Primary Sources

Articles

Chesler, Phyllis. "Feminist Backlash Is Finally Building against Surrogacy | Phyllis Chesler Organization." *Phyllis-Chesler.com*, 2020, phyllis-chesler.com/articles/feminist-backlash-is-finally-building-against-surrogacy.

The author in this article explored surrogacy through a feminist lens, using the Baby M case as a turning point that put biological motherhood in conflict with contractual rights. I learned that the article argues surrogacy commodifies women's bodies and children and that growing feminist movements now view commercial surrogacy as a human-rights violation that should be abolished.

Books

Mary Beth Whitehead, and Loretta Schwartz-Nobel. *A Mother's Story*. Vintage, 1990.

This book, written by Whitehead, explored the whole Baby M case and how Whitehead was thinking during the case. She talked about her family structure and that the main reason she was so passionate about keeping the baby was because her daughter influenced her and she felt a strong connection to the baby. I used this to learn about the different trials and how they worked in the context of the case and how the decisions for who has custody came to be.

Journal Articles

Annas, George J. "Fairy Tales Surrogate Mothers Tell." *Law, Medicine and Health Care*, vol. 16, no. 1-2, Sept. 1988, pp. 27–33, https://doi.org/10.1111/j.1748-720x.1988.tb01047.x.

In this journal article, there were several stories shared of how surrogacy grew from an idea in the late 1970s into a more accepted practice by the mid-1980s due to several factors like public discussion of infertility, support groups like RESOLVE, who advocated for infertile couples, and new reproductive technologies like In vitro fertilization gained attention. I learned that critics argued that commercial surrogacy treated babies as consumer products and relied on economic inequalities, where wealthier couples paid lower-income women to carry children.

Rothenberg, Karen H. "Baby M, the Surrogacy Contract, and the Health Care Professional: Unanswered Questions." ***Law, Medicine and Health Care*****, vol. 16, no. 1-2, 1988, pp. 113–20, https://doi.org/10.1111/j.1748-720x.1988.tb01057.x.**

Examining the *In re Baby M* case, this journal article explained how the case sparked debate over surrogacy contracts and how while the court allowed unpaid surrogacy, it rejected paid agreements on public policy grounds. This case also raised concerns about the role of health professionals in surrogacy, like doctors, psychologists, and fertility specialists who were involved in screening, counseling, and medical procedures, which may legitimize the process but also expose them to ethical, legal, and possibly criminal risks.

Taylor, Shereen. "Conceiving for Cash; Is It Legal? A Survey of the Laws Applicable to Surrogate Motherhood." ***NYLS Journal of Human Rights*****, vol. 4, no. 2, 1987, digitalcommons.nyls.edu/cgi/viewcontent.cgi?article=1083&context=journal_of_human_rights.**

This journal article provided context for the growth of surrogacy and other assisted reproductive technologies in the 1980s outpaced legislation, leaving participants in legal uncertainty. I used this to show that lawmakers were slow to regulate new reproductive technologies, forcing courts to rely on outdated laws and creating legal risks for surrogates, intended parents, and children.

Younger, Judith. "What the Baby M Case Is Really All About." Dec. 1988, scholarship.law.umn.edu/cgi/viewcontent.cgi?article=1347&context=lawineq.

In explaining the Baby M case, the journal article notes that surrogate Mary Beth Whitehead refused to relinquish the child to the intended parents, revealing key legal and ethical challenges in surrogacy. The case further demonstrates how assisted reproductive technologies complicate traditional ideas of parenthood and reproductive rights.

Films

"Born to Be Sold: The Strange Case of Baby M/S." ***Paper Tiger TV*****, 1988, archive.org/details/ddtv_93_born_to_be_sold.**

Released shortly after the Baby M decision, this short film presents the story from Whitehead's perspective, focusing on events leading up to the court battle. I used this to learn what people thought about the case directly after the New Jersey Supreme Court decision and how the case, and the overall idea of reproductive technology, immediately caused public controversy.

Interviews

Carbone, June. ***"June Carbone on the Baby M Case."*** **Interview by Emily Totushek, 20 Apr. 2026.**

This interview explained how family law before Baby M did not completely lack assisted reproductive technology regulation, but instead lacked legal frameworks specifically addressing surrogacy agreements and intended parenthood. It also discusses how IVF and gestational surrogacy changed public acceptance of surrogacy, influencing later legal reforms and shaping modern surrogacy practices. I used this information to better understand how technological innovation, public opinion, and contractual agreements influenced the development of surrogacy law following the Baby M case.

Legislations

"Uniform Parentage Act." ***Uniform Law Commission.***

Introduced in 1973, the Uniform Parentage Act demonstrates the different cases in which assisted reproductive technologies determine who is the legal parent of a child. It gave me an idea of surrogacy and reproductive technology laws and how the Baby M case was more complicated due to unclear legislation.

Magazines

"Mothers for Hire." Newsweek, Jan. 1987.

This magazine was from right after the New Jersey Supreme Court decision and included how Newsweek thought of surrogacy at the time. The magazine showed Whitehead and said that she was hired to be a mother, describing baby selling and exploitation as relevant in the case.

Newspapers

"Advocates Don't Want Laws on Surrogacy." ***The Sentinel*****, 11 May 2004, www.newspapers.com/image/344960700/?match=1&clipping_id=new.**

Published decades after the Baby M decision, this newspaper article highlights the case's long-term impact. It discusses trends in surrogacy and references births from the 1970s through 2004. I used this source to better understand how different states regulate surrogacy and how those laws developed over time.

"After Baby M, Banning Surrogacy for Pay Pushed." ***The Times*****, 21 Sept. 1992, www.newspapers.com/image/1196852936/?match=1&terms=%22baby%20m%20and%20surrogacy%22.**

Following the 1988 decision, this newspaper article explained that a state bioethics commission recommended fines for surrogate mothers who accept payment and criminal penalties for brokers. It emphasized that surrogacy contracts should be unenforceable and that custody decisions should prioritize the child's best interests. I used this source to understand concerns that reproductive technology could commodify women and children, reflecting a broader national trend toward restricting paid surrogacy.

"Baby M Battle of Class and Gender.'" ***Washington Post*****, 4 Mar. 2024, www.washingtonpost.com/archive/politics/1987/02/17/baby-m-battle-of-class-and-gender/831daf7d-5c7d-42e6-a0f6-547bca5e2543/.**

This news article revealed how the case, *In re Baby M*, was not only a legal dispute but also a debate about inequality, exploitation, and the emotional realities of surrogacy. I used this to understand the perspective that surrogacy was an exploitation of lower-class women by paying them to have a baby.

"Baby M Case Has Made Feminists Forget Past 20 Years." ***The Toronto Star*****, 9 July 1988, www.newspapers.com/image/949024576/?match=1&terms=%22In%20re%20Baby%20M%22.**

Over a 20-year period leading up to *In re Baby M*, this newspaper article explains that feminists argued against the idea that "mother-love" would inevitably cause women to abandon their careers after pregnancy. It suggests that this debate shifted in the aftermath of the case, as public opinion became more divided. I used this source to understand the feminist perspective and why society was split in its reactions to the case.

"'Baby M' Pact Ruled 'Baby-Selling.'" ***Star-Gazette*****, 4 Feb. 1988, www.newspapers.com/image/275105260/?match=1&clipping_id=new.**

Highlighted in this newspaper article was the 1988 Baby M decision by the New Jersey Supreme Court. The court ruled that paid surrogacy contracts were equivalent to "baby-selling" and therefore violated New Jersey adoption laws. The article discusses the ethical and legal controversy surrounding paid surrogacy and reflects growing national debate over reproductive technology and parental rights.

"Case of Baby M Stirs Passions, Pleas, Protests." ***San Francisco Chronicle*****, 20 Feb. 1983, www.newspapers.com/image/1224842901/?match=1&terms=baby%20m.**

Reporting from San Francisco in this paper highlights differing views on the Baby M case, particularly people in San Francisco. These range from people supporting Whitehead and how she should have been able to keep Baby M, to people supporting the Sterns. I used this to learn about the perspectives and the magnitude of people that felt passionate about the case.

"Charges of 'Baby-Selling' Heard amid Praises." ***The Palm Beach Post*****, 1 Apr. 1987, www.newspapers.com/image/130741448/?match=1&clipping_id=new.**

This newspaper explained the four people involved in the case: Bill Stern, Betsy Stern, Richard Whitehead, and Mary Beth Whitehead. I used this to learn each of their perspectives about why they fought so hard to get Baby M. It also explores the court decision about who got the baby and the impact that will leave on her and the families.

"Court Ruling Still Leaves Mess." ***Statesman Journal*****, 9 Feb. 1988, www.newspapers.com/image/200765924/?match=1&terms=%22In%20re%20Baby%20M%22.**

In this newspaper article, the author explains that after the court ruling, there are many issues surrounding surrogacy, particularly around the consumption of money in exchange for a child. This article helped me understand the perspectives involved in the case, mainly around the parties: the Whiteheads and the Sterns. This includes Mary Beth Whitehead, her husband, Richard, and her children, whose lives were turned upside down, and both of the Sterns, who wanted a baby but lost years in a legal battle.

"Courts Decision Viewed as Blow to Surrogacy." ***The Vincennes Sun-Commerical*****, 4 Feb. 1988, www.newspapers.com/image/438423366/?match=1&terms=%22baby%20m%20and%20surrogacy%22.**

This article highlights that the New Jersey Supreme Court ruled the Baby M surrogacy contract illegal because paying a woman to bear a child is equivalent to selling a child in their opinion. It helped me understand how the Baby M decision legally distinguished between paid and unpaid surrogacy, showing the tension between protecting women from exploitation and respecting parental desires.

"Debate: Surrogacy Mothers." ***USA Today*****, 30 Sept. 1988, www.newspapers.com/image/1146809668/?match=1.**

Coverage in this newspaper presents both sides of the surrogacy debate, including arguments for and against passing laws to regulate it. It also includes a graphic of a stork questioning where the baby should end up. I used this source to better understand differing perspectives on surrogacy law and attitudes toward regulation at the time.

"Future Unclear for Surrogacy Deals." ***Fort-Worth Star-Telegram*****, 5 Feb. 1988, p. 5, www.newspapers.com/image/640709816/?match=1&terms=Baby%20M%20impact.**

Reporting from this newspaper argues about the future impact of the Baby M case, which was projected to go beyond New Jersey. This also gives many perspectives on the case, mostly around the sale of a child aspect that many people focused on when surrogacy was just beginning. This helped me understand how Noel Keane, the lawyer involved in intermediating the case, thought about the case and how after, he still defended surrogacy and explained that almost all surrogacy cases are carried out without conflict.

Goodman, Ellen. "'Mess' Is Biggest M Word in Baby M Surrogacy Case." *West Central Tribune*, 11 Feb. 1988, www.newspapers.com/image/1172417634/?match=1&clipping_id=new.

The newspaper column argues that the Baby M case created emotional and ethical "messiness" for everyone involved. It supports the New Jersey Supreme Court's decision to void the surrogacy contract while granting custody to the Sterns and visitation rights to Mary Beth Whitehead. The article also criticizes paid surrogacy as potentially exploitative and highlights the emotional impact the case had on both families and the child.

Hanley, Robert. "At the Baby M Visitation Hearing, Bitter and Anguished Testimony." *The New York Times*, 28 Mar. 1988, www.nytimes.com/1988/03/29/nyregion/at-the-baby-m-visitation-hearing-bitter-and-anguished-testimony.html.

Coverage of the Baby M case explores Bill Stern's perspective following the conflict with Mary Beth Whitehead. I used this source to understand Stern's point of view and how the dispute was shaped by repeated breakdowns of trust between Whitehead and the Sterns in their fight for custody of Baby M.

Kolbert, Elizabeth, and Special To the New York Times. "In Struggle for Baby M., Fierce Emotion and Key Legal Issues (Published 1986)." *The New York Times*, 23 Aug. 1986, www.nytimes.com/1986/08/23/nyregion/in-strugggle-for-baby-m-fierce-emotion-and-key-legal-issues.html.

This news article described the legal and public controversy surrounding the Baby M surrogacy case. It demonstrates how the dispute evolved into a major custody and contract battle, raising questions about whether surrogacy agreements should be treated as enforceable contracts or as custody disputes involving biological parents. I learned how the case drew media attention, involved dramatic legal actions, and exposed existing family law gaps that quickly needed to be solved as reproductive-technology grew.

L.A. Archives. "Death Threat by Baby M's Mother Taped: Raised Idea of Killing Herself, Child in Phone Call to Father." ***Los Angeles Times*****, 4 Feb. 1987, www.latimes.com/archives/la-xpm-1987-02-04-mn-573-story.html.**

Coverage of the Baby M case explains how Whitehead fled to Florida with Baby M and provides insight into statements she made to Bill Stern that contributed to the Sterns' eventual legal victory, particularly concerns raised in recorded phone calls about the child's safety. I used this source to understand why the Sterns won the case and what factors influenced Whitehead's decision to go to Florida.

Mann, Judy. "The Motherhood Contract." ***The Washington Post*****, 18 Feb. 1987, www.washingtonpost.com/archive/local/1987/02/18/the-motherhood-contract/6b968206-2f3a-465f-886b-fbd018e59785/.**

Reporting from a Washington Post news article highlights how the Baby M trial was more than a legal dispute and instead, it questioned the value of the maternal bond itself. I used this to understand that the case raised issues about motherhood, parental rights, and the ethical limits of legally arranging parenthood.

Marziale, David. "Surrogate Baby Foes Take Issue to Prime Time." ***Lansing State Journal*****, 22 May 1988, www.newspapers.com/image/208788661/?match=1&clipping_id=new.**

The newspaper article describes growing national opposition to surrogacy following the Baby M case. Anti-surrogacy groups argued that surrogate parenting amounted to "baby-selling" and announced campaigns against surrogacy clinics and contracts. The article also explains how media coverage and public debate increased attention on the ethical and legal controversies surrounding surrogacy in the late 1980s.

Mehren, Elizabeth. "New Jersey's Baby M Trial--the View from the Bleachers." ***Los Angeles Times*****, 12 Feb. 1987, www.latimes.com/archives/la-xpm-1987-02-12-vw-2738-story.html. Accessed 13 June 2025.**

This newspaper article explained how the Baby M trial drew intense public attention as Mary Beth Whitehead, a surrogate, went back on her contract of giving a baby to William and Elizabeth Stern. I used this to understand that the case highlighted the emotional, legal, and ethical complexities of surrogacy and assisted reproductive technologies.

"Paying Surrogate Is Illegal." ***The Akron Beacon Journal*****, 4 Feb. 1988, www.newspapers.com/image/154935390/?match=1&terms=%22In%20re%20Baby%20M%22.**

Media coverage from this newspaper article demonstrates one perspective that argued that the New Jersey Supreme Court ruled the Baby M surrogacy contract illegal because paying a woman to have a child amounted to selling her parental rights. It helped me understand how the legal system viewed paid surrogacy as potentially exploitative, highlighting why courts prioritized the child's best interests and influenced future laws regulating reproductive technology.

Peterson, Iver. "Baby M Trial Splits Ranks of Feminists." ***The New York Times*****, 24 Feb. 1987, www.nytimes.com/1987/02/24/nyregion/baby-m-trial-splits-ranks-of-feminists.html.**

Reporting from the Baby M trial highlights how feminists were divided over the ethics of surrogate motherhood, with some supporting a woman's right to control her body and others warning about the potential exploitation of poorer women. It helped me understand that the Baby M case was not only a legal dispute but also a broader social and moral debate, highlighting tensions between women's autonomy, economic inequality, and the best interests of the child in surrogacy arrangements.

Roan, Shari. "And Baby Makes...6?" ***Corpus Christi Caller-Times*****, 8 Dec. 1990, www.newspapers.com/image/758788087/?match=1&clipping_id=new.**

The newspaper article discusses how rapidly advancing reproductive technologies, including IVF and surrogacy, created ethical and legal uncertainty by outpacing existing laws. It references the Baby M case as an example of how courts struggled to define parenthood and regulate surrogacy arrangements. The article emphasizes concerns about embryo rights, donor identity, and the future impact of assisted reproductive technologies on family law and society.

"Surrogate Mother Knew 'at Delivery' She Would Keep Child." ***Tampa Bay Times*****, 18 Aug. 1986, www.newspapers.com/image/321049456/?clipping_id=new.**

This newspaper article described how Mary Beth Whitehead, the surrogate mother, decided at delivery that she wanted to keep Baby M, leading to police seizing the child under a court order. It helped me understand the emotional and ethical complexities of surrogacy, showing that even legally arranged agreements can fail when the surrogate changes her mind, highlighting why courts must weigh both parental rights and the child's best interests.

"Surrogate Mother Wanted." ***Asbury Park Press*****, 24 Mar. 1984, app.newspapers.com/image/146099050/?match=1&clipping_id=new.**

A newspaper advertisement from the 1980s showed a listing for surrogate mothers instructing interested women to contact Noel Keane, the Executive Director of the New York Infertility Clinic. This source was useful because Mary Beth Whitehead responded to this advertisement, which ultimately led to the beginning of the Baby M case.

"Surrogate Mothering Is Manufacturing Babies for Sale." ***Fort Lauderdale News*****, 10 Apr. 1987, www.newspapers.com/image/237348369/?match=1&terms=%22In%20re%20Baby%20M%22.**

This newspaper article contained a comic that included a person walking and questioning themselves on the ethical impact of baby-selling. Overall, this article helped me understand the side of the case where people think that surrogacy is baby-selling and unethical.

"The Baby M Verdict." ***The San Francisco Examiner*****, 1 Apr. 1987, www.newspapers.com/image/461458837/?clipping_id=new.**

Coverage of the Baby M verdict explores the aftermath of the trial, including Whitehead's emotions and the Sterns' relief at gaining custody of the child, as well as a range of public responses to the decision. I used this source to better understand the perspectives of figures like lawyer Harold Cassidy and Judge Harvey Sorkow.

Reports

Committee on Energy and Commerce House of Representatives. *Surrogacy Arrangements Act of 1987*. 15 Oct. 1987.

A report on surrogacy arrangements in 1987 details the Baby M case and the conflicting perspectives that emerged from it. I used this source to demonstrate the divided reactions among feminists and other groups, supporting my argument that the case sparked widespread debate and contributed to the reaction following the rise of assisted reproductive technologies.

"In the Matter of Baby M, a Pseudonym for an Actual Person." 1988, pp. 396–479, www.lcc.mn.gov/inactive/lcs/meetings/08162016/cassidy_opinion_baby_m.pdf.

This report was from the actual court case entitled *In re Baby M*, explaining the facts of the case, the ruling, and how the contract was invalid and unenforceable. This helped me understand exactly what the court was thinking in the case, particularly around how the contract conflicted with public policy, why Baby M ended up where she was, because it was in the best interests of the child, and why Whitehead was awarded with visitation time.

Keane, Noel. "The Baby M Decision: Facts and Fictions, Before and Beyond." 1988, pp. 839–47, scholarship.shu.edu/cgi/viewcontent.cgi?article=2801&context=shlr.

A report analyzing the Baby M decision critiques the New Jersey Supreme Court's ruling, arguing that the court misunderstood surrogacy by overemphasizing the role of money and overlooking the surrogate's ability to make informed decisions. It helped me understand how some experts viewed surrogacy as a legitimate, carefully managed reproductive option and how courts struggled to balance ethical, legal, and social concerns with emerging reproductive technologies.

"Matter of Baby M, 109 NJ 396 (1988)." ***The Cassidy Law Firm*****, 2014, www.thecassidylawfirm.com/global_pictures/Matter_of_Baby_M.pdf.**

This report from The Cassidy Law Firm, the firm that represented Whitehead, explained how the New Jersey Supreme Court ruled that the surrogate parenting contract was unenforceable because it violated state laws and public policy, including statutes prohibiting payment for adoption and requiring proof of parental unfitness before termination of rights. I used this to understand that the case established that while surrogate agreements can outline intentions, they cannot override statutory protections for natural parents or the welfare of the child.

North Carolina General Assembly. "The Adoptions and Surrogate Parenthood Study Commission." 3 Jan. 1989, ncleg.gov/Files/Library/studies/1989/st10565.pdf.

An analysis on adoption and surrogacy law explains recent legal changes, including new bills stating that surrogacy contracts do not automatically establish custody of a child. I used this source to understand how the Baby M case highlighted the need for legislation during the rapid rise of assisted reproductive technologies.

Sandel, Michael. "What Money Can't Buy: The Moral Limits of Markets." 12 May 1988, www.nacsw.org/Convention/Flashdrives2017/ProfessionalRelationships/WilsonHMichalSandel.pdf.

This report explains the moral debate surrounding surrogacy by comparing it to baby-selling, using the Baby M case as an example. It argues that even voluntary surrogacy contracts can be wrong because they commodify pregnancy, degrade motherhood, and treat children as market goods. I used this to show how legal and ethical perspectives of surrogacy focus not just on consent, but on how market values can corrupt family relationships and the meaning of parenthood.

"Surrogate Mother Mary Beth Whitehead Decides Not to Give up Baby in Controversial Reproductive Technology Case | Archives & Special Collections." Archives.law.virginia.edu, 1986, archives.law.virginia.edu/dengrove/writeup/surrogate-mother-mary-beth-whitehead-decides-not-give-baby-controversial-reproductive-technology.

Reporting on the Baby M case outlines its background and legal proceedings, including the surrogacy agreement, custody dispute, and court rulings. I used this to provide evidence of the conflict between Whitehead and the Sterns and to show how the lack of existing surrogacy laws forced courts to rely on traditional custody principles, supporting my argument that the case exposed the need for legal reform.

Websites

Cassidy, Harold. "The Surrogate Uterus: Baby M and the Bioethics Commission Report." *Public Discourse*, 7 Sept. 2012, www.thepublicdiscourse.com/2012/09/6211/.

In this website written by Harold Cassidy, lawyer to Whitehead, it explains the legal and ethical history of surrogacy in New Jersey, focusing on the Baby M case in 1988 and the findings of the New Jersey Bioethics Commission, which argue against the legalization and enforcement of surrogacy contracts, specifically regarding gestational surrogacy. The Committee unanimously recommended that surrogacy contracts remain unenforceable, the commercial surrogacy should be discouraged or criminalized, and that custody disputes favor the birth mother.

"*In re Baby M* | Case Brief for Law Students." *CaseBriefs*, www.casebriefs.com/blog/law/family-law/family-law-keyed-to-weisberg/adoption-and-alternatives-to-adoption/in-re-baby-m/.

This website explained the details of the 1985 surrogacy contract between the Sterns and Mary Beth Whitehead, including the financial arrangements, artificial insemination, and the intended relinquishment of parental rights. It also outlined the legal reasoning of the New Jersey Supreme Court, showing why the contract was unenforceable and how custody was decided based on the child's best interests. I used this source to understand how early surrogacy contracts conflicted with existing laws, highlighted ethical concerns about "baby-selling," and revealed why courts had to balance parental rights, contract law, and the welfare of the child.

Secondary Sources

Articles

Consultants, Family Source. "The First Contested Surrogacy Case: The Story of Baby M • Family Source Surrogacy & Egg Donation Agency." ***Family Source Surrogacy & Egg Donation Agency*****, www.familysourceconsultants.com/first-contested-surrogacy-case-story-baby-m/.**

In this article, there is a short summary of the Baby M case, including the initial contract and payment, Whitehead demanding giving the baby back to her, the court battle, and the impact of the case. I used this source in the beginning of my research to get an idea of the topic, but specifically in my project, I used this to learn the impact of the case that came from national attention.

Director, Christopher White, Ramsey Institute Project. "Baby M's Legacy." ***The Center for Bioethics & Culture Network*****, 20 Jan. 2016, cbc-network.org/2016/01/baby-ms-legacy/.**

This article described the death of Judge Birger M. Sween, who presided over the Baby M surrogacy case. It explained how the 1986 case involved Mary Beth Whitehead, who gave birth to a child through a surrogacy contract but later refused to give up custody. I learned how Judge Sween ruled in favor of allowing Whitehead visitation rights and the ability to speak about her experience, emphasizing that children's welfare and mothers' rights should outweigh contractual agreements.

Grossman, Joanna L. "Adoption by Gay Couple Not Blocked by Illegal Surrogacy Agreement." ***Justia.com*****, Verdict | Legal Analysis and Commentary from Justia, 29 Apr. 2014, verdict.justia.com/2014/04/29/adoption-gay-couple-blocked-illegal-surrogacy-agreement?utm_source.**

A New York family court case that was examined in this article demonstrates how a man sought to adopt the biological twins of his husband, who were born through gestational surrogacy in India. Despite New York's ban on paid surrogacy contracts, the court allowed the adoption to proceed by treating the surrogacy agreement as legally irrelevant. The article also highlights the historical development of surrogacy law, including the impact of the Baby M case and the differing approaches taken by various states.

"History and Impact of Surrogacy in the USA." ***Simple Surrogacy*****, 22 May 2019, simplesurrogacy.com/simple-surrogacy/history-and-impact-of-surrogacy-in-the-usa/.**

This article tracks the development of surrogacy in the United States, showing how advances in reproductive technology since the 1970s made it possible for more people, including same-sex couples, to have children. Key events like the *In re Baby M* case exposed legal and ethical issues, leading to a shift from traditional to gestational surrogacy and prompting new laws to protect parental rights. While surrogacy has expanded opportunities for family-building and become more accepted, laws still vary by state, showing ongoing challenges despite significant progress.

Krisco, Melissa. "The Future of Surrogacy: Trends and Predictions — Stronger Together Surrogacy." ***Stronger Together Surrogacy*****, 17 July 2025, strongertogethersurrogacy.com/the-future-of-surrogacy-trends-and-predictions/.**

Coverage of surrogacy in this article predicts its expansion in the future as medical, social, and technological developments continue to improve the process. However, it also emphasizes that ethical and legal protections remain essential, highlighting the need for stronger regulations to protect surrogates, intended parents, and children involved in surrogacy arrangements.

Marsh, Margaret, and Wanda Ronner. "On the Great Infertility Scare of the 1980s." ***Literary Hub*****, 8 Aug. 2019, lithub.com/on-the-great-infertility-scare-of-the-1980s/.**

In this article, the cultural and social backlash against women's professional and reproductive choices in the 1980s was examined. It highlights how media reports, like Newsweek's infamous 1986 article, spread false statistics about single women's chances of marriage, reinforcing societal pressure to prioritize family over careers. I used this to explain why the Baby M case provoked such intense national debate because it occurred at a moment when narratives about women, motherhood, and reproduction were deeply contested, and reproductive technology was put into the spotlight.

"Uniform Parentage Act of 2017." ***National Center for Lesbian Rights*****, www.nclrights.org/our-work/legislation-policy/uniform-parentage-act-of-2017/.**

This article gave a short summary of the Uniform Parentage Act of 2017, exploring topics like surrogacy, divorce, and cases with same-sex couples attempting to adopt. I used this to get an overview of how the act helped members of the LGBTQ+ community have children.

Worldwide Surrogacy Specialists. "The History of Surrogacy: A Legal Timeline." ***Www.worldwidesurrogacy.org*****, 12 Apr. 2021, www.worldwidesurrogacy.org/blog/the-history-of-surrogacy-a-legal-timeline.**

Highlighted key assisted reproductive technology turning points, including the Baby M case, which exposed the legal and ethical challenges of traditional surrogacy and increased support for gestational surrogacy were described in this article. It also discussed the 1990 *Johnson v. Calvert* decision, which established gestational surrogacy contracts as legally enforceable and recognized intended parents as the legal parents. Overall, the timeline emphasized how surrogacy laws have evolved to support family building.

Books

Katz, Sanford N. "Family Law in America." ***Oxford University Press*****, 2015, ndl.ethernet.edu.et/bitstream/123456789/57105/1/Sanford%20N.%20Katz.pdf.**

This book explained how family law in the United States has evolved, exploring topics like divorce, adoption and surrogacy. I used this specifically to learn how surrogacy has developed legally and how the Baby M case kick-started the legal revolution of surrogacy laws.

Journal Articles

Campbell, Jhonell. "Gestational Surrogacy Contract Terms under the 2017 Uniform Parentage Act." ***Child and Family Law Journal*****, vol. 9, no. 1, May 2021, lawpublications.barry.edu/cgi/viewcontent.cgi?article=1048&context=cflj.**

Depicted in this journal article is the Uniform Parentage Act, which was revised in 2017. It talked about how both the Baby M case and the case Johnson v. Calvert, a gestational surrogacy trial in California, impacted the act and caused the need for revision. It also demonstrates how the act was pre-revision in 1973 and before the act was even established.

Carey, Penn, and Anita Allen. "Privacy, Surrogacy, and the Baby M Case." scholarship.law.upenn.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1807&context=faculty_scholarship.

Examination of the Baby M case explores the debates surrounding surrogacy and privacy, providing an in-depth explanation of each perspective, including that of Judge Sorkow and others involved. I used this information to understand not only the viewpoints of people involved in the case, but also how privacy emerged as an important legal and ethical issue.

"Freedom of Family: The Right to Enforceable Family Contracts." Sept. 2018, aaml.org/wp-content/uploads/MAT102_14.pdf.

The journal article explains how advances in assisted reproductive technology, like IVF and surrogacy, have created complex legal challenges in defining parenthood and enforcing family agreements. It highlights the *In re Baby M* case as a major turning point that exposed conflicts between traditional family law and modern reproductive practices. The article argues that these legal inconsistencies show the need for clearer, more uniform legislation, such as those proposed in updates to the Uniform Parentage Act.

Inhorn, Marcia C., and Daphna Birenbaum-Carmeli. "Assisted Reproductive Technologies and Culture Change." *Annual Review of Anthropology*, vol. 37, no. 1, Oct. 2008, pp. 177–96, https://doi.org/10.1146/annurev.anthro.37.081407.085230.

The author of this journal article explains how assisted reproductive technology (ART), beginning with IVF in 1978, has transformed society by challenging traditional ideas about family and parenthood. Additionally, access to ART is unequal globally and socially, and lack of use often reinforces gender roles and power imbalances, even as they expand opportunities for family-building.

Kalantry, Sital. "Surrogacy in the United States: From Prohibition to Permission." *SSRN Electronic Journal*, 2022, https://doi.org/10.2139/ssrn.4298612.

This journal article explained how after the Baby M decision, surrogacy law significantly changed, implementing different regulations per state. However, eventually many of the states reversed their position on surrogacy. I used this article to determine what the main reasons were for this change-- pressure from members of the LGBTQ+ community and the National Infertility Association.

Patel, Nayana Hitesh, et al. "Insight into Different Aspects of Surrogacy Practices." ***Journal of Human Reproductive Sciences*****, vol. 11, no. 3, 2018, p. 212, https://doi.org/10.4103/jhrs.jhrs_138_17.**

According to the author, this journal article provides an overview of surrogacy, including its definition, historical roots, the two different types, and distinctions between commercial and altruistic arrangements. I used this to emphasize that surrogacy can be both a medical solution for infertility and a complex legal, ethical, and social practice, reflecting its evolving role in modern reproductive technology.

S. Buswick, Charlotte. "The Social Implications of Assisted Reproductive Technologies: The Social Implications of Assisted Reproductive Technologies: An Analysis of Feminist Discourse and Popular Media." ***Colby*****, 2024, digitalcommons.colby.edu/cgi/viewcontent.cgi?article=2456&context=honorstheses.**

This journal article explained that, since the 1980s, assisted reproductive technologies like IVF have transformed how people have children, offering new options for women and LGBTQ+ families. I used this to help me understand that, over time, the social, legal, and economic barriers will continue to shape access and use, showing that these technologies are deeply entwined with questions of gender, power, and autonomy.

Scott, Elizabeth S. "Surrogacy and the Politics of Commodification." ***Columbia Law School*****, 2009, scholarship.law.columbia.edu/cgi/viewcontent.cgi?params=/context/faculty_scholarship/article/1485/&path_info=72_Law___Contemp._Probs._109.pdf.**

Columbia Law School provided this journal article, examining how the Baby M case shaped the political, legal, and social understanding of surrogacy in the United States. It explained how the highly publicized dispute between Whitehead and the Sterns transformed surrogacy into a national controversy, with opponents arguing that surrogacy was baby-selling and an exploitation of women. I learned how feminists, religious groups, and child-welfare advocates formed a coalition that portrayed surrogacy as degrading to women, harmful to children, and destructive to traditional ideas of motherhood and family.

Strasser, Mark. "The Updating of Baby M: A Confused Jurisprudence Becomes More Confusing." *University of Pittsburgh Law Review*, vol. 78, no. 2, Mar. 2017, https://doi.org/10.5195/lawreview.2016.451.

This journal article explains the legal and factual background of case, *In re Baby M*, focusing on the differences between traditional and gestational surrogacy and the challenges of enforcing surrogacy contracts. The case, along with this article, highlighted legal inconsistencies, ethical concerns, and the lack of clear laws around surrogacy.

Wadlington, Walter. "Baby M: Catalyst for Family Law Reform?" *Journal of Contemporary Health Law & Policy*, 1985, scholarship.law.edu/cgi/viewcontent.cgi?article=1639&context=jchlp.

The author of this journal article analyzes the broader legal impact of the Baby M decision, arguing that it served as a catalyst for reform in family law. This source is useful for understanding how Baby M influenced legal reform and demonstrated the need for clearer, more modern regulations surrounding surrogacy and reproductive technology.

Movies

"Baby M." Directed by James Steven Sadwith and Paul Shapiro, Film, *ABC Circle Films*, 1988.

This movie shows the case of In The Matter of Baby M from the beginning. While it may be dramatized, it was very influential in my research by doing a simplified version of the case with people acting it out. I learned about the lead up to the trial and how both the Sterns and the Whiteheads acted.

Newspapers

"Surrogacy." *Quad-City Times*, 17 Feb. 2018, www.newspapers.com/image/418807442/?match=1&terms=%22Baby%20M%22%20impact.

Quad-City Times explored the impact of surrogacy in the United States, but explained in particular how Baby M, with the reaction that came with it, caused a nationwide impact. It also explained how other surrogacy cases changed surrogacy law in addition to Baby M. I used this to understand the perspectives of Harold Cassidy, Mary Beth Whitehead's attorney, and the judges in the trial.

Videos

The New York Times. "Baby M and the Question of Surrogacy | Retro Report | the New York Times." ***YouTube*****, YouTube Video, 24 Mar. 2014, www.youtube.com/watch?v=fGb_D2TqZ9E.**

This video showed primary footage of the Baby M case, mostly after the Whitehead left to go to Florida and before and after the trials. This included Whitehead using the media to help her case. I used this to understand how both parties acted throughout the case and I learned the perspectives of the lawyers involved.

Websites

Alvaré, Helen. "A New Legal Effort Would Expand the Practice of Surrogacy in the United States." ***Institute for Family Studies*****, 2018, ifstudies.org/blog/a-new-legal-effort-would-expand-the-practice-of-surrogacy-in-the-united-states.**

In this website, it explains that the Uniform Parentage Act was revised because of Baby M. It went into detail about assisted reproduction technologies and who the parent is in each situation. I used this to understand how the Uniform Parentage Act works and how it has been revised over the decades that it has been in action.

"Session 2: Before We Were Yours by Lisa Wingate and before and After: The Incredible Real-Life Stories of Orphans Who Survived the Tennessee Children's Home by Lisa Wingate and Judy Christie - Tennessee Historical Society." ***Tennessee Historical Society*****, 10 May 2023, tennesseehistory.org/ths-events/session-2-before-we-were-yours-by-lisa-wingate-and-before-and-after-the-incredible-real-life-stories-of-orphans-who-survived-the-tennessee-childrens-home-by-lisa-wingate-and-judy-christie/.**

According to the author, Georgia Tann, the executive secretary of the Memphis branch of the Tennessee Children's Home Society, began trafficking children in 1924 by offering children to wealthy adoptive parents. I used this to understand how family law was shaped before the case, *In re Baby M*, and how the court in the case thought that Baby M conflicted with public policy because of these "baby-selling" laws in place from the Tennessee Children's Home.

Lahl, Jennifer. "Contract Pregnancies Exposed: Surrogacy Contracts Don't Protect Surrogate Mothers and Their Children." *Public Discourse*, 1 Nov. 2017, www.thepublicdiscourse.com/2017/11/20390/.

This website provides an overview of the history and legal debates surrounding surrogacy in the United States, highlighting key cases such as Elizabeth Kane's first traditional surrogate pregnancy, the Baby M case, and the first contested commercial gestational surrogacy in California. This was useful for understanding the evolution of surrogacy law, the moral and legal conflicts it raises, and the different approaches states have taken.

Pace Law Library. "Research Guides: Student Project: Surrogacy Research Guide: In the Matter of Baby M." *Libraryguides.law.pace.edu*, 29 Mar. 2023, libraryguides.law.pace.edu/c.php?g=452971&p=3156877.

In this website, it explained the New Jersey Supreme Court decision *In the Matter of Baby M*, the first U.S. ruling directly addressing surrogacy contracts. I learned the process of the trials and that although the court initially enforced the surrogacy contract and granted custody to the Sterns, the New Jersey Supreme Court ruled that surrogacy contracts violated public policy because they conflicted with adoption laws and protections for parental rights and the court then invalidated the contract.

"The New Uniform Parentage Act of 2017." *Americanbar.org*, 2017, www.americanbar.org/groups/family_law/resources/family-advocate/archive/new-uniform-parentage-act-2017/.

According to the author of this website, the new Uniform Parentage Act was renewed in 2017 but has origins back to 1973. I used this to learn how the Uniform Parentage Act changed after the Baby M case, including adoption, divorce, and assistive-reproductive technology policies.

"UPI-Context: Chronology of Baby M Case - UPI Archives." *UPI*, 31 Mar. 1987, www.upi.com/Archives/1987/03/31/UPI-CONTEXT-Chronology-of-Baby-M-case/9031544165200/.

The website written by UPI explored the specific dates that were relevant to the Baby M case, including what day Elizabeth Stern filed for adoption, what happened the day of May 5, and the trial decision date. I used this to get the dates straight for the most crucial parts of the case and learn about May 5 and the important trial dates that other sources don't specify.

Whitener, Olivia. "Fight over the Technological Future of Motherhood." ***SSRC the Immanent Frame*****, The Immanent Frame, 28 Aug. 2020, tif.ssrc.org/2020/08/28/fight-over-the-technological-future-of-motherhood/.**

This website explores different feminist perspectives on reproductive technologies like IVF and surrogacy in the late 20th century. The source also highlights divisions within the feminist movement, especially in reactions to the *In re Baby M* case, where debates centered on whether surrogacy represented exploitation or reproductive freedom.