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Surrogacy; Biotechnology, Biocapitalism and Breeding Wrenches

A Discussion of Race, Class, and Gender

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I. Introduction

Surrogacy has become more readily available and popularised as a way of having children. The advancements of biotechnology and reproductive medicine allows women who are unable to carry their own pregnancies to have children that are genetically related to them foregoing adoption or egg donations, in addition, it allows homosexual couples to expand their families. Surrogacy has increased opportunities across the board to have genetically related families, having children is a vital part in today's society and bears grave importance to many families and women. Furthermore, the economic system of capitalism is dependent upon a workforce that reproduces itself and without the reproductive and often free labour performed by women, capitalism would not function. To add to the necessity of reproduction is the expectation of motherhood for women. Society encourages socialisation, based on a person's sex and in general expects women to assume the role of a mother.¹ Delaying child birth, among other environmental factors, results in women having lower fertility in the US and results in women seeking assisted reproductive technologies. Since the 1970s these technologies have become more readily available and commercialised, and thus it seems that today women can have more opportunities to fulfil the societal expectation of becoming a mother. But at what cost? Advances in biotechnology have allowed for the commodification of reproductive labour and the human body, from oocyte and sperm vendors to gestational carriers, the human body is for sale. Fertility as a commodity to be bought is parallel to neoliberalism, which is aptly coined by Alys Eve Weinbaum as biocapitalism.² Additionally, surrogacy's existence as a commodification of the female body depends on the history of reproductive slavery. In vivo reproductive labour is at the nexus of race, gender, and class, hence a legal claim to motherhood within reproductive labour is different across race, gender, and class. This paper discusses how surrogacy is affected by race and class and showcases that surrogacy's existence depends on the racial stratification of black women's bodies during slavery, as well as, create a breeder class of women by offering financial compensation by looking at legal cases about surrogacy disputes.

¹ Jasmine L. Garland McKinney and LaReine M. Meinersmann, "The Cost of Intersectionality: Motherhood, Mental Health, and the State of the Country," *Journal of Social Issues*, July 7, 2022, pp. 1-21, <https://doi.org/10.1111/josi.12539>, 2.

² Alys Eve Weinbaum, *The Afterlife of Reproductive Slavery: Biocapitalism and Black Feminism's Philosophy of History* (Durham, North Carolina: Duke University Press, 2019), 39.

II. Surrogacy: Gestational vs Traditional

Surrogacy can be divided into two categories; traditional surrogacy and gestational surrogacy. Traditional surrogacy is defined as a woman donating her egg and carrying the embryo for another person and the child will thus share genetic material with the surrogate and the genetic and social father. This form of surrogacy is an ancient practice and is first referenced in the biblical story of Sarah and Abraham, Sarah is unable to conceive and turns to her servant Hagar to carry Abrahams child for her. This is the first account of traditional surrogacy.

Enslaved black women were forced to reproduce children for their owners, which resembles traditional surrogacy. Nowadays, traditional surrogacy is less common and done through artificial insemination. Gestational surrogacy defines the process in which a woman will carry an embryo that was produced through in vitro fertilisation that is implanted in her in a process called embryo transfer. The embryo usually is made with the sperm and egg cell of the consumers of in vivo reproductive labour. The latter form of surrogacy has become synonymous with the term surrogacy as its popularity has increased not only because of advancements of in assisted reproductive technologies, but also, because it is believed that a woman is more likely to enter an agreement where she has to give up a child that is not genetically hers. The decision to have a child via surrogacy is often made by affluent infertile couples and same sex couples in order to have genetically related children of their own. Surrogacy, however, like described in biblical times is no longer altruistic as surrogates usually receive financial compensation within the United States. Paying a woman for gestating a child that legally is not hers signifies a commodification of the female body that transcends the barriers of commodifying reproductive labour such as childcare or maintaining a home. Considering that pregnancy is a physiological process that can only be experienced by a person with female reproductive organs surrogacy is at the nexus between race, gender, and class.

III. Gender

Through surrogacy arrangements motherhood is fragmented into three separate spheres; genetic motherhood, gestational, and social motherhood. The fragmentation serves to limit a woman's claim to a child and their part of the reproductive process whilst upholding the man's

claim and part of procreating. The genetic motherhood is bestowed upon the woman providing the egg, the gestational motherhood falls upon the woman carrying the child, while the social role of mother is performed by the person raising the child.³ Subsequently, these different types of motherhood introduce many different variations of reproduction and the parties involved. For instance, a person might be the genetic and the social mother but not the gestational one if they hire in vivo reproductive labour. In contrast, a person can be the gestational and social mother if they used an egg donation to become pregnant. Another possibility is that a woman is only the social mother if she adopted or fosters. The fragmentation of the construct of motherhood consequently complicates disputes about the true parenthood when more than one woman performs the role of genetic, gestational, and social mother. While there are now a multitude of mothering relations to a child, fatherhood concurrently can only be genetic and/or social.⁴ In legal disputes about surrogacy arrangements the three different dimensions of motherhood compete against each other. Legal disputes about gestational surrogacy settle whether the gestational or genetic mother has the right to perform the role of the social mother. At the same time the father, based on his genetic relation in traditional and gestational surrogacy arrangements, will always be considered as the social or natural father. Additionally, the reproductive process itself has historically been favouring men and their role within reproduction, men were seen as the active part in the process since they provided the sperm and therefore the genetic material which women had to nurture for nine months. This view is coined the ‘cult of seed’ and turned women into passive participants of the process.⁵ At present, a woman’s genetic contribution is acknowledged especially since assisted reproductive technologies such as in vitro fertilisation have spotlighted a woman’s genetic contribution. None withstanding the scientific importance of women’s genetic contribution, the supremacy of men’s genetic contribution has persevered. The emergence of assisted reproductive technologies have devalued gestation because a child can be made outside the womb, therefore men’s contribution remains the same and women’s contribution is simultaneously less important since the embryo can now be developed outside the uterus. As a consequence, gestation can now

³ Heather E Dillaway, “Mothers for Others: A Race, Class, and Gender Analysis of Surrogacy,” *International Journal of Sociology of the Family* 34 (2008): pp. 301-326, 307.

⁴ Martha E. Gimenez, “The Mode of Reproduction in Transition: A Marxist-Feminist Analysis of the Effects of Reproductive Technologies,” *Gender & Society* 5, no. 3 (September 1991): pp. 334-350, <https://doi.org/10.1177/089124391005003005>, 344.

⁵ Heather E Dillaway, “Mothers for Others: A Race, Class, and Gender Analysis of Surrogacy,” *International Journal of Sociology of the Family* 34 (2008): pp. 301-326, 309.

theoretically be performed by any woman with a uterus. Thus, the in vivo reproductive labour performed by surrogates can be ignored and devalued by courts. In addition, gestation according to the patriarchy can also be seen as the decisive element in determining parenthood since men cannot perform pregnancy and would have less rights compared to women. Gestation is devalued because it is not equivalent to the male's reproductive contribution and reduces women's contribution to egg cells because they are equivalent to sperm.⁶ Under these patriarchal determinators of parenthood a surrogate going to court will lose her parental rights. The notion that genes and the fusion of an egg cell and sperm alone make a baby turns all women into potential baby making machines and part of a breeder class since their role is reduced to a temporary lodge for the foetus. The potential of turning women into baby making machines prioritises foetal wellbeing over a woman's wellbeing. The surrogate is contractually obligated to deliver a child after nine months and whose wellbeing is protected by a contract and medicine, this can potentially cause psychological damage to the surrogate. Furthermore, a surrogate might have to undergo risky medical procedures in favour of the foetus or might be denied an abortion if she wishes one. Overall, the surrogate's gender makes her reproductive contribution replaceable and isn't deemed as a legitimate claim to social motherhood because it would limit men's rights and the surrogate's wellbeing as a woman is superseded by foetal wellbeing.

IV. Class

In 1978 the first baby via in vitro fertilisation was born, which effectively acquainted the public sphere with biotechnological engineering of human production and enabled reproductive medicine to become a market. Technologies such as in vitro fertilisation, egg harvesting and gestational surrogacy were commodified to be sold as reproductive products and in vivo reproductive labour to those able to afford such commodities.⁷ Surrogacy is portrayed by the media and surrogacy agencies as an altruistic practice in which women make a morally ubiquitous sacrifice

⁶ Heather E Dillaway, "Mothers for Others: A Race, Class, and Gender Analysis of Surrogacy," *International Journal of Sociology of the Family* 34 (2008): pp. 301-326, 310.

⁷ Alys Eve Weinbaum, *The Afterlife of Reproductive Slavery: Biocapitalism and Black Feminism's Philosophy of History* (Durham, North Carolina: Duke University Press, 2019), 83.

to help people have biological children that they otherwise could not have.⁸ Despite this portrayal, surrogacy is commercialised and at the centre of reproductive biocapitalism.

“The entire surrogacy process in the United States can cost between \$40,000 and \$150,000. The price tag of such an endeavour effectively makes rented out wombs into a luxury commodity. Surrogate mothers receive between \$20,000 and \$30,000 of this sum.”⁹

These figures vary depending on state, the possibility of a multiple pregnancy and agency. The intended parents have to, along with financially compensating the surrogate, cover her medical and pregnancy-related expenses. The price tag of surrogacy transforms it into a process only available to wealthy individuals. The compensation of selling in vivo reproductive labour raises doubt on whether or not the decision to enter a surrogacy contract is purely altruistic since \$30,000 is an extensive amount of money for many. However, if a woman is pregnant for approximately 6720 hours over a span of forty weeks she will receive less than five dollars an hour. The financial incentive that is given to surrogates leads many critics of the practice to infer that a special class of hyper-exploited breeder women are created and are transformed into a living, breathing, natural resource.¹⁰ In 1986 the case of Baby M was disputed by the New Jersey supreme court. It involved a traditional surrogacy agreement in which the surrogate mother was unwilling to relinquish her parental rights. William Stern and Mary Beth Whitehead entered a surrogacy contract that stated that Whitehead would become pregnant through the artificial insemination with Stern’s sperm become pregnant and relinquish her parental rights so Mrs Stern could in turn adopt the baby. Whitehead would in return be given \$10,000 upon the deliverance of the baby to Stern. Whitehead turned the baby over at birth but then claimed she could not live without her. The Sterns, afraid Whitehead would commit suicide, handed the baby back to Whitehead with the belief that she would briefly return it. When it became apparent that Whitehead would not return the baby, as she fled to Florida with it, Mr Stern filed a complaint to en-

⁸ Daniela Bandelli, *Sociological Debates on Gestational Surrogacy: Between Legitimation and International Abolition* (Cham, Switzerland: Springer, 2021), 71.

⁹ Carolyn McLeod and Baylis Françoise, *Family-Making: Contemporary Ethical Challenges* (New York, NY: Oxford University Press, 2014), 271.

¹⁰ Alys Eve Weinbaum, *The Afterlife of Reproductive Slavery: Biocapitalism and Black Feminism's Philosophy of History* (Durham, North Carolina: Duke University Press, 2019), 84.

force the surrogacy contract. Although the New Jersey supreme court ruled that the contract was unenforceable Whitehead lost custody of the baby whom she had gestated for nine months, bonded with and even breastfed. The practical result of the trial was caused by the concern for the child and what is best for it. Judge Sorkow who presided over the case deemed Whitehead an unfit mother and called her behaviour irrational for fleeing to Florida. Additionally, Sorkow called Whitehead: unreliable, exploitative, deceitful and too poor to be a good mother,¹¹ even though she had had two healthy children already. During the trial it was revealed that Whitehead and her husband had financial worries which insinuates she entered the contract for financial rather than altruistic reasons. The Sterns, however, both held a PhD from the University of Michigan. Mr Stern was a biochemist and Mrs Stern was a medical doctor and they had a household income of over \$90,000 per annum.¹² Since the Sterns were awarded custody of the child as the consumers of in vivo reproductive labour it sanctioned the creation of a breeder class of women in the reproductive market, who out of economic desperation rent out their wombs. The case furthermore highlights the class struggle and class prejudice within contracted reproductive labour since the consumers of reproductive labour are mostly affluent people compared to the surrogates who have less financial resources.

*“[T]he Sterns, they hired experts, the judge and almost everyone else involved represents the new class arrayed against the world of the Whiteheads who represent the bottom side of the working class. . . . [Here,] the chief weapon is contempt for the world of their cultural inferiors, a world so blatantly represented by the Whiteheads.”*¹³

If a surrogacy contract is entered out of financial necessity it questions how voluntarily surrogacy can ever be. The Sterns fit the typical demographic of a couple employing gestational reproductive labour. Typical clients of surrogacy renters in the late eighties and early nineties were white, married and in their early forties or late thirties and sixty-four percent had a com-

¹¹ Katha Politt, “The Strange Case of Baby M,” *The Nation*, May 1987, <https://www.thenation.com/article/archive/strange-case-baby-m/>.

¹² Heather E Dillaway, “Mothers for Others: A Race, Class, and Gender Analysis of Surrogacy,” *International Journal of Sociology of the Family* 34 (2008): pp. 301-326, 304.

¹³ Richard John Neuhaus, “Renting Women, Buying Babies and Class Struggles,” *Society* 25, no. 3 (1988): pp. 8-10, <https://doi.org/10.1007/bf02695640>, 9.

bined annual income of over \$50,000 and more than fifty percent attended graduate school.¹⁴ Katha Pollitt described in an article that most surrogates are single mothers between welfare, dead end jobs and never ending bills.¹⁵ In fact, the average surrogate was married, white and had a household income of under \$30,000 annually. Only about thirty-five percent attended college whilst only four percent attended graduate school. Like the Sterns, Whitehead fits this profile as she was married, never finished high school and had a combined income of \$28,000 per annum with her husband and had received welfare payments in periods of her life. The discrepancies between the Stern's and Whiteheads highlight the exploitative nature of surrogacy agreements of those with less money and less education. Reduced financial resources means fewer opportunities to go to court to try to dissolve the contract. If the surrogate does go to court she is stuck with lawyers who have little experience, whilst the consumers of in vivo reproductive labour can afford highly skilled lawyers, detectives, psychological experts and social workers.¹⁶ The same happened in the Baby M case, during the case Whitehead was deemed unfit to be a mother based on the circumstances her class put her in. Simultaneously, Mr Stern's fitness to be a father was never put into question since he was in the right position to raise a child and provide an 'appropriate environment.' During the trial Mr Stern even mentioned how his wife would take the baby shopping at Bloomingdales to further enunciate the class difference.¹⁷ Upper middle class or upper class's desire for a genetically related child exploits women of lower income as they take advantage of the financial needs of these women. Surrogacy cannot be altruistic as affluent women do not line up to become surrogates. The Stern's could have chosen to ask a woman of the same class background as them to be their surrogates but they did not. In pursue of genetic children, affluent families unconsciously exploit lower class women who enter contracts predominantly for the financial compensation. Eighty-nine percent of surrogates at the Infertility Centre in New York stated that they would not rent out their wombs if they did not receive compensation.¹⁸ Sur-

¹⁴ Heather E Dillaway, "Mothers for Others: A Race, Class, and Gender Analysis of Surrogacy," *International Journal of Sociology of the Family* 34 (2008): pp. 301-326, 304.

¹⁵ Katha Pollitt, "Checkbook Maternity: When Is a Mother Not a Mother?," *The Nation*, December 1990.

¹⁶ Heather E Dillaway, "Mothers for Others: A Race, Class, and Gender Analysis of Surrogacy," *International Journal of Sociology of the Family* 34 (2008): pp. 301-326, 314.

¹⁷ Richard John Neuhaus, "Renting Women, Buying Babies and Class Struggles," *Society* 25, no. 3 (1988): pp. 8-10, <https://doi.org/10.1007/bf02695640>, 10.

¹⁸ Heather E Dillaway, "Mothers for Others: A Race, Class, and Gender Analysis of Surrogacy," *International Journal of Sociology of the Family* 34 (2008): pp. 301-326, 316.

rogates from lower classes enter surrogacy arrangements out of economical necessity before realising the extent of the bond developed with the child during pregnancy. By the time the child is born it is too late for the surrogate to change her mind since she is contractually obligated to hand it over to the consumers of in vivo reproductive labour.

V. Race

As previously mentioned surrogacy arrangements mean that a woman signs over parental and legal rights to the child that she is carrying. The entitlement to a child, legally seen as the property of the prospective parents, which a woman is carrying is reminiscent of chattel slavery since the children of enslaved women were the legal property of slave owners. Naturally not all surrogates are of African-American descent but black women are disproportionately more likely to be poor and single mothers¹⁹ and hence, are part of the demographic surrogacy agencies target.

As outlined above, surrogacy separates motherhood into three separate spheres; the genetic, gestational, and social. These spheres exist today because of the separation of womb, woman, and child enslaved women endured during their reproductive dispossession.²⁰ Pregnancy is in vivo reproductive labour commercialised by biocapitalism and completely detached from the surrogate. The bonding process which occurs during pregnancy is irrelevant as the womb is solely for breeding purposes. The reproductive body of a woman is thus detached from the woman itself and only serves the purpose for reproducing children for other people. Weinbaum coins surrogates as a 'new bio-underclass'²¹ and invokes the image of breeding wrenches. A bio-underclass is not a new concept since enslaved black women were the former bio-underclass composed of Jezebels and Mammies. Jezebel was an over sexualised characterisation of a black lewd and lascivious woman that seduced white slave owners into having sexual relations with them. This characterisation served as the justification for the systematic rape of black women. Mammies however, were asexual, older, religious women that took care of white children.

¹⁹ Heather E Dillaway, "Mothers for Others: A Race, Class, and Gender Analysis of Surrogacy," *International Journal of Sociology of the Family* 34 (2008): pp. 301-326, 317.

²⁰ Alys Eve Weinbaum, *The Afterlife of Reproductive Slavery: Biocapitalism and Black Feminism's Philosophy of History* (Durham, North Carolina: Duke University Press, 2019), 42.

²¹ Alys Eve Weinbaum, *The Afterlife of Reproductive Slavery: Biocapitalism and Black Feminism's Philosophy of History* (Durham, North Carolina: Duke University Press, 2019), 48.

Enslaved women's womb were commodified and hyper-exploited to reproduce the wealth of their owners in order to create surplus value in form of a larger enslaved workforce. Black women were specifically exploited for breeding purposes and reproductive labour as April Cherry describes:

*"Although black women could never be righteous mothers to their own children, they could be used to mother others, as long as those mothering relationships were constrained or supervised by Whites. Under this conception of Black womanhood, Black women could be called on to care for the children of "real" women as servants, wet nurses and the like"*²²

The repercussions of reproductive slavery inform how black women are viewed by society and within cross-racial reproductive labour arrangements today. Black women continue to nurture for white children as nannies or daycare providers in a similar fashion as they did when they were called mammies.²³ There is a link between reproductive slavery and surrogacy and how it affects the claim to motherhood. Albeit enslaved women were the genetic and gestational mothers, they did not assume the role of social mother as their children were the property of someone else. Their role as surrogate mother ended with the birth of their child, even in the womb their role as mother was limited as the foetus was the prenatal property of the slave owner. Likewise in modern surrogacy the foetus is the prenatal property of consumers of in vivo reproductive labour. Weinbaum argues that

*"[s]urrogate and slave are linked by the experience of racialized dehumanization that is historically predicated on the racialization of reproductive labor performed by slaves."*²⁴

Through slavery, reproductive labour has been racialised and affects the dehumanisation of renting out human body parts within biocapitalism. Considering the normality of black women

²² April Cherry, "Nurturing in the Service of White Culture: Racial Subordination, Gestational Surrogacy, and the Ideology of Motherhood," *Texas Journal of Women & Law* 10 (2001): pp. 82-128, 113.

²³ April Cherry, "Nurturing in the Service of White Culture: Racial Subordination, Gestational Surrogacy, and the Ideology of Motherhood," *Texas Journal of Women & Law* 10 (2001): pp. 82-128, 110.

²⁴ ²⁴ Alys Eve Weinbaum, *The Afterlife of Reproductive Slavery: Biocapitalism and Black Feminism's Philosophy of History* (Durham, North Carolina: Duke University Press, 2019), 47.

caring for white children throughout the centuries resulting in them having to forego parental rights as what can be at best described as forced traditional surrogacy. Cross-racial gestational surrogacy performed by black women for white heteronormative families should raise some eyebrows. Although surrogates can be and are employed from all different races, blackness and race were decisive in setting a legal precedent in 1993. In 1993, the court case *Johnson v. Calvert* set a legal precedent for the state of California, which set guidelines and expectations for gestational surrogacy arrangements and how race factors into contemporary notions of commodification of the human body. In *Johnson v. Calvert* the married childless couple Calvert entered a contract with Anna Johnson, a woman of African-American descent, which specified that an embryo made with Mark and Crispina Calvert's sperm and egg cell would be gestated by Johnson. At the time of entering the contract Johnson was a twenty-nine year old vocational nurse and a single mother who received welfare payments,²⁵ thereby, she fits into a typical surrogate background of lower class compared to the Calverts who consumed her in vivo reproductive labour. Johnson was contractually obligated to relinquish her parental rights upon giving birth in return for a fee and a life-insurance policy for the duration of Johnson's pregnancy. During the pregnancy, Johnson tried to be recognised as the legal and social mother after relations between the two parties soured. Eventually the Californian supreme court ruled that the Calvert couple are in fact the child's natural parents despite recognising that the act of giving birth as well as a genetic relation forms a mother child relationship. The court declared that the woman who intended to procreate genetically, in this case Crispina Calvert, is the natural mother under Californian law. During the case Johnson's claim to motherhood through her pregnancy and the labour process were dismantled by the Calverts. Although pregnancy and child labour have historically been an important determinant for motherhood and womanhood it never has been for enslaved black women who were treated as breeding wrenches. Similarly like her black ancestors, Johnson's physical labour didn't give her any parental rights. The court focussed on the genetic relation of the child to the Calvert couple and effectively ignored Johnson's claim of the maternal bond she had built with the child. The Calverts utilised genetic essentialism to assert the child's relation to them as the natural parents and deny gestational influence on the child and its identity.²⁶ Since the child is

²⁵ Heather E Dillaway, "Mothers for Others: A Race, Class, and Gender Analysis of Surrogacy," *International Journal of Sociology of the Family* 34 (2008): pp. 301-326, 314.

²⁶ Laura Harrison, *Brown Bodies, White Babies: The Politics of Cross-Racial Surrogacy* (New York, New York: New York University Press, 2016), 96.

white and Johnson is not, it is easy to claim that there is no bond between the two. Black women have historically been 'othered' by society, hence it is easy to claim that there is no biological or natural connection to a child within cross-racial surrogacy arrangements.²⁷ Cross-racial surrogacy continues reproductive traditions of racial oppression. By focussing on the child's genetic make-up the court ignored Johnson's claim of uterine bonding, despite scientific evidence which suggests that babies will recognise their mother's/carrier's voice and that foetal movement develops an emotional bond with the pregnant woman in question.²⁸ Notwithstanding, in a traditional pregnancy where a woman is the genetic, gestational, and social mother uterine bonding is seen as normal and part of the process. Johnson's visible difference from a child with a white complexion allowed the Calvert's exert a legal claim since the child Johnson (re)produced was in "possession of white paternally predicated genes."²⁹ Johnson's womb was thus a commodity meant to serve the (re)production of white (genetic) property. Johnson's classification as a surrogate and non-mother separated the child from her as it was considered an amalgam of white genes belonging to the Calverts. Simultaneously, that child became a rights-bearing citizen while Johnson was stripped of all legal ties to the child regardless of her natural bond with the child.³⁰ To Johnson's detriment there is no legal precedent in the United States to support a black woman's claim to the motherhood of a white-looking child. Judge Parslow compared Johnson to a wet nurse thus invoking the tradition of enslaved black women caring for white babies. Anna Johnson was a victim of her race, class and gender. Her lack of financial stability left Johnson in a compromised position that was easy to exploit. Her financial worries were presumably the reason she entered the agreement before she could experience the extent of the bond she would form with the child. The genetic claim of the father and his role in the reproductive process devalued her claim as a social mother because female gestation as a claim to motherhood weakens men's claim and their legal superiority over women in a patriarchal system. The race of the child was treated as racial property by the Calvert's which manifested Johnson's role as a human reproduc-

²⁷ Heather E Dillaway, "Mothers for Others: A Race, Class, and Gender Analysis of Surrogacy," *International Journal of Sociology of the Family* 34 (2008): pp. 301-326, 317.

²⁸ April Cherry, "Nurturing in the Service of White Culture: Racial Subordination, Gestational Surrogacy, and the Ideology of Motherhood," *Texas Journal of Women & Law* 10 (2001): pp. 82-128, 122.

²⁹ Alys Eve Weinbaum, *The Afterlife of Reproductive Slavery: Biocapitalism and Black Feminism's Philosophy of History* (Durham, North Carolina: Duke University Press, 2019), 51.

³⁰ Alys Eve Weinbaum, *The Afterlife of Reproductive Slavery: Biocapitalism and Black Feminism's Philosophy of History* (Durham, North Carolina: Duke University Press, 2019), 51.

tive commodity. Reproductive slavery paved the way for surrogacy and commodified reproductive labour and impacted Johnson's experience as a black, poor woman in a cross-racial surrogacy agreement.

VI. Conclusion

To summarise all the afore mentioned points, Surrogacy in its essence is the commodification of the female reproductive body and in vivo reproductive labour. This commodification of the female body is caused by the gender oppressive separation of genetic, gestational, and social motherhood as it devalues the gestational process by weighing men's genetic contribution as essential. The fragmentation of motherhood exists as a precursor to commodified reproductive labour within reproductive slavery. Black women's reproductive dispossession turned reproduction into a racialised fragmented process which exists today within commercialised reproduction. Consumers of reproductive commodities exploits poor women for their in vivo reproductive labour by offering financial compensation for a service they would not perform altruistically. Poor women become part of breeder class of women as potential baby making machines and a new bio-underclass performing reproductive. Black women, who during slavery represented the old bio-underclass are especially vulnerable within cross-racial surrogacy arrangements since they are disproportionately affected by low income and thus more likely to agree to surrogacy for the financial benefits. Their visible racial difference to the children they bear, consequently devalues their reproductive labour and equates them to a gestational babysitter. As capitalist tendencies have commodified human reproduction and created biocapitalism, the exploitation of poor and black women via surrogacy is sanctioned through monetary compensation.

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