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Babies for Sale

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White babies cost more than black babies. A Columbia student's eggs are worth less than a Harvard student's. These are just a few facts about the fertility and adoption business recounted in Debora L. Spar's *The Baby Business*. A professor at Harvard Business School, Spar describes how the fertility industry and the adoption industry comprise one "market," selling a product most people see as possessing incalculable worth: a child. But in reality, Spar argues, everything has a price, and *The Baby Business* offers an inside look at the clinics and agencies that "broker" children and at the lengths that parents are willing to go to have a child of their own.

The Baby Business: How Money, Science, and Politics Drive the Commerce of Conception
by Debora L. Spar
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In 2004, over one million Americans underwent some kind of fertility treatment in what has become a $3 billion industry. Yet the fertility business is one of the few industries in the United States operating with virtually no rules or regulatory oversight. Buying sperm from a bank is as simple as "buying shoes," as the *New York Times* recently characterized it. Egg sales also go unregulated—partly because it's unclear whether, or in what condition, the FDA considers them to be "reproductive tissue." The patchwork of laws governing surrogate motherhood varies from state to state: Some states ban the practice while others require insurance companies to finance it (which means, of course, that it's always available if you're willing to travel).

In part, Spar argues, the relatively unrestricted fertility trade reflects America's generally laissez-faire approach to regulation. But a more important reason for the lack of oversight—one that Americans often seem unwilling to admit or confront—is our underlying uneasiness with the baby business. To regulate the fertility industry would mean answering some hotly disputed questions: When does life begin? Under what circumstances would it be right to end it? To what extent is our identity determined by our genes? The baby business confronts us with even more specific dilemmas, seemingly technical in nature but with deeper implications: Should we use IVF to help a 63-year-old woman conceive? Should

we allow doctors to implant multiple embryos to improve the chance of success, even if doing so increases the likelihood of twins or triplets and thus the possibility of birth defects and pre-maturity? Should parents be allowed to "select against" so-called "defective" embryos?

If our reluctance to tackle these questions were not obstacle enough, we're also loath to recognize the baby business for what it is: a business. No one wants to think of children as commodities. "We like to believe that some things remain beyond both markets and science, that there are some things money can't buy," Spar writes. But this belief simply ignores the new reality. "Want a better baby?" Spar asks. Well, if you're willing to pay enough, you can buy one. We employ euphemisms to obscure what's really going on in the baby business, but that doesn't mean there aren't prices. We say that women "donate" their eggs. Surrogates "offer" their wombs to families. Clinics claim only to "compensate" each woman for the time and trouble of being a donor. Orphaned children are "matched" to their adoptive parents. But behind the circumlocution, the market is operating. Even if no one will admit it, some children cost more than others, and those "dealers" and "manufacturers" offering a superior product can fetch jaw-dropping prices. Surrogates make anywhere from $10,000 to $75,000. Eggs are priced as low as $3,000 and as high as $100,000—if the egg donor has the right genes, as demonstrated by high SAT scores, above-average height, and musical or athletic ability. The price of adopting a white Russian child in 2004 was about $15,000 while the price of a black Ethiopian child was only $6,700.

Clinics are not bashful about catering to these whims. Their brochures read like virtual menus from which prospective parents can pick and choose egg and sperm donors based on desired traits. The clinics offer profiles of donors complete with long written questionnaires, taped interviews, and even staff impressions. Clinics maintain a certain standard of beauty; while some clinics specialize in a few "exotic" types (South Asians, redheads), a great deal of donors are of the Aryan mold, fair-skinned, blonde, blue-eyed. And to judge by the clinics' policies, Randy Newman was right. Short people really do have no reason to live—and, in the baby market, they have no chance: Sperm banks don't accept donors under 5'9".

At the same time, Spar writes, science is making the prospect of exerting genetic control over our offspring all the more likely. She delves into the debate over pre-implantation genetic diagnosis (PGD), a technique used to screen embryos for a variety of inheritable diseases and deformities from Tay-Sachs disease to Down

syndrome. PGD poses wrenching questions to users and providers alike: What is a "defective" child? What disabilities are so painful and debilitating as to make life "unworthy of living"? What if future tests can detect the presence of the genes for syndromes and maladies that occur later in life, such as Parkinson's or Alzheimer's?

What interests Spar most about PGD are its eugenic implications. As we become more accustomed to selecting children on the basis of health, we become more amenable to selecting children on the basis of other factors, such as intelligence, beauty, or athleticism. Already, she reports, the biggest demand for PGD comes not from parents fearful of genetic illnesses but from parents who want to choose their baby's sex. At one clinic, 70 percent of the parents come to select the sex of their baby, spending as much as $18,000 for counseling, diagnosis, and IVF. That same clinic, Spar notes, is besieged with calls and e-mails from potential clients asking for specific traits. The head of the clinic tells them to call back in five or ten years.

This burgeoning market for perfection comes perilously close to eugenics. In her discussion of PGD, Spar recalls the infamous 1927 Supreme Court case that upheld state-sponsored sterilization. "It is better for all the world," Justice Oliver Wendell Holmes, Jr. wrote for the Court, "if instead of waiting to execute degenerate offspring for crime…society can prevent those who are manifestly unfit from continuing their kind.…Three generations of imbeciles are enough." If that sounds hopelessly backwards, one might consider the current enthusiasm for economist Steven Levitt's thesis—popularized by his bestselling book *Freakonomics*—that legalized abortion led to lower crime rates by aborting those most likely to be part of the future underclass.

As disturbing as Spar finds these trends, she remains realistic and honest about the temptation to pick and choose the genetic make-up of our offspring. After all, who doesn't want the best for their child? Who wouldn't want to live in a society in which all children were healthy, in which everyone, as in Garrison Keillor's Lake Wobegon, is above average? Spar herself wrestled with these questions when she decided to adopt a daughter—an experience that inspired her to write *The Baby Business.* In a *New York Times* article, Spar recalls how she would browse through hundreds of pictures of potential adoptive children on the Internet—abandoned baby girls from China, toddlers with mental or physical disabilities from Russia, teens from the U.S. foster child system—many of whom had been waiting for years to find a home. The search was heart-wrenching, not least because she found herself—much to her dis-

may and surprise—unwittingly comparing and assessing the children as if they were goods for sale. "How do you pick a child who already exists? What do you choose?" she asks. "If there are pictures, you are inevitably choosing on looks: brunette versus blond, short versus tall. For girls this process seems particularly cruel: a beauty pageant that plucks one little creature from the orphanage and leaves the others behind." Spar decided to allow the agency to choose a child for her, although she admits that she "half-dreaded" the moment when she'd first see the child it chose.

The moral complexity of the baby business is nowhere more evident than in Spar's chapter on cloning. At the moment, she writes, outside of bizarre cults like the Raëlians and the occasional megalomaniacal billionaire, there is virtually no market for cloning a human being. Most people cringe at the very idea, imagining the dystopias of science fiction, such as *The Boys from Brazil* or *Brave New World*. But Spar warns that today's widespread moral opposition to cloning may erode if the technique is adopted by ordinary couples seeking to fulfill the most ordinary human desires. Spar gives the example of a couple in which the male partner is incapable of producing sperm. Scientists could remove another cell from his body and inject its nucleus into his wife's enucleated egg, thereby producing a child with only his DNA. In other words: the husband's clone, their child, born of the wife's nine-month labor.

Moreover, cloning is not the only radical technical possibility now looming. For example, a homosexual couple might one day conceive a child born of their united genomes by creating a cloned embryo of one partner, harvesting its stem cells, turning the stem cells into sperm or eggs, and combining these artificial gametes with the natural gametes of the other partner to produce an embryo for implantation.

By these various (still hypothetical) routes, the moral challenge may come from the "eminently respectable"—from the desperate would-be parents unable to have a child and the willing doctors working to make their dreams possible. As with the initial controversy over IVF, critics of cloning will be accused of being heartless. As one infertile woman tells Spar, "When you take away being able to have a child biologically, it is like having to face death—almost like having half of you die…because having kids is the main way that people deal with the fact that they are mortal." Another says, "I know [cloning is] not right for everyone. But…if the only way for a person to have a child of their own is to do this, and if they are willing to take the chance, than they should be able to." Once the first healthy-looking clone is born to loving parents, being anti-cloning will seem anti-child.

The Baby Business doesn't provide much in the way of answers to the difficult moral questions it raises. Spar offers a few recommendations—long-term studies on the health effects of egg donation, regulations obliging doctors to provide patients with better information on the risks and success rates of various treatments. Many of these suggestions have already been advanced by the President's Council on Bioethics in its 2004 report, *Reproduction and Responsibility*. And while Spar argues that insurance companies should be mandated to cover infertility treatments, she gives no advice on the "Solomonic choices" of who or what procedures to cover: Homosexual couples who are not technically infertile but cannot have a child of their own? A career woman who wants to start a family later in life?

Spar's reticence doesn't suggest moral indifference. Indeed, she castigates those libertarians and free-marketers who insist that anything goes—those who want to leave the baby business entirely unregulated, because they believe that parental choices about whether to clone or engineer children are entirely private rights, akin to abortion and contraception. Yet Spar is no less critical of those moralizers who declare that nothing goes—those who would ban all assisted reproduction and preclude discussion of the new technologies with pious pronouncements about the dangers of "playing God." We are making babies now, she writes, and we can't just stick our heads in the sand to avoid dealing with reality.

Instead, Spar maintains that American society needs to face this reality head on. Rather than shielding the tough questions of personal choice and human life from the political process—"depoliticizing the issue," in the current jargon—we need more public deliberation, more civic engagement, and more democratic legislation to resolve them. In short, we need more politics. To that end, *The Baby Business* performs a useful service—painting a much-needed picture of an industry that surely needs greater public oversight.

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