

Bioethics in the Age of Surrogacy: A Study of Kishwar Desai's *Origins of Love*

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Abstract

With the advancement in Assisted Reproductive Technologies, the sacred and irreplaceable function of Motherhood has become a debatable issue in the Posthumanist era. Today, a woman can create a life that develops in another woman's womb and is fed and nurtured by yet another woman. This paper focuses on how surrogacy, a Posthumanist method of producing children, raises specific bioethical issues related to childbirth with reference to the novel *Origins of Love* by Kishwar Desai. India's multi-billion dollar surrogacy industry and commodification of surrogate mothers and children, along with specific ethical issues, such as medical tourism, abandonment of children with disabilities, neoliberal consumerism, forced subjugation of young surrogate mothers, and forced cesarean sections, will further be discussed.

Keywords: Bioethics; Motherhood; Posthumanism; Surrogacy; Surrogate motherhood.

Assisted reproductive technologies (ART) have reached unprecedented heights in recent years. These technologies are employed to assist those who experience trouble to conceive naturally. According to the Centre of Disease Control and Prevention Report:

ART includes all fertility treatments in which either eggs or embryos are handled. In general, ART procedures involve surgically removing eggs from a woman's ovaries, combining them with sperm in the laboratory, and returning them to the woman's body or donating them to another woman". ("Assisted Reproductive Technologies (ART)")

The procedures include IVF (In Vitro Fertilisation), Intrafallopian transfer,

Frozen embryo transfer, and Intracytoplasmic sperm injection. One can easily find countless fertility clinics booming around them and generating big profits out of it. One of the reasons behind the popularity of these clinics is that people nowadays are under enormous pressure to improve their job prospects and financial security. As a result, they tend to deal with an unhealthy lifestyle, long and late hours at work, performance pressures, and a busy lifestyle. As a result, they have to undergo several medicines and drugs. Late marriages and childbirth are also the reasons behind people's reliability with such fertility clinics. Another reason for their success is the social and cultural pressure on women to become mothers. In our societies, it becomes a matter of debate if a married woman does not conceive within one or two years of her marriage. In addition, those women who are incapable of becoming mothers are made to feel inadequate and useless and, many a time, called names of humiliation. According to Jasodhara Bagchi, "In modern Indian society, motherhood is one of the essentialising signifiers of womanhood and femininity" (Bagchi 12).

The term 'surrogacy' is a posthumanist way of conceiving a child. It is a practice or process in which a woman (the surrogate mother) bears a child for a couple who is unable to produce children in the usual way, usually because either one of the couple is infertile or because the female is unable to undergo pregnancy or has trouble conceiving. Surrogacy is of two types—Traditional and Gestational. In a so-called traditional surrogacy, the surrogate mother is impregnated through artificial insemination with the sperm of the intended father. In gestational surrogacy, the wife's ova and the husband's sperm are subjected to in vitro fertilisation, and the resulting embryo is implanted in the surrogate mother. The surrogate may be a relative or friend, but in most cases, it is a stranger who signs a contract and accepts payment for providing the service ("Surrogacy"). As a matter of fact, these fertility clinics are a boon for couples who cannot conceive. However, if utilised improperly, they can create several bioethical concerns. Some of these concerns include the potential for exploitation of vulnerable women, the commodification of motherhood, and stratified motherhood—a reproductive hierarchy in which only some strata of women, especially the poor, go for motherhood. In contrast, rich and aristocratic women avoid this responsibility to save themselves from the gamut of pregnancy, mood swings, labour pains, etc.

According to the National Institute of Environmental Health Sciences, "Bioethics is the study of ethical, social, and legal issues that arise in biomedicine and biomedical research" (Resnik, "Bioethics"). It deals with certain conflicts that arise when any patient comes into contact with the

side effects of biomedicine. Many biological ethics require thoughtful deliberation, but in order to limit the study, this paper will focus on reproductive ethics and explore issues related to the use of ART, especially Surrogacy, for reproduction.

During colonial times, the West represented the East as an exotic land of elephants and snake charmers with infinite wealth in the form of gold and pearls. It also served to demonise the native traditions and customs of the East while upholding Western values. In his book *Orientalism*, Edward Said argues that Western discourses often portray the East as static, irrational, backwards, and mysterious (Shands 6). At the same time, the West is seen as dynamic, rational, progressive, and superior (Shands 6). It was part of the Western ideology for colonising the East. This narrative helped to dehumanise the East and their culture, allowing the West to feel justified in exploiting and subjugating them. This narrative still persists and creates a lasting impression of the East as primitive and barbaric. This continues to impact the power dynamics between the East and the West. From being termed an exotic land, the East has now become a hub of healthcare infrastructure and scientific advancement. It provides medical services at cheap prices at its advanced and luxury hospitals.

In the last few decades, the surrogacy industry has flourished pretty well in countries like India, Malaysia, and Thailand. This has led to a significant increase in medical tourism from the West to the East. In 2011, over 25,000 babies were born in India through IVF and surrogacy, and about half of them were for couples abroad (Shetty 1633). Surrogacy costs in India are five times less than that of the US, making it a feasible option for many couples from the West (Sharma "Surrogacy"). Ana Cristina Mendes and Lisa Lau discuss "transnational surrogacy as one more example of imperialism, another form of cultural colonisation, othering, subalternising, and peripheralising in the twenty-first century" (6), in their article "A Postcolonial Framing of International Commercial Gestational Surrogacy in India". In the article, they point out the risks of exploitative practices that are a result of the commodification of reproductive labour. They argue that this situation has led to a new form of "colonialism", where those who are most vulnerable are taken advantage of. Ultimately, this has created a crisis of inequality.

As a result of the involvement of these two initial subjects and their different perspectives, surrogacy becomes a highly sensitive subject. The first subject is the childless couple who wish to complete their family with a biologically related baby and seek surrogacy. The second subject is the

surrogate mother. She passes through the physical and emotional hardship of childbirth just to give up the child she nursed in her womb for nine months. Desai's novel *Origins of Love* offers viewpoints on both subjects. Ben and Kate from London have tried IVF multiple times and now want to use a surrogate to conceive a child. Because of the availability of reliable and healthy surrogates and low costs in India, they chose to have the baby in India. Preeti and Sonia, however, use surrogacy to make money through it. According to these two sets of subjects, surrogacy appears to be a viable option. However, it degrades the process when a third subject is brought into the process—such as doctors, brokers, ART hospitals, or any other familial influences. One of the characters, Rohit, who is a cousin to Sonia, compels her against her will to become a surrogate in order to earn money. Other individuals who turned surrogacy into a lucrative industry and turned women into commodities are—Dr. Subash Panday and his wife Rita, who runs the Madonna and Child Clinic, Panday's business partner Ashok Ganguly, and Sharma, a broker who recruits potential surrogates.

The main plot of the novel starts with the plight of baby Amelia, who was born through IVF and Surrogacy and lies abandoned in the Madonna and Child clinic. Prior to her birth, her British parents were killed in an accident. Sadly, Amelia was found to be HIV positive. As evidenced by the samples provided during the IVF operation, her British parents, however, had no history of AIDS. Simran Singh, the primary protagonist, enters the picture to unravel the disease's mystery. In doing so, she reveals several alarming facts about stem cell therapy and surrogacy that demand careful consideration.

Bioethical Concerns of Surrogacy

The novel *Origins of Love* highlights the nexus of the multibillion-dollar surrogacy industry. Desai very subtly displays the exploitation of women, especially surrogates, and uncovers the detrimental aspects of commercial surrogacy. In the novel, a true account of surrogacy is portrayed as a billion-dollar business through the advertisement by Madonna Child Hospital, when one of the characters named Sharma from the novel, who himself wrote this advertisement, reads it to a client named Ben. The advertisement reads:

Don't Worry Be Happy
Just Come to Collect Your Baby
Use our Courier Cryogenic Service
At 100 per cent No Risk

Only Send Us Your Sperm

And You Will Learn
That We Can Get You Egg Donor
Any Way You Want Her

Big, Small, Slim, Tall
Its Your Call
We Also Find the Surrogate
At Very Good Rate

Soon She Will Be
Pregnant With Baby
You and Wife Can Take Rest
NewLife - Cheap and Best (Desai 343)

Surrogacy is a boon for many women, who can now conceive and save themselves from the stigmas of society. It was supposed to be a great measure for millions of families across the globe that earlier did not have any means to have their children. But these days, due to the commodification of surrogacy, as it enters into the capitalist world, it has transcended into a global curse due to its misuse. The very first commodity in this process is the child born out of surrogacy. Desai, in her novel, labelled these babies as “made-to-order babies” (195). Nowadays, babies are manufactured in the fertility clinics like the goods manufactured in factories. In the advertisement given above by Sharma, Desai succinctly shows the intentions and working of many hospitals.

In the majority of cases, there is hardly any role of the biological father but to send his sperm to the hospital. Everything is to be carried forward by the hospitals. The reliability of the parents on these hospitals and clinics makes them more powerful and demanding. In order to attract more clients, the hospitals and clinics offer various choices of surrogates to the willing parents. Sharma, in the novel, offers favourable choices of surrogates to his clients (the intended parents) through the advertisement. Big, small, slim, tall, all kinds of surrogates are made available. Manali Karmakar, in her essay, portrays this system as “neoliberal consumerism” in which “the parents are unconsciously turned into consumers of bioengineered babies and the surrogates are conceived as collateral and dispensable entities that are exploited by the fertility industries for producing babies that are delivered to the wealthy white clientele” (Karmakar 325).

The problem arises when we see numerous cases of abandonment of

children born out of surrogacy. This can be due to various reasons like the birth of a disabled child, the acceptance of the child by the intended parents after its birth and many other reasons. The Times of India published a story about the abandonment of Gammy, a child born with Down Syndrome, by an Australian couple (“Aussie couple abandoned surrogate baby in India”).

The novel *Origins of Love* shows the tragic birth of Baby Amelia, who is born with HIV AIDS. Her circumstances become more tragic as her intended parents get killed in an accident. She is further abandoned by the surrogate mother and has no one to take care of her. Her case became more complicated when it was found that neither of her intended parents were HIV positive. This persuades the protagonist, Simran Singh, to search for the sperm donor and give Baby Amelia into his custody. In this search operation, Simran discovers a network of inhumanity, dishonesty, and corruption inside the surrogacy industry. After a thorough investigation, she finds out that the HIV-infected embryo of Baby Amelia came from mybaby.com, a fertility hospital in the UK. The interconnection between different hospitals of the world, which together form the nexus of finding rich clients from the West and looking for low-paid surrogates in the East for the surrogacy business, is unveiled through the novel. The novel shows the connections between the Madonna and Child Hospital of Dr. Subash Panday and Mybaby.com Fertility Hospital in the UK. Business-minded doctors like Dr. Ganguly overlook important tests like the proper physical testing of the embryo before injecting it into the surrogate for the sake of their profit. It was his mistake of injecting the embryo without making proper tests, resulting in the birth of an HIV Positive baby.

The novel also shows the misuse of power and the evils of forced surrogacy. Here, another character, Sonia, is forced to become a surrogate by her cousin Rohit for Renu Madam and Vineet Bhai. Renu and Vineet were renowned politicians of the town who were not only corrupt but also cunning opportunists. They use Sonia’s surrogacy for them as a political stunt to win the heart of Dalits and get the Dalit vote bank for the upcoming election, by showing the people that they have hired a Dalit women surrogate despite belonging to the upper caste. However, Sonia was a victim as she was forced to be a surrogate, and everything that was to happen was against her will. The writer presents the resentment of Sonia by projecting her feelings as:

She felt like an animal with no feelings...she was also worried that no contract had been signed. More and more realisation was

drawing on her that they were all using her. The hospital doctors, Renu Madam, Vineet Bhai and Rohit. Everyone was getting something out of it, but her. (Desai 294)

In this business of surrogacy, the businessmen make sure that the surrogate should always be from the lower strata of society. There is a fully organised nexus which searches for low-paid surrogates, or women who are in dire need of money and could become easy targets without revolting back or questioning these businessmen, who indirectly become their employers. In the novel, Desai presents Preeti, Radhika, Reena and Sonia as the surrogate mothers. Since these women are in dreadful need of money and are themselves uneducated, fertility clinics never miss any opportunity to exploit them. They are given cycles of hormones to produce healthy donor eggs and persuaded to carry multiple embryos. Doctors forcefully perform a caesarean section on them even if they have had multiple normal deliveries before. For the doctors, who have now become businessmen, it is the baby who is more important than the surrogate. On the day the surrogate delivers the baby to the hospital, her contract with that hospital stands over until they hire her for the next time. These hospitals do not pay attention to postpartum depression, restlessness and anxiety, even though they are well aware of the fact. These surrogates are mere contractual labourers for the hospitals, and after their pregnancy is over, they are worthless. Surrogate motherhood also creates a division in the domain of mothers, in which only a particular strata of women go through such pregnancies. Rayna Rapp, in the article "Gender, Body, Biomedicine: How Some Feminist Concerns Dragged Reproduction to the Center of Social Theory", argues:

"stratified reproduction" – the hierarchical organisation of reproductive health, fecundity, birth experiences, and child rearing that supports and rewards the maternity of some women, while despising or outlawing the mother-work of other. (Rapp 469)

In the novel, the writer criticises the attitude of some women who are totally fit to have a baby, but due to their career and figure consciousness, they turn towards surrogacy. Desai calls this attitude "The celebrity syndrome" (Desai 110). The protagonist, Simran Singh, shares her experience with Dr. Anita in her clinic. She says, "I saw a rich wannabe mom who perhaps could have got pregnant normally but chose a surrogate in order to preserve her figure or career" (Desai 110). Not only the helpless and infertile couples are going for surrogacy, but also the fertile women, turning away from the gamut of motherhood. For the rich and aristocrat-

ic section of society, surrogacy has actually become fashionable as many celebrities in India like Karan Johar, Amir Khan, Shahrukh Khan, Shilpa Shetty, Priyanka Chopra, Tushar Kapoor and Ekta Kapoor have recently gone through the process of surrogacy to become a parent.

Impact of Surrogacy on Motherhood

The concept of 'motherhood' in Indian culture has been sacred and irreplaceable. "In modern Indian society, motherhood is one of the essentialising signifiers of womanhood and femininity" (Bhattacharya 12). The mother is considered to be the source of all energies (Goddess Shakti) and is often connoted with adjectives like Janani, Goddess, Mother India, Fertility, Creation, Destruction and the Bountiful. Even 'nature' is imaged as a woman whose basic task includes reproduction and nurture (Nayar 250).

Motherhood has also become the site of nationalism in India. "Women's reproductive domain is abstracted, even fetishised" (Bagchi 53), which gives rise to metaphors like Mother India and motherland, which are widely used to arouse a sense of nationalism among people across the country. Bankimchandra Chattopadhyay, for the first time, made the 'mother' into an emblem of the country through the song 'Bande Mataram' (Bagchi 53).

The bonding of mother and child takes place long before the child enters the world. There are rituals like 'Godhbharaai' (baby shower in the West) celebrated during the final months of pregnancy to welcome the unborn baby to the family and bless the mother-to-be with abundant joys of motherhood. From the initial stage, when the child is in the womb, the mother starts interacting with the baby. This interaction advances the emotional and physical attachment of the mother to the baby. It is believed that a child starts learning about the outer world while growing in the mother's womb. In the Hindu epic, *The Mahabharata*, the womb was given major importance. The warrior named Abhimanyu (Arjun's son) is said to have learnt the decoding of the Chakravyuh, a war skill, when he was in the womb of his mother who was listening to a story. He could only learn to enter the trap (Chakarvyuh) but could not come out of it, which was the last step, since his mother had fallen asleep before the story ended (Bogadi).

In the 21st century, with the advent of Posthumanism, the domain of motherhood has been affected. "In the digital era, humans are reduced from symbolic, alterity and singularity to the semiotic, simulation and

technological” (Baldwin 19). The modernity in motherhood has given rise to abortion, contraception, ectogenesis, surrogacy, and sterilisation techniques, which allow women greater control over their fertility. Motherhood, which earlier was considered a sacred and performative function for women, has now become a slippery terrain; such an emotional discourse has now turned into a contractual and delegated one. There are several kinds of mothers: women who perform the role of bearing children or raising children, who may or may not be their biological offspring. Thus, women may be entitled to be considered as ‘mothers’ by virtue of giving birth, by raising children, or by supplying ovum for fertilising an embryo (Bagchi xi).

Surrogacy threatens these centuries-old traditions and cultures not just in India but all throughout the world. Now that motherhood has been delegated, it might be difficult to decide who will be the child’s real mother—whether she is the surrogate or the one who waits for the kid to be carried in another person’s womb before taking possession of it when it is delivered. The umbilical cord is given great importance in many Eastern cultures since it is believed to provide a permanent bond between the child and the mother. In surrogacy, a surrogate mother, a different woman from that of an intended mother, gives birth to the child. In the procedure, the link between the infant and its mother’s womb is also lost. Additionally, as discussed earlier, there are other customs that are observed, such as “Godhbharaai,” which is similar to a baby shower in the West, but that tradition is now also impacted because a surrogate is carrying the child in place of the mother.

Surrogacy not only poses a threat to surrogates and children born of it but also to the discourse of motherhood, relationships, and culture. In her book, Desai gives an example where a mother-in-law was injected with her son-in-law’s sperm since her daughter’s womb was unable to conceive (Desai 75). The case accentuates the effects that surrogacy has on the traditional family system. Such cases have shocked society into understanding that a powerful and mysterious shift in social life in India is being unleashed. Surrogacy blurs traditional notions of motherhood because it introduces scenarios in which the biological, gestational, and social roles of parenthood are divided among multiple individuals, sometimes within the same family. Third-party reproduction, whether through surrogacy, egg or sperm donation, or IVF and the social roles inherent therein challenges these familial relationships. This complicates the relationships within a family system by creating new social roles unimaginable a few decades ago. Involving a mother-in-law as a surrogate not

only complicates these roles but also raises questions of inheritance and family identity. Desai writes: "Not only was his mother-in-law injected with his sperm, she was the mother of her own grandchild. Did that make him both the grandfather and the father (Desai 75)?" These changes have led to the fact that surrogacy has affected the very notion of the family. It forces society to reconsider the question such as what constitutes kinship and parenthood, with this shifting nature of the family system under new reproductive technologies.

Francis Fukuyama discusses the moral and social ramifications of biotechnology developments and their potential influence on humanity's future in his book *Our Posthuman Future: Consequences of the Biotechnology Revolution*. Fukuyama investigates the possible effects of these developments and worries about how human nature is more susceptible to manipulation and enhancement by biotechnology. The idea of "transhumanism," which refers to the notion that people may employ biotechnology to transcend their existing constraints and augment their physical and cognitive skills, is one of the book's main topics. Fukuyama looks at the ethical dilemmas raised by such improvements. He highlights concerns about the possible loss of human character and dignity, as well as the possibility of creating a split between "enhanced" and "unenhanced" people. In a similar vein, IVF procedures are very expensive that are used in surrogacy. The lower classes of society hardly ever use them. At times surrogates are the ones with the most financial need and the poorest. According to Francis Fukuyama's concerns, surrogacy has been bridging the gap between two classes of society. Although it is surely a dream come true for an infertile woman to conceive and for many to be free of pregnancy and its physical and emotional implications, but the problem is that it only helps one class of women and subjugates the already weak, marginalised, and poor women who serve as surrogates in majority of the cases. Also, several bioethical issues of surrogacy have already been discussed in the paper. Surrogacy can be a life-giving act only when it is properly regulated and when people involved in it do it ethically, without hurting anyone, for the purpose of helping others and not as a business or with the intention of generating high profits out of it.

In recent times, many countries have banned commercial surrogacy or made strict laws to avail a surrogate. In India, as per Surrogacy Bill 2022, only altruistic surrogacy is allowed. The main clause of the bill says that intended couples now go through the legal system to hire a surrogate. The intended couples must be between 25 to 50 years of age and should not have a child earlier through any means. They have to first seek a govern-

mental medical board for their medical checkup, and surrogacy is only allowed for heterosexual married couples. Additionally, the couple must ensure the surrogate's insurance coverage to cover her medical expenses for 36 months from the date of embryo transfer (Radhakrishna, "What does the new law on surrogacy say?"). However, various countries like Ukraine, Georgia and Colombia are still open for commercial surrogacy. Surrogacy is a boon for childless couples who wish to have a biologically related child, but it turns into a bane when it is misused by some to exploit and molest others in order to make large sums of money.

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