

## **Diversity and Public Policy in Relation to the Special Case of Intercountry Adoption**

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### **Abstract**

Today over 40,000 children annually move among more than 100 countries through the mechanism of intercountry adoption. This paper examines this phenomenon with respect to how it impacts diversity and public policy. First, it creates unique forms of diversity in host nations. Second, it is a morally ambiguous process that has been rife with abuse. The paper discusses existing and needed public policies from the international to the local level, with the objective that intercountry adoption should be in the best interest of children to the maximum extent possible.

### **Introduction**

This paper examines the case of intercountry adoption – adoption, of children born to parents in one country, by citizens of another country – with respect to how this phenomenon impacts diversity and public policy. My argument is two-fold. First, intercountry adoption is a form of immigration that by its nature increases diversity in host nations, as does any form of immigration (Bean and Stevens 2003), but in a unique form that impacts children, families, schools, communities, and nations (Miller-Loessi and Kilic 2001). Second, intercountry adoption raises important and sometimes disturbing issues that call for careful attention to public policies at multiple levels, from the international level of human rights discourse to the level of individual school district policy.

### **A Brief Overview of Intercountry Adoption**

Since the end of the Korean War, and particularly since the early 1990's, intercountry adoption has increased dramatically worldwide. Today over 40,000 children a year move among more than one hundred countries through the mechanism of adoption (Juffer and van IJzendoorn 2005; Selman 2002). The United States, Canada, Australia, and many Western European countries are major recipient nations, absorbing these children into their populations. In the United States, for example, the 2000 census found that a total of about 200,000 citizens had

entered the U.S. as adoptees from other countries (Kreider 2003). These adopted citizens have come predominantly from Asia, Eastern Europe or the former USSR, Latin America, or most recently from Africa.

International adoption is part of a globalized world (McGrew 1992), in which there are flows across national boundaries and over great geographical distances of workers, students, goods, capital, images, ideas, culture, information, crime, pollution, drugs, fashions, viruses – and children. In the case of children, it would be disingenuous not to recognize the flow as governed by supply and demand (Liu 1994). The demand for adoptable children is growing in the affluent West because of delayed childbearing (Menken 1985), rising infertility rates (Carstens and Julia 1995; Menken 1985), the acceptability of new family forms (Liu 1994), and the perceived and/or real difficulties of domestic adoption (Liu 1994; Pertman 2000). At the same time, there is a large supply of adoptable children in many non-Western nations, because poverty, wars, natural disasters, and/or political policies have rendered many children homeless (Liu 1994). Furthermore, new global news media have played a major role in constituting images of particular orphans as objects of pity and concern in need of rescue (Cartwright 2005). Internet searches by eager and affluent would-be parents can now uncover vast numbers of images of available children, particularly in Russia, the former Soviet Republics, and parts of Eastern Europe. While the motives of most Western adoptive parents stem from their desire to love and care for a child (Rojewski and Rojewski 2001), such Internet images raise the specter of children as commodities in a huge global market, and prospective parents as consumers of the most appealing images.

Thus, like so many aspects of globalization and its celebration of unbridled, borderless markets (Greider 1997), intercountry adoption is morally ambiguous. As Volkman states, “All

adoption that crosses borders – of culture, race, ethnicity, or class – is shaped by profound inequities in power, by contradictions and ambivalence.” (Volkman 2005, 3). Intercountry adoption exemplifies this point well. It involves, with few exceptions (see Carlson 1994, 287n172), flows of children from the poorer nations to the rich nations of the world. It is one aspect of the widening inequalities among nations (Kerbo 2003), and is viewed by many critics as yet another form of colonialism, in which the human resources – in this case, children – of poor countries are exploited by rich countries (Hubinette 2002). Rowe (1991) interprets the sentiments of many Third World countries as, in essence, “First you want our labor and raw materials; now you want our children.” (Rowe 1991, 6).

One of the arguments commonly made is that rich nations should be directly helping poor nations better the lives of the millions of their children who are living in squalor, misery, and homelessness rather than “importing” a small percentage of them via adoption (Bartholet 1993; Liu 1994). On the other side, some argue that such large-scale aid projects are necessarily long-term if they are forthcoming at all, and that immediately providing permanent homes to even a few of these children is helpful (Bartholet 1993; Liu, 1994). These opposing viewpoints are represented in the international policy debates discussed later in this article. First, however, I discuss the kinds of diversity resulting from intercountry adoption, and the issues raised that public policies at different levels must address.

### **New Forms of Diversity Introduced by Intercountry Adoption**

While scholars, diplomats, and social critics debate the moral and political issues associated with intercountry adoption, the fact is that increasing numbers of children are being taken from one country and arriving in another as adoptees. What are the distinguishing characteristics of these new little immigrants, and how do they uniquely add diversity to their

new homelands? First and foremost, unlike other kinds of immigrants, these are vulnerable children who do not arrive by choice and who are completely dependent on the adults who have decided their fate. Second, they are displaced at a very young age from their birth families and then from their birth cultures. Third, in many situations little or nothing is known about their genetic heritage or prenatal/early life circumstances, a deficit that will affect their ability to make health decisions for the rest of their lives. Finally, many have suffered inadequate prenatal and perinatal medical care, malnutrition and other health risks, abuse, and/or physical and psychological neglect in orphanages or poor families before adoptive placement (Groze and Ileana 1996; Gunnar, Bruce, and Grotevant 2000; Juffer and van IJzendoorn 2005; O'Connor et al. 2000; Verhulst, Althaus, and Versluis-den Bieman 1990). For some, these early deprivations result in physical, mental, or behavioral health problems. But relatively few have physical health problems that cannot be remedied with good medical care (Aronson 2004). And it is remarkable that, in a recent international meta-analysis published in the *Journal of the American Medical Association*, Juffer and van IJzendoorn (2005) found that the majority of intercountry adoptees in their analysis (which excluded studies exclusively of children diagnosed pre-placement as having serious problems) adjust well in their new home environments. Contrary to popular opinion, in general international adoptees have fewer behavioral problems than domestic adoptees in most host nations, and they have fewer mental health referrals. In sum, these are unusual children who have suffered early loss, been cut from their roots, transplanted into new soil, and have generally shown remarkable resiliency in the process. These qualities – which parallel the qualities of other immigrants yet are also different – add to the diversity of experience in each host society's populations.

Intercountry adoption adds even more diversity with respect to types of families in a society. With respect to numbers, most adoptive parents are white and most children adopted internationally are Asian or Latin American (Simon and Altstein 2000). When there are racial/ethnic differences in appearance between parents and children, their biological unrelatedness becomes publicly obvious. This can result, on the negative side, in obtrusive and/or painful questions from strangers and taunts from schoolmates, and on the positive side, increased tolerance and even celebration of family diversity (Register 1991, 2005). Some families adopt the child's culture of origin as a central part of their lives and feel broadened and enriched by their family's increased diversity (Brooke 2004).

Still, intercountry adoptees, no matter how well-meaning their parents, may grow up with identity issues as to where they really belong (Register 2005). There is a wide range of variation in how troublesome these issues are for individual intercountry adoptees. The bulk of the research in this area has been done on Korean adoptees, who now range in age from infancy to their early fifties. Various identity questions have been investigated in research on this population. For example, in a study conducted by Simon and Altstein of adult Korean adoptees who had been raised by white U.S. parents (Simon and Altstein 2000), 73 percent described their ethnic identification as Korean, Asian, or Asian-American, while 20 percent said "American" and 7 percent said "white." These results seem to indicate that a small minority of the subjects in the study experienced race/ethnic confusion or denial. A somewhat different picture emerged from a survey of participants at the first Gathering of the First Generation of Korean Adoptees in September 1999 in Washington D.C. This gathering of an emerging Korean adoptee movement consisted of 400 participants, mostly from the U.S., and all over the age of 21. An Evan B. Donaldson Adoption Institute Survey of the participants found that 40 percent of respondents

said that they identified as Caucasian in their adolescence and perceived Asians as “the other.” (Kim, 2005). Many had felt isolated, alienated, and confused. This sort of identity confusion is especially common in homogeneous Caucasian communities such as are found in the midwestern U.S. and throughout Scandinavia (Register, 2005). In such communities the pain of “differentness” is most strongly felt.

Intercountry adoption highlights the extent to which race, ethnicity, culture, and class are critical elements of an individual’s identity. To the extent that identity is social and has to do with belonging to a group (Hewitt 2003), these are important elements. Race is a visible social marker (Healey 2003; Kromkowski 2004). Ethnicity may be visible and is socially shared (Healey 2003; Kromkowski 2004). Culture is certainly a social phenomenon by definition (Miller-Loessi and Parker 2003), and class situates people relative to others (Kerbo 2003). And all of these are often intertwined.

Where do intercountry adoptees belong in these social worlds? Some of the adult Korean adoptees studied by Kim (2005) felt keenly that they did not really belong anywhere – not in white-dominated America or Europe; not as typical Korean immigrants, who looked on them as outsiders and sometimes felt resentment at the easy time they had had compared to Korean immigrants who had to work and sacrifice to make it in their new homeland; not as Koreans in their country of birth, who looked down on them as inferior to “real” Koreans. All of this led some to define a separate, unique identity as “Korean Adoptees”, and to find in each other a sense of belonging they did not find elsewhere.

But not all Korean adoptees feel this way. Some believe the emphasis on their race, ethnicity, and birth culture is overdone. Yes, they are of a particular race and ethnicity from a particular country with a particular culture. But some do not see these as primary to who they

are. According to Hewitt's theory of the elements of identity (Hewitt 2003), this would mean that their personal identity outweighs their social identity in importance. Why this is so for some and not for others is an open research question, but it does seem to have to do with exposure to others of their race/ethnicity in their social milieu (Register 2005; Simon and Roorda 2000).

Returning to and summarizing the issues of diversity introduced by intercountry adoption: Western nations are adopting from poor nations vulnerable children whose early lives have been difficult, whose birth families and genetic heritage are often unknown, and who usually have special problems to overcome. The new families formed in this way become publicly "different," and this differentness over time has become an issue for the adoptees who are already grown, and will become an issue for the many adoptees who are still children as they grow up and find their place in the world. To make this all work for the benefit of these children, carefully thought-out policies are critical. It is to these policies that I now turn.

### **Policy Issues at the International Level**

Intercountry adoption brings into sharp focus the role of international law in today's globalized world (Jacobson 1996). The original postwar governing document that supersedes national borders is the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in December, 1948 (United Nations 1948). There are subsequent special international agreements governing children in general and intercountry adoption in particular. Declaring that children's rights require special protection, The Convention on the Rights of the Child was passed by the United Nations in December, 1989 (United Nations, 1989). A key provision of that document is that the best interests of the child are the primary consideration in all actions concerning children. This principle was carried over into The Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (also known as the

Hague Adoption Convention), a multilateral treaty, which was approved by 66 nations on May 29, 1993, at The Hague (Hague Conference on Private International Law 1993). This document sets forth minimum rules and procedures governing intercountry adoptions, with the goal of protecting all parties to such adoptions and preventing abuses.

According to Richard Carlson, who was one of the U.S. representatives to the Convention, this “law constitutes the first authoritative declaration of the virtue of intercountry adoption and the need for expeditious support and cooperation of signatory nations.” (Carlson 1994, 255). Both he and Elizabeth Bartholet, also a U.S. representative to the Convention, give accounts that highlight the lengthy contention over whether a child’s staying on the home soil, even in an institution, was preferable to being placed with a family in another country (Bartholet 1993; Carlson 1994). The final version of the document favors, for homeless children, intercountry adoption over all other alternatives except in-country adoption. This is now the official world position on what represents the best interests of the child.

A key objective of the Hague Convention was “to establish a system of cooperation amongst Contracting States to ensure that those safeguards [protecting the best interests of the child] are respected and *thereby prevent the abduction, the sale of, or traffic in children.*” (Hague Conference on Private International Law 1993, Article 1b, italics mine.) An extremely important policy issue thus addressed by the Hague Adoption Convention is the extent to which the practice of intercountry adoption results in pregnancies for profit; coercion, bribery, or misleading of birth parents; and the corruption of child welfare services (Carsten and Julia 1995). Because intercountry adoptions bring in fees in the form of hard currency to poor countries, there is great temptation to abuse the process to maximize financial gain (Kennard 1994). In addition,

in the absence of proper oversight there are opportunities for various unscrupulous middlemen to take cuts along the way (Pierce and Vitillo 1991).

Unfortunately, there are numerous examples of abuses of the intercountry adoption process, for example reported child-abduction in Guatemala and baby-selling in Peru (Carlson 1994), and the free-for-all in Romania in the early 1990s in which families were reported to exchange babies for commodities such as television sets (Hunt 1991). Corbett (2002) reported that adoption practices in Cambodia were extremely suspect. She personally found a parent who had been coerced into selling her baby for \$50 to an adoption agent while the adoptive parents were told that the child had been abandoned and placed in an orphanage; Corbett uncovered many reports of other similar situations. Adoptions from Cambodia were subsequently suspended indefinitely.

To protect against these abuses, each Contracting State to the Hague Adoption Convention, whether sending or receiving children or both, must designate a Central Authority to discharge the duties set forth in the Convention, including ensuring that:

- 1) the persons, institutions, and authorities whose consent is necessary for adoption, have been counseled as may be necessary and duly informed of the effects of their consent, in particular whether or not an adoption will result in the termination of the legal relationship between the child and his or her family of origin,
- 2) such persons, institutions, and authorities have given their consent freely, in the required legal form, and expressed or evidenced in writing,
- 3) the consents have not been induced by payment or compensation of any kind and have not been withdrawn, and
- 4) the consent of the mother, where required, has been given only after the birth of the child. (Hague Conference on Private International Law, Article 4c)

The Central Authority in each state is also responsible for accrediting adoption agents who pursue only non-profit objectives, are directed and staffed by qualified persons, and who are subject to supervision by the Central Authority or some other governing body (Hague Conference on Private International Law, Article 11).

The Hague Adoption Convention is truly an ambitious international effort to protect the human rights of children who are adopted across nations. But what does it mean for the majority of the world's children? Very little. It does draw attention to the plight of poor children in Third World countries. It also elicits substantial donations by many adoptive families to orphanage programs in their child's country of birth (Johnson 2004). But the Hague Adoption Convention does not begin to touch the larger problems of children and world poverty, nor was it intended to. World policies for that larger project are urgently needed.

Returning to the hundreds of thousands of children who are adopted internationally, we should note that their lives can be improved by local policies as well as by international/national level policies. While intercountry adoptees can be victims of racism and discrimination that are still unresolved problems for non-adoptees in oppressed race/ethnic categories, intercountry adoptees also have special problems that have yet to be widely recognized by schools (Meese 2002; Pertman, 2000). Adam Pertman, director of the Evan B. Donaldson Adoption Institute and author of the book *Adoption Nation* (Pertman 2000), believes that adopted children face great emotional risk in schools. The infamous "family tree" assignment, in which children are asked to trace their family roots in the form of a tree, is just one example. For children who do not, and perhaps never can, know who their birth parents are, this can be an embarrassing and traumatic experience. Ruth Meese, an expert on intercountry adoptees' issues in schools, suggests instead creating a family circle illustrating the various individuals who provide love and support to the child (Meese 2002, 96). Similarly, environmentally friendly campaigns to "adopt" a tree or highway can induce doubts about whether adoption is really a form of marketing that can apply to trees or highways or children, and can be started or stopped at will. (Pertman 2000, 89). While verbal slights and slips are inevitable, education of teachers and school personnel about

adoption and how to discuss it in non-hurtful ways can only be good both for our adopted children and for society at large. Meese (2002) has many suggestions, and an excellent list of resources, as to how teachers can adapt curricula to be more inclusive and thus help children adopted from other countries feel comfortable, and rise to their full potential, in school.

### Conclusion

Intercountry adoption, whatever our opinion of it, is a part of our new and increasingly diverse social reality. Western nations are adopting from poor nations vulnerable children whose early lives have been difficult, whose birth families and genetic heritage are often unknown, and who usually have special problems to overcome. The new families formed in this way become publicly “different,” and this differentness over time has become an issue for the adoptees who are already grown, and will become an issue for the many adoptees who are still children as they grow up and find their place in the world. To make this all work for the benefit of these and future children, carefully thought-out policies are critical. The Hague Adoption Convention is a remarkable, internationally cooperative effort among 66 nations to standardize the process of intercountry adoption so that it *does* work in the best interests of children. Hopefully this Convention, once fully ratified and implemented, will prevent the abuses for monetary gain that have been all too common in the world of intercountry adoption. Other policies should be implemented at local levels to provide for the special needs of those children who have already been adopted from other countries, to minimize their problems and maximize their potential as learners and as human beings.

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