

Chapter 10

BABIES AS COMMODITIES

The dimensions of global trade between rich and poor countries—certainly a direct consequence of current globalization—have both transcended traditional state boundaries as well as transformed anything and everything into objects of trade and commerce. That human beings have been used as commodities is familiar in human history: witness slavery and prostitution. However, the extension of this regrettable phenomenon to babies is one of the most objectionable aspects of our new global form of life and thought. What started as a generous movement of international adoptions, with well-meaning motivation and intentions, has deteriorated into a capitalistic profit-making venture in which babies are no more than the means of maximizing profits. In this chapter we endeavor to pose, and answer, queries about the ethical implications of the tragic move from adoption to baby commerce.

One of the main reasons for the regrettable phenomenon of baby trading is that “At the present time there are many more people who want to adopt than there are babies available.”¹ Even though there are many children who grow up in public custodial institutions, people prefer to adopt babies rather than these older children. David Archard maintains that adopted and foster children “may be much harder to rear” than other children.² In addition to the usual difficulties involved in raising children, and of adopted children in particular, children who are adopted at older ages tend to have more problems, both physical and emotional. Sometimes they were maltreated or abused by their biological parents before they were placed in foster or custodial institutions, making it difficult for adoptive parents to bond

¹ Tizard Barbara. *Adoption: A Second Chance*. The Free Press, New York, 1977, p. 1.

² Archard David. *Children. Rights and Childhood*. Routledge, London, 1993, p. 146.

with them and gain their trust in order to enable them to have happy and healthy childhoods.

Thus it is much easier to rear babies than children, even though it is still more difficult to rear an adopted baby rather than one's biological child. The tension caused by the large demand for babies for adoption and the scarcity of supply leads directly to many moral problems, one of which will be exemplified in Case 1 of this chapter. In any event, the very use of the terms of "supply and demand" has its own moral problems, since they are part of what Margaret Jane Radin calls market rhetoric.³

The drastic scarcity of newborn babies available for adoption during the last quarter of the 20th century was caused by the growing demand of mainly infertile couples, but also by singles who were ready for single parenthood and less likely to give their children up to adoption. For example, the UK Office of Population Censuses and Survey show that over 1500 children under 6 months of age were offered for adoption in 1976, while only 472 babies were placed for adoption in 1986.⁴ This decline brought the Editor of the British Agencies for Adoption and Fostering *Adoption and Fostering Journal* to say that adoption during the late 1980s in the United Kingdom became "a service for children with special needs" and not for infertile couples.⁵ This shortage of babies, which was particularly acute with respect to white healthy neonates, caused infertile parents in the United Kingdom to search additional adoption opportunities elsewhere, mainly in Third World countries, but also in other developed countries, including the United States. And this search for additional adoption opportunities sometimes involves problems, as we will see in the example I bring in this chapter.

Derek Morgan mentions several reasons for the scarcity of babies for adoption in the United Kingdom, by saying:

The reasons for this decline are commonly linked to the more easy availability of contraception and its more specific tailoring to the needs of individuals concerned; the availability of abortion, and a gradual movement in attitude which has occurred in favor of legal abortion for reasons of preference and a smaller shift in the same direction of reasons of health. Finally changes in attitude to single mother/parenthood and the availability of at least minimal welfare payments make this at least a possibility for women who want to keep their babies rather than to feel they have no alternative but

³ See Radin Margaret Jane. "Market-Inalienability." In: Alpern Kenneth D. (ed.), *The Ethics of Reproductive Technology*. Oxford University Press, New York, 1992, p. 174. This is a short version of Radin's long and rewarding article: Radin Margaret Jane. "Market-Inalienability." In: *Harvard Law Review*, Vol. 100, 1987, pp. 1849–1937.

⁴ These details are taken from: Morgan Derek. "Surrogacy: An Introduction Essay." In: Lee Robert and Morgan Derek (eds.), *Birthrights*. Routledge, London, 1989, pp. 73–74.

⁵ This quotation is from form: Morgan Derek. Ibid, p. 74. The reference is to the *Guardian*, 12 August 1987, p. 2. Mentioned in Morgan's article in p. 82, endnote no. 67 on.