

# **Intimacies**

A new world of relational life

**Edited by  
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### The reproductive marketplace and family intimacies<sup>1</sup>

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Few experiences are more intensely personal and intimate than making a life. When the intended parents, while bringing an extra penis to the mix, lack two of the biological components required for reproduction, the intimacies involved become more complex. When out of necessity the process is approached with intense, self-conscious intention, involving the help of egg donors and surrogates, when it goes against the grain of medical and legal institutions and social conventions, the process yields unusual and intricate relationships. So it was for me. Our first daughter resulted from the egg of a close friend, fertilized by the sperm of either me or my husband Richard—we know which one, but don't disclose that publicly—carried by my college girlfriend, supported by her then husband, and birthed by her near the home of my parents, who helped sponsor the whole expensive endeavor and greeted newborn Reba Sadie, along with several other members of our families of origin, in the maternity ward of Martha's Vineyard Hospital. Our second, Madeleine Blanche, resulted from the egg of a friend, fertilized by the sperm of either me or Richard, carried by a woman from Kentucky who was a complete stranger before we met her through a surrogacy agency, and birthed by her near her own home in Bowling Green, with the surrogate's mother in the delivery room and Reba, my parents and my mother-in-law in the waiting room.

As I will recount, much in these two creation processes was different. One brought together people who already had thick friendship ties to one another, while the second was built largely on a relationship brokered by commercial agents. They also had quite a bit in common. Each involved exchanges of money, facilitated in part by social class, and negotiations with unfriendly or uncomprehending institutional forces. Each engaged a relatively new sort of approach to the deeply intimate process of reproduction, in which key parts of the process were "outsourced" to others. They offer an interesting opportunity to consider the novel forms of intimacy opened up by contemporary reproductive medicine, especially for those for whom the choice to parent remains institutionally and socially controversial, and to consider more broadly the dynamics of intimacy within market-based reproduction.

Indeed, many people, scholars included, see egg donation and surrogacy as quintessential examples of the encroachment of a market mentality into aspects of intimate life that had previously been insulated from commercial forces. For

instance, in her recent book *The Outsourced Self: Intimate Life in Market Times*, Arlie Russell Hochschild (2012) details what she calls the "outsourcing" of intimacy, a "strange new emotional capitalism" (ibid.: 13), in which the market has become present "in our bedrooms, at our breakfast tables, in our love lives, entangled in our deepest joys and sorrows" (ibid.: 222). Chief among her examples is surrogacy, in which "a person can now legally purchase an egg from one continent, sperm from another, and implant it in a 'womb for rent' in yet another" (ibid.: 73). She describes a couple who, turning to a surrogacy clinic in India, "saw their relationship with the surrogate as a mutually beneficial transaction," and "imagined themselves as outsourcers paying a stranger to provide a professionally supervised service," establishing with the gestational carrier "the sort of relationship one might establish with an obstetrician or dentist" (ibid.: 83). She describes an Indian surrogate who, "instructed to remain emotionally detached from her clients, her babies, and even from her womb," while doing "an extraordinarily personal thing," entered transactions that were "cursorily, businesslike, and spanned differences in language, culture, ethnicity, nation, and, most of all, social class" (ibid.: 93).

Reading that, I wondered: Was that us? Was my family's creation part of the transformation of one of the most intimate human experiences into a commercial transaction, turning conception and childbirth into services, alienating ourselves and the women involved from our bodies and our babies, replacing the personal and the attached with the impersonal and detached? There is certainly something to that; everywhere we turned in our family creation process we encountered market-based activity and rhetoric. Our own class advantages, and to a degree also gender ones, made the whole thing possible in the first place. Like many of the people Hochschild interviewed, all of us involved seemed to struggle with, resist and accommodate ourselves to market logic: trying to "protect the personal from the purchased," to find the line past which intimate life became "too commercial," to hold onto the "spirit of the gift," to seize back intimate moments from the marketplace (Hochschild 2012: 13, 95, 225). To Hochschild, such actions are mechanisms for coping with "the basic imbalance between market, state, and civic life" that shows up in the commercial outsourcing of personal lives (ibid.: 225).

Hochschild's concerns, many of which I share, take their place within a larger body of thinking about the relationship between markets and intimate social life. As Viviana Zelizer has described them, perspectives on this relationship take several forms.

Some see the marketplace and intimate relationships as "hostile worlds," with contact between them leading inevitably to "moral contamination and degradation" (Zelizer 2000: 818). Others suggest that "intimate transfers—be they of sex, babies, or blood—operate according to principles identical with transfers of stock shares and used cars" (Zelizer 2000: 825) and should be understood as simply another transactional type. Still others argue that commercialized intimacy is "nothing but the result of coercive, and more specifically patriarchal, power structures" (Zelizer 2000: 826), serving the interests of the more powerful partners in a gendered hierarchy. Zelizer suggests another, more nuanced approach,

which she calls “differentiated ties”: intimacy and marketplace are neither hostile, equivalent, nor reducible to coercion, but instead embedded together in social relations, as “people incessantly match different forms of payment to their various intimate relations” (Zelizer 2000: 826).

Pieces of each of these perspectives show up in my family-making stories, but none of them alone quite seems to get it right. As I here tell the stories of conceiving and creating my own family, I want to consider what is and isn’t captured in these concerns about market-linked reproduction, and to unravel some of the complexities of outsourced personal life. One is quickly evident just from the fact that I was *able* to build a family as I did. Although I was constantly aware of and wary of the role of the market elements of the process, I was also aware that without those transactions I would remain excluded from biological reproduction. For some of us, facing medical, biological and/or social obstacles, the commercialized aspects of reproduction have been important facilitators of family creation and relationships that were otherwise proscribed. In fact, it is not just capitalist entrepreneurs (for instance, those behind the many for-profit fertility clinics and surrogacy agencies) who have used market transactions to open up parenthood options, but also entrepreneurial activists (like the women who established sperm banks in the 1980s) (Mundy 2007). The expansion of who can become parents, when and how—including, it turned out, by “outsourcing” parts of the process—has resulted not just from commercialization forces, and not just from advances in reproductive medicine, but also from social movements. Without feminism, it is hard to imagine women pursuing parenthood solo (Hertz 2006); without lesbian and gay organizing, the legal and social obstacles to same-sex parenting would have been insurmountable (Lewin 2009). In this context, the marketplace seemed to me neither a moral contaminator nor a coercive force but one mechanism for achieving both a personal and collective goal: the freedom to make the relationships that we want to make, not just the ones that are defined as legitimate by, say, heteronormative social forces and traditional family structures (Stacey 2011).

At an everyday level, my stories suggest, the relationship between marketplace and intimacies is not exclusively one in which the market colonizes personal life and we accommodate ourselves to it or push back against it. In many ways, in the creation of our family, the market indeed pushed against intimacies, replacing connection with commerce; in other ways, it produced intimacies, even as other institutions, such as law and medicine, were hostile or ill-equipped for this kind of family making. In some ways, financial transactions highlighted class differences and undercut the closeness of peers; in other ways, they generated balance and offset differences. Sometimes operating outside of the marketplace was a welcome relief from the ways it pushed people apart; at other times, the detachments it provided were themselves a welcome relief. Sometimes we were suspicious of and resisted the logic of the marketplace; at other times, we sought out and embraced it.

### **Making Reba Sadie**

From the very beginning, considerations of the commercialized aspects of family creation were primary in my and Richard’s decision making. For a variety of

reasons, some form of biological ties between us and any future baby was very important to Richard, and less so to me. I had no objections to biological reproduction itself, and felt no particular obligation to pursue adoption instead. Instead, my worries echoed the scholarly troubling of commodified intimate life relations. The idea of shopping for eggs, as though procreation was equivalent to a trip to the grocery store, rubbed me the wrong way; the idea of basically renting a woman’s womb seemed even creepier, given the degree to which many men have proceeded as if entitled to access women’s bodies through purchase, violence, or both. What I wanted, and Richard, too, I think, was something that felt more connected, organic, consensual and intimate.

Then, just after New Year in 2004, I had a dream. In it, my college girlfriend, her freckled cheeks ruddy, her red hair matted with sweat, was having a baby. After my coffee, I gave Tamar a call. We hadn’t spoken in about a year, but I told her about the dream and asked her if she and her husband were maybe on the way to a baby.

“Nah,” she said. She and her husband Andy had decided against kids. Tamar mentioned only one regret. “I kind of wanted to experience pregnancy and childbirth. I was born into this body, you know, and I feel like I’m missing the chance to experience one of the most amazing things you can do in this kind of body.”

“So you’re saying you’d like to be pregnant and give birth to a child, but not raise it,” I summarized.

“Exactly,” she said.

“Have I got a deal for you,” I said.

“I’ll mull it over,” she said. I figured she was kidding.

To my surprise, Tamar called back a few weeks later to discuss the possibility of carrying our baby. She came to our ongoing conversations with lists of discussion topics. Interestingly, among the things she requested was payment, not so much because she needed the money but so that she could treat the experience at least partially as a job, and perhaps because it seemed to balance things, by transforming a pure gift into an exchange of sorts. She also wanted to know how we would feel about her breastfeeding, at least for the first week or two. I’d been reading a lot of surrogacy websites, most of which saw a carrier’s emotional attachment to the child she was carrying as the first step towards her decision to screw over the intended parents and keep the kid.

“I’m not worried about getting attached to this baby,” Tamar said. “I want to feel attached to this baby. I hope you want that, too.” It was exactly what I wanted: attachment and detachment combined. Given the health benefits of breast milk, Tamar also proposed to pump her breasts for the first six weeks and FedEx the milk to California.

“You drive a hard bargain,” I told her. I knew she was in.

Not long afterwards, looking for materials to paste into a birthday book for Tamar’s upcoming birthday, I found several articles sent to me by her late mother, a psychologist, including an invited address she’d given to the American Psychological Association on Judaism and feminism. In it, she quotes a paper Tamar, then 19, had written about the separation of male and female in the

creation story, and their reconciliation through the improbable pregnancies of Sarah (pregnant at 90 with Isaac) and Rebecca (barren for 20 years, only to give birth to twins Jacob and Esau). The logic of the interpretation wasn't easy to follow, but Tamar, her mother reported, "caused pregnancy to represent in symbol that which it is in biological fact, a unification of independent beings who require each other for the creation of new life." Tucked nearby was a letter Nancy had written to me after my break-up with Tamar. "When I think about what 'might have been' between Tamar and you," she said, "it is more often in terms of the large collection of baby items we have squirreled away in our minds for the first grandchild, for which you and Tamar looked like the most likely and most welcome candidates." I made a copy of the letter, and pasted the original onto a page for Tamar's birthday book.

Richard and I set about pursuing both commercial and non-commercial avenues to the egg that might become our baby. I perused egg donors on fertility clinic sites, unhappily, and we began talking to family and friends, one of whom ultimately agreed to donate eggs. All the elements were in place: intimates, together, expanding a family by creating a baby.

In April, Team Baby descended on Northern Virginia, near Tamar and Andy and a reputable fertility institute. The fertility institute was located in a small, bland office park in Fairfax. Checking in at the front desk, we could fit our roles into none of their forms. Mom-kid combos beamed from the shiny covers of parenting magazines. The few waiting women and the receptionist watched us with curiosity and caution, as if our laughter might be mocking them. In the waiting room, we were incongruous, a bunch of fertile people loosed in the land of infertility.

While the donor's eggs were being harvested, I browsed the agency's brochures, one of which advertised the availability, for an additional fee, of eggs from women who "hold or are pursuing advanced degrees in medicine or another academic specialty," known at the institute as "doctoral donors."

"Daddy," I said, in my best spoiled voice, "I want a doctoral donor." No one was amused.

After dinner that night, Andy put Sister Sledge's "We Are Family" on the CD player. We pushed back the table and danced a little. *We are family. I got all my sisters with me. We are family. Get up everybody and sing.*

The doctor—who, by coincidence, Richard knew from medical school, where they were among the few African American students—made no mention of our unusual circumstances, and had no trouble recognizing that Richard and I were the intended parents, and that the egg donor and Tamar were not "staff" but members of a tight little team. When she called the next day, the news wasn't good. Only two eggs had fertilized, and neither of the embryos looked promising. The odds of a pregnancy, she said, were slim to none, which Richard told me was doctor talk for "it's not going to happen." I flew home to go back to work.

Tamar, who for months had been physically and mentally preparing for her role, wanted to follow it all the way through. Otherwise, she said, it would be like she'd trained for a relay race and never been handed the baton. Besides, we figured, we'd already paid for the procedure. That Monday morning, Tamar lay on

the table, legs raised, with Andy and Richard on each side. The room was a bit cramped, and on one side was a small sliding window much like you'd find at a Burger King drive-thru. The window slid open, and a voice called out, in a manner that reminded Richard of a short-order cook, "Embryos for Gamson." They all held hands and watched on the ultrasound screen as a tiny dot gently traveled, like a slow-motion spitball, to its destination.

Tamar was told to lie low for the day. Andy went to work, and she and Richard got French fries and watched DVDs.

Two Thursdays later, Tamar called to tell us she was pregnant.

Tamar approached pregnancy with the conscientiousness and grit that I recognized from our college years. She studied fetal development, she researched, she charted. She kept her receipts and tracked her expenses on Excel. She dealt with curiosity-seekers with finesse and smiling bite, disarming them with the isn't-it-wonderful news that she was carrying a baby for dear friends, two guys who could not have one on their own. I imagined she left little space for disapproval. She told me she saw her mission as personal and political.

Still, we had to sue her. We had already decided against having the birth in Virginia, where laws were hostile to surrogacy, let alone same-sex parenting. Our plan was to head up to Massachusetts, hang out at my parents' house on Martha's Vineyard, and have the baby in the one state where Richard and I were legally married. Without legal intervention, the baby's presumptive legal parents would be Tamar and Andy, in which case we'd have to adopt our own kid, or at best Tamar and the one of us who donated sperm would, in which case we'd still have a mess on our hands. Tamar and Andy wanted no legal responsibility for a baby and we wanted all of it, so we decided to get a court order so that, as our complaint to the Probate and Family Court of Dukes County, Commonwealth of Massachusetts, put it, "the child's birth record may be established in accordance with those true and accurate facts regarding the child's parentage." I couldn't help but admire the big balls of a system that so casually insisted our collaboration be recorded as a dispute, and charged us money to do so. What a perfect perversion: generosity reflected back to us as animosity. At least, I thought, we got the pleasure of being difficult to digest.

In mid-December of 2005, we road-tripped it together in Tamar's Subaru from Virginia to Massachusetts, she in the back seat with her ridiculous belly and a body pillow, Richard and I in the front. How strange to be here with them, I thought, these two who had walked in from different lifetimes, now laughing it up and arguing about who could be in the delivery room.

Andy arrived a couple of days later, and we all hunkered down like roosting birds in my parents' small guesthouse to await the baby. The fireplace was lit each morning as the coffee was brewing, and burned itself out after that evening's movie. We read fiction punctuated by meals. We stared spacially out at the bare trees. We entered a sort of group marriage, annoying one another with dishwasher-loading styles and inappropriate whistling; occasionally one dyad would peel off for a walk, an argument, or both. On Christmas Day, Richard cooked an elaborate meal that included mac-and-cheese, collard greens and sweet potato pie; it was also the first night of Chanukah, so we lit several menorahs near the

Christmas lights. We became bored, impatient and a little chubby. We tried every trick we'd heard, or thought we'd heard, to get the fully cooked baby to emerge, but she stayed put, paddling about contentedly in her dark sea of amniotic fluid. Finally, after weeks of waiting, the calm, patient nurse-midwife at the Martha's Vineyard Hospital scheduled an induction.

My mother kept a sort of journal record of our stay, with brief, factual summaries of each day's events, entitled "It Takes Two Fathers, a Surrogate, Her Husband, Three Grandparents, a Dog, Three Cousins, Two Aunts, an Uncle, Four Houses and an Island to Birth a Baby: Notes from a Modern Confinement." It includes entries like this one, from December 19th: "At the guesthouse, Josh washes loads of beautiful hand-me-downs that are probably already clean. J and R deal with the legal procedures that will allow them to be recognized as the legal parents of the baby."

In the hospital, our reputation had clearly preceded us—the Vineyard is a small town in the winter, and we were the talk of it—and the warm nurses knew exactly who was who and what was what. We all did our best to entertain and distract Tamar. We put some country music on the CD player, and Andy and Richard danced a goofy jig. I massaged Tamar's back and Andy quietly sang, a cappella, a Kate Wolf song in which a lilac and an apple converse about "life in another time." When it seemed that no amount of drugs, songs, stories, baths and jigs would get this baby moving—the contractions were regular and painful, but didn't increase in intensity, and Tamar's uterus was barely dilated—we ordered a pizza, wheeled Tamar out to the waiting area, and agreed to try again the next day.

The next afternoon, the nurse-midwife broke Tamar's water. A few hours later, Tamar agreed to an epidural, both for pain reduction and to increase the odds of a vaginal delivery. Several hours later, now into the early hours of day three of her labor, Tamar looked wearily at Cathy. "Do you think it's safe to say we've tried everything?" she asked. "Do you think I've done everything I can to get this baby out?" The nurse-midwife nodded, and picked up the phone to call the doctor.

Richard and Andy and I, in scrubs, masks and caps, stood inside the delivery room. Richard's little sister watched from a windowed room just above us. His mother and mine, who had slept overnight on matching couches in the maternity visiting area, were waiting outside the door; my father was on his way. From where I stood, Tamar reminded me of a woman in a magic show being sawn in half, divided as she was by a waist-level screen. The top half was placid, her eyes blinking slowly, her head turned a bit to look at her husband. It seemed to have no connection to the bottom half, where three men poked away frantically with gloved hands dripping blood, pulling out of it the nine-pound creature we named Reba Sadie, after my grandmother and Richard's great-grandmother. Andy cut the umbilical cord.

One of the nurses asked who was to get her first. Richard and I, teary eyed and exhausted, looked at each other and then pointed to Tamar. Tamar, cheeks ruddy, hair matted, crying, gazed dopily at the swaddled infant, and then the nurse brought her back over to me and Richard. Richard held her up towards

the fluorescent-lit ceiling, Kunta Kinte style, crying and chuckling. We took her out to the hallway to meet her grandparents. My mother turned to Richard's. "Look at those lips," she whispered.

The day before we were all to leave, my parents made us dinner and left us to eat it while they babysat. Over fettuccine that night, we talked on video to future versions of Reba. The combination of sleep deprivation, hormones, wine and intimacy proved irresistible, and pretty much anything anyone said made someone else cry. When Tamar reported on our success with feedings ("every two to three hours, we're keeping meticulous records, and one of your daddies is always there"), I filmed the tears coming to Richard's eyes.

"What do you want Reba to know about who you are and who you are to her?" I asked, recording. Just the question made me cry a little.

"I'm not sure who I am to her yet," Tamar answered, drying her tears without interrupting the drama of the moment. "She'll have to figure that out as she grows up. But who she is to me: She's this wonderful little person I helped bring into the world, and I'm really glad she's here. Her dads needed a little help birthing her, since neither one of them has a uterus, and I do, so she got put inside of me when she was two cells big, and she grew inside of me for nine months." She covered her mouth, crying hard now, but readying a punch line nonetheless. "I tried to take really good care of her, and I think I did a pretty good job, cause she came out really, really big."

"Why are you crying?" I asked.

"I'm crying because there's a lot of hormones right now," Tamar said, blowing her nose. "And I'm also crying because I'm going to miss her. I was very glad to help her grow and bring her into this world. It's really hard to let her go now that she's no longer inside me. I want to be part of her life. I will be part of her life." Looking back, it sounds like something you'd hear on *Oprah*, but at the time it was just like listening to the inside of a heart.

Andy cleared his throat, and pushed his long hair back behind his ears. He sang for Reba the song he'd made up earlier in the week. The tune was from the spiritual "Children, Go Where I Send Thee." Andy had inserted lyrics that were equal parts love and cheese. *Children, go where I send thee. How shall I send thee? Andy sang. I'm gonna send you one by one. One for the little bitty Reba, wrapped in swaddling clothing, lying in her daddies' arms, born born born on the Vineyard.* Everyone but Andy got a shout out in his song—Richard and me (two), the grandparents (three), Richard's siblings (four), my sister's family (five), the hospital stay itself (six), even the "luck of the embryos" (seven), the nurses (eight), and the Apgar score (nine). He ended not with the apostles, but with Tamar: *Ten for the belly mommy.*

The next morning, the four of us took a walk on the beach with my mother, her dog Rosie and a bundled-up Reba, to say our goodbyes. We didn't talk much. When Tamar and Andy drove off, my mom held the baby while Richard and I chased after their car, waving and crying, like the movie wives of soldiers chasing the train carrying away their husbands.

We flew home to California when Reba was nine days old. In my carry-on bag was her birth record, handed to us the day before by Sandy, a rosy-cheeked hospital records clerk with braces on her teeth. When we'd first arrived at her

department, Sandy had not known what to make of the group of us, but over the weeks she had made many phone calls regarding the issue of how the Commonwealth might allow her to provide a birth record that didn't say "mother" and "father." She had gradually become a confederate. The birth certificate she produced listed Parent A and Parent B.

### **Making Madeleine Blanche**

A few years later, when Richard and I decided, over dinner at a casino buffet, that we wanted to conceive another child, we turned very quickly towards market-based surrogacy. Much as she had appreciated the experience, Tamar was not interested in another round; the odds of another friend offering to carry a baby for us seemed slim. Much as we had both appreciated the earlier process, the thought of going through an agency, which would set us up with paid strangers to help us out, gave both of us a surprising sense of relief. I had no regrets at all about the way we had made Reba, but it was filled with exhausting complexities: the weird combination of guilt and gratitude towards the egg donor, the gestational surrogate and her husband; the intense period of group marriage and then the abrupt, painful separation; the ambiguous boundaries of familial relationships; the practical hassles of organizing such an elaborate production, including the medical and legal maneuverings. The thought of doing that again, while parenting a preschooler, just when we were beginning to get some sleep, seemed too exhausting for words. Hiring an agency to help, and working with an egg donor and gestational surrogate with whom we had no past relationship, now seemed not unsettling, cold and overly mercantile, but sensible, clear and clean.

Still, when I looked into surrogacy agencies that had specialties in same-sex family building, I found myself again uncomfortable: with the glossy brochures and high fees, and perhaps with the forced recognition that our way of becoming parents was really only available to us because we had the earning capacity, borrowing power and family financial support to afford it. When I looked at the profiles of egg donors on various websites, I could not feel a connection to any of them. "They're all smiley and young and blue-eyed," I complained to Richard. "Most of them say something like, 'I'm a people person.'" Where were the black women with attitude and the neurotic Jews, or the Jewish women with attitude and the neurotic African Americans?

Thankfully, we knew some of those. So we asked a close friend—a woman with a very sweet, deep attachment to Reba—if she'd consider donating eggs for our next child. She said she'd give it some thought.

We chose an agency, Circle Surrogacy, partly because they were based in Massachusetts—we had vague, naïve notions that they'd be more likely to be connected to surrogates in that state, where we had already established legal parentage once—and partly because their self-presentation was of a small, gay-run agency that viewed surrogates as people rather than as means-to-an-end vessels, and aimed to build rather than limit the relationships between surrogates and clients. That is, they tapped into and comforted the very anxieties about commercialized reproduction that I brought to the table. The first email to us, in

early 2008, announced that the president of the agency is "one half of a gay couple and the proud dad to two boys through traditional surrogacy," before mentioning that the agency fees had just increased but if we signed on by the end of the month we'd be under the previous fee structure. We met with the agency president and one of his colleagues a few weeks later in a San Francisco hotel, where they were attending a conference. Some similar agencies, they told us, do not like the surrogates and the clients to have too much contact, and monitor any contact they do have, for fear that they will become too bonded. They took a different approach, they said, encouraging as much contact as possible, under the belief that making a baby together can and should be an intimate bonding experience.

That sounded just right. Plus, we knew this could all take a long time and were ready to get started. We forked over the large agency fee, sent in the 21-page contract, and signed on. Paperwork and emails flooded our way. There was the Timing of Payments notice, the lengthy Explanation of the Matching Process, the Parenting Questionnaire and the separate Father's Questionnaire. We had to send them our wills, choose a plan for purchasing insurance for a surrogate and look for a psychologist to evaluate us. The social worker wanted to talk to us, and then her successor, and then hers. The case manager, and then her successor, offered to answer any questions we might have. We had many.

In March, as I was resignedly narrowing the pool of people-person egg donors, we got a call from the friend we'd asked to consider egg donation. She'd decided, after serious and careful deliberation, that she couldn't do it; among other things, she was concerned that, in order to keep her non-familial relationship to a future child clear, she'd need to distance herself from us and our family. She said we might get a call from a mutual friend, Rachel, from whom she'd sought counsel while thinking it all through. Sure enough, that very evening, Rachel, who was finishing a PhD and had a son a few months younger than Reba, called. She offered us her eggs.

"Are you fucking kidding me?" I said. "A doctoral donor! Do you know how much your eggs are worth on the open market?" Rachel laughed.

Later, Richard asked her if she would feel weird knowing that her son had a genetic sibling, and she had a genetic child, living nearby.

"That's not how I think about it at all," she said, in the direct, self-possessed and no-nonsense manner I'd often admired. "An egg is made up of some cells. I am offering you some of my cells. That's it. Of course, I'd want to know and love any child that comes of this. But that's not my child." Richard and I could not believe our luck—or rather, the kindness of our friends. After the conversation, we cried a little. The next day, I began making arrangements with Rachel for her to see a fertility doctor.

A few weeks later, I received an email from a Circle social worker named Katherine. "We have found a potential carrier that we think will be a great match for you two! Gail is a thirty-five-year-old single mother of three children, living in Kentucky. She is very excited about helping a couple to create a family as wonderful as hers. She has a very strong support network in Kentucky and feels ready to embark on this journey with the support of her mother, siblings and

close friends." She attached Gail's profile and a few photos. Gail, pale with shoulder-length light-brown hair, smiled alone, and then with a baby, and then with a baby and an eight-year-old boy. She was a single mother of three kids, her profile said. She liked "reading, playing games, spending time with family, going to movies and concerts, doing crafts, swimming, many outside sports, and of course shopping." She was of German descent, a high school graduate and a widow. Her father was an alcoholic and her sisters were molested. "I have a really easy pregnancy and I love being a mom but for some people they aren't able to get pregnant so easily," she wrote. "I think if someone wants to be a parent then why shouldn't I help them when it's so easy for me. My family is complete and it wouldn't be my baby. I'd just be carrying it for someone else. It would be my job to protect it until it's born and then they can protect it." She listed her base fee as \$20,000. She'd found the agency through a Google search.

Notwithstanding Katherine's enthusiastic exclamation points, there was nothing in particular that made Gail a "great match" for us beyond the fact that she had completed a form and we had completed a form. She was in a state with laws unsympathetic to surrogacy and hostile to same-sex relationship recognition. As it turned out, no one at the agency knew much of anything about Gail beyond what she provided in her profile, and they had no intention of ever meeting her. Still, however careless the matching process, there she was: a woman in Kentucky who would consider carrying our child.

We talked to Gail on the phone the next week. She was nervous and giggling. We mostly made small talk about kids and movies. Towards the end, I asked her what she thought it would be like to carry a child that she wasn't going to raise.

"It's kind of like a babysitting job," she said, giggling. "I figure I'd be babysitting your baby for nine months." Though I figured it might be more emotionally complicated, I liked that: She would be our fetus sitter.

We flew Gail out to meet us in person. She had never flown before. Within a few hours, she had lost much of her nervousness. She was funny and fun loving, with a sense of adventure. I thought maybe that was part of the appeal for her, besides the money and the "why shouldn't I help?" motivation: a taste for something new, different, bigger and weirder than her everyday life in Bowling Green. We introduced her to Rachel, and they seemed to appreciate each other. By the end of the trip, we'd all agreed to try to have a baby together.

The agency, despite their sales pitch, did little to facilitate a relationship between us and Gail, aside from taking over financial transactions. We fought with them over nearly everything, even as their staff members dropped out and new ones popped up in their places. The agency wanted Gail's emotional support to come from a long-distance phone relationship, at a fee of \$3,000, with a social worker who was authorized by signed waiver to report to the agency if "there is any threat to the health of the surrogate, if there is any threat to the health of the child, or if the surrogate is thinking of changing her mind." We insisted that she have access to face-to-face support by a mental health professional in her own locale, whose sole loyalty would be to her. The psychiatrist the agency required us to see assured us that was the standard of care according to the American Society for Reproductive Medicine.

"We believe our success in having the highest success rate in surrogacy and having every surrogate relinquish the child is in large part due to [the outside social worker's] extraordinary ability to provide support over the phone and to build a relationship of trust and understanding with the surrogates," the agency's president wrote to us in an email. He offered the example of a surrogate who "developed intra partum depression taking a whole box of Tylenol, trying to kill herself when she was six months pregnant." The social worker had "jumped to the rescue":

She got in touch with a psychiatrist, who prescribed the one type of anti-depressant that was not dangerous for the baby and we jointly (and nicely) threatened the surrogate with a locked institution if she didn't take her medication every day and show up for every consultation with the psychiatrist we set up. She did both, and delivered a healthy child three months later.

He told another cautionary tale of a surrogate who changed her mind about "releasing" the baby inside of her, revealed this in a "chat room for unhappy surrogates," some of whom were part of the social worker's "remarkable cadre of loyal surrogates." They reported her disclosure to the social worker, who reported it to the agency, and through an "incredible intervention, the surrogate agreed to release the child." He suggested that, while a local therapist might be "by the book," it would "compromise the surrogacy," and could cost much more. "I fear greatly," he said, "that we will lose control." I was not comforted. To him, this was a goal-oriented business transaction; to me, an intimate process. To the agency, she was a service provider, and not one who could opt out once she opted in; to me, she was a person who, much as I hoped would carry our baby, should remain in control of her own body and destiny. The notion that threats, cadres of chat-room tattlers, and incredible interventions would build trust and understanding seemed unlikely; the notion that all that mattered was the "rescue," "control," the "relinquishing" of a healthy baby, and a high agency "success rate," seemed to undermine claims that Gail herself was a priority. We would have to work on trust and intimacy on our own.

Over time, without giving it much thought, we built a friendship with Gail. It made sense to do the egg donation and fertilization in California—and it took two egg donation cycles and four in-vitro attempts to get pregnant—and on each subsequent trip we all relaxed around one another. We were all regulars at the local fertility clinic, where Gail, Richard, our doctor and a nurse, who seemed as invested in our baby as we were, would cram into a tiny laboratory room and wait for the tall, skinny embryologist to present the needle that might contain our future child. For the second pregnancy attempt, we invited Gail to bring her kids, and we took them and Reba on a road trip to Monterey. We were there when Gail's children touched the ocean for the first time; we took them out to dinner, and showed them the Golden Gate Bridge. It was a strange kind of relationship: inherently familial, but also most likely short term; starting and to some degree set to end with a market transaction, but also somehow much more; at once superficial and deep. I was curious about its constraints, but never able really to get past them. She was a single, working mother with limited income, being paid by



two men, a doctor and a professor, to conceive and carry a child. Though I had no evidence of it, I wondered if her easygoing persona was in part a means of covering discomfort and even resentment, and of protecting a valuable financial opportunity. For our part, we were loose but also careful, aware of the costs of alienating Gail.

Finally, in early 2008, Gail was pregnant. Unlike Tamar, her approach to pregnancy was unworried and undetailed: she had done it before, and it didn't seem to require much extra attention beyond going to check-ups. She would work in her job as a clerk at a campground/amusement park until the day before giving birth, as she had with her own children. Richard and I had told ourselves not to micromanage the pregnancy, which was just as well, given how hard it was to reach Gail, who sent us short "the baby is doing fine" updates every few weeks by phone and email. On the rare occasions that someone from the agency spoke to Gail, we'd get a sunny, exclamation point-ridden, information-thin email from a caseworker in Boston. Aside from one trip to Kentucky for the 20-week ultrasound, our involvement with the pregnancy was disconcertingly minimal. It really was like having a babysitter for our fetus.

The surrogacy agency had recommended that we pursue second-parent adoption—in which a non-biological parent adopts after the baby's birth—but neither of us liked the idea of adopting our own child. We hired a lawyer to get from a California court a pre-birth order designating us as the parents, as we had done in Massachusetts. Just before the baby was born, after many forms and fees, we were legally deemed her parents by the Alameda County Family Court.

Richard and Reba flew in mid-September to Bowling Green, Kentucky, to await the birth, and I joined them after a week. We had invited Gail to come to Massachusetts or to California for the birth, but, between her work and her kids, that turned out to be too much adventure, even for Gail. I wasn't excited. I figured that Kentucky would be full of homophobia, guns and fatty foods, and maybe not so safe for a black man, a Jew and their black-Jewish daughter. Richard had gone with Gail to meet the obstetrician, who, when faced with the requirements of our surrogacy plan, turned hostile and scheduled her labor to be induced on what later turned out to be a day he would be on a golfing trip. After the meeting, Richard, who is not prone to tears, cried on Gail's shoulder.

Not long after my arrival, while Richard and I were in a matinee of *Zombieland*, our lawyer called to report that the local family court had refused to domesticate the California court order, leaving things in legal limbo. She said she would threaten to sue Kentucky for violating the Full Faith and Credit clause of the Constitution and instructed us to get out of there as soon as the baby was born. I felt vaguely unsafe and out of sorts. People seemed to stare at us. One night I dreamed that the baby was born healthy, and then stolen.

However, when Madeleine Blanche came along a few days later (full head of black hair, long eyelashes, tongue sticking out), that sense of danger had receded. Gail's mother had been with her throughout labor, and held her hand in the delivery room when it got rough. Richard and I had stood behind Gail, watching the obstetrician, a kind, efficient, direct woman, work with Gail, as a forceful nurse ordered Gail to push. My parents and Richard's mother were in the

waiting room with Reba. When it was over, we said goodbye to Gail, who went to sleep while we went off to the maternity ward to be regularly awakened by a hungry baby. I wondered if Gail would feel lonely, but couldn't ask.

Our presence seemed to send the staff of women at the Bowling Green medical center into Southern hospitality overdrive: they dispensed diapers, advice and coffeecake. We chatted about four year olds, work and the costs of preschool. Nurse Christie brought a button for Reba that said, "I'm a big sister!" Unfamiliar heads popped in and out. Not homophobia but a kind of homophilic curiosity was swirling around us, turning us into objects of gossip but also of generosity. Anxieties about discrimination were one thing, but my assumptions about homophobia now seemed glib and snobbish.

The problem was getting out of there. One sympathetic young clerk had been instructed by hospital lawyers not to put our names down on the birth forms as parents, but Gail had declined to sign anything that gave her legal or financial responsibility for our baby. The clerk tried the form with just a father's name, but the computer spit it back, saying it required a mother. So she sent the forms, along with a copy of the California court order, to the Kentucky Office of Vital Statistics with neither Father nor Mother listed. Her small act of administrative disobedience was, to me, quite touching. The hospital released us and our legally parentless baby.

On our way out, we went to visit Gail, who had mostly been sleeping since the birth. She was dressed and out of bed. Surrounded by her family, she looked refreshed and ready to get back to her post-fetus-sitting life. She'd called to get help from Richard, since the hospital staff was asking her to wait to be released until "our lawyers get back to us." Gail knew Richard would know how to address this.

"You're not refusing to release this patient, are you?" he asked a blank-looking administrator. "You can't legally keep her here, you know. Get her a wheelchair, please." Minutes later, a wheelchair arrived.

We chatted with Gail, her mother and her teenage daughter about Madeleine, and exchanged a few small gifts. Even as Gail held Maddy for a minute, we kept it light, but beneath it I could feel a strong, thin thread connecting all of us for the rest of our lives, maybe more. I might have made that up.

At the airport, the airline agent refused to allow us to fly with the baby without a note from her pediatrician. "She's three days old and we live in California," Richard said. "I'm her doctor." I watched him dig around for his medical license and then scribble something on a piece of paper. When we boarded the plane, with only a release document from the hospital to identify Madeleine, going home with our children felt like some sort of escape attempt.

Months later, we still had no birth certificate. Smelling discrimination again, I indulged in self-righteous daydreams of lawsuits, but my suspicions proved unreliable. For Kentucky officials the problem turned out to be much more mundane than sexual taboo: they didn't want California telling them what to put on their forms. In the end, they issued a birth certificate saying that Gail was the mother, then sealed it and issued an amended one listing Richard and me as the parents.

Finally, one day the birth certificate arrived. Somehow, with all the lawyering and money that preceded it, I was surprised that it was just a piece of paper.



Then I noticed something: the California judge had directed Kentucky to list one of us as Mother and the other as Father, but Kentucky officials refused. Instead, they labeled us Parent and Parent. Kentucky had out-liberaled California.

We picked up Reba from preschool. She was uninterested in the news, but happy for the celebratory dinner, through which the baby slept, eyelashes fluttering.

### Outsourcing, marketplaces and intimacies

Looking back at these experiences of family creation through the lens of market-mediated intimacies, and of the outsourcing of private life, there is certainly plenty of evidence that the marketplace is hostile to both short- and long-term intimacy. In our more overtly market-engaged experience—which resulted in Madeleine—we developed connection, trust and attachments *in spite of* the actions of the commercial agency that made and managed the link between Gail and us. To the degree that we forged intimacy, it was limited and transitory. We came together for a specific purpose, and when that goal was reached, when Gail’s “babysitting” job was done, we parted. Even in the case of conceiving Reba, which was much less market-based (though much was still outsourced), the path we took was very much informed by the desire to bypass the commercial surrogacy system, on the grounds that it was likely to be less deeply intimate, as indeed it turned out to be.

It also appears, quite predictably, that the stronger the market involvement, the weaker the intimate ties. For instance, our family’s relationship to Gail is, and is likely to remain, a relatively weak, inconsistent one involving very little emotional disclosure. We send her holiday cards every year and photos of Maddy and Reba every few months. She sends occasional news about her kids: last I heard, the older one was deciding to stay in Bowling Green for college so she could be near her boyfriend, the middle one was asking to learn to play piano, and the littlest one was obsessed with horses. Our relationship to Tamar, and also to Andy—they are no longer together—was dramatically strengthened and deepened through Reba’s creation. They had been friends, but they became family. Although the relationship with Andy has faded, we see him periodically and he remains in our loose kinship network. Our relationship with Tamar is more intensively and self-consciously present. We see her a couple of times a year, and talk a few more. Although we have been cautious about using “mother” in association with Tamar, which we all agree is both inaccurate and confusing, we sometimes refers to Tamar as Reba’s “belly mommy,” which reminds Reba that she came into the world like everyone else. More routinely, she is known as Aunt Tamar. For the past two years, Aunt Tamar has taken Reba, without us, to her family reunion in Michigan; that family is already a mix of biological, half-biological and by-marriage kin, and Reba joins the mix as a sort of special guest star.

These experiences are much more complex and nuanced than the critical concerns about the commodification and outsourcing of personal life might suggest. They serve as reminders, first, that the outsourcing of such private, personal experiences is not in itself destructive. Even with payment, these family creation

processes produced unusual new relationships, or new depths to existing ones. We did not just arrange for others to provide the service of reproduction. We also brought people *into* our family, expanding rather than simply delegating to others its intimacies. We became connected, literally combining elements of ourselves. Market transactions and agents did not determine the sorts of relationships that we developed, any more than, say, a matchmaker determines the type of relationship between potential romantic partners. We made our own intimate idiosyncratic cultures, temporary but with lasting effects, facilitated in part by commercial brokers or by financial transactions we chose. Indeed, at times, much as Zelizer (2000) describes, we used, or simply allowed, the market to “mark the character and range of the social relationship” we were enacting (Zelizer 2000: 842); most importantly, payment marked the boundary between a parental and non-parental relationship to the baby, a boundary all of us involved wanted and needed.

Between the adults, the relationships these experiences produced range from minimal intimacy to maximal. I’ve already weathered dramatic conflict and changes with Tamar since Reba’s birth, and the connection has survived; I am not sure I’ll see Gail again, or that either of us would feel that as a loss. Yet even we are permanently bound by the creatures we produced. That is its own kind of intimacy—a spiritual one, in a sense, if not always a practical one.

A couple of years ago, when she was four, Reba asked me if Tamar was at my wedding to Richard. She already knew the answer was yes—she regularly asked to hear “the wedding story” before bed and had seen the photos—but she seemed to want confirmation before she continued.

“So I’ve known her forever,” Reba said.

“Yes,” I replied. “Since you were an embryo. Maybe even before that. Hard to know.”

“Before that,” she said with certainty. “Because I was at your and Daddy’s wedding. When I was a spirit. I was sitting on Tamar’s lap.”

### Notes

- 1 A small portion of the material in this chapter is adapted from my piece “My New Kentucky Baby,” which appeared in *The New York Times Magazine* (May 22, 2011).

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