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Biopolitics of Adoption

by Laura Briggs

From the 1930s through the 1970s, first eugenics and then the Cold War made “overpopulation” a key word in defining the nature and cause of “Third World” poverty, as well as what the form of its solution—development—would be. Defining fertility as the problem simultaneously decentered blame—it was not colonialism or extractive world economic systems that cause poverty in the Global South—and provided a very specific cause and site of intervention: irresponsible, careless mothers and their excessive children. We know this story well; many feminist scholars and activists have made the argument that this discourse, imagined in relationship to the social science unit of the national population, was crucial to the elaboration of twentieth-century biopolitical regimes of post/neo/colonial governance.^[1]

Since about the mid-1980s, though, the discourse of overpopulation has become largely residual, like eugenics, and sometimes the nation (although all retain considerable potency when deployed in specific contexts). As neoliberalism and structural adjustment policies have replaced development in remaking the global economy, with all that means about who lives and who dies, and under what material circumstances (including in Europe and the United States), these other discourses have fractured as well. Eugenics has been replaced by criminalization and geneticization. The nation has remained the unit of border security while simultaneously being supplanted at the level of empire by the “war on terror,” the corporation, and international financial regimes. Overpopulation, I will argue, has been replaced by adoption as the symbol of a new kind of reproductive governance in the aftermath of this shattering of the scientific and social scientific, Keynesian, developmentalist consensus.

I am borrowing the term “reproductive governance” from Lynne Morgan and Elizabeth Roberts, who have suggested that we note a shift, particularly in Latin America, from a liberal discourse of overpopulation to the transnationalization of the US Christian right and Catholic culture wars.^[2] They argue that the culture wars—in the Americas and beyond—have promoted a new kind of political actor, the unborn, who conspicuously are carrying more rights than transnational labor migrants, who are subject to vicious regimes of “security” and criminalization across the Americas.^[3] The same conservatives who so loathed the discourses of human rights in the context of anti-Communist civil wars are now taking up a language of the “right to life” of the unborn, which is pitted against other kinds of rights claims—reproductive, sexual, indigenous, and natural rights. In this piece, I extend their argument by looking at Guatemala in particular and the celebration of international adoption in general as embedded in this regime of rights. I suggest that adoption has supplanted birth control and sterilization in the US imperial imaginary, that it is a key, anchoring part of a new regime of reproductive governance. Further, I want to highlight the ways the new regimes of rights still disallows human rights claims, at least when they come from impoverished mothers rather than fetuses, and that criminalization and geneticization have been a bulwark of a scientific—or at least scientized—defense of the neoliberal order of things.

Overpopulation

Overpopulation was always a rhetoric of rule, an explanation of what was wrong with a “them,” and their need for “our” intervention. The United States was a key player in its elaboration, and just as Guatemala provides an exemplary case for studying adoption, Puerto Rico was central to the development of a discourse of overpopulation. As I have argued elsewhere, in the 1930s, the island was one of the first places that demography, newly emerging as a policy science, turned its attention. It is worth recalling how that discourse operated. In one of its early iterations, Theodore Schroeder, a controversial popularizer, made the

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case in 1932 in the pages of Margaret Sanger's *Birth Control Review* for overpopulation as a concept, singling out Puerto Rico in a way that proved exemplary. The island, he argued, suffered acutely from unemployment, lack of educational opportunity, homelessness and inadequate housing, and disease. Although this certainly described conditions on the island at the disastrous heights of the Depression—following the collapse of revenues from the monocultural economies of sugar along the coast and coffee in the mountains, after the massive separation of Puerto Ricans from their land, compounded by the devastating San Ciprian hurricane that year—the concerns that provoked Schroeder's article were neither environmental nor economic. On the contrary, he claimed that Puerto Rico's problems were "not due to temporary causes," but were "normal" for the island. Instead he insisted, that the problem was "overpopulation"—claiming that the land was not feeding the people, inventing a subsistence agriculture that had not existed since before the era of colonization and slavery—and US public health interventions that he claimed had lowered the death rate (they had not).^[4]

Fortunately for the edification of the readers of the *Birth Control Review*, a member of the Puerto Rican Nationalist Party, José Enamorado Cuesta, shot back a rejoinder in the next issue, objecting that:

[Schroeder] does not tell your readers that it is directly at the door of American capitalism that the blame must be laid for everything that is wrong in Porto Rico today [...] He does not tell that in thirty-four years of American intervention, by a drastic process of legalized assault the people have been dispossessed of their land and brought to the condition of paupers [...] Our real problem lies in the actual control by American capital of practically all our wealth.^[5]

This account of capitalist dispossession unfortunately did not capture the policy imagination in the same way that "overpopulation" did. In subsequent years, Puerto Rico provided the United States with a laboratory in which to test interventions, from sterilization to birth control pills, and in which to conduct countless sociological studies measuring Puerto Rican women's supposed resistance to using birth control—even though the evidence suggested that, on the contrary, Puerto Rican women and men were using birth control and surgical sterilization in surprisingly high numbers, and the crucial issue may well have been a paternalist refusal by mainland advocates of "overpopulation" to make effective birth control, including the diaphragm, available on the island.

The success of overpopulation discourse was only made possible in a context where eugenics was a dominant language of policy and science. After all, most people understood that densely populated areas like cities were engines of economic growth, and sparsely populated areas like sub-Saharan Africa suffered significant economic challenges as a result of their lack of density. The areas of the world with greatest population density were also some of the wealthiest; low population density correlated with poverty. Overpopulation discourse relied for its logical underpinnings on notions of the large families of the poor, images popular among right-wing racist eugenicists like Harry Laughlin, who advocated immigration restriction of southern and eastern Europeans, and testified in *Buck v. Bell* that Carry Buck was a good candidate for sterilization because she was part of "the shiftless, ignorant, and worthless class of antisocial whites of the South."^[6] Equally, though, eugenics made sense to those on the antiracist left like W.E.B. DuBois, with his unfortunately famous comment that "The great mass of ignorant Negroes still breed carelessly and disastrously."^[7] This almost aesthetic revulsion against the large numbers of the poor is reproduced in numerous popular accounts of overpopulation, from William Vogt's *Road to Survival* to Fairfield Osborn's *Our Plundered Planet*, which in 1948 passed the torch from the post-Nazi discrediting of eugenics to the new work on overpopulation. This discourse culminated in the opening pages of Paul Ehrlich's 1968 *Population Bomb*, a bestseller whose popularity renewed the policy urgency of overpopulation for the 1960s. There, he describes a taxi ride through the slums of Delhi awash in refugees from the Punjab, although he overlooks the political causes of the crowded streets:

The streets seemed alive with people. People eating, people washing, people sleeping. People visiting, arguing, and screaming. People thrusting their hands through the taxi window, begging. People defecating and urinating. People clinging to buses. People herding animals. People, people, people, people. As we moved slowly through the mob, hand horn squawking, the dust, noise heat, and cooking fires gave the scene a hellish aspect [...] All three of us were, frankly, frightened.^[8]

Overpopulation discourse echoed the unit of analysis of eugenics—the national population—and while on the surface it appeared to drop the concern about the "quality" of that population that was the hallmark of eugenics, it also clearly echoed its worries about the masses of the poor. In so doing, a slightly peculiar social science discourse took up the mantle of the "hard" sciences to produce a powerful policy science.

As many have shown, on a world stage, the "population bomb" exploded as an ideology after 1945, as the United States used overpopulation and family planning in concert to provide the diagnosis and the interventionist cure for Third World poverty, conveniently overlooking both capitalism and colonialism as it

took the reigns of Britain's collapsing empire and launched a new era of US global dominance, not to say imperialism. When Truman launched the policy that later came to be called "development" in 1949, it foregrounded technical assistance to agriculture, industrialization, and birth control. Small families were offered as one of the technologies that could lift a Third World economy into prosperity. Piloted in Puerto Rico, population control became a cornerstone of US foreign policy from 1950 through the 1970s. While the United States was napalming the Vietnamese countryside and herding its people into "strategic hamlets," it was also handing out birth control pills. Governments from South Asia to Latin America were provided with encouragement, method, and means to implement mass sterilization programs. In India, for example, a vasectomy program that offered land or loans in exchange for men agreeing to sterilization provoked international outcry (even as the much more complicated tubal ligation operation in women was vastly more common). As a result of this US policy and its ready adoption by elites transnationally—people who had always thought the poor reproduced disastrously—birth control, sterilization, and population limitation came to stand for modernity, development, and allegiance to US anti-Communist goals.

Neoliberalism and the Mexico City Policy

In the 1980s, this longstanding liberal population control regime was dramatically refigured. Thatcher and Reagan launched the economic reorganization of the global relations of empire under the new terms of structural adjustment programs and neoliberalization, and something strange happened to family planning and the biopolitics of the US imperial imagination as well. In his Mexico City Declaration of 1984, Reagan announced the withdrawal of all USAID funds to any program that provided or advocated abortion, pandering to the evangelical Christian right, and eliminating family planning monies for 800 programs in 80 countries, mostly in nations where abortion was illegal anyway—in effect, decimating birth control programs. The declaration marked the beginning of the end of the dominance of the overpopulation paradigm as a way of understanding how "we" were doing good for "them."

Instead, the neoliberal moment has been characterized by new discourses: of individual responsibility, rights, and—in place of birth control and sterilization—adoption. Beginning in the eighties, evangelical Christians emerged as key players in globalization, and as a result, the culture wars went global.^[9] Under the Bush II administration, faith-based organizations became the preferred partners for US foreign aid, and even secular NGOs began to tailor their policies to include concerns about sex-trafficking and orphans—often code for sex workers and single mothers. Attacks on single motherhood and nonmarital sex became the hallmarks of the regimes of "personal responsibility," and abstinence-only HIV prevention and antigay religious positions became central to how US federal money was distributed to the Global Fund to Fight AIDS, TB, and Malaria.^[10] To me, the most striking occurrence in the immediate aftermath of the 2010 earthquake in Haiti was not exactly the Baptists who went around collecting children in Port-au-Prince and putting them in a van, only to be arrested at the border with the Dominican Republic. It was actually the plane that arrived a few days earlier with Pennsylvania Governor Ed Rendell and the blessing of the Obama Administration to airlift two Evangelical women and many of the children in their so-called orphanage—"orphans," who almost all had living parents, albeit of the single mother sort.^[11] That Democratic politicians almost immediately turned their imaginations to "rescuing" orphans and Evangelicals, not to mention sending troops—troops that introduced a devastating cholera epidemic that has killed a great many more people than the earthquake did, we might add—rather than, say, sending money, food, and water, tells us a great deal about the contemporary biopolitics of foreign aid.^[12]

I want to turn now specifically to Guatemala, to see how these broad changes were produced in one particular place. Just as Puerto Rico was crucial to the elaboration of the regime of population control, I would suggest that Guatemala was a laboratory both for neoliberalism broadly and the biopolitics of adoption specifically. In the 1980s, representatives of California's Church of the Word, conspicuously, the pastor and military junta leader Efraín Ríos Montt, became central to Guatemala's genocidal war for free markets, and a key piece of the alliance with Ronald Reagan's administration. During the 40-year civil war, the military and paramilitaries kidnapped the children of indigenous people and leftists to prevent the reproduction of another generation of "reds." At least 1,000, and probably, in fact, several thousands of children were disappeared in this way during the war. Most were adopted into other indigenous communities or Ladino families in Guatemala, but some wound up in international adoptions to the United States and Europe, helping inaugurate the global system of transnational adoption.

After the Peace Accords of 1996, using the networks built during the war, Guatemala opened its doors to transnational adopters, in effect shifting what had been a furious genocidal campaign within the nation against indigenous people into a scattering of their children internationally. Of course, the war had never been a strictly national affair, beginning with the CIA's overthrow of elected president Jacobo Arbenz^[13] and continuing through Ronald Reagan's insistence that Efraín Ríos Montt (convicted and then un-convicted of genocide as of this writing in late 2013) was getting a "bum rap" on human rights and deserved US support in 1982, in the midst of the period in which his military was obliterating 662 separate indigenous communities.

^[14] Yet that effort was always channeled through the nation; it mattered a great deal that it was the *Guatemalan* military and presidency that authorized such actions, whatever the involvement of the US intelligence establishment or US weaponry. The conclusion of the war represented the victory of a

Guatemalan and international business community that wanted an end to controversies about human rights, and sought integration of the Guatemalan economy into an international neoliberal one.

The effect of such a shift on adoption politics was electric. In the early 2000s, one in 100 Guatemalan babies born was sent to be raised as an adopted US American. For some in Guatemala, the emergence of this adoption market seemed to mark the continuation of horrific human rights violations, while those who claimed to speak for what I want to call “Guatemalan family values” demanded that everyone had the right to send their children into transnational adoptions. At the same time that the US evangelical right was arguing for “adoption, not abortion,” within the United States, their Guatemalan counterparts were demanding the protection of the “right” to send the children of their massively impoverished and indigenous and disenfranchised populations out of the country. For those in the United States, “their” children remained a key site for emotional attachment to a globalizing empire, as the location of the problems of fertility and reproduction made their neoliberal shift from the population to the individual child.

In the decade of the 1990s, and after 2000, human rights advocates who had been involved in activism as family members of the disappeared cast transnational adoption from Guatemala to the United States as another kind of disappearance, with the postwar, post-genocidal actors recast from paramilitaries to criminal mafias, from militaries to judges and social workers. They attempted to use the international UN Convention on the Rights of the Child to cast transnational adoption as a violation of the rights of the child to protection and care. Indigenous activists, in contrast, cast adoption as a violation of rights to indigenous sovereignty and self-determination—most of the children adopted were indigenous—and argued that indigenous Guatemalan communities had always had a tradition of raising children who were orphaned or homeless, and that the claim that adoption solved a problem in relationship to impoverished indigenous communities was ludicrous. Liberals wrote about poverty, and the difficult choices of single mothers or families to make a child available for adoption rather than face hunger and malnutrition or child labor and child marriage.

Conservatives in Guatemala (as in the United States) vigorously attacked the Convention on the Rights of the Child, claiming it was an assault on the autonomy of the family, that it would be horrendously expensive to enforce, and they attempted to unite Catholics and Evangelical Protestants around the claim that parental rights included the right to relinquish a child for adoption, invoking the legal notion of “*patria potestad*,” of absolute parental authority over children. In the United States and internationally, adoption was a subsidiary issue of the abortion debate; Evangelical groups insisted that adoption should be easy and secret, with single mothers urged to relinquish their children, so they could be raised with a father. US-based Evangelicals were some of the most active adopters, both internationally and domestically.^[15]

Interestingly, although these Guatemalan battles raged for two decades, sparking demonstrations, legislation, court battles, international investigations and scandals, and even political murder, it was a feminist group, *Fundacion Sobreviventes*, the Survivors Foundation, originally active around child sexual abuse and femicide, that finally in 2008 drew US attention to allegations of massive fraud in adoptions from Guatemala, with mothers whose children had been kidnapped by criminal gangs demonstrating with empty strollers, and engaging in hunger strikes that generated international media attention.^[16] As I argue below, none of that actually made a difference—it was an assault on the legal-scientific discourse of DNA that finally resulted in real change.

The emergence of these kinds of rights claims—not the rights of the child and only with extreme difficulty the rights of mothers, although fathers and transnational adopters rights fared well—is evidence of new neoliberal political rationalities, a new regime of reproductive governance. The moral provocations of what Ulrich Breck has termed “the risk society” are taken up positively in terms of a weak notion of “rights,” coupled with “responsibilities”—the right to place a child for adoption—a transformation facilitated in the United States by the transition from a right to abortion to the “right to choose,” which, as Rickie Solinger has pointed out, is no kind of right at all, but a consumerist, market term.^[17]

DNA and Criminalization

The neoliberal era has been a period of mass incarceration and securitization in the United States and Guatemala—indeed, across and beyond the Americas. Transnational private prison and security companies like Wackenhut operated in the United States, Mexico, and Central America to provide services in the aftermath of the massive criminalization of the everyday activities of the poor. (Wackenhut is now G4S, following its mergers with British and Danish companies.) In the United States, this meant most conspicuously arresting and jailing huge numbers of people for the possession of even small amounts of drugs, policies that are most often cited as responsible for the fact that the United States incarcerates a larger percentage of its citizens than any other nation—and probably the greatest anywhere, ever. In Latin America and beyond, there has been a crackdown on core survival activities, including the work of *ambulantes*, street vendors, who are now run off the street or forced to pay for licenses, or risk the confiscation of their wares, violence, and imprisonment—and the licenses may well be unaffordable (it is worth noting that the Arab Spring uprisings began when a street vendor who was being harassed about a license in Tunisia set himself on fire.) There are also special penalties for parents—in the United States, there was the strange hypercriminalization of cocaine use by pregnant women; the refusal of passports to men whose child support is in arrears; the paternity tests that make even men in prison the targets of child support enforcement. In Latin America, there have been

laws mandating that people produce birth certificates on demand for the children they care for, criminalizing the informal circulation of children.

Adoption, too, has fallen under the surveillance net of security and criminalization, although not in the ways that human rights advocates in Guatemala sought. Beginning in the late 1990s, in an attempt to answer critics of the adoption system there, the United States and other embassies began to require DNA tests of mothers who were relinquishing children into adoptions; in 2007, the United States started demanding two tests (a tacit admission that one could be faked). One of the things that allowed adoptions from Guatemala to continue to the United States after a number of major adopting nations (Spain, Canada, the Netherlands) closed their doors to Guatemala after the Hague Convention on Intercountry Adoption entered into force, was the considerable advocacy efforts of adoptive parents.^[18] In fact, the State Department delayed the implementation of the Hague Convention in the United States until 2008 in part to keep adoption from Guatemala available.^[19] For adoptive parents, the DNA tests were very persuasive, central to the belief that the adoption system did not include the vigorous victimization of poor people, from the coercion of single mothers to kidnapping and even murder, despite the evidence of thousands upon thousands of articles in the Guatemalan press, international human rights reports, and even discussion in the US press. US embassy officials, less steeped in *CSI* media culture, perhaps, or simply privy to more information, understood that the DNA tests could not provide a bulwark against the massive coercion and violence that riddled adoption from Guatemala; it was all a show for adoptive parents.^[20]

There was plenty of counter-evidence that adoption was full of human rights abuses—for those who were willing to hear it. In the mid-1990s, articles in major US newspapers like *The New York Times* and *Miami Herald* began telling the story of how children in Guatemala were kidnapped, sent to what Guatemalans called “fattening houses” and US agencies called foster homes, and disappeared into perfectly legal US adoptions.^[21] Even earlier, in 1992, Guatemalan American writer Francisco Goldman detailed the same procedure in his novel, *The Long Night of the White Chickens*.^[22] Throughout the decade of the nineties, domestic and regional NGOs and human rights groups argued that children were being disappeared and kidnapped for adoption, and other rumors had it that sex workers were being paid to get pregnant for an intercountry adoption “market.”^[23] Furthermore, riots, vigilante actions, and even lynchings of those accused of involvement in adoptions took place in the highlands, and some of these events were reported in the international press.^[24] In 2000, international organizations with no less gravitas than the United Nations and UNICEF issued reports denouncing kidnappings, murder, and abuse in adoption from Guatemala.^[25] While no one suggested that *all* children adopted from Guatemala had entered the system in nefarious ways, it was clear to even a casual observer than some people who seemed to be in a position to know believed that there was widespread abuse in adoption.

As evidence mounted over the decades that adoption from Guatemala was riddled with corruption, kidnapping, and coercion, adoptive parents groups in the United States—most visibly around the online forum GuatAdopt—vigorously denounced all these reports and mocked or condemned those who made them as having ulterior motives. Something other than simple denial was at work here, however, because a case involving a mother named Ana Escobar forced them to change their minds, and some of the same people responded with real shock and grief. In 2007, Escobar recognized her baby girl with a US couple after she had been kidnapped; by 2008, she had joined *Sobreviventes*. Following numerous *Sobreviventes* demonstrations and a mothers’ hunger strike for kidnapped children, Escobar established her relationship to her daughter, Esther, through a DNA test, proving that the two prior DNA tests submitted to the US embassy had been falsified. After 2008, US adopters began to speak with regret about what they had failed to understand; one, writing in *Mother Jones*, titled her article, “Did I Steal my Daughter?”^[26] In December 2012, Jessica O’Dwyer, the author of a Guatemalan adoption memoir, argued in a *New York Times* blog that prior to 2007, she had no way of knowing there was coercion and kidnapping in Guatemalan adoption, and insisted that she was deceived by the US State Department—the piece is entitled “An Adoptive Parent Won’t Take the Blame.”^[27]

Just as “overpopulation” made sense to people as an explanation for poverty because they had been schooled to think that way through the broad, national-population-level discourses of eugenics, so too, I want to suggest, the structures of denial about violence and malfeasance in the adoption system in Guatemala in the United States were generated by the DNA tests. DNA tests produced a powerful scientific and legal object—the paper with results—that provided a bulwark against the claims of thousands of mothers’ testimony in newspaper articles, in human rights reports, and even in court. Kevin Kreutner, a moderator of GuatAdopt.com, later wrote of why he initially disbelieved Escobar and *Sobreviventes*. “At the time, we had never seen evidence of a kidnapped child actually being adopted. We knew attempts had been made, but we wrongly believed that the Embassy approved doctor offices doing DNA samples were secure.”^[28] In fairness, it has to be said that this is not true. As I suggested above, considerable evidence of kidnapped children being adopted had been offered and discussed in the press and on the GuatAdopt.com site. Activists for adoption reform explained again and again how easy it was to falsify a DNA test, sometimes in court, where lawyers sought many times to get a kidnapped child back. It was not difficult to either dupe a mother into providing a blood sample—by offering to help someone at the public hospital to get medical treatment for her child, for example, and saying that a blood sample from her was necessary, or simply bribing or threatening a doctor into producing the necessary documentation. In a nation where more

people's first language is an indigenous one than Spanish, and many indigenous women in particular do not speak Spanish, the "official" language; where individuals may live a distance requiring a many-days-long walk to a bus that could take them to a police station or a court; and where the police and courts were widely believed to be involved in the adoption business; it just was not that difficult to disappear children. As the price of an adoption rose from US\$15,000 to \$30,000 in Guatemala from 1997 to 2007, there was considerable incentive to engage in violence or fraud to make an adoption happen.^[29] Together with a weak legal framework that made adoption simple, and the striking powerlessness of impoverished people and even advocacy organizations as the authors of the genocide of the 1980s stayed in power, a DNA test seemed like a poor bulwark indeed against fraud and violence.

My point here is *not* that O'Dwyer or Kreutner or similarly situated folk are people who engaged in some kind of moral failing, or that their denial made them bad people. Did it have negative consequences for Guatemalan mothers who lost children? Certainly. Furthermore, it undergirded what I would call a structure of US empire, the deep affective commitment to having unfettered access to things that belong to other nations and people, including, in this case, their children—a point O'Dwyer implicitly acknowledges by comparing her innocence while being involved in a Guatemalan adoption to that of an American soldier fighting in Vietnam. O'Dwyer argues that she, like the hypothetical soldier, only understood afterward that she had participated in an immoral event (in her book two years earlier, she had exulted in beating an adoption agency that acted in a very suspicious manner, offering a child, taking a check from O'Dwyer, and disappearing).^[30] But while we might fault the conclusions they drew, I don't want to single them out, except to the extent that they offer insight into decisions that might otherwise be hard to understand. Kreutner and O'Dwyer engaged in their moral agonizing in public, and do not deserve any special condemnation for admitting to what many, many others concluded in private about the "cleanness" of Guatemalan adoption. Rather, I am interested in what the structures of feeling are that produce empire and violence out of our best attempts to do right—in this case, through the deeply intimate practices of family, love, and the generous inclination to raise children thought to not have a family. Conversations about adoption often turn viciously personal, and that is *not* my intention.

In fact, let me interject my own story awkwardly here, and say that I understand clearly what it means to be guided down certain paths of reasoning as a result of the voices which are most intelligible to us. I inherited from a queer community a conversation that was deeply suspicious of transnational adoption as an imperial practice, and so chose to adopt from US foster care, believing against all reason that abusive practices in that system had been conclusively addressed. Although even with the clarity of hindsight today, I might still conclude that in her particular case, my daughter was better off growing up away from her birth family, I have also watched over the years as she grieved their loss, and am certain that being wrenched away from them contributed to her profound struggles with PTSD. Because of her grief, I have become far more attentive to how mothers lose children, and I certainly no longer believe that the US foster care system is untroubled by abusive practices. Its invisibility to me at the time I adopted had to do with narratives about children "languishing" in foster care—a discourse I now see was racist, as most of the foster families it rendered invisible were black, brown, and/or working-class—and my social segregation from those who lost children to foster care, which became unsustainable for me after my daughter came to us. So, I myself am implicated in the same myopia that I am criticizing, and this is the source of both my urgency and what I hope is open-handedness in doing it.

To return to the abuses of the Guatemalan adoption system, DNA testing became common in the United States and Latin America in the mid-1980s through three different kinds of things—paternity testing, forensic anthropology designed to identify the victims of human rights abuses, and the criminal justice system. This genealogy situates Guatemalan mothers in ironic ways. They are strikingly unlike the single mothers in the United States whom the poverty bureaucracy and the courts might "help" by requiring their former partners and lovers to submit to a DNA test to establish paternity—because no one in this scenario was going to help Guatemalan mothers support their children; the only purpose of the embassy's DNA tests was to establish that these were their children in order to take them away (requiring them to establish maternity so it could declare their children "orphans" for visa purposes). The criminological discourse positions relinquishing mothers as criminals. In the most common cases, where mothers were actually relinquishing their babies, asking them to agree to a DNA test was almost as invasive as the transvaginal ultrasound that antiabortion conservatives in the United States demanded of women seeking an abortion, although it was, at least, less awful than the relinquishment interviews the embassy was requiring in the late 1990s, which essentially demanded grief and tears as evidence of maternity.^[31] The DNA test in Guatemala was caught in the same house of mirrors that it was in the criminal justice system in the United States; while most people treated it as absolutely incontrovertible evidence, outside of crime shows on television, the actual use of DNA tests is shot through with errors, corrupt labs, planted evidence, and false confessions.^[32] The power of DNA to seem truer than any other kind of evidence is well documented in the US criminal justice system, where defense attorneys and even prosecutors complain about the "CSJ effect." In court, they say, jurors impute a kind of infallibility to forensic evidence, and imagine that in its absence, a person cannot possibly be guilty. In fact, the effect of the popularization of this kind of forensic testing is understood to be so corrosive that when juries are being impanelled, potential jurors are sometimes excluded if they watch *CSJ* or similar shows.^[33] Finally, the use of DNA in forensic anthropology highlighted the essential weakness of human rights discourse in Guatemala. In the 1980s, as the mass graves of the Cold-War-era civil wars across Latin America began to be unearthed, human rights advocates in Guatemala, as elsewhere, succeeded in being allowed to

take DNA samples to begin to map what happened to *los desaparecidos*, the disappeared. In Argentina and El Salvador, groups of mothers of disappeared children have succeeded in different ways in developing DNA databanks to try to find where children might have been adopted to—inside and outside the country. Thus far, no such efforts have succeeded in Guatemala, the nation where the largest number of children were disappeared and adopted during the armed internal conflict.

Conclusion

My argument, then, is this: we have moved away from a biopolitical regime organized around population control, born in eugenics, and enacted in sterilization and the incitement of the desire to use birth control to have a small, modern family. This regime was worked out in Puerto Rico, and while it has not entirely gone away, it is far from dominant or hegemonic. In its place, we find an ideology in which the imagination of who can be helped has become vastly reduced—no longer communities or societies, but single, individual children who might be airlifted and dropped into a US or European nuclear family as an adoptee. It is not my argument that adoption is a bad thing, or that it might not be the best alternative in a bad situation. But it is my belief that adoption is always downstream from tragedy, from war, criminalization, or political economic contexts that have so torn the social fabric that informal networks cannot care for displaced children. Furthermore, coercion and terror and child disappearances are part of the political context of adoption, just as coerced sterilization is part of the backdrop against which large numbers of women began using birth control to plan smaller families. Eugenics has been replaced by geneticization; concerns about the “quality” of a nation’s population, as evidenced in and worked out in relationship to worries about the quantity of children, particularly in poor families, has given way to the criminalization of the poor and their monitoring via DNA.

As I argue in *Somebody’s Children*, Guatemala is only one among many stories we could tell about adoption and child removal—a list that would necessarily include the colonization of native peoples in the United States, Canada, Australia, and New Zealand, and the ensuing child removal and boarding schools; and slavery and its aftermath in the United States, from chain gangs, sharecropping, and landlessness to punitive welfare regimes during the Civil Rights movement and, subsequently, through the crack epidemic, welfare reform, and mass incarceration.

Adoption is not a politics or a practice that touches a large number of people. In the United States, even taking into account the relatively new practice of transnational adoption, the small number of stranger adoptions has been shrinking steadily since 1970. But it is an institution that looms large as a way of imagining communities, globalization, and the world. It tells us a lot about neoliberal forms of dispossession and accumulation, in which great masses of working-class people are understood to be so wretched and atomized that it is possible to imagine that their babies are just available to be picked up for those who wish to understand adoption as a practice involving “orphans.” Alternately, it means that alongside all the other kinds of material insecurity that characterize the lives of the majority of the world, they must also understand that their legal rights to their children are weak and vulnerable. Or, alternatively, in the ever-more-stressed middle-class white household of the United States or Europe, where women’s wages have become crucial in the context of stagnant real wages since 1970, education and getting a foothold in a career mean spending most of one’s reproductive years with little space for pregnancy and childrearing. Increasingly delayed age at first child—now almost 30 years among US white women as a group—means rising rates of structural infertility, with reproductive technology and adoption as the last resort for those who are flippantly and dismissively accused of wanting to “have it all.” Family is the place where we live our economic situation. Foucault argued that the invention of the concept of the population and the science of demography made a new kind of biopolitics possible.^[34] Now, I want to notice how a new and more intensified concept of the orphan has shifted our biopolitical regime yet again, from population policy to the individual.

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Footnotes

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TAGS

ADOPTION BIOSCIENCE FAMILY INTERNATIONAL ADOPTION SCIENCE

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