

Creating a family through surrogacy: Negotiating parental positions, familial boundaries and kinship practices

Zusammenfassung

Familiengründung durch Leihmutterschaft – Aushandlungen zu Elternschaft, familialen und verwandtschaftlichen Grenzen

Im Fokus des Artikels stehen gleichgeschlechtliche Männerpaare, die ihren Kinderwunsch durch Leihmutterschaft erfüllen. Als Zwei-Väter-Familie müssen sie auf die gesellschaftliche Erwartung reagieren, dass jedes Kind auch eine Mutter hat und diese vakante Position erklären.

Anhand narrativer Interviews mit schwulen Elternpaaren aus Deutschland analysieren wir das ‚doing (being) family‘ aus zwei Perspektiven: Erstens nehmen wir die Aushandlungen von Eltern- und Familienrollen in den Blick. Die Väter verwenden unterschiedliche Strategien, um die Abwesenheit der Mutter zu erklären. Zweitens leisten die Paare Abgrenzungsarbeit, um als die einzigen Eltern des Kindes wahrgenommen zu werden. Wir argumentieren, dass gesellschaftliche Diskurse nur unzulängliche Begrifflichkeiten bereitstellen, um die Diversität von (Familien-) Beziehungen jenseits der Geschlechterdifferenzierung von Vater und Mutter abzubilden.

Schlüsselwörter

Leihmutterschaft, Eizellspende, Gleichgeschlechtliche Paare, doing family, Elternschaft

Summary

This article focuses on male same-sex couples who fulfil their wish for a child through gestational surrogacy. As two-father families they must engage with society's expectation that every child has both a mother and a father. Thus, the position of the mother must be filled, or at least accounted for. The empirical data derive from interviews with male same-sex couples from Germany. Following the grounded theory approach, we analyse the couples' 'doing (being) family' from two perspectives. First, we discuss how family roles are negotiated within the family formation process. The fathers employ different strategies to address the issue of the 'absent mother'. Second, we examine how the couples draw boundaries in family formation processes to ensure that they are seen as the child's only parents. We argue that social discourses lack broader definitions of (family) relations beyond the gendered categorizations of father and mother.

Keywords

surrogacy, egg donation, gay fathers, doing family, parenthood

1 Introduction: Contextualizing family, kinship and social change

In the context of assisted reproduction, the idea that family 'just happens' is contested. Rather, family and kinship are *generally* "performance achievements and a result of social construction processes" (Jurczyk 2014: 119). Gay and lesbian couples who wish to have children engage in complex family arrangements involving social parents with and

without biological ties, gamete donors, gestational carriers¹, lovers and friends (Weeks/Donovan/Heaphy 1999). Family composition varies depending on whether the couples fulfill their wish for a child through co-parenting arrangements, adoption, foster care, gamete donation or surrogacy. Despite increasing options for family formation, parenthood and family are not solely individual processes of negotiating meanings, roles and responsibilities: what constitutes a family is always also defined by social norms and law. Furthermore, New Kinship Studies emphasize that the cultural meanings of blood, lineage and genes are historically grounded and entangled with their contemporary perceptions. They “are mobilized to create the inclusions and exclusions definitive of kinship” (Franklin/McKinnon 2000: 275). Families must negotiate their kinship and family practices around these expectations, and their subject positions are socially embedded and structured.

In this paper, we focus on gay male couples who fulfill their wish for a child through gestational surrogacy. In order to become parents, it is a biotechnological requirement for gay couples to use donated oocytes to create an embryo with their own biogenetic material. This usually requires the help of at least two women: a gestational carrier and an egg donor.² The donated oocytes are inseminated with the sperm of one of the male partners (in vitro fertilization/IVF) and the embryo is transferred to the uterus of a second woman—the gestational carrier. Both women receive monetary compensation, and both usually relinquish their (potential) parental rights through contractual agreements,³ making the two fathers the only legal and social parents of the child. This way, conception, gestation and social mothering do not coincide. As a consequence, their child grows up without a *mother*,⁴ although two women were involved in the process of conception.

Nevertheless, gay couples must integrate both the egg donor⁵ and the gestational carrier into their family narrative, because they cannot hide the fact that they received help from “facilitating others” (Mitchell/Green 2007: 82). Moreover, they must define

1 Gestational carrier is the term most commonly used for a so-called surrogate mother. It describes a woman who carries and gives birth to a child who is not genetically related to her but was conceived through egg donation and IVF. Gestational surrogacy (GS) replaced traditional surrogacy (TS) arrangements, in which the woman is genetically related to the child.

2 The development from TS to GS indicates a complex interplay of different interests and power relations between the reproductive industry, medical professionals, commissioning parents, as well as gestational carriers and egg donors. These are structured by social, legal, and biotechnological opportunities and restraints. For further discussion see e.g. Teschlade (2018).

3 Gestational surrogacy is legal in many parts of the United States. Legal parentage can be assigned to the intended parents before the child is born (pre-birth order) or afterwards (post-birth order). In post-birth states, the intended parents and gestational carriers usually appear in court within a few days after the birth.

4 Within the network of global reproductive economies and chains of procreation and care, the concept of “parenthood” and especially “motherhood” is contested (Ergas/Jenson/Michel 2017). In this paper, we refer to the term *mother* only when talking about the normative perception of motherhood, where the genetic, gestational, legal and social relatedness between the child and the woman coincide. We differentiate between genetic, gestational, legal and/or social mother only if analytically necessary. However, we argue that *mother* and *father*, or more general, *parent*, should only refer to nurturing, caring and parental practices. In contrast to our use of the term *mother*, we refer to *father* as the social parent (while the legal and genetic relatedness for some fathers coincide). See also chapter 2 and for further discussion Peukert et al. (2018).

5 In the United States, egg donation is not necessarily anonymous. Couples have the opportunity to choose a ‘known’ donor (Teschlade 2018).