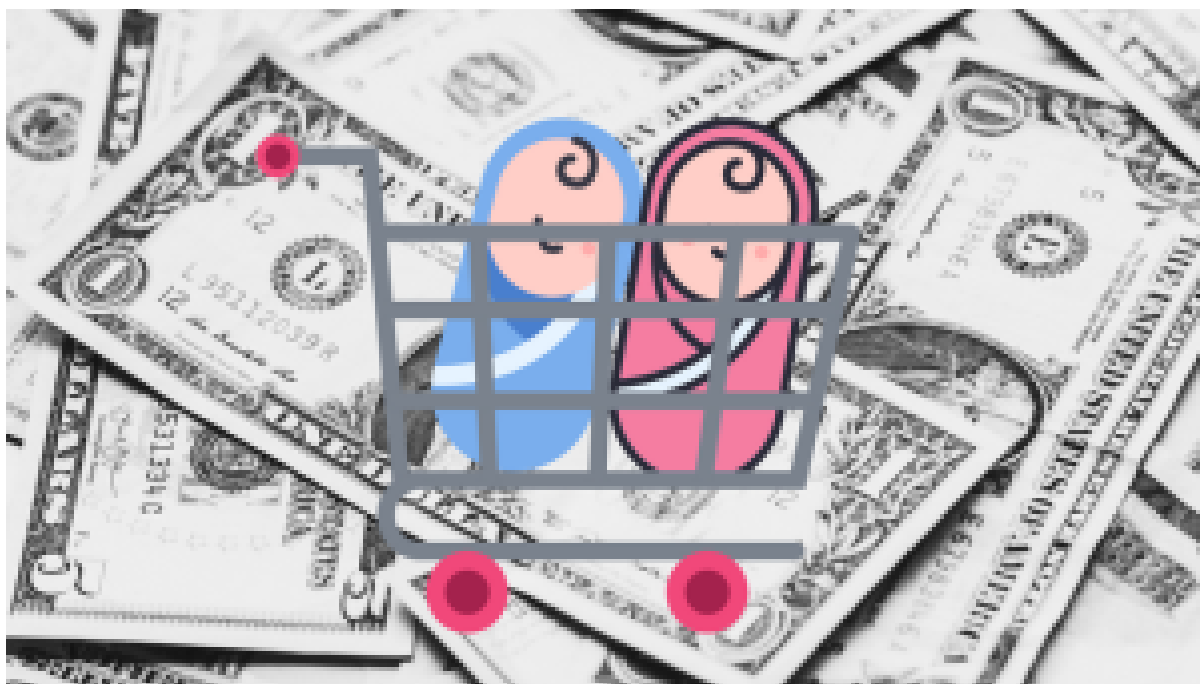


Is Being Born Male a Disability? Womb-less Gay Men Think So



by Phyllis Chesler

It was only a matter of minutes before a [gay man and his husband](#), both of whom are powerful lawyers, would hire an even more [powerful lawyer](#), with an admirable record of civil rights victories, to file suit against New York City [claiming](#) they were “denied insurance coverage because of a definition of infertility that excludes gay men.”

They are protesting the “unfairness” of not having been born biologically female. Although they are both educated and wealthy white men, they are charging “discrimination” due to the accident of their birth—which, despite their educational, economic, social, legal, and athletic privilege, they seek to have declared a “disabled” or protected class. They are also claiming a gay male “right to fertility.”

The couple, Nicholas Maggipinto and Corey Briskin (until

recently, a New York County assistant district attorney), both in their mid-30s, claim that the city's insurance policy discriminates against them because, were they biological women or in a heterosexual relationship "[they would have access](#) to the I.V.F. benefits to which city employees are entitled."

In other words: This couple wants the city/the tax payer/the insurance company to cover the costs of hiring both a chosen egg donor *and*, separately, the costs of a "gestational"/birthmother, as well as all other costs—the lawyers, doctors, medical insurance, travel, hotels, etc. involved. Buying a baby, to whom one of these men is genetically related, may cost north of \$200,000.00. [According](#) to one online pro-gay dad surrogacy site:

"Gay surrogacy journeys are typically known as a 'Gestational Surrogacy,' which means the eggs of one woman are used to create embryos that are then transferred to the uterus of a second woman who will carry and deliver the baby. In this way, the dad (or one of the dads, if a couple) will have a biological connection to the baby, but the surrogate will not."

In other words, such intended gay dads are slicing and dicing (mainly poor and uneducated) women up to ensure a gay male "right to fertility." They are buying the eggs of one woman who is willing to risk pain and unknown medical consequences to obtain desperately needed money—and the "gestational" services of a birthmother who is likewise willing to risk illness and even death for money.

Look: I am fully in favor of men doing the hard work of "parenting." Many men and women "parent" in different ways but I am not suggesting that same-sex couples therefore cannot become parents.

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women up to ensure a gay male 'right to fertility.'"

I also believe in civil rights for every individual, whether they are married or single. Yes, I support gay marriage, too—but as a feminist, I've always been ambivalent about legal heterosexual marriage, and a bit surprised—no, a bit disappointed—as lesbians and homosexuals ceased being radical outliers and rushed to marry, buy homes—and have babies, too.

When my companion of the last thirty years came home one day and announced that we were going to get married, I said to her: "Oh good! We're launching a class-action lawsuit, yes?"

"No," she laughed. "We're going to save some money by filing jointly."

I was deflated.

But really: What's going on with gay men and babies? Is this the next reproductive frontier—or the latest must-have accessory? Have gay men been totally hooked by glossy advertising? Or, have gay men undergone a psychological sea change?

Historically, whether they were partnered or not, homosexual men seemed far more promiscuous than lesbians, and did not want to marry women in order to have their "own" children, as some gay men did in the past. In my time, gay men's lives were centered on work (Arts, Music, Philosophy, Poetry, Politics, Science, Business) and on adult pleasures. This all began to change when same-sex marriage became legal and gay men started marrying. Suddenly, or so it seemed, they also wanted children. Initially, their paths were blocked.

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According to Professor of Sociology, [Heather Jacobson](#), the author of *Labor of Love: Gestational Surrogacy and the Work of*

Making Babies, most “gestational surrogacy via egg donation... (is an) increasingly popular route to planned fatherhood for some gay men... (however) the majority of online infertility clinics (62%) and surrogacy agencies (42%) do not directly advertise or appear to be welcoming to gay men... (ART, Assisted Reproductive Technology) is more attractive than others, such as adoption or co-parenting with women, as it seemingly permits more control over the process and allows for genetic exclusive parenthood... without the involvement of an intended mother.”

Until recently, most surrogacy services were geared to infertile, heterosexual, married, biological women. The market for surrogacy among gay men was too small, not lucrative enough; perhaps such agencies were also homophobic. All that’s changed. Thus, a niche market arose, one specifically geared to—dare I write it—wealthy, probably white, gay men. (Wealthy Asian men have also turned to surrogacy as a way of obtaining children).

The online ads for gay parenting usually depict two [gay men](#), usually attractive white men, but sometimes Asian-featured men. More rarely do we see African-featured men. Perhaps only men can [afford](#) the cost of the “surrogacy journey” which [costs](#) approximately \$150,000–\$200,000.00 or more.

One of the reasons this is so expensive is because, as previously noted, what the agencies describe as “gestational carriers” aka birthmothers, are purposely not allowed to contribute their own eggs—because that might give them an unwanted or “unfair” edge were they to contest custody or want visitation.

In a quick search, I only found one site that depicts [two white women](#). Interestingly, they are shown holding a possibly African-featured baby—but oddly, they too are offered the services of an egg donor and a “surrogate.” This would only make sense if one or both of the women cannot produce their

own eggs or do not want to subject themselves to the risky and painful medical procedure of harvesting eggs and/or of bearing a child.

In general, men earn more money than women and a gay male couple probably earns more money than their lesbian counterparts. Rich people hire/exploit poor people to get whatever it is they want. Poor people, especially poor women (think Guatemala, Ukraine, Moldavia), are grateful for the money. As Jennifer Lahl, the founder of The Center for Bioethics & Culture, [says](#): “The less educated a woman may be, the more impoverished she is, the less control she will have over what happens in a surrogacy arrangement.” Thus, she will terminate or “reduce” a “surrogate” pregnancy if demanded to do so—or face the most bitter consequences.

“How is this not reproductive prostitution?”

The rich rule, the poor serve them. Pity the poor women who are also infertile or those who are male homosexuals who are poor. They cannot afford the costs of luxe surrogacy. Their genes will not appear in the coming generations.

But please allow me to ask this: Is anyone (the gay male intended dads, the infertile, straight intended parents, the celebrities) thinking about the newborns who, just like adopted children, are being separated at birth from their birthmothers? What if this is a trauma that neither baby nor birthmother ever quite get over? What about the importance of bonding in utero?

According to [Catherine Lynch](#), a lawyer and an adopted child, “the World Health Organization (WHO, 2019) recommends early and uninterrupted skin-to-skin contact between mothers and infants as soon as possible after birth... all mothers should be supported to initiate breastfeeding as soon as possible after birth.” Lynch cites studies which show that “maternal separation may be a stressor the human neonate is not well

evolved to cope with.”

Lynch reviews her own hospital records after she was removed from her birthmother and notes that her immediate and considerable distress (screaming all night, restlessness, refusal to eat) was simply accepted as an unimportant given.

What about the surrogate child who wants to check her genealogy? Her medical records? How can she find her genetic mother? Her birthmother? Their names will not appear on her birth certificate. And, in addition to unexpected and potentially life-long guilt and depression, will either the egg donor or birthmother ever know what happened to her genetic code or to the fruit of her womb?

How are such surrogacy arrangements not about buying and selling babies? How is this not reproductive prostitution? How much does surrogacy for gay dads differ from male slave owners who raped their female slaves and who always had a genetic relationship to their children? And who had the power to separate their genetic children from their birthmothers in order to sell them away? This uncomfortable similarity challenges the allegedly progressive nature of surrogacy arrangements.

“I fear that such gay male money and gay male legal power may win over and against the rights of children, egg donors, and birthmothers.”

What else might be going on? In my view, psychologically, men unconsciously have uterus envy. Thus, we have a very long Biblical tree of male begats with no woman/mother mentioned. Male Gods, not Goddesses, are depicted as the Creators of all humanity.

I imagine that, to some extent, uterus-envy may play a role in the demand for “reproductive justice” for gay men. Indeed, Jacobson [notes](#) that “While women without male partners (e.g. single women and lesbians) can access relatively low-tech

assistance to reproduce (if they are not experiencing infertility issues), men without female partners require intensive and expensive ART services (egg donors and surrogates) to achieve exclusive genetic parenthood.”

And so, gay men now want insurance companies to treat being born male as a disability or as a protected category, one which requires paid compensation.

I fear that such gay male money and gay male legal power may win over and against the rights of children, egg donors, and birthmothers, who have no such equivalent economic or political power.

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