



The Birth of Surrogacy in Israel

D. Kelly Weisberg

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This is the first book that explores the controversial dilemmas posed by surrogate motherhood--the practices that help infertile couples to have a biologically related child--and connects them to events that led to passage of a revolutionary surrogacy law in Israel. As D. Kelly Weisberg discusses the country's surrogacy legislation, passed in 1996, she reveals a unique regulatory scheme that blazes a trail for those who wrestle with the complex legal, medical, and ethical aspects of new reproductive technologies.

At the same time, she illuminates the roles of key players in the enactment of that program--barren wives challenged the government, childless couples who participated in a lawsuit against the Israeli Parliament, the family law practitioner who championed the cause before the Israeli Supreme Court, the academics who served on the law reform commission, and the feminist legal scholar who drafted that commission's controversial recommendations.

Surrogacy has led to the birth of more than 10,000 babies worldwide. Yet the practice challenges our notions of motherhood, fatherhood, family, and procreation. With surrogacy, the family has become a creation of the marketplace: children come into being as the product of contractual arrangements between perfect strangers. And serious disputes sometimes arise as a result.

Conservative religious and political influences at play in Israel make it an unlikely setting for progressive reform; however, the Surrogate Mother Agreements Act catapulted Israel to the forefront of public attention as the only country where surrogacy is legal, remunerated, and government-supervised. No other law exists that is as comprehensive as Israel's. Weisberg examines the social forces that contributed to the law, documenting the clash between religious groups, which paradoxically favored a law on reproductive freedom, and feminist groups, which opposed it. She assesses the new law, discusses what other countries can learn from Israel's example, and explores its implications for the globalization of surrogacy. She also considers generally the role of religion and law in social change.

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Candy Dixon:

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