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Reproductive Labour, Commodification, and Gestational Surrogacy in Greece: A materialist feminist approach

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Abstract

This paper examines surrogacy in Greece through a materialist and Marxist feminist framework grounded in Social Reproduction Theory, situating gestation within the political economy of reproductive labour under capitalism. While Greek law constructs surrogacy as an altruistic, non-commercial, and consensual act, such framing obscures the economic, affective, psychological and corporeal labour that gestation entails. Through an analysis of the Greek legislative context and an original reading of Greek surrogacy case law, the paper demonstrates how the legal framework operates as an ideological and repressive apparatus that depoliticises reproductive work and erases the surrogate's labour, privileging the reproductive aspirations of intended parents. Situating surrogacy within a continuum of reproductive work, we highlight how alienation, understood in the Marxist sense of estrangement from one's labour and its product, is produced materially and psychologically through moralised ideals of care, sacrifice, agency, and femininity. Making reproductive labour visible is the precondition for contesting its conditions of extraction, and a labour-centred reconceptualisation of surrogacy that repositions surrogates as reproductive workers opens space for collective contestation.

Keywords: surrogacy, reproductive labour, reproductive tourism, materialist feminism

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Introduction

Surrogacy broadly refers to arrangements in which a woman gestates and gives birth to a child on behalf of another individual or couple. Contemporary legal systems typically distinguish between traditional surrogacy, where the surrogate is genetically related to the child, and gestational surrogacy, where she carries an embryo to which she has no genetic link. A further distinction concerns so-called 'altruistic' and 'commercial' surrogacy.[1] While the former permits only limited compensation beyond pregnancy-related expenses, the latter allows direct payment for gestational labour. However, in neither configuration is gestational labour recognised as labour: in the altruistic model it is subsumed under the moral language of gift and sacrifice, while in the commercial model it is recast as a market transaction, the product of which is a child rather than the work of a woman.

The Marxist feminist tradition has long examined how capitalism's organisation of work and value production depends on gendered divisions of labour that sustain, but rarely acknowledge, the reproductive and affective work undertaken by women. Activities such as pregnancy, childcare, and domestic maintenance—often idealised as natural expressions of care—constitute essential yet undervalued forms of labour that uphold both households and markets.[2] Reproductive labour, from this standpoint, is an inherently gendered and corporeal form of work performed within systems that both stigmatise and depend on women's bodies and embodied labour. It becomes an economic survival strategy under conditions of precarity, while revealing unequal social reproduction, because the work of sustaining life remains disproportionately displaced onto women.[3]

It is from this Marxist feminist concern with the hidden labour that sustains capitalism that Social Reproduction Theory (SRT) offers an explicit framework for understanding reproductive work as structurally necessary, yet systematically devalued. SRT examines how capitalism depends not only on waged labour but also on the unpaid and underpaid reproductive work that sustains everyday life

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1 S Markens, *Surrogate Motherhood and the Politics of Reproduction*, University of California Press, Berkeley, 2007.

2 S Federici, *Patriarchy of the Wage: Notes on Marx, Gender, and Feminism*, PM Press, Oakland, 2021; T Bhattacharya (ed.), *Social Reproduction Theory: Remapping Class, Recentering Oppression*, Pluto Press, London, 2017; A Rousaki, 'Reproductive Labour, Abortion Bans, and Techno-Feudalism: A Call for a Marxist Feminist Approach in Psychology', *Theory and Psychology*, vol. 36, issue 3, 2025, pp. 300–323, https://doi.org/10.1177/09593543251397600.

3 M Jana and P Kotiswaran, 'Legal (Dis)Orders: A Feminist Assessment of India's Assisted Reproductive and Surrogacy Law', *Amicus Curiae*, Series 2, vol. 6, issue 2, 2025, pp. 300–323, https://doi.org/10.14296/ac.v6i2.5752.

and reproduces the labour force. Reproductive labour is therefore not peripheral to capitalist relations but rather constitutive of them, even as it is systematically excluded from the category of productive labour. In this paper, SRT provides a framework for analysing surrogacy as reproductive labour situated at the intersection of capitalism, patriarchy, global labour hierarchies, and neoliberal governance. Drawing also on Kotiswaran's theorisation of law and social reproduction,[4] we examine legal regulation as actively shaping the terms through which reproductive labour is recognised, appropriated, or rendered invisible.[5]

Gestational surrogacy forms part of a continuum of reproductive labour, spanning unpaid domestic work, sex work, and other forms of intimate, feminised labour performed for the family or the market.[6] This continuum demonstrates that surrogacy is not a morally exceptional or socially isolated practice, but part of a broader political economy of social reproduction, shaped by intersecting dynamics of gender, race, and class.[7] Surrogacy is embedded within contemporary digital capitalism, where reproductive services are increasingly commodified and organised across borders through clinics, contracts, and digital platforms. As reproductive labour becomes more directly incorporated into market relations, the distinction between productive and reproductive labour is increasingly blurred. Within this framework, the Greek case offers a revealing example of how reproductive labour is legally regulated, morally legitimised, and materially obscured.[8]

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4 P Kotiswaran, 'Wives and Whores: Revisiting Feminist Theorizing on Sex Work', *SSRN Electronic Journal*, 2006.

5 S Vertommen and C Barbagallo, 'The in/visible wombs of the market: The dialectics of waged and unwaged reproductive labour in the global surrogacy industry', *Review of International Political Economy*, vol. 29, issue 6, 2022, pp. 1945–1966, https://doi.org/10.1080/09692290.2020.1866642.

6 B Parry, 'Surrogate labour: Exceptional for whom?', *Economy and Society*, vol. 47, issue 2, 2018, pp. 214–233, https://doi.org/10.1080/03085147.2018.1487180.

7 L Fortunati, *The Arcana of Reproduction: Housewives, Prostitutes, Workers and Capital*, Verso, London, 2025; P Kotiswaran, 'Laws of Social Reproduction', *Annual Review of Law and Social Science*, vol. 19, issue 1, 2023, pp. 145–164, https://doi.org/10.1146/annurev-lawsocsci-121922-051047.

8 E Krithari, 'Making Babies, Pushing Boundaries: The Great Greek Fertility Market', *Balkan Insight*, 9 July 2021, https://balkaninsight.com/2021/07/09/making-babies-pushing-boundaries-the-great-greek-fertility-market.

Public and legal discourse around surrogacy has largely been dominated by bioethical debates centred on the moral status of reproductive technologies, shaped in part by Christian Orthodox morality,[9] as reflected in the parliamentary discussions preceding Laws 3089/2002 and 3305/2005.[10] The legal scholarship on surrogacy is largely organised around two competing yet complementary approaches, both of which bear the imprint of this bioethical framework. On one hand, a liberal legalist approach, grounded in the language of human rights, frames surrogacy as an extension of the 'right to reproduction' and of individual autonomy.[11] Within this paradigm, the emphasis falls on access, consent, and the regulatory balance between the parties, often obscuring the broader political economy of reproductive labour. On the other hand, there is a prevalent discursive construction of surrogacy through the lens of bodily objectification and female exploitation, viewing the gestational body as a site of patriarchal domination and commodification.[12] This view, articulated by certain strands of carceral feminism, increasingly informs supranational policy debates and reframes transactional intimacy as inherently exploitative.[13] Similar concerns have now emerged regarding recent European Union legislative developments, such as the 2024 revision of the Anti-Trafficking Directive, which explicitly recognises the exploitation of surrogacy as a potential form of human trafficking.[14]

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9 M Nikolaos and M Lavreotiki, 'The Greek Orthodox Position on the Ethics of Assisted Reproduction', *Reproductive BioMedicine Online*, vol. 17, supplement 3, 2008, pp. 25–33, https://doi.org/10.1016/S1472-6483(10)60327-6; H Paxson, 'Reproduction as Spiritual Kin Work: Orthodoxy, IVF, and the Moral Economy of Motherhood in Greece', *Culture, Medicine and Psychiatry*, vol. 30, issue 4, 2006, pp. 481–505, https://doi.org/10.1007/s11013-006-9028-9.

10 A N Hatzis, 'From Soft to Hard Paternalism and Back: The Regulation of Surrogate Motherhood in Greece', *Portuguese Economic Journal*, vol. 8, issue 3, 2009, pp. 205–220, https://doi.org/10.1007/s10258-009-0049-5.

11 K Fountedaki, 'Preliminary Considerations on Law No. 5089/2024 (Equality in Civil Marriage)', *Hellenic Review of European and Comparative Law*, 2024, https://doi.org/10.26262/hrecl.v0i0.10824; K Rokas, 'Difficulties of Recognition in Greece of Parentage Links Created in Foreign Legal Orders Following Recourse to Techniques of Medically Assisted Reproduction', *Culture and Research*, vol. 5, 2016, pp. 383–390, https://doi.org/10.26262/culres.v5i0.4978.

12 M Maropoulou, 'Greek surrogate motherhood from the French point of view: Critical enquiries and theoretical perspectives', *Bioethica*, vol. 3, issue 2, 2017, pp. 59–73, https://doi.org/10.12681/bioeth.19724.

13 European Parliament, *Resolution on the regulation of prostitution in the EU: Its cross-border implications and impact on gender equality and women's rights* (2022/2139(INI)), 14 September 2023, retrieved 27 July 2026, https://eur-lex.europa.eu/eli/C/2024/1767/oj/eng.

14 Eurojust, *Surrogacy and Human Trafficking*, Eurojust Publications, The Hague, 2024, https://www.eurojust.europa.eu/publication/surrogacy-and-human-trafficking.

Some feminist legal scholars have theorised these developments through the lens of governance feminism,[15] highlighting how protection-oriented regulation may reinforce distinctions between 'legitimate' (familial and altruistic) and 'illegitimate' (market-based) forms of reproductive labour. However, explanations that reduce surrogacy to bodily objectification or female exploitation remain limited because they abstract gestation from the material conditions of capitalism. Similar limitations apply to bioethical framings, which reproduce the binary between individual consent and bodily exploitation while leaving the structural conditions of reproductive labour unexamined. Such accounts overlook how surrogacy emerges as a historically specific form of reproductive labour shaped by class relations, economic insecurity, precarity, and the broader organisation of social reproduction.

A materialist feminist approach moves beyond these dichotomies, recognising surrogacy as a form of *reproductive labour* intertwined with capitalist relations of production.[16] Rather than reducing the phenomenon to moral or biological terms, this approach interrogates how economic structures, legal regimes, state apparatuses, and ideological narratives collectively shape women's participation in reproductive markets, revealing the continuum between unpaid care, affective labour, and technologically mediated gestation. These dynamics become particularly visible in the Greek context, where the legal framework governing surrogacy plays a central role in shaping how reproductive labour is constructed, recognised, regulated, and, often, obscured.

To address this gap, the paper adopts an interdisciplinary socio-legal and psychological approach to analyse surrogacy in Greece through a materialist Marxist feminist lens.[17] Situating surrogacy within broader debates on reproductive labour, commodification, and the political economy of social reproduction, it examines how legal and judicial frameworks simultaneously recognise and obscure reproductive labour. This analysis is informed by empirical research demonstrating how austerity, welfare retrenchment, and persistent gendered norms have reshaped social reproduction in Greece and deepened existing inequalities.[18] Against this backdrop, surrogacy emerges as a particularly revealing

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15 J Halley *et al.*, *Governance Feminism: An Introduction*, University of Minnesota Press, Minneapolis, 2018.

16 Jana and Kotiswaran.

17 E Nanopoulos and L Ullrich, 'Toward a Marxist Feminist Approach to International Law', in J Jarpa Dawuni *et al.* (eds.), *The Oxford Handbook of Women and International Law*, Oxford University Press, New York, 2025, pp. 535–552, https://doi.org/10.1093/oxfordhb/9780197653647.013.0035.

18 M Daskalaki, M Fotaki, and M Simosi, 'The Gendered Impact of the Financial Crisis: Struggles over Social Reproduction in Greece', *Environment and Planning A: Economy and Space*, vol. 53, issue 4, 2021, pp. 741–762, https://doi.org/10.1177/0308518X20922857.

site through which motherhood, kinship, and reproductive labour are negotiated, constructed, regulated, and contested.[19] The paper further contributes to debates on care work and intimate labour by showing how legal and moral constructions of altruism, care, and family-making shape understandings of harm and exploitation across the public/private divide, highlighting how ostensibly altruistic frameworks can obscure inequalities experienced by migrant and economically precarious reproductive workers.

Methodology and Sources

This paper draws on two categories of primary legal material: Ravdas' empirical study of approximately 150 Greek court decisions on surrogacy issued between 2003 and 2015, and the authors' own analysis of 20 decisions issued between 2018 and 2023, retrieved from the ISOKRATES/DSA legal database and spanning first-instance courts, Courts of Appeal, and the Court of Cassation.[20] The case law analysis was conducted through a systematic socio-legal reading of each decision, attending to three dimensions: the legal criteria foregrounded by the court; the treatment of the surrogate as a legal subject; and the silences—what courts do not address, ask, or record. This approach draws on critical legal methodology, which treats judicial reasoning not merely as the application of rules but as a site of ideological production, revealing how law constructs, rather than simply reflects, social relations. The legal analysis is situated within a broader interdisciplinary framework integrating political economy and psychology. The former draws on materialist feminist and SRT to contextualise legal regulation within the structural conditions (austerity, labour precarity, and welfare retrenchment) that shape surrogates' participation in reproductive arrangements. The latter attends to the affective and subjective dimensions of gestational labour, examining how ideological constructions of care, sacrifice, and altruism organise the surrogate's experience as a subject.

Two limitations bear noting. First, because surrogacy proceedings fall under voluntary/non-contentious jurisdiction, the entire number of judgments issued annually is not publicly accessible; a comprehensive dataset would require special institutional access to individual court archives. The only available aggregate figure is that 81 children were born through surrogacy in Greece in 2022 and

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19 J Tsiganou, *Κοινωνικές αναπαραστάσεις, πεποιθήσεις και στερεότυπα για την ενδο-οικογενειακή βία κατά των γυναικών στην Ελλάδα [Social representations, beliefs and stereotypes on domestic violence against women in Greece]*, National Centre for Social Research, Athens, 2021.

20 Access to Greek surrogacy-related case law is limited: the majority of relevant decisions are not publicly available and, in many instances, require special permission or institutional access through court archives. There is no comprehensive public database of such judgments.

51 in 2023.[21] The decisions analysed here are therefore best understood as a representative rather than an exhaustive sample. This methodological choice carries an important limitation that is itself analytically significant. Voluntary/non-contentious proceedings do not generate a record of the surrogate's voice, socio-cultural or economic circumstances, or motivations. The empirical material available to researchers is therefore structurally shaped by the same ideological mechanisms this paper seeks to critique: the invisibilisation of reproductive labour and the limited recognition of the surrogate as a subject within the legal process.

Law, Ideology, and the Legal Regulation of Surrogacy

Greece permits altruistic gestational surrogacy under a specific legal regime that requires prior judicial authorisation. According to Article 1458 of the Greek Civil Code, as amended by Laws 3089/2002 and 3305/2005, surrogacy is allowed only when the intended mother is medically unable to gestate and the surrogate does not contribute her own genetic material.[22] Legal parenthood is transferred to the intending mother through a court decision *before* conception, thereby avoiding the need for post-birth adoption or parental recognition procedures.[23] This model positions Greece as a unique jurisdiction in Europe where intent-based parenthood is legally secured via pre-birth judicial consent. It is noteworthy that the law prohibits any financial remuneration beyond compensation for 'reasonable expenses', reflecting a strong normative orientation toward non-commercialisation.[24] Significant legislative amendments were introduced through Law 5197/2025, which narrowed eligibility criteria. The revised law now requires both the intended/social parent(s) and the surrogate to reside or be legally

[21] D de Groot, *Surrogacy: The Legal Situation in the EU*, EPRS Briefing No PE 769.508, European Parliamentary Research Service, European Parliament, February 2025.

[22] K Rokas, 'National Regulation and Cross-Border Surrogacy in European Union Countries and Possible Solutions for Problematic Situations', in A Bonomi and G P Romano (eds.), *Yearbook of Private International Law Vol. XVI - 2014/2015*, Verlag Dr. Otto Schmidt, Köln, 2016, pp. 289–314, https://doi.org/-9783504384784/10.9785012.

[23] Rokas, 'Difficulties of Recognition in Greece'.

[24] Compensation is carefully delimited so as not to constitute commercialised payment. Specifically, compensation may cover: (a) medical expenses related to conception, gestation, childbirth, and postpartum care, and (b) any positive harm incurred due to absence from work, including loss of wages during this period. The total amount of covered costs and reimbursements is determined by the National Authority for Medically Assisted Reproduction.

domiciled in Greece,[25] and excludes single men and same-sex couples from accessing surrogacy arrangements.[26] Single women remain eligible, provided they meet the statutory criteria, and trans women may also access surrogacy where they have formally changed their legal gender.[27] While Greek law does not mandate a genetic connection between the intended mother and the child—permitting the use of donor eggs alongside gestational surrogacy—it categorically excludes traditional surrogacy, where the surrogate contributes her own genetic material.[28] In this sense, the law permits a partial decoupling of genetics and gestation while preserving the boundary against full substitution of the intended mother. It nonetheless continues to restrict access along heteronormative lines, reinforcing gendered assumptions about who may legitimately reproduce and under what conditions.

As in many other jurisdictions, legislative discourses tend to prioritise the rights of intended parents and the enforceability of contracts over the lived experiences and relational labour of gestational workers.[29] The legal emphasis on intention

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25 Law 5197/2025, Art. 46. See also: S Everingham, 'Major Change to Greek Surrogacy Laws: What it Means for International Intended Parents', Growing Families, 21 May 2025, https://www.growingfamilies.org/blog/major-change-to-greek-surrogacy-laws-what-it-means-for-international-intended-parents.

26 M Oldenburger, 'Greece: New Legal Situation for Surrogacy Since May 2025', Anwälte Schneider Stein & Partner, 2025, https://www.anwaelte-schneider-stein.de/en/ssp-news/greece-new-legal-situation-on-surrogacy-since-may-2025.

27 K Panagos, *Παρένθετη Μητρότητα: Ελληνικό νομικό καθεστώς και εγκληματολογικές προεκτάσεις* [*Surrogacy: The Greek Legal Framework and Criminological Dimensions*], Sakkoulas, Athens, 2023, p. 63.

28 E Tountasaki, 'Anthropological research on the technique of egg donation in Greece: Cultural conceptualizations, social practices, legislative provisions', *Bioethica*, vol. 3, issue 2, 2017, pp. 26–38, https://doi.org/10.12681/bioeth.19722.

29 This pattern has been documented across a range of jurisdictions permitting both altruistic and commercial surrogacy. For comparative analysis, see J M Scherpe, C Fenton-Glynn, and T Kaan (eds.), *Eastern and Western Perspectives on Surrogacy*, Intersentia, Cambridge, 2019, and C Fenton-Glynn, 'Outsourcing Ethical Dilemmas: Regulating International Surrogacy Arrangements', *Medical Law Review*, vol. 24, issue 1, 2016, pp. 59–75, https://doi.org/10.1093/medlaw/fwv044. On the specific erasure of surrogate labour within altruistic frameworks, see also S Banerjee and P Kotiswaran, 'Divine Labours, Devalued Work: The Continuing Saga of India's Surrogacy Regulation', *Indian Law Review*, vol. 5, issue 1, 2021, pp. 85–105, https://doi.org/10.1080/24730580.2020.1843317. The present analysis nevertheless departs from purely doctrinal comparative frameworks that treat surrogacy regimes as technical legal variations, approaching legal difference instead through its ideological and material effects on kinship, dependency, and reproductive labour. See J Halley and K Rittich, 'Critical Directions in Comparative Family Law: Genealogies and Contemporary Studies of Family Law Exceptionalism', *American Journal of Comparative Law*, vol. 58, issue 4, 2010, pp. 753–775, https://doi.org/10.5131/ajcl.2010.0001.

and judicial approval is progressive, ultimately centring reproductive outcomes rather than the *labour* of reproduction. The prior judicial authorisation required under Article 1458 introduces a unique procedural mechanism through which the court must verify the surrogate's consent, her medical suitability, and the medical necessity of the intended mother's infertility.[30] The process involves the submission of medical certificates, psychosocial evaluations, and a detailed surrogacy agreement, which the court reviews before any embryo transfer may proceed. Furthermore, the court typically requires that the surrogate has already given birth to at least one child, a condition aiming to demonstrate her reproductive experience and presumed emotional preparedness for the arrangement.

Such a legal structure exemplifies what Althusser theorised as part of the broader network of Ideological State Apparatuses.[31] This concept refers to institutions such as law, education, religion, and media that reproduce dominant social relations through ideology rather than direct force. Although juridical institutions are often linked to the Repressive State Apparatuses, Althusser emphasises that law also operates ideologically, shaping what subjects understand as 'just' and 'fair'. In this sense, the Greek legal framework masks the economic coercion and gendered labour relations that make surrogacy possible. Through law and medical discourse, the surrogate is interpellated as a moral subject who acts freely out of care and sacrifice, rather than as a worker embedded in unequal social relations.[32]

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30 Altruistic surrogacy frameworks operate across several jurisdictions with distinct procedural and eligibility conditions. Within the EU, Cyprus permits altruistic gestational surrogacy under the Family Law Amendment 69(I)/2015, requiring prior family court approval before embryo transfer—a structure broadly comparable to the Greek model. In the United Kingdom, altruistic surrogacy is governed by the *Surrogacy Arrangements Act 1985* and the *Human Fertilisation and Embryology Act 2008*; crucially, however, the UK does not provide for pre-conception transfer of legal parenthood, requiring a post-birth parental order instead. This procedural distinction underscores the comparative distinctiveness of the Greek and Cypriot frameworks. In contrast, jurisdictions permitting commercial surrogacy—including certain US states and, until recently, Ukraine—render the economic dimensions of gestational labour contractually explicit, precisely because they cannot be ideologically subsumed under the language of altruism. See De Groot; A Brown, 'Surrogacy law reform in the UK: The ambiguous position of payments to the surrogate', *Child and Family Law Quarterly*, vol. 33, issue 2, 2021, pp. 95–114. At the same time, formally similar altruistic frameworks may nevertheless operate through materially distinct labour, migration, and household relations, cautioning against overly abstract comparative equivalences. See D Kennedy, 'Political Ideology and Comparative Law', in M Bussani and U Mattei (eds.), *The Cambridge Companion to Comparative Law*, Cambridge University Press, Cambridge, 2012, pp. 35–56.

31 L Althusser, 'Ideology and Ideological State Apparatuses (Notes Toward an Investigation)', in L Althusser (ed.), *Lenin and Philosophy and Other Essays*, Monthly Review Press, New York, 1971, pp. 127–186.

32 *Ibid.*, p. 174.

In the surrogacy context, it is the juridico-medical discourse that performs this hailing, constituting the gestational worker as a selfless maternal figure rather than as a worker with interests and claims of her own. From a materialist feminist perspective, this ideological framing both legitimises and depoliticises the commodification of reproductive labour, reproducing classed and gendered hierarchies under the guise of legal neutrality and moral virtue.

Surrogacy proceedings in Greece fall under voluntary/non-contentious jurisdiction (*ekousia dikaiodosia*), a procedural framework distinct from ordinary civil litigation. Unlike adversarial proceedings, in which a court adjudicates between competing parties, voluntary jurisdiction proceedings involve no opposing party: the court acts as a verifying authority, examining whether the applicant satisfies the statutory conditions for a judicially authorised arrangement. Rules of evidence are more flexible, and the court is not bound by the formal constraints of contentious procedure. The court's focus tends to fall on ensuring that the legal criteria are met—medical necessity, written agreement, residence conditions, age limits—and that the arrangement does not appear commercially motivated.

This pattern is confirmed and extended by our own analysis of 20 decisions issued between 2018 and 2023, spanning first-instance courts, Courts of Appeal, and the Court of Cassation. Surrogates are typically either Greek women—often married—or unmarried migrant women from Eastern Europe, particularly from Albania, Bulgaria, Georgia, Kazakhstan, Poland and Romania, who have resided in Greece for an extended period, and most have no kinship ties to the intended parents.[33] Ravdas' broader dataset further indicates that only 35% of surrogate mothers were Greek nationals, that 24% had a prior working relationship with the intended parents, and that many were employed in low-paid feminised labour—in several cases as domestic workers in the commissioning parents' households, placing them in a structurally dependent relationship with them.[34] Neither Ravdas' data nor the more recent decisions we reviewed indicate that courts engage with pre-existing power asymmetries, including whether consent given within an employment relationship can be meaningfully altruistic. Courts rarely engage with the surrogate's personal or socio-economic circumstances, instead foregrounding medical necessity and parental intent and treating the gestator primarily as a legal condition for the transfer of parenthood. In doing so, the surrogate is constructed as a neutral intermediary, obscuring the embodied, gestational, emotional, and relational labour involved.

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33 *Ibid.*

34 E Rethymniotaki, 'Reproductive Technology and the Same-Gender Family: The Role of Family Law', *Culture and Research*, vol. 5, 2016, pp. 199–223, https://doi.org/10.26262/culres.v5i0.4963.

In Athens Court of First Instance, Decision No 465/2018, involving a Polish surrogate residing in Athens, the court confined its reasoning to the statutory requirements, making no reference to the surrogate's motivations, economic circumstances, or relationship with the intended mother. Similarly, in Ilia Court of First Instance, Decision No 15/2022—the most analytically detailed decision in the dataset with respect to jurisdictional questions—the court examined the applicant's residence in detail but remained silent on the circumstances of the surrogate, a young single mother whose socioeconomic situation was not considered.

The ideological function of the altruism framework is perhaps most clearly exposed by the appellate case law. In Athens Court of Appeal, Decision No 1245/2022, the court explicitly stated that altruistic motivation is not legally required, and that lawful compensation of up to EUR 10,000 does not constitute prohibited remuneration. Further, in Athens Court of Appeal, Decision No 972/2023, the court accepted the participation of a surrogate who had already carried a pregnancy for a different intended mother, ruling that the law sets no numerical limit on repeated surrogacy. This ruling *de facto* recognises an indirect professionalisation of surrogacy, undermining the altruism framework it purports to uphold. Altruism thus emerges as a legitimating narrative, a discursive virtue-wash applied to arrangements whose economic logic the law simultaneously permits and conceals. In Thessaloniki Court of First Instance, Decision No 60/2019, the surrogate's friendship with the intended mother was noted positively by the court as consistent with altruistic motivation, and no inquiry was made into the surrogate's economic circumstances or the relational pressures that may have shaped her decision. In Patras Court of First Instance, Decision No 557/2022, the court's entire analysis of the surrogate—a widowed Kazakhstani national, mother of three adult children—was confined to the evidentiary sufficiency of her residence permit. The case law examined here reveals a consistent pattern: the architecture of surrogacy regulation in Greece does not merely authorise gestational arrangements but actively produces a particular subject, one whose labour is rendered invisible precisely through the mechanisms designed to legitimate it.

Having outlined the legal and ideological scaffolding that authorises and constrains surrogacy, it is essential to contextualise these dynamics within the broader political economy. The following section, therefore, traces how the political economy, austerity, the absence of welfare provisions, and gendered divisions of labour condition the material circumstances under which surrogacy is negotiated and experienced.

The Political Economy of Surrogacy in Greece

Under neoliberal globalisation, the organisation of social reproduction has undergone profound restructuring, with direct consequences for women's labour and everyday life. As feminist economists have observed, the decline of welfare states, the ageing of populations, and the rise in women's labour market participation have replaced the older homemaker/breadwinner model with a precarious 'dual-earner' household.[35] In this new configuration, women are increasingly called upon to participate in paid employment while continuing to shoulder the bulk of unpaid domestic and affective work. The resulting strain—what feminist theorists describe as the *depletion of social reproduction*[36]—reveals a constitutive tension within neoliberal capitalism: the system depends on women's reproductive labour while continually undermining the material conditions necessary to sustain it.

In the Greek context, these dynamics have been sharpened by austerity and the dismantling of social welfare since the 2010s. Cuts to public health and childcare services have pushed the burdens of care back into the household, while precarious employment and migration have generated new hierarchies of reproductive labour. Daskalaki *et al.* explore how the financial crisis and subsequent austerity measures reshaped the gendered organisation of social reproduction.[37] The crisis was not only an economic collapse but also a *crisis of reproduction*,[38] in which the capacity to sustain daily and generational life was severely undermined. Women absorbed much of the impact, taking on unpaid domestic and community labour to compensate for the withdrawal of state support and the erosion of welfare. These conditions intensified gendered inequalities, with women becoming the primary agents of family and community maintenance amid austerity, unemployment, wage cuts, and welfare retrenchment. At the same time, many women engaged in collective practices—social pharmacies, food cooperatives, and community kitchens—that operated as spaces of solidarity and resistance, offering alternative modes of care and reproduction outside capitalist

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35 S L Holloway and H Pimlott-Wilson, 'New Economy, Neoliberal State and Professionalised Parenting: Mothers' Labour Market Engagement and State Support for Social Reproduction in Class-Differentiated Britain', *Transactions of the Institute of British Geographers*, vol. 41, issue 4, 2016, pp. 376–388, https://doi.org/10.1111/tran.12130.

36 S M Rai, 'Social Reproduction and Depletion', *Feminists@Law*, vol. 12, issue 2, 2023, https://doi.org/10.22024/UniKent/03/fal.1221; S M Rai, C Hoskyns, and D Thomas, 'Depletion: The Cost of Social Reproduction', *International Feminist Journal of Politics*, vol. 16, issue 1, 2014, pp. 86–105, https://doi.org/10.1080/14616742.2013.789641.

37 Daskalaki, Fotaki, and Sotiropoulou.

38 N Fraser, 'Contradictions of Capital and Care', *New Left Review*, vol. 100, Jul/Aug 2016, pp. 99–117, https://doi.org/10.64590/nt2.

exchange relations. Yet, as Daskalaki *et al.* note, such initiatives, while fostering collectivist ethics of care, also risked reproducing traditional gender hierarchies and moralised expectations of women's caregiving roles.[39] Migrant women—often from Eastern Europe or the Philippines—fill care and domestic roles that allow middle-class Greek women to remain in paid work, reproducing a racialised division of reproductive labour that mirrors global inequalities.[40]

Within this broader setting, surrogacy represents a novel yet structurally consistent form of commodified reproductive labour. It operates at the intersection of neoliberal biopolitics and the expansion of markets into the intimate sphere. Feminist legal theory has argued that the law's exceptional treatment of the family rests on the assumption that intimate and reproductive relations are affective and altruistic, and therefore distinct from ordinary market relations. Yet, as Halley and Rittich argue, the ideological separation between family and market obscures the distributive functions performed within the household and masks the economic relations through which reproductive labour is organised,[41] a logic exemplified by the Greek legal framework. The legislative choice to restrict surrogacy to altruistic arrangements was explicitly grounded in two rationales: that the mother–child relationship should not be mediated by financial gain, and that the prohibition of remuneration would safeguard against the exploitation of those involved. Under Article 13(4) of Law 3305/2005, permissible compensation is limited to pregnancy-related medical expenses, loss of earnings due to absence from work, and any positive harm incurred—subject to an overall ceiling of EUR 10,000 (EUR 15,000 in cases of multiple pregnancy). Yet, as Panagos observes, these amounts frequently exceed the annual working income of women who serve as surrogates in Greece, and substantially surpass the earnings of individuals from certain countries of origin, rendering the altruism framework not a safeguard against economic motivation but a legal fiction that conceals it.[42] This is further evidenced by Panagos' finding that of 62 decisions issued by the Thessaloniki Court of First Instance in 2019, 42 applicants were foreign nationals—a pattern he identifies as indicative of Thessaloniki's emergence as a destination for reproductive tourism.[43] This 'selfless' framing thus conceals a stratified reproductive market in which economic necessity and geographic inequality structure participation, while the law maintains the appearance of non-commercialisation.

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39 *Ibid.*

40 A L Blazier and R Janssens, 'Regulating the International Surrogacy Market: The Ethics of Commercial Surrogacy in the Netherlands and India', *Medicine, Health Care and Philosophy*, vol. 23, issue 4, 2020, pp. 621–630, https://doi.org/10.1007/s11019-020-09976-x.

41 Halley and Rittich.

42 Panagos, p. 84.

43 *Ibid.*, p. 86.

From a materialist feminist standpoint, this legal architecture conceals how reproductive capacity becomes a site of capitalist value extraction. The surrogate's labour is central to the functioning of the assisted reproduction market but remains institutionally invisible. As Glass argued, surrogates experience a form of *alienation*, both bodily and emotional, as their reproductive activity is transformed into an object of exchange.[44] The ideological framing of surrogacy as an act of maternal generosity rather than work functions to 'naturalise' women's reproductive capacities, presenting gestation as a morally infused gift rather than as embodied, time-consuming, physically taxing, and relational labour. This moralisation legitimises the expectation that surrogates offer intense physical and emotional labour without economic recognition, reinforcing the invisibility of their contribution. Surrogates themselves often describe their participation as an economic survival strategy. Significantly, the work trajectories of many surrogates are situated within the informal and poorly regulated domain of care services, a 'grey zone' of labour where emotional commitment and physical effort are intertwined yet rarely recognised as productive work.[45]

Moreover, the legal discourse surrounding surrogacy in Greece reflects the broader neoliberal regulation of social reproduction, where market logic infiltrates even the most intimate domains of life. While surrogacy is permitted only under court authorisation and framed as non-commercial, in practice it sustains a stratified market: affluent intended parents, often from abroad, rely on Greek or migrant women in precarious economic conditions. This reproduces global and racial hierarchies, privileging middle-class parenthood and the nuclear family, while marginalising the embodied labour that enables it.[46]

While these socio-political and economic dynamics show the structural conditions of reproductive labour, they cannot be fully understood without attending to their psychological and affective dimensions. The following section explores how ideology and emotion interact to organise the surrogate's lived experience, revealing the mechanisms through which exploitation is legitimised and internalised.

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[44] M Glass, 'Reproduction for Money: Marxist Feminism and Surrogate Motherhood', *Nature, Society, and Thought*, vol. 7, issue 3, 1994, pp. 281–298.

[45] M Dalla Costa, 'Capitalism and Reproduction', in W Bonefeld *et al.* (eds.), *Open Marxism, Vol. 3 Emancipating Marx*, Pluto Press, London, 1995, pp. 7–16.

[46] Blazier and Janssens, p. 74.

Psychological and Affective Aspects

The prohibition of financial compensation beyond reimbursed expenses situates surrogacy within a moral register of care and generosity rather than labour, obscuring the embodied and affective work of gestation and rendering the surrogate as a selfless maternal subject. Judicial data suggest a recurring pattern: Greek surrogates are often married women with children of their own, while migrant surrogates are more frequently single and economically precarious. Although kinship relations are not explicitly recorded, these patterns suggest an implicit preference for socially recognisable maternal figures whose gestational labour can be more readily naturalised as an act of care within dominant familial norms. Pande highlights a challenging dynamic across surrogacy markets, where surrogates are trained to embody the 'perfect mother-worker', combining compliance with idealised maternal attachment.[47] Moreover, Majumdar demonstrates that the figure of the stay-at-home mother operates to embed gestational labour within a moral economy of femininity that conceals its waged character.[48] The Greek psychosocial evaluations reproduce this logic, functioning to verify the surrogate's conformity to the maternal ideal rather than to scrutinise the structural conditions of her consent.

Existing research in the Greek context further highlights that surrogacy is mediated through affective and relational processes, e.g. anxiety, ambivalence, attachment, control, gratitude, or stigma. This suggests that, besides its legislative dimension, reproductive labour is also organised via the psychosocial and cultural dimensions of care and subjectivity.[49] The surrogate is expected to consent and simultaneously inhabit a morally acceptable emotional position, marked by generosity and self-effacement. As Collard argues, altruism depoliticises gestation by separating its affective and corporeal demands from its economic function. In the Greek context, this makes the surrogate's labour legible through moralised rhetoric rather than through the structural conditions that organise and constrain it. These affective constructions are reinforced by a broader ideological formation historically organised around the moral triad of *patris, thriskeia, oikogeneia* (nation,

47 A Pande, 'Commercial Surrogacy in India: Manufacturing a Perfect Mother-Worker', *Signs*, vol. 35, issue 4, 2010, pp. 969–992, https://doi.org/10.1086/651043.

48 A Majumdar, 'Conceptualizing Surrogacy as Work-Labour: Domestic Labour in Commercial Gestational Surrogacy in India', *Journal of South Asian Development*, vol. 13, issue 2, 2018, pp. 210–227, https://doi.org/10.1177/0973174118778481.

49 Z Papaligoura, D Papadatou, and T Bellali, 'Surrogacy: The experience of Greek commissioning women', *Women and Birth*, vol. 28, issue 4, 2015, pp. e110–e118, https://doi.org/10.1016/j.wombi.2015.07.005.

religion, family).[50] Motherhood in Greece is often constructed as intrinsic to womanhood and tied to ideals of family continuity and feminine citizenship/duty, as well as social respectability, existing within a continuum of societal pressure. This ideal sits uneasily alongside the prevalence of abortion and the economic pressures of crisis-shaped everyday life. Within this moral economy, the culturally valued mother is a subject who demonstrates responsibility and determination to perform 'good parenthood'. This reflects a neoliberal model of femininity in which motherhood and womanhood are increasingly constructed through individualised processes of self-making, where women are expected to regulate themselves and navigate reproductive choices as matters of personal responsibility and moral self-management.[51] Paxson, for example, further explicates how reproductive life in Greece is shaped by a dense moral economy in which women are positioned as responsible for care and symbolic continuity of family.[52] Within this context, surrogacy becomes ideologically tolerable only insofar as it can be made compatible with these norms. The surrogate can be a morally legible feminine subject whose gestational role is tolerated precisely because it is framed as in service of familial and societal continuity.

As a result, reproductive labour is both corporeal and economic but also psychological, internally reproducing social hierarchies. The psyche becomes a site where domination and recognition intersect—women's subordination is both externally imposed and internally negotiated. Marxist psychoanalytic feminists have shown that capitalism relies on appropriating women's affective capacities under the guise of moral obligation.[53] Surrogacy recasts these dynamics: care is contractual and precarious, recognition is legal-bureaucratic, and women's bodies become direct sites of economic value.

Jessica Benjamin's notion of recognition is useful here because it situates domination within relational economies of affection and dependence.[54] Applied to surrogacy, her framework can explicate how gestational labour is sustained through asymmetrical exchanges of recognition: the surrogate is positioned as the selfless caregiver who provides emotional and corporeal investment without equal acknowledgement or autonomy. Her identity, mediated through legal and

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50 E Gazi, "'Fatherland, religion, family": Exploring the history of a slogan in Greece, 1880–1930', in J de Groot and S Morgan (eds.), *Sex, Gender and the Sacred: Reconfiguring Religion in Gender History*, Wiley-Blackwell, Hoboken, 2014, pp. 304–314.

51 *Ibid.*

52 H Paxson, *Making Modern Mothers: Ethics and Family Planning in Urban Greece*, University of California Press, Berkeley, 2004.

53 F Haug, 'Morals Also Have Two Genders', *New Left Review*, vol. 143, Jan/Feb 1984, https://doi.org/10.64590/eet.

54 J Benjamin, *The Bonds of Love: Psychoanalysis, Feminism, and the Problem of Domination*, Pantheon Books, New York, 1988.

medical discourse, is constructed as self-effacing; a moralised figure of care that conceals the coercive conditions under which her labour is performed.

Such psychological and affective asymmetries are intensified by neoliberal discourses of empowerment, which reframe economic necessity as a personal choice. In this terrain, surrogacy is often narrated as evidence of women's agency, yet this apparent autonomy obscures the structural inequalities that compel participation in reproductive markets. As Holmstrom-Smith observes, neoliberal feminism celebrates the surrogate's 'entrepreneurial' role while naturalising her alienation from the labour and its product.[55] This alienation is reflected in how surrogates describe their own participation; in many ways, the surrogate's body is fragmented into units of value (gestation and contractual compliance) while her subjectivity is disciplined through the moralised rhetoric of care and sacrifice. As some surrogates themselves express, they 'make children for others so that they can support their own'[56]—a statement that reveals the economic coercion underlying such arrangements and the asymmetrical conditions under which reproductive labour is negotiated. Read in this way, surrogacy becomes labour whose exploitation is sustained through its positioning as feminine duty instead of work.

Yet judicial oversight under Greek law remains largely procedural. Psychosocial evaluations are treated primarily as documentary evidence, while the absence of prohibited remuneration serves as the key indicator of legality. As a result, questions of dependency, economic pressure, unequal bargaining power, and the conditions under which consent is given remain largely outside judicial scrutiny; in many ways, the court converts complex affective relations into evidence of suitability.

These dynamics unfold within an increasingly technologised landscape of reproduction. To understand how reproductive labour is reshaped through clinical infrastructures and biotechnological mediation, the next section examines surrogacy within the context of biocapitalism, paying particular attention to the reconfiguration of kinship and the *oikos* (household/family-economic unit).

Biocapitalism and Kinship

Technological mediation represents a continuation of the capitalist control over reproduction. Biocapitalism refers to forms of capitalism in which biological life and bodily capacities themselves become sources of economic value. Reproductive

[55] A Holmstrom-Smith, 'Free Market Feminism: Re-Reconsidering Surrogacy', *University of Pennsylvania Journal of Law and Social Change*, vol. 24, no. 3, 2021, pp. 443–484.

[56] Maropoulou.

capacities, which, in the past, were exploited through unpaid domestic work, are now channelled through clinical and technological infrastructures that commodify the body at a molecular and gestational level.[57] Contemporary advances in biotechnology and digital medical infrastructures have transformed the nature of reproductive and bodily labour. They conceptualise 'clinical labour' as the work performed by those who participate in biomedical and reproductive industries (such as surrogates and clinical trial subjects) whose bodies become technologically mediated sites of value production. Simply put, in the era of biocapitalism, technology functions as the means through which life processes are extracted and eventually monetised.[58]

Technological systems, from IVF and cryopreservation to genetic databases, render biological capacities quantifiable and exchangeable. They reorganise reproduction as a form of clinical production, subjecting gestation and fertility to logics of surveillance and contractual control. The clinic thus becomes a site of capitalist production, whilst the reproductive body is transformed into a technological interface for generating biovalue, intensifying women's alienation from their reproductive capacities.[59]

Legal and medical infrastructures deepen this abstraction by isolating reproductive labour from its social context and recoding it through bureaucratic and technocratic mechanisms.[60] Within these regimes, the reproductive subject is treated as an isolated unit of productivity, governed through standardised metrics of risk and efficiency. The surrogate becomes legible primarily through legal and biomedical frameworks, while her embodied experience and potential vulnerabilities remain 'disguised' by dominant discourses of autonomy and voluntarism. In Greece, these dynamics are materialised through decentralised reproductive networks, legal and clinical actors, and private fertility centres that operate as profitable hubs within transnational reproductive circuits.

Here, it is worth mentioning that, while contemporary surrogacy is increasingly structured through biotechnological advances and market-driven mechanisms, traditional Greek communities had developed socially accepted practices of 'child offering'. More broadly, in rural and pre-modern Mediterranean societies, practices akin to surrogacy often emerged within kinship-based networks,[61] where child

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57 M Cooper and C Waldby, *Clinical Labor: Tissue Donors and Research Subjects in the Bioeconomy*, Duke University Press, Durham, 2014.

58 *Ibid.*

59 *Ibid.*

60 Banerjee and Kotiswaran.

61 P Loizos and E Papataxiarchis (eds.), *Contested Identities: Gender and Kinship in Modern Greece*, Princeton University Press, Princeton, 1991, https://doi.org/10.2307/j.ctt1dxg888.

rearing responsibilities were socially distributed, and biological motherhood was not the exclusive basis for maternal identity.[62] These informal arrangements, such as the offer of a child from a fertile to an infertile relative, or from a reproductively able to an unable woman, were embedded in communal ties and moral economies of reciprocity. Such communal practices reaffirmed the patriarchal extended family as the central unit of social reproduction. The redistribution of children within kin groups, even under the guise of solidarity, upheld lineage continuity, inheritance norms, and heteronormative family ideals.[63] The child was treated as a symbolic and material asset, a bearer of name, property, and honour, whose placement served the strategic interests of the patriarchal household (οἶκος). The *oikos*, the central socio-economic structure through which property inheritance and household continuity were organised in ancient Greece,[64] has long functioned as a unit of both kinship and economic production, linking biological reproduction to status, land, and male lineage.[65]

Similarly, contemporary anthropological work on kinship and motherhood in Greece highlights reproduction as a socially mediated and morally regulated familial project. The Greek family operates as a collective social formation structured by intergenerational and inter-dependent obligation, as well as the reproduction of kin continuity. In this context, motherhood is organised as intensive moral and affective labour, continuously evaluated through culturally dominant ideals of care and sacrifice 'for the good of the child'.[66] Such discourses legitimise and naturalise women's reproductive labour by framing it as a moral obligation to the family and its future. This is particularly significant in the Greek context, where modernisation has reconfigured familial relations through formations in which liberal notions of agency and choice coexist with familial obligations. Surrogacy in Greece must therefore be situated within this broader socio-cultural and historical

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62 E Papadaki, *Πολιτικές της συγγένειας: Η υιοθεσία στη σύγχρονη Ελλάδα* [*Politics of Kinship: Adoption in Contemporary Greece*], Alexandria Publications, Athens, 2021.

63 C B Brettell, 'Kinship and Contract: Property Transmission and Family Relations in Northwestern Portugal', *Comparative Studies in Society and History*, vol. 33, issue 3, 1991, pp. 443–465, https://doi.org/10.1017/S0010417500017138.

64 C A Cox, *Household Interests: Property, Marriage Strategies, and Family Dynamics in Ancient Athens*, Princeton University Press, Princeton, 1998.

65 R P Saller, *Patriarchy, Property and Death in the Roman Family*, Cambridge University Press, Cambridge, 1994; A Chatjouli, I Daskalaki, and V Kantsa (eds.), *Out of Body, Out of Home: Assisted Reproduction, Gender and Family in Greece*, (In)FERCIT, Alexandria Publications, Athens, 2015; B Fliche, 'Social Practices and Mobilisations of Kinship: An Introduction', *European Journal of Turkish Studies*, issue 4, 2006, https://doi.org/10.4000/ejts.629.

66 C Vlachoutsikou, *Για το καλό των παιδιών: Μητέρες μιλούν για την ανατροφή των παιδιών τους* [*For the Good of the Children: Mothers Speak About Raising Their Children*], Nisos, Athens, 2015.

context; as a contemporary reorganisation of reproduction within a system long structured through gendered labour and familial obligation.

Scholars have shown that kinship is socially produced through embodied labour, social recognition, and institutional mediation. Assisted reproduction reconfigures these processes by distributing reproductive functions across multiple actors and institutions.[67] Surrogacy makes this particularly visible, as gestation, genetics, legal parenthood, and social motherhood become separated across different actors. Kinship thus emerges as a legal and social relation actively shaped by regulatory frameworks that determine which reproductive arrangements are recognised and legitimised.[68] As noted earlier, the persistence of the nuclear family as a legal and ideological norm reflects a central mechanism through which capitalism organises dependency and care.[69] In Greece, the privatisation of reproductive labour has long relied on classed and gendered relations, with migrant women performing much of the intimate labour that sustains household reproduction.[70] The expansion of migrant domestic work from the 1990s onwards, and its intensification during the financial crisis, rendered such arrangements increasingly normalised.[71] Against this backdrop, surrogacy appears less as a rupture than as a reconfiguration of established forms of reproductive service. While Greek surrogacy law fragments motherhood into genetic, gestational, and legal functions, it ultimately preserves the nuclear family as the primary site of kinship.[72] Reproduction is reorganised through legal and biomedical technologies but remains oriented towards securing parental exclusivity and the continuity of

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67 V Kantsa, 'Ποιος φτιάχνει τη συγγένεια;' ['Who Constructs Kinship?'], in V Kantsa (ed.), *Μεταβαλλόμενες συγγένειες: Σύγχρονες μορφές οικογένειας στην Ελλάδα* [*Changing Kinships: Contemporary Forms of Family in Greece*], Alexandria Publications, Athens, 2012, pp. 11–21.

68 A Kotzampasi, 'Παιδιά χωρίς νομικό δεσμό συγγένειας: Η παράβαση των προϋποθέσεων της υποβοηθούμενης αναπαραγωγής και οι συνέπειές της' ['Children Without a Legal Kinship Bond: The Violation of the Conditions of Assisted Reproduction and Its Consequences'], in E Kantsa, A Papataxiarchis, and G Zanias (eds.), *Μεταβαλλόμενες σχέσεις: Συγγένεια και τεχνολογία στην Ελλάδα* [*Changing Relations: Kinship and Technology in Greece*], Alexandria Publications, Athens, 2014, pp. 69–92.

69 D O'Brien, 'Fairness, Care, and Abortion', *Journal of Applied Philosophy*, vol. 40, issue 4, 2023, pp. 658–675, https://doi.org/10.1111/japp.12661.

70 P Topali, 'Greek and Filipina Domestic Workers in Contemporary Greece: The Reproduction and Transformations of Domestic Work, Domestic Relationships and Female Identities', *Journal of Mediterranean Studies*, vol. 18, issue 2, 2010, pp. 311–340.

71 I Psimmenos, 'The Social Setting of Female Migrant Domestic Workers', *Journal of Modern Greek Studies*, vol. 35, no. 1, 2017, pp. 43–66, http://doi.org/10.1353/mgs.2017.0002.

72 E Teman, *Birthing a Mother: The Surrogate Body and the Pregnant Self*, University of California Press, Berkeley, 2010.

the household. Taken together, the manifold aspects of surrogacy and kinship point towards the need for a conceptual reframing. The next section, therefore, advances a labour-centred perspective that challenges the proprietary logic of the nuclear family and proposes alternative configurations of reproductive justice.

Reframing Surrogacy

In Greece today, the surrogate retains the legal right to terminate or continue a pregnancy regardless of the intended parents' wishes. However, this autonomy often remains nominal, enshrined in contract yet undermined by structural power asymmetries. A meaningful recognition of the surrogate's subjectivity requires more than formal rights: it demands institutional practices that acknowledge her time, labour, and embodied investment. This could entail for instance, a framework in which the surrogate is recognised as a reproductive worker with social protections and a say in the conditions of the arrangement. This labour-centred reframing does not prescribe a single model of kinship or parenthood; rather, it opens space for plural configurations, including forms of ongoing relational recognition and maternal subjectivity that the current framework forecloses. It could also allow, should they so wish, their recognition as legal or social mothers, opening space for plural maternal subjectivities and kinship configurations. Echoing Sophie Lewis,[73] this vision shows that gestation need not be privatised or hidden within the confines of heteronormative family structures; rather, it unsettles the proprietary logic of parenthood and affirms the child not as the extension of the *oikos* but as a relational being nurtured within a broader common of care.

Placing reproductive labour at the centre of legal and ethical discourse requires challenging the Greek legislative approach, which treats pregnancy as a disruption to ordinary life rather than as labour in its own right. The surrogate's contribution is treated merely as a temporary burden requiring reimbursement. On the other hand, a criminalising stance risks pushing surrogacy underground, where it may occur under less regulated and more coercive conditions, rendering already marginalised groups even more vulnerable.

Thus, a move towards recognising surrogates as reproductive workers is necessary—one that, within the Greek context, would require the extension of occupational health protections, the substantive scrutiny of consent conditions within the judicial authorisation process, and the decoupling of the altruism requirement from the legal threshold of permissibility. As Banerjee and Kotiswaran argue, preventing compensation in the name of altruism does not

[73] S Lewis, *Full Surrogacy Now: Feminism Against Family*, Verso, London, 2019; S Lewis, *Abolish the Family: A Manifesto for Care and Liberation*, Verso, London, 2022.

eliminate exploitation; instead, it obscures it.[74] In contrast, a rights-based, labour-centred model constitutes a form of harm reduction: it recognises that *motherhood involves labour*, even when unpaid, and that the surrogate is not a passive vessel but a subject engaged in reproductive work. Calling for the recognition of surrogacy as labour is not about endorsing its commodification but about exposing the exploitative conditions that often emerge when reproductive labour is masked as an act of love. This recognition does not reduce to a demand for remuneration but for greater control over the conditions under which reproductive labour is organised and valued; *who controls the conditions of gestation, who captures its value, and under what regulatory arrangements surrogates acquire enforceable claims*.[75] A labour-centred, materialist feminist approach recognises surrogacy as technologically mediated reproductive labour within capitalist patriarchy,[76] located within the political economy of care, and provides the tools to contest it. To paraphrase Silvia Federici, to recognise gestation as work is the first step towards refusing to do it.[77] Within a social reproduction framework, this 'refusal' is not a literal withdrawal from gestation but a critical move that denaturalises reproductive labour, renders its conditions of extraction and depletion visible, and reconstitutes it as a site of collective contestation.

Conclusion

This paper has shown that surrogacy in Greece cannot be understood through moralising or biomedical framings alone but must be situated within the broader political economy of reproductive and affective labour under capitalism. Its central contribution lies in reframing surrogacy as part of a continuum of gendered and classed reproductive work, shaped by austerity, welfare retrenchment, and the ideological functions of Greek law. The analysis of judicial authorisation, contemporary constructions of altruism, and the medicalisation of gestation as ideological mechanisms reveals how the Greek legal regime renders reproductive labour both necessary and invisible, privileging intended parents while obscuring the surrogate's embodied and affective work.

These tensions have become increasingly visible within contemporary European policy debates surrounding exploitation, regulation, and reproductive governance. The inclusion of 'the exploitation of surrogacy' in the revised European Union Anti-Trafficking Directive—introduced at a late stage of the legislative process

74 Banerjee and Kotiswaran.

75 Jana and Kotiswaran.

76 *Ibid.*

77 S Federici, *Wages Against Housework*, Power of Women Collective and Falling Wall Press, Bristol, 1975.

despite limited empirical evidence regarding trafficking for the exploitation of surrogacy and the pre-existing applicability of trafficking law to coercive or exploitative arrangements[78]—marks a significant shift in the governance of surrogacy at the EU level. More broadly, this development reflects the continued expansion of carceral and governance feminist approaches that frame feminised and precarious forms of labour primarily through the language of criminalisation, exploitation, and victimhood. Critical anti-trafficking scholarship has long warned that expansive trafficking apparatuses collapse the distinction between forced and structurally constrained labour, shifting attention away from labour conditions and towards criminalisation and surveillance.[79] Similar to sex work, the incorporation of surrogacy into anti-trafficking frameworks risks reconstituting reproductive labour primarily as a site of criminal exploitation and moral regulation, rather than interrogating the political-economic conditions that render gestational labour vulnerable to coercion and exploitation in the first place. Rather than extending regulatory and punitive responses, the findings presented here demonstrate the need to centre reproductive labour itself—its conditions, organisation, and unequal distribution—within debates on care, intimate labour, migration, and exploitation

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78 B Franco and S Hoff, *Exploitation of Surrogacy as a Form of Human Trafficking: How did it end up in the amended EU Anti-Trafficking Directive?,* La Strada International, Amsterdam, 2025; La Strada International, *Comparative Analysis of the Legal and Policy Landscape on (Trafficking for the Exploitation of) Surrogacy Across Europe,* La Strada International, Amsterdam, 2025.

79 See, for example, C Gallant and E Lam, *Not Your Rescue Project: Migrant Sex Workers Fighting for Justice*, Haymarket Books, Chicago, 2024; E Bernstein, 'Militarized humanitarianism meets carceral feminism: The politics of sex, rights, and freedom in contemporary antitrafficking campaigns', *Signs: Journal of Women in Culture and Society*, vol. 36, issue 1, 2010, pp. 45–71, http://doi.org/10.1086/652918.