

SIT Graduate Institute/SIT Study Abroad

SIT Digital Collections

Independent Study Project (ISP) Collection

SIT Study Abroad

Fall 2021

Draagmoederschap: Surrogacy in the Netherlands

Olivia Murray
SIT Study Abroad

Follow this and additional works at: https://digitalcollections.sit.edu/isp_collection



Part of the [Dutch Studies Commons](#), [European Languages and Societies Commons](#), [Family, Life Course, and Society Commons](#), [Feminist, Gender, and Sexuality Studies Commons](#), [Gender and Sexuality Commons](#), [Maternal and Child Health Commons](#), [Obstetrics and Gynecology Commons](#), and the [Social and Cultural Anthropology Commons](#)

Recommended Citation

Murray, Olivia, "Draagmoederschap: Surrogacy in the Netherlands" (2021). *Independent Study Project (ISP) Collection*. 3385.

https://digitalcollections.sit.edu/isp_collection/3385

This Unpublished Paper is brought to you for free and open access by the SIT Study Abroad at SIT Digital Collections. It has been accepted for inclusion in Independent Study Project (ISP) Collection by an authorized administrator of SIT Digital Collections. For more information, please contact digitalcollections@sit.edu.

Draagmoederschap: Surrogacy in the Netherlands

Murray, Olivia

Academic Director and Advisor: Byars, Jana

Georgetown University

Government, Women's and Gender Studies

Europe, Netherlands, Amsterdam

Submitted in partial fulfilment of the requirements for
The Netherlands: International Perspectives on Sexuality & Gender
SIT Study Abroad, Fall 2021

ABSTRACT

In this paper, I investigated surrogacy in the Netherlands by interviewing four surrogates and one intended parent about their experiences. I found that the participants shared several common experiences and opinions, especially related to why they chose to be surrogates, how surrogates and intended parents negotiate their relationship during and after pregnancy, the tensions of passing on parenthood and merging families, the (non-binding) contracts that surrogates and parents create, Dutch law, and commercial surrogacy. I argue that much of the discourse around surrogacy relitigates many of the arguments made in favor and against sex work, in that it sets surrogacy apart from other labor as somehow different or special, and it essentializes surrogates as reducible to their biological capabilities. I also argue that surrogacy is another mechanism by which the Netherlands upholds heteronormative standards of family, gender, and sexual presentation. Finally, surrogacy, and the Netherlands' laws that regulate it, reveal a key tension in the creation and maintenance of families, especially non-normative families.

ACKNOWLEDGEMENTS

First and foremost, thank you to my participants for trusting me with your thoughts and experiences. Needless to say, this project would not have been possible without you, and I'm incredibly grateful for how generous with your time and patience you were with me. Second, thank you to the entire SIT staff for your help on this project, but especially Jana Byars. Without your guidance and insight, I wouldn't have gotten beyond a big, curious, "Huh!" Thank you also to my host family and my actual family. Your support through texts and in person was the reminder I needed that I can do hard things. Finally, thank you to all of my fellow SIT students, without whom this semester (and this project) wouldn't have been the same. An extra special thank you goes to Cam Jury, Tricia Menzel, and Claire Zable. I am endlessly grateful for our time together, and I can't wait for our next adventure.

TABLE OF CONTENTS

ABSTRACT	1
ACKNOWLEDGEMENTS	2
TABLE OF CONTENTS	3
INTRODUCTION	4
LITERATURE REVIEW	7
Dutch Legal Landscape	7
Dutch Tolerance	10
Dutch Homonationalism and Homonormativity	10
Surrogacy as Exploitation or Labor	13
METHODS	16
Methodology	16
Participants	18
RESULTS AND ANALYSIS	19
Reasons for Wanting to Be a Surrogate	19
High-Tech vs. Low-Tech	22
Intended Parents' Involvement in Surrogate's Families	23
Abortion	24
Miscarriage	26
Attachment and Bonding	27
Hand-Off	28
Breast Milk and Breastfeeding	32
Surrogate Relationship to Child	34
Gay Intended Parents	36
Contracts	38
Adoption and Legal Formalities	39
Commercial Surrogacy	41
Other Notable Themes	43
CONCLUSION	44
BIBLIOGRAPHY	46
APPENDIX	48
Outreach Letter to Zwanger voor een Ander	48
Surrogate Interview Guide	48
Intended Parent Interview Guide	49

INTRODUCTION

I first became interested in surrogacy as a research topic when my home state of New York was in the news for passing The Child-Parent Security Act. I was struck by the fact that Gloria Stein opposed the bill, writing, “Under this bill, women in economic need become commercialized vessels for rent, and the fetuses they carry become the property of others. . . . The bill ignores the socio-economic and racial inequalities of the reproductive surrogacy industry, and puts disenfranchised women at the financial and emotional mercy of wealthier and more privileged individuals.”¹ On the other hand, Senator Brad Hoylman, who is gay, said, “I think that’s a mark of progress for [the queer] community and a mark of progress for human rights in general.”² I became fascinated by an issue that could divide two groups – feminists and queer people – who are usually so aligned.

As I dug deeper, I learned that paid surrogacy (which I will discuss further below) was illegal in much of Western Europe, including the Netherlands, which seemed an odd juxtaposition with the Netherlands’ reputation as an progressive country. Making paid surrogacy illegal in a country where sex work is legal also seemed odd to me, and I wanted to explore more. As such, this paper endeavors to answer the following questions: Why does the Netherlands draw a distinction between paying people for surrogacy and paying people for sex work? How does this issue intersect with other theoretical issues like sexual agency, homonationalism, queer families, and dutch tolerance? How do the Netherlands’ policies regulating surrogacy – particularly commercial surrogacy – shape and reveal Dutch conceptions of gender, sexuality, and agency?

¹ Vivian Wang, "Surrogate Pregnancy Battle Pits Progressives against Feminists," *The New York Times*(New York, NY), June 12, 2019, accessed October 31, 2021, <https://www.nytimes.com/2019/06/12/nyregion/surrogate-pregnancy-law-ny.html>.

² Ibid.

I approach these questions from a legal lens as well as through queer and feminist theory. I argue that much of the discourse around surrogacy relitigates many of the arguments made in favor and against sex work, in that it sets surrogacy apart from other labor as somehow different or special, and it essentializes surrogates as reducible to their biological capabilities. I also argue that surrogacy is another mechanism by which the Netherlands upholds heteronormative standards of family, gender, and sexual presentation. Finally, surrogacy, and the Netherlands' laws that regulate it, reveal a key tension in the creation and maintenance of families, especially non-normative families.

I begin by reviewing the current Dutch legal landscape as it relates to surrogacy. I then provide background on the theoretical frameworks of Dutch tolerance, homonationalism, and homonormativity. Furthermore, I analyze common objections to and arguments in favor of commercial surrogacy. I pay particular attention to the intersections in this debate with – what I argue is a parallel argument – sex work. I conclude with a brief summary of prior research on gay men starting families, via surrogacy or otherwise. Additionally, there is a rich body of literature addressing the theoretical implications of reproductive tourism and international commercial surrogacy, which are beyond the scope of this paper, except to note that the Dutch government has crafted much of its surrogacy laws so as to make it virtually impossible for Dutch intended parents to hire a surrogate abroad.³

I then introduce and analyze my participants' responses in our interviews, paying particular attention to recurring themes. I specifically focus on why the surrogates I interviewed chose to be surrogates, how surrogates and intended parents negotiate their relationship during

³ "Surrogacy outside the Netherlands." Government of the Netherlands. Accessed November 7, 2021. <https://www.government.nl/topics/surrogate-mothers/surrogacy-outside-the-netherlands>.

and after pregnancy, the (non-binding) contracts that surrogates and parents create, Dutch law, and commercial surrogacy.

In this paper, I will be using language of “mothers” and “women” because it is the same language used in the theory, the law, and by my participants, even though anyone with a uterus, regardless of gender identity, could be a surrogate. The fact that so much of the discourse around surrogacy is couched in this gendered language reveals the ways pregnancy and conceiving children is still essentialized as an inherently womanly activity – one that is defined by female biological capabilities that are verbally intertwined with womanhood. I will also refer to the parent or parents of the child who was carried by the surrogate as “intended parents.” This language is used throughout surrogate communities – I’ve come across American sources using it as well – and it is sticky like “mothers” and “women” are. “Intended parents” implies that the baby actually has other parents – i.e. biological parents – who are the actual parents but have been displaced from the natural order of things by the intended parents. Indeed, surrogates refer to the parents of the children they carried as “intended parents” even after the child is born. Using this language, the relationship will always be surrogate and intended parent, no matter how much time has passed since the pregnancy ended and the baby entered the world, presumably changing the “intended parents” to simply “parents.”

There are two kinds of surrogacy regarding the surrogate’s biological relationship to the baby: high- and low-tech (also commonly referred to as traditional). High-tech surrogacy means the surrogate is implanted with a fertilized egg or eggs – often the eggs come from one of the intended parents and the sperm comes from the other, but one or both could also come from donors – that the surrogate then carries to term.⁴ Low-tech surrogacy means the surrogate is

⁴ Hugh V. McLachlan and J. Kim Swales, "Commercial Surrogate Motherhood and the Alleged Commodification of Children: A Defense of Legally Enforceable Contracts," *Law and Contemporary*

inseminated with sperm either from an intended parent or a donor. There are also two kinds of surrogacy regarding the surrogate's payment: altruistic and commercial. Altruistic surrogacy is when the intended parent or parents only pay for the surrogate's medical bills due to the pregnancy. Commercial surrogacy is when the surrogate is paid for their time and labor in addition to any medical bills.⁵ In the Netherlands, commercial surrogacy is illegal, and high-tech surrogacy is tightly regulated, meaning that, in the Netherlands, the most common instances of surrogacy are altruistic genetic surrogacy.⁶ The Dutch regulations and legal system surrounding surrogacy will also be discussed further in the Literature Review.

Furthermore, there are several important acronyms to know as well. The first is ART (assisted reproductive technologies), which is simply an umbrella term for any medical intervention related to child-bearing. In vitro fertilization (IVF) is one form of ART, and it is the process by which eggs (either of the intended mother or from a donor) are fertilized in a laboratory with sperm (either of the intended father or a donor). One of the resulting embryos is placed in the womb of the surrogate.⁷

LITERATURE REVIEW

Dutch Legal Landscape

Commercial surrogacy is illegal in the Netherlands. Intended parents are only permitted to reimburse surrogates for any "reasonable" costs she may incur. Intended parents are also not

Problems 72, no. 3 (Summer 2009): 92, accessed October 31, 2021, <https://www.jstor.org/stable/40647245>.

⁵ Ibid.

⁶ José Knijnenburg and Jo-An van der Tol, *Draagmoederschap* (Amsterdam: Freya, 2021), accessed October 31, 2021, <https://www.freya.nl/brochures/draagmoederschap/>.

⁷ Daisy Deomampo, "Transnational Surrogacy in India: Interrogating Power and Women's Agency," *Frontiers: A Journal of Women Studies* 34, no. 3 (2013): 171, accessed October 31, 2021, <https://www.jstor.org/stable/10.5250/fronjwomestud.34.3.0167> Accessed: 31-10-2021 14:32 UTC.

allowed to advertise that they are looking to work with a surrogate (i.e. on social media or otherwise); therefore surrogates are typically sisters-in-law of the intended parents or good friends. Similarly, women who want to be surrogates aren't allowed to advertise that they are looking for intended parents.⁸

The current Dutch laws regulating surrogacy were passed in 1994 and are inspired by the UN Convention on the Rights of the Child, which the Netherlands ratified in 1989.⁹ The Convention is quite comprehensive, covering subjects from children's right to be tried in a separate court of law from adults to the right to education to the right to know their identity, but the relevant articles for surrogacy are articles seven and eight. Article seven states that "The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents."¹⁰ Similarly, article eight states that "States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference."¹¹ Notably, neither of these articles mention surrogacy (as is true of the entire Convention). In fact, Article Seven was intended to address stateless children, while Article Eight was meant for forced, illegal separations of children from their parents.¹²

However, Dutch authorities argue that, contained in these articles, is a child's right to know and – ideally – have a relationship with their biological parents. "To know one's parents"

⁸ "Legal and Illegal Aspects of Surrogacy," Government of the Netherlands, accessed November 7, 2021, <https://www.government.nl/topics/surrogate-mothers/surrogacy-legal-aspects>.

⁹ Vincent van Woerden, "'Lost Identities': Surrogacy and the Rights of the Child in the United States and the Netherlands," *Texas Journal on Civil Liberties and Civil Rights* 24, no. 2 (Spring 2019): 296.

¹⁰ *Convention on the Rights of the Child* (1989) Treaty no. 27531. *United Nations Treaty Series*, 1577: 50. Accessed November 7, 2021, https://treaties.un.org/doc/Treaties/1990/09/19900902%2003-14%20AM/Ch_IV_11p.pdf

¹¹ *Ibid.*

¹² Woerden, "'Lost Identities,'" 285.

in this context is similar to that of adopted children, the implication being that the child's intended parents are not, in fact, their actual parents.¹³ Presumably the child knows the intended parents, as they are the people by whom the child is being raised. By asserting that the child has a right to know their parents, one can infer that the Dutch government believes the child's parents are different people (or a different person) from the people raising the child. Thus, the right "to know one's parents" reveals an inherent belief in biological parenthood being more salient than intended parenthood. Flowing from a pledge to protect a child's right to know their parents, anonymous sperm and egg donation are prohibited in the Netherlands.¹⁴ Also, the child's intended parents are not automatically the child's parents when they're born. The surrogate and their spouse (if they have one) are listed as the child's parents and must retain custody of them until they relinquish their parental rights and the intended parents adopt the child.¹⁵

Taken together, these limitations and technicalities that are placed on intended parents reveals a belief that surrogates are fundamentally the mothers of the children they carry. As much as intended parents may believe that they are their child's parents, it will never be so, as long as they are not biologically related.

While high-tech surrogacy is legal in the Netherlands, it is tightly regulated. It's only permitted for female bodied people with no uterus or a malfunctioning uterus or who have a serious condition for whom being pregnant would pose a serious health risk. Gay men are also permitted to use surrogacy to have a child.¹⁶ It's important to note, in addition to the fact that

¹³ It's beyond the scope of this paper, but it's significant that the word for surrogate in Dutch, "Draagmoeder," translates literally to "carry mother," whereas, in English, the "mother" from "surrogate mother" has been largely dropped. The Dutch are constantly reifying the notion that surrogates are mothers simply in the language they use to name them.

¹⁴ "Surrogacy outside the Netherlands."

¹⁵ Knijnenburg and van der Tol. *Draagmoederschap*.

¹⁶ "Forms of Surrogacy," Government of the Netherlands, accessed November 7, 2021, <https://www.government.nl/topics/surrogate-mothers/forms-of-surrogacy>.

high-tech surrogacy is tightly regulated, it is not covered in the basic healthcare package, so intended parents must either cover the cost of more expensive health insurance or pay for the procedure out of pocket. As a result, high-tech surrogacy is much more expensive than low tech.¹⁷

Dutch Tolerance

Central to the Dutch self-conception is the idea that they're a tolerant nation. Two commonly used examples of Dutch tolerance are the laws regarding soft drugs and sex work. Unfortunately, there hasn't been much research on Dutch tolerance and surrogacy in the Netherlands, so the established theoretical relationship between them is murky. It may seem that surrogacy is an exception to the Dutch rule because it is so much more strictly regulated in the Netherlands compared to other countries, while the Dutch were and are quite progressive when it comes to sex work and soft drugs. In many ways, that's true. However, "A general definition of tolerance is a legal way of deferring negative reactions to things we don't approve of."¹⁸ Surrogacy was completely illegal in the Netherlands until 1994, and the main reason it was legalized at all is that "an absolute prohibition [was] regarded by [the Dutch government] as impractical."¹⁹ Thus, surrogacy has – at least ostensibly – followed a similar pattern as sex work.

Dutch Homonationalism and Homonormativity

Also central to the Dutch reputation as tolerant and progressive is its stance on gay rights. In fact, much like Dutch policies on sex work and drugs, the foundations of Dutch views on gays

¹⁷ Knijnenburg and van der Tol. *Draagmoederschap*.

¹⁸ Ybo Buruma, "Dutch Tolerance: On Drugs, Prostitution, and Euthanasia," *Crime and Justice* 35, no. 1 (2007): 74, accessed November 7, 2021, <https://www.jstor.org/stable/10.1086/650185>.

¹⁹ Maurice A. M. de Wachter and Guido M. W. R. de Wert, "In the Netherlands, Tolerance and Debate," *The Hastings Center Report* 17, no. 3 (June 1987): 16, accessed November 7, 2021, <https://www.jstor.org/stable/3562254>.

and lesbians developed in the 1960s through 1980s, when the Netherlands transformed into a largely secular society. This change is in part associated with queer and feminist activism.²⁰ Indeed, by the AIDS crisis in the 1980s, the Dutch government included gay activists in its policy on this subject, which meant that, on the whole, gay activism in the Netherlands was never radicalized like it was in the US and France, for example.²¹ These decades-old shifts in Dutch society have had deep impacts today. In some ways, the Netherlands does live up to its tolerant reputation when it comes to gays and lesbians: “The percentage of Dutch citizens who agree with the proposition that ‘homosexuality is normal’ and who support gay marriage exceeds that in other countries.”²²

Homonormativity is a term that was coined by Lisa Duggan in 2002 to describe the ways that gays and lesbians are no longer viewed as radical – and, in many ways, no longer behave radically – and instead uphold normative standards for sexual and gender expression. Homonormativity, then, is an offshoot of heteronormativity. Homonormativity supports and reinforces heteronormative ideals of behavior. Thus, it’s not so much that the Dutch are tolerant of all queer people, so much as they are tolerant of the queer people who conform to the homonormative mold that has been set out for them. Homonormativity bolsters the Netherlands’ tolerant reputation by affording the Dutch a sanitized community to tolerate.²³

Although I use “queer” and “gay” somewhat interchangeably in this section and throughout the paper, it should be noted that, part of the theory of homonormativity relates to separating the two. Not all non-straight people are queer. “Queer” implies a non-normativity, a

²⁰ Paul Mepschen, Jan Willem Duyvendak, and Evelien H. Tonkens, "Sexual Politics, Orientalism and Multicultural Citizenship in the Netherlands," *Sociology* 44, no. 5 (October 2010): 965-966, accessed November 26, 2021, <https://www.jstor.org/stable/42857484>.

²¹ *Ibid*, 971.

²² *Ibid*, 967.

²³ *Ibid*, 971.

radicalness, that gayness does not. Thus, many of the gay people in the Netherlands, by virtue of their commitment to homonormativity, cannot truthfully be called queer.

In 2007, Jasbir Puar developed a conceptual framework to name the phenomenon of the close association with queer identities and homonormativity with Dutch identity. He called it homonationalism. In homonationalist countries like the Netherlands, cultural and legal citizenship comes to be associated with so-called tolerance for queer communities.²⁴

Communities that are perceived to be intolerant to queer communities – most recently Muslim migrants – are then excluded from Dutch cultural and legal citizenship.

It would seem, then, that the loophole afforded to gay men to have children via surrogacy in the Netherlands is another example of homonationalism at work. So much of Dutch identity is predicated on the notion that they are a uniquely tolerant and progressive nation, particularly when it comes to the queer community. Of course gay men are allowed to use surrogacy to have children; it would be homophobic and antithetical to Dutch homonationalism to not provide that opportunity. On the other hand, this concession on the Dutch government's part is explicitly homonormative. To use surrogacy "to start a family" as it's commonly referred, neatly fits into heteronormative ideals of gender and sexual expression. It is, to use a common American euphemism, allowing gay men to live the white picket fence, two and a half kids life, except they're a homosexual couple instead of a heterosexual one.

However, as much as surrogacy is a tool of homonormativity, the Dutch government's complete inability to imagine intended parents as the sole parents of their children invalidates any gay intended parent who is not biologically related to their child. In the eyes of the Dutch

²⁴ Soumia Akachar, "Stuck between Islamophobia and Homophobia: Applying Intersectionality to Understand the Position of Gay Muslim Identities in the Netherlands," *DiGeSt. Journal of Diversity and Gender Studies* 2, nos. 1-2 (2015): 176, accessed November 26, 2021, <https://www.jstor.org/stable/10.11116/jdivegendstud.2.1-2.0173>.

government, these men will never be their child's parent as much as the surrogate is. Thus, surrogacy also exposes the fallacy of homonormativity. As much as queer people may try, a heteronormative society will never allow them the same access to normativity as straight people have.

Surrogacy as Exploitation or Labor

One of the most common arguments against commercial surrogacy is that it is exploitative of the surrogate. Myriad interest groups make this argument, but I will be focusing on its feminist lens. Feminists have historically argued that commercial surrogacy is exploitative of the surrogates who are coerced into signing surrogacy contracts they wouldn't have otherwise signed except for their dire economic straits. Raywat Deonandan, Samantha Green, and Amanda van Beinum ask, "is it moral to leverage poverty to receive a service that might not otherwise be offered? ... Can there be genuine choice between two options if one of the options is profoundly unbearable, such as starvation?"²⁵ Indeed, Elizabeth S. Scott writes that "for many feminists, surrogacy represented yet another context in which women were valued primarily for their sexual and reproductive capacities rather than for their intellect and skills. One feminist compared the surrogate to 'human potting soil for the man's seed.'"²⁶ Commercial surrogates have also been accused of selling their babies and degrading their children by treating them as "commodities to be exchanged for profit."²⁷

Most significantly for this paper, though, is that many opponents of commercial surrogacy have linked commercial surrogacy to sex work and often use similar arguments against

²⁵ Raywat Deonandan, Samantha Green, and Amanda van Beinum, "Ethical Concerns for Maternal Surrogacy and Reproductive Tourism," *Journal of Medical Ethics* 38, no. 12 (December 2012): 744, accessed November 7, 2021, <https://www.jstor.org/stable/43282629>.

²⁶ Scott, Elizabeth S. "Surrogacy and the Politics of Commodification." *Law and Contemporary Problems* 72, no. 3 (Summer 2009): 131. Accessed November 7, 2021, <https://www.jstor.org/stable/40647246>.

²⁷ *Ibid*, 112.

both in the process. The notion that surrogacy is sex work or that it exploits women the way sex work does is one that hasn't been explored in a Dutch context, even though the Netherlands has become synonymous in many some ways with sex work and the Red Light District. In fact, there isn't much scholarship that explicitly connects surrogacy and sex work, except from feminists who oppose both, which isn't scholarship so much as it is an opinion.

The mainstream feminist argument in opposition to surrogacy is that that surrogacy and sex work (they call it prostitution) are wrong because women wouldn't choose to do them if they had other viable options, and sex work and surrogacy are only only "significant practices" when many women do it, meaning that many women are coerced into doing it. Sex work and surrogacy, then, are examples of a patriarchal system that limits women's economic freedom and oppresses them into using their bodies in ways they otherwise wouldn't.²⁸ Some feminists take this argument a step further to suggest that surrogacy is in fact a form of sex work. They contend that:

In the surrogacy contract a man is purchasing rights of command over a woman's body for the duration of the pregnancy that is to produce a child for the man. This purchased subordination is especially objectionable because the woman's self is intimately connected to her body in its reproductive function, just as the purchased subordination of the female prostitute is objectionable because a woman cannot fully detach herself from the sexual use of her body.²⁹

This claim is somewhat beyond the scope of this paper, but it raises important questions about sex work and what it is. Where are the boundaries of "normal" work and sex work? When does a job become sex work?

²⁸ George W. Harris, "Surrogacy, Patriarchy, and Contracts," *Public Affairs Quarterly* 6, no. 3 (July 1992): 255, accessed November 7, 2021, <https://www.jstor.org/stable/40435811>.

²⁹ Arneson, Richard J. "Commodification and Commercial Surrogacy." *Philosophy & Public Affairs* 21, no. 2 (Spring 1992): 161. Accessed November 7, 2021, <https://www.jstor.org/stable/2265230>.

Other scholars have claimed that commercial surrogacy is a form of labor just like any other. All labor (the double meaning is intentional) is prone to being gendered, exploitative, and stigmatized. To act as though commercial surrogacy is somehow different from all work in a patriarchal, capitalist world is, Amrita Pande writes, naive.³⁰ Sharmila Rudrappa similarly writes that “at a fundamental level surrogacy is not different from other production regimes, such as those of garments, coffee, or software.”³¹

Additionally, Sujata Gothoskar and Apoorva Kaiwar interrogate sex work from a Marxist lens, noting that all workers sell their “labor power,” but when it comes to sex work, workers are “selling their bodies,” even though there isn’t a clear theoretical difference between sex work and all other work. They write, “Sex is a ‘valid activity’ among human beings only on certain terms, under certain conditions. Outside these conditions, sex is debased, invalid and illegitimate. According to this view, ‘sex divorced from love’ is anathema; ‘sex for money’ is debasement supreme. And therein lies the objection to sex work.”³² It’s striking that the objection to sex work as Gothoskar and Kaiwar see it isn’t so different from the objection to surrogacy. Surrogacy is arguably pregnancy “divorced from love” or pregnancy “for money,” also known as “debasement supreme.” Gothoskar and Kaiwar’s writing is certainly reminiscent of those who decry baby- and womb-selling, including the Dutch Minister of Justice in 1994, who said, “commercial surrogacy ... is the toughest manifestation of a commercialized motherhood, reducing women to a womb.”³³

³⁰ Amrita Pande, "Commercial Surrogacy in India: Manufacturing a Perfect Mother-Worker," *Signs* 35, no. 4 (Summer 2010): 972, accessed November 7, 2021, <https://www.jstor.org/stable/10.1086/651043>.

³¹ Sharmila Rudrappa, "Conceiving Fatherhood: Gay Men and Indian Surrogate Mothers," in *Globalized Fatherhood*, ed. Marcia C. Inhorn, Wendy Chavkin, and José-Alberto Navarro (Berghahn Books, 2014), 307, accessed November 7, 2021, <http://www.jstor.com/stable/j.ctt9qd19r.17>.

³² Gothoskar, Sujata, and Apoorva Kaiwar. "'Who Says We Do Not Work?' Looking at Sex Work." *Economic and Political Weekly* 49, no. 46 (November 15, 2014): 56. Accessed November 7, 2021. <https://www.jstor.org/stable/24480959>.

³³ Woerden, "'Lost Identities,'" 296.

METHODS

Methodology

For my study, I chose to conduct semi-structured interviews with surrogates and intended parents. I chose semi-structured interviews as my methodology because I knew that qualitative methods allowed me to deal with these issues with the nuance they require. Also, semi-structured interviews would provide me with personal, first-hand accounts that couldn't be easily or usefully quantified. Finally, this method allowed me to gather a baseline of knowledge from the participants, while also leaving room for learning about what each participant thought was important.

Participants for this study were mostly found through the Dutch Facebook group, “Zwanger voor een Ander,” which has over 1,000 members and describes itself as “a group for surrogate mothers and intended parents who are considering, experiencing or have experienced surrogacy. It is difficult enough to find information about surrogacy in the Netherlands. In this group we want to exchange information and experiences.” I sent a message to the group's administrators, asking them to post a message (see Appendix) in the group on my behalf. I have never been a member of the group, nor have I seen any of the comments on my post or about me. Following my message in the group, I received four emails about being involved in the study. I also found a participant through a mutual friend of my homestay family, to whom I reached out about participating over text. Each interview was done at the time and location most convenient to my participants. Two were over Zoom, one was in a café, and two were in my participants' homes.

The inclusion criteria for this study was very simple. Participants needed to either be a current or former surrogate, or they needed to be a parent who was in the process of having or

who has children via surrogacy (intended parents). Although no potential participants were excluded from this study (all participants who emailed me to be interviewed were interviewed), one might have been excluded if one had not yet been a surrogate, or if one was looking for a surrogate but had not yet found a future intended parent, as it were.

All interviews were one-on-one, and they were all conducted in English. When there was confusion about the translation of a word from Dutch to English or vice versa, I would sometimes write the word down to translate it later or we would sometimes look it up during the interview. Language barriers did not often present difficulties during the interviews, though. The interviews ranged from 44 minutes to 96 minutes, with an average of 65 minutes. Before each interview began, I reviewed the consent form with the participant and asked them if they had any questions. I emphasized that their interview would be completely confidential and that they could choose to end the interview or withdraw from the study at any time. I also reiterated this point several times throughout each interview.

While each interview was very open-ended, I also had several questions that I asked each participant, including how many times my participants had been a surrogate, or how many children they had had via surrogacy; why they wanted to be a surrogate or an intended parent, how they came to be a surrogate or an intended parent; how other people in their lives reacted to their being a surrogate or an intended parent; what navigating the Dutch legal process was like; and if they would have wanted to be paid for being a surrogate, or if they would have wanted to pay their surrogate. Some of the participants anticipated some of my questions, and sometimes the interview would naturally lead in the direction of a particular question, or I would ask the participant. Several participants raised subjects that I had not previously considered and included in subsequent interviews. Each subject usually inspired several follow-up questions, so even

though I tried to cover similar material in each interview, they were all as unique as my participants.

After each interview ended, I reminded the participants that they could withdraw at any time and that I would be sending them a final copy before I submitted it in case they changed their minds about their participation. Later, I listened to the recordings of the interviews for themes among them and began coding them.

Participants

Due to the brevity of the time I had to complete this project, I was only able to interview five people. As such, many of my participants are Dutch, white, middle class working professionals who speak fluent or almost fluent English, which necessarily means that my results are largely from this perspective. The relative uniformity of my participants in this respect perhaps reveals who is participating in surrogacy as an endeavor in general; is surrogacy exclusively for the economically comfortable, well-educated Dutch? Or, is this trend simply a result of where I reached out to participants – on a Facebook page in English, which requires both a computer and a strong enough grasp of English to put oneself forward to speak about such a sensitive subject with a stranger? Indeed, when my participants' accounts differed from each other, since there are so few of them, it is not always possible to know when the discrepancies come from simply being different people with different experiences and when the discrepancies reveal a larger conflict in the data.

My participants are all Dutch, and four currently live in the Netherlands, while one is living abroad for a year. They range in age from 31 to 44, with the average age being 37.2. Four of my participants are former surrogates. Three have been surrogates one time, and the fourth was a surrogate twice. Three surrogates – including the one who did it twice – were low-tech

surrogates, while the fourth was high-tech. Also, although I couldn't confirm my suspicion due to confidentiality concerns, it seems very likely that one surrogate – neither the one who did high-tech surrogacy, nor the one who was a surrogate twice – was a surrogate for the fifth participant, who was an intended parent. All four of the surrogates identified as cisgender women, and the intended parent identified as a cisgender gay man.

My first participant's name is Elke, and she's a single parent with one five year old daughter. She's been a low-tech surrogate once for her former dance teacher, who is also a single parent to a now-two year old daughter. My second participant's name is Pauline. She has three children of her own who are in their teens, and she's been a low-tech surrogate twice for two different gay couples. The first child is nine, and the second child is five. Both Elke and Pauline went looking for intended parents because they wanted to be surrogates. My third participant is Laura and she has twins who are ten years old. She was a high-surrogate once for her friends who struggled with infertility for several years. The child is now six years old. My fourth participant is Madelief, who has a three year old son and has been a low-tech surrogate once. Her intended parents are a gay couple, one of whom is her husband's step-brother. My fifth participant, Kaj, is one of Madelief's intended parents (not her husband's step-brother), and his son is 14 months old.

RESULTS AND ANALYSIS

Reasons for Wanting to Be a Surrogate

Each surrogate mentioned that part of the reason they wanted to be a surrogate was that they enjoyed being pregnant and/or giving birth. Some were upset that, with the realization that their family was complete, they wouldn't be pregnant or give birth again. Elke said, "I really

wanted to be pregnant again, and I really wanted to deliver a child again, and my own family was really complete.”³⁴ When I asked what she liked about being pregnant and why she would want to do it again, she said, “I really like being pregnant because it gives me a good feeling. I really feel very capable of creating life, it’s a really special time. ... Of course it hurts sometimes, but pushing a baby out? Yeah, it kind of makes you feel like a superwoman sometimes.” Similarly, Pauline specifically wanted to give birth one more time because, “[she] had always found birth to be a very empowering and exhilarating experience.”³⁵ In fact, Pauline enjoyed being a surrogate so much that she decided to find another set of intended parents to do it again. Madelief didn’t ascribe enjoyment to pregnancy so much as an opportunity to be in tune with her body, saying, “I love that a baby is growing inside you and how the body can – how Mother Nature has created that. I think that is also very beautiful.”³⁶

Elke and Pauline both wanted to be surrogates for the experience of being pregnant again without having specific intended parents in mind. As such, because of Dutch regulations against advertising that one wants to be a surrogate, they began looking for intended parents as far and wide as they could without explicitly advertising that they were looking for intended parents on social media or the internet. Elke described the process as telling “anyone and everyone that [she] wanted to be a surrogate.”³⁷

The other two surrogates I interviewed, Laura and Madelief, were only interested in surrogacy for their intended parents, though they also expressed a general enjoyment of being pregnant. Laura was the only high-tech surrogate I interviewed, and her intended parents were a straight couple who had struggled with infertility for many years before Laura approached them

³⁴ Elke, interview by the author, Den Haag, The Netherlands, November 10, 2021.

³⁵ Pauline, interview by the author, Amsterdam, The Netherlands, November 11, 2021.

³⁶ Madelief, videoconference interview by the author, Amsterdam, The Netherlands, November 23, 2021.

³⁷ Elke, interview by the author.

about being their surrogate. For Laura, the pain of witnessing her friends struggle to have a baby when she successfully carried twins to term was only part of what compelled her to be her friends' surrogate. She was also inspired by the fact that her intended parents had two fertilized embryos waiting to be implanted in someone after implanting the intended mother was unsuccessful. She said, "This thought about two healthy embryos in a fridge somewhere near the highway. ... It was absolutely 100% their biological material, so I just thought 'I can do this. Come on, it's nine months. I'm healthy.' I can't give you a better answer than I just felt it had to be so."³⁸ Although Pauline wanted to be a surrogate without intended parents in mind, she echoed Laura's sentiments about helping intended parents who couldn't conceive on their own when she knew that she could: "Seeing up close how much pain it can cause to not be able to have children was an eye opener for me, so that also played a part, just wanting to be able to help, knowing that I could conceive easily and give birth very well."³⁹

In each of these women's explanations for why they pursued surrogacy, their enjoyment of pregnancy was key. Although none of them said it explicitly, the implication was that they would not have agreed to be – or proposed being – anyone's surrogate if their pregnancies with their own children hadn't gone so well. Pauline and Laura not only described pregnancy and birth as a process they enjoyed, but a thing they were good at. Although no one said it explicitly, the proof of their success was their own healthy children, in addition to their ability to conceive and carry the pregnancy. In their explanations for pursuing surrogacy, the surrogates separate the pregnancy from the actual parenthood – they don't mention their enjoyment of parenthood or bringing a new life into the world. It seems contradictory, then, with the idea of surrogacy creating the opportunity to be a parent for other people. For low-tech surrogates in particular, it

³⁸ Laura, interview by the author, Amsterdam, The Netherlands, November 17, 2021.

³⁹ Pauline, interview by the author.

raises important questions (that will be addressed more deeply in further sections) about what it means to be a parent. Is it possible to be pregnant with a child to whom you are biologically related without also considering yourself the parent – at least nominally – of that child?

Esther's and Madelief's explanations appear at first glance to be at odds. Esther described giving birth as making her "feel like a superwoman sometimes," thereby invoking notions of superhumanity – of accomplishing something beyond the common scope of human behavior. Madelief, on the other hand, directly connects pregnancy to naturalness. For Madelief, the beauty of pregnancy was not its specialness, but in its ordinariness. Even though these women approach pregnancy and surrogacy from two very different perspectives, they arrive at the same conclusion: they should be pregnant for someone else, but also with someone else.

High-Tech vs. Low-Tech

When asked if they thought there was a difference between high-tech and low tech surrogacy, Pauline and Laura had very different answers. Pauline said, "I thought to myself like, 'if I carry this baby for nine months, I think it's going to be the same handing that baby over whether it has my genes or not, and ... to me it's just as easy to carry with my own egg.'"⁴⁰

Laura, on the other hand, said,

For me that's a very important difference because then it would be half a brother or sister of my kids. That's absolutely not the case, that would definitely be a step further. ... I didn't think of a moving baby would make me feel as if the baby would be my own. For me that was actually very important for this whole adventure. ... I'm aware that other women think of this differently, but for me, this is clear as glass. It's so much easier when it's not your own biological material to think of it as not being your child."⁴¹

Madelief was also a low-tech surrogate, and she was more conflicted than both of them. When I asked if she thought her experience as a surrogate would've been better if she'd been a high-tech

⁴⁰ Pauline, interview by the author.

⁴¹ Laura, interview by the author.

surrogate, she said, “I think it would’ve been better, not so much during pregnancy – maybe a little bit. But also now, when I see the boy, I really recognize myself or my son, and I think that’s really nice but it’s also sometimes a bit hard.”⁴²

Pauline’s and Laura’s differing perspectives seem to stem from their opinions on what would make giving a baby they carried to other parents difficult. For Pauline, the challenge is growing the baby for nine months; the pregnancy itself is the source of the potential bond or attachment. Laura, however, would have a difficult time giving someone else the baby if she thought of the baby as hers. The distinction between high- and low-tech surrogacy becomes imperative in her ability to distinguish between the baby’s not being her child. Pauline’s indifference to low- and high tech surrogacy implies that she didn’t have the same worry about thinking of the baby as being her own child, or, if she did, the parent-child relationship grows right along with the baby during those nine months, not in the genetic material. Madelief’s ambivalence alludes to this dialectic. It might be easier not to feel intrinsically connected to the child she created, but it also feels nice. The pregnancy was what it was, but as much as it may be painful, she is related to this baby, and that inherently changed her reality after he was born.

Intended Parents’ Involvement in Surrogate’s Families

Elke and Laura mentioned that a condition for their being a surrogate for their intended parents was that the intended parents help with their families during their pregnancies. Laura’s intended parents came over every Tuesday to cook for her partner and her twins. Her twins were also not very good sleepers, so her intended parents would sometimes sleep at her house, and she and her partner would sleep at the intended parents’ house so they could get a good night’s rest.⁴³ For Elke, it was vital that her intended parent help her throughout her pregnancy, since she was a

⁴² Madelief, interview by the author.

⁴³ Laura, interview by the author.

single parent without a partner for support. Her intended parent picked up her daughter from daycare, he bought groceries and cooked dinner, among other chores. Indeed, it was imperative for Elke that her intended parent and her daughter get along; if they hadn't, she wouldn't have been a surrogate for him.⁴⁴

Although Pauline didn't mention explicit agreements between her and her intended parents about their help in her family, she did raise the concept of a "surrogate family." The example she used to illustrate this point was that, when she was in a wheelchair for the end of her second surrogacy, her oldest child was forced to take on more responsibility around the house. All of her children had to make sacrifices.⁴⁵ Thus, the surrogate is not the only person in her family who is deeply impacted by her decision to carry a child for another person or people. In many ways, surrogacy facilitates the merging of two families throughout the duration of the pregnancy and beyond. Surrogacy is a family enterprise in more ways than simply the creation of a child. It connects the surrogate and the intended parents as well. For the nine months of the Elke's and Laura's pregnancies, their intended parents also became partial parents to their children. While surrogates are certainly a part of their intended parents' families, the intended parents likewise become part of their surrogate's family, at least for a time.

Abortion

All of my participants noted that they discussed abortion in their contracts before embarking on surrogacy, but their agreements included varying degrees of detail about who ultimately decided if they would terminate the pregnancy, under what conditions did they agree it was acceptable to terminate, etc. Pauline said that the reason she decided not to go through with

⁴⁴ Elke, interview by the author.

⁴⁵ Pauline, interview by the author.

her first intended parents was that they didn't see eye to eye on this issue. After receiving advice from another surrogate who said abortion is an important issue to discuss, she said,

I was thinking this is something we haven't discussed enough. We went over it, but like "if there's something really, really wrong, we will have to terminate." But then I thought, "what does 'really, really wrong' mean?" ... I cannot terminate a pregnancy that I would've carried out myself. I probably would've terminated if a baby had zero chance at life. I wouldn't carry it to full term just to be born to die. But if this baby ends up in a wheelchair, that's still a life, so I can't terminate that, and that would mean that I have a baby – and not just any baby – a baby that needs extra care.⁴⁶

Kaj and Madelief revealed a potential conflict when surrogates and intended parents don't discuss termination in detail. Madelief said, "I'm really against abortion so they know that that wasn't an option, and if there would've been a medical issue with the termination question I don't think we had a specific agreement about that, but the general appointment was that there wouldn't be any abortion because I don't want that."⁴⁷ Kaj, on the other hand, said,

That was non-negotiable from her end because she's also deeply religious. If there would be something like Down's Syndrome or anything like that, she would not want to terminate the pregnancy. Let me be clear, I also would not terminate the pregnancy for that, but it gets a little iffy when you're talking about other trisomic genetic disorders, where you just know that this child is going to live for three weeks and just be in agony. We're not doing a good thing by not terminating that pregnancy. If that had happened, I don't know where that conversation would have gone.⁴⁸

For Kaj and Pauline, then, deciding if and when to terminate the pregnancy took the surrogate's wishes into account, but it also involved assessing the child's quality of life if the pregnancy weren't terminated. Kaj said, "We're not doing a good thing by not terminating that pregnancy" – i.e. a pregnancy when the baby is severely disabled and "where you just know that this child is going to live for three weeks and just be in agony."⁴⁹ While Kaj may believe that it

⁴⁶ Pauline, interview by the author.

⁴⁷ Madelief, interview by the author.

⁴⁸ Kaj, videoconference interview by the author, Amsterdam, The Netherlands, November 18, 2021.

⁴⁹ Ibid.

would be wrong to bring such a child into the world, it's not a universally held opinion, and, crucially, Madelief is one of the people who disagrees with him. What would have happened, though, if Kaj's baby had had a trisomic genetic disorder? The fundamental answer to this question is that one cannot force a pregnant person – regardless of the context of their pregnancy – to terminate the pregnancy. Even though Madelief and Kaj have agreed that Madelief will not be this child's parent, she still has the power to decide if and when the pregnancy is terminated.

Pauline also blurred the lines between surrogacy and parenthood when she said “I cannot terminate a pregnancy that I would've carried out myself.”⁵⁰ Pauline makes an interesting claim about who exactly decides when to terminate the pregnancy. She assigns ownership of that decision to her intended parents by separating her surrogate pregnancies from her pregnancies with her own children, but, again, she is the ultimate decision-maker on this question. She seemingly separates herself from the choices that parents have to make, like whether to have an abortion, by removing herself from this decision, even though it's not something from which she can easily extricate herself.

Miscarriage

Two of the surrogates I interviewed, Pauline and Laura, suffered a miscarriage while they were surrogates. Pauline lost her first attempted pregnancy, and she said she thought, “‘Ok, this is not my baby, but I'm devastated, and it is my baby because it was my own egg.’ That was a real struggle. That was really hard. ... It took me about a week for that to really sink in, and by the end of the week I was just crying my eyes out like ‘this is huge.’”⁵¹ While Laura also expressed sadness about losing her first surrogate pregnancy, she didn't describe the same despair that Pauline did. She said that the intended parents were devastated because they only

⁵⁰ Pauline, interview by the author.

⁵¹ Ibid.

had one more embryo after this one was unsuccessful, but “it also made me feel that I was doing the right thing because I also wasn’t really sad. I didn’t feel like I’d lost a baby. I just thought, ‘Ok, this is absolutely devastating for you, but let’s go on. Let’s try the last option as well.’ ... I didn’t feel like mourning at all.”⁵²

The high- and low-tech distinction feels important in investigating why Pauline and Laura felt so differently about their miscarriages. Pauline’s anguish compared to Laura’s indifference is explicitly related to the fact that Pauline was biologically related to the baby. Although she knew intellectually that it was not her baby, she also knew that, yes, biologically it was her baby. Laura had the ease of knowing that she was unrelated to this baby in any biological way, and this baby was not hers in any capacity, which allowed her to only be sad on her intended parents’ behalf.

Attachment and Bonding

Concerns about attachment and bonding between the surrogate and the baby were consistent throughout each interview. Although Laura mentioned “detachment” several times throughout our interview, she said that “It was constantly on my mind, ‘this is not my baby.’ I sometimes talked about it like I’m a little oven. I think I was very aware of being very detached from the very moment on, even though I stroked my belly and I talked to him or something, but only anticipating the joy for them, not for me.”⁵³

Pauline and Madelief both discussed consciously choosing to bond with their surrogate child(ren) while they were pregnant. Pauline said, “I consciously chose to connect and talk to them and tell them that they were wanted also by me. I never tried to avoid that bond because I knew I didn’t want a baby. I didn’t want the sleepless nights, and the nappies, and everything that

⁵² Laura, interview by the author.

⁵³ Ibid.

comes with a baby.”⁵⁴ Madelief echoed this sentiment but describes it as a challenge, while Pauline is much more at peace with her choice. Madelief said,

At some point I really struggled with how attached can I be with you. I had some difficulties with that, but then I really decided, well, this child also deserves a lot of love, so then I really cared for the baby just like my own son. . . . It really felt good to accept this is also a baby who deserves love from me. It felt sometimes like, “it’s not my child, but it is because it’s growing in me and it’s also biologically my child.”

Interestingly, Kaj, who was one of Madelief’s intended parents, doesn’t remember Madelief wrestling with growing attached to the baby until after she gave birth, saying, “Along the way she was like ‘No this is your child. It feels great to be pregnant, but there’s no real bond.’ There was sort of like a tidal wave after the birth, and it sort of took us off guard.”⁵⁵

Elke also says she understands why people may be concerned about surrogates bonding with the baby, but, especially for low-tech surrogates, she says “basically we go through, well, duh! It’s inside of me for nine months, what do you expect? When I look at her, she’s my own flesh and blood. That means that I’m attached. It doesn’t mean that I’m bonded in such a way that it would be harder for me to say goodbye to her. It’s just that we have a lifelong bond because she grew inside of me.”⁵⁶ Laura similarly mentioned that, while her intended parents never said anything to her about her forming an attachment with the baby, she said “I think they never worried because they knew that if I had an attachment, it would be a healthy one.”⁵⁷

It seems, then, that there are “healthy” and “unhealthy” attachments or bonds that a surrogate can have with the baby. The line between which attachments are acceptable or unacceptable is blurry, though. Elke proposes that some level of a bond is natural, but that that bond would not prevent a surrogate from giving the baby to the intended parents. This proposal

⁵⁴ Pauline, interview by the author.

⁵⁵ Kaj, interview by the author.

⁵⁶ Elke, interview by the author.

⁵⁷ Laura, interview by the author.

flies in the face of what many consider to be a “natural” bond between a mother and her child. If a surrogate is truly bonded to the child – through genetics, the pregnancy, or both – it seems likely that many would assume the surrogate would also demand a parental role in the child’s life. Pauline and Madelief’s assertion that they choose to bond with the babies they carried also raises questions about the healthy/unhealthy dichotomy. Is it healthy to choose to bond with a baby that you will ultimately give to the baby’s intended parents? Healthy for whom? Is it unhealthy for the baby not to develop an attachment with the person carrying them?

Hand-Off

For everyone I interviewed, the birth and then the handing of the baby from the surrogate to the intended parents proved to be an emotionally charged moment. As Pauline explained, “People assume that that is the most difficult part of a surrogacy, and it is the most beautiful because that’s what you’re working toward: the happiness of these dads finally having this baby.”⁵⁸ After Elke gave birth, the baby lay on her chest for 15 minutes while they waited for the umbilical cord to die, and after that happened, her intended parent cut the cord, and the baby was placed on his chest. “The handover was ... basically picture complete.”⁵⁹ Laura also described her birth and hand-off as “very beautiful.” She said, “I was very happy because this baby was obviously very healthy. It was shouting and screaming and very red and very healthy baby, which my kids were not when they were born. I just felt very much in control. I felt very much like this is how birth is supposed to be.”⁶⁰ Laura’s partner was actually the one who cut the umbilical cord because he wasn’t able to after the birth of their twins, and “we thought it was nice and symbolic that he didn’t get to do anything in the whole nine months except taking care of me and

⁵⁸ Pauline, interview by the author.

⁵⁹ Elke, interview by the author.

⁶⁰ Laura, interview by the author.

watching, so this would be symbolic.”⁶¹ Ultimately, though, Laura said, “[she] just couldn’t wait to get it over with” and give her intended parents their baby.⁶²

Kaj and Madelief both described their birth and hand-off scenario as “highly coordinated” and “very strict.” Kaj said the plan was that

She would be allowed to have it in her arms, cuddle it, and if she felt things were alright, she could hand it over to us. And if that would take longer than 20 minutes, there would be a person in the room who would ask, “Does it feel like you can hand him over now, or do you want me to help?” like taking over the responsibility of handing him over because I think that’s a big psychological moment, especially after hours of labor.⁶³

According to both Kaj and Madelief, their birth and hand-off went as they planned it, and when the baby was in Madelief’s arms, Kaj said “we had very tender moments. It was very beautiful.”⁶⁴ Madelief agreed that the birth and hand-off were beautiful, but she also clearly struggled with giving the baby to his intended parents. She said,

I was trying to hold onto him [while giving birth] and then I started to be really emotional. Then he came out, and it really felt like I had to let him go. It was a really beautiful moment but it’s also still emotional. Beforehand we decided “I really want to have him on my chest first,” and then the dads were standing beside me, and they really helped with the delivery – holding my hand – and my husband was on the other side, so it felt really like I was just supported. I had a nice moment with him on my chest, and of course I would’ve liked to keep him a little bit longer, but my husband stimulated me a bit to give him to the dads to put him on their chest. ... I just felt empty. I didn’t know what to feel – just empty. Empty belly. Empty everything. For the first period, I was quite overwhelmed with how many emotions I had. ... It also felt suitable. It felt really nice that it was hard because it’s a hard thing to do.⁶⁵

Thus, Madelief didn’t experience the same straightforward joy that Pauline, Elke, and Laura did. She grieved the loss of the baby from her belly and into a world without her. When I asked why

⁶¹ Ibid.

⁶² Ibid.

⁶³ Kaj, interview by the author.

⁶⁴ Ibid.

⁶⁵ Madelief, interview by the author.

she wanted to do skin to skin contact, she said, it was “a reward for all my hard work. It was also a safe landing for him to get used to the outside world. I think also as a little goodbye.”⁶⁶

Later, Madelief returned to the emptiness she felt and said,

When I gave birth to my son, you have a baby, and you really don't notice that your belly is actually empty, it's like this big bag with loose skin and there used to be a baby inside and you used to feel the baby moving, and then all of the sudden it's like this – it was also really physical because I had an empty belly. ... It was just empty. I didn't really know what to feel. I didn't feel anything anymore. It was just empty.⁶⁷

The emptiness that Madelief felt was represented through the emotional lack she felt, but also the physical lack in her body. There was simply no longer a baby where there used to be a baby. As Kaj described it, it was “almost like if you're going to experience a stillborn.”⁶⁸

The fascinating thing about the four surrogates' hand-off experiences is that Madelief's is the outlier in terms of how distressed she was after giving birth and giving the baby to his intended parents, but her experience also most closely fits the popular conception of how surrogates must feel after giving birth. Madelief's story is why, to paraphrase Pauline, people assume that the hand-off is the most difficult part of a surrogacy. In many ways, this assumption makes sense. The biological and gestational relationship between the surrogate and the baby seems to inherently lead to a challenge with giving the baby to someone else. Madelief's sadness is completely understandable. She chose to bond with this baby like her own son, and yet, unlike when she gave birth to her son, she was left without a baby to hold at the end of it.

Indeed, the beauty that the participants ascribed to the hand-offs doesn't seem unique to the beauty of any healthy, safe birth. The beauty derived from the hand-offs comes from the intended parents finally having the child they've waited so long for. In this telling of the hand-off

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Kaj, interview by the author.

story, the surrogate is truly just a vessel for the parents to experience the joy of meeting their child for the first time. Madelief's feeling of physical and emotional emptiness is like a reclamation of her part of this story. She was not merely a vessel, but an integral part of the baby's creation. At the same time, though, the delight with which Elke, Pauline, and Laura spoke of their hand-offs cannot be overstated. It really did feel like this was the moment the three of them had been waiting for, in part, it seems, because they had successfully removed themselves from the parent-child relationship. None of them viewed themselves as the baby's mother, so why would they feel anything but joy when the baby is given – returned, even – to his or her rightful parents.

Breast Milk and Breastfeeding

Everyone I interviewed discussed breastfeeding and breast milk as an important issue in their agreements with their surrogates, although Pauline was the only one who said providing the baby with breast milk was non-negotiable. When I asked why providing breast milk for her surrogate children was so important to her, she said, “I really believed in the benefits of breastmilk vs formula, and it was something I was good at. When my first daughter was born, and I fed her 100% breastmilk, it gave me a sense of pride like, ‘hey this is something I’m good at, this is something I can do.’”⁶⁹ It was also important to Madelief that the baby be fed her breast milk, but it was equally important to her surrogate parents that she not directly breastfeed the baby. Kaj said,

She really wanted to make sure that the child would get breast milk, and we were very clear about, “Yeah, that’s great, but it’s not going to be the child latching onto your breast. We’re ok with giving it any breast milk that you supply, but as soon as there’s any skin to skin contact on a regular basis, you just know that’s going to send your hormones into hyperdrive, and that’s how attachment grows, so that was non-discussable for us.”⁷⁰

⁶⁹ Ibid.

⁷⁰ Kaj, interview by the author.

Just as Kaj and his partner didn't want Madelief to directly breastfeed the baby, Elke's intended parent didn't want her to pump or breastfeed the baby in any capacity because he thought she would get attached to the child if she pumped for her or if she fed her, although Elke contends "I only feel connected to cows when I pump milk because that's the sound that it makes."⁷¹ Elke decided to pump "for myself and for my own recovery" and donated her milk to other families. Laura's intended mother also wasn't comfortable with her pumping for the baby, and, while Elke doesn't believe pumping or breastfeeding for the baby would have led to an attachment between them, Laura's "gynecologist said, 'I think for your psychological detachment, which you want, it's better not to.' ... So [she] decided to go with that and not breastfeed at all."⁷²

Although Laura and Pauline made very different choices regarding breastfeeding, both described it as incredibly painful. Because she chose to not even pump, Laura said, "Those first couple of nights were more painful than labor, I remember that, oh my gosh."⁷³ Pauline also compared pumping to pregnancy and labor: "Pumping full-time, I think it was more intense than the pregnancy. ... I never really understood why women would give up, and I guess that was a big lesson. I learned why women give up because it can be very difficult."⁷⁴

Breastfeeding (or pumping, since none of the surrogates directly breastfed the babies), is both a painful chore and an integral, non-negotiable part of being a surrogate. Breastfeeding and breast milk was one of the few universal moments among all the participants when they all agreed that someone – either the surrogate or an intended parent – drew a line in the sand about how the baby would be fed. It's striking that breastfeeding is another moment when intended parents and others worry about surrogates growing attached to the babies because it mimics

⁷¹ Elke, interview by the author.

⁷² Laura, interview by the author.

⁷³ Ibid.

⁷⁴ Pauline, interview by the author.

pregnancy in many ways. It's a physical, biological connection between the surrogate that can't otherwise be easily replicated. The only difference is that breastfeeding can be avoided in a way that pregnancy can't. As a result of modern technology, surrogates don't have to physically breastfeed the baby if they want the baby to drink breast milk, so surrogates and intended parents don't have to deal with navigating the emotional challenges of surrogates performing another task that intended parents are simply incapable of accomplishing for their child. Additionally, since breastfeeding necessarily happens after the child is alive and in the world as opposed to existing simply in the womb, breastfeeding may feel closer to something a parent or caretaker does. Before the child is properly alive and in the world, pregnancy and its associated (perhaps involuntary) biological functions aren't the same conscious decision that breastfeeding is. Breastfeeding is such a point of tension because how one feeds one's child is one of the most central and personal choices a parent can make, and yet the surrogate, even though she isn't a parent, has a stake in this decision too.

Surrogate Relationship to Child

Elke and Pauline have somewhat formal agreements with their intended parents about how frequently they see the child. Both have agreed that they will see the child on their birthday, and Elke has also agreed with her intended parent that, when the child is making crafts in school for Mother's Day, she can make them for Elke if she wants. Pauline now also has an informal agreement with both sets of intended parents that she takes each child to Efteling – an amusement park – once a year by themselves and “spoil them rotten.”⁷⁵ Both women also emphasized that their own children would always have the right to know the children born via surrogacy and vice versa. As Elke put it, “We're going to be led by the children on how often and

⁷⁵ Elke, interview by the author; Pauline, interview by the author.

how deep our contact will be [and] ... She will always know that she came out of me. If she wants contact with me, my door will always be open. I'll be the cool aunt, we decided."⁷⁶

Elke also noted that her intended parent refers to her as his daughter's mother to his friends, but she draws the distinction that, while she is her mother, she's not her mommy.⁷⁷ Kaj drew the same distinction between being a mother and mommy when discussing Madelief's difficulties after giving birth. He said,

She will always be a little more than his aunt. A lot more. And it will feel like that for her as well. ... When she was having trouble with her hormones, she said, "I know I'm his aunt, but I'm also his mother." My partner's psychologist said, "Of course you're his mother, but you're not his mommy. You just need to grow your feeling of being his aunt, and that takes time. He was with you for nine months, so take your time in becoming an aunt."⁷⁸

Kaj later used the language of "mommies" to describe himself when discussing the hospital possibly not letting him and his partner into the delivery room. He said, "We're not going to sit in the car waiting for her to birth our child. We are there. There will be trouble if anyone is going to stop me – getting all mommy."

There are two important threads in how the participants navigate their relationship with the children and intended parents. The first is the idea of drawing a line between being a mother and mommy. When Elke and Kaj said that phrase to me, they both said it as though it imparted inherent meaning, as though I would immediately understand the implied differences between mothers and mommies without needing an explanation. Mothers, it seems, are simply biologically and gestationally related to the babies. It's mommies who do the hard work of raising the baby. In fact, Kaj's invocation of "mommy-hood" to describe himself suggests that

⁷⁶ Elke, interview by the author.

⁷⁷ Ibid.

⁷⁸ Kaj, interview by the author.

being a mommy is not necessarily linked to gender or sex, but to feminine behavior and characteristics (in this case, the so-called “mama bear” stereotype).

Adjacently interesting to the mother/mommy dichotomy is the description of surrogates as a literal (in Madelief’s case) or figurative (in Elke’s) aunt. Aunts, in this instance, seem to be a kind of slightly removed – but still present – feminine familial figure. Aunts certainly aren’t (usually) mother figures, but they can be important extended family relationships for children. Pauline “spoiling [the children] rotten” also takes on a grandmotherly quality, as grandparents are often the family members who shower children with everything they want (and what their parents won’t give them) before returning them to their parents who have to deal with the consequences. In this way, surrogates and intended parents use the language of intended family to describe surrogates’ relationships with the children they carried. This choice symbolizes one more way in which surrogates and intended parents are intimately connected, how families created via surrogacy are more complicated and bigger than a traditional nuclear family suggests.

Gay Intended Parents

Pauline, Elke, and Madelief were all surrogates for gay intended parents. This pattern is indicative of the loophole in Dutch law for gay men to have children via surrogacy. Pauline also considered three couples as intended parents before settling on her first intended parents, and all three of those couples were also gay men. When I asked her if she was intentionally seeking out gay men, she said, “a gay couple usually knows from when they discover that they’re gay, they know, I’m not going to have a baby. ... whereas an intended mother usually has gone through a process where she has tried to conceive herself and can’t, so a surrogate is always second best.

Most of those women would give anything to carry that baby themselves. That was an emotion that I didn't want to deal with.”⁷⁹

Kaj also discussed how “it's not easy to get a child in the natural way – impossible to get a child in the natural way,” so the fact that Madelief approached them about being their surrogate, “is like the holy grail ... as a gay couple who want children.”⁸⁰ In terms of the law and the way it impacts gay people, Kaj had a lot to say:

As a gay man, it's also a little frustrating, if not very frustrating, to – step after step it feels like you're jumping through hoops that are not your hoops. I haven't asked to be gay. This is not a choice. There are so many legal steps you have to take. There are so many conversations you need to have. ... Sometimes I think some straight person might benefit from these conversations as well before they choose to get a child, but it's hard not to get a little salty. ... You're a marginal group within a marginal group. These laws are so deeply rooted in not wanting to have the conversation about it as well. The religious part of it as well is hard for me to understand why, in these days, in the Netherlands, still why it is such a big part of politics. Because these are their values, not mine. If you don't want to be part of gay surrogacy, or gay parenthood, don't be, just don't take that right or that opportunity from me.⁸¹

Kaj also stated that he feels like a “second-class citizen” as a result of the Netherlands' surrogacy laws.

Much of what Kaj had to say about gay surrogacy and gay parenthood mimics the language that gay activists used when advocating for gay marriage, one of the most successful and homonormative campaigns in recent memory. The insistence on gay people's right to participate in the quintessential normative rituals in family-making – marriage and having (biological) children – is the core of homonormativity. Even Pauline's comments about gay men knowing they can't have a child and not thinking of a surrogate as “second best” hit on homonormative notes. Gay men are just so excited about the opportunity to have a biological

⁷⁹ Pauline, interview by the author.

⁸⁰ Kaj, interview by the author.

⁸¹ Ibid.

child that they aren't jealous of the surrogate the way that an intended mother might be if she assumed that she would be the one to carry her child.

Several participants also mentioned how challenging it is to adopt a child in the Netherlands, with the implication being that it is so difficult that the only way a gay man or gay couple can have children in the Netherlands is through surrogacy. However, given how expensive surrogacy is, having children in the Netherlands is only available to gay men who are financially stable and popular enough to not only find a surrogate but then pay for all of the associated expenses with surrogacy. For all my skepticism about homonormativity, the fact that, in reality, parenthood is only available to a certain kind of gay man reveals the fallacies and the holes in homonormative societies.

Contracts

Another point of contention was that the agreements surrogates made with their intended parents – the primary one being that the intended parents would be responsible for the baby after they were born – were not legally binding. Therefore, the surrogate could decide to keep the baby at any time, and the intended parents could refuse to accept the baby at any time. This reality was troubling for Elke and Pauline. Elke said, “I wouldn't have a leg to stand on if he refused the baby, and he wouldn't have a leg to stand on if I kept the baby. People always asked what if I decided to keep the baby, and I was like, ‘well, what if he decides to reject the baby? Then I am stuck with a baby that I am not prepared for nor actually have the intention of taking care of.’”⁸² Pauline noted that, since she was automatically put on her first surrogate child's birth certificate as her mother, since she gave birth to her, “I was her legal parent for a year and a half

⁸² Elke, interview by the author.

before everything was finished. That's ridiculous. For a year and a half I could just say, 'Hey, you know what, give me your child.' That's bizarre."⁸³

Much of the contracts the participants spoke about were built on trust and faith, regardless of how long the surrogates knew their intended parents before they embarked on this journey together. Elke remarked that her whole experience was "all in good faith," and Laura reiterated several times that "It was so based on confidence and true friendship and knowing each other really well."⁸⁴ It's ironic that, in a country where surrogacy is so heavily regulated, so much of surrogacy is actually built on complete trust between surrogates and their intended parents, as opposed to any kind of legally binding document. Although the current Dutch regulations seem designed to remove any doubt as to who a child's parents are, they are woefully inadequate for such a complex issue as surrogacy, and they actually create more confusion and anxiety among surrogates and intended parents.

Adoption and Legal Formalities

Laura and Kaj spoke about the emotional challenges of having to adopt one's own child. Even though Laura wasn't biologically related to the child, her name was automatically put on his birth certificate, which is where it stayed for eight and a half months before he was adopted by his biological mother. Laura spoke about how her intended mother had to adopt her son because Laura was put on the birth certificate when he was born. She said, "It must've been very frustrating for my friend to have to adopt her own child. ... I do remember that at the hearing I was only happy, but she was very emotional. She was crying all the time because finally she was his mother on paper, even though she was his mother from the very first day."⁸⁵ Kaj, who is also biologically related to his son but was not the legal father at first, also spoke about the challenges

⁸³ Pauline, interview by the author.

⁸⁴ Elke, interview by the author; Laura, interview by the author.

⁸⁵ Laura, interview by the author.

associated with adopting his own son. He said, “We got a message from our lawyer being like ‘The adoption is all clear now; you’re the legal parent.’ and I remember choking up, which I’m doing now. It’s just interesting because I know it’s my child, and I don’t need the validation of another person to feel that, but it was also emotional, which caught me off guard.”⁸⁶ Madelief had a different perspective, however, saying,

It felt actually quite nice to get the recognition. I am after all his biological mother, and I carried him for nine months. It actually would’ve been nice if there would still be something – I think it would be nice if my name would stay on the record, even though I don’t want the legal responsibility. It would be nice if he will see I’m his biological mom. I think once the adoption is completed, my name is completely erased, which is kind of a shame.⁸⁷

To Madelief, being on the baby’s birth certificate wasn’t a burden; it was a symbol of the work she did to bring him into the world, and the fact that she is his biological mother, even if she isn’t his caretaker.

Elke actually took a different legal route from the other surrogates. Instead of the child being adopted and her name being stricken from the record, Elke chose to be declared an unfit parent by Child Protective Services and have the child “removed from her care,” which she found very upsetting. She said, “With me, they said that she was currently in danger being under my name. ... That was another day of crying. ... That was a bit of a spot on the fairytale that I feel we have lived through otherwise.”⁸⁸ Madelief also took issue with the way she was spoken about in the legal proceedings, because, she said, “In the documents for the court, it had to say (I don’t know the exact words) that he couldn’t expect anything from me as a mother, which is kind of cruel that you have to put it like that.”⁸⁹

⁸⁶ Kaj, interview by the author.

⁸⁷ Madelief, interview by the author.

⁸⁸ Elke, interview by the author.

⁸⁹ Madelief, interview by the author.

Indeed, in many ways, the legal situation in the Netherlands is best summed up by the judge in Laura's adoption hearing: "the legal system is behind the medical reality."⁹⁰ As noted in "Contracts," the Dutch law tries to ascribe a consistent structure to all families: children can only have two parents, one of whom is always the person who gave birth to them. It seems that the law is another extension of heteronormativity and gender essentialism; women (only women can be pregnant) are always the mothers of the children who they give birth to, and it's impossible for a child to have more than the two biological parents they already have.

Commercial Surrogacy

Elke, Pauline, and Kaj each presented conflicting views on commercial surrogacy. Elke liked the idea of surrogates being compensated up to a certain point, and she compared the Dutch situation to the American one, saying,

Really legalizing commercial surrogacy would still be a step too far for me as well. The things that they wrote about human trafficking and it being a step toward human trafficking ... genetic modification is something that I'm still very much against, even being a surrogate. The way they create it in certain states where it is legal to do commercial surrogacy, is that you can get a child that you can buy a car. Like, do you want a boy or a girl, what color eyes do you want it to have, do you want one or two? That's the genetic modification that I really don't want to open up. ... I just don't think it's something you can tell a child, "Yeah, well we went to America and for the same price of the house that you're living in, we bought you!" You're not buying a child. That just doesn't sit right with me. You don't buy a child. I don't feel that this child has been bought.⁹¹

Pauline echoed Elke's sentiments that buying children is wrong, but she disagreed that surrogates shouldn't be paid. She said,

My surrogacies were beautiful the way they were, but I do support the idea that a surrogate gets paid because, you know, when you look at the whole process of surrogacy, the doctors get paid, the lawyers get paid, everyone gets paid except for the person who is taking the risk and having the discomfort and all that. But I do think that she should be

⁹⁰ Laura, interview by the author.

⁹¹ Elke, interview by the author.

paid for the discomfort and not for the child. ... You don't buy a kid, but I think it's very ethical to compensate a woman for the discomfort that she has to go through, for the risks she takes, for the time (for her and her family) – actually I think it's unethical to not pay the surrogate. But would I have wanted payment? It's like, you know, one of my friends is a single mom and I sometimes babysit her kid and I don't get paid for that. That doesn't mean I don't think babysitters should get paid.⁹²

Finally, Kaj also made a distinction between how he felt about his surrogate being paid compared to surrogates being paid in general, except it was the opposite one that Pauline made:

Personally I would not have a problem with reimbursing her for the service she provided us. I also find it hard to put a price to it because it's just too much, and I also see the concerns of our government because it becomes a way of poor people or less fortunate people making a profit off of their body. ... So I'm a little conflicted about that. For her yes, but in the bigger picture I understand why we're not doing this.⁹³

Perhaps unsurprisingly, each participant echoed the fears that past objectors to commercial surrogacy (and surrogacy in general) have voiced, as well as the similar arguments made against sex work. Pauline's distinction between paying a surrogate for her discomfort and the risk she takes by getting pregnant and paying for the baby is an interesting one, but it seems hard to enforce or even draw a clear line between paying for discomfort and paying for a child since the child is the result of the discomfort. The discomfort doesn't exist without the child and vice versa. It's also interesting that Elke doesn't believe that the baby she had via surrogacy was bought because all her expenses were paid for by her surrogate parent. Inherent to the surrogacy process is the intended parents spending a lot of money. Why is spending a lot of money on expenses different from spending that money on expenses and also on paying the surrogate for her labor? Why is making money of one's body in this particular way objectionable, but other work isn't?

⁹² Pauline, interview by the author.

⁹³ Kaj, interview by the author.

Other Notable Themes

Themes of intuition, how surrogates explained surrogacy to their children, and the baby's name all came up as well throughout the interviews. I include notable pieces of these conversations, even though a more in-depth discussion of them is beyond the scope of this paper.

First, several surrogates mentioned thinking something about the process was “meant to be,” like Elke did about her intended parent. He had a dream that she was his surrogate, and he took it as a sign that he should ask her to be his surrogate, which she also took as a sign that she should say yes.⁹⁴ Likewise, Laura said that, “I just thought ‘I can do this,’ and I have to say I’m a pretty rational person, I have an academic background, and I do not really believe in intuition, but, in this case, it was really intuition that I thought ‘I can do this.’”⁹⁵ Elke also said that when people would tell her they could never do surrogacy, she took to saying, “‘Well it’s great that you’re not doing it because I think I can,’ à la Pippi Longstocking basically.”⁹⁶

Elke and Laura used similar terms to explain surrogacy to their children. Elke said, “I explained this is a friend of mine, he really wants a child, but you can only have a child in a woman’s belly ... and that’s why I now have a baby growing in my belly who’s going to live in his house. ... It’s called a ‘logeerbuik’ because she stayed in my belly for a sleepover for as long as she needed to and then she went to live in his house.”⁹⁷ Laura said she had a book that she was going to read to her children about “cadeau babies,” but that the psychologist she saw with her intended parents said, “‘You need to use the word logeren which means to sleepover because, you know, when you have a sleepover you know that you go to that house, sleep in another bed, but then ultimately you go back to your house.’ ... Cadeau baby was not the right term because a

⁹⁴ Elke, interview by the author.

⁹⁵ Laura, interview by the author.

⁹⁶ Elke, interview by the author.

⁹⁷ Elke, interview by the author.

gift is something you give away and it stays with the other person, but this gift was given to me temporarily and then I would give it back.”⁹⁸

Finally, the baby’s name was thoughtfully considered by intended parents, including when to tell the surrogates. Several participants mentioned not learning the baby’s name until after they were born. Laura said, “We said they would not tell me his name in advance, which I thought was fine. Also for the conscious detachment, it was fine. . . . They really introduced him to me, and saying this is [redacted]. It was really beautiful.”⁹⁹ Kaj and his partner also chose not to tell Madelief their baby’s name until after he was born because “It might influence attachment and bonding a little bit because if it has a name, it’s more real.”¹⁰⁰

CONCLUSION

My interest in this research began when I learned more about the surrogacy laws in the US compared to the surrogacy laws in the Netherlands. I found the dichotomy between the Netherlands’ reputation for being tolerant and progressive and the strictness of the Dutch laws on surrogacy fascinating and confusing. I was particularly struck by the contrast between the fact that sex work is legal in the Netherlands, but commercial surrogacy isn’t. I approached my work with myriad questions: Why does the Netherlands draw a distinction between paying people for surrogacy and paying people for sex work? How does this issue intersect with other theoretical issues like sexual agency, homonationalism, queer families, and dutch tolerance? How do the Netherlands’ policies regulating surrogacy – particularly commercial surrogacy – shape and reveal Dutch conceptions of gender, sexuality, and agency?

⁹⁸ Laura, interview by the author.

⁹⁹ Ibid.

¹⁰⁰ Kaj, interview by the author.

However, the nature of surrogacy – how complicated it is, how unique it is to individual surrogates and intended parents, the fact that the end result if all goes well is a child – means that there are few clear answers to many of these questions. It's easy to point to surrogacy as another example of the Netherlands not living up to its tolerant and progressive reputation, that the Dutch discourse around surrogacy reifies normative roles of motherhood and essentializes women. The key, though, is that there are no hard and fast rules about an issue as complex as surrogacy. That said, I would like to end with some of Kaj's last words to me at the end of our interview that, for all my participants' differences, encapsulate their feelings on this subject: "Our law and our government doesn't want this to happen, and how can that be because this is perfect. This is family, this is love, this is how it's supposed to be."¹⁰¹

¹⁰¹ Kaj, interview by the author.

BIBLIOGRAPHY

- Akachar, Soumia. "Stuck between Islamophobia and Homophobia: Applying Intersectionality to Understand the Position of Gay Muslim Identities in the Netherlands." *DiGeSt. Journal of Diversity and Gender Studies* 2, nos. 1-2 (2015): 173-87. Accessed November 26, 2021. <https://www.jstor.org/stable/10.11116/jdivegendstud.2.1-2.0173>.
- Arneson, Richard J. "Commodification and Commercial Surrogacy." *Philosophy & Public Affairs* 21, no. 2 (Spring 1992): 132-64. Accessed November 7, 2021. <https://www.jstor.org/stable/2265230>.
- Berkowitz, Dana, and William Marsiglio. "Gay Men: Negotiating Procreative, Father, and Family Identities." *Journal of Marriage and Family* 69, no. 2 (May 2007): 366-81. Accessed November 7, 2021. <https://www.proquest.com/docview/219769851/fulltext/7FDBA5A18E254BE8PQ/1>.
- Buruma, Ybo. "Dutch Tolerance: On Drugs, Prostitution, and Euthanasia." *Crime and Justice* 35, no. 1 (2007): 73-113. Accessed November 7, 2021. <https://www.jstor.org/stable/10.1086/650185>.
- Cheney, Kristen E. "International Commercial Surrogacy: Beyond Feminist Conundrums and the Child as Product." In *Feminism and the Politics of Childhood: Friends or Foes?*, edited by Rachel Rosen and Katherine Twamley, 155-71. UCL Press, 2018. Accessed November 7, 2021. <https://www.jstor.org/stable/j.ctt21c4t9k.17>.
- Convention on the Rights of the Child* (1989) Treaty no. 27531. *United Nations Treaty Series*, 1577: 3-178. Accessed November 7, 2021. https://treaties.un.org/doc/Treaties/1990/09/19900902%2003-14%20AM/Ch_IV_11p.pdf
- Deomampo, Daisy. "Transnational Surrogacy in India: Interrogating Power and Women's Agency." *Frontiers: A Journal of Women Studies* 34, no. 3 (2013): 167-88. Accessed November 7, 2021. <https://www.jstor.org/stable/10.5250/fronjwomestud.34.3.0167>
- de Wachter, Maurice A. M., and Guido M. W. R. de Wert. "In the Netherlands, Tolerance and Debate." *The Hastings Center Report* 17, no. 3 (June 1987): 15-16. Accessed November 7, 2021. <https://www.jstor.org/stable/3562254>.
- Esther. Interview by the author. Den Haag, The Netherlands. November 10, 2021.
- "Forms of Surrogacy." Government of the Netherlands. Accessed November 7, 2021. <https://www.government.nl/topics/surrogate-mothers/forms-of-surrogacy>.

- Goldberg, Abbie E., Jordan B. Downing, and April M. Moyer. "Why Parenthood, and Why Now? Gay Men's Motivations for Pursuing Parenthood." *Family Relations* 61, no. 1 (February 2012): 157-74. Accessed November 7, 2021. <https://www.jstor.org/stable/41403646>.
- Gothoskar, Sujata, and Apoorva Kaiwar. "'Who Says We Do Not Work?' Looking at Sex Work." *Economic and Political Weekly* 49, no. 46 (November 15, 2014): 54-61. Accessed November 7, 2021. <https://www.jstor.org/stable/24480959>.
- Harris, George W. "Surrogacy, Patriarchy, and Contracts." *Public Affairs Quarterly* 6, no. 3 (July 1992): 255-69. Accessed November 7, 2021. <https://www.jstor.org/stable/40435811>.
- Kaj. Videoconference interview by the author. Amsterdam, The Netherlands. November 18, 2021.
- Knijnenburg, José, and Jo-An van der Tol. *Draagmoederschap*. Amsterdam: Freya, 2021. Accessed November 7, 2021. <https://www.freya.nl/brochures/draagmoederschap/>.
- Laura. Interview by the author. Amsterdam, The Netherlands. November 17, 2021.
- "Legal and Illegal Aspects of Surrogacy." Government of the Netherlands. Accessed November 7, 2021. <https://www.government.nl/topics/surrogate-mothers/surrogacy-legal-aspects>.
- Madelief. Videoconference interview by the author. Amsterdam, The Netherlands. November 23, 2021.
- Mepschen, Paul, Jan Willem Duyvendak, and Evelien H. Tonkens. "Sexual Politics, Orientalism and Multicultural Citizenship in the Netherlands." *Sociology* 44, no. 5 (October 2010): 962-79. Accessed November 26, 2021. <https://www.jstor.org/stable/42857484>.
- Pauline. Interview by the author. Amsterdam, The Netherlands. November 11, 2021.
- Rudrappa, Sharmila. "Conceiving Fatherhood: Gay Men and Indian Surrogate Mothers." In *Globalized Fatherhood*, edited by Marcia C. Inhorn, Wendy Chavkin, and José-Alberto Navarro, 292-311. Berghahn Books, 2014. Accessed November 7, 2021. <http://www.jstor.com/stable/j.ctt9qd19r.17>.
- Scott, Elizabeth S. "Surrogacy and the Politics of Commodification." *Law and Contemporary Problems* 72, no. 3 (Summer 2009): 109-46. Accessed November 7, 2021. <https://www.jstor.org/stable/40647246>.
- "Surrogacy outside the Netherlands." Government of the Netherlands. Accessed November 7, 2021. <https://www.government.nl/topics/surrogate-mothers/surrogacy-outside-the-netherlands>.

Woerden, Vincent van. "'Lost Identities': Surrogacy and the Rights of the Child in the United States and the Netherlands." *Texas Journal on Civil Liberties and Civil Rights* 24, no. 2 (Spring 2019): 271-306.

APPENDIX

Outreach Letter to Zwanger voor een Ander

My name is Olivia, and I'm an undergraduate student from the United States. I'm living in Amsterdam this fall studying international perspectives on gender and sexuality, and I'm conducting a research project specifically focusing on surrogacy in the Netherlands.

If you are a current or former surrogate or a parent who has had children via surrogacy, I would love to interview you for my research. If you're interested in learning more or participating, please reach out to me at ogm7@georgetown.edu.

Thank you so much in advance!

Surrogate Interview Guide

1. How many times have you been a surrogate?
2. Why did/do you want to be a surrogate?
3. How did you come to be a surrogate?
4. Are you happy with your decision to be a surrogate? (i.e. do you regret being a surrogate?)
5. Would you have wanted to be paid for being a surrogate (in addition to your medical bills)?
6. How did other people react to your being a surrogate?
 - a. Did you experience any negative reactions from coworkers, friends, family, etc.?
7. How did this pregnancy differ from when you were pregnant with your own children?
8. What was navigating the legal process like?
 - a. Specifically the whole retaining custody of the kid thing
9. What changes, if any, would you like to see in the Dutch regulations of surrogacy?
10. Is there anything else I need to know, something I've overlooked, etc?

Intended Parent Interview Guide

1. Why did you choose to start/expand your family through surrogacy?
2. How many children have you had via surrogate? Have you had any children through other methods (i.e. adoption)
3. How did you find your surrogate?
4. Are you happy with your decision to have children via surrogate?
5. How did other people react to your having children via surrogate?
 - a. Did you experience any negative reactions from coworkers, friends, family, etc.?
6. What was navigating the legal process like?
7. What changes, if any, would you like to see in the Dutch regulations of surrogacy?