*Hypatia* (2026), 1–23
doi:10.1017/hyp.2025.10047

CAMBRIDGE UNIVERSITY PRESS

ARTICLE

# A Decolonial Surrogacy? A Tripartite-Hybrid Model

Herjeet Kaur Marway

University of Birmingham, Birmingham, UK
Email: h.marway@bham.ac.uk

(Received 4 March 2024; revised 14 October 2025; accepted 19 October 2025)

**Abstract**

Some may dismiss the prospect of a decolonial transnational surrogacy as a contradiction in terms. After all, there is a parasitic takeover and expansion of the foetus into the host's body; and the labor is often extracted by those in the Global North from those in the Global South on exploitative terms. However, I claim that a decolonial surrogacy is not necessarily a misnomer nor unimaginable. To either ban surrogacy entirely or allow it fully *under the current system* falls into the trap of discussing binaries within limited frameworks that decolonialism seeks to resist. I argue that, if there is to be a decolonial surrogacy, it entails a different system altogether. As such, I present a "tripartite-hybrid" model to decolonize surrogacy: an expanded relational unit, basic services, and targeting multiple norm-based hierarchies. While requiring fundamental changes to current conceptions of family and to broader social structures, the proposals *together* are ways to deal with the "ontological difference" (limki 2018) in surrogacy and to meet decolonial feminist aims. If, and only if, these requirements are met, is a decolonial surrogacy possible.

There are several features of transnational surrogacy that render it unethical. These include that it involves women: (a) racialized as "inferior," (b) from less affluent parts of the world, (c) who do the work of surrogacy for little money, (d) to buy basic services, (e) while being away from their own families, and (f) with very little control over the terms and conditions of gestation, birth, and post-birth. Meanwhile, intended parents are: (i) relatively affluent Global Northerners, (ii) racialized as "superior," (iii) with much greater influence in the surrogacy arrangements. Furthermore, third parties disproportionately profit from brokering agreements between surrogates and intended parents. Of course, not all surrogacy exhibits these features, but it is these kinds of arrangements that I am concerned with in this paper.[1]

[1]Imagine, for instance, the following scenario.

*Colonial*: Shay, who lives in India, agrees to be part of a surrogacy arrangement with Sam, who lives in the UK. Shay is paid £3k (a fraction of the £50k Sam pays), which she will use to pay for her child's education

© The Author(s), 2026. Published by Cambridge University Press on behalf of Hypatia Inc. This is an Open Access article, distributed under the terms of the Creative Commons Attribution licence (https://creativecommons.org/licenses/by/4.0/), which permits unrestricted re-use, distribution and reproduction, provided the original article is properly cited.

https://doi.org/10.1017/hyp.2025.10047 Published online by Cambridge University Press

Such contracts, as others have rightly argued, bear the hallmarks of colonialism. For instance, surrogacy involves a takeover and expansion of the foetus into the host's body that is out of their control (Lewis 2019). This is colonialism by metaphor. In addition, such labor is extracted by those in the Global North from those in the Global South on unfair terms (Banerjee 2014; Pande 2016); literally (neo-)colonialism.

Given these features, it is tempting to reject transnational surrogacy as always colonial. However, in this paper, I explore what a *de*colonial version of surrogacy might entail. Amongst the proposals I argue for are that surrogacy would require an ongoing relationship between the parties, extended social supports, and a shift in who is expected to be the surrogate.[2] These proposals, at their core, attempt to remove something fundamentally problematic in contemporary transnational surrogacy: the "ontological difference" imbued in such work (limki 2018). They do so in various ways, including by forging relations with others in mutually respectful ways, reducing the worst aspects of exploitation, and addressing broader norm-based hierarchies synonymous with the assumed superiority underpinning colonialism.

To be clear, in a decolonial spirit, I do not stipulate any of these proposals as "the answer" from "the outside," nor suggest that they are *the* finished article or optimal goal. Rather, I seek to show there are "third-ways" from the point of "colonial difference" (Lugones 2010). That is, there are alternatives to the extractive and hierarchical constructs of surrogacy, when considered from the vantage point of the oppressed.

Under this approach, such alternatives must take into account the very real and immediate need to not make the lives of surrogates in the Global South worse off, and surrogates must lead the charge about what decolonial surrogacy may entail. As this paper is largely philosophical, to fulfill the latter, I draw on the work of scholars who have carried out primary research with surrogates and emphasize surrogate experiences as much as possible throughout to show this "third-way."

To make the case, I outline a broad decolonial feminist method (section 1), before discussing some of the best models for dealing with colonial surrogacy (section 2). I then present three proposals that *better* meet the requirements of decolonial feminisms (section 3). I conclude by showing why a "tripartite-hybrid" model is to be preferred over any single proposal (section 4). Ultimately, I argue that, while requiring fundamental changes to current conceptions of family and to broader social structures,

and for another child's operation. She must live away from home in a hostel, where she is not just carefully monitored, but her movements, diet, relationships, and psychological states are controlled throughout the pregnancy. She is expected to hand over the child immediately after the birth and, though she does not know it yet, to deliver it by Caesarean section and to cease contact with the child and Sam thereafter.

This example meets the conditions in the main text and is not dissimilar to some of the worst transnational surrogacy contracts in India (i.e., pre-the 2018 ban). By contrast, cases that do *not* fit this pattern include those where surrogates are in the Global North (e.g. the US) and intended parents the Global South (e.g., India), and, of course, those where both parties reside in the same country (e.g., in India, when paid surrogacy was legal). This is *not* to say these types of surrogacy are automatically decolonial: there could be other reasons this is not true (see n. 20). Rather, for the purposes of this article, I will consider only surrogacy arrangements that fulfill the criteria in the main text.

[2]Take, in contrast to n. 1, the following imagined scenario.

*Less-colonial*: Ray, who lives in the UK, agrees to be part of a surrogacy arrangement with Ram, who lives in India. Ray is paid £10k (the vast majority of what Ram pays), which she will use as she wishes as there is an extensive social support system in place that takes care of Ray's other needs. She need not relocate during the pregnancy, and she accepts antenatal care and attends appointments as apt. She is expected to allow Ram to raise the child after delivery but will retain contact, unless and until all parties decide otherwise. The child, Ray, and Ram have a relationship that is recognized by society as equally significant to others.

https://doi.org/10.1017/hyp.2025.10047 Published online by Cambridge University Press

the proposals *together* deal with the ontological difference in work like surrogacy, making it more decolonial. However, I will also claim that it is immensely difficult to make surrogacy decolonial in the end.

## 1. Decolonial feminist methodology

To begin, I outline a decolonial feminist methodology. Without risking imposing uniformity on an approach that values difference, there are at least three features of decolonial feminisms to draw out for our present inquiry. These are: not staying at the "modernity-coloniality" baseline but transcending it for something reimagined; not adopting a feminism stuck in the confines of existing feminisms but a "feminism of one's own"; and not advocating solutions that ignore past injustice but ones that put groups in right relationship with each other. Let us look at these in turn and apply each to surrogacy.

First, the goal of decolonial feminisms is to realize better systems rather than merely working within the limits of existing systems. One must avoid falling into the trap of replicating "coloniality-modernity" (Quijano 2007; Mignolo 2007; Lugones 2010)—which describes two sides of the same Eurocentric, capitalist, globally-reaching order that justified European colonialism (coloniality) and that persists today (modernity). Instead, one must reimagine the possibility of a new world. This is not simply to revert to being "pre-modern" (i.e., pre-colonial) or to reject everything European; and it cannot be done by wholly stepping out of coloniality-modernity, since this is part of one's history and position now. Rather, it is, as María Lugones (2010) argues, to dwell at the only possible place—between coloniality-modernity and the resistant worlds inhabited by those at the margins—to anticipate different futures.

This point of "colonial difference" permits space both to be at odds with the dichotomous, hierarchical, categorical logic of coloniality-modernity and to meet the needs of the marginalized in inventive ways. Lugones (2003), for example, discusses "streetwalkers" who are denied agency by authorities, but who—in experiencing their marginalization—forge ways to care for and protect each other in their day-to-day lives. This gets them some safeguards but does so by having parties see and treat each other as beings of worth; an outcome and status denied to them as "streetwalkers" in dominant spaces.

This demand to avoid coloniality-modernity in decolonial feminism can be extended to surrogacy. Take what surrogacy is and what it permits. It is an assisted reproductive technology that, in theory, allows anyone to have a family. To be decolonial, however, the aim cannot be to simply assimilate to unjust (i.e., private-nuclear) family constructs for all. To do this would stay firmly subscribed to coloniality-modernity, with the inequities of the capitalist-patriarchal model of family that underpin it. In this picture, it is "natural" for the adult male breadwinner to be the authority and all else subservient (just as it is "natural" for the colonizer to colonize). Reproducing such families effectively bolsters a Eurocentric, global, capitalist system and continues a pattern of coloniality-modernity that uses surrogacy for its own purposes.

Neither, however, is this a call to reject what exists *for* some supposed romantic view of "families" before colonialism. This is because we cannot interpret ourselves outside the historical fact of colonization. Nor is it to suggest that family is insignificant in any form. This minimizes the import of such structures for the marginalized now, who have often been forcibly denied family under colonialism. Rather, the goal is to push past

https://doi.org/10.1017/hyp.2025.10047 Published online by Cambridge University Press

narrow assumptions about what families are or could be from a point of colonial difference.

The private-nuclear family is, of course, only one example of coloniality-modernity in surrogacy. The medical-industrial system, which makes surrogacy technically possible, and the nation state, through which surrogacy is legally mediated, are other examples. Each is implicated in the modernizing project of systematic population control through women's bodies, of which contemporary surrogacy can be seen as an extension (Pande 2016; Rudrappa 2015). A richer conception of surrogacy that neither replicates these colonial-modern systems nor idealizes it outside them is critical for decolonialism.

Second, one needs to avoid making the mistakes of dominant discourse that have excluded women of color from the Global South from theory (Wynter 2018; Lugones and Spelman 1983; Mohanty 2003; Jaggar 2005; Spivak 1988). Sylvia Wynter, for instance, argues for a "feminism of one's own" (2018) rather than inclusion into existing feminisms. A feminism of one's own is more likely to rupture, and be non-complicit in, ostensibly egalitarian systems of thought that end up perpetuating their own "classarchy" (32). For example, in liberalism, "men-as-fathers" or "free men," instead of monarchs, become primary ways to organize the cultural order and establish who is at the top of the hierarchy, while in Marxist-Leninism, "men-as-laborer" or "the intelligentsia" become prevailing ways to do so. Despite pursuing equality, both liberalism and Marxist-Leninism create different classarchies and reinstate the logic of "othering" (37). Adopting either tradition smuggles these same tendencies into feminist theorizing.

A feminism of one's own, by contrast, has various "touchpoints" to avoid these mistakes. That is: it targets what is *represented* by systems of thought and the role this representation has in domination; it *subverts* by refusing its prescribed role in this representation; and it challenges not just the agents of the code but the *code* itself (39). Overall, Wynter notes there is a particular class struggle—for instance, "woman" as a specific class in a "man-as-norm" defined world. But there is also a universal struggle against the hierarchical norm-defined world itself. Effectively, one cannot rest with the liberation of specific women since the disenfranchisement of any group is unjust (52).

When it comes to surrogacy, it is gestational surrogacy that is often seen as the most desirable, as this does not use the surrogate's eggs. Arguably, this *represents*, in Wynter's terms, the idea that the genetically related family is optimal and that it is reasonable to do whatever it takes to attain it. This representation, however, sustains multiple oppressive systems. It is heteronormative since it pushes people to normalize the kind of child that fertile, heterosexual couples tend to have. It is capitalist as it justifies the exploitation of resources and other people to get the child to which one feels entitled. It is populationist as it encourages those in the Global North to pursue any means necessary to have a genetic child while those in the Global South are expected to reduce their population sizes. Such representations, however, can be subverted and challenged in a feminism of one's own under decolonialism.[3]

[3]Representations can be *subverted* by (e.g.) recognizing multiple ways to live a good life (i.e. without children) and different types of family as equally valuable, or by embracing technology to create non-genetic families. This would challenge the underpinning *code* itself—the idea that the genetic family is necessary and best for a good life—rather than target people—through criticism or moralizing—who partake in it. I refer to some of these ideas later.

https://doi.org/10.1017/hyp.2025.10047 Published online by Cambridge University Press

Finally, there is an emphasis on "right relationship" between the colonizer and colonized. This involves "making good" on historically unjust relationships (Walker 2006) or "righting relations gone bad" (TallBear 2019, 37). Given the dehumanization inherent in the colonizer–colonized relationship, with colonizers regarded as human (subject/norm) and the colonized as non-human (object/other), one must address this fundamentally unequal difference in the relationship, historically and contemporaneously. Right relationship is required in both the *process* and *outcome*. Those who have been dehumanized need to be centered when generating solutions, and the solutions themselves should realign relationships in ways meaningful to the once dehumanized.

The process for reducing oppressive relationships, for instance, requires dialogue that amplifies the voices of the most marginalized (Lugones and Spelman 1983), praxis and action to move forward (Welch 2013), and the party with more social power to be committed to rejecting social hierarchies (Powell and Takayoshi 2003). Without these kinds of features, the process continues to exemplify an exploitative relation with most burdens falling to the marginalized to 'fix the problem'. Meanwhile, the outcome is unlikely to be a monist, "silver bullet," solution (Khader 2019). A single solution, especially when defined and given by those who have been dominant in the relationship, is reminiscent of a colonial project that assumes there is only the oppressor's way. Rather, it is better to opt for pluralism in solutions.

As already noted, in the most unjust of arrangements, it is typical for surrogates to reside in the Global South and intended parents in the Global North (Banerjee 2014). Even in non-transnational varieties, however, surrogates tend to be less affluent and working-class or "lower" caste, while intended parents are often more affluent, middle-class, or "higher" caste (Law Commission 2019; Rudrappa 2018).[4] Ultimately, there is significantly more power—in the ability to make demands, in having one's expectations and needs met, in preserving one's rights and dignity, etc.—when in the socially advantageous position in this relationship. Given this asymmetry, a decolonial approach requires a more respectful and mutual status between the parties. This is especially so in the transnational case because it, in many ways, repeats the colonial relationship where those in the Global North use and extract value from those in the Global South before disregarding them entirely. There are likely to be plural strategies for achieving this rebalancing that should emanate from the people in the more subjugated position: the surrogates.

## 2. Current models

Having set out a decolonial feminist methodology, I now sketch four commonly endorsed models: the "reform," "reject," "rebalance," and "revolutionise" models. These address various ethical concerns around surrogacy, such as exploitation, gender injustice, vulnerability, and bodily autonomy. Most importantly for present purposes, and although expressed differently, they also identify a colonial dimension to transnational surrogacy—hence their inclusion as the "best" models. However, I argue that, despite their respective merits and their recognition of coloniality, the models could each go further to undermine it.

[4]There is disagreement about whether surrogates are always in this lower socio-economic position (e.g., in domestic surrogacy). For the purposes of this paper, however, the *unjust* cases that I am interested in *do* involve this relation.

https://doi.org/10.1017/hyp.2025.10047 Published online by Cambridge University Press

### 2.1 Reform

Proponents of the first model argue that we should *adapt* the current system, such as by having a fair trade in surrogacy (Humbyrd 2009; Pande 2016), or by heavily regulating paid forms of surrogacy (Rudrappa 2018, 2021). The model encompasses surrogates into the worker class and acknowledges unfairness, thereby opening up the possibility of remunerating their labor and improving their working conditions. This commendably aims to make the situation fairer for surrogates in the confines of what exists now.

Yet decolonizing does not just involve inclusion into the present system. It demands discontinuing the mistakes of the past and reimagining a better way forward. Some in the reform camp certainly attempt to do this: they insist on greater transparency in surrogacy (Pande 2016) and more bargaining power for surrogates (Rudrappa 2021), given the hierarchies of gender, race, class, nationality, etc. involved. However, this is relatively non-transformative. That is, such proposals do not destabilize the system itself; they do not offer a different relationship between groups or deal with the problem of valorizing capitalist economy.

Paying more under the current system, for instance, is better than underpaying, if the aim is to ameliorate the surrogates' present situation. But it also continues the systematized use of certain kinds of people by certain other kinds of people. The bodies of poorer, browner, Southern women tend to be exploited by richer, whiter, Western persons in surrogacy (Banerjee 2014). This relationship of exploiter–exploitee, while modified and placed on slightly better terms via reform proposals, is fundamentally unchanged.

rashné limki (2018, 328) argues, in a more pointed way, that there is an "ontological difference" built into contemporary commercial surrogacy. Gender, sexual, and racial difference across borders—which enables some groups to be subjugated by others in a colonial model—signify this ontological difference.[5] The difference is not just replicated in work like surrogacy but is *necessary* for it, argues limki: "an ontological difference between surrogates and intended parents is the *condition of possibility* for the emergence of surrogacy as a form of work" (328, my emphasis). This pattern of subjugation–domination is (neo)colonialism *simpliciter* and, I argue, endures under "reform" models.

Ultimately, expanding work by including those previously unwaged or offering better terms does not displace this coloniality. To be sure, it gives surrogates voice and access to material goods. But the ontological difference (and so who gets most resources and does the labor) remains. As Shulamith Firestone (1970) argues, technology *can* repeat entrenched exploitation if not used with apt liberatory ends in mind (10). My claim is that it is plausible to include surrogacy as technology that replicates these hierarchies, and so exploits, if taken to be work without addressing the hierarchies head on.

### 2.2 Reject

A different feminist approach is to *ban* surrogacy. This offers a more obvious challenge to the present system. It rejects the prevailing capitalist framework where everything, including reproductive labor and children, are for sale; and it protects the vulnerable from exploitative or degrading options that are presented as neutral in the market

[5]For instance, intended parents (i.e., white, relatively affluent, Global Northerners) are deemed rational consumers and subjects that take up offers of gestation. By contrast, surrogates (i.e. non-white, poorer, women from the Global South) are deemed irrational, raw material, and objects to exploit for gestation. Of course, those I cite in the "reform" camp recognize this pattern. My claim is that this pattern continues under "reform" proposals.

https://doi.org/10.1017/hyp.2025.10047 Published online by Cambridge University Press

(Anderson 1990; Pateman 1988). This, admirably, resists the system and prevents harmful exchanges altogether.

However, there is coloniality present in this solution too. Although it seems to renounce the system and safeguard the vulnerable, for instance, it does not remove the ontological difference. A ban does not automatically right relationships by repairing or forging fairer connections, which is part of a decolonial approach. Rather, it merely abstains from improving those relationships altogether. For instance, making commercial contracts illegal may challenge market norms in surrogacy and encourage users to see the surrogate as a human being able to form an autonomous perspective about the child (Anderson 1990, 87, 90). However, altruism and the norms of gift, which are meant to replace contracts, are not immune from behavior that manipulates and exploits surrogates, especially given existing dependencies between parties (Rudrappa 2018).

Similarly, banning surrogacy does not proactively improve the conditions of the surrogate *per se*. A real or immediate alternative for work is rarely offered in the place of a ban; an option is removed but no replacement is added. Yet merely limiting the options of those surrogates who describe themselves as desperately in need of money (Sama 2012) is an inadequate response. It fails to see how subjugated classes cannot simply refuse work (limki 2018, 336). Without additions to this proposal, the surrogates continue to be dehumanized and do not necessarily experience more just outcomes overall.

While no theory in the "reject" camp precludes it, a positive sense of how to create a fairer relationship or improve option sets in surrogacy is missing. In this regard, the ontological difference persists.

### 2.3 Rebalance

A third account aims to *rebalance* unjust power differentials in surrogacy beyond it being fairer work. One range of views, for instance, extends the "reproductive justice" framework (Ross 2017) to surrogacy (e.g., Rudrappa 2015; Bailey 2011; Gondouin et al. 2020; Saravanan 2016).[6] The "justice" component shines light on *whose* interests are advanced and ignored (Bailey 2011), and *which bodies* do gestational labor and which acquire it (Gondouin et al. 2020). It is problematic, for instance, if primarily Dalits in India must do this work (Daftuar 2025; Gondouin et al. 2020), just as it is for private clinics' interests to be prioritized over surrogates' interests in legal reform (Bailey 2011). Another perspective is "pragmatist feminist" (Banerjee 2010). This highlights, and seeks realistic change to, power-asymmetric relations—i.e., where buyers in the Global North have more (though not exclusive) *power-over* surrogates in the Global South. The rebalance model, laudably, foregrounds structural injustices and hierarchies between different groups.

Despite being decolonial in many ways and while effective at *identifying* the ontological difference, the difference nonetheless remains *in practice* by what is (or is not) proposed. In particular, the end points imagined under rebalance accounts of

[6]The reproductive justice framework has three components: the right to have a child, not to have a child, and to parent in safe and healthy environments. The framework supplements, but does not override, reproductive rights and healthcare movements. Further, reproductive justice is "an amplifying organising concept to shed light on intersectional forms of oppression that threaten Black women's bodily integrity" (Ross 2017, 290). That is, it is a type of movement building and lens through which to identify reproductive oppression (e.g., whose interests are served).

https://doi.org/10.1017/hyp.2025.10047 Published online by Cambridge University Press

surrogacy sometimes fall short of the more radical movements that influenced them.[7] By not banning and trying to realize family through fairer surrogacy, reproductive justice, for instance, is emancipatory. It enables different kinds of families—LGBTQ+, single-parent, multi-racial, etc.—to be formed and protected, so long as other vulnerable people are not unjustly used to provide these solutions (Saravanan 2016). However, it does not dismantle enough the notion of the private-nuclear family as a tool of capital: a much more radical idea. The family that emerges through surrogacy, even under rebalance models, ends up being a diversified version of what exists.

Likewise, the pragmatic feminist model, given its pragmatism, is deliberately small-scale in the solutions it offers. For instance, one suggestion is that each participant in surrogacy considers what step changes *they* can make towards integrated relations of *power-with*, rather than power-over, others (Banerjee 2010). This is significant as it recognizes the agency of intended parents and surrogates to improve *their* immediate situations and builds solidarity (Saravanan 2016) and relationship (Banerjee 2010) between them. But what broader mechanisms should be in place to enable this change in a less *ad hoc* fashion is underexplored.[8] As such, it ends up focusing largely on power shifts at the micro level, despite *seeing* the need to address structural injustices. This alone will not tackle the macro.

The rebalance model gets us a significant way to decolonizing surrogacy. Yet, the ontological difference remains in practice since devising solutions to dismantle power imbalances are either less central or less macro than they might be. These are not fatal objections.[9] But, as it stands, more is needed to fully realise the rebalance model's promise for undermining the ontological difference.

### 2.4 Revolutionize

A final approach attempts to *overthrow* the system and involves a combination of shorter term tactics and longer term revolutionary goals. One account, for instance, promotes commune-inspired groupings, such as households (Firestone 1970) or comradeship (Lewis 2022), *for the purpose of* liberating us from the private-nuclear family construct. Surrogacy (in socialist form) can help attain this vision (Lewis 2019). Another favours artificial wombs (ectogenesis) *in order to* free gestators from the tyranny of pregnancy and birth in the future (Firestone 1970). The technology, once available, can, presumably, make surrogacy (indeed, all pregnancy) as we know it altogether defunct. The radical aims of these suggestions, whether one endorses the specifics or not, both resist and imagine alternatives to coloniality-modernity.

[7]The Combahee River Collective, for instance, who have decolonial commitments (1977) and partly inspired the reproductive justice model (Ross 2017), say their approach is not about mere survival but *liberation* (1977, 2) and to *end the oppression* (3) of Black women.

[8]Some suggestions for enabling change include regulating all surrogacy, whether paid or unpaid, and banning neither (Banerjee and Sharma 2023). But this still is not especially transformative and strikes me as more like the reform solution. Alternatively, one can speculate that change is via *de facto* realization of reproductive rights, services, justice, for all. But this does not necessarily challenge exclusionary parental and carer rights and responsibilities more widely.

[9]Both reproductive justice and feminist pragmatism accounts, for instance, do go on to advocate a relational approach to surrogacy to change power dynamics (e.g., Parks 2010 and Banerjee 2010 respectively). This is something I endorse, as I will explain in the next few sections. But, as I will also show, this in itself does not provide a broad enough solution.

https://doi.org/10.1017/hyp.2025.10047 Published online by Cambridge University Press

These proposals, however, suffer a different problem. They tend, by design, to adopt a monism in their framing of *the* problem and *the* answer, and this ends up being Western-centric. For instance, since socialist feminists regard family or reproduction to be basic units of capitalism and all hierarchies (Firestone 1970; Lewis 2022), the solutions take these sites to be the "real" problem. One account, for example, does not initially support wholesale rejection, but prefers to proliferate constructs, of families (Lewis 2019). However, later the view is to replace family entirely (Lewis 2022); the destruction of all families is better since it would (it is implied, largely single-handedly) do most to challenge the fundamental structure that underpins oppression. Likewise, even if one could imagine both human and artificial wombs in a feminist utopia, another account (Firestone 1970) takes human variants to be sub-optimal. This is because gestators will likely feel a connection to the specific child they have gestated, which undermines the cultivation of communal connections that would challenge capitalist-patriarchal oppression more broadly. Further, some adopt a radical but distinctly Western viewpoint on *the* problem and answer for family and pregnancy.[10]

While I agree with the call to imagine better for family and pregnancy, I argue that there is not just more to consider in these imaginings when we take account of different kinds of women, but that doing so may lead to resisting the very proposals advocated by those in the revolutionary camp.

First, there may be *contradictory* solutions to abolition of family or pregnancy for women at the intersection in this reimagining. That is, there could be other ways that target the ontological difference more concretely when we center these different perspectives.

For instance, some may value the process of gestation and birth itself, rather than only the end result of the child. Some Indigenous peoples, such as in Manitoba in Canada, have traditionally regarded pregnancy as a spiritual event and birth ceremonies as connecting the child to land (Hayward and Cidro 2021). Other Indigenous groups, like the Kraho in Brazil, regard gestation as connecting ancestors to newborns (Perpetua 2019). Non-indigenous peoples might see reproductive labour in general (e.g., caring for children) as itself "transformative rather than merely reproductive and repetitious" (Held 2005, 32), and this could include pregnancy too. In other words, solutions relating to pregnancy or family, from those experiencing marginalization under colonialism, may look markedly different to abolition.

Indeed, valuing solely the product, rather than the process, may be an androcentric bias about the most significant parts of reproduction. It ignores the possible value of gestation—perhaps, for instance, because cis men do not experience it (Satz 1992). Likewise, I claim, this disvaluation has a colonial bias. Under colonialism, the product one extracts (land, minerals, a child, etc.)—the literal fruits of labour—is all that is deemed important, while the process of acquiring it (the terms of exchange, female humans, the work of gestation, etc.) itself holds little worth.

Second, it is too idealized and abstract to *start* with abolishing the family or pregnancy under oppression. This is not to ignore the purpose of feminist revolutionary reimagining; even if it is unattainable, such reimagining functions as an alternative vision to strive toward. Nor is it to say one cannot imagine radical solutions at all; this is,

[10]This includes when conceptualizing better family structures (i.e., households) (Firestone 1970). White women in industrial nations, e.g., are presented as knowing the ills of "the" family. They attempt to warn Black women, who (wrongly) seem to desire the private-nuclear family construct, of its flaws. Similarly, pregnancy must be an ordeal and disliked by all women, because this is how several Western feminists see it (ibid.).

https://doi.org/10.1017/hyp.2025.10047 Published online by Cambridge University Press

in fact, demanded by a decolonial approach. However, it does press theorists to consider *concrete* proposals for getting to a utopia before the marginalized can believe that they should give up on, for some, a significant (albeit imperfect) protection of the private-nuclear family, or think artificial wombs will be liberatory for them.

For instance, without a sense of how "full surrogacy now" (Lewis 2019) will achieve the abolished family—other than it will help show pregnancy as labor that ought to be paid and that this may lead to all of us raising each others' families—the proposal does not meet this requirement. Likewise, without knowing why it will lead to this result—why does paid surrogacy in particular do this without any additional measures?—there is a lack of tangible reason for why those already oppressed would have faith in its success. Similarly, why should women of color trust that ectogenesis will "work out" given the way in which technology has been utilized to disempower and abuse them, such as via forced sterilization? These do not (at least currently and without further detail) meet the non-ideal demands of decolonialism.

## 3. Decolonial solutions

What kind of surrogacy would avoid the problems (section 2), and meet the conditions of decolonial feminisms (section 1), that I have so far identified? By way of summary, there are four main issues to hold in mind when answering this question. First, mere inclusion into the workforce is not enough to eradicate the ontological difference. Rather, there must be a dismantling of the hierarchical relationship in surrogacy. Second, rejecting work without alternatives does not change the ontological difference. Measures are needed to genuinely allow the marginalized to say "no" to work. Third, radical reimaginings of a system built on the ontological difference are required. This includes striving not just for improved conditions now but for liberation longer term. Finally, the most marginalized must be given a platform. Various factors need to be weighed when seeking to reduce multiple oppressions, but they must center the experience and perspectives of the typically most excluded to counteract the ontological difference.

With these considerations at the fore, I now outline three proposals that move toward making surrogacy more decolonial. To reiterate, the proposals are not the *only* ways to do this; rather, they are possible ways. As such, it is less important that these *particular* proposals are taken up, and more salient that any alternatives offered in their place foster decolonialism in surrogacy to an equivalent, or greater, extent. Further, my goal is not to specify *how* any proposal works in detail, but to introduce *what* components are required for decolonial surrogacy. The aim is to consider what could make surrogacy decolonial in the end. I remark on the "how," however, where it clarifies the "what."

### *3.1 .Surrogacy-unit*

First, I consider interpersonal relations in decolonial surrogacy. Surrogates and intended parents alike play a non-trivial role in bringing a child into the world.[11] In this regard,

[11]What counts as parties playing a *non-trivial* role is up for debate. Donors and midwives, for instance, may count as having a non-trivial role since they help with conception and birth. Though I think this pool of people could be expanded, for present purposes, I mean parties who are central to bringing this particular child into being, namely intended parents (who intend its creation) and surrogates (who gestate and birth it), as well as the child itself. Note I also retain the language of "surrogate" rather than (e.g.) "surrogate

https://doi.org/10.1017/hyp.2025.10047 Published online by Cambridge University Press

they are already a relational unit beyond the sum of their parts. More strongly, some surrogates see themselves in a relationship, in some form, with the intended parents and child, and prefer to maintain it. Of course, not all surrogates will hold this view, and others are deliberately counseled against it—but some do. Under the first proposal, then, this unit and desire, where it exists, ought to be recognized. It should be possible for surrogates to *continue* their relationship with the child where it is wanted.

Surrogates in India, for example, often express an expectation and a desire to retain contact with the child after it is born (Sama 2012; Pande 2016; Parks 2010), and a perception that they are significant people in creating that child (Parks 2010). Take comments from two surrogates, Tejal and Munni, in Amrita Pande's (2016) study in Anand, Gujrat. In both instances, there is a clear belief that there would be contact with the child—for example, "phone calls" and stories from intended parents that "tell [the child] about me" (Munni, 252–53), or that the intended parents would "invite us to America" to visit (Tejal, 252). There is a sense that the surrogate is intimately connected to the other parties: as "sister" to the intended parents (Teja, 252), and "second mother" and nourisher to the child (Munni, 252–53).[12] It is these empirical observations that motivate the proposal for an ongoing relationship where it is desired.

Other philosophers have, similarly, argued for honoring relationships formed through surrogacy. One care theorist, for instance, discusses the intended parent and child, and the intended parent and surrogate, relation (Parks 2010, 337–38). Intended parents should be present during gestation, not just at birth, in this account. This would help build relational narratives with the child early on, in part to avoid cases like Baby Manji, where the intended parents failed to collect the commissioned child. Intended parents should also care about their relative power to surrogates. An "expression of care and concern for the surrogate and her family" (338) is needed. Different philosophers advocate care for the surrogate's mental and physical well-being, beyond the point of delivering the child (Banerjee and Sharma 2023, 519).

My claim, however, is less about the intended parent's narrative with the child or about them conveying care or concern for the surrogate, though these are surely important. Rather, it is about the *surrogate* both *having* and *realizing* ongoing relationship with the child and intended parents should she want it. This centers the perspective of the surrogate, as the typically more devalued party. But it also recognizes that the surrogate's, and indeed all parties', sense of family *may* well include this new child, *if it were possible* to accommodate such a relation fairly. My claim is the surrogate-unit offers a way to do this. The idea is not to grant an *equivalent* relationship as intended parents or *absolute* responsibility for the child to surrogates. It is to capture the plethora of roles and

mother" in my proposal. This might be read as a suggestion that there is only one mother (i.e., the intended mother), but this is not my intention under the "surrogacy-unit." Rather, I use "surrogate" as it is common parlance and leave open how many mothers there could be in a decolonial framing.

[12]The fuller testimony: "I was unconscious when the couple came and took away the baby. They didn't even show it to my husband. The baby would have been three years today. But I don't even know what he looks like. I used to think they would invite us to America. I used to think of her as a sister – all of it went to waste. Forget an invitation, they did not even call to see if we are dead or alive. They just finished their business, picked up the baby and left." (Tejal, 252). "My party was from America but they used to come here [the city where the clinic is situated] often to visit their parents. They would call me every day from America and come visit me almost every month. They even allowed me to breastfeed the baby. They always said that when the baby grows up they would tell her about me—about her second mother in India. It's been over a year now; she would have been one year old last week. There have been no phone calls, nothing. I don't know what has gone wrong." (Munni, 252-3).

https://doi.org/10.1017/hyp.2025.10047 Published online by Cambridge University Press

responsibilities that can coexist in a fairer relationship; not all roles and responsibilities will be the same and different types can be stipulated in a reimagined construct.

Likewise, the demand for long-term care of the surrogate is no doubt right. But one can discharge this in relatively detached ways (via other parties such as counsellors, cursory calls or messages, a pay-off, etc.) My claim is that the surrogate-unit is a way both to shift understandings and manifestations of care away from the confines of existing family structures, and to have more "engrossed" (Noddings 1984, 16) attachments. Current conceptions of family are narrowly based on one or two people having exclusive and excluding rights to care for children. This encourages impoverished ways of caring for the surrogate in a bid to retain such rights. Instead, my account suggests families can be far richer and realize more fulfilling care for all members. The surrogate could be part of that group insofar as she (and all) wish this, rather than her (and all parties) being forced to fit extant dominant models of family.

At this stage, one may ask, how could nuanced and richer relationships be realized in a decolonial-consistent way? An immediate assumption, for instance, might be that I am advocating the use of a colonial tool, such as contracts, to stipulate the rights of each party to give it legal purchase. Another is that I ignore power differentials between parties in the process of reimagining under colonial conditions.

The idea is not to replicate the contract system nor to overlook power. Contract systems, for instance, are legalistic, property-centric, individualistic, reliant on the state, and favor educated experts in colonial conceptions of family to craft terms and conditions. These are not appropriate. Tentatively, I prefer a kind of "participatory mapping" (Guldi 2022) instead. Participatory mapping, in its original form, enables indigenous and colonized communities to assert claims to land on their own terms. It is, surprisingly, done via technologies (such as maps) that have historically been used by colonizers to dispossess. Such communities, collectively or with outsiders, chart their use of land, as meaningful to them, and ground these as responsibilities to land. Since land use is documented in recognizable form via a map, it is harder for officials in the current system of laws to deny their claims (ibid.).

Similarly, in surrogacy, we might imagine a "participatory family map," whereby the prospect of a nuanced and richer relationship is the starting point. This gives space to establish what the parties might want—takes seriously their wisdom and knowledge—without appealing to predefined models of family or law that are colonial in origin and purpose. Tejal and Munni, for instance, know what a fairer relationship might look like for them, but their views are dismissed as naïve. Yet their perspectives already offer ideas beyond merely replicating colonial frameworks, if given credence.

To counterbalance (rather than ignore) existing power imbalances, such arrangements might be facilitated by those without vested interests in colonial models of family, for a way forward that is fair for all parties. The surrogate-unit, thus, is not an idealized agreement between atomistic individuals absent of context and hierarchies. It requires documentation of expectations and representation precisely to account for such dynamics and to enable otherwise disempowered groups to lay moral claim where needed.[13]

[13]Tejal, Munni, and the intended parents are differently socially positioned within a colonial system of states, laws, and identities. The proposal must account for such dynamics. Further, having a record is critical in a context where this can be used to make moral claims or defend one's position. For instance, the absence of documentation is a way to expel those who have lived on, or been custodians of, land, by colonizers or authoritarian governments wielding colonial-esque power—e.g., the Indian government toward Muslim

https://doi.org/10.1017/hyp.2025.10047 Published online by Cambridge University Press

Overall, the participatory family map, just like participatory mapping (Guldi 2022), is to offer a third way. It promotes neither capitalist models of family where there are excluding and exclusive rights over the child and agreements dictated by individual consumer rights, nor communist models where there is meant to be no connection between gestator, raisers, and child at all. Rather, it takes into account the very real relationships that might be desired and fosters alternative ways in which to realize them. There is a claim not to be removed from these kinds of relationships if they are wanted.

Much more needs to be said on how the surrogacy-unit would work fairly and in practice for all parties than I can articulate here. However, I have offered the seeds of a new construct—the surrogacy-unit—to move away from the narrow framing of *the institution* of the private-nuclear family. It helps to highlight—as others have shown—that it takes many people to create and raise a child. But it also proposes an alternative to honour the complexity of that relation.

The surrogacy-unit targets the ontological difference in two ways. First, it begins to realign the relationship between unequal parties from the Global South and North, and does so in ways that matter to the more subjugated. For instance, by allowing an ongoing relationship, the *surrogate* is more thoroughly seen for her role in creating the group. This avoids the common complaint of abandonment and feeling used after the child is born (Pande 2016) and of the surrogate's emotions being manipulated during gestation (Khader 2013; Anderson 1990). The unit, likewise, encourages *intended parents* to recognize the surrogate as critical to their needs but rejects that they are mere means. Surrogates are not dehumanized as distant "others," seemingly different to oneself, to be "used and discarded" in the short term. Rather, they are similarly human, in "our" group in the long term, through ongoing mutual relationship.

Second, the surrogacy-unit opens space for a gestational relationship to matter, since this is valued by some surrogates. Some, for instance, see this labor as significant and difficult work—it requires their blood and sweat (Pande 2014, 266–67; Banerjee and Sharma 2023).[14] The surrogacy-unit visibilizes gestation, and its after-effects, as labor proper, in an *ongoing* way through a continual relationship. This is qualitatively different to mere payment for the services rendered once, which is unlikely to capture the extent of this labor and effects. It is, likewise, distinct to intended parents' care for the surrogate and her family either during or after gestation, since this does not speak to the relation between surrogate and child. Further, valuing gestation differently—through relationship rather than *only* money—displaces the primacy of capital as *the* reward signifier in coloniality-modernity.

None of what I have said is to romanticize such units—family can be far from loving havens for many (Lewis 2022) and relationships can be exploitative too (Rudrappa

populations in India (Roy 2020) and colonial settlers towards indigenous populations in the US (TallBear 2019). With participatory mapping, since land use is documented as a recognizable map, it makes it easier for legal officials to acknowledge a prior claim that needs to be protected (Guldi 2022). Likewise, my argument for family. But the idea is not to adopt property rights at all, nor the law or documentation as it is as an end in itself. It is, rather, to be able to care for one another meaningfully and more extensively than the confines of the family under dominant frameworks makes possible.

[14]The surrogacy-unit prizes gestational *labor*, which—as others have argued—has long been disregarded as easy and natural (Lewis 2019) or unimportant (Anderson 1990; Satz 1992). The surrogacy-unit does not bestow this value by asserting that gestation is especially connected to women's identities, however. Rather, it does so by refusing to attribute sole significance to a genetic or social relationship with the child, and leaves space for a gestational relationship to matter.

https://doi.org/10.1017/hyp.2025.10047 Published online by Cambridge University Press

2018).[15] Nor does it fail to see the import of money—it is needed (as I will show next). Rather, it is to resist the ontological difference and start to replace colonial and capitalist frameworks.

### 3.2 Basic service provision

The second proposal addresses the more problematic reasons for taking up surrogacy as work in the first place. I argue for the provision of basic services, which deals with the worst of the concerns of exploitation. Further, it offers a way to shift the dependency on capital, privatization, and the free market which is central to coloniality-modernity. This proposal aims to disrupt the overall system of power while, at the same time, does not shun the importance of the purpose of money in the lives of the surrogates or of how compensation visibilizes otherwise unseen labor. It tackles the ontological difference by reducing inequalities and avoiding unjust paternalism.

Empirical evidence from ethically challenging cases suggests surrogacy is a means to an end. In Pande's (2010a) study, for instance, Anjali says she is "desperate for money" (301). When probed, others explain that they want (money for) basic goods, like healthcare, education, housing, etc. Raveena, for example, states that she does this work to pay for her older son's heart surgery (300); Vidyaben "for [her] children's education and . . . daughter's marriage" (302); and Salma "for [her] children's future" (301). Often this primary motivation of money for the family is supplemented with a secondary one of helping others who cannot have children (Pande 2010b; Sama 2012; Rudrappa 2018). The surrogates also comment that surrogacy is better work than alternatives, such as more stigmatizing sex work (Pande 2010a) or picking up glass bottles for more hours but less money (Haworth 2007). It is important to note that surrogates are not mere victims (Banerjee 2010; Bailey 2011), can be in less precarious situations in other examples (Bromfield 2016), and are rarely the worst-off in many societies (Pande 2010a). However, the principal motivation in *these* cases is to "make ends meet."

Since surrogates, as the more vulnerable group, articulate a need for basic goods, this must be a core part of any decolonial solution. There must be redress for the fact that, in these instances, it is not for niceties but necessities that this labor is done. One way to incorporate this need is to provide minimum protections (healthcare, housing, education, etc.) to all surrogates. With this in place, exploitative work would not *have* to be done to experience a flourishing human life.

Others have made similar claims. In one account, for instance, insofar as the state does not discharge its (arguably) independent duty to deliver welfare to those in its territory, citizens, including surrogates, are being "omissively coerced" (Wilkinson 2003, 177) to do exploitative labor to enjoy basic goods. Other views, such as reproductive justice, can be (speculatively) used to argue for reproductive healthcare services and rights for surrogates and others (Bailey 2011).[16] I broadly agree with these propositions.

However, the first proposal primarily establishes *why and how* surrogacy is exploitative. Once this is determined, although it is recognized that structural shifts in power and wealth are needed (Wilkinson 2003, 186), the solution is not necessarily to

[15]The surrogacy-unit relationship itself *has* to be one that is non-exploitative, however. Otherwise, it fails to meet decolonial aims.

[16]The "speculative" part is intended to be charitable to Bailey's reading that the absence of these goods makes surrogacy in India problematic because Bailey doesn't actually argue for these services or rights in this paper.

https://doi.org/10.1017/hyp.2025.10047 Published online by Cambridge University Press

advocate for basic services, but to promote industry regulation. My claim, by contrast, is *that* such services must be provided. Whether the state is involved in delivery, in a decolonial picture, is another matter.[17] But vulnerable surrogates must *actually* be able to say "no" to this work because basic goods (that for which they are—in the end—trading their labor) are already adequately received.

Furthermore, it is not merely *reproductive* services and rights that are needed, as under the second account, but a much broader suite of goods. It is healthcare, housing, education, etc. together, rather than reproductive healthcare and rights alone, that will enable background conditions where people do not have to take up work that is exploitative. Basic service provision, in part, makes good on the more radical social justice demands of the reproductive justice movement to allow people to imagine a future filled with "joy, love, and rest" (Sistersong 2023), which extends well beyond reproductive healthcare and rights.

One might counter that, under capitalism, surrogacy is not distinctively in need of such support. This is right; the argument is not limited to surrogacy, but surrogacy is encompassed within it. *Any* work for buying (basic) goods like health, education, shelter, etc. which are minimums for a decent human life, is categorically different in kind to buying (non-basic) goods for the trappings of aspirational living. It is unjust when surrogates (or anyone) must do something they otherwise do not want to attain basic goods; when they cannot say "no" to work. As such, it is not merely surrogates that should receive basic goods to avoid exploitation and live fully; it is everyone.

A different criticism is that the proposal is too demanding. Providing adequate social and communal services is not an easily realizable goal and requires significant political will that, to date, has been sorely lacking. Since it may matter less *how*, and more *that*, these goods are attained, and quickly, this may be unhelpful. A much more immediate and useful way, that is not contingent on excessive political commitments, is simply for intended parents to pay surrogates for their labor now.

This directly raises the issue of whether surrogacy should be paid under a decolonial model. While I cannot offer a comprehensive reply here, I gesture toward an approach to renumeration under three distinct scenarios compatible with decolonialism. First, in the absence of basic goods, there *should* be direct payment as this would be most ameliorative.[18] Without this, we are "stepping on the poorest women" to further a principle or movement, which would fail to be decolonial (Combahee River Collective 1977; Banerjee 2010). However, as I have intimated (section 3a), payment is sub-optimal *on its own* since it retains the capitalist structure of coloniality-modernity. It reduces the value of surrogacy to only money and disregards other aspects of what surrogates want.

Second, when basic services do exist, but there is no agreed alternative reward mechanism in place, surrogacy must *still* be paid. It is labor that only some with relevant body parts can do and forgoing payment would render that labor invisible. By contrast, payment for surrogacy would importantly disrupt notions of productive labor as only

[17]Under decolonialism, the state is a suspect entity and the proposition leaves out non-citizens. Instead, such services might be realized in non-state-centric and more localized ways.

[18]This draws the distinction between compensated and commercial surrogacy, as others in the literature have (e.g., Phillips 2011; Lee 2023). What I say here also differs from my previous view, where I argued *against* compensation for surrogacy. My concern previously was that commodification problems would continue in the existing system of surrogacy through payment. However, the claim in the present paper draws on the distinction between compensated and commercial more explicitly to show it is not compensation *per se* that is the issue (this section); and it offers the tripartite-model in an overhauled system to reduce commodification concerns more generally (see section 4).

https://doi.org/10.1017/hyp.2025.10047 Published online by Cambridge University Press

existing outside the home (Wynter 2018; Dalla Costa and James 1972; Federici 1975; Lewis 2019). (Note, this would also imply compensating all pregnancies, whether achieved through surrogacy or not.) Further, money itself is not necessarily problematic. Rather, it is the instantiation of the current capitalist system of which it is a part that is the target of critique.

Third, if there are both basic services and alternative rewards structures, *monetary* compensation may well be overridden. But compensation in non-monetary form would still be needed. What is key, in either the second or third case, is that surrogates would not be compelled to do it (or any work) for basic goods. They would, instead, take up this (any) labor because they find meaning in it, as others have advocated more generally (Federici 1975; Firestone 1970; Weeks 2011), whilst being appropriately compensated. Importantly, this is a different offering altogether under conditions where basic needs are met.

With basic services in place longer term, notice a final implication of my view for the aim of articulating what is needed for surrogacy to qualify as decolonial.[19] This concerns what taking up such labor, because one finds significance in it, suggests about who does the work. Similarly, it concerns who can benefit from this kind of work, because everyone enjoys basic services.

Whilst no doubt difficult, to be decolonial, it ought to be equally plausible that (say) someone in the Global North, who is white and wants to gestate, be a surrogate for someone else in the Global South, who is brown and does not wish to gestate themselves.[20] A rural Dalit woman, on my account, would have resources (e.g., healthcare, education, transport, etc.) to access surrogacy via a metropolitan British woman who wants to provide it. Such resource would, likewise, assist with realizing relationships in an ongoing way. That is, barriers that might impede attaining the surrogacy-unit (section 3a)—such as hostile borders, language differences, prohibitive costs, time-zone differences, inadequate infrastructure, competing care demands, etc.—would be reduced. Provision for these, in some form, would count as "basic" services in a decolonial model.

This, I argue, goes further to remove the ontological difference in surrogacy. No subset of people with wombs will be persistently more likely than others to do this kind of work, just as no groups will be systematically excluded from enjoying goods from this work, when basic services—for not just survival, but flourishing—are provided. Moreover, even here, my argument resists coloniality-modernity because the value of this work is *also* expressed non-transactionally via the relationship of the surrogacy-unit.

[19]This pertains to another possible problem of my view: that providing basic services, at most, reduces material inequalities, but does not tackle intersecting inequalities. Even if no one wants for necessities, social scripts and stereotypes might nonetheless persist such that, for instance, "lower" caste women are expected to take up work like surrogacy. Caste, as the narrative goes, is an identity assigned by ancestry and cannot be changed, no matter what resources one has (Dalit Solidarity Network 2025), and my proposal does not change this. Basic service provision can, indeed, only directly minimize the socio-economic drivers of exploitative work rather than eliminate all oppression. However, my view also has the implication noted in the text that responds to the criticism of leaving other oppressions intact.

[20]As mentioned in n. 1, this excludes current arrangements where surrogates *are* in the Global North (e.g., California) and intended parents *are* in the Global South (e.g., Gujarat) and non-transnational surrogacy (e.g., where surrogates and intended parents are in the same country). This is because, insofar as universal basic services (plus, as I will argue, the other proposals) are not yet in place (which they are not), these are not decolonial.

https://doi.org/10.1017/hyp.2025.10047 Published online by Cambridge University Press

It is social supports and reward *plus* an expanded relational unit that make surrogacy more decolonial.

### 3.3 Rethinking norms

The final proposal extends beyond the relational unit and basic goods to norm-based hierarchies. For continuity and given space constraints, the two norms I will consider are family and pregnancy. Such norms are wide-ranging and not limited to surrogacy. As such, these norms need to be rethought in order (i) to *reduce hierarchies* that are present, but also (ii) to do so *fairly*, such as by not targeting only surrogacy. This proposal tackles the ontological difference since minimizing many unjust hierarchies, without creating a different set of hierarchies or burdening already oppressed groups, is a decolonial goal.

Take the norm for private-nuclear families, which, with its various hierarchies, is a paradigm candidate for change. Various thinkers have proposed that surrogacy *itself* can challenge hierarchical norms about family. This includes through undermining the private-nuclear family (Lewis 2019), enabling non-heteronormative families (Roth 2016), subverting understandings of "mother" (Pande 2010b, 2016), and deliberately establishing non-white families (Mutcherson 2013). Though it is right that liberatory versions of surrogacy help to do this, my claim is that it is broader norms around family that need to be tackled, by those most advantaged, whether surrogacy exists or not.

For instance, one can favor surrogacy extended to LGBTQ+ people as this resists the assumption that only straight couples should have families. Doing this would be anti-heteronormative. However, one can *simultaneously* be critical of such expansion as it fails to reassess the obsession with the genetic family. Rather, it continues to privilege this type of family as optimal given that most people prefer to use *their* gametes in surrogacy (e.g., Smietana 2017).

With this in mind, and as an alternative to surrogacy altogether, one (oft-cited) solution to challenge the norm is to value adoption. However, for this to be implemented fairly, adoption must apply and be valued *for all*, not only for those who *cannot* have genetic children, when creating family. More unsettling of this norm still is for this to be a directive *especially for those who have never been marginalized* for their sexuality or *wrongly deemed unfit parents*, rather than those who have been so stigmatized. Under either suggestion, to different degrees, the burden for changing norms shifts to the least historically oppressed.

Both strategies extend beyond surrogacy. Indeed, since the norm must be challenged broadly by many, not only in surrogacy, the results are likely to be more effective. That is, where there is widespread acceptance that adoption is equally valuable for anyone, this may, plausibly, undermine the preference for having *genetically* related children, including via surrogacy, itself.

A different way to resist the norm is to support alternative kinship structures. Societies could properly value the input of friends, neighbors, communities, nonhuman animals, etc. in caregiving. Modeling expanded kinship norms, which are already prevalent in many parts of the world, might permit and satiate the desire for intimacies and connections of a suitably deep kind and (as above) reduce the very want for private-nuclear families. It would do so *primarily in the Global North*, which has largely constructed contemporary surrogacy in service of the private-nuclear norm, but it would apply *to all*.

There are also conflicting hierarchies to tackle around pregnancy. For many, there are severe harms in conception, gestation, and birth. Assuming that those who experience

https://doi.org/10.1017/hyp.2025.10047 Published online by Cambridge University Press

these ought to bear them simply because it is their "natural" role reflects a hierarchy: that their suffering is unworthy of redress. Likewise, others will not experience the imagined benefits of these, despite wanting to, because of their physical or social constraints; this is important too. An alternative that undermines these hierarchies—that enables some to reject the labor of conception, gestation, and birth and others to take on more if they so wish—is an *extended* version of Firestone's ectogenesis. One might foster such technology for broader liberatory ends to eliminate not only gender hierarchies, as Firestone argues, but multiple norm-based hierarchies.

For instance, if technology such as ectogenesis became viable, it would (taking an optimistic view) have to be given *to all* who do not wish to undergo pregnancy and cannot be restricted to global elites. This would be anti-capitalist (not merely anti-patriarchal), since it does not depend on maintaining competitive access to scarce goods and on the ability to pay. Moreover, measures that reduce the pain and burdens of gestation and birth in simpler and quicker ways for the majority of the world's population should be adopted before ectogenesis that (on a more realistic view) is likely to serve only a few. This would be anti-colonial (and anti-patriarchal), since it does not prioritize Global North "wants" over Global South "needs."

Further, technology can be expanded in ways that *differently* target gender hierarchies. There could be funding for "ectobonding," so (say) cis men might bond with the foetus, as a caregiver, while in the artificial womb. This would value the gestational relationship *for all*, whether realized through such technologies or not, and does not sideline it as "nothing" because some groups, who are socially dominant, have not been able to do it. This would be non-androcentric; it values typically "feminine" or female, rather than only "masculine" or male, experiences, without giving more weight to either by default.

As already indicated, women of color in particular may be reticent about such technologies given historic injustices. However, in decolonial feminism, any use of technology that entrenches multiple hierarchies is excluded automatically.[21] But the technology cannot necessarily be ruled out in advance where it does not create hierarchies; rather, its acceptance depends on those at the point of colonial difference.

This implies a more complex view about technology. It is difficult to claim that *no* woman of color will want technology that promises to assist with conception, gestation, and childbirth. This is because it offers a way to eradicate the pains and burdens—and indeed, with ectogenesis, the entirety—of these experiences. At the same time, some may be deeply reluctant. Where pregnancy and birth connect ancestors to newborns, or embed children into communities of multiple mothers, for instance, some will categorically refuse ectogenesis as the antithesis of the very process.[22] Others still will

[21]For instance, if this technology is used to complete the gestation of unwanted pregnancies, this undermines the pregnant person's agency and treats them unjustifiably paternalistically and unequally. This is not done to groups in power (such as those who cannot gestate) and, were it done, it is unlikely that it would be tolerated. As such, given it deepens hierarchies, such as between gendered groups, it would not be permitted for this purpose.

[22]A recent newspaper article on Indigenous families in Brazil notes: "Kraho tradition dictates that childbirth should be at home, where women in the family take part in each others' delivery. That creates a connection between the ancestors and the newborn, and the baby is welcomed by everyone the mother trusts. One of the most common positions to deliver a baby is to have the woman crouching on the legs of another woman who is holding her. Children are born as they fall right into their grandmother's hands." (Perpetua 2019).

https://doi.org/10.1017/hyp.2025.10047 Published online by Cambridge University Press

remain ambivalent about the technology. This is not least because of the unanticipated (or anticipated but unheeded) risks associated with technological innovations.

What *is* critical is that there must be an explicitly intersectional approach to technology development to give voice *to all* but *especially to the most marginalized*. The hope is that this will reveal possible injustices at the stage of the technology's inception and thereby reduce the chances of further subordinating historically oppressed groups. Importantly, however, intersectional approaches do not *start* with technology and it is not for the *oppressed* to merely add their views to current development. Rather, it is needed much earlier in all domains in society, and it is for those privileged to clear space for others. Without this intersectional approach, the same hierarchical patterns will likely emerge but with a more diverse set of people. It will be a continuation of existing coloniality-modernity, albeit with new technologies, that will advantage one group over another. With the right focus to reduce all unjust hierarchies wherever they may be, with those at the point of colonial difference front and center, "baked-in" from the start, as it were, and with multiple groups in dialogue, it might be something else reimagined entirely.

In sum, the three proposals target the ontological difference in work like surrogacy. First, recognizing the surrogacy-unit changes the subordinated status of the surrogate in the Global South to one of equals in the creation of that child. The surrogate is recognized not as mere incubator but co-creator in that project; not written out of a relationship simply by the end of the contract but taken to be the kind of being whose relations and desires matter in a deeper way. Second, instilling systemic changes via basic goods ensures material equality and reflects the underpinning needs expressed by the surrogates when taking up such work. With basic needs met, certain groups become less vulnerable to be exploited, silenced, or treated paternalistically. Without this, by contrast, injustice under the ontological difference remains. Finally, tackling multiple norms involved in reproduction attempts to remove hierarchies for all. It does so in a way that reduces the burden on the historically most subjugated and does not create a new set of unjust hierarchies. As such, the ontological difference is challenged more broadly.

## 4. A tripartite-hybrid model

I have claimed that decolonialism requires: (1) challenging coloniality-modernity, (2) developing a feminism of its own, and (3) righting unjust relationships. I argued for three proposals that fulfill these goals: a surrogacy-unit, basic goods provision, and multiple-norm-hierarchy reduction. I end by making three concluding remarks to justify why a "tripartite-hybrid" model is needed to make surrogacy decolonial.

First, all three proposals, or ones like them, are *necessary* to meet the requirements of decolonial feminisms. It is a *tripartite* offering. If the surrogacy-unit alone is adopted, for instance, new relational models are formed, but one does not adequately recompense gestational labor in current contexts. This continues a trend of particular (and most) women doing unwaged work. It does not disrupt unequal gender, race, class, etc. roles in work under *coloniality-modernity*.

If only basic goods are provided, by contrast, material conditions may improve. Yet one does not address the historically unjust colonial relations and patterns that seem to make surrogacy between parties in the Global North and Global South particularly egregious. Nor does one imagine or assign a much-needed competing value to ground interactions going forward, such as that of meaningful and fairer *relationships*.

https://doi.org/10.1017/hyp.2025.10047 Published online by Cambridge University Press

Even if both of these measures are taken, however, decolonial aims are not yet met. If there is no challenge to broader norms in reproduction, in a way that demands most from the least burdened in wider society, there is a failure to resist and subvert a hierarchical system that gives preference to certain kinds of families or pregnancies. This risks maintaining existing hierarchies and even creating new classarchies; a breach of a *feminism of one's own*. At the same time, if the sole proposal was to undermine norms around family and pregnancy, this would not foreground those presently doing surrogacy labor. Surrogates make demands for improved conditions and relationships in the short term, and focusing only on a long-term goal of norm-change overrides these women's voices now.

Second, existing models for dealing with transnational surrogacy each offer important and unique insights that must be taken up. Yet none alone is *sufficient* for decolonialism. What is required, then, is a *hybrid* model: some payment, some replacement values, some rebalancing power, and some dislocating norms of family and pregnancy. Taking this approach, as I have attempted to do, adopts the best features of current models without the limitations that selecting any one entails.

Finally, a tripartite-hybrid model can respond more satisfactorily to a range of other problems in the ethics of surrogacy. Here are three examples to illustrate. First, take the anti-surrogacy complaint: "paying for surrogacy commodifies children." It is possible to argue that buying surrogate labor *alone* leads to the unpalatable (and often denied) conclusion that one is buying the product of that surplus labor: the child. However, paying for the labor *whilst* maintaining a relationship, as the tripartite-hybrid model encourages, limits this charge. This is because the surrogate is connected to the product (the child) in an ongoing way that reduces the alienation associated with commodification. As the tripartite-hybrid model is not either one proposal or another, it is less commodifying *whilst* compensating the labor.

Next, consider a pro-surrogacy claim: "surrogacy is emancipatory." It enables disenfranchised groups, who have otherwise been denied (due to prejudice, inability, etc.), to have children "of their own" (and so should be proliferated as a method of reproduction). Surrogacy certainly has this benefit. Yet, prioritizing these groups *alone*, and omitting consideration of others, such as laborers, seems inadequate. Demanding that (e.g.) women of color who do surrogacy labor, and who are also marginalized, are *simultaneously* prioritized in any solution reduces this concern. The tripartite-hybrid model can address *multiple* relevant and competing ethical issues, such as these, in this complex debate without knee-jerk reactions either way.

Third, imagine a speculative anti-reproductive-technology objection: "ectogenesis will lead to a dystopian future." On one reading, this is because it risks a brave new world scenario, where humans are modified to create superhumans, and where, in the worst case, this group subjugates others. On another, it is a concern that some groups will be especially harmed: women risk being dispensed with altogether in reproduction; or women of color, who have been harmed by reproductive technology in the past, have no reason to think this technology will be any different in its potential to harm them in the future.

Yet my account can, arguably, foster a less dystopian outlook in three ways. First, the tripartite-hybrid model takes seriously how technology has, and continues to, harm some groups. It assumes, for instance, that any technology must be developed intersectionally, as stipulated in section 3c, to minimize further reproductive injustices toward these groups. Second, it is liberatory; it must center marginalized group demands and the technology must be free. This would address, say, LGBTQ+ people's wanting children and gestators' concerns about the pains of reproduction, rather than privileged

https://doi.org/10.1017/hyp.2025.10047 Published online by Cambridge University Press

group interests in having, or profiteering from, the technology. Finally, it must dislodge the obsession with genetics. There would be, for example, no genetic modification of children, or selection for socially advantageous traits. Similarly, non-genetic ties would be equally valued. A multitude of ways to have and raise children would be realizable—none of which, nor the children created from them, would be superior to others.[23]

A tripartite-hybrid model, thus, avoids some of the criticisms of other approaches, meets decolonial goals, and has the dexterity to deal with a breadth of other dilemmas in surrogacy.

My goal has been to articulate what is needed for transnational surrogacy to count as decolonial. I have argued that it can be decolonial if, and only if, decolonial feminist aims are met and the ontological difference removed—whether through the measures outlined in the tripartite-hybrid model or different ones. This model will require more detail than I have been able to set out, such as about how to navigate language differences, make diverse meanings of family intelligible, fund surrogacy fairly, etc. However, I have shown that to decolonize and eliminate the ontological difference will take substantial change: to social and economic systems, and conceptions of family, for instance. If it appears challenging to make this happen, this indicates that it is immensely difficult for surrogacy to be decolonial in the end.

**Acknowledgments.** Thanks to colleagues and audiences at MANCEPT, LCCT, University of Cardiff, University College Dublin, University of Groningen, University of Nottingham, and University of Basel for their probing questions, comments, and responses. Thanks also to the editors and anonymous reviewers at *Hypatia*, who generously offered comments to clarify and strengthen the argument.

## References

Anderson, E. 1990. Is women's labor a commodity. *Philosophy and Public Affairs* 19 (1): 71–92.

Bailey, A. 2011. Reconceiving surrogacy: Toward a reproductive justice account of Indian surrogacy. *Hypatia* 26 (4): 715–41.

Banerjee, A. 2010. Reorienting the ethics of transnational surrogacy as a feminist pragmatist. *The Pluralist* 5 (3): 107–27.

Banerjee, A. 2014. Race and a transnational reproductive caste system: Indian transnational surrogacy. *Hypatia* 29 (1): 113–28.

Banerjee, A., and P. Sharma. 2023. Animating the affect–care–labor link in the wake of "The Surrogacy (Regulation) Bill": Care ethics and policymaking on Indian surrogacy. *Hypatia* 38: 511–30.

Bromfield, N. F. 2016. "Surrogacy has been one of the most rewarding experiences in my life": A content analysis of blogs by US commercial gestational surrogates. *International Journal of Feminist Approaches to Bioethics* 9 (1): 192–217.

Combahee River Collective. 1977. *The Combahee River Collective Statement*. Available at: https://www.blackpast.org/african-american-history/combahee-river-collective-statement-1977/ (Accessed July 1, 2023).

Daftuar, A. 2025. In the aftermath of the 2015 transnational surrogacy ban: Co-optation of feminist ideas in the Indian surrogacy market. *Journal of International Women's Studies* 27 (1): 1–19.

[23]Consider, for instance, this alternative, and arguably more utopian, possibility that encompasses these three features.

*Utopian Future*: Cay lives in the Global South and (with others) wants to raise a child without adoption, human gestation, or surrogacy. They opt for Child via Artificial Womb (CAW), use randomized donor gametes, and bond with the foetus through its development. Cay and others cannot afford this technology, but it is provided to anyone who wants it by a (socialized, localized) entity, subject to the best interests of the child. Cay will raise the child with a consistent set of friends, neighbours, kin, etc., who collectively seek to forge positive relationship with it.

https://doi.org/10.1017/hyp.2025.10047 Published online by Cambridge University Press

Dalit Solidarity Network. 2025. What is caste? Available at: https://dsnuk.org/caste-discrimination/what-is-caste/ (Accessed July 28, 2025).
Dalla Costa, M., and S. James. 1972. *The power of women and the subversion of the community*. Bristol: Falling Wall Press and the Power of Women Collective.
Federici, S. 1975. *Wages against housework*. Bristol: Falling Wall Press and the Power of Women Collective.
Firestone, S. 1970. *The dialectic of sex: The case for feminist revolution*. New York: William Morrow & Co.
Gondouin, J., S. Thapar-Bjorkert, and M. Rao. 2020. Dalit feminist voices on reproductive rights and reproductive justice. *Economic and Political Weekly*. 55 (40): 1–16.
Guldi, J. 2022. *The long land war: The global struggle for occupancy rights*. London: Yale University Press.
Haworth, A. 2007. Surrogate mothers: Womb for rent. *Marie Claire*. Available at: https://www.marieclaire.com/politics/news/a638/surrogate-mothers-india/ (Accessed July 1, 2023).
Hayward, A., and J. Cidro. 2021. Indigenous birth as ceremony and a human right. *Health and Human Rights Journal* 23 (1): 213–24.
Held, V. 2005. *The ethics of care: Personal, political, and global*. Oxford: Oxford University Press.
Humbyrd, C. 2009. Fair trade international surrogacy. *Developing World Bioethics* 9 (3): 111–18.
Jaggar, A. M. 2005. "Saving Amina": Global justice for women and intercultural dialogue. *Ethics and International Affairs* 19 (3): 55–75.
Khader, S. J. 2013. Intersectionality and the ethics of transnational commercial surrogacy. *International Journal of Feminist Approaches to Bioethics* 6 (1): 68–90.
Khader, S. J. 2019. *Decolonizing universalism: A transnational feminist ethic. Studies in Feminist Philosophy*. New York: Oxford University Press.
Law Commission. 2019. *Building families through surrogacy: A new law: A joint consultation paper*. London: Crown. Available at: https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2019/06/Surrogacy-consultation-paper.pdf (Accessed July 1, 2023).
Lee, J. Y. 2023. Surrogacy: Beyond the commercial/altruistic distinction. *Journal of Medical Ethics* 49 (3): 196–99.
Lewis, S. 2019. *Full surrogacy now: Feminism against family*. London: Verso.
Lewis, S. 2022. *Abolish the family: A manifesto for care and liberation*. London: Verso.
limki, rashné. 2018. On the coloniality of work: Commercial surrogacy in India. *Gender Work Organ* 25: 327–42.
Lugones, M. 2003. *Pilgrimages/peregrinajes: Theorizing coalition against multiple oppressions*. Lanham, MD: Rowman & Littlefield.
Lugones, M. 2010. Toward a decolonial feminism. *Hypatia* 25 (4): 742–59.
Lugones, M. C., and E. V. Spelman. 1983. Have we got a theory for you! Feminist theory, cultural imperialism and the demand for "the woman's voice." *Women's Studies International Forum* 6 (6): 573–81.
Mignolo, W. D. 2007. Delinking: The rhetoric of modernity, the logic of coloniality and the grammar of decoloniality. *Cultural Studies* 21 (2–3): 449–514.
Mohanty, C. T. 2003. *Feminism without borders: Decolonizing theory, practicing solidarity*. Durham, NC, and London: Duke University Press.
Mutcherson, K. M. 2013. Transformative reproduction. *Journal of Gender, Race and Justice* 16 (1): 187–234.
Noddings, N. 1984. *Caring: A feminine approach to ethics and moral education*. London: University of California Press.
Pande, A. 2010a. "At least i am not sleeping with anyone": Resisting the stigma of commercial surrogacy in India. *Feminist Studies* 36 (2): 292–312.
Pande, A. 2010b. Commercial surrogacy in India: Manufacturing a perfect mother-worker. *Signs: Journal of Women in Culture and Society* 35 (4): 969–92.
Pande, A. 2014. *Wombs in labor: Transnational commercial surrogacy in India*. New York: Colombia University Press.
Pande, A. 2016. Global reproductive inequalities, neo-eugenics and commercial surrogacy in India. *Current Sociology Monograph* 64 (2): 244–58.
Parks, J. A. 2010. Care ethics and the global practice of commercial surrogacy. *Bioethics* 24 (7): 333–40.
Pateman, C. 1988. *The sexual contract*. Cambridge: Polity.
Perpetua, S. 2019. A child raised by many mothers: What we can learn about parenthood from an indigenous group in Brazil. *Washington Post*. Available at: https://www.washingtonpost.com/lifestyle/

https://doi.org/10.1017/hyp.2025.10047 Published online by Cambridge University Press

2019/09/06/child-raised-by-many-mothers-what-we-can-learn-how-other-cultures-raise-their-children/ (Accessed July 1, 2023).
Phillips, A. 2011. It's my body and I'll do what i like with it: Bodies as objects and property. *Political Theory* 39 (6): 724–48.
Powell, K., and P. Takayoshi. 2003. Accepting roles created for us: The ethics of reciprocity. *College Composition and Communication* 54 (4): 394–422.
Quijano, A. 2007. Coloniality and modernity/rationality. *Cultural Studies* 21 (2–3): 168–78.
Ross, L. J. 2017. Reproductive justice as intersectional feminist activism. *Souls* 19 (3): 286–314.
Roth, A. 2016. What does queer family equality have to do with reproductive ethics? *International Journal of Feminist Approaches to Bioethics* 9 (1): 27–67.
Roy, A. 2020. *Azadi: Fascism, fiction and freedom in the time of the virus*. New York: Penguin.
Rudrappa, S. 2015. *Discounted life: The price of global surrogacy in India*. New York and London: New York University Press.
Rudrappa, S. 2018. Why is India's ban on commercial surrogacy bad for women? *North Carolina Journal of International Law* 43 (4): 70–95.
Rudrappa, S. 2021. The impossibility of gendered justice through surrogacy bans. *Current Sociology* 69 (2): 286–99.
Sama. 2012. *Birthing a market: A study on commercial surrogacy*. New Delhi: Sama–Resource Group for Women and Health.
Saravanan, S. 2016. "Humanitarian" thresholds of the fundamental feminist ideologies: Evidence from surrogacy arrangements in India. *Journal of Gender and Feminist Studies* 20 (6): 66–88.
Satz, D. 1992. Markets in women's reproductive labor. *Philosophy and Public Affairs* 21 (2): 107–31.
Sistersong. 2023. Visioning new futures for reproductive justice declaration 2023. *Sistersong*. Available at https://www.sistersong.net/visioningnewfuturesforrj (Accessed July 1, 2023).
Smietana, M. 2017. "Families like we'd always known"? Spanish gay fathers' normalization narratives in transnational surrogacy. In *Assisted reproduction across borders: Feminist perspectives on normalizations, disruptions and transmissions*, ed. M. Lie and N. Lykke. New York: Routledge.
Spivak, G. C. 1988. Can the subaltern speak? In *Marxism and the interpretation of culture*, ed. C. Nelson and L. Grossberg. Basingstoke: Macmillan Education.
TallBear, K. 2019. Caretaking relations, not american dreaming. *Kalfou* 6 (1): 24–41.
Walker, M. U. 2006. Restorative justice and reparations. *Journal of Social Philosophy* 37 (3): 377–395.
Weeks, K. 2011. *The problem with work: Feminism, Marxism, antiwork politics, and postwork imaginaries*. Durham, NC: Duke University Press.
Welch, S. 2013. Radical-cum-relation: Bridging feminist ethics and native individual autonomy. *Philosophical Topics* 41 (2): 203–22.
Wilkinson, S. 2003. The exploitation argument against commercial surrogacy. *Bioethics* 17 (2): 169–87.
Wynter, S. 2018. Beyond liberal and Marxist Leninist feminisms. *CLR James Journal* 24 (1–2): 31–56.

**Dr Herjeet Kaur Marway** works in the Department of Philosophy, University of Birmingham, UK. Her research interests are at the intersection of feminist philosophy, philosophy of race, and global justice.

**Cite this article:** Marway HK 2026. "A Decolonial Surrogacy? A Tripartite-Hybrid Model." *Hypatia* 1–23. https://doi.org/10.1017/hyp.2025.10047

https://doi.org/10.1017/hyp.2025.10047 Published online by Cambridge University Press