INTERCOUNTRY ADOPTION: A THEORETICAL ANALYSIS

by

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DEDICATION

To Helen, who found herself to be a round peg in a square hole, too
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The aim of this research is to engage in a preliminary theoretical analysis of intercountry adoption as a social and cultural practice, informed by two competing frameworks of sociological theory. Intercountry adoption in general has received little attention as a problem for sociological research, and even less as a topic that may be illuminated by sociological theory. Contrasting views of intercountry adoption that are evident in academic literature, policy and accounts of children’s experts map onto two major, paradigmatically distinct approaches to social theorizing: the functionalist or social capital approach, in which the positive social value of intercountry adoption is highlighted, and the conflict-oriented or critical approach that takes a skeptical or problematic view of the institutional dynamics of intercountry adoption. In this dissertation, I draw on the world of policy analysis – specifically, on the knowledge and perspectives of leading national and international experts on child policy and social practices involving children and the state across the continent of Europe – as a beginning step to garner insight into how the phenomenon of intercountry adoption is constructed and understood by those who are directly involved in seeking to further the welfare of children. Using qualitative methods of discourse analysis, selected sections of three
prominent international policies are analyzed to identify themes through which intercountry adoption is constructed in legal discourse. Key informants were selected for semi-structured, in-depth qualitative interviews based on their breadth and depth of professional expertise regarding social issues facing children and their potential influence at the national and international levels over children’s protection and policy. Thirty-one original interviews with thirty-five key informants were conducted, and interview transcripts were analyzed using an inductive qualitative coding process to identify themes within their accounts of intercountry adoption that map onto the functionalist and critical theoretical frameworks, respectively. Findings indicate a diversity and complexity of perspectives toward intercountry adoption, and analyses indicate salience and limitations of each theoretical paradigm. Descriptive results and theoretical implications of findings are discussed.
CHAPTER 1: INTRODUCTION

The aim of this research is to engage in a preliminary analysis of intercountry adoption as a social and cultural practice, informed by two competing frameworks of sociological theory. Intercountry adoption has increased four-fold worldwide between 1980 and 2004, indicating a growing international phenomenon (Kane 1993; Selman 2006). Research on intercountry adoption exists within a multiplicity of disciplines and employs numerous methods and perspectives. However, intercountry adoption in general has received little attention as a problem for sociological research, and even less as a topic that may be illuminated by sociological theory. If analysis of intercountry adoption is generally lacking within existing sociological research literature, and attention to the theoretical implications and location of intercountry adoption is even more conspicuously absent.

The dominant perspective on intercountry adoption envisions a compassionate and positive interchange, sometimes understood to entail altruistic and humanistic motivations, that is made possible through charitable organizations and fosters improvements in the life opportunities for multiple parties, particularly the adopted child who is in need of love, a stable family and better life chances, but also adults desperate to care for a child through an adoption process. Within such perspectives, birth families and birth communities may be understood as even more desperate in terms of their need for solutions for children they cannot care for. Increasingly, within receiving countries intercountry adoption is understood as a normative and benevolent, albeit relatively new, option for family building, particularly among the middle classes. It is generally
regarded as a benign and sometimes heroically undertaken social good, raising questions about psychosocial adjustment and family dynamics, perhaps, but not about social dynamics beyond the family. Yet it is a growing and value-laden international phenomenon that has political, legal, economic and cultural dimensions as well.

However, in contrast to these overwhelmingly positive perspectives that predominate in receiving countries, some observers have contended that intercountry adoption practices are largely manipulative, built on dramatic global socioeconomic inequalities in ways that benefit already privileged groups and that extract valuables – children – from already underprivileged and structurally disempowered groups. Intercountry adoption practices are understood as exploitative, coercive and even predatory, particularly within perspectives aligned with experiences of sending countries. In these perspectives, incentives for illicit and illegal activities, such as trafficking, abduction and sale of children for adoption, are seen as built into the systems and regulations that are in place to facilitate intercountry adoptions.

I begin this project with a posture of skepticism to both of these approaches. Peter Berger’s observation that a sociological approach often entails debunking and unmasking of taken-for-granted, unexamined elements of social life (1963) highlights the need to bracket taken-for-granted assumptions that organize consciousness and activity in everyday life, and also highlights the utility of systematic study of social phenomenon from a sociological perspective.

These contrasting views of intercountry adoption reflect two major, paradigmatically distinct approaches to social theorizing, which can be called the functionalist or social capital approach, and the conflict-oriented approach that takes a
skeptical or critical view of the operation of the institutional dynamics of intercountry adoption. In this dissertation, I draw on the world of policy analysis – specifically, on the knowledge and perspectives of leading national and international experts on child policy and practices involving children and the state across the continent of Europe – as a beginning step in gaining some insight into how the phenomenon of intercountry adoption is constructed and understood by those who are directly involved in seeking to further the welfare of children.

Because this study is exploratory, the methods used in this project are inductive and are based primarily on discourse analyses of original interviews with a unique sample of individuals – officials and other key informants whose work on children’s rights, children’s protection or intercountry adoption has influence at the regional, national, and international levels. To my knowledge, no such inductive analyses with the goal of clarifying theoretical orientations to intercountry adoption exist.

Intercountry adoption presents myriad opportunities for sociological contributions, and sociological theory is a valuable tool to assist in the systematic and organized analysis of intercountry adoption. This project is oriented to intercountry adoption with a specific focus on children. Key informants for interviews were identified based on their breadth and depth of professional expertise regarding social issues facing children, and it is their accounts which are analyzed inductively to create a typology of theoretically-informative themes relevant to intercountry adoption. This project analyzes their accounts – of their views, their knowledge, their experiences and their questions regarding intercountry adoption – and from these, a typology is developed of thematic explanations or understandings of intercountry adoption.
This project contributes to sociological theorizing about intercountry adoption using a unique and inductive research design. This project surely does not exhaust possible contributions. It gives one angle, an angle explicitly and deliberately limited by the selection of key informants whose expertise and professional experience are oriented to children. This selection was made purposely because this project is driven by an interest in how age as an axis of social differentiation operates to put specific groups – particularly children and frail elders – systematically in social positions of increased vulnerability, dependence and often disenfranchisement. In this view, intercountry adoption becomes an important window through which to analyze this age-linked vulnerability and structural dependence experienced by children. One additional sociological contribution of this research that is peripheral yet important is that it extends sociological work about children and childhood to include attention to macro-social phenomena and includes multiple theoretical perspectives, going far beyond the socialization models and focus on peer cultures and activities that predominate within US sociological work devoted to children.

Notwithstanding the importance of studying the accounts of other social groups – including but not limited to adoptees, children, adoptive parents, members of birth families and birth communities, and women’s rights advocates – about intercountry adoption, this project has unique value as a rigorous and informative exploration of a multiplicity of orientations to intercountry adoption, with specific attention to children. I recognize that findings of such hypothetical studies of others’ accounts may diverge in important ways from, and also add in meaningful ways to the findings of the present project. Yet it is children’s experiences, including their conspicuous lack of
participatory social roles in the social phenomenon of intercountry adoption, which orient this project.

My project includes deliberate attention to perspectives from both receiving and sending countries, and aims to fill part of the niche left by the paucity of sociological theoretical attention to intercountry adoption. My findings reveal complexity, richness and internal inconsistency across the fascinating set of themes revealed through accounts of experts, which regard both the promises and pitfalls of intercountry adoption as a value-laden, personally and politically salient social phenomenon. This project comprises a window into potentials of inductive theorizing about intercountry adoption.

I. Research Question

The research question for this project is: How can international adoption be understood within the framework of sociological theory? More specifically, this project explores two broad theoretical frameworks. The first is the functionalist perspective, including a functional view of intercountry adoption as a form of social capital. In this perspective, intercountry adoption practices and institutional arrangements are implicitly or explicitly condoned as functional for society and individuals. The second is the conflict-oriented perspective, or otherwise critical orientation to intercountry adoption. In this perspective, practices and institutional arrangements are critiqued, often with reference to conflict between groups. These general perspectives are reviewed in more detail in Chapter 2.

II. Organization of Manuscript
The substantive core of this project is comprised of four sections: critical review of intercountry adoption literatures; a review of additional sociological background frames related to childhood, age-linked vulnerability, and classical sociological theory; discourse analyses of selected sections of international policies; and discourse analyses of original in-depth semi-structured interviews with key informants (children’s rights, children’s protection and intercountry adoption experts). The following paragraphs outline the overall organization of the manuscript by chapter.

In Chapter 2 a critical review of literatures related to intercountry adoption is offered as part of the background for this project. I consider this review of literatures critical because in it I attempt to review literatures from multiple disciplines related to sociology, with an eye to whether and how it is relevant to sociological theoretical perspectives. This section is roughly bifurcated between those literatures that have an implicit or explicit functionalist or social capital orientation to intercountry adoption, and those literatures that have an implicit or explicit critical or conflict-oriented approach to intercountry adoption. Chapter 2 ends with two subsections that offer additional relevant sociological background for the project. The first subsection is devoted to sociology of childhood with special attention to how age operates as an axis of inequality, disempowerment, and heightened social vulnerability for children. The second subsection reviews broad tenets within the functionalist and conflict-oriented, critical paradigms of sociological theory.

Chapter 3 outlines the sources of data, approach to data and research methodologies used in this project. Chapters 4, 5, and 6 present the data analyses of this
Chapter 4 consists of brief discourse analyses of selected sections of specific international policies related to intercountry adoption, with the goal of identifying how intercountry adoption is defined and framed in these legal instruments. These analyses are brief and relatively simple and are meant to create a context for the more detailed and extensive original interview analyses. Analyses of original interview data are presented in Chapters 5 and 6. Chapter 5 offers detailed descriptive analyses of functionalist themes within the interview data, and Chapter 6 offers detailed descriptive analyses of conflict-oriented and critical themes within the interview data. Finally, Chapter 7 offers theoretical discussion of points relevant to findings within the analyses, overall contributions and limitations of this project, and directions for additional study.

Note that intercountry adoption, international adoption and transnational adoption are used throughout literatures interchangeably to refer to the adoption of a child by an adult or adults that involves the transfer of that child out of their country of origin. There does not seem to be clear consensus within the literatures regarding use of this terminology. I have chosen to use the term intercountry adoption in order to be consistent with the language of the Hague’s 1993 Convention on Protection of Children and Co-Operation in Respect of Inter-Country Adoption.
CHAPTER 2: BACKGROUND LITERATURE AND THEORY

I. Intercountry Adoption: A Substantive Area of Scissions

Within the academic literature on intercountry adoption, sociological perspectives are difficult to find. This is at once because sociologists have contributed little to the adoption literature overall (Engel, Phillips & DellaCava 2007; Selman 2002, 2006) and because searches for social scientific literature relevant to intercountry adoption reveal that a smattering of multiple other disciplines – particularly social work, law, and social anthropology, and also gender and women’s studies, history, political science, and adoption professionals’ and advocates’ writings – are represented. These works engage the topic of intercountry adoption using multiple perspectives, and are published both within and outside of social science journals. This smattering of scholarship and its placement obscures disciplinary boundaries within academic literatures devoted to intercountry adoption and complicates attempts to review predominant social theory frameworks associated with this substantive area of social research. According to Wegar’s review of predominant theories used in adoption research to explain problems that adoptive families experience, the theories most often employed in adoption literature lack explicit attention to social and cultural factors (2000:365). Instead, individualistic theories that focus on explaining adjustment and adaptation of adoptive families and adoptees prevail within the literatures, to the neglect of consideration of social structure, including national and international influences (Engel, Phillips & DellaCava 2007).
Therefore, the academic published research on intercountry adoption is diverse and dispersed across disciplines, with contributions from sociologists noticeably underrepresented, but it includes many important contributions with sociological relevance. One exception to this overall lack of sociological contribution is important demographic work on tracking and measuring trends in intercountry adoptions across time (Kane 1993; Selman 2000, 2002, 2006), which shows intricate complexity in the trends of intercountry adoptions in terms of the countries involved in receiving children, the countries involved in sending children, the volume of children involved in intercountry adoption, and how such trends change over time. Yet despite the usefulness of such trend data for sociological analyses of intercountry adoption, demographic approaches to intercountry adoption are highly atheoretical. Overall, there is a lack of systematic attention to sociological theorizing on the topic within the literatures.

In addition to these disciplinary scissions, there are other cleavages within the literature on intercountry adoption. My review of literatures suggests that there is a distinct difference in emphasis between research on intercountry adoption that is produced by Europeans, research that is produced by North Americans, and research that is produced by scholars from or about places considered to be within the Economic South or sending countries. Social work and law research dominates inquiry within the United States, whereas social anthropology has a noticeable presence within European literatures and often incorporates attention to law, ideology and policy. There appears to be some cross-fertilization of contributions by scholars from both hemispheres in three recent interdisciplinary handbooks devoted to intercountry adoption (Bowie 2004; Volkman 2005; Selman 2000). Some important and remarkable literature on
intercountry adoption from a sending country’s vantage point exists (e.g., Fonseca 2006), yet the perspective of sending countries on intercountry adoption remains peripheral in the tomes of literature (Luo & Bergquist 2004). While much mainstream academic literature draws attention to complexities and even controversies related to intercountry adoption, many works retain the vantage point primarily of the receiving countries, highlight family adjustment and policy considerations insofar as they enhance the experiences of intercountry adoption from the receiving countries’ points of view, and refrain from overt, macro-level critique of global practices of intercountry adoption. These differences across place and in orientation to intercountry adoption add to the diversity across literatures on intercountry adoption.

There are also obvious differences within the literatures on intercountry adoption in terms of macro-social orientation versus micro-social orientation to the topic of inquiry. The micro-social orientation, particularly emphasized within but not exclusive to the research and professional literature on intercountry adoption that is produced within the United States, is the most prevalent orientation. In general, social work literatures on intercountry adoption dominate social research archives on this topic in the United States. These social work literatures have a strong focus on family adjustment and concerns about health, development, and behavior of adoptees as well as the development of family interventions to enhance adjustment outcomes. Notwithstanding the importance of such research for the support of individuals and families, and for facilitation of positive adjustment outcomes, it lacks overall macro-level commentary or theorizing about the global structures and practices that comprise intercountry adoptions. In addition, focus on the meanings and processes of kinship by social anthropologists
and others who study intercountry adoption (e.g., Bowie 2004; Howell 2006a) incorporates micro-level conceptual theorizing that is primarily based in family processes; however, these perspectives often include attention to other social contexts such as legislation and policy at national and international levels, as well as attention to comparative analysis of family values and processes across different societies (e.g., Bowie 2004; Howell 2006b; Roby & Matsumura 2002). Beyond the micro-social psychological and kinship-oriented theories employed within social work and social anthropology research, respectively, social literature on intercountry adoption noticeably lacks explicit theoretical frameworks. However, detailed attention to topics such as global inequality, race and ethnic inequality, gender inequality, and illicit practices related to intercountry adoption suggest the salience of political economy and other conflict-oriented theoretical perspectives. Noteworthy strands of research include legal analysis of legislation and international policy, critical work about social structures and practices, and important macro-level demographic research; however, rigorous theoretical analysis of intercountry adoption that includes attention to macro-social forces and structures is almost nonexistent.

The literatures on intercountry adoption, therefore, are extensive but fragmented, from disparate orientations, disciplines and areas of the world. There is at once a richness, and a paucity, within these disparate literatures: the richness stems from its diversity, yet the paucity of theory, paucity of sociology, and paucity of coherence across bodies of work devoted to intercountry adoption is noteworthy. My central assertion in this review of literatures is that intercountry adoption is drastically undertheorized from a sociological perspective. A sociological lens can strengthen this
niche of social research by providing grounding in classical social theoretical frames. Detailed review of literatures is offered in the next sections with a focus on whether and how theory is incorporated in discussions or analysis of intercountry adoption. My review suggests that an overtly sociological perspective is underdeveloped within these literatures, a gap that I hope that this project’s contribution will help to begin to fill.

The review of literatures is organized into four broad sections. The first section is devoted to review of those literatures that appear functionalist in their orientation to intercountry adoption at the macro-level (generally presuming, explicitly or implicitly, that intercountry adoption systems and practices are a social good, functional for global society, and positive social solutions to multiple social problems and imbalances). In this first section I have chosen also to include literatures that appear atheoretical toward intercountry adoption due to the lack of theoretical framing, because it can be argued that such a position implicitly assumes a legitimate status quo overall even if it identifies ‘tweaks’ to strengthen policy or adjustment processes. In the second section, I review literatures that have an overt or implicit conflict or otherwise critical orientation to intercountry adoption. In the third section, selected sociological and other social science literatures related to children, childhood, and age-linked dependence and vulnerability of children are reviewed in order to build relevance of the present study to a particular niche in sociological literatures on childhood and age, specifically age-linked, socially-exacerbated vulnerability. Finally, two broad, classical sociological theoretical frames – functionalism and conflict-oriented or critical theory -- are briefly reviewed as a preface to the framing of the subsequent analyses of this project.
II. Intercountry Adoption: Functionalist and Atheoretical Literatures

A. Individual and Family-Focused Literatures

Among studies that focus on individual adoptees’ experiences and outcomes, as well as family adjustment, social work research on intercountry adoption is particularly prevalent. Predominant theoretical models that inform such research must be considered micro-social in scope, because they often focus on the individual as the unit of analysis, and in most cases micro-interaction within the family system is the extent of the social locus under specific analytic consideration. Family systems theory is one dominant and guiding theory within these literatures (Brodzinsky, Smith & Brodzinsky 1998; Groze 1994, 1996; Ryan & Groza 2004; Wegar 2000), which suggests that families are systems that entail stressors as well as resources. Sometimes family systems models are conceptually linked to what are considered normative developmental processes that may entail stress for a family. Using this interactionist frame, intercountry adoption of a child may add additional and specific stressors for the family concerning the integration and development of the adopted child, and may also indicate resources such as community resources as well as resources of the child herself that the family can marshal to facilitate integration (Ryan & Groza 2004). Ryan and Groza’s (2004) comparative approach in assessing the developmental outcomes of Romanian adoptees who are adopted by American parents and Romanian parents, respectively, is framed as a form of testing whether or not in-country adoption is a better or worse solution for these orphans than intercountry adoption. Although there were some significant developmental...
challenges experienced by American families due to comparatively older ages of children at time of adoptive placement, which was highly related to longer periods of institutionalization prior to adoption, overall results indicated high levels of satisfaction with the parent-child relationship by parents in both countries. Other literatures that raise health and development concerns about Romanian adoptees, by Groza and others, also report in their results that despite concerns about adjustment challenges, most adoptees and their adoptive families are doing well (Ames 1997; Bascom & McKelvey 1997; Groza & Ryan 2004; Groza, Ileana & Irwin 1999; Groza, Proctor and Guo 1998; Groze 1998; Groze 1996).

Research on satisfaction of adoptive parents of foreign-born children reveal that overall satisfaction levels are generally high, and high satisfaction is associated with preparedness, participation in cultural activities, and lack of severe developmental challenges (Paulsen & Merighi 2008). Groza, Ryan and Thomas (2008) note that despite significant challenges experiences by foreign adoptees in terms of physical challenges and levels of special needs in education, the parent-child relationship remains an important resource for families.

Similarly, works that detail specific challenges faced by families of adopted foreign children but also highlight positive family environments and adjustment strategies are discussed for Russian orphans who are adopted into the United States (McGuinness 1998), for Korean-born adoptees in the United States (Yoon 2004), and for adoptees from Asia and South America (Haugaard, Palmer & Wojslawowicz 1999). In a review of epidemiological research done on adoptees across several countries, results overall confirm that the majority of adoptees fare well in their new countries and
families (Dalen 1999). Many of these important works generally offer an implicit interventionist perspective by directly or indirectly suggesting ways to improve family and adoptee adjustment, whether clinical or social interventions.

Engels, Phillips and Dellacava (2007) state that partly as a result of the lack of sociological contributions in these literatures, empirical results as well as theories within intercountry adoption literatures focus largely on individual and family adjustment and adaptation. Notwithstanding the importance of such research for adoptees, families, policy, and interventions, these theoretical frames do not theorize about the overall phenomenon of intercountry adoption, and thus implicitly assume a functionalist posture toward the practice, with an eye toward how to improve outcomes of individuals and groups.

Other predominant theories within social work and other development-focused literatures on intercountry adoption also emphasize clinical, developmental, or stress and coping processes, all of which retain a micro-social approach, if not entirely individualized and psychological approach, to intercountry adoption. In addition to family systems theory, Brodzinsky and colleagues (1998; Wegar 2000) note that attachment theory, social role theory, biological and genetic perspectives, stress and coping theory and psychodynamic theory are utilized to explain an adoptee’s adjustment within the literature. Grotevant and McRoy (1990; Wegar 2000) note that attribution theory, cognitive-development theory and goodness-of-fit theory are additional psychologically-oriented theories employed by researchers who study adoption. Within her overview of predominant theoretical approaches within adoption research, Wegar critiques the overall lack of attention to social forces and social contexts: “The tendency
of psychoanalytically oriented researchers to overlook the social context of adoption experiences is troubling” (2000:366). Yet even this critique is made from within a sphere of adoption research that is focused on family adjustment processes. Certainly with utility, these literatures are rich but are largely devoid of macro-level theorizing about intercountry adoption practices, lack nuanced attention to multiple complexities of social contexts and social structure, and have synergy with individualistic, micro-social, and social-psychologically oriented theories such as stress and coping within sociology. The overall findings of such literatures suggest specific challenges in development, adjustment and adaptation of adoptees; clarify how these affect families; and highlight the overall positive potentials of adoption for adoptees and their adoptive families as well as positive adjustment possibilities for intercountry adoption, despite identified challenges.

Other important research on intercountry adoption in other disciplines has been produced that also focuses on the experiences of the adoptee and adoptive family. An important strand of intercountry adoption literature in Western Europe, particularly Scandinavia, focuses on individualized aspects of adoptees’ lives and deals with issues of psychological, cognitive and physical development, as well as language development and learning (Dalen 1999). On the other hand, Dalen notes that issues of ethnic identity and sense of belonging of foreign adoptees comprise a dominant thread within literatures on adoptee adjustment from within the more ethnically heterogeneous United States (1999). Kirk noted that accepting difference is central to the experiences of parents who adopt foreign children (1964), thereby establishing and highlighting the centrality of concepts of sameness and difference in some of the earliest American discourse on
domestic and intercountry adoptions. Controversies over the ethics of ethnic-matched versus ‘colorblind’ (Quiroz 2007) adoptions as part of a general preoccupation with the meanings of race and ethnicity within the discourse and practice of adoption in America have informed policy and practices of adoption as well as adoption research for the past decades (e.g., McRoy & Zurcher 1982, 1983; Gill & Jackson 1983; Simon & Alstein 1996; Grotevant & McRoy 1988; Hayes 1993; Quiroz 2007). As Dalen (1999) suggests, this preoccupation with issues of race and ethnicity in American adoption literatures has contributed to the divergence in focus of literatures on intercountry adoption produced in Europe and those produced in the United States.

Most of this race/ethnicity research focuses on individualized goals and outcomes for adopted children and their adoptive families regarding ethnic identity and other identity issues (for an important exception see Hayes 1993). Yoon suggests that overlooked differences and complexities in meanings attached to ethnic identity and family structures have undermined findings of some of the research done to explore ethnic identity of Korean adoptees (2004). From the accounts of adult Korean-born adoptees, a sense of ethnic identity linked to being Korean was associated only with participation in cultural experiences in young adulthood (Song & Lee 2009). Attention to experiences of adoptees who look different from the general population of their adoptive parents’ country is found in research from Europe as well. For example, based on a study of adult Swedish adoptees from southeast Asia, Lindblad and Signell have found that these women experience negative psychological consequences due to degrading, ethnically-based stereotypic attitudes held about Asian women, predominantly by men and particularly related to sexuality (2008). Notwithstanding the
importance of such research, the orientation to the subject matter of international
adoption in these literatures retains a focus on individual adjustment, individual identity
and the family, thus retaining a micro-social orientation to the subject matter and one
that does not incorporate an explicit theoretical orientation to the practice at large.
Yngvesson (2002) links identity issues of intercountry adoptees to policy and anchorage
in states, although most identity research is done on a micro-interaction or individual
level within social work and psychological research.

In anthropological work, kinship is one predominant theoretical construct used to
advance research on intercountry adoptions. Juxtaposing biology against sociality,
researchers note the plurality of ways in which kinship is established in different
societies, yet note that Euro-American understandings of kinship and family include
primacy of bloodline, genetic tie, or otherwise biological constructions of family over
other social means to establish kinship (Bowie 2004; Volkman 2005; Howell 2006a). In
this sense, the increasing prevalence of intercountry adoption presents an intriguing
conundrum for studies of kinship in Euro-American receiving countries. Bowie notes
that this emphasis on and privileging of blood ties within the definition of kin and family
is not a natural nor at all a predominant mode of establishing who is and who is not kin;
indeed, she reviews historical variations and prevalences of practices of adoption and
fostering, noting that in many societies such non-biological, social kinship practices are
normative (2004).

Like Wegar’s assertion that social work research on adoption highlights and
reproduces the relative stigma of adoption based on a privileging of *natural* or biological
parenthood (2000), anthropologists note that strong cultural emphases on biological ties
as the anchor of a family’s bond present intriguing and complex challenges for adoptive families and for research on intercountry adoption (Bowie 2004; Howell 2006a). In her book entitled The Kinning of Foreigners, Howell (2006a) explores the process of kinning that takes place within adoptive families. She nests these analyses of kinship within larger webs of social forces, including the tremendous influence of psychologists’ and other professionals’ knowledge that is socially deemed ‘expert’ and authoritative regarding the nature of children and child development. She also includes analysis of national and international policy and regulation of intercountry adoption. Howell’s specific aims of explaining and understanding the kinning of foreigners (2006a) that takes place through intercountry adoption is focused on meanings and processes attached to the family, albeit with recognition that such dynamics and meanings vary across place and time, are informed by dominant professional knowledge, and are necessarily related to bureaucratic processes of the state and other macro-level forms of regulation encountered and navigated by families. The regulation of adoption is analyzed and critiqued, yet is prefaced as benevolent (Howell 2006a).

In each of these recent works dedicated to untangling and analyzing a diversity of cultural forces that shape discourses, meanings and practices of intercountry adoption (Bowie 2004; Howell 2006a; Volkman 2005), the author/editor discloses in the preface to have personally experienced intercountry adoption through adoption of a foreign child themselves, which adds a poignancy to their work and yet begs a concern that discourse on intercountry adoption, including leading and prominent research on intercountry adoption, has been dominated by receiving countries, particularly those who engage in the practice. This itself is not a base to criticize the worth, value or contribution of these
bodies of research, and it may add to their insightful and nuanced treatment of the subject matter. Yet it is work that emanates from a particular and widely common position on the topic. The overall approach is not macro nor critical, but on intensive analyses focused on establishing kinship within adoptive family practices that must interface with policy and practice standards that vary by region. Nevertheless, even in these predominantly sympathetic portrayals, there are some exceptions. In both the Bowie (2004) and Volkman (2005) handbooks, chapters that are overtly critical and macro in their level of focus and analysis of intercountry adoption are included and will be discussed in subsequent sections.

Work published by professional experts (with no claim to research or academic expertise) also emulates an explicit pro-intercountry adoption stance even if they do not contain overt theoretical frameworks. For example, Price (2005) begins her article, “Best Interest of the Child: An Introduction to International Adoptions”, with an anecdote of her experience as a daughter of missionary parents who witnessed abandonment of children in South Korea, as well as an open acknowledgement that she has adopted a foreign-born child through a missionary-run organization. In this article, Price presents a case in favor of intercountry adoptions as one important solution to provide parents for parentless children. Through personal stories of those who work to coordinate intercountry adoptions out of impoverished countries, she describes reasons that children need adoptive families -- including war, disaster, oppression, poverty, and cultural norms including stigma against single mothers -- and she provides guiding points for social workers and faith-based organizations involved in the facilitation of intercountry adoptions. However, Price does not delve into macro-social contexts that
contribute to the abandonment of children, and she unilaterally presents intercountry adoption as a benevolent and positive solution for all parties involved. Another example is Varnis’s (2001) essay on regulation of the intercountry adoption of children that is oriented toward light analysis of policy and law. Varnis argues from a vantage point that endorses intercountry adoption as a positive social solution for children, and he prioritizes the experiences of adoptive families within the adoption process. He critiques regulations including moratoriums placed on outflows of adoptees from specific sending countries, national regulation, and the Hague’s international convention on intercountry adoption for creating obstacles for adoptive parents within the intercountry adoption process. He criticizes law on intercountry adoption as ‘little more than a set of discretionary hoops to be exploited by officials for institutional or personal gain” (2001:40), and he is critical of policy and regulation overall for discouraging rather than encouraging intercountry adoption. Although his approach is critical of law and policy, he overtly states that intercountry adoption ought to be an easier and more prevalent process. Such works are interspersed within the tomes of published literatures and share an implicit functionalist view of intercountry adoptions.

The literatures reviewed in this section often approach intercountry adoption from a predominantly individualized or family level. Although there is definite diversity in the approaches reviewed, the trends in orientation reveal an overall microfiction (Hagestad & Dannefer 2001), or a propensity within social science research to consist of “a focus on individuals in their micro-worlds and a neglect of the wider social context” (2001:3), within large tomes of intercountry adoption literatures, particularly within American research, social work research, and developmental research on intercountry
adoption. Albeit important work, such microfication dominates the literatures on intercountry adoption, employing only micro-level, family-systems and interactional theoretical frames. Important exceptions to this is the greater attention to levels of social context (Howell 2006a) and comparative approaches (Bowie 2004; Volkman 2005) given, particularly in social anthropological approaches. Yet by not taking issue directly with the macro-level processes in a theoretical way, these views mostly obscure these macro-level processes, thereby implicitly taking a positive or functionalist orientation to the overall phenomena of systematic and historically-recent intercountry adoption.

**B. Demography of Intercountry Adoption**

A demographic perspective on intercountry adoption trends, in terms of numbers of children adopted and what countries they migrate to and from, provides a needed perspective for sociological inquiry on the scope of the practices of intercountry adoption. Estimates and analyses compiled by Peter Selman, and others before him (e.g., Kane 1993), suggest dramatic increases in rates of intercountry adoption overall, changes in prominence of specific sending countries over time, and also indicate complex webs of linkages between countries that also change over time. Work by Selman (2000, 2002, 2006) and Kane (1993) is especially useful in terms of measuring, and advancing measurement of, intercountry adoption trends. Others (e.g., Flango & Caskey 2005; Kenney & Ortman 2005) have also contributed to demographic and measurement literatures on intercountry adoption.

In 1984, Weil noted that there was little systematic data on demographic trends of intercountry adoption, suggesting that volume of intercountry adoptions, how this
volume changes over time, and which countries are involved in intercountry adoptions were difficult to discern (Weil 1984). Kane (1993) offered early estimates for one decade (1980-1989), with detailed estimates of intercountry adoptions into 14 receiving countries. Her work indicated that during the 1980s, based on incomplete data, at least 170,000-180,000 documented intercountry adoptions had occurred worldwide, and that intercountry adoptions had increased over 60% in the course of that decade. Her research indicated a three-fold increase in the number of sending countries identified throughout the decade, compared to those identified in 1980 (she identified only 22 sending countries in 1980, and 68 total for throughout the 1980s); however 90% of children adopted by foreign families came from ten sending countries (Kane 1993). Also interesting in Kane’s work is the lack of available data garnered from several prominent receiving countries in the early 1980s, and increasingly available estimates toward the latter part of the decade. Despite emphasis in the Hague Convention on compiling country-level records of intercountry adoptions, quality and availability of data from many countries continues to be problematic (Selman 2000). Selman (2000, 2002, 2006) extended and updated these prior estimates and has produced the most complete and nuanced global demographic estimates on intercountry adoption trends to date. These estimates, along with Kane’s, are presented and discussed in detail below.
<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Australia</th>
<th>UK</th>
<th>New Zealand</th>
<th>Switzerland</th>
<th>Belgium</th>
<th>Germany</th>
<th>Sweden</th>
<th>Spain</th>
<th>Canada</th>
<th>Italy</th>
<th>France</th>
<th>USA</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>2702</td>
<td>659</td>
<td>574</td>
<td>342</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>2858</td>
<td>754</td>
<td>542</td>
<td>283</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>2933</td>
<td>709</td>
<td>527</td>
<td>250</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>2985</td>
<td>745</td>
<td>514</td>
<td>224</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2013</td>
<td>3010</td>
<td>756</td>
<td>492</td>
<td>198</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>3030</td>
<td>760</td>
<td>477</td>
<td>184</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2015</td>
<td>3045</td>
<td>765</td>
<td>461</td>
<td>169</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2016</td>
<td>3055</td>
<td>768</td>
<td>449</td>
<td>155</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2017</td>
<td>3060</td>
<td>770</td>
<td>438</td>
<td>140</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2018</td>
<td>3065</td>
<td>772</td>
<td>427</td>
<td>127</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2019</td>
<td>3070</td>
<td>774</td>
<td>417</td>
<td>114</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In Table 1, estimates are presented for numbers of intercountry adoptions to prominent receiving countries based on figures compiled by Kane (1993) and Selman (2000, 2006). Note that these estimates are incomplete and include major gaps, notably missing estimates for the early 1990s and 2000. However, Table 1 gives a general overview of volume in raw numbers of intercountry adoptions between the years of 1980 and 2004. Fifteen top receiving countries are presented, according to their rank in 1998. The totals across the bottom of Table 1 indicate a general trend of growth in numbers of annual documented cases of intercountry adoption, with numbers in 2004 almost four times the total for 1980. The United States tops the list of prominent receiving countries in terms of raw numbers of intercountry adoptions, subsuming approximately half of intercountry adoptions in 2004; yet the United States is also the most populated country listed.
In Table 2, more of Selman’s (2006) data are reproduced, listing receiving countries ranked for the years of 1998 and 2004 according to adoptions per 1000 live births (adoption ratio), and adoptions per 100,000 population (crude adoption rate).

When receiving countries are ranked in these ways that anchor estimates to the receiving countries’ populations, what stands out is that the United States has a relatively low ratio and rate of intercountry adoption, and northern European countries – particularly Scandinavian countries – stand out as having the highest rates of intercountry adoption, with Spain showing a dramatic increase in its adoption rate between 1998 and 2004.

Although the United States is the top receiving country for intercountry adoptions in terms of raw numbers, Norway tops the charts in terms of having the highest rate of

<table>
<thead>
<tr>
<th>Receiving Country</th>
<th>Total Adoptions 1998</th>
<th>Adoption Ratio 1998</th>
<th>Crude Adoption Rate 1998</th>
<th>Total Adoptions 2004</th>
<th>Adoption Ratio 2004</th>
<th>Crude Adoption Rate 2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Norway</td>
<td>643</td>
<td>11.2</td>
<td>14.6</td>
<td>706</td>
<td>12.8</td>
<td>15.4</td>
</tr>
<tr>
<td>Spain</td>
<td>1487</td>
<td>4.2</td>
<td>3.8</td>
<td>5541</td>
<td>12.4</td>
<td>13.0</td>
</tr>
<tr>
<td>Sweden</td>
<td>928</td>
<td>10.8</td>
<td>10.5</td>
<td>1109</td>
<td>11.7</td>
<td>12.3</td>
</tr>
<tr>
<td>Denmark</td>
<td>624</td>
<td>9.9</td>
<td>11.8</td>
<td>528</td>
<td>8.4</td>
<td>9.8</td>
</tr>
<tr>
<td>Switzerland</td>
<td>456</td>
<td>8.6</td>
<td>9.4</td>
<td>557</td>
<td>8.2</td>
<td>7.7</td>
</tr>
<tr>
<td>Netherlands</td>
<td>825</td>
<td>4.6</td>
<td>5.3</td>
<td>1307</td>
<td>6.9</td>
<td>8.1</td>
</tr>
<tr>
<td>Italy</td>
<td>2233</td>
<td>4.4</td>
<td>3.9</td>
<td>3398</td>
<td>6.4</td>
<td>5.9</td>
</tr>
<tr>
<td>New Zealand</td>
<td>371</td>
<td>6.5</td>
<td>9.8</td>
<td>351</td>
<td>6.4</td>
<td>8.8</td>
</tr>
<tr>
<td>Ireland</td>
<td>147</td>
<td>2.8</td>
<td>3.3</td>
<td>398</td>
<td>6.3</td>
<td>9.8</td>
</tr>
<tr>
<td>Canada</td>
<td>2222</td>
<td>6.5</td>
<td>5.3</td>
<td>1955</td>
<td>6.0</td>
<td>6.1</td>
</tr>
<tr>
<td>USA</td>
<td>15774</td>
<td>4.2</td>
<td>5.8</td>
<td>22884</td>
<td>5.5</td>
<td>7.8</td>
</tr>
<tr>
<td>France</td>
<td>3777</td>
<td>5.3</td>
<td>6.4</td>
<td>4079</td>
<td>5.5</td>
<td>6.8</td>
</tr>
<tr>
<td>Australia</td>
<td>245</td>
<td>1.0</td>
<td>1.3</td>
<td>370</td>
<td>1.5</td>
<td>1.9</td>
</tr>
<tr>
<td>Germany</td>
<td>922</td>
<td>0.9</td>
<td>1.1</td>
<td>506</td>
<td>0.7</td>
<td>0.6</td>
</tr>
<tr>
<td>UK</td>
<td>258</td>
<td>0.4</td>
<td>0.4</td>
<td>332</td>
<td>0.5</td>
<td>0.6</td>
</tr>
</tbody>
</table>

1 Table 2 is a reproduction of data presented in Selman 2006, pg. 189
2 Adoptions per 1000 live births
3 Adoptions per 100,000 population
4 Receiving countries ranked according to 2004 adoption ratio
intercountry adoptions, as well as in terms of the ratio of intercountry adoptions to live births.

<table>
<thead>
<tr>
<th>Sending Country</th>
<th>Adoptions</th>
<th>Sending Country</th>
<th>Adoptions</th>
<th>Sending Country</th>
<th>Adoptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>China</td>
<td>11230</td>
<td>China</td>
<td>3205</td>
<td>China</td>
<td>6859</td>
</tr>
<tr>
<td>Russia</td>
<td>7659</td>
<td>Russia</td>
<td>2321</td>
<td>Russia</td>
<td>5209</td>
</tr>
<tr>
<td>Guatemala</td>
<td>2673</td>
<td>Columbia</td>
<td>1433</td>
<td>Guatemala</td>
<td>2328</td>
</tr>
<tr>
<td>S Korea</td>
<td>2306</td>
<td>Ukraine</td>
<td>1234</td>
<td>S Korea</td>
<td>1790</td>
</tr>
<tr>
<td>Ukraine</td>
<td>1958</td>
<td>Bulgaria</td>
<td>753</td>
<td>Kazakhstan</td>
<td>825</td>
</tr>
<tr>
<td>Colombia</td>
<td>1750</td>
<td>Ethiopia</td>
<td>659</td>
<td>Ukraine</td>
<td>702</td>
</tr>
<tr>
<td>India</td>
<td>1172</td>
<td>Haiti</td>
<td>656</td>
<td>India</td>
<td>472</td>
</tr>
<tr>
<td>Haiti</td>
<td>1055</td>
<td>India</td>
<td>579</td>
<td>Vietnam</td>
<td>382</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>962</td>
<td>Vietnam</td>
<td>505</td>
<td>Columbia</td>
<td>272</td>
</tr>
<tr>
<td>Vietnam</td>
<td>935</td>
<td>Brazil</td>
<td>439</td>
<td>Haiti</td>
<td>250</td>
</tr>
</tbody>
</table>

*Table 3 is a reproduction of data presented in Selman 2006, pg. 192*

In terms of sending countries, Table 3 shows Selman’s data on trends in 2003 of top sending countries for intercountry adoptions (Selman 2006). These estimates are based on intercountry adoptions that were received by twenty of the top receiving countries (left column) and are broken down further by noting the estimates of adoptees sent to Europe (middle column) versus those sent to the United States. Sending country prominence has changed dramatically over the past decades, which is not shown in these tables. Overall, China and Russia stand out as the top sending countries by far in 2003. Bulgaria, Ethiopia and Haiti are prominent source countries for Europe, but not for the United States. On the other hand, Guatemala stands out as a country that is prominent in
sending children to the United States but not to Europe. What is not clear in this table is what explains the differences in relationships between sending countries and receiving countries, and how these relationships change over time.

Table 4: Intercountry Adoption Rates and Ratio for 18 Countries of Origin\(^1\), 2003\(^2\)

<table>
<thead>
<tr>
<th>Sending Country (^2)</th>
<th>Adoptions 2003</th>
<th>Crude Adoption Rate (^3)</th>
<th>Standardized Adoption Rate (^4)</th>
<th>Adoption Ratio (^5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulgaria</td>
<td>962</td>
<td>12.2</td>
<td>31.5</td>
<td>15.5</td>
</tr>
<tr>
<td>Belarus</td>
<td>636</td>
<td>6.4</td>
<td>14.9</td>
<td>7.2</td>
</tr>
<tr>
<td>Guatemala</td>
<td>2673</td>
<td>21.6</td>
<td>13.8</td>
<td>6.4</td>
</tr>
<tr>
<td>Russia</td>
<td>7664</td>
<td>5.3</td>
<td>12.5</td>
<td>6.3</td>
</tr>
<tr>
<td>Ukraine</td>
<td>1958</td>
<td>4.0</td>
<td>9.6</td>
<td>4.8</td>
</tr>
<tr>
<td>Haiti</td>
<td>1055</td>
<td>12.7</td>
<td>9.4</td>
<td>4.2</td>
</tr>
<tr>
<td>S Korea</td>
<td>2306</td>
<td>4.8</td>
<td>7.9</td>
<td>4.1</td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>857</td>
<td>5.6</td>
<td>7.5</td>
<td>3.4</td>
</tr>
<tr>
<td>Romania</td>
<td>456</td>
<td>2.0</td>
<td>4.0</td>
<td>2.0</td>
</tr>
<tr>
<td>Colombia</td>
<td>1750</td>
<td>0.7</td>
<td>3.7</td>
<td>1.8</td>
</tr>
<tr>
<td>Poland</td>
<td>345</td>
<td>1.0</td>
<td>1.9</td>
<td>1.0</td>
</tr>
<tr>
<td>China</td>
<td>11230</td>
<td>0.9</td>
<td>1.2</td>
<td>0.6</td>
</tr>
<tr>
<td>Vietnam</td>
<td>935</td>
<td>3.6</td>
<td>1.2</td>
<td>0.6</td>
</tr>
<tr>
<td>Madagascar</td>
<td>390</td>
<td>2.2</td>
<td>1.3</td>
<td>0.5</td>
</tr>
<tr>
<td>Thailand</td>
<td>476</td>
<td>0.8</td>
<td>0.9</td>
<td>0.4</td>
</tr>
<tr>
<td>Ethiopia</td>
<td>847</td>
<td>1.2</td>
<td>0.7</td>
<td>0.3</td>
</tr>
<tr>
<td>Philippines</td>
<td>399</td>
<td>0.5</td>
<td>0.4</td>
<td>0.2</td>
</tr>
<tr>
<td>India</td>
<td>1172</td>
<td>0.1</td>
<td>0.1</td>
<td>0.1</td>
</tr>
</tbody>
</table>

\(^1\) Table 4 is a reproduction of data presented in Selman 2006, pg. 195

\(^2\) Based on intercountry adoption totals to 20 receiving countries

\(^3\) Ranked by adoption ratio

\(^4\) Adoptions per 100,000 population

\(^5\) Adoptions per 1000 live births
Table 4 presents sending country data from Selman (2006) in a different form for the year 2003, ranked according to adoption rates (adoptions per population) and adoption ratio (adoptions per 1000 live births). The crude adoption rate indicates adoptions per 100,000 in the population of the sending country. According to this table, Guatemala stands out with by far the highest crude adoption rate of over 21 children sent for intercountry adoption per 100,000 Guatemalans. The standardized adoption rate indicates intercountry adoptions per 10,000 0-4 year olds in the population. According to the standardized adoption rate, Bulgaria tops the charts, with over 31 children sent for intercountry adoption per 10,000 in the population ages 0-4. Belarus, Russia and the Ukraine join Bulgaria in the high standardized adoption rates, indicating a regional similarity, and Guatemala is also a sending country with a high standardized adoption rate. Adoption ratios indicate numbers of intercountry adoptions per 1000 live births. Again, Guatemala as well as Eastern European countries and Russia have the highest adoption ratios, with Bulgaria at the top at over 15 children sent for intercountry adoption per 1000 live births. Prominent sending countries such as China and India are ranked relatively lowly in Table 4 due to their large overall population. Statistically all of these ratios consist of well under 1% of live births in the sending country, with the exception of Bulgaria (1.5%). These rates and ratios give a different and meaningful view into the demographic trends of intercountry adoption with respect to features of the populations of sending countries.

Selman (2006) also explores gender and age breakdowns of intercountry adoptees, notably showing that girls form the majority of adoptees sent from China, Vietnam and India to Europe, the United States and Canada. In the most extreme case,
Selman’s statistics for 2002 and 2003 indicate that 95% or more of adoptees from China were girls. Such trends indicate preference for boys within each of these countries, yet mostly boys are adopted from South Korea and the Ukraine, suggesting a complex relationship between intercountry adoption trends and gender of adoptee (Selman 2006). In terms of age, there is great variance in the age of children adopted from different countries of origin to different receiving countries. According to Selman’s data, a majority of adoptees from Korea and Vietnam to the United States and Europe are infants; yet there is great diversity in the ages of adopted children (from less than one year old, to over five years old) from various countries of origin.
Selman also compares total fertility rates, infant mortality rates and per capita income of prominent sending and receiving countries within intercountry adoptions (2006). Table 5 shows his data for these variables. Such indicators of fertility rates and population health (infant mortality), as well as average population wealth, give a broader picture of differences and similarities between sending and receiving countries. The relative affluence of receiving countries stands out in sharp contrast to the relative poverty of sending countries. Infant mortality as a measure of population health indicates an almost total divide between receiving and sending countries, with countries

Table 5: Social and Demographic Characteristics of the 10 Countries\(^1\) Sending Most Children for Intercountry Adoption and of 5 Receiving Countries Taking Most Children for Intercountry Adoption, 2003\(^1\)

<table>
<thead>
<tr>
<th>Sending Country</th>
<th>Adoptions</th>
<th>Income per capita GNI (US$)</th>
<th>Total Fertility Rate</th>
<th>Infant Mortality Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>China</td>
<td>11230</td>
<td>1100</td>
<td>1.8</td>
<td>30</td>
</tr>
<tr>
<td>Russia</td>
<td>7659</td>
<td>2610</td>
<td>1.1</td>
<td>16</td>
</tr>
<tr>
<td>Guatemala</td>
<td>2673</td>
<td>1920</td>
<td>4.4</td>
<td>35</td>
</tr>
<tr>
<td>Korea</td>
<td>2303</td>
<td>12030</td>
<td>1.4</td>
<td>5</td>
</tr>
<tr>
<td>Ukraine</td>
<td>1958</td>
<td>970</td>
<td>1.2</td>
<td>15</td>
</tr>
<tr>
<td>Colombia</td>
<td>1750</td>
<td>1810</td>
<td>2.6</td>
<td>18</td>
</tr>
<tr>
<td>India</td>
<td>1172</td>
<td>530</td>
<td>3.0</td>
<td>63</td>
</tr>
<tr>
<td>Haiti</td>
<td>1055</td>
<td>380</td>
<td>3.9</td>
<td>76</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>962</td>
<td>2130</td>
<td>1.1</td>
<td>14</td>
</tr>
<tr>
<td>Vietnam</td>
<td>935</td>
<td>480</td>
<td>2.3</td>
<td>19</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Receiving Country</th>
<th>Adoptions</th>
<th>Income per capita GNI (US$)</th>
<th>Total Fertility Rate</th>
<th>Infant Mortality Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>US</td>
<td>21616</td>
<td>37610</td>
<td>2.1</td>
<td>7</td>
</tr>
<tr>
<td>France</td>
<td>3995</td>
<td>24770</td>
<td>1.9</td>
<td>4</td>
</tr>
<tr>
<td>Spain</td>
<td>3951</td>
<td>16990</td>
<td>1.2</td>
<td>4</td>
</tr>
<tr>
<td>Italy</td>
<td>2772</td>
<td>21560</td>
<td>1.2</td>
<td>4</td>
</tr>
<tr>
<td>Canada</td>
<td>2180</td>
<td>23930</td>
<td>1.5</td>
<td>5</td>
</tr>
</tbody>
</table>

\(^1\) Table 5 is a reproduction of data presented in Selman 2006, pp. 198-199. Source: UNICEF 2005

\(^1\) Based on intercountry adoptions to 20 receiving countries
of origin marked by far higher rates of infant deaths overall. The one exception to this is Korea, which boasts an infant mortality rate lower than the United States and on par with Canada, two internationally prominent receiving countries.

However, what is remarkable and partly unexpected in Selman’s data in Table 5 is the comparisons of total fertility rates. Differences in fertility are often cited as an explanation for the patterns of receiving and sending in intercountry adoption: low fertility countries adopt children in from countries with relatively high or excess fertility. The total fertility rate (TFR) refers to births per woman, with a TFR of two usually considered the replacement rate for the population. However, Table 5 indicates that 5 of the 10 top sending countries in 2003 had total fertility rates below two, indicating below replacement fertility levels in China, Russia, the Ukraine, Korea and Bulgaria. Table 5 shows that the United States actually has a slightly higher TFR than these 5 prominent sending countries, at 2.1 births per woman. Guatemala, India and Haiti stand out as sending countries that do have relatively higher total fertility rates, and the other 4 top receiving countries shown in Table 5 do have below replacement total fertility. However, overall the data in Table 5 suggest that the relationship between intercountry adoption trends and fertility levels is not simple.

According to the CIA’s World Factbook (2009), Norway’s estimated total fertility rate for 2009 is 1.78; Denmark’s is 1.74; Sweden’s is 1.67; and Spain’s is 1.31, indicating below replacement total fertility. These represent the top 4 receiving countries according to adoption ratio and crude adoption rate (see Table 2 above). However, Bulgaria (TRF = 1.41), Russia (TRF = 1.41), the Ukraine (TRF = 1.26) and Belarus (TRF = 1.24) are all highly ranked sending countries in terms of standardized
adoption rates and adoption ratios (see Table 4 above) yet have incredibly low total fertility rates, well below replacement levels. These demographic data indicate an interesting twist in the trends between specific receiving and sending countries: many prominent receiving countries and prominent sending countries are marked by very low total fertility rates. Rather than a linear relationship, these data indicate a complicated relationship between fertility rates and intercountry adoption trends.

Interestingly, terms such as ‘migration’ (Selman 2006) and ‘epidemiology’ (Kane 1993) are used in conceptualizations of intercountry adoptions from a demographic perspective, even though the terms ‘migration’ or ‘immigration’ are avoided, even actively rejected, in descriptions of intercountry adoption in most adoptee-oriented and family-oriented micro-social inquiries reviewed in the previous section on social work and other individual and family-focused literatures. Selman (2006) stresses that intercountry adoption is not only a form of migration but also a form of family building.

Overall, demographic research on intercountry adoption has an atheoretical orientation toward the trends it describes, with the qualification that Selman’s compilations (2006) draw explicit attention to fertility levels and relative per capita GNP per country, factors that may implicitly inform specific theoretical orientations to intercountry adoption (see Table 5). Although the trends indicate intricate systems of relationships between countries that span far beyond the interpersonal relationships that the social work and other tomes of literature discuss, the demographic perspective does not add an explicit theoretical orientation to the interpretation or analysis of these trends. Estimates of demographic trends of intercountry adoption over recent history are
valuable data for building theoretical explanations for intercountry adoption. However, estimates themselves in aggregate do not offer adequate theoretical conclusions and do not indicate the nuanced levels of social contexts in which the trends are formed. To paraphrases C. Wright Mills on this point: “If humans are studied in a symbolically reduced, statistically aggregated fashion, there is a danger that conclusions – although arithmetically precise – may fail to fit reality” (Mills 1959, cited in Berg 2004:4).

Perceived legal obstacles to domestic adoption in the United States are often cited as a partial explanation for the volume of intercountry adoptions practiced here (Engel, Phillips and Dellecava 2007). However, statistics suggest that at least twice as many domestic adoptions occur in the United States annually as intercountry adoptions. This is one of the many ways that the United States stands out in terms of its involvement in intercountry adoptions: not only does it take in the most foreign adoptees annually in terms of raw numbers, it retains a much more massive internal adoption rate than its intercountry adoption rate. In most other prominent receiving states, domestic adoptions are very few due to reported unavailability of children domestically. This falls in contrast to assumptions stated in other literatures which suggest that prominent receiving countries have relatively little to no internal, domestic adoption when compared to intercountry adoptions (e.g., Fonseca 2006). This is another point of disagreement and incongruence in much of the literatures on intercountry adoptions regarding descriptions of and reference to intercountry adoption trends: like the assumption that levels of low fertility and high fertility mark receiving and sending countries respectively, the presumption in literatures that all receiving countries,
particularly the United States, transact a paucity of domestic adoptions must be modified based on deeper analyses of available data.

III. Intercountry Adoption: Conflict-Oriented and Critical Literatures

Literatures devoted to explorations of problematic aspects of intercountry adoption such as politics, power, poverty and other forms of social inequality as they contribute to contemporary intercountry adoption structures and processes can be described as having a sociological lens that is *conflict-oriented* (denoting apparent conflict between groups for resources or power as a fundamental root of social phenomena) or, more generally, retain an explicitly or implicitly *critical* view of the subject matter of intercountry adoption. A majority of social research devoted to intercountry adoption involves the individualized and micro-interactional perspectives described above. Smolin suggests that data collected about intercountry adoptions frames the social phenomenon in the ways it is experienced and understood from receiving countries’ perspectives, and thus reports of scandals and illegitimate activities may not be represented in such data or research (2005; cited in Selman 2006).

As noted in the above sections, the works of sociologists is largely absent from these literatures. One recent exception is a paper by Engel, Phillips and Dellacava (2007) that offers a sociological review that considers of social factors involved in the United States’ experience of intercountry adoption. They suggest that media, with prolific information available about intercountry adoption available on the internet and contacts for support services, facilitates the exploration of intercountry adoption by
American adults. They also review the history of the United States’ involvement in intercountry adoptions, as well as critical attitudes toward the US’ involvement in intercountry adoptions as a voluminous receiving country, and they consider issues of social justice. Overall although they provide critical commentary about intercountry adoption, their review lacks attention to sociological theory, perhaps because little explicit attention to sociological theory exists within literatures on intercountry adoption.

In the following subsections, literatures are reviewed that have sociological relevance and that can be described as having explicit or implicit theoretical orientation toward intercountry adoption that is conflict-oriented or otherwise critical. There are noticeably more subsections in this conflict-oriented review, which is in part an artifact of lack of cohesion across critical literatures devoted to intercountry adoption which hail from multiple disciplines, and in part an artifact of my imperfect attempt to impose order on them. These subsections are presented in the following order: historical and contextual perspectives, relative power and poverty including perspectives of sending countries, dissonance between sending and receiving perspectives, race/ethnicity, gender and women’s link to children’s social vulnerability, law and comparative policy perspectives, and structural and regulatory links to corruption.

A. Historical and Contextual Perspectives

Several sources give historical views of adoption (Zelizer 1985; Carp 2002; Bowie 2004) that include common practices of extracting productive labor from children in social forms that ranged from apprenticeship, equivalence of biological children’s expected assistance in productive contributions to households, a normative means of
extending kin lineages, and indentured servitude. Zelizer (1985) notes that the historical shift away from condoning children’s productive, contributive labor capacities within families and toward sentimentalization of the social value of children fundamentally changed adoption and fostering trends: with these broad-scale social and cultural changes, once ‘useless’ infants in terms of their ability to contribute positively to a family’s subsistence quickly became sentimentalized, ‘priceless’ infants. Zelizer highlights the paradox that this historical shift to valuing children as ‘priceless’, sentimental treasures was directly related to the pronounced increase in costs associated with adoption, and the increase in demand for infants. These historical changes that occurred in industrialized, modern society created fodder for what is now understood as adoption in the economic north. Historical views of the changing social contexts, forms and values of adoptions of children at the very least offer a nuanced view of contemporary intercountry adoption practices by contextualizing them. In contrast to atheoretical and functionalist-oriented literatures, such historical works by definition do not take contemporary intercountry adoption practices as an a priori functional social solution, taken-for-granted social reality, but rather explore the ebb and flow of macro-level historical changes that have contributed to present-day structures, processes and understandings.

In the twentieth century, intercountry adoptions were done initially in acute humanitarian response to orphan or refugee crises that developed due to natural disaster, civil unrest, or war (Engel, Phillips & DellaCava 2007; Masson 2001; Selman 2006; Triseliotis 1993). Even now, intercountry adoption is constructed within much of the literatures as a basically altruistic and humanitarian phenomenon that fosters a child’s
best interests in terms of care and protection and, simultaneously, fosters positive family formation according to Euro-American norms of kinship and family structure. Yet intercountry adoption is no longer as inextricably linked to temporally finite social crises in limited areas of the world. Some suggest that through recent history, adoption has been a means toward a diversity of goals, including serving the interests of adults (Ross 1999; Triseliotis 1993) that have ranged from child labor to hopes of fulfilling the dream of the “perfect family” (Cahn 2002:463). Although much literature notes that responses to needy children during World War II, the Korean War, and then the Vietnam War constitute the beginnings of the modern boom in intercountry adoptions (Engel, Phillips & Dellacava 2007; Masson 2001; Selman 2006; Triseliotis 1993), seldom are perspectives presented from war-torn countries of these social practices. Engels and colleagues (2007) cite an emphatic quote by a South Vietnamese military officer regarding the crash of a transport plane that allegedly carried Vietnamese children to be adopted by Americans: “It is nice to see you Americans taking home souvenirs of our country as you leave – china, elephants, and orphans… Too bad some of them broke today, but we have plenty more” (Emerson, 1975:9). Inherent in this quote is a perspective on global adoptions in response to war crises that is in opposition to the prevailing humanitarian constructions of discourse within research and professional literatures that recounts this war-based history of intercountry adoptions.

It is asserted that more recently, instead of in response to acute cases of humanitarian crisis, intercountry adoption is growing increasingly in response to decline in both fertility and availability of children for within-country adoption in relatively affluent countries (Bojorge 2002). However, as noted earlier, data on fertility and
population replacement rates challenge the assertion that all receiving countries have below-replacement fertility levels and all sending countries have relatively high fertility levels, yet fertility differences are often cited as a primary reason for the existence of intercountry adoption. Yet relatively higher fertility in prominent sending countries is often discussed as a rhetorical explanation for contemporary intercountry adoption trends (Triseliotis 1993), although the demographic evidence reviewed earlier in this chapter (Selman 2000, 2001, 2006) as well as literatures about practices and features of sending countries (Fonseca 2006) complicates this claim.

Some suggest that humanitarian impetus for mass intercountry adoptions has been replaced by demand for children by childless adults (Selman 2002; Triseliotis 1993). Others suggest that laws that regulate intercountry adoptions across history have become more and more oriented toward what is best for the child, and less oriented toward adoptive parents (Howell 2006b). Triseliotis (1993) suggests that current practices of intercountry adoption are largely adult-centered. Yet powerful rhetorics within discourse about intercountry adoption often are dominated by themes of child rescue or child saving (Dubinsky 2007) as well as best interest of the child (Howell 2006b). Although adults’ interests and children’s interests are not necessarily oppositional or incompatible, there is a tension within discourse and literature devoted intercountry adoption that often juxtaposes the interests of these groups, and at the very least highlights substantial power imbalances between groups based on age, with children in general being rendered socially helpless, disempowered and vulnerable vis-à-vis adults (Matthews 2007).
Whereas intercountry adoption is often described in terms of altruism and the private, personal, and positive pursuits of family building by adopting adults, and in terms of increased opportunities (albeit with potential for increased troubles regarding the well being and adjustment) for adoptees, others suggest that adoptive families still hold a socially stigmatized place in society relative to family ideals that emphasize ‘bloodlines’ and that idealize genetic family ties (Howell 2006b; Wegar 2000; Bowie 2004). Wegar suggests that there are negative and stigmatizing biases toward adoption that are present within research and practice (2000: 363), and notes that the “twin stigmata of infertility and illegitimacy” (from Haimes & Timms 1985; cited in Wegar 2000:363) assists in the negative social construction of adoptive families as a relatively stigmatized family form. It is worth noting that her article explores adoption in general and from a United States’ perspective that is critical of the prevailing social-work research and practices and theories regarding adoption. It is an open question for study as to whether intercountry adoption practices or research entail similar or contrary aspects of stigma and legitimation.

B. Relative Poverty and Power: Perspectives of Sending Countries

Hollingsworth (2003) notes that the child’s family of origin often languishes in social contexts of extreme poverty and disenfranchisement. Kapstein (2003) suggests that socioeconomic circumstances are often considered justification for international adoptions as a respectable alternative to the conditions in which orphaned children live in developing-world orphanages. Yet these contexts of relative poverty raise questions of social justice for the children and their birth families that lack resources and power,
and this is often not considered in the micro-level practice of international adoption (Hollingsworth 2003; Hollingsworth & Ruffin 2002) nor in micro-interaction-level intercountry adoption research. Others extend this social critique of intercountry adoption by emphasizing the global inequality that predicates it, describing intercountry adoptions as akin to a historically recent form of imperialism (Fine 2003) or neocolonialism (Smolin 2004). Melosh is cited by Engels and colleagues (2007) as describing intercountry adoption in terms of global economic systems, as “…a transfer of children from poor to rich nations that is a repugnant extension of the transfer of natural and human resources that structures global capitalism” (2002:194). Leinaweaver and Fonseca (2007) critique intercountry adoption using a political economy perspective: they relate local experiences of violence and poverty that render children socially vulnerable (see also Gailey 1998) to complicity between civil institutions and governments to enact policies about children that are influenced by political and economic concerns, all of which together form a foundation for contemporary intercountry adoption practices (Leinaweaver & Fonseca 2007). In a booming global market of international adoption, Kapstein asserts that “corruption has distorted the baby trade” (Kapstein 2003: 115). Others also have described intercountry adoption as increasingly a trade in children (Freidmutter 2002), even noting how media representations of global orphans are nested within mechanisms of new openness of global trade (Cartwright 2005). Emphasizing the dramatic inequality in economic resources and power between those who bear children that are sent to foreign adults to adopt, and those who adopt them, Bartholet suggests that intercountry adoption is
comprised of “the taking by the rich and powerful of the children born to the poor and powerless” (1993: 142).

There is evidence, although not nearly enough systematic and in-depth research, of cases in which complex interplays of foreign relations, policies, politics and practices intertwine to produce intercountry adoption trends, including intercountry adoption moratoriums. For instance, the case of Romania is often cited as a once-prominent sending country that has greatly restricted its outgoing adoptions in response to allegations and evidence of corrupt practices of buying and selling children. While it has been reported that the USA allegedly pressured Romania to reopen intercountry adoptions as a condition for its admission to NATO (BBC report; Cited in Engels et al 2007), the European Union is reported to have supported Romania’s moratorium on outgoing adoptions, stating that the United Nations Convention on the Rights of the Child makes the ban important in order to establish proper controls to prevent trafficking in children for adoption (Engels et al 2007). In addition to Romania, there are reports that the United States has in the past placed political pressure on other sending countries, including Liberia and Guatemala, to lift moratoriums on out-flowing intercountry adoptions (Quiroz 2007).

Although Guatemala had been blacklisted as a sending country by European receiving countries due to documentation of illegal intercountry adoption procedures, and the US State Department posted a warning in late 2008 to the American public regarding alleged illicit activities within Guatemala related to intercountry adoptions, the United States continued to receive adoptees from Guatemala through 2008, totaling 4,123 adoptees and comprising the top sending country to the US in 2008 (United
States’ State Department 2009). As of March 2009, the United States State Department has posted an alert on their website, noting that the United States will not be processing Guatemalan adoptions due to inadequate legal and infrastructural mechanisms within Guatemala in accordance with guidelines based on Hague standards (United States State Department 2009: http://adoption.state.gov/news/guatemala.html). In the first half of 2009 alone, the United States State Department issued alerts to the American public about outgoing adoptions from five countries in addition to Guatemala, including Ethiopia, Togo, Kyrgyzstan, Lesotho and Liberia, citing that either the country has suspended outgoing adoptions or the US government could not process such adoptions (United States State Department 2009). Such information offers only a small view into the macro-level complexities of relationships between countries involved in intercountry adoptions, replete with inequality in terms of power, other resources, and with capacities for political maneuvering. However, systematic research of the complexities of these relationships between countries and how they change remains sparse.

Yngvesson describes the ‘gift child’, or the conceptualization of the foreign adoptee as freely given and exchanged via intercountry adoption, as well as the additional resource transfers that the gift child evokes, and the intricate webs of relations between organizations and professionals that facilitate intercountry adoptions at the national levels all as part of one means through which a hierarchy of nations is established and reified (2002:245; Malkki 1992). Others (Triseliotis 1993; Strathern 1992) also describe and deconstruct the premise that the ‘giving’ of a child for intercountry adoption actually comprises a ‘gift’, and point out how such practices are based on the logic of consumerism.
Hollingsworth and Ruffin (2002) use a social exchange perspective to analyze the question of why many families in the United States seek intercountry adoptions. In this framework they identify costs, benefits, and aspects of power relations that constitute motivating factors for the increase in numbers of international adoptions by adults into the United States. Costs of intercountry adoption for adults seeking a child include high adoption-related expenses and an increased potential for health or developmental challenges for some foreign adoptees (Albers, Johnson, Hostetter, Iverson & Miller 1997; Goldberg 1997; Ryan & Groze 2004). Benefits include obtaining a relatively young child, preferably an infant; shorter waiting times; opportunity for closed or confidential adoptions; and racially-matched adoptions (Hollingsworth & Ruffin 2002). Relative power of adoptive parents is conceptualized in terms of not only economic privilege and access to resources such as adoption services that assist in gaining access to a child, but also in terms of relative influence over adoption policies and processes through advocacy efforts on the parts of birth and adoptive parents (Hollingsworth & Ruffin 2002). Overall, the prevailing practice of open adoptions, or adoptions in which birth families retain rights to some involvement with the adopted child, within the United States is suggested to be a major reason US families choose intercountry adoption. Hollingsworth & Ruffin (2002) note that this mode of open domestic adoption is a result of successful advocacy efforts that have enhanced the opportunities for involvement of birth parents and adopted persons. In contrast, they note that the power processes involved in predominantly closed intercountry adoptions are markedly different, stating that, “The frequent disenfranchisement, poverty and oppression of birth parents in the developing countries from which children are often
adopted internationally disallows the same power processes among these parents, making the adoption of their children internationally an easier process” (2002: 93).

‘Weak’ adoption or ‘open’ adoption versus ‘strong’ adoption, ‘closed’ adoption or ‘confidential’ adoption all refer to differences in the relationships (Howell 2006b), or lack thereof, between a triad of social actors involved in an adoption process: the birth parent(s) or other birth family members, the adoptive parent(s), and the child. In the United States, domestic adoptions have shifted historically from closed or confidential adoptions to open adoptions, largely due to gains made by African-American advocacy groups that lobbied successfully for the rights of birth parents to retain the opportunity of involvement in the child’s life (Hayes 1993). Intercountry adoption, on the contrary, implies almost always a legal and final relinquishment of any rights to the child by the birth parent(s), by giving the child up to the state and thereby allowing the child to become legally adoptable, at least from the standpoint of the receiving country (Roby & Matsumura 2002). Transference into another country, replete with legally established new kin in this country and often citizenship status in this country, leads to complications over jurisdiction for any biological kin’s claims to relation to a child who is transnationally adopted.

C. Dissonance between Sending and Receiving Perspectives

Within the literatures on intercountry adoption, a clear point of demarcation across literatures is whether the research or researcher is oriented toward the perspective of the receiving country or the sending country. Some highlight the interests of sending countries regarding preservation of its own human resources, and note concern that
rhetorics of charity may disguise new forms of exploitation of poor countries by rich countries operant in intercountry adoption (Freundlich 1999). Some offer theoretically informative frameworks to highlight the differences and dissonance between the perspectives of sending and receiving countries. For instance, Yngvesson (2004:212) offers a critique of hegemonic and constraining definitions of ‘family’ within practices of intercountry adoption which often reflect receiving countries’ ideals and norms of family and fail to reflect sending countries’ ideals and norms. As noted above, Yngvesson (2002) explores discourses related to the ‘gift child’, noting that the construction of freedom of giving a child for intercountry adoption, as well as the construction of an exclusivity of belonging to adoptive parents, relate in complicated ways to commodity logic. With a focus on language, Yngvesson highlights the paradox that voluntary giving – free, albeit suffered and irrevocable, choice; and selfless, loving relinquishment of a child -- mark dominant modes of discourse that depict the birth mother’s experience in intercountry adoption, all modes that would be abhorrent to and abhorred by adoptive parents (2002). Nonetheless, Yngvesson suggests that these are necessary modes of discourse in order to permit the construction of adoptive parents as ‘free’ to adopt and to permit the states involved in intercountry adoption processes to arrange the emphatic and distilled ‘placement’ of the gift child (Yngvesson 2002). She suggests that while identity rights are important protections that have become a focus of policy, law and case law that regulate intercountry adoption, such attention has also established the terms of commodification of the adoptee and has drawn attention away from the key role that states play in the production of abandoned children (Yngvesson
2002:236). These contested and oppositional discourses are also illustrated in the absence of the use of ‘immigrant’ as a referent for foreign adoptees (Collinson 2007).

Elsewhere, Yngvesson explores how privileged and specific idealizations of family may constrain efforts to provide care for children around the world, and how adoption professionals in sending and receiving countries endorse limited yet hegemonic ideas of family based on Western middle-class ideals, ideals which are codified in international policies such as the United Nations Convention on the Rights of the Child (Yngvesson 2000). In a distinct approach to national and ethnic identity of adoptees, she suggests that all of this leads to the commodification of children’s bodies as exports and imports, replete with intricate ties of belonging, or enchainments, to their countries of origin and arrival (Yngvesson 2004).

Dubinsky (2007) contrasts discourses of intercountry adoption in terms of rescue or child-saving discourses, which prevail in receiving countries, and kidnap discourses, which have origins in marginalized social groups from which children are adopted by outsiders. Quiroz (2007) suggests that there are colonial aspects to contemporary adoption processes that consist of hierarchies of gender, economic resources, and race. Recognizing the duplicity within dominant rhetorics used to describe intercountry adoption, Quiroz states, “Focusing attention on individual and family welfare, intercountry adoption presents a mechanism for middle class family-building in the U.S., and favors those with adequate funds or ability to secure $20,000-$40,000 in adoption loans. Though not explicit, intercountry adoption serves as a vehicle of privilege masked by benevolent rhetoric” (2007:59).
Other researchers offer detailed views into aspects of intercountry adoption from the sending country’s point of view, which is almost always critical. In survey results from samples of Chinese adults, including government officials, orphanage personnel, and lay public, Luo and Bergquist (2004) found that although overall intercountry adoption of Chinese children was viewed in a positive light as a viable solution for abandoned children, participants also expressed concern for the child’s loss of Chinese culture. Some members of the general population noted that intercountry adoption is a source of national shame (Luo & Bergquist 2004). Other researchers investigating sending countries’ perspectives outline illegitimate practices involved in the development of a pool of adoptable children. Leifsen (2008) describes how formal mechanisms, including public officials, structures and policies, facilitate child trafficking related to intercountry adoption out of Ecuador. He offers analysis of the economy of producing and preparing a pool of Ecuadorian children for intercountry adoption, as well as the establishment of price of the potential adoptee, through state and market mechanisms (Leifsen 2008).

Fonseca (2006; 2002a; 2002b) describes in detail Brazil’s involvement in intercountry adoptions as a once-prominent sending country. She argues that intercountry adoption practices are based in at least one key difference between sending and receiving countries: in receiving countries, it is not as easy to strip parental rights from birth parents as it is in developing countries (Fonseca 2006: 157). She describes the situation in Brazil in rich detail, in which impoverished families are stripped of parental rights by the states, with other influences and pressures from within Brazil as well as abroad facilitating these processes. Based on a historical view into Brazil’s
troubled adoption past, which includes sale of children and trafficking of children involving multiple domestic and foreign participants, she draws attention to the contrast between media portrayals within Brazil of international adoption as predatory and involving baby snatching and the salvationist rhetorics of intercountry adoption prevalent in Europe and North America (2006:155). Fonseca also relates complexities of international and national social forces to her studies of vulnerable poor populations within Brazil, suggesting that such communities are influenced by national and international processes and that policies concerning care for poor children in the favelas, or urban poor communities, are shaped by powerful political interests that promote adoption (2002; 2002b; 2005). Such practices, in which state organizations are complicit within the systematic and sometimes illegitimate designation of children as available for adoption, have also been suggested of Child Protective Services within the state of California (Hiller 2008).

Roby and Matsumura (2002) note that in the U.S. Marshall Islands, intercountry adoption officials exploited a local cultural understanding of adoption – as an impermanent extension of kinship and thus positive expansion of family membership – as well as the breakdown of traditional family supports in the poor island communities to attain legal relinquishment of children through coercive practices, often suggesting directly or indirectly to impoverished birth mothers that they would see their child again and that the U.S. adoptive placement was temporary. These birth mothers, who had little access to legal recourse or other social supports, were surveyed after relinquishing their child for U.S. adoption: 82% reported that at the time of relinquishment they believed that their child would return to them after age 18 with material and educational resources
not possible to attain in their home country, and 87% said they would not have given their child up for adoption if they had known they would not see her again (Roby & Matsumura 2002). Roby and Matsumura note that adoption practices which would be illegal within the United States and considered clearly incongruent with international standards and which placed birth families at great risk were occurring with regularity in Marshallese adoptions to the United States (Roby & Matsumura 2002). These works illustrate a sharp dissonance between the perspectives of receiving countries and sending countries within the experiences of as well as the literatures on intercountry adoption.

D. Race and Ethnicity

In describing the *white baby famine*, Triseliotis (1993) refers to the paucity of white babies available for adoption in Western countries, and he highlights how this has coincided with extreme poverty and relatively high fertility in other countries to influence new trends in increasing intercountry adoptions (Triseliotis 1993). A preference for white children may explain the low numbers of children adopted from African countries and, in contrast, the increasing proportions of children adopted from Eastern European countries as well as Asian countries, suggesting that features of children from Asia are racially-desirable and ‘exotic’ (Riley 1997). Yet interview data for this project also reveal that legal and infrastructural mechanisms to facilitate intercountry adoptions according to best standards set forth in international policy are generally lacking in many African countries, comprising a major limiting factor on the amounts of intercountry adoption of African children that is legally possible. The importance of issues relating race, racial preference and intercountry adoption is drawn
into refinement when the estimated 11 ½ million orphans of the African AIDS pandemic in sub-Saharan Africa are considered (UNICEF: “The State of the World’s Children, 2009: Executive Summary: Maternal and Newborn Health”

Although countries can typically be defined as either a sending or a receiving country regarding involvement in intercountry adoptions, Engels and colleagues (2007) note that the United States presents a curious case of a country that tops the world in terms of raw numbers of foreign children adopted into a country yet also recently has a small stream of several hundred out-flowing adoptions of US-born children each year. These US-born children are infants and mostly have an African-American or dual-race background (Corley 2005), and they are being adopted by adults in foreign countries such as Canada and northern European countries (Davenport 2004). Selman (2001b) suggests that demographic trends in intercountry adoption may indicate a growth in demand by Americans for babies with light-skin. Some have noted the irony that US families will go through expense and work of adopting a Romanian child, which research has shown entails a high probability of significant behavioral and other developmental challenges, and which lacks the infrastructure to ensure informal support during the family’s adjustment, while there are non-white children within the US with comparable challenges who can be adopted with institutional support and governmental subsidy (Ortiz & Briggs 2003). Prominence in the US media of a highly racialized crack-baby epidemic (Collinson 2007; Ortiz & Briggs 2003) and framing poor people as welfare cheats in the 1980s are argued to have contributed to associating domestic
adoption with race, to favoring intercountry adoption, and to creating the misperception that there are no healthy white children available for domestic adoption (Ortiz & Briggs 2003; Collinson 2007). Such literatures point to the conflation of race with domestic adoption and intercountry adoption possibilities, particularly in the United States.

The United States is presented within literatures as representing other interesting paradoxes regarding its participation in intercountry adoption, complicated paradoxes that are permeated with concerns about race. On the one hand, historically in the United States Native American and African American groups fought hard against domestic adoption of their children by Caucasian adults who sought adoptable children (Engels et al 2007; Melosh 2002; Hayes 1993). This led to domestic policy changes in the form of laws that restricted and regulated domestic adoptions with attention to race-matching, often with a rhetoric of safeguarding the best interests of children regarding their culture and identity, and yet arguably these changes were driven more by a rationale of safeguarding ethnic communities (Hayes 1993). These developments led in part to more stringent policies for domestic adoption within the United States that are reported to safeguard the child’s best interests and also enforce rights of birth families, particularly the child’s right to cultural and ethnic identity and connection to biological family. Ironically such laws and regulations are often cited as an influential reasons Americans seek to adopt foreign children, rather than deal with the bureaucratic processes in place meant to protect children’s and other groups’ rights. Hayes locates the root of debates over transracial adoptions in America within ideology about racial and ethnic identity that derives its legitimacy from questionable, and contested, social and psychiatric assumptions (1993:301).
Quiroz (2007) reviews how increased attention to *color-blind individualism*, which highlights the centrality of individuals’ choices within much social policy including intercountry adoption policy in the United States, actually obscures attention to exacerbated national and global inequalities, including inequalities based on race and ethnicity, which underlie adoption trends. Quiroz states that “In an ideal world, adoption would not be needed, and certainly in a color-blind world 7 of 10 adopters would not be white” (2007:64). Although these citations do not exhaust the intercountry adoption literatures relevant to race and ethnicity, they do indicate that concerns about race and ethnicity form robust and complicated threads of explanations and critiques of intercountry adoption processes.

**E. Gender: Women and Children Linked in Social Vulnerability**

Available evidence confirms the *feminization of poverty*, or the over-representation of women and children among the ranks of the poor (Pearce 1978; Hinze & Aliberti 2006; McLanahan & Kelly 1999), in both the United States and across the globe. The feminization of poverty intersects in complex and interdependent ways with marital status and household characteristics, wealth and other measures of socio-economic status, race and ethnicity, and age (Hinze & Aliberti 2006). Fraser (1989) proposes that within late-capitalist welfare states, fiscal crises have coincided with increased feminization of poverty, and that this is rooted in patriarchal social structure, or a set of systems that reinforce rather than challenge the roots of existing social inequalities and have resulted in rapidly increasing number of women (and children) in poverty (1989:448). Herrman & Kasper (1992: cited in Roby & Matsumura 2002)
highlight concerns for the interests of sending countries regarding intercountry adoptions that are conducted according to a business-logic that exploits poor women and children, thus highlighting the relevance of feminist structural frameworks to the analysis of intercountry adoption.

Briggs (2003) assesses the visual iconography of rescue apparent within visual media, specifically media coverage of family life, women and children, and how it relates to present global inequality and intercountry adoption. Her visual analysis reveals that global poverty and need are heavily gendered, and she highlights how intricately women’s relative social vulnerability and children’s vulnerability are tied. Despite a plurality of national approaches to abandoned children and standards of mothering (O’Donovan 2002), media portrayals construct poor mothers as unfit and poor infants as in need of rescue (Briggs 2003; Collinson 2007). Briggs (2003) focuses on the provocative and useful visualization of suffering women as poor Madonnas-with-child in media, a prominent and useful image which predates late modern intercountry adoption practices but had been honed as a trope by the time mass intercountry adoptions were occurring in significant numbers in the 1950s. In these images, Briggs notes that poor women are almost always presented as waifs clinging to equally waifish babies (2003). She notes that imagery of impoverished women and children depicts them often alone, almost always outside, and with chaos surrounding them (refugee camp tents, garbage dumps, disaster wreckage); whereas imagery of family at the homestead in America are almost always indoors, with parents and children together but independent. Briggs (2003) argues that these specific representations of children, and also of women, include latent messages that are intentional and instrumental in promoting the deployment of
individualized, altruistically-motivated sympathy and \textit{solutions} to poverty, including intercountry adoptions, by members of relatively privileged and powerful societies. Based on these media representations of starving, powerless women and desperately needy children, individuals are encouraged to offer assistance and can visualize themselves as the champions of poor persons and children elsewhere (Briggs 2003).

Briggs contends that such visual imagery at once operates to legitimate existing national policies (e.g., policies that protect political, economic, and military interests of affluent countries) and deflects attention away from the structural roots of poverty, including the fundamental and systematic role privileged states have played in producing the impoverishment or war that underlie the needs of children and women from other countries who are featured in visual culture (2003). Briggs argues that governments as well as international aid organizations, specifically UNICEF, have used this visual trope of needy mother and decrepit child successfully for decades (2003). She notes that the ideology of \textit{rescue} of non-white people by white people is fundamental to intercountry adoption, and that \textit{rescue} discourse only extends in one direction: \textit{up} the ladder of relative socio-economic status and power (Briggs 2003). Briggs work in no way asserts that the suffering and need depicted in visual culture is not real, but rather draws attention to the social utility and power of such imagery to fuel and legitimize current intercountry adoption practices and subvert interrogation of structural factors that shape global inequalities.

Although the focus of this project is not explicitly on gender, women or mothers, the relevance of literatures devoted to gender, including feminist theories and interpretations of dominant sociological theories (e.g., critiques of world systems theory
and dependency theory: Ritzer 2007; Ward 1993), are highly salient to analysis of intercountry adoption. Many of the critical perspectives reviewed in this chapter implicitly or explicitly describe the relative vulnerability of birth mothers in particular, and birth families in general. This exacerbated social vulnerability of mothers and children is inextricably linked. The value of a linked lives perspective (Elder & Giele 2009) to untangle the linked life chances of women and children at the micro and macro levels to intercountry adoption is noteworthy.

Noting that within a gendered economy in which womanhood is inseparable from the private domain and in which mothering is fundamental to womanhood (Ginsberg 1989), Yngvesson states that discourses of intercountry adoption beg the question of how a woman who loves her child could give it away (2002). Yngvesson offers sophisticated conceptual and analytical deconstruction to beg the question of how adoptive parents and adopting states at once rely heavily on this construction of the birth mother to legitimize intercountry adoption, despite the incomprehensibility of applying this ethic to their own ideals and mores regarding family, nurturance, womanhood and parenting (2002).

**F. Law and Comparative Policy Perspectives**

Law and policy are often cited in literature as protective safeguards for children involved in intercountry adoptions, as well as providing guidelines of best practices for adults, organizations and states involved in intercountry adoptions. However, some literatures allege criticisms of intercountry adoption that focus on policies or laws that are claimed to fail to guide and protect parties involved in intercountry adoptions, or
otherwise point to inconsistencies, weakness or lack of clarity within policies and laws. Sometimes these criticisms of law go so far as to explicate how laws and policies actually contribute to illegitimate or illegal practices under the auspices of intercountry adoption, or related to intercountry adoption, in often unintended ways.

In terms of international policy relevant to intercountry adoption, the United States stands out as not only the largest receiving country in the world in terms of raw numbers of annual intercountry adoptions (e.g. Selman 2006), but also, along with Somalia, as one of the only two countries that has not to date ratified the predominant international treaty on children’s rights – the United Nations’ 1989 Convention on the Rights of the Child – which includes specific protections related to intercountry adoption. The United States has been critiqued in intercountry adoption literatures for not ratifying nor successfully implementing the intercountry adoption standards set in the prevailing international policy on intercountry adoption – the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, although this is no longer accurate. The United States ratified the Hague Convention in December of 2007, entered into force in April of 2008, and the State Department is now designated to serve the function of central authority for intercountry adoptions into the United States (Hague Conference on Private International Law 2009). Although specifics are unclear as to how this will influence intercountry adoption practices into the United States, entry into force of the Hague Convention indicates a change from prior practices by placing a national standard of conditions and terms of, and a centralized authority for, practices of intercountry adoptions.
However, implementation of Hague standards is not unilaterally described in the literatures as unproblematic. For instance, intercountry adoption professionals within the United States believe that if the USA were to implement the standards of the Hague Convention, consequences would include stronger protections for children and families, specifically with regard to corrupt practices (Bailey 2009). However, Bailey notes that adoption professionals foresee latent or unintended impacts of the Hague Convention that are negative (2009). These include concern that the requirements for insurance, record-keeping and accreditation may be excessively difficult for smaller adoption agencies to meet, thus limiting adoptive families’ choices of service providers; concern that increased work demanded by prospective families, including paperwork and required training, may discourage some from seeking international adoption; and concern that heightened costs will be passed by agencies on to families, possibly discouraging families further from adopting and contributing to longer wait times for potential adoptees (Bailey 2009). Interestingly, in analyses for this project, European interviewees often highlighted how centralized, public, and strictly regulated systems of intercountry adoption into their own countries is key to the integrity of intercountry adoption, and how this falls in sharp contrast to the United States’ more privatized and fragmented approach that emphasizes adults’ choice of provider and preferences regarding the child sought. Such work indicates fundamental differences in philosophical and ideological assumptions regarding intercountry adoption on the two sides of the Atlantic.

Indeed, what is practiced and considered normative and ethical adoption practice varies across different countries. The United States stands out as the only developed
country to prefer private intercountry adoption organization instead of processing adoptions through public agencies (Quiroz 2007). Adoption in the United States today is done not through state organizations but through private organizations, many of which are profit-making (Howell 2006b). ‘Trial’ periods, choosing specific qualities of the child or criteria for the adoption by prospective parents, and ‘fairs’ organized by adoption agencies in which prospective parents are invited to meet several children available for adoption from which they may select, are possible in the United States (Howell 2006b) but are not possible and not considered ethical in other receiving countries. Thus in the United States, relative to other countries, intercountry adoption is also described a benevolent system but is described as built on relatively fragile and few regulations, as fragmented rather than centralized in its structure, as privatized rather than state-facilitated, and as influenced by choice and preferences of adults seeking to adopt in terms of selecting specific agencies or representatives, selecting specific characteristics of children, or specific children themselves. In her description of intercountry adoption into Norway, Howell (2006a) uses the word ‘benevolent’ to describe state regulation and facilitation of intercountry adoptions in Norway, which is nationally organized (Howell 2006b), as well as to describe policy and law at the international level. Howell (2006b) suggests that state-based family law and privatized, market-based organization of adoption practices in the United States fall into sharp contrast with the nationally organized and run intercountry adoption practices and rejection of market-based solutions in matters of the family in Norway.

Quiroz notes that the Hague Convention of 1993 allows for both not-for-profit and for-profit agencies to conduct intercountry adoptions, and she suggests that this
imbues potentials for illegitimate practices (2007:65). Masson describes a prominent orientation to market mechanisms and its relevance to intercountry adoptions in this way: “… although countries have been modifying their practices, the continuing dominant philosophy (and one no doubt influenced by receiving countries) is that market mechanisms work effectively to assure that only reputable agencies and good practices prevail” (Masson 2001; cited in Quiroz 2007:65). Such concerns over the potentials for profit making in intercountry adoption and the general positive and uncritical appeal of market mechanisms are points of critique and caution echoed across some literatures devoted to intercountry adoption.

G. Structural and Regulatory Links to Corruption

Accounts of systematic, illegitimate practices such as trafficking (Leifsen 2008; Smolin 2004, 2005a, 2005b, 2007), kidnapping (Fieweger 1991), and securing children for adoption by foreign families with less than birth parents’ fully informed consent (Fonseca 2006; Roby & Matsumura 2002) under the auspices of intercountry adoption has led to allegations of improper intercountry adoption practices (Engels et al 2007) and infallible intercountry adoption regulations. In response to weaknesses in law and regulation and evidence of illicit activities, several sending countries and former sending countries have changed their laws and practices to make intercountry adoptions more infrequent and more difficult (e.g., Bainham 2003). It appears that many sending countries have either stopped outgoing adoptions or strengthened their laws that regulate outgoing adoptions (Engels et al 2007) in efforts to stop illicit and corrupt practices such as selling or stealing children (e.g. Fieweger 1991) in order to supply them for foreign
adoption, and these actions are often taken in response to international pressures. Yet the scope of problems such as sale of children, kidnapping and trafficking in relation to intercountry adoption is difficult to discern, with allegations of trafficking processes for adoption and sale of children for adoption remaining more anecdotal than analytical in most literatures, and more present in media splashes than in analytical and systematic social research.

Exceptions include the important work of Leifsen (2008) in explicating how child trafficking for the purposes of intercountry adoption out of Ecuador operates in connection with formal, public mechanisms and infrastructure, a point overlooked too often by human rights advocates. Leifsen (2008) suggests that child trafficking may be understood as a parasitic activity in relation to formal processes and regulations of child transference that includes the work of profiteers but also of bureaucrats. However, trafficking is often considered a phenomenon that is entirely external to legitimate structures and regulations, which Leifsen asserts is a faulty premise that often informs policy and law intended to regulate intercountry adoptions (2008:213). Fonseca (2002a, 2002b, 2006) highlights national and international political influences that shape Brazilian child welfare policies and practices, and that also fundamentally contribute to the social production of adoptable children in Brazilian favelas, or communities of the urban poor. Additional study of these webs of national and international influences -- influences that are both public and private, both legitimate and illegitimate -- which contribute to sending and receiving trends in intercountry adoption is needed.

In legal analysis of international policy instruments and legal definitions relevant to child exploitation, Vučković-Šahović (2007) assesses concepts of child trafficking
including child prostitution and pornography, as well as sale of children. She lists two elements that are part of child exploitation: violence and an indirect or direct commercial element (2007:6). Although intercountry adoption is not a focus of her analysis, her work highlights the connections made within international policies between such forms of exploitation and intercountry adoption. For instance, *abuse for the purposes of adoption* is listed as one of eight forms of frequent child exploitation (Vučković-Šahović 2007:7), suggesting that adoption practices that are commercialized and entail profit for an intermediary are a form of sale of children and thus constitute child exploitation (Vučković-Šahović 2007:25-26).

There is little data, consensus or precision in the literatures regarding what intercountry adoption costs, nor regarding for what these costs actually entail payment (Creedy 2002). A range of $10,000-$30,000 USD for an intercountry adoption (Ortiz & Briggs 2003), and upwards to $35,000 (Creedy 2002), are stated in literatures. Creedy notes that the overall lack of transparency regarding what intercountry adoption costs and what exactly adopting individuals are paying for is problematic and is a major barrier to the normalization of intercountry adoption (2002).

Smolin uses legal analyses, as well as reference to academic and journalistic accounts of intercountry adoptions, to elucidate connections between intercountry adoption practices, obscurities in laws, and child trafficking and sale of children (2004). He uses the concept of *child laundering* to refer to the ways that formalized and legitimate intercountry adoption processes actually provide incentives and make legitimate, if invisible, practices of taking children illegally from their birth families – through abduction, sale, and trafficking of children – and then funnel these children...
through adoption systems as *orphans* and eventually as *adoptees* (2005, 2007). His analyses suggest that processes of child laundering such as trafficking, abduction and sale of children are not idiosyncratic or anecdotal, but rather are serious and systemic problems within an ineffectively regulated intercountry adoption system that provides structural incentives for such laundering activities (Smolin 2005). Smolin’s research suggests that the differentiation between intercountry adoption and child trafficking is not straightforward but rather difficult and obscure. This obscurity is due not only to vagueness in legal standards (for instance, vagueness regarding such matters as the difference between legal and illegal payments to birth parents or intermediaries, when such payments constitute coercion to induce consent from birth parents, and when such payments constitute sale of a child for adoption), but also due to deep ideological and ethical divides regarding whether intercountry adoption is viewed as fundamentally compassionate or exploitative (Smolin 2004). In perhaps some of the most direct and emphatic -- at once hopeful, critical, and vitriolic -- statements about intercountry adoption, Smolin (2004) concludes his article entitled “Intercountry Adoption as Child Trafficking” with this paragraph:

> Intercountry adoption is a conditional good; intercountry adoption as child trafficking is an evil. Only when the law, society, and intercountry adoption system are reformed will the conditions under which intercountry adoption can flourish as a good be established. Unfortunately, the prospects for such reform are poor because there are few within the current intercountry adoption system with the motivation to demand it. Hence, the recurrent cycle of scandal, excuse, and ineffective ‘reform’ will probably continue until intercountry adoption is finally abolished, with history labeling the entire enterprise as a neocolonialist mistake. It does not have to be this way, but it will take more than legal fictions and illusory restrictions on child trafficking to prevent the ultimate demise of the intercountry adoption system (2004:325; partially cited in Selman 2006).
Such overt criticisms of intercountry adoptions, including foreboding allegations that intercountry adoption may be looked back on as an aberrant form of neocolonialism, are rare within mainstream literatures. The following details from India provide a detailed example of the structural and regulatory inadequacy of present intercountry adoption arrangements that Smolin critiques. In a detailed investigation of Indian scandals involving illegitimate practices to facilitate foreign adoptions to the United States, Smolin (2005b) notes that even when specific Indian individuals and agencies involved in the facilitation of intercountry adoption to America were found guilty of child trafficking, agencies in the United States that had placed these children considered themselves free of liability or responsibility for the criminal activities (2005b:403).

Quiroz (2007) notes that in the United States, prominence is given to streamlining legal frameworks to ease the experiences of adoptive parents in the intercountry adoption process rather than to protecting rights of birth families, which is often rationalized by highlighting the improvement of relative economic circumstances the child would experience if adopted. Quiroz critiques this focus on adoptive parents and states that it is part of the reason that corrupted practices related to intercountry adoption are understood as idiosyncratic and isolated incidents rather than systemic problems:

The focus on rights and dilemmas of adoptive parents has often led to accusations of exaggeration of child laundering (marketing or [sic: of] children for work, sex or adoption) as isolated incidents rather than a system that exploits poor birthmothers and adoptees. Instead of a global and highly interconnected picture of the impact of post-industrial countries on developing ones, Americans often get a picture of the internal failures of nations to secure their children’s futures (Quiroz 2007: 61).
Quiroz bases this assessment in part on her review of US laws and practices and website content of US adoption agencies. Her comments highlight how public perceptions of dark and structured realities related to intercountry adoption are modified to serve the interests of adoptive parents.

IV. Children, Age, and Age-related Social Vulnerability

When compared to other substantive areas of research, sociological attention to children and childhood has been relatively sparse (Johnson 2001). Ariès’ (1962) social history of childhood suggests that the awareness of a distinction between children and adults that is taken for granted in the twentieth century was nonexistent during medieval European history. Ariès (1962) argues that the fact that so many children died young contributed to a vastly indifferent historical understanding of young people: childhood was not perceived as a distinct phase of life, a child was not presumed to have already a personality, and children were depicted in art as adults in miniature form. Others suggest that despite its historical variations, the ongoing change in its membership, and the vagueness and inconsistency across and within societies regarding when it ends (Matthews 2007; Rogoff 2003), childhood remains a standard and enduring feature of society (Qvortrup 2002).

Changes in the structure of work and in the labor force during industrialization led to the slow and systematic (if incomplete) exclusion of children from the workplace and the establishment of compulsory schooling (Kett 1977), all of which contributed to the discovery of modern childhood and children as well as the institutionalization of specialized fields devoted to children, such as age-graded education and pediatrics.
(Chudacoff 1989). In her historical analysis about the value of children between 1870s and 1930s in the United States, Zelizer suggests that as children’s roles in society transitioned away from being economically productive members of families, the social value of children transitioned from economically valuable to “economically worthless but emotionally priceless” (Zelizer 2001:54), resulting in increased sentimentalization of children (Zelizer 1985). Zelizer argues that this increasing sentimentalization of children as priceless occurred in tandem with the increasing domestication of women (2001:57). Others challenge the assertion that children are increasingly useless and instead suggest that children have always been useful members of society, although the specific character of their contributions varies over history (Qvortrup 1991). Howell (2006a) notes that professionals including psychologists and social workers have dominated discourses on children and childhood, giving increasing authority to psychological explanations of what is normal for children, childhood, and child development, and that this authoritative knowledge has to a large extent been normalized (2006a:91).

In her cross cultural analysis of human development, Rogoff (2003) suggests that development is best analyzed by children’s levels and kinds of participation in mature and productive activities within their community. She argues that the United States and other late-modern, post-industrial countries stand out as unique in terms of the extreme degree of segregation and separation of children from the productive activities and social worlds of adults (Rogoff 2003:133-138). Rogoff argues that instead of regular opportunities for children to observe and participate in the activities of adults that are prevalent in other societies, school and other specialized social settings and activities for
children, in which they are largely segregated from adults, are prevalent within these societies in order to serve as preparation for future entrée into adulthood (2003:140). Burton’s ethnographic analyses suggest that in the United States, young people from poor families often take on adult responsibilities and productive roles in their families out of necessity, a process she refers to as *adultification* (Burton 2007).

Despite robust historical analyses that contextualize late modern value and place of children in society, sociological work focused on children and childhood, especially sociological work within the United States, to a large extent has focused narrowly on models of socialization (conceptualizing children as recipients and repositories of socialization), peer cultures and activities, and interactionist frameworks within the family realm (Corsaro 2005; 1997; Corsaro & Fingerson 2003). In a more emphatic statement of the peripheral status children have in social research devoted to them, Jenks compares the referent *the child* in sociological work to the referent *the savage* in early anthropological work (Jenks 1996; cited in Matthews 2007).

Matthews suggests that although sociologists of children and childhood cannot reject the universal ontological dependence of human infants, they must also recognize that this initial dependence has been used to rationalize child development and socialization perspectives that dominate the study of children (2007:323). This initial ontological dependence is posited in the concept of *exterogestation*, which refers to the relatively large amount of embryonic growth human babies go through after birth when compared to other primates, growth that occurs outside the womb, immersed the social world (Dannefer 1999; Montagu 1989). Exterogestation is often cited as a physiological basis for the great capacity for diversity in development patterns and the social
constitution of human development (Berger & Luckmann 1967; Dannefer 1999). Other literatures suggest that even young children, including infants, have noteworthy interpretive capacities that allow them to make sense of their physical and social worlds as social actors (Howell 2002; Matthews 2007), engaging in meaningful communication with others from birth (e.g., Bråten 1998; Trevarthen & Logotheti 1989, both works cited by Howell 2002). A major thread of what Matthews reviews as the new sociology of children and childhood consists of rejection of socialization frameworks that conceptualize children as passive receivers of social information, and instead a trend within the field of embracing an orientation that “sees children as social actors who are capable of making sense of and affecting their societies” (Matthews 2007:324). Corsaro suggests the term interpretive reproduction as a framework that recognizes "innovative and creative aspects of children’s participation in society,” as well as their active role in "contribute to cultural production and change”, albeit “constrained by the existing social structure and by societal reproduction” (2005:18-19, italics in original). Despite their initial ontological vulnerability, these frameworks suggest that children have a wide variety of developmental potentials that include active participation in the interpretation of social meanings and intrinsically active social reproduction processes, potentials that are unrealized in frameworks that conceptualize children as passive and dependent repositories of socialization processes, and potentials that are further constrained by late-modern social structures.

Yet within sociological and developmental perspectives, attention to socialization has dominated, conceptualizing children as “incomplete or in process rather than as full members of the group and sees them as potential outcomes rather than as
social actors who are not only affected by but also affect social structures and relationships” (Matthews 2007:323). Qvortrup (2002) suggests that childhood ought to refer to a minority category, marked by marginalization, paternalism, and lack of recognition of their capacities. One key theme Matthews identifies as emerging within the new sociology of children and childhood is power, noting that much sociological work about children dissociates their experiences from social and relational contexts, contexts in which adults typically have power over children (2007:326). Citing Mayall on this point:

The crucial distinction that makes children children is that they are not adults; as individuals and as a social group, they lack adulthood. This lack can be defined variously as deficiency, disadvantage, and/or oppression. The components may vary according to individual and societal standpoint. What is common to intergenerational relationships of children to adults, is that children are inferior to adults (Mayall 1994:18, cited in Matthews 2007:326).

In her discussion of differential resources of power which mark relationships between children and adults, Matthews suggests that “dependency in relationship with adults may capture the experience of children better than socialization, which characterizes children as deficient relative to adults rather than disadvantaged or oppressed by them” (Matthews 2007:326). She cites Jenks’ assertion (Jenks 1996:41) that in place of socialization, childhood as “development through dependency” is an appropriate framework.

These literatures and frameworks suggest that children experience relatively increased social vulnerability based on their age, and that this age-linked vulnerability is rooted in complex, social structural patterns that have changed over historical time, patterns that heavily constrain children’s activities, their potentials for self-
determination, and most specifically that construct the place of children within late-modern post-industrial society in terms of age-related dependency on adults, domination by adults, and segregation from adult activities. As children does not refer to a homogenous social group (Matthews 2007), age-linked social vulnerability of children may be exacerbated when other master statuses – for example gender, nationality, socioeconomic status, or racial/ethnic identity – intersect with their ‘child’ status. Age-linked vulnerability of children, which is ontological in its origins at the beginning of life outside the womb, is often conceptualized as ontological throughout an extended period of years of childhood and pre-adulthood, or natural and rooted in the organism, and thus legitimated. This legitimation is achieved and reproduced when these broader social and historical patterns of increased and extended structural dependence on adults are rendered invisible.

A recent development in both advocacy and academic work devoted to children is attention to children’s rights, yet this work is uneven and more apparent in European rather than American circles. Howell (2006b) suggests that what began in Northern Europe as a propensity to protect children through laws is now becoming a global preoccupation to codify into law specific and special protections for children, at international and national levels (158). She alleges that the United Nations 1989 Convention on the Rights of the Child, as well as the Hague Convention regarding intercountry adoption, globalize Euro-American understandings and morals regarding late-twentieth century meanings of family, adoption, and children, thereby ‘naturalizing’ them (2006b). Her assertions beg the question of whether these understandings are, or ought to be, shared everywhere, yet she notes that they derive legitimacy by framing
legal discourses about children and adoption in terms of ‘human rights’, with which agreement is compelled (2006b). Thus, she argues that Western notions of childhood are tied to the vague and undefined slogan of best interests of the child throughout these policies, and that these policies drive a worldwide and globalizing effort on the part of wealthy nations to protect and improve the life situations of children around the globe (Howell 2006b: 158). Howell notes that numerous consequential assumptions about children are implicit within these policy agendas, including that “children are vulnerable and in need of adult protection” (2006b:158).

Ironically, as children and childhood have become increasingly regulated in Western Europe through actions governance and legislation (Rose 1999; Howell 2006b), the United States presents a different situation in which strong ideological emphasis is placed on free market principles and a resistance to state guidance in matters of the family (Howell 2006b: 151). Bestowing rights, in conventions written by adults, obfuscates the power dynamic based on age between ‘adults’ and ‘children’, and how the mere definition of these groups is often found in pitting them against each other. Howell (2006b) suggests critically that ‘the best interests of the child’ has become a rhetorical slogan but has no clear definition. This slogan is used in instrumental ways to shape policy and procedures crafted for children but not by children. Howell has questioned whether recent attention in child welfare policy across Europe on child participation and child empowerment may be transforming children’s place in the world as vulnerable and dependent on adults by involving them in adult spheres, but in different ways (Howell 2006b: 160). Yet ironically intercountry adoption, as a focus of
Howell’s article, is not listed as a social phenomenon within which children have input or participation.

What children’s rights frameworks often do not include is attention to how rights are linked to responsibilities. In light of the assertions that children and childhood have become increasingly exempt of productive responsibilities (Rogoff 2003; Zelizer 1985), and increasingly socially dependent on adults (Jenks 1996; Matthews 2007), bestowing legal rights that are specialized for children may further blur the overall structural dependence on adults experienced by children in their daily lives and begs the question of why children should need specialized and specific rights, and who, if not children, will be vested with the power and responsibility to protect these rights.

Intercountry adoption provides a window through which to garner new insights regarding this socially-constituted vulnerability of children. Within the above review of literatures devoted to intercountry adoption, little to no attention is given to the role of the child as a relevant social actor with the capacity to engage as a participant within the intercountry adoption process per se, although much attention is given to the evaluation of adjustment successes and adaptation challenges of adoptees and their adoptive families. Perhaps there is an implicit orientation to intercountry adoption that presumes the adopted child is too young, particularly if the child is an infant, to have an active, participatory role within the adoption process. Although available statistics suggest that the age of adoptee involved in intercountry adoption varies and does not suggest that only or predominantly infants are adopted (Selman 2006), little to no mention in intercountry adoption literatures is oriented to the child as a relevant social actor or meaningful participant in the process of intercountry adoption. On the contrary,
intercountry adoption seems to be comprised of a set of social processes and regulations that are enacted about, but never by, children who are designated by others as adoptable. Instead of children, other relevant and sometimes powerful social actors and organizations are identified within these literatures as central to the processes and regulations that comprise international adoption, including but not limited to states, international policy-making organizations, intercountry adoption agencies and other mediaries in the adoption process, and adults seeking to adopt a foreign child. Less powerful, but not irrelevant social actors and organizations involved include birth families and organizations within sending countries. Consistent with Matthews’ and others’ arguments above, Dubinsky (2007) notes that within the dominant narratives regarding the phenomenon of intercountry adoption, the child has symbolic meaning, but does not make meaning, adding that this symbolic meaning is so hegemonic it is often not questioned nor noticed (2007:143-144). Her work highlights the disempowered, almost objectified although often highly regarded, status of children involved in adoptions, and suggests that the child is socially peripheral but symbolically central to adoption practices (Dubinsky 2007:143). As Yngvesson states, “The interplay of value and the child’s capacity to be thrown away is the central paradox of adoptability, one that is especially salient in the international arena” (2002:233)

Howell 2006b (citing Kertzer 2000) suggests that more than 100,000 children in Europe were abandoned each year in the mid-19th century; Zelizer (1985) describes in detail the large numbers of abandoned children, particularly infants, in the United States at the end of the nineteenth and beginning of the twentieth centuries who languished unwanted in asylums or commercial baby farms (1985:170). All this occurred prior to
the new and changed discourse about the romanticization of childhood (Howell 2006b) and the social shift toward a sentimentalization of a child’s value (Zelizer 1985), both of which contribute important context for social inquiry into contemporary intercountry adoption.

In very few other social phenomena can total dependency on others and total lack of self determination be represented more completely than the transfer of proprietorship of a child from one set of adults to another set of adults, transacted through systematic processes that operate through state, legal and private apparatuses and international guiding policies that regulate and normalize this process for the ‘safety’, ‘protection’, and ‘best interests of the child’. Potential comparisons include legal or state-condoned processes of slave trade and legal or state-condoned later-life moves of elders who no longer have the legal or medical power of attorney for themselves regarding living arrangements, care provision and other medical decision-making, and other financial matters.

Two additional conceptual perspectives related to age guide this research by illuminating social structural conditions that contribute to the vulnerability of children generally, and thus have implications for the protection and welfare of children, including those involved in international adoptions. First, welfare state theory suggests that provision of societal welfare is accomplished by a blend of labor markets, state intervention, and family or personal responsibility (Esping-Andersen 1990). Esping-Andersen notes that current welfare states are built on assumptions (e.g. industrial economy, stable family life and household structure) that are no longer accurate: in post-industrial societies, families have become increasingly unstable, and the labor market is
characterized by increasingly individualized risk, leaving many individuals and families without stability or security (Esping-Andersen 1999; Dannefer & Patterson 2007; Hughes & Waite 2007). Esping-Andersen notes that much welfare provision has historically been focused on entitlements for elders. He suggests that children must become a priority on welfare agendas due to their increasingly vulnerable position in increasingly unstable young families, and because investments now in children’s well-being will contribute to a sustainable, competitive and productive society in the future (2002). This framework highlights the double-bind potential adoptees are in, in terms of vulnerability in the face of dominant modes of welfare provision and protection in many societies: they lack families or have families that are incredibly unstable and vulnerable already within societies that imbue the family with a great amount of responsibility for the care of children. From a functionalist point of view, international adoption may be a viable social solution to this problem: such children can be placed elsewhere in families that can provide for and protect them through privatized agencies and mechanisms, as in the United States, or through state-based mechanisms, such as in Scandinavian models. Yet such structural frameworks that highlight the increasing instability of families have implications for vulnerability of all children, and highlight the double vulnerability of those children who do not have families, or whose families lack the resources or power to protect them.

Second, the sociology of age and the life course informs my approach, particularly sustained, structural patterns of age segregation and the structurally imposed vulnerability experienced by both children and elders. Riley noted that social institutions have become increasingly age-graded, as age has become an increasingly
important criterion for entry into and exit from social roles. As cohorts of populations flow through strictly age-graded institutions (e.g. schools, labor markets), age stratification is produced (Riley, Johnson and Foner 1972). The institution of the family is one of the only socially supported contexts in which children experience age integration, building and sustaining protective and generative relationships with adults (Riley, Kahn and Foner 1994; Riley and Riley 1994, 2000; Hagestad and Uhlenberg 2006). However, for children who do not have viable vertical family ties, or whose families fail to protect them, age segregation adds to their social vulnerability. In societies that are characterized by a high degree of age segregation, and in which families are primarily responsible for the protection and welfare of children, it is plausible that children without viable vertical family ties to adults are extremely vulnerable.

V. Sociological Theory: Two Broad Theoretical Paradigms

For this project, I draw on general principles from two macro-social theoretical paradigms within sociology – functionalism and conflict/critical theory -- to answer the central research question of the project: How can international adoption be understood within the framework of sociological theory? Briefly, central tenets from each of these theoretical perspectives are described in this section. These are not intended to be detailed, in depth descriptions of each theoretical perspective. Although it can be argued that at least one additional major theoretical paradigm within sociology – symbolic interactionism -- is excluded from my guiding research question, my justification for selecting functionalism and conflict-critical theoretical perspectives is based on their
macro-level approach to social phenomena. Symbolic interactionism has relevance as a theoretical frame for understanding micro-level interactions and the conveyance of meanings related to intercountry adoption, but lacks a frame of reference beyond the micro-level orientation.

A. Functionalism

The first theoretical paradigm is referred to broadly as functionalism, and is also called structural functionalism. Generally functionalism offers a view of society as a system comprised of interrelated and interdependent parts, including social institutions and individuals all working together to contribute to the health of the whole system. Durkheim (1984), considered the foundational theorist for the functionalist paradigm, wrote in detail of a model of society as an organism, in which clear divisions of labor are necessary in order to serve the many functions necessary for society to maintain order. Shared morality based in shared ideals facilitates these differentiated practices, all of which contribute to maintaining social order and equilibrium. He referred to this highly differentiated and interdependent division of labor as organic solidarity. The metaphor of an organism, or the body social, reflects the fundamental interdependence of differentiated parts within society, parts that are nonetheless integrated and serving a common purpose. The structure and order of society is primary, and individual’s needs are subordinate to the overall health and needs of the social system. In this theoretical framework, law may be seen as the central nervous system of the body social, regulating social practices so the constituent parts of society work together. The proper functioning
of society will result in increasing social harmony, as well as increasing autonomy for the individual, yet the autonomy of the individual is still subordinate to society’s needs. Society is viewed as *sui generis*, or more than the sum of its constituent parts. Unless systemic social phenomena clearly denote poor health of a social system (e.g., Durkheim’s famous empirical study of suicide rates: 1979), the status quo of social systems is generally perceived to contribute structurally to the order, function and balance of society as a whole. Within functionalist perspectives that use this organismic metaphor of society, power and conflict are not central elements of analysis, since conflict would negatively interfere with the interdependent functions within a social system and would indicate a state of abnormality and disorder within the *body social*.

According to these broad theoretical tenets, intercountry adoption may be interpreted as serving a social function and contributing to the overall social order by offering a systemic remedy to multiple social imbalances, including excess children with care needs in some places and adults who seek to care for more children in other places. In a functionalist framework, intercountry adoption serves social needs of society at large, and thus may be interpreted as a social good. Putnam (2002) gives background on the concept of social capital that is relevant to this functionalist theoretical orientation to intercountry adoption. He defines social capital as “social networks and the norms of reciprocity associated with them” (2002:3), and he offers details about the myriad ways that social capital has been defined and used within sociological literatures, including Coleman’s contributions regarding increasing sociological attention to the concept of social capital as it relates to the social context of education (Coleman 1988). Of
particular interest is Hanifan’s (1916) early description of social capital as tightly related
to social interdependence and overall social well-being:

“…good will, fellowship, sympathy, and social intercourse among the individuals
and families who make up a social unit…The individual is helpless socially, if left
to himself…If he comes into contact with his neighbor, and they with other
neighbors, there will be an accumulation of social capital, which may immediately
satisfy his social needs and which may bear a social potentiality sufficient to the
substantial improvement of living conditions in the whole community” (Hanifan
1916:130; quoted in Putnam 2002:4-5)

According to this framework of social capital, which has synergy with a functionalist
perspective, it may be useful to view intercountry adoption as sets of formalized
practices of global interdependence that comprise a late-modern form of social capital
that contributes to the overall well-being of global society. Note that other, later and
prominent interpretations of social capital (e.g., Bourdieu 1983) also emphasize the
actual and potential resources associated with membership in social networks (Bourdieu
1983; cited in Putnam 2002), but these frameworks are not discussed here because their
tenets are not as consistent with a functionalist theoretical paradigm as Hanifan’s.

B. Conflict Theory and Critical Perspectives

The second theoretical paradigm is referred to broadly as conflict theory. In
general, conflict theory offers a view of society that is comprised of conflict between
groups with different interests, and as characterized by dynamics that irreducibly involve
power. This conflict is often over resources such as prestige, wealth, military force or
knowledge, and is conceptualized in terms of certain social groups flourishing but only
at the expense of others. Inequality between groups with different access to resources is
viewed as endemic to society. Marx (e.g., 1978), considered the primary foundational theorist for the conflict paradigm, focused attention on the divisions between groups in industrializing society based on the relationship of these groups to the economy. He discussed two classes in industrial capitalist society -- the bourgeoisie, or the capitalist class who owned the means of production, and the proletariat, or the working class -- and focused his analysis on the tensions between these two classes that were linked to the capitalist mode of production, particularly industrial production. In his analysis, he described the relationship between these groups as exploitative, with capitalists exploiting value for their gain from the labor of the proletariat. In this general approach to conflict theory, the economy forms the base of society, or the material conditions including the organization of labor around the means of production, and also includes the superstructure, with includes ideology and beliefs, ideas and perceptions that build upon this base and justify the status quo of existing social arrangements. In Marxian theory, the status quo of social systems in capitalist societies is generally framed as exploitative, serving the interests of the relatively affluent classes, and predominant belief systems and ideologies reinforce the structure of this inequality by reifying the status quo and deflecting attention away from structural inequalities rooted in domination and exploitation. Ideology includes the sets of ideas that are generally held in society. Ideology supports and legitimates the structural apparatuses of society, including the material reality and its organization through the economic structures (the base) as well as the political structures, and thus reinforces the structures of political and material power and pacifies or neutralizes those who are disadvantaged by these arrangements.
Mannheim (1936) extends conflict theory with a focus on knowledge and ideology, noting that the relative social positions of privileged and underprivileged classes related to the economy influence their knowledge systems, and argues that this materially-induced bias in knowledge leads to systematic falsification of social reality. Gramsci (1971) adds to these conflict perspectives by emphasizing the role of ideology, adding that the proletariat are not mere passive tools of the bourgeoisie’s ideology: although the bourgeoisie exercises domination over how social reality is represented, Gramsci conceptualizes class struggle between monied classes and the proletariat over these representations, arguing that the proletariat can exert ideological influence through its own institutions. Other conflict theorists add that state structures, rather than collective class consciousness, reproduce dominant forms of knowledge through ideology (Althusser 1971). The concept of ideology – the shaping of prevailing systems of ideas and knowledge by the underlying force of material (economic and technical) and political conditions – is central to these theoretical perspectives and distinguishes them from the social capital view.

Although conflict theory is not a synonym for Marxian theory or critical theory, these orientations all describe social phenomena through interrogation and questioning of the legitimacy of the status quo (e.g., dominant forms of knowledge, prevailing structure of social institutions, legitimized standards of social practices) by identifying interests that are served, and interests that may be subverted, by the status quo arrangements and understandings, and the role of power in maintaining these arrangements. According to these broad theoretical tenets, intercountry adoption may be understood as formalized sets of practices that are predicated on deep divisions between

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social groups in terms of economic resources and relative power, practices through which dominant classes extract value and resources from disadvantaged social groups. According to conflict theory frameworks, dominant meanings and understandings of intercountry adoption as humanitarian, altruistic, and as a social good operate as ideology to divert attention away from domination and exploitation that is rooted in global structures of inequality and disenfranchisement.

Neo-Marxian theories as well as other forms of globalization theories are also salient to a critical and conflict-oriented analysis of intercountry adoption, or any analysis of features of global society that seeks to connect local phenomenon to broader global processes (e.g., Burawoy et al. 2000; Castells 2000). Inasmuch as production as well as consumption has been globalized in late modernity, basic tenets of Marxian conflict theory – couched in terms of class domination based in the means of production between bourgeoisie and proletariat within societies – are challenged and expanded through economic and political theories that include but are not limited to world systems theory and dependency theories (see Ritzer 2007 for an overview). Much in reaction to modernization theories of global differences, in which changes in terms of social development that were occurring in the relatively affluent Western and Northern countries of the globe were described as desirable and the concomitant lack of such development in less affluent countries was seen as in need of catching up with the progress of the West, world systems and dependency theories countered this overly positive view of the West by offering frameworks of critiques of exploitation of less powerful countries by more powerful countries to explain differences in development (Ritzer 2007). A major example is Wallerstein’s (1974) approach to world systems
theory that indicates neo-Marxian forms of exploitation among societies, with core nations exploiting more peripheral nations. Ritzer, however, offers a definition of globalization as “worldwide diffusion of practices, expansion of relations across continents, organization of social life on a global scale, and growth of a shared global consciousness” (2007:4) that is rather innocuous in terms of the social forces involved in relative power differentials between nation states and powerful non-state organizations as social forces that are key to shaping the global social landscape. Yet some neo-Marxist and other critical economic frameworks of globalization theories are relevant to a critical and conflict-oriented analysis of intercountry adoption, including Ritzer’s concept of globalization which refers to “the imperialistic ambitions of nations, corporations, organizations, and the like and their desire, indeed need, to impose themselves on various geographic areas” (Ritzer 2007:15). This concept has synergy with some of the critical claims in the intercountry adoption literatures, for instance Smolin’s suggestion that intercountry adoption may be interpreted as a form of neocolonialism (2004:325).
CHAPTER 3: RESEARCH APPROACH AND METHODOLOGY

This research is based on a qualitative mixed-methods design, incorporating analyses of international policies and of original cross-sectional, in-depth, semi-structured interviews. The mode of data analysis for both policy and interviews is discourse analysis, which refers to analysis of discourse, or language in use, whether this language is in the form of text or speech (Hammersley 2002). Use of qualitative methodologies is appropriate for research inquiries that seek to clarify theoretical explanations of social phenomena through ascertaining the multi-faceted and intricate meanings and descriptions of these phenomena as they are negotiated, reproduced and challenged by social actors. The overall research design of this project is inductive, with the data and analyses of data contributing to the theoretical framing of intercountry adoption. The research process of this project has followed a model of a spiraling research approach (Berg 2004:20) rather than a linear model of progression through review of literature, background, design, data collection, and analyses. However, overall the aim of this project is inductive. Use of an inductive approach is appropriate for projects that seek to build theoretical constructs directly from analyses of data, particularly in a substantive area of social research that is undertheorized.

Denzin (1978) points out that since research methods often are perceived by researchers as atheoretical tools, many scholars do not consider how their choice of methodologies actually superimposes specific perspectives onto the phenomena under investigation (Berg 2004:4). In social research involving human subjects, selections of questions to ask, how they are asked, ordering of questions, as well as questions that are
not asked at all a priori impose certain perspectives on a subject matter, whether it is through quantifiable or strictly qualitative data collection strategies. In this sense, the orientation toward the value of data in this project is not that the data themselves are value-free, but rather that embedded within the language of policy and the narratives within the interviews are important social meanings and understandings of intercountry adoption, meanings and understandings that contribute to the reproduction of present practices and patterns. Quantitative research methodologies hold a relatively privileged status in much social science research and therefore are often considered the gold standard in terms of reliable and valid measurement and quality analysis and rarely are considered to impose theoretical assumptions onto the object of study. Questions of validity of qualitative data, and concerns over bias and data quality in qualitative data collection, abound. Two concepts that are linked to reducing error and maximizing data quality within social science research inform the present project. These are triangulation and crystallization.

I. Triangulation and Crystallization

The design of this project is informed by two methodological concepts that are commonly linked to qualitative perspectives: triangulation and crystallization. Triangulation typically refers to the use of multiple methods of empirical inquiry, or multiple lines of sight, to ascertain knowledge of a phenomenon, concept or construct of interest (Berg 2004; Denzin 1978). Rather than statistical tests employed in quantitative research to test the validity of empirical results, qualitative methodologists suggest that
triangulation of multiple methods reduces error, confirms measures and validates results within qualitative research (Berg 2004; Fielding & Fielding 1986). Ideally, three methods of inquiry, or lines of sight, each illuminate different aspects of the concept or phenomenon under investigation; yet use of two methods, although slightly more limited, still has advantages over a single method of inquiry. Denzin (1978) describes the utility of using multiple empirical methods as going beyond using multiple lines of sight, or views into a phenomenon, and instead insists that triangulation in research encompasses multiple lines of action, as triangulation more broadly refers to research designs that encompass multiple forms of data collection, multiple methodologies as well as multiple theories, and often multiple researchers.

In this project, triangulation is accomplished in several ways. First, triangulation of methods by conducting analyses of two forms of qualitative data – international policy and original in-depth, semi-structured interviews – allows for two different yet complimentary lines of sight into intercountry adoption. Clarification of theoretical constructs and interpretation of findings also have been done iteratively in this project through ongoing advisement and collaborative discussions with dissertation committee members, and also indirectly during interviews by being responsive to and further probing unforeseen and unprompted information given by interviewees. In this sense, the product presented here is the result of positive collaboration of multiple data inputs, iterative analyses of these inputs, and the dynamism of multiple research participants.

Crystallization, which is synergistic with triangulation, refers to an epistemological premise of qualitative research that “depends upon including, interweaving, blending, or otherwise drawing upon more than one genre of expressing
data” (Ellingson 2009:11). Ellingson suggests that crystallization is integrative and cumulates through “thick descriptions” and “complex interpretations” of multiple forms of qualitative data (Ellingson 2009:10; Cugno & Thomas 2009). Ellingson’s description is based on Richardson’s original framework of crystallization, in which crystallization is described as an approach to data in which qualitative inquiry reveals depth and complexity, yet the findings reflect and refract depending on the researcher’s angle of inquiry (Richardson 2000). Crystallization is linked to qualitative approaches of social inquiry, and often but not exclusively to grounded theory approaches (Cugno & Thomas 2009), which is not the approach of this project. For my project, I take the following approach to triangulation and crystallization: if triangulation refers to the logistics of multiple methodologies, crystallization refers to the process of developing explanations inductively through ongoing, iterative analyses. Crystallization also highlights the limitation of only viewing a phenomenon from one rigid angle, for the colors and prisms a crystal gives off when light is directed only at one angle do not give a full understanding of that crystal. In this project, crystallization takes shape through structured but iterative data collection and analyses, and ongoing reference to literature, in contrast to being the emphatic result of statistically-achieved findings of a more linear research process. Rather, the phenomenon being studied crystallizes over time throughout a multiple-method inquiry. In this project, multiple theoretical and conceptual orientations to intercountry adoption were developed and organized iteratively during the ongoing review of background literatures, during ongoing data collection that spanned a period of 13 months, and during ongoing analyses of policy and interview data.
II. Qualitative Analytic Approach: Ethnomethodology and Discourse Analysis

This project is comprised of a qualitative approach to analysis of discourse in the forms of text and speech, which is appropriate in order to gain a rich understanding of meanings, actions, understandings, norms, and values related to intercountry adoption from the perspectives of those being studied, with a specific sensitivity to the diversity of perspectives presented by various key informants (Bryman 1988; Gibbs 2002). Qualitative analyses often focus on language and text as forms of data (Gibbs 2002), and such analyses are often called content analyses in methods textbooks (e.g., Schutt 2006) yet are also referred to as discourse analyses (Hammersley 2002).

The qualitative analytic approach of this project can be described as ethnomethodological and as firmly founded on a social constructivist view of the prominence of language within the construction and reproduction of social reality (Berger & Luckmann 1967). Garfinkel (e.g., 1967) founded ethnomethodology in the late 1950s, and thereafter it became recognized as method related to phenomenology for studying ordinary discourse, a method which was largely in critical reaction to dominant methods of social inquiry at this time (Lynch 1993). Ethnomethodology describes an analytic approach that focuses on the way that research participants construct social reality that they not only experience but in which they actively participate and fundamentally influence, rather than an analysis of an objective and external social reality, per se (Gubrium & Holstein 1997; Schutt 2006:341). An ethnomethodological approach falls in contrast to an ethnographic approach which seeks to understand the
social world as the research participants see it (Schutt 2006). In other words, an
ethnomethodological perspective focuses on how people create a sense of order and
meaning, and how they give structure to the world, through constructing their accounts
of reality, not on what the world is (Gubrium & Holstein 1997). In contrast to
Garfinkel’s *breaching experiments*, in which ethnomethodology refers to the method of
intentional disruption of the expected social order in microinteraction in order to
ascertain social standards or rules, this project orients to ethnomethodology as a vibrant
method of assessing others’ accounts as active and constructive forms of sense-making.
The qualitative analyses in this project are employed to ascertain the various ways
interviewees construct the social reality of intercountry adoption through their accounts
of myriad meanings, concerns, experiences, and questions relevant to the phenomenon.

Whereas conventional content analysis of conversations limits inferences to what
can be clearly identified within discourse (Schegloff, in Sacks 1992), critical discourse
analysis is considered to be at the other end of the spectrum of techniques of discourse
analysis and is a method in which the analyst aims to expose possible ideological
formulations and assumptions within the discourse being analyzed (Hammersley 2002).
This project attempts to combine the strengths of both ends of this spectrum, at once
focusing analysis first and foremost on the accounts developed by interviewees to
construct their understandings of intercountry adoption, but also contextualizing the
sampling frame, interviewees, researcher, and discourse patterns about intercountry
adoption within broader, macro-level social forces that shape knowledge of intercountry
adoption. In my analyses, I treat the actual discourse codified within policy and
achieved during interviews as authoritative, informed and influential forms of social
knowledge regarding intercountry adoption, yet also as a fallible resource due to the
difficulty, complexity and imprecision of relating text through available methods of
discourse analysis to context and to ideology (Hammersley 2002).

This overall epistemological orientation in research – or approach to what is
considered knowledge, what counts as knowledge, and what how that knowledge is
ascertained – falls in sharp contrast to the often undisclosed assumptions about the
epistemological value and limitations of data analyzed in many quantitative research
designs. Lynch (1993) describes methodologies of critical discourse as subsuming many
anti-foundationalist movements including postmodernists, postconventionalists, and as
often being anchored in interpretation of and reactions to the work of Habermas,
Foucault and others. A concern for epistemology, or the study of knowledge, is
considered at the heart of such movements and central within their debates. Textual
criticism as a base of these debates, Lynch argues, has merged with social criticism and
has bled into literature devoted to very mainstream sociological concerns such as power,
class, ideology, race, gender (1993). It is important to note that there is not one coherent
and cohesive body of literature regarding ethnomethodology, nor critical discourse
analysis, and that there are points of disagreement regarding what can be inferred
compellingly from discourse analysis regarding social context and structure
(Hammersley 2002).

In this project, discourse, whether in text or spoken form, is not presumed to be
value-free nor neutral, but instead is considered dynamic and charged with social value
and meanings that may be contested; that are produced by and reproductive of present
social practices and structures; and that are born in social action that is itself
fundamentally intentional and interactive, rather than isolated and uninfluenced. Considerations of response-set and other aspects of measurement bias hail from a paradigm of research that takes as premises that research is and must be value free, and that researchers select and employ research methodologies that are intrinsically atheoretical as long as they are properly executed. Selection of research methodologies may be interpreted as implicitly and inextricably laden with a researcher’s theoretical assumptions about the epistemological value of the data source. I propose that a reflexive and critical approach recognizes the myth of pure value-freedom, and also the necessity of a crucial self-reflection and the implementation of practical steps to challenge one’s own proclivities.

All researchers must take steps to ensure maximal quality of data and consummate findings. I have taken several steps in my methodological approach to preserve maximal data quality. Disclosures within this chapter about my orientation to the epistemological value of my data, as well as to potential limitations within my sampling frame and interview strategy, comprise part of my clarification of data quality and value of findings. In addition to my efforts to maximize triangulation and crystallization (outlined above), I attempt to refrain from overt latent analyses of discourse. In discourse analysis of interview data for this project, I attempted to only conduct manifest content analyses, considering only the surface structure of the language used by interviewees in their accounts of intercountry adoption. However, infrequently but at times the discourse analyses of interviews include latent content analysis, or analysis that is extended to include an interpretive reading of the deep structure of the discourse, which is laden in symbolism (Berg 2004:269). This latent analysis is reserved
for the concluding discussion chapter (Chapter 7), whereas the descriptive analyses presented in Chapters 4-6 entail manifest analyses.

III. Qualitative Data

Two forms of qualitative data are analyzed for this project: selected sections of international policies and original in-depth interview data. Each form of data is described, as well as sampling strategies for these data, in the sections below. Also, rationale is given for justification of the selection and analysis of each form of data.

A. Policy: Sample Selection and Justification

Prominent international policies specifically relevant to intercountry adoption are identified based on references within the literature and based inductively on interview data for this project. Two major international policies are the focus of the policy analyses with specific attention to the passages of each that define the subject matter, intercountry adoption. First, the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption is widely considered within literature and by key informants within the interview sample for this project to be the international policy standard for intercountry adoption (Hague Conference on Private International Law 2009: full text available online: http://www.hcch.net/index_en.php?act=conventions.text&cid=69 ). Second, the 1989
United Nations Convention on the Rights of the Child (UN CRC) is considered within literature and by key informants as the prevailing international policy standard for children’s rights in general and includes articles pertinent to intercountry adoption. Only those sections that introduce and define intercountry adoption are analyzed in detail. In addition, selected portions of a third policy, The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography of 2002, is analyzed. This optional protocol was noted in literature, and its relevance to intercountry adoption regulation at the international level was highlighted by interviewees during interview data collection.

The selection and analysis of discourse codified within international policy is justified on additional grounds. According to Howell (2006b), law and policy may be the central formal expression of values and norms, inasmuch as they represent and also seek to modify ideas and values surrounding a given topic or phenomenon. Laws about the private sphere, most lucidly represented by the family, explicate “moral concerns about individual and relational rights and duties” (Howell 2006:147). She states that laws are great fodder for analysis of “often implicit moral assumptions that shaped the laws” (Howell 2006:148). Analysis of language within law and policy is a valuable analytical window into collective ideas, meanings, significances and values. Howell (2006b) suggests that dominant international conventions related to intercountry adoption (the UN CRC and the Hague Convention) reflect “moral values of contemporary Western Society, which are perceived as universal values, and that … disregard beliefs and practices in many countries in Africa, Asia, and elsewhere” (2006b:147). She also argues that multi-lateral conventions often derive their
legitimacy by employing discourses of human rights, yet instrumentally they function as deliberate global dissemination of Western mores (in 2006b:151).

The analyses of the language within international policy are intended to be supplemental and yet complementary to the interview analyses, as they comprise the lesser of the two sources of data in terms of amount of data and breadth of analyses. They are analyzed according to the same qualitative discourse analysis strategy as the interview data. These policy analyses compliment the analyses of interview data by key informants because many key informants were selected specifically because of their prominence at the national and international levels regarding interpretation and enforcement of international policy standards regarding children’s protection and rights. These policies and the work experiences and views of the key informant interviewees are not independent, unrelated data sources, because the work of the interviewees is intertwined with and shaped by these international regulations. On the other hand, the international policy standards codified in international law are not randomly achieved but rather coalesced through collaborative and iterative work of such experts. Description of discourse analyses of selected sections of these policies are presented in Chapter 4.

**B. Interviews: Sample Selection and Justification**

The perspectives of a select and unique set of individuals were solicited through interviews. Interviewees were selected through an available and known population of children’s rights experts because they were considered key informants or experts based on their official work in fields related to children’s rights, child protection and
intercountry adoption, work which confers a breadth and depth of expertise in myriad social issues facing and experienced by children, not strictly intercountry adoption. This is by no means the only useful theoretical population that might have been approached for the purposes of this project; indeed, perspectives from groups such as intercountry adoptees, children, adoptive parents, birth parents, women’s rights officials, and many other prospective sampling frames would contribute interesting and valuable perspectives on the subject matter of intercountry adoption, and very likely perspectives that may not be parallel to the perspectives revealed in the present analyses. However, this population was selected because these individuals are part of an influential group of international experts whose work has potentially great influence over laws and practices that involve children, and whose charge it is to cultivate and enforce policies and practices that maximize and safeguard the best interests of children.

The key informant technique has been used for some time in social research to denote a research design that is both structured and flexible and that is based on in-depth interviewing with key individuals who are selected based on their breadth and depth of knowledge (Tremblay 1957). Key informants are interviewed extensively because they can provide relatively complete information about practices and patterns within a given culture or social group, or about a specific substantive area. According to Schutt, a key informant is “an insider who is willing and able to provide a field researcher with superior access and information, including answers to questions that arise in the course of the research” (2006:301). In this project, key informants selected for interviewing were often incredible resources in terms of linkages to additional literatures, data
sources, and other key informants, and also in terms of clarification of interview questions and interpretation and refinement of themes from prior data collection.

Theoretical sampling was the primary approach used to achieve the sample of key informants for this project. Theoretical sampling refers to a systematic method of sampling, often used with the qualitative method of participant observation, in which influential cases are identified sequentially based on indications of their influence (Glaser & Strauss 1967; Ragin 1994). For this project, observation and interviewing during prior fieldwork for other projects enabled me to identify the potential for theoretical sampling of interviewees at annual meetings of the European Network of Ombudspeople for Children (hereafter ‘ENOC’). ENOC is an organization of independent offices from throughout Europe, often at the national level, that are devoted to children’s rights. Participants at annual meetings of ENOC include but are not limited to national-level children’s ombudspeople from various European countries and their staff, representatives from internationally-prominent non-governmental organizations devoted to children’s rights, and other key officials working at regional, national and international levels in the field of children’s rights. Individuals were selected based on the breadth and depth of their expertise on social issues facing and involving children.

The theoretical sample was achieved through a combination of purposive and snowball sampling methods. Both methods of sampling are non-probability methods, resulting in data that are not generalizable directly or statistically to a broader population or group. Purposive sampling refers to intentional selection of research subjects, sometimes after fieldwork, in order to ensure that specific types of individuals are selected to represent a group (Berg 2004), usually because of their unique position in
relation to the topic of inquiry (Schutt 2006). Since many European countries are represented by participants of ENOC meetings, as well as many levels (including representatives from national and international organizations), efforts were made to select interviewees who held national-level positions from all geographical regions within Europe as well as interviewees who worked for international organizations. These interviewees are considered key informants regarding social issues facing and experienced by children, based on their official work roles which require of them broad expertise regarding children. This purposive sampling and interviewing of ENOC participants took place during the 2007 annual meeting in Barcelona and the 2008 annual meeting in Dublin.

A second wave of interview data collection commenced after the 2008 Dublin meeting in Europe using a snowball sampling method based on information about key informants garnered from prior contacts and my research based on these leads. For this final snowball sampling portion of interviewees, the sampling frame still aimed to solicit interviews with key informants whose official work roles entailed breadth and depth of experience and expertise in issues involving children. However, the sampling frame broadened to include a more diverse set of key informants whose work expertise ranged to include international children’s rights, international child trafficking, and intercountry adoption practice and scholarship. In both the purposive and snowball sampling frames, it is important to note that in terms of their professional work roles, all key informants interviewed for this project arguably have influence over policy or practice regarding children’s rights, children’s protection, or intercountry adoption at the national and/or international levels.
This sampling technique is not without meaningful criticisms and legitimate limitations. It is important to note that even purposive selection of a sample of key informants does not meet the sociological standards of being representative of a given culture, social group, or social pattern, and thus using this method does not allow a researcher to make generalizable claims based on the value of the findings. There is definite knowledge value of information garnered from interviews with key informants, however, and this sampling approach is especially valuable and appropriate to garner knowledge of key informants on topics that are poorly understood and under-conceptualized within research literatures. There is much difference between the statistically-selected samplee and the purposively-selected key informant. Key informants are selected precisely because of their presumed breadth and depth of knowledge and experience and the often unforeseen insights that these may yield during the semi-structured interview; whereas statistically selected respondents given questionnaires with standardized measures may preclude and restrict the knowledge ascertained by the method but lead to results that are statistically generalizeable.

Schutt (2006) describes the saturation point of sampling as the point at which interviews yield little to no new information. It is generally not possible to know prior to qualitative interview data collection how large a sample is needed to achieve saturation, or the point of diminishing returns in terms of new information yielded during qualitative data collection (Ragin 1994). Ragin suggests that if the researcher gains as much information about each case as possible throughout data collection, the qualitative researcher herself is well equipped to gauge when saturation has been achieved (Ragin 1994:86). For interview data collection, I noted that the appearance of
new themes within my interview data had begun to dwindle noticeably after my first six snowball interviews, or after my twenty-seventh interview. At this point I discussed this with one of my dissertation committee members with whom I was collaborating closely on the topic of sample selection, and we agreed that I was at or close to saturation. However, I was already in the process of scheduling additional interviews, and so I completed an additional four interviews, for a total of thirty-one interviews.

In all analyses presented here, in order to protect the anonymity of my research participants I have omitted any information that could lead to the identification of individuals within my sample, and I sometimes changed gender and made ambiguous the precise work role of each respondent as well as country of the respondent in the interview analyses chapters, so as to protect their anonymity.

IV. Interview Strategy

Interviews were solicited and scheduled in three ways: email requests, in-person requests, and 2nd-person snowball requests. Since methods of sampling human subjects for this project include only non-probability techniques, and the sample therefore is not intended for making broad generalizations, response rates are not calculated. I experienced an overwhelming positive response to solicitation of interviews via email and in-person. Schedule conflicts during the three-day ENOC meetings were the only reason cited specifically for not convening an interview with a willing participant. At the commencement of each interview I discussed the informed consent procedure with the interviewee and offered an Informed Consent Document (ICD: see Appendix A) for
their review and signature. A comprehensive semi-structured interview guide was used to guide all interviews, and question order was modified based on the feedback and specific expertise of the interviewee that was made apparent during the course of the interview and based on restrictions of the allotted time for the interview to take place. Semi-structured, or semi-standardized, interviews are marked by flexible wording and ordering of questions, allowance of the interviewer to offer clarification for and to answer questions of interviewees, and allowance of the interviewer to delete and add probes to the interview (Berg 2004:79). The interview strategy, therefore, was structured to elicit information, experiences and views of respondents related to intercountry adoption and other topics related to intercountry adoption, but was flexible in order to capture and probe unforeseen relevant topics.

It is important to disclose a major aspect of the interview strategy for this project. At the inception of interviewing, this project was formulated to focus more explicitly on key informants’ views, understandings, experiences and expertise regarding international child trafficking, with specific attention to perceptions of differences and similarities between intercountry adoption and international child trafficking. Beginning with the very first interview and continuing through the next several interviews at this exploratory early stage of the project, it became clear that some of the most energized and detailed content of the interview discourses surrounded this tension between intercountry adoption and child trafficking.

In response to this and also in response to advisement from my Dissertation Committee through the proposal phase of my project, I retained but reordered the interview questions as well as the overall project’s focus to highlight questions regarding
intercountry adoption, and included the fundamental lines of questioning from the beginning that explicitly targeted similarities and differences between intercountry adoption and international child trafficking, and about unaccompanied children.

Throughout all interviews, I retained anchorage in and attention to questions within my IRB-approved semi-structured interview guide (see Appendix B). Examples of topics that were introduced explicitly, in a structured way, as part of the standard set of questions include ‘child trafficking’, ‘unaccompanied children’, ‘market’ and ‘commodification of children’. Inclusion of specific and structured attention to such concepts was intentional. Examples of additional topics that were iteratively introduced within the context of semi-structured interview questioning include ‘migration’ and ‘best interests of the child’, both of which were emergent thematic rhetorics based on prior interviews. However, all semi-structured interviews included the following core questions, responses to which form the bulk of analyses presented in this project:

Is your country/region involved in intercountry adoptions? In what ways?

In your work, do you ever deal with issues of intercountry adoption? Describe.

Why does intercountry adoption exist in your country? (or in general)

What are the key differences between intercountry adoption and child trafficking? What are possible similarities?

In your view, is intercountry adoption in the best interests of the child? Why or why not?

V. Interview Sample Description

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Given my interest in policies as well as practices that influence children, I chose to begin my inquiry as close as the ‘top’ as I could get, by sampling key policy-makers, practitioners and other prominent people whose work roles embroil them in awareness of children’s issues at national and international levels, and compel them to identify and protect children’s best interests. My sampling frame consists of key informants that were identified based on their breadth and depth of professional expertise regarding social issues facing children. Other sampling frames – such as adoptees themselves, children, adoptive parents, members of birth families and birth communities, women’s rights advocates, et cetera – would be informative; however, this was not my project.

The sample for this project is also international. All in all, my interviewees hail from 19 countries; at least 6 sending countries in terms of involvement in intercountry adoption and at least 13 receiving countries are included. My sample is comprised of children’s rights advocates, legal advisors, intercountry adoption scholars and professionals, and child trafficking experts. It includes children’s ombudspeople from 17 countries across Europe, and also includes professionals who work for international organizations that may include but are not limited to Save the Children, UNICEF, the United Nations Committee on the Rights of the Child, and the Office of the Commissioner of Human Rights of the Council of Europe. Additional interviewees include legal advisors, intercountry adoption scholars and intercountry adoption professionals. Children’s ombudspersons are generally national-level children’s rights advocates who monitor public and private institutions to safeguard children’s rights, interests and protection. Their work often has influence over Parliamentary processes, judicial proceedings, and other social systems and practices. In some of the venues at
which I recruited them – at annual meetings of European Network of Ombudspeople for Children– they collaborate and have potential international impacts. At these meetings, approximately 2-3 dozen national-level officials from throughout Europe, as well as officials representing prominent international organizations, meet to discuss pan-European issues of children’s rights and social issues facing children. Recruitment and data collection took place exclusively in Europe. Primary sampling was done at the 2007 annual meeting of the European Network of Ombudspeople for Children (Barcelona), and their 2008 annual meeting in Dublin, as well as additional snowball sampling thereafter. All of my sampling efforts focused on selecting key informants with national and/or international involvement and impacts.

Without exception, members of my sample have potential and actual influence at national and international levels. In this project I gathered and analyzed their accounts – their views, knowledge, experiences and their questions regarding intercountry adoption – in order to derive a typology of thematic understandings, explanations and constructions of intercountry adoption based on the two theoretical paradigms.

A total of thirty-one original in-depth, semi-structured interviews were conducted and analyzed for this project. Of these, seven interviews involved more than one interviewee, typically an advisor of the primary interviewee or an interpreter. In total, and not including interpreters who did not contribute substantively to the interview, there were thirty-five interviewees. All but four interviews were audio-recorded. I conducted twenty-five interviews myself; three interviews were conducted by Professor Brian Gran; one interview was conducted by Lynn Gannon Falletta; and an additional two interviews were conducted jointly by me, Brian Gran and Lynn Gannon Falletta.
together. In terms of time, a total of nineteen hours and twenty minutes of interviewing took place, with the average length of interview just over thirty-seven minutes and the range of interview duration from fifteen to seventy minutes.

Overall, interview participants hailed from countries in all regions of Europe: northern, western, central, southern and eastern. For the purposes of protecting anonymity of individual respondents, accounts in analyses are deidentified, and lists of countries represented by the officials in the interview sample are not explicated. To be clear, officials who were connected to ENOC’s annual meetings as well as officials who had no connection to these meetings are included within my interview sample.

VI. Interview Analyses and Data Management

I transcribed all audio-recorded interviews. Interview notes, all interview transcripts and other files related to interview analyses are kept confidential on a locked personal computer and are only accessible to myself and my Dissertation Committee per their request. All materials that have been produced based on these data, including this manuscript, include steps taken to deidentify research participants so as to preserve their anonymity.

The goal of analyses was to develop a typology of themes based on the perspectives of my interviewees, themes interviewees used as they constructed their accounts of intercountry adoption, including views, definitions, concerns and meanings associated with intercountry adoption. Two initial thematic codes based on the central research question of this project – functionalist/social capital orientation to intercountry
adoption and critical/conflict orientation to intercountry adoption – comprised the basis for additional coding of interview themes within these thematic frames. Thus, the impetus for the coding approach in analyses of the interview data is not based in grounded theory or a fully emergent and free-coding process, but rather is semi-structured *a priori* by my research question. Based on these initial two codes, thematic coding was conducted using computer-assisted coding program, Atlas.ti qualitative analysis software. Atlas.ti was used as a database for text files of the interview transcripts and field notes. Atlas.ti facilitated but did not drive the coding methodology or process. Thematic codes were developed within each of these two broad themes based on coding an initial set of five interviews and based on policy analyses. Trafficking, kidnapping/abduction and sale of children, as well as hegemonic family formation, are concepts outlined within the selected sections of international policy and thus were included in the initial interview code list. Coding continued based on this preliminary list, and the list was expanded and modified throughout the coding process based on inclusion of additional interviews and identification of additional relevant themes. During coding, it became clear that large sections of questioning within many interviews were not directly relevant to my research question, so coding was focused only on interview content that specifically described and addressed intercountry adoption.

I frequently interrupted my coding process to jot theoretical memos to myself about the logic of the development of new codes, the logic of the modification of existing codes, and potential ways to organize or relate codes in order to save these thoughts for later stages of analyses. I also met regularly throughout the coding process.
with my Dissertation Chair to discuss the iterative development of my code list. Thus, the structure and content of the resultant code list is both emergent based on themes within the data and yet structured by the perspectives I imposed on the data, perspectives which were based in my research question, as well as my discourse analysis of policy standards for intercountry adoption.

Figure 1 contains lists of the subthemes identified, developed and coded within the interview data, based on the two original theoretically-driven themes. Descriptive analyses of the interview subthemes listed under the functionalist/social capital orientation to intercountry adoption are presented in Chapter 5, and descriptive analyses of interview subthemes under the critical/conflict orientation to intercountry adoption are presented in Chapter 6.

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<tr>
<th>Theme</th>
<th>Functionalist/Social Capital</th>
<th>Critical/Conflict-Oriented</th>
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<td><strong>Subthemes</strong></td>
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<td>Sentimental, Ideal-based Themes</td>
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<td>Love</td>
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<td>Critical Accounts of Hegemonic Familism</td>
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<td>Altruism</td>
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<td>On behalf of adoptive parents</td>
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<td>Familism*</td>
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<td>Trendy</td>
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<td>Shortcut to parenthood</td>
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<td>Adoptees pose and experience challenges</td>
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<td>Adoptees do well</td>
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<td>Belonging and ownership</td>
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<td>Legal and Structural Themes</td>
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<td>Structural Criticisms</td>
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<td>Strong and legitimate infrastructure</td>
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<td>Business</td>
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<td>Strong laws and policy</td>
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<td>Increased Social Diversity</td>
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<td>Child trafficking*</td>
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<td>Weak infrastructure and law</td>
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<td>Exploitation of human resources</td>
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*indicates theme is also explicit in policy analyses
CHAPTER 4: POLICY ANALYSIS

As the background in Chapter 2 reveals, there are multiple and contested frames of reference for intercountry adoption. In this chapter, intercountry adoption is examined through discourse analysis of selected sections of three international policies, with specific attention to how intercountry adoption is defined and framed. These policies include the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (hereafter the Hague Convention), the 1989 United Nations Convention on the Rights of the Child (hereafter UN CRC), and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography of 2002. Sections of these policies were selected for analysis if they included content that defined intercountry adoption or otherwise framed intercountry adoption. Analysis of specific sections of these policies is conducted based on whether the text describes intercountry adoption in functionalist terms (e.g., as a social good) or in terms oriented to a conflict or critical perspective (e.g., as a social problem). These analyses are brief and are intended to complement and preface the interview analyses presented in Chapters 5 and 6.

I. The Hague Convention on Protection of Children and Co-Operation in Respect of Inter-Country Adoption of 1993

The Hague’s 1993 Convention on Protection of Children and Co-Operation in Respect of Inter-Country Adoption is the predominant international policy standard for intercountry adoptions. The following lines are from the beginning of the preamble:
The States signatory to the present Convention,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Recalling that each State should take, as a matter of priority, appropriate measures to enable the child to remain in the care of his or her family of origin,

Recognizing that intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her State of origin…

(Hague Convention 1993)

In the first several lines of the preamble, emphases on permanent family relationships replete with love, understanding, and happiness, and extolling positive child development, imply the social capital potentials of intercountry adoption since they describe a family setting as the preferred and ideal setting for children. Although the language in these first lines of the policy describes the positive possibilities of intercountry adoption for the child, there are at least three important caveats. First, intercountry adoption is considered a social good only inasmuch as intercountry adoption provides a supportive, permanent family environment for the child. Second, intercountry adoption is constructed as a social good, but with the qualifications that efforts should be made first by the state of origin to facilitate the possibility of the child to remain with his or her birth family. Finally, if this is not possible, intercountry adoption should be considered only as a second resort, after attempts have been made to find a suitable family for the child within their country of origin. Thus within this introductory preamble of the Convention, a functionalist theoretical frame for intercountry adoption as a social good is apparent but qualified.
In the next line of this preamble, problematic aspects of intercountry adoptions are highlighted as possibilities that ought to be prevented:

…Convinced of the necessity to take measures to ensure that intercountry adoptions are made in the best interests of the child and with respect for his or her fundamental rights, and to prevent the abduction, the sale of, or traffic in children…

(Hague Convention, 1993)

Here in the preamble, there is explicit mention of sale of children, abduction, and trafficking in children in relation to intercountry adoption practices, practices which are explicitly recognized and denounced. This discourse indicates a critical orientation to intercountry adoption: rather than constructing intercountry adoption as fundamentally a social good, this text makes explicit the associations of illicit activities that ought to be prevented in order to protect children and children’s rights.

Like the preamble, Article 1 of the Hague Convention also juxtaposes discourse that is relevant to the functionalist and conflict/critical theoretical frames, respectively:

Article 1
The objects of the present Convention are –

a) to establish safeguards to ensure that intercountry adoptions take place in the best interests of the child and with respect for his or her fundamental rights as recognized in international law;

b) to establish a system of co-operation amongst Contracting States to ensure that those safeguards are respected and thereby prevent the abduction, the sale of, or traffic in children…

(Hague Convention, 1993)
Within part 1A of this first article of the Hague Convention, the focus on properly safeguarded procedures and compliance within human rights standards codified in international law conveys a functionalist approach to intercountry adoption as a social good that operates through interdependent and legitimate social systems. However, in section 1B, this social good is suggested to be contingent on the proper implementation of protections by states to ensure that abduction, sale, and trafficking of children for the purposes of intercountry adoption do not occur. Thus in Article 1, language used that constructs intercountry adoption as a social good is conditioned by language that explicitly identifies problematic, illegitimate practices that are related to intercountry adoption and must be avoided. Both theoretical frameworks are apparent and adjacent to each other in this first article of the Hague Convention, thus constituting intercountry adoption as a ‘good’, and yet compelling states to cooperate with one another in order to prevent problematic intercountry adoptions that include such practices as sale or kidnapping of, or trafficking in, children.

It is in Article 2 of the Hague Convention that offers a definition of intercountry adoption. This definition carries social and legal authority insofar as the Hague Convention is widely agreed to be the definitive, international policy standard when it comes to international adoption practices worldwide:

Article 2
(1) The Convention shall apply where a child habitually resident in one Contracting State ("the State of origin") has been, is being, or is to be moved to another Contracting State ("the receiving State") either after his or her adoption in the State of origin by spouses or a person habitually resident in the receiving State, or for the purposes of such an adoption in the receiving State or in the State of origin.
(2) The Convention covers only adoptions which create a permanent parent-child relationship.

In Article 2, intercountry adoption is described as transfer of a child in the past, present, or future from her country of origin to a married couple or an individual who resides in the destination country, for the purposes of creating a permanent family. Within this legal, formal definition, the social capital model of intercountry adoption is exemplified by a focus on the development and maintenance over time of hegemonic, or normative and predominant, family forms.

According to this analysis of the textual discourse in the leading sections of the Hague Convention, it is noteworthy that both the functionalist and the critical frameworks have salience. The social capital model of intercountry adoption is the more widely applicable framework for the formal definition of intercountry adoption (Article 2); however, in all of the preceding text (the preamble and Article 1), there is also explicit language denoting problematic potentials of the phenomenon of intercountry adoption that conditions the language describing the positive social potentials and value of intercountry adoption for hegemonic family development. In short, within the preliminary sections of the Hague Convention, a prominent functionalist theme of hegemonic family formation is evident, but also evident are critical and cautionary themes of abduction, sale and trafficking of children. States are conceptualized as responsible for preserving the social capital value of intercountry adoption, and preventing these other illicit practices.

The 1989 United Nations Convention on the Rights of the Child predates the Hague Convention by four years and is considered the international policy standard for the protection of children’s rights in general. For this project, three articles are selected and analyzed from the UN CRC due to their particular relevance to intercountry adoption: Articles 20, 21 and 35.

Article 21 has the most direct and explicit reference to intercountry adoption in the UN CRC:

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counseling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

(UN Convention on the Rights of the Child, 1989)

Overall, the explicit focus of most of the discourse in Article 21 is to ensure best standards, procedures and legitimacy of competent authorities involved in intercountry adoption; to guarantee proper and legal relinquishment of a child by the family of origin and state of origin; and to safeguard the interests of the child within the new care arrangement, thus representing a functionalist or social capital model of intercountry adoption. However, there are a few noteworthy qualifications within Article 21 regarding implicit and potential problems with intercountry adoption. The first qualification pertains to the introductory sentence. Article 21 notes that state parties have the right not to recognize or permit the system of adoption, thus calling attention to a potential diversity of orientations to this phenomenon and recognizing the states’ right to use its discretion regarding whether adoption is permitted in their country. In this sense, the first line of Article 21 implies that adoption as a system is not, and need not be, universally accepted, endorsed or practiced by states. This language does not explicitly endorse intercountry adoption, nor does it specifically criticize intercountry adoption. In a sense, the introduction to this article is pointedly ambivalent, yet it suggests a caveat regarding the functionality of intercountry adoption.

regulatory guidelines for mechanisms through which both the social capital of intercountry adoption may be achieved and problems of intercountry adoption may be recognized and averted. In a sense, these four subsections offer distinct qualifications that, to the extent that they are fulfilled, may determine whether intercountry adoption is legitimate and a social good, or whether it is problematic. For instance, section 21.A requires states to ensure that a child’s status according to competent authorities and law makes consideration of adoption a legitimate option for a child. Section 21.A describes proper relinquishment processes as possibly including informed consent on the part of parent, other family, or guardians to allow adoption placement to be a possibility for a positive care solution for a child. Section 2.B states that if a care arrangement cannot be made in the child’s country of origin, then intercountry adoption may be considered as an alternative care arrangement. Section 21.B qualifies the legitimacy of intercountry adoption by noting that it ought to be a secondary option, only after more local solutions are determined to be impossible. Section 21.C compels state parties that permit intercountry adoption to ensure that there is an equivalency of standards and protections enjoyed by the internationally adopted child, with domestic adoption as the point of reference. Finally, 21.E encourages cooperation among states to ensure that placement of children via intercountry adoption is done through legitimate social actors or entities. All four of these sections entail guidelines that preserve the potential of intercountry adoption to be considered a social good.

However, section 21.D stands out as textual discourse that contains more directly negative language, highlighting an explicit potential situation in which intercountry adoption would be problematic due to “improper financial gain for those involved in it.”
In this sense, section 21.D constructs intercountry adoption from a directly critical perspective, highlighting the potential for profit within intercountry adoption processes, and stating clearly that states must take measures to prevent such practices in order to preserve the functionality, or ‘goodness’, possible to achieve through intercountry adoption. Within Article 21 overall, this caveat in section 21.D stands out as the most explicitly negative and problematizing language used to frame intercountry adoption, and it raises questions of what would constitute “improper financial gain,” and of which unspecified actors involved in it may extract improper gain from the adoption process.

Article 20 of the UN CRC is also of interest to this analysis because it provides guidelines for states to consider in cases in which special protection and assistance ought to be provided for a child who is or should be deprived of her family environment. Although Article 20 does not specifically mention intercountry adoption, Section 20.3 is of interest, as it specifies that adoption may be considered as one or several possible solutions:

**Article 20**

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

(UN Convention on the Rights of the Child, 1989)
According to Article 20, states are obliged to protect and assist a child who cannot remain in her family environment through the development of alternative care arrangements, and these care arrangements may include but are not limited to adoption. Adoption is listed as a legitimate alternative but is not given higher or lower status in terms of its value as a care arrangement than inter alia, foster placement, or kafalah; however, it seems to be given a vaguely higher consideration than an institutional care setting (section 20.3). In this sense, the textual discourse constructs adoption as one form, but not the only or superlative form, of social capital. One central qualification in section 20.3 is that states are compelled to consider continuity of the child’s cultural background and experience as desirable and preferred when care solutions are considered, which by extension offers a qualification on the social good of intercountry adoption by prioritizing and privileging care solutions for children that provide congruent cultural experiences with her upbringing and society of origin. In this sense, intercountry adoption is constructed as a second-best option, inasmuch as it represents by definition moving to another state, and inasmuch as this move entails disconnect from and discontinuity of the child’s cultural experience. Overall, Article 20 constructs adoption directly, and intercountry adoption indirectly and by extension, as a conditional social good, with an emphasis on protecting a child’s right to cultural stability.

Although Article 35 of the UN CRC, which outlines a child’s right to be protected from abduction, sale and trafficking, does not contain any specific mention of intercountry adoption, yet it is included in these analyses based on the fact that the
Hague Convention reproduces language used in Article 35. Recall that Article 1B of the Hague Convention notes that one of the objectives of the Convention to provide safeguards to prevent problematic practices within the auspices of adoption:

(I.b.) to establish a system of co-operation amongst Contracting States to ensure that those safeguards are respected and thereby prevent the abduction, the sale of, or traffic in children…

(Hague Convention, 1993)

Moreover, Article 35 of the UN CRC is written in this form:

**Article 35**

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

(UN Convention on the Rights of the Child, 1989)

Although Article 35 of the UN CRC does not mention intercountry adoption, what is particularly relevant about Article 35 is its almost complete reproduction within the very first article (1B) of the Hague Convention in terms of the mention of abduction, sale and trafficking related to intercountry adoption. However, within the relatively younger legal instrument of the UN CRC, the mention of these three breaches of rights -- abduction, sale of and trafficking in children -- remains spatially and organizationally separated from articles pertaining explicitly to adoption. However, Article 35 of the UN CRC does state clearly that states must take actions to protect children from these illicit actions “for any purpose or in any form”, leaving implicitly open the possibility of intercountry adoption as one hypothetical purpose or form of these breaches of rights. However, analysis of the discourse in Article 35 itself does not indicate salience of either
theoretical frameworks to intercountry adoption; instead, it is offered here as relevant context for the analysis of the discourse in the Hague Convention. It is notable that some of the specific language used in the beginning of the Hague Convention closely parallels language in the UN CRC, but is far more clearly linked to intercountry adoption than in the UN CRC.


Article 3 of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography of 2000 is selected for inclusion in analysis because it includes discourse specific to adoption. Here is the text of Article 3 in its entirety, of which sections 3.1.A.ii and 3.5 are directly relevant to intercountry adoption:

**Article 3**

1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis:

   (a) In the context of sale of children as defined in article 2:

      (i) Offering, delivering or accepting, by whatever means, a child for the purpose of:

         a. Sexual exploitation of the child;

         b. Transfer of organs of the child for profit;

         c. Engagement of the child in forced labour;
(ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;

(b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2;

(c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2.

2. Subject to the provisions of the national law of a State Party, the same shall apply to an attempt to commit any of the said acts and to complicity or participation in any of the said acts.

3. Each State Party shall make such offences punishable by appropriate penalties that take into account their grave nature.

4. Subject to the provisions of its national law, each State Party shall take measures, where appropriate, to establish the liability of legal persons for offences established in paragraph 1 of the present article. Subject to the legal principles of the State Party, such liability of legal persons may be criminal, civil or administrative.

5. States Parties shall take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments.

(Optional Protocol to the UN CRC, 2000)

Section 3.1.A.ii compels states to ensure through their penal codes that sale of children, whether occurring domestically or transnationally, is an illegal offense, and that sale of children is explicitly recognized by states in forms of adoption that include coercive or otherwise improper modes of obtaining consent for adoption. Section 3.1.A.ii also obliges states to comply with standards in international legal instruments for intercountry adoption in making determinations of what constitutes improper adoption practices. In this section of legal discourse, intercountry adoption is linked to sale of children, a phenomenon which is strictly defined as illegitimate and designated as illegal within this policy instrument. This overt connection of improper intercountry adoption practices and sale of children suggests the salience of a critical or conflict-oriented theoretical framework: this discourse states overtly that sale of children for adoption is
one of several modes of selling children which are strictly illegitimate and which states
must sanction within their criminal law. Section 3.5 obliges states to conform with
applicable international legal instruments in terms of having appropriate legal and
bureaucratic mechanisms to protect all parties involved in adoptions. In section 3.5,
intercountry adoption is constructed as a conditional social good, insofar as states’
regulatory mechanisms for intercountry adoptions conform to international standards
and offer proper safeguards for all parties involved to prevent improper practices,
including sale of children. In this sense, discourse analysis within the Optional Protocol
of 2000 yield more precise description of mechanisms of sale of children that may
operate in relation to adoption practices, and thus reveals an overtly critical orientation
to intercountry adoption practices. Nonetheless, even in this policy which is strictly
oriented to outlining negative and illegitimate activities regarding children, guidelines
and standards are given that protect the potentials of intercountry adoption to be a social
good.


Overall, these policy analyses reveal legal discourses that indicate a social capital
framework of intercountry adoption, as well as legal discourses that include a critical
orientation toward intercountry adoption. The social capital discourses highlight the
potentials of intercountry adoption to result in positive care arrangements for a child
through hegemonic family development. The critical discourses include particular
attention to unethical and illegal practices related to adoption that include improper gain
for specific groups or intermediaries involved in adoption processes, particularly abduction, trafficking and sale of children, and also include concern for a child’s cultural continuity.
CHAPTER 5: DESCRIPTIVE INTERVIEW ANALYSES:
FUNCTIONALIST THEMES

I. Interview Data: The Functionalist and Social Capital Model

Content within the interview data is coded for themes that represent the functionalist, or social capital, framework of intercountry adoption if a functional, positive, socially beneficial orientation toward intercountry adoption is emphasized. Several subthemes emerge within and across interview accounts of intercountry adoption that reveal this orientation to intercountry adoption as a form of social capital, all of which convey a view of intercountry adoption as having a humanistic intention. These subthemes can be divided roughly into two broad categories: 1) sentimental or ideal-based and 2) legal-infrastructural. The former include love, altruism, and familism, or ideals of positive family formation. Familism includes reference to benefits to adoptive parents as well as benefits of adopted children. The latter are illustrated by emphases in interviewees’ accounts on 1) strong, stable, and legitimate intercountry adoption infrastructure; 2) strong laws and policy that regulate intercountry adoption; and 3) increased social diversity within society as a result of intercountry adoption. Each of these subthemes is discussed below, in the following order: love, altruism, familism (including subsections describing benefits for adoptive parents and benefits for adoptees, respectively), strong intercountry adoption infrastructure, strong laws and policy, and increased social diversity. When excerpts of interviewees’ accounts are given, ‘I’ refers to ‘interviewee’, and ‘R’ refers to interviewer.
II. Sentimental or Ideal-based Themes

A. Love

Basic reference to loving a child, or fostering love more generally between people through intercountry adoption, as a positive social value involved within intercountry adoption is one subtheme within accounts of interviewees that I have named love. This ideal-based theme is evident within the interview accounts when an appeal to love is made explicitly by interviewees and refers to love that has the potential to exist between adoptive parents and an adopted child. This is one way interviewees constructed an account of intercountry adoption that can be analyzed as socially beneficial and functional. Love is a theme that emphasizes the social cohesion and feeling of emotional connectedness of family that is possible in intercountry adoption. In these accounts, love is raised by the interviewee as a positive possibility within or result of intercountry adoption, and it is suggested that intercountry adoption may in some cases be the only means by which a child’s need for love can be met:

“There is room for some of these children to be adopted because I agree that the solution should be always to find foster family, foster care, national solution. But if you cannot do this, you end up with children being deprived of love. Because when you talk about adoption you talk about the best interests of the child [sic] is to be loved and to be taken care of and to be supported.”

The above account was given during the part of the interview in which I asked a children’s rights official who works for an international organization in Europe to reflect on the key similarities and differences between intercountry adoption and child
trafficking. She reflected on the conflict facing a child for whom a domestic (in-country) solution of a loving family cannot be attained. In her account, she emphasized love as a social good that is possible through intercountry adoption in such cases. A few minutes later, she applied the same logic to lament what she perceived as both necessary an unfortunate recent stoppage of intercountry adoptions out of Romania:

“They [the Romanian government] decided that everything was off, and there were parents in the process of adopting that were in the country, were already contacting the child, and adoption was ended suddenly, and now they are in the loophole where they are in some contact with the child, have started to give love, and had the idea that they were going to have a new family, and then suddenly they were told by the authority no, you cannot do it any more. And they are still stuck. So this is also a problem.”

In this account, she again emphasizes the positive possibilities of love within an intercountry adoption. By highlighting the problematic aspects of the disruption of love caused by the interruption of intercountry adoptions that were already in process, she emphasizes the positive social value of intercountry adoption. It is important to note that this interviewee’s assessment of the moratorium on foreign adoptions out of Romania was not simplistic nor one-sided; in fact, she highlighted the evidence of corruption within the outgoing adoption system that necessitated temporary cessation of intercountry adoptions from Romania, too. However, these examples illustrate the focus on the possibilities and positive value of love within the intercountry adoption process. Such accounts construct intercountry adoption as a social good.

\[ \text{B. Altruism} \]
Another subtheme that emerges within the interviews and that espouses a positive perspective on intercountry adoption as a socially valuable form of social capital is altruism. While at some abstract level, altruism and love may be argued to overlap, as some narrative examples of my respondents may indicate, love conveyed an immediate experience of warmth, nurture and emotional attachment and caring that altruism does not necessarily include. I coded sections of accounts as altruism if the interviewee emphasized the aspect of helping or assisting a child through intercountry adoption in a way that conveys intercountry adoption as a positive, even humanitarian endeavor. Altruism, then, is another way in which interviewees construct intercountry adoption as a social good. Accounts that highlight helping a child to have a better life, doing a good deed out of altruistic motives via intercountry adoption, or that highlight gratitude are coded as altruism. Several interviewees mentioned altruism in their accounts as a factor that motivates prospective parents to consider international adoption. Only in one interview did this subtheme appear unadultered, unqualified, without an immediate reference to some problematic aspect of intercountry adoption; in other words in a rather pure form. In this example, I had posed the question, “Why do international adoptions occur?”

“In my personal opinion I think there are willful people, and at that the same time there are people with very special values, and these values can be religious in character sometimes, or just humanistic, or sometimes it becomes sort of a mode, you know? A positive example also, when your neighbor, a wealthy man, adopts a child from somewhere and you can do the same, you are doing this, and I think it’s a positive value that makes a person or couple to adopt a child from vulnerable country or vulnerable social group. Or you are asking from abroad, yeah? The same motivation, I think. Justice. Kindness.”

This children’s ombudsman from a sending country emphasizes the motivations of humanism, helping, religious values and equality that demonstrate kindness and achieve
justice in his account of intercountry adoption. It is worth noting that with the exception of the excerpt above, interviewees who described altruistic aspects of intercountry adoption also qualified this altruism by highlighting other problematic aspects related to intercountry adoption. These aspects of the social critical model, however, are discussed in Chapter 6.

In another interview, in response to my question of why people in her Western European county adopt foreign children, a children’s ombudsperson listed several reasons, including this:

“I think for some parents, the idea to help such a boy or child, or girl, is strong motivation. To give one person the chance to grow up in Europe.”

Although she also mentioned lack of available children within her country and long waits for domestic adoption, this excerpt from her account describes altruistic intentions to provide better possibilities for a foreign child. The language used by this and other interviewees highlight a theme of helping, saving, or rescuing, a child via intercountry adoption, a theme that is also present in the social science literature reviewed in Chapter 2. The following interviewee, another children’s ombudsperson from Western Europe, offered the following account when asked why people adopt internationally:

“R: Why do people adopt internationally? What are the reasons for them to do this? In your opinion?

I: I have no idea. I have no idea because you might say that it’s because they want kids. But there’s also people who can have kids of their own, who do have kids of their own, who still adopt other kids. So it must be some missionary kind of thing, of wanting to save a child. And I think in itself there’s nothing wrong with that.”
He responded in a way that highlights the positive intention of wanting to save a child, thus constructing potential altruism as part of his account of intercountry adoption. He also offered his own evaluation of this altruistic motive as in and of itself not problematic.

An example of balancing altruistic aspects of intercounty adoption with concerns over an overly simplistic and positive cultural portrayal of intercountry adoption is evident in the following interview:

“You know people genuinely want to help. And you see abandoned babies in China and you want to do something.”

On the one hand, this children’s ombudsperson from a receiving country identifies altruistic aspects of intercountry adoption. In the same interview, this respondent explicitly mentions how media disseminates an altruistic imagery of intercountry adoption by focusing on children who need rescue, but she notes that this is often in sharp contrast to professionals’ perspectives that recognize problems with intercountry adoption:

“There’s a kind of a divide between the media reaction and the professional reaction. Because in the media you get cases of, well there’s all of these children who need rescued, without always necessarily looking into some of the trafficking that goes on behind that.”

In this part of the account, the interviewee highlights both the association of altruism and rescue in the media related to intercountry adoption, and also the problem of trafficking related to intercountry adoption. This account is one of many in which there is a tension
between social capital and critical perspectives, but in this case the altruism is highlighted by the interviewee in her account.

Giving an account that relates to a more macro-social level, an intercountry adoption expert in Western Europe shares the following views:

“I mean like the United Nations say that in Africa alone there are 34 million orphaned and abandoned children. And now internationally there are now less than 40,000 international adoptions a year, people over borders. So I mean in reality there should be many more adoptions internationally, not fewer.”

In her account, she suggests that, based on estimates of abandoned and orphaned children alone, there ought to be more intercountry adoptions. In saying this, she presents intercountry adoption as a positive, international solution to burgeoning numbers of children worldwide in need of help. It is interesting to note that few respondents gave examples or arguments that can be considered macro-social in orientation to illustrate altruism, but rather focused on individual or family motivations for seeking to help a child via intercountry adoption. The above excerpt stands out as a macro-social argument that is nonetheless supportive of a social capital, altruistic orientation toward intercountry adoption. The macro-social orientation apparent in the above account is based on worldwide estimates of numbers of children in need of a care solution and estimates of current intercountry adoptions. An implicit argument for altruism at the macro-level is apparent in her emphasis on the discrepancy between these estimates: she explicitly suggests that, based on the need of children in Africa alone, there ought to be more intercountry adoptions. This poises intercountry adoption as an altruistic form of social capital at the macro-level.
Another interviewee from a Western European country gave different macro-historical reasons that emphasize altruism for why intercountry adoptions have become so prevalent within his country:

“R: Why was there this historical development that international adoptions became widespread?

I: Well, it started, there are several reasons. One reason is that the [people from my country] have a sort of warmly beating heart for those who are worse off, and it started really after the Korean War, but it took off with the Vietnamese War. And the first loads of children on a big scale...were a big plane full of Vietnamese abandoned children who came. And so that was one thing.”

In this account, widespread altruistic motives are identified as part of the impetus for beginning systematic adoptions of foreign children who needed help in response to wars. In this way, he frames intercountry adoption as originating as a positive, macro-social solution in the face of groups of children he refers to as ‘abandoned’ due to war. He goes on in this interview to discuss in detail how some of his countrymen began organized efforts within war-torn Korea to provide medical and religious assistance, and through these efforts the beginnings of systematic foreign adoption of Korean children emerged. A crucial aspect of this account is his framing of the beginning of intercountry adoption into his country within a helping or altruistic model that was in direct response to the needs of war orphans.

Another important and prominent way that altruism within intercountry adoption is evident within several interviews is in reference to helping a child for whom health care needs, for example for severe disabilities or illnesses, cannot be met within his or her country of origin:

“The Convention of the Rights of the Child allows adoption, and why not? Children may be happier, children of Brazil who are living in the street, they may have another chance of life. I know a little boy who was handicapped and was
adopted by a family [in my country] who has a lot of help [in my country]. He certainly if he remained in Brazil, he would be dead. He was paralyzed, and they do everything for this boy.”

In the above account by a children’s ombudsperson from a Western European country, she highlights the positive benefits of intercountry adoption by specifically noting how one case of intercountry adoption that she knew of quite possibly saved the child’s life due to severe health conditions with which the child was suffering. The social capital of intercountry adoption is emphasized by noting that help and support for chronic and potentially fatal health conditions may be made available to a child through intercountry adoption, help that is not possible in his or her country of origin.

Another case in which severe health conditions of the child are cited as reasons that intercountry adoption is legitimate and a positive solution is offered by a children’s rights advocate who works for an international organization:

“I mean some kids who require special services that are never going to be available in a million years in those countries, sure. Kids with AIDS, kids with severe disabilities where they’re going to be, their lives for at least the foreseeable future is going to be absolutely dismal, and their chances of survival maybe as well, yeah, that makes perfect sense to me I guess.”

She unequivocally states in this account that intercountry adoption may be a highly beneficial and legitimate solution for eligible children who live with serious health problems and for whom health care services are insufficient or unavailable in their country of origin. This is a case in which intercountry adoption is constructed as a form of social capital, as a positive social solution, by referring to the assistance and support that is made possible for children with severe illnesses or disabilities. In this sense, the altruism or helping via intercountry adoption is constructed specifically to
highlight possible life-enhancing or life-saving aspects of intercountry adoption for children with burgeoning health care needs.

One additional account worth noting that includes altruistic constructions of intercountry adoption is the following:

“I also talk to adopted children, and some of them are really happy and really grateful. Strange to be grateful for having someone who wanted to adopt you. I’m not grateful [respondent’s emphasis] to my parents that they threw me on this earth. I mean, it was their choice to have kids, and I just happened to be one of them. It shouldn’t have anything to do with gratitude. You could be grateful for what they did for you, but not for putting you on this earth. So it’s the same with adoptions, it’s weird, this kind of gratitude that some of these kids are feeling, to the joy of their adoptive parents of course.”

This account is unique because no other interviewee highlighted the gratitude felt by adopted children toward their adoptive parents as an emphasized feature of intercountry adoption. This children’s ombudsperson from a receiving country reflects on how adopted children in his experience have exhibited gratitude toward their adoptive family. In emphasizing how the gratefulness felt by adopted children is unique within the context of being a part of a family, this respondent highlights a child’s response to perceived altruism on a part of their adoptive parents. This account of gratitude, although it is critiqued, reveals one distinct axis through which altruism and helping are constructed as key aspect of intercountry adoption: through the experience and narratives of adopted children. Although his discussion of gratitude is complex and does not depict intercountry adoption and children’s gratitude toward adoptive parents as unproblematic, he constructs gratefulness in his account as a distinct difference between being a natural born and a foreign-adopted child member of a family. In this way, this interviewee highlights the ways in which some adopted children experience perceived
altruistic, or helping intentions, on the part of their adoptive parents by virtue of adding them to their family via intercountry adoption.

In sum, many respondents note that helping a child or children via intercountry adoption, whether for unspecified reasons or for specific health conditions, is a powerful, legitimate, and positive aspect of intercountry adoption.

C. Familism

Familism is a social capital subtheme that refers to positive social possibilities of ideal family formation through intercountry adoption. Accounts of interviewees that emphasize the positive social value of intercountry adoption by giving explicit reference to socially valuable family building, often by emphasizing normative and hegemonic structures of family and the positive benefits of such family relationships, are coded as familism. These accounts include reference to benefits for adults who long to become parents or add to their families through intercountry adoption, as well as reference to benefits for children in less positive social circumstances that may become part of a new family through intercountry adoption. The hegemony of family ideology, or the ideals of family formation that are dominant in ‘Western’ value systems, is evident within the portions of accounts highlighted in this section and is used in accounts as evidence of the beneficial aspects of intercountry adoption. This section on familism also includes two subsequent subsections, devoted respectively to intercountry as a shortcut to parenthood or a relatively simple way of family building for adults, and to intercountry adoption as particularly beneficial for adoptees.
In the previous section on ‘love’ as a form of social capital inherent within intercountry adoption, an account given by a children’s rights official working for an international organization emphasized the positive value that an adoptive family can have for a child in need. Further analysis of this section of her interview reveals an overall positive orientation espoused toward intercountry adoption as a legitimate and promising social solution to family building for children:

“Because when you talk about adoption you talk about the best interests of the child [sic] is to be loved and to be taken care of and supported. And in institution places, or too many are there, the government doesn’t have the means to support those children, then they should not be deprived of this possibility. It should be one of them, international adoption.”

This interviewee highlights the positive possibilities of family formation that intercountry adoption presents, particularly for the child, and the account also includes an implicit preference for family settings rather than institutional settings. Similarly, in a discussion of whether intercountry adoption is considered to be in the best interests of the child, a children's rights expert working at the international level responded in the following way:

“When is it in the best interests of the child? That is when there are not really any good solutions in the family. Or when there are no others that wish to adopt the child, if then through a good procedure there are parents from [Europe] for example who wish to adopt, then I would think it is a good solution.”

In this account, she stresses that if a good family situation cannot be attained within the child’s family of origin, then prospective foreign parents who have been screened through a legitimate process may provide a good family solution for this child.
Again, the emphasis within this account highlights provision of a good family solution via intercountry adoption, for both adoptive parents and child.

Similarly, when I asked the following children’s ombudsperson from Southern Europe to give more detail about the screening of adults who seek to adopt a child from abroad, he emphasized positive family development:

“R: Do you know much detail about this screening? You mentioned motivation to adopt.

I: Motivation to adopt, the relationship between them, their financial situation, their relationship with in-laws, how they feel about it. But it’s basically the most important thing they look for is motivation, you know?

R: What motivations are they looking for?

I: They can be from really wanting to have a child, or looking for a child to strengthen their relationship.”

This account emphasizes aspects of wanting a child through intercountry adoption in order to add to a nuclear and extended family, as well as in order to strengthen the marital relationship. One interesting emphasis in this account is the detailed reference to the quality of potential adoptive couples’ relationships, and the valuation of strong relationships as well as strong broader family ties with in-laws. Indeed, he even goes so far as to suggest that a motivation of a couple to adopt in order to strengthen their relationship as a couple is a positive, sought-after motivation within the mandatory screening process in his country. Again, the emphasis in these accounts is on the social capital of positive family building through intercountry adoption.

Some respondents juxtaposed negative imagery of institutions in foreign countries as bad solutions for children in need with positive imagery of the familism possible through intercountry adoption in their accounts:
“Because I think if you can live in your own country, and in the place where you were born, where you have your biological origin, it would be the best, if the possibility for education, for comfort, for everything, would be there, then I would say that I would like to. And we are trying to develop this trend in India. But the population is so huge, it’s still a lot of children being in institutions, and an institution is not a very good place to be, to grow up. I have been in institutions in China, and in India, so I know that although they are trying, it’s not a good place for a child. So then you have, you have the combination of the child who needs a home and the family who needs a child, and so I think if you regulate it, and you follow up in the new country, it has all kinds of possibilities to go.”

Rather than directly framing the pairing of children who would live in an institution with a foreign family instead as an unequivocally better option, this adoption expert emphasizes her experiences of traveling to institutions as support for her assertion that foreign adoptive families who desire a child are a better solution than domestic solutions that do not involve a family setting. Often, accounts that focus on familism are qualified by first counting out the possibility that extended family of origin cannot offer a viable family solution for a child, and then denigrating the possibility that institutions can provide proper environment and care for a child. Another interesting aspect of the above account is that the focus is on juxtaposing the bad option of in-country institutional care with the promising option of intercountry adoption. There is a lack of any mention of other possibilities of care within the child’s family of origin or country of origin.

In an extreme example, when I asked a children’s rights official from a Western European country whether there are ever examples of international adoptions that go wrong, she described the process of adoptions done outside of the regular system or procedures:

“R: What examples are there of adoptions systems gone wrong?

I: Normally there is some kind of, there are questions on this, parents or adults who go to China and then bring a child back with them. But everybody hopes that
This account highlights the belief in her country that this process of adding a child to a family, even through illegitimate processes, is actually not thought of as negative or problematic in her country, but rather a hopeful situation for the child and family. In this account, even situations in which the legitimate procedures of intercountry adoption are bypassed, as this example illustrates, the primacy of perceiving positive family formation as the end result is evident. Other respondents noted that, prior to the bureaucratization of the method of intercountry adoption within their country, people who were seeking to adopt a child in order to build a family would travel similarly to other countries and return with a child, and then handle legal and formal requirements after the overseas adoption had already occurred. In these recollections of past cases, interviewees generally spoke positively of this process of obtaining a child, as an unfortunately unregulated process but a process that was nonetheless due to benevolent intentions of family formation.

i. Shortcut to Parenthood

To further emphasize the positive social capital of family building that is offered by intercountry adoption, several respondents highlight the ease or quickness of intercountry adoption for adults who seek to add a child to their family, compared to other options of family formation. When the benefits of intercountry adoption for adults who seek to adopt are emphasized by interviewees, I coded this content as shortcut to
parenthood. In response to my question, ‘Why do people adopt internationally?’ an adoption expert responded in the following way:

“Most people who adopt adopt because they want children, and most of them cannot have their own biological children. I haven’t really looked into this for awhile, but the last time we did was by asking our applicants. It was like between 80 and 85 percent were not in a position to choose to give birth to a child instead of adopting. That doesn’t mean that they were infertile, but perhaps they have given birth to one child and there was medical complication and the doctor said maybe it’s not good for you to be pregnant again. If you take those, and those who have actually not succeeded in giving birth to a child perhaps after in-vitro fertilization, and whatever, so it’s really a way for someone who is involuntarily childless to get a child. And in some ways it’s been, to a certain extent it’s been the most easy way to get a child. But it’s not as easy as it was for awhile. So that’s really for most people.”

This account highlights intercountry adoption as a relatively easy way for adults who cannot have their own biological children, and who want to become parents, to get children. From this account, building a family through intercountry adoption is not only described as a positive means through which a family can be built or expanded, but also as one of the easiest ways for adults to add a child to their family.

Several respondents referred to the complexity or strictness of domestic adoption procedures, as well as the lengthiness of domestic adoption processes, as a way of highlighting the positive possibilities of family formation that are offered by intercountry adoption:

“R: What do you think promotes international adoption in [your country]? Why not adopt [your country’s] children?

I: Very few are available for adoption. It’s very hard to adopt. I mean there are children available for adoption. The children who are available, older children, but very very few... there are very few babies. Especially since there are such stringent criteria, and that is one of the issues, whether our criteria are too strict, things like age, things like health, smoking. Some people will argue our criteria are TOO strict. But you get people then who go to the international scene.”
The above account by a children’s ombudsperson from a Western European country was
given in response to my question of why his country is a destination country for
intercountry adoptions. The account indicates that intercountry adoption is an easier
means through which to build a family than domestic options of family formation. A
factor that is often mentioned within this account is the lack of young children available
for adoption within their own country which makes this process cumbersome compared
to possibilities that are available via intercountry adoption. In the above account, he
highlights lack of children available for adoption in his country, as well as very strict
criteria and general difficulty in pursuing a domestic adoption, as factors that contribute
to his countrymen seeking intercountry adoptions, thus highlighting the relative ease of
the intercountry adoption process. Similarly, the following account from another
Western European children’s ombudsperson highlights both the quickness and the
possibility for adding a young baby to a family that are possible via intercountry
adoption, in contrast to difficulties with domestic adoption possibilities:

“R: Why do people in [your country] adopt internationally? What motivates, in
your opinion? Are there not children available within [your country]?

I: Not enough. Or you have to wait too long. Especially if you want a little child, a
small baby, young baby, you have to wait a long time.”

This point of adding very young children to a family much more easily through
intercountry adoption than through domestic adoption was emphasized many times
throughout accounts given in interviews.
The following account from an interview with a Western European children’s ombudsperson and his deputy assistant highlights more details to make this same point, that intercountry adoption is an expeditious route to build a family:

“R: Would you say that when it comes to international adoption, your country is a destination country?

IA & IB: Yes.

R: And why do you think that is?

IA: Very often they’ve got no first-born babies, there’s not enough babies to go around, it’s easier to get a baby from another country...

R: So it becomes an easier option than adopting internally, domestically?

IA: Yeah.

IB: I think very much so because the process of adoption in [our country] is very strict, and a huge barrier to overcome, and the process is a very complex, lengthy one, but certainly is very I think child-rights focused. It isn’t focused on the parents, the parents’ right to have a child, it’s focused on the child, the welfare of the child, and because of that it’s quite exhaustive. So it’s a ... way to bypass all that stuff to go to international...”

This account indicates that, compared to domestic adoption, intercountry adoption involves a relatively quick and streamlined process of family formation, and this is why adults in this Western European country may opt to adopt a foreign child. This subtheme of familism, with an emphasis on intercountry adoption as a relatively swift means to build a family, highlights the social capital or positive value of intercountry adoption from the perspective of family formation. However, the above account foreshadows a critical subtheme that will be described in Chapter 7, which is reference to side-stepping cumbersome domestic policies that prioritize children’s rights by
resorting to intercountry adoption, which is described as a process that is adult-centered rather than child-centered.

ii. Adoptees Do Well

A second subtheme within the interview data that illustrates aspects of positive familism through intercountry adoption is found in accounts that stress how well adopted children generally tend to fare in their adoptive families. This narrative approach resonates with a social capital orientation to intercountry adoption because it highlights the positive potential of family that intercountry adoption holds for adopted children. I coded sections of accounts according to this theme when interviewees emphasized the positive health and well-being of adoptees in ways that construct intercountry adoption as beneficial. Comments within interviews that are coded as this subtheme range from brief statements of how many adoptees seem to do well, to referrals to empirical studies that overall indicate the positive well-being of international adoptees as a group. As an illustration of the first mode, the following children’s ombudsperson from a Western European country qualifies some critical reflections on intercountry adoption at least two times within the interview by making these comments:

“These kids probably aren’t going to be terribly unhappy.”

“I also talk to adopted children, and some of them are really happy and really grateful.”
Such accounts emphasize the possibility that adoptees are actually generally happy in their adoptive families. Similarly, a children’s rights’ expert working for an international organization made the following remark in her account:

“*I mean you can rationalize that for a lot of kids, maybe, maybe it’s a better life.*”

These examples illustrate a construction of intercountry adoptees as generally faring well as part of their adoptive families, which reveals an aspect of positive familism. Often, such remarks are made in the midst of voicing concerns about other aspects of intercountry adoption, suggesting that on an individual basis, an adopted child’s happiness or adjustment is perceived as a potentially positive possibility of intercountry adoption and not perceived by these respondents as problematic.

In the second mode, respondents refer to research on the well-being of intercountry adoptees as a group, often compared to children in general in a given country, as evidence that in general, adoptees do relatively well in their new families, and that this illustrates the positive social value and legitimacy of intercountry adoption. What is especially interesting about this discourse strategy is that the research cited often indicates slight *increases* in the problems experienced by intercountry adoptees when compared to other children, but overall these differences are depicted as slight enough that they do not take away from the positive overall value of intercountry adoption. In a few interviews, research studies were cited that showed slight propensity for intercountry adoptees to fare somewhat worse than other children as a group, but the marginality of these differences were highlighted as justification for intercountry adoption as an overall social good. For example, in an interview with an intercountry adoption expert, she explains that research on adoptees’ adjustment is a priority for a
number of reasons, including verification of whether or not intercountry adoption into
her country is the right thing to do for these children:

“R: Why is it important that we have research devoted [to intercountry adoption]?

I: Because we have to answer questions from the donor countries – how are the
children doing in [our] society? We have to answer questions to the
[government], to young adoptive families, adult adoptees. And we have to build up
some kind of competence, both how are they doing generally and also the difficult
areas. Like we have found that some of them have some kind of lack in their
concept development.

R: What do you mean? In their cognitive development?

I: Yes, cognitive development, which can make you retarded in your language
development, can make you retarded in your concept development, your cognitive
development in general. And we have found some indication that this is. And then
you have children coming with ADHD. And we have to make, write literature to
give intervention methodology so that the schools, the kindergarten, the families
can have some support when they are growing up. So it’s overall answers to how
they are doing, can we continue doing this? I mean if they were all not doing well
then you would ask, is this the right thing to do? Is it too hard on them, is it too
hard on the families if they are really not doing well in [our] society? But we have
not found that so far.”

Although she acknowledges specific problems of intercountry adoptees that have been
detected within the research such as ADHD and delayed cognitive development, her
conclusion is that overall, the research results have facilitated the development of
interventions that help to support adoptees and their families, and that in general these
research findings suggest a small enough magnitude of these problems to have not led to
questions of the legitimacy of intercountry adoption. In this way, her comments
emphasize the ways in which research devoted to describing what problems intercountry
adoptees may be experiencing in comparison to the rest of the child population in her
country illustrate that adoptees are doing sufficiently well and aids in the development of
stronger supports for them and families. In this account, the respondent emphasizes that
despite research that indicates that adoptees as a group experience particular difficulties,
overall this research and the interventions based on it lead to the conclusion that
intercountry adoptees fare sufficiently well. This account highlights the social good of
adoptive families through evidence of how well adoptees fare, overall.

In another interview with an intercountry adoption expert, he also emphasized
that research findings suggest that intercountry adoptees experience somewhat more
difficulty during adolescence than other children. Overall he describes these differences
as real but slight, and he does not argue that they delegitimize intercountry adoption:

“So this has been studied, and it shows that, in total, between [ages] zero and 18,
adopted children are somewhat underrepresented among all children who get
involved in child welfare services in the [regions in his country]. Not a lot, but
they are a little bit lower. But it shows that they are very much represented up to
about 8 years, and then it changes a little bit, so if you only look at adolescent, I
mean 14, 15, 16, 17, 18 year olds, they are a little bit overrepresented. But the
total for all age groups, they are underrepresented among those who have contact
with child welfare services.”

This account is made in support of the positive value of intercountry adoption overall.
Within this account, research is cited that indicates some level of problems experienced
by adoptees compared to all children in the country, particularly in adolescence, but the
emphasis is on how slight this difference is, and how it goes away when all ages of
minors are lumped together. Citation of research is used in these accounts to legitimate,
not to delegitimize, intercountry adoption as a positive form of family formation. These
accounts focus explicitly on how slight the difference is between adoptees’ and other
children’s development patterns, and do not suggest that problems experienced by
adoptees are not understandable, nor that they indicate room for pause regarding intercountry adoption’s positive social value.

III. Legal-Infrastructural Themes

A general theme across most of the interviewees’ accounts, and the most prominent social capital subtheme within the interview data in general, is an explicit and positive acknowledgement of how the structures and policies in place to facilitate and regulate intercountry adoptions lend credibility to the practice. When an interviewee gives a positive account of intercountry adoption through an appeal to the strength and legitimacy of infrastructure and regulation, I coded this content as strong, legitimate infrastructure or strong law and policy. In such accounts, good process and standards or legitimate structures are highlighted by interviewees in order to support an orientation that intercountry adoption is generally a good thing. Specifically, most interviewees are straightforward in their description of systems and laws within their country as aspects of intercountry adoption, and use these descriptions to condone legitimacy and highlight the functionality and positive social value of these processes. In many interviews, interviewees describe the strength of the infrastructure, or systematic procedural and regulatory processes related to intercountry adoption (e.g., screening of adoptive parents, preparation of adoptive parents, legal oversight by the state), as well as the strength or clarity of domestic laws on intercountry adoption as evidence that intercountry adoption is a social good and by and large a legitimate, unproblematic enterprise. Some respondents specifically mention the strength of organized, post-adoption support and
evaluation programs, as well, as evidence in support of the social capital of intercountry adoption. Special reference to the international policy standards – in particular the 1993 Hague Convention and the United Nations 1989 Convention on the Rights of the Child – also is made frequently by interviewees in their accounts to illustrate the legitimacy and positive social value of intercountry adoption, either in their country or in general. During many interviews, reference to solid, good infrastructure or strong laws is the first, most immediate descriptive detail given by interviewees when asked to describe what they know about intercountry adoption.

A. Strong, Stable, Legitimate Intercountry Adoption Infrastructure

Several interviewees from both receiving and sending countries within global intercountry adoption processes highlight the strict processes of regulations by the state and the rather centralized bureaucratic structure of intercountry adoptions to support their view that intercountry adoption is done well in their countries. For example, the following account was given by a children’s rights expert and refers to his Western European country’s intercountry adoption system. In response to my question of whether illegitimate practices such as child trafficking are ever associated with intercountry adoption, he gave the following response:

“It has come up from time to time in [my country]. I think that in [my country] this is not an issue. And I am quite sure that this is not because I’m not naïve, but it is because we have a very strict adoption system. We have a very strict registration of people.”
In this account, he emphasized that although there is occasional awareness of problems, by and large the intercountry adoption system in his country is legitimate and good because it is strict. Using the strictness of the infrastructure for intercountry adoption as primary evidence, this respondent eschews the possible indications that problems exist systematically within intercountry adoptions into his country, thereby endorsing a positive, social capital perspective on intercountry adoption.

Another interviewee, an adoption expert from a Western European country, also expressed confidence in procedural and organizational aspects of adoption in her description of the practice in her country:

“We have three now organizations having the responsibility for having the contact with the different countries in the other part of the world where the children are coming from. And when a family wants to adopt they have to go through a procedure. It’s very regulated in [my country]. I think that’s a very good thing.”

By stating that rigorous procedures are a ‘very good thing’, this interviewee highlights the social capital of intercountry adoption with reference to strong infrastructure. Later in our interview, in response to specific questions about whether illegitimate practices such as trafficking are ever associated with intercountry adoptions, she reflected that in other countries this has occurred. However, she clearly stated that because of the highly centralized, regulated and state-run intercountry adoption system, her country has managed to steer clear of such problems:

“But I think we have managed so far to stay out of, we have, there’s no private adoption in [my country]. You have to go through the government, and have to follow rules, and there’s restricted screening of families for adoption. You have to be married, you have to have a certain income, you have to have no criminality. They’re really going through this, they consider it, and closely followed up by the [government].”
This account, likes others in additional interviews, specifically highlights the positive value that state sponsorship and centralized adoption regulation in the public sphere confer to intercountry adoption, in contrast to the more sketchy or shady description of privatized intercountry adoption practices. On more than one occasion, such an account was given of the positive, social capital perspective on intercountry adoption in the respondent’s country, and this argument was explicitly juxtaposed to practices in the United States that were relatively questionable due to their decentralized, privatized regulations and infrastructure.

Among children’s ombudspeople within the sample, it is interesting to note that even those respondents with some of the harshest critiques of intercountry adoption in general typically answer the first question in the interview that is explicitly about intercountry adoptions by extolling the social capital of their own country’s infrastructure and laws that facilitate and regulate intercountry adoption (discussed in Chapter 7). The following account is a good example of this robust pattern. In this excerpt, I ask a children’s ombudsperson from a receiving state the first question of the interview that is explicitly about intercountry adoptions, and these are his initial remarks about his country’s involvement in intercountry adoptions:

“R: Is your country involved in international adoptions?
I: Yes.

R: Primarily sending or receiving?
I: Receiving, but I must say that we’ve had some law changes in the past few years, to get our laws in conformity with both the CRC and the Hague Convention on Intercountry Adoption. And our adoption laws are very strict, very good, with the result that adoption candidates are pretty much against it. The screening is very good, the preparations is [sic] very good, the aftercare is very good. I must say on adoption we are doing pretty well in [my country].”
This interviewee immediately highlights the strong system and law as positive aspects that strengthen and legitimate intercountry adoption in his country. This type of account is prominent among interviewees from receiving states, but not limited exclusively to them. For example, the following account of a children’s ombudsperson from a sending state exemplifies a perspective similar to the above account:

“R: Is your country involved in international adoptions? And if so, in what way? Are children coming to [your country]? Are [your country’s] children being adopted from outside?

I: Yes, we have international adoption, but our children go abroad. In [our country], international adoption is organized very good, quite good and we can say that it is a good example for international adoption.”

In both of these initial accounts about intercountry adoption, the same, clear emphasis that espouses a social capital perspective on intercountry adoption is evident: an immediate reference to strong organization of their country’s intercountry adoption system comprises an immediate social capital orientation toward intercountry adoption.

In accordance with this major subtheme, it is worth stating that although some children’s ombudspeople note that their work rarely or never intersects directly with intercountry adoption, some recount very specific and tangible ways in which their work involves intercountry adoption. Often, their work that directly involves intercountry adoption deals with monitoring or improving the institutional mechanisms or practices that facilitate intercountry adoptions and strengthening the laws that regulate intercountry adoption. In the following account, a children’s ombudsperson from a sending country describes the infrastructure and legal regulations of intercountry adoption, and how her work intersects with them:

“R: Does intercountry adoption come into play in your own work? Can you describe how you are involved in this?
I: We tackle issues arising when there are conflicts involved in cross border adoption. And in this case we defend the right of the child under the Convention to be adopted by a [domestic] citizen, preferentially. I will monitor performance of competent authority in this regard, those competent authorities that are in charge of this issue, that are supposed to defend the right of the child to be adopted by a [domestic] citizen. I will monitor their activities, their performance. We have domestic law that proscribes a certain procedure of cross border adoption. And it also provides for the bodies and officials that should participate in this process. And we have watched, and see to it, that these bodies and officials should not violate the rights of the child as stipulated in international and domestic legislation.”

This account is constructed in a way that conveys details of organization and procedure, implicitly suggesting that this regulation denotes a form of social capital. However, what is distinct about this account is that the ombudsperson describes the infrastructure and law not through simply a descriptive manner, but with an active voice, highlighting how the work of her office intersects with and bolsters the procedural and regulatory aspects of intercountry adoption. In this excerpt, the work of the children’s ombudsperson’s office is constructed as an implicit, active, and positive contribution to the social capital of intercountry adoption through potential improvements in the process to comply with best standards in the protection of children.

Another way that interviewees highlight sound infrastructure as a social good and legitimating aspect of institutional processes of intercountry adoption is by making explicit reference to organized efforts to follow-up on adoptees after the intercountry adoption takes place. Accounts of these organized efforts sometimes focus on evaluation of the child’s adjustment and sometimes focus on provision of support for families who have received an adopted child. During an interview with a children’s rights expert working for an international organization, he described best or ideal
standards of regular reviews of cases in which a child has been placed in a new care situation, including adoptions:

“Another important part of any, any action, legal action with children, is to have a periodical review of placement, any action toward alternatives to family life. So periodic review of placement of child in foster care, in an institution, in a boarding school, I mean there should be an independent, including adoption, an independent review, regular review of that kind of placement, as long as the child is a child, or at least a young child. You mustn’t ever give up on a child.”

In this account, he emphasizes these best standards of periodical review as a requisite feature of best legal standards in intercountry adoption. In other words, he states that one necessary aspect of any good system of adoption is detailed and regular review after the placement occurs, which has implications for proper procedure and organization of good intercountry adoptions. By stating that one must never give up on any child who has been placed in a new adoptive family, this interviewee suggests that aftercare or post-placement evaluation programs are additional programs or infrastructure that are necessary to confer positive social value and legitimacy to intercountry adoption.

Other interviewees also build on this subtheme, emphasizing the importance of infrastructural support throughout the intercountry adoption process, including education and support before and during the adoption process, as well as the importance of support to adoptive parents after receiving their adopted child:

“R: What can be done to ensure the protection of children who are adopted from outside the country?

I: First of all you have to have a very good organization before the adoption, to have a good discussion, you have to be educated, and you can also get support in different ways before you get the child. But also discuss all the problems that could appear when you adopt a child, as also can appear when you have a child of your own of course. But when you get a child of your own, society’s not involved. But when you get an adopted child, society is involved. So support before you get the child. Then you also need, as all other parents, support during
the time you have children. In [my country] we try to highlight the need of much more support to parents.”

In this interview with a children’s ombudsperson from a receiving country, her response to my question of how to best protect children who are adopted from outside her country focused on bolstering the organization of support services for families who adopt. In the above account, she constructs a key difference between heightened state involvement in families that adopt foreign children and less social involvement in other families. She describes this difference to illustrate the social capital of strong organization and support before, during and after the process of intercountry adoption, and she also states that in both kinds of families more formal, organized assistance are needed to strengthen and support families.

This emphasis on the social capital of systematic, regular and organized follow-up processes for intercountry adoptions is not unique to interviewees from receiving countries. The following account is from an interview with a children’s rights expert from a sending country in Eastern Europe:

“R: Does your office specifically follow adoption? Is it one of the areas of your work?

I: Only on an intervention basis. If there is a case called to the office, we then enter the judicial process, and any other documents, and of course there are some complaints about international adoptions, international family relations.

R: Can you describe that in more detail?

I: Well if you talk about international adoption, for example situation who do not adapt well into the new environment. It happens, very rarely, but it happens. We follow the word of special institutions that are, that were created just to provide the children, and the whole adoptive process, proper quality. Because in the case of international adoption there is what is called post adoption strategies, and post adoption guidance can be obtained by family. And I was told by our professionals that usually it lasts up to 3 years that the adoptive family gives some kind of report
In the above account, he responds to the first question of the interview that explicitly asks about intercountry adoption by noting that the children’s ombudsperson’s office intervenes in official judicial processes for cases of international adoption that has been brought to the attention of the ombudsperson. In his account, he emphasizes organized post adoption efforts. The detailed description of this sending country’s post-adoption evaluation procedures to ensure the quality of the adoption placement for the child and potentially to provide support to the family illustrates another way in which infrastructure is cited as support of a social capital model of intercountry adoption. Replete with attention to reports and photo evidence as procedural aspects of the post-adoption review process in this sending country, this official’s account highlights the institutionalized efforts that are in place to ensure a positive intercountry adoption process, thus highlighting the social capital of intercountry adoption.

B. Strong Laws and Policy

Some accounts of interviewees pointedly focus on policy and law rather than on infrastructure or organizational themes in order to demonstrate the integrity of intercountry adoption processes. This subtheme may be more fully understood in light of the key positions many interviewees fill, specifically working at the level of influencing or monitoring adherence to law and policy. One way in which the social capital perspective toward intercountry adoption is evident in interviewees’ accounts is
through attention to strong laws and policy for intercountry adoption. For example, during the interview when I asked a children’s ombudsperson from a receiving state whether or not his work ever involved intercountry adoptions, he gave this account:

“R: Does the issue of international adoption ever come across your desk?

I: We wrote recommendation both on the [domestic regional] law and the federal law, and it got followed through, for once. Just getting the principles of the Hague Convention into the new law. And it’s all now very monitored and very, and as an adoption candidate, you cannot choose a kid. The only thing that you can still choose, there’s like [several] adoption agencies in [my domestic region], and it’s on the website with which countries they work... So [in my country] authorities do not work with countries that have not signed up the Hague Convention and stuff like that. So it’s checked both ways. And it’s a quite decent adoption policy.”

In his account he explained how his office had been involved in strengthening the domestic law that regulates intercountry adoption and concluded that his country’s intercountry adoption policy is now quite strong. In this way, the official’s work activities are described as directly influencing intercountry adoption policy through strengthening it. Overall, this account supports a social capital perspective on intercountry adoption by emphasizing the strength of both domestic regional, domestic, and international law regarding intercountry adoption.

Children’s ombudspeople from sending countries in Eastern Europe also referred to law and policy as supporting evidence for their assertions that intercountry adoption is done well:

“I: International adoption, the main difference, the countries that have adopted the Hague Convention, they must report back, the must give information to the agency.

R: Which Convention? The CRC?
I: No, the Hague Convention, Inter-country adoption. And [my country] is a member of this so we can get information. The central institution, we have this in [my country]. So we have a back, a relationship to these countries. And adoption is only through the agencies who [sic] have accreditation. And international adoption, we have control of this process..."

This account was given when I asked a children’s ombudsperson from a sending country what the main differences are between child trafficking and intercountry adoption. In his account, he highlighted policy, stating that policy and regulation are key defining characteristics of intercountry adoption. He emphasized how international policy regulates intercountry adoption in specific ways in his country and provides guidelines the proper infrastructure for intercountry adoption processes. Being signatory to the Hague Convention is mentioned here, and frequently in other accounts, as a way of describing the legitimacy of a country’s intercountry adoption processes.

The United Nations Convention on the Rights of the Child is also mentioned within some accounts in a way that confers legitimacy to the country’s practices of intercountry adoption. For example, another children’s ombudsperson from a sending country cited the UN CRC immediately in her response to my first question about intercountry adoption:

“R: I would like if you can describe for me the situation of intercountry adoption in [your country]. How is [your country] involved in intercountry adoption, and does this affect your work in any way?

I: [My country] is a signatory to the Convention on the Rights of the Child, unlike the United States. And one of the articles of this Convention provides for the opportunity of cross border adoption if there’s no chance of arranging a satisfactory adoption for this particular child in his or her own country.”
In her account, policy is cited immediately, lending credibility and legitimacy to intercountry adoption in her country. This reference to international policy engenders a social capital orientation toward intercountry adoption: the ombudsperson uses international policy to convey the positive, social capital perspective on intercountry adoption as it is practiced in her country. Also of interest is the explicit mention of the United States as standing out due to *not* being signatory to the UN CRC. This is not the only account in which such a remark was made about the United States, and such comments must be contextualized, as all interviewees were aware that I am from the United States, and all ombudspeople who were interviewed have official work roles that compel them to interpret and enforce the UN CRC in their countries.

Mention of an occasional or idiosyncratic but highly publicized incident in which an intercountry adoption had gone wrong was included in a number of accounts to describe how the laws that guide intercountry adoption have been improved and are now quite strong and good, in contrast to in prior times:

“I: And also, intercountry adoption has been tightened up, because you can’t bring a child into another country without proper process now, and assuring that it’s gone through social services, whereas before you could get approved as suitable for adoption in your own country, and then go off wherever you’d like and we’re assuming in that case they probably paid a substantial amount of money for [the intercountry adoption], and when the media tracked back to the mother, she wasn’t even aware the children had gone out of the country, she said they were going to live in an orphanage.

R: So as a result of this, it sounds like it received a huge amount of publicity, there were changes? What kind of changes?

I: Changes in legislation. Intercountry adoption legislation.”
In the above account, a children’s ombudsperson from a receiving state reflects on how intercountry adoption has been improved based on changes that were made in legislation in response to a highly-publicized case in which an intercountry adoption involved illicit activities. In this account, the focus is on how intercountry adoption has been tightened in this country via the strengthening of legislation after a case that highlighted weaknesses within the system. The emphasis in this account is on the resultant strong laws and regulations and underscores the centrality of strong policy to a social capital perspective on intercountry adoption.

In general, in interviewees’ accounts there are many references to policy as key to the legitimacy and positive social value of intercountry adoption: intercountry adoption is viewed by interviewees as a social good insofar as it is well regulated. This ideal of intercountry adoption is expressed most clearly within the following account of a children’s rights expert working for an international organization:

“I: Normally international adoption is absolutely legitimate, legally, from the international point of view, and the national point of view, in most of the countries. So, but there are rules. There is international convention, again, under the Hague conference of international private law.

R: 1993?

I: Yes, and this is very important too. And of course there is also provision on international adoption in the convention on the rights of the child. So it has to be organized in a very transparent way; it has to be child-centered, so the concept of ‘I want to find a child’ is ruled out. The concept is ... we need to find the best solution for that child, so let’s see if it’s this or that or other parent. So and then there is a state agency or someone, an agency that is controlled by the state. There is no cost involved, I mean you know, except for the processing costs, which is tricky, I don’t know what to think about it. So ideally it is government to government, government agency I mean state agency to state agency, no cost, and of course under the rules that each country has in their country, in their national legislation.”
In this account, intercountry adoption is described as regulated in specific ways, and international policy and national legislation serve as an important basis for differentiating what is and is not legitimate intercountry adoption. In this account, the expert emphasizes that rules are what differentiates between legitimate and illegitimate intercountry adoptions. He describes rules in international law as well as national legislation as central to making the distinction of whether intercountry adoption is legitimate. Key aspects of a legitimate, good intercountry adoption include having a child-centered rather than a parent-centered policy and process, and not paying for the child. However, the key aspect of this account is that legitimacy and legality are constructed as going hand in hand, and policy is cited as a primary way in which intercountry adoption achieves its standing as a form of positively valued social capital.

Legal requirements are cited in accounts as a key difference between intercountry adoption and child trafficking, particularly in the country that receives adopted children. Thus, policy and regulation are constructed as a crucial legitimizing aspect of intercountry adoption. In the following account, an adoption expert underscores the importance of law and also infrastructure of the receiving state to ensure the legitimacy of intercountry adoption:

“R: So where is the boundary between intercountry adoption and trafficking when things like poverty are emerging in your work as a very important foundation or base, a premise its built on?

I: Well to say it very simply, the cutoff point comes in the legal requirements and infrastructure of the country who receives children in adoption. Now Scandinavia and Holland are probably the most vigorous in that regard. And the United States is probably the least. Sorry (laughs).”
In this account, the expert gives a spectrum of countries that fare best in terms of having the strongest, best regulated incoming intercountry adoptions, and also an example of a country that does worst in terms of weak legal requirements and regulation. In this way, the interviewee constructs a social capital spectrum, based on policy and law, for countries that participate in intercountry adoptions: he confers the highest social capital to those countries that have vigorous regulations in place, and the lowest social capital to intercountry adoption practices in the United States, which he describes as weakly regulated. Thus this account emphasizes a diversity of levels of regulation, and therein leaves room for interpretation regarding whether a social capital model ‘fits’ intercountry adoption based on specific kinds and levels of rules and regulations that are in place in a receiving country. Although it is interesting that this adoption expert places this burden of legitimacy firmly within the receiving states – it is the legal requirements of countries that receive children via intercountry adoption that he attests matter for whether the adoption practices are legitimate or not – the emphasis on policy as a legitimating factor overall illustrates the primacy of law and regulation in conferring a social capital orientation to intercountry adoption.

C. Increased Social Diversity

In some accounts, interviewees gave indication of a social capital orientation toward intercountry adoption through their claims that intercountry adoption has changed societies in positive ways by imbuing increased ethnic or racial diversity in populations that were formerly extremely homogenous. I coded content in interview
accounts as increased social diversity when an interviewee highlighted the positive social value of intercountry adoption with details regarding increased and positively valued social diversity. For example, a children’s rights expert working for an international organization reflected on the situation in her country:

“But we don’t have any children for [domestic] adoption. But I think for us, it’s [intercountry adoption] a good thing. Because we get many children that get to know children with another color, and so on, and they have been enriched, they have enriched our country. So for us it has been a good thing. And for our children as well, I think.”

This interviewee is from a Western European country that is a receiving state in intercountry adoptions and that she describes as fairly ethnically homogenous. In this account, foreign adoptees are described as gaining enrichment from their experience of being adopted into her country, and their adoption also enriches native-born children and the country at large due to increasing the racial or ethnic diversity of society. This account suggests that increased social diversity is one positive result of intercountry adoptions that is evidence of its positive, socially valuable functions.

In another example of this subtheme, an adoption expert describes the situation of growing up in his ethnically homogenous, Western European country:

“I: When I grew up and was at a school, there was nobody, everybody was white (laughs), everybody looked alike.

R: Homogenous?

I: It was completely homogenous from an ethnic racial point of view. And I thought it’s really amazing that [people of my country] opened their families, sort of open arms to their children.”
This account frames intercountry adoption as a social good because it has increased the diversity of society at large. In this account, he also highlights the goodness or altruism of people in his country due to their openness to accepting foreign-born adopted children. However, the main thrust of this excerpt is the social capital orientation toward intercountry adoption that is conveyed by highlighting the positive value of increased social diversity based on race or ethnicity. Like in the prior account, he offers a social capital perspective on intercountry adoption by juxtaposing the former social homogeneity of his country with the increased social diversity that has resulted from increasingly prevalent intercountry adoptions.

The following account by a children’s rights expert also highlights increasing social diversity:

“R: To what extent is adoption considered a form of migration? Have you heard of this conceptualized this way?

I: No, I’ve heard of adoption being seen as being part of the globalized world, and a part of, more, it’s more easy to, to travel or to, cultures are more mixed, societies are more multicultural, ethnicities are more mixed. [My country] used to be a very very homogenous society. But now there is a ten percent influx of children here in [my city] of children with another ethnic background. So we are changing rapidly. So it is not so, to have a child with a difference ethnic background, it is easily recognized, so it is not such a big step. It is easier now. I think it was considered more difficult twenty years ago. So that is why it is, the changing world is a factor facilitating and perhaps increasing the adoptions.”

In this account, increasing social diversity has both resulted from increased intercountry adoptions, and perhaps even facilitates more intercountry adoptions. Overall, this account describes the positive social value of intercountry adoption in terms of adding diversity to society, and suggests ways in which intercountry adoption has made multi-ethnic communities more commonplace and acceptable.
CHAPTER 6: DESCRIPTIVE INTERVIEW ANALYSES: CONFLICT-ORIENTED AND CRITICAL THEMES

I. Interview Data: Conflict-oriented and Critical Model

Most interviewees’ accounts of intercountry adoption included discourse that was classified as descriptive of a social capital orientation, or views of the functionality and positive value of intercountry adoption. However, even within interviewees’ accounts that emphasized clear, positive value of intercountry adoption, some cautionary and even acerbic critiques of intercountry adoption also were evident. Seldom in an interviewee’s account is intercountry adoption constructed as a non-controversial, unqualified social good; most interviews contain social critique of some kind. Overall, it is a prominent finding that across the interview data most interviewees’ initial descriptions of intercountry adoption follow the social capital model, espousing support for implicit and explicit arguments that intercountry adoption is a beneficial and legitimate social good. Yet often, critical comments and reservations about the phenomenon and practice of intercountry adoption are offered spontaneously after those initial positioning assertions. This robust pattern of discourse across the interview data can best be described as almost formulaically describing the ‘sunny’ side of intercountry adoption first, using the themes described in Chapter 5, and then adding a significant ‘but’ clause in which the interviewee directly states that they perceive serious problems, or have serious concerns and questions, associated with intercountry adoptions.

Perhaps because the interview discussion was occurring at the policy level, accounts of these concerns were not generally articulated as matters of idiosyncratic
“accidents”, “glitches” or isolated cases that represented errors in an otherwise well-functioning system. Rather, the accounts usually included an acknowledgment that the system of intercountry adoption practices itself is structured in ways that permit interests other than the interests of the child – whether financial, bureaucratic, psychological, political or cultural -- to operate forcefully. Extreme cases of problematic intercountry adoption, when described, were used to illustrate flaws or cracks within overall regulation or infrastructure for intercountry adoption. The systemic character of the critiques in general suggests that the human interest within intercountry adoption -- that is, the interests of the child -- is subordinated to private or political interests. Such negative comments that highlight concerns or problems associated with intercountry adoption are coded in these descriptive analyses as illustrative of the social critical model of intercountry adoption.

It is noteworthy that the relative position of the interviewee – whether from a sending country or a receiving country – did not mitigate or does not seem to be directly related to whether their accounts included discourse that emphasized a social capital model of intercountry adoption but did mitigate the presence and harshness of critical comments: interviewees from receiving countries tended to offer critical accounts of intercountry adoption with more regularity and veracity than interviewees from sending countries. This finding is not without exception, however: at least one interviewee from a sending country offered very detailed and harsh criticisms of intercountry adoption practices within and outside of her country. Most interviewees initially espoused and maintained a positive orientation toward intercountry adoption, particularly highlighting the positive situation of intercountry adoption within their own respective countries,
most often by utilizing legal and infrastructural arguments that are described in the above chapter about social capital. However, the general pattern of discourse across these accounts is not only that an initial statement of praise was followed often by critique, but that the temporal placement of critiques -- how soon critiques were given after the initial ‘intercountry adoption is good in my country’ comments – as well as the harshness of critiques of intercountry adoption are patterned largely according to whether the respondent is from a receiving or sending state. Respondents from receiving states almost always first described their country’s involvement in intercountry adoption as good, strong and stable; and then almost always offered comments that were critical. These critiques largely followed this pattern: ‘Intercountry adoption is good overall in my country. However, in specific other places, OR systematically in the past, OR in terms of my own ethical position on the matter, I know there are big problems or weaknesses with the practices involved, sometimes extreme problems, with intercountry adoption.’ In this way, a noteworthy and robust formula emerges across the interviewees’ accounts, particularly across accounts from receiving states within my sample, which at once legitimates their own country’s involvement in intercountry adoption, but problematizes intercountry adoption in other ways. A majority of accounts of interviewees from sending states did not include especially harsh critiques of intercountry adoption and did not offer pointed critiques of their own country’s involvement in the intercountry adoption process. These are robust patterns across the interview data for this project, but they are patterns not without exceptions. Overall, this pattern of discourse is itself noteworthy, for what it may indicate about the complexity and multidimensionality of the phenomenon of intercountry adoption. While nothing
definitive can be said with the non-probability sample for these interviews, the frequency, force and eloquence of such comments strongly suggest the hypothesis that expert policymakers who work with children’s issues have had ample reason to form an ambivalent and multidimensional view of intercountry adoption.

The following account illustrates the fulcrum of the formulaic discourse pattern found among interviews of respondents from receiving states. This example of a tipping point, or a transition in discourse between the social capital and social critical orientations, is from an interview with a children’s ombudsperson from a Western European country. She first described the laws and organization of her country’s intercountry adoption practices and emphasized the strength and positive value of these rules and systems. Yet immediately after this social capital account, the she shifted to critique:

“But the more I know about adoption, the less I would adopt myself. And that’s what they are doing in these preparation courses, is just take out the honey-sweet stories of adoption and show the reality of what adoption is.”

By stating that the more she knows about intercountry adoption, the less she herself would want to adopt, this interviewee shifts her account rapidly from a social capital perspective to an emphatic critique of intercountry adoption overall, suggesting that despite the prevalence of “honey-sweet stories” of adoption, she views the reality and logic of intercountry adoption to be more complex and personally undesirable, based on her professional and personal views. This brief account is interesting because although she previously highlighted a social capital perspective regarding potential altruistic
motivational factors of individuals who seek to adopt foreign children as well as infrastructure and law that contribute to a good adoption system within her country, she balances this with her personal acknowledgement that intercountry adoption is not appealing, but rather troubling, and she notes that prevailing notions of intercountry adoption highlight an overly positive and easy experience. She goes on to construct intercountry adoption as a complex phenomenon, highlighting concerns and problems. In doing such, this interviewee follows a prominent pattern within many interviews: constructing intercountry adoption first as a social good, particularly in their own country, and then questioning the validity or scope of its claims as a social good.

The critical accounts offered by interviewees ranged over quite a broad terrain of thematic issues, from which I derived several subthemes. The subthemes are organized according to two broad categories: 1) critical accounts related to hegemonic familism, or dominant ideals and norms of family development; and 2) structural criticisms of intercountry adoption practices. More specifically, this chapter’s descriptive analyses are presented for critical subthemes in the following sections, in the following order. First, themes related to critical accounts of hegemonic familism are described, which include intercountry adoption as a set of practices on behalf of adoptive parents, intercountry adoption as trendy, intercountry adoption as posing specific challenges for adoptees, and the theme of belonging and ownership of children. Second, themes that comprise structural criticisms of intercountry adoption practices are discussed, including intercountry adoption as a business (including specific attention to the United States as a business-oriented case regarding intercountry adoption practices), intercountry adoption as a business riddled with corruption, illicit practices associated with the supply of
adoptable children (including child trafficking, kidnapping/abduction and sale of children), weak infrastructure and law, and the exploitation of human resources via intercountry adoption.

As I mentioned in Chapter 3, child trafficking was the only critical subtheme explicitly asked about within the interviews, usually with this prompt: ‘What are key differences and similarities between intercountry adoption and child trafficking?’ Although the prompt prevents this subtheme from being considered fully emergent, unprompted, or unexpected as is the case with the other subthemes, the ways in which this subtheme was constructed by the respondent during the interview is what is analyzed, and responses were far from pre-formatted or predictable. In some cases, child trafficking was raised without explicit prompting as a problem concerning or related to intercountry adoption.

II. Critical Accounts of Hegemonic Familism

A. On Behalf of Adoptive Parents

Accounts that emphasize the needs or desires of adults who would like to become parents, that discuss rights or entitlements to parenthood, or that otherwise highlight the primacy of adults’ demand for a child as central to intercountry adoption are coded as the subtheme on behalf of adoptive parents. Some interviewees draw critical attention in their accounts to adoptive parents: when the interests of adults seeking to become parents are constructed as trumping, and not necessarily congruent with, the interests of children, I coded these sections of interviews as this theme. In such
accounts, the interests of adoptive parents are conveyed in a negative light and pitted against children’s best interests, and thus intercountry adoption is constructed with criticism, suggesting implicitly or explicitly that intercountry adoption is actually driven by and serving the interests of adults rather than the interests of children. In such accounts, intercountry adoption is constructed in a way that makes adults’ wishes to become a parent and thus their demand for a child central to why intercountry adoption exists, and often central to the form that laws and practices of intercountry adoption take. This construction of intercountry adoption is often overtly critical and conflict-oriented because it frames the best interests of adoptive parents and the best interest of children as not fully congruent, and frames the interests of adoptive parents as a more powerful force that guides process and regulation of intercountry adoption and to some extent trumps children’s best interests. Sometimes such accounts explicitly juxtapose the needs or best interests of the child with the interests of adults in relatively affluent countries, but sometimes the accounts frame adults and children’s needs as kindred, congruent and compatible, yet acknowledge that adoptive parents’ interests are powerful. Sometimes the child’s perspective is not mentioned at all. However, the commonality shared by accounts coded as this subtheme is that adults’ role in intercountry adoption is constructed as more central than the child’s role in intercountry adoption, and this is generally in opposition to dominant legitimating ideology about intercountry adoption that espouses the centrality of the best interests of children.

For example, the following account from an interview with a children’s rights expert working for an international organization entails a focus on adults’ quests to become parents through intercountry adoption:
“R: What are the major reasons that intercountry adoption, in your view, your opinion, the major reasons that it’s become more prevalent?

I: More prevalent? It’s because I think there are more women that do not get children, because they are older now, and when they start adoption procedure, they may be 35, 36, and they have tried for a long time to get children, and that’s why they do. And I think it’s much more common now to have, to adopt children from China, India, and so it’s common, you see lots of members of, it’s considered a good solution.

R: A solution to fertility problems?

I: Fertility, and also for the children. But I mean they don’t pretend usually they do it to be good to the children, they do it because they want a child.”

This children’s rights expert stresses the importance to adults of having a child and emphasizes several reasons why intercountry adoption has become an appealing option for adults to realize their goal of becoming parents, including delayed family formation, infertility, and visibility and acceptance of intercountry adoption as a solution for adults who want to become parents.

Another interviewee offered a deeper description of ways in which adults in a society that highly values parenthood seek to obtain the valued role of ‘parent’ and framed intercountry adoption as a positive option to fulfill this goal for adults:

“I: I mean they do it really because they want to become parents. That’s what everybody says. When I first started, I asked why do you want to adopt a child? And they said they want to adopt a child because they want to become a normal family. That’s again and again and again and again. And they want to experience being parents. And in [my country], they, I mean [my country] is very child-focused in fact. I discovered that, I didn’t really think they were but they are. And it’s part of being a successful woman or a successful man, you have to be a father and mother.

R: Very interesting.

I: So they begin, as they sort of reach their late twenties or early thirties, they actually say the time has come, let’s become parents. And then nature doesn’t do it, so then they are faced with a choice. Either they can go for various medical things, which many of them do, and if that doesn’t work they would go to adoption. Or some go straight to adoption. And they, then they say, we’ve reached
a point in our lives where all of our friends are mothers and fathers, and we feel we’re not part of them anymore, they’re so focused on being families with small children, we don’t share in their lives anymore. We also want to be like that. We also want to have our children in kindergarten. We also want to take them to football matches, or whatever, whatever. So it’s very much like that.”

In these reflections, the adults’ experiences of wanting to become a ‘normal’ family are emphasized, and the broader societal contexts – both at the level of social networks who experience entre to parenthood in synchrony and at the level of cultural values that place great importance on the transition to parenthood for adults – are key driving forces for demand for intercountry adoptions.

A children’s rights expert working for an international organization espoused similar ideas but extended them one step further by relating such desires to become a parent to the domain of desperate, illegal acts such as illegitimate forms of adoption:

“And because also parents are so, having children, adoption, it’s such a difficult in society now, you have the pressure to have children at the same time as your friends, if there is a problem with you or you are getting too old and you realize oh the clock is ticking and I’m 37 and I should have had a child, I want it now. And people do what they have to realize this dream, and they are willing to go through these illegal procedures and take risks…”

A children’s ombudsperson from a receiving country stated overtly that he was critical of the intercountry adoption law and process in his country, although he had stated that the infrastructure and process was quite strict and stable in ways that conferred legitimacy to the practice. His criticism focused explicitly on his sense that intercountry adoption was too focused on the rights of adults to have children, and not focused enough on what is in the best interests of the child, including a child’s right to good parents:

“R: In [your country] is there an issue of international adoptions?
I: Is there a discussion about it or an issue?
R: Both.

I: We have a lot of international adoptions. Right now China is the main country. And there is sometimes discussion because for a lot of people it’s natural because if they don’t manage to get children themselves they really want to have adoptions. But at the same time there is more and more discussion about, is that the right thing to do, to take children from one part of the world and bring them to another part of the world, is that the best interests of the child? Or is it the best interest of the child to give them help where they are? And this is actually a discussion that we have tried to emphasize because in [my country] we have legislation that, you could say that it is always a grown-up’s right to children, not children’s right to good parents, and we would like to change that. The parental part is definitely a parental part, and we would like a child’s part, a child’s right to good parents.”

Thus, at least by this interviewee’s account, the legal standards in place are more focused on the rights of adoptive parents and are not focused enough on the rights of the child. In the continuing interview with this children’s ombudsperson, he reiterates his primary concern that the intercountry adoption legislation in his country, like his perception of other legislation in his country, protects first and foremost the adults’ rights to children:

“R: So in your view why are foreign children adopted into [your country]?

I: Because grownups are longing for children and they don’t manage to get these children by themselves. That’s as I said yesterday, I think the legislation is much more focusing on grownups’ rights to children, a grownups rights to their children, than it ought to be. It must change. I think it must be much more about children’s rights to parents. But in [my country] we have the same situation as in many countries, where we’re especially focusing on grownups’ rights to children.”

His criticism is clear, as he emphasizes the need for change in his country’s laws to make children’s rights paramount in intercountry adoption law.

Another children’s ombudsperson and her advisor from a Western European country mention that since domestic adoption is often a more difficult route to parenthood for adults because of strict, child-centered laws and processes in their
country, intercountry adoption is sought instead by adults because they consider this an easier way to fulfill their ‘need’ to become a parent:

“R: Would you say that when it comes to international adoption, your country is a destination country?

IA: Yes.

IB: Yes.

R: And why do you think this is?

IA: Very often they’ve got no first-born babies, there’s not enough babies to go around, it’s easier to get a baby from another country, typically European gangmasters mothers involved in that.

R: So it becomes an easier option than adopting internally, domestically?

IA: Yeah.

IB: I think very much so because the process of adoption in [our country] is very strict, and a huge barrier to overcome, and the process is a very complex, lengthy one, but certainly is very I think child-rights focused, it isn’t focused on the parents, the parents’ right to have a child, it’s focused on the child, the needs of the child, the welfare of the child, and because of that it’s quite exhaustive. So it’s a needy way to bypass all that stuff to go to international…”

In this excerpt, the construction of international adoption as an easier means to achieve parenthood for adults seeking children highlights the primacy of adults’ entitlements over domestic legal protections for children. The irony of the juxtaposition of child-focused domestic adoption procedures and adult-focused international adoption options is a major discourse pattern across the interview data that emphasizes the role of adult demand in driving and shaping international adoption trends, often at the expense of children’s best interests.

In response to my invitation during the interview to reflect on the vulnerability of children, an intercountry adoption expert highlights the social vulnerability of children
as based in dependence on adults to make decisions about them and for them, and she
related this specifically to adoption processes:

“I: They can be handled around without having any, I mean we can take you and
put you in another country without asking you. But the child is under age,
everybody can do whatever they would like to do without having the permission
from the child. So that makes them very vulnerable.

R: Umhm. So others are making decisions about them?
I: Yes.

R: Without necessarily their participation?
I: Yes. And we hope it’s the best for the child, but sometimes it’s hard to know. But
it’s always trying to have this over-all thought that, when we adopt a child from a
foreign country into [my country], it is in the best interest of the child. But I mean
it will always also be in the best interest of the family. And THEY can decide more
than the child.”

This account emphasizes the relative powerlessness of the social role of children when
compared to the social roles of adults in general, and specifically within intercountry
adoption. He also emphasizes that adult adoptive parents have the power to make
decisions about and over the child. Later in the interview, he elaborates on the delicacy
of the topic of intercountry adoption due to how emotionally loaded and existential the
questions are that it raises:

“It’s very delicate. I always say that this is a field that you have to be very
careful. Because it’s so easy that you, and it’s very emotionally loaded things,
about infertility. And you can ask, is it a right for a person or a couple to have a
child? Or should you just stay childless? I mean it’s so many existential
problems.”

In this account, the adoption expert poses the question of whether or not it is appropriate
to consider having a child to be a right of adults in general, a question that is drawn into
refinement with the issue of intercountry adoption. Posing the question of whether it is
an adult’s right to be a parent, particularly if he or she cannot have a child that is formed
from their own bodies, is a form of interrogating whether or not intercountry adoption is right to do. He leaves this ethical question unanswered.

B. Keeping up with the Jones’s: International Adoption is Trendy

“Positive example also, when your neighbor, a wealthy man, adopts a child from somewhere and you can do the same, you are doing this.”

This statement, offered by a children’s ombudsperson from a sending country, was one of several comments supporting the idea of a kind of social bandwagon effect operating among adoptive parents. Other interviewees talked informally, but would not do so during the interview, about intercountry adoption as something that had become trendy among circles within middle and upper middle classes in some receiving countries, indicating that intercountry adoption had become a fashionable trend of family formation in some receiving countries. In this sense, the bandwagon effect was described in a critical way that indicated a conspicuous consumption construction of intercountry adoption. When interview accounts include critical reference to intercountry adoption as a fashionable, or as generally a trendy thing to do among specific social groups, I coded this content as keeping up with the Jones’s.

In another interview, the interviewee discussed history of intercountry adoption and emphasized the grass-roots ways in which early intercountry adoptions began, noting that once people coordinated intercountry adoptions for themselves they began to help people in their social networks to adopt:

“So we got a lot of intellectual, leftwing people traveling in Latin America, doing Latin American studies, and some of them adopted children there, mainly from Colombia in the early days. So some of these parents got together & started, because other people wanted children from Korea, it was all kind of open and loose to start with, and they got together and they started helping some of their
friends get children from Colombia. And of course they had a few contacts there, and then it sort of slowly grew until it became a proper organization with proper, like the Children of the World as well. Initially they were very disorganized, not proper NGOs. Slowly they became more organized, they got proper infrastructure, they became supervised by the state authorities in order to get adoption properly done according to some proper guidelines and so on.”

This account does not construct the spreading trend of intercountry adoption through social networks explicitly as conspicuous consumption, but rather as part of a shared moral imperative. What these accounts have in common is reference to a trend-effect, through which intercountry adoptions become more common in receiving countries in part because of prevalence of the practice among peers. Such focus on intercountry adoption as something trendy to do that is shared among specific social groups who have contact with one another is conceptually consistent with demand mechanisms described in this section entitled, ‘On Behalf of Parents’, inasmuch as group trends among adults who pursue intercountry adoption form driving mechanisms of intercountry adoption processes.

C. Adoptees Pose Challenges and May Not Fare Well

Some interviewees expressed concern or criticism about intercountry adoption by drawing specific attention to negative experiences that internationally adopted children may face, or more generally offering criticism of intercountry adoption based on the child’s experience. Sometimes this criticism took the form of questioning whether or not intercountry adoptions are in the best interests of children, and questioning directly the assertion that is often used to legitimate intercountry adoptions that adopted children benefit from it and generally do well. When interviewees highlighted difference and
difficulty experienced by adopted children as problematic, or questions whether adoptees actually fare well, or gives specific allegations that they may not fare well, I coded this interview content as the theme, adoptees pose and experience challenges. For example, the following account is of a children’s rights expert working at the international level who has lived in several parts of the world. He offers critical reflection on intercountry adoption, and his criticism is based on the experience of children:

“I mean you can rationalize that for a lot of kids, maybe, maybe it’s a better life. I don’t know if that’s true. You know I look at that, it’s based on issues of poverty, things like that. But you know my village in [Latin America], people lived in poverty, you know, if you used the classic measures for that. But you know these kids are really happy, you know, they are genuinely happy, they don’t have all the material goods for sure, they don’t have the schooling probably, and the advantage there. But as far as really enjoying one another and enjoying childhood, they seem to be one hell of a lot happier than kids in [my country]. So you know, when we say whether they got a better life, well, by whose standards do they have a better life? And when you say, well maybe international adoption agencies are doing good, they’re taking kids from really awful circumstances and putting them into real nice homes in the United States or Canada or whatever, Western Europe. I just don’t know about that. I think you really have to take a look.”

In this account, he criticizes the logic that relative poverty or relative lack of educational opportunity of the adoptee in his or her country of origin is an adequate rationale to legitimize intercountry adoption for the child, thereby drawing critical attention to some of the positive justifications used to substantiate intercountry adoption.

A children’s ombudsperson from a Western European receiving country also constructed a criticism of intercountry adoption based in concerns for the circumstances and experiences of adopted children. A separate set of concerns were expressed, related to the degree of respect accorded to the fact that the child, while very young, already has
a life history that has implications for him or her as a person, and will continue to have implications. The interviewee’s vocal emphasis is indicated with bold italics:

“I: But the more I know about adoption, the less I would adopt myself. And that’s what they are doing in these preparation courses, is just take out the honey-sweet stories of adoption and show the reality of what adoption is.

R: It almost sounds like these courses are designed to educate prospective parents...

I: Yes.

R: ... on the responsibility of becoming...

I: Yes. And stating that, a lot of people say, well why should they have to be screened and prepared, as to other people who can have babies and then abuse them or whatever. But the main issue is it is not your kid, and it never will be your kid. So this kid comes to you with a history, even if it was given up for adoption one day after it was born. But it’s a different beginning for these kids, so chances are that they might have different problems along the way. And you have to know that. And you don’t have to be an expert to raise a kid like that but you have to be aware of where your child comes from and what the background is and like during puberty they will have some different questions. All adolescents have questions, but adopted kids have even more questions. Who am I? Where did I come from?”

Concern is raised about how adults who hope to become adoptive parents and adopted children will navigate the reality that an internationally adopted child was brought into the world by human beings other than the adoptive parents, therefore emphasizing that an adopted child has a different beginning than other children and other family members. Particular attention is given to how internationally adopted children may experience struggles with questions of identity in adolescence. These are parallel concerns to what much of the social-psychological and social work literatures reviewed in Chapter 2 explore. Yet such negative and critical accounts of challenges adopted children experience and pose to their adoptive families are contrary to the social capital constructions of intercountry adoption described in Chapter 5, and relatively acerbic.
compared to the optimistic conclusions in much of the social psychological literature on intercountry adoption.

An intercountry adoption expert raises a separate concern for the well-being of adoptees in her account about the reasons adults seek children through intercountry adoption:

“I: I mean, lots of the women, the couples who want to adopt in [my country] are infertile.

R: Ok. So this is one of the major causes of...

I: Yes, it’s 90%. So 10% more are saying it doesn’t matter what kind of children we get, we want children, we want to help someone. But that is, most of them have gone through all kinds of testing, medical surgeries, and that is also an interesting theme. What does that mean to an adopted child, that they know that maybe they are the second best?”

This critical account of intercountry adoption is based on the meaning for adoptees of knowing that their adoptive parents may have tried to build a family in other ways prior to resorting to intercountry adoption. In this account, the interviewee highlights the potentially problematic impact this knowledge may have on adopted children, and his account also suggests implicitly that biological family ties may hold socially privileged status, or at the very least a meaningfully different social status, compared to adoptive family ties. This critical reflection on intercountry adoption highlights potential difficulties experienced by foreign adoptees.

D. Belonging and Ownership

An interesting theme of concern and criticism related to intercountry adoption emphasizes the tension between the idea of a sense of belonging to a family, which is often extolled as a positive virtue of family bonds and a key aspect of the social capital
of familism, and the idea of being owned or being property that belongs to someone else.

When an interviewee’s account indicates concern over a child becoming a form of property or being treated like it is owned or a possession via intercountry adoption, this content was coded as belonging and ownership. A children’s ombudsperson from a Western European receiving country identified this tension between belonging and ownership related to intercountry adoption in her account:

“I: Do you know the interesting thing about this commodity thing which I’ve often thought about? Obviously I’m very against any thoughts, frameworks that regard children as the property of their parents. But, there’s also a sense in which children and adults talk about their need to belong. Which is kind of property, to have a sense of belonging.

R: Huh...

I: And a sense of commitment. … But there is also I think something about sense of belonging, something you actually, that you’re not just there because of a court order, I mean there is a court order but somehow you now are raised as a part of that family, you belong. That is a fascinating part.

R: That is fascinating. That’s something I never considered.

I: And judges will tell you that, family law judges, they deal with so many awful things that the only positive ones they deal with are adoptions, because everyone’s so happy.”

In this account she constructs the sense of belonging that a child feels as part of a new adoptive family as problematic due to its similarity to property and ownership, noting that a court order is part of the formal procedure that places a foreign adopted child within his or her new family and thus is a necessary precursor to having a sense of belonging to that family. Yet she also indicates the public perception, including the perception within the court system, of intercountry adoptions as happy and positive occasions of family formation. However, in these analyses it is her construction of concern and criticism about the notion of belonging to a family that comprises a critique
of intercountry adoption. And her reflection relates this problem to the legal and administrative regulation of the formal exchange transaction of the intercountry adoption.

In relation to such issues, another interviewee pointed to regulatory processes in place to safeguard children who have been placed in a care situation that is not a traditional, biological family, including adoption:

“So periodic review of placement of child in foster care, in an institution, in a boarding school. I mean there should be an independent, including adoption, an independent review, regular review of that kind of placement, as long as the child is a child, or at least a young child. You mustn’t ever give up on a child. I mean even when you have your own children, there are always limits to what you can do. I mean you cannot, this is what the rights of the child are all about, this is intervention into family life. You cannot go and, if your children, at least we are working on it, you cannot, I mean they are not your possession. In more and more legislation now, in my country, for the secondary education, it is the child who decides...”

Thus, the centrality of children’s rights is primary: children are not to be considered property or possessions. This account highlights the concern that children placed in adoptive families are at particular risk and that their situation requires periodic review. This statement was given while discussing formal safeguards for children who are placed in one of several care solutions, including adoption specifically. The construction of a child as property within the context of an adoptive family is considered problematic and wrong, and the construction of the child as a person with explicit rights is highlighted.

III. Structural Criticisms of Intercountry Adoption Practices

A. Intercountry Adoption as a Business
Some respondents give reference to intercountry adoption as a form of business:

“It’s business. It’s some profit, some non-profit, but it’s business. And it’s professionally run. I can see the difference is the motivation behind it. I don’t think the adoption businesses are set up to exploit people in most cases. Trafficking is exploitation and nothing else.”

This interviewee stresses that both child trafficking and international adoption are professionally run as one form of support for her assertion that both operate as a form of business. She also described both phenomena as business, regardless of whether they were non-profit or for-profit. When interviewees shared their critical views or concerns about intercountry adoption by referring to intercountry adoption as a form of business, I coded this content intercountry adoption as business.

In the very first interview, a children’s ombudsperson from a Western European receiving country gave an account of intercountry adoptions that focused on celebrities in the United States. He describes some celebrity adoptions as akin to trafficking children and as a key influence that contributes to a “booming business” of international adoption:

“They [celebrities such as Madonna and Angelina Jolie] give off this wrong signal to many people who cannot get any children on their own, who are desperate to get children, which I understand. And they say, well if they can do it, we can do it. And you get this whole adoption booming business, even in countries like Malawi where apparently there was no adoption within the law. It was a legal figure that was not known to Malawi people.”

This account was qualified with the recognition that the children who have been adopted by these celebrities may not be terribly unhappy and that his critique is not about these specific individuals. Rather, he framed his critique around the bad example that these
prominent adoptions set and how their publicity boosts interest and demand for children. He particularly voiced concern about the lack of legal infrastructure or precedent within Malawi for Madonna’s recent intercountry adoption. He was not the only interviewee who associated celebrity intercountry adoptions with a negative or problematic business of intercountry adoptions. In a separate interview, a children’s rights official working for an international organization highlighted Madonna’s adoption of a boy from Malawi as a clearly negative example due to what he described as her failure to go through proper protocol and legal process regarding the Malawian adoption. She balanced this critique by applauding Angelina Jolie for going through all proper protocols and legal requirements. The suggestion in both of these critiques is that highly-publicized celebrity intercountry adoptions may boost demand and thus promote growth in intercountry adoptions as a form of business, and that if celebrities seek out children from countries without a formalized and legal procedure for such adoptions, this may spur illicit or illegitimate intercountry adoption practices. Both suggest that the “booming business” of intercountry adoption may be exacerbated by celebrity adoptions, and both particularly critique highly publicized celebrity intercountry adoptions that do not follow ‘best practice’.

The “business model” of intercountry adoption constitutes a macro-level, critical account of the global phenomenon, in which adopted children are transacted within a larger framework of global supply and demand processes. The larger picture, then, of global adoption according to interview content on this subtheme is one of supply and demand, market mechanisms, and people and organizations that have figured out how to prosper through intercountry adoption. Included within this theme are references to
aspects of culture – from celebrity adoptions to cultural perceptions that only sick children get adopted by foreign families – that serve to reinforce, legitimate or propagate in some way the supply and demand aspects of this international ‘business’.

Interview content in which interviewees describe intercountry adoption as a form of business often also includes description of their country’s and other countries’ involvement within this business. Sometimes, as with other critical subthemes outlined in this chapter, an interviewee deliberately states that his or her country is not involved in problematic or negative practices of intercountry adoption, including this theme of business. This patterns within and across accounts of interviewees usually also includes negative reference to other countries or areas in the world in which intercountry adoption does operate like a business. In a particularly interesting account from an interview with an adoption expert from a Western European receiving country, he first responds to my probe about the buying and selling of children associated with adoption by explicitly locating these practices in other countries, not in his own country:

“R: You mentioned earlier in our conversation buying and selling that goes on in other countries. Could you explain a bit more about it?

I: Well we always hear about stories from different countries that a mother, selling her baby to survive, and someone is there, agencies. It’s very natural that if you are starving and you have ten children, and you can, I’m not the one to criticize. But I don’t want to stimulate it. And I hope [my country] stays out of this business. But they are in, what you call, grey zone, because they are supporting the institutions. They are giving money to different parts of China, and then they get children to [my country], you know. It’s very very complicated.”

As he continues to construct this account, he himself complicates the issue by noting that actors from his own country are not independent from, and may be in some ways complicit with, such business activities within systematic intercountry adoptions. In this
account, the adoption expert notes that a ‘grey zone’ exists in terms of his own country’s participation in what are considered illicit business practices within the context of intercountry adoption: buying, selling, and more generally exchanging money systematically between official institutions within her receiving state and institutions within a prominent sending state that her country receives children from regularly. The pattern of discourse of distancing one’s own country from illegitimate practices related to intercountry adoption in this case dissolves, and the interviewee openly reflects on the complexity of her country’s financial involvement with institutions in a particular sending state.

i. United States: Particularly Business-Oriented?

With regard to accounts that describe intercountry adoption as a form of business, it is noteworthy how often the United States was raised by interviewees as an example of a receiving state with a particularly rigorous, business-like involvement with intercountry adoptions in general. Sometimes, mention of the United States as having particularly extreme or problematic market-oriented or business-like approaches to intercountry adoption were made in juxtaposition of descriptions of relatively unproblematic practices within an interviewee’s own country:

“But we have, since our government is quite strict, when you get this consent to adopt from our child, youth and family directorate, it has an age limitation and you never get an authorization to adopt a child over 5 years. You may still, when your papers are for instance in China or wherever, and the family asks can you take this child of six, seven, it is possible to adopt him for a couple [from my country], but then we have to ask our central authority if it is alright that they
extend, that they adopt a child that is older than what their authorization says. So but in the United States there are more market mechanisms, I mean, there are a lot of what, like 600, 700 different organizations, and single facilitators.”

In addition to a proliferation of agencies and mechanisms in the USA, the same interviewee also noted a lack of restrictions imposed by the United States, even in comparison to sending countries:

“R: I’ve heard that China has a restriction on weight.

I: That’s right, they introduced that, they got new. And this was something in a way we supported, at least we understood when they made the rules stricter, because they were in a situation in which they were overwhelmed with applications from all over, well not all over but I think they have cooperation with 16, 17, 18 countries, I mean the United States alone has 50 organizations working in China I think.”

In this account, like the one above it, the United States’ involvement in sending countries is constructed as systematic and widespread, illustrating business-like logistics of facilitating intercountry adoptions that are extensive.

In the following interview account, an adoption expert frames the United States as an extreme case in which intercountry adoption is run as a business:

“But in America this is business. You are a country of business. So it’s very different. And I can understand why American colleagues say that I’m lying when I say that this is not applicable to Scandinavia or Western Europe. But I really don’t think I am.”

Just prior to this account, the adoption expert argued for the inappropriateness and inaccuracy of the description of intercountry adoptions as a market or in terms of business-like mechanisms, yet he made this strong caveat with his assertion that although he strongly disagreed that ‘market’ is descriptive of intercountry adoption in most places in the world, he believes that in the United States it clearly is a business.

This is not the only instance that the United States is singled out by an interviewee as a
country in which intercountry adoption operates more like a business or market than in other countries. Another intercountry adoption expert noted that the United States pays more money to lawyers for adoptions from Latin America than officials from her own country does, thus suggesting that there is something specific and rather extreme about the monetary gain made by officials in Latin America due to American adoptions in contrast to adoptions to other receiving countries:

“\textit{And in many countries, like most of Latin America, you have to engage a lawyer who takes the case through the court, and some of the lawyers are quite, have a good salary, although they normally get paid much more by American organizations than they do by us, but still even we have to use some money for the legal part of the process in the countries where that’s necessary.}”

This account paints the United States’ involvement in intercountry adoption in terms that are relatively more business-like and lucrative than other countries’ involvement, with specific reference to how much is paid to officials in the sending state for the intercountry adoption to be processed.

Another account in which the United States is described as extreme in its business-like practices of intercountry adoption is given by an adoption expert in response to my question of whether ‘market’ is an accurate analogy for intercountry adoption practices overall:

\textit{“R: To what extent do you consider, or would you consider a market as a fair analogy to describe intercountry adoption?”}

\textit{I: I wouldn’t, no.}

\textit{R: No. So supply and demand?}

\textit{I: No. No. Not from, I mean, I wouldn’t. I know that Americans like to think in those terms. And I know I’ve been criticized by several Americans who, partly because, I think because in America the situation is that much more extreme. And there may be cases where you could say that. But I have argued quite strongly against that.”}
R: For what reasons?

I: Well partly because there isn’t a market. In a sense. I mean there are markets, I’ve seen documentaries from the States of in-country adoption. There’s a huge amount of in-country adoptions still in America, not of babies so much, which is why people like to go outside. But for example there was one, where one state or part of the state or a city council or something that had a lot of children who were available for adoption, but there weren’t many takers. They would arrange annual sort of fair, and they put all the children up, and they would invite anybody who was interested in adopting to come and have a look, to see if. They wouldn’t actually pay for the children, because this is part of the city, this is part of the social services department. But they would come and have a look, and see, well do you like this one? Do you like that one? And of course that would never happen in Western Europe. Never, never, never, never. So that’s from that point of view. I mean America is another country, it really is.”

In this account, the interviewee constructs a major difference in practices between the United States and Europe, suggesting directly that domestic adoption practices in the United States that include ‘open house’ events to facilitate adoption placements can be considered market strategies, which are constructed as abhorrent by European standards.

Overall, the tendency of singling out the United States is one variant of a theme in which intercountry adoption is related to business-like practices. The tendency of highlighting the United States as an example is also evidence of a pattern across the interview accounts, in which criticisms are made and problems are identified regarding intercountry adoption but using examples only from outside one’s own country to illustrate these problems. However, of particular interest in this section is how the United States is highlighted as a case of particular relevance to claims that intercountry adoption operates according to business principles such as demand, payment, and a multiplicity of actors and organizations involved in systematic facilitation of intercountry adoptions, both inside and outside of the country. In this sense,
interviewees emphasized the juggernaut of United States’ involvement in intercountry adoption to at once illustrate problematic and business-like aspects of intercountry adoption and also to distance their own country’s involvement in intercountry adoption from these problematic and business-like aspects.

**B. Intercountry Adoption as Business Riddled with Corruption**

As a subtheme associated with framing problematic aspects of intercountry adoption as a form of business, several interviewees gave accounts of intercountry adoption in which systemic corruption within business-like intercountry adoption practices was highlighted. Across accounts, referring to intercountry adoption as a form of business in and of itself was one means of criticism, yet adding specific reference to corruption within the business-like aspects of intercountry adoption was another noteworthy critical theme across interview accounts. Such accounts go beyond concern that adoption practices mimic business practices, because they highlight illegitimate, below-board and often black-market forms of systemic corruption. When interviewees noted explicitly that structural and systemic forms of corruption exist in intercountry adoption practices, I coded this content as the theme corruption. For example, a children’s rights advocate from a sending country noted that corruption was recognized at the highest levels of government, as the lead executive of her government made a public statement denouncing corrupt officials who are running intercountry adoption as a business:
“And also I believe that [my government’s leader’s] message sent an important, a loud signal to those corrupt officials who actually set up cross border adoption business. [The prime minister/president] said more or less that it’s time to put a stop to this business.”

She mentioned this during a segment of the interview in which she had critiqued in detail many aspects of infrastructure and practice related to sending her country’s children to other countries for the purposes of adoption by foreign families. This account identifies problems of corruption and profiteering within the ‘business’ of intercountry adoption that are quite widespread, even recognized by officials working in the highest levels of the national government in this sending country.

A children’s rights expert from a Western European country who specializes in work on child trafficking observed that the likelihood of large-scale corruption may be greater under conditions of social upheaval, turmoil, or exacerbated social vulnerability:

“I: ... disasters, where upheavals of different kinds, where civil society is in turmoil, there tend to be people in the background, calculating how to lay their hands on children for profit.

R: Oh. So this is done outside the system of adoption in [your country]?

I: Well, we have seen it. Maybe I have been unclear. It is colleagues of mine, working in [my country’s ministry of justice] have told me that they have seen, abroad, in turmoil situations, that there are people in the back waiting to exploit children, and sometimes they do it through adoption, selling children for adoption, and sometimes they traffic them through other channels. But I don’t, I cannot tell you very precisely about this. But just good colleagues of mine have told me, there tend to be sometimes the same people in the background, trying to seek profit.

R: So a systematic set of people?

I: Yes.

R: It sounds organized.

I: It sounds organized, it sounds like they may have different channels, channels through trafficking, channels through adoption. Because these situations make for corruption in these countries, and corruption, it might be adoption agencies,
“adoption authorities, or customs officers, police. It might be a very corrupt system.”

Through this part of his account, he makes clear that corruption manifests systematically through intercountry adoption channels because adoption is one of many forms of business that are profitable. He stated that corruption can take many forms and can involve many formal features of adoption infrastructure. He suggests that this is especially understandable given the social turmoil or instability in particular societies. What is interesting about this construction of the problem of corruption within intercountry adoption is that it goes against the predominant discourse of interviewees from receiving states that largely deny their country’s association or involvement with corrupt intercountry adoption practices, because it emphasizes that officials, agencies, and other authorities within legitimate adoption infrastructure may be complicit or actively involved in these illicit activities. He acknowledges that the supply side of intercountry adoption may have a considerable component of corruption, without qualification of the legitimacy of the receiving state’s system. In this sense, his account conveys systemic corruption on the supply side of the business of intercountry adoption, and he provides details of structural antecedents – such as civil turmoil, natural or manmade disasters – that contribute to both the vulnerability of children and the systematic calculation of others regarding how to profit from these children.

In contrast to the above account that identifies general circumstances in which corrupted intercountry adoption practices may ensue, other interviewees highlight specific situations or areas of the world that they claim are known to have corrupted officials involved in intercountry adoption processes:
“Because it was extreme, the Romanian example was extreme. But otherwise, unless you smuggle a child out of a country, which isn’t very easy to do, it DOES happen, it happens a little bit in some of the Latin American countries I think, still. You’ve got to have some kind of legal acknowledgement from the authorities in the country that lets it go. Without it, it would be very hard to get legal entitlement to the child back in your own country, even in some of the most liberal American states you still need some kind of documentation in order for that child to be acknowledged. But of course there’s a huge amount of corrupted lawyers and so on in Latin America, because in Latin America it’s all done through lawyers, and the lawyers charge quite a large sum of money to finalize adoption, and certainly Guatemala, I mean as you may know Guatemala is blacklisted by the Hague Convention, but not by Americans because the Americans haven’t signed it.”

In the above account, an intercountry adoption expert highlights the recent situation in Romania as an extreme case of systematic corruption in intercountry adoptions, but then he states that smuggling children does happen elsewhere. By the end of the account, he asserts that there is widespread corruption in Latin America regarding intercountry adoption practices which include corrupted lawyers, large sums of money required to finalize adoptions, and which have resulted in the Hague’s blacklisting of Guatemala due to widespread corrupted practices. The progression of the discourse in this account is interesting, as the account begins with a skeptical tone toward corruption, but ends with open discussion of widespread corruption. He uses the fact that the United States maintains involvement in intercountry adoptions out of Guatemala, a country that is already blacklisted by the predominant international private law organization, as a point in support of his argument that in specific areas more than in others, corruption exists within intercountry adoptions.

Others highlight the role that profit plays in the business of intercountry adoptions and suggest ways in which the business aspects of intercountry adoption may be hidden intentionally. During an interview with a children’s rights expert who works for an international organization, she gave an acerbic account of intercountry adoption
when I asked her what the key similarities and differences are between intercountry adoption and child trafficking:

"R: Is there any overlap between international adoption networks and international child trafficking? Can you just entertain what sort of similarities there may be in these systems, and what are the key differences?

I: Well in both cases the child is exploited, you know. So that is the major similarity. As far as organization, I would think that international adoption is probably worse, than what is being known as trafficking. That would be my initial guess, because it’s pretty intrusive, it’s HUGE money. Lots and lots of dollars. It requires a lot of subterfuge, both the country which the child is taken from and the country in which the child will reside. Yeah, in a way international adoption sort of scares me more than trafficking. I think it’s selling the child. I mean you can rationalize that for a lot of kids, maybe, maybe it’s a better life. I don’t know if that’s true."

Thus exploitation, profit-making and subterfuge are explicitly positioned as inherent to intercountry adoption. This interviewee also proposes that ideas that intercountry adoption may be good for the child are rationalizations that serve to legitimate intercountry adoption and hide these business-like and corrupt features, rationalizations she does not particularly agree with. She uses these various details to support her assertion that intercountry adoption is in her opinion worse than child trafficking. This account highlights ways in which intercountry adoption is not what it seems. For instance, she states that both receiving and sending countries must incorporate levels of intentional deception about the profit, selling, and exploitation that goes on in order to transact intercountry adoptions. She also pointedly questions a prevailing rationalization for the positive social value of intercountry adoptions -- that children get a better life via intercountry adoption.

A particularly intriguing account of corruption emerged during an interview with a children’s rights official from a sending country. It is worth describing this segment of
this interview in detail due to the amount of time and detail the interviewee devoted to describing many aspects of the corruption within intercountry adoption practices in her country, including profit-making, violations of international and domestic legal standards for intercountry adoption, intentional media campaigns that promote a specific and legitimate view of intercountry adoptions out of the country, research that debunks this media imagery, and bribery. During the interview, the children’s rights official notes that her work usually only deals with the issue of intercountry adoption when problems arise in which her office must intervene. When I probed to find out what she meant by her office’s involvement in problems in intercountry adoption, she describes corruption related to intercountry adoptions out of her Eastern European country:

“R: You mentioned that your office does deal with problems, when problems arise in intercountry adoption. Can you give more detailed example?

I: A few weeks ago there was a little girl, one year two months old, and instead of finding a [domestic] family for her to be adopted by, there were attempts being made to have her adopted by a [foreign] family. Although there was a [domestic] family, resident in [major domestic city], who were willing to adopt the child. But for some reason, the chief doctor, the judge, and the prosecutor investigating the case were very keen on that girl being adopted by a [foreign] couple.

R: Why?

I: Well I can only make an informed guess. Corruption. Corruption.”

Here, not only does she directly indicate corruption within her country’s system of outgoing foreign adoptions, but she also explicitly mentions several key actors in the presumably legitimate infrastructure that make decisions about intercountry adoptions who were involved in this case of bypassing what is considered ‘best practice’. According to domestic and international legal standards, if a domestic adoption is possible, this is a preferred solution for the child over intercountry adoption.
The interviewee continued to explain her views regarding widespread corruption within her country’s outflow of children for the purposes of intercountry adoption:

“I’m saying this because the economic crisis of the late 1990s in [my country] resulted in a sharp increase in cross border adoptions compared to domestic adoption. The country, [my country] was not in a position to actually address the issues of adoption and not in a position to help [domestic] families who would be willing to adopt [domestic] orphans. And the situation was aggravated by evil efforts of some corrupt officials who helped foreigners to adopt [my country’s] children, obviously for money, and made good money out of it. So it was now a profitable adoption business.”

By stressing how the widespread economic crisis in Eastern Europe as well as widespread corruption of officials who sought profit via intercountry adoption all contributed to a bustling and lucrative intercountry adoption business, she builds an account that is critical of intercountry adoption. Like other interviewees, she goes on to highlight in particular the United States’ involvement in terms of demand for adoptable children from overseas and describes how this involvement and demand influences not only the overall corrupt situation within her country’s adoption system, but also how the United States’ involvement directly interfaced with her and her work:

“Indeed the United States have [sic] been very active in this adoption business in our country. But I believe that fortunately it’s coming, this process is coming to an end, or this activity. American agencies are actually invested heavily into this business. For example people who were openly, who spoke openly against such adoptions, they actually were targets of bribery, repeated attempts of bribing them. For example, when a few years ago I started really sort of speaking loudly, publicly and harshly against international cross border adoption, I immediately got phone calls from three different American adoption agencies with offers to go on trips to the United States, all expenses paid, and offers of very good social program, cultural sightseeing. ‘You will see the United States’, they said. ‘You will see how we work, also you will see some families who have adopted [your country’s] children.’ But it was a glaring, obvious that they were just trying to get me on their side.”

In this account, corruption in the form of bribery is described as widespread and systematic, and as directly interfacing with her work. She shares this anecdote in order
to support her assertions that corruption exists within the intercountry adoption practices in her country for the purposes of foreign placement of her country’s children, and that these corrupt, systematic efforts are not only occurring through officials and organizations of her own country, but also include powerful actors from outside her country whose interest is in maintaining a supply of foreign children for adoption abroad.

This interviewee continues to give her account in response to my question of what are the key differences between child trafficking and intercountry adoption:

“In a way it doesn’t really matter what kind of family adopts an orphan, but you asked me what the difference is between trafficking and adoption. I believe that it’s the motivation that makes all the difference, what motivates those agencies, or persons who assist in international adoptions. If it’s purely altruistically to do to them, the right of the child under the Convention is to grow up as part of a family. Also to make money. The agencies of course say loudly that their main aim is to help the child. But a great number of examples of cases that I know of persuade me that their main aim is actually gain. For example, those children who potentially were going to be adopted abroad were diagnosed with illnesses that they didn’t actually have, well in advance, so as to create an illusion that the child is very ill, and it would be impossible to actually treat him adequately in [my country]. But it would be much easier to offer adequate treatment to him or her in the United States because the standards of health care are much higher. And then it turned out later that those children did not have all those horrible illnesses. And they think there was this myth circulated very actively in [my city] and in [my country] in general, and people really did believe that Americans for example and other foreigners mainly adopted sick children. In 2005, three years ago, we actually made a check, checked a great number of cases of cross border adoption. And out of 472 children, adopted children, who were adoption in 2004 by foreigners [from my region], only one child was disabled ... and when we published the results of our research, many of my colleagues just refused to believe that could be true. But I had documents to support it. And it was then that I got those phone calls from the three agencies with an offer they thought I could not refuse.”

She highlights motivation as one important difference between trafficking and adoption, stating that altruistic motivations may protect the best interests of children. However, he emphasized that financial gain is a primary aim of intercountry adoption, and he shares a
story of his own experiences in support of this. He describes intentional misinformation spread to the public within his country that asserts that only children with severe health problems or disabilities are adopted by foreigners in order to legitimate the outflow of children to foreign countries. However, he also states clearly that research that his office has conducted has debunked this misinformation, and he connects the corrupt bribery he encountered with his office’s attempts to make these findings public. In this way, he contends that the public’s image and understanding of intercountry adoptions is intentionally falsified, as it is espoused by actors and agencies that have a vested interest in flaunting a public image of altruism and helping as well as in perpetuating the current system of intercountry adoptions out of her country for profit. This detailed account emphasizes corrupt practices within the status quo of intercountry adoptions out of this expert’s country, involving domestic officials and agencies as well as organized efforts by foreign organizations. It also reveals how publicly held beliefs about intercountry adoption that assist in the maintenance of the status quo may be intentionally manipulated in order to continue the current outflow of foreign adoptions without public disapproval, and it reveals that such publicly held beliefs die hard, even in the face of counterevidence in this case. It is interesting to juxtapose the subsection on the social capital subtheme of altruism, particularly when altruism or helping is constructed as a form of social capital especially for children with severe disabilities or health problems, with this assertion that claims of child disability can be misconstrued in a way that legitimizes profitable intercountry adoption practices, even when documentation reveals lack of such health problems or disabilities.
Corruption within the business-like practices of intercountry adoption is one prominent subtheme across these interview accounts. Interviewees construct a critique of social structural aspects of intercountry adoption that include systematic fraud and dishonesty within global processes of intercountry adoption.

C. Illicit Practices Associated with Supply of Adoptable Children

Several critical themes that relate to illicit practices associated with the supply of adoptable children are evident across interview accounts. These include child trafficking, kidnapping/abduction, and sale of children for adoption. Each of these themes is discussed in the following subsections. Included within the description of the subtheme of child trafficking is specific attention to processes that entail provision of specific children, or children with particular characteristics, for intercountry adoption. This particular aspect of child trafficking related to intercountry adoption is discussed in a subsection entitled, ‘Made to Order’.

i. Child Trafficking

Several interviewees explicitly relate child trafficking to intercountry adoption. When child trafficking is related by an interviewee as an illegitimate and inappropriate practice associated with creating a supply of adoptable children, I coded this content as child trafficking. Child trafficking itself consists of several prominent subthemes across interview data. First, there are cases in which intercountry adoption is said to be a mechanism for the trafficking of children. In other words, intercountry adoption is
constructed as a possible means through which a child may be transferred in order to
obtain a child to exploit. In some cases, such references are made but qualified as an
idiosyncratic problem related to intercountry adoption, rather than a systemic or
regularly occurring problem. For example, the following account from an interview
with a children’s ombudsperson from a Western European country highlights how
individual cases, rather than a situation that is widespread, may actually involve
adoption for purposes of sexual exploitation:

“R: So what are some scenarios where adoption wouldn’t be in the best interests
of the child? Do you have examples of this in [your country]?

I: We have example when children are adopted because a grownup is interested in
a child in a sexual way. You can’t really say that it’s a special situation, but an
individual case. It would be better for the child to not be adopted. Of course, you
can have a bad situation in the family, it could be in other cases. Sometimes it
could be better for the child to live and grow up in the country they are coming
from. It’s not easy to say THIS is the area. It’s more the individual case.”

Although intercountry adoption for the purpose of sexual exploitation is explicitly stated,
the overall discursive pattern in the above account highlights the rarity of such a
situation in this Western European country.

However, in other cases, mention of intercountry adoption for the trafficking of
children includes context that suggests it is a systemic problem in some places in the
world, even if it may not be typical or prevalent in the respondent’s own country. For
instance, in the following account an adoption expert recalls a practice by a government
official in a country in southeast Asia in the past that was intended to systematically
check suspicious intercountry adoptions:
“R: You mentioned earlier a rare situation where through an adoption process a family or a person would obtain a child and then use that child as a domestic servant.

I: Well these are kind of stories you hear. I don’t know how typical it is. Many years ago, I’ve been working with this for a very long time, the first time I was in [a country in southeast Asia], and our contact person at that time in [this country] was a man who had previously been working for the government, as, what was it called, commissioner for child welfare and probation was the title, because it also had to do with criminals, and children, such a strange combination. Anyway, he said that when there was an adoption, especially when a family wanted to adopt not a baby but a little bit older child, like a 7, 8, 9 year old, so what he did was, if the family was qualified in the sense that they had stable economy, decent house and things like that, they never said no to the adoption, but then a few weeks after the adoption had been finalized or after the child had been placed in the family, he would go back to visit them, unannounced visit, and then he would talk to the adopted child, because now we are talking about children who were 6, 7, 8, who could talk and respond to questions. So he asked them two questions: what do you call the master of the house? And where do you sleep? And if they called him ‘Mr. So-and-So’ or ‘Sir’ then he realized it was not a legal adoption, and if they lived in the servant quarters rather than in a bedroom with parents or in the next bedroom to the parents then he realized that this was...[respondent trails off, incomplete sentence]”

This account highlights systematic processes that were put in place by a government in order to check adoptions of older children that were suspected to be possible trafficking situations, in which the child was exploited for labor rather than integrated as a permanent member of the family. Although this interviewee made an unprompted anecdotal comment earlier in the interview about intercountry adoptions that result in domestic servitude, she begins to address my inquiry follow-up by qualifying that these are the “kind of stories you hear,” and that she is not sure how common such situations are. She then describes a systematic process by a government official that was meant to investigate the legitimacy of suspicious intercountry adoptions. The rich description in this account of a process of investigating whether an intercountry adoption is legitimate
or a form of child trafficking highlights a procedure that was implemented due to
patterned instances of using intercountry adoption as a means to obtain and then exploit
a child for labor, in this case domestic servitude. The need for such a practice illustrates
the risks to children, in this case older children, involved in intercountry adoption.

Negative processes, such as child trafficking in relation to intercountry adoption,
are thus acknowledged but quarantined in interviewees’ accounts as part of another
‘world’ of adoption practices that is separate and distinct from practices within the
respondent’s country. An example of juxtaposing these two worlds, or two extremes, of
intercountry adoption is evident within the following account:

“So that’s the sort of two extremes here. And then you have Latin America, which
is very different. Because Latin American as you know is extremely corrupt, and
there is lots of very dirty practices in several of the Latin American countries. So
quite a lot of adoption overseas is really, now we’re into trafficking.”

Prior to the above excerpt, this adoption expert from a Western European country
describes intercountry adoption within his country as a positive and good phenomenon,
emphasizing a stable and centralized system of intercountry adoption as well as strong
laws that regulate it. Yet although he downplays the chances that illicit or illegal
practices occur within his country, he describes another world of intercountry adoption
in which trafficking occurs as the other extreme. This world is framed as Latin America.
This pattern of highlighting the problematic linkage of child trafficking to intercountry
adoption by focusing on situations in other parts of the world is prevalent within the
interview data and often includes attention to problems within specific countries other
than the respondent’s country of origin. Romania and Guatemala both stand out as
countries that respondents identify specifically in order to illustrate how child trafficking
interlinks with intercountry adoption. In both of these instances, child trafficking is
described as a process relevant to the supply end, rather than the destination or receiving
end, of intercountry adoption. In other words, the situations in Romania and Guatemala
respectively are highlighted by interviewees to illustrate cases in which child trafficking
is done allegedly for the purposes of providing children for intercountry adoption. For
example, the Romanian situation was described by a children’s rights expert who works
for an international organization in response to a direct question of whether and how
intercountry adoption may be related to child trafficking:

“R: In your opinion is there any overlap between issues of international adoption
and issues of child trafficking? Any overlap between them?

I: Um, there have been, and the example of Romania is interesting to my point of
view. There were some big problems with the regime, and orphan or some weren’t
even orphans in Romania, were sold to international parents. I mean people were
coming and had some money, were getting out of the country with a child. So
there, this is trafficking. But the reaction of Romania was through pressure of EU
was in the long term appropriate, they forbidden international adoption at all. So
now it’s not possible anymore. Which is, for a short period of time I guess it’s a
good solution, to clean up everything, to get rid of all the people, the smugglers,
traffickers, the not-appropriate people, and to establish a good system.”

Transfer of money, corrupt officials, lack of proper relinquishment of children to make
them legitimately available for adoption, as well as the lack of a good, established
system of intercountry adoptions out of Romania, are all cited by this interviewee as part
of what he describes as systemic trafficking related to the supply of children for
intercountry adoption.

Another example is made of Guatemala:

“Um, you hear a lot about trafficking in connection with adoption, and there’s
obviously a little bit of it, and Guatemala was an example of a country where
obviously many, not just trafficking, completely illegal adoptions. You can
probably never completely rule out, no matter how strict their law is, there’s always a chance that someone will do some clandestine and forbidden thing. But at the same time I don’t think the problem should be overestimated. But Guatemala was a country which obviously needed law reforms and which finally got it last year. And, but it was not illegal adoptions, it was more than this, I think, mentioned with these lawyers, very often using agents, going around, people going around just in the poor parts of the capital, Guatemala City, you know, just looking for pregnant women. And very often these were women who had perhaps three, four children already, and they were dirt poor and they really, it really was a burden for them to have one more, and so they were probably easily convinced probably, many of them, and they were offered, I think sometimes fifty, 100 dollars was enough. And sometimes these lawyers would say, well this is a poor woman. Why shouldn’t she get some money? Because that will help her. And I mean, and this is from a humanistic point of view, that’s true, of course, that they really need it. What they need more is probably jobs and social security and other things that’s not that easy to give them. But it’s an absolute no-no to have any promise of, I mean promise of money as a sort of, a factor in the causation of an adoption. It’s of course completely forbidden. If they need help they should get it from the government or the country, they should get it after, it should have nothing to do with the adoption case.”

The above account was given response to a question of whether and how intercountry adoption and child trafficking may be related. This adoption expert from a Western European country describes details about systemic practices within Guatemala that were illegal and coercive and highlights the exchange of money between poor birth mothers and corrupt officials, weak laws, and the paucity of public welfare provisions that contribute to a trafficking situation in Guatemala. Using Guatemala as a case, the interviewee highlights many facets of problematic intercountry adoptions that relate to trafficking, and includes details of how different actors were engaged in systematic efforts that constituted illegal, illegitimate intercountry adoption practices. She also highlights the relative poverty of birth mothers as a key factor in such trafficking practices.
Often in discussions of key differences between intercountry adoption and child trafficking, respondents highlight the transfer of money for financial gain as an aspect that delegitimizes intercountry adoption and constitutes trade or trafficking:

“R: What are the key differences between child trafficking and intercountry adoption? Do you see any similarities as well?

I: If the adoption is in the interests of the child, it’s been done exclusively in order to meet the child’s needs and interests, then this is cross border adoption. But if there are people who actually gain money from it, then it’s trade, so it’s trafficking. And the episode that I mentioned that I dealt with about a month ago concerning that girl [from my country] being adopted by a [foreign] family, according to the information that I have the [foreign] couple paid 90,000 Euros to the adoption agency. Whereas the [domestic] family who attempted to adopt the girl paid nothing. So from the point of view of the family, it’s adoption. From the point of view of the agency or corrupt officials, it’s a business, it’s trafficking.”

This account is from a children’s ombudsperson from an Eastern European country that is primarily a sending country in terms of its place within intercountry adoption processes. She juxtaposes the position of corrupt officials who seek profit through intercountry adoption with the position of adults within her country who are seeking legitimate adoption and pay nothing as examples of illicit child trafficking under the auspices of intercountry adoption, and legitimate adoption, respectively. In this account, she refers to a legitimate domestic adoption that was already in process when it was disrupted by the foreign adoption of the child, and the ombudsperson cited the motive of profit on the part of corrupt officials within her country who allowed this disruption to occur. She states clearly that in her view, this constitutes trafficking. This subtheme of highlighting the problematic aspects of financial gain and money transfers through corrupt officials in the process of intercountry adoption will be discussed further in the subsequent section on sale of children as it relates to intercountry adoption practices.
This is not the only reference made to intercountry adoption as just one of many reasons children are trafficked for profit. For instance, during a line of questions about the major reasons for child trafficking in the following interview with a children’s ombudsperson and the ombudsperson’s advisor, the advisor spontaneously offered adoption as one of several means through which child traffickers seek to profit from children:

“R: And what are the major reasons they are trafficking in [your country]? Sex industry?

IA: It’s all about the money.

IB: I think regardless of what the issue it, it’s all to do with money, making money. Whether it’s trafficking children to order like we just talked about for pedophiles, or even more insidious there’s certainly evidence exists of children being trafficked for adoption as well.”

In this last statement, the advisor, who is a children’s rights expert in this receiving country in Western Europe, states explicitly that adoption is a major and profitable reason for which children are trafficked. He also states clearly that trafficking for the purposes of adoption is somehow more insidious that other forms of trafficking, such as for sexual exploitation. With the use of the word *insidious*, he draws attention to the subtle yet dangerous implications of this connection between intercountry adoption and child trafficking. These comments highlight perceived problematic factors relevant to intercountry adoption.

a. “Made to Order”
One prominent way in which interviewees relate child trafficking to intercountry adoption is by describing the process of selecting children with specific qualities or characteristics via intercountry adoption as an illegitimate practice and a form of trade or trafficking. Choosing the gender, age, or physical characteristics such as hair, skin, or eye color is mentioned by respondents as processes that are illegitimate with reference to best practice of intercountry adoption. These practices are framed in accounts as either akin to or the same as child trafficking. For instance, in the following account, the interviewee spontaneously related adoption to child trafficking during questions specifically about child trafficking and gave the following account when I probed for more information:

“R: You mentioned adoption. ... Is trafficking related somehow to adoption? What in your view is the relationship, or the potential relationship? How are they similar or different?

I: [slight pause] I’ve certainly heard of, again from colleagues in social services who have come across this, where they’re pretty sure children are being trafficked from Eastern Europe and because they are white, because they are recognizably European. It is generally quite difficult to distinguish them from the general population of [my country], and what happens is that, what’s been reported to me, is that people of [my country] are almost ordering these children, made to order, and they’re actually arriving in [a country near my country], and then these people leave home and come back with this child and it looks like a child of their own.”

This children’s rights’ expert from a Western European country (a receiving state) whether and how intercountry adoption and child trafficking may be related, he responded with a description of trafficking processes that route children from Eastern Europe to his country for adoption, specifically because these children look similar to the ethnic majority within his own country. He uses the words ‘made to order’ to
describe the trafficking of these children for the purposes of adoption, specifically adoption of children with specific, desired physical qualities. ‘Made to order’ is a striking phrase that is used to construct this particular account of child trafficking for intercountry adoption, in which certain children are trafficked based on the preferences of those seeking to adopt a child. This is not the only instance in which selecting certain children is the primary way that an interviewee relates child trafficking to intercountry adoption. Although this and other descriptions of child trafficking may not coincide seamlessly with official or legal definitions of what constitutes child trafficking, what is of interest in these analyses is how interviewees construct or do not construct connections between intercountry adoption and such illicit phenomena as child trafficking.

Similarly, the following account of a children’s rights expert who works for an international organization focuses on several issues that differentiate between intercountry adoption and trafficking, such as legal process and corrupt profiteering. However, she emphasizes that trafficking ensues when people select specific qualities in the children they seek to adopt:

“R: What are the key differences between international adoption and international child trafficking? Like what are the definitional differences?

I: Well it’s, I don’t know exactly about definition. [pauses] It involves money, and it’s not only corruption because a lot of countries, especially outside of Europe, where to facilitate you, the legal proceeding you have to, as you call it, put oil on the machine to make it faster. But it’s, I would say that the trafficking starts when people coming, they are selecting, they are saying oh I want a blonde one with blue eyes, I want four girls with blonde hair and blue eyes. Do you want to buy something? [pauses] And I feel that all those stars, especially Madonna where she went to Malawi, was in a day, and said, ok, well this one’s mine. This is close to trafficking. She didn’t go through all the legal proceedings, and she was allowed to do so.”
She underscores her point that selecting children with specific characteristics for adoption is a form of child trafficking by emphatically posing the question of whether or not something is being purchased in such an adoption transaction. It is noteworthy that in this interviewee’s view what Madonna did by seeking to adopt a specific child whom she met while she was in Malawi, and by bypassing proper legal proceedings, is close to or almost trafficking.

Other accounts also focus on selecting specific features of children as an illegitimate aspect of some intercountry adoptions:

“As white as possible. As young as possible. As blue-eyed as possible. And then again, with the refugees, it’s so strange. They all want to raise kids. There’s so many of them already in our country, without parents. But of course they already have some luggage with them, as does any of those kids, but, maybe, it’s really for a baby it’s just a small backpack. It’s weird, but the adoption candidates all want small, white babies. Not all, but most of them.”

In this account, a children’s ombudsperson from a receiving country bases his critique of intercountry adoption on his description of preferences by adoptive parents for specific characteristics in children, such as age, eye and skin color. This interviewee continues his critical account of intercountry adoption with reference to other ways in which adoptive parents can select specific qualities in a child through intercountry adoption:

“I mean you have the same phenomenon both in the official things like adoption.com. I think you know that website? You can see what’s on the market. And that is in the adoption area, so the legally correct way to do it. And I’m not comparing traffickers to people who want to adopt, I just want to make that clear. But the idea is you can choose, there’s enough of them. You want a black one, a tall one, a fat one, a skinny one, you can choose.”

This part of his account further illustrates a criticism of intercountry adoption processes that is based in disdain for selection of specific child characteristics via intercountry
adoption. Accounts of such selection processes criticize intercountry adoption as a set of institutional practices through which adoptable children are ‘made to order’ and this criticism is often made on the grounds that such selection processes are akin to illicit market mechanisms of child trafficking.

ii. Kidnapping/Abduction

Legal documentation of proper relinquishment of a child is required in order for it to be considered available for intercountry adoption. Some interview accounts refer to the lack of proper relinquishment of a child, including reference to kidnapping, abduction, and stealing children in order to supply children for intercountry adoption. When interviewees refer to kidnapping, stealing or abducting children as illegitimate practices that they associate with supplying children for intercountry adoption, I coded this content as kidnapping/abduction. This subtheme, like child trafficking and sale of children, corroborates the critical subthemes codified in international private law (e.g., the Hague Convention, see Chapter 4), that are explicitly stated as wrongful practices associated with intercountry adoption.

Some interviewees raise the problem of kidnapping or stealing children to supply children for intercountry adoption as something that occurred in the past, or otherwise qualify their statement that stealing children may be associated with intercountry adoption by indicating skepticism that it is widespread. This account is from a children’s rights expert who work for an international organization:

“I mean when you, maybe it’s just as easy as taking drugs into a country as taking children, I mean you can falsify passports and so on. But there also was a problem some years ago was that some of the children were stolen actually.”
However, other accounts within the interview data espouse an active concern that kidnapping is a current threat to the legitimacy of intercountry adoptions, as well as a potentially pervasive phenomenon regarding intercountry adoptions that are not properly regulated or do not go through the appropriate legal processes:

“But there is this trend of adopting of like really selecting, and the idea of adoption is not to go in a country and choose, say I want this one and this one. And here is 10,000 dollars, and see you. It’s also going through legal channel, making sure that the child is properly, is really abandoned and was not stolen from a family because that’s also happened, and all those kinds of things.”

This account of a children’s rights expert working for an international organization mentions several illegitimate practices that she relates to one another, including selecting a specific child through intercountry adoption and paying money for the adoption without proper legal process. She highlights that going through appropriate legal procedures includes making sure that the child who is up for adoption has really been made available for intercountry adoption in a proper way, indicating that stealing children from their families of origin in order to place them through intercountry adoption does happen. This interviewee notes that making sure a child is truly abandoned rather than kidnapped is key to legitimate intercountry adoption, although she does not indicate specifically how this check is made, other than emphasizing legal procedures may deter such activity.

Similarly, during an interview with a children’s ombudsperson from a receiving country and her advisor, the ombudsperson spontaneously raised the issue of kidnapping while discussing her country’s involvement in and state regulation of incoming foreign adoptions:

“I: And so couples [from my country], like most other couples, like Italy, America, you know, they go abroad to Romania, and Bulgaria.
**R:** These are the destinations, or the supply? Where do the children come from?

**I:** Usually, for example in [my country], adoption is not allowed by couples unless there is a formal protocol with the country from where the child is coming, so that you will avoid that children aren’t kidnapped and then put for adoption.”

In this account she stresses that formalized processes by her country’s government are important so that adoption of kidnapped children could be avoided. The interview continued with her advisor mentioning that recently laws in her country had been strengthened regarding intercountry adoption, and the ombudsperson noted that the purpose of this strengthened law was to ensure that children who are considered eligible for intercountry adoption into her country are protected. In this account, she notes that even well-intentioned non-governmental organizations that facilitate intercountry adoptions may unknowingly transfer children who have been taken improperly from their original families. She thereby acknowledges that stealing children for the purposes of international adoption happens: it happens in her country, even despite well intentioned protocols and organizations, and, by conjecture, she notes that it probably thus happens everywhere. Her advisor (IB) adds that these processes of stealing children go undetected:

“IB: There was adoption administration act which was introduced to Parliament in 2007.

**IA:** To put more restriction, to safeguard interests of the children But before notwithstanding the protocols, I mean you can always have an NGO committing, you know, that is giving children in good faith up for adoption, and then it came out that children were being taken from the families. It can happen. I think it happens, I think, if it happens in [my country], then it happens everywhere.

**IB:** They somehow go under the radar as such.”

In the above account, the ombudsperson and her advisor indicate that even in their country, which is a receiving state in terms of its involvement with intercountry
adoptions and which according to them has a strict and good infrastructure and process for intercountry adoption, kidnapping occurs in order to supply children for intercountry adoption into their country. By stating this, they highlight the occurrence of practices in which there is an absence of legitimate relinquishment of the child from its family of origin. These illicit practices are described as part of the supply mechanisms for children to be adopted into their country. Through this comment they attest that if kidnapping happens within adoptions into their country, which they consider a good example of a receiving state with strong procedures in place to protect the child, then it is likely that “it happens everywhere”. Although their acknowledgement that stealing children has occurred to supply adoptees to their country and their assertion that ‘it happens everywhere’ does not substantiate whether or not this actually happens or how prevalent these practices may be, what is important in these analyses is that their account strongly associates this problematic issue of kidnapping children to the supply and the demand for adoptable children.

iii. Sale of Children

The sale of children is a critical subtheme that is prevalent across the interviews that interviewees explicitly relate to intercountry adoption in a way that constructs a vivid critique of mechanisms involved that facilitate intercountry adoption. Accounts that describe selling children for the purposes of adoption range from acknowledgements made in passing, yet not inconsequential comments, that sale of children is related to intercountry adoption in some way, to detailed, definitional and conceptual dialogue
about the key legal and practical differences between best practices of intercountry adoption and illicit practices of sale of children. When an interviewee’s account focused on processes of buying children or selling children, and clearly indicated that this practice was illegitimate from an adoption perspective, I coded it as *sale of children*.

For example, a children’s ombudsperson from a Western European receiving country described a gap in the forms of knowledge that professionals, lay public, and media harbor regarding complexities of intercountry adoption:

“*And professionals feel that many of the people who are out to do international adoption aren’t aware of the issues, they aren’t aware of some of the issues these children might bring with them, and we aren’t aware of some of the issues that might lie behind it, you know, like the trafficking of children in some countries, et cetera. So it is a big concern. And I think, I don’t think the public perceives it. Occasionally you’ll get a television show that talks about babies for sale and something like that.”*”

In this account, the interviewee notes that sale of children is often not recognized by the public as an issue that is related to intercountry adoption. He describes professionals working in the field of child protection as more aware of complicated issues related to intercountry adoption than those who are seeking to adopt a child. He emphasizes that he does not think that the public perceives trafficking or sale of children as problems related to intercountry adoption processes, but notes that sometimes discussion of young children for sale is part of a television show. Overall, his account suggests that concern about and awareness of selling of children related to intercountry adoption is lacking in public consciousness and discourse, although he indicates awareness and concern on the part of professionals.
Other interviewees indicate their overt awareness that selling children occurs in ways that are directly related to intercountry adoption. The following account by a children’s rights expert working for an international organization illustrates this:

“...and orphan, or some of them weren’t even orphans in Romania, were sold to international parents. I mean people were coming and had some money, were getting out of the country with a child.”

In the above account, she constructs sale of Romanian children to foreign parents as a form of intercountry adoption practice that was systemic and that she critiques. Later in this interview she also states that payment in some form or amount is a regular feature of intercountry adoptions, because in some places intercountry adoptions that are considered legitimate require some form of payment in order to facilitate the adoption process. In this sense, she provides commentary that both critiques and complicates the topic of intercountry adoption by obfuscating the place of financial payment within the intercountry adoption process:

“R: What are the key differences between international adoption and international child trafficking? Like what are the definitional differences?

I: Well it’s, I don’t know about definition, ...it involves money, and it’s not only corruption because a lot of countries, especially outside of Europe, where to facilitate you, the legal proceeding, you have to, as you call it, put oil on the machine to make it faster.”

In this account she describes the transfer of money for the child as an inherent feature of both intercountry adoption and child trafficking, with or without corruption. By mentioning that for some cases of legal intercountry adoption proceedings, money is required to facilitate the process, she paints a very complicated picture of the
relationship between transfer of money for obtaining a child and the legitimacy of the child transfer.

In general, comments made during interviews that referred to paying to obtain a child via intercountry adoption were comments that were part of a critical discourse that described illegitimate social practices related to intercountry adoption. A children’s ombudsman from a Western European receiving country constructed payment for a foreign child as an illegitimate way of obtaining a child:

“Intercountry adoption has been tightened up, because you can’t bring a child into another country without proper process now, and assuring that it’s gone through social services, whereas before you could get approved as suitable for adoption in your own country, and then go off wherever you’d like. And we’re assuming in that case they probably paid a substantial amount of money for those twins...”

In this account his words convey criticism and concern about a notorious case in his country in which twins had been illegally adopted from abroad. Key to his construction of intercountry adoption as problematic is the lack of tight oversight or regulations, lack of social services’ involvement, and payment of a “substantial amount of money” in order to become parents of a foreign child.

A children’s rights expert who works for an international organization described sale of children as antithetical to legitimate intercountry adoption:

“R: How about intercountry adoption? Does [your organization’s] work currently, or in the past, has it had anything to do with intercountry adoption?

I: Well as you know our work is first of all, is dialog that we are having with the states, and monitoring of the states, you know that. And adoption, we are, we are very interested in adoption, in many ways. First of all we are afraid of whether it’s not a real adoption. For us it’s important to make sure that the state has a good legislation and implementation of legislations. And safe procedures in regards to international adoption especially. And of course we are always trying to find out whether it’s a really sale of children or not.”
In this account she spontaneously raised sale of children in her description of her work in a way that posed it in direct and critical contrast to best practices of intercountry adoption. The above account highlights the centrality of strong legal frameworks and safe procedures to the legitimacy of intercountry adoptions and notes that sale of children is in direct opposition to legitimate adoption practices.

An important analytic distinction between what constitutes sale of children and what constitutes trafficking of children, as well as how each of these social phenomena relates to intercountry adoption, emerged during an interview with a children’s rights expert who works for an international organization. This next set of excerpts from the interviewee’s account reveal important nuances of difference in definition between sale and trafficking of a child, and indicate how he constructs sale of children for intercountry adoption as a more consistent and prevalent problem associated with intercountry adoption than child trafficking:

“R: So sale of children is not exactly the same as trafficking. What are the differences?

I: Because sale can happen without movement.

R: That’s interesting.

I: That’s interesting, yes. And you can sell organs, you can sell, although sale by nature, even when you go get yourself a coffee, that implies move, so the cup goes from her to me, but not in the sense of really transporting someone somewhere. Because you can sell your child to a neighbor, next door. There is some move, but not the same character. This is, again artificially made to make it just more precise and to make it, make better protection for children. And this is also, the sale is very much related to the international adoption, the sale for adoption, and sale of organs. And this is why it’s important to have it as a separate concept. Because if you talk about everything as trafficking, then it’s not enough. And then again not all sexual exploitation or labor exploitation happens within including trafficking or sale.”
Interestingly he overtly notes that the distinction between trafficking and sale is
“artificially made” but useful in order to gain precision in definitions, with the ultimate
goal of stronger protections for children. This account clearly indicates concern about a
problematic connection between intercountry adoption and processes of sale of children,
but also processes of trafficking and exploitation of children. Also of interest in the
above account is that he makes a clear association of sale of children for adoption and
sale of organs, constructing a relationship between these two mechanism that include
sale of a child. In these ways, the above account emphasizes definitional distinctions
between social problems yet highlights the potential for these problems, especially sale
of children, to be associated with intercountry adoption practices.

Based on this account, I asked the interviewee whether he would consider a child
involved in the sale of children a commodity. He responded affirmatively and then
continued to discuss differences both large and subtle between legitimate intercountry
adoptions and sale of children, highlighting the role of legal standards as guidelines for
how to distinguish between sale and legitimate adoption practices:

“I: Of course it becomes a commodity. I mean, it’s the subject of sale. Normally
international adoption is absolutely legitimate, legally, from the international
point of view, and the national point of view, in most of the countries. So, but there
are rules. There is international convention again, under the Hague conference of
international private law.

R: 1993?

I: Yes and this is very important too. And of course there is also provision on
international adoption in our convention, on the rights of the child. So it has to be
organized in a very transparent way, it has to be child-centered, so the concept of,
‘I want to find a child’ is ruled out. The concept is we need to find the best
solution for that child, so let’s see if it’s this or that or other parent. So and then
there is a state agency or someone, an agency that is controlled by the state. There
is no cost involved, I mean you know, except for the processing costs, which is
tricky, I don’t know what to think about it. So ideally it is government to
government, government agency I mean state agency to state agency, no cost, and of course under the rules that each country has in their country, in their national legislation. But it doesn’t happen that way so very often. It’s particularly some crisis or transitions, you get, there are organizations, private agencies, who are supposedly cooperating with government. And there are lots of children who need a solution. And the government cannot cope with that. Also there is corruption within government structures. So this is why the child is actually open for sale. So it’s the sale for adoption, it’s not anymore international adoption, it becomes international sale for adoption. Of course it can happen as a national sale, it doesn’t have to be international.”

This account highlights the complexity and trickiness of distinguishing legitimate practices of intercountry adoption from illegitimate and problematic practices of selling of children. Although the legal distinctions in policy are attempts to make clear the distinction between proper adoptions and improper selling of children, he indicates that in the real world multiple factors make it difficult to identify where to draw the line between these processes. On this point he acknowledges his own lack of clarity regarding what to think about processing costs involved with intercountry adoption, in light of clear policy indications that payment for a child constitutes sale of a child and not legitimate adoption procedure. He also suggests that corruption within infrastructures involved with intercountry adoptions promote the possibilities of selling children for adoption, which is described as a clearly illicit practice.

Other interviewees’ accounts included reflection about this tension of designating where and how to draw a line between what is sale of children for adoption, which is constructed by interviewees and policy alike as problematic and illegitimate, and what constitutes fair and appropriate intercountry adoption practices:

“I: We know, we read about when it [intercountry adoption] is really a sale of children, or not proper safeguards. And in the protocol, we always ask about the adoption procedures, and try to find out whether there are going on some wrongful adoption.
R: The protocol on the sale of children?

I: Yeh. Because this, I mean if it’s sale of children, it is a case for the protocol, and the protocol requires that there shall be legislation that forbids all types of sale of children, and that of course also includes when you pay for a child.

R: So if you’re paying for a child through an adoption process?

I: Well it depends a bit. I mean if you pay for the expenses, that depends. But if you pay, you are not allowed to pay the mother at all. I mean you have to, like we have in [my country], safe procedures with our adoption agencies and so on. But I suppose they pay for to the adoption agencies or someone, some of the expense. At least they pay for the expenses of going there and picking up the child and so on.

R: Sure. It sounds to me from what I know in [your country], the fees are not that steep.

I: No they’re not steep.

R: They’re for costs of processing the paperwork, and travel, things like this?

I: Yeh. Yeh.

R: So sale of children is different from adoption because there would be a higher price paid?

I: Sale of children is for commercial purposes, I mean it is for the seller, they do it to get money.”

This account conveys the trickiness of clearly defining what constitutes sale of a child for adoption and what constitutes appropriate intercountry adoption practices. This interviewee concludes by suggesting that the seller’s motivation to gain profit from an adoption transaction is an important aspect of the determination that a case is a problematic sale for adoption, done for commercial reasons, and is not an appropriate intercountry adoption. Interestingly, she also notes the difficulty in distinguishing which aspects of payment within an intercountry adoption process may be legitimate and which of those aspects of payment may be illegitimate. For example her comments suggest that payment for travel expenses and agencies’ fees may comprise money transfer that is
acceptable within an intercountry adoption process, whereas payment to a birth mother
is always an unacceptable practice according to best standards for intercountry adoption.

Other interviewees acknowledge that illegitimate practices are or have been
associated with intercountry adoption, but with some skepticism over the extent of the
problem. An interviewee from a receiving country indicated that the determination of
how and whether problematic practices such as the sale of children for adoption exist
lies in the regulations and processes of the receiving countries:

“R: And so, but going back to this sort of, this point that the cut off comes in the
laws and the infrastructure of the receiving state.
I: Yeah.
R: What about the practices in the sending state?
I: Well they vary so much.
R: Yeah.
I: And there is clearly, there has been things happening that certainly shouldn’t be
happening, there are little scandals from time to time in all these countries. But if
it hadn’t been for lax attitudes in receiving countries, they wouldn’t get away with
it.
R: Ahah. Um-hm. So that really drives the supply in some ways?
I: Yeah.
R: If it’s really a free-for-all?
I: Well it isn’t really a free-for-all anyway, that’s not. I mean what you have to
realize is that there are many many many more people in the West wanting to
adopt than there are children made available for adoption in countries. That’s
something lots of people don’t realize. Objectively speaking there probably are
many children in developing countries that could be benefited if adopted overseas,
but you cannot adopt a child without some kind of legal relinquishment from the
authorities in that country. There’s got to be some form of legal relinquishment. I
mean what happened in Romania for example, I mean that’s a really horrid
example, but that happened a long time ago and things have really been cleaned
up a lot there, and there people really DID sell their children, and you put them in
the boot of your car and try to cross borders without anyone knowing. But that
was not that often, and it certainly isn’t happening any more.”
In this account he asserts that the strength of laws and practices in the receiving state is how legitimacy of intercountry adoption practices must be determined, indicating that lax practices in a receiving state incentivizes improper practices such as sale out of sending states. This account indicates clear skepticism on the part of the intercountry adoption expert that selling of children happens with regularity currently, and instead frames the problem of sale of children as extreme but finite cases of systemic illegitimate adoption practices elsewhere in the world. Overall, he paints a very complex picture of supply and demand processes operating within intercountry adoptions and critiques bad practices in receiving states for any problematic practices such as selling children within the sending states.

During an interview with an expert on children’s protection, and child trafficking in particular, the interviewee spontaneously linked intercountry adoption to phenomena of trafficking and sale, articulating that adoption is one of many prominent reasons that vulnerable children are sold:

“There are different groups of children that are vulnerable, there are different reasons for different groups of children. In developing countries, Asia and Africa, where material conditions are very bad, and where it is a matter of surviving, the children are sold for, sometimes voluntarily by their parents just to provide an income. They go into domestic work sometimes, which is a big field. And some are sold to prostitution and trafficking for different reasons. And also adoption comes into this. Money is an underlying cause. And they are all degrees, of saving other children, their siblings, from starving, or greed, buying a microwave. There are all different degrees there.”

This account represents a very different form of constructing intercountry adoption as problematic insofar as it is associated with sale of children, because it begins from a starting point of discussion of sale of children, and then continues to list enhancing family income, domestic work, prostitution, trafficking, and adoption all as reasons that
children are sold for money. In this way, intercountry adoption is just one of several forms of making money from the sale of a child. Interestingly, she also notes a diverse range of motivations to sell a child, including greed as well as staving off starvation and facilitating sustenance and survival of siblings in family that is presumably already quite poor. This account stands out because it locates the phenomenon of intercountry adoption in relation to larger social structure and dynamics of international activity surrounding the movement of children, with particular attention to how sale of children operates through multiple mechanisms of movement, including adoption.

The accounts in this section incorporate different patterns of discourse, but all consistently construct sale of children as an illegitimate social practice that is related to intercountry adoption and serves to delegitimize intercountry adoption.

**D. Weak or Absent Infrastructure and Law**

Highlighting weak or absent regulations for intercountry adoption in either sending or receiving countries, or lack of proper procedure or infrastructure through which to conduct intercountry adoptions, was cited by interviewees with regularity as a major mode of criticism of intercountry adoption in general. Many referred to international conventions, particularly the Hague Convention, and critiqued intercountry adoptions into or from countries that are not a state party with good standing regarding the Hague Convention. Such allegations were made about the United States on more than one occasion, referring to the United States’ engagement in foreign adoptions with countries that have been identified as not in compliance with Hague standards as
problematic, as well as referring to the lack of ratification status of the United States regarding the United Nations Convention on the Rights of the Child.

Criticism was made about the Madonna’s recent foreign adoption of a boy from Malawi, and the rationale presented for this criticism was that there was not proper law to guide an intercountry adoption process out of Malawi and no procedure in place to safeguard children. One intercountry adoption expert mentioned United Nations’ estimates of millions of abandoned and orphaned children in Africa alone who need solutions, and contrasted this to close to 40,000 intercountry adoptions per year recently, stating that this gross mismatch in numbers indicated a need for more intercountry adoptions, not fewer. However, when I asked him why there were not more intercountry adoptions out of Africa, his account highlighted weak laws and regulations and lack of infrastructure within many African countries:

“So there you have, and then you have in most African countries adoptions, intercountry adoptions are in practice very difficult to arrange, and especially for [people from my country] because our government is very strict about the laws in the other countries too. They want good guarantees that everything is above board, and so if the adoption laws in, many African countries have weak adoption laws, very weak, if they have any at all. Sometimes there are some regulations in the wider child welfare or family law, something like that.”

According to this account, a major reason more intercountry adoptions do not occur out of Africa is the lack of proper regulation and law within African countries to make these intercountry adoptions possible and legitimate.

In connection to this point, an account of a children’s ombudsperson from a receiving country in Western Europe suggested that international policies are out of date:

“I: Yeh, the Convention is too old for this problem.
R: That’s interesting.”
I: I think 1989, and ten years before, because the texts were basically written by 1979, the huge market for trafficking and adoption doesn’t exist.”

The United States is cited as a particularly bad example regarding law for intercountry adoption. In the following account, a children’s rights expert working for an international organization makes a critical example of the United States by highlighting that the US has not ratified the Hague Convention:

“I: Of course the United States has not ratified the Hague Convention, because they don’t want to, that the child should not get the name of the parents, I think that’s the main reason why they didn’t.

R: That the child, the main reason that...

I: In [my country] the child has the right to know her biological parents. But this is not the case in the United States as far as I know. And that’s one of the reasons why they didn’t want to ratify the Convention.”

By mentioning explicitly that the United States did not ratify the international policy standard for intercountry adoptions in order to not be obliged to protect the rights of an adopted child to know her biological parents, this expert constructs a criticism of intercountry adoption based on relative lack of adherence to international law.

A children’s ombudsperson and her advisor from a receiving county in Western Europe described changes to strengthen legislation in her country that were made in response to a tragic situation in which illegal adoption of two foreign children occurred and these children were later found to be abused terribly by their adoptive parents:

“R: So as a result of this, it sound like it received a huge amount of publicity, you said heads rolled. There were changes - what kind of changes?


IB: People actually lost their jobs as well.

IA: There was an issue about when the first child was brought in on arrival, how it was handled, between that and the coroner and others, the baby was buried, so there was an issue there.
IB: Proper procedures weren’t followed. And I suppose there’s two schools of thought on the issue. One school is that it was quite right for people to lose their job because procedures weren’t followed. Another school of thought is that it’s a huge scapegoat for the system. My personal belief was that it wasn’t an issue of personal responsibility or accountability. It was a systemic issue, a systemic problem.

IA: And as a politician I ensured that I didn’t want anybody’s head to roll. What I wanted to do was to find out where the gap in the system was and how we can fill it and make sure that this never happened again. And what added value can we give to the system that wasn’t already there to doubly make sure that it doesn’t happen again.”

This account suggests problems within their country’s overall system and regulations for intercountry adoptions that were illuminated due to a tragic case of intercountry adoption gone horribly wrong. The result of this problematic scenario was the strengthening of intercountry adoption laws and procedures, yet their account of this series of events constructs clear problematic aspects of intercountry adoption that are based in weak law and process. In this sense, intercountry adoption loses its positive potentials as a form of social capital if the regulatory and procedural systems in place do not offer adequate protections for children.

Others pointed out weaknesses within specific areas of social systems that involve care and protection of children for whom intercountry adoption does not work out:

“In [my country], they are not looking for another family, but the children are placed in institutions when there are problems with the adoption. That is also very shocking for me. These children are twice left.”

This account of a children’s ombudsperson from a Western European receiving country identifies and critiques a hole in her country’s intercountry adoption system. She bases her critique of inadequate infrastructure and process in her country’s otherwise strong
system for international adoptions on the lack of adequate care provision for children
whose adoption for some reason does not work out, leaving these children ‘twice left’.

Others critique intercountry adoption for being less strictly regulated than
domestic adoption. They suggest that adults bypass strict process and regulations in
their own country’s adoption system, strictness that is in place to safeguard children, by
turning to international adoption. For example, a children’s ombudsperson from a
receiving country in Western Europe offered the following account:

“R: What do you think promotes international adoption in [your country]? Why
not adopt [your country’s] children?

I: Very few are available for adoption. It’s very hard to adopt. I mean there are
children available for adoption. The children who are available for adoption,
older children, but very very few. With abortion and contraception you don’t get
them anymore. So the adoption market in the past was young unmarried mothers.
Because of all the moral issues about it. There are very very few babies.
Especially since there are such stringent criteria, and that is one of the issues,
whether our criteria are too strict, things like age, things like health, smoking.
Some people will argue our criteria are TOO strict. But you get people then who
go to the international scene. Other people they would be genuinely wanting to see
terrible pictures, and it is a positive motivation. So you can’t put everyone in the
one basket. You know there’s all sorts of different movements here. But then you
will get people who maybe don’t belong, who have been turned down in the court,
who have been regarded as not being a stable environment for a child. And
perhaps they could get a baby from another country.”

One of her reflections is that adults seek intercountry adoption because the domestic
adoption process is far more strict, indicating that intercountry adoption regulations are
relatively lax. Interestingly this comment also reveals concern that people who have
gone through the strict screening process for domestic adoption and have been rejected
may still obtain a child relatively easily through intercountry adoption.

These accounts offer critique of intercountry adoption based on relatively weak
or improper legal and infrastructural regulation. Such weakness in law and procedure is
used to criticize intercountry adoption largely based on perceived failures to protect children involved. In these accounts, inadequate structure and law entails risk for children and allows other powerful interests – including the interests of adults, whether benevolent or malicious – to be primary in the intercountry adoption process.

**E. Exploitation of Human Resources**

Some accounts of interviewees suggest, directly or indirectly, that intercountry adoption is problematic because it systematically exploits the human resources of one country in order to enhance the human resources of another country. When a criticism of intercountry adoption was framed on the basis of losing youth and young people, and the costs of intercountry adoption to society were highlighted in terms of future work or rapid population aging, I coded this as *exploitation of human resources*. For example, in the following account a children’s ombudsperson from a receiving country offers contemplation in which she relates the taking of persons via intercountry adoption as well as via human trafficking as forms of robbery of people from their original society:

“R: In what ways is adoption different from trafficking? What are the main differences?

I: As far as I know I think that trafficked people never come out of their fortune and adopted people could find some, a position of forgiving if things go well. Nevertheless, the moment of taking them away, perhaps it’s the same. I don’t know.

R: What’s the same?

I: It’s the same feeling, or the same procedure, to take, to pick somebody up, anywhere, in the Ukraine or Somalia, removing, no, moving away from his home place... so it’s kind of robbery.

R: Robbery? Is that what you said?”
I: Yeah, is this possible to say as a word?"

In this account, the use of the word ‘robbery’ to describe taking of persons away from their country of origin systematically is a striking and critical construction of intercountry adoption. This account emphasizes social loss of human resources from the sending country and lack of control on the part of the individual adoptee, likening the human being adopted to property of someone or somewhere else.

Interestingly a prevalent reason given by interviewees for the existence of intercountry adoption is lack of available children within one’s country who are available for adoption, and relatively low fertility within receiving states is cited as a major factor that contributes to why intercountry adoption exists. Intercountry adoption, then, is constructed as an option for family formation due to the absence of available children for domestic adoption in some countries and due to the perceived availability of children elsewhere in the world who can be taken from their country of origin to live as an adopted child in a new country. This may seem like patronizing and simplistic description of definitional features of intercountry adoption. However, this construction of intercountry adoption in terms of demographic imbalances is a key definitional feature of how many interviewees construct their understandings of intercountry adoption, understandings that are not in and of itself oriented toward a critical or problematic perspective, nor toward a functionalist or social capital perspective. However, accounts in this section reveal a less prevalent yet theoretically important critical view into the macro-social, demographic sequelae of intercountry adoption.
Deficits of youth eligible for domestic adoption are cited by interviewees from receiving countries with regularity as prominent reasons for intercountry adoption. For example, the following account of a children’s ombudsperson and her advisor from a Southern European receiving country shows that the first response to the question of why people in her country adopt international children is the lack of children available to adopt in her country:

“R: Based on your experiences and knowledge, why do people in [your country] choose to adopt internationally?

IA: Because we don’t have babies for adoption. So availability really.

IB: It’s the only choice really.

IA: The availability. If you want to adopt, you have to go abroad. There are no children available for adoption in [my country].

R: So no domestically available children in [your country]?

IA: No.”

Attention at first to lack of available ‘babies’ for domestic adoption indicates attention to the age of children that are not available in this receiving country. Overall, the response in the above account frames an argument explaining the existence of intercountry adoption in this receiving country as, in part, a function of demography and social allocation processes. In this and other interviews in which low fertility and lack of available children in a receiving country are listed as important reasons why intercountry adoption exists, the explicit construction of intercountry adoption is not necessarily negative or problematized. Yet these accounts do point toward the centrality of relative demographic imbalances that may foster or contribute to intercountry adoption.
This is not just a matter of abstract principle. In this interview with a children’s ombudsperson from a sending country in Eastern Europe, it appears as a very practical matter of draining national resources:

“The economic crisis of the late 1990s in [my country] resulted in a sharp increase in cross border adoptions compared to domestic adoptions. The country, [my country], was not in a position to actually address the issues of adoption and not in a position to help families [in my country] who would be willing to adopt [my country’s] orphans. And the situation was aggravated by evil efforts of some corrupt officials who helped foreigners to adopt [my country’s] children, obviously for money, and made good money out of it. So it was now a profitable adoption business. But as the economic situation in [my country] has been stabilizing, now [my country] can offer ample support to potential [domestic] adopters, adoptive families. Besides, a second point is that the birth rate in [my country] is rather low at the moment, and the population is getting older, progressively older, so we have state immigration programs to bring people from abroad to work in [my country], and it seems quite illogical to be letting our own children to be adopted by foreigners, letting them out of the country, sending them out of the country, while bringing in people from other countries.”

This account is the most direct, detailed and explicitly critical example within the interview data of constructing demographic imbalances in relation to population aging as a macro-level social problem that is directly associated with and exacerbated by intercountry adoption. The ombudsperson offers a complex view of the problematic aspects of her country’s involvement as a sending state. First, she describes an economic crisis that made it difficult for her country to foster domestic solutions to care for orphans. She then notes that this trend of outgoing intercountry adoptions was exacerbated by corrupt, profit-seeking efforts. However, juxtaposed to prior commentary from interviewees from receiving countries that receiving countries’ low fertility levels facilitate and perhaps justify intercountry adoptions into their own countries, this ombudsperson notes that her sending country also is marked by low fertility levels. Her account highlights how problematic low fertility trends combined
with population aging trends in her country’s demographic structure are for the overall well-being of her society. She therein constructs intercountry adoption as an additional problem that aggravates these trends by shipping children from her country overseas at the same time that national imperatives are in place to recruit workers from other countries in order to address population aging.

This potential loss of national resources was also acknowledged by an interviewee from a sending country whose overall view of the value of intercountry adoption was quite positive, when I asked why she considered intercountry adoption an easier process than domestic adoption:

“Because countries are not yet ready to just keep its human resources inside the country. I think it is the situation in the country, and legislation, strengths of legislation at the same time. Because you know my personal opinion is that there mustn’t be a very strong restriction to give the child to be foreigly adopted. At the same time, it mustn’t be a high percentage. They should balance.”

This reference to ‘human resources’ of one country being taken into another country via intercountry adoption is a construction of intercountry adoption that is consistent with the concerns in prior accounts about demographic imbalances. Although this ombudsperson is sympathetic to intercountry adoption as a solution and as justified, she also notes that balance is needed in order to not extract too high a percentage of children from struggling nations.
CHAPTER 7: DISCUSSION AND CONCLUSION

I. Summary of Findings

In any research inquiry, one is never without theory (Berg 2002); yet the work of making explicit the theoretical assumptions that may be a part of taken-for-granted everyday life requires deliberate attention and reflection. In general, intercountry adoption is perceived as a moral and social good. In some social circles it has become one of several relatively recent, prominent and good alternatives for the very personal and emotion-laden matter of family formation and development. This private, personal and emotional connotation associated with the lived realities of intercountry adoptions by adoptive families reflects the social capital orientation and contributes to the difficulty of interrogating features of it and assumptions about it, especially within social circles that practice and widely condone intercountry adoption: it is a sensitive and private issue involving great personal meaning, value and sentiment. It is this focus on the family and individual levels – in terms of highlighting positive potentials of intercountry adoption as well as challenges to family adaptation and adjustment regarding issues of development, behavior, and cultural and ethnic identity -- that is the most prominent perspective in social scientific literature about intercountry adoption.

However, notwithstanding these micro-interaction-level family and personal experiences and perspectives, there is a lot more involved in obtaining children through intercountry adoption than the micro-level and personal experiences of family building. Intercountry adoption processes involve numerous individuals, organizations, states, and bureaucratic regulations, and there is an overall lack of transparency regarding all
processes and the interests of the actors involved in the transfer of a child from country to country, from one family to another, from beginning to end. There is also remarkable imbalance in the representation of the interests of the various parties, especially the birth parents. Occasional expert commentary, news reports and some important yet peripheral social scientific literatures highlight illicit practices and structural features of global inequality that are systematically connected to intercountry adoption processes. Such perspectives offer a second idealization of intercountry adoption as sets of practices that are exploitative and that incentivize corruption.

These two idealizations of intercountry adoption – as a personal, moral and social good, and as systematically exploitative – are expressions of social theory. Assumptions about features of society are laid out explicitly in sociological theory. Intercountry adoption is a social phenomenon of which there has been little social scientific questioning of the comprehensiveness of the social capital model; yet findings of this project, as well as other literatures, indicate that it is not nearly this simple. A central contribution of this project is the provision of a theoretical meta-analysis in a substantive area – intercountry adoption – that lacks such theoretical and sociological attention. This project’s central research question involves a comparison of competing theoretical paradigms within sociology – functionalism and conflict-oriented critical theory – in order to ascertain their salience to and limitations regarding intercountry adoption. In other words, one root motivation for this project was to see whether the standard view of intercountry adoption as a mutually beneficial social solution and obvious social good could withstand rigorous sociological analysis. Equally, a complementary root motivation for this project was to seek an understanding of the
applicability and limitations of a conflict orientation and of a critical perspective for intercountry adoption. The inductive research design is aimed to analyze theoretical assumptions about intercountry adoption systematically through the analysis of selected sections of international policies, as well as candid and informed accounts of prominent children’s experts from across and beyond Europe.

Analyses of policy and interviews overall reveal complexity: it is not one or the other theoretical paradigm, but both theoretical paradigms, which are highly relevant to intercountry adoption. In terms of policy, positive potentials of intercountry adoption are extolled in legal discourse, specifically for the purposes of provision of care for vulnerable children and for the development of family care settings that can nurture and protect children and foster their fullest developmental potentials. Yet specific dangers that involve the exploitation of children – including child trafficking, sale of children, and kidnapping or abduction – are listed explicitly in these policies as illicit practices related to intercountry adoption that states must take actions to prevent and to punish. Thus, in legal discourse in international policy, both the social capital and social critical models of intercountry adoption are evident. However, given the pervasive strength of the social capital view as the beginning and the end of the cultural narrative of intercountry adoption, I regard this as a telling revelation that demonstrates the importance of critical social analysis.

The analyses of interviewees’ accounts reveal an even deeper and more convoluted complexity of issues, including praise as well as concern, all of which is relevant to a theoretical analysis of intercountry adoption. The interviewees for this project are very thoughtful and experienced professionals. They are not novices in terms
of their knowledge, experience and breadth of expertise related to social issues facing children, nor are they manipulators of knowledge and information relating to children’s issues. I am grateful for their candid and reflective attention to matters related to and beyond intercountry adoption during our interviews. The overall finding from analyses of their accounts is that a great majority, but not all, of the key informants had strongly positive things to say about intercountry adoption; yet most, but not all, also had a depth of concerns, questions and reservations about intercountry adoption. Their concerns and reservations challenged both specific practices and events, and also the underlying logic of intercountry adoption.

Although a social capital theoretical model begins with a huge advantage in terms of its prevalence within the academic literatures and public understandings, particularly in receiving countries, my analyses show that perspectives on intercountry adoption are not nearly that simple. The overall finding based on analyses of interviewees’ accounts is that these high-level, prominent and experienced key informants recognize social value in intercountry adoption, and they also recognize danger. The acknowledgement of dangers in the intercountry adoption process is not on the charts in much of the social scientific research literature devoted to intercountry adoption, such as developmental and social work frameworks that seek to describe and maximize positive potentials of family adjustment processes in adoptive families, or social anthropological approaches that highlight the complexity and even challenges related to differences in cross-cultural approaches to kinship, family and filial norms. Social research that does delineate concerns and dangers regarding intercountry adoption remains peripheral: the exception but not the rule in the tomes of literature.
Analyses of interviews also reveal a noteworthy pattern, although caution must be used to not generalize this pattern to some theoretical population beyond the unrepresentative, non-probability sample of interviewees for this project. Whether or not one theoretical paradigm was more prominent in an interviewee’s account of intercountry adoption is patterned somewhat, but imperfectly, according to whether the key informant was from a sending or receiving state. Those from receiving states, or destination countries within intercountry adoption processes, gave critical accounts with more frequency and rigor than those from sending states. With important exceptions, key informants from sending states offered relatively less criticism, and sometimes no criticisms, of intercountry adoption, and rather focused their accounts on constructions of intercountry adoption as a social good. However, the overall prevailing pattern across accounts by all key informants includes initial praise for their own country’s involvement and practices regarding intercountry adoption: intercountry adoption almost always was constructed initially as a social good, with particularly prominent appeals to the strength of infrastructure, process, law and regulation in the interviewee’s own country. After these initial positioning remarks, then criticisms of intercountry adoption, often harsh and particularly from key informants from receiving states, were given. These criticisms were often made with reference to problematic or corrupt practices and logics in the past, or systemic problems elsewhere. More rarely, direct and detailed critical constructions of intercountry adoption practices within one’s own country were given.

In one sense, these patterns across the interview accounts suggest a process of positioning and distancing oneself for the purposes of presentation of self within the
micro-interaction of the interview. For the purposes of this project, such positioning is not seen as intentionally manipulative of information, but rather a somewhat expected micro-interactional process of self presentation that is understandable given the social setting of the interview with me, and given their professional roles within the interview context. Stokes and Hewitt refer to *aligning actions* as “largely verbal efforts to restore or assure meaningful interaction in the face of problematic situations of one kind or another” that include activities such as giving accounts, constructing explanations, and disclaiming (1976:838). It is possible that the tendency to not criticize one’s own country’s involvement in intercountry adoption, but to locate criticisms elsewhere, is partly an artifact of such aligning actions.

The bottom line is that the findings of this project do *not* entail a rejection of the social capital model of intercountry adoption as *part* of the picture of intercountry adoption; however, the findings *do* compel a rejection of the social capital model as the *whole* picture of intercountry adoption: the functionalist framework and its concomitant set of assumptions of egalitarian differentiation and interdependence as premises to accomplish social order and moral good do not address voices unheard due to imbalances of power and resources, and do not address dangers and illicit practices involved in intercountry adoption that this project’s data denote. As such, my findings suggest a need to rethink the social position of adoption in the overall functioning of global society. My findings suggest a recognition of the irreducible importance of the critical perspective for analyzing the empirical realities of intercountry adoption and the social forces underlying them, in addition to the recognition of the value and limitations of a social capital perspective.
II. Theoretical Implications of Findings

The findings of this project echo Marx’s criticisms of capitalism insofar as they do not imply that intercountry adoption is intrinsically worthless and wrong, but rather indicate problems and fundamental inequalities inherent in the social relations endemic to contemporary intercountry adoption practices, even while there is also positive value to the practice of intercountry adoption. These findings suggest that the distribution of social good via intercountry adoption is unequally allocated and also reflects broader patterns of structural inequality and exploitation, and that this inequality has become legitimated by the prevailing belief system that intercountry adoption holds the potentiality to be a social good enjoyed by everyone. Critical legal-infrastructural themes identified in Chapter 6 imply that changes in the overall organization of intercountry adoptions would be needed in order to achieve a more egalitarian distribution of benefits. However, some critical commentary within interviewees’ accounts is severe enough to question whether changes – for example, in regulations or infrastructure – would suffice due to inherently problematic and exploitative logics operant within contemporary intercountry adoption practices.

In terms of number of qualitative themes described in the typology of findings of this project, it is noticeable that there were fewer emergent social capital themes overall than critical themes. This does not imply that interviewees actually devoted more of their accounts to social critical perspectives; overall only qualitative analyses of themes, not detailed quantitative analyses of interview data, have been conducted. This also
does not imply that interviewees are somehow less thoughtful regarding the beneficent aspects of intercountry adoption they identify in their accounts. Several explanations for this difference may have relevance. On the one hand, social capital or otherwise positive themes that emphasize the functionality of intercountry adoption are derived from what is arguably the more prevalent paradigmatic orientation to intercountry adoption: in public discourse, media imagery, and research and professional literatures, a social capital orientation is the hegemonic understanding of and orientation to intercountry adoption. In light of this, it makes sense that this knowledge orientation is more readily accessible for interviewees, and it makes sense that their worldviews are not independent of, but rather infused with, these prevailing understandings of intercountry adoption. This may indicate that social capital themes are relatively more accessible, and that there is more of a socially-shared template for these accounts. This may at least partially explain why there are fewer emergent social capital themes: the typology of such themes has been collectively refined and is more collectively accessible and shared than they critical thematic counterparts.

However, this explanation does not address the prevalence and nuance of the interviewees’ more diverse accounts of danger and downsides of intercountry adoption. One possible explanation for this preponderance is that it may in part be a methods artifact. As I disclosed in Chapter 3, the orientation of this project included broad focus and interview questions about child trafficking, with international adoption as an important sub-focus. It is possible, and in part expected, that priming interviewees with questions about such illicit activities as child trafficking influenced their accounts of intercountry adoption. And yet this does not explain why there seemed to be more
qualitative themes from a critical theoretical paradigm, in terms of relative numbers of
distinct themes identified, across interviewees’ accounts. Another possible explanation
is that the social critical paradigm remains underrepresented in public discourse and in
research, and thus there are not similarly template-like, pre-set and prominent
perspectives that are critical of intercountry adoption. In this sense, interviewees offered
critical accounts that were permeated with somewhat accessible themes to them, based
in their knowledge and expertise – including those that are delineated in policy such as
kidnapping and sale of children. The diversity of the remaining critical themes may
indicate a lack of coherent, generally recognized and agreed-upon forms of critical
perspectives.

III. Discussion

Chapters 4, 5 and 6 are devoted to detailed description of themes that are evident
within and across data for this project, and the above sections offer a broad summary of
overall project findings. However, it is also noteworthy that other interesting and
relevant findings of this project concern themes that are conspicuously missing from the
data analyses. For instance, in interviewees’ accounts, much attention is paid to the role
of adoptive parents in the processes of intercountry adoption. From a social capital
perspective, some interviewees highlight the positive value of intercountry adoption for
adults who seek to become parents. They construct this positive value by referring to the
potentials for intercountry adoption to provide opportunities in which not only children’s
needs for care and love can be met, but also adults’ desires to become parents and to
provide this nurturance and love. They also describe the hope that intercountry adoption can provide adults due to what they perceive as its relative ease and quickness compared to other options for family formation. From a social critical perspective, some interviewees suggest that procedures and policies about intercountry adoption are too focused on the interests of adults who wish to adopt, too focused on an entitlement or right of adults to become parents, to the neglect of children’s rights and best interests. What is common in these theoretically opposed themes is the attention to difference between groups based on age – adults who adopt, and adopted children – and in terms of their positioning within intercountry adoption practices.

This analysis cannot be considered complete without recognizing some of the social actors whose voices and presence are almost entirely missing from the interviewees’ accounts, as it is from the intercountry adoption process more broadly. What is almost entirely missing overall in interviewees’ accounts is deliberate and detailed attention to birth families. Only two accounts were given with explicit reference to birth parents, usually in the context of their being paid and of being poor; yet birth parents are considered a key member of the triad required for intercountry adoption: adoptive family, birth family, and child (Smolin 2004). Birth mothers are recognized within the literature as conspicuously missing, or as a ‘hidden dimension’ of intercountry adoption (Selman 2004:261). However, the overall preponderance of attention to interests of adoptive parents as relevant participants in intercountry adoption processes makes the lack of attention to birth families as equally relevant participants within intercountry adoption processes an interesting finding. When adults’ rights, opportunities and interests are raised within accounts, whether critically or positively, it
is clear that adopters are almost always the subgroup of adults under consideration. This is especially interesting because the sample of key informants for this project includes representatives from both receiving and sending countries.

There are two accounts in which birth families are mentioned explicitly and in some detail. This is one of them:

“Adoption of course is the most extreme form, because not only are you getting a child that is completely made by other people, it’s made by other people in an unknown country, that chances are you know very little about, you certainly don’t know anything about who the parents are in most cases. So it’s a very dramatic step to take.”

The overt focus of this account is the invisibility of birth families from the point of view of adoptive families. This account conveys intercountry adoption as an extreme choice of adults who would like to build a family, and describes of the lack of transparency and openness of intercountry adoption processes in general as they are experienced by adoptive parents. The overall absence of mention of birth families across the interview data suggests the irrelevance of birth parents: they usually are not constructed as active, identifiable or necessary participants in intercountry adoption processes.

The preoccupation across accounts with adoptive parents and the accompanying lack of attention to birth families also has a salient gender component. In response to my question of why intercountry adoption exists in the interviewee’s country, several accounts include specific attention to increases in women’s rights over recent history. For example, social changes that have resulted in gains for women and increasingly egalitarian social norms -- including broadened social acceptance of single motherhood, access to contraception, delayed entrance to motherhood and abortion rights – are listed
across several accounts as precipitating factors that contribute to the unavailability of adoptable children within some countries and the concomitant increased appeal of intercountry adoption. In this sense, gains in women’s rights are constructed in several accounts as a major contributing factor, albeit with a complicated relationship to the increased prevalence of intercountry adoptions. However, this gendered view of intercountry adoption makes the relative invisibility within my data of birth families in general, and birth mothers in particular, especially noteworthy. It suggests a paradoxical, or at least conditional, relationship between women’s rights and intercountry adoption: increased rights and opportunities for some women in global society are recognized as related to the prevalence of intercountry adoptions in complex ways. Yet it can be argued that these intercountry adoption practices rely inextricably on other women in global society who systematically are deprived of such rights and opportunities and are structurally vulnerable and disadvantaged, women who typically are constructed as depraved in prevailing discourse about intercountry adoption and who barely make an appearance at all in these interview accounts.

This overt disconnection between social realities and experiences of adoptive parents and birth families across interview accounts may be understandable in part because most intercountry adoptions are described by interviewees as closed: there is no formal relationship or direct interaction between birth and adoptive families. Insofar as the structural regulation of intercountry adoptions in most cases lacks transparency and prevents or restricts interaction between birth and adoptive families, these relevant parties are systematically made invisible to one another. Therefore, key informants’ construction of accounts in which attention to birth families is missing may be
understandable because birth families are generally deidentified in intercountry adoption processes. The lack of transparency of intercountry adoption practices is evident in what the accounts reveal and creates an artificial yet perhaps intentional distance between experiences of birth families and adoptive families involved in this process. Themes identified within key informants’ accounts are consistent with this more pervasive distance and invisibility.

Using a lens of conflict theory and critical social analysis, such themes of prevalent attention to adoptive parents and a paucity of attention to birth parents may be interpreted as relevant to what Marx referred to as commodity fetishism (1978 – in *Capital*). According to Marx, in a capitalist society, commodities are understood in terms of their value (often in terms of price) rather than understood within the context of social relations of labor and production. In this sense, the complex organization of labor and social relationships that are necessary to produce the valued commodity are made invisible, and instead we only perceive and focus on the valuable object. Marx suggests that such forms of disorientation are important in market societies, as relations of power and of exploitation within the economy are hidden when only the valuables being exchanged and sought are considered.

Following this theoretical principle, adoptive parents seek the valued child, and societies at large mystify the intercountry adoption process by rendering invisible the social organization and relationships that produce adoptable children. This mystification is achieved in part through ideology – or prevailing belief systems about intercountry adoption --- that reinforce, reproduce, and yet render invisible the existing economic base, or structured patterns of activity in relation to the production of adoptable children.
In line with this reasoning, it makes sense that in societies that place considerably high social value on children, on dyadic and single hegemonic parenting, and on intercountry adoption, the focus on interests of children involved in intercountry adoption and how they adjust to their adoptive families who seek them takes priority over critical reflection over how systematically such groups of vulnerable children are produced. Commodity fetishism provides one theoretically grounded concept in which the invisibility of birth families can be analyzed. In this sense, commodity fetishism may be one lens through which the predominance of a social capital perspective in general toward intercountry adoption also can be understood: social capital operates as ideology that is not necessarily *unilaterally false*, but rather is *deceptive* insofar as it serves to *hide the underlying structural inequalities and exploitative global systems of relationships* that are fundamental to intercountry adoption practices.

Commodity logic, however, has a potentially imperfect and definitely complicated place in theoretical analysis of intercountry adoption. According to my interview data, as well as my review of literatures, one of the least transparent and most invisible aspects of intercountry adoption practices is what it *costs*, and what precisely is being *paid for*. Indeed, others note that costs for intercountry adoption are some of the most obfuscated details within these practices (Creedy 2002), and in general reference is made to relatively high costs of intercountry adoption, particularly in the U.S. Other processes of family formation such as surrogacy may be fruitful to explore in relation to intercountry adoption inasmuch as they may provide comparisons of quality and degree of association between adults involved, of transparency of costs, of the salience of commodity logics. For instance, the following excerpt is taken from a recent New York
Times magazine article that gives an account of a woman’s first-hand experience of surrogacy:

“While no one volunteering to have our baby was poor, neither were they rich. The $25,000 we would pay would make a significant difference in their lives. Still, in our experience with the surrogacy industry, no one lingered on the topic of money. We encountered the wink-nod rule: Surrogates would never say they were motivated to carry a child for another couple just for money; they were all motivated by altruism. This gentle hypocrisy allows surrogacy to take place. Without it, both sides would have to acknowledge the deep cultural revulsion against attaching a dollar figure to the creating of human life. In fact, charges of baby selling have long tarnished the practice of traditional surrogacy, and charges of exploiting women have lingered even as more couples opt for gestational surrogacy. We were not disturbed by the commercial aspect of surrogacy. A woman going through the risks of labor for another family clearly deserves to be paid. To me, imagining someone pregnant with the embryo produced by my egg and my husband’s sperm felt more similar to organ donation, or I guess more accurately, organ rental. That was something I could live with. We had the money to pay…”

(Kuczynski 2008:46)

This account reveals a less obfuscated view of economic inequality and logics of trade involved between families interlocked in a formalized exchange of surrogacy. However, the openness with which the woman identifies the *wink-nod* rule within surrogacy – in which participants deemphasize exchange and rather emphasize altruism, gratitude and mutual gain --gives clarity to an uncomfortable process of reframing structural realities. Rather than an open acknowledgement of the parallel processes of reframing of structural realities that are operant within intercountry adoption, based on my project’s findings, this structural reframing operates within intercountry adoption as ideological ‘social capital’ subterfuge.

This discussion of ideology and commodity logic draws attention to an intriguing finding of this project: among a distinct sample of professionals who place considerably
high social value on children, there was prevalent and detailed critique and concern focused on features of social organization that systematically put vulnerable children at risk. However, there was little direct attention to the bodies and micro-level social relationships that created these children. In the single most detailed exception – the second of two explicit accounts of birth families in my interview data -- the following account was offered by a children’s rights expert who highlights the experience of a hypothetical birth mother. He uses language in which he takes on a first-person mode of discourse:

“...and on the other side there is the pregnant mother that is usually already having 6 or 7 children living in horrible conditions and again I am pregnant, she may not have access to contraception or financial means to take care of the child and I won’t be able to love the child properly. I’ve already got 7 and it’s difficult for me, so why not give this child to someone who will take care of this child, and love her, and pay me, and so I can also give the ones I already have a bit of food and more attention.”

This account draws into refinement the construction of key differences between adopters and birth parents by presenting a description of an unknown and homogenized type of birth mother who has meager social resources, abundant family responsibilities, and the will to offer her child a better life. This description of a birth family situation serves to highlight and widen the gap between adults who adopt, and adults who relinquish their children. Overall this account of a birth mother legitimizes intercountry adoption. It exemplifies the pattern of discourse that Dubinsky (2007) identifies as rescue discourse surrounding intercountry adoption from the receiving point of view, and that Yngvesson (2002) claims is a necessary logic to substantiate the giving of a child via intercountry adoption, despite the illogical and paradoxical construction of benevolence of all parties involved.
These considerations suggest an incredibly complicated relationship between women’s social positioning vis-à-vis children when it comes to intercountry adoption. For the preponderance of research attention to linkages between women and children in terms of social status, health and vulnerability, intercountry adoption is one lens through which heterogeneity in these linkages can be analyzed, and more generally through which intersectionality between master statuses of gender, age, power and socio-economic resources can be studied. Feminist perspectives that note the diehard linkage of femininity and womanhood to motherhood (e.g., Ginsberg 1989) may be useful for and also challenged by inquiry into intercountry adoption: some women who do not achieve motherhood through their own bodies and relationships do achieve motherhood through children that originate in other women’s bodies and relationships, and vast structural inequalities in opportunity are fundamental to these exchanges. Children’s social vulnerability is not separate from vulnerability of women, especially women who are poorly positioned in the global matrices of wealth and power; yet intercountry adoption challenges the homogeneity of this gender-linked social vulnerability, and of the commonality and connectedness of vulnerability experienced by women and children. In this sense, intercountry adoption presents a theoretical conundrum ripe for scholars oriented to theoretical analysis and deconstruction of gender, age and family, whether feminist in orientation or not. Parreñas (2009) suggests the need for more research on the question of how gender inequalities shape experiences of migration, and her call includes attention to how professional women in affluent countries are increasingly dependent on the labor of migrant women, who in turn must often make paid care arrangements to address their domestic responsibilities to family in their home
country. This research imperative intersects nicely with the findings of this project. An additional direction for further research that is gender-relevant and related to these complex linkages between birth families and intercountry adoption is the exploration of meanings and experiences of men within birth families as participants that are not irrelevant to these systemic practices.

One feature that may be common to the heterogenous social realities of women and men involved in sending or receiving children through intercountry adoption is that children are in socially subordinate positions relative to them all, whether they are biological kin, adoptive kin, or intermediaries in the process. This brings me to the second highly significant missing theme across interview accounts: there is no discussion of children’s views of intercountry adoption; the value of their views about intercountry adoption for the regulation, protection, and definition of their best interests; or children’s participation in decisions made about intercountry adoption practices. This omission is possibly more striking than the omission of attention to birth families because of the select sample of interviewees.

For a social group – children -- who are not given the same sets of rights or responsibilities as adults, how to best protect them has become a preoccupation and concern taken up by other social groups -- adults. If other groups write the legislation and policy standards for children’s protection, particularly regarding cases of infants being transferred via adoption who cannot ontologically participate in decision-making about this process, this leaves open ethical questions about their care and ‘best interests’ and how these are determined. Intercountry adoption then becomes a social concern and problem about one group (children) to be solved by another group (adults), which relates
to a much broader question: how should society make determinations about what is and what is not in the best interests of children?

What is clear in much of my project’s interview data is that the procedures and processes in place for intercountry adoption are bureaucratized responses to the needs and wants of adults who seek children, not directly the result of intentional activity to address the needs of children. According to my data and research, prevailing intercountry adoption procedures, policies and standards are not born in and of countries that have burgeoning orphaned or unaccompanied children to deal with. To what extent interests of adults seeking children and interests of children may be mutually served, congruent and compatible is an open question for additional research regarding intercountry adoption. My select sample of policy experts and scholars regarding social issues facing children almost unilaterally extolled the dangers alongside the promises of intercountry adoption, and yet unilaterally did not give accounts that construct children as active participants with valuable perspectives on intercountry adoption. This suggests that additional research is needed that explores and incorporates the views and participation of children on this subject.

IV. Key Limitations

There are several key limitations that must be considered when reading the findings and conclusions of this project. First, although a non-probability sample is appropriate for an in-depth qualitative project, it does not allow direct generalizations to be made from the findings to a theoretical population of children’s experts. This
limitation restricts the value of the interview findings to qualitative conclusions about
the sample only, the realm of theoretical consideration and the development of
additional avenues of research. This requires that themes and patterns are interpreted
with due attention to the sample characteristics and limitations. The purpose of this
research design is to conduct exploratory work that provides evidence that is
theoretically suggestive and that may be used to refine hypotheses. Second, although the
results in general cannot be generalized broadly to a population, there is potential
regional bias in the resultant inductive themes due to the sample being drawn from
Europe only. The sampling for this project was concentrated in Europe due to
convenience of obtaining a purposive sample that represented a broad range of countries
with differing forms of involvement in intercountry adoption. The sampling strategy did
not include attempts to broaden beyond Europe. Interviews with children’s rights
experts from North and South America, Asia and Africa would enrich this project’s
approach to the subject matter of intercountry adoption.

Third, as I mentioned in Chapters 1 and 3, this project’s sample was limited to
key informants who have a breadth and depth of professional expertise regarding social
issues facing children. Sampling women’s rights experts, adoptive parents, birth family
members, children themselves, intercountry adoptees, and other groups whose
knowledge and experience would add valuable contributions to a theoretical assessment
of intercountry adoption may reveal additional, different and important relevant
perspectives. It would be informative to develop typologies of thematic ways in which
intercountry adoption is constructed from the perspectives of such groups, and then
compare and contrast them to my project’s findings.
Fourth, there are limitations regarding potential biases in the interview data, as well as interpretations of these data. As I mentioned in Chapter 3, this project included standard interview questions about unaccompanied children and child trafficking, in addition to specific questions about intercountry adoption. Prior to data collection, the questions about intercountry adoption in the interview guide were planned to be a peripheral point of interest, as I aimed to understand more about the tension between child trafficking and intercountry adoption within an inquiry overtly targeting child trafficking. However, from the very beginning of interviewing, questions about intercountry adoption became a clearly provocative and contested area of inquiry in which interviewees gave extensive and emphatic accounts. The initially exploratory design of this project allowed me to reorient toward the elucidation of these accounts of intercountry adoption; however, throughout interviewing, questions about unaccompanied children, child trafficking and intercountry adoption were asked. Thus, although the present project only uses a small amount of the actual original interview data, there is the potential that other topics in the semi-structured interview guide may have influenced findings about intercountry adoption. Another probable and understandable bias within the interview data is that the sample overall is likely to be biased toward considering bureaucratic systems, laws and international policies due to the nature of their professional work. In terms of interpretations of the interview data, reliability of the coding process would have been improved with more than one coder. To ensure better reliability of the coding process than working completely solo, I had regular discussions with my dissertation chair throughout the transcription and analyses phases of this project during which I iteratively developed the typology of themes.
However, having at least two inductive coders working with the interview data would have bolstered the reliability of the coding process.

Finally, this project’s design does not have the scope to do more than take initial, in-depth yet limited steps to illuminate an answer to its central question. It leaves lots of room for additional research to be done with the goal of sociological exploration and theoretical clarification of intercountry adoption.

V. Future Research Directions

This project indicates various directions for additional research. First, any theme within the typology produced in the analyses of this project may be further explored with additional research to garner a more nuanced understanding of implications, limits and patterns of the theme in terms of its relation to intercountry adoption. Trends, policies, practices and experiential accounts of additional social actors involved in intercountry adoption process may all be viable and informative sources of data to investigate further the applicability and limitations of the themes within this project’s typology to intercountry adoption.

Second, attempts to replicate this qualitative research design but with a different sampling frame of key informants – including but not limited to adoptees themselves, children, adoptive parents and families, members of birth families and birth communities, and women’s rights advocates – may yield both comparable and contrasting thematic findings to this study that would add uniquely to the existing literatures in this substantive area of research. Such directions for additional research
would add value to this study by building from, refining, and qualifying the findings of this project and further clarifying the complexities of social meanings, and perhaps even multiple and contested social and experiential realities, related to intercountry adoption.

Third, little to no mention of explicit and comparative research of costs of intercountry adoptions is noted in the literature, yet much mention of how expensive intercountry adoption is for adopting parents is made, particularly with reference to the United States. Only through rigorous collection and analyses of cost data – including who incurs these costs, how the payment(s) are distributed, for what precise services they are collected, and how costs may or may not vary according to destination country, source country, and adoption agency – can more precise differentiation between legitimate intercountry adoption and illegitimate and illegal sale of children for adoption be made. Research investigating costs of intercountry adoption in this way can contribute to and further the theoretically informed and informative analyses of this project through providing a yet-untold elucidation of costs of intercountry adoption. Integrating such descriptive and comparative research of costs of intercountry adoption with policy standards and legal definitions that define ‘intercountry adoption’ and ‘sale of children’ would compliment and further the analyses of the present project by delving through what now seems a grey area in policy and practice regarding differentiation between legitimate intercountry adoptions and sale of children, which is deemed illegitimate and illegal in international policy standards.

Fourth, there is much room for research on intercountry adoption that is more explicitly comparative in design than the analyses of this project. Rich descriptions of practices, policies and adoption trends across countries with attention to how they may
differ and change over time, and what factors may influence these changes in relationships between countries, is one broad direction for future research that is implied by this project. In terms of views and meanings of intercountry adoption, a more rigorously comparative assessment of whether and how views and meanings may differ based on whether a country is a destination or source country, or not involved in intercountry adoptions at all, would compliment and further this research. World-systems theory and other globalization frameworks may be important and useful tools to guide such research. For instance, Ritzer’s concept of globalization (2007:15) which refers to the imperialistic ambitions of nations, corporations and organizations and their desire and need to impose themselves on various geographic areas, may be a useful theoretical tool to facilitate building hypotheses to guide research that seeks to explicate aspects of the complex and changing webs of relationships between countries and organizations regarding transference of children deemed adoptable across the globe. Ritzer proposes that organizations involved in globalization seek to advance their power, influence, and often profits through sustained involvement in other regions of the world (2007:15-16). Perhaps this concept of globalization can be expanded beyond direct consumption and production patterns, and growing profits through economic relationships across the globe, to include profits and/or other forms of influence and gain through intercountry adoption practices and perhaps other forms of international relations that are perceived to be benevolent or humanitarian rather than economic. In addition, it may be useful to explore globalization’s salience to indirect economic implications of intercountry adoption, such as how intercountry adoption may facilitate delayed family formation in some areas of the globe. Studying the relationship of
grobalized ties between nation-states and other organizations that promote intercountry adoption practices to this delay in family formation, robust career building and the requisite production and consumption patterns that are supported by it in affluent and ‘adopting’ regions of the world all may be fruitful directions for future research on intercountry adoption as a global phenomenon that is relevant to economic realities of global society.

Finally, additional research on intercountry adoption that is oriented toward the experiences of vulnerable groups -- namely children; women; and groups, communities, and even nations in relative poverty – that takes a broad and structural rather than a micro-oriented view of the phenomenon of intercountry adoption is still peripheral within existing literatures. Such projects may benefit from more explicit use of theoretical frameworks to guide research that emphasize the structural and global forces that produce and sustain social vulnerability. Frameworks that allow analysis of complexities of the intersectionality of gender, age, and relative economic deprivation, and how such systemic social inequalities relate to intercountry adoption, would add greatly to existing knowledge and research about intercountry adoption.

VI. Final Thoughts

The primary goal of this project was to understand how the contrasting lenses of two major paradigms of social theory could illuminate a complex, rapidly expanding and humanly consequential global phenomenon – intercountry adoption. The dominant approach to intercountry adoption, termed the functionalist or social capital approach,
was interrogated through analyses of selected international policies and through interaction with international experts on issues facing children. The results of this interrogation made clear that the social capital model is incomplete and even deceptive, although it is the dominant orientation within social scientific literatures devoted to intercountry adoption. This study offers unique and rigorous theoretical analysis of the phenomenon of intercountry adoption from a sociological perspective. In sum, the findings reveal a diversity and complexity of perspectives on intercountry adoption within not only legal frameworks, but also within the rich accounts of a select subset of professionals working at the national and international levels to promote children’s protection and best interests. Findings suggest limitations of a social capital orientation to intercountry adoption, and yet interviewees’ views suggest salience of multiple theoretical perspectives. Findings also suggest that intercountry adoption is a theoretically provocative window through which inequalities and socially-constituted vulnerabilities based on age -- as well as the intersectionality of age with gender, socio-economic status, and other master statuses -- can be studied. Overall the findings suggest that interdependence of structural realities fundamental to practices of intercountry adoption – realities that include imbalances of power and inequality in the global distribution of resources and opportunities that are not globally independent but rather interdependent and inextricably connected – is concealed when a social capital orientation to intercountry adoption operates as ideology. To bolster the positive potentials of intercountry adoption as a social solution, findings suggest that systematic recognition of and attention to these interdependent yet unequal structural inequalities must be examined.
APPENDIX A: INFORMED CONSENT DOCUMENT

INFORMED CONSENT DOCUMENT

Identifying and Addressing Child Trafficking: Causes, Challenges and Consequences

You are being asked to participate in a research study about child trafficking. You were selected as a possible participant because of your professional expertise. Please read this form and ask any questions that you may have before agreeing to participate.

Background Information
Researchers at Case Western Reserve University are conducting this study. The purpose of this research is to explore child trafficking, to understand what work is being done to protect children from trafficking, to discuss challenges in this work, and to consider the consequences of trafficking.

Procedure:
If you agree to participate in this research, we may ask you to participate in a semi-structured interview. The interview will be scheduled at your convenience and will last approximately 40 minutes. If you agree, this interview may be audio-recorded. Researchers will discuss this consent form and consent process with you. Please ask the researcher any questions you may have about this project, and take whatever time you need to consider the consent form.

Risk and Benefits to Being in the Study
There is a risk of boredom during the interview. You may discontinue the interview at any time. There are no additional foreseeable risks. There are no known benefits of participation. One possible benefit is that interviews may provide an opportunity to share information about your work.

Confidentiality:
Since this project seeks to interview you because of your role in work involving children's rights, the resulting interview will not be kept confidential. If you choose to participate in this study, you may request a transcript of your interview for your review. You may choose to discontinue the interview at any time. Research records, including audio recordings, will be kept in a locked file, and access will be limited to the researchers, the University review board responsible for protecting human participants, and regulatory agencies. Audio recordings will be destroyed within eight years of the completion of the study.

Voluntary Nature of the Study
Your participation is voluntary. If you choose not to participate, it will not affect your current or future relations with the University. There is no penalty or loss of benefits for not participating or for discontinuing your participation. You may discontinue participation at any time.

Contacts and Questions
The researchers conducting this study are Brian Grim and Robia S. Patterson. You may ask any questions you have now. If you have any additional questions, concerns or complaints about the study, you may contact the researchers by phone at 216.368.2700, or by writing to: Case Western Reserve University, Department of Sociology, 10900 Euclid Avenue, Main Library #226, Cleveland, OH 44106-7124. You may also contact Robia by email at robia.patterson@case.edu.

If the researchers cannot be reached, or if you would like to talk to someone other than the researcher(s) about: (1) questions, concerns or complaints regarding this study, (2) research participant rights, (3) research-related injuries, or (4) other human subjects issues, please contact Case Western Reserve University's Institutional Review Board at 216.368-6925 or write: Case Western Reserve University, Institutional Review Board, 10900 Euclid Ave., Cleveland, OH 44106-7120.

You will be given a copy of this form for your records.

Statement of Consent
I have read the above information. I have received answers to the questions I have asked. I consent to participate in this research. I am at least 18 years of age.

☐ YES, I CONSENT to being audio/video recorded.
   I also understand that I reserve the right to change my mind;"

☐ NO, I DO NOT CONSENT to being audio/video recorded.”

Print Name of Participant: __________________________________________

Signature of Participant: ____________________________________________ Date: __________

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APPENDIX B: QUALITATIVE INTERVIEW GUIDE

Identifying and Addressing Child Trafficking: Causes, Challenges and Consequences
Robin Shara

I would like to ask you some questions about your own country/organization. I'm interested in your experiences and ideas related to several topics.
1. What is your current occupation/job title?
   1A. Can you tell me a little bit about your professional background?
2. What do you consider the main areas of focus of your work currently?
3. Does your work currently involve any issues facing unaccompanied children?
   3A. If yes, please describe these issues and your work involving them.
   3B. How is the category unaccompanied child generally defined/understood in your country?
   3C. Who are unaccompanied children? Where do they come from?
   3D. How is the protection of unaccompanied children different from other children?
   3E. What are the major challenges to protecting unaccompanied children in your view?
4. What is child trafficking generally understood to mean in your country?
   4A. How would you define it?
   4B. In your work, do you rely on definitions of child trafficking? If so, which definitions?
5. In your opinion, is child trafficking a problem in your country/region?
   5A. Please describe what you know about this problem.
   5B. What is the scope of this problem, in your estimation? (probe international versus domestic problem, numbers of children involved, places trafficking occurs)
   5C. Are specific groups of children more likely to be victims of trafficking in your country/region? (probe: Gender, class, income, race/ethnicity, age, immigration status/citizenship, family structure) Unaccompanied children? What about “accompanied” children? Are they ever victims?
   5D. For what reason(s) are they trafficked?
   5E. Who are the traffickers?
6. Is your office involved in work on this problem? If so, how?
   5F. In your opinion, do many people think child trafficking is a problem in your country/region?
   5G. Do you know of any sources of information about child trafficking in your country/region?
6. To your knowledge, are any organizations (or public figures) in your country/region actively addressing child trafficking?
   6A. Who are they? What do they do?
   6B. Why are they involved in this issue?
   6C. What is their main objective? (probe: protecting victims, prosecuting perpetrators)
   6D. In your opinion, are they effective? Why/why not?
7. What are the major challenges to protecting child victims of trafficking, in your view?
   7A. What can be done to overcome these challenges?
   7B. Do you perceive of any barriers/obstacles to pursuing trafficking in your own work?
   8A. What are the consequences for children?
   8B. What are the consequences for society?
9. Is your country/region involved in international adoptions?
   9A. Primarily sending or receiving (origin or destination country)?
   9B. In your work, do you ever deal with issues of adoption? Describe.
   9C. Is child trafficking ever framed to include international adoption networks? Why or why not?
   9D. In what ways is adoption different from trafficking?
10. What do you perceive as major causes of international adoption in your country/region? Why does it exist? What facilitates its existence?)
    10A. What are the consequences for children?
    10B. What are the consequences for society?
11. Are you willing to be contacted by me later? Get full name, contact information.
REFERENCES


