



Moral standing of surrogacy II

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Intro to Baby M

- Sterns entered into a surrogacy agreement with Mary Beth Whitehead
 - Ms. Whitehead would be inseminated with Mr. Stern's sperm
 - Ms. Whitehead would relinquish the child after birth
- Ms. Whitehead initially complied with the agreement and delivered the child to the Sterns
- Later she pleaded with the Sterns to have the child temporarily
- Ms. Whitehead then alerted the Sterns that she had changed her mind and did not want to part with the child

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Intro to Baby M

- Initial ruling – contract valid
 - Dr. Stern legally adopts child
- On appeal, contract not valid
 - Mr. Stern is legal father, Ms Whitehead legal mother
 - Sterns have custody, Ms. Whitehead has visitation rights
- Initial thoughts?
- Does genetic relatedness make a difference?

Intro to Baby M

- Should we allow surrogacy at all?
- How should we regulate it?
 - Interests of intending parents?
 - Interests of child?
 - Interests of person acting as a surrogate?
 - Dignity? Harm to other children? Paternalism?

Gestationalism

- The case for gestation being the main grounds for parenthood
 - Definitely involves the most labour
 - Genetic connection means nothing without an environment for phenotype to develop
 - Emotional connection often (but not always) develops during gestation
→ intrinsically valuable!
 - Attachment of mother to child
 - Child prefers gestational mother
 - Strong reason for the law to pick out gestational mother as legal parent



Gestationalism

- According to Gheaus , we have both adult-centric and child-centric reasons to prefer gestationalism
 - Adult who performs most labour should be prioritized
 - Attachment should be protected

Revisiting Baby M

- Why are these cases so difficult?
 - Multiple ways to become a parent
 - Gametes, gestation, attachment
- Two parent rule
- But not just two parent rule!
 - “too many parents” – adult interests
- Do we want parenthood to be something settled by contract?
 - Agreement to relinquish for adoption
 - Prenuptial agreement re custody

Revisiting Baby M

- Does traditional vs gestational surrogacy matter?
 - Why might it?
 - Why might it not?

Midterm II

- Long-answer question (Apprx 500-700 words)

Answers must substantially engage with at least on class reading

- ☐ What obligations, if any, do gametes donors have towards their offspring?
- ☐ How should *domestic* surrogacy be regulated?
- ☐ Is Anca Gheaus right about gestationalism?