

Rethinking Sovereignty through Transnational Surrogacy

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This paper takes issue with the feminist-liberal view that surrogacy is a means of liberation for women, suggesting that the recent exploitation of women in India through transnational surrogacy forces feminists to rethink women's liberation so as to include a critical analysis of class/caste and race. Through a critical reading of Christine Sistare's essay "Reproductive Freedom and Women's Freedom: Surrogacy and Autonomy," I challenge three of her central claims, namely that surrogacy is a viable path to economic independence for women; that anti-surrogacy discourse is bound to paternalize and victimize women; and that women have an absolute right to hire surrogates to protect their own reproductive rights. While Sistare's essay builds upon the liberal framework of autonomy – one that depends on the view that the self is sovereign and self-determining – I argue that pregnant embodiment in general and gestational surrogacy in particular fundamentally challenges this framework and forces us to think human subjectivity not as sovereign but rather as constitutively relational and interdependent. The recent boom in transnational surrogacy, moreover, forces us to consider anew the ambiguity and transgressability not only of bodily boundaries but also of national borders. Consequently, I argue that a feminist analysis of transnational surrogacy must take into account the lived experience of surrogate mothers rather than depending on an abstract notion of sovereign selfhood that fails to account for such ambiguity and transgressability.