



English 203
Final Exam
Summer 2004

The Strange Case of Baby M
By
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Time allowed: 2½

DIRECTIONS: Read the following passage and write a well-organized and well-developed summary-analysis essay of 5-6 paragraphs. Your essay should have a clear thesis statement, solid arguments, and supporting evidence. Throughout, you are required to use direct quotes and paraphrases from the passage itself.

1. **Surrogacy is a startling new technological development**

This claim is a favorite of columnists and other instant experts, who, having solemnly warned that reproductive science is outstripping society's ability to deal with it, helplessly throw up their hands because-- what can you do?-- progress marches on. But a maternity contract is not a scientific development; it is a piece of paper. Physically, as Mary Beth Whitehead pointed out, it involves merely artificial insemination, a centuries-old technique which requires a device no more complicated than a turkey baster. And artificial insemination itself is a social contrivance, the purpose of which is to avert not infertility but infidelity.

2. What is new about contract motherhood lies in the realm of law and social custom. It is a means by which women sign away rights that, until the twentieth century, they rarely had: the right to legal custody of their children, and the right not to be bought, sold, lent, rented or given away. Throughout most of Western history and in many countries even today, there has been no need for such contracts because the father already owned the child, even if the child was illegitimate (unless the child's mother was married, in which case her husband owned the child). If a father chose to exercise his right to custody, the mother had no legal standing. In most societies, furthermore, a man in William Stern's position could have legally or semi legally acquired another female whose child, as per above, would be legally his: a second (or third or tenth) wife, a concubine, a slave, a kept woman. This is the happy state of affairs to which the maternity contract seeks to return its signers.

3. Those who comb history, literature and the Bible for reassuring precedents ignore the social context of oppression in which those old little tales unfold. Yes, Sarah suggested that Abraham impregnate Hagar in order "that I may obtain children by her," but Hagar was a slave. What's modern about the story

vital organ. Unlike a man, who produces billions of sperm and can theoretically father thousands of children at zero physical risk to himself, a woman can bear only a small number of children, and the physical cost to her can be as high as death. She cannot know in advance what a given pregnancy will mean for her health or for her ability to bear more children. (Interestingly, both the Sterns, who delayed parenthood until they found pregnancy too risky, and the Whiteheads, who foreclosed having more children with Mr. Whitehead's vasectomy, show just how unpredictable extrapolations from one's reproductive present are as guides to the future). How can it be acceptable to pay a woman to risk her life, health and fertility so that a man can have his own biological child, yet morally heinous to pay healthy people to sacrifice "extra" organs to achieve the incomparably greater aim of saving a life? We're scandalized when we read of Asian sterilization campaigns in which men are paid to be vasectomized--and not just because of the abuses to which those campaigns are notoriously subject but because they seem, by their very nature, to take advantage of people's shortsightedness in order to deprive them forever of something precious. Why is hiring women to have babies and give them away any better?

8. The question of payment is crucial because although contract mothers prefer to tell the television cameras about their longing to help humanity, studies have shown that almost nine out of ten wouldn't help humanity for free. (Well, it's a job. Would you do your job for free?) But women to whom \$10,000 is a significant amount of money are the ones who live closest to the economic edge and have the fewest alternative ways of boosting their income in a crisis. Right now contract motherhood is still considered a rather outré thing to do, and women often have to talk their families into it. But if it becomes a socially acceptable way for a wife to help out the family budget, how can the law protect women from being coerced into contracts by their husbands? Or their relatives? Or their creditors? It can't. In fact, it can't even insure uncoerced consent when no money changes hands. *The New York Times* has already discovered a case in which a family matriarch successfully pressured one relative to produce a child for another. If contract motherhood takes hold, a woman's "right to control her body" by selling her pregnancies will become the modern equivalent of "she's sitting on a fortune." Her husband's debts, her children's unfixed teeth, the kitchen drawer full of unpaid bills, will all be her fault, the outcome of her selfish refusal to sell what nature gave her.

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