



Aporia
Feminist edition
XXVI

Aporia

Undergraduate Journal of the St Andrews Philosophy Society

VOLUME XXVI

Aporia is funded by the University of St Andrews Philosophy Society, which receives funds from the University of St Andrews Department of Philosophy, the University of St Andrews Students' Association, and independent benefactors.

LETTER FROM THE EDITOR

Dear Reader,

Before you sits the newest issue of Aporia, the Feminist Edition. After several months of deliberation, it is with great pride that I present the following papers to you. They are both a testament to their writers and the Femporia team who have worked with great diligence to bring together this issue. All of this would not be possible without the amenability of the writers, the potential of the works themselves, and you, the reader, to whom we now pass the torch.

We live in reductive times; wherein more and more processes are being shorted and made facile by artificial intelligence. Motivation to engage with any texts in their natural state, unprocessed, is actively discouraged by the ease of generative summaries and critical synopses. Even when it comes to our own essays, we are likely to consult some kind of computer to offer some words of encouragement. This in turn means that away dwindles passion in undergraduate students for essay writing, especially aside from that required of them.

In light of this technology fuelled benightedness, it is now more important than ever to keep reading and writing, no matter how small the act may seem. We may just be a university philosophy journal but still, student led publications like this one are an important access point for writer and reader alike. They provide us undergraduates with feedback, editing and publishing opportunities.

And in whatever contribution you may have given, as a reader, writer or editor, you have a right to be proud. We are all responsible for the preservation of our own discussion and engagement.

With that being said, it is with gratitude and sorrow that I present my first and last issue of The Feminist Edition. I am incredibly thankful for this opportunity, and I look forward to seeing what the next generation of editors gets up to. Although my time as editor-in-chief may have been short-lived, as the proverb goes, I hope that this issue still burns bright.

That's all from me,

Ella Johnston

Editor-in-Chief, *Aporia: The Feminist Edition*

ACKNOWLEDGEMENTS

EDITORS

Isaac Copley

Dingrui Deng

Christina Landys Herre

Olivia Kendall

Mihika Kulkarni

Zibi Laird

Zack Ledesma

Rowan Liddell

Yi Ma

Agata Mala

Claire Mizrahi

Sofia Mona

Daniel Playle

Wiktór Przyborowski

Rory Todd

Patricio Ávila

Wendy Zuo

Joseph Bradstreet
Editor-in-Chief

Hoochang Yi
Deputy Editor-in-Chief

Hanaa Khan
Technical Officer

Gia Karunakaran
Cover Artist

Contents

1	Gender categories are regulated by natural and social mechanisms	I
	AUSTIN RAYMOND JACK SWAFFER, <i>UNIVERSITY OF ST ANDREWS</i>	
2	Is Surrogacy a Special Kind of Labour That Should Not Be Treated According to Market Norms?	13
	CHLOE THEODORA PAPAGEORGIOU, <i>UNIVERSITY COLLEGE LONDON</i>	

Gender categories are regulated by natural and social mechanisms

AUSTIN RAYMOND JACK SWAFFER, *UNIVERSITY OF ST ANDREWS*

I argue that social constructivists should treat gender largely as a category of social science, in particular, as a homeostatic property cluster (HPC) regulated by both natural and non-natural homeostatic mechanisms. The analytical and descriptive approaches are the two active research programmes inquiring into gender (Haslanger, 2000: 33). The metaphysics of these approaches can be spelled out in terms of objective types (Haslanger, 2012) and HPCs (Mallon, 2016; Bach, 2016) respectively. Both approaches, the ameliorative and social scientific projects, yield appropriately anti-essentialist theories of gender. I argue that if a social constructivist adopts an HPC theory of gender, the theorist should treat gender as regulated by a natural mechanism: sexual dimorphism. Sex is plausibly responsible for the bodily traits that gender gives arbitrary social significance to. The proposed HPC also involves the social mechanisms that maintain separate gender roles for women and men, which I argue are selected by social science to be the direct causes of gendered phenomena. To address an objection from Hawley (2018), I present and further support Bach's (2016) argument that treating gender as an HPC is empirically adequate in a way that the objective types of Haslanger's ameliorative project may fail to be, so an HPC theory has better prospects for advancing feminist aims. I strengthen his argument by providing evidence that a natural-and-social HPC project has better prospects to advance feminist aims in responding to sexism and androcentrism in evolutionary psychology. Social constructivists, therefore, should adopt a multi-mechanical social scientific approach to theorising about gender.

Introduction

I argue that social constructivists should treat gender largely as a category of social science, in particular, as a homeostatic property cluster (HPC) regulated by both natural and non-natural homeostatic mechanisms.

The analytical and descriptive approaches are the two active research programmes inquiring into gender (Haslanger, 2000: 33). The metaphysics of these approaches can be spelled out in terms of objective types (Haslanger, 2012) and HPCs (Mallon, 2016; Bach, 2016) respectively. Both approaches, the ameliorative and social scientific projects, yield appropriately anti-essentialist theories of gender.

I argue that if a social constructivist adopts an HPC theory of gender, the theorist should treat gender as regulated by a natural mechanism: sexual dimorphism. Sex is plausibly responsible for the bodily traits that gender gives arbitrary social significance to. The proposed HPC also involves the social mechanisms that maintain separate gender roles for women and men, which I argue are selected by social science to be the direct causes of gendered phenomena.

Hawley (2018) has objected that enquiry motivated by feminist values favours ameliorative over social scientific projects. To address this objection, I present and further support Bach's (2016) argument that treating gender as an HPC is empirically adequate in a way that the objective types of Haslanger's ameliorative project may fail to be, so an HPC theory has better prospects for advancing feminist aims. I strengthen his argument by providing evidence that a natural-and-social HPC project has better prospects to advance feminist aims in responding to sexism and androcentrism in evolutionary psychology.

Social constructivists, therefore, should adopt a multi-mechanical social scientific approach to theorising about gender.

Social Constructivist Theories of Gender and Anti-Essentialism

Social constructivists share an acceptance of Simone de Beauvoir's ([1949]/1956: 273) claim that "[o]ne is not born, but rather becomes, a woman", in the sense that social norms and structures are what account for gender, not biological sex.

Sally Haslanger (2000: 33) suggests that there are three approaches to arriving at accepting social constructivism—conceptual, descriptive, and analytical. The conceptual project investigates what our concept of gender is, that is, how this concept figures in propositional attitudes formed by subjects. She suggests that this is not a promising strategy for enquiring into gender because our existing concept of gender is laden with sexist and androcentric assumptions (Haslanger, 2000: 34), so I will not consider it further. Haslanger instead pursues an analytical approach, or ameliorative project. This involves interrogating and replacing our concept of gender with one more suited to feminist aims of addressing the oppression and marginalisation of women (Haslanger, 2000: 40). By contrast, the descriptive approach treats gender as an appropriate subject for empirical research (Haslanger, 2000: 33). This involves gathering data about gendered phenomena, like hiring discrimination (Neumark, 2018), and using these to form descriptions and explanations.

There are different metaphysics appropriate to these approaches to enquiring into gender. Haslanger (2012: 149) suggests that on the ameliorative project, gender is an 'objective type', that is, a stipulated set of properties that obtain in observer-independent ways. The analytical theorist stipulates this set from what is most conducive to achieving the above feminist aims. For Haslanger (2000: 42), this involves the following stipulation: a woman is a subject who is regularly perceived or imagined to have a female body, such that this body "marks" the subject to have a subordinate social position within the society in question, and such that these conditions being satisfied is responsible for the subject being systematically subordinated in some respect.

Ron Mallon (2016) and Theodore Bach (2016), who follow descriptive approaches, account for the metaphysics of gender using an HPC—a collection of properties that are co-instantiated in almost every member of the population such that there are mechanisms responsible for maintaining the co-occurrence (Boyd, 1991: 141). Mallon (2016: 93) theorises that practices of representing humans as women or men is initiated and sustained by psychological and environmental mechanisms that entrench separate gender roles responsible for gendered phenomena. Suppose a chess club allows men or women to join but almost every member of the club is a man. In this case, the club entrenches the gendered expectation that chess players are men. Entrenchment of gender roles plausibly provides the stability necessary for the proposed mechanisms regulating gender to be causal generalisations within the relevant contexts (Mallon, 2016: 181). On Bach's (2016: 193) view, the mechanisms governing gender are replicated social practices that reproduce differences in behaviour and treatment between women and men. The above seem to obtain, for example, when social conditioning excuses or encourages assertiveness in some—men—but prohibits it in others—women (Kelly *et al.*, 1980). The difference between the metaphysics here is that objective types explain only what they are stipulated to explain (social subordination in Haslanger's case) and HPCs seek to explain any pattern of co-occurrence in the cluster that empirical evidence bears on.

Neither of these approaches yields an essentialist theory of gender in every case. A category has an essence just in case its membership conditions explain certain properties of every one of its members, always (Putnam, 1975: 241). For example, silver plausibly has atomic number 47 as its essence because every silver atom has and will always have 47 protons in its nucleus (Mosher and Kelter, 2023: 70). Some social constructivists are essentialists because they theorise that the category woman is observably constituted by a single phenomenon, for example, differential treatment (Millet, 1971: 31) or sexual objectification (MacKinnon, 1989: 113). However, these essentialisms encounter problems in forming these strict generalisations in a way that accommodates the diverse positions of women at the intersection of different structures of power (Crenshaw, 1989). For example, a woman from a wealthy background may have been afforded a better education than a woman from a working-class background, so quality of education in this case is not an instance of differential treatment that supports Millet's (1971) essentialism. It is also not clear on these theories how gender categories could undergo significant changes. If, for example, a culture of men objectifying women could be curtailed without destabilising the distinction between men and women, then this fact

goes unexplained on MacKinnon's (1989) view. A standard move that social constructivists have made in response to these problems is to adopt anti-essentialism (Mikkola, 2017: 171), that is, to deny that there are universal, unchanging membership conditions for gender categories.

Haslanger's (2000; 2012) ameliorative project does not give strict generalisations about properties shared by all and only women. Instead, its objective type adverts to relations of how certain humans are perceived or imagined by others, marked by social forces for subordination or superordination, and in fact subordinated or superordinated by these forces (Haslanger, 2000: 42). So, Haslanger's (2000) ameliorative project is anti-essentialist.

Likewise, HPCs as used by Mallon (2016) and Bach (2016) do not require an essentialist account of gender.¹ Boyd (1991) developed HPCs to offer a better account of the evolution of species than the essentialist accounts Kripke (1980) and Putnam (1975) had offered. Kripke (1980: 120), for example, claimed that being a tiger involves having a certain "internal structure", an essence, common to all tigers. However, evolutionary biologists do not classify species according to an internal structure because there are no organismic traits strictly shared by con-specifics and on Darwinian theory, we expect there to be variation in all such traits (Okasha, 2002: 196–197). HPCs lack these problems. First, HPCs do not have strict membership conditions; properties co-occurring in *almost every* member of a population is sufficient (Boyd, 1981: 142). Second, the co-occurring properties and mechanisms regulating them can undergo change (Boyd, 1981: 142). So, the offspring of tiger parents can be a tiger even if it lacks stripes. Mallon (2016: 89) argues these features make HPCs appropriate for a social scientific account of gender. Theorising that gender is an HPC permits that the gender roles that separate women and men do not require strict generalisations. So, even under social conditioning, for example, there are assertive women and unassertive men. Treating gender as an HPC also permits that mechanisms regulating gender can change. For example, the environmental features that plausibly entrench gender, like separate bathrooms, can be made gender-neutral (Mallon, 2016: 86). So, the social scientific project seems appropriately anti-essentialist.

At a first pass, both the ameliorative and social scientific projects yield anti-essentialist accounts appropriate for social constructivism about gender. I assume below that this claim holds.

Sexual Dimorphism Also Regulates Gender

If we were to pursue a social scientific project of enquiring into gender, as Mallon (2016) and Bach (2016) do, then we would expect there to be many mechanisms regulating gender categories. I argue that, in addition to social mechanisms, sexual dimorphism regulates gender. Sexual dimorphism is a feature of populations of organism by which there are two clusters with distinct morphological and physiological traits that are required for sexual reproduction (Fairbairn, 2016). Sexual dimorphism, I argue, is the naturally regulated difference that gender roles give arbitrary social significance.

Mallon's (2016: 58) social constructivism holds that the activity of a community representing a group of persons as belonging to a gender category creates that gender category when this representation is common knowledge for that community. One question we might ask about a theory like this is how that group of persons is picked out from others. If there were no non-social membership conditions for belonging to the categories *women* and *men*, then we would expect membership in these categories to be assigned randomly, on community whim, or otherwise not to persist through successive generations. We do not find this, however. As Haslanger (2000: 39) notes, the female body is marked by the ideology of patriarchal societies for social subordination. This 'marking' is plausibly also a descriptive hypothesis of how the category *women* came about and persists: some natural difference exists to which social construction gave and continues to give arbitrary social significance.

I suggest that sexual dimorphism supplies this natural difference. This is the standard approach to social construction of gender categories in anthropology (Upton, 2012). For example, consider Margaret Mead's ([1928]/2001) classic work on gender in the cultures of the Arapesh, Mundugumor, and Tchambuli

¹Bach (2016: 178) uses the term 'essentialist' to pick out any account that has broadly explanatory membership conditions and so describes his own account using the term. By using HPCs constituted by social mechanisms in his metaphysics of gender (Bach, 2016: 193), his account qualifies as anti-essentialist in the weak sense used here of not claiming that the membership conditions on gender categories apply strictly to every member and cannot change.

in New Guinea. Mead ([1928]/2001: 279) observes that the Arapesh trains both sexes to be “co-operative, unaggressive, [and] responsive to the needs and demands of others”. By contrast, the Mundugumor expect everyone to be “ruthless [and] aggressive” and the Tchambuli encourage female persons to lead and male persons to be “emotionally dependent” on them (Mead, [1928]/2001: 279–80). A natural interpretation of this work is that human cultures mark the bodies of female and male persons for social significance in different ways—with universal feminine norms, universal masculine norms, or some assignment of feminine and masculine norms to female and male persons—resulting in different genders or none. Sex does not determine these roles, but it arguably establishes a naturally regulated foundation onto which the social construction of gender is built.

It could be objected that if gender categories are HPCs governed by natural mechanisms (sexual dimorphism) and social mechanisms (social conditioning, environmental influences, and structural sexism, among others), then this is not a social constructivist theory at all. It reduces to a sex theory of gender because arguably natural terms, like those describing sexual traits, are the terms necessary to offer a minimal description of the world (Lewis, 1983: 346).

However, HPCs as a theoretical device pick out all of the mechanisms causally relevant to the clustering of co-occurring properties, but some of these mechanisms arguably can be different types of causes than others. I argue that a social scientific account of gender can accommodate indirect natural mechanisms.

Woodward (2003) distinguishes between direct and contributing causes. Manipulating a direct cause of *X* and only that direct cause results in a change in *X* (Woodward, 2003: 42). Manipulating a contributing cause of *X* and only that contributing cause results in a change in *X* *along some path* (Woodward, 2003: 50).

Consider Figure 1 below. A, B, and C are contributing causes of D because there are paths (A, C, D), (B, C, D) and (C, D) to the effect D, but only C is a direct cause of D.

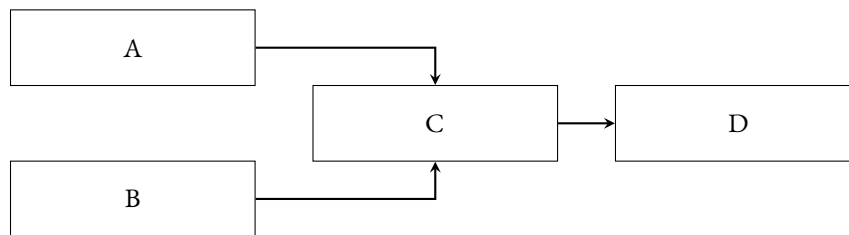


Figure 1. Direct and contributing causes.
(The arrows represent causal relevance.)

Social mechanisms are arguably direct causes of gendered phenomena, and sexual dimorphism (the natural mechanism) is an indirect, contributing cause of gendered phenomena. This is because the existence of sexed bodies is causally relevant to how gender roles obtain, but is insufficient to explain why those roles are assigned the way they are.

This is represented in Figure 2.

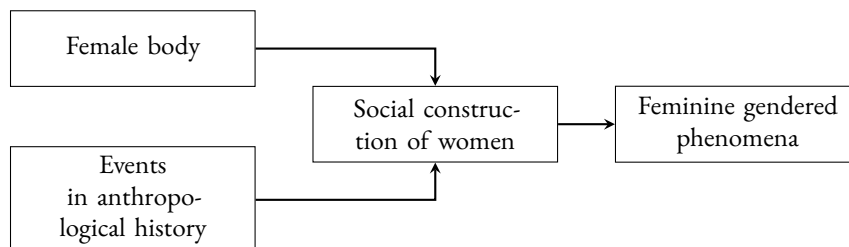


Figure 2. Homeostatic mechanisms for the category *women*.

The female body is presented here as an indirect cause of feminine gendered phenomena, and social construction is the direct cause. Gendered phenomena are the behaviours and roles that form clusters of people, which are the data that the HPC theory seeks to explain. For example, the expectation to be nurturing is a

feminine gendered phenomenon (Mikkola, 2017: 169). Also presented are the events in Western anthropological history by which certain people (those with female bodies) were marked to be the targets of feminine social conditioning and subordinate positioning within social structures, as above (Mead, [1928]/2001). When regularly reproduced in social practices, this marking plausibly contributes to constituting gender categories (Bach, 2016: 193).

Here, gender is presented as socially constructed, and not reducible to sex, because the social mechanisms are selected for best facilitating social scientific explanation of gendered phenomena.

For a typical case, consider studies of hiring discrimination on the basis of gender. In Neumark's (2018: 857) literature review of experimental research into hiring discrimination, he finds that there is strong evidence of discrimination against women in the legal, financial, and medical professions. This result is supplemented by Rich's (2014: 55) earlier finding of gender-stereotyping against men in hiring for hospitality and secretarial work. Taken together, these authors evince a gendered phenomenon of hiring discrimination that filters the workforce by gender into male- and female-dominated jobs. Socially constructed gender roles offer a compelling explanation of this pattern. Those doing professional work requiring expertise and socially significant decision making are expected to be men, whereas those doing customer-facing or assistant work are expected to be women. So, it is plausible that social mechanisms, like gender roles, are the direct cause for gendered phenomena; the natural terms referring to sexed bodies are not at work here.

The social construction of gender itself, however, still requires an explanation. Given the above anthropological evidence, sex is a good candidate for the natural difference which is marked by social practices, being a stable basis for assigning gender roles. If the basis were social, then how that social practice came about would require an explanation, which would bring about a theoretically vicious regress. Since a natural difference therefore needs to be identified, sexual difference is the best explanation for how 'marking' practices are initiated and reproduced (Bach, 2016: 193). So, sexual dimorphism is an indirect cause of gendered phenomena: it is a necessary part of the background for genders to be constructed. This hypothesis cannot be charitably interpreted as a sex theory of gender because sexual dimorphism has only an indirect effect on gendered phenomena. So, the objection that a natural- and social-mechanical HPC theory reduces to a sex theory fails.

This model is incomplete because it only accounts for cisgender women, but it can be extended to include transgender women. There is strong evidence that trans women exemplify feminine gendered phenomena. For example, trans women typically habituate to a feminine gender presentation, such as norms governing dress and voices (Anderson *et al.*, 2025: 2). Trans women are also subject to gender-based violence, including the sexual harassment of 'passing' trans women (Fiani and Han, 2019; Ussher *et al.*, 2022). Some trans women who do not 'pass' experience what writer Julia Serano (2007: 236) termed "transmisogyny", which involves both the sexual objectification typical of sexism and the belief that a person's gender is immutable which is typical of transphobia. These traits belonging to trans women therefore cluster as feminine gendered phenomena, so these need to be accounted for in HPC theory.

There are two available explanations: medical transition and social transition in isolation. Transgender women who medically transition are easily included in the above model.

This is represented in Figure 3 below with an additional box to indicate medical intervention.

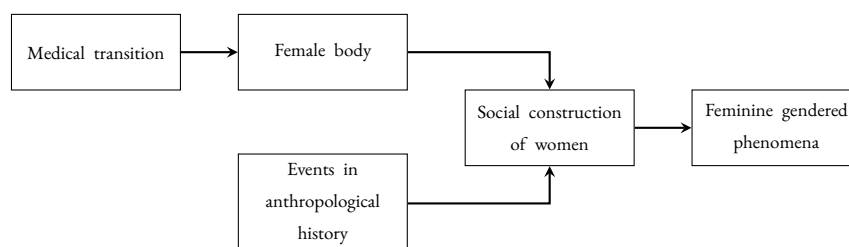


Figure 3. Homeostatic mechanisms for the category *women*, who medically transition.

Hormone replacement therapy together with gender-affirming surgery results in morphological and physiological changes to Assigned Male at Birth (AMAB) bodies (Fabris *et al.*, 2015; Stone, 2007: 44). Though

there is vagueness between male and female bodies with no strict boundary between the two, these changes are significant evidence that trans women who have medically transitioned are female (Maung, 2023: 46). The female bodies of these trans women are therefore ‘marked’ by existing social practices to be governed by feminine gender norms and to be socially subordinate to men.

Trans women who socially transition but do not medically transition are not so easily included in this class of models. In effect, socially transitioning without medical transition involves choosing to ‘mark’ one’s own body as someone who is subject to gender norms that otherwise sexed bodies are typically ‘marked’ for. This in turn leads to these women experiencing feminine gendered phenomena, but it also creates friction with existing social practices.

This result is explicable as a HPC theory, however, as represented in Figure 4 below.

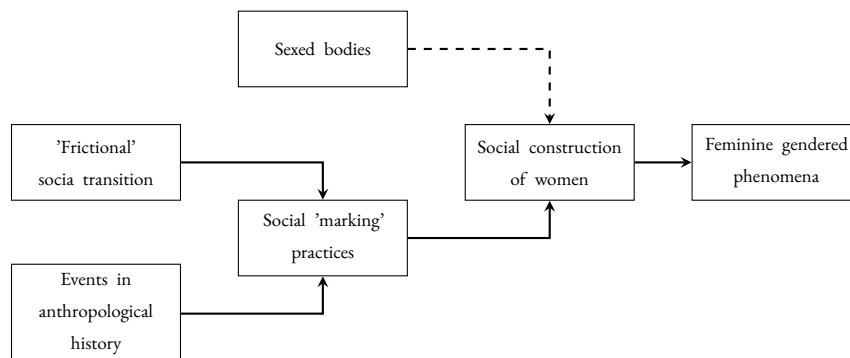


Figure 4. Homeostatic mechanisms for the category women, who only socially transition.
(The dashed line indicates causal relevance that is dependent on other events.)

The category *women* as represented in Figures 2 and 3 provides background for how feminine gendered phenomena come to occur in a given culture. Social phenomena typically do not occur in isolation, however. Ian Hacking (1995) has argued that introducing or updating a human-kind term can cause a ‘looping effect’ that changes the category. For example, the introduction of “child abuser” lead some child abusers to become aware of the classification and change their behaviour to hide the abuse, which changes the traits that cluster to form child abuse and thus the membership conditions on the category (Hacking, 1995: 357). Likewise using the term “women” with the connotation of a category governed by certain norms changes who can conceivably be ‘marked’ to belong to the category. This has the ‘looping effect’ of trans women who only socially transition, introducing new ‘marking’ practices which disrupt those which have been maintained from anthropological history. Insofar as their efforts succeed in changing social practices, the membership conditions for the category *women* are changed by displacing the causal relevance of sexed bodies to gender. So, trans women who only socially transition have a causal profile that differs from other women. The class of models represented in Figures 2 and 3 accommodates almost every woman and is sufficient for gender to be a natural-and-social HPC. However, if trans women who undergo ‘frictional’ social transition were to become a sufficiently greater proportion of those exemplifying feminine gendered phenomena, then sexual dimorphism at that time would fail to regulate the category.

Both natural and social terms are required to explain how gender categories came to exist. Sexual dimorphism regulates gender at present, however, this could change without a loss of existing genders. If social constructivists pursue a social scientific approach, they should admit a natural mechanism into their gender HPC.

Haslanger’s Ameliorative Project May Fail to be Empirically Adequate

Social constructivists should pursue a social scientific project because the ameliorative project risks empirical inadequacy. A theory is empirically inadequate if it fails to explain data relevant to its subject matter and the aims motivating the inquiry (Bach, 2016: 189). Firstly, I explain why a theorist would pursue an ameliorative project using Hawley’s (2018) objection to social scientific approaches. Secondly, I present

Bach's (2016) argument that Haslanger's (2000; 2012) use of objective types in her ameliorative project may fail to be empirically adequate because it risks 'screening off' political possibilities, which risks failing to achieve feminist aims. Finally, I strengthen Bach's (2016) argument by making the case that the above social-and-natural HPC better equips feminist philosophers of science to engage with sexist and androcentric assumptions in evolutionary psychology (Fehr, 2012) than do Haslanger's objective types.

Hawley (2018: 4) argues that social metaphysics cannot be 'read off' the results of social science. To sort through the multiple paradigms of social science to find those which have philosophical significance, say between the social psychological and structural mechanisms governing gender, the theorist needs to use the values of her enquiry (Hawley, 2018: 9). While peripheral to social scientific projects, these values are central to the critical analysis involved in ameliorative projects (Hawley, 2018: 9). Haslanger (2000: 35), for example, claims that "truths [about gender] are too easy to come by, there are too many of them". So, using objective types to stipulate what constitutes women and what constitutes men in terms of social subordination constrains enquiry in a way that is conducive to the feminist aims of addressing the marginalisation and oppression of women (Haslanger, 2000: 42; Haslanger, 2012: 149). As feminist philosophers, our motivations for inquiring into gender, among others, are to further these political goals, Hawley (2018) presents a strong objection to a social scientific project, *a fortiori* the account I have been developing here.

However, Bach (2016) argues that there is a limit to which values can be involved in successful inquiry that the ameliorative project risks breaking. Drawing on Elizabeth Anderson's (1995) feminist epistemology, he suggests that this limit is empirical adequacy (Bach, 2016: 187). Feminist philosophers have argued that values have a permitted use in inquiry (Longino, 1994: 481). There exist many theories that are consistent with the evidence we have, so values are useful grounds for the inquirer to accept a theory that is underdetermined, in this way, by its data. For example, though the Ptolemaic and Copernican models of the solar system made the same predications about the observable positions of stars in the night sky in the 16th and 17th centuries, the Copernican model was simpler and this value of simplicity lead Kepler to accept it (Lange, 2022: 94). These values motivating theory-choice can appeal also to our political interests. Anderson (1995: 30) suggests that empirical adequacy, for example, is supported by political interests because "an empirically inadequate theory cannot satisfy our practical interests in predicting and controlling phenomena". That is, if we are motivated to inquire into gender to address the social subordination of women, only a theory that offers robust explanations will be useful in pursuing that goal. So, Bach (2016: 187) infers that if a theorist is motivated by feminist values, the theory should be empirically adequate.

Bach (2016) argues that Haslanger's (2000; 2012) ameliorative project risks empirical inadequacy in this exact way. One empirical possibility that Haslanger rules out is the mutability of social subordination on present genders. Haslanger (2012: 149) uses an objective type to stipulate that women are structurally subordinate to men, so if there were no persons subordinate in some respect on the basis of perceived or imagined female bodies, then there would be no women. So, if existing gender categories can change with respect to social subordination, Haslanger's objective type theory would not explain this fact. Bach (2016: 194) argues that this risks empirical inadequacy because it involves an "empirical and political gamble": it rules out the empirical possibility of there being women who are not socially subordinate, so it rules out the political possibility of preserving existing genders while dismantling social subordination. The social scientific project, by contrast, does not stipulate social subordination as the only mechanism regulating the gender HPCs. So, it leaves open this empirical possibility and the more modest political strategy of pursuing equality between existing genders (Bach, 2016: 193). Since the ameliorative project endorses the more ambitious strategy of eliminating gender categories from social life, it is more likely to fail to advance its aims. This objection targets Haslanger's view of gender in particular. However, it generates a problem for ameliorative projects in general. Ameliorative projects interrogate and replace a concept with another that is more conducive to the inquirer's political aims; this replacement uses an objective type metaphysics to stipulate what the category under inquiry is for the sake of the project. However, social categories change in response to human activity (Hacking, 1995); some of which is motivated by the political aims of the ameliorative theorist (Bach, 2016: 196). So, this stipulative 'gamble' risks failing to explain this change (that is, risks empirical inadequacy) and *ipso facto* risk failing to investigate whether the corresponding political strategy is more likely to succeed. Suitably motivated descriptive projects do not take this risk. A social scientific project motivated by feminist values is therefore more likely to be empirically adequate than an

ameliorative project, and by Anderson's (1995) argument, more conducive to feminist aims.

The above social-and-natural HPC account provides further scope for empirical adequacy. Many results in evolutionary psychology are notoriously contested by feminist philosophers of science, who have questioned the sexist and androcentric assumptions behind these results (Fausto-Sterling, 1985; Hubbard, 1990). This includes, for example, those at work in explanations of male domestic violence in Wilson and Daly (1998). Carla Fehr (2012: 61) argues that feminist philosophers of science have not been effective in challenging these assumptions so far because they have failed to engage the scientists in these fields on their own terms by examining the empirical data. Evolutionary psychologists, whether feminist or not, are unlikely to be convinced by Haslanger's (2012) stipulation that gendered phenomena are explained only by social subordination. By contrast, the social-and-natural HPC, represented in Figure 2, takes *the female body* and *events in anthropological history* both to be causes of *the social construction of women*. It theorises that the marking events are more significant to how gendered phenomena arise from social construction than is sexual dimorphism. This is only a hypothesis, however. A descriptive approach leaves open the empirical possibility that some gendered phenomena are explained in evolutionary psychological terms. Fehr (2012: 54), for example, suggests it is empirically possible that (many) women, in virtue of being female, are disposed to be more selective in sexual partners than men because female organisms typically invest more resources in reproduction than male organisms (Trivers, 1972). Considering this disposition to be empirically possible allows feminist evolutionary psychologists to contest the scope of parental investment theory by gathering data that suggests it does not apply to many species (Hrdy, 1986; Hdry, 1999), and that there is evidence that humans evolved to parent collaboratively (Hrdy, 2009). So, inferring that parental investment theory applies to humans relies on a weak generalisation and fails to consider relevant counterevidence. This empirical investigation better disconfirms the sexist assumptions at work: that women are biologically coy and men biologically promiscuous. An ameliorative project could be formulated to target this exact source of sexist attitudes by stipulating a relationship between sex and gender. However, descriptive projects do not need to make this 'gamble': HPC theories can respond to empirical possibilities and take up corresponding political strategies as they present themselves. So, unlike the descriptive approach, ameliorative projects risk being empirically inadequate in failing to allow theorists to respond to sexist assumptions in evolutionary psychology.

So, Hawley's (2018) objection that ameliorative projects better respond to feminist values in inquiry fails. A largely social scientific approach has better prospects to further feminist aims by leaving open the possibility of dismantling social subordination while preserving gender categories (Bach, 2016), and allowing feminist engagement with evolutionary psychological explanations of gendered phenomena using a natural-and-social HPC. Though there are many research paradigms that examine gender and researchers with feminist values will target their enquiry at those paradigms most relevant to the subordination of women, an HPC theory has multiple mechanisms from which researchers can select to investigate.

Conclusion

Social constructivism, therefore, should account for gender as a largely social scientific category which, at present, involves both natural and non-natural mechanisms. Such a project is appropriately anti-essentialist because it denies that gender categories have universal, unchanging membership conditions. HPC theory explains how genders came to exist by sexed bodies being 'marked' for social roles in anthropological history. It explains how genders persist though re-produced social 'marking' practices. It also explains how a gender category can undergo change by a 'looping effect' causing one or more of its mechanisms to fail to regulate the cluster of gendered phenomena. In addition, there are reasons to think the social scientific project has better prospects for advancing feminist aims than Haslanger's (2000; 2012) ameliorative project, because it leaves open more modest political strategies for pursuing gender equality and allows for feminist engagement with sexist and androcentric assumptions in evolutionary psychology.

The relationship between sex and gender is a contested issue in social ontology. The natural- and social-mechanical HPC model given here presents a different approach to this topic that uses directed graphs to represent that sexual dimorphism is an indirect mechanism on gender categories. If successful, this approach advances our understanding of how sex relates to gender without reducing to a sex theory of gender or

casting suspicion on transgender identities.

Bibliography

- Anderson, E. (1995). 'Knowledge, human interests, and objectivity in feminist epistemology'. *Philosophical Topics* 23(2), pp. 27–58.
- Anderson, J., Burstall, J., Schweizer, K., and Tan, K. (2025). 'The costs and benefits of 'passing': a systematic review of the qualitative evidence on passing for trans individuals and communities'. *Sex Roles* 91(45), pp. 1–27.
- Bach, T. (2016). 'Social categories are natural kinds, not objective types (and why it matters politically)'. *Journal of Social Ontology* 2(2), pp. 177–201.
- de Beauvoir, S. ([1949]/1956). *The Second Sex*. London: Jonathan Cape. Translated by H. Parshley.
- Boyd, R. (1991). 'Realism, anti-foundationalism and the enthusiasm for natural kinds'. *Philosophical Studies* 61(1), pp. 127–148.
- Crenshaw, K. (1989). 'Demarginalizing the intersection of race and sex: a black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics'. *University of Chicago Legal Forum*: pp. 139–167.
- Fabris, B., Bernardi, S., and Trombetta, C. (2015). 'Cross-sex hormone therapy for gender dysphoria'. *Journal of Endocrinological Investigation* 38, pp. 269–282.
- Fairbairn, D. (2016). 'Sexual dimorphism'. In R. Kliman (Ed.), *Encyclopedia of Evolutionary Biology*. Cambridge, Mass.: Academic Press.
- Fausto-Sterling, A. (1985). *Myths of Gender: Biological Theories About Women and Men*. New York: Basic Books.
- Fehr, C. (2012). 'Feminist engagement with evolutionary psychology'. *Hypatia* 27(1) pp. 50–72.
- Fiani, C., and Han, H. (2019). 'Navigating identity: experiences of binary and non-binary trans and gender non-conforming (TGNC) adults'. *The International Journal of Transgenderism* 20(2–3), pp. 181–194.
- Hacking, I. (1995). 'The looping effects of human kinds'. In D. Sperber, D. Premack, and A.J. Premack (Eds.), *Causal Cognition: A Multidisciplinary Debate*. Oxford: Oxford University Press, pp. 351–383.
- Haslanger, S. (2000). 'Gender and race: (what) are they? (what) do we want them to be?'. *Noûs* 34(1), pp. 31–55.
- Haslanger, S. (2012). *Resisting Reality: Social Construction and Social Critique*. New York: Oxford University Press.
- Hawley, K. (2018). 'Social science as a guide to social metaphysics?'. *Journal for General Philosophy of Science* 49(2), pp. 187–198.
- Hdry, S. (1999). *The Woman that Never Evolved*. Cambridge, Mass.: Harvard University Press.
- Hrdy, S. (1986). 'Empathy, polyandry, and the myth of the coy female'. In R. Bleier (Ed.), *Feminist Approaches to Science*. New York: Teachers College Press.
- Hrdy, S. (2009). *Mothers and Others: The Evolutionary Origins of Mutual Understanding*. Cambridge, Mass.: Harvard University Press.
- Hubbard, R. (1990). *The Politics of Women's Biology*. Piscataway, NJ: Rutgers University Press.
- Kelly, J., Kern, J., Kirkley, B., Patterson, J., and Keane, T. (1980). 'Reactions to assertive versus unassertive behavior: differential effects for males and females and implications for assertiveness training'. *Behavior Therapy* 11(5), pp. 670–682.
- Kripke, S. (1980). *Naming and Necessity: Lectures Given to the Princeton University Philosophy Colloquium*. Cambridge, Mass.: Harvard University Press. Edited by D. Byrne and M. Kölbel.
- Lange, M. (2022). 'Putting explanation back into "inference to the best explanation"'. *Noûs* 56(1), pp. 84–109.
- Lewis, D. (1983). 'New work for a theory of universals'. *Australasian Journal of Philosophy* 61(4): pp. 343–377.
- Longino, H. (1994). 'In search of feminist epistemology'. *The Monist* 77(4), pp. 472–485.
- MacKinnon, C. (1989). *Toward a Feminist Theory of State*. Cambridge, Mass.: Harvard University Press.
- Mallon, R. (2016). *The Construction of Human Kinds*. Oxford: Oxford University Press.
- Maung, H. (2023). 'Classifying sexes'. *Journal of Diversity and Gender Studies* 10(1), 3, pp. 35–52.
- Mead, M. ([1928]/2001). *Sex and Temperament in Three Primitive Societies*. New York: Harper Perennial.
- Mikkola, M. (2017). 'Gender essentialism and anti-essentialism'. In A. Garry, S. Khader, and A. Stone (Eds.), *The Routledge Companion to Feminist Philosophy*. New York: Routledge.

- Millett, K. (1971). *Sexual Politics*. London: Granada.
- Mosher, M. and Kelter, P. (2023). *An Introduction to Chemistry* (2nd Ed.). Cham: Springer.
- Neumark, D. (2018). 'Experimental research on labor market discrimination'. *Journal of Economic Literature* 56(3), pp. 799–866.
- Putnam, H. (1975). *Mind, Language and Reality: Philosophical Papers*. New York: Cambridge University Press.
- Rich, J. (2014). 'What do field experiments of discrimination in markets tell us? A meta analysis of studies conducted since 2000'. *IZA Discussion Paper* 8584.
- Serano, J. (2007). *Whipping Girl: A Transsexual Woman on Sexism and the Scapegoating of Femininity*. Emery, Calif.: Seal Press.
- Stone, A. (2007). *An Introduction to Feminist Philosophy*. Malden, Mass.: Polity.
- Trivers, R. (1972). 'Parental investment and sexual selection'. In B. Campbell (Ed.), *Sexual Selection and the Descent of Man*. Chicago: Aldine, pp. 1871–1971.
- Upton, R. (2012). 'Gender'. *Oxford Bibliography in Anthropology*. doi:10.1093/obo/9780199766567-0009.
- Ussher, J., Hawkey, A., Perz, J., Liamputtong, P., Sekar, J., Marjadi, B., Schmied, V., Dune, T., and Brook, E. (2022). 'Gender affirmation and social exclusion amongst trans women of color in Australia'. *International Journal of Transgender Health* 23(1–2), pp. 79–96.
- Wilson, M. and Daly, M. (1998). 'Lethal and nonlethal violence against wives and the evolutionary psychology of male sexual proprietariness'. In R.E. Dobash and R.P. Dobash (Eds.) *Violence Against Women: International and Cross-Disciplinary Perspectives*. Thousand Oaks, Calif.: Sage.
- Woodward, J. (2003). *Making Things Happen: A Theory of Causal Explanation*. New York: Oxford University Press.

Is Surrogacy a Special Kind of Labour That Should Not Be Treated According to Market Norms?

CHLOE THEODORA PAPAGEORGIOU, *UNIVERSITY COLLEGE LONDON*

This paper examines whether surrogacy constitutes a special kind of labour that means it should not be treated according to market norms/be commercialised. I evaluate arguments from Elizabeth Anderson who I believe fails to explain why surrogacy should not be treated according to market norms due to her claim that there is an essential feature of gestation that renders it unable to be commercialised; I draw on Cecile Fabre's claim that the demands of surrogacy are comparable to those found in other professions we deem to be permissible. Yet, I argue that Fabre's claim does not render commercial surrogacy permissible; turning to Debra Satz's account of the asymmetry thesis, I argue that while there is nothing intrinsically special about surrogacy, it should still be treated asymmetrically because of the social context in which it occurs. I argue in particular that commercialising surrogacy risks reinforcing preexisting patriarchal norms and the idea that women's bodies should be controlled, which I believe contributes to gender inequality. I consider some critiques against the success of Satz's asymmetry thesis, particularly focussing on concerns about paternalism and overgeneralisation, yet I defend a revised version of the asymmetry that emphasises the broader social harms of commercial surrogacy to women uninvolved in the sector at all. I ultimately conclude that while commercial surrogacy is not inherently objectionable, it should still not be treated according to market norms due to its harmful role in sustaining gender inequality in our society.

Introduction

Surrogacy is the process in which a woman carries a child to term for another person or couple. In commercial surrogacy, this arrangement involves financial compensation to the surrogate and is governed by an enforceable, legal agreement; this differs from altruistic surrogacy where the surrogate does not receive monetary compensation and often is motivated by personal considerations. Commercial surrogacy remains a highly controversial practice, being illegal in the UK, Canada, Australia, and many countries across Europe and Asia. Discussion on commercial surrogacy typically centers on the potential exploitation of surrogates (particularly those in low-income regions), the commodification of children, and the surrogates' own control over their medical and personal decisions. Some feminist theorists hold that there is something inherent about the act of bringing a child to term which renders surrogacy a special kind of labour that should not be commercialised. I am particularly interested in identifying this essential property which excludes surrogacy from being able to be treated according to market norms, that is, being treated according to the rules and expectations governing commercial exchanges.

The view that there is something special about surrogacy that means it should not be commercialised is what I will be referring to as the asymmetry thesis, which in other words, is the argument that surrogacy should be treated asymmetrically to other forms of labour; I will be considering Elizabeth Anderson's asymmetry thesis in particular. In this paper, I will argue that Anderson fails to show that surrogacy constitutes a special kind of labour, yet I will ultimately endorse a version of the asymmetry thesis motivated by different considerations than this view. I will begin by presenting Anderson's claim that commercial surrogacy is a special kind of labour and should be treated distinctly to other forms of labour.

I argue that her argument comes under fire from Fabre's rejection that surrogacy should be treated asymmetrically, and I maintain that there is nothing essentially unique to surrogacy as a line of work. I provide some objections to Fabre, yet will show that while surrogacy is not inherently objectionable, there

is still something intuitively disagreeable about selling reproductive labour. I present Satz's version of the asymmetry thesis as an explanation for the intuition that surrogacy should not be commercialised. In evaluating Satz's argument, I point out that her claim risks paternalism by implying that surrogates cannot freely choose their line of work in patriarchal society. I also show that Satz seems to have missed the fact that many stereotypically gendered lines of work exist and are able to be treated according to market norms. Despite these critiques, I argue that Satz's asymmetry thesis still succeeds, and I show that these counters do not undermine her argument. I ultimately conclude that what makes commercial surrogacy objectionable is not it being 'special' in nature, but rather its contributions to essentialist norms concerning the stereotypical social roles of women in a patriarchal society. Surrogacy should therefore not be treated according to market norms.

1.1: **Anderson's Case Against Commercial Surrogacy**

Commercial surrogacy involves a prospective parent/parents paying a woman to carry a child, compensating her for both the labour of pregnancy and for waiving her parental rights towards the child. Anderson (1990) argues that commercial surrogacy is objectionable, as it is trying to transform what is specifically a labour done by women into a commodity which follows economic norms of typical labour markets. She contends that there is an asymmetry between other types of labour and surrogacy: carrying a child to term for another is a service that would be wrong to sell or buy, and contract pregnancy wrongfully allows for the extension of the market into the "private" sphere of reproduction.

Her argument for this claim begins by highlighting respect and consideration as two modes of valuation which are disregarded by commercial surrogacy. She defines respect for someone as treating them as an autonomous person with rational interests. While to treat someone with consideration is to respond to her and her emotional relations with others with sensitivity, avoiding any manipulation or belittling of these feelings, especially for one's own benefit. Applying market norms to reproductive labour violates both of these in three ways: (Anderson 1990, 81):

- (i) Surrogates are alienated as they are required to suppress their emotional connection with the child.**
- (ii) Surrogates are degraded as the legitimacy of their personal evolving perspective on their own pregnancy is denied, or is demoted to an amount of money.**
- (iii) Surrogates are exploited as their emotional needs are not considered as relevant, yet may also be manipulated to encourage them to undergo surrogacy.**

These three ways of denying respect and consideration, Anderson argues, subsequently treat women's bodies as a commodity. The key idea that surrogacy firms miss when commercialising surrogacy is the role of emotions which are typical of non-commercialised pregnancies. Pregnancy is not merely a biological process—it is a social practice where parents prepare themselves to welcome new life (Anderson 1990, 81). Without regard for this crucial emotional aspect, commercial surrogacy entails 'hiring' a woman's womb in exchange for payment. In turn, the surrogate is reduced to an object for mere use rather than a person worthy of respect.

For Anderson, commercial surrogacy disregards natural emotional processes and therefore alienates surrogates. Anderson holds that it is common that many women develop feelings of love towards the child they carry, yet that there is no place for this reaction in commercial surrogacy, since the surrogate mother agrees not to form a parent-child connection as her contract states she must give up the child to the clients. The potential risk of this being unbearably painful is so common that 10% of women suffer grief so intense that they require professional help (Anderson 1990, 83). In turn, the surrogate is deliberately required to alienate herself from her love for the child, which can be an incredibly demanding task. Failure to give up the child would be treated as a breach of contract or an incomplete transaction. Yet the certainty promised to prospective parents—that they can expect to receive a child—does not exist for the surrogate. It is not certain that the surrogate will be able to bear the psychological effects that may come with relinquishing the child. She is expected to take on the risks of transforming her emotional perspective on herself with

the same detachment as a trader brings to fluctuations in a product's price (Anderson 1990, 84). This is degrading, since an instinctive human emotion is not taken into account, and so in some way also denies the humanity of the surrogate, reducing her to a vessel whose sole function is to produce children. The emotional ties which she may establish with the child are ignored.

In light of Anderson's claim, it is also important to recognise that the emotional aspect of surrogacy is extraordinarily difficult to take into account for compensation. Pregnancy, while extremely demanding, can also be incredibly varied. Consider two surrogates: one experiences no major health complications and feels little emotional distress when giving up the child. The other however, develops high blood pressure, gestational diabetes, infections, and severe postnatal depression resulting from emotional turmoil. Both these surrogates will have all their distinct medical expenses covered and receive support for their physical needs. Yet, a clear difference remains. The second surrogate has dealt with a much harder emotional journey. Despite this, the base price of her labour, excluding additional medical expenses, will be similar to that of the first. Consequently, she has not been sufficiently compensated. Anderson points out that the prospective parents are required to pay for all medical expenses, with the exception of long-lasting mental health impacts on the surrogate mother; therapy post pregnancy is not accounted for in the cost of surrogacy. (Anderson 1990, 83). I also want to emphasise that emotional labour is not a quantifiably measurable commodity, which makes fair compensation challenging—it is much harder to put a price on a surrogate's unique emotional experience in comparison to her hospital bill. Yet, a uniform cash sum completely ignores the deep emotional implications of pregnancy and its nature as extremely personal. I can anticipate the response that surrogates are paid generously for the very fact that surrogacy is an emotionally taxing role, a standardised paycheck makes assumptions and generalises emotional experiences, which will often vary greatly. In turn, Anderson argues that this is exploitative, as it fails to correctly take the surrogate's labour and personal needs into account.

1.2: **Objections from Fabre**

Fabre (2006) argues that Anderson is wrong to conclude that surrogacy is a different type of labour, as the demands and dangers that make it 'special' can be likewise attributed to other professions. There are multiple physically demanding non-typical jobs, some of which could be considered even more risky than surrogacy. For instance, astronauts are subject to suit malfunctions, loss of bone density and muscle atrophy. Surrogacy likewise deals with unexpected health risks, such as postpartum haemorrhages, long-term fertility effects and placental complications. If people, despite these implications, can choose the incredibly difficult job of being an astronaut, we should agree that surrogacy, which is also considered to be an unconventional line of work, should be permissible and treated similarly (Fabre 2006, 194–195).

Anderson may urge that the emotional demands rather than the physical are what sets surrogacy apart, yet I anticipate that Fabre could also reject this. Social work for instance, also has the ability to deeply alter one's mental state. Social workers are often exposed to extremely emotionally taxing situations due to dealing with disturbing cases. Their lives could certainly be altered negatively and permanently by such trauma. Yet, I take that Fabre would argue that we should not ban social work, even if it is a profoundly difficult job, as we assume that social workers fully recognise and consent to being in such situations. It seems strange to deny surrogates the same autonomy to consent to a job with similar emotional risks. Surrogates are aware that they are signing contracts that consent to the possibly painful experience of relinquishing a child. Rejecting this awareness seems paternalistic, as we should assume they have autonomy to willingly choose to be surrogates (Fabre 2006, 212). We do not think twice about men who willingly sign up to the army for example, where one has a high chance of dying in battle; we confidently assume they have capacity to make that choice themselves, and we should do the same for surrogates.

Regarding fair compensation, it may be the case that some surrogacy firms do not account for emotional complications and thus do not fairly pay surrogates. Yet, Fabre could respond that this shortcoming does not render surrogacy as something that cannot be commercialised. The social worker and the astronaut alike would also be unfairly paid if their emotional complications were not compensated for. These high risk jobs do however take complications into account; astronauts are given hazard pay for instance, which is an additional income for working in dangerous conditions. Surrogacy also has the potential to be satisfactorily compensated for, and perhaps surrogacy firms are merely not doing enough currently. This does not imply

there is something essential which separates surrogacy from other jobs, but that there is something unfair within the models that currently exist, which can certainly be amended.

1.3: **Responses to Fabre**

I can imagine a response from Anderson in defence of her claim possibly taking this form: the emotional aspect of surrogacy is uniquely significant because it involves the dismissal of a personal and intimate biological process. I imagine Anderson would argue that the emotional aspect is distinct not due to being merely a difficult job, yet because it involves the intimate and intense experience of creating life within one's body. Relinquishing a child one has carried to term can lead to extreme emotional challenges that greatly differ from challenges in other roles, such as social work. Social workers may encounter anguish, yet it is not their child that they feel this anguish about. The emotional distress of surrogates is magnified by the fact that they must give up their own parental instincts; regardless of expectations to repress this, giving up a child one has formed a connection to over nine months is uniquely painful and unnatural according to Anderson (1990, 81–82).

However, I argue Anderson is wrong to assume that this life-altering, unbearable emotional distress is an inherent or universal experience for surrogates. Not every surrogate has a maternal bond or deep attachment to the child she carries; many are able to relinquish the child without much difficulty. In fact, most surrogates enter surrogacy contracts with altruistic motives, and take great pride and satisfaction in doing this service. I also believe that placing so much emphasis on a natural maternal instinct seems unsavoury and almost stereotypical of women itself. Many women struggle to feel maternal instincts and desire for children; some even abort them. Arguing that a deep emotional connection is what pregnancy naturally or normally involves sets an expectation for women to be naturally nurturing or caregiving; this stigmatises women who lack these emotions, deeming them as selfish and abnormal. The reliance on a 'bond' that sets surrogacy apart is unsuccessful and reinforces traditional stereotypes for women. The existing diversity of women's experiences with pregnancy therefore weakens Anderson's claims that surrogacy is special, as surrogacy does not necessarily lead to severe emotional harm.

While I do agree that there is nothing essentially wrong with surrogacy, I also maintain that there is something that makes us feel uneasy about commercialising women's bodily functions, a point which Fabre's account misses. While there may not be anything essentially wrong with surrogacy, we may still share the sentiment that there is something that indeed does set surrogacy apart.

2: **Debra Satz's Asymmetry Thesis**

I argue that this intuition can be answered by Satz (1992), who defends the asymmetry thesis on different grounds. In this section, I will provide an account of Satz's argument before my analysis of its success in sections 3.1 and 3.2, in which I deem this version of the asymmetry thesis a compelling explanation for why surrogacy should not be commercialised.

Satz rejects Anderson's claims that surrogacy is a special type of labour, yet recognises that we should treat surrogacy differently as it exists in our patriarchal society, and thus reinforces a traditional gender-imbalanced division of labour. She claims that there should be an asymmetry between the treatment of surrogacy and other labour markets, as a patriarchal climate renders surrogacy markets to be much more problematic, since gender inequality already exists in labour markets. Even if a woman chooses to work as a surrogate, we must recognise that this choice exists with unequal opportunities for women in the background (Satz 1992, 124). My focus will be on two of Satz's objections to contract pregnancy: firstly, contract pregnancy allows increased access and control over women's bodies and secondly, that it risks reinforcing pre-existing patriarchal norms women are subject to.

Satz asserts that there is nothing essentially, or morally wrong with reproductive labour, yet it should still be treated distinctly, as contract surrogacy upholds gender inequality by putting women in a position to be controlled through increased access to their sexuality and body (Satz 1992, 124). She points to the difference between surrogacy and other forms of reproductive labour, such as men donating sperm. In the latter, sperm donation does not give anyone any control over the sexualities and bodies of the men;

once a man donates his sperm, his bodily involvement in the reproductive process comes to an end. There is no ongoing physical or behavioural control or restriction to him. Unlike this, surrogacy entails selling control over one's body (Satz 1992, 125). To give birth to a healthy child, women must be restricted from consuming certain foods and drinks, and avoiding strenuous activities, and medical decisions may also be made on her behalf. This restriction lasts for a prolonged period of time, as the surrogate's body remains under continuous monitoring and restriction for months. In essence, this creates a situation where other people (the parents, doctors, or contractors) have some sort of control over the woman's body. There are other likewise controlling jobs such as athletes, whose bodies are also restricted to having specific diets and exercise routines (possibly for years), yet Satz stresses that the restriction on surrogates is still underlined by something different.

This difference is the type of control that surrogacy agencies have over surrogates. It is not inherently objectionable that someone may have control over someone else's body through a contract, yet it is objectionable that someone has control over a woman's body because women's bodies have been controlled historically (Satz 1992, 125). Underlying gender inequality is not similarly tied to the work of athletes. While they may undergo strict diets or exercise routines that we may consider to be invasive and difficult, their gender has nothing to do with this restriction. Their profession does not have to do with their sex—anyone can be an athlete. Not everyone can, however, be a surrogate. The job relies entirely on a woman's sex and sexual capacities. The surrogate's reproductive journey is controlled in some way by her agency, and this power dynamic seems to reinforce the misogynistic, continuous control over women's bodies.

Secondly, commercial surrogacy, when set in the context of our current society, also reinstates the gender stereotype that women exist solely for the purpose of child rearing (Satz 1992, 127). The purpose of working as a surrogate is to have children as a service; in a patriarchal world, surrogacy therefore reinforces the idea that women are merely wombs or vessels for creating children, as the identities of surrogates are reduced to their reproductive capacities. When commercialising surrogacy in a society such as ours that has these misogynistic qualities, the women who work as surrogates are degraded as 'baby machines', whose value lies in their reproductive abilities. It is also the case that the reinforcement of such stereotypes may lend itself to the views of the surrogates, where even they view themselves as having value solely due to how well they perform their profession as child rearers. Satz argues that this in turn is harmful to the feminist project, as patriarchal society does not view these women as autonomous, multifaceted human-beings and rather as objects with 'wombs for hire'. This pushes the reductive stereotype that the primary function of a woman is tied to reproduction and thus perpetuates the social subordination of women (Satz 1992, 127).

3.1: **Objections to Satz**

I can imagine one pointing out that Satz's argument may be deemed as paternalistic. While it tries to protect women from gender inequality, it seems to suggest that women cannot make any choices for themselves and are completely helpless at the hands of patriarchal society. It does not feel aligned to the feminist position in the first place to deny that women have the ability to consciously choose their line of work and fully know what their job entails. I can imagine that many surrogates take pride in what they do, arguing that their job is fulfilling because they can help so many individuals who are unable to carry their own biological children, such as women with ovarian cancer, and gay couples. Denying this is telling fully functional, adult women that their choices are mistaken and that their consent is invalid; it tells women that they simply 'do not know any better' as victims of society's control. Even if we accept that perhaps for the most part, those who choose to be surrogates do suffer from gender inequality, banning commercial surrogacy for the 'greater good' still risks denying at least some women the opportunity to do work they value.

I also want to highlight multiple other labours that could wrongly imply things about women. For instance, domestic labour has been historically performed by women, and women are often stereotyped as being suited for such labour on the assumption that they are inherently nurturing (2025). Taking Satz's line of argument, I hold that we could make a similar point about how for example, women working as cleaners can reinforce the misogynistic idea that women are made for housework. I further want to extend one of the previous arguments Satz makes in emphasising the even greater exploitation and inequity between employers and women who are socioeconomically disadvantaged, pointing to how many women who work as caretakers do come from such underprivileged backgrounds. If we follow Satz's asymmetry thesis, perhaps

other stereotypically feminine jobs threaten the feminist project in the same way surrogacy does. Yet, it seems absurd that we should consider rendering these jobs impermissible in the same way commercial surrogacy is argued to be objectionable.

3.2: **A Defence of Satz**

I argue that the asymmetry thesis can still be defended despite these two critiques. While it might seem paternalistic due to its apparent dismissal of the capacity for consent surrogates as adult women have, I argue that it is not. Much like the liberal feminist idea that women should be free to make any choice without moral consideration, I take the defence of surrogacy here to be problematic.

I believe that the same arguments used to reject defences of pornography could meaningfully apply here. Many feminist theorists condemn pornography not only because of the exploitation of the actors themselves, but because of the harmful secondary effects it has on women who are uninvolved in its production. According to Dworkin and MacKinnon, viewers of pornography are influenced to have harmful and violent attitudes towards women in their actual lives because of the depictions of extreme violence and female subordination in pornography (1988, 25). Moreover, as an industry made ‘for men by men’, women are often depicted to be in compromising, subordinate positions, and shown to ‘serve’ the interests of their male partners. This therefore upholds the patriarchal idea that women are sexual objects to be used to achieve the ends of male pleasure, which is something that affects all women (1989, 206–209) and thus renders pornography impermissible. I argue that this type of argument should be applied in response to the accusations of paternalism against Satz’s asymmetry thesis. Surrogacy can also be seen as something that is harmful not only for the surrogates involved, whose reproductive labour directly reduces them to vessels for their clients’ children, yet reinforces this stereotype in general, which affects the societal value of women as a whole. Even if we assume that some women do find fulfilment in being surrogates, the very existence of this line of work in a patriarchal climate is detrimental to all women, extending to those who are not involved in commercial surrogacy at all. I argue that therefore it is justified to reject commercial surrogacy, as there is still great harm being done to women even if we grant that some women can truly enjoy being surrogates. I do not believe it is paternalistic to admit this, and I believe that the consideration of secondary effects onto all women (which I take to be missed out by even Satz who focuses on the subordination of the surrogates themselves) strengthens this version of the asymmetry thesis.

Regarding the second critique, I argue that comparisons of surrogacy to other typically feminine jobs are disanalogous. While surrogacy and other stereotypically feminine jobs may both wrongly imply things about the women who perform them, caretaking professions such as cleaning are not defined strictly on the basis that they are done by biological women. Working as a cleaner may be surrounded by stereotypes that society has put upon the women in this profession, yet being a woman does not define or establish what this job entails. Anyone can work as a cleaner regardless of the fact that the job is stereotypically feminine; being a certain sex is not tied to what the profession entails. We can also see this in stereotypically male jobs, such as being in the military, where these jobs similarly do not entail or require the worker to be a biological man. Alternatively, surrogacy is defined by and tied to being female entirely, as child-rearing is exclusive to biological women. The male sex cannot participate in this line of work at all, and so it is a requirement that the workers are biological women, able to reproduce. While we could have the capacity to eliminate misogyny towards stereotypically female lines of work, as stereotypes attributed to them are solely societal, I maintain that we cannot say the same for surrogacy. Since surrogacy is selling child-rearing and is exclusively performed by women, it is much harder to escape female objectification and exploitation in a patriarchal world. Women have historically been seen as ‘baby-making’ sexual objects which reduces the value of women to their reproductive capabilities. This type of misogyny is much harder to shake, and so the asymmetry thesis holds.

Regarding the status of women’s reproductive labour, I believe that the asymmetry thesis is a convincing argument to explain what makes surrogacy something that cannot and should not be commercialised. I recognise that there are also other negative effects of commercial surrogacy that do not have to do with its existence within the unequal social relations of gender which I have not considered in this paper (such as the rearing and selling of children), but I hold that the upholding of gender inequality is nevertheless a principal reason to reject permitting commercial surrogacy.

Conclusion

Surrogacy must still be treated differently to other forms of labour, even if there is nothing essentially morally wrong with it. While I have argued that Fabre succeeds in undermining Anderson's defence of the asymmetry thesis on grounds that surrogacy is fundamentally problematic, I hold that we should still treat surrogacy differently. I have shown how Satz's asymmetry thesis successfully explains this on the grounds of the unequal social context in which commercial surrogacy occurs, which in turn reinforces gendered stereotypes which reduce women to their reproductive abilities and stereotyped roles. I have responded to criticisms of paternalism I have anticipated against Satz, as well as showing that while there are other traditionally feminine professions, surrogacy is distinct. Surrogacy is defined by the biological capacities of biological women, and therefore cannot be considered in isolation from misogynistic structures which often appeal to those same biological traits in justifying the oppression of women. Therefore, while surrogacy is not a special labour, it should not be treated according to market norms, as doing so reinforces the gender inequality persistent in our society.

Bibliography

- Anderson, E. S. (1990). Is Women's Labor a Commodity?. *Philosophy & Public Affairs*, 71–92.13.
- Fabre, C. (2006). Surrogacy Contracts. In *Whose Body is it Anyway? Justice and the Integrity of the Person*. Oxford University Press.
- MacKinnon, C. A, and Dworkin, A. (1988). *Pornography and Civil Rights: A New Day for Women's Equality*. Minneapolis, MN: Organizing Against Pornography.
- MacKinnon, C. A. (1989). *Towards a Feminist Theory of the State*. Harvard University Press.
- Satz, D. (1992). Markets in women's reproductive labor. *Philosophy & Public Affairs*, 107–131.14.
- UN Women. (2025). FAQs: What is unpaid care work and how does it power the economy?. UN Women.

Aporia

Undergraduate Journal of the St Andrews Philosophy Society

VOLUME XXVI

Aporia is funded by the University of St Andrews Philosophy Society, which receives funds from the University of St Andrews Department of Philosophy, the University of St Andrews Students' Association, and independent benefactors.

Aporia is published by The University of St Andrews Philosophy Society.

Aporia © 2026 is licensed under Creative Commons Attribution 4.0 International (CC BY 4.0). To view a copy of this license, visit <https://creativecommons.org/licenses/by/4.0/>.

Authors retain copyright, but give their consent to *Aporia* to publish their work.

aporia@st-andrews.ac.uk

Visit <https://ojs.st-andrews.ac.uk/aporia> to learn more.

Aporia
School of Philosophy
Edgecliffe, The Scores
St Andrews, Fife
KY16 9AL
SCOTLAND