



UNIVERSITY OF TORONTO
FACULTY OF LAW

HEALTH LAW, ETHICS & POLICY SEMINAR SERIES

presents

Professor Angela Campbell
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Engaging with Surrogates' Choices: Tracing and Proscribing Viable Mothers in Law

COMMENTATORS:

Professor Brenda Cossman
University of Toronto Faculty of Law

Kyle Kirkup, PhD Candidate and Trudeau Fellow
University of Toronto Faculty of Law

12:30 – 2:00

Thursday, January 15, 2015
Solarium (room FA2) – Falconer Hall
84 Queen's Park

This presentation explores law's approach to women's controversial choices regarding family life and reproduction. It contemplates the meaning and value women ascribe to decisions about becoming surrogates, as reflected in empirical research. It considers this data against the backdrop of legislative debates and policy conversations on remunerated surrogacy within Canada, the UK and Australia. Juxtaposing social science and legal discussions foregrounds gaps in western law's appreciation of women's choices about surrogacy. While regulatory frameworks governing paid surrogacy are premised on hypotheses about the vulnerability of women who become surrogate mothers, their motivations as purely financial, and the commodification of their reproductive capacities, social science evidence offers a more textured understanding of surrogates' motivations and experiences. It indicates that women become surrogates for various reasons; one might be money, but expectations of emotional benefit, as well as family and cultural dynamics, also might be prominent. Empirical research also reveals that women may value their experiences as surrogates, having cultivated their sentiments of identity, "difference-making", control over reproduction and fertility, and social citizenship and contribution. Overlooking these points discernable from empiricism, law's focus has been on criminalization, touted as essential to protect women in financial desperation, susceptible to coercion. Under threat of penal sanction, however, participants in surrogacy tend to operate in social and legal shadows. Law's effects thus have a double aspect, precluding recognition of women's empowerment while driving them underground to elude prosecutorial reach. But whether law casts surrogates as victims incapable of choice or criminal agents whose choices are morally flawed, it fails to serve their interests. The essay thus draws connections with other practices – namely, polygamy and prostitution – where a victim/agent binary emerges in connection with law's regulation of women's choices about sex, marriage and reproduction.

Professor Campbell researches and teaches in the areas of family law, health law, criminal law, successions law and feminist legal studies, and is a recipient of the John W. Durnford Teaching Excellence Award. She is currently the Associate Dean of [Graduate Studies at McGill Law](#). Previously, she has served as Director of the [McGill Institute of Comparative Law](#) and Convener of the [McGill Research Group on Health and Law](#). She is the author of a recent book, [Sister Wives, Sex Workers and Surrogates: Outlaws by Choice?](#) (Ashgate 2013), a chapter of which forms the subject of this presentation.

A light lunch will be served.

For more information about this workshop, please contact Nadia Gulezko at n.gulezko@utoronto.ca.