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## The Handmaid's Tale of Fertility Tourism: Passports and Third Parties in the Religious Regulation of Assisted Conception

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## FAMILY TALES

### **THE HANDMAID’S TALE OF FERTILITY TOURISM: PASSPORTS AND THIRD PARTIES IN THE RELIGIOUS REGULATION OF ASSISTED CONCEPTION**

*Richard F. Storrow*†

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*Infertility is a devastating global malady triggering worldwide demand for a vast array of reproduction assisting technologies. Infertility is particularly devastating in “pronatalist” societies marked by high rates of infertility and large disparities in access to medical services. Poverty in particular impedes large segments of the population in pronatalist Third World countries from gaining access even to very basic techniques of infertility treatment and consigns them to ineffective traditional remedies. In this Article drawing on both ethnographic work on infertility in the Third World and on Margaret Atwood’s The Handmaid’s Tale, Professor Storrow examines two starkly class-stratified societies where reproduction is regulated by means of rigid adherence to religious doctrine. He notes in particular that in such societies the participation of third-party gamete donors and surrogates in the reproductive process seems to depend upon whether the society in question is devoted to a program of repopulation. Where it is, Storrow finds a potent metaphor in fertility tourism, where infertile couples of means treat third parties from disenfranchised groups as “passports” to reproduction. Storrow concludes that in resource-poor, pronatalist societies, programs of repopulation are a tipping point beyond which exploitation of third parties in infertility treatment is actively pursued and expediently justified.*

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## I. INTRODUCTION

Infertility is a devastating worldwide malady<sup>1</sup> affecting developing countries in particular.<sup>2</sup> In “pronatalist”<sup>3</sup> societies, marked by high rates of fertility and large disparities in access to medical services, infertility is particularly socially and psychologically devastating.<sup>4</sup> Poverty impedes large segments of the population in the Third World from gaining access to very basic techniques of infertility treatment<sup>5</sup> and consigns them to ineffective traditional remedies.<sup>6</sup> Understanda-

1. See MARCIA C. INHORN, LOCAL BABIES, GLOBAL SCIENCE: GENDER, RELIGION, AND IN VITRO FERTILIZATION IN EGYPT 4 (2003) [hereinafter LOCAL BABIES]. “Infertility is a global health issue that affects millions of people worldwide.” *Id.*; Marcia C. Inhorn, *Global Infertility and the Globalization of New Reproductive Technologies: Illustrations from Egypt*, 56 SOC. SCI. & MED. 1837, 1838 (2003) (discussing infertility as an important global health problem); Abdallah S. Daar & Zara Merali, *Infertility and Social Suffering: The Case of ART in Developing Countries*, in CURRENT PRACTICES AND CONTROVERSIES IN ASSISTED REPRODUCTION 15, 15 (Effy Vayena et al. eds., 2002) [hereinafter CURRENT PRACTICES]. See Felix M. Berardo & Constance L. Shehan, *Family Problems in Global Perspective*, in HANDBOOK OF SOCIAL PROBLEMS 246, 249 (George Ritzer ed., 2004) (discussing declining global fertility rates generally) [hereinafter HANDBOOK].

2. See Shea O. Rutstein & Iqbal H. Shah, *Infecundity, Infertility, and Childlessness in Developing Countries*, 9 DHS Comparative Reports 1, 1 (2004); see also Kerry L. Wright, *Defining Infertility: What Infertility Means for Clinicians and Clients*, 23 NETWORK 4, at 4 (2003), [http://www.fhi.org/en/RH/Pubs/Network/v23\\_2/index.htm](http://www.fhi.org/en/RH/Pubs/Network/v23_2/index.htm); Daar & Merali, *supra* note 1, at 15 (noting that in parts of sub-Saharan Africa one-third of couples are infertile); but see Godfrey B. Tangwa, *ART and African Sociocultural Practices: Worldview, Belief and Value Systems with Particular Reference to Francophone Africa*, in CURRENT PRACTICES, *supra* note 1, at 55, 57 (“In the absence of any reliable statistics, there is no reason to suppose that the incidence of infertility in Africa is much more or much less than the global average which has been estimated at 10%.”).

3. Pronatalism is the ideological emphasis on the desirability of having children. See MARCIA C. INHORN, INFERTILITY AND PATRIARCHY: THE CULTURAL POLITICS OF GENDER AND FAMILY LIFE IN EGYPT 50, 230 (1996) [hereinafter INFERTILITY AND PATRIARCHY]. For a discussion of the relationship between declining fertility and pro-natalism, see INHORN, LOCAL BABIES, *supra* note 1, at 7. “Because children are greatly desired in high-fertility, pronatalist societies, women do not regularly contracept, thereby exposing themselves to the risk of sterilizing infections from STDs, unsafe abortions, and postpartum infections following pregnancy.” *Id.*

4. See Wright, *supra* note 2, at 6 (citing grief, frustration, guilt, stigmatization, ridicule, abuse, marital instability, economic deprivation, and social ostracism); Anjali Widge, *Sociocultural Attitudes Towards Infertility and Assisted Reproduction in India*, in CURRENT PRACTICES, *supra* note 1, at 60, 61–66.

5. See Gamal I. Serour, *Attitudes and Cultural Perspectives on Infertility and its Alleviation in the Middle East Area*, in CURRENT PRACTICES, *supra* note 1, at 41, 43; Tangwa, *supra* note 2, at 57; Osato F. Giwa-Osagie, *ART in Developing Countries with Particular Reference to Sub-Saharan Africa*, in CURRENT PRACTICES, *supra* note 1, at 22, 26; Widge, *supra* note 4, at 61, 71. Although it exists in developing countries, infertility treatment is probably genuinely available only to a small cadre of elites. See generally HANDBOOK, *supra* note 1, at 298–312 (explaining how medical care systems have evolved into social problems). “[T]he system is designed to meet the needs of a very small sociopolitical cadre rather than the general population.” *Id.* at 312.

6. See generally MARCIA C. INHORN, QUEST FOR CONCEPTION: GENDER, INFERTILITY, AND EGYPTIAN MEDICAL TRADITIONS (1994) [hereinafter QUEST FOR CONCEPTION] (discussing traditional Egyptian infertility remedies).

bly, infertility under these conditions becomes a veritable emotional and social crisis for many couples.

Margaret Atwood's *The Handmaid's Tale*, a novel about the power of stories and of the difficulty of telling them, is an extremely useful literary lens through which to evaluate the difficult psychological drama and perilous negotiations that occur in the lives of those afflicted by infertility. In the novel, religious fundamentalists wage war and seize control over portions of the eastern United States, renaming them Gilead.<sup>7</sup> In the course of rebuilding the ruined economy, cleaning the poisoned environment, and quashing rebellion, the ruling class imposes a pronatalist social and political order based on a narrow interpretation of Biblical scripture.<sup>8</sup> Under this regime, infertile members of the ruling class enlist fertile women from the underclasses to serve as surrogate mothers.<sup>9</sup>

Although *The Handmaid's Tale* is frequently described as portraying a "dystopia"<sup>10</sup>—an imaginary extrapolation of present conditions to their intensely unpleasant culminations<sup>11</sup>—it is important to note its real-world analogues. Class-stratified, resource-poor, and pronatalist countries like Gilead where people struggle to find ways to address their infertility exist today in parts of Africa and Asia. University of Michigan anthropologist Marcia Inhorn's ongoing research has resulted in an extraordinary three-volume ethnography of infertility and assisted reproduction in Egypt.<sup>12</sup> In her work, Professor Inhorn situates Egypt as a pronatalist, resource-poor, class-stratified Third World country<sup>13</sup> and proceeds to explore the arenas of constraint—most significantly those involving gender, class, and religion—that Egyptians struggling to cope with infertility must navigate.<sup>14</sup>

7. See MARGARET ATWOOD, *THE HANDMAID'S TALE* (1986).

8. See *id.* at 305.

9. See *id.* at 304.

10. See, e.g., Harold Bloom, *Introduction*, in MARGARET ATWOOD'S *THE HANDMAID'S TALE* 7 (Harold Bloom ed., 2004) (noting that Margaret Atwood herself described her novel this way).

11. C. HUGH HOLMAN & WILLIAM HARMON, *A HANDBOOK TO LITERATURE* (5th ed., Macmillan 1986); LEE T. LEMON, *A GLOSSARY FOR THE STUDY OF ENGLISH 10* (1971). See also *Glossary of Literary Terms*, at [http://www.galegroup.com/free\\_resources/glossary/glossary\\_de.htm](http://www.galegroup.com/free_resources/glossary/glossary_de.htm) (last visited Sept. 13, 2005) (citing examples of dystopia portrayals in literary works). Barbara Ehrenreich associates dystopia with "paranoid folklore." Barbara Ehrenreich, *On Feminist Dystopia*, in Bloom, *supra* note 10, at 78.

12. See INFERTILITY AND PATRIARCHY, *supra* note 4; see generally, LOCAL BABIES, *supra* note 1 (containing Inhorn's research of infertility and assisted reproduction in Egypt). See generally QUEST FOR CONCEPTION, *supra* note 7 (describing the struggle of poor, urban Egyptian women to overcome infertility).

13. See LOCAL BABIES, *supra* note 1, at 34–35, 55, 223.

14. See LOCAL BABIES, *supra* note 1, at 16 (defining "arenas of constraint" as "structural, social-cultural, ideological, and practical obstacles and apprehensions that may detract or deter local Egyptian actors altogether from using the new reproductive technologies.").

Albeit unexpectedly, Inhorn's ethnographic account of Egypt contains remarkable parallels to Atwood's Gilead.<sup>15</sup>

Drawing on Inhorn's ethnographies and Atwood's novel, this article examines each arena of constraint in turn, locating numerous parallels and one significant divergence. In Egypt, religious doctrine forbids the participation of third-party gamete donors and surrogates in the medically assisted procreative efforts of infertile couples.<sup>16</sup> In Gilead, however, religious doctrine allows and encourages surrogacy.<sup>17</sup> Although religious doctrine is rigidly followed in both societies, what the doctrine is understood to allow appears to depend upon whether the society in question is devoted to a program of repopulation.<sup>18</sup> Where it is, as in Gilead, a potent metaphor of fertility tourism arises in which infertile couples of means treat third parties from disenfranchised groups as "passports" to reproduction.<sup>19</sup> Where repopulation is not urgent, as in Egypt, work-related migration for the purpose of obtaining the funds to pay for fertility treatment is widely practiced, but third-party participation in procreation is not allowed to undermine the sacred boundaries of the genetic family.<sup>20</sup> This Article concludes that in resource-poor, pronatalist societies, programs of repopulation are the tipping point beyond which exploitation of third parties in infertility treatment is actively pursued and expediently justified.

## II. THE HANDMAID'S TALE

Margaret Atwood's *The Handmaid's Tale* is the story of a radically transformed society. The story opens after religious fundamentalists have seized control over portions of the eastern United States and imposed a new social and political order of pronatalism based on a narrow interpretation of Biblical scripture.<sup>21</sup> Under the new regime's formulation of acceptable roles for women, the narrator's mother, a feminist activist, disappears,<sup>22</sup> and she and her partner Luke procure forged passports and attempt to flee into Canada with their 5-year-old daughter.<sup>23</sup> The plan fails, and Luke is never heard from again.<sup>24</sup> The narrator is forcibly separated from her daughter,<sup>25</sup> who is taken to be raised by a "fit" family.<sup>26</sup> The narrator herself is conscripted into the

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15. See *infra*, notes 205–31 and accompanying text.

16. See *infra*, notes 115–16, 212, 214 and accompanying text.

17. See *infra*, notes 27, 30, 213, 220 and accompanying text.

18. See *infra*, notes 218–25 and accompanying text.

19. See *infra*, notes 155–204 and accompanying text.

20. See *infra*, notes 115–16, 141–42 and accompanying text.

21. See ATWOOD, *supra* note 7, at 305.

22. See *id.* at 252. It is eventually established that the mother was sent to the Colonies, where prisoners are forced to clean up toxic waste. See *id.* at 252–53.

23. *Id.* at 84–85, 193, 224–25.

24. See *id.* at 104–06, 263.

25. *Id.* at 75.

26. *Id.* at 304.

ranks of the handmaids, fertile women enslaved to bear children for the ruling classes.<sup>27</sup> After a period of training, each handmaid is sent to live with a couple who are unable to conceive children of their own.<sup>28</sup> Upon her assignment to a household headed by one Fred, “the Commander,” the narrator becomes known as Offred, a conjunction of “of” and “Fred.”<sup>29</sup> In a monthly Ceremony, timed to coincide with the handmaid’s ovulation, Fred sexually penetrates the handmaid while she lies atop Serena Joy, his wife.<sup>30</sup> If any handmaid fails to become pregnant after serving three successive couples in this way, she is reclassified “Unwoman” and is exiled to the Colonies, forced-labor camps of post-nuclear waste.<sup>31</sup> If she is successful, however, the handmaid is rewarded with a new two-year posting.<sup>32</sup>

Most of the tale recounts Offred’s daily life and nighttime reflections. She experiences her days mostly as “long parentheses of nothing.”<sup>33</sup> She has little social interaction with others, aside from periodic visits to the market with another handmaid<sup>34</sup> and meaningless exchanges with the housekeepers.<sup>35</sup> Her routine and rather predictable daily life is interrupted only rarely by preparations for her monthly participation in the Ceremony and her required attendance at public spectacles of handmaids giving birth,<sup>36</sup> or criminals being executed.<sup>37</sup> Eventually, Offred’s relationship with Serena Joy and Fred becomes complicated, as Serena Joy, apparently convinced that the Commander is infertile,<sup>38</sup> begins to urge Offred to become pregnant by the family chauffeur Nick and commences organizing their after-dark trysts.<sup>39</sup> Offred soon falls in love with Nick and continues to visit him without Serena Joy’s knowledge.<sup>40</sup> At the same time, Fred, too, begins breaking the rules. He sends for Offred at night to serve as his opponent in games of Scrabble and to engage in forbidden kissing.<sup>41</sup> Increasingly reckless about openly flouting the rules he and other members of the elite helped design,<sup>42</sup> Fred has Offred accompany him to a former hotel now operated as a nightclub and brothel by and for

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27. *Id.*

28. *See id.* at 304.

29. *See id.* at 305.

30. *Id.* at 93–95.

31. *Id.* at 15, 127. *See also id.* at 216, 220–21, 253.

32. *Id.* at 127.

33. *Id.* at 69.

34. *Id.* at 18–32, 282–85.

35. *Id.* at 47–48.

36. *Id.* at 111–12, 114–17, 123–27.

37. *Id.* at 272–81.

38. *See id.* at 61, 204,

39. *Id.* at 205–06, 259–63.

40. *Id.* at 268.

41. *Id.* at 99, 137–40, 209–10.

42. *See id.* at 236.

those in power.<sup>43</sup> By the novel's end, Offred believes she is finally pregnant.<sup>44</sup>

The novel is structured as a stream-of-consciousness oral history, and it is eventually revealed that the story has been transcribed from a set of cassette tapes found in the bottom of a trunk and reassembled in an order that seemed to the transcribers as most likely to be chronological.<sup>45</sup> As the means of making such recordings were not available in Gilead at the time in which the handmaid's tale unfolds,<sup>46</sup> it seems likely the tale, even though much of it is told in the present tense, is at best a series of recollections. Indeed, from the moment the narration begins, shades of the past intervene, triggering all five senses in a kind of mind travel.<sup>47</sup> There are constant references to "the time before,"<sup>48</sup> an almost desperate desire to locate elements in the present that can serve as bridges to the past,<sup>49</sup> and a melancholic sense that great chunks of time, memory, and identity have been lost on the way from the past to the present,<sup>50</sup> resulting in feelings of emptiness and transparency.<sup>51</sup>

On a certain level, this erasure of memory appears to serve the Gileadean regime's purposes by quelling any rebellious tendencies that too clear a recollection of the past might trigger. The training of the handmaids, for example, is rendered more difficult because the "transitional generation" has memories of a time when individual freedom was valued.<sup>52</sup> All worthy women in Gilead must aspire to emptiness of mind: "What we prayed for was emptiness, so we would be worthy to be filled: with grace, with love, and with self-denial, semen and babies."<sup>53</sup> The obsequious handmaid Janine, unable to think for herself and open to embracing this new ethic, is praised by the wives for her daughterly qualities.<sup>54</sup> Even Offred herself, having

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43. *See id.* at 229–38, 155–59, 183–88, 253–55.

44. *Id.* at 271.

45. *Id.* at 300–02.

46. *Id.* at 303.

47. *See id.* at 8, 11, 16, 20.

48. *Id.* at 10, 24, 25, 28, 62, 90, 221, 241. There is also a reference to "the former time." *Id.* at 279.

49. *See id.* at 26, 47, 48, 52, 113 (using as examples pregnancy, a dishtowel, the smell of freshly baked bread, and messages scrawled in a closet and on desks). Once she herself assumes a role that carries over from the past she feels a much greater sense of connection and even purpose. *See id.* at 163 (reflecting on her role as the Commander's mistress).

50. *See id.* at 39, 85. The loss of time becomes especially apparent later in the book. "Time has not stood still. It has washed over me, washed me away, as if I'm nothing more than a woman of sand, left by a careless child too near the water." *Id.* at 228. "A movie about the past is not the past." *Id.* at 235.

51. *See id.* at 74, 85, 104, 160, 228.

52. *Id.* at 117. *Cf. id.* at 219 ("Even though some of them are no more than fourteen . . . still they'll remember.").

53. *Id.* at 194.

54. *Id.* at 115.

fallen in love with Nick and having witnessed the maltreatment of those who resist conformity,<sup>55</sup> is tempted to give up her identity and let herself be engulfed by this new way of life.<sup>56</sup>

The theme of emptiness of mind and its role in the new regime is related to the theme of the storyteller's need to remember clearly in order that the tale be truthful and complete. To Offred this ability to tell her tale is critically important, for it appears that only by relating her experience can she come to terms with what has happened to her and continue with her life. Her psychological state sets up multiple barriers against her achieving this aim. Offred is constantly in doubt about whether she can remember,<sup>57</sup> what she should believe,<sup>58</sup> and whether she can distinguish dreams from reality.<sup>59</sup> Part of this doubt has to do with her fear that news outlets are disseminating propaganda<sup>60</sup> and that the people around her are spies sent to entrap her.<sup>61</sup> But, more generally, she struggles with the fear that her tale will never rise above a mere reconstruction of events, of necessity unfaithful to what really happened, either because of leaving too much out or adding too much in.<sup>62</sup> The novel is replete with references to vagueness and lack of clarity,<sup>63</sup> and its resistance to presenting the plot in a linear fashion is at times disorienting.<sup>64</sup> Perhaps most disturbing is that Offred's state of disorientation causes her to question whether her circumstances were actually imposed upon her instead of being a matter of her own choice.<sup>65</sup> As a refuge from the dreadful present,<sup>66</sup> she

55. *Id.* at 271, 275–81.

56. *See id.* at 143, 286. "I want to keep on living, in any form. I resign my body freely, to the uses of others. They can do what they like with me. I am abject." *Id.*

57. *See id.* at 54, 65, 235.

58. *See id.* at 106 ("This contradictory way of believing seems to me, right now, the only way I can believe anything. Whatever the truth is, I will be ready for it.").

59. *See id.* at 109.

60. *See id.* at 82–83

61. *See id.* at 18, 169.

62. *See id.* at 134, 140, 193.

63. *See id.* at 3, 4, 22, 57, 90, 104, 110, 133, 144, 171 (referring to words such as: "afterimage," "palimpsest," "whisper," "dark-tinted," "semisheer," "*papier poudre*," "mirages," "hazy," "semidarkness," "gauzy").

64. *See* Amin Malak, *Margaret Atwood's The Handmaid's Tale and the Dystopian Tradition* 112 CANADIAN LITERATURE 9 (1987) (noting that Offred narrates "almost like a sleepwalker conceiving disjointed perceptions of its surroundings, as well as flashing reminiscences about a bygone life. . . ."); Jennifer A. Wagner-Lawlor, *From Irony to Affiliation in Margaret Atwood's The Handmaid's Tale* 45 CRITIQUE 83, 86 (2003) ("Offred's narrative is famously indeterminate; its very structure is characterized by ironic provisionality, the refusal to commit to any one version.").

65. *See* ATWOOD, *supra* note 7, at 10, 94 ("[N]othing is going on here that I haven't signed up for. There wasn't a lot of choice but there was some, and this is what I chose.").

66. *See id.* at 63. Offred's nostalgia for the past is evident in her personal thoughts. "I don't want to look at something that determines me so completely." *Id.* at 122. "I want everything back the way it was." *Id.* at 255. "There are all kinds of things that have to be discarded, under the circumstances." *Id.*



gives herself increasingly over to nostalgia<sup>67</sup> in order to maintain enough control over her story to ensure its happy ending.<sup>68</sup>

Heightening the atmosphere of disquiet is Offred's gradual acquiescence in her own downfall. Paralyzed when presented with choices,<sup>69</sup> Offred continually seeks the path of least resistance<sup>70</sup> and eventually surrenders to fatalism.<sup>71</sup> Barbara Ehrenreich has expressed her disappointment over what she calls Offred's lack of "anthropological imagination."<sup>72</sup> But Offred also lacks the heroism that would render her an inspiring study of a woman caught up in turbulent times. Content as she is to inhabit "the blank white spaces at the edges of print" and "the gaps between the stories,"<sup>73</sup> she revels in memories of enjoying the "freedom from being seen."<sup>74</sup> She flirts briefly with the notion that her surreptitious meetings with the Commander invest her with the power to bargain for an improved situation<sup>75</sup> but soon laments that she is "dispensable,"<sup>76</sup> "a whim."<sup>77</sup> Her ability to rebel fails to transcend taking "naughty" pleasure in the forbidden magazines and hand lotion he provides her.<sup>78</sup> When it eventually becomes clear that Offred could play an important role in the underground resistance movement by virtue of her access to the Commander, she hesitates, unwilling to commit.<sup>79</sup> By the novel's end, Offred regularly indulges in episodes of self-disapproval, self-pity, and suicidal fantasies.<sup>80</sup>

The character of Moira, a lesbian feminist activist<sup>81</sup> and Offred's oldest friend<sup>82</sup> serves as a foil for Offred. Moira possesses the spectacular heroism,<sup>83</sup> energy, and determination in the face of adversity<sup>84</sup> that Offred lacks.<sup>85</sup> In addition to being more courageous than Of-

67. See *id.* at 30, 37, 43, 47.

68. See *id.* at 39.

69. See *id.* at 61.

70. See *id.* ("Why am I frightened? I've crossed no boundaries, I've given no trust, taken no risk, all is safe.").

71. See *id.* at 286.

72. Barbara Ehrenreich, *Feminism's Phantoms: The Handmaid's Tale by Margaret Atwood*, THE NEW REPUBLIC, Mar. 1986, at 33.

73. See ATWOOD, *supra* note 7, at 57.

74. See *id.* at 50; *cf. id.* at 285 ("Keep your head down, I used to tell myself, and see it through.").

75. See *id.* at 136, 138, 139, 155. She later regrets having been "distracted by trivia." *Id.* at 267.

76. See *id.* at 158.

77. See *id.* at 159.

78. See *id.* at 139-40 (admitting her story about her plot to kill the Commander "is a reconstruction"); *cf. id.* at 222 (delighting in the "naughty, secretive, forbidden, thrilling" quality of whispering obscenities about those in power).

79. See *id.* at 270-71.

80. See *id.* at 268, 270, 271, 281, 285, 286, 292-93.

81. Bloom, *supra* note 10, at 19.

82. See ATWOOD, *supra* note 7, at 173.

83. See Bloom, *supra* note 10, at 19.

84. See ATWOOD, *supra* note 7, at 178.

85. See *id.* at 222.

fred,<sup>86</sup> Moira is also more logical<sup>87</sup> and more resourceful.<sup>88</sup> Offred takes comfort in her memories of Moira by carrying the voice of Moira around in her head.<sup>89</sup> In this way she can remember “somewhere good,”<sup>90</sup> where she felt safe and “ridiculously happy.”<sup>91</sup> As a figure “[l]arger than life and twice as ugly,”<sup>92</sup> Moira provides an encouraging and amusing link to the past,<sup>93</sup> a comfort in the present,<sup>94</sup> and hope for the future.<sup>95</sup>

The critical responses to *The Handmaid's Tale* have been many and varied.<sup>96</sup> Feminist scholars have reacted to Atwood's novel as exhibiting the evils of contemporary surrogacy.<sup>97</sup> Others have viewed the novel as a warning of “a repressive tendency in feminism itself.”<sup>98</sup> Still others see *The Handmaid's Tale* as “dated and parochial. It is essentially just an expression of liberal fear of Ronald Reagan in the early 1980's; its concerns are too limited, temporary and, ultimately, misguided.”<sup>99</sup> Since the novel evokes such varied reactions, it is difficult to formulate a general statement about whether or why the novel succeeds. Perhaps to show how a work of fiction helps readers examine and arrive at a deeper understanding of controversial contemporary practices is all that should be expected of this or any work of fiction.<sup>100</sup> *The Handmaid's Tale*, as it turns out, does just this by pointing out how the personal tragedy of infertility within a political

86. See Gayle Green, *Choice of Evils*, 3 WOMEN'S REV. BOOKS 14 (1986) (describing Moira as a “rebel and lesbian separatist whose courage [Offred] does not share”).

87. See ATWOOD, *supra* note 7, at 171.

88. See *id.* (“If I were Moira, I'd know how to take it apart, reduce it to its cutting edges. I have no screwdriver, but if I were Moira I could do it without a screwdriver. I'm not Moira.”).

89. See *id.* at 233.

90. *Id.* at 37.

91. *Id.* at 71, 73.

92. See *id.* at 89.

93. See *id.* at 25, 56 (nostalgically comparing Moira to “a cat that crawls onto the page when you're trying to read”).

94. See *id.* at 89 (“I couldn't stand the thought of her not being here, with me. For me.”).

95. See *id.* at 250 (“I'd like her to end with something daring and spectacular, some outrage, something that would befit her.”); but see Bloom, *supra* note 10, at 19 (“The fall of Offred's hero disturbs the narrator, such that she feels that if her strong friend can be broken, made content with small bits of happiness, then there is no hope for any of them.”).

96. A search of the database Literature Online, <http://lion.chadwyck.com/search-CritRef.do>, uncovered 268 scholarly articles on *The Handmaid's Tale*.

97. See HELENA MICHIE & NAOMI R. CAHN, CONFINEMENTS: FERTILITY AND INFERTILITY IN CONTEMPORARY CULTURE 7 (1997) (describing *The Handmaid's Tale* as “a fictional account of the worst fears of many matrifocal feminists come true”).

98. Barbara Ehrenreich, *On Feminist Dystopia*, in Bloom, *supra* note 10, at 79.

99. BrothersJudd.com, Review of Margaret Atwood's *The Handmaid's Tale*, [http://www.brothersjudd.com/index.cfm/fuseaction/reviews.detail/book\\_id/750/Handmaid's%20T.htm](http://www.brothersjudd.com/index.cfm/fuseaction/reviews.detail/book_id/750/Handmaid's%20T.htm) (last visited Sept. 14, 2005).

100. See generally Kenji Yoshino, *The City and the Poet*, 114 YALE L.J. 1835 (2005) (arguing for a positive vision of literature's interaction with state functions). For example, Ruth Wood has concluded that:

system driven to maintain its ascendancy through a race-specific program of repopulation becomes a potent premise for the exploitation of disenfranchised groups.<sup>101</sup>

It is understandable that many have described *The Handmaid's Tale* as primarily a novel about the exploitative elements of surrogate motherhood.<sup>102</sup> The novel itself bears as its epigraph the Biblical story of Jacob, Rachel, Sarah and the handmaid Bilhah.<sup>103</sup> Biblical accounts of surrogacy are often cited in scholarly treatments of surrogacy as the earliest form of legally sanctioned surrogate motherhood. Historically, the law provided that concubinage was an acceptable practice for the purposes of providing the family an heir when the wife was infertile.<sup>104</sup> The practice was for the wife to "offer up" her maid to her husband so that a child could be created.<sup>105</sup> In contrast to the academic voices that look to the stories of Jacob, Rachel, Leah, Abraham, Sarah, and Hagar as ancient templates for their analyses of contemporary surrogacy,<sup>106</sup> Margaret Atwood's *The Handmaid's Tale* takes the ancient story and inserts it into a contemporary landscape where political forces have so changed society that the enslavement of fertile women forms a part of the fabric of everyday life.<sup>107</sup> But at the same time that *The Handmaid's Tale* tells a tale of surrogate mothers, it is also a novel about the experience of infertile women. The novel interweaves descriptions of the fecundity of plant and animal life, lactation, and the raw, primal moment of birth to create a tapestry of how fertility or infertility can alter the course of an individual's or a

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*The Handmaid's Tale* is a deeply resonant charge against those in contemporary America who think we can cure the ills of our society by being straight-laced, prohibitive, and conventional in our morality while keeping silent about evils done in the name of free enterprise to our environment, our sense of community, and the poor and ethnically and religiously varied among us.

Ruth Wood, *Called to Be a Handmaid: Defending Margaret Atwood*, in *CENSORED BOOKS II: CRITICAL VIEWPOINTS, 1985-2000* 199, 204 (Nicholas J. Karolides ed., 2002).

101. See *infra* notes 166-173 and accompanying text.

102. See generally Linda Myrsiades, *Law, Medicine, and the Sex Slave in Margaret Atwood's The Handmaid's Tale*, in *UNDISCIPLINING LITERATURE: LITERATURE, LAW & CULTURE* 219 (Kostas Myrsiades & Linda Myrsiades eds., 1999) (analyzing of Margaret Atwood's *The Handmaid's Tale*).

103. *Epigraph* to MARGARET ATWOOD, *THE HANDMAID'S TALE* (1986) (referring to Genesis 30:1-3).

104. GRAYCE P. STOREY, *YALE-NEW HAVEN TEACHERS INSTITUTE, ETHICAL PROBLEMS SURROUNDING SURROGATE MOTHERHOOD* (2005), <http://www.yale.edu/yhnti/curriculum/units/2000/7/00.07.05.x.html#e>.

105. *Id.*

106. See e.g., Christine L. Kerian, *Surrogacy: A Last Resort Alternative for Infertile Women or a Commodification of Women's Bodies and Children?*, 12 *WIS. WOMEN'S L.J.* 113, 116-17 (1997); Kevin Yamamoto & Shelby A.D. Moore, *A Trust Analysis of a Gestational Carrier's Right to Abortion*, 70 *FORDHAM L. REV.* 93, 109 & n.63 (2001).

107. See ATWOOD, *supra* note 7, at 88, 93-95.

society's destiny.<sup>108</sup> In the final analysis, the novel succeeds because it demonstrates how the emotional experience of infertility can be harnessed for political ends if women can be controlled so that they see themselves as little more than reproductive actors.

### III. INFERTILITY AND ASSISTED REPRODUCTION IN EGYPT

Despite the fact that *The Handmaid's Tale* is a work of fiction, the dynamics of the society therein described bear remarkable parallels to contemporary Egypt. I am aided in this comparison by an extraordinary three-volume ethnography of infertility and assisted reproduction in Egypt by University of Michigan anthropologist Marcia Inhorn.<sup>109</sup> In her work, Professor Inhorn situates Egypt as a pronatalist, resource-poor, class-stratified, Third World country<sup>110</sup> and proceeds to explore the "arenas of constraint"—most significantly those involving gender, class, and religion—that Egyptians struggling to cope with infertility must navigate.<sup>111</sup>

Religion is of primary importance in the regulation of reproduction in Egypt because, unlike in the United States where IVF practices may be pursued in defiance of religious teachings,<sup>112</sup> Egyptians are deeply religious people in an Islamic world marked by increasing religious fervor.<sup>113</sup> It is thus unsurprising to find a strong convergence between official religious doctrine, the practices of the medical profession, and the actions of the patients themselves in the domain of test-tube baby making.<sup>114</sup> Of particular significance is the prohibition of any form of third-party contribution to the reproductive process, be it

108. See ATWOOD, *supra* note 7, at 12, 17, 18, 19, 110, 112, 116–17, 123–27, 135, 136, 139, 153, 154, 161, 194, 218, 221, 261, 262, 283.

109. See INFERTILITY AND PATRIARCHY, *supra* note 4.

110. See LOCAL BABIES, *supra* note 1, at 34–35, 55, 223.

111. See LOCAL BABIES, *supra* note 1, at 16 (defining "arenas of constraint" as "structural, social-cultural, ideological, and practical obstacles and apprehensions that may detract or deter local Egyptian actors altogether from using the new reproductive technologies.").

112. See *id.* 94, 99–102.

113. See *id.* at 90–91, 100–01.

114. See *id.* at 94, 100. This is not to say that tension between religious doctrine and medical practice does not exist. Indeed, efforts "not to 'go against religion'" in the practice of "high-tech Western medicine" may create tension. See LOCAL BABIES, *supra* note 1, at 94. See also INFERTILITY AND PATRIARCHY, *supra* note 4, at 20–21 ("[I]ndividuals . . . [may] actually behave in ways that may diverge considerably from the official rules of propriety."). A specific example is the tourism of some Sunni Muslims to Lebanon and Iran, where they procure third-party gamete donation in secret, thanks to a liberal interpretation of Islamic doctrine by the minority Shi'ite branch. See LOCAL BABIES, *supra* note 1, at 114–15; Marcia C. Inhorn, *Religion and Reproductive Technologies: IVF and Gamete Donation in the Muslim World*, ANTHROPOLOGY NEWS, Feb. 2005, available at <http://www.aaanet.org/press/an/0502Inhorn.htm> (relating the incidence of Sunni Muslims "secretly 'going against' the dictates of Sunni Muslim orthodoxy").

egg or sperm donation or surrogate gestation.<sup>115</sup> Such participation would contravene the overarching importance of genetic ties in the solidification of family bonds and the psychological well being of children.<sup>116</sup>

On the level of gender, Egypt is “a society in which virtually all women achieve adult personhood through marriage and motherhood”<sup>117</sup> and where, more generally, “hegemonic masculinities and femininities are instantiated through fertility.”<sup>118</sup> Infertility is thus nothing short of a gender identity disaster for most Egyptian women.<sup>119</sup> This state of affairs exists because contemporary Islamist discourse valorizes motherhood as a woman’s exclusive role,<sup>120</sup> and, despite the importance of marriage in Egyptian society,<sup>121</sup> the marital couple have no social value or even identity independent of their ability to procreate.<sup>122</sup> Indeed, there is no word for the human couple in either classical or Egyptian colloquial Arabic.<sup>123</sup> Marriages are thus inherently fragile and unstable until children are born, and infertility goes a long way towards destabilizing the marital relationship.<sup>124</sup>

Although to assert their masculinity in Egyptian society, men must marry and sire children,<sup>125</sup> Professor Inhorn demonstrates how the blame for a couple’s infertility falls disproportionately and often exclusively on the wife,<sup>126</sup> who suffers harassment from neighbors and in-laws and threats of divorce or polygyny from her husband.<sup>127</sup> The supposedly infertile wife’s tumultuous relationship with her husband is exacerbated by the derision of her in-laws and neighbors and finally results in her ostracism from the community.<sup>128</sup> Despite the central role played by men in reproduction in Egyptian patriarchal ideology’s

115. See LOCAL BABIES, *supra* note 1, at 97, 105; QUEST FOR CONCEPTION, *supra* note 6, at 322, 331, 340.

116. See LOCAL BABIES, *supra* note 1, at 107–08.

117. *Id.* at 220; see also *id.* at 97 (linking a Muslim woman’s dignity and self-esteem to her potential to procreate).

118. *Id.* at 220; see also *id.* at 224–25 (discussing how infertility affects the masculinity and femininity of Egyptian people).

119. *Id.* at 224; INFERTILITY AND PATRIARCHY, *supra* note 3, at 57; QUEST FOR CONCEPTION, *supra* note 6, at 4, 30 (defining childlessness as a “cultural calamity for women in Egypt”).

120. INFERTILITY AND PATRIARCHY, *supra* note 3 (back cover of paperbound edition).

121. See LOCAL BABIES, *supra* note 1, at 226–27.

122. See INFERTILITY AND PATRIARCHY, *supra* note 3, at 91–92, 227.

123. See LOCAL BABIES, *supra* note 1, at 221, 227; INFERTILITY AND PATRIARCHY, *supra* note 3, at 91.

124. See LOCAL BABIES, *supra* note 1, at 227.

125. See *id.* at 221.

126. See INFERTILITY AND PATRIARCHY, *supra* note 3, at 24, 226, 229; QUEST FOR CONCEPTION, *supra* note 6, at 3.

127. See *id.* at 91, 143–45, 229; QUEST FOR CONCEPTION, *supra* note 6, at 4, 363.

128. See INFERTILITY AND PATRIARCHY, *supra* note 3, at 172, 203–04, 213–14, 221; LOCAL BABIES, *supra* note 1, at 245; QUEST FOR CONCEPTION, *supra* note 6, at 4, at 40, 205.

deployment of the notion of monogenesis, that only men procreate and women merely gestate,<sup>129</sup> women almost always shoulder a disproportionate level of blame for infertility and suffer ostracism by a community that fears she bears the evil eye of envy toward their children and that they will fall ill and die as a result.<sup>130</sup> Belief in the evil eye is thus a potent reification of the infertile woman's stigma and a justification for her ostracism.<sup>131</sup>

Finally, on the level of class, poverty in economic resources and power are, according to Inhorn, the most fundamental arena of constraint in a class-stratified, resource-poor, pronatalist, Third World country like Egypt.<sup>132</sup> Although the necessity of having a child cuts across all class strata in Egypt,<sup>133</sup> upper class Egyptians unsurprisingly have no difficulty gaining access to expensive reproduction-assisting technologies<sup>134</sup> and engaging in reproductive tourism.<sup>135</sup> Indeed, the minuscule group of Egyptian upper class couples accounted for fully 62% of couples pursuing in vitro fertilization in Inhorn's study.<sup>136</sup> The experience of upper class Egyptian couples stands in sharp contrast to the other classes and even to the upper middle class,<sup>137</sup> who struggle to meet the expenses of medical care in Egypt and cannot afford the cost of medical care in the West.<sup>138</sup> Their economic straits can be accounted for, in part, by Egypt's poverty of resources and the corresponding low salaries even professional workers receive.<sup>139</sup> This makes the cost of in vitro fertilization a fundamental constraint for the middle class, who often resort to selling valuables, borrowing money,<sup>140</sup> and even to labor migration to the oil-rich countries of the Arabian Peninsula—Qatar, Saudi Arabia, Oman, the United Arab Emirates and to a certain extent even Yemen.<sup>141</sup> These labor migrants return to Egypt for "in vitro holidays" in their homeland.<sup>142</sup> In sum, disparities in power and economic resources between classes<sup>143</sup> lead to two things: "stratified reproduction"—"the inequitable privileging of

129. See INFERTILITY AND PATRIARCHY, *supra* note 3, at 22; LOCAL BABIES, *supra* note 1, at 64; QUEST FOR CONCEPTION, *supra* note 6, at 5.

130. See INFERTILITY AND PATRIARCHY, *supra* note 3, at 203, 213–18, 229, 270.

131. See *id.* at 203.

132. See LOCAL BABIES, *supra* note 1, at 34–35, 55, 223.

133. See *id.* at 33, 49.

134. See *id.* at 54.

135. See *id.* at 50.

136. *Id.* at 48.

137. See *id.* at 42, 54. The distinction between the middle and upper middle class appears to be the number of IVF cycles they can afford. *Id.* at 42, 54.

138. *Id.* at 52.

139. See *id.* at 41. Indeed, Inhorn reports that salaries for professionals in Egypt often do not rise above poverty-level salaries in the United States. See *id.* at 52.

140. See *id.* at 42.

141. See *id.* at 44. Indeed, Egyptians make up fully three million or 60% of foreign Arab labor in the Middle East. See *id.* at 43.

142. See *id.* at 46.

143. See *id.* at 34.

the reproductive trajectories of elites over those of the poor and disempowered”<sup>144</sup>—and to fertility migration where Egyptians travel to oil-rich Arab Gulf states in order to earn enough to afford assisted reproduction back home.<sup>145</sup>

For the lower classes in Egypt, employing IVF technology is virtually out of the question.<sup>146</sup> There are no fully governmentally subsidized IVF services for the poor,<sup>147</sup> leaving the lower and lower middle classes to resort to traditional forms of medicine to address their infertility,<sup>148</sup> or to homologous artificial insemination at the very most.<sup>149</sup> Thus, poor infertile women in Egypt are triply stigmatized by femaleness, poverty, and barrenness.<sup>150</sup> Having a child is the only social power they can hope to acquire,<sup>151</sup> but their lack of resources precludes their use of assisted reproduction. Further stigmatizing is the belief of some that it is right that the poor cannot afford reproductive technology because they would not be able adequately to care for any children born to them anyway,<sup>152</sup> in spite of the Islamic belief that it is important to have children first and foremost<sup>153</sup> and that God will take care of the rest. According to this belief, Egyptian elites are, after all, “better potential contributors to the future Egyptian state.”<sup>154</sup>

#### IV. THE HANDMAID’S TALE OF FERTILITY TOURISM

Through its combination of the themes of global infertility and reproductive exploitation, *The Handmaid’s Tale* becomes a powerful metaphoric expression of contemporary fertility tourism. Fertility tourism occurs when infertile individuals or couples travel abroad for the purposes of obtaining medical treatment for their infertility.<sup>155</sup> Fertility tourism may also occur in the reverse, when the infertile import the third parties necessary for their fertility treatment.<sup>156</sup> Fertility tourism has various causes. Services in a certain area may simply

144. *Id.* at 35 (citing Faye D. Ginsburg & Rayna Rapp, *Introduction to CONCEIVING THE NEW WORLD ORDER: THE GLOBAL POLITICS OF REPRODUCTION* 1, 13 (Faye D. Ginsburg & Rayna Rapp eds., 1995)).

145. *See id.* at 43.

146. *See id.* at 39–41, 56.

147. *See id.* at 36.

148. *See generally* QUEST FOR CONCEPTION, *supra* note 6 (discussing the traditional infertility techniques in Egypt).

149. *See* LOCAL BABIES, *supra* note 1, at 39.

150. INFERTILITY AND PATRIARCHY, *supra* note 3, at 2, 229.

151. *See id.* at 221, 251–54.

152. *See* LOCAL BABIES, *supra* note 1, at 40.

153. *See generally*, INFERTILITY AND PATRIARCHY, *supra* note 3, at 76–84 (describing the importance of motherhood and childbearing in the Islamic culture).

154. LOCAL BABIES, *supra* note 1, at 41.

155. *See* Guido Pennings, *Reproductive Tourism as Moral Pluralism in Motion*, 28 J. MED. ETHICS 337, 337 (2002).

156. *See generally* Inhorn, *Religion and Reproductive Technologies*, *supra* note 114 (reporting recruitment of young American women for anonymous egg donation).

not exist because of a lack of demand or because certain therapies have not yet been introduced there.<sup>157</sup> They may be unavailable due to legal<sup>158</sup> or cultural<sup>159</sup> prohibitions.<sup>160</sup> Or they may be too costly for some individuals.<sup>161</sup> Traveling along a continuum from available to unavailable, the therapies may actually be available and affordable to the prospective travelers but not in exactly the way they prefer, or they may require clearing numerous time-consuming administrative hurdles before they can be accessed.<sup>162</sup> There may be a desire to benefit from more expert opinion or better success rates than are perceived to be readily available in the area.<sup>163</sup> Finally, patients may simply desire the greater anonymity made possible through seeking medical treatment at some distance from one's domicile.<sup>164</sup> The current incidence of wealthy Western fertility tourists seeking infertility treatment abroad in impoverished countries where young people are eager to sell their gametes presents the potential for exploitation with which *The Handmaid's Tale* is concerned.<sup>165</sup>

At first blush, the dynamics of human reproduction in Gilead bear little resemblance to present-day fertility tourism. In contrast to the increasingly porous national borders and the highly advanced practice of reproductive science found in today's European Union, Gilead is a closed country with little to offer in the way of reproductive technology.<sup>166</sup> Moreover, the method of reproduction described in *The Handmaid's Tale* involves no technology and was practiced at least as far back as Biblical times.<sup>167</sup> It thus does not resemble the current

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157. See E. Blyth & A. Farrand, *Reproductive Tourism—A Price Worth Paying for Reproductive Autonomy?*, 25 CRITICAL SOCIAL POLICY 91, 97 (2005).

158. See Guido Pennings, *Legal Harmonization and Reproductive Tourism in Europe*, 19 HUM. REPROD. 2689, 2690 (2004) (arguing that ignoring pluralism in society will inevitably lead to reproductive tourism); Blyth, *supra* note 157, at 96.

159. See Blyth & Farrand, *supra* note 157, at 97.

160. See, e.g., *supra* notes 115-16, and accompanying text.

161. See Felicia R. Lee, *Driven by Costs, Fertility Clients Go Overseas*, N.Y. TIMES, Jan. 25, 2005, at A1.

162. See Mehmet R. Gazvani, Simon J. Wood, et al., *Payment or Altruism? The Motivation Behind Gamete Donation*, 12 HUM. REPROD. 1845, 1845 (1997) ("Recipient couples have to wait up to 3 years before treatment can be offered."); Guido Pennings, *Distributive Justice in the Allocation of Donor Oocytes*, 18 J. OF ASSISTED REPROD. & GENETICS 56, 56 (2001) (noting lengthening waiting lists for procuring a donor egg); Gill Higgins, *Egg donation 'surges' in Romania*, BBC NEWS, Dec. 23, 2004, available at <http://news.bbc.co.uk/1/hi/health/4118625.stm> (reporting that women in Britain may have to wait up to seven years for a donor egg).

163. See generally MARY WARNOCK, *MAKING BABIES* 11 (2002) (describing tourism from Northern Ireland to the British mainland).

164. See *Witness: Offspring* (CBC television broadcast Oct. 10 2001) (describing the shame of artificial insemination resulting in travel to London for treatment), available at [http://www.cbc.ca/programs/sites/features/offspring/off\\_video.html](http://www.cbc.ca/programs/sites/features/offspring/off_video.html).

165. On the exploitative potential of fertility tourism, see Richard F. Storrow, *Quests for Conception: Fertility Tourists, Globalization and Feminist Legal Theory*, 57 HASTINGS L.J. (forthcoming 2005).

166. See ATWOOD, *supra* note 7, at 112, 305.

167. See STOREY, *supra* note 61.



practice of surrogacy, which in its traditional form requires artificial insemination and in its more complicated form involves egg retrieval and in vitro fertilization.<sup>168</sup>

Aside from what appears to be a lack of correspondence between Gilead's reproductive order and present-day fertility tourism, a re-reading of the text reveals numerous parallels on a metaphorical level. Repeated references to eggs and ovaries throughout the novel,<sup>169</sup> and the association of the commanders' wives with verdant gardens,<sup>170</sup> reveal that the problem of infertility in Gilead lies not in the incapacity of the commanders' wives to gestate fetuses but to their lack of fertile ova.<sup>171</sup> By implication then, the wives have the capacity to gestate but lack the reproductive resources with which to become pregnant. The usefulness of the handmaids, then, lies in their viable ovaries. They function not so much as conscripted wombs as they do as sources of "seeds" by which the population can be replenished.<sup>172</sup> Consistent with the dismantling of most professions in Gilead, medical intervention in women's bodies is strictly limited.<sup>173</sup> This may explain the absence of in vitro fertilization or of medical techniques to assist postmenopausal women to sustain a pregnancy. These forms of medical technology would enable the wives to banish the handmaids from their bedrooms, sitting rooms,<sup>174</sup> and birthing ceremonies.<sup>175</sup>

The dynamic of fertility tourism can be seen in the distribution of reproductive resources in Gilead, where the government controls sexuality, pregnancy, and parentage in ways that express and re-inscribe its political agenda in the guise of rigid adherence to Biblical scripture.<sup>176</sup> The result is a system wherein, by legal fiat, each handmaid's body either serves as a passport to an infertile woman's motherhood or dooms the handmaid to a fate worse than death in the Colonies. The body is thus cast as its own passport agency, empowered to issue, within the prescribed limits of the law and of condoned practices, permissions to travel as well as promises of protection. It is in this way that *The Handmaid's Tale* affords us insight into the current phenomenon of fertility travel and its potential to facilitate the exploitation of disenfranchised groups under systems eager to profit from the demand of fertility tourists.

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168. See *In re Moschetta*, 30 Cal. Rptr. 2d 893, 894 (Ct. App. 1994); *R.R. v. M.H.*, 689 N.E.2d 790, 795 n.10 (Mass. 1998).

169. Atwood, *supra* note 7, at 18, 110–11, 129, 135, 143, 151, 152, 200, 211, 251.

170. *Id.*, at 12.

171. See *id.* at 18, 73, 110–11, 129, 135, 143, 152–53, 155, 200, 211, 251 (using egg imagery and other references to emphasize that the usefulness of the handmaids lies in their functioning ovaries).

172. See *id.* at 18, 153.

173. See *id.* at 60.

174. See *id.* at 86.

175. See *id.* at 116–17.

176. Compare *id.* at 88, with *id.* at 210–11, 306, 307–08.

Heightening the parallelism to fertility tourism is Atwood's consistent use of the vocabulary of political geography. Each handmaid is a "territory"<sup>177</sup> whose reproductive "resources"<sup>178</sup> can be exploited only by means of a "passport,"<sup>179</sup> a claim to legitimate motherhood. The handmaids, by contrast, possess "passports in reverse"<sup>180</sup> against banishment to the Colonies as long as their contribution to the obsessive quest for fertility in Gilead bears fruit. Other metaphorical references to political geography—flags,<sup>181</sup> maps,<sup>182</sup> barriers,<sup>183</sup> borders,<sup>184</sup> boundaries,<sup>185</sup> and of course travel<sup>186</sup>—make the metaphor of colonizer and colonized all the more insistent.

This use of the taxonomy of political geography is one of Atwood's most effective tools. A passport is an official government document universally accepted as evidence of the bearer's identity and nationality.<sup>187</sup> It entitles the citizen to protection by the issuing government when traveling abroad.<sup>188</sup> The relationship of passports to fertility tourism is both literal and figurative. For fertility tourists, passports facilitate the crossing of borders from one country to another.<sup>189</sup> But the aim of fertility tourism, often the exploitation of the reproductive resources of the destination country, is itself a virtual passport out of penury for gamete donors and clinics in countries eager to cater to the whims of wealthy Western clients. In Gilead, the dynamic is similar. The regime consolidates its power by distributing the nation's reproductive resources among the already powerful elite.<sup>190</sup> The handmaids function as the passports to fertility the ruling class requires to assert its identity and establish its hegemony.<sup>191</sup> Even Offred, taking stock of her present circumstances, sees them as not much more than the information contained in a passport: "I am thirty-three years old. I have brown hair. I stand five seven without shoes. I have trouble remembering what I used to look like. I have viable ovaries. I have

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177. *Id.* at 49, 73, 86, 161.

178. *Id.* at 65, 83, 213.

179. *Id.* at 85, 144, 193, 224.

180. *Id.* at 65.

181. *See id.* at 26, 49.

182. *See id.* at 143.

183. *See id.* at 20.

184. *See id.* at 63.

185. *See id.* at 45, 61.

186. *See id.* at 8, 11, 16, 20.

187. BLACK'S LAW DICTIONARY 1156 (8th ed. 2004).

188. *Id.*

189. *See* ATWOOD, *supra* note 7, at 85, 224 (describing how the escape to Canada is to be facilitated by forged passports).

190. *Id.* at 304–06.

191. *Cf.* Derek Morgan, *Enigma Variations: Surrogacy, Rights and Procreative Tourism*, in *SURROGATE MOTHERHOOD: INTERNATIONAL PERSPECTIVES* 77, 88 (Rachel Cook & Shelley Day Sclater eds., 2003) (comparing the Internet to "a passport for those who would wish to surf as a 'procreative tourist'").

one more chance.”<sup>192</sup> Just as in the Biblical story of Abraham and Sarah,<sup>193</sup> where a similar arrangement stoked jealousy and resentment that destabilized the family,<sup>194</sup> the journey to conception by these means is treacherous.<sup>195</sup> But viewing the handmaids as passports entitles elite infertile couples to full protection of the government as they seek to increase their numbers through forced pregnancy.<sup>196</sup> Unlike in Sarah’s case, where the surrogate mothering arrangement appears to have been purely private with inadequate controls over its consequences,<sup>197</sup> the government of Gilead facilitates a system of constant transfer of the handmaids between families.<sup>198</sup> After a certain period, whether or not she conceives and gives birth, she is removed from and can no longer have any influence over the dynamics of the household.<sup>199</sup>

The handmaids, too, are bearers of passports, albeit of a different stripe. As a “territory”<sup>200</sup> whose body “determines” her,<sup>201</sup> each also possesses what Offred, contemplating the tattoo the authorities have placed on her ankle, calls a “passport in reverse” “guarantee[ing] that I will never be able to fade, finally, into another landscape.”<sup>202</sup> What she means primarily is that the handmaids’ movements are controlled and limited; each bearer of a passport in reverse is a virtual prisoner, an invalid with no means of escape.<sup>203</sup> At the same time, a handmaid’s passport offers her a kind of protection as well: she is guaranteed, at least for the time being, not to be transferred abroad to the Colonies where convict labor, forced to clean toxic waste dumps, faces drastically lowered life expectancy.<sup>204</sup>

In addition to the metaphoric parallels to fertility tourism, there are numerous parallels in *The Handmaid’s Tale* to the dynamics caused by infertility in Egypt. First of all, Gilead, like Egypt, appears to be a resource-poor or at least a resource-compromised society, class-strati-

192. *Id.* at 143.

193. *See Genesis* 16:1–16.

194. *Genesis* 16:4–6 (relating that when Sarah’s handmaid Hagar conceived, she disdained Sarah, who thereupon dealt so harshly with Hagar that Hagar fled into the wilderness); *Genesis* 21:9–14 (relating that once Sarah gave birth to her own child, she commanded Abraham to send Hagar away).

195. *See, e.g.,* ATWOOD, *supra* note 7, at 13, 14, 15–16, 95, 115, 161–62, 205, 259, 263.

196. *See id.* at 304.

197. *See Genesis* 16:4–6 (relating that when Sarah’s handmaid Hagar conceived, she disdained Sarah, who thereupon dealt so harshly with Hagar that Hagar fled into the wilderness).

198. *See* ATWOOD, *supra* note 7, at 127.

199. *See id.* at 214.

200. *Id.* at 73, 86.

201. *Id.* at 63.

202. *Id.* at 65.

203. *See id.* at 224.

204. *See id.* at 127, 216, 220–21, 252, 253.

fied, and pronatalist to a fault.<sup>205</sup> There is an obvious overlay of religion in the architecture of both societies.<sup>206</sup> Widespread infertility appears to be the result of environmental toxins and disease<sup>207</sup> rather than of delayed childbearing,<sup>208</sup> and in neither society is there competition between different institutions to dominate the discourse surrounding legitimate modes of reproduction.<sup>209</sup> Religious tenets in both locations are accepted and followed.<sup>210</sup>

The role of religious doctrine in both societies leads to bright-line drawing, dividing acceptable from unacceptable reproduction-assisting practices.<sup>211</sup> Just as third-party gamete donation and surrogacy are said to contravene religious tenets in Egypt, artificial insemination and fertility clinics are outlawed as simply “irreligious” in Gilead.<sup>212</sup> Surrogacy, though, said to have Biblical precedents, is “legitimized and enforced” in such a way as to mirror “simultaneous polygamy practiced . . . in early Old Testament times.”<sup>213</sup> This is not so different from the Egyptian option for a husband to enter into “a polygynous union with a younger, more fertile co-wife.”<sup>214</sup>

Also parallel is the role of gender. Just as in Egypt, the social status of Gileadean women is closely if not wholly related to her procreative potential. Taken to its extreme in Gilead, this state of affairs results in an essentialist view of women as “two-legged wombs,” “sacred vessels, ambulatory chalices.”<sup>215</sup> In both locations, power dynamics place blame for infertility on women given that as a cultural imperative, men cannot be infertile.<sup>216</sup> Finally, on the level of class, only the elite

205. See ATWOOD, *supra* note 7, at 26, 83.

206. See LOCAL BABIES, *supra* note 1, at 97–98, 104–10.

207. ATWOOD, *supra* note 7, at 112, 304; INFERTILITY AND PATRIARCHY, *supra* note 3, at 233; LOCAL BABIES, *supra* note 1, at 5–6; QUEST FOR CONCEPTION, *supra* note 6, at 13–14, 18–19, 22. A recent study concludes that a common insect pesticide may cause complications that lead to reduced fertility in women. See 145 ENDOCRINOLOGY 3445–51 (2005). Exposure to lead and mercury can adversely affect male fertility. See Einat K. Sheiner, Eyal Sheiner, et al., *Effect of Occupational Exposures on Male Fertility: Literature Review*, 41 INDUSTRIAL HEALTH 55, 55, 56 (2003).

208. See Linda J. Heffner, *Advanced Maternal Age—How Old Is Too Old?*, 351 NEW ENG. J. MED. 1927 (2004) (describing the risks, including decreased fertility, of delayed childbearing).

209. See LOCAL BABIES, *supra* note 1, at 119.

210. Compare LOCAL BABIES, *supra* note 1, at 103–05, with ATWOOD, *supra* note 7, at 88, 93–95, 305.

211. See *id.* at 97–98, 104–10.

212. ATWOOD, *supra* note 7, at 305.

213. *Id.*

214. LOCAL BABIES, *supra* note 1, at 233; INFERTILITY AND PATRIARCHY, *supra* note 3, at 91, 143–45; QUEST FOR CONCEPTION, *supra* note 6, at 4, 363.

215. ATWOOD, *supra* note 7, at 136; see also *id.* at 65, 96, 112, 163.

216. *Id.* at 204. Feminists note that, despite the high incidence of male infertility worldwide, LOCAL BABIES, *supra* note 1, at 6 (“Male infertility is either the sole cause or a contributing factor in more than half of all cases of infertility worldwide . . .”), infertility is invariably cast as a female problem, see INFERTILITY & PATRIARCHY, *supra* note 3, at 24; Arthur L. Greil, *Infertile Bodies: Medicalization, Metaphor, and Agency*, in INFERTILITY AROUND THE GLOBE: NEW THINKING ON CHILDLESSNESS,

in Gilead and Egypt can claim an entitlement to the distribution of scarce reproductive resources.<sup>217</sup>

The one significant distinction between Egypt and Gilead is Gilead's acceptance of third-party participants in the form of surrogate mothers.<sup>218</sup> As mentioned above, Islamic law does not condone surrogacy.<sup>219</sup> The distinction, although seemingly stark, can be understood as the result of a key difference in the two societies' pronatalist programs. Although justified as Biblical, acceptance of surrogacy in Gilead may at its root be a matter of simple necessity, the birth rate having fallen below "the zero line of replacement."<sup>220</sup> Repopulation is urgent in the wake of widespread chemically induced infertility.<sup>221</sup>

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GENDER, AND REPRODUCTIVE TECHNOLOGIES 101, 101 (Marcia C. Inhorn & Frank van Balen eds., 2002); Frank van Balen & Marcia C. Inhorn, *Interpreting Infertility: A View from the Social Sciences*, in INFERTILITY AROUND THE GLOBE: NEW THINKING ON CHILDLESSNESS, GENDER, AND REPRODUCTIVE TECHNOLOGIES 3, 19 (Marcia C. Inhorn & Frank van Balen eds., 2002) [hereinafter *Interpreting Infertility*]. See also MICHIE & CAHN, *supra* note 97, at 4 (analyzing fertility advice literature and noting that the reader is always "textually marked as female, even if the problem is one of 'male infertility,'" and requiring resolution through medical intervention). See Hilary Rose, *Victorian Values in the Test-tube: The Politics of Reproductive Science and Technology*, in REPRODUCTIVE TECHNOLOGIES: GENDER, MOTHERHOOD AND MEDICINE 151, 172 (Michelle Stanworth ed., 1987) [hereinafter REPRODUCTIVE TECHNOLOGIES]. Institutional ignorance about the environmental causes of infertility and a myopic focus on women's reproductive capacity to the detriment of other health issues of concern to women become entrenched. See *Interpreting Infertility, supra*, at 14; Federico Neresini & Franca Bimbi, *The Lack and the "Need" of Regulation for Assisted Fertilization: The Italian Case*, in BODIES OF TECHNOLOGY: WOMEN'S INVOLVEMENT WITH REPRODUCTIVE MEDICINE 207, 210 (Ann Rudinow Saetnan, Nelly Oudshoorn, et al. eds., 2000); Rose, *supra*, at 172; See also Marcia C. Inhorn & K. Lisa Whittle, *Feminism Meets the "New" Epidemiologies: Toward an Appraisal of Antifeminist Biases in Epidemiological Research on Women's Health*, 53 SOC. SCI. & MED. 553, 559-61 (2001) (discussing the view of current biomedical and public health models). Consequently, to satisfy the masculine insistence on having a biological connection to offspring, the bodies both of infertile women and of those who are paired with infertile men become subject to a host of medical interventions, including not only invasive in vitro fertilization but also experimentation that is of little benefit to them. See PAUL LAURITZEN, PURSUING PARENTHOOD: ETHICAL ISSUES IN ASSISTED REPRODUCTION 14-18, 29 (1993) (referring to feminist objections to using IVF to treat male-factor infertility). The general hostility some feminist adherents bear toward reproductive technology arises from the view "that women's choice to participate in infertility treatments is so conditioned by the socially constructed stigma of infertility and a societally imposed norm of maternity as to be no real 'choice' at all." Janet Gallagher, *Eggs, Embryos and Foetuses: Anxiety and the Law*, in REPRODUCTIVE TECHNOLOGIES, *supra*, at 138, 145.

217. See LOCAL BABIES, *supra* note 1, at 48, 50, 54; QUEST FOR CONCEPTION, *supra* note 6, at 346.

218. See ATWOOD, *supra* note 7, at 305.

219. See LOCAL BABIES, *supra* note 1, at 97, 105. An extraordinary and recent exception is Iran. See Inhorn, *Religion and Reproductive Technologies, supra* note 114 ("Iran is the only Muslim-majority country in the Middle East to have allowed surrogacy in a very recent turn of events.").

220. ATWOOD, *supra* note 7, at 113.

221. See *id.* at 112, 304.

Having rejected radical medical intervention in women's bodies,<sup>222</sup> including reproduction-assisting technologies,<sup>223</sup> Gilead is little better than compelled to embrace surrogacy as the most practical of its few options. In Egypt, by contrast, pronatalism is more of an ideology than a requisite.<sup>224</sup> Repopulation is far from urgent,<sup>225</sup> and so it is quite easy to propound and expect conformity with a mandate that children must be the biological offspring of both members of a couple and its concomitant exclusion of third-party donors from the reproductive process. This important difference between understandings of pronatalism in Egypt and Gilead may, in part, explain why these societies accept different forms of assisted reproduction.

The value of the foregoing comparative exercise lies in its demonstration that religious doctrine can be interpreted and deployed as regulation of reproduction in any way that serves prevailing political commitments. As Professor Inhorn has observed, "during periods of moral uncertainty, appeals to religion may provide an important source of moral legitimization for controversial actions."<sup>226</sup> Where repopulation is not urgent, as in Egypt, the patriarchal preference that children be the biological offspring of both members of the couple, although it originated in concerns about property rights and inheritance, becomes part of the Islamic law of assisted reproduction by means of the analogical reasoning of powerful judges (*shaikhs*), who liken third-party donation to the family-destabilizing act of adultery forbidden by the Qur'an.<sup>227</sup> In a similar fashion, the Biblical story of Jacob and Leah, although it is a cautionary tale warning of the familial and social upheaval that surrogacy arrangements can cause,<sup>228</sup> becomes, in fertility-starved Gilead, the blueprint upon which the government's repopulation program is modeled and justified.<sup>229</sup> The

222. See *id.* at 112, 114.

223. See *id.* at 305.

224. See INFERTILITY AND PATRIARCHY, *supra* note 3, at 230.

225. See *id.* at 230; LOCAL BABIES, *supra* note 1, at 3; QUEST FOR CONCEPTION, *supra* note 6, at 346 (describing governmentally sponsored population control efforts in Egypt). But see INFERTILITY AND PATRIARCHY, *supra* note 3, at 230–32, QUEST FOR CONCEPTION, *supra* note 6, at 23–24, 156 (describing Egyptian hyper fertility and overpopulation as neocolonialist myths).

226. LOCAL BABIES, *supra* note 1, at 89.

227. See *id.* at 97, 106–07, 279. It should be noted here that in Iran, leaders of the minority Shi'ite branch of Islam have concluded that restrictions on third-party gamete donation are themselves family-destabilizing in that they expose the relationships of infertile couples to damaging "marital and psychological disputes." Inhorn, *Religion and Reproductive Technologies*, *supra* note 114. As a mechanism to save marriages, certain restrictions on third-party gamete donation in Iran have been lifted. See *id.* (noting the "great boon to marital relations" of Shi'ite *fatwas* that permit egg donation).

228. *Genesis* 16:4–6 (relating that when Sarah's handmaid Hagar conceived, she disdained Sarah, who thereupon dealt so harshly with Hagar that Hagar fled into the wilderness); *Genesis* 21:9–14 (relating that once Sarah gave birth to her own child, she commanded Abraham to send Hagar away).

229. See ARWOOD, *supra* note 7, at 88, 93–95.

ruling class's distrust and rejection of the high-tech methods of reproductive medicine<sup>230</sup> prevent it from proceeding in any other fashion. Were Gilead to embrace reproductive medicine as has contemporary pronatalist Israel—where the dominant ideology also posits the urgency of repopulation—third-party gamete donation would be rendered unproblematic.<sup>231</sup>

Comparing the religious regulation of reproduction in Egypt and Gilead makes it possible to see how religious doctrine can be politically transformed into bright-line, compulsory regulation bearing the imprimatur of an unchallengeable deity. This overlay of religion in the regulation of assisted conception has a powerful effect on social dynamics, so powerful in fact that it can render the difference between choice and enslavement impossible to discern.

## V. CONCLUSION

This Article has examined Margaret Atwood's *The Handmaid's Tale* as a lens through which to understand the potential for exploitation in the religious regulation of assisted reproduction. The book, a chilling tale set in a future dystopia, is at once a story of infertility, of surrogacy, and of reproductive exploitation underscored by the use of an extended tourism metaphor.<sup>232</sup> Numerous descriptions throughout the novel of transcending boundaries, carrying passports, and passing through checkpoints work together to constitute an insistent web of references to international travel and colonization and emphasize how infertility, wealth, and religious dogma twisted for political ends can engender a system wherein the infertile act as colonists laying claim to the resources of disenfranchised groups.

Atwood's Gilead contains remarkable parallels to contemporary Egypt.<sup>233</sup> Just as infertile Egyptians must negotiate difficult arenas of constraint including religion, gender, and class in their drive to satisfy the social mandate that they bear children,<sup>234</sup> infertile Gileadean women must navigate within their religiously circumscribed lives in a single-minded quest for motherhood.<sup>235</sup> In the process, they struggle with often irresistible temptations to violate the dictates of orthodoxy, but the structure of both societies allows them no other means by which to craft an individual identity that has currency and legitimacy

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230. *See id.* at 112, 305.

231. *See* SUSAN MARTHA KAHN, *REPRODUCING JEWS: A CULTURAL ACCOUNT OF ASSISTED CONCEPTION IN ISRAEL* 3, 4, 16, 78, 157, 172, 175 (2000).

232. *See supra*, notes 101–08, 155–204 and accompanying text.

233. *See supra*, notes 205–31 and accompanying text.

234. *See supra*, notes 109–54, 215–16 and accompanying text.

235. *See supra*, notes 53–56, 108, 215–16 and accompanying text.

outside the private sphere. As a snapshot of how the pain of infertility can be channeled politically into horrifying social dynamics, then, *The Handmaid's Tale* is not merely a dystopic thought exercise, but a novel that offers insight into contemporary real-world problems arising from the desperate quest to procreate.