

STORIES OF CREATION: GOVERNANCE OF SURROGACY THROUGH MEDIA?¹

by Nora Levold, Marit Svingen and Margrethe Aune

This article discusses the Norwegian media debate on surrogacy from 2010–2013. The debate was initiated by the 'Volden-case' where a Norwegian woman who had travelled to India to have surrogate twins could not return to Norway because the Norwegian authorities refused to give the children passports. At that time in 2010, surrogacy was not explicitly regulated by the existing Norwegian Biotechnology Act. According to the Norwegian Child and Parents Act of 1982, the woman who physically gives birth is the mother of the child. It soon became clear that, because this case existed in regulatory limbo, it required a legislative solution. At the time there was an intense and heated media debate. This was resolved when a temporary law was passed in 2013, pending a more permanent Biotechnology Act. During the process of revising the new Biotechnology Act in 2017–2018, we anticipated a continuation of the intense debate that occurred earlier. Surprisingly, this did not happen. In this article we aim to explain why. By analyzing the original 2010–2013 media debate using Hajer's concepts of 'discourse coalitions' and 'storylines' (Hajer 2003), we identified three discourse coalitions which gathered around three storylines: the 'storyline of biological parenthood', the 'storyline of equality' and the 'storyline on human trafficking'. The analysis demonstrated that the 'storyline on human trafficking' gained strength during the 2010–2013 debate, ultimately becoming hegemonic at the end of this period. Surprisingly, the other two discourse coalitions did not appear much in the media debate prior to the new law. This article discusses the lack of these discourse coalitions and concludes that the hegemonic nature of the 'storyline on human trafficking' may explain why the new Biotechnology Act did not spark heated debate.

Keywords: Surrogacy, storylines, discourse coalitions, media debate

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¹ We want to direct a thank you to researcher Sara Heidenreich and research assistant Alexander Myhre for obtaining and preparing the empirical material from the newspapers.



Introduction

The desire to have a child of one's own is a significant life decision and, for many individuals, a 'natural wish' (Ravn 2005, Ellingsæter et al. 2013). The number of individuals using Assisted Reproductive Technologies (ARTs) because they cannot fulfill this wish has increased steadily. In Norway, these reproductive practices are regulated through the Biotechnology Act, which has raised a number of complex questions. Since the 1980s, there have been numerous, intense debates around the different practices enabled by these emerging reproductive technologies (Kvande 2008, Levold 2014). Norway's first Biotechnology Act was adopted in 1994 and revised in 2003, but a third version has been long coming. The Law of 2003 was meant to be evaluated and revised in 2008, but it took almost 10 years before the shifting governmental coalitions in Norway managed to agree on suggestions for revisions. This delay demonstrates how tense and difficult it is to respond to these types of issues in Norway. An evaluation report of the Biotechnology Act was presented in 2017 as a white paper (Meld. St. 39 (2016–2017)) and was followed by a two-day hearing in the Parliament in January 2018. In May 2018, the debate and parliamentary voting took place.

Our focus in this article is the media debate on surrogacy between 2010 and 2013 and how this debate informed the 2018 debates and result associated with the proposed revisions to the Biotechnology Act. Because of the controversy surrounding the 'Volden case' only a few years before the completion of the evaluation report white paper, many expected surrogacy to again dominate the discussions and generate media attention. Therefore, it was surprising that this did not happen. The debate in the media ahead of the governmental proceedings hardly mentioned surrogacy, but focused instead on egg-donation and single women's rights to ART. Proposed revisions to the Biotechnology Act, which banned surrogacy all together, passed with very little public participation and media involvement.

Surrogacy 'came' to Norway in 2010 when the story of Kari Ann Volden, a woman detained in India with twins, caused massive media attention and debate (Andersen 2013, Stuvøy 2018). Volden had entered into a surrogacy agreement with an Indian clinic, allegedly not realizing that Norwegian laws would not recognize her as the children's legal mother. According to Norwegian law², the twins' surrogate mother was seen as the only possible mother, due to the fact that she had given birth to them. No Norwegian law at that time addressed the phenomenon of surrogacy explicitly. In India, by contrast, Volden was seen as the twins' legal mother, and therefore the twins were not granted Indian citizenship (Andersen 2013, Svingen 2017).

The Volden case was resolved through a temporary law passed in 2013 that granted these twins and other living 'surrogacy children'

legal rights as Norwegian citizens. The broader question of how to regulate surrogacy arrangements in Norway and for Norwegians abroad was, however, left as an open question. At the time, the Norwegian government pointed to the upcoming process of defining a new biotechnology act, and there were expectations that surrogacy would be a central part of the coming public debate. However, while it took another four years before the politicians agreed on a new act, it passed with little debate about or focus on surrogacy.

What happened to the topic that only a few years before had generated so much public emotion and media controversy? In this article, we will investigate this issue by analyzing the media debate on surrogacy from 2010, when the discussions were initiated by the Volden case, through 2013 when the politicians decided to enact the temporary law. Which issues did the participants focus on, what characterized the arguments for and against surrogacy, and how was the debate presented in the news media? Can the development of the debate over these three years contribute to explaining why a 'hot' topic like surrogacy disappeared from the political agenda only to be regulated with hardly any notice or discussion?

In a regulatory process, politicians produce an understanding of the phenomenon they regulate; however, they do not do this in a vacuum. Input from different experts and lay people are an important source of knowledge (Irwin 2008, Jasanoff 2004, 2012, Latour 2004). Biotechnology has proven to be specifically interesting for groups outside the traditional political arena, and research shows that the possibility to use media to present an argument, and as an arena for debate between interest groups, has had a significant influence on policy decisions in Norway (Antonsen 2014, Brekke and Sirnes 2011, Levold 2014b, Melhuus 2012). Thus, it is relevant to analyze the surrogacy controversy in the media, since it contributes to constructing an emotional and moral phenomenon and mediates between different participants as this phenomenon develops.

This article investigates the previous media discourses through Hajer's concepts of 'storylines' and 'discourse coalitions'. Through this perspective, we will identify who the media debate constructs as affected by surrogacy and in what way (cf. Jasanoff 2011, 2016) so as to understand how the debate forms and transforms surrogacy as a practice as well as a moral phenomenon. An identification of storylines can accordingly provide a broader understanding of the current situation and explain the unexpected turns in the process of regulation. The article is organized in three sections: (1) an explanation of surrogacy as a procedure, (2) a discussion of the regulations of biotechnology and previous research on surrogacy within the Norwegian context, and (3) an analysis of the empirical material before closing with a discussion.

² <https://lovdata.no/dokument/NL/lov/1981-04-08-7> (Lov om barn og foreldre – The Law of Children and Parents)



The surrogacy practice

The term 'surrogacy' describes the practice wherein a woman carries and gives birth to a baby for someone else. The person or people who are meant to receive the baby are often referred to as the intended parent(s). Surrogacy can take place in different forms, and with different incentives. Eggs can come from the intended mother, surrogate mother or donor, and they are fertilized with semen from the intended father or donor sperm through in vitro fertilization (IVF). The embryo is then inserted into the surrogate mother, who carries the child. For infertile women and gay men, this is an opportunity to have children who are genetically related to themselves or their partner. When the surrogate mother or surrogate clinic receives money from the intended parents, it is called 'commercial surrogacy.' When the surrogate mother does it as charity (a favor without payment), it is called 'altruistic surrogacy.' In such cases, the surrogate mother may still be compensated for expenses and strain related to pregnancy.

Norwegian studies of surrogacy have focused on topics like gender, ethics, kinship, money, legal rights, discrimination, and exploitation (Andersen 2013, Førde 2017, Melhuus 2012, Stuvøy 2018). Melhuus (2015) argues that Norwegian law practices gender discrimination, since legal fatherhood automatically goes to the sperm donor, while legal motherhood does not automatically go to the egg donor. Therefore, if the sperm donor is Norwegian, the child is granted Norwegian citizenship. For the egg donor, however, this is not the case – the mother has

to adopt the child to secure the same rights for it. Stuvøy (2016) has also been engaged in these equality questions. She has shown through the Volden case and the political debate that followed how discourses on surrogacy and (gender) equality were co-produced and has analyzed various economical aspects related to surrogacy arrangements (2018a, 2018b). Both Andersen (2013) and Førde (2017) discuss how surrogacy debates have resulted in the victimization of different groups. Andersen's analysis of the media coverage of the Volden case demonstrates how, at the time, different actors defined themselves and their children as victims of strict Norwegian regulations while the surrogate mothers from India and the United States were neither perceived nor identified themselves as victims. Førde has challenged the understanding of surrogacy as a win-win situation as well as the narratives of surrogacy as exploitation and the victimization of Indian mothers.

Like Andersen (2013), our article uses media as a point of departure, but our focus is not on surrogacy practices and why individuals choose them. Instead, we are interested in the media debates as a source for political regulation by analyzing storylines in this debate from 2010 to 2013. Specifically, we ask: What can the various storylines tell us about the construction of surrogacy as a moral, emotional and practical phenomenon? Our aim is to get a better understanding of how the debate developed in major national newspapers in Norway, and, through this understanding, reflect on the lack of controversy in the regulation process in 2018.

The Norwegian context

The development of new reproductive technologies has created new possibilities concerning both the methods used to conceive a child and who can become parents. Methods of conception like surrogacy "confront governments with complex new questions about family law, legal access to parenthood, and filiation" (Lie and Lykke 2016: 87) and create regulatory challenges for governments across Western Europe that have been met with varying responses (Engeli and Allison 2016). Within the Nordic region, policy regulations generally coincide, but there is a divide in terms of biotechnology legislation, particularly when comparing Norway with the other Nordic countries. Sweden, Denmark, Finland and Iceland all passed laws that permit egg donation nearly two decades ago – the most recent of which was Sweden in 2003. Most of these countries had, in the period we are studying (2010–2013) started preparations for legislation that legalized altruistic surrogacy. Meanwhile, during this same period, Norway adopted on both accounts restrictive regulations that have proven to be some of the most conservative laws on assisted reproduction in Europe

(Levold 2014, Melhuus 2012, Nordic Committee on Bioethics 2017). The proposals included in the new Biotechnology Act are more liberal than in prior versions – for example, the donation of eggs will now be allowed – but all forms of surrogacy will remain forbidden in Norway³. The temporary act from 2013 that guarantees no persecution for people using surrogacy arrangements abroad will remain in place.

As mentioned, novel biotechnological practices have historically been framed primarily as ethical concerns in Norway (Antonsen 2017, Antonsen and Levold 2011, Hviid-Nielsen 2000, Levold and Kvande 2014). Politicians have played a particularly large role in this framing, leaving deliberations up to the 'expert opinions' of ethical boards and committees (Antonsen and Levold 2014). It is therefore interesting to see whether this ethical framework is still present in the media debate, and, if so, whether it is possible to provide a more thorough picture of the content of this ethical perspective. In comparison, debates in Denmark concerning various biotechnological

³ Since the original version of this text was written, the Norwegian government is supplemented with representatives from the Christian Democrats (KrF). As a consequence of this, the decision of allowing donation of eggs will most likely be postponed.



practices include clear economic considerations in the debate about fetal diagnostics and selective abortion (Koch 1995, Nielsen et al 2000, Kvande 2008). In Norway, the debate has rather focused on how technological possibilities will lead to a 'Sorteringsamfunn'⁴ ('the exclusion society'). In Sweden, surrogacy-debates have been more concerned with technical factors (Kvale 2016). As both the issue and the solution in Norway are posed as ethical dilemmas, these other

potential concerns and means of governance are, according to Antonsen (2017), excluded from the debate.

Our analysis of how this plays out in the public media debate on surrogacy between 2010 and 2013 will draw on Hajer's theoretical framework of storylines and discourse coalitions to analyze the empirical material (Hajer 1995, 2003, Hajer and Wagenaar 2003).

Storylines and discourse coalitions

Hajer (1995, 2003) argues that politics and policymaking are being reinvented in our contemporary 'network society.' This network society has a fragmented institutional landscape, which causes political conflict and value pluralism (Hajer 2003), which represents a change in the practice and formation of politics and a transformation towards 'constitutive politics'. This shift is marked by a change in vocabulary, with terms such as governance, trust, and deliberation replacing once dominant terms such as the state, government, and authority. Hajer and Wagenaar (2003) posit "Whereas the institutional language implies stability, networks imply fluidity" (5).

According to Hajer (1995), classical-modernist political institutions are not always sufficiently powerful to provide solutions, so new political practices emerge between the traditional institutions of the state. These new forms of policy deliberations require that the policymaking process itself is seen as constitutive of politics, such that solutions are provided by "transient and informal arrangements" rather than by "conventions among states, directives or authoritative decisions" (ibid.). Hajer continues by asserting that citizens play a major role in these practices as "political activists on standby, waiting to be ignited" (2003:88), suggesting a move away from representational politics, towards "subtle democratic dimensions of these spontaneous, often innovative, bottom up events" (2003:89). These actors' participation in policy discourse are also constitutive of political identity. The media can accordingly be seen as an important setting for the practice of politics in the network society, where the public's "awakened political activism" can find outlet and be distributed.

Understanding how such networks influence the regulation of surrogacy requires an examination of these actors and how they organize themselves through the media because the "effectiveness and legitimacy of political interventions" depend on the actors of the public (Hajer 2003:89). Hajer's (2003) approach draws on social psychology in an attempt to trace policymaking in its new form. Individual discourses that operate in distinct areas of a field draw upon each other and form 'discourse coalitions' with

a shared storyline in the debate: "The argumentative approach conceives of politics as a struggle for discursive hegemony in which actors try to secure support for their definitions of reality" (Hajer 1995:59).

The analytical concept of the storyline can be summarized as a gathering of actors with similar articulations of a phenomenon, thereby forming a discourse coalition. The actors form 'storylines' in order to convince others of the superiority of their technological and conceptual interpretations. The storyline serves as a tool to create an understanding of the phenomenon and also convinces and enlists other actors, serving as a 'social reality', where actors share a common understanding through a set of symbolic references (Hajer 1995). By forming a particular storyline, actors position themselves and others, while attributing ideas of 'blame', 'responsibility', 'urgency' and responsible behavior (Hajer 1995:65). When analyzing the surrogacy debate, we will look for different discourse coalitions and the storylines that are created through the actors' arguments: To what extent and why is surrogacy problematic or not? At the same time, we will investigate how surrogacy as an ethical phenomenon is co-produced with dissimilar possible practices.

A critical point is that these actors need not share ideas or interests on matters other than this particular sociotechnical practice. The strength of using storyline as an analytical tool is that it captures exactly this dimension, in which actors with different views share an understanding of a specific technology, and form somewhat unique coalitions. In the case of surrogacy, politicians, medical and legal experts, journalists, feminists, parents and interest organizations can share storylines, despite the fact that they differ in opinions or interests in other political matters. By narrating this controversy through storylines, we can narrate a story about how these coalitions work to determine, maintain and disseminate their definitions of surrogacy. The different narratives compete over the power of definition in regard to the new technology, and, as we shall see, they fight over the power to define the phenomenon.

⁴ 'Sorteringsamfunnet' is a specific Norwegian concept, which explicitly emphasizes how knowledge about the embryo/fetus can result in unethical selections. For instance, there are economic arguments connected to children with disabilities that are viewed as highly unethical (Kvande 2008, Melhuus 2012, Solberg, 2004, 2008).



Methods and sources

We have analyzed a part of this debate by studying articles from a sample of Norwegian newspapers in the time frame of February 2010 – July 2013. We gathered a total of 304 articles through the web data base Retriever (www.retriever.no) that addressed the topic of surrogacy. These empirical texts were collected from six major national newspapers, Klassekampen, Morgenbladet, Aftenposten, Dagbladet, VG, and Vårt Land, covering a wide range of political and religious affiliations.⁵ The texts comprise

news articles, editorial contributions and letters to the editor (opinion pieces/commentaries). Their content has been coded based on the following categories: the actors involved, the arguments presented, and the emotional rhetoric attached to these arguments. These categories provide the outlines of the three most significant storylines that frame and contribute to the general understanding of surrogacy.

Storylines of surrogacy

In this analysis, we traced storylines by investigating individual contributions about surrogacy in the media debate. We have looked at ways of debating, arguments used and how actors draw upon each other to define a 'common reality'. As we will see, the actors can come from areas with clashing traditions or values but still manage to form a discourse coalition because of the common understanding of what surrogacy enables. The shared storylines make it possible to present coherent arguments and create networks which, according to Hajer (1995), represents a new practice of politics.

Through the analysis, we trace three prominent discourse coalitions sharing storylines: (1) the storyline of (biological) parenthood, (2)

the storyline of equality, and (3) the storyline of human trafficking. Each of these articulate, portray and shape surrogacy in different ways, thereby mobilizing and enrolling a diverse set of actors in the discourse coalitions. The results are variations in what we in our analysis perceive as the core of the debate, implying a disagreement about what is at stake and what should be debated to resolve the problems concerning the regulation of surrogacy. This disagreement also revolves around the extent to which and the reason surrogacy is problematic and raises the question as to whether the storylines and discourse coalitions (which co-produce each other) are stable or change over time if something in the context changes?

The storyline of biological parenthood

We start by examining the discourse coalition centered on biological parenthood. In this storyline, surrogacy represents a new and threatening way of thinking about parenthood that is detached from biology and challenges traditional views of parenthood, with a practice that offers new categories and definitions. The central issues at stake for this discourse coalition are who can and should be considered as parents and the dangers that surrogacy present to biological parenthood. Vårt Land quote a medical doctor as saying:

"In the discussion on what should be allowed, there are often used words and expressions that can be hurtful and seductive. Examples of the latter can be to transform the understanding of the term father and mother. In connection with sperm donation you see new expressions such as 'social father' and 'co-mother'. These are constructions to avoid a biological reality (...): a mother that is the origin of the egg cell and a father that is the origin of the sperm" (02.11.2013).

The arguments of this coalition create a storyline about surrogacy as a problematic practice that challenges traditional values concerning who can become and be considered as parents. Their argument is formulated as a question of what is in the 'child's best interest', and the storyline consists of arguments that strongly focus on biological factors. A child knowing and being brought up by a mother and a father who also are its genetic parents is more important to the child than social factors, such as intent and ability to care for the child. This argument is also used to push forward the belief that parenthood should be limited by 'natural laws,' as the absence of either the biological mother or father leaves the child lacking. This emphasize the traditional and often religious undertone of this storyline, yet the arguments can be based also on science, law or personal emotions. As an anonymous woman expresses,

"Two men who undertakes an absurd biological experiment to become fathers to a child, they do the child a terrible wrongdoing by denying the child a mother (...). Children are

⁵ All the quotes from the newspapers have been translated from Norwegian by the authors.



being made, that defy both the laws of biology and the (biblical) story of creation" (Vårt Land 06.09.2011).

This coalition views it as both ideal and necessary for a child to grow up with its biological parents, facilitating a practice that contradicts this belief is seen as highly amoral because it is considered both 'unnatural' and damaging to the child. The emotional and moral strength in the debate is in other words strong. A priest argues that surrogacy should be banned in all shapes and forms because it is harmful for an individual's identity as well as society in general:

"To set aside the biological principle as the basis and fundamental norm for family law, attitudes and practice will in the long run change society on many levels. The TV-program, 'Tore på sporet',⁶ ('Tore on track') can be held as an account of parents and relatives being fundamental for individuals and society. Biological parenthood, relatives and being connected by blood forms the basis of people's identity and the society's structure" (Aftenposten, 21.06.2013).

The child as victim

The storyline of (biological) parenthood is constructed by a wide variety of actors who see traditional parenthood as the main issue, and as what needs to be addressed and discussed in order to reach an effective regulation of this biotechnological practice. There is furthermore a unity in the discourse coalition, considering 'the child' to be the vulnerable party. These actors fear that the child can be damaged by removing biological ties or knowledge of its mother. A female philosopher comments in Vårt Land (05.07.2011):

"Children have already according to the Norwegian Children's Act §4a lost their right to a father, now it's (the right to a) mother that is next in line, in a few year it's of course both parents. When strangers can replace both mother and father, all strangers can replace both. Most people can portray themselves as good nannies in the media."

The Storyline of Equality

The second coalition is gathered around the issues of fairness and equality, and we have defined this as the storyline of equality. This coalition sees surrogacy as a justified solution for infertile or 'childless' people who cannot conceive a child in other ways. Surrogacy provides 'the childless' with assisted reproduction in the same manner as other groups in society – this is a right they argue for based on egalitarian notions. In their narrative, surrogacy is a battle they are fighting, equal to battles for rights that have been played out and won in the past. As a gay father through surrogacy wrote,

This particular concern is shared and articulated by another philosopher, in an interview:

"Surrogacy is almost unnatural because we take away the feeling of support and connection between mother and fetus that we would otherwise encourage strongly" (Aftenposten 20.03.2011).

The strength of this storyline becomes exactly this: the child is constructed as a victim. The argument of a complete ban on surrogacy being 'in the child's best interest' holds a strong ground in Norwegian culture, and this coalition also has allies within the institutionalized politics, as this particular family politics is high on the agenda of the Norwegian Christian Conservative Party (see also Svingen 2017). Therefore, this storyline controls much of the formal political debate around surrogacy, as the child, who is projected as a vulnerable part, gains leverage for traditional ideas about family.

The storyline of biological parenthood, like Hajer (2003) suggests, "ha[s] the functional role of facilitating the reduction of the discursive complexity of a problem and creating possibilities for problem closure" (63). Though the actors within the coalition acknowledge that surrogacy is a complex practice, they simplify this complexity through a narrative that rationalizes their perception of surrogacy as something opposed to their values. Biological parenthood becomes a symbolic reference that bind these actors together, and that suggests a closure to the overall controversy.

However, by examining the second storyline we have traced, we begin to understand why the first coalition does not achieve the closure and solution their storyline could provide. Specifically, the institution of parenthood is stabilized through its drawn-up boundaries between a right way and a wrong way of becoming parents because the way one becomes a parent determines the parenthood. Surrogacy, in other words, destabilizes the family institution, sets it in play, and leaves it open for redefining (see also Andersen 2014, Edwards and Salazar 2009, Spilker 2008, Thompson 2005).

"The development carries with it a line of ethical dilemmas, like the question of the right to abortions was controversial back when it was being fought for. For some of us the biotechnological development gives opportunities to establish a family. (...) We act on instinct when our perception of reality is being challenged on how the core family can be created. That's why it's been a battle for lesbian couples to get acknowledgement so that they together can have a child. That's why it's been a battle for gay people to get married. That's why it's a battle when childless couples and single people choose to have a child by using a surrogate abroad" (Klassekampen, 08.07.2010).

6 A TV show where a person is trying to find his/her biological relatives.



Consequently, fairness and equality are the common symbolic references that tie the actors of this coalition together and construct this storyline. They discursively argue for legalizing surrogacy since the authorities have a moral obligation to provide justice for all groups who want children (see also Lie and Lykke 2017, Ravn et al. 2016). The intention and the wish to have and take care of children are seen as equally important factors in becoming a parent – in contrast to solely biology as in the first storyline. They therefore serve as an opposing discourse and the two storylines provide a particular controversy between them in the debate. Another gay father through surrogacy voices this in a newspaper comment:

"Just so it's clear, my children are in no sense strangers to me or the rest of their family. I am every bit as much their father, my sister is every bit as much their aunt and my parents every bit as much their grandparents, as they would be if the child was born in a different way. Children born through surrogacy should not have to put up with adult strangers making them any different or any less than other children in this manner" (Dagbladet, 11.07.2011).

The social family attachment is lifted as the most important factor for a child's well-being and awarded the same importance as the biological family attachment. Emphasis is on the strong wish to become parents, a wish that, for this discourse coalition, is 'naturalized' and hence so deterministic that it is beyond regulation by the authorities. As an infertile woman and doctor puts it into words,

"The wish to have children is very fundamental, and the experience of being a mother and father to someone, is a social and emotionally essential position that it takes a lot to deny people" (Klassekampen 27.11.2010).

The storyline of equality, therefore, questions whether the government has any chance of preventing Norwegians from using surrogacy, both abroad and in Norway. They argue for allowing surrogacy for that same reason, because the wish to have children surpasses any regulation. The regulation of assisted reproduction and adoption is in itself given as a reason for emergence of the practice of surrogacy. The above-referenced woman argues further:

"You give up, [you] can't be bothered any more. That's what has happened with those who end up going to India. Surrogacy has pushed its way into existence because people can't stand to deal with the enormous bureaucratic processes and waiting. The system closes, and people are sick and tired of being confronted with such a big skepticism to that which is a completely ordinary wish [to have children]" (Klassekampen 13.11.2010).

In contrast to the actors representing the storyline of biological parenthood, the actors in this coalition think that in order to

determine surrogacy as right or wrong, the main issue to discuss is whether or not it discriminates to permit or refuse the practice of surrogacy. We trace moral co-productions in this storyline too, but none are attached to biology or the traditional family as in the previous storyline. Instead, the ethical construction is attached to justice and discrimination. Being able to refer to 'nature' seems important for both coalitions. However, the first coalition refers to biological nature, while the second coalition argues that it is psychologically 'natural' to have a child of one's own.

The childless as victims

The second coalition's narrative therefore revolves around the (childless) parents as vulnerable victims, where the intended parents are denied their given right to have children. They render questions about rights, and whether surrogacy helps or hurts those rights. This is particularly the case for those who already became parents through surrogacy, and now have found themselves caught in the legal dilemma that had surfaced in the aftermath of the Volden case. A gay father through surrogacy says,

"In the eagerness to prevent the exploitation of poor women, the Norwegian Authorities make it difficult for parents to create a stable and predictable family situation for their children" (Klassekampen 04.08.2010).

A central aspect to this debate is whether or not having children is a given right. Nobody argues directly for such a right, but there are critical voices that argue that gay people and infertile women claim such a right by using or being in favor of surrogacy arrangements. This especially relates to gay people's rights to have children. The gay actors in the debate answer back with arguments of discrimination, asking to be treated equally to others, but also with a deep, natural wish to have a child. It becomes evident that claiming the right to have children is somewhat of a taboo, as nobody actually claims this right. Their claim is instead narrated through this story about equality, where their right is not to have children per se, but to be treated the same as others – something that indirectly translates as a right to have children.

Assisted reproduction offers help to some, and the storyline of equality underlines that who this help is offered to is negotiable. Consequently, this storyline takes the form of a negotiation about whether or not infertile women and gay men are entitled to an equal treatment as others, such as heterosexual couples and lesbians.⁷ This question of equality does not only relate to homosexuals compared to heterosexuals, but also to discrimination between women and men, and female and male gametes. Non-anonymous sperm donation is permitted in Norway, but when this debate was going on, egg donation was not. With egg donation being a prerequisite for performing surrogacy, the surrogacy debate takes a similar shape to the previous Norwegian debates on egg donation (Lie and Spilker 2011, Spilker and Lie 2007). Actors who are

7 Lesbians received the right to sperm donations when equal sex marriages were permitted in Norway in 2009.



opposed argue that if we are to allow egg donation, it is a slippery slope down to surrogacy.

The storyline of equality connects gay individuals and their interest groups as well as feminists who care about the rights of Norwegian women, and females who themselves are infertile. In addition, we find interest groups speaking on their behalf, such as an interest group for childless persons (an organization called 'Ønskebarn'). The Norwegian newspaper *Dagbladet* is an actor and mediator in this storyline, narrating this storyline through opinion pieces and editorials. The minority part of *Bioteknologirådet*⁸ also voices a permissive stand towards surrogacy, which is founded in (and forms) this storyline. The coalition makes use of laws and institutions, such as international agreements concerning acknowledgement of one another's laws and verdicts, and ethics with particular emphasis on a 'public morale' relating to the egalitarian Norwegian society/ethics. Equal opportunities serve as an important argument, but, as Stuvøy (2016) points out, this is a fleeting category which can be produced and voiced in many ways. Central Labor Party politicians also share this narrative, and, in this respect, this coalition also has allies within the formal

institutional politics. Despite the Labor Party being reluctant to voice this narrative as much in formal political proceedings as in the media, the institutional support they provided can still be considered relevant for this coalition in achieving a certain leverage concerning a solution for their vulnerable victims. In this storyline, the parents were labeled as victims. A temporary solution for them was reached in 2012 as the government passed a temporary bill on the "Acknowledgement of paternity for children born by a surrogate mother abroad" (2012). This coalition reached a solution they seemed satisfied with as it resolved the case for the children already born. The storyline of equality was also present in the 2012 Parliamentary debate about the temporary law. The questions then were whether the parents coming home to Norway with surrogate children should be penalized or not (Svingen 2017). The deep and natural wish to become a parent was strongly emphasized in this debate, as something so 'natural' could not be penalized. Hence, the coalition in one sense achieved a second victory: they were able to continue seeking surrogacy arrangements abroad.

However, surrogacy arrangements abroad are controversial, and this topic unites the discourse coalition in the third storyline.

The Storyline of human trafficking

The third discourse coalition we have traced tells stories of money and human trafficking. This discourse enables different aspects of commerce, and the actors form a discursive unity that agree on the commercial aspect of surrogacy as central to the debate. This storyline forms a particular dismissive narrative about on-going surrogacy practices with a financial variation to the narratives (cf. Førde 2017, Stuvøy 2018b). While some fear surrogacy as a whole because it enables a tabooed relationship between reproduction, body and money, others only find the commercial aspect problematic when surrogacy is performed in poor countries by poor women.⁹ In other words, while some actors want to prohibit the exploitation of poor women, others want to prohibit the commercialization of the reproductive process. This means that while some want to prohibit surrogacy all together, others argue that Norway should permit surrogacy as a means of prohibiting the exploitation of poor women in, for instance, India.

Our third storyline not a traditional storyline as such. While the former two storylines represent common understandings of whether surrogacy is right or wrong, thus forming two clear discourse coalitions, our third storyline is based on a discourse controversy. Some fear that paying a woman to carry a child

makes conception into a business venture, suggesting that the problematic factor is the financial dimension, rather than the definition of parenthood, as in the two previous storylines. According to a doctor and ethics researcher quoted in the Christian newspaper *Vårt Land*,

"[But] commercial surrogacy is more serious. There is a buyer, a seller and traffickers involved. There is a contract entered into, and money being paid, that is why it is difficult to get past that the child has become a commodity" (18.02.2013).

Statements like these indicate that the woman's motivation is the central point of concern. When a woman is motivated by money, the surrogacy process is more problematic than when she does it out of empathy, as in altruistic surrogacy: "Altruistic surrogacy or other forms of donation of genes via egg or sperm I regard as OK, because the human value is not buried in genetics" another doctor writes in an opinion piece in *Klassekampen* (12.01. 2013).

Others fear that the value of human life is in fact at stake and that the commercial surrogacy process objectifies the child and makes children into a commodity. According to an ethicist interviewed by *Vårt Land*,

⁸ A public information and advisory board for biotechnology questions

⁹ See Stuvøy (2018b) og Ength Førde (2017) on research and discussions on commercial surrogacy



"Once the child is made into a product or a commodity, you are inside the production way of thinking with metaphors from industry. (...) The child comes into being under a completely different way of thinking than when it is being conceived the normal way. This production logic can be unhealthy for society because it can change the way we think about children" (18.02.2013).

This fear is particularly strong amongst actors with Christian conservative values. However, even those from the completely opposite political side see the human trafficking aspect as critical, and so they join forces with the Christian conservatives. Feminists and far-left politicians are united in their view that commercial surrogacy is extremely hazardous for the surrogate mother, especially when she comes from poor countries such as India:

"The debate on surrogacy abroad can in simple terms be portrayed like this: Shall we, in the rich part of the world, buy our way out of the risk that a pregnancy implies? Shall poor women carry our children for money? My answer is no", says a politician (Dagbladet 31.08. 2011).

The exploitation of already suppressed women is of great concern, and this storyline presents the woman, the surrogate mother, as the vulnerable victim in the surrogacy debate. The financial dimension makes her a means to an end, in which money is central to hiring or buying her bodily services in a similar fashion to prostitution:

"It is necessary to talk about the divide we do between the renting of a vagina from prostitutes, which is forbidden, and the rental of a uterus from 'surrogate mothers', which is not illegal for Norwegian citizens if this happens abroad. (...) Can we really separate between which organs one can rent?" a man comments in Aftenposten (10.04.2013).

The underlying issue rendered by this storyline is the view that

paying money to become parents is something very wrong (see also Svingen 2017, Stuvøy 2018). The question hence posed by surrogacy was that of "What means are legitimately used to become parents?" Interestingly enough, there is no such debate in Norway concerning the money paid for adopting a child.

While the financial dimension is agreed upon within this coalition there is disagreement over whether surrogacy in principle is wrong. While some view surrogacy as ART if it is performed as altruistic surrogacy and only perceive commercial surrogacy as human trafficking, others in this group argue that all forms of surrogacy are unacceptable. Human trafficking and the entering of money into reproduction still forms a common symbolic reference, which, in our material leading up to 2013, achieves a form of hegemony in the debate. Gradually this became the storyline that by far was the most portrayed in the media. As such, the media both embraced this storyline as well as took part in making it. In 2010, everyone was focused on the 'victim' Volden and demanded a solution for her and other, mainly male homosexual, couples that came forth in the media as victims to the Norwegian legislation. Meanwhile, by 2013, the debate had been transformed into a debate about human trafficking. The actors used media to narrate their stories of money and trafficking, all the while producing another victim: the surrogate mother. She was more or less involuntarily made into a means to an end – she was used and exploited, lured into selling her body for money.

During 2012, there was consequentially a shift in the political debate, as demonstrated by Svingen (2017). Surrogacy, which previously had been articulated by the politicians on the liberal left as a form of assisted reproduction, was increasingly addressed as something opposed to assisted reproduction. This transformation underlines the discursive hegemony that this storyline had managed to obtain, namely surrogacy as a human trafficking discourse. This resulted eventually in the regulation of 2018 which without much or any debate ended in a complete ban on all forms of surrogacy.

Discussion

In this article, we have investigated the surrogacy debate in Norwegian news media from 2010 through 2013. We addressed the following questions: What did the participants in the debate focus on, what characterized their arguments for and against surrogacy, and how was the debate presented in the news media?

We have shown how the media resulted in three discourse coalitions and three storylines. These three coalitions all contributed to shaping the discourse on surrogacy, which in this analysis is presented as three storylines, and in turn both influenced how surrogacy was defined and how it should be regulated in the Norwegian legislation. Two of the network coalitions we traced in the media debate drew ties to the institutionalized

policy, as members of the Christian Party took part in producing the 'storyline of biological parenthood' while members of the Labor party in the 'storyline of equality.' Their participation in these coalitions took place in the media and outside of formal political arenas. The formal political constellations forged different coalitions and other considerations (such as voters, the 2013 election, personal friendships and laws), which contributed to a much more moderate debate, as seen in Svingen (2017). The absence of a parallel within the formal policy-making forum is a potential reason it has taken so long to revise the third Biotechnology Act, suggesting that the network coalitions play a major role in shaping the debate and phenomenon. In this respect the networks can be said to drive the policy process towards



regulation. In the following table, we have summed up the three storylines we have traced, with emphasis on what issues the participants focused on, and what characterized the arguments

for and against surrogacy. The question we wish to extend from this is: How can these storylines explain the lack of focus on and interest in surrogacy in the 2018 evaluation?

Storylines of:	Biological Parenthood	Equality	Human Trafficking
<i>Main arguments</i>	Nature has created biological (mother) parenthood. Knowledge of biological parents necessary for a child's healthy (psychological) upbringing	Love and care is not a matter of biology. Wanting a child is part of human (psychological) nature	Economic exploitation of poor mothers
Victims in the storylines	The child	Infertile or childless persons	The surrogate mother
Principal stand	The principal of biology 'Nature' as biology	The principal of equality 'Nature' as psychology	The principal of humanity
<i>Ethics focused on:</i>	The state should regulate biotechnological techniques to maintain the 'natural' traditional family institution	The state should regulate biotechnology to grant all citizens equal opportunities and rights. The "Star family" (Andersen 2014) is equally relevant	The state should regulate biotechnology to prohibit commercialization of children

Table 1: These storylines are analytical constructions and are to some extent formatted by three actor groups: The contributors of the debate, the editors and journalists in the selected newspapers and the authors of this article. Our point is however to demonstrate the political effects of this formatting, not the media debates as a phenomenon.

The network colations' formatting of the surrogacy phenomenon

As the table shows, the three storylines illustrate the surrogacy debate in Norway in the time between 2010 and 2013. The three storylines were however, not equally present throughout the period we have analyzed. We observed a shift from a focus on the intended parents and their children, where the parents and the children respectively were presented as victims. In the third storyline it was the surrogate mother who was presented as the victim. The debate focused more and more around human trafficking where the payment for the 'use' of the surrogate mother's body and reproductive capacity was the shared problematic aspect.

This change of focus appeared during 2012, just after the Government had decided on the temporary law resolving the problem of already born children. The Volden case and her twins were no longer the only focus of attention. Her case was followed by several well-known Norwegians who were portrayed in the media as victims together with their children who were born through surrogacy. The media attention brought to the surface that the lack of regulations regarding surrogacy made it possible to question the legal parenthood as well as the citizenship of the children already born by surrogacy abroad. The dilemma reached its peak after it was revealed that the Police director Øystein Mæland and his partner had used surrogacy in the US which could

be viewed as a criminal act. This 'delicate' situation may have forced a quick decision to establish a temporary law providing citizenship and legal parents to children already born (cf. Svingen 2017). The argument for this temporary solution was that surrogacy as a reproduction practice in general, would be addressed and regulated in the new biotechnology act in the Parliament.

Therefore, in the preparations to the revision of the Biotechnology Act in May 2018, we expected the intense and highly emotional debate we had traced in the period between 2010 and 2013 to resume. Contrary to people's expectations, none of the coalitions from the early debate made any major attempts to initiate debate, not in media, nor in the Parliament. The Parliament resolution, which is the foundation for the Bill that will make surrogacy explicitly banned, was passed unchallenged, with the argumentation for doing so rooted predominantly in the ethically problematic aspect of money and commercialization: "It is not ethically acceptable that the act of carrying and giving birth to a child becomes an act which can be carried out for payment" (Meld.St.39 (2016-2017)).

Altruistic surrogacy had been pushed forward by a few actors in the aftermath of the first surrogacy debate, with the Left Party being the



first political party that announced support for altruistic surrogacy that year. A minority of The Norwegian Biotechnology Advisory Board had in an official statement additionally suggested in 2015:

“(T)hat the authorities would investigate the terms for altruistic surrogacy in Norway. It is difficult to deny someone to help other people, given that both parts understand the risk and consequences attached to the action. To allow domestic altruistic surrogacy can also reduce the demand for commercial surrogacy abroad” (The Norwegian Biotechnology Advisory Board 2015).

Altruistic surrogacy was thus a potential regulatory solution, but surprisingly it was not debated in the parliamentary proceedings at all.¹⁰ We suggest that the discursive hegemony gained by the human trafficking storyline contributed to pushing altruistic surrogacy as an alternative regulatory solution out of the debate, as the monetary and commercial aspect of reproduction struck a nerve in Norwegian culture. Through this storyline, the commercial aspect and the role of money in surrogacy arrangements were elements that defined surrogacy in commercial terms associated with a monetary transaction. Furthermore, the dominating human trafficking discourse eliminated altruistic surrogacy from the debate all together. The boundaries between compensation and payment to surrogate mothers were portrayed as vague and non-existent, and this human trafficking dimension proved to be an effective stabilizing instrument (see Jasanoff 2004). A buyer and seller perspective on reproduction infringes upon what in Norway has long affiliated with legitimate parenthood due to cultural norms, count as legitimate means of becoming a parent (also see Stuvøy 2018b). We suggest that the connection between money and the human body became so problematic that the third network coalition was able to gain hegemony with surrogacy as illegitimate human trafficking rather than as a legitimate means to become a parent (like for instance IVF). Hence, the ‘storyline of human trafficking’ gradually came to dominate the debate.

Surrogacy moved from being an invisible practice that was indirectly restricted in the Norwegian legislation to being more

visible and illegitimate due to the monetary aspect.

Svingen (2017) has shown how the parliamentary politicians went from trying to include this practice in the collective term ‘assisted reproduction’, to making a point of isolating it from the established practices of assisted reproduction. This did not mean that all members of the coalition shared the perception of surrogacy as human trafficking. However, the monetary aspect provided a cultural taboo once it was the very definition of surrogacy, which also made it difficult to talk about surrogacy as a legitimate offer. The taboo is related not only to a traditional view on family life, but also on a traditional view on the connection between money and the body (Svingen 2017; see also Stuvøy 2018).

The tension between the illegitimate monetary perspective and the legitimate desire to have children might be central to understanding why surrogacy become so controversial in Norway. We suggest that the coalitions and the temporary leverage they gained in the course of the first surrogacy debate paved the way for an easy solution for the Parliament’s discussion in 2018 on the revision of the Biotechnology Act. The temporary act on surrogacy in 2013 provided an opportunity to establish parenthood to children already born, all the while ‘keeping up’ the surrogacy tourism abroad, without facing the same legal dilemmas as the ones surfacing in 2010. The coalition and ‘storyline of equality’ had in other words achieved two important goals that can explain the low participation in the media debate in 2018. The victims produced by the equality coalition, the intended parents, still did not have all the legal rights they wanted. However, it is easier to avoid the cultural taboo around money and body by seeking surrogacy agreements abroad than to challenge the human trafficking aspect and continue this debate.

Since the result of the Parliamentary discussion was a complete ban of surrogacy arrangements, the coalition and ‘storyline of biological parenthood,’ also achieved the solution they had worked for even if the main argument for this solution was human trafficking and not biology or nature.

Victims

As demonstrated, the different storylines produced multiple vulnerable victims. We can consequently say that the Norwegian debate was dominated by an overarching narrative about discrimination and wrongdoing of these victims: The three storylines all tell different stories about certain groups or actors who are discriminated against, either by allowing surrogacy or by not allowing it. The discrimination discourse is therefore a common ground for the debate, yet there is disagreement between and

within storylines as to who is being discriminated and hence get the role of ‘victim.’ The ‘storyline of biological parenthood’ produced the moral aspect in such a way that made it difficult to legalize any sort of surrogacy practices. The storyline shaped a victim that can be described as relatively powerful, in the sense that a child as a victim often has an impact on our culture. As Andersen (2013) notes, however, the position as a victim can be paradoxical, as in the case of surrogacy. In the storyline drawing upon equality, we

¹⁰ Cf. Parliamentary debate May 15th 2018.



see that the actors actively produced themselves as victims. They did this by demonstrating that they were without legal rights and victims of great injustice because they were denied the right to have assisted reproduction in Norway. This victim position also has a certain resonance in Norway, where considerations concerning identity politics holds a strong position in (parts of) the public. This storyline hence coproduces justice as the object of morale, with an appeal for finding a practice which also favors gay men's and infertile/sick women's right to parenthood, drawing upon the equality to lesbian women's right to have sperm donated.¹¹

The third and last storyline differs from the other two in the sense that while the actors agree on the problem regarding the monetary

and commercial aspect, they do not agree on what the solution of the controversy should be. The coalition formatted surrogacy as ethically and morally wrong due to the human trafficking aspect and portrayed the surrogate as the victim. However, finding a solution, i.e. co-producing this aspect into a relevant practice, became impossible. There were conflicting solutions produced in this storyline, where a complete ban or altruistic surrogacy altered as desired regulatory outcomes. Thus, the third storyline took more the shape of a discursive controversy than a discursive coalition. This storyline in particular show that various actors who often disagree strongly in politics and on other specific matters can share a common perception of a phenomenon that consequentially produces a strong and influential discursive hegemony.

The Storyline of human trafficking effect

Our findings indicate that the very creation of network coalitions has affected the formal policy regulation, both in terms of its processes and the outcome. As we argued in the introduction, the network coalition's strength is that it unites a variety of actors who together develop a common storyline that drives the debate, hence influencing opinions and the agenda. However, their direct influence on the regulation itself, is determined by a number of factors. The third coalition in our study, represented by the 'storyline of human trafficking,' appeared to be the most influential, and we argue that two key factors determine its success. Over the course of the three years it took to solve the legal and ethical issues around the existing surrogacy children through

a temporary bill, this storyline transformed the phenomenon in such a way that a majority of actors, including those outside the original coalition and storyline, agreed that surrogacy was solely an illegitimate form of human trafficking. In previous debates about ART, when revising the Biotechnology Act (2003, with revisions in 2004, 2007), network coalitions arguing for rights and justice typically have gained leverage. In 2018, surrogacy was separated from previous debates on ART and converted to a debate about human trafficking. Regarding reproduction, the discussion about the new Biotechnology Act continued as a debate on equality and justice in regard to allowing egg donation and single women's rights to have assisted reproduction.

Conclusion

We argue that the heterogeneous nature of the network coalitions provides its strength through a storyline which is grounded in many and various actors. The heterogeneity and the lack of a correspondingly heterogeneous institutional political coalition does however make it difficult to reach common ground and pass laws on such practices, as we have seen in the case of the revising of the Biotechnology Act. We argue that one potential consequence of the hegemonic leverage gained by the 'storyline of human trafficking' is that it provided a solution for the ethically challenging aspects, which furthermore provided the solution for the institutional policy regulation.

Does this imply that network coalitions hold greater power than the institutional policy regulation? Our findings indicate a form of co-production. The discourse coalitions put forth a specific problem (the Volden case) that the institutional politics (Parliament) had to solve in 2013. Since the core of the problem represented in storyline 1 and 2 was solved, these two coalitions did not have to reignite in the fight. Consequently, the 'storyline of human trafficking' framed the phenomenon successfully and the Parliament took over. This demonstrates how network coalition and institutional politics worked together and co-produced a new policy.

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¹¹ After the revision of the Norwegian marriage law which allowed same sex marriage lesbian women achieved the rights to sperm donation like other married women (Lov om ekteskap of 2009).



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