. Nonetheless, this text is methodologically useful because it contributes a different theoretical understanding of surrogacy as a complex relational dynamic rather than as simply a contractual relationship between two parties (Munyon 2003).

Similarly, the sociologist Amrita Pande is widely cited for her feminist ethnographic work on surrogate mothers in India (2009; 2010; 2014). Of relevance to my study, Pande (2009) observes and interviews Indian surrogates in a small clinic to determine how they navigate the “stigma” associated with the commercial surrogacy industry. Interestingly, Pande finds that women cite ‘altruism’ among other morally laden reasons to soften the stigma surrounding commercial surrogacy. Pande finds that the language of stigma functions to “suppress a worker identity” (2009, 142). While this study dwells on the voices and language surrogates use, it also seems to lack an interpretivist bent. For instance, Pande does not interpret altruistic relations as anything other than instrumental or functionalist to a capitalist order. There is also a lack of engagement on how genuine acts of selflessness, compassion, and solidarity are entwined in a growing marketplace of commercial surrogacy practices. It is these contradictions my project aims to take up with respect to the meanings altruism signifies and how it structures Canadian engagement in surrogacy.

### The Comparative Politics of Surrogacy

Empirical studies in this field typically take a comparative approach and focus on the experiences of those who engage in commercial surrogacy arrangements. The level of comparison most commonly takes place at the country-level and centres on the surrogate perspective (Davies 2017; Whittaker 2019). Others study transnational surrogacy where intended parents in one country seek out surrogates in another country, usually for pay and in the global south (Deomampo 2017; Stockey-Bridge 2018; Fayemi and Chimakonam 2022). Others have argued surrogates in transnational contexts are “reproprenuers,” equipped with entrepreneurial skills (Kroløkke and Pant 2012). Moral frames like altruism are also argued to be constitutive of transnational surrogacy practices where surrogates are paid (Deeb-Sossa 2007; Pande 2009; Rudrappa and Collins 2015).

Recently, studies published in Nordic welfare states have been most successful accounting for the specificity of altruistic surrogacy in comparative analyses (Ásgeirsson and Nordal 2015; Ryan-Flood and

Payne 2019; Eriksson 2021). Toledano and Zeiler (2017) compare Canada, the United States, and Australia through a series of interviews with surrogates who have a close interpersonal relation with their intended parents, arguing that such a surrogacy can be conceptualized as relational work (i.e., work based on, and for the sake of, the relationship between family members and friends). While I want to engage with the concept of relational work, Canadian surrogacy arrangements are not always between parties with a prior-established relation. Therefore, I build off the lens of relational work to explore the idea that it is done for the sake of the relationship formed through, rather than necessarily prior to, surrogacy.

### Altruism and Surrogacy Abolitionism

Much of the literature on the concept of altruism seeks to answer whether there is an evolutionary explanation for why humans act selflessly and in another's best interest (Sober and Wilson 1998; Kitcher 1993). This literature also asks why some people tend to be more altruistic towards those who they perceive to be most like themselves (Fehr and Fischbacher 2003; Bowels 2008; Dent 2005). It also explores why people are more altruistic towards those who are perceived most deserving of help (Dent 2005; Bowels 2008; Underhill 2019). However, these literatures share a radical methodological individualism (Carrier 2018), such that acting altruistically is presumed to be an individual's choice. I am more interested in the feminist perspectives and criticisms which have been leveled against this way of conceptualizing altruism. This literature is vast and is dedicated to theorizing altruistic understandings of care (Monroe 1998; Engster 2005; Petterson 2012), and how this ideal of care imposes gendered roles and maintains patriarchal oppression (Friedman 1993; Bowden 1997; Groenhout and Bower 2003; Cawston and Archer 2018). Altruistic care is also theorized as linked to structures of power and inequality (Okin 1979; 1989; Tronto 1993; 2013; Kittay 2020), which is crucial to my understanding of who can and *should* do altruistic surrogacy in Canada.

Altruism as a form of care is also discussed in literatures of surrogacy abolitionism in the 1980s and 1990s. While anti-surrogacy feminist movements run the gamut of likening surrogacy to baby selling (Neuhaus 1988) and surrogates to a “breeder” class (Corea 1985), Raymond (1990) opposes surrogacy for its reliance on the “altruistic woman” trope. Raymond argues that women are constructed as “infinitely giving” in a society that “celebrates” women when they put the needs of others before their own (1990, 8-9). This is not just about woman’s self-giving, but also an ideological pronouncement about a cultural context where women are systemically subordinated to men’s self-interest. Raymond’s criticism of altruistic surrogacy imposes a normative standard of its own, namely, that women’s altruism always operates within a hegemonic patriarchy such that there is no possibility of a reinvented surrogacy. Alternatively, I explore how it is precisely the fact that surrogacy is contingent on a hegemonic norm of reproduction and motherhood that we can think about surrogacy as having subversive and transformative potential. These early works of anti-surrogacy feminisms inform this project because the Act’s legislative framework of altruistic surrogacy was drafted in a climate of and as a response to Raymond-style surrogacy abolitionism (Baker 1996).

### Ideology, Labour, and Standpoint Theory

This thesis is in part an effort to contribute to debates on altruism by drawing from the Canadian context to rethink the political role and importance of ideology and what Stuart Hall calls ‘ideological struggle.’ As I explain more in the argument section of this thesis, ideological struggle refers to the competition among ideologies for hegemony. However, my analysis of Canadian altruistic surrogacy uses ideology in the Althusserian sense, such that “ideology always exists in an apparatus and its practice or practices” and “is material” (Althusser 1971, 166). My thinking is also loosely informed by feminist standpoint theorizing, that is, I draw upon those versions of standpoint theory wherein a standpoint is conceived as a collective political project based on feminist re-articulations of embodied practices. I find inspiration that a feminist

standpoint is “achieved rather than obvious” (Hartsock 1983, 287), situated (Haraway 1988), and embedded in power relations that make it possible for one group’s standpoint to prevail over equally plausible perspectives (Hill Collins 1986). I draw upon the notion that standpoints ought to be judged not only for their epistemological contributions, but, and of relevance to my project, by the extent to which they challenge (or conserve) hierarchical and hegemonic power.

Because I am interested in the political and productive potential of surrogacy as a form of labour, I also draw upon Kathi Weeks (1998) whose feminist standpoint theory focuses on the ‘ontology of labour’ as a distinct but related project to labours epistemological contributions. For Weeks, labour is understood to be a “value-creating” practice (186), and those subjects “who submit to an existing order can also collectively defy it” (181). In the context of my project, this allows me to think of surrogates as those who desire and are desired for their altruism, but also comprise a group capable of disrupting the illusory (and idealized) notions of altruism through their labour-power.

I conclude by stating the literature and its limits is an “invitation” to show there is value in re-analyzing empirical materials and qualitative data (Zacka 2017, 258). Especially with respect to the empirical work in the Canadian context cited here, I aim to recontextualize rather than simply repeat their findings by considering the audience together with historical relationships to law, policy, and technology. In other words, by drawing on these scholars, I seek to include the academics cited here within my field of analysis rather than presume their empirical categories as “points of departure” (Cooper and Waldby 2014). I say more about why in the next section.



## Theory and Method

This project uses a qualitative interpretive methodology based mainly on a discourse analysis of relevant legal and policy documents, a documentary profiling Canadian surrogacy, Canadian online newspapers, and websites belonging to Canadian surrogacy agencies. Interpretivism is a methodological approach which “focuses on how humans make meaning of their worlds” (Schwartz-Shea and Yanow 2020). Interpretivists see the world as “socially made” (Wedeen 2010, 260), and seek knowledge through studying meaning-making processes that are culturally situated and entangled in relations of power (Wedeen 2002). Schwartz-Shea and Yanow (2012) argue that interpretivist approaches are a form of “abductive” reasoning because interpretivist research does not “immediately” draw explanations based on observations like deductive and inductive research (28). Rather, interpretivism involves a “puzzling-out process” of tacking back and forth in a between observations and possible explanations in an iterative manner (27).

This methods section sets out my research design and the criteria I use to make my own observations in an effort to be reflexive about the potential biases which may have guided me in my research. Rather than claiming to be objective or neutral, what follows aims to be systematic and transparent throughout the data collection process, analysis, and writing that follows here (Schwartz-Shea & Yanow 2012). Using an interpretive methodology which is grounded in the data meant I went to allowing it to take me to familiar and unfamiliar places and changing my research questions accordingly while being explicit here about how my own experiences guide this project.

### Selecting Canada as a Surrogacy Site

I draw upon Thea Riofrancos (2021) and their contributions to the methodology of “siting” as an alternative to the conventional single case study approach. While a single case is typically a bounded unit (Falleti and

Mahoney 2015), siting is an alternative approach that rejects such an assumed boundedness is possible (Riofrancos 2021, 116). Siting attends to the possibility that there are multiple convergent and perhaps even divergent meanings of altruism and representations of surrogacy that cut across boundaries of local organizations (such as agencies) and global transnational practices. With this in mind, a site is “a particular place” wherein it is possible to “observe a broader process unfolding” (115).

Riofrancos provides a criterion for selecting research sites; first, the global process under study, in this project, surrogacy, must be “empirically observable at the locale and scale in question.” Second, the global process is “politically salient in the chosen context,” meaning it is of interest to situated actors, the subject of policy or social movements and discussed in media outlets. Third, and finally, the process under study is the subject of “contention,” meaning there is no stable agreement among actors who are all situated differently, driven by their own interests and ideologies. Key to this approach is what Riofranco’s calls a “bifocal lens,” which means collecting data on specific sites as well as the broader, global process such that it is possible to “glimpse the global in the local” (120). This tacking back and forth between different levels of analysis is necessary to understanding how specific times and places in Canada contribute to the production of surrogacy as a global phenomenon.

I chose to begin by siting my project on the representations of altruistic surrogacy in Canada precisely because the dynamics altruism—a key component of the legal framework regulating Canadian surrogacy—are observable, salient, and contentious. In Canada, surrogacy is a topic of policy making and the public fall-out from Picard raises long-standing debates about the nature of altruistic surrogacy. Since the recent introduction of the Regulations aimed at clarifying what counts as reimbursable and increasing the Act’s enforceability, a range of other related controversies took place around this time including a CBC investigation into agents and reimbursement costs (Glover et al. 2020), Quebec’s recent attempt to make surrogacy contracts legally binding under the province’s Civil Code through Bill 2 (Plante 2021; Millán 202; The Canadian Press 2022), as well as the Canadian Fertility & Andrology Society calling for

amendments to the Act that permit “reasonable compensation” to surrogates based on new findings that indicate increasing support among members (Murray 2017). The renewed discussion about the question of payment to surrogates is an issue which was raised by the then Minister of Labour, Anthony Housefather when he tabled a bill to amend the Assisted Human Reproduction Act in 2018 to decriminalize paying of surrogates. It is also true that recent findings reveal there is little consensus among fertility lawyers about how to reform the Act (Carsley 2020). These are but a few examples that combine to illustrate why Canada is an ideal site for this research project.

### Feminist Critical Discourse Analysis

I employ a ‘feminist critical discourse analysis’ (Lazar 2007) to understanding the complex workings of power and ideology in sustaining gendered power relations in Canadian surrogacy. A critical discourse analysis (CDA) is Foucaudian in the sense that it aims to make “unexamined ways of thinking explicit” (Bacchi 2010, 63). I select a feminist perspective to CDA because of its explicit attentiveness to gender ideology and how it is (re)produced, negotiated, and contested in social practices, texts, and talk, and comes to form personal and group identities (Lazar 2007, 150). Drawing upon Lazar (2007), I follow five interrelated principles that comprise a feminist CDA approach: first, to effect social transformation through critique; second, to make explicit the structural nature of gender ideology; third, to identify and theorize the differences among ‘women’; and fourth, to trace the relationship between discourse and practice. The work of Carol Bacchi (2009; 2016) is instructive on this fourth principle specifically because of the way policies are understood as gendering devices, actively co-constructive and deconstructive of social practices in an ongoing manner. Lazar’s (2007) fifth and final principle is an ongoing commitment and critical focus on self-reflexivity which I discuss further at the end of this methods section. Overall, conducting a feminist CDA thus required I read for detail, immerse myself within the sources, identify key themes, examine the

assumptions being made by me and others, and analyze discourse as making meaning across the “intertextual archive” (156).

My focus on intertextuality comes from the understanding that discourse is not meaningful on its own, as one text or image, but across other images and texts (Rose 2001, 136), and ultimately led to including the documentary *Having Our Baby* in my analysis. I employ the framework of a feminist CDA outlined above and draw upon Hellmann (2019) to guide my visual analysis. Hellmann’s framework includes denotation, connotation, and mythmaking. While denotation requires the research to produce a literal description of what is present, connotation requires the researcher to explore how visual details signify ideas and values through cultural associations or symbolism (2133). I am particularly interested in when connotative meanings gain “hegemonic status” over denotative meanings such that visual elements lose their literal meanings as connotative meanings and come to “construct and reinforce ideological myths” (2134). Because I am analyzing a documentary which consists of *moving* images, I supplement feminist CDA and Hellman’s framework with a video-based analysis technique described by Borish et al. (2021). Their methodological process of using documentary film allows me to theorize the link between documentary quotes and “non-text,” visual dimensions including body language, gaze, the camera angle (Borish et al 2021, 5). Therefore, looking for what was left out of a scene is a main goal. As Rose (2001) emphasizes, “[a]bsences can be as productive as explicit naming; invisibility can have just as powerful effects as visibility” (2001, 158-9).

To account for the visual dimensions, I first watched the documentary as a whole and recorded observations for a collective interpretation of a variety of scenes and moving images, which I also used to flag the elements of production and audience. I then transcribed the documentary entirely and pasted the film’s transcript into NVivo where it was treated to the text methods described below. Finally, I selected scenes based on how conceptually interesting they were with respect to my research question (Hellman 2019, 2135). Whether or not the scene was “representative” of a wider population of surrogacy images was

not of concern. Using the transcript of a particular scene, I could watch, listen, and read the data all at the same time, permitting me to make analytical decisions about how to code the transcript on the basis of the audio, visual, and text components (Borish et al. 2021, 5).

Because all images, moving or still, can generate multiple meanings in the viewing process, I increase the reproducibility that another researcher would arrive at the same interpretation by triangulating my interpretation with interviews, as well as my analysis of newspaper articles featuring the director of documentary. I “anchor” my interpretation using the concept of intertextuality; in other words, I used the similarity of a scene to people, places, or descriptions in other sources (Hellman 2019, 2136), as well as triangulation with interviews. This process made it possible to weigh rival interpretations against one another.

### Document selection

The data for this project was generated primarily through extensive analysis of written material and triangulated with interviews. Various platforms were consulted to capture text-based documents for a variety of audiences to capture different spheres of meaning making. For instance, because the websites of surrogacy agents are public facing, I assume that there is an emphasis placed on crafting a particular perception to promote their services. The documents from surrogacy agents’ websites were selected ahead of the data coding during the research design phase that included a pilot study related to this project. At this time, I changed my research questions for this project slightly, still asking what representations of surrogacy exist but adding an additional question about why certain representations of surrogacy persist because it was clear that some representations agencies promoted were contradicted by others and highly contingent on the Act.

Beyond the listed policy documents (**Appendix A**), I collected data from websites belonging to three surrogacy-agencies in Canada: Canadian Fertility Consulting, Surrogacy in Canada Online, and Canadian

Surrogacy Options. These agencies were selected for study due to a few important reasons; first, these agencies are in close proximity all located in the province of Ontario which is a major destination in Canada for both domestic and international intended parents seeking surrogates. Second, I selected these three agencies because they are the oldest in Canada and collectively stand out as pre-dating other agencies developed across the country since the Picard conviction. Canadian Surrogacy Options (CSO) of Guelph, Ontario is the longest established agent, opened in 2000 by Joanne Wright who was Canada's first surrogate in 1988 and remains under family management by Wright's daughter (Robin Price). Following a year after the opening of CSO, Surrogacy Canada Online (SCO) opened its doors in 2001 and is currently still owned and managed by the founder Sally Rhoads-Heinrich. Both CSO and SCO are agencies that pre-date the 2004 Act and their founders were some of the first individuals to make public calls for federal legislation. In 2017, the third Canadian Fertility Consultants (CFC) opened in the small town of Cobourg, Ontario by Picard and has since claimed to be the largest surrogacy and egg donation agency in Canada. Picard remains the only criminal conviction to date filed under the now eighteen-year-old Act, but Rhoads-Heinrich and the Prices have a large public presence of their own. These three agents combine to make up most public commentary from the agent perspective.

The data from these three agencies consists of accessible text-based content on agency websites. For all websites, this includes "Home," "About Us," "Services," "Resources," as well as "Contact" pages to a variety of pages specifically tailored for those seeking to become surrogate mothers and intended parents. As these agencies are notoriously difficult to access, I also paid attention to surrogate and intended parent intake forms available for download on these pages. Each website also had its own version of informational content presented in webpages titled "Blog" pages. One blog was unavailable at the time of this study (CFC) and the other (CSO) only showing updates within the past year but appear to contain a large amount of content with CSO's earliest post being 2014. SCO dedicated a page titled "Surrogate Mother Stories" which

is a collection of surrogacy experiences told from the point of view of past surrogates who worked with the agency.

My analysis of websites and blogs took place in early to late 2022 and analyzed all content available at this time regardless of its original publication. I set parameters on my search of CSO's and SCO's blog posts. With respect to CSO, I analyzed a series titled "SurroSister Secrets" which followed the experience of one surrogate mother over the course of her surrogate pregnancy. I made this choice so that the content would be most like that data I could collect from SCO's blog posts, which are titled, "Surrogate Mother Stories." While stories belong to a few actors, and in case of the CSO data set only one actor, taken together, these blogs create an exceptionally rich and diverse data set. While the blogs offer images and testimonials, they retellings as even those the discourses are from the perspective voice of surrogates themselves, they are also officially "vetted" by agents whose primary aim is to promote the practice of surrogacy and their provided services. The three agent websites yielded a total of 91 discrete documents which I then manually coded. In addition to this, and because surrogacy agencies are notoriously difficult to access, I analyzed the film, "Having Our Baby: The Surrogacy Boom," a 2016 documentary available on YouTube which chronicles experiences with surrogacy and surrogacy-agents across Canada.

Finally, I included Canadian online news sources in English from 2011 to 2019 in my data set. No prior research was conducted about newspaper platforms themselves and I did not pre-define codes based on my familiarity with the literature but rather let the data tell the story by using grounded theory for coding. Articles were included from when Picard was first put under investigation in 2011 to the year before Health Canada's recent addition of new Regulations in 2020. This period includes Picard's and CFC's conviction—February 2013—as well as Health Canada's consultation process to inform the development of regulations around expenditures and processes for reimbursement in 2017 and 2018. Because I found that newspaper portrayals of the issue changed after the outbreak of COVID-19 pandemic in the spring of 2020, I decided

to end my study in 2019 to avoid this. Ending my study in 2019 also had the added benefit of avoiding the bias of new Regulations which came into effect in 2020.

The Canadian Business and Current Affairs and Canadian Newsstream databases were searched for newspapers (Source type) and news (Document type) containing the words ‘Canada’ and ‘surrogacy’ or ‘surrogate’ in the full text. This search yielded two databases with similar results and so only the Canadian Business and Current Affairs was processed further. Newspaper articles were downloaded into Microsoft Word and manually identified. Articles were removed from the dataset if they exclusively discussed surrogacy in other countries. Articles were also removed if they were identified as duplicates. Based on this search, a total of 358 discrete articles were used for data analysis. The databases searched were accessed through McGill libraries and many articles are freely available on public websites.

To summarize, the data for this project is essentially generated through extensive analysis of written and visual materials which was then triangulated with 4 interviews. In total, my data incorporated 91 discrete web documents and their accompanying photos (if available) collected across 3 surrogacy agency websites accessed between 2021-2022 as well as 358 newspaper articles spanning the time period of 2011 until the end of 2019. The data also includes 1 documentary film, 3 legal and foundational policy documents, 2 governmental evaluation reports, and 1 government form, the earliest being published in 1993 up until 2019. While all data was subjected to a feminist CDA, only website documents, newspaper articles, and the documentary transcript were analyzed using grounded theory coding techniques.

### Coding

I coded my documents using a grounded theory coding technique and utilized qualitative analysis software packages. An initial database of websites and their accompanying images was created in MAXQDA. I chose this software package as it has been argued to be more effective for interactive discourse analysis and interpretive approaches than NVivo (Saillard 2011). Unfortunately, my MAXQDA license expired before I



had the chance to code all the primarily text-based documents so a second database for newspaper articles was created in NVivo 12. Between these two databases, I applied grounded theory practices which involved concurrent data collection, memo writing, and developing analytical codes from the data rather than using predetermined hypotheses and search terms (Charmaz 2014). I started by using a line-by-line coding technique whereby I highlighted and named segments of data. I then sorted, synthesized, and integrated “the most significant or frequent initial codes” across both data sets to focus my analysis (2006, 46). All along, I continued memo writing throughout to define categories, their properties, their relations to other categories and flag key representations that were emerging from the data as well as key questions. Once I had coded the entirety of my documents, I sought to identify key overarching themes and corresponding sub-themes that became the final coding categories listed in the Code Book (see **Appendix B**).

### Triangulation with Interviews

Eligible interviewees of this study were Canadians who had past or current experience as a gestational surrogate, intended parent, and lived in Canada during the surrogacy process. I also actively recruited Canadians who had or are currently writing publicly on the topic of Canadian surrogacy in an academic or journalistic capacity. A list of Canadian surrogacy agencies, surrogacy support groups, journalists and academics were identified through internet searches. These individuals were subsequently contacted to request their participation and/or help in disseminating the recruitment notices (see **Appendix C**) through their networks. Interested participants had to provide consent by signing the consent form (see **Appendix D**). Participation was anonymous and voluntary. A total four interviews were conducted virtually via the video-conferencing tool WebEx amidst the ongoing pandemic.

Two interviewees had previous experience as being a gestational surrogate for Canadian intended parents. The other two interviewees were selected for their public and written commentary on the topic of Canadian surrogacy. One interviewee selected initially for their public commentary on Canadian surrogacy

also had previous experience as an intended parent, underscoring how participant-types in this field are often not always mutually exclusive. All interviews were semi-structured by an interview guide (**Appendix E**), however my method of interviewing followed Lee Ann Fujii's (2018) "relational approach" which prioritizes *listening* over questioning. Fujii approaches interviewees as co-producers of knowledge rather than "passive subjects" (2018, 71). Rather than give "voice" to Canadians involved in surrogacy, my aim was to capture their actual voice, the silences, phrasing, cadence, and tone, as well as actual words they use (60). All interviews explored experiences with surrogacy as they relate to the altruistic women trope, the Picard case, the Act's legislative framework of altruism, and people's reactions to surrogacy more broadly.

### Positionality and Reflexivity

I end this methods section with a remark on positionality. Like most Canadians, I am only superficially acquainted with the practice of surrogacy. I have never been a surrogate, nor have I ever been pregnant. I also have not yet experienced the desire to have children from a position of social or physical infertility. I have yet to witness a birth in-person and the interviews for this project represent some of my first meaningful and sustained conversations about pregnancy, birthing, and parenting. This speaks to my own positionality, and to the fact that we rarely witness birth or talk straight about pregnancy. When we do talk about pregnancy, in all its forms, but I find this to be especially true of surrogacy, intellectual and political significance of it tends to be abstracted or metaphorical, focusing on the child or the experience of gestation or birth, rather than the actual pregnant person. At the outset of this project, I wanted to think their reproductive experiences as well as my own.

By asking myself how I might be "read" by my interviewees (Sodiegro and Glas 2020, 529), it became possible to identify a key factor driving representations of surrogacy: that those involved in the actual process of surrogacy often explain it to those who are not. Asking how others might perceive my positionality extends to other interactions beyond my interviewees as well. For instance, I understand only

in retrospect that I have been confronted by a series of experiences within the academy that give me a particular kind of surrogacy knowledge. For instance, I am regularly told by professors and students alike that my research on surrogacy is ‘very niche,’ that surrogacy must be an exceedingly ‘rare practice.’ When I present this research, I am often asked ‘but, what do you *really* think about it?’ as if to elicit my personal moral and ethical assessment of its practice. Fielding these reactions to my research makes me uniquely attuned to the kinds of reactions to surrogacy others encounter, and how it is represented through the (non)response they provide.

## Argument

In what follows, I begin with an overview of Hall’s approach to the ‘problem of ideology’ and explore the value of thinking about surrogacy as an ideological struggle. This means thinking about surrogacy as one site where multiple social, economic, and political processes coalesce and continually struggle to mediate relations such that pregnancy is taken to be what makes surrogacy valuable. Next, I show that at different times, surrogacy is therefore a site for contesting and constructing normative ideologies of reproduction and motherhood. I do so by drawing extensively upon surrogacy agency websites that comprise a highly selective display of strategic and contingent discourses that struggle to stitch together contradictions in who has access to who has access to valued forms of pregnancy, who can support it, gift it, and withhold it. My argument concludes with showing how this struggle reconciles or at least displaces the potentially problematic politics of commercial third parties profiting off the ‘gift’ of others. This, combined with legislative ambiguities and everyday ambivalences towards the un/paid nature of surrogacy in Canada, allow surrogacy to be rendered valuable without much attendance to the role of commercial agents. Ultimately, thinking surrogacy as an ideological struggle opens space to rethink it in terms of the resources that make it possible and reveals routes to practical and political action so that we are repositioned to recognize the value in these terms.

### Thinking Ideologically about Surrogacy

The documentary *Having Our Baby: The Surrogacy Boom*—to date the only film that exclusively features Canadian surrogacy—depicts an everyday struggle that arises because pregnancy is taken for granted in ways that surrogacy is not. During a sit-down-style interview with three surrogates, one raises the topic:

Look, you're sick and have morning sickness. No one has sympathy for you because they say, 'you did it to yourself.' Like, 'you knew what you were doing, and you did it to yourself.' But if I was pregnant with my own child everybody would be there to help me. So, what's the difference? (Soapbox Productions Inc., "Having Our Baby," at 17:29-17:39)

As the scene goes on, the conversation continues but the audience loses sight of the speaker. As the surrogate continues talking in the background, the camera cuts to images depicting a group of people, some pregnant and some not, all of whom are standing on a paved road in what looks the middle of a suburban neighbourhood. Some people are holding balloons and preparing for what will be a group photoshoot. As the camera focuses, it zooms in on the group until the screen is filled by a single file row of pregnant bellies. The choice to obscure the image of surrogate speakers with the image of rounded, pregnant bellies is telling of the way ideology works to link relevant facts and displace others. In this scene the voice of the surrogate is separated from her body and associated with a collection of interchangeable pregnant bodies. The possibilities for transformative thought and action in this scene are available only if there is an attempt to engage with the question above posed by the surrogate, yet this opportunity is literally obfuscated and interrupted, and our attention returned to the culturally relevant image: the pregnant body.

### *The Problem of Ideology*

A surrogate is often first and foremost perceived as a pregnant person given that pregnancy is embodied in ways that surrogacy is not. Surrogacy and pregnancy are physically indistinguishable, making the task of differentiating them an ideological one. In its current form, surrogacy is tied to normative ideologies of reproduction wherein pregnancy is a selfless act, and a genetic relation to one's child is natural, expected,

and desirable (Hammond 2018). This makes it possible and necessary to distinguish surrogacy and pregnancy centres pregnancy as the dominant way to value surrogacy. This persists despite pregnancy being one among a range of possible surrogacy-related experiences. It neglects the forms of help and reciprocity that might occur through surrogacy before and sometimes without a pregnancy ever occurring. I want to suggest that when surrogacy is valued as ‘just a pregnancy,’ the resources needed to make pregnancy possible are less apparent and the task of distinguishing moments of mutual exchange from mandatory gifting made more difficult.

The persistence of pregnancy as a selfless act, where the genetic relation to one’s child is natural, expected, and desirable is persistent and perpetuated through the practice of surrogacy. Sophie Lewis’s book, *Full Surrogacy Now: Feminism Against Family*, calls for a form of surrogacy that does not respond to the demand for genetic parenthood but rather opens new possibilities for kith and kin relations. Lewis argues surrogacy could make these relations a reality because surrogate pregnancies trouble the normative notion that “the babies we gestate are ours and ours alone” (2019, 119). Lewis explains:

“Pregnancy is not something society as a whole tends to question. Surrogacy, on the other hand, is hotly contested. Yet we can readily perceive that all that really separates the two is the possibility of a wage. Take, for instance, the wording of this proposal for a “professional model of surrogate motherhood” that explicitly argues against waged or salaried pregnancy: ‘intended parents are allowed to reimburse pregnancy-related expenses, but are not permitted to pay anything beyond that.’ Presumably the surrogacy is that surplus, that element “beyond” pregnancy [...] It serves to point out that we’re collectively too busy, worrying about what surrogacy being pregnancy makes surrogacy, to think about what that very same realization makes pregnancy” (44)

The ‘possibility of a wage’ is indeed one way to separate pregnancy from surrogacy, as I will show later in this thesis. The point is that when surrogacy entails pregnancy, it *could* be like all other pregnancies, and this fact *could* be made useful for making surrogacy a transformative force. However, collapsing the difference between surrogacy and non-surrogacy pregnancies is yet another way to centre pregnancy in the valuing of surrogacy. More instructive for my project, Lewis’ move does not theorize the institutional preconditions and forms required to choose collectively to make surrogacy like any other pregnancy.

This view ends up taking pregnancy for granted in the same ways it aims to resist and is a theoretical example of a larger phenomenon where ideological forces struggle to keep pregnancy as the primary way to value surrogacy. If, as Lewis imagines, surrogacy and pregnancy are to become indistinguishable, what is to be made of the labour belonging to those who embark on surrogacy but do not become pregnant? And perhaps a more foundational question from which to begin is: do all surrogacies entail a pregnancy? I do not mean to suggest that surrogacy and pregnancy are not co-constituted. I do however want to suggest that ideological forces struggle to keep pregnancy as the dominant way to value surrogacy, and that this limits its subversive potential. When we value surrogacy first and foremost as a pregnancy it reflects persistent normative ideologies of motherhood and reproduction above all else.

The struggle to make sense of surrogacy through the experience of pregnancy is in part an ideological struggle. For Stuart Hall, the “problem of ideology” is a matter of how “to give an account, within a materialist theory, of how social ideas arise” (1986, 29). Hall defines ideology as “the mental frameworks—the languages, the concepts, categories, imagery of thought, and the systems of representation—which different classes and social groups deploy in order to make sense of, define, figure out and render intelligible the way society works” (Ibid.). For Hall, ideology therefore foregrounds a terrain of continual struggle between ideational and material forces that come together to articulate social practices in ways that are persuasive and politically activating for people. The concept of ideological struggle is a “process of ideological de-construction and re-construction to a set of organized political positions, and to a particular set of social forces” (1986, 41). Therefore, ideologies are effective (both materially and otherwise) not because they stem from a certain dominant subject position. Instead, ideologies are effective to the extent that they maintain hegemony by struggling across multiple subject positions strategically staked in any given context.

The concern is not so much with the content of any particular ideology per se, but with how ideological elements come together to grip the minds of certain subject positions and are articulated by these positions through social and material practices (Hall 2016, 142). In a commonly cited quotation, Hall claims:

“[P]eople are not irrevocably and indelibly inscribed with the ideas that they *ought* to think, the politics that they *ought* to have or not, as if these were already imprinted in their sociological genes. The question is not the unfolding of some inevitable law but rather the *linkages* which, although they can be made, need not necessarily be made” (125, emphasis in original).

It is not as if the dominant ideology was already “out there” just waiting to be discovered (66). Instead, Hall allows us to think about how ideological elements articulates specific practices “around contradictions” which arise in unique ways, times, and places but “can nevertheless be thought together” (Hall 2019, 64). This point makes it possible for me to examine how ideological elements that are “relatively autonomous social forces” come together, link-up, and enable people to make some sense of the world in ways that are relatively empowering or disempowering (Slack 1996, 126).

The ways ideology shapes and is shaped by surrogacy are not all equally available nor are they all equally effective for empowering change. As I will show next, some particularly effective articulations of Canadian surrogacy are oppressive, and have a ‘material force’ as they are deeply embedded in institutional, economic, political, and other social structures. Hall argues it is these ideological elements which are most resistant to being articulated anew, and towards more empowering aims. Hall argues:

“It does not follow that because all practices are *in* ideology, or inscribed by ideology, that all practices are *nothing but* ideology. There is a specificity to those practices whose principal object is to produce ideological representations. They are different from those practices which—meaningfully, intelligibly—produce other commodities. Those people who work in the media are producing, reproducing, and transforming the field of ideological representation itself. They stand in a different relationship to ideology in general from others who are producing and reproducing the world of material commodities—which are, nevertheless, also inscribed by ideology” (Hall 1985, 103-4).

This excerpt shows how Hall differentiates between practices based on how they stand in relation to ideology. Rather than identifying what about surrogacy and pregnancy are materially different or similar, I

use Hall to understand how pregnancy and surrogacy as material practices stand in different relations to normative ideologies. I also use Hall to understand how Canadian surrogacy agencies represent surrogacy as those who are ‘transforming the field of ideological representation itself.’ Agents like Picard have a unique relationship to normative ideologies of reproduction and motherhood which are in many ways necessary to reconciling key contradictions in their profiting off what is legally an altruistic exchange between intended parents and surrogates.

Valuing surrogacy, especially in an altruistic context like Canada, may prioritize pregnancy over all else, making and remaking the family as we already know it. But Hall reminds us that it is the sheer range of relations, the variety and specificity of practices, as well as their relation to ideology that makes it possible to re-articulate what is valuable. Hall’s concept of ideological struggle opens the way for strategic decisions about when, where, and how surrogacy might be re-articulated to emphasize other parts of the surrogacy experience besides and beyond pregnancy. Thinking ideologically about Canadian surrogacy means reflecting upon the institutionalized set of ideas and material practices that struggle to ensure we have a particular kind of altruistic relation to surrogacy amid social, economic, and political pressures to be otherwise. This means paying attention to those like Picard and other surrogacy agencies who, as Hall says, have (re-)producing ideological representations as their ‘principal object.’ Those agents whose profits are tied to a specific ideological representation of Canadian surrogacy are unlikely to transform it. Therefore, tracking these representations is necessary to the task of re-articulating surrogacy.

### *The Surrogacy Struggle*

The struggle to make sense of surrogacy through the experience of pregnancy is proof that pregnancy is taken-for-granted in the ways surrogacy is represented and regulated in Canada. The challenge of differentiating surrogacy and pregnancy can be found at the centre of Canada’s altruistic model. Take, for



instance, Health Canada's (2020) wording that "a surrogate mother may be repaid for out-of-pocket costs directly related to her pregnancy." Health Canada lists a large range of different costs as reimbursable, including the added grocery costs to costs associated with long distance phone charges incurred by communicating with intended parents (Health Canada 2019). While additional out-of-pocket costs related to groceries seems directly related to a surrogate's pregnancy (the Guidance Document goes so far as to specifying nutritional estimates of an additional 450 extra calories a day in their third trimester), it is less obvious how that long distance phone charges are 'directly related' to pregnancy (10). Nonetheless, the task remains one of negotiating when the surrogate pregnancy stops, and surrogacy service begins, so as not to disguise reimbursement in the form of payment.

The issue of reimbursement is just one way normative ideologies institutionally embed an altruistic model, and are part of ensuring some kinds of relationships forged through surrogacy are culturally acceptable. How altruistic models of surrogacy become culturally acceptable has been explained this way:

The idea of 'pure' versus 'wicked' surrogacy and, correspondingly, good versus bad surrogates, is predicated on the belief that altruism precludes remuneration. The overwhelming acceptance of the idea of unpaid or non-commercial surrogacy (both in the United States and abroad) can be attributed to the fact that it 'duplicates maternity in culturally the most selfless manner' (Strathern 1991, 31). But perhaps even more important, the rejection of paid or commercial surrogacy may also result from a cultural resistance to conflating the symbolic value of the family with the world of work to which it has long been held in opposition. Drawing together those two spheres is the agency of the surrogate who bridges them through her reproductive work (as cited in Ragoné 2003, 215).

I would add that it is not only the material reproductive work of surrogates that 'bridges' the spheres of family and work but also a struggle between ideologies that shape and are shaped by these practices. Surrogates alone aren't on the hook, nor should they be. Their struggle takes place within the frame of an always contingent cultural hegemony, just like everyone else's. This means that despite a long history of the Canadian government actively introducing regulatory measures intended to permit and promote unpaid surrogacy, it is an ongoing struggle to link these facts and maintain cultural acceptance. As Hall tells us,

dominant ideologies do not just exist out there as if waiting to be discovered and duplicated. Canadians' acceptance of altruistic surrogacy does not mean it is automatic or forever guaranteed.

To illustrate this point, consider the everyday conversations that those involved in surrogacy are having with others. I find that these conversations routinely include an appeal to pregnancy and revolve around what is taken to be 'common sense' about pregnancy. For example, one surrogate explains:

I am currently 10 weeks pregnant with another couple's baby. When you tell people that you're going to be a surrogate it's more of a question-and-answer period than it is 'oh that's wonderful, how are you feeling?' It's more like, 'well I have 20 questions. I don't understand.' I think the perception is so off and there's not enough information and there's a huge stigma. I think there's so much negativity surrounded around the concept of surrogacy [and] there's not enough positivity. If I tell you I'm going to do this, I don't want your twenty questions. (Soapbox Productions Inc., "Having Our Baby," at 16:52-17:52)

This quote makes an appeal to dominant ideologies of pregnancy where a genetic relation to the pregnant person's 'own' child is a cultural expectation. Crucially, struggling through conversations about surrogacy is evidence of the larger ideological forces, and at the same time, exhibits the desire of individuals, like this surrogate, for a shift in 'the concept of surrogacy' to avoid the recurring 'question-and-answer period.' Among those involved in surrogacy, there is both an awareness that a conceptual change is necessary while they themselves consist of multiple, sometimes contradictory motivations that reinforce that keep pregnancy as the primary way to value surrogacy. In the next part of this thesis, I show why a closer analysis of these contradictions reveal surrogacy as a mutual exchange as well as a mandatory gift and show why distinguishing between the two potentially challenge common sense notions of pregnancy and motivate conceptual change.

### *What's at Stake*

Before analyzing further how Canadians represent surrogacy, I want to explain what's at stake in doing so. Struggling through conversations about surrogacy is evidence that Ragoné's earlier assertion of the 'overwhelming acceptance' of altruistic surrogacy is not automatic nor ever guaranteed. This is true in

conversation among Canadians as it is in law. The recent addition to the Act called the *Reimbursement Related to Assisted Human Reproduction Regulations* (the “Regulations”) aims to make reimbursement to surrogates less ambiguous (2019, c.2); specifically, the objective of the Regulations is to provide “parameters” for the reimbursement of expenditures and loss of work-related income to surrogates (Health Canada 2019). To do so, the Regulations set out a list-like description of reimbursable expenditures and outline a “verifiable process” that involves the collection of all receipts, signed declaration forms, and certification from medical practitioners to ensure reimbursement “is not a disguised form of payment” (Ibid.). The Regulations are, to some degree, a response to the “fear” among intended parents of being criminally sanctioned for what might be interpreted as unreasonable reimbursement and therefore unlawful payment to surrogates (Cloutier 2019, 2).

Picard, herself a surrogate herself two-times over, suggested early on in her case that criminal sanctions are “abusive to those trying desperately to become parents,” and anticipated her case would involve a constitutional challenge of the Act for violating the *Canadian Charter of Rights and Freedoms* (as quoted in Blackwell 2013a). However, no such Charter challenge ever happened. Picard’s plea amounted to the first and only conviction under the Act which is now nearly two decades old. Experts like Francoise Baylis, a Canadian bioethicist, had hoped the conviction and accompanying fines would “send a chill through the fertility community” (Blackwell 2013b). However, after being hailed as a “litmus test” for the Act’s legal and moral foundations, Picard’s case ended quietly with a rather “anticlimactic finish” (Snow 2018, 4).

Recently, Alison Motluck, a Canadian journalist, reflected on being one of few in attendance at Picard’s verdict hearing in her newsletter *HeyReprotech*. Motluck describes “the emptiness of the public gallery” at Picard’s hearing (Motluck 2020). The newsletter remarks on the “near-invisibility” of Picard’s conviction and laments the fact that Picard’s case was “not big news” (Ibid.). Indeed, the *Globe and Mail*, *National Post*, and *CBC News* altogether failed to publish a single story on Picard’s verdict hearing. Motluck

concludes that the Picard verdict is nonetheless “still a big deal” (Ibid.). Others may say the same, for the reveals lacking “democratic accountability” of Health Canada’s policy permitting reimbursement to surrogates (Baylis and Downie 2013) and provides some clarity on Health Canada’s “willingness” to enforce the Act (Carsley 2021, 35). However, none of these reasons explain why the public gallery at the Picard verdict was empty. If anything, these reasons make it even more strange that so few witnessed it.

The emptiness of the public gallery at Picard’s verdict hearing is a puzzle made even stranger considering the increasing prevalence of surrogacy in Canada during this time. There were an estimated 1100 babies born to surrogates between 2001-2014 nation-wide, and the number of surrogacy births increased by almost 150 percent between 2011 to 2015 (White 2017). How can such a growing popularity of surrogacy be reconciled with the apparent lack of public interest in its legal and legislative future? This is not to say there is no interest. Some argued around this time that the Act is a “less than perfect law” (White 2015) and that Canada was becoming a burgeoning “industry” or “semi-legal surrogacy market” (Motluck 2014). But those tracking the increasing prevalence of surrogacy against the backdrop of Picard’s ongoing investigation were limited to a few scholars and journalists. But if Canadians are to choose how to re-articulate surrogacy so as to legislate and do it differently, it is going to take more people than that.

My use of Hall’s approach to the problem of ideology is guided by the understanding that we need a cultural change; a reorganization of our society around different values and a restructuring of our material resources so that we are positioned to choose how to practice surrogacy. Right now, the ideological underpinning of surrogacy drives a preoccupation with maintaining the value of surrogacy through a pregnancy that is selfless and its practice perpetuates parenthood that is premised on genetic relation. This sets the stakes for a potentially problematic politics of a commercial agent to be rendered nearly invisible, as evidenced by the public’s lack of interest towards the Picard verdict. The role of agents as well as other material and institutional conditions that sustain this form of altruistic surrogacy in Canada need to be

brought to the surface. Only then can surrogacy *potentially* become a site where its practice is reimaged in ways that challenge the dominant social forces that structure all our family-building projects.

### Canadian Surrogacy as Struggle

In the previous section, I set out the problem of ideology and show its relevance for thinking about how normative ideologies of reproduction and motherhood struggle to keep pregnancy as a dominant way to value surrogacy. I show that surrogacy reinforces taken-for-granted ideas about the family unit; specifically, that pregnancy is a selfless act, and that a genetic relation to the child one intends to parent is desirable thereby limiting the subversive potential of surrogacy. However, there are also times where these normative ideologies coincide with surrogacy as a real mutual concern for the well-being of others, where the gift of life is embedded in relations of mandatory gifting and receiving between surrogates and intended parents. I now attempt to distinguish these representations and the different times they arise, highlighting moments where altruistic surrogacy is represented as mutual exchange by those involved and discuss their subversive potentials.

This section draws extensively upon commercial agencies who have ‘skin in the game,’ so to speak. Rather than accept the following representations of altruistic surrogacy at ‘face-value,’ I take them to be particularly laden with power dynamics and representative of a highly selective display of strategic and contingent discourses. My interpretive work here is a preliminary effort to explain how normative and subversive representations of Canadian surrogacy coexist on the websites of commercial surrogacy agents and explain why these two representations can and need to be thought of together.

### *In/fertility*

In its current form, surrogacy is tied to normative ideologies of reproduction wherein a selfless, genetic-based pregnancy is what makes it valuable. One’s ability to get pregnant designates givers from receivers

due to the real and perceived stigma associated with infertility. However, both surrogate and non-surrogate pregnancies can involve fertility treatments and this fact subverts the boundary between those who are able and unable to have children while simultaneously maintaining the selflessness of surrogates and the deservingness of intended parents. Consider how surrogacy agents represent surrogate desire to help as rooted in witnessing other's infertility. One surrogacy agency puts it this way:

The women who become surrogates are remarkable moms, whom have likely seen infertility first hand within their circle of friends or family ("Become a surrogate" n.d.)

The agency frames motivation to become a surrogate as spurred by another's infertility. Surrogates are marked as 'remarkable moms,' and it is implied that surrogates are those who have already proven their ability to become pregnant, are parenting themselves, and have 'seen' infertility in others. This boundary between those who are able and unable to have children is contingent on a pervasive cultural gap between fertile and infertile people. But this boundary is amorphous though, as the gap between normal and abnormal—between those who are able and unable to have children—is more or less defined depending on what about surrogacy is being represented. Infertility pervades the lives of all people, women in particular, and is a pervasive force in shaping how surrogacy is valued. Therefore, the subversive potential of surrogacy lies in how this boundary is blurred, and the extent to which the real and perceived stigma of infertility guides its practice.

The boundary between those who are able and unable to have children is not always clearly defined, particularly in the case of surrogacy and fertility treatments. While not all intended parents doing surrogacy have previous experience with fertility treatment options themselves, many do. Many intended parents have previous experience with fertility drugs, the process of in vitro fertilization (IVF), being in a fertility clinic, finding fertility counseling, and managing the stresses and decision-making steps involved with such medical procedures for themselves. The IVF-process associated with gestational surrogacy in particular

means that surrogates often experience fertility treatments too. For example, one surrogate discusses doing the daily hormone injections involved with IVF this way:

“I have a dawning realization that most intended mothers have probably done this. And more than once. And many of those intended moms are still waiting for success. A positive. A baby in their arms [...] Intended moms have done all this, and they have pressed on. And so can I.” (CSO, 2018a)

The surrogates frame ‘intended moms’ as ‘still waiting’ for the ‘success’ of having ‘a baby in their arms.’ In this quote, the idea of ‘success’ is linked to a baby and is an accomplishment or purpose that makes fertility treatments worthwhile for both surrogate and intended parent(s).

This idea of ‘success’ as well as ‘overcoming’ perceived ‘obstacles’ perpetuates the real and perceived stigma of infertility that comes from not being able to have a baby, with or without technological assistance. Consider another statement from a different surrogate at the same agency quoted above:

“In life, I’ve sometimes been guilty of taking the path of least resistance or shying away from the things I know will be uncomfortable. I am seeing already that this journey is going to grow not just my patience, but I think my endurance as well. Intended parents have already faced hard decisions and heartbreaking setbacks and stepping into this journey means that I’m staring those kinds of overwhelming obstacles right in the eye, and partnering with my IPs to work at overcoming them, one at a time.” (CSO, 2019)

Much of the stigma surrounding infertility comes from cultural understandings that consider ‘natural’ reproduction as that which is without technological assistance as the ‘normal’ path to motherhood and epitomize womanhood. However, the surrogate’s choice to represent fertility treatments here as something in common with ‘most intended mothers’ does not try to minimize the gap between their individual experiences (as intended parent or surrogate, infertile or fertile, mother or non-mother). Nor does it attempt to minimize the gap between their experiences and normative motherhood. Instead, fertility treatments are framed as being a shared experience between surrogates and intended parent(s), normalizing their use, and giving them new meaning. To these surrogates, motivation entailed in pity for those unable to have children

is done away with in favour of a partnership built on determination in spite of ‘heartbreaking setbacks’ and ‘overwhelming obstacles.’

The boundary between those who are able and unable to have children is more clearly defined in representations of surrogacy that emphasize deservingness. Surrogacy agencies in Canada utilize the quality of being deserving to resist the commodification of life itself, at least symbolically. Altruistic surrogacy resists market logic through a woman’s altruistic capabilities to give ‘the gift of life,’ but implicit in this framing is a call to define who deserves to receive such a gift. The notion of deservingness appears in representations of surrogacy as a ‘journey,’ a long and often difficult albeit ‘incredible’ process for both surrogates and intended parents. One surrogate puts it this way:

“After 1.5 years of trying, it was far too good to be true. Numbers kept growing though and there they were two strong heart beats. Unlike the beginning, *this journey* was incredible, no stress, no worries and I was safely induced at 37 weeks and 3 days with zero complications. One boy and one girl safely in this incredible, *deserving woman’s arms*” (“Dana’s Story” n.d.)

As this quote shows, the deservingness to have a child is couched in past hardship with unsuccessful pregnancies. Importantly, these discourses circulate for both intended mothers and surrogates who are on ‘this journey.’ Yet, the ‘journey’ is represented differently depending on *who* is journeying, and this matters for maintaining the altruistic nature of surrogacy because it designates a correspondence between those in need of help and those deserving enough to receive it. For instance, the ‘deserving woman’ is represented as someone who spent at least ‘1.5 years of trying’ very hard to get pregnant, something that normative ideologies deem is expected and natural. Therefore, the intended parent’s ‘journey’ is portrayed as one long and difficult process and spans multiple attempts to get pregnant. Their labour of trying to get pregnant deserves its reward.

On the other hand, the surrogate foregrounds a certain kind of ‘journey’ as their own, specifically, a ‘zero complications’ pregnancy that is ‘unlike’ previous ones. It is ‘this journey’ which is ‘incredible,’ occurs ‘after’ and is separate from the previous ‘1.5 years of trying.’ This reinforces surrogacy as an



idealized form of pregnancy, and tracks with earlier findings that Canadian surrogates are more satisfied with their experience if there is a “viable pregnancy outcome” (Yee et al. 2019, 253). Indeed, surrogate pregnancies that go otherwise are largely missing from the dataset. Nevertheless, the surrogate mentioning ‘1.5 years of trying’ also serves to point out that surrogates can and commonly do experience multiple rounds of IVF, embryo transfers, and difficult miscarriages too. In both frames, the representation of a surrogate’s ‘journey’ raises important questions about when a surrogacy *becomes* surrogacy. Is it still surrogacy if the embryo transfer is not successful? This relates back to what normative ideologies count as a pregnancy and how this question is answered is crucial for understanding the transformative potential of surrogacy.

The gendered language deployed in both these quotes is necessary to flag as it entrenches a stereotype that infertility is an issue that only affects white, middle-to-upper-class women. This has to do with the way ideologies tie the ability to be pregnant to womanhood and as we see here that most research ties infertility to treatment-based research which focuses on those affluent enough to access. As I show here, the data represents fertility treatments indicating physical causes of infertility, and as a result, obscure people who may not experience their infertility as something to be ‘overcome.’ This narrow scope leads to a questioning of whether promoting surrogacy on the grounds of in/fertility truly aligns with all prospective autonomous parents or non-heterosexual couples who turn to surrogacy. Agents specifically promote surrogacy to “help create families of all backgrounds,” and report to work “with all intended parents regardless of location, ethnic origin, religion, age, marital status, gender or sexual orientation” (“Welcome to Surrogacy in Canada Online” n.d.), the gendered discussion of physical infertility here reflects the fact the most surrogacies are for heterosexual parents (Yee et al. 2019). While surrogacy agencies promote diverse family forms, more research is needed to understand how infertility matters in the matching of surrogates to heterosexual and non-heterosexual intended parents in Canada.

### *Supported Surrogacy*

The practice of surrogacy reconstitutes ideas about marital or partnered relationships, and the lack thereof. These relationships are especially salient when it comes to the contested process that is becoming a surrogate. When interviewed by a journalist, one surrogacy agent explains:

“It’s very hard to find a partner who’s also willing to be supportive of a surrogacy journey. We always say there’s lots of women who are willing to be surrogates, but not all men (or female partners) are willing to support their partner [becoming a surrogate] so it’s very hard to find a surrogate plus a supportive spouse or partner. We do get some single surrogates, but I have a lot of women who apply that, after they talk to their husband or partner can’t go forward because their partner can’t support it... I think that’s the number-one reason [that] surrogates don’t go forward” (Simmons 2019).

The discursive framing of the choice to become a surrogate as dependent on their partners limits the possibilities with which surrogates are confronted. It neatly folds questions about the elaborate set of social and political institutions and ideologies in place to support altruistic choices of some but not others. Take, for instance, how another surrogate reflects on the fact her husband was “not supportive [because] he felt it was too soon and the [intended parent] couple were too insistent” (Cribb and Jarratt 2016a). Another surrogate tells a journalist it “took over a year to convince my husband” when retelling the process to become surrogate (Motluck 2016b). The discourses of ‘supportive’ and ‘not supportive’ partners glosses the material resources and logistics involved and is why altruistic labour appears to emerge so naturally from within certain segments of the population.

The discursive framing of choice prioritizes monogamous coupledness and makes a task of differentiating some individuals as more or less supportive, and by extension, more or less altruistic. While this individualizes surrogacy as a lifestyle choice among couples, it simultaneously creates some space to contest the heteropatriarchal nature of surrogacy. Referring to their partner, one surrogate says,

“He’s been fantastic. It’s complicated when we go out and people think the baby is ours. I tell people it’s not his. They look [at me] funny and then I say it’s not mine, either” (Cribb and Jarratt 2016b)

In another news article, the same couple is quoted describing how they navigate daily life throughout the surrogacy process, and “played it up” for a reaction (Cribb and Jarratt 2016c). In a similar vein, another surrogate remembers her delivery being so quick that intended parents did not arrive in time, saying “my husband actually delivered their baby for them” (Motluck 2016b). It is precisely because surrogacy and pregnancy are physically indistinguishable that spaces open up for people, such as this surrogate and their husband, to use humor, play, and ultimately contest what pregnancy means. Playing with the assumptions of what being pregnant represents are important challenges to normative ideologies that say the babies we gestate are ours alone.

Partners who support surrogates (or not) destabilize the taken-for-granted idea that surrogacy is made possible by just one ‘altruistic woman,’ so too does interrogating the material resources of such partnerships. For example, consider how one ‘single mom’ recounts their decision to become a surrogate:

“My decision to become a surrogate wasn’t one I took lightly. I am a single mom of a (then) busy 6-year-old, and I was well aware of the energy-suck pregnancy can be and the toll it can take on your health at my age (then 37). But I would look at my beautiful boy and know that while I will never get a wing named after me in a hospital, cure cancer or open a soup kitchen - I can, in a small and meaningful ways, greatly change the lives of two people who deserve to know the joy, fun and unrelenting challenge of raising children. And while all those tropes are lovely and inspiring, I had some very serious logistical issues to navigate before embarking on my decision.” (“Surrogate Mother Testimonials” n.d.)

The ‘very serious logistical issues’ frames the altruistic labour of this ‘single mom’ as not emerging so naturally compared to coupled counterparts referenced above. The emphasis on the logistics in contrast to ‘all those tropes’ of altruism could be read as insinuating that the issues at hand are not structural, but individual, not the result of policy, perhaps the result of the singledom. But it is because surrogacy is publicly recognized and legally institutionalized within Canada’s larger welfare system that allows those involved to claim a unique position of moral righteousness and authority for themselves. It is at the very moment that the surrogate mentions hospitals, curing cancer, and soup kitchens, all realms codified with virtue, especially in the Canadian context of a universal health care system, when the surrogate speaks back in the moral

register of deservingness. In effect, the surrogate's critique of altruistic care is foreclosed as their 'small' contribution is made meaningful because 'two people who deserve' to raise children may do so.

In representations of altruistic surrogacy, it is also common to find the families of those involved in surrogacy, especially the surrogate's own children. Surrogates say their children know "it's just Mom having a baby for someone else," are "kind of used to [surrogacy] now," and "find it normal" (Cribb and Jarratt 2016c). In another article featuring the same family, the surrogate reports their own parents having "gradually come around" (Cribb and Jarratt 2016a). I do not mean to suggest that surrogates' families are universally supportive, but rather highlight the contested nature of surrogacy and need to interrogate these relations further. How these relations change over time and throughout the surrogacy process is also important, for example:

"I first signed up to help a couple have a family, have a baby but I didn't understand at the time how in-depth the relationship would be and how many lives would be touched, both on my side and on theirs. We've been fortunate enough to meet a lot of their friends and family [...] and it was just so amazingly overwhelming to know how many people's lives are touched *because of the decision I made to help them*. You know, like grandparents becoming grandparents, and aunts becoming aunts. Honestly, I had no idea how much was going to be involved in all of this, and all in a positive way." (Simmons 2019, emphasis mine)

Surrogacy is not solely a relationship between intended parents and surrogates, but includes grandparents, aunts and uncles, siblings, children, friends, and many others whose labour is left out of the quote but nonetheless makes surrogacy possible.

These conditions are continuously shifting, but normative ideologies struggle to keep us collectively oriented towards surrogacy as a mere decision 'I made to help them,' and as I argue, this does a huge amount of the work to naturalize a contested process. The data here shows altruistic understandings of care as a feminine virtue one can *choose* for themselves and become better for it. At the same time, the data also shows how altruistic care is an ideal type of care that those can choose for themselves when they have a support system often comprised of other family members. This does some work of troubling the idea of

altruistic choice by showing how it is not individual but rather embedded in familial relations but also re-asserts an idealized family form onto the practice of surrogacy. What about those surrogates who do not have supportive partners? Where are their stories? Questions about public and personal resources needed to make altruistic surrogacy possible, the distinction between reimbursement and payment, the gift and commodity all get obscured by a version of altruistic choice so sorely in need of challenge.

### *Surrogate Recruitment*

Surrogacy is predominantly framed as an altruistic choice by surrogacy agencies due to the need of surrogate recruitment. Surrogates are in short supply when compared to the demand from intended parents and it is precisely this link to altruistic choice that is persuasive and politically activating for people to become surrogates. Remember, labour is “constitutive” of the subjects (Weeks 1998, 185); and in this sense, one can understand why surrogates might do surrogacy to be or become a ‘good’ person and esteemed by others. Surrogacy agents capitalize on this, representing surrogacy as an accomplishment prospective surrogates can achieve and derive a sense of pride. One surrogate agent displays the following on their main webpage:

“Gain a sense of pride and accomplishment that you take with you the rest of your life. Intended parents would never have the opportunity to have a child if it weren’t for you becoming a surrogate. You can take great pride in this amazing act of kindness. It’s an amazing feeling to know you helped create a family!” (“Why become a surrogate? n.d.)

The same agency frames it another way elsewhere on their webpage:

Set a good example for your children and community. Show your children and community the unselfish act of kindness of helping another family (Ibid.)

The discourses around being or becoming a good mother by ‘helping’ someone else become a mother themselves are multiple throughout the data set. In these representations, a sense of accomplishment is often derived to the extent that surrogacy sustains pregnancy as a selfless act as well as the genetic relation to one’s child.

But not everyone's pregnancy is equally selfless nor the genetic relation equally desirable. As a result, the altruism of some is denied or made obligatory. Canadian eugenics movements (targeting women with dis/abilities, Indigenous women, sex workers, poor women, and those living with addictions) are illustrative of the myriad of ways the Canadian state ensures "suspect" women do not reproduce (Dyck 2013; 2020). Therefore, surrogacy in Canada is limited to those who have the resources to partake in surrogacy for *only* altruistic reasons (Cattapan et al. 2017). This is, in part, a question of how normative ideologies of reproduction and motherhood deem some people "unfit" for the role (Boyd 2013). The ideologies shape our practices, and these practices distribute resources in inequitable ways. Therefore, self-actualization through the practice of surrogacy is not open to all Canadians equally because ideologies struggle to distribute access to resources in ways that maintain hegemonic family forms.

Those who get to become a 'good' mother or 'help' someone through surrogacy in Canada depend on material disparities and normative ideologies of reproduction and motherhood that "encodes" the white, heterosexual, middle-class family ideal (Decka 2015). It is the valuation of whiteness that makes surrogacy self-actualizing as a 'good' one can do for the 'the world.' To illustrate, one surrogate explains:

"A couple's life forever will change. Their whole life will change, as well as their families' lives. This is something I can do, this is a good I can do for the world."  
(CSO 2018b)

Similarly, consider the following surrogate testimonial about their decision to become a surrogate:

"There are so many dark and heavy things in this world. Opening my Twitter is enough to make me realize that there are so many hurting places. Sometimes the tragedies are so big they're at risk of freezing me into inaction. So many people are in pain who I have no way of helping." (CSO 2018c)

Here, surrogacy is not just a selfless concern for the well-being or needs of others. It is a concern for a whole world of needs. The data reflects the fact that Canadian surrogates are most often white, middle-class women with children and see their own 'good' mothering as 'good' for the world. Representations of surrogacy from the perspective of intended parents are largely missing from agency websites, and surrogates are centered as the only ones capable of helping others and themselves. Agents capitalize on surrogate's

gendered and racialized sense of responsibility to help others and the world as ‘good mothers’ for recruitment purposes. Consider how SCO’s online application form asks prospective surrogates: “Which type of intended parents are you interested in helping?” and presents a checklist from which to choose whom one is “willing to help” (“Surrogate Mother Application Form” n.d.). These questions contain a leading assumption that surrogates only engage in the practice to help others, and in doing so, encode a valuation of whiteness. It is not enough to want to do surrogacy, but the desire to partake must be in accordance with the right reasons.

### *The Gift(s) of Life*

Altruistic surrogacy is often represented as an “unimaginable gift” (Ormsby 2012). Agents frame it as “the most extraordinary gift,” “a gift of life,” and address prospective surrogates by stating, “the gift you can offer intended parents is beyond measure” (“Surrogacy with Canadian Fertility Consulting” n.d.). Less common but still prevalent is the ‘gift of parenthood,’ which is used interchangeably with the ‘gift of life’ throughout the data set. What is almost entirely missing though is any conversation about intended parents *giving*, either in the form of reimbursement or any other form of material or emotional transaction. This can, in part, be explained by the Act’s ambiguous definition of reimbursement, that intended parents are hesitant to give gifts to surrogates, or at least hesitant to talk about gifting in any way that may be construed as payment.

Surrogates describe themselves as getting a gift through surrogacy. For example, one surrogate was quoted as saying:

“I still have two of the best friends I could ever imagine, and now being Auntie Lauren, is the greatest gift \*I\* could have received. Surrogacy changed my life, my world, and expanded my heart in ways I couldn’t imagine.” (“Lauren’s Story” n.d.)

One couple of intended parents indicated that they would have liked to give their surrogate “a nice gift, perhaps” but that criminal penalties precluded them from doing so; one commented, “I think we should have

the right to do something nice because the gift they are giving us is priceless” (Culbert 2018). The lack of data on how intended parents are ‘gifting’ surrogates, does not mean it is not taking place. What it does mean is that the Act creates a silence around the intended parents’ capacity to reciprocate through a material exchange and constrains the possibilities for surrogate-intended parent relationships. It makes the intended parent a role of obligatory receivers and stifles potential for mutual aid through surrogacy. Intended parents do not talk about wanting ‘the right’ to pay or otherwise compensate surrogates but rather want ‘to do something nice’ in return for the gift they have received which only reinforces surrogacy as an obligatory gift exchange.

Another way gifting is used throughout the data is to foreground prevalent relationships in terms of a ‘surrogacy sisterhood.’ Surrogacy agencies use community membership as one of their primary supports. All three agencies stress that surrogates are unified as a collective through their altruism and in becoming a surrogate, one gains a “sisterhood” of which few have access. Canadian Fertility Consulting (CFC) offers “Sacred Surrogacy,” a cohort-based program that provides surrogates, egg donors, and intended parents with classes, retreats, subscription boxes containing “holistic surrogacy-related items”, as well as an Etsy store with other products for sale (“This is sacred surrogacy”, n.d.). This use of the word ‘sacred’ in addition to ‘sacred journey’ implies a religious undertone but also designates a great respect and reverence for this group formed through surrogacy.

The website states that Sacred Surrogacy is a “movement” to “honour and celebrate” each surrogate “for the extraordinary gift she is giving” (CFC 2018). The same agency states that “the sisterhood is the gift we give ourselves” (“The Surrogacy Sisterhood” n.d.) and frames their services this way:

With over 300 surrogates currently in our program, we have a strong and loyal sisterhood of women. Our team of experts will guide you through the entire journey while providing personal support for you and your intended parents. We ensure that you are informed, educated, and matched to parents with akin expectations (“Become a Surrogate” n.d.)

And another similar expression from another agency:



Become a part of an amazing group of women—the SCO surrogate mother community!  
The SCO community is one made of amazing, selfless, compassionate women helping to  
create little miracles for others (“Why become a surrogate?” n.d.)

The SCO community is advertised not as a service, but rather as a community in which one can gain inclusion. This relies on and reinforces normative ideologies, making surrogate gifting even more of a necessity as it is required to become part of an ‘amazing’, ‘selfless,’ and ‘compassionate’ group of women. The agencies are attempting to create even more value in a way that presumes a shared group experience based on the altruistic capacity of women. This is interesting in terms of what it constructs, but also in terms of what it omits. While intended parent and surrogate positions are represented here, where is everyone else? Such a solidarity movement is extremely limited.

To conclude, thinking of surrogacy as an ideological struggle is about attending to the variety of normative and subversive relations that coexist in surrogacy. In this section, I have shown how surrogacy is represented as a shared experience, one where it is not immediately clear who supports it, who is helping who, or what even the gift is being given throughout the process. The point of this exercise is not to celebrate coupledness, the family, or sisterhood, nor is it to condemn it. Instead, the point is to attend to how those involved in surrogacy actually practice and represent it within the frame of an always contingent cultural hegemony. As I have shown, the representations explored here reinforce illusory (and idealized) ideas about surrogacy, specifically that its practice depends on just one altruistic woman. At the same time, some representations reveal material practices with commercial agents, fertility treatments, the Canadian welfare state, as well as family members well beyond the nuclear family unit are all necessary to make altruistic surrogacy possible.

### Legislative Ambiguity and Everyday Ambivalence

I have begun the task of differentiating between representations of altruistic surrogacy, highlighting those material practices that subvert normative ideologies of reproduction and motherhood while simultaneously

embedding an altruistic exchange between gifters and receivers depending on private and public resources. This section shows how these ideologies make Canadians struggle with the contradiction of un/paid surrogacy in everyday life and in policy. I begin by tracking the policy issue of reimbursement for surrogacy-related expenses alongside the role of commercial agents. Specifically, I draw attention to how normative ideologies bring some representations of surrogacy to the fore and displace others, reconciling the potentially problematic politics of commercial third-party agents profiting off the ‘altruistic’ exchange of others. If the altruistic model obscures anything, it not because it is an ideological instrument of normative reproduction and motherhood, but because it allows those who are ambivalent or explicitly critical of commercialization to render unpaid surrogacy valuable in their own terms without attending to the role of for-profit agents.

### *Altruism as Ambiguity*

Canadians do not automatically accept surrogacy as altruistic and instead struggle to determine its un/paid nature in everyday life. This is true today as it is historically, dating back to when Canada first acted on surrogacy through formal means of governance in the late 1980s. Brian Mulroney’s Conservative government tasked the first Royal Commission on New Reproductive Technologies in 1989 with the mandate “to examine how new reproductive technologies should be handled in Canada.” In their final 1993 report *Proceed with Care*, the Commission criticized and condemned all forms of surrogacy arrangements including the commercial practices of third parties for profit. Specifically, the report addresses noncommercial arrangements, stating informal surrogacy arrangements undertaken by close relatives or friends “are unacceptable and should not be encouraged” (Privy Council Office 1993, 6). Such a sweeping rejection of all forms of surrogacy created a need to differentiate the benefits and harms of altruistic surrogacy, such that one can reject certain forms of surrogate practice while endorsing another (Baker 1996). The report contains two broad recommendations, one of which is that the federal government establish a

regulatory and licensing body which would become the AHRC. The other recommendation is legislative, a prohibition with criminal sanctions, on aspects of new reproductive technologies, including advertising for, paying for, or acting as an intermediary for surrogacy arrangements.

Following *Proceed with Care* in quick succession, the *Building Families* report was tabled next in 2001 by the Standing Committee on Health. This report was an effort to begin imagining what a federal legislative framework on assisted reproduction technologies might look like. In *Building Families*, the word ‘altruistic’ is used once as a synonym for ‘non-commercial.’ The report also stops short of criminalizing altruistic surrogacy, but states non-commercial surrogacy “should be discouraged but not criminalized” (House of Commons 2001, 12). However, *Building Families* entertains the possibility that altruistic surrogacy is to occur in Canada and outlines several mechanisms that ought to be put in place to support and regulate the practice such as access to medical counseling. It also states intended parents in surrogacy “must be subject to the same scrutiny as individuals who seek to adopt a child” (13). The likening of adoption and surrogacy taps into yet another realm of virtue to distinguish surrogacy as a particular kind of relationship and a domain of de commodification. In short, the state began the process of mobilizing a massive amount of public resources producing a legal infrastructure which requires altruism between people who want to be surrogates and intended parents but no one else.

Two years after tabling the *Building Families* report, the Act became law in 2004 where the prohibition on commercial surrogacy is grounded in a series of guiding principles – one of which directly addresses the potential for commercialization. This normative principle is that “women more than men are directly and significantly affected” by the application of assisted reproduction technologies and that “women must be protected” (S.C. 2004, c.2). Another following principle states, “trade in the reproductive capabilities of women and men and the exploitation of children, women and men for commercial ends raise health and ethical concerns that justify their prohibition” (Ibid.). Through the Act, this principle makes it as if the only ones operating in this realm of de commodified surrogacy are men, women, and children. The

Act then goes on to explicitly prohibit paying or offering to pay a surrogate in addition to the paying or accepting payment for arranging the services of a surrogate mother. As a result, the exploitation of men, women, and children continues to be linked to the question of payment as does the state's ability to protect.

In 2010, the Supreme Court of Canada narrowly declared unconstitutional nearly every regulatory authority contained in the Act for violating provincial jurisdiction, including the federal regulatory agency Assisted Human Reproduction Canada (AHRC). The AHRC was formed in 2006 to oversee licensing, monitor developments in reproductive technologies, and collecting statistical data on assisted reproductive practices in Canada in alignment with the Act's guiding principles. It was also the first governmental agency to receive complaints about Picard that led to her subsequent investigation and conviction (Snow 2018, 6). After the Supreme Court challenge, the AHRC was dissolved in 2012 and its responsibilities were incorporated into the broader Health Canada structure. While the extent to which oversight exists under Health Canada remains unclear, policy development on surrogacy in the past decade largely pertains to the issue of reimbursement for 'surrogacy-related' expenditures alone.

The issue of unreasonable reimbursement is an issue that needs to be regulated as is made clear through the Picard case. In the Agreed Statement of Facts for the case, Picard admitted to paying three women between \$22,550 and \$30,200 to get pregnant, carry the pregnancy to term, and deliver the baby to the intended parents. Additionally, she accepted a payment of \$31,000 for referring three Canadian couples to a surrogacy broker in the United States who paid the broker \$130,000, \$120,000, and \$149,000 respectively, benefitting from an "ambiguity" in the Act (Fantus 2020). This ambiguity is of course the inexistence of legal limits for surrogacy-related expenditures; hence the Regulations, Health Canada's newest policy document that went into effect in 2020 to "provide parameters" for the reimbursement of expenditures and loss of work-related income. The struggle to keep surrogacy apart from pregnancy is represented, albeit in a renewed form.

While the process for reporting reimbursable expenses may be made clearer in law now than ever, the limits on what one can count as a reimbursement is still up to a significant degree of interpretation. As I argued at the beginning of this thesis, this interpretation is caught up in ideas about where surrogacy starts and pregnancy ends. The ongoing struggle in Canadian policy to determine what counts as a reimbursable expense orients our collective worry about surrogacy towards the unpaid labour of surrogates and intended parents. What counts as a reimbursable expense gets further regulated but not much less ambiguous. Meanwhile, surrogate-intended parent relationships become even more regulated and predicated on mandatory gifting and receiving.

As I aim to show in this section, regulating what counts as a reimbursable expense in the Act serves to further regulate surrogates and intended parents more than anything else. It does not address the ongoing lack of oversight since the dissolution of the AHRC and does little to change the way we practice surrogacy in Canada. In what follows, I lay out the problem of ideology and its relevance for securing the legitimacy of the Act's legislative framework of altruism. I show that it allows those who are ambivalent or explicitly critical of commercialized forms of surrogacy to render surrogacy valuable without attending to the ways it is increasingly commodified by agents.

### *Un/Paid Ambivalences*

When Canadians encounter surrogacy, they typically do not represent it in ways that are coherent and entirely beholden to normative ideologies of reproduction and motherhood. Rather, Canadians are often represented as ambivalent in the data, representing themselves as having mixed feelings about surrogates and surrogacy as a practice more generally. For instance, I find that whether surrogacy is paid or unpaid is often the first and sometimes only question Canadians ask when they encounter surrogacy. One surrogate explains:

A lot of people don't know anything about surrogacy, so when they hear you're a surrogate, the first question is 'How much did you get paid?' The answer is 'nothing.' Some people don't believe you. Like, there's no way you'd be doing this to not get paid (Zoratti 2017)

Similarly, another surrogate responds with the following to a question 'what I wish people understood about surrogacy':

"You don't get paid. People kept asking me that. You can't pay people in Canada. You are allowed to be reimbursed for pregnancy-related things." (Motluck 2016b).

Repeatedly, Canadian newspaper articles represent both intended parents and surrogates recounting their experience with others who assume Canadian surrogacy is paid. One article cites the Vancouver-based director of *Having Our Baby*, Nick Orchard, as wanting to know why surrogates "willingly do so free of charge," and "like the idea that it's altruistic [and] not because they can put some money in their bank account" (Leung 2017). Other articles cite people struggling to believe someone would agree to be a surrogate without pay, that "they couldn't wrap their brains around it" (Bowie 2017). The contradiction is that despite altruistic surrogacy being embedded in legislation and practices, Canadians are ambivalent about surrogacy and sometimes even assume a commercial model first.

Surrogacy agents strategically try to address these everyday ambivalences to combat any conflation with commercial practice. SCO states, "[i]f money was the true motivator there would be more women volunteering to act as surrogate mothers" ("Surrogacy FAQ" n.d.). SCO also addresses the question "why is surrogacy controversial in Canada?" as well as terms like "womb4you," a "oven," or "womb service" that might be used to describe surrogates but are deemed "degrading" and "derogatory" (Ibid.). In contrast, SCO defines 'proper terminology' on their website directly:

"Proper terminology in surrogacy is: surrogate mother, gestational surrogate and/or traditional/classic surrogate, fertility assistant, and host carrier. The other terms [above] seem to *imply some type of commercial service* and are more commonly used by American surrogates where surrogacy is commercialized." (Ibid., emphasis added)

These agents reference the United States and more explicitly commercial markets of surrogacy in anticipation of what Lewis aptly calls this reaction “unreflexive horror,” or, the intense feeling of fear, shock, or disgust towards surrogacy that commonly conflates its real-life practice with the depiction of surrogacy in fictional dystopias (2019, 16).

The horror surrounding surrogacy is not without good reason. The horror is understandable given the history of nonconsensual surrogacies of enslaved Black women (Allen 1991; Roberts 1999), for example. It also might be understandable that some may express horror towards a transnational surrogacy industry highly stratified by race and class (Deomampo 2017; Deckha 2015; Pande 2009). It is argued that the failure of the Canadian state to hold Canadians participating in such transnational industry of surrogacy contradicts the normative principles of the Act that prohibit payment for the same practice domestically; and, that this ultimately reinforces disparities “in terms of whose bodies may be commodified” (Lozanski 2015). But the ‘unreflexive horror’ among Canadians is not triggered by this contradiction which reflects how surrogacy maintains the “higher valuation and remuneration of whiteness” (Deckha 2015, 70). This is because the unpaid ‘altruistic’ labour performed by Canadian surrogates designates (white) bodies as surrogates worthy of legal protection and brings the practice into alignment with ‘Canadian values.’

Agents framing of Canadian surrogacy in opposition to ‘some type of commercial service’ produces material and relational value simultaneously; for example, SCO specifically engages subjects willing to ‘volunteer’ their reproductive labour and reconstitutes ambivalences about the unpaid nature of surrogacy into hegemonic relations like gift giving. These actions maintain a divide between altruistic mothering, unpaid surrogacy, and payment for a service, paid surrogacy. Doing so requires tapping into people’s common sense notions that pregnancy is a selfless act, and a genetic relation to one’s child is natural, expected, and *desirable*. What this means practically is that surrogacy agents draw on normative ideologies to engage in the social discourse of altruistic care thereby maintaining the controversy of un/paid surrogacy as a question of the surrogate’s labour rather than their own.

When agents are displaced in representations of surrogacy, it is hard to have radically new experiences of surrogacy because it ignores the material conditions and resources that sustain payment, or the lack thereof, as the way to ‘do’ surrogacy in Canada. While it is true that real moments of selflessness make altruistic surrogacy possible, normative ideologies struggle to keep us collectively oriented towards the surrogate’s selflessness as if that were the only thing that makes it possible. For example, one intended parent recounts their experience addressing the question of payment in their conversations about surrogacy:

“The sheer amount of ignorance we encountered -- people just had no concept of what it was, and any knowledge they had came from American TV [...] Most people assumed that [surrogates] got paid and it was really expensive for us, and they were surprised we had a relationship with our surrogate since we met her” (Zoratti 2017).

Ideology makes up our common sense, those background assumptions that makes it surprising that a mutual relationship formed through surrogacy is possible or even desirable. These assumptions are why some are “astounded” to learn that surrogates act on behalf of intended parent(s) who were at one time “strangers” (Rivers 2017). It is also why “it may sound unbelievable” that a surrogate could gain as much from surrogacy as did the family they helped build (Bowie 2017). While these encounters allow people to experience a surprising, astounding, and beyond belief form of surrogacy, it does not make gaining knowledge of another social reality possible because it does not require attending to the role of resources nor does it change the material things taken to have value. The use of compensation or payment to surrogates is a way of “avoiding difficult conversations” (Cattapan et al. 2017), but as I show, this does not mean that difficult conversations are not already being had between Canadians about surrogacy.

Conversations are not sufficient to disrupt the normative ideologies that embed surrogacy in an exchange where some need to gift while others can only receive. My effort to give an account of how representations of paid and unpaid surrogacy in Canada coexist and interrogate how they can be thought of together is to provide a range of culturally specific strategies, priorities, and tools for disrupting normative ideologies *through* the practice of surrogacy. Because surrogacy is an institutionalized set of ideas and



practices, it can potentially become a space where contradictions are re-articulated in ways that challenge the dominant logic of surrogacy.

As I showed in this section the contradictory common sense views of un/paid surrogacy persist because they are institutionalized by the Act, and simultaneously reproduce its legislative framework of altruism. However, approaching Canadian surrogacy as an ideological struggle allows us to recognize how this contradiction reconciles the problematic politics of commercial third parties profiting off the altruistic exchange of others in public discourse just as it does in legislation. Thinking surrogacy as ideological struggle brings the role of surrogacy agents to the surface so that they might be critically evaluated and points to a broader call to engage with the material and institutional preconditions that sustain altruistic models. If we are to change anything, let it be through shifting these material realities to open a range of possible surrogacies.

# Conclusion

The practice of surrogacy I sketch is constituted by an interconnected web of representations of altruistic surrogacy that disadvantage certain people and advantage others, pregnant or not. Surrogacy reinforces taken-for-granted ideas about the family unit; specifically, that pregnancy is a selfless act, and that a genetic relation to the child one intends to parent is desirable thereby limiting the subversive potential of surrogacy. However, I show that there are also times where these normative ideologies of reproduction and motherhood coincide with surrogacy as a real mutual concern for the well-being of others. This thesis uses empirical data to distinguish between moments of mutual and mandatory gifting, highlighting where and when these contradictory representations of surrogacy arise and discusses their subversive potentials. Thinking of Canadian surrogacy as an ideological struggle allows us to recognize it as a site where sometimes contradictory ideas and material practices come together within the frame of an always contingent cultural hegemony such that what counts as surrogacy is never fully determined.

Results from the discourse analysis and interviews I conducted for this project show that Canadian surrogacy is in many ways contingent on the question of payment. Altruistic surrogacy is also represented in ways that blur the boundary between those who are able and unable to have children and reconstitutes ideas about marital or partnered relationships. It is also represented in ways that supply new meaning to giving the ‘gift of life’ insofar as it is about gaining access to a community or even a social movement. Each of these representations simultaneously contest and construct normative ideas about the family which struggle to maintain the Act’s legislative framework of altruistic surrogacy amid commercial pressures, notably through the issue of ‘reimbursement’ to surrogates for out-of-pocket expenses. Various actors use reimbursement to account for their involvement in surrogacy, as I show Canadians remain ambivalent towards the un/paid nature of surrogacy. Therefore, if Canada’s altruistic model obscures anything, it not because it is an ideological instrument of normative reproduction and motherhood, but

because it allows those who are ambivalent or explicitly critical of commercial of surrogacy to render it valuable in their own terms without attending to the role of commercial agents.

Ultimately, the thesis shows Hall's concept of ideological struggle is valuable for rethinking Canadian surrogacy because it makes it possible to identify how ideologies come together, link up or fail to, and enable people to make sense of it in ways that are relatively empowering or disempowering. When Canadians struggle with the contradiction of un/paid surrogacy in everyday life and in policy, it becomes more difficult to recognize and reorganize the practice in terms of other resources. My empirical work suggests that we need a cultural change, a reorganization of society around the resources that make Canada's altruistic model possible. The ways ideology shapes and is shaped by surrogacy are not all equally available nor are they all equally effective for empowering change. In particular, the question of payment is institutionalized by the Act, and I suggest throughout this thesis that it is because of this that it is less significant a site for re-thinking surrogacy. By focusing on how surrogacy organizes us around Canada's welfare system, commercial agents, and a range of familial supports, it becomes easier to understand that the Act constrains the value of surrogacy to its un/paid status. When the resources that make altruistic surrogacy possible are accounted for, it is easier to see how the question of payment to surrogates is a dominant but a small part of the much larger Canadian landscape. It is a question that only empowers a select few to help others and themselves through surrogacy without moving the rest of us towards a more emancipatory world.

Surrogacy needs to be rethought because in its current form, it continues to reinforce hegemonic norms surrounding care, parenthood, and the family more than it transforms. For many, the desire to 'have' a genetically related child feels necessary. In my view, we need to be able to think and rethink surrogacy in ways that can contend with this desire and our current material realities. I join Lewis' call to expand surrogacy beyond the margins of reproduction and motherhood, such that it is possible to become a "whole raft of 'surrogates'" comprised of actors "who can't even remember if they were doing care *on someone*

*else's behalf* or their own” (2019, 56, emphasis original). It is the desire to have a child that presupposes surrogacy as site of struggle to create new relations, navigate them together, and develop broader communities of care although never a guaranteed. The lack of guarantee, unfortunately or not, is how ideology works too.

My analysis of Canadian surrogacy is useful because it shows that the surrogates do not occupy a single coherent position and they need not to promote social transformation of all kinds. It shows that Canadian surrogates struggle to care on behalf of others, for themselves, and together with others, and that this struggle is culturally situated and deeply political. While there is a diverse reality of who could be a surrogate, this is not yet our reality and it would be wrong to assume that all of those who have what's needed (knowledge or otherwise) have shared ends. What it means for now is that we need more strategies and institutional supports made available for those doing surrogacy. The meaning of 'surrogate' can then be rearticulated to open a range of possible victories, including but not limited to doing care on someone else's behalf.

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## Appendix A: Government Documentation

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## Appendix B: Codebook

This codebook was generated through analysis of newspaper and surrogacy agent website data sets. It is the result of consolidating analysis completed in both MaxQDA and Nvivo12 software.

Code Name	Description	References
Altruism	Explicit use of “altruism”/voluntarism	3
Gift-giving	Surrogacy as a gift to another person(s) and/or to society	29
Helping others	Surrogacy as an opportunity to help another person(s) in need	40
Selflessness	Surrogacy as an opportunity to do an unselfish act	5
Accomplishment	Surrogacy as an act one can be proud of	27
Biological relatedness	Surrogacy preserving biological parentage	8
Pregnancy	Taking pleasure in pregnancy or birth as reason to become a surrogate	6
Canadian values	Promotes surrogacy by claiming it upholds commonly shared ethical and moral values of Canadians	7
Birth/ medical tourism	Canadians and Canadian institutions (i.e.: public healthcare) facilitating the travel to another country for the purpose of surrogacy	16
Payment	The ban on paid surrogacy is a Canadian value or aligns with Canadian values	35
Family-building	The importance and/or desirability of surrogacy for making “the family” possible for others	32
Deservingness	What is deservingness; who is deserving of help from surrogates	17
Husbands	The male-identified spouses who support their partners through surrogacy	39
Infertility	Surrogacy as alternative to or after infertility	9
Many-mothers/ polymaternalism	Mothering that is not limited to biological children; children are not solely mothered by biological parents, but by a community at large	4
R. v. Picard	Pertaining to the prosecution of Picard and CFC	29

Reactions	Initial reaction (action or feeling) in response to surrogacy; a description of how others react	24
Government regulation	The extent to which surrogacy is governed or directed according to law and policy	40
Not a priority	The fact that regulating surrogacy is being regarded as not important or less important	11
Religion	Commitment or devotion to religious faith or observance throughout surrogacy process	8
Risk	Surrogacy as involving exposure to harm or danger (i.e.: health, legal, financial and/or social)	17
Stigma	The negative opinions associated with surrogacy (i.e.: “dirty work”, “not natural”, commercialization tropes like “womb4you,” “oven”, “womb service”, etc.)	10
Surrogate-family support	Family members of the surrogate as a valuable resource throughout the surrogacy process	21
Surrogate-IP(s)	Navigating the relationships between surrogate and intended parent(s)	57
Surrogate community	The value of community and group membership based on shared experience of being a surrogate	22
Qualifications of surrogate	Any characteristic being framed as a qualification or requirement for being/becoming a surrogate (i.e.: “Good” mothers of their <i>own</i> children, physically and mentally “healthy”, no criminal background, married, etc.)	13
Without maternal bond	Surrogates reporting not feeling maternal tie while pregnant and after to surrogate-child	11

## Appendix C: Recruitment Email

Dear [participant's name],

My name is Alexandria Hammond, and I am a master's Year 2 student in the department of Political Science at McGill University. I'm emailing you today to ask if you would be willing to participate in an interview for an empirical study that I am conducting for my master's thesis.

The objective of this research is to understand what discursive representations of altruistic surrogacy exist in Canada and how various actors use those representations to account for their engagement in surrogacy. The findings of this research aim first and foremost to inform policy and supports available to Canadian surrogates and intended parents and contribute to scholarly understandings of surrogacy more broadly. I have attached the consent form to participate in this study below which contains more information about me, and the project aims. If you should agree to interview, our conversation will be conducted virtually and will explore your experiences with surrogacy.

I have attached the consent form as it provides further information about me, the project, and approval from McGill's Research Ethics Board.

Lastly, please note that the interview will take approximately 45-60 minutes to complete, and I am unfortunately **not** able to offer you any compensation for your time. If you have any questions about the project, please let me know.

Thank you in advance for your consideration,

**Alexandria Hammond** she/her  
MA Student, Political Science  
McGill University

# Appendix D: Consent Form



## CONSENT TO PARTICIPATE IN INTERVIEW

**Researcher:**

Alexandria Hammond  
MA2 Student  
Department of Political Science  
[alexandria.hammond@mail.mcgill.ca](mailto:alexandria.hammond@mail.mcgill.ca)

**Faculty Supervisor:**

Dr. Tania Islas Weinstein  
Assistant Professor  
Department of Political Science  
[tania.islasweinstein@mcgill.ca](mailto:tania.islasweinstein@mcgill.ca)

**Title of Project:** “The Altruistic Woman”: Moralization and the Politics of Canadian Surrogacy

**Sponsor(s):** None.

You have been asked to participate in a research project for submission in partial fulfillment of master’s requirements. This study is conducted by Alexandria Hammond who is a master’s student in the department of Political Science at McGill University. The aim of this study is to understand some of the theoretical and practical aspects underlying your engagement in surrogacy. The main objectives include gaining a better understanding of the moral factors, dilemmas, and choices of those involved in Canadian surrogacy. You were selected as a participant in this study because of your expertise and/or experience with the practice of surrogacy. This interview will help the researcher gain a better understanding of the student’s interpretations of policy as well as the social relations between those involved in surrogacy.

Before we begin, I want to make you aware of the following:

- This interview will take approximately 45-60 minutes.
- This interview will be conducted and recorded on WebEx so that it can be used for reference during the proceedings of this project. Digital files and any written transcriptions will be immediately transferred to and stored on the McGill OneDrive of the researcher’s secure computer.
- This interview is voluntary. You have the right not to answer any question, and to stop the interview at any time.
- If you choose to withdraw during or right after the study, all information obtained up until that point will be destroyed unless you specify otherwise at the time of withdrawal. Once data have been combined for

publication, it may not be possible to withdraw your data in its entirety. Once publication has occurred data must be retained for 7 years; withdrawal would result in removal of your dataset from further analysis and from use in future publications.

- There are no anticipated risks or benefits to you by participating in this research.
- Your name, title, and/or direct quotes from the interview will not be used in the thesis publication that will result from this research.
- Only the researcher and supervisor (Prof. Tania Islas Weinstein) will have access to identifiable data

**If you have any ethical concerns or complaints about your participation in this study, and want to speak with someone not on the research team, please contact the Associate Director, Research Ethics at 514-398-6831 or [lynda.mcneil@mcgill.ca](mailto:lynda.mcneil@mcgill.ca) citing REB File #: 21-12-015**

Please sign below if you have read the above information and consent to participate in this study. Agreeing to participate in this study does not waive any of your rights or release the researchers from their responsibilities. To ensure the study is being conducted properly, authorized individuals, such as a member of the Research Ethics Board, may have access to your information. A copy of this consent form will be given to you and the researcher will keep a copy.

Participant's Name: (please print): \_\_\_\_\_

Participant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix E: Semi-structured Interview Guide

General open-ended questions for all participants:

- 1) Describe your experience with surrogacy however you feel most comfortable
- 2) What is your most recent experience related to surrogacy?
- 3) What is your most significant experience related to surrogacy?
- 4) In your own words, what does it mean to be a surrogate?
- 5) How is surrogacy different or like surrogacy outside of the Canadian context? What about it stands out to you?
  - a) If altruism is raised, How would you define altruism with respect to Canadian surrogacy?
- 6) How do you typically see surrogacy depicted in the media or in cultural more broadly?
  - a) Art, film, journalism, etc.
- 7) What do you think is important for Canadians to know about surrogacy?
- 8) Are there any other questions related to this research you think are relevant, but we did not ask?

Surrogate-specific questions:

- 9) Why did you become a surrogate?
- 10) How would you describe your relationship with surrogate/intended parent(s)?
- 11) Did you use surrogacy agent? If yes, what was your relationship with surrogacy-agent(s) like
- 12) What level of support throughout your surrogacy experience
  - a) From partner/spouse/intended parent(s)/surrogacy agent(s)?
- 13) What kinds of reactions to you experience when you tell people you are/were a surrogate?

Academic/journalist-specific questions:

- 14) Why do you research/report on surrogacy-related topics?
- 15) Who is this research/reporting for?
- 16) What kinds of reactions do you receive from people who have read your writing on surrogacy?