



Medi adoption: Children, Commodification, and the Spectacle of Disruption

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The association of money and children is not a comfortable one. Money is something impure. It circulates and passes from hand to hand (children are warned that coins are dirty). Money relies on traffic.

Jacqueline Rose, *The Case of Peter Pan*

As recently as a decade ago adoption was a private, even hushed, affair. But in the early 1990s, this topic began to enter the public mainstream of talk shows, news reports, made-for-TV movies, and Hollywood films with startling force. One can attribute the “newsworthiness” of this topic easily enough to a combination of economic factors, social policy issues, and the occurrence of several high profile legal cases. Over the past decade, for example, an overwhelming increase in the number of children awaiting adoption has created an overburdened adoption/foster care system that struggles to find permanent homes for them.¹ This has occurred in the midst of decreased social service funding and an ever-widening economic gap between rich and poor that has disproportionately left women and children in a state of poverty (the leading cause of child relinquishment). By 1996 more than one-fifth (20.5 percent) of America’s children lived below the poverty level. The poverty rate for African American children (39.9) was more than double the national average for white children (16.3).² As a consequence, “about 30% of children waiting for adoption are black, more than twice their proportion of the population” (Stanfield, 1724).

During this same period the topic of adoption moved visibly into the political arena. With their Congressional victory in 1992, conservative Republicans launched their new welfare reform package—their “Contract with America”—described by one political analyst as an attempt “to intervene to save the children of the drug-dependent poor to avert an even larger social crisis in the next generation” (Brant, 30). Since adoption is an outgrowth of poverty (as well as a disruption of the biologically intact nuclear family) adoption reform became a key element of this intervention. One early proposal was House Speaker Newt Gingrich’s call for federal or state run orphanages, which would have reworked the adoption/foster care system as a charitable institution in the nostalgic image of Boys Town USA. But because it prompted such an outcry in the social service community and was treated with such amusement (even derision) by the press, the proposal was quickly dashed. A more insidious proposal has been the seizure of children born to welfare-dependent teenagers. Aside from its racist consequences (the policy would impact most significantly on black mothers), the policy seems contradictory to the conservative Right’s overall aims, for it would pump more children into an already beleaguered adoption/foster care system—a system that is the target for even more funding cuts under the Congressional reform knife. But regardless of the problems inherent in these individual proposals (including their attempt to impose the “family values” of Christian charity, responsibility, and self-restraint through legislation), the debates surrounding these proposals brought the topic of adoption to national attention in a way that we never before had seen.

Significantly, the debates over these policies occurred in the wake of several key court cases involving the legal rights of parents. The first case to receive broad national coverage was that of “Baby Richard” in 1991—a case that was appealed all the way up to the Supreme Court and took four years to resolve.³ The “Baby Jessica” case, probably the most publicized of all the cases, followed in 1992-93. While both of these cases centered around the legal rights of biological fathers, other highly visible cases involved different aspects of adoption. The 1992 case of toddler Christopher Jenkins, for example, concerned a transracial adoption by white foster parents. Another 1992 case was that of Gregory Kingsley, a 12-year-old Florida boy who sought to have his biological mother’s rights terminated so he could be legally adopted by his foster parents. Though media coverage of such court battles preceded this 1991-93 era (e.g., the “Reecie” case in 1989), and have since followed (e.g., the “Baby Emily” case in 1995), the timing of these cases was consequential because they brought the legal and emotional issues of adoption to light at a time when Congress was debating their social and economic ramifications.

These conditions paved the way for a more generalized treatment of adoption as well as more generically diverse coverage of the topic. Some broadcasts of the era, particularly those of National Public Radio (NPR) and CNN, seized the opportunity to inform the public on a range of social and political issues including (but not limited to) international adoption, gay and lesbian adoptive rights, the

adoption of HIV-positive children, and the corporate assistance of employee adoption.⁴ Primetime and morning news broadcasts on network television, though often informative, maintained a narrower range by capitalizing primarily on the spectacular aspects of particular legal cases and international adoption. Given the increasing “tabloidization” of commercial television, brought about by the imperative to obtain a large market share of the viewing audience, programmers were drawn to the melodrama of warring families, innocent children, the question of legal rights, the turmoil of emotional bonds and, in some instances, the presence of racial tension. Talk shows were, of course, among the primary sites at which the quest for ratings in the “medi adoption” campaign played out. Of the numerous episodes devoted to the topic of adoption during the 1991-96 period, many of them had titles such as “I Can’t Believe My Daughter Gave Her Baby Away” (*Sally Jesse Raphael*) and “The Trauma of Black Babies Being Taken from White Parents” (*Donahue*). These “trauma” episodes—which were offset by the numerous “reunion” shows that reunited birthparents and birthchildren—focused primarily on the sensational and personal circumstances of guests than information about the adoption process itself. It was not until the mid-1990s that more “serious” treatments of adoption emerged in the form of made-for-TV movies—including ones dramatizing the actual court cases sensationalized on the news only a year or two before—as well as adoption subplots in soap operas and primetime dramas such as *Law and Order* and *ER*.

This was not the first time that the media has exploited the topic of adoption. As the legal adoption of infants became increasingly popular in the 1920s and 1930s, “sympathetic headlines” for this practice abounded. According to Viviana Zelizer in *Pricing the Priceless Child*, widespread acceptance of adoption was contingent upon a major redefinition of the adoptable child’s economic value. In the nineteenth century, older children were adopted or taken in by foster families to help out with farm chores or household tasks. By the turn of the century, however, child labor laws and compulsory education challenged social conceptions of a child’s economic worth by creating “a world in which the sanctity and emotional value of a child made child labor taboo” (Zelizer, 6). Within such a world, argues Zelizer, the market for adoption was shaped by a new sentimentalized notion of the child: “While in the 19th century a child’s capacity for labor had determined its exchange value, the market price of a 20th century baby was set by smiles, dimples, and curls” (171). Some of the major custody battles of the 1930s (e.g., those involving wealthy child movie stars) were branded as scandalous precisely because of their violation of the new standards of sentimental adoption. Meanwhile, the “fairytale dimension” of adoption was reinforced and magnified through the publicity surrounding the adopted children of such celebrity parents as Al Jolson, Gracie Allen and George Burns, New York City’s Mayor, Fiorello LaGuardia, and Babe Ruth (191).

The current spate of adoption coverage does not reference this earlier period in part due to the popular media’s tendency to foreground novelty and immediacy.

More significantly, however, the topic of adoption is not contextualized historically because it otherwise has become incorporated into a larger moral panic over “family values” and the breakup of the nuclear family. Thus, while adoption has its own attendant anxieties—in particular, its increasing commodification and the racial exchange of children—it cannot be divorced from a broader social context that includes, among other things, discourses about child abuse, teen pregnancy, deadbeat dads, and welfare moms. But just as “mugging” became a unique and powerful “label” through which the moral panic over crime could be articulated and spectacularized in England during the 1970s (Hall et al.), adoption has provided the popular media with a poignant site of struggle for the moral panic over the family in the United States. One important parallel is that the anxiety over mugging in England arose out of a perceived increase in crime even though the official figures indicated no rise in actual incidents. Similarly, the media’s current preoccupation with instances of adoption disruption provide the illusion of an increase in this practice in the face of no supporting evidence. When there is a distance between the “world of hard facts” and the social construction of them, says Hall, “we are in the presence of an ideological displacement” (Hall, 29). This displacement is what constitutes a moral panic.

The role that the media plays in moral panics is to “displace complex social issues of political importance onto the cultural terrain and attempt to resolve them. . .” through discourses that re-establish the authority of the middle-class moral order (Tavener). As I will argue in the analyses that follow, this displacement is accomplished largely through the use of therapeutic discourse—“a master strategy of contemporary mass culture” that responds to the loss of stability and order (White, 11). Television has proven itself to be particularly suitable as a purveyor of the therapeutic mode by engaging it across a range of genres and adapting its logic of production to a variety of topics. This helps to explain why adoption has increasingly appeared on the televisual terrain. For, aside from the social, economic, and political “newsworthiness” of current adoption practices, the topic of adoption has been easily accommodated within the shifting generic practices of United States television. That its generic “fit” coincides with a crisis of the family under late capitalism is what bears investigation.

DISCOURSES OF MADIOPTION

A July 7, 1995 segment of *20/20*, in which Barbara Walters interviews the adoptive parents of “Baby Richard,” provides a good example of the type of sensationalism in which the media has indulged when covering the topic of adoption. As a prologue to the interview, Walters offers the following context:

It is a scene etched into the nation’s memory: a confused and terrified little boy, known then as “Baby Richard,” torn from the arms of his mother and the only world he knew—the dramatic outcome of a legal fight between his adoptive parents

and the biological father he had never met. It has been two months since Richard, whose real name is Danny, suffered that dramatic parting—two months since the couple who had legally adopted him, Jay and Kim Warburton, were forced by the courts to give Danny up. We first visited the Warburtons while they were still doing battle for Danny. Last week we met again. How are they coping with their loss? What have they heard from the boy they say will always be their son? For the Warburtons and, indeed, for Danny's new parents, this is a difficult interview.

The dramatic impact of this prologue has already been underscored by the teaser for this segment at the opening of the show:

Tonight. The little boy who broke the nation's heart. You saw him torn from the only family he knew, surrendered into the arms of strangers by court order.

As we hear these words, we are shown the actual event—the boy being transferred from adoptive parent to biological parent. This is followed by a pause in the voiceover during which the scene lingers and we hear the cries of the “confused and terrified little boy.” The voiceover then continues:

Now, a Barbara Walters exclusive. The parents who had to give him away relive the final hours with their son . . . the thoughts they can't escape . . . and the painful days since he left. . . . Barbara Walters with a family you met here first. They lost the most important battle of their lives. They lost a son. “Broken Bonds.”

The title of the segment and the interspersed comments by the adoptive parents (e.g., “It's horrifying what must be going through Danny's mind” and “The silence of Danny is deafening”)—which occur during the ellipses marked above—frame the interview as a story of tragic personal loss and, as such, set the stage for the therapeutic discourse to follow.

As a hybrid of the talk show and the news report, the prime time human interest story on such news programs as *20/20* is particularly suited to the discourse of therapy. Indeed, such programs can be seen as a direct outgrowth of broadcast news divisions' attempts to humanize the news and replace solemn anchors with “soulful mediators.” As Robin Andersen points out in *Consumer Culture & TV Programming*,

news reporting has become increasingly incapable of providing information and knowledge that can be incorporated into

people's lives in meaningful ways. . . . Talk television offers viewers something more than what has become decontextualized reporting of events. It offers them information wrapped in a now more legitimate context: human experience (Anderson, 148).

While the human interest story/interview does not duplicate the talk show format (since it does not involve audience participation), it is strikingly similar to the 10-15 minute opening segment of such talk shows as *Sally Jesse Raphael* or *Montel* during which the host engages in an exclusive interview with the invited guests and discusses their personal traumas. And the therapeutic mode that fuels both of these formats is virtually the same. This mode, according to Anderson, "views the world and its problems solely from an interiorized perspective" (162). Those who have experienced a problem firsthand become the experts, and solutions are sought in the realm of personal relations and emotions. To include the social and economic context of such problems, says Anderson, "would direct the discussion toward an entire set of contingencies with which the therapeutic discourse is incapable of dealing. . . . [I]t would lead to the realization that, in many cases, only economic improvements can ameliorate personal problems" (162-163). Indeed, in the context of the "Broken Bonds" segment, Walters is concerned only with how the Warburtons are coping with their loss. She never questions why such traumas occur in the first place or *how* they might be rectified.

The show's fetishization of the transfer scene, which appears not only in the trailer for the segment, but is shown twice more during the course of the interview, also works to direct attention away from the social and political context of adoption. The use of this particular scenario is a common ploy by the visual media in its coverage of adoption and can be likened, I would argue, to the "money shot" in pornographic films. On the surface, this comparison might seem farfetched. After all, the money shot is an industry slang term for the scene that costs the most money to produce (since male performers must be paid more for ejaculating on film) (Williams, 95), and for television, the adoption money shot is often one of the most accessible (and perhaps inexpensive) scenes to "produce" since the event of transfer invites media participation and "performers" are not paid. In pornography the money shot is also represented as a scene of ecstasy or sexual pleasure, while in adoption, of course, it represents a moment of extreme pain. Both, however, are hyperbolic scenes of surrender or loss. And, while there are additional ways in which one may draw the analogy between the two types of money shots,⁵ what is important here is their visual condensation of a longer and much more complicated series of actions. According to Linda Williams in *Hard Core*, the money shot offers us a "frenzy of the visible." It is the ultimate moment of "truth" caught in "involuntary spasm," the "ultimate and uncontrollable" representation of a climactic "*confession*" (Williams, 101). As such, the adoption money shot stands as the ultimate representation of a seemingly uncontrollable process. A visual "confession" of disruption, it fits into therapeutic discourse by

becoming the fetishized sign that substitutes for what is not shown (i.e., the social, economic, and political context of the adoption process) and crystallizes it into a moment of personal loss.

Made-for-TV movie versions of adoption rely on similar strategies. For example, in a dramatization of the “Baby Jessica” case, entitled *Whose Child Is This?* (1993), viewers are made aware of each legal decision that is reached during the lengthy appeal process, but what is emphasized is the parents’ emotional responses to the legal renderings and the effects that this process has on their personal/familial relationships. In between each legal decision, as if to mark the passage of time, we are shown “Baby Jessica’s” first birthday party, then her second birthday party, in the loving bosom of her adoptive family. As the trailer for the movie tells us, this is not about the law; “it is about love.” No mention is made of the “Baby Richard” case—upon whose heels the “Baby Jessica” case follows—and the fact that the two cases are strikingly similar. (In both cases, the biological father has been “deceived” by the birthmother, has not signed termination papers relinquishing his legal rights, and is therefore the one who seeks, and obtains, legal rights to the child.) Nor is there any mention of the institutionalized field of adoption and its impact on this particular case. Like the Warburtons, the adoptive parents (and to some extent the biological parents) of “Baby Jessica” are depicted as hapless victims of an incomprehensible and inhumane legal system that bounces them about with each wave of a legal decision.

The movie ends with the money shot of “Baby Jessica” being transferred from her adoptive family into the arms of a social worker, then placed into an infant seat in a van. As “Baby Jessica” stares out of the van window, the frame freezes. The movie has seemingly confessed the “truth” of disruption. By framing the spectacle as authentic experience, as a “true story,” the movie further draws the viewer into a voyeuristic and personalized narrative of tragic loss that distorts the political and social ramifications of the adoption process. More seriously, this movie mishandles information, leaving the frightening impression that a child can be taken away at any time—even years after an adoption has been legally finalized. This impression occurs because the movie fails to communicate two important facts: 1) that there is a period of time (usually several months) between the termination of biological parental rights and the legal finalization of a child’s adoption by the adoptive parents; and 2) “Baby Jessica’s” adoption had not yet been finalized.⁶ Had the biological parents sought to regain custody of “Baby Jessica” *after* finalization, they would not have had a legal case.

The sense of anxiety perpetuated in the made-for-TV adoption movies of the early to mid-1990s causes them to differ from their generic predecessors in significant ways. As Jane Feuer notes in her book *Seeing Through the Eighties*, the “sociological film” or “trauma drama” of the 1980s was inspired by a “massive loss of faith by individuals in institutions” (19)—especially in the legal system and in human welfare bureaucracies. In seeking to address this frustration, these made-for-TV movies depicted the populist ideal of individual social action

in a rather formulaic manner: victims of trauma (drunk driving, rape, domestic abuse, abducted children, “friendly fire”) turned to existing institutions for help, but when they found these institutions unwilling or unable to assist, they were transformed into charismatic individuals who took matters into their own hands. The 1983 movie *M.A.D.D.* (Mothers Against Drunk Driving) is paradigmatic in this respect in its depiction of an “ordinary mother [who] finds her voice in the public pursuit of an activism whose motivation is intensely private” (24). Through the establishment of a self-help group or grass-roots organization, a new organization is created that is better equipped to deal with the particular trauma in question. In the process, “normality is restored (however inadequately)” (27) and, often, the “family” regains some sense of stability.

What is striking about the 1990s made-for-TV adoption movies, however, is that a loss of faith in the competency and fairness of public institutions is never offset by alternative social action. Rather, people seem powerless to move or to change, and thus they remain in their role of victims. Even those who “win” their case (by winning custody) don’t seem to come out far ahead. Since families are pitted against each other, the legal system becomes an inadequate solution to familial crisis, and no sense of stability seems possible. An incorporated notion of the sentimentalized child with “smiles, dimples, and curls” is not enough to overcome this institutional breakdown. And in the face of no legal or political recourse, the movies’ use of therapeutic discourse simply creates “an interiorized perspective” (Andersen, 162) that is permeated with anxiety. In the final analysis, however, that anxiety ultimately becomes anchored to white, middle-class notions of morality and property.

“EVERYBODY’S FAVORITE WHIPPING BOY”

Because of the increasingly polarized racial climate in the United States, television’s exclusion of a socio-economic context for adoption is especially critical when it comes to the coverage of transracial matters. What this coverage does not tell us, for example, is that transracial adoption (in particular, the adoption of black infants/children by white families) has been occurring in this country with some regularity since the mid-1950s. “Because of liberalized abortion laws, the acceptance of unmarried mothers and the use of contraceptives, fewer healthy white infants became available for adoption in the 1960s and 1970s, and agencies began to encourage transracial adoption to their traditional constituency, white couples” (Cutting Through Adoption Red Tape, 42). In 1972 the National Association of Black Social Workers (NABSW) issued a position statement that criticized the increasing practice of transracial adoption. It accused adoption agencies of not working hard enough to recruit black families, of placing barriers (e.g., fee structures) in the path of same-race adoption and of not screening white families carefully enough when it came to the issue of transraciality. Although the NABSW stated that its criticism was directed toward the child welfare system in general and should not be perceived as “an attack on White

parents” or as a belief that “White families could not love Black children” (Neal, 1), the organization was nonetheless demonized by the press. Characterized as racist and politically motivated, its position was typified as a condemnation and fear of “cultural genocide”—the idea that “even the best white parents cannot give black children a proper sense of identity” (Brant, 29).⁷

While supporters of transracial adoption argued that there are not enough black families to adopt the disproportionate number of black children awaiting permanent placement and that race should not be the sole determinant factor in an agency’s placement decision, the NABSW nonetheless was successful in pressuring adoption agencies to hire more black caseworkers, to recruit families more actively from African American communities, to establish workshops and seminars to educate prospective white parents on the issue of transracial adoption, and to be more selective about the placement of black children in white homes. In light of these institutional changes (or perhaps due in part to the demonization of its earlier position), the NABSW revised or “softened” its stance on transracial adoption in 1991, though it still “challenged child welfare agencies to revamp its [sic] policies and practices to focus on family preservation rather than on removal of children from their biological parents” (Ladner, 180).

The popular media has been slow in incorporating the shifts and subtleties of the NABSW’s position, however. Because the earlier position had been so successfully reinforced by the media, and because the apparent stridency of that position provided a conveniently stark narrative contrast, it is still the organization’s 1972 position that is articulated in dramatic texts. In addition, struggles over the transracial question become polarized and privatized within familial narratives that center on emotional turmoil and, as in the examples discussed above, involve a “therapeutization” of more substantive issues. Even those texts that attempt to critique the socio-political context in which adoptions occur end up displacing the more subtle aspects of the debate. The Hollywood film *Losing Isaiah* (1995) offers a compelling site for analysis here because it is a constellation of all the racial and class-inflected clichés that have been mobilized in the media’s treatment of transracial adoption, and it adheres to the melodramatic reductionism of its televisual counterparts such that, in the words of one reviewer, it is “generically and stylistically [a] TV-movie-of-the-week” (*New York*, 59). An episode from the primetime television drama *Law and Order* provides a good example of a more critical (i.e., politically aware) treatment of transracial adoption. But, as the subsequent analyses will show, both texts reinforce the trauma drama’s current tendency to treat characters as victims of an inadequate legal system, and both fail to offer the alternatives they promise by displacing anxieties surrounding adoption onto fears involved in racial relations.

Losing Isaiah opens with the scene of a crack-addicted black woman from the inner city placing her infant son near a trash dumpster while she goes in search of another hit. The child, who is nearly crushed to death by a garbage truck, is rescued at the last minute and ends up at a local hospital where Margaret Lewin (Jessica Lange)—an affluent, white, married woman—is employed as a social

worker. She becomes attached to the infant and decides to adopt him. Three years later, biological mother Khaila Richards (Halle Berry) learns that her son is alive and decides to reclaim him. In the intervening period, Khaila has gone through rehab, is attending adult literacy classes and trying to make ends meet in the projects. The second half of the film is devoted to a court battle between the biological and adoptive parents. Khaila obtains the services of a black male lawyer who takes up the (1972) NABSW hard line that “black babies belong in black homes,” though the legal crux of their case is based on the argument that Khaila never terminated her legal rights to her son. The Lewins “play the race card” by hiring a black female lawyer who, while somewhat sympathetic to this NABSW position, takes on their case and argues for the legal rights of the adoptive parents based on their history of parenting the child.

During the course of the trial, the Lewins are interrogated on the witness stand about their ability and willingness to provide Isaiah with opportunities for making contact with his racial heritage and his local African American community. While they are shown to be lacking in this endeavor (and thus reinforce the idea that “even the best white parents. . .”), the arrogant and condemnatory approach taken by Khaila’s lawyer functions to absolve them of wrongdoing. At one point, for example, Mr. Lewin mentions that Isaiah has a black pediatrician. When the lawyer asks if he has ever invited him to dinner, Mr. Lewin responds by saying, “No, have you ever invited your pediatrician to dinner?” Since the film never mentions the NABSW, or that Khaila’s lawyer represents its typified political position (i.e., only extra-textual information makes this connection obvious), he simply comes off as an unreasonable (i.e., politically motivated) individual trying to force the issue of race.

The issue of race also enters into the biological vs. social parenting debate. While it is suggested that a biological mother somehow has a natural purchase on her offspring, and can thus offer the best parenting, the evidence of abandonment in this case favors the Lewins, who have nurtured and loved Isaiah for the past three years. The discourse of love, however, has racial connotations in its color blindness. As Michael Eric Dyson notes, race neutrality “is the belief in an intangible, amorphous, non-historical and raceless category of ‘person’, existing in a zone beyond not simply the negative consequences of race, but beyond the specific patterns of cultural and racial identity that constitute and help shape human experience” (Dyson, 69). For the Lewins, love figures as a natural(ized) human emotion that occurs in spite of Isaiah’s color, but ultimately becomes a powerful substitute for it. Thus, the film’s suggestion that blacks and whites see color differently—that blacks see “race” where there is none—works as an additional criticism against the defense.

In the end, however, the adoptive parents’ love is no match for the legal system. Khaila wins custody of her son because she never legally terminated her rights as a parent. For viewers sympathetic to transracial adoption, this is a devastating blow—a miscarriage of justice. The unfairness of this legal decision is hammered home by the money shot of Isaiah being taken from the arms of the

tearful white mother and underscored by the black mother's subsequent inability to penetrate the boy's despondency and obvious grief over the loss of his adoptive parents. Unlike the made-for-TV movie based on the "Baby Jessica" case, however, *Losing Isaiah* does not make the money shot the final moment of truth. And the film is careful not to paint a completely one-sided view of the situation. Khaila is presented as a strong and sympathetic character who loves her son and utilizes all the resources available to her in order to become a responsible and caring parent. But this sympathetic portrayal is also a set-up for the film's resolution. Finally realizing her "selfishness" in wanting her son back, and driven by her desire to provide Isaiah with a chance for a better life (i.e., a way out of the projects), Khaila contacts Margaret Lewin and suggests that, at least temporarily, they should parent Isaiah together. The film ends with the two teary-eyed mothers standing in Isaiah's preschool aglow with the bond of co-parenting.

A generous reading of this film would be that it explores the contradictions and tensions of an important contemporary social problem and attempts to ameliorate this problem by promoting racial harmony and understanding. To give it credit, the film makes small ventures into the social, political, and economic realm of the transracial issue. For example, during a part of Khaila's rehabilitation period, she obtains the position of caregiver for a child in a white home. Though never articulated directly, this suggests the economic reality of the situation: a black woman with a white child is a paid caregiver relation while a white woman with a black child is an adoptive parent relation. In addition, at the end of the film when Khaila confronts Margaret Lewin, she asserts that "she is here and won't go away," thus implying that the white mother must find a way to deal with her. This is the film's most direct articulation of the ongoing racial politics that underlie transracial adoption. Yet, the assertion is all but lost in the "one big happy family" ending that follows. Locating its solution in the parents' shared love for Isaiah, the film empties out and obliterates any search for economic or political causes; it deals with the problem of adoption within a therapeutic mode where solutions are found in personal relations.

Although the film seemingly supports the current NABSW position regarding family preservation and reunification, lurking behind the therapeutic discourse of *Losing Isaiah* is a cautionary tale to black women. One reviewer of the film clearly picks up on this idea. "Call it a sign of the times," he says, "when the law finds that black children should be with black mothers, but black mothers have to concede that sharing is the highest form of caring" (Dauphin, 57). Yet, the message is more insidious than that. Going one step further, the film warns black women that if they are unable to exercise the bodily self-restraint and "good" family values necessary for raising their own children, they might be subjected to welfare reform policies that "intervene to save the children of the drug-dependent poor" (Brant, 30) and award them to deserving white families. Thus, while the film attempts to ameliorate racial tensions through a therapeutic mode, it implicitly links up with racist policy agendas of the conservative Right by "exposing" the inadequacy of the NABSW position.

An episode of the prime-time drama *Law and Order* addresses the racial tensions of transracial adoption in a more direct manner. Jenny Mays, an African American woman whose son was taken from her by court order, kidnaps her child from the Corbins, a white family who has adopted him. In the process of obtaining the address of the adoptive family, Mays' boyfriend "accidentally" kills the social worker who is handling the case, and Mays is accused of orchestrating the event. While the trial thus involves charges of kidnapping and manslaughter, and not solely the issue of custody, Mays' lawyer nonetheless makes transracial adoption the key issue of his client's defense. Indeed, more than any other fictional treatment of adoption on TV, the *Law and Order* episode attempts to contextualize the social, political, and economic issues surrounding transracial adoption. In his opening statement, for example, Mays' lawyer (who is also African American) tells the jury that "transracial adoption has become the code word for the cultural genocide of African Americans." Shortly thereafter, in his interrogation of Mrs. Corbin, he uses this idea to manipulate the witness:

Lawyer: Why did you change Jamal's name [to Alex]?⁸

Mrs. Corbin: Alex is my father's name. I wanted to make him feel like he was part of the family.

Lawyer: Did you ever consider that Jamal might have been *his* father's name?

Mrs. Corbin: No. I didn't know anything about his parents.

Lawyer: So, when he grew up and asked you about his roots, what were you going to tell him?

Mrs. Corbin: I don't know. His file was sealed. All I knew was that his mother was a drug addict.

Lawyer: Then you didn't know that his grandfather was a cabinetmaker . . . or that his uncle was a surveyor for the Union Pacific railroad? You couldn't tell him about any of these people?

Mrs. Corbin: No, because I wasn't allowed to know.

Lawyer: But you could tell him that his mother was a crack addict?

Mrs. Corbin: They didn't take Alex away from her because of me. She couldn't take care of herself, let alone a defenseless baby.

Lawyer: Then why didn't they take away your daughter five years ago after you were arrested for driving under the influence of drugs?

At the prosecutor's objection to this line of questioning, the judge calls the lawyers into her chambers. There, Mays' lawyer asserts that his questions dramatize the double standard that victimizes his client. "White drug addicts go to Betty Ford while their kids stay with nannies," he says. "Black drug addicts wait months for a bed in a rehab clinic while their kids are hijacked by the child health and welfare agents."

Later, Mays' lawyer calls an African American social worker to the stand who elucidates the double standard further:

Social Worker: Black mothers are programmed to fail by foster agencies. They're less likely to get long term housing than white mothers, less likely to get help finding a job.

Lawyer: With what result?

Social Worker: If they can't establish stable homes, they can't keep their kids—meaning a disproportion of black children are funneled into adoption.

Lawyer: What happens then?

Social Worker: Adoptive agencies restrict the pool of adoptive parents by setting standards which white couples are more likely to meet.

Lawyer: Why is that?

Social Worker: They have the jobs, the education, the resources.

Lawyer: Sounds like an ideal environment for a black child—any child.

Social Worker: My research doesn't bear that out. I tracked a group of black children raised by white families. As

adults, they're typically low achievers at risk for suicide and substance abuse.

The prosecuting attorney asks the social worker if Jamal/Alex will grow up to be a low achiever if he stays with the Corbins. When the response is "yes," he asks if it's because Jamal is being raised in a white family or if it's because Jamal/Alex "was born addicted to crack and then neglected and malnourished for the first eighteen months of his life." The social worker admits that the latter condition might indeed have an effect.

Though some of the social worker's information is not correct (e.g., studies that have tracked black children in white adoptive homes show no evidence of low achievement and report that their social adjustment is generally healthy),⁹ his testimony does point out many of the other economic and political problems that exist in the field of adoption and foster care. In an attempt to move the issue away from institutionalized racism, however, the prosecutor asks Jenny Mays if she also would have tried to retrieve (kidnap) her son if he had been adopted by black parents. Her response confirms his line of argument. Though at an earlier point in her testimony Mays raises the importance of racial heritage (by saying that she is "the only one who can help him become a proud black man"), she must now admit that getting the child back was her sole concern. "Then, this isn't about race, is it?" suggests the prosecutor.

Some members of the jury are apparently convinced that the case *is* about race, for the jury deadlocks and the judge is forced to proclaim a mistrial. While the defense is pleased that the jury has "sent a message," the prosecution sees the outcome differently. "White and black adoptions are now everybody's favorite whipping boy," says one member of the prosecution team. "We end up with verdicts that are about race, not about justice." In the wake of the O.J. Simpson trial, which provided some obvious overtones in this Spring 1996 episode, such statements end up fueling racial tensions while undercutting the information regarding institutionalized racism provided during the course of the show's trial segment. The remarks nonetheless set the stage for the custody battle to follow. Now absolved of her charges, it appears that Jenny Mays intends to reclaim her son through legal means. The implication is that she will succeed. While NABSW supporters might read this outcome as an "understanding of the plight of disadvantaged, politically impotent people and the right of these people to be self-determining" (Ladner, 189), the episode's white, middle-class (i.e., racist) attitudes predominate. Though still guilty of abandonment and neglect—and perhaps even kidnapping and manslaughter—the plot suggests that she will regain custody *because* she is black. Thus, as a court once again is poised to privilege the rights of a (rather suspect) black parent, the (responsible and caring) white adoptive parents are positioned as the victims of reverse racism.

THE COMMODIFICATION OF DISRUPTION

Although approximately 97 percent of United States adoptions are processed without incident and result in permanent placements, the news and entertainment media focus almost exclusively on the problems surrounding adoption and the rare cases of adoption disruption.¹⁰ As argued in the preceding sections, the focus on disruption has fit nicely within the generic constraints and expectations of TV news and drama. One might even argue, as Mary Ann Doane has, that this preoccupation with disruption can be attributed to the very nature of the televisual medium. "Television deals with . . . the potential trauma and explosiveness of the present," says Doane. "And the ultimate drama of the instantaneous—catastrophe—constitutes the very limit of its discourse" (Doane, 222). But because catastrophe creates a disruption in an otherwise stable system, television must maintain a careful balance between continuity and discontinuity. Thus, while the reportage of a catastrophic event produces anxiety, it also produces disavowal in the form of reassurance. This disavowal, says Doane, is most easily understood when analyzed in the context of economic crisis, for economic crisis inevitably "haunts" catastrophe. In her example of a Wall Street crash, economic crisis is disguised as a sudden, unpredictable accident that does not disrupt or undermine the overall system of commodity capitalism. In this way, the insidious logic of capitalism is disavowed even in the wake of its breakdown (236-237).

Adoption is, indeed, an economic matter. The media sidesteps an investigation into the political economy of adoption and reduces it instead to an issue of personal custody. Nevertheless, by posing the question "Whose child is this?" it ironically (and unwittingly) strikes at the heart of the matter: children are property and, as such, they are objects of exchange under capitalism. All platitudes of "in the best interest of the child" aside, children in this country have no legal rights and are considered property.¹¹ The question of adoption is thus the question of property rights. This, I would contend, is one reason that adoption is such an unsettling matter. Under capitalism, the determination of property rights is central and should not be arbitrary. But once one breaks from the normative model of biological parental rights that holds together the family unit (in both its economic and ideological senses), one risks blowing wide open the notion of property rights. Add to this the battles that occur along racial lines, and one can see that the real issue underlying transracial adoption is that of black people owning property . . . that white people want.

Seen in this light, the conservative Right's position on adoption and welfare reform makes more sense. As wards of the State, welfare mothers are seen as a sort of "derelict property" whose offspring become subject to State ownership and manipulation. Children are not being *taken* from mothers, according to this logic, but simply placed elsewhere (e.g., in the State operated adoption/foster care system). One piece of legislation on adoption reform that arose during this period, the Multiethnic Placement Act of 1994 (MEPA), can also be understood within a discourse of property rights. The Act, which withholds federal funds from child

welfare agencies that discriminate against people who want to adopt children of a different race, opens the door to transracial adoption (which until 1994 was prohibited in 42 states).¹² The passage of follow-up legislation in 1996 (entitled “Removal of Barriers to Interethnic Adoption” or the Interethnic Adoption Provisions) also “gives individuals the right to sue in federal court if the law [regarding MEPA] is violated” (Brooks et al, 19). This provision will act as a preemptive measure against adoption disruption. For, if transracial adoption is federally-sanctioned, courts will align their rulings accordingly and be less likely to take a child out of an interracial adoptive home where he/she has flourished in order to return the child to a same-race biological parent. Thus, while MEPA was initiated primarily to “decrease the length of time children wait to be adopted” (Brooks et al, 4), the bottom line is that the Act will most effectively benefit white people and the relations between the State and white property owners. Since virtually all those who adopt transracially are white, this will reduce the overwhelming number of minority children in the adoption system and transfer the burden (or joy) of property ownership to the white middle class.¹³ As such, the Multiethnic Placement Act provides the antidote to such narratives as *Losing Isaiah* and the *Law and Order* episode.

By themselves, however, MEPA and the Interethnic Adoption Provisions do not provide adequate reassurance. For an economic crisis continues to haunt the “catastrophe” of adoption in other ways. If economic crisis can be seen as the disruption of a balance between buying and selling in the circulation of goods (the exchange of children as commodities), then the disruption of adoption surely signals an imbalance in an otherwise continuous system. As suggested earlier, the crisis of adoption is nowhere represented more graphically than through the media’s use of the “money shot”—the scene of the crying child being wrested from the arms of the adoptive parent. This shot not only represents the direct exchange of a child (and thus strikes at the heart of the economic transaction), but the horror of exchange as it occurs through disruption. But the way that disavowal functions within the reportage of this catastrophic event takes an interesting turn. What the media attempts to stabilize or neutralize as an otherwise benign and productive system is not adoption itself, but a traditional concept of Family.

As the cultural and economic foundation of capitalism, the biologically-formed family unit remains the naturalized and preferred way to have or be in a family. Indeed, the media (and most individuals) continue to use the terms “*natural* mother” or “*real* father” to refer to a biological parent and, for most adoptive families, adoption is a second choice—an alternative that is considered only after infertility is discovered and finally accepted. Furthermore, when adopting a child, one never quite knows what one is getting. The so-called “property” may be damaged (physically or emotionally), and one often knows little of the gene pool from whence it came. The made-for-TV movie *The Broken Cord* (1995), in which a single father adopts a Native American child who has fetal alcohol syndrome (FAS), makes this point very well. The father, thinking he has adopted a healthy infant, instead must devote his life to the care of his FAS

child. While this movie does not focus on adoption disruption—and therefore departs from the usual crisis narrative—it nonetheless capitalizes upon the sort of heartbreak scenario that the media fetishizes.

Adoption *can* be risky business. Given, for example, various state laws on parental termination rights, few adoptions are totally risk free. And, like any field of production/consumption, the field of adoption has its share of hucksters and victims, its red tape and incompetence. But the media's preoccupation with disrupted adoptions distorts this phenomenon in often spectacular ways. Perhaps the best example of this is a 1994 made-for-TV movie entitled *The Baby Brokers* in which a married couple, living on the brink of poverty, keeps having babies, coerces living expenses out of prospective adoptive parents, sticks them with the bills, then skips town just before the baby's birth only to "sell" the baby to someone else. Their scam is uncovered when one prospective adoptive mother (played by Cybill Shepard) finds a diary in which the birthmother has listed the names and birthdates of all the children to whom she has given birth. A subsequent FBI investigation reveals that she and her husband have swindled adoptive parents in several states. Although this movie was allegedly based on a "true story," the network's choice to dramatize such an incident points to the destabilizing function of adoption and the moral panic that surrounds it.

Adoption has always served a destabilizing function. Historically, orphaned or illegitimate children have meant that families and communities have had to expand their roles and somehow accommodate those who existed outside the normative frame of social and domestic life. But the status of these children always remained contingent to the "naturally" conceived family. It was not until the late nineteenth century that legislation was introduced in the United States to give legal rights to the parents of adopted children. Before then, "judges had refused to recognize such relationships in the common law because 'blood ties' were thought so central to the meaning of family" (Glazer, 1042). Thus, the idea that adopted children should be treated the same as biological children is relatively recent (and one that occurs, not coincidentally, along with the sentimentalization of childhood). Even so, court decisions continued to uphold "natural" parenthood as a constitutionally protected right. The Supreme Court's ruling in the 1923 *Meyer v. Nebraska* case, for example, asserted that the Fourteenth Amendment includes "an individual's right to bring up his children." Though the field of psychiatry had a major impact on social service agencies and public opinion in the post-World War II era with its view that adoption should be "in the best interest of the child," it had seemingly little impact on the legal system. As recently as 1990, one psychiatrist's response to a review of legal decisions affecting adoption lamented that "there remains important judicial unwillingness to break from the concept that [biological] parents have something approaching a legal property right in their children" (Glazer, 1044).

Since that time, however, legal challenges, new legislation, and the sheer proliferation of adoptions (both same-race and transracial) have placed the

biologically-formed family in crisis. The media treatments of adoption that I have discussed here incorporate a sense of this crisis by expressing a common frustration with the legal process and the “cultural lag” that such biological privileging represents. Thus, while the biologically-formed family unit may still function as a cultural and historical ideal, and adoption itself is a process that inevitably results in the breakup of that family unit, these media texts nonetheless side with the (would-be) adoptive parents. By depicting biological parents as too irresponsible, too selfish, too emotionally or economically unstable to be awarded custody rights, the formation of adoptive families is advocated as a way, at least momentarily, to stabilize a notion of the Family. In the process, the former ideal of a “purely” biological family is supplanted by a new one: the white, middle-class family. Thus, parents (i.e., property owners) who can afford to adopt fit this ideal more surely than biological parents who are *immigrants* (as in the “Baby Richard” case), *lower class and rural* (as in the “Baby Jessica” case and *The Baby Brokers* case), or *African American* (as in nearly all representations of transracial adoption). Particularly on television, where blacks have become “the repository for the American fear of crime” (Russell, xiii), whiteness is seen as the safe haven for legally dependent children.

To further understand the logic of this advocacy, current anxieties surrounding the exchange of children and the instability of the family also must be examined within the context of late capitalism, an era during which practices formerly considered outside the realm of commodification and consumption have now entered the field of commodified exchange. According to Donald M. Lowe in *The Body in Late-Capitalist USA*, “Marx assumed that the reproduction of labor, or social reproduction, though necessary for the reproduction of capital, needed to be only minimally financed, since industrial capitalism had not yet commodified it” (Lowe, 7). In other words, workers reproduced themselves “naturally” through their families. But this assumption is no longer viable in late capitalism. The terrain of production/consumption has expanded and accelerated such that “commodified goods and services for natal production, health care, child- and preschool-care [and, I would add, adoption] . . . have totally replaced the non-exchangist social-reproduction practices formerly provided by household, kin, and local community” (91). In the process of exchange promoted by expanded capital, however, the social and cultural values underpinning the family have been destabilized and thrown into crisis. This, argues Lowe, is why “The Family” acts as such an important imaginary, for “it is an image that can arouse culturally constructed nostalgia and longings” (102).

It does not matter that The Family, with its working father, housekeeping mother, and their one or two children, does not represent most of American households. Nor does it matter that most of us have had anxious, conflicted family lives. The imaginary is a repository of coded and by now unreal longings which can be mobilized for diverse purposes. (102)

Thus, the discourse of *The Family* works as a nostalgic mechanism to arrest the destabilization or depletion of social and cultural values that inevitably occur around the breakup of the familial unit.

Within the context of therapeutic discourse, Anderson argues further that a “split” notion of family is utilized to create disavowal and reassurance. “On the one hand,” she says, “evocation of the dysfunctional family diverts attention from the social causes of pain. On the other, presentation of the family as utopian fantasy blocks participation in the quest for social solutions” (141). This has important ramifications, for as Lowe argues, the “development of exchange value must always be at the expense of something, somebody, some resource, some non-exchangist value” (50). In the case of televisual adoption, the exchange of children works at the expense of the (often black) biological parents who are branded as dysfunctional. Moreover, within the context of therapeutic discourse, blame is cast on the individual as opposed to the social and economic causes of child relinquishment. The subsequent presentation of the (always white) adoptive parent/family as the utopian solution blocks the quest for economic solutions and also obscures the entrenchment of a racial and class hegemony that occurs in the process.

The primary scapegoat appears to be the legal system. Indeed, within the context of late capitalism, it seems that the legal system has been slow in grasping the nature of social reproduction as an exchangist practice. The Multiethnic Placement Act, and its attending legislation, can be seen as one attempt to “update” the legal system and pull it into line with these exchangist practices. But until its effects are felt, or until the courts begin to privilege the rights of adoptive parents, the media will undoubtedly continue to view the legal system as a roadblock to the stabilization of the family. The system’s historical tendency to privilege biological parenthood does not fit with the discourse of blame established by the media, nor does it allow for the placement of children into homes that more adequately represent an ideology of white, middle-class family values (and property ownership) that accommodates the logic of capital. This sentiment is captured succinctly in the opening prologue of an episode called “The Adoption Battle” on the news program *20th Century* with Mike Wallace:

Worried that the courts might intervene to overturn their adoptions, couples in search of a child turn to unusual places to find one—sometimes with tragic consequences. Tonight. The passion, the problems, the purgatory that has come to characterize adoption in America.

Though the current state of social reproduction practices may be unsettling, the “purgatory” of adoption is decidedly a media creation in which televisual texts actively participate by promoting the exchange process even more.¹⁴ The irony or apparent contradiction of this position is that it seeks to facilitate the exchange

practice of adoption under late capitalism at the same time it attempts to stabilize a notion of the Family according to a nostalgic, non-exchangist ideology of social reproduction under industrial capitalism. By encouraging exchangist practices in the realm of consumption, this position additionally reinforces the social and economic conditions that foster the breakup of the family in the realm of production in the first place. In other words, the logic of capitalism is disavowed even in the wake of its breakdown. But television participates in this disavowal at yet another level. While attempting to offer solutions to the crisis of the family through its therapeutic narratives, it fuels the moral panic creating not only more social anxiety but more opportunities for television to capitalize upon it. Given that television itself is a site of exchangist practices—indeed, owes its very livelihood to the circulation of commodities—the topic of adoption has served it well.

NOTES

1. According to a 1993 survey conducted by the Voluntary Cooperative Information System (VCIS) of the American Public Welfare Association, the number of children in foster care—including both those waiting to be reunited with biological parents and those awaiting adoption—was 269,000 in 1983 and 460,000 in 1993. A separate study of the VCIS conducted in 1994 put the most recent figures at 500,000. In addition, VCIS estimated that approximately 14.9% of children in the foster care system had adoption as a case plan goal in 1989 while that proportion increased to approximately 19 percent in 1993. In both years, only five percent of those children were legally free to be adopted. Thus the actual number of children awaiting permanent placement increased 4.4% in four years. There is every indication that these figures will continue to rise. It should be noted that these figures represent only public agencies. There are thousands more children who are adopted through private agencies or through other means (e.g., private legal firms).

2. According to the 1995 U.S. Bureau of the Census (the most recent statistics available on this topic), 41.5% of African American children lived below the poverty level compared to 15.5% of Caucasian American and 39.3% of Hispanic American children. The average percentage of children of all races living below the poverty level was 20%. The statistics are a slight improvement over the Bureau's 1992 statistics which indicate that 46.3% of African American children lived below the poverty level, compared to 16.5% of Caucasian Americans and 39% of Hispanic Americans. The average percentage for 1992 was 21.6%.

3. While the adoptive parents twice requested that the U.S. Supreme Court hear the case, the Court refused. Thus, the Illinois Supreme Court's decision to return "Baby Richard" to the biological father was upheld.

4. A database search of the period 1991-1996 indicates that NPR broadcast 27 programs or program segments related to adoption, and CNN broadcast 23.

5. For example, both involve a perversion (as Linda Williams would call it) of the normative procreative act. In the case of pornography, ejaculate that may otherwise produce a biological child is disrupted and spewed elsewhere; in the case of adoption, the biological child is disrupted and placed elsewhere. It should also be noted that while the term is called the "money shot," the act involves a more complex relationship between money, property and exchange. When a porn actor receives money for ejaculating on film, it is paid exchange for a service that produces a particular commodity (ejaculate). When a child (the property or commodity) is exchanged between families, the act is mediated by an adoption agency. And while adoption agencies stress that they do not "sell children," their services nonetheless come with a price tag. Linda Williams, *Hard-Core: Power, Pleasure, and the "Frenzy of the Visible"* (Berkeley, 1989).

6. For a detailed account of this case, see Lucinda Franks, "The War for Baby Clausen," *The New Yorker*, March 22, 1993, 56-73.

7. The term "cultural genocide" has often been attributed to the NABSW, but it was never part of the organization's official report.

8. Though the lawyer does not address the matter explicitly, his question regarding the child's change of name alludes to the historical practice of white slave owners changing the names of their African American "property."

9. See, for example, Rita Simon et al., *The Case for Transracial Adoption*, (Washington, D.C., 1994); and "Transracial Adoption: Highlights of a Twenty-Year Study," *Reconstruction* 2.2 (1993), 130-131. Also see Sandra Patton, "Race/Identity/Culture/Kin: Constructions of African American Identity in Transracial Adoption," in Sidonie Smith and Julia Watson, eds., *Getting a Life: Everyday Uses of Autobiography* (Minneapolis, 1996); and Devon Brooks et al., "Adoption and Race: Implementing the Multiethnic Placement Act of 1994 and the Interethnic Adoption Provisions," Report by the Adoption and Race Work Group, 1997.

10. According to an unreleased survey conducted by the Child Welfare League of America in 1993, only an estimated three percent of adoptions end in disruption.

11. The 1992 case of Gregory Kingsley sought to challenge the idea that children are property and have no legal rights. In this case 12-year-old Kingsley won the right to represent himself, obtained the termination of his biological parents' legal rights over him, and thus made it possible for his foster parents to adopt him. Ironically, the subsequent adoption again placed the 12-year-old in the legal position of property.

12. Information differs on the number of states that prohibited transracial adoption before 1994. While some sources list 42 states, others list 43. See, for example, Martha Brant, "Storming the Color Barrier," *Newsweek*, March 20, 1995: 29.

13. To facilitate the process of adoption even further, President Clinton signed legislation in May 1996 that would provide a \$5000 tax credit to all but the wealthiest families who adopt.

14. The Report by the Adoption and Race Work Group (Brooks et al) notes that "[t]he debate on racial matching [has been] complicated by news reports of children who had been removed from long term transracial foster placements in order to achieve racial matching [and] by the testimony of Caucasian prospective adoptive parents who reported that they had been denied the opportunity to adopt solely on the basis of race" (17-18).

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