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Biography:

Agomoni Ganguli-Mitra is a Chancellor's Fellow in the Legal and Ethical Aspects of Biomedicine, and Co-director of the JK Mason Institute for Medicine, Life Sciences and the Law. She is also a member of the Wellcome Trust-funded Centre for Biomedicine, Self and Society. Dr. Ganguli-Mitra's background is in bioethics, with a special interest in global bioethics, structural and gender justice. She has written on ethical issues related to global surrogacy, sex-selection, biomedical research in low-income countries, social value in research governance and the concepts of exploitation and vulnerability in bioethics.

She is currently PI on a Wellcome Trust funded project entitled, Vulnerability and Justice in Global Health Emergency Regulation: Developing Future Ethical Models (2018-19).

Title- The surrogate body as site of regulation

Key words: surrogacy, bioethics, regulation, structural injustice, epistemic injustice

Abstract:

Much of what has been written on the (bio)ethics of surrogacy, with some notable exceptions, focuses on fairly abstract concepts, such as exploitation and commodification. To a great extent, the discourse around the regulation of (global) surrogacy also utilises these concepts, often in a manner that lacks critical reflection on the meaning, and implicit normative force of these terms. Concerns of justice, when they arise, are too often limited to the ethics of individual interactions—for example of surrogates with prospective parents—with fairly minimal consideration to how individuals are placed in relation to each other, and in relation to relevant institutions.

The above concerns form the background and motivation for this paper. In this discussion, I am particularly concerned with how regulation (especially the law) aims to *treat* all bodies equally, while failing to recognise that it does not *affect* all bodies in the same manner. Using the examples of recent regulatory reforms in South Asia and the UK—and of the discourse behind these reforms—I consider how regulation often serves to further marginalise specific bodies, especially those that are not white, able, or privileged. I argue that the ethics and regulation of surrogacy, as well as bioethics in general, need to engage with the feminist concepts of structural and epistemic injustice more seriously. The role of the state, and of global governance mechanisms need to be scrutinised with these particular lenses. Equally importantly, contextual considerations from global surrogacy can themselves further inform and consolidate the concerns and normative repercussions of concepts such as structural and epistemic injustice. In this paper, I also begin an exercise in reflective equilibrium between the ethics and governance of surrogacy and these foundational concepts.