

## Kalindi Vora

Limits of “Labor”:

Accounting for Affect and the Biological in  
Transnational Surrogacy and Service Work

**B**harati is a typical call center agent in New Delhi. As a college graduate in urban India, she did not have a difficult time finding work at a call center. After being hired, she was trained to neutralize her accent, given a new moniker more user-friendly and culturally familiar for the consumer, and exposed to the popular culture and idioms of the US location she would be calling. After the initial excitement of her first professional job wore off, she began to feel the toll of her nighttime work schedule. She became increasingly disconnected to her daytime social world, family, and friends, and she finally felt like her daytime self went through something like a social death.<sup>1</sup> At this point she quit her job. Having gone directly into a call center after college, however, Bharati soon found that her only job skills, including a neutral accent and her knowledge of US geography, work processes, and people, were of no use to any other industry. Within six months she joined another call center.<sup>2</sup>

In another part of India, a woman of around the same age, a mother of two named Sujata-ben, signed a contract with a medical center to become a gestational carrier for a couple in the United States with fertility concerns. After going through

the medical process of hormone administration and embryo transplantation to become impregnated, she moved to a hostel for gestational carriers in northern India. She explained in an interview midway through her pregnancy that she had already given birth to two children of her own, and during those pregnancies, she had not taken nearly as much care of herself or committed as much thought to her well-being as she was currently. She had been employed as a maid for the better part of both of her previous pregnancies, whereas now she lived apart from her husband, children, and family duties and spent her days passing the time with other women who shared her condition, alternating between affects of boredom and camaraderie, depending on the context. As a surrogate, she paid careful attention to the condition of the pregnancy, particularly her nutrition and rest. She also mentioned that she didn't have the attention of a doctor during her previous pregnancies, much less the kind of technologically mediated care she was receiving as the gestational surrogate to a couple from the United States. Like the other surrogates working with this clinic, she had signed a contract that she would not receive any money other than a maintenance stipend if she did not successfully complete her pregnancy.<sup>3</sup>

The requisite adjustments to the mode of living and attention and care of the self that Bharati and Sujata-ben undertook in order to earn a living are indicative of vastly different yet parallel shifts in the conditions and valuation of new forms of labor in India. While call centers are thought of in the United States as a sign of outsourcing and often as a mark of a shift in industrialized economies to postmodern, flexible production, commercial surrogacy is not often considered labor in the same way. However, for both call center work and gestational surrogacy, the category of labor becomes essential for making visible the types of value-transmitting activities that subjects undergo for the benefit of those who consume them. Attending to these forms of labor also allows for the continued political project of tracking their accumulation and exploitation. What call center work and commercial surrogacy have in common is the labor of producing and transferring human vital energy directly to a consumer, through the work of affect and the intentional or dedicated use of bodily organs and processes. The work of producing vital energy through biological and affective labor is distributed unequally at the level of international exchange, as are opportunities for its consumption. In performing this labor with its transnational transfer of value, racialized and gendered bodies/subjects become the bearers of colonial legacies and neoliberal restructurings that create an

opportunity to expand as well as think outside of current ways of conceptualizing labor. Examining these new forms of labor also provides an opportunity to reevaluate the role of race and gender in relation to subjectivity and humanity, forms of ownership and property, and technology as part of capitalist expansion and territorialization.

The production of a persona as an instrument to communicate attention and service in call center work and the commercial surrogate's allocation of time, attention, and care to her body and well-being as an instrument in producing a child by contract evoke an imagination of the proceeding edge of the expanding commodification of subjects and humanity, and as such, it is useful to think about how they also complicate a strictly labor-based analysis of this production. The geopolitical and structural location of this production, occurring in India but accumulated by consumers in the global North, including the middle and upper classes in hyperdeveloped spaces as well as the transnational capitalist class<sup>4</sup> and growing middle class in India, also invites connection to questions of use value, constraint, and autonomy raised by the history of imperial labor in India.

Affective and biological labor such as that found in call center and surrogacy work are indices of new forms of exploitation and accumulation within neoliberal globalization, but they also rearticulate a historical colonial division of labor. Affective and biological labor differ in kind from the productive labor that both liberal capitalism and Marxist critical analysis presume; in this sense, the attention to undertheorized labor like call center work, surrogacy, clinical trial participation, the organ trade, and so on, brings into relief both the longer imperial legacies of liberal capitalism and assesses the adequacy of Marxist critiques of political economy as a framework of analysis. Feminist materialist analyses of the historical differentiation of productive and reproductive labor are an invaluable resource for articulating the limits of both liberal and Marxist notions of labor, value, and political subjectivity. Yet even as these feminist materialists point to the unwaged, unrecognized reproductive, or even "maternal," labors of service, care, and nurture, they fall short of identifying how exploitation of gendered labor is also part of a system that governs through reduction and extension of "life" or what Michel Foucault elaborates as "biopower," which depends on these degraded feminized labors, even as it uses them up. While arguing that the category of reproductive labor makes visible a type of productivity that is essential yet unseen, this scholarship also provides the grounds to continue to scrutinize which kinds of exchange and

subjectivity can even be represented by categories of labor. Such analyses thus lead us to ask specifically what stakes are involved in asserting that gestational surrogates and others whose productivity occurs primarily through biological and affective processes are subjects of capitalist labor power.

The affective and biological exploitation and accumulation represented together in call centers and commercial surrogacy depend as much on contemporary technologies that disaggregate and commodify discrete acts as they do on the longer colonial political economy within which human “life” (as free, autonomous, self-willing, and biologically healthy) has been supported in the First World by the labor and materials of the Third. A rereading of the undertheorized side of the dual nature of reproductive labor remains essential for understanding the co-constitution of the sexual organization of the heteropatriarchal family and the work of gendered labor both to humanize workers for continued production and to provide a source of unmarked accumulation in itself. Structures of race and gender continue to disguise the transmission of vital energy, that is, the value imparted by labor and more, between bodies and communities. In addition to creating value recognizable through exchange, the duality of this labor contributes to the sexualized humanizing project and accumulation that feminist materialist scholars locate in the heteropatriarchal family as a privileged form of life. On a more general level, it also helps characterize India’s (racialized) role as a primary provider in the gendered global service economy.

Studying the accumulation of vital energy as a form of “biocapital”<sup>5</sup> in these processes provides a way to specify what is different and the same about this particular economy in ways that modern liberal or Marxist concepts—freedom or consent, on the one hand, or exchange and surplus value, on the other—cannot accommodate. Tracking vital energy, rather than value, as the content of what is produced and transmitted between biological and affective producers and their consumers holds on to the human vitality that Karl Marx describes as the true content of value carried by the commodity and the absolute use value of labor power to capitalist production, while maintaining the argument that what is produced by these activities exceeds what is recognizable in the commodity’s exchange value. It makes plain the connection between the exhaustion of biological bodies and labors in India to extend “life” in the First World and a longer history of power relations underpinning what may seem like an emerging form of biopower in sites like commercial surrogacy.

## Material Feminism and the Dual Nature of Reproductive Labor

The production of immediate life in all its aspects must be the core concept of a feminist theory of labor.

—Maria Mies, *Patriarchy and Accumulation on a World Scale*

The vignette above about Bharati is taken from the portrait of a composite call center agent produced by the sociologist A. Aneesh from interviews conducted in the New Delhi industrial suburb of Gurgaon.<sup>6</sup> An important part of becoming a call center agent, where practical training occurs after hiring but before paid work begins, is the acquisition of fluency in the foreign culture he or she is calling, so that an agent may react appropriately and credibly to customers in their own cultural context. For example, agents must acquire the habit of showing culturally authentic emotions on the phone, such as performing empathy for a customer who relates a misfortune or keeping a smile on his or her face during the conversation. These efforts translate into the production of value for their employers in the form of increased customer trust and loyalty to the company or brand. In addition to the affective work of producing their caller personas, the time difference between India and North America means that call center agents are required to do the daily work of managing the friction created by waking up late in the afternoon when others are winding down their days and missing social engagements, religious rituals, and the other everyday interactions that constitute sociality.

The projected persona of the call center agent turns out to be more useful to the global economy than the subject that projects it as a worker. Most of the college-educated middle-class young adults employed by call centers profess their lack of interest in call center work yet are attracted by the pay and the idea that this is something they can do to earn money for a few years while they find a "real job."<sup>7</sup> In truth, when an agent tries to leave the call center industry, he or she often finds that the skills used in call center work are employable only in other call centers. The "real" worker, as opposed to the agent's performed persona, is revealed to be flawed in terms of market demands. The transformation of the agent into her projected caller persona requires the suppression of her real form and yet results in the enhancement of her life opportunities because it gives her access to global flows of capital and labor demands. Her primary opportunity to earn a wage is found in producing and reproducing the caller persona.

The story of Bharati's necessary alienation from social relations and her social world, resulting from the temporal and cultural isolation of call

center work from other industries and work schedules, combined with her access to a job only through the work of affect that reproduces an alternate subject, engages the concerns of feminist analyses of labor. It also raises questions about the specific content of the call center agent's labor, which includes supporting a projected persona who occupies an alien world that the agent must learn and then inhabit through fantasy. Agents also do the work of managing the emotional reactions, expectations, and communication between depersonalized entities like brands or corporations and individual people, reassuring them of their worth and existence as human beings. The blurring of the line between the subject and the work performed lends call center work to analysis as reproductive and gendered labor, which is distinguished by tasks and contexts in which it is difficult to distinguish the line between the body and subject of the worker and the work performed. Such tasks and work contexts point to the complexities of assuming autonomy when work involves affective and biological participation and alienation, and gestures to the vast range of activities that fall into the "production of immediate life" that Maria Mies forefronts as the necessary core concept of a feminist theory of labor in the epigraph above.

The second vignette, excerpted from ethnographic observation and interviews conducted in 2008, takes place at a residence hostel in a small city in the Indian province of Gujarat, where women who are in different stages of pregnancy and postdelivery as contracted gestational surrogates live for nine months to a year while working with the Manushi fertility clinic.<sup>8</sup> The context of surrogacy varies from clinic to clinic in India, as there are only elective national guidelines for commercial assisted reproductive technology practice, but most clinics mandate or heavily encourage surrogates to live in designated hostels. Many, including Manushi, only accept married women who have borne at least one child in order to prove the viability of their uteruses and to work against their possible attachment to the fetus/infant. The latter requirement has also been written into draft legislation.<sup>9</sup> Sujata-ben's narrative describes self-care, concern, caution, and attention, which exemplify some of the affective labor and commodities produced by a surrogate while pregnant. These and the breast-feeding and nurturing of the newborn she may be asked to provide generate health and therefore yield future life opportunities for both the infant and its parents.

As a paid service, commercial surrogacy is imagined in the context of the clinic as the contractual usage of a woman's otherwise unused uterus as a space in which to gestate a fetus that is understood as someone else's prop-

erty and progeny. On the one hand, surrogacy is a contracted agreement of payment for the gestation of a fetus created through *in vitro* fertilization and the delivery of an infant. However, the custodianship and intentional continued gestation of the fetus lend themselves in practice and in proposed legislation to the need to protect consumers by mandating that a woman submit herself to technologies and routine surveillance that is meant to protect the well-being of the fetus, sometimes more than that of the surrogate herself.

The surrogacy fee, which is highly attractive for surrogates but much lower than what commissioning parents would pay in their home countries, reflects a "lower cost of living" in their different spheres of life. The fee is also attractive to India's urban transnational capitalist class who share a similar earning differential with surrogates. Surrogates describe the unparalleled earning opportunity surrogacy represents by providing a sum that could actually change their material circumstances. Due to their lower incomes, surrogates often do without many necessities that commissioning parents would not do without, including basic health insurance, medical privacy, reliable electricity, clean and reliable water, a permanent home/residence, the ability to seek and find another job when one is lost, access to a variety of foods or the ability to grow them (requiring land and water), and so on. This disparity of conditions and access to resources is not accurately reflected in the argument that Indian surrogates' fees are low because of the lower cost of living of the women who become surrogates. Transnational surrogates in India hired by distant commissioning parents provide an opportunity for commissioning couples to continue to live at home, maintain their paid work, and build their careers in lieu of childbearing, even as surrogates themselves relocate and give up their other work to provide this opportunity.

As emerging case law in a number of countries allowing transnational commercial surrogacy has begun to illustrate, the social relations and understandings of kinship outside the medical and legal definitions of the surrogacy contract are not as simple as represented in the agreement of nine months of gestation and childbirth in exchange for a set fee. In fact, surrogates themselves insist on the continuing obligation and duty commissioning parents should feel toward them and their families beyond the terms and time limit of the contract, arguing that the act of giving a child to a wanting couple is incommensurable with any fee. Even in the face of evidence that commissioning parents rarely keep up correspondence or support of a woman and her family after the surrogacy contract has ended, many describe the expectation that this should be so, given the relative

power and resources of commissioning parents and the nature of what surrogates have given them in bearing their child.<sup>10</sup> The call of such a duty or responsibility doesn't transmit between the surrogate and the commissioning parent because of the organizing rubrics of the liberal, individual subject and the contract-based relationship that describes the responsibility of each party in terms of fee and service rendered.<sup>11</sup> These expectations also point to a disagreement about the value of surrogacy as labor and about its content, which exceed what can be understood in terms of value and the autonomous, liberal individual subject.

An understanding of how the production of immediate life through affect and biology on one side of the world can serve to support life elsewhere is aided by an examination of the dual nature of the type of labor that is often referred to as "reproductive." Marx's formulation from volume 1 of *Capital* defines reproductive labor against productive labor. If productive labor is understood as the investment of (socially averaged) labor time into an object for exchange, then reproductive labor is the energy put into making sure the person doing productive labor was able to return to work each day. It recreates or replenishes the labor power of the person who works outside the home in the public sphere by providing support to the biological reproduction of the worker's body and strength, as well as a replacement worker in the form of child rearing. In the form of care, love, and nurture, it also reassures the worker of his humanity, allowing him to continue to participate in his own commodification as labor.

Contemporary feminists have extended this analysis by redefining such labor as productive in itself, producing immediate life and not just supporting the masculine worker who earned the means to immediate subsistence.<sup>12</sup> As a result of this history of the feminization of work that reproduces life, work that often involves a service rather than a physical object as its commodity, service and care also remain undervalued in public labor markets. Service, care, and attention work are considered unskilled because they originated in a gendered division of labor that did not require the identification of skills to secure a contract, as this was covered in contracts of marriage and servitude.<sup>13</sup> At the same time, a growing percentage of jobs, particularly those performed by people marginalized in a given society or within the international division of labor, are these very jobs of care and service.

Affective and biological labors differ in kind from the productive labor that Marx presumes and analyzes in volume 1 of *Capital*; that is, the labor of the worker who sews a coat or makes a chair meant for exchange is different than the call center worker or the surrogate, in that the latter workers

engage in both *productive* and *reproductive* labors. Activities of service, care, and nurture engage the biological use of their bodies and lives as well as labor, and the requirements of such work intrude on the laboring subject in ways that radically compromise any sense of "autonomy" or "separation of spheres" presumed by both liberal and Marxist discussions of workers within Western societies. Biotechnology together with globalization (and its colonial past) is the condition that makes the selling or renting of one's biological function and parts possible, a process that is qualitatively different than the commodification of the labor that the biological body performs.

Both commercial surrogacy and call center work produce recognizable commodities in exchange for a monetary sum (stipend/fee and wage, respectively). They also produce a number of other use values including feelings or affects, forms of sociality and humanity, and the valorization of those forms among their consumers. Occurring in the domestic/nonpublic realm and producing commodities that do not line up with a physical model, elements of domestic work have often not been visible as productive or even as labor to mainstream political economic labor analysis, nor to philosophies of labor that privilege a liberal autonomous individual as the subject of capitalist labor. As a result, domestic work and reproductive work in general, as well as the subject who performs them, get represented, at least in part, as non-value.<sup>14</sup> To address this problem, Leopoldina Fortunati has identified a dual nature within capital's appropriation of labor power, a dualism that is within labor power itself. Reproductive work, a category in which domestic work is a large component, has a dual nature under capitalism because it represents itself and its subject/bearer as nonvalue, yet it simultaneously functions to siphon the value it produces into capital through the ability of the "productive" worker to return to work each day.<sup>15</sup> Fortunati's understanding of reproduction as inherent but unmarked in the value of labor power is a very different approach to that of earlier feminist models of domestic work as either productive labor deserving of a wage or as reproductive labor coerced by patriarchy. Approaching affective labor in this way allows us to see its essential role of compensating and rehumanizing the worker as more than a commodity, "creating the illusion that he is an individual with unique characteristics and a real personality."<sup>16</sup>

The material predication of the subject of capitalist labor as "labor power" is based on the idea that what makes us useful to capital as embodied subjects is the surplus of vital energy we can commit to activity beyond what we need to sustain life and productivity of the individual and its extension into a replacement worker (in the form of the worker's child). Commercial

surrogacy, because of its social location in mothering labor and the cultural-economic weight of the household/family economic unit that comes with that location, together with its imbrication with the bodies of producer and consumer, complicates the surrogate as a capitalist worker-subject. Feminist theory in different areas has shown that the subject of labor power relies on a host of supports that originate in the vital energy of others, supports that do not appear to be labor or behave like it. These include the historical structure of the Protestant heteropatriarchal household with its wives, children, and servants, as well as through colonization, indenture, and slavery, as these have obscured subjects of value-producing labor in support of the subject predicated by labor power in the capitalist market.

Janet Jakobsen argues that “the autonomous individual is not just any particular human being but a particular way to understand and inhabit human being—a subjectivity in which the individual understands himself to be free when he acts without the assistance of others,”<sup>17</sup> an understanding of autonomy that obscures the support labor of those upon whom this autonomy depends. For this reason, Jakobsen argues that sexual relations within the Protestant heteropatriarchal family are relations of production that produce both the autonomous individual and this particular variety of human subject.<sup>18</sup> Indian gestational surrogacy falls into this sexual mode of production as the privatized labor of reproduction and childbirth. It is also crucial to note that when surrogates insist that their role exceeds that of gestational carrier, they are challenging the individuality, freedom, and private quality of this mode of production,<sup>19</sup> as well as revealing the work that goes into supporting it through contracts, legislation, and assumed norms of sociality and kinship.

Housewifization, colonization, and the global elaboration of these and other legacies in “flexibilization”<sup>20</sup> are part of the history that leads to the present-day understanding of commercial surrogacy. Bringing gendered labor, with its ties to property and patriarchy, under the umbrella of labor remains the most effective way to gain protections for a variety of subjects. For example, feminists in India have historically conducted efforts and continue to push the government toward a future that opens up opportunities for women with regard to reproductive technologies and equality of representation and access to rights over property, progeny, labor, and their own bodies.<sup>21</sup> In this context, organizations like Sama: Resource Group for Women and Health in New Delhi, a national research and advocacy group, have introduced the issue of transnational surrogacy. Sociologist Amrita Pande suggests that the model of labor organization and demands for labor protections is the immediate concern from the vantage of the needs of

women working as surrogates, despite the obstacles to surrogates' realization of a worker's consciousness.<sup>22</sup> However, the model of "ownership" of the body as a solution to the problem of identifying the value of gendered bodily labor does not address the problem of the devaluation of women's bodies, particularly the maternal body under patriarchal property-based systems where "the bodies are just the space in which the genetic material matures into babies," and if the body is believed to contain the property of someone else, owning her body is not enough to ensure the maternal subject's civil liberties.<sup>23</sup>

The woman acting as a gestational surrogate, much like the colonized laborer, the housewife, and the worker outside of labor protections, is partially a subject of labor who is "free" to sell labor to buyers but is also occluded as a subject in the service of what Mies and Fortunati have identified as ongoing primitive accumulation. Defined as housewives rather than workers, women become the ideal labor force, because the full use value and productivity of their work is obscured, since it does not appear or circulate as "free wage labor."<sup>24</sup> Lacking definition as true income-generating activities, intentional actions that transmit life-supporting energy and the reaffirmation of humanness can create value through commodities but also directly support life in other bodies, communities, and locations.

Technology has played an important role in separating the pregnant body as a productive machine from the subject, freeing the work of gestation and nurture to circulate as commodities. However, examination of the history of slavery and indenture in India itself and as part of British colonial labor allocation in the colonies adds an additional and important layer for considering the content of labor that is understood to be produced by a free, liberal subject, a tension that complements the analysis of the dual nature of reproductive labor, where part of what is produced necessarily remains outside the reach of recognizing the subject of such work as a subject of labor.

### **Legacies of Imperial Labor**

The social inequalities of our time are a legacy of this definition of "the human" and subsequent discourses that have placed particular subjects, practices, and geographies at a distance from "the human."  
—Lisa Lowe, "The Intimacies of Four Continents"

As the quotation from Lisa Lowe above asserts, the emergence of humanism as a liberal philosophy of the subject, organized through a distinction of freedom from conditions of unfreedom, was co-constituted by the formation of

colonial racial categorizations and an international division of labor as they arose together following the abolition of the slave trade within the British Empire in 1807.<sup>25</sup> Madhavi Kale's study of the recruitment and resettlement of bonded or indentured laborers from India to the Caribbean argues that empire was the invisible pretext for the constitution of labor as an identity and as a category of analysis in historiography.<sup>26</sup> The distinction between enslaved and free labor that became a concern as part of the abolitionist movement functioned to generate a category of mobile workers that complemented an imperial labor reallocation strategy connecting imperial subjects all over the world as "labor" while elaborating their hierarchical relationship and separation through emerging categories of race and gender attached to their labor. In turn, the nature of freedom and free labor became invested with assumptions about gender, race, and class,<sup>27</sup> as they were also embroiled in the instrumental distinction between free labor and slavery that justified the practice of indenture. This instrumentality wrote over the coercive nature of indenture since it was described as contractual by mutual consent and understanding, even in the face of evidence of the lack of understanding or choice on the part of those signing themselves into indenture. Women were recruited under the same contractual conditions as men, though for the purpose of providing the reproductive labor that made male workers viable, a practice and problem that Kale asserts is embedded in the material origins of the category of free labor as an instrument in imperial labor reallocation. This reallocation was in effect the superimposition of a constructed dichotomy of slavery and free labor on the proliferation of less-than-free labor and conditions as part of empire building, whereby "the post-abolitionist fiction of equal status and equal protection for all imperial subjects regardless of race or nation could be maintained by erasing women as political agents," what Lowe calls a "modern racial governmentality."<sup>28</sup> Like the fiction of non-coercion underpinning Indian indenture, in the larger colonial context of the British Empire, a number of gendered, sexual, and reproductive relations existed under the umbrella of "consensual" that did not even figure as labor.<sup>29</sup> Abstract notions of "consent," "freedom," "choice," and "contract" have been produced and unequally distributed by modern liberalism, have been affirmed selectively for some through the disavowal of colonized and enslaved labor,<sup>30</sup> and continue to write over contemporary conditions of force under other names.<sup>31</sup>

These histories, together with the history of the category of free labor itself, mandate attention be paid not only to the particular nature of the work being performed under contract in emerging affective and biological production, but also to the particular forms of dependency in operation, as such

contractual arrangements may contain incomplete or absent information and consent, and therefore incomplete autonomy, despite being arranged through a freely entered contractual agreement.

For example, the contemporary status of women who take up gestational surrogacy is particular in a number of ways. It is constructed through Indian law, particularly through legal relations that accord little power to the surrogate. The draft Assisted Reproductive Technologies Bill (2010) currently under consideration by India's Parliament is largely a free-market-promoting document that provides only basic protections to surrogates as under-resourced Indian citizens. Unless and until it is finalized as law, the practice of commercial surrogacy is subject only to national guidelines that are not enforceable. The status of women once they enter into a surrogacy agreement is also defined through the translation of human gestation into paid labor; they may receive trimesterly stipends as they proceed through pregnancy, and after delivering the infant, they receive their fees. This means that once she becomes pregnant, the surrogate must complete the pregnancy to receive payment, and as it stands in the draft bill, the surrogate would not have a say in decisions about embryo reduction or abortion. There is currently no legal guarantee of medical treatment for complications arising after the delivery, and there is no formal procedure to follow should anything untoward happen to the woman while pregnant. Her legal status as a particular kind of worker whose body has been engaged through a contract to perform self-care and nurture with the aim of a healthy pregnancy and delivery does not account for the frequent separation enforced between surrogates and their nuclear and extended families and communities in the interest of the clinic and commissioning parents, nor does it account for any effects of her own separation from the child she bears. There is no socially recognizable or defensible relationship between the surrogate's social world and that of the infant she carries other than the contract, even in the proposed legislation. This separation is figured as natural and commonsensical within the discourses of biological parenthood and property, where intention and gametes on the part of commissioning parents give them ownership of the embryo, fetus, and infant and as such is endorsed by the clinic through its contract with the surrogate. The surrogate has no claim on the developing fetus and is in fact positioned in the current guidelines and proposed legislation as a potential threat to it. Current contracts may also forbid the surrogate from engaging in sexual intercourse with her husband and may effectively mandate residence in surrogate hostels to facilitate surveillance.

These conditions raise questions that escape the reach of even the well-meaning and necessary efforts to gain labor protections for women working

as surrogates in India. They engage an imperial history of instrumentalizing consent, freedom and choice, alienation, and sexual and reproductive relations made invisible as labor while their subjects disappear from the identity category of labor through their gendering and the gendering of their work. While all biological life represents a site of speculation and potential biological production and accumulation, the legacies of imperialism continue to affect the hyperavailability of racialized and gendered bodies.<sup>32</sup> The concerns raised by the legacies of colonial labor in India come to bear upon the social alienation and constraint of choice among workers in the call center industry and other forms of gendered industrial labor, as these value-producing activities straddle the line of visible and invisible labor, autonomy, and coercion, while engaging interior levels of the subject, self, and personality in their performance.

### **Biology, Autonomy, and Liberal Humanism**

[The way we understand agency and the political] has a range of consequences and effects that concern the constitution of the subject . . . [including] the incommensurability of liberal notions of will and autonomy as standards for evaluating subaltern behavior.

—Saidiya Hartman, *Scenes of Subjection*

As Sujata-ben's story suggests, the way surrogates compare previous pregnancies to contracted pregnancy through surrogacy, specifically the different orientation to the process and to their bodies, raises the questions of what affective labor is invested into gestation and what resultant commodities are produced by the surrogate's self-care while pregnant. Many women are asked to provide two days of breast-feeding after delivery to give the infant immunity-building colostrum, but occasionally this period is extended for one or two months for infants whose parents are delayed in their arrival. In addition to expanding the range of subject positions one can inhabit as "mother" both as capitalist laborer and as excessive to capitalist production, assisted reproductive technologies also create future opportunities for less-wealthy women to step into devalued care labor markets and for more wealthy women to outsource the work of childbearing and child rearing in order to expand their own ability to pursue full-time careers through their reproductive years, a process that, in the context of transnational adoption, Ann Anagnost calls "just-in-time" reproduction.<sup>33</sup>

Race and gender have historically operated and continue to operate to make some bodies more economically useful as biological entities than

as the subjects of labor power. In the context of commercial gestational surrogacy in India, part of the work being done by the distinction between "gestational carrier" and "commissioning parent" in the clinical context is distinguishing a separation between the physical aspects of human reproduction and the social/sexual/affective aspects. Much of the work of the clinic staff is invested in preventing the attachment of emotional meaning to relationships between surrogates and commissioning parents and between the surrogate and the fetus she carries. As a sign within the discourse of genetic essentialism, the gene distinguishes the provider of the service and reproductive space of gestation from the creative "author" of the child—the "biological parents." Patriarchy—as assumed and affirmed through the state and supporting legal apparatuses, including paternity and property protections at the national level that are built into documents like the surrogacy contract itself—identifies the commissioning parents as the intentional authors of a future child protected as property, though necessarily under the custodianship of the surrogate for the period of gestation.

Scientific knowledge and practices have played a role in erasing bodies from reproduction in surrogacy. For example, in the context of commercial surrogacy, genetic discourse dictates the property-bearing and contract-empowered status of the commissioning parents as the intentional, authorial producers of a child; the embryologist and ob-gyn form a technical team that performs the high-value work of engineering the surrogacy, leaving the surrogate positioned as performing the passive, merely reproductive and nonauthorial work of gestation. How is a fetus produced? In vitro fertilization involves skills, knowledge, and instruments that require specialized training and education, as does the implantation of an embryo in concert with the administration of hormones to prepare a surrogate's body to become pregnant with the implanted embryo. The surrogate continues the process through to its completion, and her body uses its complex biological and hormonal mechanisms to bring the fetus to term, mechanisms that are influenced by her activities during gestation (nutrition, stress level, exposure to mutagenic substances, physical activity, health, or illness, among others).

As the quotation from Saidiya Hartman above argues, attention to different subject formations and potential subalterneity marks the need for caution in approaching agency and political activity, particularly as these are often tied up in property relations. The way these activities are read as being labor or not, and as being specialized or not, is heavily influenced by the assumption that the end product is a form of contract-protected property

belonging to the originators of intention and DNA. However, as one representative genetic biologist explains, “First, DNA is not self-reproducing, second, it makes nothing, and third, organisms are not determined by it.”<sup>34</sup> While “women’s experience confounds the dichotomy of manual/mental labor,”<sup>35</sup> we can recognize that there have been important historical precedents for the structures of race, gender, patriarchy, and imperialism in the commercialization of this labor that have simultaneously erased much of its content. The wealthy have always hired out this labor along class, race, gender, and national differentials, and the boundaries between women’s bodies and society, the social, and the public have always been considered porous in different contexts. However, the distribution of wealth in the world has changed so that gendered labor, still performed by individuals marked hierarchically as having low social status, has to travel farther to reach them. Also, a shift in how privacy and property are being defined is part of the growth of the service sector.

The example of gestational surrogacy is an obvious illustration of how intimate expression, requiring the production of genuine feelings, can be completely alienated from the producer. The time surrogates spend away from their families and communities, which many surrogates describe as the most taxing element of their work, and away from the social and biological activities that produce their own immediate life and life world is invested into the lives of consumers and their environment in immediately observable ways.<sup>36</sup> The rapid growth of commercialized affect and biological economies raises questions about how their growth impacts our activities outside the realm of exchange. For example, in a system mediated by private property, where sensuality becomes colonized by the sense of “having,” does caring for children in support of another household or other microeconomy for artificially low compensation undervalue the labor you do in your own home?<sup>37</sup> Does it devalue the affects associated with love?<sup>38</sup> Can it create a surplus of commodified love in the world that cheapens the affective content of the life of the worker who still cannot afford to consume it herself?<sup>39</sup> At the same time that these questions acknowledge the infinite set of needs that must be denied to devalued subjects/workers as a condition of rendering their bodies and life energies “surplus” and available for export, we must also continually raise the imperial history of labor that refuses the classification of free labour—that is humanity itself—to the imperial subjects of capital. In other words, not all labor is visible as such, and capitalist value (among other things) is created by both proper subjects as well as those who do not always appear as (liberal) subjects. To accurately follow value’s production and accu-

mulation therefore requires attention to the availability of autonomy in a given production setting.

## Conclusion

When gestational surrogates enter into contracts with commissioning parents in the United States or call center workers expend affective effort to manage the emotions of US customers, these surrogates and call center workers enter into layers of other historical contexts that prefigure them in important ways. For example, in transmitting vital energy to US residents, they enter into a history of US capitalist accumulation in relation to conquest, racial slavery, and immigration, where the reproductive labor of working-class women of color continues to support the value of whiteness and class privilege that does not include them. The quality of this accumulation, historically invested into the white US middle class, is important and serves an instrumental purpose not unlike the freeing of Indian workers to become bonded labor in the Caribbean under the British Empire.

In addition to investing unquantified value into these families and households, the devaluing of racialized and gendered service work has perpetuated a discourse of white middle- and upper-middle-class families as needing more care than working-class families and families of color.<sup>40</sup> This has led to a naturalized lifestyle difference that continues to validate more care and affective resources in some homes, whereas in others these are what Rosemary Hennessey calls "outlawed necessities."<sup>41</sup> Mies observes a similar result in the reduced material ability of women in the global South to realize an idealized femininity defined against the "civilized" modern woman.<sup>42</sup> This gap creates the very conditions of dehumanization under which she must work more and more to lower the cost of production of what others can buy (rather than what she needs) to support the material feasibility of the "producer-housewife" in the global North.<sup>43</sup>

As indicated by the analysis of the dual nature of reproductive labor, affective and biological labor can serve not just to reproduce capital, property, and the conditions under which capital and property continue to exist, but also can contribute to the unquantifiable ability of consuming classes to thrive in a way that presents a continuation and increase of present opportunities into an unforeseeable future, to make the consumer feel "more human," and to continue to disenfranchise the humanity of those whose unrecognized productivity allows for this investment. The question of what is produced through gestational surrogacy includes the way that futurity is

imagined through the biological child and technologically informed notions of kinship that lead us back to property, rights, and biopower as unstable future political propositions.

### Notes

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- 1 A. Aneesh, "Specters of Global Communication," *Frakcija*, no. 43-44 (2007): 26-33.
- 2 Ibid.
- 3 Excerpted from ethnographic interviews conducted by author, Gujarat, India, January-February 2008.
- 4 A. Aneesh, *Virtual Migration: The Programming of Globalization* (Durham, NC: Duke University Press, 2006), 18.
- 5 Sarah Franklin, "Ethical Biocapital: New Strategies of Cell Culture," in *Remaking Life and Death*, ed. Sarah Franklin and Margaret Lock (Santa Fe, NM: School of American Research Press, 2001); and Kaushik Sunder Rajan, *Biocapital: The Constitution of Post-genomic Life* (Durham, NC: Duke University Press, 2006). Sarah Franklin and Kaushik Sunder Rajan have used the concept of biocapital to describe the rise of biological information as commodities and capital. I expand this formulation of biocapital to examine the commodification of body parts and the vitality of biological and affective energies and services. This more inclusive use of the concept of biocapital provides a way to understand, within a capitalist framework and from a feminist perspective, how surrogacy and the work of care and attention can act as forms of productive labor through the investment of human vital energy directly into another person, family, and society to support their continued life.
- 6 Aneesh, "Specters."
- 7 Ben Addelman et al., directors, *Bombay Calling* (2006).
- 8 The clinic's name has been changed.
- 9 The draft Assisted Reproductive Technologies Bill (2010), available at <http://icmr.nic.in/guide/ART%20REGULATION%20Draft%20Bill1.pdf> (accessed April 26, 2012).
- 10 Kalindi Vora, "Medicine, Markets and the Pregnant Body: Indian Commercial Surrogacy and Reproductive Labor in a Transnational Frame," *Scholar and Feminist Online* 9, nos. 1-2 (2010), [http://barnard.edu/sfonline/reprotech/vora\\_01.htm](http://barnard.edu/sfonline/reprotech/vora_01.htm).
- 11 Surrogates have little power to pursue breach of contract by commissioning parents or the clinic, and anecdotal evidence from news reports and the documentary film *Made in India* suggest that surrogates often do not receive the full fee they have been promised. Rebecca Haimowitz and Vaishali Sinha, dirs., *Made in India: A Film about Surrogacy* (2010).
- 12 Queer theorists in particular have challenged the idea of reproductivity by troubling the meaning of care work as simply reproducing what was already there, arguing

- instead that new forms of life and family life are produced that do not line up with the imperatives of the heteropatriarchal household economy. See Ann Cvetkovich, *An Archive of Feelings: Trauma, Sexuality, and Lesbian Public Cultures* (Durham, NC: Duke University Press, 2003); and José Esteban Muñoz, *Feeling Brown: Ethnicity, Affect, and Performance* (Durham, NC: Duke University Press, forthcoming).
- 13 Maria Mies, *Patriarchy and Accumulation on a World Scale: Women in the International Division of Labour* (London: Third World Books, 1986).
- 14 Leopoldina Fortunati, *The Arcane of Reproduction: Housework, Prostitution, Labor and Capital*, trans. Hilary Creek, ed. Jim Fleming (New York: Autonomedia, 1989), 9–13.
- 15 *Ibid.*, 9–10.
- 16 *Ibid.*, 110.
- 17 Janet Jakobsen, “Perverse Justice,” *GLQ* 18, no. 1 (2012): 25.
- 18 *Ibid.*
- 19 See Vora, “Medicine.”
- 20 The feminization of domestic labor through what Maria Mies calls “housewifization,” a process that extended from the late Middle Ages through the Enlightenment in Europe and coincided with the witch pogroms, also naturalized women’s work within the household so that it could be treated in the same way as natural resources and colonial labor—as a free good to be exploited in a one-way relationship. Identifying the work of the housewife as organized for ongoing primitive accumulation, Mies claims that it continues to be the secret of modern capitalist expansion (Mies, x). Claudia von Werlhof argues that the process of breaking up trade unions and “flexibilizing” labor locates many male workers outside the protection of labor laws, which positions their labor much like that of women’s domestic labor. Claudia von Werlhof, “The Proletarian Is Dead: Long Live the Housewife?,” in *Women: The Last Colony*, ed. Maria Mies, Veronika Bennholdt-Thomsen, and Claudia von Werlhof (London: Zed Books, 1988), 254–64.
- 21 See Rajeswari Sundar Rajan, *The Scandal of the State: Women, Law, and Citizenship in Postcolonial India* (Durham, NC: Duke University Press, 2003).
- 22 Amrita Pande, “Commercial Surrogacy in India: Manufacturing a Perfect Mother-Worker,” *Feminist Studies* 35, no. 4 (2010): 969–92.
- 23 Barbara Katz Rothman, *Recreating Motherhood* (New Brunswick, NJ: Rutgers University Press, 2000).
- 24 Fortunati, *Arcane*, 116.
- 25 *Ibid.*
- 26 Madhavi Kale, *Fragments of Empire: Capital, Slavery, and Indian Indentured Labor in the British Caribbean* (Philadelphia: University of Pennsylvania Press, 1998), 4.
- 27 *Ibid.*, 7.
- 28 Lowe, “Intimacies,” 174, 194.
- 29 *Ibid.*, 195.
- 30 *Ibid.*
- 31 In his study of human indenture and slavery in India, Lakshmidhar Mishra defines forced labor as that which “deprives a person of the choice of alternative of work/avocation, compels him to adopt one particular course of action which is usually abhorrent to him.” Lakshmidhar Mishra, *Human Bondage: Tracing Its Roots in India* (New Delhi: Sage Publications, 2011), 43.

- 32 Lawrence Cohen calls the intersection of poverty and advances in biotechnology to yield the bodies and body parts of impoverished Indian kidney sellers over others' *bioavailability*, a term also describing the emergence of women in working and lower-middle-class India as gestational surrogates. Lawrence Cohen, "Operability, Bioavailability, and Exception," in *Global Assemblages: Technology, Politics, and Ethics and Anthropological Problems*, ed. Aihwa Ong and Stephen J. Collier (Malden, MA: Blackwell Publishing, 2005), 79–90.
- 33 Ann Anagnost, "Scenes of Misrecognition: Maternal Citizenship in the Age of Transnational Adoption," *positions* 8, no. 2 (2000): 389–421.
- 34 Richard C. Lewontin, "The Dream of the Human Genome," *New York Review of Books*, May 28, 1992, cited in Donna Haraway, *ModestWitness@Second\_Millennium.Female-Man\_Meets\_OncoMouse: Feminism and Technoscience* (New York: Routledge, 1997), 145.
- 35 Nancy C. M. Hartsock, "The Feminist Standpoint: Developing the Ground for a Specifically Feminist Historical Materialism," in *Discovering Reality*, ed. Sandra Harding and Merrill B. Hintikka (Dordrecht: D. Reidel, 1983), 283–310, 299, cited in Emily Martin, *The Woman in the Body: A Cultural Analysis of Reproduction* (Boston: Beacon Press, 2001), 199.
- 36 Pande, "Commercial Surrogacy in India"; and Vora, "Medicine, Markets."
- 37 Karl Marx and Friedrich Engels, "The Economic and Philosophical Manuscripts of 1844," in *The Marx-Engels Reader*, 2d ed., ed. Robert C. Tucker (New York: Norton, 1978), 87.
- 38 Arlie Russell Hochschild, "Love and Gold," in *Global Woman: Nannies, Maids, and Sex Workers in the New Economy*, ed. Barbara Ehrenreich and Arlie Russell Hochschild (New York: Henry Holt, 2002), 15–30, 17.
- 39 As Marx imagines it, the more things there are in the world, the more the vitality of the producer is scattered and the less integrity the worker has as a human. Marx, and Engels, "Economic and Philosophical Manuscripts," 71.
- 40 See, for example, Jennifer Morgan, *Laboring Women: Reproduction and Gender in New World Slavery* (Philadelphia: University of Pennsylvania Press, 2004).
- 41 Rosemary Hennessey, *Profit and Pleasure: Sexual Identities in Late Capitalism* (New York: Routledge, 2000).
- 42 Mies, *Patriarchy*, 120.
- 43 *Ibid.*, 95 and 118–120.