

Gestational Surrogacy or Wombs for Rent?

An analysis of the surrogacy debate in Spain.

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Abstract

Surrogacy is a much-discussed issue in Spain since in 2017 the political party Ciudadanos proposed in parliament a law to legalize altruistic surrogacy. Since then, the main political parties have constructed a discourse on surrogacy, positioning themselves in favor of or against its legalization. Meanwhile, civil society has also mobilized and associations fighting for or against the legalization of the practice have emerged. This dissertation analyses how surrogacy discourses in Spain have been articulated by four political parties and two civil society organizations, and what are the social and political implications of these articulations. The thesis has a poststructuralist approach and is theoretically framed into Foucault's biopolitics and power-knowledge. It uses a literature review and Nancy Fraser's two-dimensional understanding of social justice as theoretical tools for analysis. After conducting a discourse analysis using Laclau and Mouffe's Discourse Theory, I determine that actors in favor of the legalization of surrogacy conceptualize it as a matter of recognition, while actors against legalization consider it a maldistribution struggle. Secondly, actors in favor of legalizing altruistic surrogacy construct it as a step forward for women's bodily autonomy. I conclude that the correlation between the legalization of surrogacy and the improvement of women's bodily autonomy is spurious, and that discourses in favor of surrogacy in the Spanish context jeopardize bodily autonomy because of their understandings of choice and freedom.

Key words: Surrogacy, Wombs for rent, Discourse Theory, Bodily autonomy, Redistribution, Recognition, Biopolitics.

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List of abbreviations

Cs: Citizens (Ciudadanos).

PP: People's Party (Partido Popular).

PSOE: Spanish Socialist Workers' Party (Partido Socialista Obrero Español).

UP: United We Can (Unidos Podemos).

SNH: They are our children (Son Nuestros Hijos)

RECAV: State Network Against Womb Renting (Red Estatal Contra el Alquiler de Vientres)

Table of contents

Introduction.....	1
1. Background: The Spanish context.....	3
1.1 The end of the two-party system	3
1.2 The rise of feminism in Spanish politics.....	5
1.3 Reproductive rights, back into the spotlight	6
1.4 Surrogacy in Spain.....	8
Legal framework	8
Practices	9
2. Literature review.	12
2.1 Feminist perspectives on surrogacy.....	12
2.2 Altruistic surrogacy or commercial surrogacy?	13
2.3 Surrogacy from a feminist-materialist perspective.....	14
2.4 Surrogacy, new forms of kinship and queerness.	17
2.5 The Spanish case: gestational surrogacy or wombs for rent?	18
3. Theoretical framework.....	21
3.1 The analysis of the Surrogacy Spanish debate from a poststructuralist approach.....	21
3.2 Foucault, power-knowledge and biopolitics	22
3.3 Redistribution or Recognition, two paradigms of social justice.	24
4. Methodology	26
4.1 Laclau and Mouffe's Discourse Theory	26
4.2 Case selection	29
The actors.....	29

Materials	31
5. Analysis	34
5.1 Ciudadanos.....	34
Law proposition for the legalization of altruistic surrogacy.....	35
Speech by Inés Arrimadas.....	38
Interview with Albert Rivera	39
5.2 Podemos.....	41
5.3 Partido Socialista Obrero Español.....	46
5.4 Partido Popular	48
Interview with Alberto Nuñez Feijoo.....	48
Interview with Javier Maroto	49
Rafael Hernando’s press statement.....	50
5.5 Son Nuestros Hijos	50
SNH’ Manifesto	51
Callao’s Square image: “Nosotras parimos, nosotras decidimos”	52
5.6 Red Española Contra el Alquiler de Vientres	53
5.7 Cross-cutting analysis	55
Group formation	55
Redistribution and Recognition in the Spanish surrogacy debate.....	57
The surrogate as a subject.....	58
Bodily autonomy, the core of the Spanish surrogacy debate	58
6. Conclusion	60
7. Material Appendix.....	63
8. References.....	64

List of figures

Figure 1. Positions on the legalization of surrogacy.	30
Figure 2. Material.....	33
Figure 3. Image “Nosotras parimos, nosotras decidimos”.	52

Introduction

Surrogacy is under discussion in Spain. Since September 2017, when the political party Ciudadanos brought up to the parliament a proposition for its legalization, surrogacy has been a much-debated issue in both the formal political arena and the social one. Surrogacy is a process “whereby a woman is hired, or in some cases agrees without payment, to gestate a fetus grown via embryo transfer and to which she has no genetic tie.” (Davies, 2017: 5).

When presenting the surrogacy law proposal to the Spanish parliament, Ciudadanos conceptualized the legalization of altruistic surrogacy as a progressive measure. The party argued that reproductive rights are not fully guaranteed for all, as there are involuntarily childless couples who end up travelling abroad to create a family through surrogacy. Thus, to enable access to altruistic surrogacy in Spain would protect Spaniards reproductive rights. However, not all Spanish political parties share Ciudadanos’ perspective on surrogacy. Parties as PSOE or Podemos are opposed to its legalization, as they consider that surrogacy entails the exploitation of women. Moreover, they argue that the legalization of surrogacy would potentially jeopardize women’s bodily rights. In the social sphere, surrogacy is also highly controversial. In response to Ciudadanos’ attempt to legalize surrogacy, feminist activists have created associations against surrogacy. Simultaneously, families with children born through surrogacy also are organized in an association that pursues the legalization of surrogacy in Spain.

Given the importance of surrogacy at both the social and the political level, relevant actors – political parties, civil society organizations – have constructed a discourse on surrogacy. These discourses bring into their articulation elements such as bodily rights, feminism, freedom or choice, among others. Therefore, these elements are also being discussed and negotiated through surrogacy’s discursive construction.

The aim of this thesis is to analyze the different discourses that have been constructed in the Spanish surrogacy debate. Guiding my project is the following research question:

How have surrogacy discourses in Spain been articulated by political parties and civil society organizations? What are the social and political implications of these articulations?

This thesis is organized into six sections. In the first section, I contextualize the thesis by examining the Spanish political context and discussing the situation of surrogacy in Spain. In the second section, I review literature on surrogacy, focusing on the work of feminist scholars. The third section is the theoretical framework. Firstly, I will discuss the poststructuralist theoretical approach that will ground this thesis. Then, I will discuss Foucault's biopolitics and Nancy Fraser's two-dimensional approach to social justice. In the fourth section, I will present my methodological approach, which will be Laclau and Mouffe's discourse theory. I will also explain which material I have selected for the analysis. In the fifth section, I will conduct my analysis, which will be divided into two parts: a case-focused analysis and a cross-cutting analysis. Finally, the sixth section is a conclusion.

1. Background: The Spanish context

The aim of this section is to provide the necessary context to understand the Spanish surrogacy debate. The first part describes the political situation of Spain in the time scope that this thesis covers, from 2017 to May 2019. The second part discusses the growing mobilizing power that the feminist movement has acquired in Spanish politics and society since 2018. This is relevant because feminism plays a leading role in the Surrogacy debate. The third part provides context on recent debates about reproductive rights that have taken place within Spanish society. The fourth part describes the current situation of Surrogacy in Spain regarding legal status and practices.

1.1 The end of the two-party system

Since 1978, when the present Constitution was adopted, Spain has been a liberal democratic state subject to the rule of law. Its political form is that of a Parliamentary Monarchy. The legislative power of the state is exercised in the Cortes Generales, which are composed in two houses: The Congress and the Senate. The Congress consists of three hundred fifty members, elected by universal suffrage every four years (Constitución Española, 1978).

Since the consolidation of democracy, Spain has had a two-party system, with PSOE and PP holding hegemonic positions. From 1982 to 2015, more than 70% of all votes were to these two parties, in the course of nine general elections (Agueda, 2018; Gil-Torres, 2018). PSOE, the Spanish socialist party, is the oldest party among today's parties. It was founded in 1879 and illegalized during Franco's dictatorship period. Since 1982, it has been in the government for 25 years. Ideologically, it is positioned at the center-left, as a social democratic and federalist party. PP, the "People's Party", was founded in 1989 and has governed at a national level for 15 years. It holds a center-right to right-wing conservative-liberalism ideology.

However, in the 2014 European Parliament election, two new parties emerged on the Spanish political landscape, Podemos and Ciudadanos, and an end to the

bipartisan system was expected. This was confirmed in the aftermath of the 2016 election, in which Podemos, now in the coalition “Unidos Podemos”, obtained a 21,1% of votes, resulting in 71 seats in the Congress. This result was not very far from the one obtained by PSOE, the traditional majority center-left party, which got 22,6% of votes and 85 seats in the Congress. Cs also acquired representation in parliament, 32 seats (El País, 2019). The emergence of these two new parties has been linked to a crisis in political trust, originated by corruption, the economic crisis and the harsh austerity measurements orchestrated from the European Union, which were implemented jointly by PP and PSOE, among other factors (Vidal, 2018; Rodríguez-teruel, Barrio, & Barberà, 2016).

Podemos is an anti-establishment leftist party. It is closely related to the 15M movement, as in various meetings its representatives have stated that the party is “the political heir of the 15M movement” (Eldiario.es, 2015). For the two national elections celebrated in 2016, as well as for 2019’ national election, it has stan for election in a coalition called “Unidos Podemos”. UP is composed mainly of Podemos and Izquierda Unida, which is a minority leftist party founded in 1986. Along with Podemos and Izquierda Unida, smaller regional leftist formations are part of UP.

Cs, “Citizens”, is a political party firstly operating in Catalonia as a regional party opposed to Catalan nationalism. However, in 2014 it made the leap to the national arena. It is positioned at the center-right of the party spectrum and economically identifies with liberalism (Teruel & Barrio, 2016). Although at first Cs claimed that ideologically the party was beyond the left-right division, during the past few years it has steered to the right. In the last national election (May 2019), it reassured its role as the main challenger to PP when earning the support of the center-right voters (Jurado & Riera, 2019).

In addition to UP and Cs, a third party has made its breakthrough into the Spanish parliament, in this case at the May 2019 elections: the far-right Vox. Although it was founded in 2013, it did not obtain seats in the parliament until 2019. It obtained

10% of all votes and got 24 seats in the Congress (Arduriz & Castro, 2019). Like other European states, Spain now has a far-right party in the Congress.

1.2 The rise of feminism in Spanish politics

During the last years, feminism has been gaining weight in Spanish politics. Thus, surrogacy debates, practices and norms are playing out against the backdrop of the feminist turn in Spanish political culture, due to the important role that feminism holds in the Spanish society lately.

A breakthrough point for the rise of feminism in Spanish politics was the first feminist strike in Spain, which took place on the 8th of March 2018. The wide participation in the strike and mass demonstrations (Gómez, 2018), pushed the parties that firstly opposed to the strike, mainly PP and Cs, to reformulate their position towards the feminist demands that emerged from the organizing groups.

Because of its mobilizing power, different politicians and newspapers started comparing the 8th of March protest to the anti-austerity 15M-Movement that took place in 2011 (Gallego, 2018). Rather than been considered an isolated event, the 8th of March demonstrations were regarded as the beginning of a movement, which has been called “the 8M”. The same process occurred to the 15M; it started as a demonstration that later grew into a social movement. However, one of the main differences between the 15M and the 8M is that the latter is reaching a larger social sector, as a center-right party has attempted to be part of it. Prior to the 8th of March 2018, Cs leader, Albert Rivera, noted that his party opposed both the strike and the demonstrations because of their anti-capitalist manifesto (Moraga, 2018). During that night, the party shifted its attitude towards the strike; Albert Rivera cheerfully celebrated the success of the multitudinous demonstrations, and invited the Prime Minister, Mariano Rajoy, to join the feminist movement, in which he included himself (Moraga & Gil, 2018). A year later, Cs organized an event called “Liberal feminism” a few days before the 8th of March, whereby the party declared their own feminist manifesto (Roces, 2019). At the event, the legalization of surrogacy came up, and one of Cs leaders, Inés Arrimadas, stated that one could not be a feminist if opposing the legalization of surrogacy or prostitution (Ciudadanos, 2019).

This episode exemplifies how the social relevance of feminism has reached out to the political level. Moreover, it also shows how certain political actors seek to prevent the identification of feminism with left-wing politics, as was the case with the 15M movement and Podemos. In this regard, Arrimadas has accused PSOE and UP of “appropriating” feminism (Ramírez & Molina, 2019). Another remarkable acknowledgement of the relevance of the 8M was made by the Prime Minister of Spain, Pedro Sánchez, from PSOE, who stated that the 8M strike and demonstrations “changed the country, projecting the image of a society which does not tolerate gender inequalities”¹ and placed the fight against gender inequality at the center of his government commitments (Mohorte, 2018). Meanwhile, feminism has also been gaining ground within UP. The party has put feminism at the core of its political agenda. Irene Montero, leading congressional candidate for UP, recently stated in an interview: “I believe that feminism is the only political alternative which offers a gaining independent agenda to replace neoliberalism. Feminism puts life at the center of our efforts (...). It underlines the importance of protecting what’s common for all society: education, healthcare...”² (Diario Público, 2019). Furthermore, the party recently changed its name. It went from “Unidos Podemos” to “Unidas Podemos” in order to make the adjective that means “united” feminine (Urrea, 2019).

1.3 Reproductive rights, back into the spotlight

While feminism has recently gained ground in Spanish society and politics, reproductive rights and natality have also been a much-debated issue. There is a backlash against feminism, materialized in the emergence of a far-right party in the Spanish parliament and a shift to the right experienced by some of PP main leaders, which has led to the resurgence of debates on the right to abortion. Right-wing parties have been underlining the need to increase natality. In this context, surrogacy is part of such reproductive rights discussions. Different actors navigate

¹ Own translation from the original quote in Spanish

² Own translation from the original text in Spanish.

between feminism, reproductive rights, and the need to increase the birth-rate when framing their discourses on surrogacy.

The first part of 2019 has been a very active political period in Spain, due to the various elections that took place. The 28th of April, National elections were held, followed by the Autonomic, Municipal and European elections celebrated the 26th of May. During the various campaigns, reproductive rights were very present (Sánchez-Mellado, 2019).

Pablo Casado, the leader of the conservative PP, on an interview in February, expressed his intentions to derogate 2010's abortion law and to go back to 1985's law (RTVE, 2019). The 2010's abortion law guarantees the right to free abortion until the 14th week of pregnancy, while the one adopted in 1985 only contemplated abortion in cases of rape, serious physical or psychological risk to the pregnant woman's health, or malformations in the fetus (BOE-A-1985-14138; BOE-A-2010-3514). Casado linked the opposition to the current law to a need of increasing birth rates, claiming that "we must think about how to have more children instead of how to abort them" (RTVE, 2019)

The revival of the abortion debate by Casado was highly criticized not only by PSOE, Cs, and UP but also by members of his party, who urged their General Secretary to not bring up a discussion closed years ago (Junquera, 2019). Researchers like Jurado and Riera (2019) argue that the turn to the right that PP is experimenting is linked to the emergence of Cs and Vox. Until 2016, PP was the only party situated on the right in the political spectrum. Therefore, PP and PSOE competed for the support of voters located in the center. However, the emergence of Cs, self-proclaimed as a center-right party, has resulted in a turn of PP to the right.

The example above is not an isolated case. The increase in birth rates has been at the core of PP's 2019 electoral campaigns. Isabel Díaz Ayuso, the candidate for Madrid's regional election, suggested that, if winning the election, her administration would consider the unborn as a full family member when it comes to tax advantages and other benefits (Valdés, 2019). This suggestion was highly

controversial, as the stage of the pregnancy in which the measure would be implemented is unclear. Moreover, Carmen Calvo, the current Equality Minister from PSOE, expressed that she found the suggestion senseless and potentially dangerous for women's rights (García, 2019).

In this context, Cs has framed its Surrogacy proposal within the discourse of the need to increase birth rates. During a meeting in April 2019, Albert Rivera, the party's leader, underlined the problem of low birth rates in Spain, and presented the legalization of Surrogacy as a solution to it (Ciudadanos, 2019).

1.4 Surrogacy in Spain

The previous sections summarized relevant information regarding the Spanish political background. In this section, I outline how surrogacy is grounded in the Spanish context. I will also present the current legislation on surrogacy, the terms in which Cs is attempting to legalize surrogacy and the current practices of couples and individuals seeking to have a child through surrogacy.

Legal framework

Spanish legislation deals with surrogacy in Law 14/2006 on Assisted Reproductive Technology, which reads as follows (Ley 14/2006):

Article 10. Gestation by substitution.

- 1. Every contract in which pregnancy is agreed, with or without a monetary compensation, to be carried out by a woman who renounces maternal filiation in favor of the contractor or a third party, is null.*
- 2. The filiation of children born through Surrogacy will be determined by birth.*
- 3. The possible action of a claim of paternity by the biological father is safeguarded.*

Surrogacy is not recognized as an Assisted reproductive child technology (ART) in Spanish legislation. Surrogacy is not specifically forbidden, although surrogacy

contracts are considered null if found out, which means that one cannot claim parenthood on the bases of a surrogacy contract. The person giving birth is by default the legal parent of the child. However, as the Spanish law recognizes paternity claims when a biological relationship is proven, in practice the filiation of a newborn through surrogacy is possible when the surrogacy process takes place abroad.

In September of 2017, the political party Ciudadanos submitted a law proposal to the Spanish parliament for regularizing Surrogacy in Spain (BOCG-12-B-145-1). That law proposal sponsors an altruistic gestational surrogacy model, in which any payment from the intended parents to the surrogate is forbidden, rather than the coverage of the costs derived from the pregnancy. It only contemplates surrogacy when the surrogate does not provide genetical material and when at least one intended parent provides their genetical material. To be able to resort to surrogacy, intended parents must have exhausted all assisted reproductive technology alternatives, or be incompatible with them. The submission of this law proposition heightened the debate on Surrogacy in both Spanish society and the political arena. Ever since different social agents have been mobilizing for and against surrogacy, incentivizing discussions on the topic.

Practices

As surrogacy is not currently regularized in Spain, Spaniards seeking a child through surrogacy go to countries in which the method is legal. The number of children regularized in Spain born through surrogacy has been unknown until February 2018, when the Spanish government published data collected from different Consular Civil registers and from the General Directorate of Registries and Notaries. These data were made public after the political party Cs submitted a question to the government, in which they asked for the official figures on Surrogacy.

The answer, published in the Official Bulletin of The General Court, provided the following data: a total of 1045 children born through surrogacy were regularized between 2010 and 2017 in Spain. Ukraine is the country where more children were

born (501), representing 48% of births. Following, the United States, with 418 children, involving 40% of all births. Other countries to which the Spaniards resorted to carry out surrogacy processes are Russia, Canada, México, India (until 2013), Thailand (until 2015), and the United Kingdom (BOCG-12-D-265).

However, these figures are not complete. As reported in the document on surrogacy made by the Basque women institute (Emakumearen Euskal Erakundea, 2018), some children born through surrogacy are registered as cases of international adoption. Surrogacy associations and agencies estimate that around 1.000 and 1.500 children born through surrogacy are registered in Spain each year, a higher number than the one claimed by the Spanish Government.

The birth registration of children born through surrogacy overseas is done mainly by two methods: by proving a biological relationship between the parent and the child or by presenting a foreign certificate of birth registration, which must be considered valid by the Spanish Civil Register. To do so, the foreign certificate of birth registration must be backed up by a court ruling from the country in which the surrogacy took place, to guarantee a minimum ethical standard in relation to the surrogacy process as a whole. This information is explained in the Instruction emitted by the Spanish General Direction of Registers and Notary the 14th of February 2019 (Ministerio de Justicia, 14 Febrero 2019). The document recognizes that, although Surrogacy contracts are considered null by the Spanish legislation, foreign certificates of birth registration have been accepted in order to safeguard the best interest of the child.

The submission of a foreign certificate of birth registration is the standard way for Spaniards to register children born through surrogacy when the process has taken place in the United States. In the case of Ukraine, children were registered by claims of paternity based on evidence regarding the biological relationship between the child and the intended parents. This common practice ended in the summer of 2018, when the Spanish Consulate in Kiev ceased to register children born through surrogacy, resulting in more than 20 families “trapped” in Ukraine, since they could

not travel back to Spain with a non-documented child, as it was reported in various newspapers (Zuil, 2018; Blanco, 2018).

An official statement emitted by the Ministry of Foreign Affairs the 29th of August justified the cease of children registration by referring to the government's obligation "to preserve and protect the rights of pregnant women (or biological mothers) involved in this process, regardless of their nationality" (Ministerio de Asuntos Exteriores y de Cooperación, 2018). The statement also invoked the protection of the best interest of children. However, while in the past the best interest of children justified the registration of babies born through surrogacy, in this case it was used as another reason to support the cease of registrations. The shift in the approach to the protection of minors is related to possible cases of child trafficking, explains the statement.

The relevance of this case relies on its media resonance as, together with Cs' law proposition, it put surrogacy at the focus. Debates on surrogacy's legalization in Spain often refer to the Ukraine issue, which is yet to be resolved.

2. Literature review.

Surrogacy has been extensively researched across various disciplines and perspectives, including law, medicine and social sciences. The social sciences approach is the most relevant for this thesis, especially feminist research on surrogacy.

Throughout this literature review, I will engage with previous work on surrogacy. As a point of departure, I will discuss feminist responses to surrogacy by presenting Emma Maniere's mapping of feminist views on commercial surrogacy. Thereafter, I will address the work of authors who problematize surrogacy by comparing altruistic surrogacy with commercial surrogacy. Then, I will overview publications of that theorize surrogacy from a feminist-materialist perspective. Later, I will examine how different authors conceptualize surrogacy as a potentially changing traditional forms of kinship and heteronormativity. Lastly, I will review publications grounded in the Spanish context.

2.1 Feminist perspectives on surrogacy

Emma Maniere's article *Mapping feminist views on commercial surrogacy* outlines academic feminist perspectives on commercial surrogacy. The article is included in the anthology *Babies for sale?: Transnational surrogacy, human rights and the politics of reproduction*, by Miranda Davies (2017). The book emerges from the International Forum on Intercountry Adoption & Global Surrogacy III, which took place in 2014. It includes articles, rooted in feminist perspectives, from twenty researchers who participated at the conference. A critical outline of feminist perspectives on surrogacy is highly relevant for this thesis, because surrogacy discourses in Spain are often framed as feminist.

Maniere (in Davies, 2017) identifies three feminist positions on commercial surrogacy: the abolitionist, the reformist, and the libertarian, although this latter does not figure much in feminist debates. She underlines that the abolitionist and the reformist view share similar concerns about the negative repercussions of surrogacy. However, they differ in their suggested approach to pressing concerns:

while abolitionists advocate the prohibition of commercial surrogacy, reformists suggest regularization under specific requirements.

The main concerns relating to commercial surrogacy shared by abolitionists and reformists are the commodification of women and children, the reinforcement of gender and race hierarchies, and labor alienation. Furthermore, since reformists advocate regularization, the discussion of choice, consent and agency are also central to their research (Maniere in Davies, 2017: 314).

Maniere makes key methodological observations and compares the methods used by reformist and abolitionist perspectives. Drawing upon the research carried out by the reformist scholars Pande (2014) and Temman (2010), she claims that reformists frequently built their conclusions on empirical research conducted on the ground, unlike abolitionists. Nonetheless, she does not privilege empirical research over theoretical, arguing that, while empirical research can show a more realistic picture of surrogacy, it can also constrain one's view (2017:318).

Although Maniere's work is thorough, it lacks an assessment of altruistic surrogacy. This is a weakness of her overview, not only because it excludes altruistic surrogacy, but also because she structures her work by summarizing articles that focus on the profit-making aspect of commercial surrogacy. Therefore, in the next section I am further developing her overview by reviewing authors that compare altruistic surrogacy with commercial surrogacy.

2.2 Altruistic surrogacy or commercial surrogacy?

When analyzing the concerns held by scholars positioned as abolitionist of commercial surrogacy, Maniere describes three main ones: the commodification of women and children, alienated labor and market logic and the reinscription of gender and race hierarchies (in Davies, 2017: 322). However, one might ask if commercial surrogacy is always regarded as reinforcing gender and race hierarchies. Below, I address this question.

Anleu (1990) maintains that commercial surrogacy can challenge gender norms, while altruistic surrogacy is built on patriarchal stereotypes of women and

motherhood. Altruistic surrogacy pictures surrogates as selfless, maternal and willing to sacrifice for others, which are traits associated with femininity. Here she states that “paid surrogacy breaks the myth of the maternal instinct; not only can women have babies and give them away, but they can also enter into a contract that actually rewards them for having babies” (ibid: 72). Moreover, she contends that payment does not necessarily equate exploitation, whereas altruistic surrogacy is not free of possible coercion, such as the one that could take place between members of a family (ibid: 71).

The tension between surrogacy, altruism and gender norms has also been problematized by other scholars. Cooper and Waldby (2014: 56) argue that agencies’ web pages construct surrogates as generous and maternal., rather than profit-making oriented. Likewise, Dickenson (2002) uses the term “gift relationship” to explain discourses that construct surrogacy agreements as a relationship in which a selfless woman shares “the gift of life” with the intended parents. She argues that the gift relationship narrative conceals commodification, because it situates surrogates and oocyte donors in the realm of altruism while agencies continue to play by the rules of commodification.

However, when comparing altruistic surrogacy to commercial surrogacy, some scholars advocate altruistic surrogacy. Kristinsson (2016), who writes from the Icelandic context, argues that the legalization of altruistic surrogacy would effectively prevent reproductive tourism, protecting children’s rights and surrogates’ bodily autonomy.

2.3 Surrogacy from a feminist-materialist perspective.

Several scholars have studied surrogacy from a feminist materialist perspective, questioning the position occupied by surrogates and babies in surrogacy processes. Numerous authors argue that surrogates are laborers providing a service for a customer - the "service" being gestating a baby, and the "consumer" being the intended parents (Pande, 2010; Crozier, Johnson, & Hajzler, 2014; Cooper & Walby, 2014). By conceptualizing surrogacy as labor, the attention of these authors

is mainly on how to improve surrogate's working conditions and how to achieve fair wages.

Crozier et al (2014) discuss what kind of labor surrogacy entails, concluding that surrogacy is not only biological but also emotional labor, often unpaid. This argument is supported by examples, such as the case of Indian women isolated from their communities by being housed in special residences. Furthermore, the necessary relinquishment of babies by surrogates can imply emotional labor (ibid:47, 48). Therefore, they conclude that fair wages for surrogacy should acknowledge both biological and emotional labor.

Cooper and Waldby frame surrogacy into the realm of biocapitalism and compare it to other procedures like oocyte donation or tissue extraction. They underline that these services constitute labor and should be conceptualized as such, in opposition to perspectives advocating for altruistic surrogacy (2014:9).

Johanna Oksala offers an innovative approach to the understanding of surrogacy from a materialist-feminist perspective. In her article "Feminism against Biocapitalism: Gestational Surrogacy and the Limits of the Labor Paradigm" (2019) she challenges the labor approach by applying a rigorous Marxist-feminist analysis. The importance of questioning the labor paradigm, she states, relies on "how different theoretical understandings of gestational surrogacy have radically different political consequences for the feminist debates surrounding it," arguing that "feminist theory produces political reality by defining terms" (Oksala, 2019: 866). The author questions the labor paradigm by revising previous publications on surrogacy, emphasizing on the work by Cooper and Waldby (2014). She also relies on empirical research conducted by other feminist scholars, such as Amrita Pande, to support her conclusions.

Furthermore, Oksala's analysis dissects the hypothesis of surrogates being workers. She argues that surrogacy compensations do not depend on the service but on the successful delivery of a product. In cases of miscarriage, the value of the time invested by the surrogate is not compensated proportionally to how it would be in the case of a pregnancy carried to term (2019: 890). For this reason, she rules out

the possibility of recognizing surrogates as care workers, which is the thesis supported by Pande (2009). Subsequently, she examines how surrogacy fits the scheme of the productivity industry. Productivity in surrogacy cannot be improved, because the relation between working time and output it is biologically fixed. Thus, surrogates do not fall under the category of laborers.

Thereafter, she tests the hypothesis sustained by Cooper and Waldby, who maintain that surrogates are “proprietors” of their own reproductive capacity, which they can exploit. She contests this statement by arguing that reproductive capacities are economically not useful without knowledge, facilities and networks to exploit them. One cannot become a surrogate without the intervention of doctors, the infrastructure of clinics and the networks that facilitate surrogacy contracts. Hence, she disregards the conceptualization of surrogates as proprietors of a reproductive capacity that can be autonomously turned into economic value (2019: 893).

This discussion leads Oksala to put forth a set of contentions. Instead of being reinters of their reproductive capacity, surrogates are turned into raw material or a “biological resource” exploited by surrogacy companies, who become reinters of surrogates’ reproductive capacity through contracts (ibid, 892). Oksala draws on ethnographic studies in India to argue that once a surrogate signs a contract, her uterus becomes the “property” of the clinic until the baby is born (ibid, 895).

Oksala concludes that surrogacy cannot be conceptualized as labor due to the following reasons: surrogates do not retain their bodily autonomy when entering the process and they are not paid fair wages based on the time invested regardless of the outcome of the pregnancy. Moreover, the labor conceptualization of surrogacy promotes “an understanding of the uterus as a productive instrument, reducing the surrogate to her womb” (ibid:896). The author admits that, if meeting these conditions, surrogacy could be exercised fairly for surrogates and children. Therefore, using Maniere’s mapping, Oksala’s position would be that of a reformist.

The author further problematizes this last criticism by bringing forth the issue of the relinquishment of the baby. She also problematizes the kinship relations

established after the child is born, to conclude that an understanding of surrogates that does not reduce them to their wombs requires the acknowledgment of their necessities and rights at a relational level (ibid: 898).

The author draws on interviews extracted from Pande's ethnographic research on Indian surrogates to argue that surrogates often report that they have established a bond with the child they carried, as strong as a genetic one, and advocate for better recognition of their position as nurturers. Hence, the author puts forth the position that surrogates, especially in transnational surrogacy, "should be given more power to define their role in the new forms of kinship introduced by gestational surrogacy" (ibid: 899).

Oksala's study is highly relevant to this thesis. Her key finding, which is that surrogacy as exercised today turns surrogates into "biological resources" rather than laborers, can be a tool for understanding one of the most used terms in relation to surrogacy in the Spanish context, "wombs for rent". Does the existence of a contract, even if it arranges an altruistic surrogacy, turn surrogates into means of production due to the imbalance of power relations it establishes? This question will be addressed in the analysis section in chapter 7.

2.4 Surrogacy, new forms of kinship and queerness.

Payne (2018) offers some insightful reflections regarding the bodily autonomy of surrogates as well as kinship. She subjects the autonomy and self-determination of the surrogate to the recognition of their right to reversible choice. This means that, if the surrogate changes their mind about continuing the pregnancy, they should have the right to do so. Payne argues for reversible choice also in the opposite case, claiming that if the surrogate doubts about relinquishing the child, they should be given alternatives. Recognizing surrogates' right to change their mind would alter the power dynamics, giving more power to surrogates and less to intended parents (ibid: 74).

Payne argues for the legal recognition of multilineal forms of kinship, evolving from the current paradigm that assumes that children can have a maximum of two

parents. In the context of legal recognition of multilinear kinship, surrogates could have visitation rights or shared custody guaranteed by law. Payne recognizes on surrogacy a feminist and queer transformative potential, “in a way that increases reproductive autonomy and justice for all” (ibid: 75). She does not only reflect about surrogate’s rights, but also refers to the vulnerability of involuntary childless people, including trans women and male gay couples.

Payne’s findings raise the question of what are the cases in which surrogacy promotes queer understandings of family. Dempsey (2013) further investigates this issue by interviewing gay male parents in Victoria, Australia, who became parents through commercial surrogacy, focusing on the relation between biogenetics and kinship, not only with children but between the couple and extended family members. She concludes that heteronormative symbols play a key role in gay male couple families formed by surrogacy, as actions like sharing sperm provisions reveal how shared biogenetics is an important symbol for shared parenthood. In what follows, I will assess the literature on surrogacy in the Spanish context.

2.5 The Spanish case: gestational surrogacy or wombs for rent?

Studies on surrogacy in the Spanish context have emerged in various scholarly settings, with Political Science and Law proving central interventions. It is frequent to find interdisciplinary research, in which both disciplines are combined. Often activists’ perspective are also reflected in academic publications.

Numerous studies problematize the tension existing in the social and political sphere when choosing a name to refer to surrogacy (Emakunde, 2018; Balaguer, 2017; González, 2019). Supporters of surrogacy use the term “gestational surrogacy” (gestación subrogada), while those positioned against it use “wombs for rent” (vientres de alquiler). Thus, terminological choices are politically charged and express the analyst’s positioning on surrogacy.

González (2019) departs from the conceptualization of language as a tool that leads to specific ways of thinking. She argues that not only the term “gestational surrogacy” has political connotations, but also the use of “intended parents”,

“donations” and “compensations” entail political consequences. Instead, she suggests the use of “contracting parents” and “payment of a specified price”, claiming that the word “compensations” masks a reality of economic transactions (p. 24).

A report carried out by Emakunde (2018), the Basque Women’s Institute, covers all major aspects concerning surrogacy in Spain. The objectives of the project are to collect reliable data on the juridical situation of surrogacy at both the international and national level; to collect data on the practices that take place in Spain nowadays in relation to the phenomenon; to critically present the opinion on the topic of relevant political and social agents; and to identify the impact that surrogacy has on society, focusing on women’s and children's lives (p. 5).

The report addresses the dichotomy between “gestational surrogacy” and “wombs for rent” and argues that that groups positioned for surrogacy employ “gestational surrogacy” in an attempt to dignify the practice by framing it into the realm of assisted reproduction technologies. However, it does not suggest the use of one or another term.

One of the most relevant aspects of the project is its engagement with a wide range of surrogacy-related topics. At the same time, this is also a source of weakness, as none of these subjects are in-depth developed. The section on how different social and political agents are positioned towards surrogacy (p. 73) presents the information on a table. Although it clearly shows the stand of political parties and social agents, it does not examine the arguments behind those positions, neither of the discourses held by different actors and their subsequent consequences. This is an existing gap in the literature on surrogacy in the Spanish context, which I aim to fill through this thesis.

The selection of the literature presented throughout this review has been designed to guide the analysis. In section one, I discussed Maniere’s mapping of feminist perspectives on surrogacy. Taking her mapping as a point of reference, I will locate Spanish discourses on surrogacy framed as feminists within the broader context of feminist perspectives on surrogacy in the world. In section two, I reviewed the

work of scholars that claim that altruistic surrogacy reinforces gender norms. In my analysis, I will examine if this proposition can be applied to the Spanish context. Section three discussed analyses of surrogacy from a feminist materialist perspective. Oksala's argumentation of surrogacy contracts turning surrogates into "biological resources" or means of production may be helpful to understand why opposers of surrogacy frame it as "wombs for rent". Section four focused on the relation between surrogacy, queerness and new forms of kinship, which is relevant for the analysis of the Spanish debate, as supporters of surrogacy frequently frame it as a matter of LGBTQ rights. In section five, I reviewed publications on surrogacy contextualized in Spain. By doing so, I identified an existing research gap, which is the lack of an in-depth analysis of the different discourses on surrogacy maintained by relevant political and social actors.

3. Theoretical framework

The aim of this section is to provide a theoretical framework and account for the concepts employed in the thesis, both of which underpin the analysis and help to answer the research question. I will combine a set of different theoretical and conceptual insights positions, in order to enable a comprehensive analysis that captures the complexity of the Spanish surrogacy debate. My framework departs from a poststructuralist perspective, building on Foucault's concept of knowledge-power and biopower. Then, I present Nancy Fraser's two-dimensional approach to social justice.

3.1 The analysis of the Surrogacy Spanish debate from a poststructuralist approach

The poststructuralist philosopher Derrida argues that "there is no outside-text" (Derrida, 1967: 145). With this claim, he underlines the relational dimension of reality. Everything exists in relational networks to other things. Poststructuralist thinking views language as "constitutive of what is brought into being" (Hansen, 2006: 16), because meaning is generated through language. In her book *Security as practice* (2006), Lene Hansen provides insightful reflections on poststructuralism and the use of discourse analysis. She explains that Derrida views language as "a system of differential signs" in which meaning is not essential but "established through a series of juxtapositions, where one element is valued over its opposite" (Derrida, 1976, 1978 in Hansen, 2006:21).

In poststructuralist account, language is both structured and inherently unstable. Different social and political agents compete to fix meaning over symbols by a process of linking and differentiation; however, the unstable nature of language allows destabilization, which leaves room for political agency (Hansen 2006:21).

Poststructuralism does not deny nor disregard material reality; instead, it "studies how material facts are produced and prioritized" (Hansen, 2006:22), and puts the focus on analyzing the political consequences that a discursive framing has. The discursive framing of surrogacy has consequences that go beyond the social

perception of surrogacy itself. During the process of fixing the meaning of surrogacy, the meaning of elements opposed or linked to surrogacy also can be changed or reinforced. For example, Anleu (1990), argues that the discursive framing of altruistic surrogacy reinforces gender norms by linking women to selflessness and the will to sacrifice for others, while opposing them to being profit-making oriented. Thus, a certain discursive framing of surrogacy can not only validate the practice of surrogacy itself, but also affect society at other levels.

By adopting a poststructuralist approach for the analysis of the surrogacy debate in Spain, my aim is to understand how different agents compete to fix a meaning of surrogacy in order to achieve their political goals. The fixation of a meaning of surrogacy implies a process of linking and differentiation of surrogacy to other signs, which in the Spanish debate are feminism, LGBTQ rights, parenthood, freedom, progress, the right to abortion and demography, among others. The political consequences that the surrogacy's discursive framing has for these discursive elements, such as women's bodily autonomy and feminism, will be discussed in the analysis section.

3.2 Foucault, power-knowledge and biopolitics

Foucault theorizes the relationship between knowledge and power. In his book "The history of sexuality vol. I" (1978), he introduces the concept of *power-knowledge*, arguing that knowledge can be a mechanism of power. In his interview "The political function of the intellectual" (1976) Foucault uses the term *regime of truth*, which he defines as "the types of discourse which a society accepts and makes function as true; the mechanisms and instances which enable one to distinguish true and false statements" and "the means by which each is sanctioned" (p. 131 in Gordon). Thus, political and economic apparatuses exercise power over societies by turning certain discourses into accepted truths.

Foucault has provided significant insights into how power functions in normalizing contexts. He distinguishes between two types of power: the *right of death*, or sovereign power, and the *power over life* (1977, 133-161). Foucault argues that since the classical age there has been a transformation of the west regarding

mechanisms of power, and sovereign power is no longer the major form of power, as other forms have gained importance, such as the power over life.

Sovereign power is manifest, located in official institutions, and exercised through laws. Individuals are both subjects and objects of it. Sovereign power uses prohibition and punishment as means. Foucault underlines that it constitutes a deductive power, because it involves “the right to appropriate a portion of the wealth, a tax of products, goods and services, labor and blood, levied on the subjects, culminating in the privilege to seize hold of life in order to suppress it” (1977, p. 136).

In contrast, the power over life is productive. It seeks to “administer, optimize, and multiply life, subjecting it to precise controls and comprehensive regulations” (1977, p. 137). Rather than being located in specific institutions, it is disseminated and operates through unofficial channels as opinion, working through positive and negative reinforcement. Depending on its objective, Foucault distinguishes between two articulations of the power over life: *discipline* and *biopower*. Discipline is the power over life exercised on individual bodies, while biopower focuses on “the species body” (ibid, p. 139). Biopower aims to regulate and optimize life at a population level, regulating processes such as natality, the level of health or demography. Foucault claims that knowledge-power can be “an agent of transformation of human life” (ibid, p. 143), thus become one of the means through which biopower is exercised. Moreover, he identifies an intrinsic relationship between biopower and capitalism, as economic processes require the adjustments of population, and production itself demands available and docile workers (ibid, p. 141).

In recent years, further theorizations have been made on biopower and capitalism. Oksala (2019) argues that the latest biotechnological developments target “the materiality and vitality of living bodies themselves” (p.884) and uses the concept of *biocapitalism* to describe the way in “which new kinds of biological substances and processes are produced through biotechnology and brought into capitalist circuits of valorization” (p. 885). She locates surrogacy in the field of biocapitalism,

and critically assesses the consequences of conceptualizing surrogacy as labor, concluding that the surrogacy process turns surrogates' bodies into means of production, rather than laborers.

This thesis is grounded in poststructuralism approach, employing the concepts of biopower and biocapitalism in the analysis of surrogacy. However, in the Spanish surrogacy debate more elements come into play. All key actors, such as political parties, frame their standpoint on surrogacy as a matter of social justice, regardless of being for or against surrogacy. When examining social justice struggles, Nancy Fraser provides an analytical distinction between demands of recognition and demands of redistribution, which I discuss in the next section.

3.3 Redistribution or Recognition, two paradigms of social justice.

Fraser argues that the dilemma between redistribution and recognition is rooted in two different understandings of injustice; recognition is status-oriented, while redistribution is class-oriented (Fraser, 2007). She conceptualizes demands for redistribution as demands for economic change; while demands for recognition refer to demands for cultural change (Fraser, 1995, p. 70). Thus, each demand is the result of a different understanding of social injustice. In the case of redistribution, injustice is conceptualized as socioeconomic; while in the case of recognition, injustice is a matter of social patterns of representation and interpretation.

To clarify these concepts, Fraser explains what can be understood as situations of maldistribution and misrecognition. Socio-economic injustice can include exploitation, economic marginalization and deprivation (ibid, p. 71). When talking about surrogacy, reformist and abolitionist positions frequently identify exploitation and labor alienation as some of the main issues of commercial surrogacy, as it is practiced today (Maniere in Davies, 2017). Exploitation in commercial surrogacy can occur when surrogacy agencies appropriate the benefits of surrogates' labor, through an uneven distribution of the economic benefits of the surrogacy process. Some scholars consider altruistic surrogacy the paradigm of

economic exploitation, claiming that it alienates surrogates from their reproductive labor (Segalen, 2017).

Situations of social injustice resulting from misrecognition are related to the cultural sphere. Fraser defines misrecognition as a set of practices including: “cultural domination”, “disrespect” and “nonrecognition”, defining the latter as “being rendered invisible via the authoritative representational, communicative and interpretative practices of one’s culture” (Fraser, 1995, p. 71).

Although a clear distinction between misrecognition and maldistribution constitutes a useful analytical tool, Fraser argues that at the practical level misrecognition and maldistribution are intertwined, and reinforce one another dialectically (*ibid*, p. 72). The marginalization of social groups usually entails the undermining of their possibilities to succeed economically, while economic disadvantage is an obstacle for representation in cultural and political life. However, even though misrecognition and maldistribution often happen simultaneously, Fraser identifies different historical periods in which the demands for one kind of justice are stronger than the demands for the other. She argues that in 1960 there was an emergence of claims for redistribution. For example, second-wave feminism tried to extend the egalitarian ethos from class to gender, by problematizing “the personal” and questioning housework, sexuality and reproduction dynamics (2013, p. 3). Fraser situates the emergence of demands for recognition in the decade of 1980, arguing that the turn to neoliberalism and globalization were the main causes for a shift in the sphere of social justice. The rise of neoliberalism compromised the welfare state in countries in which it was consolidated, thus the efforts to broaden it and deepen it declined (*ibid*, p. 5).

Fraser’s two-dimensional approach to conceptualization and analysis of social justice is a useful theoretical tool for the analysis of the surrogacy debate in Spain, as it allows for identification of discourses, both status-oriented and class-oriented ones.

4. Methodology

This section aims to explain the methodology that I will use in the analysis, which is discourse analysis, in particular Laclau and Mouffe's approach. This section is divided into two parts. In the first one, I will discuss Laclau and Mouffe's discourse theory. In the second part, I will describe the case selection and material that I will use in the analysis.

4.1 Laclau and Mouffe's Discourse Theory

Laclau and Mouffe's approach to discourse analysis, discourse theory, it is explained in depth in their book "Hegemony and Socialist Strategy" (1985). In this book, they critically examine Marxist theory, identifying foundational flows such as the base/superstructure binary and class essentialism. They reject Marx's traditional interpretations that reduce social struggles to the class struggle. Moreover, they explore other alternatives for social mobilization and change. To sustain their claims, they present their understanding of a theory of discourse, rooted in poststructuralism thinking. Laclau and Mouffe's Discourse Theory, as explained in "Hegemony and Social Strategy" is oriented to theory development. Therefore, it has sometimes been regarded as lacking practical tools for empirical analysis. However, their approach has some attractive features and contributions that make it suitable for this thesis.

Firstly, it is an approach that is directly oriented to the analysis of political issues, such as the construction of discourses for emerging social movements, the creation of collective identities, or the different forms of hegemonic struggle (Howarth et al, 2009). These are issues that I will address through my analysis. In the Spanish surrogacy debate, there are competing discourses struggling for hegemony. In order to become hegemonic, those discourses construct different collective identities to mobilize Spanish society. Secondly, Laclau and Mouffe's understanding of meaning as never permanently fixed is useful in the Spanish surrogacy debate. Surrogacy is a reasonably new phenomenon in Spanish society; before it attracted the attention of the media in 2017, many Spaniards were not aware of the existence

of the practice or its legal status in the country. The general lack of knowledge on surrogacy when the debate emerged opened up the possibility for each actor to construct a meaning over surrogacy. Laclau and Mouffe's discourse theory offers mechanisms for identifying how discourses construct meaning over social struggles. That is, through chains of equivalence and difference and by linking a social struggle to a preexisting accepted discourse. These mechanisms of meaning construction can be identified in the surrogacy debate. For example, some actors link the legalization of surrogacy to previous social struggles, such as the legalization of the right to abortion or same sex marriage.

Laclau and Mouffe depart from a poststructuralist conception of reality. They argue that "every object is constituted as an object of discourse" (1985: 108). By doing so, they do not deny that objects exist externally to thought. Instead, they underline their understanding of social practices as fully discursive. As Jørgensen and Phillips explain on their guide to discourse analysis "Discourse Analysis as Theory and Method" (2006), for Laclau and Mouffe both physical and social objects exist, but "our access to them is mediated by systems of meaning in the form of discourses". Within discourses, objects acquire meaning by being placed in relation to others. This view of meaning as relational departs from Structuralism. Therefore, while Laclau and Mouffe take this contribution from Structuralism as their point of departure, they reject one of its main foundations: that there are underlying, fully constituted relational networks in discourses. For Laclau and Mouffe, every discourse is contingent. Discourses relationally fixate meaning in a particular way, but this is temporary and can always potentially change. Contingency is a central element to discourse theory, as it is what opens up the possibility for social change (1985: 108).

Laclau and Mouffe define discourse as "the structured totality resulting from an articulatory practice" being an articulatory practice "any practice establishing a relation among elements such as their identity is modified" (1985: 105). There are certain elements that different discourses struggle to invest with meaning. These elements are called "floating signifiers" (Laclau, 1990: 28). In a discursive struggle

different discourses aim to hegemonize their meaning over a floating signifier, to make it appear as natural instead of constructed. Another useful tool for analysis is that of “nodal point”, which is “a privileged sign around which other signs are ordered and acquire meaning” (Jørgensen and Phillips, 2006: 48).

Floating signifiers are linked to other elements through chains of equivalence and difference within a discourse to acquire meaning. A chain of equivalence equates or opposes a floating signifier to other elements. Laclau and Mouffe argue that when this process occurs in a social movement trying to achieve a political goal, in order to be successful, their struggle needs to be linked through a chain of equivalence to other accepted discourses regarding social struggles (1985: 171). As an example, they argue that only when the idea that all humans are equal emerged, the struggle for gender equality became possible. This process occurs in the Spanish surrogacy debate. Because there is not a fixed surrogacy meaning, political parties and social groups compare it to previous social struggles, such as the right to abortion.

Laclau and Mouffe also theorize on group formation. They reject class essentialism, the idea that collective identity is necessarily given by class. They understand individuals as having multiple identities (for example, Spanish, working class, woman, feminist). Depending on the situation, individuals have the possibility of identifying differently. Therefore, group formation is a process of reduction of possibilities. While some possibilities of identification are privileged, others are ignored (Jørgensen and Phillips, 2006: 48). Through my analysis of the Spanish surrogacy debate, I will identify which identities are privileged in the different discourses.

This section presents the methodological tools from Laclau and Mouffe’s approach which, together with the concepts discussed through the theoretical framework, will be used in the analysis. My aim is to understand how Surrogacy discourses are articulated in the Spanish context. To do so, I will analyze processes of group formation within each discourse. I will also identify the chains of equivalence and difference used to ascribe a meaning to the floating of “surrogacy” . When it comes to analyzing how surrogacy is linked to other social struggles, Fraser’s distinction

between demands for recognition and demands for redistribution, presented in the theoretical framework, will be used. To distinguish discourses that frame the legalization or prohibition of surrogacy as a demand for recognition from those framing it as a demand for redistribution, I will look at which are the previous social struggles linked to surrogacy.

4.2 Case selection

The actors

This thesis aims to analyze Spanish discourses on surrogacy at two levels: the political and the social. At the political level, the focus is on discourses pursued by political parties. Four political parties have been selected for the analysis. The selection was made on the basis of their electoral success in the last national election in April 2019. Moreover, all four parties selected had representation in Congress during the previous legislative period, from 2016 to 2019. Thus, they were relevant actors when the surrogacy debate emerged. These parties are:

- Partido Socialista Obrero Español (PSOE).
- Partido Popular (PP).
- Ciudadanos (Cs).
- Unidas Podemos (UP).

At the social level, two organizations have been selected, one pro-surrogacy and one against surrogacy. The organization pro-surrogacy is “Son Nuestros Hijos” (They Are Our Children), from now on “SNH”. In their webpage,³ they present themselves as an independent and non-profit organization in defense of surrogacy in Spain, comprised of families whose children have been born through surrogacy or who aim to use surrogacy. They pursue the legalization of surrogacy in Spain, the facilitation of birth registration of children born through surrogacy abroad and to achieve social acceptance of surrogacy in Spanish society.

The selected organization against surrogacy is “Red Estatal Contra el Alquiler de Vientres” (State Network Against Womb Renting), from now on “RECAV”. It is

³ <http://www.sonnuestroshijos.com/quienes-somos/>

made up of more than fifty feminist and LGBTQ right’s associations, who aim to “demonstrate to the Spanish society what lies behind this illegal practice, the use of women’s bodies as cryogenic tanks” as one of their leaders stated in a press interview (Álvared, 2017). Not only they oppose the legalization of surrogacy in Spain, but they also demand effective measures to prevent Spaniards from arranging surrogacy abroad. In this regard, they have demonstrated against the celebration of surrogacy trade fairs in Spain, in which surrogacy companies promote their services (Álvarez, 2017).

1. Positions towards the legalization of surrogacy: political parties and civil society organizations.

Among the six actors listed above, only two of them are positioned openly in favor of surrogacy: Ciudadanos and “Son Nuestros Hijos”. The center-left and left-wing political parties PSOE and UP are manifestly opposed to surrogacy, as well as the organization RECAD. The case of PP is complex: some of its leaders have publicly spoken in favor of the legalization of surrogacy, while others are radically opposed to it. However, after numerous internal debates, PP is positioned against the legalization of the practice, although their stand is not entirely clear.

Political parties	Position towards the legalization of surrogacy
PSOE	Opposed
PP	Opposed
Cs	In favor
Podemos	Opposed
Civil society organizations	Position towards the legalization of surrogacy
SNH	In favor
RECAV	Opposed

Figure 1. Positions on the legalization of surrogacy.

Materials

The selection of documents for the analysis has been made through purposive sampling. Firstly, for each actor I tried to find an official document in which they explain their position towards surrogacy. Both SNH and RECAV have documents explaining their stand towards surrogacy, as these organizations were explicitly created to advocate for or against surrogacy. In the case of political parties, only Podemos has such a document. Secondly, in the absence of a specific document on surrogacy, I examined the parties' electoral programs for April 2019 national elections. The only party that refers to surrogacy in their electoral program is PSOE. For those parties who did not have any document under the requirements listed above, I searched for interviews, press statements, or other materials in which they express their stand in the surrogacy debate.

All the selected materials are originally written in Spanish, but the quotes and references to them will be in English, using my translation of the different texts.

PSOE

PSOE has an extensive electoral program. In the section "Feminism, equality, and diversity: more and better democracy", under the heading "We say NO to wombs for rent", it is explained the party's position towards surrogacy. Therefore, PSOE's electoral program for April 2019th elections will be used for the analysis.

PP

There is a scarcity of documents that express PP's view on surrogacy. Not only have they not published a specific document on surrogacy, but PP's leaders avoid to talk about the issue publicly. The absence of material is not casual, as there are different opinions on surrogacy among PP's leaders. Surrogacy has become a disruptive issue for the cohesion of the party.

However, I have found two interviews in which PP's leaders speak about surrogacy. The first one dates from February 2017. It is an interview published in RTVE, the Spanish public television, and the politician interviewed is Alberto Núñez Feijoo, the president of Galicia. The second one is from August 2017. It is an interview

with Javier Maroto, who was the Secretary of Social Policy of the party. Besides, there is a short press statement on surrogacy by Rafael Hernando, the spokesman of the party, from June 2017. These three pieces are the material that I will use in the analysis section for PP's discourse on surrogacy.

Ciudadanos

Cs is the party that started the surrogacy debate, aiming to legalize altruistic surrogacy. For that reason, it is surprising that they have not released a written document in which they explain why do they advocate for surrogacy's legalization, or that they do not mention surrogacy on their electoral program for February 2019's national elections.

Nevertheless, there is a vast resource of material in which Cs representatives speak about surrogacy. For this thesis, I have selected the most relevant material. Three documents will be analyzed: firstly, the law proposition that Cs submitted to Congress in 2017. Secondly, the speech gave by Inés Arrimadas, a Cs deputy, the 3rd of March 2019, in the event "Liberal Feminism" celebrated by Cs. Thirdly, a fragment from an interview to Albert Rivera, leader of Cs. This interview is conducted by an Instagram personality and influencer, who recently had a child through surrogacy.

Podemos

Podemos has a manifesto available on their official webpage, in which they position themselves against the legalization of surrogacy. The document is titled "Political position of Podemos on the reproductive exploitation of women" and has no publication date. This document will be the material used for the analysis of Podemos' discourse on surrogacy.

SNH

The organization SNH has a manifesto in defense of surrogacy available on their webpage. Also, on the 28th of November 2018, SNH did an action in the middle of Madrid. In Callao's square, one of the most emblematic places of the capital, SNH put an image on its main advertising lighting board. The text contained in the image

was very controversial and revived the debate on surrogacy. This image, together with the manifesto, will be the documents used for the analysis of SNH’s discourse on surrogacy.

RECAV

For the analysis of RECAV’s discourse on surrogacy, I will be using the manifesto published on their webpage.

Political parties	Selected material
PSOE	a. “We say no to wombs for rent”. Fragment of their electoral program for 2019’s national elections.
PP	a. Interview with Alberto Nuñez Feijoo. b. Interview with Javier Maroto. c. Rafael Hernando’s press statement
Cs	a. Surrogacy’s legalization law proposition. b. Speech by Inés Arrimadas. c. Interview with Albert Rivera.
Podemos	a. “Political position of Podemos on the reproductive exploitation of women”. Document about Podemos position on surrogacy.
Civil society organizations	Position towards the legalization of surrogacy
SNH	a. Manifesto in favor of surrogacy. b. Callao’s square image.
RECAV	a. Manifesto against surrogacy.

Figure 2. Material

5. Analysis

In September 2017, Cs submitted a law proposition to legalize surrogacy, opening a discussion that is still ongoing. In the social sphere, different groups mobilized around surrogacy. More than fifty feminist and LGBTQ collectives and associations founded RECAV, an organization against the legalization of surrogacy. Meanwhile, SNH increased its media presence and actions to gain the support of the Spanish society in their attempt to legalize surrogacy. Political parties also took action: Podemos consulted its supporters and assembly groups to get to a unified, clear position towards surrogacy, which in the end was to oppose its legalization. PSOE made their opposition clear in the multiple debates in which the issue of surrogacy was raised. The opposing views among PP leaders concerning surrogacy disrupted the party's cohesion, and lead to an absence of documents or public statements regarding surrogacy.

The struggle over the meaning of surrogacy is materialized in a lexical antagonism: while supporters of the legalization of surrogacy use the term “gestational surrogacy”, opposers use “wombs for rent”. By doing so, all actors underline the social importance of language and its relation to power. This chapter departs from the understanding of language as a mechanism of power and aims to analyze how have surrogacy discourses in Spain been articulated by political parties and civil society organizations, and what are the consequences of these discursive constructions. It is organized into two parts. In the first one, I will analyze the articulation of each actor's discourse on surrogacy. In the second part, I will conduct a cross-cutting analysis.

5.1 Ciudadanos

Cs is the leading actor in the Spanish surrogacy debate, as it is the party attempting to legalize it. Hence, the analysis will start with Cs' law proposition, submitted in September 2017 to the Spanish congress.

Law proposition for the legalization of altruistic surrogacy.

It is a comprehensive document, which starts with an introductory argumentation with reasons to legalize surrogacy. Then, the Law itself is described, including requisites for both intended parents and surrogates, a description of how the process would work and administrative details. Cs advocates altruistic surrogacy, in which the only payment from the intended parents to the surrogate would be a compensation for expenses deriving from the pregnancy.

Cs conceptualizes surrogacy as a right. This idea is manifest in the law's *title "Regulatory law of the right to gestational surrogacy"* an supported through all the document, sometimes explicitly *"This law intends to regulate the right to surrogacy..."* (p. 2) and others equating it to reproductive rights: *"On certain occasions, reproductive rights, which seek to protect the freedom and autonomy of people by giving them reproductive capacity, without discrimination based on gender, age or race, are not fully guaranteed in those people or couples who have either exhausted or are incompatible with Assisted human reproduction techniques"* (p.2).

Cs also equates the legalization of surrogacy to progress and repeatedly links surrogacy to freedom: *"The citizens of the new millennium have enriched the forms of expression of their freedom, as a result of the diversity of conceptions of life, ideology, goals and personal interests. Institutions must serve as an adequate channel for freedom. Laws cannot ignore this claim. The family participates in this evolution of freedom and the multiplicity of ways of understanding personal and social life."* (p.2) This extract also shows the important role that freedom plays in Cs surrogacy discourse.

Likewise, surrogacy is linked in a chain of equivalence to progressive laws, such as the one legalizing same-sex marriage: *"Think, in this regard, of laws such as same-sex marriage (...).They are norms that regulate and guarantee rights, do not distort institutions and are the result of the evolutionary interpretation of the Constitution"* (p. 3).

Cs links the legalization of surrogacy to Family Law and procreation: *“Family Law has always had a pragmatic background, translated into guaranteeing procreation, without which not only the family itself, but the human species would become extinct.”* (p.3).

The surrogacy law proposition includes definitions of terminology relevant to surrogacy, defining both “gestational surrogacy” and “woman gestating through surrogacy”. These definitions state that the surrogate would not provide her own genetic material and that she must renounce to her affiliation rights over the child. Moreover, by defining the surrogate as “woman gestating through surrogacy”, Cs is excluding other subjects who may become surrogates, such as transgender men or non-binary people.

Cs also conceptualizes surrogacy as a matter of women's rights. Article 6 of the surrogacy law proposition is entitled *“Women’s rights”* and reads as follows: *“Every woman who meets the requirements has the right to gestate, without providing their own genetic material, by means of a gestation contract by subrogation, in order to give birth to the children of the subrogated parents.”* (p. 5). The article also specifies that *“The provisions of this Law neither modify nor repeal the rights for women recognized in general legislation, in particular, Organic Law 2/2010, of March 3, on sexual and reproductive health and the voluntary termination of pregnancy.”* (p.5).

Article 9 explains what a surrogacy contract must include. Section b) tackles consent, as surrogacy contracts should have: *“the informed, free, explicit and irrevocable consent of the intended parents and the surrogate”*. Payne (2018) argues that the autonomy and self-determination of the surrogate are subjected to the recognition of her right to reversible choice, and this should be applied in case she wanted to interrupt the pregnancy or in case she did not want to relinquish the child. Because of the content of Article 6 regarding the right to voluntary termination of pregnancy, it can be assumed that the irrevocability of consent would only affect the relinquishment of the baby, but not the relinquishment of the child.

The law includes requirements for surrogates and for intended parents. The ones set for surrogates outnumber the ones set for intended parents: surrogates must fulfill ten requirements, while intended parents only four. The requirements that the surrogate must fulfill concern their age, as *surrogates must be over 25 to start the process*; their nationality and legal residence, as *surrogates must be Spanish or reside legally in Spain*; or their socioeconomic status, as *surrogates should have a good socioeconomic status to enable a successful pregnancy*.

There are also requirements regarding surrogates' physical and mental health: “*To have a good state of psychophysical health*” and “*to have good mental health and, in particular, not having suffered episodes of depression or psychic disorders.*” (p.5). These requisites entail another condition, listed below: “*The pregnant woman is obliged to undergo, at all times, psychological and medical evaluations, which are necessary to ensure compliance with the requirements. To this end, she must also be willing to provide all her medical history, as well as the economic and personal information necessary for the accreditation of the requirements*” (p.6).

In contrast, intended parents must: *be over 25 and under 45 years old; have Spanish nationality or residence permit; prove that they have the capacity and motivation to be a parent; and to have full legal and acting capacity*.

There is a remarkable asymmetry between the requirements surrogates must meet and the ones set for intended parents, especially concerning the physical and psychological monitoring that the surrogate must undergo throughout the whole process. Not only surrogates must provide all their medical and psychological history, but they are also obligated to undergo psychological and medical examinations at any time throughout the process. In contrast, intended parents are not required to have a good mental health or to be psychologically monitored during the surrogacy process. Oksala (2019) argues that commercial surrogacy turns surrogates into “*biological resources*” by pushing them into selling control over their bodies (p. 894). Cs’ law proposal aims to legalize altruistic surrogacy instead of commercial surrogacy, which is what Oksala theorizes about. However, Cs’

proposal entails the monitoring of surrogates' bodies and minds, which potentially can result in a loss of autonomy and agency over one's body.

The analysis of Cs' Law proposal for the legalization of surrogacy shows how the party's discourse on surrogacy is articulated. Cs constructs surrogacy as a right. This is done by linking surrogacy in a chain of equivalence to previous social struggles that are now consolidated as rights in Spain: same sex marriage and reproductive rights. Moreover, Cs conceptualizes surrogacy as a matter of "women's rights", creating a narrative in which the law would guarantee the right of women to carry someone else's child. Freedom is a nodal point in Cs' discourse, as it occupies a privilege position within the articulation. Freedom is an element set to give meaning to other elements: to the floating signifier "surrogacy", but also to others such as the State Institutions ("*Institutions must serve as an adequate channel for freedom*"). When it comes to the surrogates' autonomy and self-determination, there are two aspects of the law that could jeopardize it: the irrevocability of consent demanded to the surrogate and the requirement for which she would be obliged to undergo physical and psychological monitorization.

Speech by Inés Arrimadas.

On the 3rd of March 2019, Cs held an event in which they presented a feminist manifesto entitled "Liberal Feminism". In the event, the issue of surrogacy raised, when Inés Arrimadas, one of the party's leaders, was reading the second point of the manifesto, titled "*There will never be equality without freedom*": When explaining the relation between feminism and freedom, she said:

"When you see certain positions on issues of equality, feminism, I believe that a key to knowing if we are dealing with modern feminism is whether those who propose something are taking away women's rights or, on the contrary, are giving more freedom. No one prohibiting things to women can give lessons in feminism, for example, in the subject of surrogacy or prostitution, if women are given the right to choose, there's more feminism." (min. 2:02).

This piece of text illustrates the articulation of Cs' surrogacy discourse. Freedom is a nodal point: the legalization of surrogacy is equated to giving more freedom to

women, and freedom is set as the indicator to discern whether the legalization of surrogacy is good or not. Moreover, freedom also modifies the identity of the element “feminism” and gives meaning to it, as Arrimadas argues that “*no one prohibiting things to women can give lessons in feminism*” and “*if women are given the right to choose there is more feminism*” and the text she is reading is titled “*There will never be equality without freedom*”. Thus, Cs’ discourse constructs feminism as intrinsically related to individual freedom, rather than to collective good. By constructing feminism as liberal and excluding other interpretations and representations of feminism, Cs links the legalization of surrogacy to feminism. This way, to oppose the legalization of surrogacy would mean to not be a feminist. For the past two years, feminism has been gaining importance in Spanish society. Its mobilizing power has pushed different actors in the Spanish surrogacy debate to frame their discourse on surrogacy into feminism. It is remarkable that in the law proposition feminism is not mentioned and under the heading “Women’s rights” it is only included “*the right to carry and give birth to the child of the surrogate parents*”. I argue that the articulation of Cs’ discourse on surrogacy has changed since they submitted the Law proposal in 2017. After the mass attendance to the 8th of March demonstrations 2018, Cs has incorporated feminism into their political agenda. The feminist turn experienced by the party has also affected their discourse on surrogacy. Thus, feminism has become an essential element of its articulation. Because feminism has gained ground in Spanish society, Cs has changed its group formation strategy so that in 2019 feminism is privileged over other subject identities.

Interview with Albert Rivera

In June 2018, Albert Rivera, the leader of Cs, was interviewed by a Spanish influencer, Tamara Gorro. She promotes surrogacy in social media, especially Instagram, as her first child was born through this method. The interview starts with Gorro playing a video she recorded during a trip to the US. In the video, Gorro meets a group of surrogates and asks them why they do surrogacy: “*Are you in surrogacy for money or to help other people?*”. All the group answer that they do

it to help other people. Then, the video shows the testimony of two surrogates, who explain their personal stories and altruistic motivations.

After watching the video, Rivera says: *“To see these free, generous, brave women... I wish more women were this generous... and men. This only confirms what I already thought about surrogacy”* (min. 4:03).

Then, Gorro asks Rivera: *“Why do you support this cause?”*, to which he answers: *“Firstly, because I believe in freedom. And what I saw in this video, and in families that I know personally, is freedom and love, the two essential things to have a child. I understand that some people might have doubts about it... but I do not understand why they don’t allow it to be regulated so other people can do it. This is like homosexual marriage, why do you mind if other people are in love and getting married? No one is forcing you to get married.”*

Later in the conversation, Rivera also states *“We recently organized an event of family models. We talked about gestational surrogacy, about shared child custody, about adoptions... love has no shape, one can be a parent through multiple methods”* and *“We are returning to the past. To the times in which people had to go to other countries to do things that were not allowed in Spain, like having an abortion.”*

As it happened in the two previous examples, freedom is still the nodal point in Cs discourse: *“Firstly, because I believe in freedom.”* Rivera also articulates surrogacy as linked to altruism and generosity. Likewise, altruism is opposed to profit-making intentions. Therefore, the “good” kind of surrogacy would be the one in which surrogates have altruistic motives and are not profit-oriented. This dilemma between being altruistic or profit-oriented is introduced first by Gorro, who, in the video, asks the group of surrogates: *“Are you in surrogacy for the money or to help other people?”*. Thus, in Gorro’s narrative, these two motivations are mutually exclusive. This is a social antagonism, which occurs when different identities mutually exclude each other (Jørgensen & Phillips, 1999). By articulating surrogacy in a social antagonism, surrogates are constructed as being selfless, altruistic and generous, which becomes the opposite of being profit-making oriented. This social

antagonism reinforces gender stereotypes, as it constructs women as conforming to femininity. In this sense, Anleu (1990) argued that altruistic surrogacy reinforces gender norms by picturing women as selfless and willing to sacrifice for others, instead of self-centered and profit-making oriented.

Surrogacy is linked in a chain of equivalence to the right to egalitarian marriage. What is new in this document is that Rivera also equates surrogacy to the right to abortion: “*We are returning to the past. To the times in which people had to go to other countries to do things that were not allowed in Spain, like having an abortion.*”. By linking surrogacy to these rights, which are milestones of the feminist and LGBTQ struggle, Cs attempts to legitimize the legalization of surrogacy.

In this section, I examined the articulation of Cs’ discourse on surrogacy. Surrogacy is the discourse’s floating signifier, an empty symbol that gets its meaning by being linked or opposed to other symbols (Laclau 1990: 28). Surrogacy is conceptualized as a right, and its legalization is equated to social progress. Moreover, surrogacy as a right is linked to other rights, like women’s reproductive rights or same-sex marriage. Freedom is the nodal point of the articulation and gives meaning relationally to both surrogacy and feminism. Likewise, the feminist identity is turned into an antagonism, as being a feminist and not supporting surrogacy are mutually exclusive. Another social antagonism identified in Cs’ discourse is that of altruism versus profit-making.

5.2 Podemos

To understand the articulation of Podemos’ discourse, I am analyzing the document they published to state their position towards surrogacy. It is entitled “*Political position of Podemos on the exploitation of women*”. Podemos’ manifesto is an insightful text, in which their arguments are backed up by referencing different studies and organizations, such as recommendations emitted by the Spanish Committee of bioethics and a study from the European Parliament. Another remarkable feature of the manifesto is that it contains arguments emitted from local feminist assemblies.

The first paragraph of the document explains its motivations: *“Given the media interest on “wombs for rent” during the last months - fueled by parties such as Cs and supported by athletes, people from the world of cinema, music or gossip magazines (...) Podemos maintains that such an issue requires a calm, participative, and, above all, feminist discussion.”*⁴

Podemos manifesto is written in response to the increasing social importance of the surrogacy debate. They consider that the debate has been promoted by the media, Cs, and celebrities. This is connected to the last document analyzed in Cs’ section, an interview between Albert Rivera and an Instagram personality. Furthermore, Podemos frames their document into feminism by stating that the manifesto is the result of a feminist discussion. Podemos indicates the intentions of the manifesto through the document, which are: to prevent the legalization of surrogacy in Spain and to push through legal reforms in order to stop civil registrations of children born through surrogacy abroad.

Moving on to Podemos’ discourse on surrogacy, Podemos is blatantly against the legalization of surrogacy. The title of the manifesto *“Political position of Podemos on the exploitation of women”*, together with the mention of *“wombs for rent”* in the first paragraph shows it clearly. The argumentation of Podemos against surrogacy starts with an acknowledgment of feminist positions in relation to surrogacy around the world. They distinguish between three types of perspectives: *“those that consider such practice as a manifestation of women's autonomy over their own body”*; *“those that consider that surrogacy is a form of exploitation of women due to its commercialization”*; and those *“who consider it a form of exploitation regardless of the absence of economic compensations, because it instrumentalizes women's bodies”*. This overview of feminist perspectives on surrogacy is similar to the one made by Maniere (2017), developed in the literature review section of this thesis. The three perspectives identified by Podemos fit in

⁴ All quotations from Podemos’ manifesto do not include page number because the text is published online in a formatting that does not have pages or page numbers.

Maniere's framework, in which she distinguished between the liberal, the reformist and the abolitionist perspective.

As it happened in the case of Cs, feminism a privileged identity in Podemos' discourse articulation. Moreover, Podemos identify themselves as feminist throughout the manifesto, as they keep using expressions as: *"the framework of our reflection as a party and as feminists"* or *"As feminists, we defend the right to abortion..."*. However, Podemos acknowledges that there can be more than one feminist perspective on surrogacy, unlike Cs. Podemos articulation does not turn feminism into an antagonism, as it recognizes that one can be a feminist and support surrogacy.

Podemos invokes the current context of social inequalities in Spain and in the world to reject the legalization of surrogacy,: *"Female poverty and the deregulation of the labor market increasingly lead many women to seek "alternative" ways of life to support themselves and their families (...). Thus, taking a critical position is essential so that the inequality caused by new forms of exploitation of men over women, of the richest over the poorest, and of some countries over others, is not perpetuated."*

In this extract, the Podemos not only argues that surrogacy cannot be arranged in fair conditions due to gender and class inequalities, but also that legalizing surrogacy would deepen those inequalities. By doing so, Podemos articulates its discourse on surrogacy by linking the legalization of the practice to gender and class inequality. This articulation reminds to the feminist-Marxist reflections on surrogacy discussed in the literature review. In this sense, Podemos shares Oksala's line of reasoning, as they also consider that surrogacy arrangements turn surrogates into a biological resource. However, instead of explaining how that happens, they rely on a study made by the European Parliament: *"We agree with the report from the European Parliament, which condemns the practice surrogacy, considering it contrary to the human dignity of women, since their bodies and reproductive functions are used as a raw material"*.

In this sense, the party also maintains that surrogacy arrangements “*treat women as means instead of as ends, which undermines their dignity and the symbolic status of all women in society*”. Thus, Podemos’ articulation incorporates the element of collective rights, by arguing that surrogacy’s implications go further than the individual level. Collective rights are explicitly mentioned two times in the manifesto: “*the satisfaction of individual desires cannot be above the protection of collective rights*” and “*even if surrogacy is altruistic, no woman should jeopardize collective rights*”. This last extract also brings in the element of choice, which also appeared in Cs articulation. Cs argues that women could be allowed to choose to become a surrogate, while Podemos defends that collective rights must be prioritized over individual choices. Therefore, Cs’ articulation departs from a liberal conceptualization of the State, in which individual choice is prioritized over collective rights. Meanwhile, Podemos articulation reveals a social conceptualization of the State, as they focus on protecting collective rights.

Another point of struggle between Cs’ and Podemos’ articulations has to do with the conceptualization of surrogacy as a right. As I discussed in the previous section, Cs presents surrogacy as a reproductive right. By contrast, Podemos emphasizes that to have children is a desire; therefore, surrogacy cannot be reproductive right: “*The desire to have offspring with their genetic load is not a right, and it is not comparable to the fundamental rights that surrogacy violates*” and “*we are convinced that that prioritizing desires and interests over human rights should be disregarded*”. Podemos links surrogacy to “desire” and opposes it to “the protection of human rights”, while Cs conceptualized surrogacy as a reproductive right.

Another primary argument in Podemos’ manifesto is that surrogacy jeopardizes the right to abortion: “*If the future baby belongs at all times to the intended parents (it is “their” son or daughter), this makes pregnant women simple carriers of the fetus of other people, jeopardizing the right of women to decide freely over their own body, a right conquered after long years of feminist struggles. Following the same argument, it could be deduced that no embryo is part of the woman who carries it,*

(...) which could lead the courts to rule against the law to the abortion of women”. This articulation is antagonistic to Cs’ one, which equated surrogacy to the right to abortion. Podemos considers that surrogacy conceptualizes embryos and surrogates’ bodies as independent entities, which ultimately could put the right to abortion in risk.

Podemos also tackles the issue of freedom: *“we must bear in mind that it is a contract that forces one of the parties to renounce a fundamental right such as individual freedom, which implies the reversibility of our decisions”.* Unlike Cs, Podemos considers that freedom must imply reversible consent for the surrogate, the possibility of changing her mind regarding the relinquishment of the baby at any point of the process. This issue is addressed in the Law proposition, which states: *“Under no circumstances a filiation tie can be established between the surrogate and the child or children that could be born.”* (p. 8). Therefore, there is a struggle over the meaning of freedom. Podemos links freedom in a chain of equivalence to reversible consent; because surrogacy contracts, including Cs’ law proposition, do not guarantee reversible consent, surrogacy is opposed to freedom in a chain of difference.

Podemos demands the promotion of alternative forms of kinship as well: *“In addition, we believe it is necessary to generate debate so that the reproduction and care of children leave the heteronormative framework, and care models that involve the whole society are taken into consideration”.* Podemos is linking progressive changes in society to the promotion of alternative forms of kinship and care. Moreover, they reject Cs’ discursive construction of surrogacy *“We do not accept the family rhetoric of Albert Rivera, in which this type of practice is proposed as progress, future, and the most modern type of family in Spain”.* Surrogacy does not necessarily mean the promotion of queer understandings of family. As Dempsey (2013) argues, heteronormative symbols play a key role in gay male couple families formed by surrogacy. In this line, Podemos challenges the assumption that surrogacy implies the promotion of new, progressive models of family.

In this section I analyzed Podemos' discourse on surrogacy. In Podemos' articulation, the floating signifier of surrogacy is given a negative meaning. Surrogacy is linked in a chain of equivalence to women's exploitation and the undermining of collective rights. At the same time, surrogacy is opposed to elements such as progress, innovation, or the right to abortion and women's individual and collective freedom.

Regarding group formation, there are two main identities privileged by Podemos' discourse: feminist identity and class identity. Podemos uses a vocabulary that allows subjects mobilized by the class struggle to identify with their discourse on surrogacy: "*Political position of Podemos on the exploitation of women*", "*Female poverty and the deregulation of the labor market increasingly lead many women*", are some of the examples of this process of group formation.

5.3 Partido Socialista Obrero Español

The document chosen to analyze PSOE's discourse on surrogacy is their electoral program for April 2019's national elections. Said program includes a section in which they inform of initiatives related to feminism, in which they problematize surrogacy:

"We say NO to renting wombs:

Gestation by substitution or surrogacy is prohibited in the Spanish legislation (art. 10.1 of Law 14/2006, of May 26, on techniques of assisted human reproduction): "Every contract in which pregnancy is agreed, with or without a monetary compensation, to be carried out by a woman who renounces maternal filiation in favor of the contractor or a third party, is null."

All these is in accordance with the recommendations of the European Parliament (Annual Report on Human Rights and Democracy in the World 2014, period 115), where this practice is condemned for being contrary to "the human dignity of women, since their body and their reproductive functions are used as a raw material "

The Socialist Party rejects pregnancy by substitution or surrogacy, euphemisms for wombs' renting, because it undermines women's rights, especially of the most vulnerable, commodifying their bodies and their reproductive functions.

We will act against the agencies that offer the arrangement of surrogacy, regardless of the illegality of the practice, to hundreds of families every year in Spain."

PSOE is positioned against the legalization of surrogacy, as it evidences its heading: *We say NO to renting wombs*. They start their articulation by building on the existing legal framework. Firstly, PSOE refers to the Spanish law that currently regulates surrogacy, Law 14/2006, of May 26. Then, it invokes the European Parliament recommendation on surrogacy. This recommendation was also used in Podemos' manifesto. Thus, both documents have the same reference. PSOE further explains the reasons by which they reject surrogacy: the undermining of women's rights and the commodification of women's bodies and reproductive capacities. Finally, they commit to act against transnational surrogacy agencies operating in Spain.

PSOE's discourse on surrogacy has a similar articulation to Podemos'. The elements that PSOE links to surrogacy (exploitation of women, commodification, surrogates turned into raw material) are also present in Podemos'. In addition, PSOE suggests taking measures against surrogacy agencies, which Podemos did not include.

When it comes to group formation, PSOE indirectly privileges the identity of "feminist" by including their proposal for surrogacy in their section of feminist initiatives. As it happened with Podemos' discourse, PSOE's articulation allows the identification of those mobilized by class struggles. These two parties are center-left and left wing, therefore a group formation emerging from class is coherent with their political orientation.

PSOE's text is short in comparison to the material used for Cs and Podemos. However, PSOE does not have a specific document on surrogacy, unlike Podemos.

There are interviews or parliamentary debates in which PSOE's leaders talk about surrogacy but, in those pieces, they repeat the argumentations already presented in the electoral program. Thereby, no more documents have been added to the analysis.

5.4 Partido Popular

In the case of PP, the conflict over the meaning of surrogacy takes place inside the party. While there are two competing views on surrogacy among PP's leaders, certain elements are common to the various discourses coexisting in the party.

Interview with Alberto Nuñez Feijoo

“It is a complicated matter. In our country it is not regulated, there is a legal vacuum, although right now we cannot do it legally. But it is a debate, and it is a debate that it is in society. Some parents have had children through this system because they have gone to another country. Therefore, I think that these things need to be discussed. As a party, we have to make a decision: not to face the debate or, on the contrary, since this happens, to debate it. It is not an easy matter; the role of women is very compromised. Spain certainly has a demographic problem. One of the structural issues of the country is that the birth rate has fallen, which makes the pension system unfeasible. Surrogacy may not solve the demographic problem, but as we have parents who want to have children and are unable, we must at least debate it.”

The extract above is the answer given by Alberto Nuñez Feijoo, president of Galicia when asked about the perspective of his party on surrogacy. It exemplifies PP's lack of a unified opinion on surrogacy, as it does not give clear or persuasive arguments.

Feijoo underlines the necessity of having a discussion on surrogacy in the party, as the debate already exists in society. He calls the lack of regulation of surrogacy a “legal vacuum”. This interpretation of the existing law on surrogacy collides with PSOE's. For PSOE, Law 14/2006 of May 24, which prohibits surrogacy arrangements, is itself an argument against the possible legalization of the practice.

However, Feijoo interprets the current prohibition of surrogacy as “a legal vacuum”, by invoking the cases of Spanish families created through surrogacy. In Feijoo’s articulation of surrogacy, the fact that there are families with children born through surrogacy is linked to the current law that forbids surrogacy, altering its meaning and turning the prohibition into a “legal vacuum”.

When discussing possible benefits of legalizing surrogacy, Feijoo argues that it could help with the demographic crisis that Spain undergoes, although it would not be the solution. This is an expression of Foucault’s concept of biopower: the aim to regulate and optimize life at a population level. In the background section of this thesis, I discussed how the need of increasing birth rates had been brought up by PP in the latest months. In February 2019, Pablo Casado, leader of PP, stated that “we must think about how to have more children instead of how to abort them” (RTVE, 2019), and suggested the possibility of changing the current abortion law, which guarantees the right to abortion. Thus, to articulate surrogacy in relation to demography follows the party’s ideological line. Moreover, it indirectly links the legalization of surrogacy to the jeopardy of the abortion right as, in a chain of equivalence, surrogacy is linked to the need for increasing birth rates, a need that has been linked in other occasions to the prohibition of abortion.

Interview with Javier Maroto

“My position in relation to surrogacy is that if it is altruistic, it prevents commercial exploitation and avoids the use of women’s poverty, I think it is a step forward. In neighboring countries, such as Portugal, they have just legalized surrogacy, so couples who want to have children through surrogacy do not have to go to Canada or the United States, they just have to go to Lisbon to do so. The absence of regulation in any field is undoubtedly an inconvenience. In the same way that Spain is a pioneer and is a model in organ donation or international adoption, it should be a pioneer in the field of surrogacy.”

Javier Maroto is one of PP’s leaders, who represents the liberal, more progressive sector of the party. He is openly in favor of the legalization of surrogacy and has advocated for the cause within the party. His surrogacy articulation links altruistic

surrogacy to the prevention of exploitation and the use of women's poverty. This articulation also introduces the antagonism of altruistic and commercial surrogacy. Surrogacy, if altruistic, is presented as good, while when commercial is understood as bad. To reinforce this antagonism, Maroto introduces the element of organ donation, linked in a chain of equivalence to surrogacy. A similar conceptualization of the dichotomy between altruistic and commercial surrogacy is part of Cs articulation.

As it happened in the case of Feijoo's discourse on surrogacy, Maroto interprets the current law prohibiting surrogacy as "absence of regulation". This point in common between these two discourses makes manifest the struggle over meaning that surrogacy has within PP, as both representatives hold ambiguous, opened interpretations of the legal status of the practice.

Rafael Hernando's press statement

"We are going to study all the initiatives, but I already tell you that my group is absolutely against the commercialization of motherhood by anyone"

Rafael Hernando, the spokesperson of PP, gave this press statement on June 2017, after the Congress session in which Cs announced that they were going to submit a Law proposition to legalize surrogacy. He clarifies to the press that his group is against the legalization of surrogacy, a position that has stayed as the official of PP ever since, even though some of its members dissent from this perspective.

In his short statement, Hernando describes surrogacy as "the commercialization of motherhood". By doing so, he links surrogacy to economic interests. Moreover, he brings into his articulation the element of "motherhood". While in the rest of discourses it was surrogates or women who could be subject to commercialization and commodification, in Hernando's articulation is "motherhood". Thus, regarding group formation, Hernando's articulation privileges the identification of conservative voters by the use of this vocabulary.

5. 5 Son Nuestros Hijos

SNH is a Spanish civil society organization in defense of the legalization of surrogacy, comprised of families whose children had been born through surrogacy.

SNH' Manifesto

SNH's manifesto is published on the home page of its web. The manifesto argues that in Spanish society there is a stigmatization of families with children born through surrogacy, which is the main theme of the document: *"We believe that the discourses that insult people who have lived in first person the process of surrogacy are unfair"* and *"to portray thousands of fathers and mothers as criminals only leads to the stigmatization of the surrogacy families and their children"*. Thus, SNH's articulation of surrogacy links the opposition to surrogacy to the stigmatization of families.

Furthermore, SNH targets political parties who oppose the legalization of surrogacy as responsible of this stigmatization, as it is shown in this quotations: *"However, in the last times children born through surrogacy are receiving hard attacks from different ideological positions"* and *"we understand that the stigmatization of boys and girls is a serious issue, moreover when it comes from the institutions of the State"*. As explained in the background, since July 2018 the Spanish embassy of Ukraine stopped inscribing children born through surrogacy. It occurred after PSOE entered the Spanish government in June 2018.

In SNH's discourse on surrogacy, the opposition to the legalization of surrogacy is linked to the stigmatization of families and children, especially when it comes from political parties. This articulation frames the legalization of surrogacy as a matter of social justice, as it would protect families and children from social stigmatization and nonrecognition. SNH's calls for social justice are status-oriented, as they aim to improve the social status of surrogacy families. Their process of group formation rejects possibilities of identification in the base of ideological positions. Instead, they privilege the identity of "parent", by calling on the protection of children and underlining their own identity as parents.

Callao’s Square image: “Nosotras parimos, nosotras decidimos”

In November 2018, SNH put this image in Callao’s square, a well-known place in the center of Madrid:



Figure 3. Image “Nosotras parimos, nosotras decidimos”.

The image shows a short text: “*Nosotras parimos, nosotras decidimos*”, which can be translated as: “we who give birth decide”. Despite being short, this text has a strong symbolic and cultural value for Spanish speaking feminists, as it has been used as a political slogan in the struggle for the legalization of the right to abortion. The slogan is not only popular in Spain, but also in Hispano-American countries. This action was very controversial, as it outraged numerous feminist groups, who accused SNH of stealing and misusing a feminist slogan.

By using “*Nosotras parimos, nosotras decidimos*” SNH links in a chain of equivalence the struggle for the legalization of surrogacy with the struggle for the legalization of the right to abortion. However, there is a dissonance in their articulation. The poster includes SNH’s name and then the phrase “*Nosotras parimos, nosotras decidimos*”. SNH stands for “*Son Nuestros Hijos*”, which means “they are our children”. So, when all the text from the poster is read together, it

says: “Son nuestros hijos. Nosotras parimos, nosotras decidimos” / “They are our children. We, who give birth, decide”. The feminist slogan emerged in the context of women reclaiming the right to autonomy over their own bodies; thus, it is written in the first person, from the perspective of the ones who give birth. SNH is an association comprised of parents with children born through surrogacy, of parents who could not give birth. Through this action, SNH talked on behalf of the women who give birth. By doing so, they disrupted their articulation, as the text written in the poster expresses that children belong to the ones who give birth. SNH occupies a particular position in the Spanish surrogacy debate, that of parents or intended parents of children born through surrogacy who try to legalize the practice in Spain. Thus, they cannot simultaneously occupy the position of the ones who give birth. In attempting to do so, they appropriate a slogan and a struggle that does not belong to them, which results in a disruption in their articulation.

5.6 Red Española Contra el Alquiler de Ventres

RECAV is an organization against “wombs for rent”, consisting of more than 50 different local feminist and LGBTQ rights collectives united against surrogacy. They have a manifesto in which they explain their position towards surrogacy, which is available on their webpage.

RECAV’s manifesto against “wombs for rent”

Recav’s manifesto intendeds to “*call on political parties and national and regional governments to remain alert, and not to allow themselves to be deceived by overtly one-sided media campaigns*”. The organization is directing the manifesto to political parties and prevents them from trusting the information about surrogacy given in the media. This reference to the media is a point in common with Podemos’ document, in which the party criticized how famous personalities portray surrogacy in the media.

There are more common points between RECAV’s discourse on surrogacy and Podemos’. RECAV problematizes the relation between reversible choice and surrogacy: “*Choice accompanied by the capacity to alter, modify or vary the object*

of our preferences. Surrogate maternity not only prevents the women from exercising choice but also allows for punitive measures if they alter the conditions of the contract.” Furthermore, RECAV also questions the conceptualization of surrogacy as a right: *“The desire to be a father or mother and the right of free choice do not entail any right to have children”* and *“desire for fatherhood/motherhood can never replace or violate women’s and children’s rights”*. Thus, RECAV links surrogacy in a chain of equivalence to “desire for being a parent” while opposing it to “right”. At the same time, it connects the legalization of surrogacy to the violation of women’s and children’s rights.

RECAV’s argumentation prioritizes collective rights over individuals. They claim that altruistic surrogacy *“reinforces the deeply rooted definition of women as ‘existing for others’, or ‘whose purpose in life is to offer themselves in the service of others’”*. This articulation of surrogacy links altruistic surrogacy to the reinforcement of gender norms and presents it as potentially undermining women’s social status.

RECAV also equates the legalization of surrogacy to the regulation of prostitution and the prohibition of abortion, which they regard as practices that *“entail sexual control over women”*. The right to abortion is a nodal point among the competing discourses on surrogacy in Spain. In articulations against surrogacy, the legalization of surrogacy is linked to the jeopardy of the right to abortion. In articulations in favor of surrogacy, the legalization of surrogacy is equated to the right to abortion.

The introduction of the element of “the regulation of prostitution” is not that common among Spanish surrogacy discourses. The only articulation in which the regulation of prostitution is also introduced is that of Cs’, in Arrimadas’ speech: *“No one prohibiting things to women can give lessons in feminism, for example, in the subject of surrogacy or of prostitution”* In Cs’ articulation, the legalization of surrogacy is equated to the regulation of prostitution, and these two elements are linked to feminism. RECAV also articulates surrogacy and prostitution in a chain of equivalence, but only to oppose them to women’s rights and feminism.

RECAV problematizes the use of the term “gestational surrogacy” and explains why they choose to employ “wombs for rent” instead: *“Because we are radically opposed to the use of euphemisms to prettify or idealize the business of buying and selling babies by temporarily renting a woman’s womb, whether she lives in sun-kissed California or an impoverished backstreet in India. Therefore, we insist on calling things by their true name. One cannot and must not describe as “gestational surrogacy” an act that objectifies women’s bodies and commercializes with the desire to be a mother or father.”* By underlining the importance of “calling things for their true name”, they emphasize that discursive constructions have social consequences.

5.7 Cross-cutting analysis

Throughout previous sections, I have conducted a discourse analysis to understand the different articulations competing in the Spanish surrogacy debate. For each actor, I have presented and analyzed a series of documents. In what follows, I will carry a cross-cutting analysis. Firstly, I will discuss group formation and intertextuality. Then, I will use Nancy Fraser’s two-dimensional approach to social justice to further analyze the Spanish debate on surrogacy. Lastly, I will examine the construction of subject positions and identities among Spanish discourses on surrogacy.

Group formation

Political parties and organizations use certain signs in their surrogacy articulations that target different groups of people. Individuals have multiple identities. In a process of group formation, an identity is privileged over the others. One privileged identity common to almost all articulations in the Spanish surrogacy debate is that of “feminist”, as it is present in all discourses except PP’s. The relevance of feminism in the surrogacy debate can be understood when analyzing the rise of the feminist movement in Spain since 2018. On the 8th of March 2018, there were mass demonstrations in more than 120 Spanish cities, in which women reclaimed feminist demands such as equal salary or the end of gender-based violence. The demonstration that took place in Madrid had around 120.000 participants, when the

same demonstration a year before, in 2017, had up to 40.000. Feminism is a movement that has proven its ability to mobilize people. Thus, it has become a privileged identity in most of the articulations in the Spanish surrogacy debate.

While “feminist” is a privileged identity in the Surrogacy debate, it is also a floating signifier, since there is a struggle over the meaning of what it is to be a feminist. The actors who aim to legalize surrogacy try to put forth a liberal understanding of feminism, while those who oppose surrogacy promote a feminism understanding that acknowledges economic inequalities and fights exploitation.

PP, the only party who does not include feminism in their articulation, incorporates to its discourses demography and the increasing of birth rates. These signs are part of the party’s political agenda and frequently used in non-surrogacy related contexts. PP articulates its discourse on surrogacy in a way that opens possibilities of identification for its conservative voters.

Likewise, center-left and left-wing parties address their voters in their surrogacy articulations. PSOE and Podemos include in their discourses signs as “commodification” or “exploitation”, words that are part of the leftist rhetoric. The language used by PSOE and Podemos is similar to the one used by RECAV, which could happen due to intertextuality. When constructing their discourse on surrogacy, PSOE and Podemos may have incorporated signs from the language used by activist groups. The term “wombs for rent”, for instance, started being used by activist groups before being part of political parties’ discourses on surrogacy. In the case of Podemos, the level of intertextuality is higher, because the document that expresses the party’s position on surrogacy includes the perspectives of feminist assemblies, which are listed in the document’s reference list.

The discourse of Cs is the most ambitious when it comes to targeting social groups. By linking surrogacy to freedom and choice in a chain of equivalence, they are targeting liberal voters. Besides, in a meeting in April 2019, Rivera discussed Spain’s demography issue and presented the legalization of surrogacy as a measure to increase birth rates. Therefore, Cs has also addressed conservative voters in their surrogacy discourse. One of the materials selected to analyze Cs’ discourse was

Rivera's interview with Tamara Gorro, an Instagram personality. During this interview, Rivera articulated surrogacy in relation to "love" and talked about his own experience as a parent. Thus, Rivera privileges the identity of "parent", as SNH also does, in an attempt to transcend ideologies through their group formation.

Redistribution and Recognition in the Spanish surrogacy debate.

When examining social justice struggles, Nancy Fraser distinguishes between demands for recognition, which emerge from a status-oriented understanding of injustice, and demands for redistribution, which are class-oriented. Fraser's two-dimensional approach can be used for the analysis of the Spanish surrogacy debate. I argue that actors who are in favor of surrogacy frame its legalization as a demand for recognition; meanwhile, actors against surrogacy frame their opposition as a matter of redistribution.

Through their discourse articulation, SNH conceptualizes the current legal status of surrogacy as a problem of misrecognition. The organization's name, "they are our children", is itself a claim for recognition. The "intended parents" ask to be recognized as the parents of children born through surrogacy, at both the social and the institutional level. The manifesto analyzed in the previous section supports this argument, as it is full of references to stigmatization: "*we understand that the stigmatization of boys and girls is a serious issue, moreover when it comes from the institutions of the State.*" Likewise, Cs frames its attempt to legalize altruistic surrogacy as a matter of recognition. In Cs' articulation, the legalization of surrogacy is linked in a chain of equivalence to the legalization of same-sex marriage, which is a paradigmatic example of recognition justice.

By contrast, Podemos, PSOE and RECAV argue that the legalization of surrogacy would aggravate maldistribution suffered by women. Moreover, their claims for measurements to effectively prevent Spanish couples from arranging surrogacy abroad are redistribution demands, as their goal is to stop the exploitation of women: "*so that the inequality caused by new forms of exploitation of men over*

women, of the richest over the poorest, and of some countries over others, is not perpetuated.” (Podemos).

Fraser (2013) connects neoliberalism with the emergence of demands for recognition, as she argues that the turn to neoliberalism that took place in 1980 caused a shift in the sphere of social justice. In the Spanish surrogacy debate, there is also a connection between neoliberal politics and demands for recognition, since Cs is a liberal center-right party.

The surrogate as a subject

In an order of discourse, there are certain subject positions that the discursive structures identify as relevant. In the case of the Spanish surrogacy debate, these subject positions are woman and feminist. All discourses analyzed equate surrogates to women. Cs’ law proposition for the legalization of surrogacy uses the term “*woman gestating through surrogacy*”. Podemos’ document on surrogacy is entitled “*Political position of Podemos on the exploitation of women*”. PSOE rejects surrogacy because “*it commodifies women’s bodies*”, and SNH asks for “*Respect for the women who donate their ability to gestate.*” All groups, no matter if they are civil society organizations or political parties, construct surrogates as “women” and exclude other subject positions that can become surrogates, for instance, non-binary people or transgender men. Thus, the conceptualization of surrogates as women is undisputed.

Bodily autonomy, the core of the Spanish surrogacy debate

After conducting an analysis on how discourses on surrogacy are constructed in the Spanish context, I argue that the Spanish surrogacy debate is fundamentally a dispute over bodily autonomy. Actors positioned in favor of the legalization of surrogacy frame it as an improvement of women’s bodily autonomy, as they claim that it would give them freedom of choice to decide if they want to carry a baby for someone else. However, Cs’ conceptualization of choice is irreversible, which goes against the feminist understanding of it. When the only possible way to become a surrogate is to sign a contract renouncing to reversible consent, the intended parents

are given security and power at the expense of taking it away from the surrogates. Payne (2018) proposes solutions to work against this power inequality. She suggests the possibility of recognizing visitation rights or shared custody for surrogates, if this is what they want, in order to achieve a feminist way of doing surrogacy. This solution would also promote alternative forms of kinship. None of the discourses in the Spanish debate in favor of the legalization of surrogacy put forward a model of surrogacy that respects reversible consent. Therefore, their feminist transformative potential is questionable.

The requirements included in Cs' law proposition also jeopardize the surrogate's bodily autonomy. The asymmetry between requirements for intended parents and requirements for surrogates shows a power inequality in line with the one of reversible consent. To become a surrogate, one acquires the obligation of being monitored physically and psychologically through the whole process, which undermines bodily autonomy. However, SNH attempts to conceptualize the legalization of surrogacy as a matter of bodily autonomy, by linking it to the slogan "Nosotras parimos, nosotras decidimos". But, by doing so, they occupy an impossible subject position. The parents who comprise SNH are parents through surrogacy because they do not give birth. Thus, they cannot speak for the ones who give birth. When they use "Nosotras parimos, nosotras decidimos" to validate surrogacy, they are appropriating a symbol of women's bodily autonomy rights.

The actors who aim to legalize surrogacy construct discourses that turn surrogacy into an improvement of women's bodily autonomy. However, after deconstructing these articulations, I argue that the current alternatives for the legalization of surrogacy in Spain jeopardize women's bodily autonomy and rights. Actors positioned against surrogacy (Podemos, PSOE and RECAV) also have pointed out the negative consequences that its legalization would entail for women's bodily autonomy. However, their critique of surrogacy focuses on the economic exploitation of women and children in precarious situations.

6. Conclusion

This work set out to answer the question of how have surrogacy discourses in Spain been articulated by political parties and civil society organizations and what are the social and political implications of these articulations.

Since Ciudadanos submitted their law proposal to the Spanish parliament in 2017, surrogacy has been much debated in both the social sphere and the political arena. The debate has been fueled by the media, especially when PSOE's government stopped inscribing babies born through surrogacy at the Spanish Embassy in Kiev. Surrogacy's increasing social relevance has pushed parties into positioning themselves in favor of or against its legalization. PP struggled to achieve a unified position on surrogacy, as there were conflicting opinions among its leaders. This was not the case of PSOE and Podemos, who quickly opposed the legalization of surrogacy as they believe it entails the exploitation of women's bodies.

When constructing their discourse on surrogacy, political parties and organizations incorporate different signs and elements into their articulation. In the case of political parties, some of those signs are part of the party's political agenda or ideology. Thus, by incorporating them into their surrogacy articulation, political parties enable their voters to identify themselves in the party's surrogacy discourse. An example of this is how PP has brought demography into their articulation.

Some elements are common to almost every articulation on surrogacy. Feminism is a privileged identity in the group formation processes of the political parties Cs, PSOE and Podemos, and of the organizations SNH and RECAV. I argue that feminism plays a leading role in surrogacy's articulation because, since the 8th of March 2018, the feminist movement has high mobilizing power in Spanish society and politics. This argument is supported by the fact that Cs did not include feminism in their articulation of surrogacy before 2018. Different actors incorporate feminism into their articulations in various ways. Cs and SNH advocate a liberal conceptualization of feminism focused on choice and freedom. Meanwhile,

Podemos, PSOE and RECAV promote a feminism that acknowledges economic inequalities and prioritizes collective rights over individual choice.

The actors who are positioned against the legalization of surrogacy (Podemos, PSOE and RECAV) conceptualize surrogacy as a maldistribution struggle since they argue that it entails the exploitation of poor women. On the contrary, those actors attempting to legalize surrogacy (CS and SNH) conceptualize the legalization of surrogacy as a matter of recognition. In the case of Cs, this is done by comparing surrogacy to paradigmatic recognition struggles like the legalization of same sex marriage, and by linking surrogacy to progress and modernity. SNH also conceptualizes the legalization of surrogacy as a matter of recognition, but it in a different way than CS': they consider that children born through surrogacy and their parents are stigmatized by society and discriminated by the state.

Women's right to abortion is another relevant element in the Spanish surrogacy debate. SNH and Cs consider that the legalization of surrogacy is the counterpart of the right to abortion. In the struggle for the recognition of the right to abortion, women's choice was a key element. Thus, Cs' asks feminists to respect the choice of women who decide to carry a baby for others. The surrogacy law powered by Ciudadanos would restrain surrogates' autonomy, as it does not allow reversible choice and it includes the necessary monitoring of surrogates' bodies and minds. At the same time, SNH linked the legalization of surrogacy to the struggle for the right to abortion by invoking the powerful slogan "Nosotras parimos, nosotras decimos". Because they cannot occupy the subject position of the one who gives birth, they are talking on behalf of them and therefore misappropriating the slogan.

I argue that the Spanish surrogacy debate is a debate over bodily autonomy. When actors attempt to put forth their agenda on surrogacy, they are also negotiating bodily autonomy. Ciudadanos conceptualizes the legalization of surrogacy as an improvement of bodily autonomy. However, its understanding of choice excludes reversible consent and the contractual requirements for surrogates include constant monitoring of their bodies and minds. Thus, C's articulation of surrogacy implies the jeopardization of bodily autonomy, as well as HSN's articulation. In the case of

HSN, the group has appropriated a feminist slogan with great symbolic value to legitimate surrogacy. Another consequence of the articulations in favor of the legalization of surrogacy is the reinforcement of gender norms, as they construct surrogates as selfless women willing to sacrifice for others.

The point of departure of this study was a lack in the existing literature of an analysis of the discourses on surrogacy of political parties and civil society organizations. The findings presented in this thesis make an original contribution to the growing area of research exploring the phenomenon of surrogacy in Spain, as well as to the fields of Political Sciences and Gender Studies. Due to practical constraints, this paper limited the selection of political parties to four, leaving the far-right party Vox out of the scope. Further research could be made on how Vox constructs their discourse on surrogacy.

7. Material Appendix

Political parties	Selected material
PSOE	<p>b. “We say no to wombs for rent”. Fragment of their electoral program for 2019’s national elections.</p> <p>https://www.psoe.es/media-content/2019/04/PSOE-programa-electoral-elecciones-generales-28-de-abril-de-2019.pdf</p>
PP	<p>d. Interview with Alberto Nuñez Feijoo.</p> <p>http://www.rtve.es/alacarta/videos/los-desayunos-de-tve/fejoo-sobre-maternidad-subrogada-espana-hay-vacio-legal-asunto-hay-debatir/3894309/</p> <p>e. Interview with Javier Maroto.</p> <p>https://www.elplural.com/politica/maroto-insta-a-rajoy-a-que-el-pp-vote-en-conciencia-sobre-la-gestacion-subrogada_107945102</p> <p>f. Rafael Hernando’s press statementh.</p> <p>https://www.lavanguardia.com/vida/20170627/423725393070/el-pp-absolutamente-en-contra-de-mercantilizar-el-vientre-de-la-mujer.html</p>
Cs	<p>d. Surrogacy’s legalization law proposition.</p> <p>http://www.congreso.es/public_oficiales/L12/CONG/BOCG/B/BOCG-12-B-145-1.PDF</p> <p>e. Speech by Inés Arrimadas.</p> <p>https://www.youtube.com/watch?v=0FQpJDsnldc</p> <p>f. Interview with Albert Rivera.</p> <p>https://www.mtmad.es/un-like-para--by-tamara-gorro/tamara-gorro-albert-rivera_2_2572005248.html</p>
Podemos	<p>b. “Political position of Podemos on the reproductive exploitation of women”. Manifesto against surrogacy.</p> <p>https://podemos.info/posicion-politica-sobre-explotacion-reproductiva-mujeres/</p>

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