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ORIGINAL ARTICLE

Reforming surrogacy law: what can we learn from children's artwork?

KATHERINE WADE¹ | CHARLOTTE MILLS²¹Law School, University of Bristol, Bristol, England²School of Law, University of Sheffield, Sheffield, England**Correspondence**

Katherine Wade, Law School, University of Bristol, Bristol, BS8 1HH, England.
Email: katherine.wade@bristol.ac.uk

Abstract

It is rare for children to be included in law reform, even regarding laws that concern them. At a time when surrogacy law is being debated both domestically and globally, this article presents data from the Children's Voices in Surrogacy Law project, offering unique insights into children's lived experiences of surrogacy through artwork. It is argued that the artwork's themes support recent recommendations made by the Law Commission of England and Wales and the Scottish Law Commission and rebut some concerns raised by their critics. Drawing on legal consciousness studies, the article argues that engaging with children through artwork is an effective way to understand how law shapes children's everyday lives. It presents an innovative participatory method for exploring children's perceptions and experiences of law, drawing on visual methodologies, and reflects on the value and limitations of such a method.

1 | INTRODUCTION

The Children's Voices in Surrogacy Law (CVSL) project was developed to include children's views in the debate on surrogacy in light of the review of surrogacy carried out by the Law Commission of England and Wales and the Scottish Law Commission in 2023.¹ The project is the first to capture children's views on surrogacy law and law reform in the United Kingdom (UK), and, to our

¹ See the CVSL website: <<https://childrensvoices.bristol.ac.uk/>>. The co-investigators were Kirsty Horsey and Zaina Mahmoud.

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knowledge, in English-speaking jurisdictions.² CVSL sought the views of children in three phases. Phase One involved 25 children aged between 8 and 17 in England with experience of surrogacy.³ This included children born through surrogacy, children whose mother was/is a surrogate, and a child whose relative had a child through surrogacy. Phase Two involved 24 school pupils based in England, aged between 8 and 18, with no experience of surrogacy.⁴ This sought to examine whether children without experience of surrogacy had different insights. Phase Three involved five children living in England, aged between 9 and 14, who were born through surrogacy in the United States (US), and explored their experiences of international surrogacy. Drawing on visual methodologies, the project used card games and artwork to capture children's views, contributing to a growing body of research regarding law in children's lives.⁵ This article analyses 41 pieces of artwork by children with experience of surrogacy from Phases One and Three to explore unique insights on the current regulation of surrogacy and law reform.

This article first gives an overview of UK surrogacy law and the Law Commissions' review. Second, the methodology is explained. We draw on the theoretical framework of legal consciousness to consider the importance of capturing children's experiences of law in their everyday lives when assessing the current law and law reform proposals. We then set out the value and limitations of using artwork as a research method with children, and describe the data analysis method, drawing on visual methodologies. Third, the article explores five arguments that can be drawn from the themes produced from the data: (1) UK surrogacy law facilitates practices based on collaboration; (2) UK surrogacy law facilitates practices based on mutual respect; (3) surrogacy is not necessarily harmful to children; (4) children accept non-heteronormative models of parenthood; and (5) children value altruism in surrogacy. The article demonstrates how children's perceptions and experiences of law in everyday life are important and can be insightful for law reform. We argue that using visual methodologies is an effective way to explore children's legal consciousness, as it can capture children's subjective experiences of law and provides insights into what is important to them outside the confines of adult-driven law reform agendas.

2 | SURROGACY LAW AND THE LAW COMMISSIONS' PROJECT

Surrogacy refers to the practice whereby a person gives birth to a baby with the intention that it will be raised by an individual or couple, called the intended parent(s) (IP(s)). The practice

² Internet-based and library-based searches revealed no empirical studies with children on surrogacy law.

³ K. Wade et al., *Children's Voices in Surrogacy Law: Phase One Preliminary Report* (2023), at <<https://bpb-eu-w2.wpmucdn.com/blogs.bristol.ac.uk/dist/8/1027/files/2023/10/CVSL-PHASE-ONE-Preliminary-Report-2023.pdf>>. Ethical approval for Phases One and Two was obtained from the Science and Engineering, Arts, Humanities and Law Research Ethics Committee at the University of Leicester. Ethical approval for Phase Three was obtained from the Kent Law School Ethics Committee.

⁴ K. Wade et al., *Children's Voices in Surrogacy Law: Phase Two Preliminary Report* (2023), at <<https://bpb-eu-w2.wpmucdn.com/blogs.bristol.ac.uk/dist/8/1027/files/2023/10/CVSL-PHASE-TWO-Preliminary-Report-2023-2.pdf>>.

⁵ See for example D. Watkins et al., 'Exploring Children's Understanding of Law in Their Everyday Lives' (2018) 38 *Legal Studies* 59; D. Watkins et al., 'A Framework for Developing Children's Legal Capability' (2025) 45 *Legal Studies* 432; A. Barlow and J. Ewing, *Children's Voices, Family Disputes and Child-Inclusive Mediation: The Right to Be Heard* (2024); S. Case et al., *Child First? Examining Children's Perspectives of Their 'Effective' Collaboration in Youth Justice Decision-Making* (2024), at <https://repository.lboro.ac.uk/articles/report/Child_First_Examining_children_s_perspectives_of_their_effective_collaboration_in_youth_justice_decision-making/27968766?file=51097910>; C. Bessant, 'Children, Public-Sector Data-Driven Decision-Making and Article 12 UNCRC' (2022) 13 *European J. of Law and Technology* 1.

raises ethical and legal questions. One issue relates to legal parenthood, including the questions of who the legal parents should be at birth and whether the surrogate should be able to renege on the agreement. Another concern is about whether and to what extent surrogates should be paid or reimbursed. There are also questions about whether there should be contact between the surrogate and the child born through surrogacy. In addition, when IPs undertake surrogacy abroad, complications arise regarding parenthood, citizenship, and nationality.⁶ Furthermore, there are calls to ban surrogacy, due to concerns about the exploitation of surrogates, the commodification of reproductive processes and of children, and harm to women and children.⁷ There are varying regulatory approaches to surrogacy globally, with some countries banning the practice outright, some banning commercial surrogacy, and some permitting surrogacy with legal requirements.⁸

Surrogacy is legal in the UK. Currently, the surrogate and their spouse/civil partner (if relevant) will be the legal parent(s) of a child born through surrogacy.⁹ Legal parenthood is transferred to the IP(s) through a parental order (PO) if certain requirements are met.¹⁰ It is an offence for an individual or organization to facilitate surrogacy for another on a profit-making basis.¹¹ While it is not an offence to pay surrogates, payments exceeding reasonable expenses must be authorized by the courts before a PO is granted.¹² There are three organizations recognized by the Department of Health and Social Care who provide support to those undertaking surrogacy: Brilliant Beginnings, My Surrogacy Journey (MSJ), and SurrogacyUK (SUK).¹³ While it is difficult to know how many children are born through surrogacy, since not all parents apply for a PO, 477 POs were granted in England and Wales in 2024.¹⁴

⁶ See C. Fenton-Glynn, 'International Surrogacy before the European Court of Human Rights' (2018) 13 *J. of Private International Law* 546; N. Igareda Gonzalez, 'Ethical and Legal Issues in Cross-Border Gestational Surrogacy' (2020) 113 *Fertility and Sterility* 916.

⁷ See G. Corea, *The Mother Machine: Reproductive Technologies from Artificial Insemination to Artificial Wombs* (1985); M. Davies (ed.), *Babies for Sale? Transnational Surrogacy, Human Rights and the Politics of Reproduction* (2017); D. Dickenson, *Risk and Luck in Medical Ethics* (2023) 124–137; E. Anderson, 'Why Commercial Surrogate Motherhood Unethically Commodifies Women and Children: Reply to McLachlan and Swales' (2000) 8 *Health Care Analysis* 19; E. Anderson, 'Is Women's Labor a Commodity?' (1990) 19 *Philosophy & Public Affairs* 71.

⁸ See J. Scherpe et al. (eds), *Eastern and Western Perspectives on Surrogacy* (2019).

⁹ For motherhood, see Human Fertilisation and Embryology (HFE) Act 2008 (as amended), s. 33(1). For fatherhood, see HFE Act, s. 35 (which applies if a man is married to the surrogate) and Civil Partnership (Opposite-Sex Couples) Regulations 2019, SI 2019/1458 (which applies if a man is in a civil partnership with the surrogate). A surrogate's female civil partner/spouse would be the second parent: see HFE Act, s. 42. These rules apply if these individuals agree to the treatment. One IP could be a second parent if the surrogate is not married/in a civil partnership: see agreed fatherhood conditions at HFE Act, ss 36 and 37 and female parenthood conditions at HFE Act, ss 43 and 44.

¹⁰ HFE Act, ss 54 and 54A.

¹¹ Surrogacy Arrangements Act 1985, s. 2.

¹² HFE Act, ss 54(8) and 54A(7).

¹³ Department of Health and Social Care, *The Surrogacy Pathway: Surrogacy and the Legal Process for Intended Parents and Surrogates in England and Wales* (2024), at <<https://www.gov.uk/government/publications/having-a-child-through-surrogacy/the-surrogacy-pathway-surrogacy-and-the-legal-process-for-intended-parents-and-surrogates-in-england-and-wales>>. See also Childlessness Overcome Through Surrogacy, which closed in September 2025.

¹⁴ Ministry of Justice, *Family Court Statistics Quarterly: April to June 2025* (2025), at <<https://www.gov.uk/government/statistics/family-court-statistics-quarterly-april-to-june-2025>>.

There have been frequent calls for surrogacy law to be reformed.¹⁵ In 2017, the Law Commission of England and Wales and the Scottish Law Commission included surrogacy in its 13th Programme of Law Reform. The Law Commissions published a consultation paper in 2019, which received 680 responses,¹⁶ and a full report in 2023.¹⁷ The main recommendations include the introduction of a 'new pathway' for domestic surrogacy whereby IPs could be legal parents at birth, the establishment of 'regulated surrogacy organisations' (RSOs), the introduction of prohibited payments, and the establishment of a surrogacy register for children's origin information. The recommendations and a draft bill were submitted to the government, but implementation has not occurred.¹⁸ The Law Commissions consulted widely with surrogates, IPs, and surrogacy organizations. A preliminary report of Phase One of CVSL was cited in the Law Commissions' report, representing the first time that children's views had been incorporated into a surrogacy law reform initiative in the UK. Given that many of the Law Commissions' recommendations directly affect children, the project filled a crucial gap in the consultation process. Undertaking this research allowed us to gain insights into children's perceptions of surrogacy law and reform recommendations and to discover if these developments were underpinned by unfounded assumptions about children's experiences.

Alongside supporters of reform, there exist anti-surrogacy campaigns, which argue that surrogacy involves the exploitation of women and their reproductive capacities and the commodification of children.¹⁹ It is argued that the separation of children from surrogates has lifelong harmful consequences. The Law Commissions' report notes that over half of the responses to the consultation called for an outright ban on surrogacy and opposed the recommendations.²⁰ The majority of these were based wholly or partly on a template response by the Nordic Model Now! campaign group.²¹

¹⁵ See M. Brazier and S. Waxman, 'Reforming the Law Regulating Surrogacy: Extending the Family' (2016) 4 *J. of Medical Law and Ethics* 159; K. Horsey, 'Not Withered on the Vine: The Need for Surrogacy Law Reform' (2016) 4 *J. of Medical Law and Ethics* 153; H. Prosser and N. Gamble, 'Modern Surrogacy Practice and the Need for Reform' (2016) 4 *J. of Medical Law and Ethics* 257; K. Horsey et al. (eds), *Future Directions in Surrogacy Law: Law and Policy Reform in the UK and Beyond* (2025).

¹⁶ Law Commission of England and Wales and Scottish Law Commission, *Building Families through Surrogacy: A New Law – A Joint Consultation Paper* (2019) Law Com. Consultation Paper No. 244/Scot. Law Com. Discussion Paper No. 167, at <https://webarchive.nationalarchives.gov.uk/ukgwa/20250109171358mp_/https://s3-eu-west-2.amazonaws.com/cloud-platform-e218f50a4812967ba1215eaccede923f/uploads/sites/30/2019/06/Surrogacy-consultation-paper.pdf>.

¹⁷ Law Commission of England and Wales and Scottish Law Commission, *Building Families through Surrogacy: A New Law – Volume II: Full Report* (2023) Law Com. No. 411/Scot. Law Com. No. 262, at <https://webarchive.nationalarchives.gov.uk/ukgwa/20250109102443mp_/https://cloud-platform-e218f50a4812967ba1215eaccede923f.s3.amazonaws.com/uploads/sites/30/2023/03/2.-Surrogacy-full-report.pdf>.

¹⁸ See letter from Maria Caulfield MP to Sir Peter Fraser, at <https://www.scotlawcom.gov.uk/files/5116/9987/6370/Letter_from_Maria_Caulfield_PUS_DHSC_8_November_2013.pdf>.

¹⁹ See for example Nordic Model Now!, at <<https://nordicmodelnow.org/about/>>; Stop Surrogacy UK, at <<https://stopsurrogacynowuk.org/>>; Surrogacy Concern, at <<https://surrogacyconcern.uk>>. In 2024, a ban on surrogacy was approved by the Italian Senate: M. Chen, 'Italy Bans Its Citizens from Accessing Surrogacy Abroad' *Bionews*, 4 November 2024, at <<https://www.progress.org.uk/italy-bans-its-citizens-from-accessing-surrogacy-abroad/>>. See also the Declaration of Casablanca (2024), calling for a ban on surrogacy: <<https://declaration-surrogacy-casablanca.org/>>. The former Pope also called for a surrogacy ban: H. Flynn, 'Pope Calls for Surrogacy Ban' *Bionews*, 15 January 2024, at <<https://www.progress.org.uk/pope-calls-for-surrogacy-ban/>>.

²⁰ Law Commissions, op. cit., n. 17, para. 1.44.

²¹ Nordic Model Now!, *Surrogacy Consultation Questions Template* (2019), at <<https://nordicmodelnow.org/wp-content/uploads/2019/09/surrogacy-consultation-responses-pdf-2.pdf>>.

3 | METHOD

3.1 | Using art to capture children's views on surrogacy law in their everyday lives

This project used mixed methods to explore children's views on the current law and law reform, which involved interviewing and artwork. Interviewing aimed to answer the project's first research question: what do children think of the current law and law reform on surrogacy? We used interactive card games and interviewing to ask questions such as who the parents of a child should be, whether surrogates should be paid, and whether children should know origin information. These questions, though they did not refer to the law, were responding to the legal issues identified by the Law Commissions. The artwork addressed our second research question: how do children perceive and experience surrogacy? This was focused on what kind of things children perceive, understand, and witness in the context of the current legal framework and social practice on surrogacy. We set up a 'creative corner' at focus groups and interviews, and told participants that the theme was 'What surrogacy means to me'.²² We provided a range of art and craft materials (such as pencils, markers, stickers, plasticine, and pipe cleaners) and told children that they could produce any creative work, such as artworks, models, essays, poems, or word clouds. We gathered 41 pieces from 36 children. Some participants produced multiple pieces, and one was jointly produced. The majority of the 41 pieces were created at focus groups/interviews, at an SUK event, or in a university classroom, but two were created at home and brought to the focus group.

Legal consciousness provides a theoretical framework for exploring children's views through artwork since it examines law in everyday life.²³ It is concerned with people's interactions with 'legality', which is described as 'as an emergent structure of social life that manifests itself in diverse places, including but not limited to formal institutional settings'.²⁴ Law is a part of legality and refers to 'aspects of legality as it is employed by or attributed to formal institutions and their actors'.²⁵ Legal consciousness has been applied to different social practices,²⁶ and there are several approaches.²⁷ This project follows the interpretative approach, which is concerned with understanding ordinary people's responses to their subjective perceptions of law, as opposed to

²² Phase Two artwork is not explored here as the research question and theme was different ('What I learned about surrogacy today').

²³ P. Ewick and S. Silbey, *The Common Place of Law: Stories from Everyday Life* (1998) 17. For the development of the concept of legal consciousness in socio-legal studies, see D. Cowan, 'Legal Consciousness: Some Observations' (2004) 67 *Modern Law Rev.* 928.

²⁴ Ewick and Silbey, op. cit., n. 23, p. 23. The authors refer to three narratives about the law. These are: 'before the law', where the law is seen as an authoritative, impartial, predictable, rational sphere, removed from ordinary social life; 'with the law', which sees the law as a game to be 'played', whereby pre-existing rules can be deployed and new ones formulated to serve people's own interests/values; and 'against the law', which describes being 'up against' the law, and finding forms of resistance or subterfuge to find solutions.

²⁵ Ewick and Silbey, op. cit., n. 23, pp. 22–23.

²⁶ For example, legal consciousness has been applied to legal recognition of same-sex relationships (R. Harding, "'Dogs Are 'Registered', People Shouldn't Be": Legal Consciousness and Lesbian and Gay Rights' (2006) 15 *Social & Legal Studies* 511), experiences of homelessness (Cowan, op. cit., n. 23) and trade union law (E. Kirk and K. Cruz, 'Trade Union Legal Mobilization and Consciousness' (2024) 51 *J. of Law and Society* S66).

²⁷ S. Halliday, 'After Hegemony: The Varieties of Legal Consciousness Research' (2019) 28 *Social & Legal Studies* 859, at 860. The author describes four approaches: (1) critical, (2) interpretive, (3) comparative, and (4) law-in-action.

engaging with those who are disadvantaged by the law or are using it in some way.²⁸ In this sense, the participants in this project were not directly engaging with the law regarding surrogacy; the aim of this part of the project was to capture how the law shaped the experiences of a group of children in their everyday lives. We sought to explore what kind of experiences the law and practice surrounding surrogacy ('legality') facilitates for children. This approach is predicated on the idea that the practice of surrogacy and the legal regulation of surrogacy are intrinsically linked; the experiences that children have and the social interactions that they witness are shaped or enabled by the law.

A legal consciousness approach has methodological implications. Since the aim of legal consciousness is to capture legality 'unmoored from official legal settings and actors',²⁹ the methodological focus shifts from asking direct questions about law to 'wait[ing] and see[ing] how background ideas about law emerge naturally and structure discussions about everyday life'.³⁰ The artwork dimension of the project allowed us to consider the way in which current law and social practice shapes participants' everyday lives, without directly asking about law. This provided us with insights even in instances where the participants were unaware of the law's instrumental role in their experiences. The artwork allowed us to explore a number of important issues. First, we could discover how the current law and practice affects the experiences of children. Second, we could explore whether law reform proposals might improve their lives. Third, we could capture additional insights that are important to children but that are not captured by the current law reform agendas set by adult stakeholders.

3.2 | Participants and data collection

This article analyses 41 pieces of artwork collected in Phases One and Three. Participants were predominantly recruited through the non-profit surrogacy organizations in England listed above. Phase One artwork was collected at focus groups/interviews undertaken from July to November 2022 in London and at an SUK event in October 2022.³¹ This phase involved (1) children born through surrogacy in England, (2) children whose mothers were surrogates in England, and (3) a child whose relative had a child through surrogacy. Phase Three artwork was collected in focus groups/interviews in July 2024 and involved children born through surrogacy in the US and living in England. The group breakdown is in Table 1.

In terms of potential limitations, we note the small sample size and do not suggest that these insights are reflective of all surrogacy experiences in the UK. Only participants based in England were recruited; this was not intentional but resulted from the membership of the surrogacy organizations. For Phase Three, only children born through surrogacy in the US were recruited. This was also not intentional. However, the US has been a destination for surrogacy for a longer time than other countries, meaning that these children were old enough to participate. Therefore, we do not claim that this sample can give insights into ethical challenges in other jurisdictions, where there are serious concerns regarding the potential exploitation of surrogates

²⁸ *Id.*, p. 865.

²⁹ Ewick and Silbey, *op. cit.*, n. 23, p. 24.

³⁰ Halliday, *op. cit.*, n. 27, p. 864, citing Ewick and Silbey, *op. cit.*, n. 23, p. 26.

³¹ We spoke to participants in groups of between two and six. We spoke to three participants in Phase Three on their own.

TABLE 1 Overview of participants

| Collection point | Number of pieces of artwork | Number of participants | Space where artworks were created | Breakdown of participants |
|--|-----------------------------|------------------------|---|---|
| Phase One: focus groups | 29 | 24 | 27: venue in London 2: participants' home | 7: born through surrogacy (6: gestational surrogacy; 1: traditional surrogacy)* 17: children of surrogates |
| Phase One: SurrogacyUK event | 8 | 8 | 8: event space | 8: children of surrogates |
| Phase Three: focus groups and interviews | 4 | 4 | 3: participants' home 1: university campus classroom | 4: born through US gestational surrogacy involving egg donation |

Note: * In traditional surrogacy, the surrogate's egg is fertilized with the IP's sperm/donor sperm. In gestational surrogacy, the surrogate's egg is not used. In the UK, to grant a PO, the gamete of at least one IP must be used.

and poor practice around consent and bodily autonomy.³² We also do not claim that these insights are reflective of all instances of surrogacy within the UK, such as those conducted without organizational support, some of which have led to legal disputes.³³ However, the sample does give rich and novel insights from a group of children within the UK³⁴ who have experienced surrogacy with organizational support, which reflects a certain portion of UK surrogacy.³⁵ We also acknowledge the potential for participant bias, since the children were recruited through surrogacy organizations and via their parents, who are actively involved in the organizations. The presumably positive views of organizations and parents may have influenced those of the children. However, it should be noted that parents were not present at the focus groups and interviews for the artwork production, with the exception of four children. Though one data collection activity occurred at an SUK event, the organization was not directly involved in the process.

3.3 | Why use art to explore children's views?

This project used artwork as a form of data collection, which is a visual methodology. There has been a rise in the use of visual methods in social sciences and humanities.³⁶ This has accompanied

³² See L. Fischer et al., 'Surrogacy Needs to Be Regulated, Not Prohibited' (2024) 386 *Brit. Medical J.* e079542; Fenton-Glynn, op. cit., n. 6; Igareda Gonzalez, op. cit., n. 6. See also *Re Z (Foreign Surrogacy)* [2024] EWFC 304; *Re H (Anonymous Surrogacy)* [2025] EWHC 220.

³³ See *Re N* [2007] EWCA Civ 1053; *Re TT* [2011] EWHC 33 (Fam); *Re H* [2015] EWFC 36; *Re Z (Surrogacy: Step-Parent Adoption)* [2024] EWFC 20.

³⁴ While the participants were based in England, their insights are relevant to UK practice since the HFE Act and the Surrogacy Arrangements Act apply to the UK. There are some differences regarding POs in Scotland.

³⁵ Surrogacy with organizational support does not make up the majority of surrogacy. It is estimated that surrogacy organizations support approximately 60 to 80 births a year, while the total number of births in 2024 was 477. See Law Commissions, op. cit., n. 16, para 3.29. See Ministry of Justice, op. cit., n. 14.

³⁶ See for example G. Rose, *Visual Methodology: An Introduction to Researching with Visual Methods* (2022, 5th edn); E. Stirling and D. Yamada-Rice (eds), *Visual Methods with Children and Young People: Academics and Visual Industries in Dialogue* (2015).

a cultural turn in the social sciences, which has focused on the important role that wider culture plays in law, legality, and justice.³⁷ Such approaches focus on meaning making through the analysis of images, as they recognize the ‘significance of visual images in the everyday and the emergence of a “post-literate” society’.³⁸ This is based on the idea that ‘depiction, picturing and seeing are ubiquitous features of the process by which most human beings come to know the world as it really is for them’.³⁹ Visual methods have also been used in socio-legal studies, with studies analysing law and film,⁴⁰ the virtual trial,⁴¹ the architecture of legal institutions,⁴² and judicial portraits.⁴³ Linda Mulcahy notes that the use of visuals can create fundamental shifts in people’s experiences of the law and reveal grounded or bottom-up perspectives on the legal system.⁴⁴ She argues that it allows us to go beyond images of the legal system produced by the elite and analyse images produced by ‘users or watchers’ of the law.⁴⁵ In line with this, this project sought to reveal insights from children who were *observing* the phenomenon of surrogacy, as opposed to being directly involved in the practice or its regulation, in order to gain new perspectives on how we understand the law.

Visual methods take different approaches, with visual pieces used as data (such as photos, art, and comics), as tools to gather data (such as photo elicitation and cognitive mapping), and as ways to record research (such as field notes, memoranda, and photographs).⁴⁶ While some studies explore meaning in existing ‘found’ images and audience interactions with them,⁴⁷ in others, such as CVSL, participants create their own images, which serve as research data.⁴⁸ This approach has many advantages that can support the aims of legal consciousness research. For example, visual images and methods can reveal information that might be difficult to uncover in standard interviewing, such as ‘attitudes, mindsets and points of view’.⁴⁹ Arts-based methods, in particular, can allow for the articulation of feelings, experiences, and meanings that children have not thematized or depict emotions that they have not verbalized.⁵⁰ Given that the artwork dimension of the project sought to capture children’s *experiences*, including perceptions of and emotional responses to the social practice of surrogacy, the use of imagery was effective. In addition, arts-based methods

³⁷ L. Moran, ‘Researching the Visual Culture of Law and Legal Institutions: Some Reflections on Methodology’ (2021) 48 *J. of Law and Society* S44, at S44.

³⁸ *Id.*, p. S46.

³⁹ Rose, *op. cit.*, n. 36, p. 17.

⁴⁰ S. Machura and P. Robson, ‘Law and Film: Introduction’ (2001) 28 *J. of Law and Society* 1. For an overview, see L. Moran, ‘Reflections on the Journal’s Visual Turn’ (2025) 52 *J. of Law and Society* S220.

⁴¹ L. Mulcahy, ‘The Unbearable Lightness of Being? Shifts towards the Virtual Trial’ (2008) 46 *J. of Law and Society* 185; M. Rosner, ‘Remote Rituals in Virtual Courts’ (2021) 48 *J. of Law and Society* 334.

⁴² L. Mulcahy, ‘Eyes of the Law: A Visual Turn in Socio-Legal Studies?’ (2017) 44 *J. of Law & Society* S111.

⁴³ L. Moran, ‘Judicial Pictures as Legal Life-Writing Data and a Research Method’ (2015) 42 *J. of Law and Society* 74.

⁴⁴ Mulcahy, *op. cit.*, n. 42, p. S112.

⁴⁵ *Id.*, pp. S123–124.

⁴⁶ L. van den Scott, ‘Visual Methods in Ethnography’ (2018) 47 *J. of Contemporary Ethnography* 719, at 720. This project also used images on cards as prompts for research questions.

⁴⁷ Rose, *op. cit.*, n. 36, p. 36.

⁴⁸ *Id.*, pp. 36–37. For a study involving research participants making images, see N. Ohana, ‘The Politics of the Production of Knowledge on Trauma: The Grenfell Tower Inquiry’ (2021) 48 *J. of Law and Society* 497.

⁴⁹ K. Friedman and R. Siegesmund, *Visual Methods of Inquiry: Images as Research* (2024) 124.

⁵⁰ E. Søndergaard and S. Reventlow, ‘Drawing as a Facilitating Approach When Conducting Research among Children’ (2019) 18 *International J. of Qualitative Methods* 1, at 3.

seek to 'engage with subjective experiences which promote diverse ways of knowing and experiencing the world and which acknowledge the multiple realities that exist in everyday life'.⁵¹ In this sense, the artwork gave us rich insights that are not necessarily captured by formal law or law reform agendas, but reveal everyday social practice that is facilitated by the law – in other words, 'legality'.

Visual methodologies also fit with a participatory turn in research with children from both legal and sociological perspectives. The United Nations Convention on the Rights of the Child (UNCRC) 1989, ratified by the UK in 1991, provides that states parties must ensure that children who are capable of forming views have the right to express those views freely and that those views are given due weight on all matters affecting them, including in law and policy development.⁵² This represented a legal shift at an international level from viewing children as subjects of rights, as opposed to objects of adult protection.⁵³ Since the development of the new sociology of childhood in the 1990s, children have been seen as active participants in their lives and social worlds, rather than being in a period of preparation for adulthood.⁵⁴ This has led to the involvement of children in research that concerns them and their lives,⁵⁵ and to the adoption of methods that treat children as participants, as opposed to passive objects of research.⁵⁶ In this regard, visual methodologies, and more specifically arts-based research, are particularly suitable.⁵⁷ Images are central to children's culture and everyday lives, whereas words are the domain of adult researchers.⁵⁸ Children learn through visuals and communicate via visuals from a young age.⁵⁹ Art making is therefore an effective way to explore children's legal consciousness. This approach is also participatory in that it enables children to express as little or as much as they like, and allows them time to reflect.⁶⁰ This can help children to express their emotions about

⁵¹ L.-A. Fenge, 'Using Participatory Arts-Based Approaches to Promote Inclusive Research' in *Handbook of Social Inclusion: Research and Practices in Health and Social Sciences*, ed. P. Liamputtong (2022) 511, at 512. For a full exploration, see P. Leavy (ed.), *Handbook of Art-Based Research* (2018).

⁵² UN General Assembly, Convention on the Rights of the Child (1989) Resolution 44/25, art. 12, at <<https://www.unicef.org/child-rights-convention/convention-text>>; Committee on the Rights of the Child, General Comment No. 12: The Right of the Child to Be Heard (2009) CRC/C/GC12, para. 12, at <<https://digitallibrary.un.org/record/671444?v=pdf>>.

⁵³ A. Parkes, 'Tokenism versus Genuine Participation: Children's Parliaments and the Right of the Child to Be Heard under International Law' (2008) 16 *Willamette J. of International Law and Dispute Resolution* 1, at 2.

⁵⁴ See A. Quennerstedt and M. Quennerstedt, 'Researching Children's Rights in Education: Sociology of Childhood Encountering Educational Theory' (2014) 35 *Brit. J. of Sociology of Education* 115; A. Prout and A. James, 'A New Paradigm for the Sociology of Childhood? Provenance, Promise and Problems' in *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood*, eds A. James and A. Prout (2015, 3rd edn) 6; B. Mayall, *Towards a Sociology of Childhood: Thinking from Children's Lives* (2002).

⁵⁵ See P. Christensen and A. James, *Research with Children: Perspectives and Practices* (2017, 3rd edn); C. Bradbury-Jones and J. Taylor, 'Engaging Children as Co-Researchers: Challenges, Counter-Challenges, and Solutions' (2015) 18 *International J. of Social Research Methodology* 161; S. Punch, 'Research with Children: The Same or Different from Research with Adults?' (2002) 9 *Childhood* 321.

⁵⁶ I. Literat, "'A Pencil for Your Thoughts': Participatory Drawing as a Visual Research Method with Children and Youth' (2013) 12 *International J. of Qualitative Methods* 84.

⁵⁷ See A. Hickey-Moody et al., *Arts-Based Methods for Research with Children* (2021).

⁵⁸ L. Proctor and A. Hatton, 'Producing Visual Research with Children: Exploring Power and Meaning Making' in *Visual Methods with Children and Young People: Academics and Visual Industries in Dialogue*, eds E. Stirling and D. Yamada-Rice (2015) 50.

⁵⁹ Friedman and Siegesmund, op. cit., n. 49, p. 77.

⁶⁰ I. Coyne et al., 'Research with Young Children: Exploring the Methodological Advantages and Challenges of Using Hand Puppets and Draw and Tell' (2021) 35 *Children and Society* 813, at 825.

sensitive topics.⁶¹ While we do not view surrogacy as inherently sensitive, children may be aware of negative media portrayals and a lack of understanding by peers. There were other practical ways in which the art making was participatory in our study. For younger children in particular, it was a way to attract and maintain attention at the start of the focus group, and it also acted as a motivator, as we allowed time to go back to the art in the break and at the end.⁶² Additionally, the art activity allowed the hierarchy between adult researchers and children to be reduced.⁶³ A member of the research team created artwork alongside the children, which helped to build rapport and create a comfortable environment.⁶⁴ It also allowed children to interact and share their artwork, which may have been a unique opportunity for them to meet peers with surrogacy experience.

Another important aspect of using images is that they are a powerful dissemination tool; images can reach wide audiences and have a significant impact.⁶⁵ As Sarah Pink notes, images are often more powerful than academic writing, since ‘images seduce us; they command our attention and compel us to linger with them’.⁶⁶ In the context of surrogacy, which is the subject of heated debate, and where strong imagery is used to support anti-surrogacy arguments,⁶⁷ the project’s imagery can help to present the lived experiences of children in a powerful way, allowing the audience to sense and feel the participants’ experiences.⁶⁸ Disseminating the visuals produced in the research project is also a way to empower participants, through providing an audience for their views, in line with the Lundy model.⁶⁹ The images of artwork from this project have been showcased at domestic and international conferences as a ‘digital art wall’, and have been the subject of an in-person exhibition. A sample of the art is included in this article to allow readers to experience and interpret the data, and the full collection is available as an artbook on the project website.⁷⁰

⁶¹ See R. Leitch, ‘Creatively Researching Children’s Narratives through Images and Drawings’ in *Doing Visual Research with Children and Young People*, ed. P. Thomson (2008) 37, at 43; B. Wilson, ‘Types of Child Art and Alternative Developmental Accounts: Interpreting the Interpreters’ (1997) 40 *Human Development* 155.

⁶² Friedman and Siegesmund, op. cit., n. 49, p. 77.

⁶³ Literat, op. cit., n. 56, p. 89. This was in line with the Lundy model, which emphasizes providing a safe and inclusive space for children: see L. Lundy, ‘Voice Is Not Enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child’ (2007) 33 *Brit. Educational Research J.* 927. The model proposes three other dimensions: providing information and support to facilitate children expressing views (voice), ensuring that children’s views are communicated to appropriate people (audience), and ensuring that their views are taken seriously and acted on where possible (influence).

⁶⁴ S. Pink, *Doing Visual Ethnography* (2021, 4th edn) 20.

⁶⁵ Rose, op. cit., n. 36, p. 378.

⁶⁶ Pink, op. cit., n. 64, p. 61.

⁶⁷ See for example Nordic Model Now!, ‘Ask Your MP to Say NO to Commercial-Style Surrogacy in the UK’ *Nordic Model Now!*, 1 April 2023, at <<https://nordicmodelnow.org/2023/04/01/ask-your-mp-to-say-no-to-commercial-style-surrogacy-in-the-uk/>>; Nordic Model Now!, ‘The Law Commission’s Surrogacy Consultation: How to Bamboozle through a Dangerous New Law’ *Nordic Model Now!*, 15 August 2019, at <<https://nordicmodelnow.org/2019/08/15/the-law-commissions-surrogacy-consultation-how-to-bamboozle-through-a-dangerous-new-law/>>; Nordic Model Now!, ‘Surrogacy in the UK’ *Nordic Model Now!*, 19 April 2022, at <<https://nordicmodelnow.org/2022/04/19/surrogacy-in-the-uk/>>.

⁶⁸ Pink, op. cit., n. 64, p. 4.

⁶⁹ Rose, op. cit., n. 36, p. 379.

⁷⁰ CVSL, *Children’s Artbook* (2025), at <<https://childrensvoices.bristol.ac.uk/childrens-artwork/>>.

There are limitations to the method. First, not all children enjoy art making, and some may consider themselves to lack skill.⁷¹ Second, the environment in which children produce art may influence them.⁷² In our research, artwork was created at home, in focus groups, at a surrogacy event, and at a university. While it would have been ideal for all participants to have created work in the same environment, this was not practical. In addition, it must be borne in mind that children's understanding of surrogacy and their artwork may be consciously or unconsciously shaped by adults, in order to 'please' others by replicating their viewpoints.⁷³ We acknowledge that since it was parents who asked their children to be involved, participants' views are likely to have been influenced by them. However, all research with children must recognize that they will be influenced by parents and peers, but this does not mean that their views should not be ascertained. In any event, our aim was to explore their experiences of surrogacy in everyday life, which is inevitably shaped by their parents and surrogacy organizations. A third limitation lies in interpreting the data, given the subjective nature of art, as discussed in the next section.

3.4 | Data analysis

A thematic analysis of the artwork was conducted, following Virginia Braun and Victoria Clarke's reflexive thematic analysis approach.⁷⁴ First, in the 'familiarization stage', we viewed the artworks in an exhibition space, where we each made notes on our individual reflections on each artwork.⁷⁵ In the second stage, we separately coded the data by hand without the use of the software program NVivo. The third stage involved 'collaborative coding', where we discussed the codes, reflected on individual ideas and assumptions, and produced a set of common codes.⁷⁶ The fourth and fifth stages involved separately grouping these codes to develop themes, before collaborating to see if common themes were generated. Since this method is reflexive, we acknowledge that the themes did not 'emerge' from the data, but were actively produced by us, and our subjectivity was a primary tool in knowledge generation.⁷⁷ We consciously recognize that our personal perspectives, including our belief that ethically regulated surrogacy is achievable, contributed to our data analysis.

Given the visual nature of the data, we took additional elements into account. Following Gillian Rose's critical visual methodology, the 'site' of meaning was the images themselves,⁷⁸ and our main focus for discovering meaning was the 'compositionality' of each image, including its content, colour, and spatial organization.⁷⁹ Rose argues that it is important to look carefully at

⁷¹ J. Einardottir et al., 'Making Meaning: Children's Perspectives Expressed through Drawing' (2009) 179 *Early Child Development and Care* 217. Two children did not take part.

⁷² Wilson, op. cit., n. 61, pp. 157–158.

⁷³ See M. Hill, 'Ethical Considerations in Researching Children's Experiences' in *Researching Children's Experience: Approaches and Methods*, eds S. Greene and D. Hogan (2005) 61; P. Alderson and V. Morrow, *The Ethics of Research with Children and Young People* (2020, 2nd edn).

⁷⁴ V. Braun and V. Clarke, *Thematic Analysis: A Practical Guide* (2022).

⁷⁵ Id., p. 6.

⁷⁶ Id., p. 285.

⁷⁷ Id., p. 8.

⁷⁸ There are four sites at which the meaning of an image is made: the production of an image, the image itself, the circulation site, and its audience/user site: Rose, op. cit., n. 36, pp. 46–69.

⁷⁹ The other focus points or 'modalities' are the technology that produces the image and the social practice that surrounds the image: id., p. 47.

both the content and the materiality of images.⁸⁰ In this regard, we spent considerable time at the familiarization stage, writing down what we could see in the images, noting the use of colour and materials, as well as potential interpretations of abstract qualities. In addition, we were concerned with the evocative aspects of the artworks. Rose notes that an image's 'mood' or 'atmosphere' plays a crucial role in its interpretation.⁸¹ Therefore, this phase also required us to put into words the mood or atmosphere that we felt each artwork conveyed and to compare our interpretations.

As noted, since art is subjective, adults may make erroneous assumptions when interpreting children's art.⁸² One way to mitigate the misinterpretation of art is to ask children for accompanying explanations, through the 'write and draw' method.⁸³ This can also help to reveal hidden layers of meanings and significance.⁸⁴ This approach was not adopted for all of Phase One, due to time constraints in the focus groups, but was used throughout Phases Two and Three. Therefore, all artwork was interpreted with as much information as was provided by the children.

3.5 | Themes

Four themes were produced from coding the artwork: connections, love, positivity, and rationalization. 'Connections' concerns various multidirectional links that occur in surrogacy. These are between, for example, IPs and surrogates, IPs themselves, and children born through surrogacy and IPs. These connections are depicted in a loving and positive way. Similarly, 'love' is depicted in many artworks. It is portrayed as multidirectional between different groups, such as IPs and surrogates, and IPs and children. 'Love' is depicted through the use of the word itself and of symbols (such as hearts and hand holding). 'Positivity' concerns the emotions that surrogacy evokes in children, such as joy, pride, and excitement. This is often presented through abstract images and/or symbolism, such as through the use of bright colours, smiling faces, and balloons. Finally, 'rationalization' captures how children make sense of surrogacy, including depictions of both the social and clinical aspects of the process, as well as the meanings that they attach to it in more abstract ways, such as through the concept of altruism.

After the production of the themes, we developed five overarching arguments, which are set out below, drawing on the relevant themes and a sample of artworks that represent these themes.

4 | INSIGHTS FROM THE ARTWORK FOR UK SURROGACY LAW AND PRACTICE

4.1 | UK surrogacy law facilitates practices based on collaboration

The idea that UK surrogacy law and practice enable and facilitate collaborative processes is illustrated through the theme 'connections'. The artwork depicts connections between surrogates and IPs; there are multiple examples of IPs and surrogates holding hands, as seen in Figures 1 and 2.

⁸⁰ Id., p. 43, pp. 125–140.

⁸¹ Id., pp. 141–145.

⁸² Coyne et al., op. cit., n. 60.

⁸³ Leitch, op. cit., n. 61.

⁸⁴ Id.

FIGURE 1 Phase One, girl, age 11, born through surrogacy



FIGURE 2 Phase One, girl, age 7, child of surrogate



Given that holding hands is seen as a symbol of love, the message is that surrogacy creates positive and loving connections. The connections are also portrayed as creating happiness. One artwork (Figure 1), created by a child born through surrogacy, shows a surrogate between a couple; she is made of colourful camouflage, which spreads into the IPs on either side. The text says ‘in the middle is the surrogate and she is spreading joy to the parents’. Another depicts a surrogate holding hands with two men and all are smiling (Figure 2). One drawing shows IPs and a surrogate holding hands with a child between them, potentially indicating that the connection between the adults remains after the child’s birth.⁸⁵ Five pieces involve the naming of people with whom connections are made. For example, one piece depicts stick figures, one labelled ‘mum’ and two other adults labelled by their names.⁸⁶ Another lists the names of three sets of IPs for whom their mother acted as a surrogate, alongside drawings of two named children born through surrogacy and the words ‘baby omelette [sic]’ to depict the foetus that their mother was currently carrying.⁸⁷ This naming of the IPs and the children shows that the connections formed are not impersonal; the children are aware of the names of the IPs and the children born through surrogacy. This latter artwork was created under the direction of the participant’s mother, showing that the mother’s surrogacy

⁸⁵ Phase One, girl, age 7, child of surrogate: CVSL, op. cit., n. 70, p. 29.

⁸⁶ Phase One, girl, age 9, child of surrogate: id., p. 5.

⁸⁷ Phase One, girl, age 7, child of surrogate: id., p. 16. This participant and her six-year-old brother were the only two who were directed by a parent.

journeys were not impersonal to her, and that this was passed on to her own child through the encouragement to name the IPs and the children born through surrogacy.⁸⁸

To link this back to legal regulation, the artwork reflects that the current law and practice in the UK allows for connections between families to flourish. While the law was designed to disincentivize surrogacy,⁸⁹ it is nonetheless legal, which means that it can be practised openly. In this setting, surrogacy organizations have set up their own support services and created ‘a really strong culture of surrogacy that is values-based, relationship-based and self-regulated’.⁹⁰ Surrogacy organizations such as SUK, Brilliant Beginnings, and MSJ encourage ongoing relationships between IPs and surrogates, as well as their families.⁹¹ SUK advocates a ‘friendship-first’ model, whereby IPs and surrogates develop friendships before starting a surrogacy journey.⁹² Brilliant Beginnings is built on a ‘relationship-based ethos’ modelled on strong relationships, honesty, and transparency.⁹³ The artwork sometimes references these organizations, showing that they are known to some children.⁹⁴ Therefore, the Law Commissions’ recommendation to formalize the support given by such organizations is welcome.⁹⁵ They recommend the creation of RSOs, regulated by the Human Fertilisation and Embryology Authority and operating under a code of practice.⁹⁶ The organizations would ensure that safeguards and screening procedures for the proposed new pathway are in place.⁹⁷ Formalization of the organizations would support them in facilitating surrogacy journeys. This would enhance this already positive aspect of surrogacy, and the organizations themselves are supportive of this recommendation.⁹⁸

The connections depicted in the artwork also debunk some negative portrayals of surrogacy practice. Some anti-surrogacy arguments appear to assume that connections are not part of surrogacy arrangements and portray the child being ‘ripped’ from the birth mother.⁹⁹ Such arguments often depict the ‘handover’ as an anguished and harmful moment ending the bond between the surrogate and the child. However, this artwork shows that an ending of the relationship does

⁸⁸ Surrogates were very clear about the value of open discussions with their children, and positive reinforcement of surrogacy was seen in both intrafamilial/friend and non-familial/friend surrogacies: K. Horsey et al., ‘UK Surrogates’ Characteristics, Experiences, and Views on Surrogacy Law Reform’ (2022) 36 *International J. of Law, Policy and the Family* 1, at 10.

⁸⁹ Horsey, op. cit., n. 15, p. 185.

⁹⁰ L. Pott and A. White, ‘From Wilful Neglect to Progressive Support: Surrogacy Law and Its Human Impact’ in *Future Directions in Surrogacy Law: Law and Policy Reform in the UK and Beyond*, eds K. Horsey et al. (2025) 25, at 28. This is reflecting the concept of ‘legality’ in legal consciousness.

⁹¹ Law Commissions, op. cit., n. 16, p. 47.

⁹² SurrogacyUK, at <<https://surrogacyuk.org/>>.

⁹³ Brilliant Beginnings, ‘Who We Are’ *Brilliant Beginnings*, at <<https://brilliantbeginnings.co.uk/who-we-are/>>.

⁹⁴ SUK is referenced in three artworks and Brilliant Beginnings is referenced in one.

⁹⁵ Law Commissions, op. cit., n. 17, ch. 7.

⁹⁶ Id.

⁹⁷ Id., pp. 33–35.

⁹⁸ See SurrogacyUK, ‘Position Statement on the Law Commissions’ *Building Families through Surrogacy: A New Law* *SurrogacyUK*, at <<https://surrogacyuk.org/new-law-position/>>; N. Gamble and H. Prosser, ‘Law Commissions’ Proposals Won’t Achieve Surrogacy Modernisation’ *Bionews*, 17 April 2023, at <<https://www.progress.org.uk/law-commissions-proposals-wont-achieve-surrogacy-modernisation/>>.

⁹⁹ ‘The right to family life implies a child has the right to its birth mother. To rip the new-born from its birth mother without a compelling reason is a violation of the child’s right to family life ... So to deliberately create children who will be ripped from their birth mothers is unethical.’ Nordic Model Now!, ‘Surrogacy: A Human Rights Violation’ *Nordic Model Now!*, 14 February 2020, at <<https://nordicmodelnow.org/2020/02/14/surrogacy-a-human-rights-violation/>>.

not necessarily occur. In Figure 1, the surrogate is present in between the two IPs. Figure 3, created by a 14-year-old girl born through surrogacy in the US, shows IPs holding a baby with the surrogate beside them. Another example, which includes reference to the surrogate, is an animation by a 13-year-old girl born through surrogacy (Figure 4).¹⁰⁰ It depicts a couple in an embrace, looking at a baby. The accompanying text says ‘a statue given to my parents by my surrogate’. The reference to the gifted statue shows the connection that developed between her parents and the surrogate. Therefore, the artwork illustrates that connections were made, and contact was maintained between children born through surrogacy and their surrogates. In this project, all 12 children born through surrogacy knew their surrogates and had contact with them.¹⁰¹ Continued contact is also evident from research conducted with IPs and surrogates. In studies by Kirsty

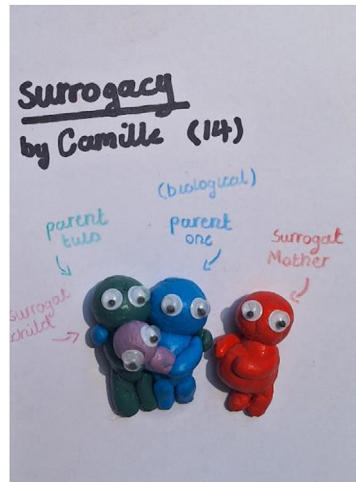


FIGURE 3 Phase Three, girl, age 14, born through surrogacy in the US (pseudonym used)

FIGURE 4 Animation excerpt, Phase One, girl, age 13, born through surrogacy



¹⁰⁰ To view the full animation, see CVSL, op. cit., n. 70, p. 19.

¹⁰¹ See Wade et al., op. cit., n. 3, pp. 24–25. The same is evident from Phase Three transcripts.

Horsey et al., 30 of 31 surrogates remained in touch with IPs,¹⁰² and 38 of 42 IPs said that they maintained contact with surrogates.¹⁰³

The artwork also provides insights into the appropriateness of contact between families. In this regard, the 1998 Brazier Report stated:

[I]t remains possible that the involvement of the surrogate mother may be distressing for children and undermine the relationship between the commissioning parents and the child. This may be particularly so where one or both commissioning parents lack a genetic link with the child.¹⁰⁴

However, the artwork does not show distress or an undermining of the relationship between children and their parents through contact with the surrogates. The artwork is filled with images of happiness, love, and hand holding. It should also be noted that, from the interviews, all 12 children born through surrogacy really enjoyed having contact with their surrogates and did not question their relationship with their parents.¹⁰⁵ Positivity about contact was also recorded in a study by Vasanti Jadvā et al., which found that, in the majority of families who kept in contact with their surrogates, there were good relationships between the families in the first ten years of the children's lives and that children felt positive about their surrogates and their births.¹⁰⁶ The authors argued that this allayed commonly voiced concerns that contact between families would present difficulties to children born through surrogacy, as is also the case for this artwork.

These insights from the artwork relate to another recommendation of the Law Commissions – namely, the establishment of a surrogacy register to record details of IPs, surrogates, and gamete donors that children could access during childhood.¹⁰⁷ Such a register would be relevant if the relationship between the parties broke down and the identity of a surrogate or a former IP was unknown to the child.¹⁰⁸ Since the connections formed through surrogacy are strongly valued

¹⁰² Horsey et al., op. cit., n. 88, p. 9. Of all of the participants, 22 reported contact 'more than eight times per year'. See also K. Horsey et al., *Surrogacy in the UK: Myth Busting and Reform – Report of the Surrogacy UK Working Group on Surrogacy Law Reform* (2015), at <<https://kar.kent.ac.uk/59740/1/Surrogacy%20in%20the%20UK%20Report%20FINAL.pdf>>: 83 of 111 surrogates (94.3 per cent) had maintained contact with the children/IPs and 88 of 91 IPs said that they maintained contact with the surrogates. See also K. Horsey et al., *Surrogacy in the UK: Further Evidence for Reform – Second Report of the Surrogacy UK Working Group on Surrogacy Law Reform* (2018) 37, at <<https://surrogacyuk.org/wp-content/uploads/2023/02/Surrogacy-in-the-UK-2nd-Report-20181230.pdf>>. IPs who maintained contact referred to the surrogate being, for example, a 'part of our extended family' or 'really good friends'.

¹⁰³ K. Horsey et al., 'UK Intended Parents' Characteristics, Experiences, and Views on Surrogacy Law Reform' (2023) 37 *International J. of Law, Policy and the Family* 1, at 13.

¹⁰⁴ M. Brazier et al., *Surrogacy: Review for Health Ministers of Current Arrangements for Payments and Regulation – Report of the Review Team* (1998) para. 4.13.

¹⁰⁵ See Wade et al., op. cit., n. 3, pp. 24–25. The same is evident from Phase Three transcripts.

¹⁰⁶ V. Jadvā et al., 'Surrogacy Family 10 Years On: Relationship with the Surrogate, Decisions over Disclosure and Children's Understanding of Their Surrogacy Origins' (2012) 27 *Human Reproduction* 3008.

¹⁰⁷ Access to identifying information is recommended for children aged 16 and 17 unless they lack capacity under the Mental Capacity Act 2005 and for children under 16 where they are 'Gillick competent' (England and Wales). Access to identifying information is recommended at 16 in Scotland and under 16 where they meet the test for legal capacity: Law Commissions, op. cit., n. 17, para 13.156. See K. Wade, 'The Creation of the Surrogacy Register: A New Dawn for Children's Rights in Relation to Origin Information?' in *Future Directions in Surrogacy Law: Law and Policy Reform in the UK and Beyond*, eds K. Horsey et al. (2025) 140.

¹⁰⁸ Anonymous surrogates have been involved in international arrangements: see *Re H (Anonymous Surrogacy)* [2025] EWHC 220 (Fam).

by children in the artwork, this recommendation is welcome. However, it should be noted that the artwork portrays connections already established in childhood, suggesting that it would be best for these to be facilitated, rather than requiring recourse to the register. Therefore, those who undertake private or international arrangements should bear in mind the importance that children attach to connections formed through surrogacy, and seek to emulate this collaborative model, where knowledge of origin information and contact is facilitated.

4.2 | UK surrogacy law facilitates practices based on mutual respect

‘Love’ appears as a strong theme throughout the artwork. Love is frequently depicted in literal ways, through the word itself, love hearts, hand holding, and embracing. It is also shown metaphorically, through nature, including a flower with a pink heart in the centre (Figure 5) and a stork delivering a heart-shaped box (Figure 6). Love is depicted in portrayals of the surrogate, for example, with images of the surrogate cradling the baby, and/or with love hearts drawn within the surrogate’s body, as shown in Figure 7. Figure 8 shows a surrogate handing over a baby in a heart

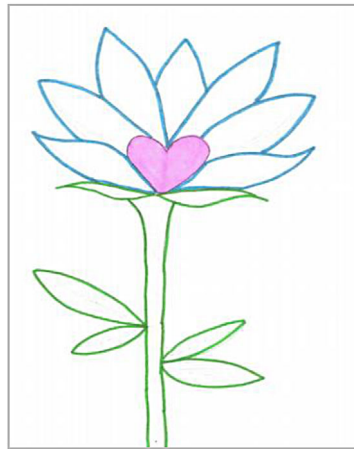


FIGURE 5 Phase One, girl, age 14, born through surrogacy

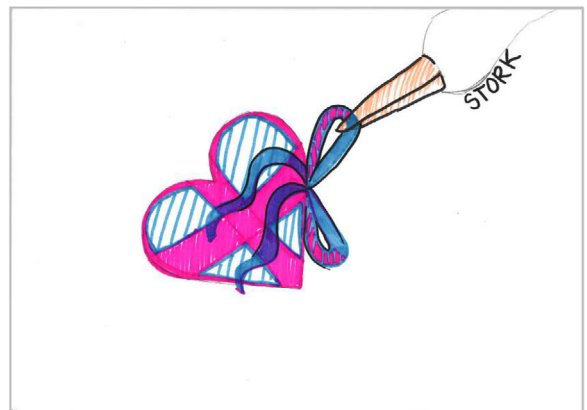


FIGURE 6 Phase One, girl, age 14, born through surrogacy



FIGURE 7 Phase One, boy, age 17, child of surrogate



FIGURE 8 Phase One, girl, age 12, born through surrogacy

to two IPs with love hearts around them. Love is also depicted when referring to IPs. For example, a child born through surrogacy drew a smiling couple holding hands, with hearts in their chest and the word 'love' above them. A written explanation from the child says 'You can do anything if you believe in love. If you cant have a baby then if you believe in love and you will find a surrogate [sic]' (Figure 9). This may allude to the fact that the IPs' love for each other results in their desire to have a child together. Additionally, it suggests that IPs must have hope in the idea of love, as surrogates carry out surrogacy as an act of love.

This portrayal of IPs and surrogates acting out of love is in stark contrast to the negative conception of surrogates' reasons for being a surrogate (pressure, exploitation by others, and financial need) and IPs' motivations (patriarchal desires and notions of a 'right' to a child) in some anti-surrogacy arguments.¹⁰⁹ For example, Nordic Model Now! calls for an outright ban on surrogacy due to the perceived risks of exploitation of surrogates.¹¹⁰ The template response to the Law Commissions' consultation paper portrays surrogates as vulnerable and IPs as taking advantage of them. When discussing advertising for surrogacy, it argues that '[j]ust as we protect disadvantaged people from the temptation of selling their kidneys for money, we need to protect disadvantaged

¹⁰⁹ See for example Nordic Model Now!, op. cit. (2019), n. 67.

¹¹⁰ Nordic Model Now!, op. cit., n. 21.



FIGURE 9 Phase One, girl, age 11, born through surrogacy

women from the temptation of renting their wombs'.¹¹¹ In relation to IPs, it states that '[i]t could even be argued that one of the key drivers of commercial surrogacy is a desire by men to break the legal and cultural recognition of the unique bond between birth mother and child'.¹¹² It also notes '[i]magine the rage that young people may feel when they discover that their "parents" not only bought them but took advantage of their birth mothers'.¹¹³

This depiction of a negative and exploitative relationship between IPs and surrogates is not replicated in the artwork. As was set out above, the relationship is portrayed as collaborative. Surrogates are depicted as happy, and IPs are portrayed as grateful. For example, in Figure 7, the couple have a bunch of flowers, which is presumably a gift for the surrogate, and in the comic in Figure 10, the IPs say 'thank you so much' to the surrogate. The insight from these participants is that surrogacy law in the UK facilitates a relationship of mutual respect to flourish between IPs and surrogates. This mirrors findings in studies conducted with IPs and surrogates, showing that surrogacy is based on relationships, not transactions, and that most arrangements result in long-term close friendships.¹¹⁴ Again, this is something that is facilitated by organizations and is a positive part of the 'legality' that has developed under UK surrogacy law, which permits surrogacy and the operation of support organizations.

4.3 | Surrogacy is not necessarily harmful to children

Anti-surrogacy campaigns often argue that surrogacy has negative effects on children.¹¹⁵ In particular, Nordic Model Now! claims that the removal of the baby from the surrogate at birth is dangerous, as it disrupts the birth mother–child bond. It argues that the 'primal wound' caused

¹¹¹ Id., p. 25.

¹¹² Id., p. 10.

¹¹³ Id., p. 68. Altruistic surrogacy and commercial surrogacy are often conflated in the template response, as is the case here.

¹¹⁴ See Horsey et al., op. cit. (2018), n. 102, p. 62.

¹¹⁵ Nordic Model Now!, op. cit. (2019), n. 67.



FIGURE 10 Phase One, girl, age 8, child of surrogate

by separation of mother and baby at birth has profound lifelong impacts, such as susceptibility to depression, anxiety, emotional and behavioural problems, relationship difficulties, suicide, and homelessness.¹¹⁶ This assumption that surrogacy is inherently harmful to children is not substantiated by the artwork by the children born through surrogacy. In this regard, one of the themes produced from the artwork is ‘positivity’. Regarding children born through surrogacy, the artwork is full of depictions of positive emotions. Figure 1 shows the surrogate ‘spreading joy’ to the IPs. Surrogates are depicted as smiling (Figure 8), and IPs are depicted as embracing the child (Figures 3 and 4), which emphasizes surrogacy as a happy process. One child born through surrogacy simply drew a happy face with the captions ‘happy’ and ‘no affect on me [sic],’¹¹⁷ showing that surrogacy was a normal part of his life that did not impact him, which is in stark contrast to the harmful process envisaged by Nordic Model Now!. The positivity in the artwork echoes longitudinal research in the UK that shows that surrogacy-born children’s outcomes align with those of naturally conceived children and that surrogacy is not harmful to them.¹¹⁸ Phase Three artwork by children born through surrogacy in the US also depicts positive emotions, such as smiling IPs and infants (Figure 11) and a smiling surrogate (Figure 12). In Figure 12, this boy depicted his American surrogate as well as his and his sister’s British nationality through the use of national

¹¹⁶ Id. This is citing adoption research.

¹¹⁷ Phase One, boy, age 11, born through surrogacy: CVSL, op. cit., n. 70, p. 30.

¹¹⁸ S. Golombok et al., ‘Non-Genetic and Non-Gestational Parenthood: Consequences for Parent–Child Relationships and the Psychological Well-Being of Mothers, Fathers and Children at Age 3’ (2006) 21 *Human Reproduction* 1918; S. Golombok et al., ‘A Longitudinal Study of Families Formed through Reproductive Donation: Parent–Adolescent Relationships and Adolescent Adjustment at Age 14’ (2017) 53 *Developmental Psychology* 1966. For an exploration of research spanning 40 years on families using donation and surrogacy, see S. Golombok, *We Are Family: What Really Matters for Parents and Children* (2022). See also V. Söderström-Anttila et al. ‘Surrogacy: Outcomes for Surrogate Mothers, Children and the Resulting Families – A Systematic Review’ (2015) 22 *Human Reproduction Update* 260.

FIGURE 11 Phase Three, girl, age 12, born through surrogacy in the US



FIGURE 12 Phase Three, boy, age 12, born through surrogacy in the US

flags, suggesting that nationality played a role in their experiences of surrogacy. The interviews confirmed that having US citizenship was something that all five children viewed positively, as they could travel and work there more easily.¹¹⁹

A lesser-cited concern regarding surrogacy is the potential for harm for children of surrogates. For example, the 1997 Brazier Report stated:

We are concerned (as were many of our respondents actively engaged in child welfare) about the impact on the emotional security of these children of seeing their

¹¹⁹ Phase Three transcripts (unpublished).

mother give up a sibling, especially for payment, and in some instances on more than one occasion.¹²⁰

However, the artwork shows that children whose mothers act as surrogates also experience positive emotions. Artwork by this group expresses love and admiration for their mothers. Surrogates are often depicted standing in strong upright stances, making them look proud and powerful. In Figure 13, the smiling surrogate stands in the middle with lines radiating from her, suggesting that she is powerful and happy. Another child of a surrogate made a plasticine figure of a smiling surrogate with the words 'exalant [sic]' and 'amazing' on her hair, alongside two love hearts (Figure 14),¹²¹ showing that she had reflected on her mother's role as a surrogate and viewed this with pride.

Moreover, numerous artworks by children of surrogates also feature the handover of babies from surrogates to IPs. The reason for this may be because this moment is explained to this group of children and they witness it. This is also framed positively; the moment is frequently portrayed as a celebratory event. Handovers are depicted in the two comics in Figures 10 and 15, accompanied by the text 'here is your baby' and 'here you go'. Both comics feature smiling faces and

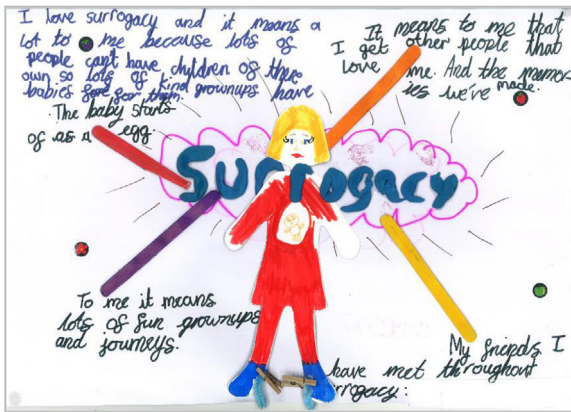


FIGURE 13 Phase One, girl, age 9, child of surrogate (names redacted)



FIGURE 14 Phase One, girl, age 9, child of surrogate

¹²⁰ Brazier et al., op. cit., n. 104, para. 4.15.

¹²¹ The model can be seen in detail in CVSL, op. cit., n. 70, p. 36.

FIGURE 15 Phase One, girl, age 10, child of surrogate



FIGURE 16 Phase One, girl, age 9, child of surrogate



balloons, showing that this moment is viewed as a positive, joyful experience. A striking example is the image in Figure 16, which depicts the handovers of babies from three surrogates to three IPs. The figures are smiling and the babies are held high. The stances, facial expressions, and bright colours suggest that this is a celebratory moment. This aligns with a study that showed positive outcomes for children of surrogates where contact was maintained with the family who had a child through surrogacy. In this study, involving 36 children of surrogates aged between 12 and 25, 47 per cent of the children were in contact with the child born through surrogacy and all reported good relationships.¹²²

4.4 | Children accept non-heteronormative models of parenthood

Within the theme ‘love’, the artwork depicts intention-based models of parenthood, whereby parenthood can be based on the intention to parent.¹²³ For example, one child of a surrogate wrote

¹²² V. Jadvā and S. Imrie, ‘Children of Surrogate Mothers: Psychological Well-Being, Family Relationships and Experiences of Surrogacy’ (2012) 29 *Human Reproduction* 90, at 93. See also Horsey et al., op. cit., n. 88, p. 9: 80 per cent of surrogates called their children’s experiences of surrogacy ‘positive’.

¹²³ See K. Horsey, ‘Challenging Presumptions: Legal Parenthood and Surrogacy Arrangements’ (2010) 22 *Child and Family Law Q.* 449.

‘Difference between being able to have babies doesn’t matter’ (Figure 16), which can be interpreted as meaning that the ability to gestate should not define parenthood. One artwork by a 14-year-old girl born through surrogacy in the US explicitly portrays the genetic, gestational, and social connections involved in surrogacy (Figure 3). This piece shows the IPs holding a baby with the surrogate beside them. The child explained: ‘The IPs are blue and green. The surrogate is red and the child is purple. Blue and red blend to make purple, showing biological relation, while green, blue and purple are complimentary, showing emotional relation.’ The loving embrace of the baby by both IPs suggests that the love is not affected by the lack of a biological connection with one of them; an emotional connection is as important and as strong as a genetic one. This stance was supported by the participant’s views on parenthood in the interview, where she stated that ‘the intended parents are the real parents. They are the ones that requested the baby. They are the ones that sought help.’¹²⁴

The theme ‘love’ also incorporates inclusivity, with non-heteronormative relationships included in some cases. One artwork describes ‘2 women or 2 men’ using surrogacy,¹²⁵ and another states that ‘IPs can be male, female, 2 males, 2 females, 1 male and 1 female’.¹²⁶ One piece shows two men holding hands with the surrogate (Figure 2). Another piece states ‘love is love’ in glitter with fireworks,¹²⁷ and another depicts infants of different nationalities and ethnicities (Figure 11).

Linking this with the current law, one of the main critiques relates to legal parenthood. As noted, the surrogate and their spouse/civil partner (if applicable) will be the legal parent(s) of a child born through surrogacy, with legal parenthood being transferred to the IPs through a PO when certain requirements are met.¹²⁸ However, because the child usually lives with the IPs until the PO is granted, a process that can take up to a year, decision making for the child can become legally complicated.¹²⁹ Moreover, the law does not reflect the shared intentions of surrogates and IPs. Studies in the UK show that the majority of surrogates do not desire to be the legal mother at birth.¹³⁰ In addition, the intention of IPs to parent is not acknowledged until the PO is granted, which fails to recognize their significant emotional and practical commitment to the child.¹³¹ Therefore, as noted, the Law Commissions recommend a new pathway for domestic surrogacy, whereby IPs would be the legal parents at birth if certain eligibility criteria and safeguards were met, which would be overseen by the RSOs.¹³² If a surrogate withdrew their consent to the IPs becoming the parents before the birth of the child, the surrogate would be the legal parent at birth and the IPs would apply for a PO to gain legal parenthood. If a surrogate withdrew consent in the six weeks after birth, the surrogate could, if they desired, apply for a PO to have legal parenthood transferred to them. The Law Commissions’ proposal is in stark contrast to the views

¹²⁴ Phase Three transcripts (unpublished).

¹²⁵ Phase One, girl, age 10, child of surrogate: CVSL, op. cit., n. 70, p. 6.

¹²⁶ Phase One, girl, age 13, child of surrogate: id., p. 20.

¹²⁷ Phase One, girl, age 5, child of surrogate: id., p. 24.

¹²⁸ HFE Act, s. 54. Adoption orders may be granted where requirements are not met.

¹²⁹ Law Commissions, op. cit., n. 17, para 2.7.

¹³⁰ Horsey et al., op. cit., n. 88, p. 10: 34 out of 45 surrogates (75.5 per cent) said that they should not be the legal mother at birth, with only four (9 per cent) saying that they should. See also S. Yee et al., ‘“Not My Child to Give Away”: A Qualitative Analysis of Gestational Surrogates’ Experiences’ (2020) 33 *Women and Birth* e256; Horsey et al., op. cit. n. 102.

¹³¹ Law Commissions, op. cit., n. 17, para. 2.7. See also Horsey et al., op. cit., n. 103, p. 12: 40 out of 53 IPs (75 per cent) said that the surrogate should not be the legal mother at birth.

¹³² Law Commissions, op. cit., n. 17, chs 2 and 4.

of those who argue that gestation is the basis of parenthood. For example, Nordic Model Now! opposes the new pathway,¹³³ arguing that

[p]regnancy, birth and the post-partum changes are intense physical and existential experiences that change you and prime you to love and be sensitive to the new-born child and rise to the challenge of the enormous task of raising him or her to adulthood. For obvious reasons ‘intended parents’ do not have this advantage.¹³⁴

The artwork does not directly reference parenthood or the new pathway. However, the argument that gestation forms the basis of parenthood is not reflected in the artwork. Instead, it depicts intention-based models of parenthood, whereby parenthood can be based on the intention to parent, which is central to the Law Commissions’ proposed new pathway. This stance was also reflected in the focus groups, where 22 out of 25 participants in Phase One and five out of five participants in Phase Three said that the IPs should be the parents of a child born through surrogacy.¹³⁵

4.5 | Children value altruism in surrogacy

The most relevant theme for this argument is ‘rationalization’. In the artwork, some children set out the process of surrogacy in detailed comics, as seen in Figures 10 and 15. This shows how surrogacy is explained to them and how they explain it to other people. One interesting insight is that children understand the scientific processes well, but what is relevant for legal regulation is how they rationalize the desires underpinning surrogacy. In this regard, some artwork by children of surrogates explores motivations for surrogacy, which focuses on altruism. The artwork includes phrases such as ‘I’ll help’ (Figure 15),¹³⁶ ‘helping out, can you help please?’ (Figure 10),¹³⁷ ‘sometimes we need a little help in life’,¹³⁸ ‘a surrogate is a woman who helps other people who cant [sic] have a baby’,¹³⁹ and ‘[h]elping and caring for others’ (Figure 15).¹⁴⁰ This also indicates that discussions with children of surrogates go beyond clinical and physical processes, and explore their mother’s motivations in undertaking surrogacy. The artwork aligns with studies that show that UK surrogates often cite altruism, particularly the desire to help others to have a child, as a motivation for surrogacy.¹⁴¹ Altruism is also present in the artwork by children born through

¹³³ Nordic Model Now!, op. cit., n. 21, p. 5.

¹³⁴ Id., p. 10. For comparison to the biological drive of female mammals to care for their young, see Nordic Model Now!, op. cit. (2019), n. 67.

¹³⁵ Wade et al., op. cit., n. 3, pp. 7–8; Phase Three transcripts (unpublished).

¹³⁶ CVSL, op. cit., n. 70, p. 13.

¹³⁷ Id., p. 21.

¹³⁸ Phase One, boy, age 11, child born through surrogacy: id., p. 11.

¹³⁹ Phase One, girl, age 9, child of surrogate: id., p. 5.

¹⁴⁰ Id., p. 13.

¹⁴¹ See E. Blyth, “‘I Wanted to Be Interesting. I Wanted to Be Able to Say ‘I’ve Done Something Interesting with My Life’”: Interviews with Surrogate Mothers in Britain’ (1994) 12 *J. of Reproductive and Infant Psychology* 189; V. Jadva et al., ‘Surrogacy: The Experiences of Surrogate Mothers’ (2003) 18 *Human Reproduction* 2196; O. Van den Akker, ‘Genetic and Gestational Surrogate Mothers’ Experience of Surrogacy’ (2003) 21 *J. of Reproductive and Infant Psychology* 145; Horsey et al., op. cit. (2018), n. 102, p. 33.

surrogacy. Two children born through surrogacy produced metaphorical imagery to convey the meaning of surrogacy. Figure 5 shows a flower with a heart in the middle. The participant's explanation was that 'the surrogate is the flower giving the heart (the child) to the IPs', which portrays surrogacy as an act of love. Figure 6 depicts a stork delivering a heart-shaped box. The child was clear that the act of surrogacy is a 'gift'. Her explanation was that 'this is a stork giving a gift (the child born through surrogacy)'. The latter two artworks show that the children view surrogacy as an act of love and altruism. Visually, the artworks also appear to have a 'mysterious' abstract quality, potentially indicating that children experience surrogacy as something special that is not easily explained in concrete terms.¹⁴²

Linking back to regulation, the current law seeks to permit surrogacy on an altruistic basis. An existing requirement for a PO is that no money or benefit (other than reasonable expenses) is given to the surrogate by the IP(s).¹⁴³ However, the courts can authorize payments that go beyond reasonable expenses and routinely do so, especially where commercial surrogacy abroad has been utilized. This is because, when the PO is applied for, the child is usually living with the IPs and their welfare is best served by granting the PO.¹⁴⁴ It is therefore seen as a *fait accompli*, whereby the welfare of the child principle means that the courts will always be required to approve payments.¹⁴⁵ The Law Commissions recommend that payments related to the surrogacy and modest gifts should be permitted,¹⁴⁶ and that compensatory payments, living expenses, and payments for carrying the baby should be prohibited.¹⁴⁷ On the new pathway, IPs would be required to make a statutory declaration stating whether or not they have made payments beyond those permitted, and in the case of POs, which would be maintained for some arrangements, the IPs would have to declare payments to the courts.¹⁴⁸ The Law Commissions recommend that it would be a criminal offence to make a false statement or to fail to provide one,¹⁴⁹ and that the government should also consider civil penalties, such as fines, for IPs who make prohibited payments to surrogates.¹⁵⁰

The artwork does not directly reference payments to surrogates, but insights about this issue can nonetheless be drawn out. First, money does not feature in any artwork, indicating that it did not come to mind when participants were asked what surrogacy means to them. For Phase One, this is perhaps because commercial surrogacy is not practised in the UK and so this was not relevant to their experiences. However, even Phase Three participants born in US states that permit

¹⁴² Metaphors are often consciously used by children within art to convey deeper meanings, thoughts, and ideas: M. Farokhi and M. Hashemi, 'The Analysis of Children's Drawings: Social, Emotional, Physical, and Psychological Aspects' (2011) 30 *Procedia: Social and Behavioural Sciences* 2219, at 2222.

¹⁴³ HFE Act, ss 54(8) and 54A(7).

¹⁴⁴ See *Re X and Y (Foreign Surrogacy)* [2008] EWHC 3030 (Fam), [2009] Fam 71; *Re L (A Child) (Surrogacy: Parental Order)* [2010] EWHC 3146 (Fam), [2011] Fam 106; *Re X and Y (Parental Order: Retrospective Authorisation of Payments)* [2011] EWHC 3147 (Fam), [2012] 1 FLR 1347; *Re D and L (Surrogacy)* [2012] EWHC 2631 (Fam), [2013] 2 FLR 275; *J v. G (Parental Orders)* [2013] EWHC 1432 (Fam), [2014] 1 FLR 297.

¹⁴⁵ E. Jackson et al., 'Learning from Cross Border Reproduction' (2017) 25 *Medical Law Rev.* 23, at 35; A. Brown, 'Surrogacy Law Reform in the UK: The Ambiguous Position of Payments to the Surrogate' (2021) 33 *Child and Family Law Q.* 95. For the applicability of the welfare principle, see the Human Fertilisation and Embryology (Parental Orders) (Consequential, Transitional and Saving Provision) Order 2010.

¹⁴⁶ Law Commissions, *op. cit.*, n. 17, ch. 12.

¹⁴⁷ *Id.*, para. 12.167.

¹⁴⁸ *Id.*, para. 12.258. POs would be retained for private arrangements, arrangements that leave the new pathway, and international arrangements.

¹⁴⁹ *Id.*, para. 12.297.

¹⁵⁰ *Id.*, para. 12.299.

commercial surrogacy did not refer to money. It could, however, be the case that for both phases money was not a topic discussed between participants and their parents/guardians.¹⁵¹ Second, as noted, there is a strong depiction of altruism in the artwork. Therefore, the tone of the artwork seems to align with the Law Commissions' recommendation, and arguments by anti-surrogacy organizations,¹⁵² that surrogacy should not be commercially practised in the UK.

5 | CONCLUSION

The artwork produced novel insights from a group of children who have experience of UK surrogacy, which is regulated, supported by surrogacy organizations, and based on a non-commercial model. Drawing on the themes that we produced from the artwork – connections, love, positivity, and rationalization – we argue that the artwork gives us the following insights: UK surrogacy law facilitates practices based on collaboration; UK surrogacy law facilitates practices based on mutual respect; surrogacy is not necessarily harmful to children; children accept non-heteronormative models of parenthood; and children value altruism in surrogacy.

Regarding the current law and policy, the artwork shows that the UK framework, shaped by the law and the practice of support organizations, facilitates collaboration and mutual respect. Surrogacy creates warm and loving connections between families, which participants value. The artwork shows that surrogacy can be a positive and happy experience, and that it is possible to regulate surrogacy to support all parties. The artwork rebuts arguments that surrogacy is an inherently exploitative process between surrogates and IPs and that contact between surrogates and children is severed at birth. The themes produced also do not indicate that surrogacy is harmful to children born through surrogacy or children of surrogates, with both groups portraying surrogacy as a positive practice. This aligns with arguments that the ethical practice of surrogacy is possible with effective regulation.¹⁵³

The artwork also gives insights into ongoing reform recommendations, specifically the 2023 Law Commissions' report on surrogacy. First, the recommendation to give formal status to surrogacy support organizations, recognized by the Department of Health and Social Care, is welcome. This is because such organizations foster friendship and contact and play a significant role in the collaborative and respectful practice that is portrayed in the artwork. Second, intention-based parenthood and family building outside the heteronormative model is accepted, which arguably supports legally assigning parenthood based on intention to parent, as reflected in the proposed new pathway. Third, the insights from the artwork also align with the Law Commissions' recommendation to ensure that surrogacy is not commercially practised, since money does not feature in any of the artwork, but portrayals of altruism are present. Fourth, given the value placed on contact between families, the Law Commissions' recommendation to introduce a surrogacy register to allow children access to origin information, where this is unavailable, is also welcome.

CVSL sought to include children's views in the debate about surrogacy law reform in the UK. However, children are not typically involved in law and policy development, and therefore innovative ways to introduce children's views into debates are needed. The aim of the artwork dimension of this project was to capture children's experiences and perceptions of surrogacy practice, as

¹⁵¹ Amounts exceeding reasonable expenses can be authorized by the courts, but profit for intermediaries is prohibited.

¹⁵² Nordic Model Now!, *op. cit.*, n. 21, p. 41. While the template opposes all surrogacy, it makes specific arguments opposing commercial surrogacy.

¹⁵³ See Fischer et al., *op. cit.*, n. 32.

opposed to their opinions on the law, which were explored through interview questions. Recognizing that the current practice of surrogacy is a product of the legal framework in which it operates, the project adopted a novel approach, which allowed us to explore legal consciousness using visual methods. By supporting children to visually express their experiences, we were able to explore perceptions and emotions, which are more difficult to capture through interviewing. This approach helped us to understand what kind of experiences the current law, policy, and practice facilitates, whether perceived problems impact children, and whether the introduction of proposed reforms would improve their experiences. The article shows the significant value of using visual methods to include children in legal debates, and we hope that this approach could be used in future projects that engage with children about law and law reform, especially in areas that affect children's lives.

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