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Pamela Anne Quiroz
University of Illinois, Chicago

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Color-blind Individualism, Intercountry Adoption and Public Policy

PAMELA ANNE QUIROZ

University of Illinois-Chicago
Policy Studies and Sociology

A prevailing ideology of color-blindness has resulted in privatizing the discourse on adoption. Color-blind individualism, the adoption arena's version of color-blind discourse, argues that race should not matter in adoption; racism can be eradicated through transracial adoption; and individual rights should be exercised without interference of the state. As privatization has increasingly dominated our world and disparities between countries have grown, so too has intercountry adoption. This paper examines the colonial aspects of intercountry adoption and implications for conceptualizing global human rights from our current emphasis on individual rights, as the real issue continues to be which children are desired by which parents.

Keywords: *Color-blind, adoption, racism, transracial, intercountry*

The prevailing ideology of color-blindness has resulted in privatizing the discourse on social issues even as neoliberal policies have exacerbated inequalities. Support for public education has been discouraged in favor of school choice. Social welfare programs have been dismantled in favor of workfare, and preservation of the ecology has been undermined in favor of corporate entrepreneurship. The institution of adoption is

no exception as changing discourses and definitions of race in America are reflected in adoption. *Color-blind individualism* (Perry 1994), the adoption arena's version of color-blind discourse, argues that race should not matter in adoption; racism can be eradicated through transracial adoption; and individual rights should be exercised without the interference of the state (Bartholet 1991; Kennedy 2003; Mahoney 1991). The logic of color-blind individualism has even greater currency in private adoption. Individual agency, a component of color-blind ideology, is critical to participants in private and independent adoption, and in the 1990s Congress passed laws to support color-blind adoption practice. Reflecting the desires of the dominant culture and certainly adoptive parents (also dominantly white), the Multi-Ethnic and Inter-Ethnic Placement acts of 1994 and 1996 denied consideration of race in adoption placement and shifted adoption from a utilitarian function to familial entitlement.

At the same time web site presentations of private agencies mirror a color-consciousness that continues to pervade our society. Web sites also show how racial categories are shifting since not all persons of color are located similarly (Quiroz forthcoming). The tripartite system of racial categories described by Eduardo Bonilla-Silva (2003) is found in private adoption where the majority of sites show how the term Biracial is used almost exclusively for children of any ethnic group mixed with African American heritage. At the same time, other racial/ethnic children, particularly those who are mixed with white ethnic parents, are given honorary white status as they are removed from Minority and Biracial programs and placed either into a middle category between the Traditional and the Biracial/Minority program or into Traditional programs. Adopting children of color (or not adopting them) is seen as a matter of individual taste and lifestyle as color-blind individualists look to transracial, intercountry and minority adoption as partial solutions to poverty and family disruption. As privatization has increasingly dominated our world and disparities between (and within) countries have grown International adoptions have increased substantially, particularly in certain countries. British demographer and intercountry adoption expert Peter Selman points to "the picture

emerging in the United States—with numbers doubling in the last five years—suggests that there is a growing demand for young light-skinned healthy babies, which has led to a trade in children from and to countries” (p. 23, 2001). Thus, new meaning for human rights is generated because issues are no longer national but global.

Color-Blind Individualism in the Global Market

One of the many ironies of globalization is how societies have been brought closer together through technology and transportation, yet inequalities within and between societies have been exacerbated as national, political, and cultural statuses are disrupted, identities redefined, and measures for exclusion redrawn (Sklair 2004; Weiss 2006). There are those who argue that racism goes hand in hand with globalization to delimit participants in the market. Sociologist and activist Andrew Barlow (2003) explains a nation’s racial response to globalization as the result of a number of factors. These include a nation’s position within the international order, history of racism, extent of migration, and oppressed groups’ ability to resist racism. It is within Barlow’s framework that I situate intercountry adoption.

Focusing attention on individual and family welfare, intercountry adoption presents a mechanism for middle-class family-building in the U.S., and favors those with adequate funds or ability to secure \$20,000–\$40,000 in adoption loans. Though not explicit, intercountry adoption serves as a vehicle of privilege masked by benevolent rhetoric. Not only is adoption an ancient practice, but it also has the benefit of being regarded an altruistic one, at least since the 20th century. Most adoption institutions maintain a not-for-profit status such as orphanages in sending countries and private agencies in receiving countries. Informal practices such as bribes or expedite fees that occur in intercountry adoption are ignored. Even though intercountry adoption serves a relatively small fraction of the world’s needy children, the formal and informal practices of private/intercountry adoption contribute millions to the global economy as asymmetric economic and power relations situate children within the international order of

countries sending and receiving them (Lieberthal 2001).¹

In 2005, the U.S. State Department reported that intercountry adoptions by Americans had more than doubled (in the past decade) matched by an increase in private agencies (and individuals) facilitating these adoptions.² Because many of these agencies also maintain domestic and minority adoption programs, private domestic and intercountry adoption are not completely separate entities (http://travel.state.gov/family/adoption/notices/notices_473.html). Agencies that facilitate both types of adoption are basically self-policing and the amount of money expended on domestic and intercountry adoption is often comparable, at least for adoptive parents. Though regulations have been drawn for implementation by the U.S. State Department, since the treaty was drawn in 1993, intercountry adoptions by U.S. citizens, like private domestic adoptions, have not been monitored: 26 states currently recognize adoptions processed in other countries; 17 states require re-adoption (via petitions); and 18 states have no provisions for intercountry adoptions (National Information Adoption Clearinghouse (2003).

The only developed country to prefer private adoption over adoption through public agencies the U.S. has been slow to adopt the Hague Convention Treaty (Katz as cited in Masson 2001).³ Written in 1993 and signed by over 40 countries the treaty represents an international effort to reduce abuses of children and provides a framework within which participating nations can work. Although the United States signed the Convention in 1994, and President Clinton signed the Intercountry Adoption Act to implement the Convention in 2000, the treaty has yet to be ratified. Anticipated ratification is 2007 or 2008 when the State Department will become the Central Authority on intercountry adoptions, issue standards, accredit agencies, and maintain records for Congress. As the largest receiving country of children through intercountry adoption, the U.S.' procrastination in implementing the treaty may have promoted similar behavior among other countries and has called into question our commitment to children. Our country has also engaged in pressuring sending countries that place moratoriums on intercountry adoption (Romania, Guatemala, Liberia). Indeed, it is the contexts of private and intercountry adoption where

abuses are most likely to occur prompting UNICEF to assess them as "high risk." Compounding issues of implementation is the fact that adoption contributes to the political economies of nations with estimated income ranging from \$200-\$400 million annually. Although such contributions are more significant for sending countries than for receiving ones, Kim Park Nelson (cited in Trenka 2005) estimates that when ancillary adoption businesses are included (clothing, dolls, magazines, books) adoption becomes a billion dollar industry for the U.S.

Emphasis by some U.S. scholars, social workers, and adopters has been given to the lack of a legal framework to facilitate intercountry adoption and to streamlining the process for adoptive parents rather than to protecting the rights of families in sending countries. This focus has been coupled with the rationalization that eliminating or curtailing intercountry adoption would only worsen poverty and deprivation for individual children. The focus on rights and dilemmas of adoptive parents has often led to accusations of exaggeration of child laundering (marketing or children for work, sex or adoption) as isolated incidents rather than a system that exploits poor birthmothers and adoptees. Instead of a global and highly interconnected picture of the impact of post-industrial countries on developing ones, Americans often get a picture of the internal failures of nations to secure their children's futures.

Law professor David M. Smolin (2005) explains how hard evidence of corruption in the adoption process demanded by advocates of intercountry adoption is difficult to acquire due to the nature of the activity.

Those who traffick, buy or steal children for processing through the adoption system do not advertise their illicit activities. Moreover, most within the adoption system, including adoption agencies, adoptive parents, and sometimes even adoptees, have motivations for minimizing or ignoring evidence of such conduct... Logically, the vast majority of such cases would never come into public view, for the illicit aspects of the case would remain hidden under the legitimating veil of legal adoption. These abuses of the adoption system could not last long if they were not usually hidden; these crimes would not exist if they were not usually successful in achieving the aims of their perpetrators.
(p 1-3 <http://law.bepress.com/expresso/eps/749>)

Smolin cites a variety of inducements used to get families to part with children such as being told they will be able to stay in touch with their children or that they will receive continuing financial support from adoptive parents. In other cases, children are simply taken and turned into "paper orphans" with new identities provided. Though several countries have good reputations in intercountry adoption (China, Ukraine and Russia) there are also several with bad reputations such as Cambodia, Guatemala, India, and Vietnam. In the past 15 years, 17 of 40 sending countries to the U.S. placed either a temporary or permanent moratorium on private adoption due to suspected or known abuses of children and families (though not necessarily by U.S. citizens or private agencies). This is combined with the position of organizations like UNICEF that caution against poor control of intercountry adoption and cite this activity as one cause of the child trade (www.unicef.org/media/media_15011.html).

One of the most important criticisms surrounding debates on intercountry adoption is the bias of who gets to talk. Critics maintain that construction and presentation of adoption reality reflects the social location of adoption participants. Whereas scholars and intercountry adopters are often given a forum for their views to influence public policy, literary activist Jane Jeong Trenka (2005) observed, "adoptees are viewed as perpetual children, with views easily dismissed as 'angry', 'ungrateful', or 'bitter,' especially if our views are politicized, raced, or consider the women who gave birth to us." Assumptions (by adoption advocates) that children are better off than with their birthparents are often coupled with the argument that if poorer nations were truly concerned with the real needs of children they would support international adoption. Trenka (2005) has countered that if individual and national advocates of intercountry adoption were truly concerned with the status of poor children they would work on ways to secure the maintenance of families in these countries rather than taking their children.

The pattern that emerges is a collective cultural trauma on a global scale, manifested through the bodies of children and the mothers they have been taken from. It is an accepted, admired, praised, seemingly

benevolent programme of forced assimilation and amnesia, of relatively rich women entitling themselves to the children of severely impoverished and desperate women. It is a program of complicity in the so-called sending countries and unbridled greed for the natural resource of children in receiving countries. It is a program of ignorance enforced by the adoption industry itself" (<http://www.languageofblood.com/whywrite.html>). (07/09/2006)

Implications of Intercountry Adoption for U.S. Domestic Adoption

Implementing standards for intercountry adoption may have positive effects for domestic private adoption often accused of being one of the few remaining unregulated industries; however, this remains to be seen. Federal and state subsidies and medical assistance to adoptive families have promoted adoption of children with special needs and have resulted in increased rates of adoption of these children. Nevertheless, a substantial number of children remain in the system and recent cuts in state subsidies could result in stagnation of adoptions.

At the same time that special needs and intercountry adoptions have increased, the number of Black children placed with families from other countries (Canada, France, Germany, and Netherlands) has also increased. Private adoption and American demand has, in Patricia Williams words, turned "being black into an actual birth defect" (2003 p 165). Clearly black birthmothers who work with private agencies and select couples from abroad are an important part of this process. A number of newspaper and magazine articles suggest that at least one of the motivations for placement is an assumption that racism is less virulent in European countries and Canada.

Conclusion

In our new global reality, there ought to be a focus on improving the living conditions of all children both here and abroad. Measures should be in place to assure money gained through private and intercountry adoption be used to improve

conditions for families in developing countries with a focus on sustaining families rather than adopting their children. In an ideal world, adoption would not be needed, and certainly in a color-blind world 7 of 10 adopters would not be white.

In addition to ratification and implementation of standards for Intercountry adoptions, a Central Authority comparable to the State Department is also needed to accredit, monitor and report on adoption of U.S. children through private agencies. This Authority should publish regular reports on private agency practice for the protection of children and adoptive parents.

The relationship between Judeo-Christian beliefs and attitudes toward gay and lesbian persons (Crawford and Solliday 1996) coupled with the current conservative backlash in America resists expansion of adoption boundaries. A broader definition of who can adopt (gays, singles, older couples) needs to be standardized and not just for special needs cases. However, expansion is subject to states, agencies, and even individual social workers' interpretations as adoption practices vary widely. For example, Arizona has been working on legislation to ban adoptions by gays and to give preference to married couples, thereby making adoption by single persons difficult if not impossible. Single persons are also directed toward adoption of special needs children. Certainly children with special needs require loving homes and persons should be encouraged to adopt these children. However, just as program requirements are often more lax for adoption of minority children, older persons/couples and gay/lesbian families are often regarded as second or even third-rate which is why certain adoptions are allowed and even encouraged. Why are single adoptive parents frequently directed toward programs with children who would require greater time, attention, and resources due to their physical or emotional needs? Why are these children more likely to be placed in homes of gay families, single persons, older couples, and couples with several children already in the home? Despite the ongoing claim of fewer available children in the U.S. the real issue seems to be which children are desired by which parents.

Finally, how do we address adoptions of U.S. children by persons/couples from other countries? Just as limits are placed

on who gets in (it is much more difficult to adopt infants and children from Mexico than from China) we should also have limits on placing U.S. children out of country. Of course it is important to provide children opportunities in life and to honor the decisions of birthparents. However, these practices beg the questions which children are promoted for adoption by persons from other countries and why?

During her adoption journey Patricia Williams was asked a common private agency question, 'What races would you accept?' Williams questioned, 'Would they truly consider placing 'any' child with me if this agency happened to have a 'surplus' of white babies? Would I get a Korean baby if I asked? And for all the advertised difficulties, what does it mean that it is so relatively easy for white American families not just to adopt black children but to choose from a range of colors, nationalities, and configurations from around the world?' As Williams pointed out, the argument that blacks are materially advantaged by living in white families should direct attention, not to transracial or minority adoption but rather the redistribution of resources so that African Americans and all parents can afford to raise their children.

Unfortunately, the Hague Treaty continues to allow intercountry adoption facilitated by both not-for-profit and for-profit agencies. And although countries have been modifying their practices, the continuing dominant philosophy (and one no doubt influenced by receiving countries) is that market mechanisms work effectively to assure that only reputable agencies and good practices prevail (Masson 2001). We need to reconsider the argument that various forms of adoption (transracial, minority, intercountry) promote transnational identities and endorse a multicultural paradigm. Assumptions and promises to the contrary, intercountry adoption not only fails to address the needs of the majority of children in sending nations but also creates honorary members of the dominant group in receiving countries. To borrow from Toni Morrison's analogy of Clarence Thomas and the character Friday in *Robinson Crusoe*, many adoptees feel the pressure of owing allegiance to the "master."

Voluntary entrance into another culture, voluntary sharing of more than one culture, has certain satisfaction

to mitigate the problems that might ensue. But being rescued into an adversarial culture can carry a huge debt. This debt one feels one owes to the rescuer can be paid, simply, honorably, in lifetime service...Under such circumstances it is not just easy to speak the master's language, it is necessary (Introduction 1992).

By recognizing the colonial aspects of intercountry adoption we can also begin to challenge practices that reproduce racial, gendered, and economic hierarchies. Unless substantial efforts are made to alter who participates in discussions of children's rights, the prospects for conceptualizing "global" human rights from the exercising of individual rights, are not very good.

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Endnotes

1. In its report Trafficking and Sexual Exploitation, the United Nations estimated that 1.2 million children are trafficked each year.
2. In testimony before the House Committee on International Relations, Cindy Friedmutter, Executive Director of the Evan B. Donaldson Adoption Institute, estimated that U.S. adoptive parents spent close to \$200 million in 2001 for international adoption services. Peter Selman (2001) suggests that the number of intercountry adoptions is higher than many estimates and that it is now at its highest level world-wide, with these numbers projected to increase in the near future. This projection contradicts a prior claim by Altstein and Simon (1991) who argued that the

phenomenon of non-white children from poor nations being “transferred” to wealthy white nations was on the decline and would continue to decline.

3. In 2000, President Bill Clinton signed the Intercountry Adoption Act that would eventually ratify the Hague Convention Treaty by the U.S. As of June 2006, the treaty had yet to be ratified.