Adoption

written by Betty Reid Mandell | January 21, 2010

A COUNTRY'S ECONOMIC SYSTEM and its cultural practices shape its adoption practices. For example, in Western societies adoption practices are very different from those in the preliterate subsistence economies of Eastern Oceania. In Western societies, the patriarchal nuclear family is the norm; illegitimacy and sexual permissiveness have until recently been stigmatized; property is owned privately and the accumulation of property is highly valued; most people are engaged in wage labor; children are regarded as private property; adoption is atypical and, until relatively recently in some countries, tied very closely to inheritance laws. Some countries, such as France, Greece, Spain, and most Latin American countries, still do not allow adoption when it would interfere with the inheritance rights of biological heirs. The rigidly patriarchal countries of ancient Rome, Ancient Greece, India, Japan, and pre-revolutionary China, allowed adoption only for the securing of heirs for a propertied childless family. In those countries illegitimacy was strongly stigmatized and women were devalued — so much so in pre- revolutionary China and in ancient Rome that female infanticide was practiced. After the Russian Revolution the Bolsheviks — perceiving the relationship between adoption and inheritance — not only abolished inheritance, but also abolished adoption in 1918. They legalized it again in 1926, apparently because of the need for homes for the many homeless children after the civil war. The Islamic religion prohibits adoption, as does the Jewish religious code.[1] No national adoption law was proposed in Israel until 1958.[2]

In France there are two kinds of adoption. In "full adoption" all legal bonds with the birth family are cut. The child does not keep his/her birth family name. In "simple adoption" the child keeps his birth family name and his right to be the legal heir. There are also two kinds of adoption in Uruguay. The form called "adoption legitimation" severs a child's ties to natural parents completely by allowing the adoptive parents to register the child in the record of vital statistics as having been born to them in wedlock, and forbidding the very mention of adoption.[3] In the other form, "adoption," the child is still considered to belong to his natural family and maintains his legal rights as a child in that family despite the fact that he is legally adopted by someone else.[4]

Engels' theory on the family provides some rewarding leads for understanding the prohibition of adoption in patriarchal societies.[5] He postulated that the patriarchal monogamous family had served the function of stratifying society by assuring inheritance of surplus goods through the male lineage. For the inheritance system to work, said Engels, a man had to be sure who his heirs were. In a society where sexual promiscuity was condoned and a woman could have children by many men, a man could not be sure he was the father of a child. Therefore, according to Engels, monogamous marriage was instituted, along with patrilineage. From this came the requirement of premarital chastity for women, prohibition of extra-marital affairs for women, and the double standard of sexuality. Since men were allowed free sexual expression, prostitution arose to serve the men's sexual needs.

Inheritance rights

ADOPTION LEGISLATION that gives the adopted child the same inheritance rights as a natural child is more oriented to what is generally considered a "child welfare" concept of adoption. Massachusetts' first adoption statute was in1851, some 75 years before England's first general adoption statute in 1926. It "was drawn with the avowed object of securing to adopted children a proper share in the estate of adopting parents who should die intestate."[6] By 1929 all states had enacted some form of adoption legislation.[7] A shift to a child welfare philosophy loosens or abolishes inheritance ties to

natural parents and tends to substitute the state for the natural parent.

In the status- conscious circles of 19th and early 20th century France, the child welfare function of adoption was declassé. Marcel Proust, writing at the beginning of the 20th century in *Remembrance of Things Past*, gives an example of the sewing-maid, an orphan girl, who had been cared for as a child by strangers. In the eyes of Francoise, the servant of the narrator's family, such an arrangement was beneath her status:

> (The orphan's) situation aroused pity, and also her benevolent contempt. She who had a family, a little house that had come to her from her parents, with a field in which her brother kept a few cows, could not regard so uprooted a creature as her equal. And since this girl hoped, on Assumption Day, to be allowed to pay her benefactors a visit, Francoise kept on repeating: "She does make me laugh! She says, 'I hope to be going home for the Assumption." Home, says she! It isn't just that it's not her own place, it's people as took her in from nowhere, and the creature says 'home' just as if it really was her home. Poor thing! What a misery it must be, not to know what it is to have a home."[8]

As countries, and sections of countries, move toward a child welfare orientation where the children do not inherit from their natural parents, the natural parents become excluded. The history of adoption and foster care in the United States bears this out.

Eastern Oceania

IN SHARP CONTRAST to patrilineal societies, in many preliterate subsistence economies of Eastern Oceania, kinship is matrilineal, the clan is the most important socioeconomic unit of society, the sibling group is more important than the marital unit; children are regarded as communal, rather than private, property; clan property is owned communally; illegitimacy and sexual permissiveness are not stigmatized. Adoption among consanguineal kin is a common practice, and children retain ties with the natal clan and parents as well as with their adoptive parents.[9] Tahitians attach no social stigma to illegitimacy. A Tahitian woman often has one or two children before beginning an approved conjugal relationship. Hopper says, "It is an ethically neutral act for a woman to give such children to her parents or to other close relatives for adoption. The woman is thus freed to continue . . . "the business of adolescence" if she should wish to do so."[10]

In Ponape, where missionaries were established in 1850 by colonial governments, the custom of adoption was of interest to both missionaries and administrators. Neither the Protestant church nor the Catholic Church gave ritual acceptance to adoption; in fact they discouraged it when the natural parents were alive and in good health. Fischer says, "Some missionaries have seen a connection, correctly, I think, between the frequency of adoption and the emphasis on sibling ties as opposed to marital ties, and they regard adoption as a renunciation of the responsibility and importance of marriage.[11]

In her study of Samoa, Margaret Mead said that "few children live continuously in one household, but are always testing out other possible residences."[12] This is done under the guise of visits, with no suggestion of truancy. She says, "No Samoan child, except the taupo (like a princess), or the thoroughly delinquent, ever has to deal with a feeling of being trapped. There are always relatives to whom one can flee."[13] All boys and girls call each other brother and sister regardless of the kinship relationship.

Perhaps Mead had this society in mind when she suggested that America build communities

where many "relatives" will help each other out — even if they are not biological relatives. Mead says that World War II marked a dividing line in the structure of the family in the United States. The nuclear family (husband, wife, and young children living by themselves in their own house) was a postwar development against which many young people are rebelling. Mead does not advocate eliminating the family, but advocates giving the family more protection and more support. She believes that you can't have a viable community without three generations.

> What we want to do is surround the family, each young couple with children, with enough people to help them, with many pairs of hands, with aunts and uncles — not necessarily biological ones but people who will play the roles of aunts and uncles and grandparents and older brothers and sisters — with a whole group of people such as we had in the small neighborhoods and small towns in this country 75 and 100 years ago.[14]

A child welfare focus

ALTHOUGH THE CHILD WELFARE system has not necessarily increased the welfare of children, as can be seen by looking at the foster care system in the U.S.,[15] it nevertheless signaled a different approach. Presumably it was intended to increase the welfare of children, rather than to insure the inheritance rights of biological children. Adoptions carried out by middle class professionals have until relatively recently completely severed the ties between children and their natural parents. The child welfare profession developed with the rise of the middle class. Childless middle class parents want children to adopt, and middle class professionals help them to do it through adoption agencies. Adoptive parents have always had more political clout than birth parents and their children and have had more influence in shaping policy.

In the more advanced industrialized countries, the concern about adoption shifts from anxiety about disinheriting biological heirs to a desire for exclusive possession of children, unencumbered by claims of natural parents. I believe that one of the functions of adoption agencies has been to pose an institutional and almost impenetrable barrier between natural parents and the adopted child. In Hawaii, for example, where kinship ties have traditionally been strong and most adoptions have occurred between relatives because of greater trust between relatives, those kinship ties are beginning to weaken, and adoption through agencies is becoming more popular because of fear of the stranger. Similarly, in urbanized, industrialized societies, high mobility has weakened family and community ties.

To obtain children, the middle and upper classes are more likely than the working and lower classes to turn to adoption agencies rather than to relatives or informal community contacts. The adopted children come not only from strangers, but most often from poor strangers and from unmarried mothers, who have a stigmatized social status. In a polarized class society, the middle and upper classes in general do not want contact with poor or "deviant" people and they do not want contact with the poor or the stigmatized parents of their adopted children. In fact, many do not want to discuss the background of the natural parents with their adopted children and some of them do not even want to tell the children that they are adopted.

Kidnapped children

THE ROOT MEANING of the word "proletarian" is "people who have no other wealth but their children." To take their children is the ultimate form of exploitation of the poor. Most adoptions are done through legal means, but there have been times in different countries when powerless families have

had their children kidnapped by more powerful people.

Irish-American children were sent by train in 1904 to an Arizona copper mining town, where a Catholic priest had arranged for them to be adopted by Mexican mine workers. When the children arrived, the Anglos in the town formed a posse that kidnapped the children from their Mexican homes, and the children were then adopted by the Anglos.[16]

Thousands of Native American children in the U.S. were stolen from their families over the years and put on the black market for adoption. Efforts to find these so-called "lost birds" have intensified recently by Navajo and other tribes. The Lost Bird Society has a web site that received many more inquiries after a nationally publicized case about a Native American woman who had been adopted by whites and found her biological family on a Navajo reservation in Arizona. A 1978 federal bill requires that Indian children removed from their home be placed with relatives or other Native families. In 1996, tribes fought against a bill in Congress (the Multiethnic Placement Act) that would make the adoption of Indian children by whites easier.[17]

Canada also enforced policies for decades that took native children from their families. In 1998 the Canadian government apologized to Indian and Inuit communities for past acts of oppression, including setting up boarding schools aimed at severing youths from their culture. They allocated $245 million to fund counseling and treatment programs for victims of abuse at the schools. Canada's apology prompted the only Aborigine ever elected to Australia's Parliament to ask their government to apologize to the Aborigines. From the 1910s to the early 1970s, about 100,000 part-Aboriginal children and babies were placed in government or church care in the belief that the Aborigines would die out. After hearing testimony that many of the children were sexually and physically abused and faced widespread discrimination, a human rights commission concluded that the policies amounted to attempted genocide.[18]

At that time, the Australian government refused to apologize, but later the government did apologize and declared May 26 to be "National Sorry Day," to express regret at the "gross violation of human rights" of the "stolen generation."[19]

In Israel, authorities took hundreds of Yemeni infants who were in hospitals between 1948 and 1950 and gave them to Jewish adoptive families of European origin. Their parents were told that the children had died. The Yemeni families had immigrated to Israel as part of the Jewish state's clandestine "Operation Magic Carpet," in which more than 50,000 Jews were spirited out of Yemen and airlifted to Israel, where they were settled in crowded shantytowns.[20]

In Argentina, during the reign of a brutal military dictatorship between 1976 and 1983, about 300 babies and children of disappeared dissidents were abducted by the military and given to childless families linked to the security forces. Women whose children and grandchildren had disappeared organized themselves as Grandmothers of Plaza de Mayo to search for their missing loved ones. Through the use of genetic identification and mental health professionals, about 50 children have been located and identified.[21]

The stigma of adoption

WRITING IN 1964, the sociologist H. David Kirk described the adoptive mother as "role handicapped," saying that both the biological structure of woman as child bearer and the social expectations of her "make her intensely role handicapped" when she cannot bear children.[22]

Things have changed a lot since 1964. Women's Liberation has opened up many more options for women. More women are in the work force and some women voluntarily choose to remain

childless. Yet many women still feel that they have not fulfilled their destiny if they remain childless. They consider adoption as a second best solution to having their own biological children. Many go through the expensive, lengthy, and often unsuccessful, process of in vitro fertilization rather than adopt. Others pay a lot of money to a surrogate mother, so that the child will at least have the husband's genetic heritage.

The general public meanwhile has become much more accepting of adoption:

> After generations when it was shrouded in shame and protected by lies, it has come into vogue. Politicians across the ideological landscape embrace adoption as a solution for the foster care crisis and as an alternative to abortion. Rosie O'Donnell and Steven Spielberg proudly announce the arrival of their nonbiological children. Infertile couples, once embarrassed about their inability to produce offspring, gleefully tell anyone who will listen about their trips to Minneapolis or Moscow, Baltimore or Beijing, wherever they traveled to pick up their babies."[23]

David Liederman,[24] the executive director of the Child Welfare League of America, says, "Adoption as a lifestyle, almost unnoticed by everyone outside the field, is becoming as American as apple pie." The greater acceptance of adoption is indicated by the fact that family leave policies include adoption as well as giving birth and the federal government gives child care tax credits to adoptive families. Increasingly, corporations are providing workers with adoption aid, ranging from paid leave to large cash payments.

Nobody knows exactly how many adoptions have been done because the process was so private in the past, but as adoption has become more open, experts are concluding that it is far more prevalent than they had thought. The Census Bureau did not ask about adoption until 2000, when they found that 2,058,915 adopted children are in US. households. However, the number of adoptees who are heads of household were not counted.

The idea that one's biological children are preferable to adopted children still hangs on. Elizabeth Bartholet, a Harvard law professor and an ardent advocate of adoption, says that adoption is seen as a last- resort parenting choice, vastly inferior to biologic parenting. She says, "This reinforces for the infertile the message that 'true women' get pregnant and give birth. A more positive construction of adoption would help free the infertile from the obsession to restore their sense of personhood by obtaining a medical fix."[25] Bartholet discusses the barriers to adoption that indicate society's unwillingness to make it easy and that reinforce the stigma. She calls for deregulating adoption, as the current regulatory system makes adoption costly and unpleasant, "and simultaneously degrades and demeans this form of family." [26] She calls for new systems of providing financial reimbursement so that more people can afford to adopt. She would like to see certain practices discouraged altogether, such as egg and embryo sale and commercial surrogacy.

The stigma of illegitimacy

THE STIGMA OF ADOPTION is partly due to the fact that, until relatively recently, unmarried mothers supplied most of the children for adoptive couples. The number of their children available for adoption is decreasing because both contraceptive devices and abortions are easier to get, and because there is less stigma attached to keeping out-of-wedlock children. Current attitudes toward unmarried mothers are much more accepting than were attitudes in the late nineteenth and early twentieth centuries, when legislators resisted adoption because it would make it easy for an unmarried mother to get rid of the "fruits of her sin." The legislators feared that providing such a

social outlet for giving up babies would encourage more "sinning," and ultimately undermine the structure of the family and of society itself.

Unmarried mothers were shunned by society and put in maternity homes until relatively recently. The period around WWII and before Roe v. Wade in 1973 was called by some the "baby scoop era."[27] In most cases, adoption was presented to the mothers as the only option and little or no effort was made to help the mothers keep and raise the children.

Karen Wilson Buterbaugh was one of those mothers in 1966 when she was 17 years old. She was forced to go to a maternity home by her family, shocked and ashamed by her pregnancy. This was how she experienced the event:

> On the 10th day after giving birth, she took her baby to a church down the street to be baptized. A few hours later, she was taken into a room at the home that was empty except for a rocking chair. Soon after, a nurse entered the room and gave Buterbaugh her baby and an hour to say goodbye.
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> "I didn't know what was coming," recalled Buterbaugh. "I sat and rocked her for an hour and talked to her." Then the baby, whom Buterbaugh named Michelle Renee, was gone, whisked away first to foster care and then to an adoptive home. Buterbaugh was left alone, shell-shocked into silence.
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> While the pain lasted, the silence didn't.[28]

Buterbaugh has since become an outspoken opponent of adoption and one of the leaders of the adoption-rights movement, sometimes called the "search movement." She is a co-founder of Origins USA. She says that those in the movement do not think of themselves as anti-adoption but as "natural family preservationists." She thinks of adoption as "'legalized kidnapping," fraught with coercion, fraud, and class discrimination. She considers adoption "an amputation of a family," saying, "I've lost my daughter and my grandson, and then my great-grandchildren. It goes on to infinity."[29]

The desire of the middle class for "perfect" white babies was intense during this "baby scoop" period. The sociologist Clark Vincent commented:

> If the demand for adoptable babies continues to exceed the supply then it is quite possible that, in the near future, unwed mothers will be "punished" by having their children taken from them right after birth. A policy like this would not be executed — nor labeled explicitly — as "punishment." Rather, it would be implemented through such pressures and labels as "scientific findings," "the best interests of the child," "rehabilitation of the unwed mother," and "the stability of the family and society."[30]

Secret records

DURING THE FIRST HALF of the twentieth century, states passed laws requiring the sealing of adoption records to insure secrecy and anonymity, a policy urged by social workers in child-placing agencies with the goal of removing the stigma of illegitimacy from children born out of wedlock. These statutes barred all persons from inspecting the files and records on adoption except for the parties to the adoption and their attorneys."[31] These laws required the identities of the birthparents and

the adoptive parents to remain secret, even from each other. The original birth certificate would be sealed and an amended one would be issued at the time of legal finalization of the adoption. Minnesota passed the first of these in 1917, and from then and until well into the 1940s, all other states passed similar laws.[32] This practice of sealing adoption records has come under increasing attack since the 1950s.

Before World War I, relatives and friends often raised the child of someone they knew and the biological parents were in touch with the child. But adoption gradually became institutionalized by doctors, lawyers, and social workers, "most of whom sought a match of physical traits that would allow parents and children to pass as a 'real family.'"[33]

In the 1950s, motherhood was glorified. For those unable to conceive on their own, adoption was a blessing, one often kept secret to mimic the wished-for idyll. In addition, social workers seized on a postwar embrace of psychoanalytic theories — which tended to view unmarried mothers as disturbed, adoptees seeking information about their roots as neurotic, and infertile people as unstable — as a rationale for keeping adoptive families and biological families apart.[34]

Adoption agencies in the 1950s sought to replicate their vision of the ideal nuclear family by their adoption practices. A study of adoption practices in nine regions of the country in the 1950s found that the adoptive parents chosen by social workers in all the communities were "shockingly similar."[35] The typical man and wife were white and Protestant, had strong inner controls and little personal flexibility, placed a heavy emphasis on education and ambition, were rational and task-oriented, lived in a single family dwelling, and earned much more than the average income in their communities. Parents who adopted children other than white infants, however, were more accepting of imperfections, were less anxious about achievement, and placed a high value on loving a child.[36]

A decade after this study, another study said essentially the same thing about adoption workers:

> Adoption agencies (are) a product of our middle class culture, responding to pressures within the community in order to gain its support, and also incorporating some aspects of the value system of that environment, which includes values that are not wholly accepting of the deviant child.[37]

As Gunter Grass says in *The Tin Drum*, "The trend is toward the bourgeois- smug."

Opening the records

IN THE SECOND HALF of the twentieth century, adults who had been adopted developed an urgent need to know their origins, often precipitated by marriage and the prospect of bearing children of their own. They formed advocacy groups to gain access to their birth records and other background information, to which they believed they were constitutionally entitled. The first of these groups was founded by Jean Paton in 1954[38]. Since then, several advocacy groups have been formed. The largest and probably the most influential group of adult adoptees is the Adoptees Liberty Movement Association (ALMA) founded by Florence Fisher in 1971.

Birth parents also began to demand greater involvement in the adoption process, including the right to know the progress of the children they had relinquished. They formed Concerned United Birthparents (CUB).[39] Some people joined the movement after the Hyde Amendment was passed in 1973, prohibiting the use of federal funds for abortions. Joseph Califano, Secretary of the U.S.

Department of Health and Human Services, proposed to pay indigent women to bear children to be surrendered for adoption as an alternative to Medicaid abortion. One birth mother said, in response to Califano's statement, "I'm not saying that having an abortion doesn't have psychological or emotional aftereffects, but at least there can be some kind of mourning period or some kind of resolution. With adoption, the mourning period never ends because you never know."[40]

These groups focus not only on the emotional distress they have suffered, but also on "a billion dollar industry that focuses more on money than youngsters' welfare."[41] The research firm Marketdata Enterprises Inc. estimated in a 2000 national report that adoption services are a $1.4 billion business.[42] The cost of adopting an infant — domestically or abroad, using a private attorney or an agency — averages $15,000 to $30,000 and sometimes far more.[43]

Not everyone in the movement is entirely against adoption. Some see a need for adoption, but campaign for more openness in adoption where information is shared between biological and adoptive parents, or biological mothers know the adoptive parents and can sometimes maintain contact with the child. Many of them search for their biological mother.

But the most zealous are against adoption under any circumstances, believing it dooms parents and children to a lifetime of misery. They believe the first option should always be to help the mother and father keep their child. If that is impossible, a family member or other caring adult should assume the role of legal guardian. But the child's identity should never be changed, the child should be made aware of family relationships, and all birth records should remain open. No money should change hands.[44]

Psychologist Joe Soll, himself an adoptee and longtime anti-adoption activist, takes issue with the practice of sealing adoption records. "There will always be babies who need new homes, but why must names be changed, records sealed, why must children lose contact with their family?"[45]

Many adoptive parents were alarmed at the prospect of opening records and losing anonymity. The Association for the Protection of the Adoptive Triangle (APAT) was formed in support of sealed records.

Bartholet discusses how the search movement has contributed to anti-adoption sentiment. She says:

> The current emphasis on the importance of genetic heritage has revived certain classic fears about the viability of adoption — fears rooted in an assumption that parent-child relationships are likely to work only to the degree that parent and child are significantly alike. In the ongoing nature-nurture debate, the voices of genetics theorists have prevailed lately.[46]

Bartholet points out that the choice of giving a child up for adoption adds to the mother's choices and can be liberating. It also adds to the choices of infertile couples to choose to adopt, rather than obsessing over the need to have their own biological children. This is true, yet Bartholet downplays the importance of birth mothers' desire to know how their children are faring, their resentment at having been coerced in their decision, and the emotional turmoil they go through. She says that people who oppose adoption because it is the ultimate form of exploitation of the poor by the rich ignore the fact that "adoption functions to improve the economic situation of birth mother and child."[47] Surely this reduces the issue to the cash nexus.

A new stigma

ALTHOUGH THE STIGMA of unwed parenthood has lessened, there is still stigma attached to women who give up their babies to be adopted. Judith Green, an adoption worker at the Spence-Chapin adoption agency in New York, said "If a young woman in difficult circumstances chooses to keep her baby, people think she's brave and wonderful; if she goes instead for an abortion, they think, that's a . . . personal decision and she can get on with her life. But if that woman says she's giving up her child for adoption, people are uncomfortable . . .They don't know what to think of her or what to say. They have an uneasy feeling that she's doing something wrong."[48] A secretary in St. Louis said the attitudes she encountered when she considered giving up her baby contributed to her decision to keep her daughter. She said, "Vilification isn't too strong a word. It wasn't everyone . . . but once I tuned into the message between the lines of the attitudes around me . . . it was that I must be a low-class slut or stupid or something[49] to let myself get into this predicament, so I might as well give my baby to some decent people."

Professionals say that the majority of mothers who surrendered their children are not reckless teens, but women in their early 20s to mid-30s, usually single, who have anguished over their decisions. Most have graduated from high school; many have attended college. Invariably, their primary motivation is not to jettison a personal problem, but to give their babies a better life. And while they often bear emotional scars and want to know about their children for the rest of their lives, they rarely attempt to interfere in the adoptive families or consider trying to get their children back.[50]

Some married women surrender their children to adoption because they already have all the children they can care for. In one case described in the *New York Times*, the birth mother lived with the adoptive mother before delivering the baby. The birth mother did this because, as she said to the adoptive mother, "I want you to feel that this is your baby, your family."[51] The birth mother decided to have the baby adopted when she had three small children and became pregnant again, despite having had an injection of Depo-Provera that was supposed to prevent pregnancy. Her husband, who works in a factory making roll-up doors for trucks, agreed that they could not cope with another child.

Being able to choose the adoptive parents helps birth mothers live more comfortably with their decision and relieves their worry about the baby's welfare. Many birth mothers are offered counseling by adoption agencies to help them deal with their decision, which is a far cry from the days when agencies gave mothers no choice but to give up their babies.

Open adoption

THE IDEA OF OPEN ADOPTION developed in part because babies for adoption (especially white healthy ones) became more scarce (at least in the U.S.) and thus some concessions had to be made to birth parents. No such concessions were needed when adopting from third world countries.[52]

Open adoption can range anywhere from simply opening adoptees' records for inspection when they are 18 or 21, to a full sharing of parenting between the birth mother and the adoptive parents. Sometimes there is occasional correspondence between the two. Sometimes it simply involves the birth mother knowing where the child is, without having any contact. Open adoption is a *fait accompli* with older children who know their parents. Occasionally the open adoption is made legal. In 1986 parents in Cape Cod, Massachusetts signed papers agreeing to an "open adoption" in which the biological parents will share in the growth and development of their daughter Erin, age 2, who was born with Downs Syndrome. The agreement states that the natural parents and adoptive couple will work out between themselves details of the arrangement such as visitations, phone calls, and finances.[53] The natural mother had gone through a series of traumatic events in her life and was in counseling. Her husband traveled on business 6 of every 8 days, so could not give her much

help. She felt overwhelmed. She said, "I've been through a tug-of-war. Had we placed her at birth it probably would have been a closed adoption. We kept her for 14 months because we wanted to get to know her better. We can't close the chapter now, yet the everyday pain of caring for her is not mine."[54] The adoptive mother understands the mother's decision. "For her, Erin was the straw that broke the camel's back. It's easier for us because we don't have the emotional baggage and the guilt."[55]

Opponents of open adoption include adoptive parents who do not want any contact with the birth mother and birth mothers who don't want their children to contact them, sometimes fearing that their husband and children will find out.

A study of over 1,000 birth parents and adoptees who had been involved in searching found that "participants agreed resoundingly that reunion services should be available to anyone who seeks that option. Over 90 percent of all searchers and search subjects reported that reunion was a positive experience."[56] A California study of 1,396 adoptions of children from infants to 16-year-olds found that children in open adoptions had significantly better behavior scores (as rated by their adoptive parents) than children with no access to birth parents and that the adoptive parents who were in contact with birth parents had more positive impressions of those birth parents. Adoptive parents who favored open adoption felt it was in the best interests of the child.[57]

A nationwide longitudinal study of 169 birth mothers and 190 adoptive families found that birth mothers in closed adoptions experienced more unresolved grief than in open adoptions. They also found that adoptive parents who had some form of openness showed more empathy about adoption, talked about the adoption more openly with their child, and were less fearful of the birth parents trying to reclaim the child. Children in open adoptions had higher levels of understanding about adoption.[58]

It has become more common for the birth mother to choose the adoptive parents. Birth mothers tend to choose higher income parents, assuming that this will insure their children better life chances, which fuels a trend toward higher income adoptive parents. Although direct payments to birth mothers are prohibited as illegal baby selling, some unscrupulous lawyers and other adoption facilitators do agree to such under-the-table arrangements. There is also more "shopping" by birth mothers for an agency or lawyer who will offer better health coverage, nicer apartments during their pregnancies, or other indirect benefits permitted in some states. One lawyer commented, "I'm not saying it's baby-selling, but the empowerment of birth mothers is making it much more of a sellers' market."[59]

Adoption records have been open for some time in Australia, Finland, Israel, Mexico, New Zealand, and Norway with satisfactory results.[60] Britain made open adoption legal in 1976, but only a few states have made it legal in the US. In 1998 Oregon used the ballot initiative to restore the rights of adults to access their original birth certificates, the first time in US history that any question regarding adoption has been put to a public vote. Six states allow the unsealing of adoption records subject to a "good cause" hearing At least 20 states have enacted some form of "mutual consent" registry laws facilitating the process whereby parties to an adoption can indicate their willingness to meet at a later date.[61] There is no federal law governing open adoption, and adoptee- rights organizations are making a long march through the states to try to make it legal everywhere.

The leader of the campaign for open adoption in Tennessee was a woman who had been adopted who needed medical information . She had a tiny growth near her right eye, and doctors wanted some medical background to establish if there was a history of glaucoma or other eye disease in the family or if any members of her family were allergic. She was outraged to discover

that she could not get access to her birth certificate to find this information.[62]

The internet has made the search for a biological family much easier, and increased the number of searchers. There are also professional searchers who charge for their services and act as intermediaries between the birth mother and her biological family. Some charge thousands of dollars, but one of them, Joe Collins, charges $900, nothing up front, and nothing if the search is unsuccessful. He has found that the vast majority of searches are instigated by female adoptees looking for birth mothers rather than fathers. And he says he's never run into anyone exploring her past because she's unhappy with her adoptive family. He says, "I sense that a lot of adoptees are just curious, others have this compulsive need to know . . . and some subconsciously believe they were given away because they did something wrong. They want to hear the reasons to ease their minds, and they want to hear it from the source."[63]

Race and class

MOST ADOPTIVE FAMILIES ARE WHITE and middle class or rich, except for relative adoptions. Most of the children adopted come from poor or working class families. This has led some progressives to oppose adoption or to regard it skeptically on the grounds that it exploits poor people and people of color. During the 1960s, adoption agencies were relatively open to adoption of black children by white families, but in 1972 the National Association of Black Social Workers opposed these adoptions, saying that black children should only be placed with black families in order to maintain their cultural heritage and psychological well-being. White social workers generally concurred, whether out of liberal guilt or because of their own feelings about such adoptions. There have been some efforts to increase the supply of black adoptive families through recruitment and subsidies, but the supply has never matched the number of black children in the foster care system who are freed for adoption.

In 1993, Senator Howard Metzenbaum introduced a bill in Congress called the Multiethnic Placement Act which prohibited the use of race to delay, deny, or otherwise discriminate in adoptive placements. The National Black Social Workers Association, the NAACP, the North American Council on Adoptable Children, and Native Americans opposed transracial placement under any circumstances and the bill was amended to allow race matching, prohibit only "undue" delay, and permit social workers to choose "long-term foster care" in preference to adoption. "Dozens of law professors across the country and across the political spectrum signed a letter to Congress urging rejection of this legislation as "unwise, intolerable, and unconstitutional."[64] In response to a *New York Times* editorial that said, "Clearly, matching adoptive parents with children of the same race is a good idea," Charles Fried, a Harvard law professor, said:

> Why is this so clear? Lurking behind this unproven assumption is the same logic that held that "clearly" blacks and whites should serve in segregated military units. Or, "clearly" it is preferable not to award custody of a child to a parent who after divorced entered in interracial marriage — a judgment the Supreme Court many years ago ruled unconstitutional . . . Mandating, or even explicitly authorizing preference based on race . . . is to place in the hands of a militant hostile social-worker bureaucracy a device that will easily be used to perpetuate the very situation you deplore.[65]

The bill was signed into law by President Clinton in 1994, prohibiting federal financial assistance to be used to deny a placement solely on the basis of race, but allowing for consideration of the cultural, ethnic, or racial background of the child and the capacity of the foster parents to meet the needs of a child of this background. The law also required that agencies "engage in diligent

recruitment" to find foster and adoptive parents who reflect the racial and ethnic diversity of the children needing placement. A GAO study found that many social workers were not complying with the law. Health and Human Services spokesman Michael Kharfen said that enforcing the policy was a tough job. "with the policies of 22 states and District of Columbia giving preference by race."[66]

Many of the original supporters of the bill, including Senator Metzenbaum, urged adoption of a stronger law and the Multiethnic Placement Interethnic Adoption Provisions was signed into law by President Clinton in 1996, which prohibits "a state or other entity that receives federal assistance from denying any person the opportunity to become an adoptive or a foster parent solely on the basis of the race, color, or national origin of the persons or of the child involved." A study done in 1998 concluded that "much work needs to be done" to determine its effect. Eight states did not ever compile data on the subject,[67]

Elizabeth Bartholet argues that racial matching policies

> represent a coming together of powerful and related ideologies — old fashioned white racism, modern day black nationalism, and what I will call "biologism," the idea that what is "natural" in the context of the biologic family is what is normal and desirable in the context of adoption . . . The claim that a black person, by virtue of race alone, will necessarily be more capable than a white person in parenting a black child is the kind of claim that courts have generally refused to allow. There is no evidence that same-race placement is beneficial to black children and there is a good deal of evidence that delayed placement causes them harm . . . We can recognize the importance of racial and cultural difference without subscribing to separatism. We can believe that people are fully capable of loving those who are not biologically and racially similar but are "other," and that it is important for people to learn to do so. We can regard the elimination of racial hostilities as more important than the promotion of cultural difference.[68]

Although Bartholet is against legally allowing racial preference policies, she recognizes that race should be taken into consideration in adoptions. "A no-preference regime would not mean that agencies would have to ignore private parties' preferences with respect to race."[69]

While I agree with Bartholet's position on interracial adoption, I take issue with her assumption that adoption would solve the problem of large numbers of black children staying indefinitely in foster care without a permanent plan. She does not recognize that many of those black children should not be in foster care in the first place. Many of them are in foster care because their families lack the social supports they need to keep their families together. Many of the families are homeless. One study found that in Washington, DC one-half of DC's foster children could be returned to their parents if they had a decent place to live.

Many parents working at low-wage jobs can't afford day care or babysitting. A study in New York City of children placed in foster care because of "lack of supervision" found that in 52 percent of the cases, the service needed most was day care or babysitting. But the "service" offered most often was foster care.[70]

The welfare reform act (Personal Responsibility and Work Opportunity Act), signed into law by President Clinton in 1996, drastically cut assistance to families. The law led to a rise in the numbers of children being placed in foster care, and some mothers have given up their babies to adoptive couples. I know a lesbian couple who assumed that they could get a quicker adoption if they applied in a state that had low welfare grants and few social supports. They adopted two Latina girls from

Texas within four months..

The federal government spends nine times more money for foster care than for preventive services, giving states an incentive to place children in foster care rather than provide services. Some mothers with substance abuse problems could keep their children if they got adequate treatment, but there are not enough treatment facilities.

Some black children are placed in foster care because of racist attitudes of white social workers and doctors who view problems of black families as more serious than similar problems of white families.

Many black children in foster care could be adopted if agencies were more culturally sensitive to black adoptive applicants and in their recruitment procedures. An Urban League study found that of 800 African American families who applied to adopt, only two were approved. White social workers generally think that affluent families would provide more advantages to children, and African American families are disproportionately poor. In fact, studies show that working-class and low-income families are often better parents for children because they don't have the same high educational and achievement expectations as do middle class parents.[71]

Some prospective adoptive parents are rejected by white-dominated agencies because they are members of Alcoholics Anonymous. Some are rejected because of a CORI record for a minor offense. A CORI (Criminal Offender Record Information) is a record of past crime or crimes that a person has committed. Often the "crime" is no more serious than a minor drug violation. A CORI check by officials can prevent people from getting jobs or public housing or from becoming foster or adoptive parents. There is a campaign in Massachusetts to change these practices.

Black adoptive parents are often discouraged from adopting because of high agency fees and inflexible standards, as well as systemic racism and lack of minority staff members. Some agencies staffed by African Americans have had a high success rate of finding African American adoptive parents. They have established offices in black neighborhoods, kept flexible working hours, recruited through black churches and other black organizations, lowered fees or not charged at all, educated rather than investigated, done more personal outreach to families, and cut through bureaucratic procedures. Families are allowed to change social workers if they don't like the one they were assigned.[72] Bureaucratic white- dominated agencies could benefit from adopting some of their practices.

Federal and state legislation that forbids the consideration of race as a major factor in the selection of adoptive families has made it harder for agencies that do special recruitment of black families to get funding. The authors of an article on recruiting black families end their article with an observation, probably made with tongue in cheek: "It will be interesting to observe whether in the future the new legislation will be interpreted to facilitate transracial placement of Caucasian children as well as of minority children."[73]

Adoption and Safe Families Act

AMID GREAT FANFARE and in the company of a family with about 10 adopted children looking over his shoulder, President Clinton signed into law the Adoption and Safe Families Act of 1997. He challenged states to double their adoptions within five years. The Act requires states to file a termination petition in cases in which children have been in care for 15 of the past 22 months, regardless of the child's age or special needs. This means that parents who cannot resolve the problems that led to placement in foster care within 15 months are at risk of having their parental rights terminated. This will be especially hard on parents who are substance abusers and require at

least 18 months treatment, as well as on women who are imprisoned.

Adoption was viewed by Congress as the panacea for the problems of foster care. States get $4,000 for every child adopted beyond their best year's total, plus a payment of $4,000 for every child aged nine and older and $2,000 for every special needs child adopted above the baseline year. States receive additional federal funds if they exceed their prior number of completed adoptions and federal technical support to help them reach their adoption targets, *not* their targets for discharging children home. The money is paid when the adoption is finalized, so there is an incentive to place a child with little concern about whether the placement will really last. In fact, if the adoption fails and the child is placed again, the state can collect another bounty. States that do not comply with the law's provisions will be denied a portion of their funds that finance foster care and other child welfare services. Some states pay incentive funds to parents.

Adoptions of foster children have increased dramatically since the Act was passed, but the number of failed adoptions has also increased. States, under pressure to complete adoptions in order to get federal funds, often do inadequate investigations, overload homes, and fail to prepare adoptive parents for the problems they are likely to have. Almost two thirds of children awaiting adoption from foster care are at least six years old.[74] Studies have shown that adoption disruption rates rise dramatically with age at adoptive placement, with disruption rates for older children reaching well into double-digit percentages within the first two years of adoptive placement alone.[75]

Some horror stories have surfaced about failed adoptions. In New Jersey four adopted boys in an adoptive home were being starved on a diet of peanut butter and plaster while the couple was being evaluated for the adoption of a seventh child. The family had received more than $30,000 a year in incentive payments from the state. In Houston, Texas a couple was allowed to adopt six severely handicapped children. "Despite many complaints of abuse and rat-infested conditions in their home, the state acted to remove the children only after the couple beat one to death in 2000. In an internal review the state agency found it had not violated any of its own procedures in approving the adoption."[76]

Darlene Kuster, a welfare rights activist in Idaho, reports that the Adoption and Safe Families Act (ASFA) "has been a real windfall for the child-hungry middle class."[77] The Idaho legislature has expanded the reasons considered "cause" to take children away from their parents. Homelessness alone is considered "neglect." Homeless women are afraid to even apply for Medicaid for their children.

Kuster gives an example of a mother who was forced by restrictive welfare rules to give up her child to the foster care system. The mother was unable to report to her work site because the sheriff had come to evict her and she had to salvage her belongings. Her worker told her that if she did not show up, all her benefits would stop and the Child Protection Service (CPS) would be sent out. The mother left her sister to pack the car and went to her work site. CPS removed the child anyway for "neglect." She was told she could not have her baby back until she established permanent housing and employment.

Kuster said that the clock on termination of parental rights begins to tick as soon as the kid is out of the home, and the CPS caseworkers always check the "adoption" option rather than the "reunification" option on the "Goals" part of the form. So the case is always filed initially with the assumption that no case plan is really necessary.

Kuster says that the overwhelming majority of poor women in Idaho are white. White babies are especially desired by adoptive couples. She and other activists "accompany women of kidnapped

babies to the Department of Health and Welfare and the Public Pretender as advocates and witnesses."[78] They advise women never to disclose homelessness to DPW (Department of Public Welfare) and they tell women in shelters that if shelter staff threaten to report them to DPW, they should leave the shelter. They collect women's stories and lobby legislators.[79]

One of the "unintended consequences" of the ASFA, according to researchers at the University of Chicago, is that family reunification rates have slowed down.[80] Richard Wexler, the director of the National Coalition for Child Protection Reform, had this to say about the law:

> Although ASFA encourages states to do a lot of bad things, by and large, it does not require them. In theory, the mandates of ASFA can be met just as easily with a renewed commitment to keeping families together as they can by embracing the "take the child and run" approach. There is nothing in AFSA that prohibits states from providing rent subsidies so children are less likely to lose their parents because those parents lack decent housing. And there is nothing to prohibit states from providing day care so single working parents do not lose their children because of "lack of supervision."[81]

Richard Gelles, dean of the University of Pennsylvania School of Social Work, who helped draft the ASFA, has said, "Initially this was just supposed to be a safe families bill, not really an adoption bill at all. The adoption component was a way of sanitizing the bill, to make it more appealing to a broader group of people. Adoption is a very popular concept in the country right now."[82] Gelles also admits that ASFA might be differentially applied to poor, low income, and minority families. He says, "When you err on the side of safety . . you're going to make mistakes in terms of sweeping up children into the system who might not belong in the system and those children are almost always going to be from poor families, from minority families, from Spanish-speaking or non-majority-language families."[83]

Even before ASFA was passed, state efforts to expedite termination of parental rights were creating a generation of "legal orphans" with no ties to birth parents but without adoptive homes either. "Thanks to ASFA, the problem is spreading. In New Jersey, between 1997 and 1999 almost four children had parental rights terminated for every one actually adopted. A study of urban counties in Nebraska found that more than a year after parental rights were terminated, fewer than half the children had permanent homes."[84]

Backlash against family preservation

IN THE 1990S there was a backlash against the "family preservation" approach to child welfare. Richard Herrnstein and Charles Murray suggested in 1994 in *The Bell Curve* that we should encourage single women to give up their children for adoption at birth." And even within the child welfare professional community, the mantra of 'child safety' was beginning to replace, or at least overshadow, that of 'family preservation.'"[85]

"Child safety" and "family preservation" are not incompatible, but many people equate "child safety" with removing the child from the home. Leroy Pelton says that Richard Gelles, in his book *The Book of David*, seemed to view child safety as incompatible with family preservation.. Gelles says, "The policy of family reunification and family preservation fails because it assumes that *all* biological parents can become fit and acceptable parents if only appropriate and sufficient support is provided." But Pelton points out that family preservation policy has implicitly assumed, and the promoters of this policy have often explicitly stated, that families should preserved only if it is at all possible to maintain the child safely within the family. The policy states a preference for family

preservation, not a blind dictate."[86]

Some people think that ASFA was a stealth movement to try to create orphanages for children. Richard Gelles said that because the foster care system is already dangerously overloaded, "orphanages" would be "plausible and cost effective placements."[87] Edward Banfield, in his 1974 book *The Unheavenly City,* proposed "as a thinking exercise" that we consider placing the children of the poor in institutions. Newt Gingrich invoked the nostalgic image of Boys Town in his call for orphanages. Protests against this silenced further open discussion of the idea but, according to Richard Wexler, "The Republicans knew full well there's never going to be enough middle class adopted to go around. The Republicans only started talking about adoption after their pollster, Frank Luntz, told them they could get what they wanted in terms of orphanages — but they had to stop using the term orphanage."[88]

International adoption

AS THE SUPPLY of adoptable babies in the U.S. has gone down and birth rates in Western industrialized nations have declined, people have been turning to international adoption where birth rates are high and there are few prospective adopters for the many homeless children. Some progressives have made the same argument about international adoption that they have made about transracial adoption — that children should be kept in their native countries and not deprived of their cultural heritage, and parents should not be forced to sell their babies to rich white couples. Yet, as Elizabeth Bartholet says, "for most of the homeless children of the world, international adoption represents the only realistic opportunity . . . to have a permanent family of their own."[89]

Wars create orphans and homeless children, and that leads to an increase in international adoptions. "Historically, Americans have adopted children left parentless by war: 8,000 Japanese and European orphans were adopted in the late 1940s; thousands more came from Korea a decade later."[90] However, it was not only war that spurred Korean adoptions. For decades after the Korean War, South Korea was the leading source country for foreign adoptions into the U.S., caused by factors internal to Korean society such as taboos on single and divorced mothers, poverty among those mothers with no government or relatives' support, and the massive urbanization of poor people from the rural areas into Seoul. The pattern has been similar for other countries.[91]

International adoptions have doubled in the last few decades. Domestic adoptions still outnumber international ones, but that margin appears to be quickly closing . . . The United States has no shortage of adoptable children: it is just that most of them are over the age of 5 and living in foster care. There is also the little-discussed issue of race; white infants make up the minority of available children but also are the most requested.[92] White Caucasian prospective adopters tend to look toward Russian, Romania, and Eastern Europe rather than to Africa for children.[93]

In the last half century the numbers of children from other countries coming into the United States have been rising over the years from negligible to some 21,616 in 2003.[94] American citizens adopted 22,739 orphans from around the world in 2005, according to the State Department. The countries from which most children were adopted were: China (7,906); Russia (4,639); Guatemala (3,783); South Korea (1,630); Ukraine (821); Kazakhstan (755); and Ethiopia (441).[95]

Some families prefer to adopt overseas rather than domestically because the prevalence of open adoption has made them fearful of contact with birth mothers. One Oregon mother, describing her decision to adopt from Cambodia instead of domestically, said, "I was terrified of hooking up with a birth mother who would change her mind, even if there was only a small chance of it happening."[96]

The Hague Convention

The Hague Convention, an international treaty approved by 66 countries in 1993, including most of the sending and receiving countries in the international adoption world, is the most important law governing international adoption to date. It sets minimum international standards for adoptions that occur between countries, to insure greater protection from exploitation of children, birth parents, and adoptive parents. It makes adoption a preferred option for children over institutional care in their home countries, although expressing preference for adoption in- country over adoption abroad. It prohibits the use of financial payments to induce the surrender of parental rights, or coercion as in kidnapping.

The Convention governs only those adoptions that take place between countries that have ratified it. As of October 2004, 46 countries had become parties to the Convention and 6 had signed but not yet ratified.[97] The U.S. signed it in 1994. Congress passed enabling legislation entitled the Intercountry Adoption Act of 2000 and the regulations are being finalized, with the final ratification of the act scheduled for 2007. At that time, private adoption agencies will generally need to be accredited or approved. Currently, adoption agencies in the U.S. are licensed and supervised by individual states.

Countries can continue to approve international adoptions even with countries that have not ratified the Convention, and China has agreed to continue to allow U.S. citizens to adopt Chinese children. However, Venezuela has refused to allow U. S. citizens to adopt children in that country until the U.S. ratifies the Convention..

Adoption advocates hope that the Convention will help to prevent illegal adoption practices. There have been a number of adoption scandals involving baby buying or kidnapping in countries such as Cambodia, Peru, and Romania. Angelina Jolie was faced with a law suit after she adopted a baby from Cambodia because the organization that brokered the adoption was found to have conducted the adoption illegally. This did not discourage her from international adoption as she kept the child, and she and Brad Pitt later adopted a child from Ethiopia.

Madonna adopted a child from Malawi, despite the country's laws that forbid nonresidents from adopting Malawian children. A children's charity in Malawi went to court to try to stop the adoption. The orphanage from which Madonna got the baby said that adoption is "not like selling property . . . But the action has raised the question: Has Madonna's celebrity status allowed her to steamroll Malawi's legal system?"[98]

Madonna donated $3 million to help children infected with HIV. She is one of several celebrities who have taken on a cause, including Mia Farrow, Ewan McGregor, Angelina Jolie, and Bono. According to Steve Lewis, the United Nations' special representative on AIDS and a frequent critic of what he sees as governments' complacency, said, "The amazing absence of political leadership has left in the hands of the celebrity leadership a vacuum, which they're filling in a pretty important way."[99]

A baby-selling scandal in Romania caused the country to shut down international adoptions altogether in 2000, and in 2004 they eliminated international adoption altogether, except for adoption by a child's grandparents. International adoptions in Romania soared after footage was released in the early 1990s depicting dire conditions at orphanages, which appeared on a Barbara Walters show. About 20,000 children were adopted from Romania from 1990 to 2000,[100] but were halted when Romania banned adoptions by all foreigners except relatives of the children in 2004, without resolving the cases of 1,100 Romanian orphans and abandoned children for whom foreign families had registered adoption petitions prior to the ban. About 270 families in the U.S. were in the

process of adopting children from Romania before this law was passed. Romania was responding to pressure from the European Union, whose representative for assessing Romania's EU membership was against international adoption. However, the new representative at the EU stated publicly that he differed from his predecessor on the issue of international adoption. The European Parliament in December 2005 asked that Romania resolve international adoption cases registered during 2001-2004 "with the goal of allowing intercountry adoptions to take place, where justified and appropriate."[101] U. S. officials, including Congress and President Bush, have put pressure on Romanian officials to allow adoptions to go forward, but so far Romania has not budged.

Cambodia, which once supplied large numbers of children to adoptive parents, stopped its intercountry adoptions in 2002 because of allegations of corrupt "baby laundering." The Immigration and Naturalization Service suspended visa processing for adopted children, citing suspicions that they were bought or stolen from their parents and put into orphanages with false paperwork in order to feed the growing American demand for babies. Before the U.S. stopped adoptions from Cambodia, about 400 families were caught in the middle of the adoption process. The INS. has cleared some pending cases for adoption, but says it will not approve adoptions until Cambodia changes its laws. Prospective parents have engaged in a passionate letter-writing campaign to Congress and picketed the INS. building in Washington.[102]

Politics in international adoption

COUNTRIES' ADOPTION POLICIES are heavily influenced by politics, as the Romanian situation illustrates. China, troubled by publicity in the late 1990s over gay parents in the U.S. raising Chinese children, now requires all applicants to sign statements that they are not gay or lesbian. It also does not allow more than 8 percent of the country's children who are adopted to be placed with single people. [Material added 1/9/07: China issued additional regulations in late 2006 that prohibit all single people from adopting, as well as people who are obese, taking psychotropic drugs, over age 50, or poor.] Lillian Zang, executive director of China Adoption with Love, based in Brookline, Massachusetts, commented on the recent decline in adoptions in Massachusetts:

> Massachusetts is particularly hard-hit by the Chinese policy because of the high number of educated single women, as well as gays and lesbians, who seek to adopt from this state. Calling it a "blue state, red state" phenomenon, she speculated that liberal urban centers are more likely to be experiencing a drop in adoptions from China.[103]

This is occurring despite the continued rise in numbers of Chinese adoptions nationwide, but Zang says she expects a dramatic decline in Chinese placements across the country in the next decade because there will be fewer children available. "Chinese officials are encouraging the country's citizens to adopt. They have also launched an aggressive campaign to alter the traditional Chinese rural preference for male over female babies, a preference that resulted in the abandonment of many newborn girls."[104]

A University of Massachusetts study indicated that the decline in adoptions in the state was due partly to the decline of the economy, as well as the reduced number of Chinese adoptions. Adoption fees of more than $20,000 are out of reach for many families. More Massachusetts parents adopted through the foster care system, which is the lowest-cost alternative, and more sought babies from Guatemala.[105]

Open international adoption?

HOW ABOUT OPENNESS in international adoption? As far as I know, there is no group advocating that

but it seems to me to be as important as openness in national adoptions, even though it would be more difficult to implement.

One mother who adopted a Cambodian child, initiated an open adoption with the mother of her child. Dale Edmonds, a New Zealand adoptive mother living in Singapore, adopted a child who she was told was 6 years old, but the child told her that she was actually 11, that she and her brother were born with different names than had been given Edmonds, and that she was told not to discuss her history. The facilitator told Edmonds that her children's birth mother had died in a rural province, when in fact the child insisted that her mother was living in Phnom Penh. Edmonds located the children's mother and sister. The birth mother did not object to the siblings' move to Singapore, and Edmonds and her husband, at the mother's request, adopted her other daughter. "What matters most," Edmond says, "is that her Cambodian-born children were stripped of their names and histories and essentially hidden from their birth family. I wanted to think our adoption was ethical," she says, "It hurt bitterly to have those beliefs challenged."[106]

It seems to me that the Edmonds family has chosen the best of both worlds. The adoptive parents know their children's past and do not have any guilt about taking stolen children. The children know their origins and are in contact with their birth mother. Probably there are few adoptive mothers who have chosen an open international adoption, but it is generally working well domestically and I think it would be a good idea to try it on a large scale in international adoptions.

Open adoption has occurred in the Marshall Islands, where many U.S. servicemen stationed there adopted children of native families.

> Traditionally, adoption in the Marshall Islands was practiced within the clan or tribe. The concept of terminating parental rights was never instituted, and the child had a relationship with both birth and adoptive families, often returning to the birth family in the birth parent's old age. The adoptive family, typically with more resources, was expected not only to care for the child but also to provide assistance to the child's birth family. The gift of the child was reciprocated by the adoptive family with ongoing assistance to the birth family.[107]

Between 1990 and 1998, over 140 children had been adopted by U.S. servicemen, with some degree of openness. The birth mothers expected the children to return to Marshall Islands after attaining adulthood, and they also expected to stay in touch with the adoptive families. However, within several years of the adoption, only 28.8 percent believed their children would return. Promised gifts and letters stopped or hadn't come at all, although some did continue contact. Some adoptive families had sent photos and aid packages, made visits back to the Marshall Island, and even helped birth families visit the children in their adoptive homes.

Every birth parent wanted to stay in touch but some had no way of being contacted or making contact. They were very poor and many were intimidated by the prospect of writing a letter, especially in English, or sending items through the mail. Most couldn't afford to make an international phone call. Many moved frequently and left no forwarding address. "When the correspondence dwindles, some birth mothers may not be assertive enough to complain to the 'right' people — such as the local liaison that facilitated the adoption — or they may feel powerless to do anything to correct the situation."[108]

The authors of this article conclude that in order to facilitate contact between birth and adoptive parents, adoption facilitators or the government should provide translation and repository

services and calling cards or internet credit for emails. "In the meantime, the Marshallese birth families should be provided with safety net services such as food and medical programs as well as long term capacity building programs such as access to basic services, education, and economic self-sufficiency opportunities."[109] That is also good advice for this country and for all countries that supply children for adoption.

Conclusion

IT IS HEARTENING to see the stigma of adoption lessening. It is time to put aside the idealization of the biological nuclear family. Families take many shapes besides that one — adoptive families, gays and lesbians, childless couples, single women and men, step parents, grandparents and other relatives, older people. Adoption helps people to break away from the obsession with biological reproduction and ethnic purity and to embrace the "other." Open adoption could even pave the way to that ideal society for children where children could choose whom they want to live with, as in the Samoa described by Margaret Mead.

There is no reason to stigmatize adoption. There is no reason to stigmatize unwed parents. There is no reason to stigmatize mothers who choose to give their children to adoptive couples. But there is also no reason why children should be taken away from parents who want them and would be able to parent them if given adequate social supports.

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