

Adoption Advocate



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Six Views on Intercountry Adoption

Recently, the New York Times invited six renowned academics and child welfare advocates to comment specifically on Madonna's recent attempt to adopt a second child from Malawi and, more generally, on intercountry adoption. Their comments were published on May 10, 2009 on the "Room for Debate" page of the New York Times' online opinion section. NCFCA is pleased to reprint all six contributors' comments below as well as their recommendations for further reading in the interest of stimulating debate on the topic of intercountry adoption. Inclusion in this reprint in no way constitutes an endorsement of an author's view. NCFCA's own stance on intercountry adoption can be found in its recent publication, [*A Case for Ethical Intercountry Adoption*](#).

Elizabeth Bartholet

*Author of "Family Bonds" and "Nobody's Children" and [professor of law and the faculty director of the *Child Advocacy Program at Harvard Law School*](#).*

Focus on the Child's Human Rights

The news media often distorts some aspects of international adoption, but can at the same time bring needed attention to important realities.

The biggest problem in international adoption is that many who call themselves advocates for children's human rights press for legal restrictions that limit the ability to provide homes to children in need. Thus Save the Children calls for denying Madonna's second adoption based on interpreting a residence requirement so as to prevent virtually all

international adoption. Some 67 children's rights organizations went into court to oppose her first adoption. Unicef calls regularly for restrictions limiting international adoption to at best last-resort status. Romania was forced by similar pressures to outlaw such adoption as a condition of joining the European Union.

To fix this problem we need to focus policymakers on the real human rights issues for children. The judge who granted Madonna's first adoption got it right in ruling that Malawi's residence requirement must be read in light of the Convention on the Rights of the Child, and that required allowing the child David to grow up in the nurturing home that only international adoption would provide.

Many millions of children worldwide are living and dying in orphanages or on the streets, with no possibility of finding homes in their own country. Unicef argues for the creation of foster care and social welfare programs, but these things will not happen overnight, and foster care generally doesn't work nearly as well for children as adoption.

International adoption provides good homes for the children lucky enough to be placed, and brings significant new resources into countries to improve orphanage conditions and help build welfare programs for the future. Celebrities like Madonna and Angelina Jolie have provided many millions of dollars for such efforts. While few individual adopters have their resources, many develop comparable interest as a result of their own adoptions in contributing what they can to help those children left behind.

Recommended further reading: [International Adoption: Thoughts on the Human Rights Issues](#)

E.J. Graff

Associate director and senior researcher at Brandeis University's [Schuster Institute for Investigative Journalism](#).

The Seamier Side of International Adoption

In trying to adopt Mercy James, Madonna's intention might be humanitarian: she may hope to save a child from institutional misery and loneliness. It might be selfish: she wants a child to love. It might be a self-justifying mixture of both. But in trying to adopt a child who already has a family, Madonna is inadvertently exposing the seamier underside of international adoption: the fact that, too often, the amounts of money that Western adoption agencies spend in poor countries is helping to defraud, coerce or kidnap children away from families that wanted to raise them to adulthood.

Westerners have been sold the idea that "millions" of healthy infants and toddlers in underdeveloped and war-torn countries are waiting to be rescued from poverty, abandonment and abuse. It's not so. In fact, the neediest children (especially outside China) are sick, disabled, traumatized or older than 5 — not the cute, healthy babies like Mercy James who, quite understandably, Westerners generally hope to adopt. There are simply not enough healthy, adoptable infants to meet Western demand — and there's too much Western money being spent in search of those healthy babies.

The system works much like other forms of scarcely regulated globalization. For each child adopted by a Western family, adoption agencies pay fees that are grossly oversized compared to local per capita incomes. Some of those children desperately need homes. But not always. In countries like Albania, Cambodia, Ethiopia, Guatemala, India, Indonesia, the Marshall Islands, Nepal, Romania, Samoa and Vietnam, unwittingly — and too often — good-hearted Westerners who wanted to save an orphan have created one instead.

Part of the problem is the different cultural understandings of "orphanages." Westerners — quite rightly — want to save children from being consigned to institutions, so damaging to child development. But in poor countries, these institutions may well be temporary child-caring centers, places to leave a child while the family brings in the harvest or struggles through a spell of poverty, illness or some other emergency. Occasionally some entrepreneurial local realizes how much Western adoption agencies are willing to pay for healthy babies and turns these homes into profit centers, bringing in tens of thousands of cash "donations." The anonymous Mercy Jameses of the world are shipped abroad, leaving behind bereft families.

In places like Malawi, what stressed families and communities need more than adoption are basics like clean water, vaccinations, school funding and other social services that would help keep many families together. Some children do need homes. But Madonna is showing exactly what *shouldn't* be done: airlifting one or two pretty children into the comparative wealth of the West, leaving behind bereft families who want — but can't afford — to bring that child home.

Recommended further reading: [The Lie We Love](#)

Marguerite A. Wright

Author of ["I'm Chocolate, You're Vanilla: Raising Healthy Black and Biracial Children in a Race-Conscious World,"](#) and senior clinical and research psychologist for the [Center for the Vulnerable Child at Children's Hospital and Research Center Oakland](#).

Trans-racial Adoptions

As a psychologist working with foster and adopted children and their families, I find puzzling some of the negative public reactions to Madonna's efforts to adopt Mercy. Madonna seems to be trying to improve this child's life.

Whatever her motives, she is raising the profile of international adoption and drawing attention

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to the plight of destitute children around the world. Research shows that children do best when raised in a supportive, caring family. Mercy has a much better chance of thriving in a family environment with personal attention, educational opportunities and medical care than in an orphanage.

That said, it's also important to consider the issue of race in international adoptions. Of course, one should meet the standards for an appropriate caregiver (as Madonna has done, given that the Malawi government allowed her to adopt her son, David). Additionally, parents should make a concerted effort to learn more about the culture of the child they are adopting.

To establish a sense of continuity for a child who has experienced considerable upheaval, it is advisable to maintain contact, when possible, with people who were significant in the child's life in the birth country. Throughout the child's formative years, parents would also do well to nourish the child's link to the birth culture through educational activities, language programs, cultural events, travel. The adoption process should include counseling about these matters. Parents in trans-racial adoptions must anticipate tricky situations with family, friends, school personnel and others in their social circle who might be uncomfortable with the child's race. And they need to prepare strategies for confronting negative messages and stereotypes.

In placement decisions for domestic adoptions in the United States, race and ethnicity are still prominent. Obsession with the race of the prospective caregiver is understandable, given the painful history of blacks' oppression in this country. In 1996, Congress passed a law that made it easier for parents to adopt a child of another race, but in my experience placement decisions still rely heavily on matching the race and ethnicity of the caregiver and child. While it is best for parents and adopted children to be of similar race and ethnicity, studies show that black children languish, unplaced, in the foster care system for much longer than other children do. It is important to get them out of the

system and place them with loving families. What's more, using race as the primary criterion in adoption placement is not always in the best interest of the child, especially when there are not enough color-matching caregivers who meet the other standards for adoption. I'm hopeful that with the Obama presidency, more people will realize that race is only one factor in our multifaceted identity.

Madonna seems willing to do much for this child. Her critics should pause from composing online screeds about her motives and give her the benefit of the doubt. Instead, they should ask themselves: "What am I doing to relieve the suffering of countless destitute children.

David Smolin

Professor of law at [Cumberland Law School](#), Samford University in Birmingham, Ala.

Poor Children for Rich People

Celebrity adoptions highlight in extreme form the problems of the international adoption system: "orphans" often turn out to have immediate and extended families, laws are circumvented, money corrupts, facts are elusive, powerful adoptive parents and their agents overwhelm vulnerable birth families and the desire of comparatively wealthy Western people for children drives adoptions.

Consider Madonna's adoptions. In both instances the so-called orphans have immediate and extended families who would have raised the children at home if they had just a few hundred dollars more per year. In both cases there have been efforts to persuade the family members to let the child go based on the hope that the child would return to assist them once they had grown, despite the legal reality that adoption means the permanent legal severing of all relationship between children and their original families.

In both cases, the child's removal from Malawi would mean the loss of the child's

original language and culture, making the children's promised return in later life a difficult event. In both cases, there has been an effort to circumvent the residency requirements of Malawi law. In both cases, Madonna's wealth has been critical to her efforts to circumvent the law. In both cases, Madonna has chosen NOT to assist the families of these children in reclaiming their children, but instead has claimed their children for herself.

Celebrity adoptions, unfortunately like many other international adoptions, are about the desire of rich people for the children of the poor. The adoption myth is that the world is full of orphans who need families; celebrity adoptions remind us that the world is really full of poor families who need assistance.

International adoption needs to be reformed by implementation of the subsidiarity principle: assistance toward maintaining the children in their original family and community must be attempted prior to any international placement. The money involved in international adoption needs to be controlled and transparent. Madonna's charitable activities in Malawi may be laudable, but she should not be given a child in payment for them.

Recommended further reading: See [here](#).

Diane B. Kunz

Executive director of the [Center for Adoption Policy](#), a nonprofit group that provides research, analysis, advice and education on domestic and international adoption.

In the Child's Best Interests

The recent criticism surrounding Madonna and her attempts to adopt a 3-year-old girl from Malawi demonstrates the continuing campaign to delegitimize international adoption. While celebrities who hire a surrogate mother (perhaps purchasing donor eggs and sperm as well) are given a pass, groups like Save the Children (U.K.) have

been quick to attack Madonna, in particular, and international adoption, in general. Unfortunately, many of these nongovernment organizations believe that keeping children in their birth country and expanding social services there are more important than the right of each child to have a permanent, loving family.

I share the concerns of international adoption critics about corruption, accountability and the lack of transparency in some countries. And I believe that every child has a right to know and appreciate her birth nation and heritage. But my primary concern is for best interests of the individual child.

Madonna is, by all accounts, an excellent mother who is devoted to her children, including, David, her Malawi-born adopted son. Her foundation, Raising Malawi, has brought much-needed international to Malawi and provided significant assistance to its people. In Madonna's care, Mercy will have the love of a mother, brothers and a sister while at the same time retaining a connection to her birth family and her birth country. She will receive the education and nurture that will allow her to fulfill her potential, be it in Malawi or wherever her dreams take her. Instead of assailing Madonna, we should be saluting her.

Jane Aronson

Founder of [Worldwide Orphans Foundation](#), a nonprofit organization that focuses on the medical, emotional, social and developmental needs of orphaned children worldwide.

The Goal: No More Orphans

Everyone doing an adoption — whether domestic or international, rich or poor, famous or not — should follow the same set of requirements established by the United States and other countries who are signatories of the Hague Treaty.

I have worked with many celebrities who have adopted, and they have all followed the rules and regulations; they have not tried to circumvent the law.

It fascinates me that we second guess the

motivation of those who are personally unknown to us (i.e. celebrities). I can hardly figure out the feelings of those close to me so I wonder why everyone thinks that they can figure out what Madonna is thinking. That most publications have alluded to Madonna's willful violation of Malawi laws, contending that she defied the judges and the community in Malawi is shocking. Where is the proof? Why should anyone be judged about their motivation to create a family whether through adoption or the old-fashioned way — who cares? If you are a responsible parent, then it shouldn't matter why you want to have a child.

It amazes me that someone would argue that heritage and cultural identity is what matters most in a child's life. To throw out all the thoughtfulness of developmental psychologists and pediatricians around the need for a child to grow up as part of a family is mind-boggling. And yet discussions online and in newspapers appear to be doing just that.

There are 145 million orphans in the world and though they should all have families that is not an efficient or realistic approach. What we need is to rebuild communities and help families to grow and stay together so that there are no more orphans. Everyone should stop whining and judging and instead help provide better lives for orphaned children. That doesn't mean you have to adopt, let's be innovative and creative in finding ways to end the dreadful inequities in the lives of women and children around the world.

Stop picking on Madonna and other celebrities. Instead focus your energy on solving the tragic problem of children living alone in the world.