

Australian Gay Fathers' Experiences of Family Formation Through Surrogacy

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Abstract

The use of surrogacy is a contentious issue that attracts potent social and ethical implications. In Australia, surrogacy is governed by restrictive legislation that until recently excluded gay men. Gay men as fathers challenges traditional family structure and kinship norms, and as such, they must contend with additional complexities when forming their families. Limited literature currently exists regarding how prospective gay fathers traverse this process. Further understandings of gay fathers' surrogacy experiences are required to examine how service provision, legislation, and broader community attitudes impact gay men and their much-desired families. This qualitative study contributes by examining Australian gay fathers' surrogacy experiences described in submissions to the 2016 Australian parliamentary inquiry 'Surrogacy Matters'. Employing reflexive thematic analysis, three themes were generated: (1) gay fathers are worthy parents, deserving of children; (2) the fine line between exploitation and benefits of surrogacy; and (3) risk versus reward: the risks gay fathers are willing to take to have a child. Themes underscored the social connotations that arise with gay men desiring children, societal pressures for gay men to prove their parental efficacy, restrictive legislation that lead many to break the law, and the desires and efforts of these men to avoid exploitation throughout this process. This research illustrates the imbalance of social attitudes around the deservingness of children and the lack of support and recognition of gay families in Australia. The findings highlight the need for change in societal attitudes concerning gay men as fathers and the need to review Australian surrogacy legislation.

Declaration

This work contains no material which has been accepted for the award of any other degree or diploma in any university or other tertiary institution and, to the best of my knowledge and belief, contains no material previously published or written by another person, except where due reference has been made in the text. I give permission for the digital version of my thesis to be made available on the web, via the University's digital research repository, the Library Search and also through web search engines, unless permission has been granted by the School to restrict access for a period of time.

Jacob Thomas Prout

September, 2021

Contribution Statement

In writing this thesis, my supervisor conceived the initial idea, the initial research aims, and provided the source of data. My supervisor and I collaborated on the ethics application, and the final research aims and population of interest. I conducted the literature search and examined and selected submissions to be included in this study based on our collaborated research aim. I conducted data analysis of submissions to produce themes and subthemes, with discussion with my supervisor to refine themes, as is standard in qualitative research. I selected all submission extracts and wrote up all aspects of this thesis.

Jacob Thomas Prout

26th September, 2021

Acknowledgements

Dedicated to fathers. The law and your sexuality does not define your legitimacy as parents or the legitimacy of your families.

Both of my children know the story of how they were born. The wonderful women that helped bring them into my life. I hope one day they will understand that I went down the only path available to me at the time to create a family. It was not a perfect journey, however the result is nothing short of perfection.

(Contributor 13)

I would first and foremost like to sincerely thank my supervisor, Dr Melissa Oxlad, for her support, guidance, and encouragement throughout this year. Your knowledge and work in the field of psychology is aspirational. I hope to one day contribute to the lives of others as you have.

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Overview

As alterations are made to Australian surrogacy legislation, surrogacy for gay men becomes a more tenable process as a means of family formation, with instances of gay men becoming fathers via surrogacy continuing to increase (Norton et al., 2013; Riggs et al., 2015). Nonetheless, these fathers contend with social, political, financial and, legislative barriers, which compound the experience of having a child (Crouch et al., 2017; Salama et al., 2018; Plater et al., 2018; Tremellen & Everingham, 2016). Little is known regarding the lived surrogacy experiences of Australian gay fathers, as this area remains under-researched. Here, the limited existing literature about gay fathers' surrogacy experiences, motivations for surrogacy and family formation, Australian surrogacy legislation, and barriers to surrogacy is reviewed to provide context for the current research, which aimed to contribute to the restricted knowledge in this area by exploring Australian gay fathers' experiences of family formation through surrogacy. While definitions within gender and sexually diverse communities vary, the current thesis uses the term 'gay' to refer to "a sexual orientation describing people who are primarily emotionally and physically attracted to people of the same sex and/or gender as themselves" (National LGBTQIA+ Health Education Centre, 2020).

Social Constructions of Parenthood and Families

For heterosexual couples, procreation is framed as a normative experience that dictates adulthood for men and women (Riggs & Bartholomaeus, 2018). Motives cited for the desire to parent have included the innate biological urge to reproduce and the anticipation of enjoyment and affection that comes from a parent-child relationship (Brenning et al., 2015; Goldberg et al., 2012; Lesnik-Oberstein, 2008). Procreation is also linked with various social identities and processes. For example, research in the 1970s in diverse disciplines, often

perceived voluntary childlessness as social deviancy (Blackstone & Stewart, 2012). Similar perceptions continue to infiltrate modern society, as parenthood is still framed as a normative experience; however, such perceptions of childlessness are slowly changing (Ashbur-Nardo, 2017; Koropecj-Cox et al., 2007).

Social constructions of parenthood extend to broader societal perceptions. Particularly, heteronormativity promotes the perspective that heterosexuality is the superior sexual orientation, thereby encouraging the construction of heterosexual parents as the normal or 'traditional' arrangement for a family (Crouch et al., 2017; Perlesz et al., 2006). The heteronormative perspective incites homophobic societal attitudes, which in the context of same-sex families frames them as the 'deviant other', the 'not normal' (Pennington & Knight, 2011).

A broadening of the notion of kinship is particularly fundamental to lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQIA+) people's constructions of family, as LGBTQIA+ individuals have long been denied access to the social institution of family and so instead constructed their own 'chosen' families to fulfil these needs and desires (Cook, 2010; Dewaele et al., 2011). Queer kinship or 'families of choice' are constructed through friendships that fulfil the role of a family support network, particularly in situations where LGBTQIA+ individuals have been extradited from their biological families (Dewaele et al., 2011). Queer kinship can also take the form of a parenting arrangement, where sperm donation is used to conceive a child and child-rearing becomes a shared experience between LGBTQIA+ individuals or couples (Bos, 2010; Mitchell & Green, 2007).

Family Formation for Gay Fathers

Gay men are largely misrepresented as uninterested in the prospect of parenthood (Goldberg et al., 2012; Norton, 2018). However, in recent years, unprecedented numbers of gay men and gay couples have procreated using surrogacy (Logan, 2020). These rates

continue to increase as surrogacy legislation is slowly reformed, information and cases of same-sex surrogacy become more widespread, and changes in social attitudes towards surrogacy occur (Constantinidis & Cook, 2012; Norton et al., 2013). Gay fathers are redefining traditional gendered parenting roles, and challenging heteronormative assumptions of parenthood (Crouch et al., 2017; Norton et al., 2013; Norton, 2018).

Prior research on motivations for family formation has highlighted gay men's expectation of self-fulfilment from parenthood and a high valuation of family ties (Goldberg et al., 2012). Similarly, gay men appear to desire the same normative family building expectations placed upon heterosexual men and women (Goldberg et al., 2012; Poulos, 2011). Common motivations for gay intended parents to pursue surrogacy (rather than adoption), include a strong desire for a biological connection to their child and adoption appearing to be a less achievable path to parenthood (Blake et al., 2017).

Assisted reproductive technologies enable a broadening of kinship

Infertility in heterosexual couples is a significant barrier to family formation (Copp et al., 2020). Couples with infertility are reliant on the use of assisted reproductive technologies (ART), a group of procedures involving handling eggs and sperm outside of the body, to establish a pregnancy (Reddy et al., 2007).

ART has enabled possibilities for heterosexual couples with infertility issues, but also for same-sex couples to procreate (Norton, 2018). Same-sex couples are limited biologically when seeking to become parents. Therefore, there is always the requirement of a 'facilitating other' (a donor or surrogate), to achieve parenthood (Mitchell & Green, 2007).

Definitions of surrogacy

Surrogacy is a means of family formation, whereby a woman, known as a surrogate or birth mother, is willingly inseminated with the sperm or embryo of a third party (Milliez, 2008). Surrogacy can take two forms: traditional surrogacy, where the surrogate's egg/s are

fertilised by the intended father's (or donor's) sperm through artificial insemination; or gestational surrogacy, where the surrogate is implanted with an embryo, not of her genetic material, through in-vitro fertilisation (IVF) (Nakash & Herdman, 2007). Further, there are two types of surrogacy arrangements. Broadly, altruistic surrogacy is a surrogacy agreement where the surrogate does not receive any financial reward other than reimbursement for reasonable medical or pregnancy-related costs (Tremellen & Everingham, 2016a). Whereas commercial surrogacy entails a financial benefit to the surrogate, which is additional to the financial reimbursement for pregnancy-related costs (Patel et al., 2018; Tremellen & Everingham, 2016a). Currently in Australia, across all jurisdictions, only altruistic surrogacy is permitted (Plater et al., 2018).

More recently, models of domestic compensated surrogacy (also referenced as a professional model of surrogacy) have been proposed in limited literature, which often combine aspects of altruistic and commercial surrogacy but under a heavily regulated framework. The proposed structure generally entails an independent regulatory body to oversee surrogacy services, training, and operations (Blazier & Janssens, 2020; Feiglin & Savulescu, 2018; Millbank, 2015; van Zyl & Walker, 2012). Under these model's fertility clinics would be regulated to operate under specific licensing for surrogacy services, abide by a code of ethics, and only employ registered surrogates (Feiglin & Savulescu, 2018; Walker & van Zyl, 2017). Additionally, registered surrogates would be required to abide by ethical standards and make a professional commitment to act in the child's best interests (Walker & van Zyl, 2017).

Some models propose changes to Australian parentage legislation, either allowing intended parents to seek and obtain a pre-birth parenting order or legislation that would no longer equate the surrogate as the legal parent (Feiglin & Savulescu, 2018; Walker & van Zyl, 2017). Surrogate's financial compensation would be set at a minimum or fixed rate by

the regulatory body (Blazier & Janssens, 2020; Feiglin & Savulescu, 2018; Millbank, 2015; van Zyl & Walker, 2015). Finally, under certain proposed models, surrogates would be protected from unethical demands and risk such as the use of multiple embryo transfers (Walker & van Zyl, 2017).

Legislative, Financial, and Social Barriers to Family Formation and Surrogacy

Surrogacy in Australia is regulated through State and Territory legislation. Surrogacy legislation is a contentious and current issue; there is no agreement across Australian jurisdictions, and surrogacy legislation in many States has recently been reviewed (Queensland Parliament, 2008; Plater et al., 2018; Tasmanian Government, 2012; Victorian Law Reform Commission, 2007). Commercial surrogacy is prohibited throughout Australia; however, all jurisdictions (excluding the Northern Territory [NT] as the NT has no laws concerning surrogacy) permit the use of altruistic surrogacy (Plater et al., 2018). Gay couples in Australia are permitted to access altruistic surrogacy in all States and Territories, except Western Australia (WA) and the NT (Plater et al., 2018). Participation in international commercial surrogacy remains illegal in the Australian Capital Territory (ACT), New South Wales (NSW), and Queensland, reaching a maximum penalty of three years imprisonment (Australian Government Department of Home Affairs, 2020). Despite this, large numbers of Australian intended parents from these States continue to venture overseas for commercial surrogacy, with 500+ yearly births recorded for international surrogacy arrangements made by Australian parents (Plater et al., 2018; Tremellen & Everingham, 2016).

Financial barriers are also considerable. For example, the average cost of altruistic surrogacy in Australia is around AU \$55,000 to AU \$60,000 (Surrogacy Australia, n.d.). Commercial surrogacy costs an estimated USD \$20,000 in India (before its prohibition), and USD \$100,000 in the United States of America (USA) (Salama et al., 2018).

Prior research on Australian's attitudes towards surrogacy has highlighted that

between 75 and 88% of participants supported surrogacy in general, with 62% supporting its use by same-sex couples (Constantinidis & Cook, 2012; Tremellen & Everingham, 2016). These figures are promising for the support of Australian gay fathers use of surrogacy. The reality, however, is that many LGBTQIA+ parents continue to face stigma (Crouch et al., 2017; Pennington & Knight, 2011; Morse et al., 2008). For instance, recently, 63.5% of respondents in the USA reported that they had encountered some form of stigma for being a gay father, and 51.2% had evaded certain social settings for fear of stigma (Perrin et al., 2019).

Altruistic and Commercial Surrogacy: Broader Issues

Australian intended parents have previously advised that they have not proceeded with altruistic surrogacy due to the inability to find a surrogate, reliance on a family member or friend to provide surrogacy, and the perceived length of the process (de Costa, 2016; Everingham et al., 2014; Tremellen & Everingham, 2016). One of the main causes of reluctance cited is the concern that the surrogate may not relinquish her parental rights to the child, as intended parents in altruistic agreements are not recognised as the legal parents at birth (Commonwealth of Australia, 2016; Everingham et al., 2014).

Broadly speaking, there are two main cautions when using commercial surrogacy: commercial surrogacy is exploitative and commodifies women and children (Snow, 2016). Particularly it is argued that commercial surrogacy allows the more economically secure to take advantage of vulnerable women in low-income settings (Riggs & Due, 2010). Further, through the exchange of finances, children become mere objects that can be purchased or sold, and women's bodies objects of use for privileged consumers (Riggs & Due, 2010; Wilkinson, 2016).

Gay Fathers' Experiences of Family Formation Through Surrogacy

Much of the existing surrogacy literature investigates surrogate's health and

psychological outcomes and the ethical implications of engaging in commercial surrogacy (Jadva et al., 2003; Mahboubeh et al., 2020; Naik Africawala & Kapadia, 2019; Palattiyil et al., 2010; van den Akker, 2003). However, more recently, researchers have turned their attention to intended parents' experiences, which have primarily focussed on the surrogacy experiences of heterosexual couples (MacCallum et al., 2003; Papaligoura et al., 2015; Pashmi et al., 2010; van den Akker, 2005; van den Akker, 2007).

The limited existing surrogacy literature on gay fathers has examined aspects of family formation such as decision-making related to genetic paternity; the implications of gay men's use of surrogacy; gay fathers' parental identity and the social reconfiguration of parenthood; gay men's perspectives of parenting and desires for children (Berkowitz & Marsiglio, 2007; Dempsey, 2013; Friedman, 2008; Murphy, 2013; Riggs & Due, 2010; Stacey, 2006). More recently, a few cross-sectional studies exploring the psychological adjustment and well-being of gay fathers and their children born through surrogacy have emerged. This literature, although limited, demonstrates that fathers and children are well-adjusted and well-functioning (Baiocco et al., 2015; Carone et al., 2018; Golombok et al., 2018; Green et al., 2019; van Rijn-van Gelderen et al., 2018).

Research that has explored the surrogacy experiences of gay fathers has identified that that the physical distance from their unborn child in international surrogacy arrangements caused fathers to regularly experience frustration, anxiety, and a feeling of loss of control over the surrogacy (Carone et al., 2016; Ziv & Freund-Eschar, 2015). Additionally, this distance also often resulted in an emotional disconnect between the intended fathers and their unborn child, which impacted fathers' development of a parental identity during pregnancy (Ziv & Freund-Eschar, 2015). Further, international surrogates played a key role in facilitating an emotional connection between intended fathers and their developing child through regular Skype, email, and text messaging (Carone et al., 2016).

Research from Riggs et al. (2015) explored Australian gay fathers' experiences of interacting with surrogacy clinics in India. Positive interactions included professional service and adequate support post-birth; negative interactions included insufficient information, inadequate support, a lack of sensitivity related to child loss, and minimal consultation for health decisions related to their child (Riggs et al., 2015). Literature on Canadian gay intended fathers found that the difficulties associated with finding an altruistic surrogate were compounded by surrogates' refusing to carry a gay couples' child (Fantus, 2020). Further, surrogacy information, post-birth documentation, and parental registration were not inclusive of gay fathers, and some health providers had very little familiarity with gay fathers' procreation, with subsequent issues arising (Fantus, 2020).

Australian Parliament Senate Inquiry

Legislative and ethical concerns make surrogacy a challenging and complex issue. Such concerns led to the 2016 Australian parliamentary inquiry into surrogacy entitled 'Surrogacy Matters: Inquiry into the Regulatory and Legislative Aspects of International and Domestic Surrogacy Arrangements', in which the existing legislation was examined (Commonwealth of Australia, 2016). The inquiry allowed various stakeholders to voice their opinions and experiences of surrogacy, some making submissions with the hopes and intention to change current legislation and others to dispute those claims. From these submissions, the committee developed 10 recommendations which included: commercial surrogacy remaining illegal in Australia; the development of an Australian national model for altruistic surrogacy; consideration of including information on gestational, genetic, and intended parents on birth certificates; and the establishment of a taskforce to address Australians entering into transnational surrogacy arrangements.

Current Study

The current study explores the lived experiences of Australian gay fathers who made

submissions to the 2016 Australian parliamentary inquiry into surrogacy. The past research outlined above has explored aspects of gay fathers' experiences; it is great to see some researchers have undertaken qualitative studies such as Riggs, Due and Power (2015), as such methodology allows for a richer understanding of fathers' experiences, but there is still scope to learn more from gay fathers. As so little is known about gay men's experiences of becoming fathers or Australian gay fathers in general, the current study took an exploratory approach. There were no specific research questions or preconceived notions of what men would choose to be the most important things to share. Instead, the broad aim was to give voice to Australian gay fathers and examine what they wished to share about their experiences of family formation through surrogacy.

Method

Participants

The sample comprised 30 Australian gay fathers who had proceeded with surrogacy and provided a written submission to the Australian Parliament Senate inquiry 'Surrogacy Matters' (Commonwealth of Australia, 2016). Not all participants provided demographic information in their submissions; among those who did, 29 gay fathers described a same-sex partner and six couples described being married. Couples resided in Queensland (1 couple), Victoria (1 couple), and NSW (18 couples), aged between 35 and 43 years.

Procedure

Data for this study was acquired via searching publicly available submissions made to the aforementioned Senate inquiry. The committee received 124 submissions. Of these, 13 came from government organisations, 11 from religious groups, 29 from interested individuals, 26 from interest groups (industry and non-for-profit), 12 from academics, 12 from Australian gay fathers (multiple men's experiences were detailed in certain submissions), 13 from heterosexual intended parents, 1 from a surrogate, 1 from a child born

from surrogacy, and 6 were inaccessible. Only submissions from Australian gay fathers who discussed their experiences of surrogacy were eligible for inclusion.

The current study aimed to explore Australian gay fathers' surrogacy experiences. Consistent with approaches using naturalistic data, contributors' gender and sexuality were ascertained through explicit self-identification and use of gendered language (i.e., direct identification of themselves and their partner as male) and references to male gender roles (i.e., son, brother, father, husband) (see Gough, 2016; Hanna & Gough, 2016). Identification of surrogacy experience was obtained through specific references to having partaken in surrogacy. All submissions that could not be identified as being made by Australian gay men who had undertaken surrogacy were excluded.

Following best practice for qualitative research, the current study followed the Standards for Reporting Qualitative Research guidelines, a 21-item checklist for reporting qualitative research (SRQR; O'Brien et al., 2014; Appendix A) and an audit trail was maintained to ensure the credibility and transparency of the research process and findings (Tracy, 2010). Pertinent information about research decisions, including preliminary theme coding and theme refinement was noted. Additionally, the researcher engaged in self-reflexivity to minimise any potential bias arising from the researcher's background and perspectives that may influence data collection or interpretation (Tracy, 2010). The researcher is a gay male in a committed relationship who is considering using surrogacy to form his family in the future, but currently has no personal experience of surrogacy. Regular discussions with the research supervisor were held to review and minimise any potential biases.

Ethical Considerations

All contributors to the parliamentary inquiry were aware that the data would be made freely accessible in the public domain. The submissions used are accessible to anyone

without a password; confidential submissions were inaccessible and not included in the research. In line with the Ethics Guidelines for Internet-Mediated Research, for those who had made non-confidential submissions, it can be argued that the data is freely available in the public domain, and therefore, it was unnecessary to obtain informed consent (British Psychological Society, 2017).

The researcher removed any identifying information from all submissions. All fathers who made submissions, whose data was used in this research, are referred to as contributors and were assigned a contributor number. The University of Adelaide School of Psychology Research Ethics Sub-Committee approved this research (21/13).

Data Analysis

Data analysis was underpinned by a realist ontological position, whereby fathers' submissions were assumed to be true reflections of their lived experiences (Braun & Clarke, 2013). An inductive exploratory approach was employed for this research, as there were no preconceived ideas of what gay fathers would deem pertinent to share in their submissions. Data was pre-existing, and, as such, this was a secondary qualitative analysis, an analytic method that is becoming more recognised as a robust form of qualitative data analysis (Sherif, 2018). Further, the data was naturalistic, produced without researchers' intervention (Speer, 2008). The broad frame of reference of the inquiry enabled fathers to share pertinent aspects of their experiences, providing rich naturalistic data without the imposition of a researcher's concerns or concepts (Gough, 2016; Seymour-Smith, 2015). Data were analysed using reflexive thematic analysis (Braun & Clarke, 2006, 2013, 2019), which offers a unique and flexible method to analyse and report patterns in large volumes of qualitative data, and in turn, to synthesise a rich and meaningful account of these experiences (Braun & Clarke, 2006). Data saturation was not pursued as it does not align with the assumptions of reflexive thematic analysis (Braun & Clarke, 2021). Rather, the researcher analysed all submissions

identifiable as being made by Australian gay fathers to generate comprehensive meaning (Braun & Clarke, 2021).

For this study, Braun and Clarke's (2006, 2013, 2019) six-step analytic approach was employed to analyse all submissions to the Australian Senate inquiry identifiable as being made by Australian gay fathers. The researcher moved systematically through stages and used an iterative process of moving back and forth between stages in line with Braun and Clarke's (2006) ideals for their organic approach to thematic analysis. First, data familiarisation occurred through the reading and re-reading of submissions, while concurrently recording any initial thoughts about the data. Second, initial codes were generated through a systematic review of the submissions. Third, potential themes and sub-themes were generated through the analysis, organisation, and collation of codes and coded data extracts. Next, themes were reviewed and evaluated against the coded data extracts to help refine themes and sub-themes. In stage five, themes were further defined through a detailed analysis of the data within them, to capture the crux of the aspect of interest that the data was displaying. Once the themes were defined, the analysis was finalised, and illustrative extracts were selected. The themes were reviewed and discussed with the research supervisor to enhance reliability.

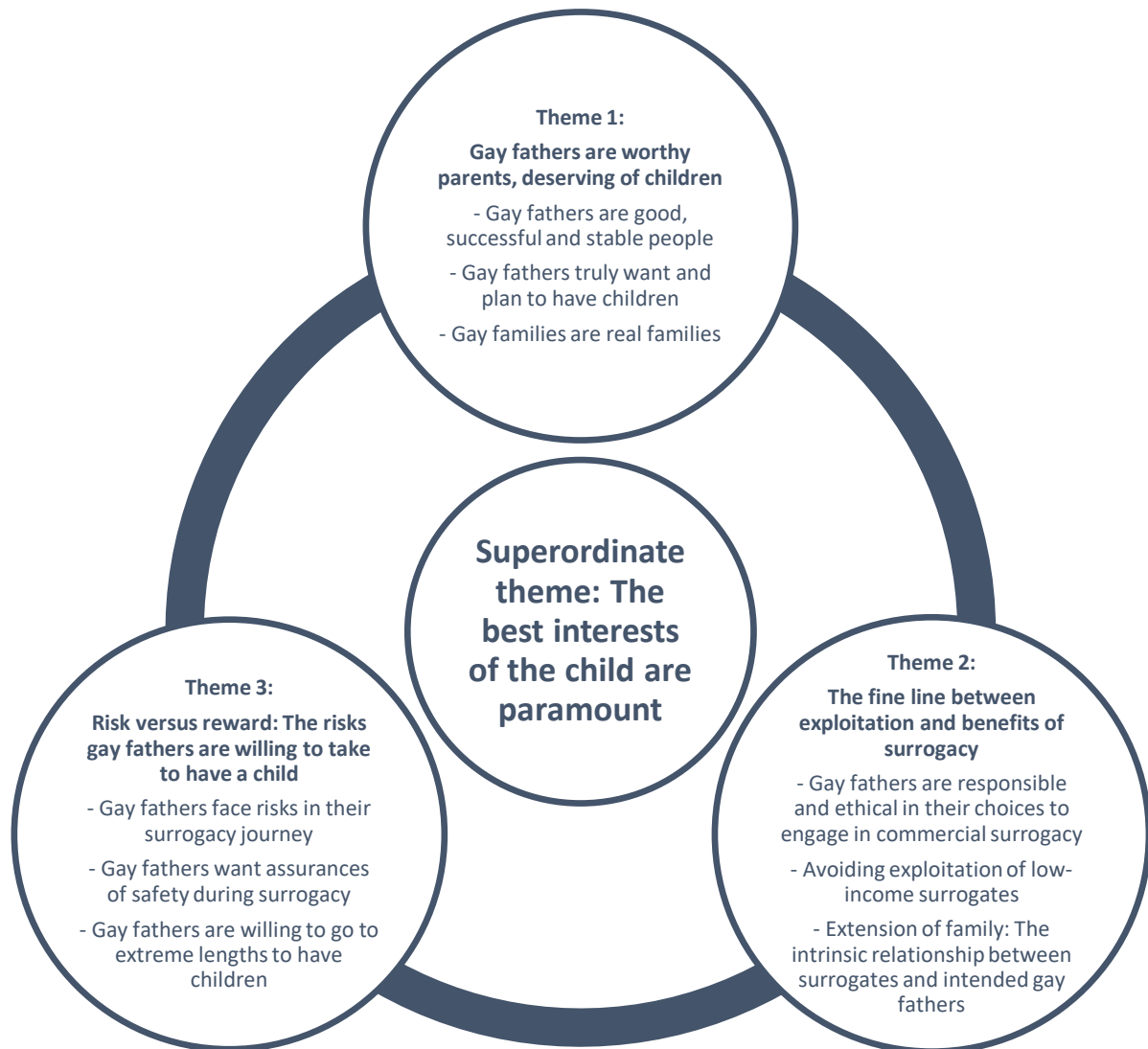
Results

Overview

Reflexive thematic analysis of submissions resulted in the generation of an overarching superordinate theme: *'The best interests of the child are paramount'*, and three themes: *'Gay fathers are worthy parents, deserving of children'*, *'The fine line between exploitation and benefits of surrogacy'*, and *'Risk versus reward: The risks gay fathers are willing to take to have a child'*. Each theme comprises three subthemes, as shown in Figure 1.

Figure 1

Thematic Map



Superordinate Theme: The Best Interests of the Child are Paramount

Various stakeholders argue that when using ART, particularly donor conception and surrogacy, the child’s needs must always be at the forefront of any decision (Tremellen & Everingham, 2016). In every aspect of their experiences, gay fathers described their efforts to place their child’s best interests ahead of their needs and desires. Fathers engaged in surrogacy knowing that they were decent, moral people, with stable emotional relationships, and had established a level of success and preparedness for parenthood personally and

financially. Fathers described long-held desires for children and families but waited to establish themselves and carefully planned for their children to appropriately care for them in a 'real' family setting just like any other.

Fathers expressed going to great lengths to avoid exploiting surrogates, to build relationships with them, and to raise their children knowing their origin and connecting them with their culture. Fathers took great personal risks, some even facing legal prosecution to achieve their families, but only where no other option existed. Further, they were cognizant of ethical behaviour and considered their future child's wellbeing first and foremost.

Theme 1: Gay Fathers are Worthy Parents, Deserving of Children

Fathers described their efforts to create their families through surrogacy. They detailed their character strengths, relationships, and their strong desires to have a family. Fathers also spoke of the planning that led to surrogacy and described the construction of their families to be the same as that of any other.

Gay fathers are good, successful and stable people

Being gay has historically been associated with 'deviancy'; gay men are still often portrayed or stereotyped as promiscuous and uninterested in monogamy and a traditional family structure (Goldberg et al., 2012). Yet, across the sample, fathers frequently spoke of the stability of their relationships and the success of their professional lives:

My partner and I have been together for 28 years. We are both professional engineers.

We have joint bank accounts, built our home together and even started businesses together. (Contributor 10)

Many fathers spoke of their long-held dreams for children, but all appeared to have fully considered their responsibility as future parents and took steps to prepare themselves adequately:

My partner and I had been in a relationship for 10yrs when we became fathers. A

family had always been a dream of ours and we were finally in a position to make it a possibility. (Contributor 11)

Gay men with personal and professional achievements and long-standing relationships saw having children as a natural progression in their lives and relationships:

My partner and I had been in a stable relationship for 13 years and had often talked about how wonderful it would be if we could have a family. We were well established, had good incomes but most importantly we had a functional, stable home environment with a lot of love to offer. (Contributor 15)

Becoming a parent was not a hasty process, but rather it was carefully considered. Some fathers illustrated that it carried more meaning than just the formation of their family; some fathers desired to contribute their knowledge and life experiences to their descendants to better future communities:

In my personal situation, my partner and I had been together for about 6 years when we first heard about surrogacy as an option for starting a family. We certainly didn't rush into it, we discussed it over two years before deciding to become parents. We felt it was a way to "give back" to a new generation what we've learnt in our lives. (Contributor 9)

Having children was often spoken of as a desire for fathers long before they met their long-term partners. Meeting their partners and discovering their shared desires of children set long-term goals of family formation for couples. Many fathers spoke of stability and timing; having children appeared reliant on these stipulations:

My spouse and I have been together for just over 10 years and we were married almost 5 years ago in the USA. From the beginning of our relationship, we talked about having kids. We both were very interested in being parents independently, so when our relationship started, this became a common goal for us. We knew the timing was right as we both felt so happy together and we had the stability that children need.

(Contributor 16)

Gay fathers truly want and plan to have children

Having a child through surrogacy requires meticulous planning, time, and effort from intended parents. Fathers voiced their expectations of what, in their opinion, they required of themselves and their relationships to have a successful and secure family:

My partner had a long held desire for children and when we reached certain personal and professional milestones we moved ahead with it quickly. (Contributor 6)

Children of gay fathers cannot be conceived without planning or preparation. Fathers extend themselves financially and emotionally to achieve their desired families. Fathers saw their efforts as a way of demonstrating how much their children were wanted and how devoted they were to raising their children in a loving and healthy environment, providing them with a secure foundation for the future:

But what we can determine is that given the expense and difficulty of bringing them into being, they are well and truly wanted and given their development, they have been truly cared for and loved by a couple whose strong foundation of a near 30 year relationship has been a cornerstone for them to start building their lives from.

(Contributor 1)

Gay fathers commonly spoke of their individual desires for children growing when they met their long-term partners. Such desires outlined an aspiration to create their families to extend upon the loving relationships and opportunities they experienced from their families of origin. Fathers recognised the importance of family and were aware that some members of society would not acknowledge their families, but those views did not deter them from pursuing their desires:

We both come from families that celebrate and embrace being a family. The privileges we enjoy in our lives have overwhelmingly come from the opportunities given to us by

our loving families. The family is a very important social institution, although we respectfully disagree with the narrow conservative, religious definition we often hear of what constitutes a family. From well before our relationship commenced, we separately each had long held desires to be a loving parent of our own child, and which only strengthened once we were together. (Contributor 23)

A unique submission detailed that by gifting their parents with grandchildren, family ties that had once been broken were healed. The fathers expressed that sometimes the path to their parents accepting their sexuality was a long one and that having children was an important turning point in improving their relationship with their parents:

Many gay men are ostracized or at best ignored by their parents when they reveal their sexuality. My partner's parents were in denial for many years and could not accept his sexuality. In Asian cultures this attitude is often driven by a desire for their children to have a family. In my case my parents had still not accepted my sexuality 12 years after I revealed it to them. Introducing our girls to their grandparents has turned that all around. My partner's mother adores the girls – all of them despite one not being biologically related to her. (Contributor 6)

In addition to seeking to share their life and love with children, cultural and familial expectations contributed to gay men's desires to have children. Fathers shared their aspirations to see the continuation of their family lineage; for themselves and for their families:

Being a father is important to me because I want to create a lasting legacy that started with my grand parents when they immigrated from Russia to Australia in the 1940s. Additionally, I want to share my love and life with others and becoming a father has allowed me to do that. (Contributor 17)

Many fathers vocalised frustrations with the abilities of some heterosexual parents to

conceive easily and sometimes without forethought. These men compared their conscious planning and strong desires to have children to parents who perhaps had not fully considered what a child requires:

But this idea of creating a family wasn't a decision we took lightly, thoughtlessly or without consensus as is possible (if seldom the case) amongst fertile couples. As a bonded pair we decided we had what it took to create a safe, happy home for a child or children. (Contributor 1)

Gay families are real families

The natural conception of children in heterosexual families is often viewed as the default when considering what a traditional family 'looks like'. While fathers noted differences in their sexuality, they emphasised the commonalities their families shared with any other:

Our family may look different in that we are same sex parents, but our family is exactly the same as others in that our family was made from love. We have an amazing network of family, friends and parents so our son is surrounded by love and support. (Contributor 16)

Many fathers also indicated that their family was not defined by their sexuality or use of surrogacy. Irrespective of how their families came to be, they were foremost just a family that enjoyed all of the same happy, love-filled moments that come from being together:

Our children are happy. We are happy. And the love that filled our home has only increased exponentially. We are a family. We are also a gay couple, with children. (Contributor 1)

While many fathers recognised that not everyone supports their family structure, especially given the absence of the birth mother, fathers noted that the variations in their family composition were common and not something that invalidates a family's legitimacy:

We understand that some people consider that raising a child without both its genetic parents and/or birth mother is not an ideal arrangement. However, we need to recognise that families already come in many shapes and sizes... (Contributor 29)

Numerous men expressed how having children changed their relationship dynamics. Fathers remarked that they were no longer a couple; rather, with the addition of children, they became a family. The use of a surrogate did not impact these fathers' experiences of welcoming children. Instead, fathers expressed the intense, indescribable, life-changing emotion that came with meeting their child for the first time and the immediate bond they formed with their child:

Meeting my son for the first time was an event I am unable to put into words. It is like nothing I have ever experienced before. The bond and connection was almost immediate. I felt that my life/family life has finally begun. it was an amazing blissful feeling. I just wanted to be with him and take him home with me as soon as possible. (Contributor 25)

Fathers went to great lengths to demonstrate that they were good, successful, stable people who had always longed to have children. When describing themselves as good people, fathers also frequently mentioned the fine line between exploitation and the benefits of choosing surrogacy (Theme 2). Fathers further described simply wanting their families to be recognised equally. It is evident that fathers meticulously planned their families in what was a natural progression of their relationship, where they desired to bring children into a stable, loving environment.

Theme 2: The Fine Line Between Exploitation and Benefits of Surrogacy

When considering conceiving a child through international commercial surrogacy, fathers were mindful of potentially exploiting surrogates in the process. As a result, descriptions of surrogacy experiences contained information regarding ethics, desires, and

limited options to have children. In addition, fathers spoke of actions taken to avoid exploitation and to develop meaningful relationships with their surrogates.

Gay fathers are responsible and ethical in their choices to engage in commercial surrogacy

Fathers were wary of the possibility of exploitation, and as such, all fathers reported entering into surrogacy agreements as responsibly and ethically as possible. To achieve this, fathers went to great lengths to research surrogacy from multiple sources; speaking with doctors, meeting with lawyers and surrogacy agencies, and asking the opinions of friends and family. Fathers indicated that they wished to ensure that they were well-informed of the process and were comfortable with these implications:

Parenting and surrogacy is not something to go into lightly and not for the lighthearted.

We did lots and lots and lots of research. We talked to many other people about it, others who had undertaken surrogacy, lawyers, doctors, friends and family.

(Contributor 20)

Despite the high financial cost of commercial surrogacy in the USA, many fathers used these services. Using 'first world' surrogacy appeared to minimise their concerns regarding exploitation, but more than this, fathers expressed the security that this arrangement provided:

This has created a stable and secure environment in which to pursue surrogacy. My partner and I chose California as the only state in the US that we were willing to enter into our surrogacy arrangements because of this long history, and because California, unlike some other US states, permitted both me and my partner to be listed as the parents on our children's birth certificates. (Contributor 5)

Surrogacy often raises ethical considerations concerning the surrogate, including the impact of relinquishing a child. However, many fathers indicated that their surrogates did not consider the child as their own and genuinely just wanted to help them achieve a family that

would otherwise not exist:

Many people have made comments to us like "How could someone do that, and give away a baby". Apart from the fact that our children are not biologically related to their surrogates, the answer is that each of our surrogates told us that they did not regard themselves as giving away a child of their own – they were bringing into the world a child that would otherwise never have existed. They breathed life into the dreams of an infertile couple, and created a human life from those dreams. (Contributor 5)

From a moral and ethical perspective, fathers did not desire a purely transactional surrogacy arrangement. Thus, they made great efforts to form relationships and bonds with their surrogates (see also thesis pp. 31-33). Fathers genuinely believed that their surrogates offered themselves and their bodies, not simply for financial benefit, but to fulfil fathers' lifelong dreams of children:

Please remember that the overwhelming majority of commercial surrogacy arrangements are like ours. A woman wants to help a couple start a family. She makes her own choice to use her womb to help fulfil another couple's dream. (Contributor 27)

Avoiding exploitation of low-income surrogates

Before entering into international commercial surrogacy, many fathers described thoroughly researching service providers for quality and ethical standards, both for their child and surrogate's benefit:

My partner and I were elated when we discovered our surrogate in India was pregnant. We had done as much homework as was possible from a distance, into the moral, ethical and health standards of our clinic and thought we had made a wonderful decision... (Contributor 1)

When entering into international commercial surrogacy, men rely on service providers communicating honestly and acting with integrity. In these instances, fathers must decide

whether to trust providers to act ethically. Although many fathers thoroughly researched their service providers, many were still anxious of possible ethical violations or health risks:

We were very very concerned with the ethical standards of the agencies and clinics and needed to be sure our surrogate and potential children would be looked after in the highest standards of care. (Contributor 20)

When accessing surrogacy through low-income countries, fathers were very mindful of the potential exploitation of their surrogates and went to great lengths to minimise this outcome. Many fathers developed relationships with their surrogates and maintained contact with them post-birth. However, some fathers expressed doubt as to how successful their efforts to avoid exploitation were. While fathers' primary focus was to prevent or minimise possible exploitation of their surrogates, one man also voiced that surrogates may not be the only people being exploited. He questioned whether, due to their high desire to become parents, fathers are also exploited. All men could do was try to achieve the best outcomes for all parties:

We took care to meet and know our boys' mother, but we acknowledge the complexity of trying to determine whether, and to what degree, we were successful in avoiding exploitation. We do not necessarily know the truth of our boys' mothers' motivation for helping us, or of who benefitted from the payments she received. We do not know whether our hope to be fathers was exploited and whether we were always told the truth by the agent, medical practitioners or the boys' mother. We do know that we did as much as we could to protect and care for ourselves, the boys and their mother.

(Contributor 4)

When considering the potential exploitation of low-income surrogates, fathers also frequently spoke of how the surrogate benefits. Fathers articulated that surrogates' participation in this process afforded them an improved quality of life, which in some cases included the ability to

better provide housing and finances for their families; opportunities that they may not have had otherwise:

The two incredible women in India who helped us create our family both bought houses with the payment they received. I believe that they were not exploited, instead that they made a decision to provide a better life for themselves and their families. I do believe that there should be more regulation and possibly accreditation of international surrogacy agencies to ensure that no women are ever exploited. (Contributor 22)

Extension of family: The intrinsic relationship between surrogates and intended gay fathers

Fathers' submissions contained insight into their relationships with their surrogates. Some fathers spoke of an ongoing relationship, where the surrogate became a permanent figure in their family, sometimes as a maternal figure for their child. Further, many fathers expressed placing considerable importance on connecting their children with their surrogate's culture. Fathers wanted to honour where their children were conceived, regardless of their genetic heritage, as this was an important part of their child's story and identity, and something that they expressed should feature in their upbringing:

We enjoyed a very positive relationship with our boys' mother. We visited her a few times throughout the journey and met her family. We are grateful for what she has done for us, and want the children to grow up knowing her. When they are old enough to comprehend who she is, we will visit her. In the meantime she is present in the form of photos, videos and our stories. We have a parenting plan with the boys' mother in which we agreed to connect the boys with Thai culture. (Contributor 4)

The ability to have a relationship with the surrogate was an important factor for most fathers when choosing their surrogate. For some, this was the defining feature in them proceeding with surrogacy, as they described the importance of this relationship for their family. Some

fathers were potentially willing to forgo having a family if this relationship could not be maintained. It appeared that fathers were first and foremost putting the best interests of their future children ahead of their own, wanting the women who helped to bring them into the world to have a presence in their lives:

To begin this process we had two very strict issues in regard to the selection of an egg donor and a surrogate mother. Firstly both mothers would need to make a commitment to be part of our children's lives, for the rest of their lives. We did not want an anonymous egg donor nor did we want a surrogate mother who would carry our children to birth and then 'bow out' of their lives. We rejected a number of surrogate mothers on this basis until we found one that we connected with and one who agreed that she would be with us as part of our family for the long haul. (Contributor 7)

Surrogacy was a physically draining and emotional experience for all fathers and their surrogates. Nevertheless, for some, it created permanent relationships, bringing both families together:

Holding the surrogates hand throughout the delivery of our twins and then spending 6 weeks with her and her family following the birth gave us all priceless memories and an eternal bond. We remain in contact with our surrogate and plan one day to take the kids to meet her. (Contributor 11)

Unfortunately, this relationship could not always be maintained; physical distance, legislation, and the surrogate's wishes sometimes intervened with fathers' aspirations to maintain this relationship. Some fathers described this outcome as a sense of loss for their child and something difficult to accept. This was a connection that they had truly wanted; for them it was important for their child to know where they came from:

The fact that the story is not the same for both of my children is very upsetting. Due to circumstance one child can have contact with their surrogate, and one will never know

the woman that gave birth to her. This is something that I struggle with at times, and I simply must accept. (Contributor 13)

Fathers heavily researched surrogacy, drawing from many sources to ensure they were as ethical and responsible as possible in this process. Fathers sought to minimise exploitation by forming relationships with their surrogates, researching service providers, and attempting to ensure that their surrogates benefitted fairly. Although fathers could not always be certain they had successfully avoided exploitation, it was one of several risks that had to be navigated with surrogacy (see also thesis pp. 33-39). Fathers put the needs of their future children first in surrogacy arrangements, seeking to form relationships for their children's benefit. They wanted their child to know their surrogate and to honour their child's cultural history, to the extent that some fathers would not proceed if there was no possibility of an ongoing relationship.

Theme 3: Risk Versus Reward: The Risks Gay Fathers are Willing to Take to Have a Child

Like any pregnancy, surrogacy carries certain risks. However, due to the nature of surrogacy, the risks fathers encountered were compounded by the addition of third parties, distance, and high costs. Additionally, fathers faced legal sanctions if engaging in international commercial surrogacy whilst residing in some Australian States and Territories, as international commercial surrogacy was, and remains, prohibited in NSW, Queensland, and the ACT. As a result, fathers spoke of risks and made choices dependent upon the level of risk they were willing to take to have a child through surrogacy.

Gay fathers face risks in their surrogacy journey

Altruistic surrogacy also carries risk. While legal, some fathers indicated that they were unwilling to pursue surrogacy in Australia. Altruistic surrogates are not contractually obligated to relinquish their parental rights to the intended parents, which posed a significant

risk for fathers:

We were further told by our lawyer that if our surrogate wanted she could give our baby up for adoption and we could do nothing about it. If he was given up for adoption as a gay couple we would never see or be able to adopt him. (Contributor 8)

While fathers saw risk in altruistic surrogacy, they spoke of greater risk associated with commercial surrogacy. International commercial surrogacy offers the unique problem of distance between intended parents and their surrogates, meaning fathers must place their trust in international health services to provide care for their surrogate and unborn child. Due to this distance, fathers were typically unable to be present and involved with the process; fathers voiced their concerns about this issue:

We were constantly worried about the health of our child and the surrogate; it was impossible to regularly visit, to reassure ourselves as to the surrogate's well-being or to gauge the quality of medical care being provided. (Contributor 2)

Further, all fathers risked their finances, time, psychological health, and faced legal consequences to have children through international commercial surrogacy. Fathers expressed strong opinions about the prohibition of commercial surrogacy in Australia. They noted that this prohibition unfairly placed them and their families at risk. They also highlighted that these risks were not sufficient to deter them from forming their families and called for commercial surrogacy to be legalised to protect Australians:

In short, after having been through the process of surrogacy overseas and been lucky with our outcome, then bonding with other parents whose journey was the same but perhaps whose destination wasn't. I realize that what is needed in Australia is a commercial surrogacy program to keep Australians; ALL Australians (including the potential ones) safe and under the protective wing of their government. It is important that this commission recognize that those who want children, truly want children will

risk almost anything to have them and it isn't at all fair that, their desire to fulfill the dream all others find so painless, should not only be difficult for them but also possibly encumber the lives of their children, through possibly creating financial hardship and legal hardship that others do not face. (Contributor 1)

Some fathers expressed that their wellbeing was disregarded in conversations concerning legalising commercial surrogacy. Many stated that their only chance of having children was to engage in surrogacy outside Australia, which brought about potentially severe consequences for their quality of life:

By contrast, I think what is often forgotten – especially in Australia - is the welfare of the intended parents who have travelled from Australia to a foreign country to attempt to have children. Seeking to have a child through commercial surrogacy is at a minimum difficult, stressful and expensive, and it can also be traumatic. (Contributor 5)

While surrogacy contained risks for fathers, surrogates and surrogacy clinics also faced risks. Surrogacy was difficult and required a high level of trust on behalf of each contributing person for a child to be born:

It is a process that requires trust from everyone. Trust that the intending parents will pay the required money and take the baby home at the end of the process. Trust that the surrogate will be cared for by the agency. Trust that the surrogate will give the baby to the intending parents after the birth. Trust that the surrogate will receive the money the agency says she will. Without trust the surrogacy journey is even more difficult than necessary. Sending thousands of dollars to India and Thailand with no guarantee of a baby at the end is very scary. (Contributor 13)

Gay fathers want assurances of safety during surrogacy

While fathers were willing to take risks to achieve parenthood, there were also risks that some men were unwilling to take. For example, some fathers were unwilling to enter into

surrogacy agreements unless at least one of them was legally recognised as their child's parent at birth:

In addition, under Indian surrogacy laws in effect at the time, only the father's name would appear on the birth certificate, which provided an added safeguard that no one could ever attempt to take our child away. (Contributor 15)

Although both altruistic and commercial surrogacy pose risk, many fathers still considered it a safer option than other methods of family formation. Fathers who had considered the feasibility of joint custody or forming a multi-parent family with a lesbian mother or couple also faced legal risks to their parental rights and access to their child. For some fathers, familiar with adverse experiences of other men, the risk of losing any parental claim over their child was too high for them to consider, and instead, they sought a safer and more certain route to parenthood:

At the time that I decided to have a child through surrogacy, there have been too many negative stories of men's experiences where they were tricked by the mother/mothers into an agreement that was not upheld. Those were painful stories where the father's relationship to their child was compromised due to the mother's rights. (Contributor 25)

Although fathers sought assurances of safety, many also knowingly broke the laws of their State or Territory to access commercial surrogacy, aware of the risks they were taking. Fathers balanced these risks against the reward of a child at the end of the process; for some fathers, it was a risk worth taking:

For although we are aware of the potential Criminalisation in NSW, we try not to let this affect our family life. Our burning desire to be parents overrode the potential risks of prosecution. We were willing to take that risk. (Contributor 18)

Fathers who had children under these circumstances were willing to risk prosecution but still feared for their safety and the safety of their children upon their return to Australia. Over

time, the desire for safety influenced how fathers weighed the risks, with some expressing that, even to add to their families, they would not pursue this route again:

At this stage I do not feel comfortable breaking the law again to bring a sibling into my family for my children. (Contributor 14)

Financial safety was also of great concern to fathers, not only for themselves but also for their surrogates. Fathers wanted assurances that their surrogate would receive what they were entitled to and feared that the potential unexpected costs of surrogacy might financially ruin them:

We were also very concerned about the financial circumstances of our our own situation and those of our surrogate. We needed to be certain our surrogate would be adequately compensated and we were also initially concerned the potential for financial strain should something go wrong. (Contributor 20)

When investigating agencies, fathers sought services that offered security for themselves, their surrogates, and their future children. Fathers went to great lengths to ensure that their chosen agency met their expectations of care and safety. These decisions did not appear explicitly financially fuelled; fathers were not comparing services to find cheaper alternatives but rather fathers wanted certain assurances about wellbeing before engaging a surrogacy service:

...we had trust and confidence in how she ran her agency and cared for the intended parents, surrogates and egg donors. We checked references from couples in Australia and the United States who had made their family with the help of this doctor. These conversations with other families increased our confidence in her, and from this point, we made the decision to head over the India and start the process to build our family. Upon arrival, we were in the care of the agency. We had meetings with the doctor and her team, and they explained and mapped out the process for us and answered all of our

questions. We felt confident that the doctor we had chosen and her agency were focused on the wellbeing of everyone involved including the surrogate and the egg donor. (Contributor 16)

Gay fathers are willing to go to extreme lengths to have children

The strong desires that fathers had to create families sometimes led them to make choices they may not have made under normal circumstances. Many of the extreme lengths described were associated with violating State and Federal legislation, particularly legislation prohibiting commercial surrogacy by Australians internationally. Issues related to the legislation concerning altruistic surrogacy (see also thesis pp. 33-35) and difficulties of finding an altruistic surrogate in Australia led many fathers to enter into international surrogacy agreements illegally despite the consequences:

The lack of women prepared to undertake unpaid/altruistic surrogacy in Australia drove us overseas. We are aware we committed an offence by doing so. (Contributor 2)

Many fathers expressed that commercial surrogacy was their only option; they had to commit an offence to create their family. Although these fathers were well aware of the consequences of their decision and considered it their only option, they indicated struggling with the morality of breaking the law:

I was forced to break the law to fulfill my dream of being a father. As a law abiding citizen this took a long time for me to justify within myself. Eventually I realized if I did not break this ridiculous law I would never have a child. (Contributor 13)

Despite breaking their law to have their families, fathers did not appear to regret doing so. On the contrary, they described being willing to go to extremes to fulfil their desires to have a child:

Saying that, I would have gone to any length and done anything I can in order to have my beautiful son. (Contributor 25)

While it was not fathers' preference to engage in illegal international commercial surrogacy, from their accounts its illegal status did not appear to deter them from seeking this process. Given this, many fathers suggested that the most reasonable course of action would be to legalise access to commercial surrogacy:

The desire to have children will make law-abiding citizens seek other options regardless and so we thoroughly endorse any move to make this process legal and thus protecting both parents and children. (Contributor 12)

Fathers assessed the risks of their chosen surrogacy process against its rewards. Fathers physical distance from their surrogate and unborn child meant that fathers had to trust international clinics and health providers. Fathers risked legislation that threatened their parental rights and faced them with potential persecution, risked the burdening financial and psychological costs of surrogacy, and risked their wellbeing to have their families. Some risks were extreme, such as knowingly breaking the law to engage in commercial surrogacy, but fathers also sought safety and assurance for themselves and their children where possible.

Discussion

Overview

This study aimed to improve understandings of Australian gay fathers' experiences of family formation through surrogacy. Using reflexive thematic analysis, three themes were generated: (1) gay fathers are worthy parents, deserving of children; (2) the fine line between exploitation and benefits of surrogacy; and (3) risk versus reward: the risks gay fathers are willing to take to have a child. Themes explored difficulties of surrogacy use, fathers' navigation of issues, and broader attitudes towards gay fathers and their families. The overarching theme captured a narrative of how gay fathers prioritise the need to address and mitigate concerns related to the wellbeing of children born through surrogacy. The contribution of this knowledge pertains to gay men's use of surrogacy. Gay fathers appear to

place children's best interests first, enter into surrogacy as prepared parents, and desire to avoid any possible exploitation even at their own expense.

Contribution to Knowledge

When considering surrogacy, the child's best interests must be prioritised (Tremellen & Everingham, 2016). Broadly this refers to the requirement of intended parents to carefully consider any decision that may affect their future child's wellbeing (Smith Rotabi et al., 2017). Further, 'the harm argument' proposes that separating a child from their gestational mother is harmful to the child's psychological wellbeing and development, as the surrogate and baby form an attachment bond in utero (Agnafors, 2014).

Throughout surrogacy, fathers were mindful of their future child's wellbeing and took proactive steps to ensure their safety. Fathers considered their relationship stability, finances, and parenting abilities, above their desires, to ensure they could provide adequately for a child. For some fathers, their engagement in surrogacy was reliant on stipulations that a relationship be maintained with the surrogate. Some fathers were willing to forgo opportunities to have children until this relationship was ensured for their future child. Fathers appeared aware that this relationship would be in their child's best interest, potentially mitigating the harm of separating their child from its gestational mother ('the harm argument') and removing part of their identity.

Summary of Findings

Fathers inclusion of relationship details, financial status, desires, and efforts to plan for families, appeared as a justification of their parental efficacy. This justification is evident in the literature, where research indicates that gay fathers often experience pressure to justify their efficacy as parents, as their child-rearing capabilities are continuously under question by broader society (Carneiro et al. 2017). In contrast, the parental efficacy of heterosexual parents often goes unquestioned (Morse et al., 2008).

Beliefs associated with child-rearing, particularly that a child requires a mother and father for their wellbeing, adversely impact the social evaluation of gay fathers' abilities to raise well-adjusted children (Collins et al., 2014; Di Battista et al., 2020). Similar attitudes might be expected for lesbian mothers; however, research has shown that these social beliefs markedly differ (Ioverno et al., 2018). In particular, men are generally more supportive of parenting by lesbian mothers than gay men (Dempsey & Critchley, 2010; Webb et al., 2017). This disparity is perhaps due to perceptions of parenting roles, particularly that women are considered more nurturing than men (D'Amore et al., 2020; Eagly et al., 2000). These views are reliant on gender stereotypes; however, to date, "research has not identified any gender-exclusive parenting abilities (with the partial exception of lactation)" (Biblarz & Stacey, 2010, p. 16). Thus, despite research showing contrary results to the social perceptions of gay fathers' parenting abilities, these attitudes hold firm, indicating a larger issue at play concerning how gay men are perceived and treated by broader society.

Conversely, these accounts could be interpreted as an inward justification, with fathers justifying their parental capabilities to themselves. Previous literature has indicated that socially constructed gendered parenting roles can reduce gay fathers' confidence in their parental efficacy, as they are challenging conventional definitions of masculinity and femininity in child-rearing (Silverstein et al., 2002). Additionally, internalised heterosexism, social rejection, and negative societal attitudes tied to non-heterosexual forms of identity further impact fathers' perceptions of their parenting abilities (Perrin et al., 2019; Robinson & Brewster, 2014).

Whilst there are added complexities to family formation for gay men, planning for children is arguably a normative experience that any couple undertakes when considering parenthood. Considerations include relationship longevity, parenting ability, financial stability, career, and age; regardless of sexuality, there is a process of introspection and self-

reflection that occurs when contemplating children (Kariman et al., 2016; Rijken & Knijn, 2009). Potentially these perceived justifications by fathers might also be interpreted as part of what is a normative process for any parent.

Fears of exploitation were prominent in fathers' submissions. Concerns of exploitation in international commercial surrogacy are often underpinned by fears of 'Western' consumers exploiting women in low-income settings and fears of invalid consent due to illiteracy and coercion (Wilkinson, 2016). While commercial surrogacy raises legitimate ethical concerns, it is unlikely that it is any more exploitative than other commercial transactions that occur in low-income settings for global consumption (Humbyrd, 2009; Wilkinson, 2003). This statement does not diminish or make light of these concerns, but rather leads to a larger conversation about how people can ostracise commercial surrogacy due to exploitation concerns, and yet may consume retail that exploits the very same demographic (Arvidsson et al., 2015).

In managing competing demands between the morality of potential exploitation and the desire for children, research from Rudrappa and Collins (2015) demonstrated the role of moral framing in reducing intended parents' exploitation concerns. For example, in reframing their engagement in surrogacy as liberating low-income women by creating significant financial change for them, many contributors perceived themselves as "compassionate consumers" (Rudrappa & Collins, 2015). Similarly, Riggs (2016) offers explanations of reframing international commercial surrogacy in low-income settings as economically viable for both parties, allowing intended parents to pursue their desires of family formation without moral conflict. Aspects of this type of moral framing appeared present in fathers' submissions, particularly financial gain. Therefore, it is possible that fathers also experienced a moral reframing to diminish fears of exploitation.

It is often observed that commercial surrogacy is exploitative, whereas altruistic

surrogacy is exploitation free, constructing a good and bad surrogacy dichotomy (Stuhmcke, 2015). However, altruistic surrogacy also raises some concerns about surrogate exploitation (Plater et al., 2018). Whether a family member or friend can truly consent to being a surrogate free of coercion is debatable. The complexities of the existing relationship may place undue and unethical pressure on the individual to provide this service (Tieu, 2009). Financial exploitation is also of concern; everyone except the surrogate (i.e., lawyers, counsellors, and fertility clinics) profit financially from the current altruistic system (Plater et al., 2018). Thus, some commentators have questioned whether the distinction between commercial and altruistic surrogacy is arbitrary and artificial (Plater et al., 2018; Stuhmcke, 2015). To infer that compensation implies exploitation is unhelpful to improving the flaws in the system, as both forms of surrogacy carry risk of exploitation despite varying public and legal attitudes (Plater et al., 2018).

Current findings presented elements of what is perceived as risk-taking behaviour by fathers. Partly this appears to be unavoidable due to how surrogacy currently operates (Deonandan, 2015), but there were additional risks for fathers who purposefully engaged in international commercial surrogacy despite its prohibition in their State. Research into Australian's use of surrogacy highlighted that existing laws criminalising international commercial surrogacy only deterred 9% of respondents (Everingham et al., 2014). Most appeared undeterred given the relatively low probability of prosecution (there have been no convictions to date (Stuhmcke, 2015)). Chief Justice Pascoe, former Chief Justice of the Family Court of Australia, similarly echoed this conclusion, remarking that the current laws are not deterring intended parents from engaging in international commercial surrogacy illegally, as its use continues to increase in States and Territories where it is prohibited (Plater et al., 2018).

Law breaking has not only legal consequences but moral and ethical implications. If a

person subscribes to societal moral standards, violating these standards should invoke a negative self-view (Peeters, 2019). Conversely, however, the well-documented research on the motivation to protect one's self-image demonstrates that people redefine and reconstrue their unethical behaviours (Bersoff, 1999). This negates the significant dissonance one would experience by acting in ways counter to their own attitudes (Bersoff, 1999). These internal mechanisms allow for the rationalising of actions, contrary to held moral principles, as appropriate in particular situations (Espinosa, 2021; Kaptein, 2019). In this sense, it allows people to remain committed to their morality whilst enacting behaviours that violate it. Thus, potentially, fathers engaged illegally in international commercial surrogacy, not simply due to the low risk of conviction, but possibly due to reconciling internal conflicts between their self-interests and concerns of morality.

Methodological Considerations and Future Research

This study used pre-existing data to perform a secondary qualitative analysis. The data was not initially intended for this study but was a rich and publicly available data source detailing a sensitive topic for a cohort that is difficult to access.

Ethical and practical challenges apply to the use of secondary qualitative analysis, such as informed consent and misrepresentation of results (Chatfield, 2020). However, in this case, the data was openly accessible to the public meaning informed consent was not required (British Psychological Society, 2017), the submissions detailed fathers' personal experiences of surrogacy, and extracts were embedded verbatim in this thesis to reduce misrepresentation.

When conducting secondary data analysis, potential limitations exist, such as missing data; however, this potential limitation is also a strength of this study. Using naturalistic data and being removed from data collection ensured that personal biases did not influence data collection, allowing for a more objective analysis; however, researcher bias may still have influenced data interpretation. By using naturalistic data, unique insight into aspects of

fathers' experiences are gained. For example, many fathers discussed breaking the law; response bias may have influenced their willingness to divulge this information in an interview format. While potential criticisms exist regarding secondary analysis, it is becoming more common in qualitative research and is a recognised, robust qualitative research methodology (Sherif, 2018).

To maximise methodological rigour, the current study followed the SRQR guidelines (O'Brien et al., 2014) for transparency of reporting qualitative research and adhered to Tracy's (2010) "Big Tent" criteria for excellence in qualitative research to enhance the quality and credibility of findings. Family formation for gay fathers is an important, worthy, and under-researched area of exploration, with public attitudes towards gay men as fathers and difficulties associated with surrogacy negatively compounding men's experiences (Carneiro et al., 2017; Millbank, 2015). This study addresses significant gaps in knowledge for a marginalised group by contributing to research and further offers practical implications from the findings (Tracy, 2010). Submissions used in this study were rich in detail; they reflected the lived experience of gay fathers and remained unedited to ensure their credibility (Tracy, 2010). Reflexive practice occurred throughout the research; an audit trail was kept, and careful consideration was given in interpreting findings to ensure that submissions were represented ethically (Tracy, 2010).

Reflexive thematic analysis involved analysing data in a precise and consistent manner for rigour and credibility purposes (Braun & Clarke, 2006, 2013, 2019). While qualitative data interpretation cannot be neutral, and this is not a promise of the method, reflexive thematic analysis is a sophisticated tool that allows transparency of the methodological approach to analysis (Nowell et al., 2017).

Further limitations include a sample where the men were self-selected; the men willing to submit to a government inquiry are potentially not representative of all Australian

gay fathers. Additionally, while some submissions contained demographic data to indicate sample diversity, many submissions did not. Therefore, it is difficult to identify if aspects such as socioeconomic status, education level, or cultural identity may play additional or divergent roles in fathers' experiences. Similarly, the sample only consists of Australian gay fathers, many of whom participated in international commercial surrogacy, using data from 2016, where some legislation has since been revised. Future research would benefit from exploring the surrogacy experiences of gay fathers of different nationalities, examining more experiences of altruistic surrogacy in Australia, and more recent surrogacy experiences. Research methods such as conducting interviews with gay fathers may enable a more structured exploration of experiences, while investigating the naturalistic data produced by gay fathers in publicly available online forums, may produce a broader understanding of gay fathers' surrogacy experiences.

Implications

This study demonstrates that societal attitudes towards same-sex parents and families are particularly damaging to perceptions of gay fathers' parenting abilities, despite their actual capabilities. Societal attitudes are often formed from a young age; potentially, the lack of knowledge and inclusivity of LGBTQIA+ persons within educational systems are partially responsible for these adverse public perceptions and attitudes. Further efforts are required to increase public awareness about the criteria for good parenting; sexuality does not determine parenting ability (Baiocco et al., 2015; Carone et al., 2018). The need to reinvent perceptions of normative family structures is evident; families can have diverse structures and originate in diverse ways, and education about this must start in schools.

The current Australian curriculum to Year 10 includes educational recommendations for LGBTQIA+ inclusive knowledge, namely that schools have a responsibility to incorporate material inclusive of all students' lived experiences (Australian Curriculum,

Assessment and Reporting Authority, 2021). However, schools use the Australian curriculum flexibly, so while it is recommended that LGBTQIA+ knowledge be included in the syllabus, it is unclear to what extent this education has been integrated. In contrast, in 2019, the British government passed new regulations mandating the inclusion of LGBTQIA+ education in all English schools (Emmerson, 2019). Mandatory LGBTQIA+ inclusive teaching to educate students about sexual orientation, gender identity, and same-sex families, may also benefit Australia.

Other attempts in Australia to include knowledge, history, perspectives, and inclusivity of sexually and gender diverse individuals, such as the Safe Schools program, have been accompanied by superfluous moral panic (Shevlin & Gill, 2020). No doubt, similar public attitudes would arise for mandated education. Despite trepidation from school bodies to include LGBTQIA+ knowledge, research in NSW has shown that most Australians do not reflect these attitudes. Australian parents included in these studies (97 to 100%) agreed that this knowledge should be included in sexual health and social education, focussing on the importance of teaching tolerance and acceptance of others (Ullman & Ferfolja, 2015, 2016). Despite the Safe Schools controversy, if mandated education is implemented as a top-down approach, the long-term chances of success are much higher than past efforts.

School-based education that is inclusive of LGBTQIA+ knowledge is a good first step towards normalising same-sex families. However, what is further required is a general presence of same-sex families in people's everyday lives, challenging ideas around heteronormativity and educating society about diverse families. Television reflects the current happenings of society, people's struggles, and the experiences of minority and majority groups; it is particularly impactful on influencing social attitudes and perceptions (Lissitsa & Kushnirovich, 2019). Furthermore, television is educational as it presents messages around values; depictions of marginalised groups, such as same-sex families,

exposes audiences to the realities of LGBTQIA+ life, particularly when television is their only exposure to LGBTQIA+ persons (Padva, 2008; Yah, 2019).

Depictions of same-sex families are generally found in the context of comedic sitcoms. For example, the series *Modern Family* features Mitchell and Cameron, a married male couple with an adopted daughter, where the characters are heavily reliant on gay stereotypes for humour. Stereotypes of LGBTQIA+ people, particularly when used for comedy, are detrimental to the social acceptance of LGBTQIA+ persons, as they present an unrealistic and caricatured version of what it means to be a LGBTQIA+ person and encourages othering (Nölke, 2018; Thorfinnsdottir & Jensen, 2017).

In order to educate and normalise diverse kinship and same-sex parenting, the power of the media must be harnessed, which may mean the inclusion of more representative depictions of LGBTQIA+ families in advertisements and regular programming, in the hope of creating a space in society where diverse families can be included.

Fathers in this study appeared to favour engagement in international commercial surrogacy over altruistic surrogacy in Australia. Indicating that fathers perceived the current altruistic system to be less achievable for family formation, despite risks in international commercial surrogacy of unsafe clinical practices, reduced ethical standards, and uncertain legal regimes (Blazier & Janssens, 2020; Millbank, 2015). Thus, it would appear that it is time for Australia to revisit its regulation of surrogacy, as current measures are forcing intended parents overseas, exposing them to additional risk, and driving normally law-abiding citizens to break the law. This suggestion is not to propose that Australia simply replace the existing altruistic model with a commercial one, but rather to examine the possibility of introducing a professional model of surrogacy. At its core, such a model seeks to regulate surrogacy in a way that minimises harm to surrogates, clinics, intended parents, and children, as it employs standards of care, a code of ethics, and sanctions for those who do

not comply (Feiglin & Savulescu, 2018; Walker & van Zyl, 2017; van Zyl & Walker, 2012). More so, it addresses concerns of exploitation of surrogates and intended parents, additional risks from engaging in international commercial surrogacy, and legal unease, all of which fathers in this study outlined as impending concerns (Feiglin & Savulescu, 2018; Walker & van Zyl, 2017).

Further research would be required to examine Australian community attitudes towards a regulated model of surrogacy. Also, the researcher recognises that there would be significant challenges in bringing this model to fruition even with public support. Importantly, as previously mentioned (p. 13), current Australian surrogacy legislation varies between States and Territories. Therefore, offering a regulated model while having differing legislation is unworkable, as it is a rare occurrence that a surrogate, donor, and intended parents reside in the same State or Territory (Plater et al., 2018). What would be required is Federal legislation or an agreement on behalf of all States and Territories to apply this model uniformly.

Conclusion

This research highlights the impact of heteronormative perceptions of child-rearing on social attitudes toward gay men as fathers. Australian educators and the media have a responsibility to be inclusive of LGBTQIA+ knowledge and representation to adjust negative perceptions of differing sexualities, genders, and families. In addition, this research questions the efficacy of current Australian surrogacy legislation and suggests the possibility of reducing harm through introducing a professional regulated surrogacy model. Surrogacy may always raise ethical and moral concerns, but some of these concerns can be mitigated with consideration and regulation. Through these submissions, fathers have shown that they are conscientiously navigating surrogacy. Mostly within, but sometimes outside of, the binds of current Australian legislation, but they only do so as it is the only avenue to create their

much-desired families.

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Appendix A

Standards for Reporting Qualitative Research Checklist

Item	Page no(s).
Title and abstract	
Title - Concise description of the nature and topic of the study Identifying the study as qualitative or indicating the approach (e.g., ethnography, grounded theory) or data collection methods (e.g., interview, focus group) is recommended	1
Abstract - Summary of key elements of the study using the abstract format of the intended publication; typically includes background, purpose, methods, results, and conclusions	5
Introduction	
Problem formulation - Description and significance of the problem/phenomenon studied; review of relevant theory and empirical work; problem statement	9
Purpose or research question - Purpose of the study and specific objectives or questions	16-17
Methods	
Qualitative approach and research paradigm - Qualitative approach (e.g., ethnography, grounded theory, case study, phenomenology, narrative research) and guiding theory if appropriate; identifying the research paradigm (e.g., postpositivist, constructivist/ interpretivist) is also recommended	19-20
Researcher characteristics and reflexivity - Researchers' characteristics that may influence the research, including personal attributes, qualifications/experience, relationship with participants, assumptions, and/or presuppositions; potential or actual interaction between researchers' characteristics and the research questions, approach, methods, results, and/or transferability	18
Context - Setting/site and salient contextual factors	17
Sampling strategy - How and why research participants, documents, or events were selected; criteria for deciding when no further sampling was necessary (e.g., sampling saturation)	17-20
Ethical issues pertaining to human subjects - Documentation of approval by an appropriate ethics review board and participant consent, or explanation for lack thereof; other confidentiality and data security issues	18-19

Data collection methods - Types of data collected; details of data collection procedures including (as appropriate) start and stop dates of data collection and analysis, iterative process, triangulation of sources/methods, and modification of procedures in response to evolving study findings	17-20
Data collection instruments and technologies - Description of instruments (e.g., interview guides, questionnaires) and devices (e.g., audio recorders) used for data collection; if/how the instrument(s) changed over the course of the study	17-18
Units of study - Number and relevant characteristics of participants, documents, or events included in the study; level of participation (could be reported in results)	17
Data processing - Methods for processing data prior to and during analysis, including transcription, data entry, data management and security, verification of data integrity, data coding, and anonymization/de-identification of excerpts	17-18
Data analysis - Process by which inferences, themes, etc., were identified and developed, including the researchers involved in data analysis; usually references a specific paradigm or approach	19-20
Techniques to enhance trustworthiness - Techniques to enhance trustworthiness and credibility of data analysis (e.g., member checking, audit trail, triangulation)	17-20

Results/findings

Synthesis and interpretation - Main findings (e.g., interpretations, inferences, and themes); might include development of a theory or model, or integration with prior research or theory	20-21
Links to empirical data - Evidence (e.g., quotes, field notes, text excerpts, photographs) to substantiate analytic findings	21-39

Discussion

Integration with prior work, implications, transferability, and contribution(s) to the field - Short summary of main findings; explanation of how findings and conclusions connect to, support, elaborate on, or challenge conclusions of earlier scholarship; discussion of scope of application/generalizability; identification of unique contribution(s) to scholarship in a discipline or field	39-49
Limitations - Trustworthiness and limitations of findings	44-46

Other

Conflicts of interest - Potential sources of influence or perceived influence on study conduct and conclusions; how these were managed	N/A
Funding - Sources of funding and other support; role of funders in data collection, interpretation, and reporting	N/A

Reference: O'Brien, B. C., Harris, I. B., Beckman, T. J., Reed, D. A., Cook, D. A. (2014).

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