

Contract Children: Questioning Surrogacy

Danna, Daniela
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Daniela Danna, a sociologist at the University of Milan, makes a remarkable and original contribution with her book *Contract Children: Questioning Surrogacy*. In this short work, she offers a wide-ranging and global survey of all practices included under the term “surrogacy”, along with a comprehensive overview of the major debates surrounding surrogate motherhood. Recounting the evolution of surrogacy from the selling of so-called “gestational services” in the 1970’s in the United States to its current status as a global industry, Danna presents readers with a profound and thorough discussion of the various legal and social meanings given to pregnancy as paid (or rather, poorly paid) labor in various countries around the globe.

Divided into five major sections, the book begins with a discussion of the different types of surrogacy arrangements that have been available to intended parents in both past and contemporary societies. In the first chapter, Danna also offers a reasoned argument of who should be considered the mother since this role can potentially be split among several different persons: (1) the “birth-biological-genetic” mother; (2) a social mother in the cases of formal/informal adoption and “traditional” surrogacy; and more recently, (3) the one who contributes eggs. One of her more interesting assertions in this discussion is that, due to the development of in vitro fertilization, for the first time in history, women may share in the experience of fatherhood in that she must wait like a father for another woman to deliver her (possibly) genetically-related baby. The other major question she poses in this section concerns the issue of the status of the birth mother in relation to the “contract child” (as she refers to the babies born of these surrogacy agreements). For Danna, a woman who becomes pregnant and gives birth is a mother even if the eggs are not hers. Thus, according to her, the original family is based on the Mother/Child relationship. Consequently, she believes the best interest of the child resides in recognizing the importance of the primordial relationship that begins for the child in a woman’s womb. Hence, the author believes we need to put the notion of the Mother/Child relationship at the centre of any concept of the family rather than a sexual relationship between a man and woman. Taking such a stance, however, would have radical implications for all involved in surrogacy agreements because there would not be the automatic assumption that the best interests of the child would always be served by the birth mother

relinquishing the child to the intended parent(s) or giving up all rights to contact with the child after the birth.

The second chapter of *Contract Children* offers readers an educational overview of the various ways one may obtain children through surrogacy, while the third chapter focuses on the legal implications and consequences of surrogacy in a wide range of countries. Most poignant is her discussion of the fate of the contract children blocked at borders due to national laws and/or the problem of statelessness.

In line with Danna's particular concerns about the physical and emotional well-being of surrogate mothers, along with their legal rights, the fourth chapter of the book focuses on the subjective experience of these women as surrogates and looks at the thorny question of whether what surrogates are doing should rightly be considered work or not. Additionally, she also examines the impacts of the social exchanges that take place between the surrogate and intended parent(s), as well as the complications introduced by the creation and enforcement of surrogacy contracts.

In the final chapter of *Contract Children*, Danna ends with a discussion about how women's capacity to give birth has long been coopted by patriarchal societies to serve the interests of everyone else but themselves. Since women are still struggling to regain and/or maintain control over their own bodies, she fears that the commodification of children to perpetuate what she describes as the "ceaseless capitalist cycle" in the face of impending ecological disaster will only reduce all human transactions to money and result in the unnecessary exploitation of too many women. In order to avoid such a trivialization of human lives and labor, she believes that we must not allow market forces to appropriate the birth of children. Thus, she believes that in order to have ethical surrogacy, we must make sure that human dignity and the freedom of pregnant women are always protected in these arrangements.

An essential resource for policy makers and activists concerned with reproductive justice and human rights, *Contract Children* makes a unique and very important contribution to the burgeoning literature on the ethics of surrogacy.