

Cambridge University Press

978-0-521-73510-0 - Baby Markets: Money and the New Politics of Creating Families

Edited by Michele Bratcher Goodwin

Frontmatter

[More information](#)

### BABY MARKETS

From Michael Jackson and Madonna to Nadya Suleman and Jon and Kate Gosselin, creating families can no longer be described by heterosexual reproduction in the intimacy of a couple's home and the privacy of their bedroom. On the contrary, babies can be brought into families through complex matrixes involving lawyers, coordinators, surrogates, so-called brokers, donors, sellers, endocrinologists, media agents, and publicity teams, and without any traditional forms of intimacy. Mostly, these baby acquisitions are legal, but in some cases, black markets are involved. In direct response to the need and desire to parent, men, women, and couples – gay and straight – have turned to viable, alternative means. The marketplace for creating families spans transnational borders and encompasses international adoptions with exorbitant fees attached to the purchasing of ova and sperm and the leasing of wombs. For as much as these processes are in public view, rarely do we consider them for what they are: baby markets.

This book examines the ways in which Westerners create families through private market processes. From homosexual couples skirting Mother Nature by going to the assisted reproductive realm and buying the sperm or ova that will complete the reproductive process, to Americans traveling abroad to acquire children in China, Korea, or Ethiopia, market dynamics influence how babies and toddlers come into Western families. Equally, some contributors in this book push back at the notion that markets appropriately describe contemporary adoptions and assisted reproduction. Michele Bratcher Goodwin and a group of contributing experts explore how financial interests, aesthetic preferences, pop culture, children's needs, race, class, sex, religion, and social customs influence who benefits from and who is hurt by the law and economics of baby markets.

Michele Bratcher Goodwin, BA, JD, LL.M., is the Everett Fraser Professor of Law at the University of Minnesota, where she holds joint appointments in the Law School, Medical School, and the School of Public Health. In 2008, she was a visiting professor at the University of Chicago Law School. She has been a visiting scholar at Berkeley School of Law in the Center for the Study of Law and Society. She was a postdoctoral Fellow at Yale University, conducting research on the antebellum politics of sex and law. Her op-ed commentaries have appeared in *The Los Angeles Times*, *The Washington Post*, *The Houston Chronicle*, *The Christian Science Monitor*, *The Chicago Sun Times*, and *Forbes* magazine.

Cambridge University Press

978-0-521-73510-0 - Baby Markets: Money and the New Politics of Creating Families

Edited by Michele Bratcher Goodwin

Frontmatter

[More information](#)



Louise Brown was born at the threshold of a genetic renaissance, where biotechnology would once again transform modern medicine. During that time, *in vitro fertilization* (IVF) became a universally recognized term. But what does *in vitro fertilization* really mean – or, for that matter, the term *test-tube baby*? A study conducted in 1986 revealed that when Americans were asked about the meaning of IVF, 54 percent could not identify what the technology involved. Nearly a quarter century later, the odds that Americans are more insightful about the process are not much better. This statistic is meaningful as it indicates that Americans, although demonstrably more inclined to embrace reproductive technologies, are still unaware of the process and, presumably, the risks. Socially, IVF is understood as a process involving the making of babies in laboratories or clinics; the children born through clinical fertilization are understood to be the test-tube children. (Courtesy of Express/Express/Getty Images.)

Cambridge University Press

978-0-521-73510-0 - Baby Markets: Money and the New Politics of Creating Families

Edited by Michele Bratcher Goodwin

Frontmatter

[More information](#)

---

# Baby Markets

MONEY AND THE NEW POLITICS  
OF CREATING FAMILIES

Edited by

**Michele Bratcher Goodwin**

Schools of Law, Medicine, and Public Health, University of Minnesota



**CAMBRIDGE**  
UNIVERSITY PRESS

Cambridge University Press

978-0-521-73510-0 - Baby Markets: Money and the New Politics of Creating Families

Edited by Michele Bratcher Goodwin

Frontmatter

[More information](#)

CAMBRIDGE UNIVERSITY PRESS

Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore,  
São Paulo, Delhi, Dubai, Tokyo

Cambridge University Press

32 Avenue of the Americas, New York, NY 10013-2473, USA

[www.cambridge.org](http://www.cambridge.org)

Information on this title: [www.cambridge.org/9780521735100](http://www.cambridge.org/9780521735100)

© Cambridge University Press 2010

This publication is in copyright. Subject to statutory exception  
and to the provisions of relevant collective licensing agreements,  
no reproduction of any part may take place without the written  
permission of Cambridge University Press.

First published 2010

Printed in the United States of America

*A catalog record for this publication is available from the British Library.*

*Library of Congress Cataloging in Publication data*

Baby markets : money and the new politics of creating families /  
edited by Michele Bratcher Goodwin.

p. cm.

Includes bibliographical references and index.

ISBN 978-0-521-51373-9 (hardback) – ISBN 978-0-521-73510-0 (pbk.)

1. Adoption – Law and legislation – United States. 2. Human  
reproductive technology – Law and legislation – United States.

3. Child welfare – United States. 4. Intercountry adoption.

5. Family planning – Evaluation. 6. Family policy. 7. Human

reproduction – Political aspects. 8. Human reproductive

technology – Moral and ethical aspects. I. Goodwin, Michele.

KF545.B33 2010

346.7301'78–dc22

2009034804

ISBN 978-0-521-51373-9 Hardback

ISBN 978-0-521-73510-0 Paperback

Cambridge University Press has no responsibility for the  
persistence or accuracy of URLs for external or third-party Internet  
Web sites referred to in this publication and does not guarantee that  
any content on such Web sites is, or will remain, accurate or  
appropriate.

Cambridge University Press  
978-0-521-73510-0 - Baby Markets: Money and the New Politics of Creating Families  
Edited by Michele Bratcher Goodwin  
Frontmatter  
[More information](#)

---

*For Evelyn, Patricia, and Ben*

Cambridge University Press

978-0-521-73510-0 - Baby Markets: Money and the New Politics of Creating Families

Edited by Michele Bratcher Goodwin

Frontmatter

[More information](#)

---

I looked down at my naked thigh, trying to find an area of skin that hadn't been bruised. It proved quite hard. I was getting genuinely tired of looking like I was a heroin addict each time I went through the donation process. How come I could never ever learn how to perform this simple task correctly, this chore I had performed on so many occasions by now? . . . I was now to do my ninth donation, though technically, it was my tenth since my previous one . . . had been terminated. . . . They paid me 1,000 for the trouble.

– Julia Derek

Ordinarily, potential gains from trade are realized by a process of voluntary transacting – by a sale, in other words. Adoptions could in principle be handled through the market and in practice, as we shall see, there is a considerable amount of baby selling.

– Elisabeth Landes and Richard Posner

Contents

<i>Preface</i>	<i>page xi</i>
<i>Acknowledgments</i>	<i>xv</i>
<i>Introduction</i>	<i>xix</i>
<b>PART ONE. WHAT MAKES A MARKET? EFFICIENCY, ACCOUNTABILITY, AND RELIABILITY OR GETTING THE BABIES WE WANT</b>	<b>1</b>
1 Baby Markets Michele Bratcher Goodwin	2
2 The Upside of Baby Markets Martha Ertman	23
3 Price and Pretense in the Baby Market Kimberly D. Krawiec	41
4 Bringing Feminist Fundamentalism to U.S. Baby Markets Mary Anne Case	56
5 Producing Kinship through the Marketplaces of Transnational Adoption Sara Dorow	69
<b>PART TWO. SPACE AND PLACE: REPRODUCING AND REFRAMING SOCIAL NORMS OF RACE, CLASS, GENDER, AND OTHERNESS</b>	<b>85</b>
6 Adoption Laws and Practices: Serving Whose Interests? Ruth-Arlene W. Howe	86
7 International Adoption: The Human Rights Issues Elizabeth Bartholet	94

Cambridge University Press  
978-0-521-73510-0 - Baby Markets: Money and the New Politics of Creating Families  
Edited by Michele Bratcher Goodwin  
Frontmatter  
[More information](#)

viii	Contents	
8	Heterosexuality as a Prenatal Social Problem: Why Parents and Courts Have a Taste for Heterosexuality José Gabilondo	118
9	Transracial Adoption of Black Children: An Economic Analysis Mary Eschelbach Hansen and Daniel Pollack	133
	<b>PART THREE. SPECTRUMS AND DISCOURSES: RIGHTS, REGULATIONS, AND CHOICE</b>	146
10	Reproducing Dreams Naomi Cahn	147
11	Why Do Parents Have Rights?: The Problem of Kinship in Liberal Thought Maggie Gallagher	164
12	Free Markets, Free Choice?: A Market Approach to Reproductive Rights Debora L. Spar	177
13	Commerce and Regulation in the Assisted Reproduction Industry John A. Robertson	191
14	Ethics within Markets or a Market for Ethics?: Can Disclosure of Sperm Donor Identity Be Effectively Mandated? June Carbone and Paige Gottheim	208
	<b>PART FOUR. THE ETHICS OF BABY AND EMBRYO MARKETS</b>	225
15	Egg Donation for Research and Reproduction: The Compensation Conundrum Nanette R. Elster	226
16	Eggs, Nests, and Stem Cells Lisa C. Ikemoto	237
17	Where Stem Cell Research Meets Abortion Politics: Limits on Buying and Selling Human Oocytes Michelle Oberman, Leslie Wolf, and Patti Zettler	251
	<b>PART FIVE. TENUOUS GROUNDS AND BABY TABOOS</b>	266
18	Risky Exchanges Viviana A. Zelizer	267

Cambridge University Press  
978-0-521-73510-0 - Baby Markets: Money and the New Politics of Creating Families  
Edited by Michele Bratcher Goodwin  
Frontmatter  
[More information](#)

	Contents	ix
19	Giving In to Baby Markets Sonia Suter	278
	Concluding Thoughts Michele Bratcher Goodwin	295
	<i>Author Bios</i>	297
	<i>Index</i>	301

Cambridge University Press

978-0-521-73510-0 - Baby Markets: Money and the New Politics of Creating Families

Edited by Michele Bratcher Goodwin

Frontmatter

[More information](#)



**Women in India leasing their wombs.** Some with their heads cast down, or nearly fully covered with breathing cloths, these women rent biological space to Americans and others urging them to export their reproductive process to other parts of the globe. These women are paid sums they otherwise would never see and are offered safe, clean housing and food. Most of them know – and even count on – never seeing the babies they will birth ever again. (Ajit Solanki/AP.)

Cambridge University Press

978-0-521-73510-0 - Baby Markets: Money and the New Politics of Creating Families

Edited by Michele Bratcher Goodwin

Frontmatter

[More information](#)

## Preface

Applying the laws of supply and demand to babies and children attracted strident criticism thirty years ago, when a University of Chicago Law School professor and an emerging business scholar penned a provocative article titled “The Economics of the Baby Shortage.”<sup>1</sup> The article was dismissed as an outrageous package of assumptions; children are not widgets or pieces of property to be reduced to economic analysis. Landes and Posner surmised that white babies were in demand, but that we could all agree that there was a “glut of black babies” for adoption. They hinted that the surplus in black babies had something to do with “the very high ratio of illegitimate black births.”<sup>2</sup> The article placed a spotlight on what they referred to as “baby selling,” which they claimed was already occurring. Landes and Posner described these transactions as “black market” exchanges because “public policy is opposed to baby selling.”<sup>3</sup> Their article offered an elegant analysis of what critical legal scholars might have referred to as an emerging crisis: too many children, especially black babies, were in foster care, and most with no hope of ever being adopted.

But why the backlash? The Landes–Posner collaboration was, after all, grounded in strong empirics. To some, the thought of baby selling or baby markets rekindled images of slavery, which is considered by many the darkest period in U.S. history. The notion that children might be placed with families according to subtle bidding and aggressive negotiating was disturbing – too closely resembling the repulsive practices of slavery, where teeth, skin quality and color, and emotional disposition figured into the market evaluation of men, women, and children.<sup>4</sup> In that old model, a prospective owner could push up the value of a child in a fashion similar to that of bidding on a fine work of art or unique piece of furniture. Auction houses and slave depots were profitable enterprises, specializing in the trade of slaves, including children. According to Richard Wade, “sales took place both at depots and auction centers. The purchasers could drop by the premises, examine the stock and bargain on the spot.”<sup>5</sup>

The value of children was accordingly assessed. How sturdy, industrious, and healthy would that child be? The negotiations were serious, and buyers “quizzed the slave as to age, experience, and capacity; he stripped the blacks, male, or female, looking for imperfections or diseases; then, if satisfied, he began haggling over price.”<sup>6</sup> Mild temperaments were a plus, and good musculature indicated that a bargain was at hand, for these children were needed most in the cotton and tobacco

Cambridge University Press

978-0-521-73510-0 - Baby Markets: Money and the New Politics of Creating Families

Edited by Michele Bratcher Goodwin

Frontmatter

[More information](#)

plantation fields, but also as prospective breeders. Intellect counted, but the abilities to read and write were distracting and a liability. Spirited competition between bidders was encouraged by auctioneers. Unimportant to these transactions was parentage. Indeed, sometimes children were sold by their fathers, reflecting the very ignobility of being born to a slave mother and a plantation-owner father.

Thus, when Landes and Posner revived a discussion about baby selling, many ignored the nuance in their work, but reflected on the horrors of slavery. For nearly thirty years after the publication of *The Baby Shortage*, scholars avoided thinking about the dynamics of reproduction, conception, and adoption through the lenses of supply, demand, and markets. The backlash against Landes and Posner was palpable, especially from left-leaning scholars. In a prolific verve, Posner went on to apply a law and economics framework to other social problems, and babies and markets were left behind.

In truth, Landes and Posner struck a nerve, causing discomfort among many. Baby markets are part of a legacy yet to be fully unfolded in U.S. consciousness and sociolegal and economic discourse. Quite apart from the sophisticated and sterile practices (compared to haggling over slaves two centuries ago) of contemporary baby markets, the slave market reminds us of how slippery parentage can be and the awkwardness of applying market language to human beings and human relationships. Equally, the spectrum of ownership of any human being, which is the usual outcome of a purchase, conflicts with modern parlance, self-perception, and the ways in which we identify adoption and assisted reproduction.

This book came about from my reflections on current family creation dynamics reconciled against images from the past. In my office hangs an aged advertisement for an auction in a rural Kentucky town. The advertisement promises the public a lively atmosphere with “plenty to eat and drink.” That is usually what strikes many people who see this announcement. Others note, with some shock, that in bold lettering, slaves are for sale. To this, most voice dismay or sorrow. Yet, in the more than a decade of its framing on my office wall, none of the hundreds who have entered and exited my office comment on the part that is most chilling to me: “two mulatto wenches for sale.” When I mention it to colleagues and others, there is a blank stare.

To me, the earliest forms of baby markets were the selling of biological children into slavery. This was a common practice in the United States, but one that is lost in a racially tense abyss. After all, it was more than a century after Thomas Jefferson’s death that his family publicly recognized that he could be the father of the enslaved mulatto children who ran amok on his plantation. Born from Sally Hemings, his known slave mistress, whom he took to Paris, these children and their legacy fought for recognition from their father and his family. In some quarters, it seemed easier to believe that an immaculate conception had taken place with Sally than to acknowledge and accept that Jefferson had sex with his slave and fathered her children.

The poster on my wall starts a conversation about paternity, family ties, privacy, the right to return, inheritance, liberty, freedom, miscegenation, blended families, interracial sex, and interracial parenting. Discussions about the law, social status, cultural norms, and values all spring from interracial girls being sold in the antebellum South. Who was their father? What really creates family ties? Did their

father love his daughters? At what point is it more important to sell your children than to keep them?

These are questions that haunted my family, and their rather unique and somewhat dysfunctional “baby-keeping” story. Unlike the girls for sale in the poster, my grandfather’s dad, Aben, lived with his father and was his most loyal companion until his death. Aben was born a slave, but his Irish father refused to let him go. Deceived for all his life, Aben believed that he was never legally a slave because he was his father’s closest ally. Census records informed us of Aben’s mistake. But his story is that unlike some, after all, his father built a school for him, traveled with him, and refused to treat him significantly different from his white siblings. But the law had a different status for Aben, and it was one that his father was unwilling to change. Aben was a slave until the Thirteenth Amendment freed him. For Aben, this might have been a minor point had he been aware that government records completed by his father listed him as a slave. In Aben’s mind, he was never owned, simply loved by his father. To Aben, his mother was the slave, and forever, she was disowned and disavowed by him. It was a strange twist of fate. Somehow, he was right – by law, his mother did not own him and did not belong to him per se. Within their story are complications too prickly and nuanced for anyone to really pick apart fully and analytically – for they are long gone – but our questions remain.

In these times, we have the opportunity to understand history as it is written, to consider the plight of infertile couples desperate to conceive, to reevaluate social and legal frameworks that restrict gay parenting, to parse out so-called good baby selling from the bad, and to move forward with exactitude and deference as we shape the language to be applied to baby markets. Here is a time for honest discourse, disagreement, and social introspection. This is the space where the language of law meets contemporary family making.

Today, even a cursory survey of so-called child acquisition in the United States reveals a broad landscape of baby demand and the multitudinous ways in which the hunger for babies is satisfied. To be sure, there is not a U.S. shortage in babies, particularly given the surplus in black babies and children in foster care; rather, what becomes apparent are two things, which we can all agree on: the menu of legal and illegal options by which adults can satisfy their cravings for children is expansive, and race, gender, nation of origin, genetic connection, and religious orientation matter to would-be parents. But are the dynamics of the marketplace always in the best interests of children, or do they simply satisfy adult needs? Often it is a bit of both.

– Michele Bratcher Goodwin

NOTES

- 1 Elisabeth Landes and Richard Posner, *The Economics of the Baby Shortage*, 7 J. LEGAL STUD. 323 (1978).
- 2 *Id.* at 325.
- 3 *Id.* at 324.
- 4 See Richard Wade, *SLAVERY IN THE CITIES: THE SOUTH 1820–1860* (1964).
- 5 *Id.* at 200.
- 6 *Id.*

Cambridge University Press

978-0-521-73510-0 - Baby Markets: Money and the New Politics of Creating Families

Edited by Michele Bratcher Goodwin

Frontmatter

[More information](#)



**Mug shot of Korena Roberts.** The urge to mother became overwhelming for Korena. Typical adoption fees would certainly have been beyond her reach. Korena was so desperate to become a mother that she murdered her friend and carved the baby from the woman's womb. Her friend was later found dead in the kitchen cupboard. (Washington County Sheriff's Office.)

Cambridge University Press

978-0-521-73510-0 - Baby Markets: Money and the New Politics of Creating Families

Edited by Michele Bratcher Goodwin

Frontmatter

[More information](#)

---

## Acknowledgments

This book began as a project about how children come into families and whether the law has an expressive or functional role in responding to social and cultural norms about adoption and assisted reproduction. Its central feature was an economic analysis of how aesthetics matter in adoption and assisted reproduction and, in turn, how characteristics associated with race, ethnicity, and education often drive up or down the financial costs associated with acquiring a child or the building blocks to create one. It was important to me that the twin issues of adoption and assisted reproduction be wedded in this project as the similarities are undeniable and prior works tended to treat the issues in isolation.

Supporting this vision for *Baby Markets* was my editor, John Berger. I am forever in his debt and grateful for his commitment to this project and patience with seeing it through.

In the process of my research, this project took me on a journey through my family and its rugged American tale of antebellum interracial love, power, and coercion. Helping me to excavate and examine that complex story involving my forebears – some of whom sold their children, and others of whom lost them, through the slave market – was my uncle, Charles Mays.

Projects such as this are virtually impossible to complete without the assistance of talented research assistants. Mary Cloutier and Grisel Ruiz provided invaluable research assistance, and I am most grateful to them.

As with most academics, my work takes me far and wide. As I conclude this book, I can only reflect with gratitude on stops along the way. I am most deeply indebted to several individuals and institutions that provided support for this project, especially Glen Weissenberger, who funded an important roundtable from which this project bloomed. Glen's generosity was matched by that of Saul Levmore, my former colleague and dean at the University of Chicago Law School, where the core of this project was developed during a research leave from the University of Minnesota.

I am grateful to the faculties at Dartmouth College, Barnard College, George Washington Law School, the University of Chicago, Cumberland Law School, St. Louis University Law School, and Columbia University Law School for inviting me to present chapters from this work. This book, and my contributions, in particular, have benefited from engaging conversations with some of my dearest

Cambridge University Press

978-0-521-73510-0 - Baby Markets: Money and the New Politics of Creating Families

Edited by Michele Bratcher Goodwin

Frontmatter

[More information](#)

xvi

Acknowledgments

friends in the academy, including Mary Anne Case, Richard Epstein, John Paris, Dorothy Roberts, Debora Spar, and Patricia Williams.

This project would not have been possible without the thoughtful contributions in this collection. I thank each of the contributors for participating in this project, for their excellent essays, and for their intellectual generosity to participate in a project that addresses very sensitive procreative issues.

And to Patricia and Ben, thank you for allowing me to share your journey and for being there. Finally, this book is dedicated to Evelyn Marie, who truly remains the last one standing. Your unflappable dignity, uncompromising integrity, wisdom, and warmth are the guides by which I live. Thank you, Grandmother.

MBG

Cambridge University Press

978-0-521-73510-0 - Baby Markets: Money and the New Politics of Creating Families

Edited by Michele Bratcher Goodwin

Frontmatter

[More information](#)

---



**Iris Botros** and her husband, **Louis Andros**, detained in a Cairo, Egypt, courtroom on charges that they bought and trafficked children in Egypt. The couple, from North Carolina, thought they were adopting twins and only paying a service fee. (Courtesy of CNN.)

# Introduction

MICHELE BRATCHER GOODWIN

In recent months, we have witnessed the lengths to which infertile women and men, celebrities, single persons, and those with nefarious motivations may go to obtain a child. From Madonna’s wrangling with the government in Malawi to adopt a little girl (and skirt the residency requirement), to Nadya Suleman and her craftily orchestrated plan to conceive multiples and birth octuplets, to those spine-numbing cases like that of Korena Roberts, who murdered her pregnant friend and claimed the baby she carved from the woman’s womb to be her own, we are witnessing the lengths to which people will plan, connive, donate, pay, or kill to adopt, conceive, or acquire a child.

In May 2009, standing in a cage, seemingly more suitable for cattle or dogs, an American couple, Iris Botros and her husband, Louis Andros, pleaded for release. This was the image of the couple shown throughout the world: hands gripping bars, sweat dripping down their foreheads, clothes that appeared slept in, and the look of fear indelibly marked on their faces. Their dream of bringing a child back home with them to Durham, North Carolina, was a distant plan, even fantasy. Now, in a courtroom in Egypt, they wait in a portable prison cell. Botros and Andros thought they would bring twins back home to North Carolina. Instead, the couple, accused of attempting to purchase children, awaited a trial with religious, political, and criminal law implications.

To their sympathizers, Iris and Louis are scapegoats, pawns in a larger political dynamic involving a backlash against Christian adoptions in Egypt.<sup>1</sup> For them, this is not a story involving baby selling, fraud, and manipulation; rather, this couple (along with other similarly situated Americans on trial in Egypt) wanted to adopt Christian children in a country where Islamic law forbids adoption. Because the twins were not Muslim, the couple believed the adoption was permissible, even if facilitated under less than transparent means. The twins whom they planned to bring home, some lament, will otherwise be condemned to life in an orphanage. According to Iris’s aunt, “I can’t believe this is a crime.”

Yet their story is not so clear-cut to some, as indeed, international adoptions in general are complicated by financial exchanges, geography, politics, economics, race, religion, and class. Their case is no exception, for it was U.S. government officials who contacted the Egyptian authorities after the couple sought passports for the twins. On investigation, it appeared that the couple’s documents claiming that Iris had given birth to the twins were forged and that they paid nearly five thousand dollars (as a service fee) to the orphanage that housed the babies. During the summer of 2009,

Cambridge University Press

978-0-521-73510-0 - Baby Markets: Money and the New Politics of Creating Families

Edited by Michele Bratcher Goodwin

Frontmatter

[More information](#)

the couple awaited the conclusion of their trial on charges of child trafficking, child smuggling, and forging documents, their court appearances taking place behind metal bars in separate cells. The couple passed communications through their lawyers. The orphanage, now closed by Egyptian police, transferred the twins to an overcrowded facility with sixty children.

But Iris and her husband are not alone, symbolically or legally, in Egypt. Another couple, Suzan Hagouf and her husband, Medhat Metyas, faced similar charges of forging papers in the adoption of their child, through the same agency, and although their cases differ in scale – Hagouf and her husband have resided in Egypt since 2003 and donated only seventy dollars – U.S. officials found the pattern similar enough to turn both couples over to Egyptian authorities. On September 17, 2009, both couples were convicted by an Egyptian court. The couples faced up to ten years in jail, and their recently adopted children will return to lives of poverty. And although the judge issued a more lenient sentence of two years each and fines amounting to nearly \$20,000 USD each, these husbands and wives will not see each other or the children they came to love.

Nations struggle to develop protocols that respond to the best interests of children, while simultaneously enacting policies that may burden the efficiency of child placements. These efforts collectively attempt to avoid trafficking, abduction, and sexual exploitation of children. Nonetheless, fault lines sometimes appear. The demand for intercountry adoptions remains high. Guatemala, a nation that ranks among the top four in the number of children who are adopted from there into the United States, recently clamped down on transnational adoptions, responding to a fear that children were being stolen from their parents, exploited in sex rings, and trafficked for their organs. Nearly one child for every hundred in Guatemala ends up in a U.S. home. According to one report, “Guatemalan adoptions used to be so quick and hassle-free that the nation of 13 million became the world’s second-largest source of babies to U.S. couples, a \$100 million-a-year industry managed nearly entirely by lawyers with almost no government oversight.”<sup>2</sup> In the past twenty years, nearly 30,000 children have been adopted from Guatemala by couples in the United States.

True or not, the perception that Westerners abuse their wealth and status to obtain children with limited government oversight reached its peak for Guatemalan officials. Prior to its recent legislation, the Guatemalan adoption process could be seamlessly facilitated through a notary, and the bureaucracy that typically accompanies the international adoption process was avoided. Transparency need not become the victim to efficiency, but in the Guatemalan context, officials could no longer ignore the concerns that children were being stolen and trafficked.<sup>3</sup>

This book examines who benefits from and who is harmed by the market structures that more frequently govern reproductive and adoption processes. Quite purposefully, I wanted to engage scholars in a dialogue about contemporary child acquisition. That conversation urged a serious engagement between those who write about assisted reproductive technology (ART) and those who study adoption laws and regulations. It was apparent, when I first began this project, that those two communities did not speak to each other.

Furthermore, both in scholarship and practice, ART had taken off and left the nuances, frameworks, considerations, and controversies involving adoption to another realm. On consideration, that approach was unwise. After all, some of the controversies and policy considerations that now dominate discussions on ART were first articulated with adoption law and policy, including issues of genetic privacy, parental disclosures to children, and biological health concerns.

Thus began this project, which started with a roundtable that I hosted at the University Club in downtown Chicago. The roundtable brought together scholars from the worlds of ART and adoption, to actually discuss, debate, and speculate about where the fields were headed and, most important to this project, how children were ultimately affected by the supply, demand, and market aspects of both domains. It became clear that there are lessons to be learned from the rapid growth of transnational adoptions and the proliferation of assisted reproductive clinics. This book offers a conversation between the two spheres, particularly as both domains lead to parenting and have an impact on the lives of children. The two spheres of baby acquisition are, by their nature and services offered, different, and we should avoid conflating them. At the same time, there are sufficient similarities beyond financial exchanges to warrant a more critical look at how adoption and ART systems operate within societies, and whether the best interests of children are always, or only sometimes, at the forefront of those exchanges.

This book examines demand-side issues, including the ways in which technology provides venues for gay men and women to become parents, when the laws of nature limit that possibility, and the ways in which racial, class, and other preferences in ART and adoption might lead to positive or negative social impacts. The book also considers supply-side issues and contemporary controversies, particularly the overpopulation of black children in foster care and the crowding out of working- and middle-class individuals from adopting white babies, and speculates whether adoption policies in the 1960s and 1970s that advocated against white families adopting black children are the cause of a legacy – the surplus of black children in foster care – that seems difficult to repair.

*Baby Markets* takes seriously the question of markets for reproductive services and adoption. Its authors consider whether anything is to be done about the status quo of baby acquisition; after all, as one contributor notes, if we do not decry obstetricians being paid for their services, why would we deny the same to surrogates, egg donors, or any number of people involved in natural or assisted births? What we can take away from all this is the deeply contested and complicated nature of becoming a parent. Wealth and status influence reproduction and adoption far more than we might like to believe or acknowledge. It is because of this significant influence that adoption and reproductive services in the United States generate multibillion-dollar-per-year revenues for those industries. This book offers readers a broad view of the landscape of becoming a parent in contemporary times.

NOTES

- 1 According to their family members, Iris and Louis attempted to conceive for fifteen years. Their unsuccessful attempts, largely blamed on his age (seventy), led the couple to Egypt, and specifically to the Christian community from which Iris hails.
- 2 See Juan Carlos Llorca, *Guatemala Adoptions under New, Painstaking Scrutiny*, THE VIRGINIAN-PILOT, June 20, 2008, at Q3.
- 3 See Ines Benites, *Guatemala: New Law to End Adoption Business*, INTER PRESS SERVICE, Dec. 11, 2008. According to Hector Dionisio, legal counsel to Covenant House’s Latin American branch, “Adoption has become a business here. Children are produced for export, distorting the meaning of adoption, which is to benefit children who do not have a family.”

Cambridge University Press

978-0-521-73510-0 - Baby Markets: Money and the New Politics of Creating Families

Edited by Michele Bratcher Goodwin

Frontmatter

[More information](#)



**Madonna in Malawi.** On a littered, red-dirt field, the pop star, bedecked in white, holds the ear of a little, dark-skinned boy and peers attentively into his face. On this trip, she might rescue another impoverished African child from a fate that will likely be like so many others in his homeland: joblessness and poverty. Madonna and other celebrities have made Africa their cause, some by adopting children from that region, even when it skirts the law. (Shavawn Rissman/AP.)