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TASTE

Outsourcing Childbirth

By **CHERYL MILLER**
April 25, 2008; Page W11

"Katie is coming out of the mommy closet," Caroline (Maura Tierney) teases her sister Kate (Tina Fey) in the film "Baby Mama," out in theaters today. Kate, a hard-charging executive at a Whole Foods-like grocery chain, seems to have the perfect life -- except, oops, she forgot to have a baby. Cursed with a misshapen uterus, she turns to a surrogate agency, which assigns a wacky South Philadelphia girl, Angie Ostrowski (Amy Poehler), to carry her baby.



Surrogacy itself seems to have come out of the mommy closet, to judge from recent media coverage. The New York Times and the Boston Globe have both reported on the practice of outsourcing wombs to poor Indian women. On a recent cover of Newsweek, the abdomen of a pregnant woman appeared with the words "Womb for Rent" emblazoned upon it. The issue's lead story,

"The Curious Lives of Surrogates," ignited a small media frenzy with its sensationalistic revelations about military wives cashing in as surrogates -- in part by bilking their government-provided health plans.

The attention has rekindled the debate over the morality of renting wombs. While most people are reluctant to stand in the way of women who want to use modern medicine to help them conceive, others are more wary. Jennifer Lahl, the director of the California-based Center for Bioethics and Culture says "The surrogate isn't seen or treated as the patient. She's the cow, the womb."

One mother interviewed by Newsweek requested that her surrogate not

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pump gas during pregnancy and even sent her green cleaning products to use. Another recently complained to an NPR reporter: "You have no idea if your surrogate mother is smoking, drinking alcohol, doing drugs. . . . There's no one policing her." Intended parents (or IPs, as their known in the industry) argue that they only want what's best for their future child.

The last time surrogate motherhood made these kinds of headlines was during the famous "Baby M" case of the late 1980s, in which the surrogate, Mary Beth Whitehead, sought custody of the child. Ms. Whitehead ultimately won visitation rights and inadvertently transformed the way surrogacy is practiced. Prior to "Baby M," surrogacies were mostly what physicians now call "traditional," where the surrogate conceives the child with her own egg. Agencies soon began offering "gestational surrogacy," where another woman can have her own egg implanted in the surrogate, thus ensuring that the carrier has no genetic connection to the baby.

That clarifies the legal situation too. "There has never been an appellate court case that has given any legal rights at all to a gestational carrier," says John Weltman, president of Circle Surrogacy in Boston. Surrogacy has other attractions for IPs. It's quicker than adoption; there is no home visit or parenting class required; and it allows parents to have a genetic link to their child. For some, it may be the only available option. Gays and lesbians are barred from adopting in several states; single parents may find themselves repeatedly passed over by birth mothers in favor of couples.

It's no surprise, then, that surrogate births are on the rise. The Society for Assisted Reproductive Technology (SART) has tracked a 30% increase over the past three years. That number is likely an undercount, since many clinics do not report births to SART; industry experts estimate that there are as many as 1,000 surrogate births a year. And now technological advances have assured more healthy, successful pregnancies and lowered the risk of miscarriage.

For all its advantages, though, surrogacy is not cheap. When the surrogate coordinator in "Baby Mama" tells Kate the agency's price, Kate quips: "It costs more to have someone born than to have someone killed." Intended parents are advised to set aside as much as \$100,000 for a surrogacy. "Carrier fees" tend to range from \$20,000 to \$25,000, and parents are also on the hook for any medical and legal bills. Agencies draw up intricate contracts for IPs with clauses concerning maternity clothes, babysitting, even maid service. Some surrogates request extra fees if they are carrying multiples or have to undergo a caesarean.

What parents get in return for all this expense -- besides a new bundle of joy, of course -- is, as Mr. Weltman puts it, "a feeling of control." Unlike adoption (where the birth mother does the choosing), with surrogacy IPs get to choose their carrier. Moreover, they get to vicariously enjoy the pregnancy -- attending doctor's appointments, shopping for maternity clothes with the carrier, and being present at the birth. Yet that feeling of control -- as many an IP finds to her displeasure -- can be illusory. IPs might hold the checkbook, but the surrogate has the baby. Contracts can stipulate what the surrogate may eat or drink, or under what circumstances she might abort, but if a problem arises, those conditions will likely be unenforceable.

The uneasy balance of power between surrogates and IPs can degenerate into all-out war. Agencies encourage IPs to give their surrogates the "princess treatment," lavishing gifts of flowers, jewelry, even vacations, upon their surrogates. To some, all these gifts seem less like tokens of appreciation and more like a bribe. "A lot of rich people getting what they want" is how one character in "Baby Mama" describes surrogacy. Columnist Ellen Goodman recently noted that many Third World surrogates have to sign their contracts with fingerprints because they are illiterate.

Yet if surrogates appear as naïve victims and the rich their exploiters, in the popular imagination, there's no shortage of villainous surrogates, who scheme to keep the baby or fake their pregnancies. A South Carolina woman, Jessica O'Donnell, cheated six people out of \$14,000 in a surrogacy scam last year.

Surrogates complain that the media dwell too much on the money aspect: "If you broke it down by the hour," Pittsburgh surrogate Gina Scanlon told Newsweek, "it would barely be minimum wage." For some surrogates the attraction is being pregnant, especially the fond glances they get from perfect strangers.

As entertaining as class war may be, it's the "Mommy Wars" angle that has got the media salivating. The fastest growing segment of infertility cases may be women under 25, but the public apparently never tires of the storyline of the careerist woman who "waited too long." Surrogacy may very well be the perfect vehicle for such a story: How better to dramatize

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the plot than to have the career woman forced to rely on a seeming unequal, who may not have the designer shoes or the great loft, but has something much more precious: the ability to create life? It's a plot made for Hollywood.

Ms. Miller is a 2007 Phillips Foundation Journalism Fellow and a blogger for The New Atlantis.

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