

**Czech University of Life Sciences Prague**  
**Faculty of Economics and Management**  
**Department of Humanities**



**Bachelor Thesis**

**Commercial Surrogacy And Commodification in  
China**

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# CZECH UNIVERSITY OF LIFE SCIENCES PRAGUE

Faculty of Economics and Management

## BACHELOR THESIS ASSIGNMENT

Xi Lin

Business Administration

Thesis title

Commercial Surrogacy and Commodification in China

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### Objectives of thesis

The thesis will investigate ethical questions concerning the practice of commercial surrogacy, in which women are paid in order to carry and give birth to children, in China. Advances in technology have made surrogacy a viable option for many people, and there are extensive debates about whether it is something that should be paid for. It is often seen to raise ethical questions about commodification of the body, exploitation and inequality both within and between countries.

The thesis will look at the ethical and legal issues surrounding surrogacy in China, where it is currently not legal. The thesis will analyse existing legal framework governing surrogacy and the attitudes of the public towards it.

### Methodology

The thesis will develop a literature review covering ethical and legal debates regarding commercial surrogacy. It will examine the legal framework governing it in China through the analysis of publicly available documents and compare these with other legal regimes. It will investigate public attitudes and understanding of surrogacy through quantitative research in the form of a public opinion survey.

**The proposed extent of the thesis**

30-40 pages

**Keywords**

Commercial Surrogacy, Commodification, China, Bioethics, Market Economy

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MARWAY, Herjeet, JOHNSON, Sarah-Louise and WIDDOWS, Heather. (2014), 'The Commodification of Human Tissue', in TEN HAVE, Henk (ed.) Handbook of Global Bioethics. Springer.

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## **Declaration**

I declare that I have worked on my bachelor thesis titled “Commercial Surrogacy and Commodification in China” by myself and I have used only the sources mentioned at the end of the thesis. As the author of the bachelor thesis, I declare that the thesis does not break any copyrights.

In Prague on 15/03/2024

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# **Commercial Surrogacy And Commodification in China**

## **Abstract**

This thesis explores the phenomenon of commercial surrogacy and its commodification in China. The thesis begins with a background on the topic, discussing the emergence of commercial surrogacy in China and the history behind the practice. The purpose of this thesis is to critically examine the ethical considerations, legal situation, and social and cultural perspectives of commercial surrogacy in China.

**Keywords:** commercial surrogacy, commodification, ethical considerations, legal framework, social impacts

# **Komerční náhradní mateřství a komodifikace v Číně**

## **Abstrakt**

Tato práce se zabývá fenoménem komerčního náhradního mateřství a jeho komodifikací v Číně. Práce začíná základními informacemi o tématu, pojednává o vzniku komerčního náhradního mateřství v Číně a o historii této praxe. Cílem práce je kriticky prozkoumat etické aspekty, právní situaci a sociální a kulturní perspektivy komerčního náhradního mateřství v Číně.

**Klíčová slova:** komerční náhradní mateřství, komodifikace, etické aspekty, právní rámec, sociální dopady.



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# 1. Introduction

## 1.1 Background

Surrogacy is a highly controversial bioethical, civil, and human rights issue throughout the world. Surrogacy is when a woman (the surrogate mother) agrees to become pregnant and bear a child for another person or couple who will become the child's legal parents. And commercial surrogacy is when a surrogate mother's primary purpose for surrogacy is to receive financial rewards, while altruistic surrogacy is when a surrogate mother accepts a surrogate for the primary purpose of helping couples who are unable to have children to obtain offspring. Through an altruistic agreement, the surrogate mother does not receive payment from her intended parents, but the surrogate mother is reimbursed for any pregnancy-related expenses, such as missed workdays due to appointments, maternity clothing, and food. In addition, the intended parents will pay for any medical expenses, legal fees, insurance, travel expenses, etc. (“Vodo - EUROPEAN CHRISTIAN POLITICAL MOVEMENT.Pdf,” n.d.)

Over the past few years, various legal and ethical controversies arising from commercial surrogacy cases occurring in China have attracted the attention of researchers and society and have become a hotly debated topic.

The demand for reproductive technologies such as surrogacy and in vitro fertilization (IVF) is directly related to the economic growth and technological development of China, a country with a large population and a culture in which the family is often the most important thing, suggesting that not having a child to pass on to the family will put psychological and social pressure on the family. As a result, some Chinese with fertility issues may find the use of a commercial surrogate to be a good option for them.

In the context of China's one-child policy in the 1980s. For the most part, the one-child policy only allowed each family to have no more than one child, which led to the development of "underground" surrogacy. It can be said that one of the reasons commercial surrogacies has gradually developed in China because of China's traditional culture of fertility people prefer to have a boy, but the release of the one-child policy has limited people's expectations of having a boy, so many people use commercial surrogacy to fulfill their hopes of having a son.

At the same time, there is an increasing demand for commercial surrogacy due to the one-child policy, and at the same time, there is no law in China that explicitly prohibits or permits the practice of surrogacy. In addition, article 3 of China's Measures for the Administration of Assisted Human Reproductive Technology clearly specifies that medical institutions and medical personnel may not carry out any form of surrogacy. Regardless of the legislation, the Ministry of Health's announcement only imposes administrative penalties for this behavior, which means that the fines are only imposed on medical personnel and not on others involved; in other words, the commissioning parents, the institution (if it is not a formally registered medical institution), and the surrogate mother will not be held criminally liable, and if the mother can be considered to be merely providing a gestational service in the case of a commercial surrogate pregnancy, then that person will not be involved in the involvement of the crime of buying and selling human gametes and human embryos. In practice, such a line of argumentation, if successfully applied, could circumvent the legal prohibition. (This is how the gray market works)

And driven by individual fertility needs and the interests of commercial surrogacy, these are the reasons of gray market has emerged)

In China, People 's view of surrogacy is multifaceted and ambiguous. To some people and couples, commercial surrogacy is a means of fulfilling the desire to have a biological child; on the other hand, there are many who believe that commercial

surrogacy goes against traditional family values and social customs. Thus, the debate about the ethics of surrogacy involves cultural views, economic factors and reproductive rights controversies.

Therefore, when discussing the possibility of legalizing surrogacy in China it is inevitable to consider the ethical factors of surrogacy as well as the cost of surrogacy. The autonomy and informed individuality of the surrogate mother as well as the agency and decision-making process of the surrogate woman are first and foremost involved in the process of surrogacy, as well as the possibility of their exploitation and commodification are all asked about.

With the rise of surrogacy in China. At the same time, issues such as paternity, children's rights and interests, and the commercialization of surrogacy should be addressed by relevant government departments through the introduction of laws and regulations. However, this is also becoming quite complicated and there are concerns about whether the legislation will actually work.

In China's complex social and cultural context, it is difficult to understand surrogacy from a traditional perspective. Customs and traditions, especially those related to family, children and caring for family members, may influence the way society views surrogacy. In addition to family relationships, the role of women in contemporary Chinese society may also have an impact on commercial surrogacy. Indeed, societal stereotypes about surrogate mothers and families of origin may have a wide range of negative impacts on family life.

Therefore, by drawing on the lessons learned from other countries and examples of regulations surrounding commercial surrogacy, if any, are important references for future legislation on commercial surrogacy in China, if it is to be established. The ethical issues raised by surrogacy are also analyzed from a cultural perspective.

A survey of commercial surrogacy in China shows that the development of commercial surrogacy services has gone through a multilayered field of historical evolution, legislative policies, public attitudes, ethical considerations, and cultural and social development. A systematic analysis of these features can help to make effective recommendations on controversial commercial surrogacy practices.

## **1.2 Research aim**

The purpose of my thesis called "Commercial Surrogacy and Commodification in China" is to study and describe the key aspects of commercial surrogacy in China from different perspectives. The purpose of the current research is to present the point of view of the phenomenon of commercial surrogacy and the associated ethical concerns, legal framework, the costs and benefits, as well as social and cultural perspective on this issue.

Discussing the historical background, latest laws and practices, and the impact on the society, this study will bring your attention to the influence concerned with commercial surrogacy in China. Furthermore, it entails the ethical dimensions that include autonomy and consent, exploitation and commodification, as well as reproductive rights that are relevant to this venture.

Besides, this study will also touch based on the social effects that have been caused by the commercial surrogacy in China. Guiding the recognition of the traditional beliefs or attitude, the rechange of family constitution and the social discrimination involved in this phenomenon in Chinese society is what it attempts to accomplish.

Ultimately, domestic comparisons at both institutional and social levels with other countries worldwide will be the final research goal providing cross-cultural insights, displaying successful models, and making some recommendations, which suit the Chinese population surroundings.

## **2. Methodology**

This thesis will compare the practice of commercial surrogacy in China with other countries, explores cross-cultural perspectives, and draws lessons from best practices in other countries. Then studies the ethical challenges of the commercialization of surrogacy by studying some literature and legal cases related to surrogacy. It also compares history with the present, from which it draws recommendations for commercial surrogacy and the impact on the physical and mental health of the victims.

There was also the questionnaire intended to explore the ideas of the Chinese people on commercial surrogacy and the questionnaire was able to reach out to different groups of people as well as different age groups through this to ensure the diversity of the data as well as to analyze it to show empirically the social impact that commercial surrogacy has on the Chinese society.

# 3. The History of Commercial Surrogacy in China

## 3.1 Historical context

Commercial surrogacy was uncommon in China for a long time, but due to the desire for profit by businessmen and the rising demand for reproductive selection, more and more individuals or couples are attempting to obtain high-quality progeny through commercial surrogacy, which marks a fundamental change in how reproductive technology is viewed in Chinese society. To fully understand the formation of surrogacy in China, it is necessary to review the historical context that has driven the practice.

China's policy on population control, especially the one-child policy that was inaugurated in 1979(Zhang 2017), has long been a key factor influencing the demand for surrogacy in China. Due to China's traditional concept of "valuing sons over daughters", there are many people who wish to give birth to a boy by means of commercial surrogacy, which is one of the reasons why commercial surrogacy continues to grow as a grey market in China.

In 1990s, the development of sophisticated reproductive technologies led to the formation of a new area in China's medicine that will contribute major to improve surrogacy. IVF and other assisted reproductive technologies turned up a new chapter in the history of infertility treatment and got couples with said problem to have their own kids. At the beginning, these technologies required that couples to be married in order to use them, making single individuals and same-sex partners unreachable people to these growths.(Inhorn and Birenbaum-Carmeli 2008)

When the collective mindset on family arrangements began to move from the ordinary



ways of the past, the need for surrogacy services multiplied among the public, as we enter the 21st century, many people in China are using surrogacy abroad, with surrogacy arrangements in Southeast Asia and the United States growing in number and popularity.

Specifically, the reason for these policy implementations is that surrogacy in China remain to be a complex and contentious issue. Surrogacy is legally a grey area due to the lack of clear legal provisions for individual surrogacy. This indecisiveness has, on the other hand, resulted in several issues that are revolving around the surrogate mother's exploitation as well as illegal trade in human reproductive material.

Moreover, traditional values and family trends resonate with Chinese community which, in turn, preclude surrogacy. This is because not only the surrogates but also the intended parents if they openly talk about the surrogacy arrangements than they are often disgraceful or thrown out like a social outcast from society that belong to the lower-class which is not desirable for surrogates and the intended parents.

This demonstration portrays a parallelistic relationship between creation of modern reproductive therapies and prevailing social norms, displaying a collision between newly developed in vitro fertilization and traditional Chinese cultural principles.

Building out international outlook gives imperative guidance on which China's treatment of commercial is based upon. An example of such a country is the United Kingdom, America and Canada who have established complete legal basis that secures rights of surrogates, pregnant parent non-biological parent(intended) and children born as a result. These systems assemble compound protective measures, ethical standards and regulator regulations which are implemented in order to make sure that surrogacy has been provided on the basis of respect, fairness, and transparency. and I will explain in the following chapters.

## 3.2 Policy developments

China has experienced some recent significant shifts in its openness to commercial surrogacy, which showcases the ongoing discussions among different stakeholders over the moral and legal intricacies it brings with. Such a process of change is part and parcel of the broader reassessment of surrogacy within national legal and ethical environments.

The year 2001 was a milestone, as the practices of the medical institutions and technicians involved regarding gestational surrogacy and traditional surrogacy were strictly prohibited. The very first, most restrictive, which was coordinated to deal with the issue of human trafficking and the potential exploitation and commodification of women, was an indication of the initial aim to curtail practices that were regarded as ethically problematic and/or a danger to women and girls. (“Regulations on Assisted Human Reproductive Technology,” n.d.) However, considering the potential damage to the interests of the surrogate mother and the psychological harm that can occur during the surrogacy process, which is also caused by the lack of a relevant legal framework

However, the complexities within surrogacy and the apart from per se the other realities of people's reproductive choice and challenge the legal framework needs to be developed as well, for example, with regard to the protection of the rights of surrogate mothers, and pre-education education for surrogate mothers. This recognition checks multiple boxes with a view to curbing exploitation of surrogates while still delivering support to those who need them.

Whereas the raw prohibition constitutes the most important policy metric, the subsequent dialogs, and broader legislative ponderings position towards the more sophisticated approach, maybe the regulated, to surrogacy. These developments hint at a recognition of the need to establish policies that are socially sensitive and sensitive

of the personal and ethical dimensions of surrogacy with the aim of creating a law framework that cater for all parties and addressing the complex ethical considerations of the surrogacy.

The history of China's policy on commercial surrogacy is in line with the wide-spread alterations in family planning policy that the state has undertaken. The move from one-child-policy to two-child-policy in 2015 was a dramatic change conveying the increasing demographical requirements and societal preferences.(Zeng and Hesketh 2016) This change in policy brought not only a variety of contraceptive options to couples but also led to surging demand for assisted reproduction technologies including surrogacy, as more and more couples looked forward to alternative avenues to parenthood.

In the face of the above-mentioned developments, the judicial space of commercial surrogacy in China still faces considerable complexity and ambiguity. The means of surrogacy laws' enforcement are usually discussed in a negative way as having many weak points, making the supervision process of surrogacy a complicated process. The inadequacy becomes further complicated by the non-existent of specific legal frameworks and laws that resolve vital issues like the parentage and citizenship of a child, thus the uprising of a domain of uncertainty that worries intended parents and surrogates alike.

The ambiguity lies in the fact that there is no law in China that explicitly prohibits or permits the practice of surrogacy. Only the organization of surrogacy and the sale of eggs is illegal, as well as there are explicit provisions that medical institutions and technicians cannot implement any form of surrogacy technology, but for individuals, non-professional institutions and there are no relevant legal provisions to restrict, and thus the emergence of many surrogacy agencies, which are also an important part of the gray market of surrogacy.

In addition, the evolution of surrogacy in China was like a rollercoaster ride, with cultural norms and attitudes towards reproduction and childbearing as part of the roller coaster. Surrogacy is considered a violation of traditional family culture in the traditional cultural ethics of society, with the society is showing society responses from uncomfortable to unwelcoming ones. From this perspective the society presents a new level of complexity because it influences both public discourse and the real-life-experience of surrogate parties. It represents a contradiction between the development of reproductive technologies and the tradition of cultural worldviews.

### **3.3 Societal perceptions**

Commercial surrogacy, an ethically difficult and debatable topic, tends to cause varied social views in China. The arising of this phenomenon in the country has generated an abovementioned discourse and discussion among all major stakeholders such as citizens, medical professionals, lawyers, and spiritual persons. Diverse renditions normally result from clashing cultural, ethical, and religious points of view, among different economic and social issues.

One of the Chinese society's misunderstandings concerning the business surrogate is that the traditional value of one biological parent. In Chinese culture, there has been an immemorial attachment to the bloodline and lineage, which in turn has spotlighted the need for couples to have gestationally related children.(Peng 2010) The growth of commercial surrogacy disputes the core family values through which a surrogate mother is assigned to bear and give birth to a pregnancy that results in an infant that isn't genetically connected to the intended parents. Through making transgressions of the societal norms, there is a realization of the possibility of interruption of family lineage and the erosion of traditional culture.

Another social viewpoint about the changing patterns in the structure of the family and the role of women in society is valid as well. Traditionally, women in China have

been mainly considered as wives and mothers whose lives are evaluated depending on whether they can have kids or not. Commercial surrogacy of these gender roles and expectations by getting a third-party involved in the reproduction process. On the other hand, others are of the opinion that surrogacy helps women to have control over their reproductive rights and choose what they want with their bodies. However, others are worried that women are being exploited to earn money.

However, apart from the discrimination against surrogacy due to different ethical concepts in society, of course, this form, also, the social stigmatization is another important factor that the society takes as the ground to form the attitude towards commercial surrogacy in China. Because of the high level of controversy, many people associate it with either positive or morally unacceptable issues. Some of the Chinese communities find the act as undesirable, inconsequential or simply the prohibited practice. Therefore, the ones who give commercial surrogacy a try run on the odds of facing the community's harsh reactions and stigmatization. This is just an additional part of the general public stigmatization which in turn causes polarized opinions on the issue and additionally contributes to the influence on the public opinion overall.

Additionally, the opportunity to be able to engineer or commoditize human being life existence itself and the reproductive procedure is a matter of growing concerns. The detractors believe that economic surrogacy depreciates the worth of life by making it a commodity subject to economic regulation, as if it were a typical good or service. The critics will say, we have to highlight the fact that this reproduction industry makes women's body a piece of merchandise and poses the possibility of mistreatment and abuse. This observation is very similar in being compared with wider ethical and moral issues of commercialization of anybody of human life or dignity.

The viewpoints on commercial surrogacy in China are multi-dimensional, that is, the resultant mixture of extensive cultural, moral, and economic concerns. Traditional

morals, changing family patterns, societal disapproval, and a violation of the sense of purpose are all part of the disagreement in the practice. The perception of society is a general topic. Thus acknowledging and doing something about them is necessary for officials, lawyers, and healthcare experts in the country's efforts to properly understand and approach the complexity of the surrogacy business in China. By incorporating into their decision-making fact all these points of view, the stakeholders would work on the creating laws and regulations, which will protect the interests of all subjects while keeping ethics and responsibility for surrogacy at the top of priorities. but the process of commercial surrogacy involves not only the personal interests of the surrogate mother but also the mental health and life security of the surrogate child, etc., which is a diversified and complex issue, it may not be possible for a single legal framework to cover all the issues, only to say that I would like to express a good hope for the future.

# **4.Literature review**

## **4.1 Ethical Considerations in Commercial Surrogacy**

### **4.1.1 Autonomy and Consent**

The autonomy and consent are key factors when making ethical decisions for the surrogate, a woman who serves as a surrogate will be the one who will be pregnant and give birth to a baby that will be transferred to the prospective parents. The key issue in this regard is that both surrogate mothers' autonomy and consent are secured and that they fully understand what this process involves before signing up for this practice(“Sifris - 2015 - Commercial Surrogacy and the Human Right to Autono.Pdf,” n.d.).

When it comes to commercial surrogacy autonomy implies a state in which people can freely decide what they do with their own body and reproductive options without any outside influence. This includes the woman acting as a surrogate mother her freedom to be involved in surrogacy as she pleases and her right to decide regarding her health and safety during the process. Another aspect that falls under autonomy is that surrogate mothers should have the right to revoke a surrogacy agreement when it may endanger their safety.

Moreover, consent implies that the surrogate mother gives her explicit permission to take part in the surrogacy deal. It shall be free-willed, well-informed, and without any forceful or covert actions. In a commercial surrogate scenario, a surrogate must be fully aware of possible risks, emotional effects, and legal consequences as she will be the one undergoing the process. And Informed consent means that the surrogate mother must receive all necessary information about the surrogacy process, including medical procedures, potential risks, expected outcomes, and legal and emotional issues that may arise. And it is important not only to provide the information but also

to ensure that all participants fully understand it. Because people have different levels of education, then informed consent must be voluntary, without any kind of pressure or force. This ensures that the surrogate mother's decision is based on their true wishes and not due to outside pressure.

Why consent must be informed?

One is to respect autonomy because informed consent respects the autonomy of the individual, i.e., the right of the individual to make decisions about his or her own body and life based on adequate information. It is one of the core principles of medical ethics.

It also reduces risk, by ensuring that all parties involved are aware of all the potential risks and consequences of surrogacy, informed consent helps to reduce misunderstandings and the risk of unforeseen problems, therefore protecting the interests of all.

And building trust and transparency in the surrogacy process is critical to ensuring a successful and positive outcome. Informed consent helps build this trust by ensuring that all parties have a clear and honest understanding of the process.

In terms of legal and ethical responsibilities, informed consent is part of the legal requirements designed to protect participants from inappropriate treatment and utilization. Ensuring informed consent can help avoid legal disputes and ensure that the surrogacy process meets ethical standards.

Nevertheless, autonomy and consent in commercial surrogacy are indeed complex. In some cases, surrogate mothers do not fully understand their situation due to a variety of factors such as language, education, and cultural barriers. The following points are important for autonomy.

1. Adequate information: The individual must have access to and understand all relevant information, including possible risks, consequences, and other relevant



details.

2. Freedom of choice: Individuals' decisions must be voluntary and free from any form of coercion or undue influence.

3. Capacity and agency: Individuals must have the mental and emotional capacity to make such decisions.

There is no direct relationship between economic disadvantage and autonomy; economic pressures do affect people's freedom to make decisions, but they really don't go so far as to take away autonomy, and if a person is involved in surrogacy primarily as a means of escaping poverty, this just might raise concerns about the extent to which they have the freedom to make decisions.

If one compares surrogacy to other jobs (such as cleaning toilets), due to the nature of the work, while all jobs may be chosen out of financial necessity, surrogacy is different in that it involves a deeper physical and emotional commitment; surrogacy is more than just a lucrative job, it involves the core issues of procreation, family, and identity.

As a result, surrogate mothers may find themselves in situations where they have no real say and power as the surrogate parents are able to impose their will and control over decisions regarding the surrogacy process. Unequal bargaining power might be a result of the economic gap between both entities, and this could lead to exploitation and coercion. And in order to protect the surrogate mothers from having a fair value position, we need to develop and enforce clear legal guidelines that regulate surrogacy agreements, ensuring they are fair and transparent, and pre-education before the surrogate is also important, At the same time Implement strict regulations for surrogacy agencies to prevent exploitation and ensure they operate transparently and ethically, can also protect the right of surrogate mother

#### **4.1.2 Protection for the autonomy and consent of surrogate mothers**

To preserve the autonomy and consent of surrogate mothers, a reasonable educational mechanism should be established, including detailed consultation and information provision, regulations must include detailed counseling and information supply. This will include giving potential surrogates opportunities to see independent and professionally trained counselors who will then explain to them the medical, legal, emotional, and financial consequences of surrogacy. The counselor should conduct this at the early stages of the process and then continuing it until the end stage, which would allow the surrogate mother to be fully conscious during the whole process.

Additionally, legal systems should include a regulation that would require surrogate mothers and parents intending to take their place in such kind of agreement to sign a consent agreement stating the duties and privileges of each party concerned. Related legal departments should consistent and close tracking and control over surrogacy agreement processes allow the discovery of any possible violations of consent as well as protection of the autonomy of surrogate mothers.

To summarize, autonomy and consent are the key factors in commercial surrogacy. Ethical issues involved in this process show how the surrogate mothers should be left with a full capacity to freely decide about their bodies and the kind of choices they will be making in this regard. Adequate regulation and protections will be needed to avoid power discrepancies, offer comprehensive advice, and ensure that consent is a voluntary and conscious decision without pressure or coercion. The autonomy and consent of surrogate mothers will be prioritized in addressing the ethical issues associated with commercial surrogacy

#### **4.1.3 Exploitation and Commodification**

Ethical issues including exploitation and commodification of commercial surrogacy are central to surrogacy practice as the need of surrogate grows in China.

The exploitation in commercial surrogacy refers to the situation where surrogate mothers are taken advantage of, often due to their socioeconomic status, lack of alternatives, or the information and power asymmetry between them and the commissioning parents or agencies.

So, exploitation may occur due to the fact that some surrogate mothers may be involved in exploitation considering they may face financial difficulties or may not have any legal protection. In cases of commercial surrogate selection, the surrogate mother carried child becomes more and more a property, which its owners may not take her rights, well-being, and privacy into account.(Tieu 2009)

For commoditization, commodification implies that the human organism becomes an object that may be purchased or sold. The critics state that it reduces the intrinsic value of human life, and they say that the whole act of making a baby must be considered to be a close and natural human experience and to treat it as just a commercial transaction is a line that has never and should never be crossed. (“Hanna - 2010 - REVISITING CHILD-BASED OBJECTIONS TO COMMERCIAL SU.Pdf,” n.d.)

Through commercial surrogacy, reproductive services end in commodifying women and hence, they suffer objectification and dehumanization. It created an impression that the issue might become a tool for exploitation as the center of attention will transfer from the interests of a biological mother to the aims and ambitions of the intended parents.

Unveiling the case of the surrogate on the other hand touches the issue of the child derived through this process. Critics point out the fact that children, who emerge as a result of surrogacy may have found problems in making identity and coming into world terms due to the fact that they don't have their biological mothers physically.

(Sarkar, n.d.)

Combating the human being's use as a tool and its exploitation in a commercial surrogate program necessitates the reinforcement of legal rules and stricter control means. As maternal rights play a pivotal part in this debate, it is vital to put in place ethical rules and protection measures for surrogate mothers, making sure their rights are fully respected during the whole process. Striking the equilibrium as to reproductive rights, personal freedom and the values of society is a very hard matter that requires a proper dialogue and more conversations.

## **5. Legal Status of Commercial Surrogacy in China**

### **5.1 Development of Surrogacy Laws and Regulations in China**

In China, surrogacy for commercial purposes is illegal and the government's stance in regard to this matter has remained unchanged since 2001 (the year that the Chinese government prohibited both commercial and altruistic surrogacy). The legal framework for surrogacy in China is ambiguous, the main reason for this overwhelming lack of explicit rules is that there is no complete law covering all the aspects of surrogacy. Such as the absence of clear legal guidelines to regulate surrogacy agreements and laws that protect the autonomy and informed consent rights of surrogacy participants, and the lack of prior education for participants and oversight methods for surrogacy agencies.

On the other hand, they do not extend to criminal liability among the commissioning parents or the surrogate mother. It should be said that surrogacy, for the moment, is not legally protected in China, but rather commercial surrogacy becomes "the gray

area" " and the harm to the surrogate mother cannot be measured.

The Guiding Principles of Assisted Human Reproductive Technology (AHRT) published by the Ministry of Health in 2001 have been very specific in stating that any treatment involving embryo trade or surrogate motherhood conducted by any health care worker is an act of illegal behavior and will be prosecuted according to the Measures. The medical attendants who will be responsible will be the focus of sanction, not the surrogate mother neither the future parents, nor the agents involved with the process.

Even with the unequivocal ban, some surrogacy intermediaries evade regulation by establishing unprofessional surrogacy agencies, and because of the demand from parents longing for kids is too high. Various surrogacy agencies spring up like mushrooms after rain. and commonly, they avoid legal oversight. This has resulted in an apparently prosperous underground manner of surrogacy. Chinese courts tend to consider such contracts void according to the general provisions of the civil law of the People's Republic of China (GPCL). They are void where the activities don't comply with legal requirements or are not fair to public interests. (“Regulations on Assisted Human Reproductive Technology,” n.d.)

Surrogacy provokes critical ethical concerns and legal problems in the light that the surrogates' rights and interests in China are not satisfied. Absence of a well-defined legal system for surrogacy mothers that gives the legal mechanism and appropriate remedies for abuses is a prominent dilemma indicating the urgent necessity of a holistic legal system to cater for the complexities of surrogacy.

However, even though there are currently laws and regulations in execution, various problems still exist in keeping track of and enforcing commercial surrogacy in China. Rising surrogacy cases and services have generated unlawful surrogacy companies and impermissible medical institutions that have no legitimate background and are

unaccountable. These illegal organizations are often composed of people who can take advantage of the victims and carry out unfair deeds. Thus, they can affect every party negatively.

Over the past few years, there have been calls to revise and update regulations related to the surrogacy industry. In 2015, the Legal Committee of the National People's Congress (NPC) recommended the deletion of the "prohibition of any form of surrogacy" clause in Article 5 of the draft amendment to the Population and Family Planning Law that was under consideration. However, the amendment was ultimately not adopted. There are still some who believe that it is necessary to establish relevant laws to protect the rights and interests of surrogacy participants, safeguard their rights, demonstrate effective mechanisms, and establish stricter rules to avoid exploitation and ensure the well-being of both parents and surrogates.(Zhao 2023)

## **6. International Comparison and Implications for China**

### **6.1 Surrogacy in other countries**

UK law states that only altruistic surrogacy can be carried out in the UK. So you cannot pay a surrogate mother anything extra other than a 'reasonable and necessary fee', and commercial surrogacy in the UK is illegal. Surrogacy agreements are not legally mandatory in the UK, which means they cannot be enforced. A surrogate mother is considered the legal mother of the child at the time of birth, even if she has no genetic link. Surrogate parents need to go through a court process to gain legal rights to the child.

Despite this, surrogacy is legal in the UK, but it must be non-commercial. This means that the surrogate mother cannot benefit from the surrogacy, but she can be

compensated for reasonable expenses to cover the costs and losses incurred during the surrogacy.

Surrogate parents in the UK usually apply for a legal document called a Family Order through the Family Court, which can transfer custody from the surrogate mother to them after the child is born.(Jackson 2016)

Another country that can provide valuable insight is Canada. Unlike many other countries, Canada allows both altruistic and commercial surrogacy, but does not have commercial surrogacy agencies. This approach emphasizes the importance of a personal relationship between the surrogate and the intended parents, thereby reducing the potential for exploitation and commodification. Canadian law does not allow surrogates to receive financial compensation beyond reimbursement of expenses directly related to the pregnancy, thereby reducing the risk of financial coercion. The Canadian system also prioritizes the welfare of the child, providing clear legal avenues for establishing paternity and ensuring that the best interests of the child are always paramount.(Nelson 2016)

In the United States, surrogacy laws vary from state to state, with California being one of the friendliest states with an open mind about surrogacy arrangements. California allows commercial surrogacy, meaning that surrogate mothers can accept financial compensation to carry out surrogacy.

California law supports the establishment of clear surrogacy agreements that are enforceable in court. Surrogacy agreements are usually created prior to the pregnancy and detail the rights and obligations of each party, including compensation for the surrogate mother, payment of medical expenses, and the handling of the parent-child relationship after the child is born.

In California, intended parents (i.e., people who wish to become parents through surrogacy) can obtain a Pre-Birth Order through the courts, which allows them to be listed as parents on the birth certificate at the time of the child's birth, regardless of

whether or not they are genetically related to the child.

In India, especially in Karnataka, the surrogate mothers view the act of surrogacy as an extremely moral and life-asserting deed. They consider their involvement to be a way of leading better lives for them and their families positioning surrogacy against other forms of work that they could be able to engage in. As an example, surrogate mothers in Karnataka compare their surrogacy work to their life as garment workers, which emphasizes the creative and life-giving sides represented by surrogacy versus the life-diminishing conditions in the garment industry. Surrogacy is respected as a means to affirm one's moral worth, to create life, and to have power over one's reproductive capabilities.

Surrogacy is more of a pragmatic approach in Russia, and especially in St. Petersburg. Surrogate mothers perceive their involvement as a job or a kind of labor, which is consistent with a historical Russian conceptualization of motherhood as work. The surrogate mothers in Russia who are sometimes called "surmamas" are in their majority driven by the financial reward and hence take surrogacy as a business. The relationships between surrogates and intended parents are usually characterized by a professional and transactional nature with clear boundaries to avoid emotional complications. Surrogate mothers in Russia know what they do and the temporary duration of their work concentrating on the financial side and practical details of their job.(Smietana, Rudrappa, and Weis 2021)

These examples show that best practice in commercial surrogacy involves a combination of comprehensive legislation, strict regulation and a focus on protecting the rights and well-being of all parties involved. While practices may vary slightly from country to country, there are common principles, including informed consent, psychological support and appropriate financial arrangements. By learning from these examples, China can develop its own policies and regulations that respect the autonomy and rights of surrogates, protect the interests of intended parents, and



priorities the welfare of children born through commercial surrogacy.)

The international models of commercial surrogacy are a cornucopia of ideas for the Chinese to learn from and adopt honestly thus designing ethical and viable surrogacy policies. Through adapting from other countries around the world, China will generate an ethical and extremely regulatory environment.

Simply put, the topic of commercial surrogacy in the China is a complex one, which is inextricably connected to the themes such as family policy, medical progress, cultural transition, and regulatory transformation. In order to successfully manage the complicated surf wave for commercial surrogacy, a deep level of knowledge of the components is vital. After this, informed decisions will be made easier to design and prepare surrogacy policies that meet ethical stipulations, legal clarity, and general social approval, therefore leading to the resolution of the multifaceted issues (ethical, legal, pricing, social, etc.), associated with surrogacy in China.

# **7. Questionnaire Analysis**

## **7.1 Introduction to the Questionnaire on Attitudes towards Commercial Surrogacy in China**

As part of the practical research component of this thesis, this questionnaire aims to explore the multifaceted perceptions of commercial surrogacy in China. The survey is in line with the broader aim of this thesis, which is to reveal people's perceptions of the ethical, legal, social and cultural dimensions of commercial surrogacy.

By including different age groups, educational backgrounds and genders, this questionnaire of mine ensures that public perceptions of commercial surrogacy can be understood on multiple levels. The questionnaire was designed to explore people's positions on various aspects of surrogacy, including consistency with their traditional values, opinions on whether commercial surrogacy should be permitted in China, the willingness of individuals to engage in surrogacy services, and perceptions of the potential exploitation inherent in commercial surrogacy.

The results obtained from this survey help to provide an empirical basis for the theoretical discussion presented in this thesis. By combining the results of the survey with the historical, legal, and international contexts of commercial surrogacy in China, it is possible to provide a grounded analysis of Chinese perceptions of surrogacy and the potential future trajectory of commercial surrogacy.

In conducting this survey, I took great care to ensure the privacy of the participants, so that personal information such as the names of the participants does not appear in the questionnaire.

By analyzing the questionnaire, this thesis aims to bridge the gap between theoretical discourse and reality, and to provide a link between the theoretical component and reality.

## 7.2 Data Analysis

I cross-analyzed the following four questions based on three factors: age, education, and gender. The sample of people was randomly selected from China and the total number of people was 135.

These four questions are.

1. Do you agree that commercial surrogacy goes against traditional Chinese values.
2. whether you would agree that commercial surrogacy is allowed in China.
3. whether you would agree to use commercial surrogacy services.
4. whether you agree that commercial surrogacy is a form of exploitation of surrogate mothers.

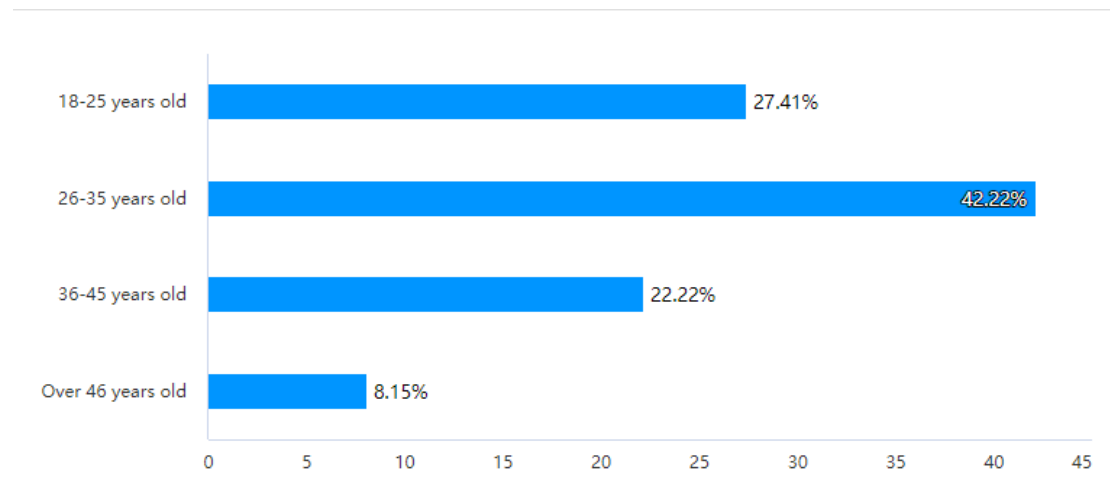


Figure 1 Age distribution

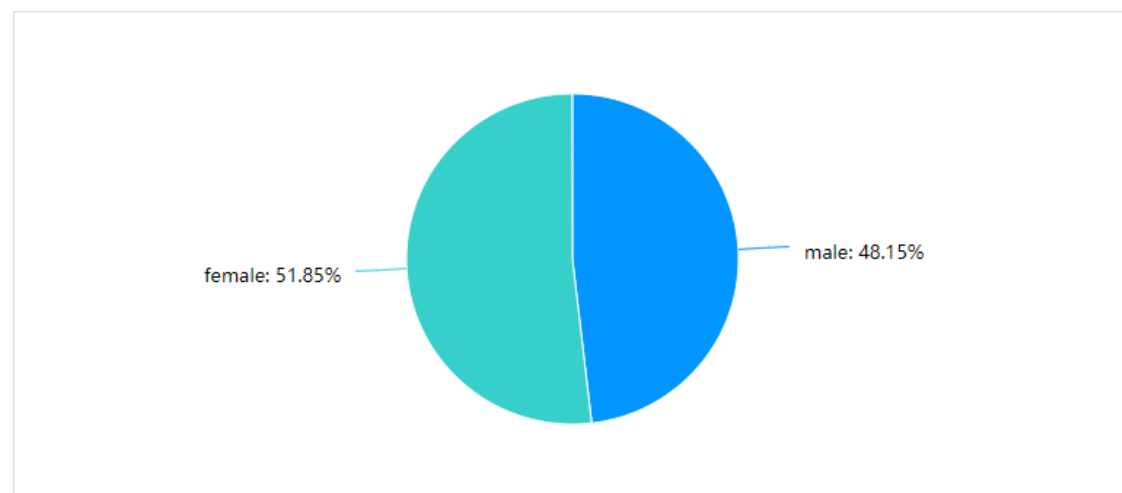


Figure 2 Gender

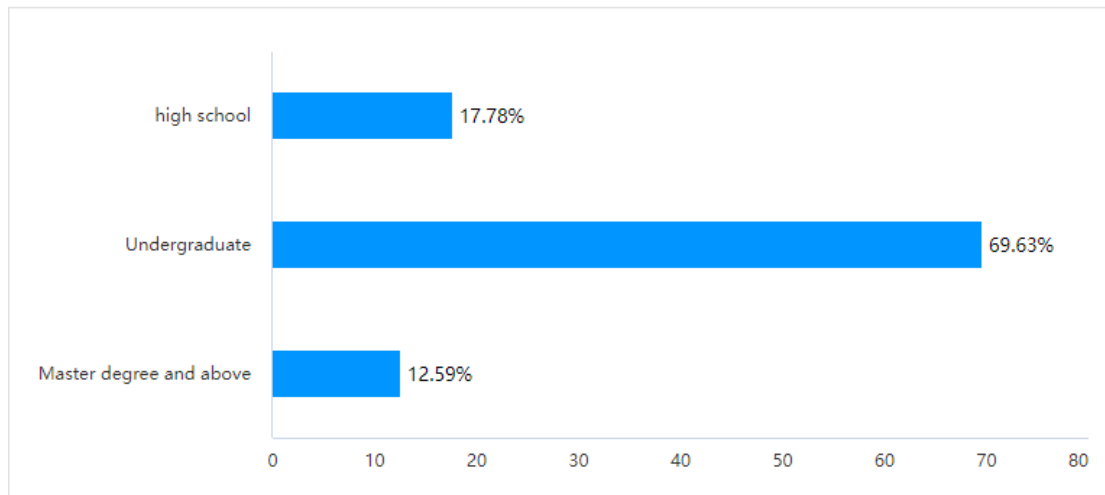


Figure 3 Education Level

From the three distribution charts above, we can see that the age of the people in the sample is mainly under 35 years old, which shows that the main people who know more about the topic of surrogacy are mainly young people and adults in their prime, and there is no big difference between men and women as far as gender is concerned, and finally, the main audience of the survey is probably young and educated, with the majority of the participants having at least some college education. The proportion of participants with upper secondary education or advanced degrees is relatively small. Next, I will analyze the attitudes of different groups toward commercial surrogacy from three perspectives: age, education level, and gender.

I will test whether there is significant variability in the different populations regarding these views through chi-square tests in the next section, and here I will analyze the results primarily in terms of the value of  $p$ . (If the  $p$ -value is less than a pre-determined level of significance (level is 0.05), the original hypothesis is rejected, and the data is considered to be significantly related or different from each other. If the  $p$ -value is greater than 0.05, there is no significant difference between the data)

## 7.2.1 Differences in age

Title	options	1. your age(%)				total	$\chi^2$
		18-25 years	26-35 years	36-45 years	>46 years		
4. Do you agree that commercial surrogacy goes against traditional Chinese values.	Strongly agree.	7(18.92)	16(28.07)	8(26.67)	4(36.36)	35(25.93)	0.528
	Kind of agree.	12(32.43)	22(38.60)	9(30.00)	2(18.18)	45(33.33)	
	Don't know.	15(40.54)	9(15.79)	8(26.67)	3(27.27)	35(25.93)	
	Kind of negative.	2(5.41)	6(10.53)	3(10.00)	2(18.18)	13(9.63)	
	Very negative.	1(2.70)	4(7.02)	2(6.67)	0(0.00)	7(5.19)	
<b>total</b>		37	57	30	11	135	
5. Do you agree that commercial surrogacy should be allowed in China.	Strongly agree.	2(5.41)	5(8.77)	4(13.33)	1(9.09)	12(8.89)	0.894
	Kind of agree.	8(21.62)	7(12.28)	4(13.33)	2(18.18)	21(15.56)	
	Don't know.	10(27.03)	13(22.81)	6(20.00)	3(27.27)	32(23.70)	
	Kind of negative	12(32.43)	16(28.07)	7(23.33)	2(18.18)	37(27.41)	
	Very negative	5(13.51)	16(28.07)	9(30.00)	3(27.27)	33(24.44)	
<b>total</b>		37	57	30	11	135	
6. Will you agree to use commercial surrogacy services.	Strongly agree.	4(10.81)	5(8.77)	2(6.67)	1(9.09)	12(8.89)	0.543
	Kind of agree.	4(10.81)	9(15.79)	6(20.00)	2(18.18)	21(15.56)	
	Don't know.	14(37.84)	10(17.54)	6(20.00)	4(36.36)	34(25.19)	
	Kind of negative	6(16.22)	20(35.09)	7(23.33)	1(9.09)	34(25.19)	
	Very negative	9(24.32)	13(22.81)	9(30.00)	3(27.27)	34(25.19)	
<b>total</b>		37	57	30	11	135	
7. Do you agree that commercial surrogacy is a form of exploitation of surrogate mothers.	Strongly agree.	11(29.73)	15(26.32)	11(36.67)	3(27.27)	40(29.63)	0.751
	Kind of agree.	6(16.22)	14(24.56)	6(20.00)	4(36.36)	30(22.22)	
	Don't know.	15(40.54)	15(26.32)	6(20.00)	1(9.09)	37(27.41)	
	Kind of negative	3(8.11)	7(12.28)	4(13.33)	2(18.18)	16(11.85)	
	Very negative	2(5.41)	6(10.53)	3(10.00)	1(9.09)	12(8.89)	
<b>total</b>		37	57	30	11	135	

Figure 4 Differences between different ages' views on the following four perspectives.

Are there significant differences in the views of age groups on the following questions:

1. whether they agree that commercial surrogacy goes against traditional Chinese values.
2. Whether they agree that commercial surrogacy is allowed in China.
3. whether they would agree to use commercial surrogacy services.
4. whether they agree that commercial surrogacy is an exploitation of surrogate mothers.

The results of the analysis showed that the views between different age groups did not show significant differences ( $p > 0.05$ ) on these questions. This means that the effect of age on these views is not statistically significant, i.e. there is no significant difference in the views of different age groups on these issues.

As to whether commercial surrogacy is against traditional Chinese values, it can be seen from the data that most of the people hold the attitude of agreeing or not knowing about it. Among them, more people agree that commercial surrogacy violates traditional ethics and morality, which also reflects the attitude of the Chinese people is not quite acceptable at this time the behavior of commercial surrogacy, while a certain proportion of people do not know may be due to a lack of relevant information received about commercial surrogacy.

## 7.2.2 Differences in genders

Title	options	2. Gender (%)		Total	p
		Man	Women		
4. Do you agree that commercial surrogacy goes against traditional Chinese values.	Strongly agree.	16(24.62)	19(27.14)	35(25.93)	0.000**
	Kind of agree.	14(21.54)	31(44.29)	45(33.33)	
	Don't know.	15(23.08)	20(28.57)	35(25.93)	
	Kind of negative.	13(20.00)	0(0.00)	13(9.63)	
	Very negative.	7(10.77)	0(0.00)	7(5.19)	
<b>total</b>		65	70	135	
5. Do you agree that commercial surrogacy should be allowed in China.	Strongly agree.	9(13.85)	3(4.29)	12(8.89)	0.010**
	Kind of agree.	15(23.08)	6(8.57)	21(15.56)	
	Don't know.	14(21.54)	18(25.71)	32(23.70)	
	Kind of negative.	11(16.92)	26(37.14)	37(27.41)	
	Very negative.	16(24.62)	17(24.29)	33(24.44)	
<b>total</b>		65	70	135	
6. Will you agree to use commercial surrogacy services.	Strongly agree.	8(12.31)	4(5.71)	12(8.89)	0.688
	Kind of agree.	11(16.92)	10(14.29)	21(15.56)	
	Don't know.	15(23.08)	19(27.14)	34(25.19)	
	Kind of negative.	15(23.08)	19(27.14)	34(25.19)	
	Very negative.	16(24.62)	18(25.71)	34(25.19)	
<b>total</b>		65	70	135	
7. Do you agree that commercial surrogacy is a form of exploitation of surrogate mothers.	Strongly agree.	19(29.23)	21(30.00)	40(29.63)	0.001**
	Kind of agree.	9(13.85)	21(30.00)	30(22.22)	
	Don't know.	14(21.54)	23(32.86)	37(27.41)	
	Kind of negative.	12(18.46)	4(5.71)	16(11.85)	
	Very negative.	11(16.92)	1(1.43)	12(8.89)	
<b>total</b>		65	70	135	

Figure 5 Differences between different gender's views on the following four perspectives.

In terms of the impact of gender differences on perceptions of commercial surrogacy

1. Whether commercial surrogacy goes against traditional Chinese values.
2. Whether they would agree that commercial surrogacy is allowed in China.
3. Whether they would agree to use commercial surrogacy services.
4. whether or not they think commercial surrogacy is an exploitation of surrogate mothers.

However, the differences between the genders in the other three questions were all significant ( $p < 0.05$ ) as follows:

**The relationship between commercial surrogacy and traditional Chinese values:**

Women are more likely to agree that commercial surrogacy goes against traditional Chinese values: this may be because women are often more attached to traditional values and moral norms. In Chinese culture, motherhood is closely related to childbearing, so women may be more inclined to view commercial surrogacy as a challenge to the "natural" maternal role. In addition, traditional Chinese values that emphasize the importance of blood ties and the responsibility to carry on the family line may make women more inclined to see commercial surrogacy as a violation of these traditional values.

**Views on whether commercial surrogacy should be allowed in China:**

Men are relatively more supportive of allowing commercial surrogacy in China: men may be more inclined to consider the issue from a pragmatic perspective, seeing commercial surrogacy as a way to address infertility. In contrast, women may be more concerned about the moral and emotional issues involved in commercial surrogacy, such as the rights of the surrogate mother and the well-being of the child. In addition, men may feel relatively less pressure and direct involvement in the fertility process, which may make them more supportive of commercial surrogacy as an option.



**Whether they would agree to use commercial surrogacy services:**

Biologically women have a direct biological connection to childbirth and are more likely to have strong feelings about the process of pregnancy.

This may trigger emotions related to motherhood, bonding and the physical experience of pregnancy. And the decision to choose a commercial surrogacy service may have an impact on a woman's social status. Women may believe that choosing surrogacy services may affect the way others judge their identity as mothers and women.

For men, the higher level of neutrality may be due to the fact that men do not go through the process of delivering a child and may feel more detached from the process of pregnancy and therefore may take a more neutral stance towards surrogacy.

Also, men may be more sensible and thus see commercial surrogacy as one of several possible solutions to dealing with infertility and childlessness.

**Whether commercial surrogacy exploits surrogate mothers:**

Women are more likely to perceive commercial surrogacy as exploitative: this may reflect women's empathy and concern for the situation of others of the same gender.

Women may be more likely to consider the social, economic, and psychological pressures surrogate mothers may face from their perspective. This perspective may also be related to the value that women place on bodily autonomy and reproductive rights, which they may perceive as somehow violated by commercial surrogacy. In addition, women's sensitivity to exploitation and unfair treatment may lead them to disapprove of behaviors that may cause harm to vulnerable groups.

### 7.2.3 Differences in education

Title	options	3.Education level(%)			Total	$\chi^2$
		High school	bachelor	Master or More		
4. Do you agree that commercial surrogacy goes against traditional Chinese values.	Strongly agree.	7 (29.17)	25 (26.60)	3 (17.65)	35 (25.93)	0.160
	Kind of agree.	5 (20.83)	35 (37.23)	5 (29.41)	45 (33.33)	
	Don't know.	7 (29.17)	25 (26.60)	3 (17.65)	35 (25.93)	
	Kind of negative.	3 (12.50)	7 (7.45)	3 (17.65)	13 (9.63)	
	Very negative.	2 (8.33)	2 (2.13)	3 (17.65)	7 (5.19)	
<b>total</b>		24	94	17	135	
5. Do you agree that commercial surrogacy should be allowed in China.	Strongly agree.	3 (12.50)	6 (6.38)	3 (17.65)	12 (8.89)	0.323
	Kind of agree.	7 (29.17)	11 (11.70)	3 (17.65)	21 (15.56)	
	Don't know.	4 (16.67)	24 (25.53)	4 (23.53)	32 (23.70)	
	Kind of negative	4 (16.67)	30 (31.91)	3 (17.65)	37 (27.41)	
	Very negative	6 (25.00)	23 (24.47)	4 (23.53)	33 (24.44)	
<b>total</b>		24	94	17	135	
6. Will you agree to use commercial surrogacy services.	Strongly agree.	3 (12.50)	5 (5.32)	4 (23.53)	12 (8.89)	0.395
	Kind of agree.	3 (12.50)	15 (15.96)	3 (17.65)	21 (15.56)	
	Don't know.	8 (33.33)	24 (25.53)	2 (11.76)	34 (25.19)	
	Kind of negative	5 (20.83)	25 (26.60)	4 (23.53)	34 (25.19)	
	Very negative	5 (20.83)	25 (26.60)	4 (23.53)	34 (25.19)	
<b>total</b>		24	94	17	135	
7. Do you agree that commercial surrogacy is a form of exploitation of surrogate mothers.	Strongly agree.	6 (25.00)	30 (31.91)	4 (23.53)	40 (29.63)	0.110
	Kind of agree.	4 (16.67)	23 (24.47)	3 (17.65)	30 (22.22)	
	Don't know.	7 (29.17)	26 (27.66)	4 (23.53)	37 (27.41)	
	Kind of negative	4 (16.67)	11 (11.70)	1 (5.88)	16 (11.85)	
	Very negative	3 (12.50)	4 (4.26)	5 (29.41)	12 (8.89)	
<b>total</b>		24	94	17	135	

Figure 6 Differences between different levels of education on the following four views of surrogacy.

In examining the effect of education level on attitudes toward commercial surrogacy, education level was analyzed in the following four views of differences in attitudes:

1. whether they agree that commercial surrogacy goes against traditional Chinese values.
2. Whether they agree that commercial surrogacy is allowed in China.
3. whether they would agree to use commercial surrogacy services.
4. whether they agree that commercial surrogacy is an exploitation of surrogate mothers.

Since ( $P > 0.05$ ) this means that there is no significant difference in the views of respondents with different levels of education on the above questions. This may indicate that education level is not a key factor influencing attitudes towards commercial surrogacy.

**Views on whether commercial surrogacy is against traditional Chinese values:**

The proportions were quite similar across all education levels, with the majority of attitudes being that commercial surrogacy goes against traditional Chinese values, which may be due to ingrained values formed by traditional values that have been taught from a young age, creating cultural biases or uncertainties.

**Opinions on whether commercial surrogacy is allowed in China:**

There were significant differences at the bachelor's level, with higher proportions of people expressing negative views ("somewhat negative" and "very negative") compared to other education levels. I believe that undergraduate students may be more sensitive to the complexities and potential exploitative nature of commercial surrogacy because they are at an early stage in their lives, may have less financial stability, or are under pressure to find employment.

**Willingness to use commercial surrogacy services:**

Interestingly, the master's degree or higher group demonstrated a higher percentage of willingness ("strongly agree" and "somewhat agree") to use such services. This may reflect a deeper understanding of commercial surrogacy as a behavior by people at higher education levels, as well as a more rational.

**Perceptions of whether commercial surrogacy is a form of exploitation:**

Respondents with a bachelor's degree were most likely to agree that this behavior is exploitative, followed closely by the high school group. The master's or higher-level group was less certain, but a large percentage of them expressed uncertainty. One reason for this may be that higher education generally encourages complexity of thought, leading to more paradox and less certainty of opinion, which may explain the higher level of "don't know" responses among the master's or higher-level group.

### **7.3. Conclusions of the questionnaire**

By studying and reflecting on these data, and considering age, education and gender differences, the scientific conclusions on Chinese attitudes towards commercial surrogacy can be summarized as follows.

**Age:** Age has no effect on attitudes toward commercial surrogacy ( $P > 0.05$ ), i.e., there is no significant difference in attitudes toward commercial surrogacy across age groups.

**Gender:** Gender differences were prominent ( $p < 0.05$ ) in attitudes towards commercial surrogacy in most regions. Females were more likely to perceive commercial surrogacy as contrary to traditional Chinese values, which may be due to their recognition of traditional roles and concerns about the social and ethical aspects of surrogacy. Men were likely to be more pragmatic about infertility, and they had a more positive attitude toward commercial surrogacy in China.

**Educational attainment:** There was no significant difference ( $p > 0.05$ ) in attitudes toward commercial surrogacy among those with different levels of education, suggesting that educational attainment was not a major contributor to such attitudes. The consistency of this phenomenon may be a result of cultural values that cross educational boundaries or a general lack of clarity about commercial surrogacy.

In conclusion, while age and education do not appear to be significant variables influencing Chinese attitudes toward commercial surrogacy, gender is. This difference between males and females illustrates the impact of traditional cultural expectations, ethical considerations, and personal connections to the process of procreation and parenting on people. Gender may be considered an important variable when discussing issues related to commercial surrogacy.

## 8. Conclusion

In this essay on the phenomenon of commercial surrogacy in China, I examine several aspects of commercial surrogacy, including its historical background, legal framework, ethical issues, and social attitudes. From these aspects, I try to explain their impact on commercial surrogacy through these perspectives.

First, with the help of the historical background section, I understand how China's unique family planning policy and cultural preference for reproductive preferences for children justified the appearance of surrogacy. Second, an analysis of the current legal environment reveals the shortcomings of the current law in regulating commercial surrogacy, especially the weaknesses in protecting the rights and interests of surrogate mothers, intended parents, and children. Because commercial surrogacy is not universally legal, surrogacy still has some legal gray areas.

The Ethical Considerations section reviews in detail the moral dilemmas of commercial surrogacy, with a particular focus on debates about autonomy, exploitation, and the commodification of life. A questionnaire survey was used to further understand people's views on commercial surrogacy, and it was found that traditional value systems, personal experiences, and gender orientations have an impact on public attitudes.

As society continues to progress and technology develops rapidly, the legal, moral, and social issues raised by surrogacy in China are becoming more and more acute, and we must always think about them and seek a more reasonable course of action.

Nevertheless, I am hopeful for the future, believing that by raising public awareness, strengthening laws, and emphasizing unethical standards, we will be able to handle the balance between technological advancement and humanistic care, and expect that

the act of surrogacy will be carried out in a way that respects the human dignity of every human being. We look forward to a future in which China can accept the benefits of new technologies in a reasonable and legal way while balancing the traditional cultural concepts of society.

Finally, we hope that people will work and explore to create a fairer, more ethical and supportive environment for surrogates, intended parents and surrogate children, so that they are given the respect and protection they deserve. The road ahead is full of challenges, but hope remains, so let us all look forward to a more open and understanding tomorrow.

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# Appendix

## A survey of social attitudes toward commercial surrogacy in

### China

1. Your age

- a. 18-25 years old
- b. 26-35 years old
- c. 36-45 years old
- d. 46 years old and above

2. Your gender

- a. Male
- b. Female

3. Your education level

- a. High School
- b. Bachelor
- c. Master's degree and above

4. Do you agree that commercial surrogacy goes against traditional Chinese values.

- a. Strongly agree
- b. Agree somewhat
- c. Don't know
- d. Somewhat disagree
- e. Strongly Disagree

5. Do you agree that commercial surrogacy is allowed in China.

- a. Strongly agree
- b. Agree somewhat
- c. Don't know
- d. Somewhat disagree
- e. Strongly Disagree

6. whether you would agree to use commercial surrogacy services.

- a. Strongly agree
- b. Agree somewhat
- c. Don't know
- d. Somewhat disagree
- e. Strongly Disagree

7. do you agree that commercial surrogacy is a form of exploitation of surrogate mothers.

- a. Strongly agree
- b. Agree somewhat
- c. Don't know
- d. Somewhat disagree
- e. Strongly Disagree