

# **The Circulation of children in a Brazilian working-class neighborhood: a local practice in a globalized world<sup>1</sup>**

Claudia Fonseca

Universidade Federal do Rio Grande do Sul

Abstract: In this chapter, I examine a local practice – the circulation of children in working-class neighborhoods of a large Brazilian city – by situating it within a wider context which includes national and international adoption. Thus, I begin with the ethnographic description on mutual help networks and family-related values of two poverty-stricken women who have given their children to be raised by others. I then seek to understand the place adoption holds in the life experience of these women, and, by extension, the way laws governing legal adoption connect with their way of seeing the process. Finally, in the light of this ethnographic material on ‘child donors’, I weave a short reflection on discourses held by Europeans and North Americans on international adoption.

Anthropologists doing research on traditional societies have pondered over practices related to the circulation of children since the early days of the discipline. From classical approaches -- which placed an emphasis, in England, on rights and obligations (Goody 1982), in America, on culture and personality (Carroll 1970), and in France, on the gift exchange (Lallemand 1993) -- to the more contemporary strain of deconstruction analysis (Strathern 1992), the quandary of children living with parents unrelated by blood has been a key element in rethinking the naturalized conjugal family and formulating alternative models for the study of kinship organization. Many of these studies, however, might well be classified under what Ginsburg and Rapp have called the 'natural history' approach to reproduction: the 'fine-grained, local-level, holistic analysis [whose] strength -- its focus on cultural specificity -- was sometimes also its limitation' (1995: 1). Few researchers have studied informal circuits of child circulation within complex societies where the state and global processes have clear impact<sup>2</sup>.

In recent years, there have been a good number of anthropological studies on adoption from the point of view of adoptive families in Europe and North America. Researchers have systematically criticized the value-laden ideologies that influence adoptive parents' attitudes, denouncing, for example, the 'myth of abandonment', and, for intercountry and transracial processes, the reification of a child's 'cultural origins'. They have likewise relativized the identity problems in adopted children, raising innovative theoretical perspectives on 'enchained identities', 'multiple authorship', 'heterotopic families' (Yngvesson 2000), pluripaternity (Ouellette 1996), and 'self-conscious kinship' (Howell 1998). My work is designed to contribute to this line of investigation, deconstructing the naturalized categories linked to family and, in particular, the adoption process. However, my point of departure -- poverty-stricken Brazilian women who have given a child to be raised by others -- necessarily

leads me to develop a slightly different perspective on the question. I seek to understand the place adoption holds in the life experience of these women, and, by extension, the way the laws which govern legal adoption (authored by people generally of a different class, if not of a different country) hook up with their way of seeing the process.

The analysis of child transfers between groups of different tradition inevitably introduces the question of social and political inequality. Judith Modell, in her analysis of conflicts between Hawaiian women (long used to child circulation within the traditional clan system) and the United States child welfare system, highlights just this sort of issue. Reminding us that reproduction, more than simply 'having a child', involves 'raising a generation' (1998: 169, see also Ginsburg and Rapp 1995), she aptly points out that fosterage, since it deals with the reproduction and not simply production of children, is an especially politicized mode of reproduction. The question of social inequality becomes crucial as the role of 'gate-keeper' (the agent in control of the moral as well as material conditions of resource allocation) is transferred from people within the group to those from outside it.

Following this line of investigation, I propose, in this article, to examine a local practice -- the circulation of children in working-class neighborhoods of a large Brazilian city -- by situating it within the wider context which includes national and international adoption. Such an approach does not preclude ethnographic description, and so the first part of this paper will involve narratives based on the accounts of concrete flesh-and-blood people. But it does oblige us to ponder the 'cultural' specificity of these people in relation to the representations of other groups, such as Brazilian legislators or European adoptive parents -- that is, in relation to the representations of those who have the power to influence, directly or indirectly, the destiny of children in poor families throughout the globe.

The Brazilian case is particularly suitable for this sort of investigation. During the 80s, Brazil was in fourth place among the world's largest furnishers of internationally adopted children (behind Korea, India and Columbia). During that decade, more than 7,500 Brazilian children, many of which came from families like the ones we describe in this article, were sent to France, Italy, and – to a lesser extent – the United States (Kane 1993). This rate doubled during the 90s when, in the first five years, over 8,500 children left the country under similar conditions<sup>3</sup>. The subject has received a great deal of publicity in the various Brazilian newspapers – both salvationist *pros* and xenophobic *contras*. Little if any interest has been shown, however, in the lifeways of birth parents, much less in the way their experiences hook up with national policies and international laws. This article is designed help fill in this gap, depicting poverty-stricken women in the Brazilian slum as relevant actors in contemporary world processes.

### **Child circulation in a Brazilian *favela***

It was during my field research in a neighborhood of poverty-stricken squatters (rag pickers, beggars, and an occasional construction worker) in Porto Alegre<sup>4</sup>, that I first became aware of the circulation of children. There, approximately half the women had placed at least one child with a substitute family or at the state orphanage (Fonseca 1985). Five years later, I began a second phase of research in a less miserable working-class district -- composed of artisans, janitors, maids, bus drivers and other lower-income employees—where better-off families had an average income of around \$200 a month. Here, I encountered a surprising number of women who had at some time taken in a child to raise. But a fine line divided ‘fosterage’ from ‘adoption’ as many children who had embarked on a short sojourn in the foster household just ‘stayed on’. All in all, in more than 120 households which I canvassed during my field

research, I took note of nearly 100 people who had, during their childhood, alternated residence in the households of god-mothers, grandmothers, and other sorts of mothers de *criação*<sup>5</sup>. Of these, not one had been legally adopted<sup>6</sup>.

Whereas, during the first phase of research, my analyses had been centered on the immediate circumstances surrounding child circulation -- the need to place children as a survival strategy and the frequent disputes which arose between a child's different mothers --, ten years later (in the mid-90s), I returned to the field, rekindling old as well as making new contacts, in order to better understand the long-term repercussions of this practice. The following story, a sort of exemplary case, is drawn from this second round of field experience.

### **Networks and survival**

Inez was 38 years old when I met her. At the time, her husband was distributing newspapers while she worked as an attendant at the neighborhood day-care center. As a preamble to her life story, she mentioned the odds she had been up against during her early childhood: nine of her sixteen brothers and sisters had died in infancy. 'My mother was very poor', explained Inez. 'She didn't get enough to eat so the babies would be born undernourished'. Inez was lucky enough to have been placed with her godmother, Dona Joana, early on. As she tells it: 'They took me to visit my godmother and when it was time to go home, I grabbed on to a table leg, and nobody could pry me loose, so they just let me stay on.'

Dona Joana, despite being sterile, had always been surrounded by children, brought in by her activities as a midwife and foster mother<sup>7</sup>. Twenty years before Inez entered her life, Dona Joana had acquired a son, an 'abandoned' child whom she'd registered as though he were

own flesh and blood. This son became, for a short period, Inez' stepfather, making her a sort of granddaughter in the three-generation household. However, for a good part of her childhood, Inez had called the elderly woman who cared for her neither 'God-mother' nor 'Grand-mother', but rather 'Mother'. When, eventually Inez' birth mother, long since separated from Dona Joana's son and living elsewhere, demanded her daughter's return, the conflict had to be settled in court.

The coexistence of different sets of parents is hardly pacific. Especially when a child is placed during 'crisis' circumstances, conflicting interpretations may well arise between biological and foster mother as to the terms of the placement. Rather than 'abandon' her child, most women will try to place it with one of the many neighbors who earns a living by boarding the children of working mothers. However, the question then arises: if a woman cannot afford to support her child in her own home, how is she to pay for its upkeep in someone else's house? We may reasonably assume that Dona Joana -- who earned her living as a foster mother paid either by the state or directly by her wards' mothers -- was supposed to be compensated for taking in Inez, and that it was precisely the non-payment of this debt which led Joana to claim maternal rights. As in many other situations we observed, maternal status -- including the emotional and long-term financial benefits -- was taken, by the child's caretaker, as compensation for the unpaid debt<sup>8</sup>. It is no coincidence that Dona Maria, when recounting her version of the story, underlined the fact that Dona Joana was an elderly widow. In an evident attempt to reverse the flow of obligations, she presented the transaction as a sort of gift she was making this solitary old woman, providing her with the gracious company of a little girl. Evidently, the ambiguous terms of the contract, implicitly written into the circulation of children, leaves the transaction open to contradictory interpretations.

Notwithstanding the various disputes which result from this ‘invented kinship’, the bonds it forms appear to be more long lasting than the grudges. Well into old age, Dona Joana -- finding herself with no retirement benefits, no property, and incapable of making a living -- was taken in by her former rival, Inez’ mother -- Maria. At the time of our interview, she was reigning as proud ‘grand-mother’ over an extended household which included at least four nuclear families (those of Maria and three of Maria’s married children). The fact that she possessed no biological tie to the other members of the family appeared to trouble no one, exactly because the tie binding her to this family was so evident. ‘*Mãe é quem criou*’ (mother is whoever brings you up), her family members explained, using an adage known to all. The implication is that to give food and lodging to another person carries with it all sorts of affective and symbolic consequences, creating a bond that may rival, but is never confused with blood ties.

Child circulation is thus, undeniably, linked to the question of mutual-help networks. Networks are mobilized in function of the child’s survival, but the contrary also holds true. Children, as objects of exchange which themselves carry memories, have been fundamental in counteracting the centripetal forces that tend to splinter family members off. A woman, for example, may receive periodic aid from her divorced brother in exchange for raising his children. A grandmother will see her own married children far more often if she is raising one of their offspring. By taking in a poor cousin or an orphaned nephew, an upwardly mobile relative will demonstrate to his kin group that he is not getting ‘uppity’, nor does he intend to sever ties. Finally, the circulation of children also serves to expand the kin group to neighbors and unrelated friends, such as Dona Joana, as momentary affinities are transformed into life-long relationships through the sharing of parental responsibilities.

## **Blood and other family ties**

The story of this family underlines the socially forged nature of kinship; it also serves to illustrate the enormous weight attributed to blood ties. Of Inez and her six siblings, only the last two were raised by their biological parents. How then was I to explain the fact that the Sunday I arrived unexpectedly to interview Maria, the mother of this family, I found her at a backyard barbecue, surrounded by six of her seven offspring? (The seventh, who had spent the night at Maria's, was having lunch with his parents-in-law). With no hesitation, they all chimed in to piece together their family saga. Two of them had been raised by Dona Joana. A third, carried off by his paternal grandparents, was chased down twenty years later by his brothers and sisters who simply followed a tip on where the (now) young man's father worked. Still another recounts how, as a baby, he endured the mistreatment of a negligent wet nurse, before being brought back to live with his mother and step-father... The oldest brother had simply run away from home at age eight 'never to be seen again'. In fact, despite this gloomy forecast, Maria's children eventually all found their way back, but the oldest's arrival, after a ten-year silence, had become a sort of family legend. His sister recounts in vivid detail the day she ran into this 18-year-old youth, pushing his bike up the hill:

He waved me over and asked, 'Listen, you don't happen to know a Dona Maria who lives around here? A woman with a whole lot of kids?' I said, 'I guess you're talking about my mother. She's the only Dona Maria around here and she has a pile of children. I don't know if it's her, but I'll take you to see.' I didn't pay much attention; I just left him with Mom saying, 'This boy says he wants to talk to you.' When I came back a couple of minutes later, my mother introduced us: 'This is your brother.'



Six years later, working as a night watchman, the boy was still living (with his wife and two children) in a house he had built in his mother's back yard.

This story is far from exceptional. Innumerable times, I ran into a family ostensibly united – where the mother lived side by side with several of her married offspring with whom she interacted daily and celebrated the usual family rites – despite the fact that the children, spread out among different 'mothers', had not grown up together. '*Mãe é uma só* (mother, there's but one)', they will tell me in order to explain this situation, thus reaffirming what, for this group, seems to be fundamental belief in the biological connection.

It is as though the tie between a person and his blood relatives, going beyond individual acts of volition, cannot be broken. Birth mothers and adoptive mothers alike espouse the view to which one birth mother gives voice: 'Even though my son doesn't know I'm his mother, every time he sees me, I know I attract his attention, I feel it (...). Because it's like my mom says, it's the blood – the drawing power of blood (*o sangue puxa*).' The symbolic nature of this bond dispenses with the necessity of a person's physical presence. Small children will be taught, through photos on the wall or birthdays recalled, to remember their siblings who are living elsewhere. The bond thus entitles apparent strangers to become sudden intimates. As Inez said, describing her reencounter with one of her long lost brothers: 'When we met, I knew right away he was my brother. We hugged with all the emotion of brother and sister, even though we'd spent all those years apart.'

For the outside observer, the banality with which people treat child circulation is striking. A good number of children claim to have decided themselves just where they wanted to live. It is not unusual to hear an 8-year-old explaining: 'Auntie asked me to visit, I liked it, so I told my mom I was just going to stay on.' People will include in their own life histories a list of

various households in which they lived as a child – with a predictable variety of commentaries. Some foster parents are remembered as wicked slave drivers, some as fairy godmothers, but most are described in quite matter-of-fact terms. Many, many people will speak of two, three and four ‘mothers’ with no embarrassment or particular confusion. In one particular example, a woman wanting to spend the weekend at the beach left her two-week-old daughter in the care of a neighbor. The unpaid babysitter, whose two adolescent children were just becoming independent, called in her sister to wet-nurse the child. A triangular sort of arrangement ensued which had lasted, when I met them in 1994, for at least eight years. As the foster mother said, ‘She sleeps and eats in my house, and I’m the one she calls mother.’ The child herself, called momentarily away from her playmates to speak to me, appeared delighted with the great number of mothers she had. ‘Three’, she gleamed: ‘The mother who nursed me, the mother who raised me and the mother who gave birth to me.’

As children scatter among different foster families, they acquire new parents and siblings. Such additions do not necessarily imply a rupture or replacement of previous relationships. Rather, just as with ritual kin (which adds godparents to a child's list of relatives) so foster arrangements serve to enlarge the pool of significant others in a person's social universe. New mothers do not cancel out the old ones. However ‘the mother who raised me’ is never mixed up with ‘the mother who bore me’.

Summing up: our argument is that, for the members of the working-class population we studied, the circulation of children is embedded within a particular set of family values. This practice, well documented in the literature on Brazilian history, from colonial times up through the nineteenth century (Meznar 1994, Fonseca 1993, Kuznesof 1998), has evolved through time. Like any other cultural practice, it is dynamic, contains internal contradictions, and adjusts to the changing historical context, undergoing constant reelaborations. However,

it does seem to be a fairly constant part of the group's experience, and therefore demands to be considered when members of the working-class are subjected, through different forms of legislation and social work, to national and international forms of intervention.

### **State intervention in the field of child circulation**

The cases of child circulation I have cited up to now involve adults of more or less equal status. In the working-class districts of Porto Alegre, it would be difficult to distinguish a class of child donors, separate from a class of child recipients. Many women who, as young mothers, placed their children in a substitute family, end up taking in somebody else's child to raise. The slight financial advantage enjoyed by foster mothers is often due to factors linked to the life cycle rather than to social stratification. The events -- accords and disputes -- take place in a cultural idiom comprehensible to all concerned. As we move away from the in-group networks, however, and closer to national legislation and cosmopolitan sensitivities, we come into contact with other perceptions which link considerations on survival, mother rights, and relationships in an entirely different way. The conflicts I witnessed, during the 1980s, between *favela* mothers and the administrators at the state orphanage furnish an apt illustration of this difference.

Ever since the 1964 coup d'état, the military regime had manifested its concern for children and youth through a state-run service, the *Fundação Estadual de Bem-Estar do Menor* (FEBEM) which, aside from sponsoring a series of private and philanthropic institutions, basically limited its action to the institutionalization of poor, orphaned, and refractory children. Much to my surprise, the slum-dwellers I was studying neither feared nor resented this agency. Rather, they used it to their own purposes. There were an infinite number of

reasons a woman might want to institutionalize a child: if she was going through a particularly bad financial period (which was often), if she was without a place to live, or if she remarried and her new companion rejected or threatened her children with violent behavior. Parents might also use the threat of internment to keep their disobedient children in line. If institutional authorities attempted to impose obstacles, alleging that the establishment was not meant to be a simple 'boarding school', a woman could deploy new strategies, claiming her child was in danger of rape by a new step-father or simply a menacing neighbor (see Fonseca 1986). At any rate, the mothers I knew who had institutionalized a child generally considered the arrangement temporary, and expected to bring it home 'as soon as things got better'.

Thus, women who showed up at the orphanage, ready to resume their motherhood after (sometimes) years of absence, would be stupefied when told that their child had been declared 'abandoned' and given away in adoption. Even those who had signed a paper 'consenting' to their child's adoption, did not seem to grasp the idea that they had been stripped of their motherhood and that the child had disappeared forever. From their point of view, they had left their children in the care of the institution in the same way they would have resorted to a grandmother or neighbor. These substitute mothers, at times, also insisted that the transfer of parental responsibilities should be permanent, but experience proved them wrong. In the great majority of cases, the birth mother and child would eventually end up in contact; the child would not be 'lost' to its kin group. Sooner or later, he or she would be back, looking up old contacts.

Women who left their children at the orphanage were following a generations-old logic according to which children would leave AND come back. In their experience, mothers were multiplied rather than substituted, child transfers were not necessarily experienced as abandonment, and even prolonged separations did not necessarily spell out a permanent

rupture in ties. This logic was, evidently, completely foreign to State authorities for whom it was 'obvious' that a child could have but one mother, that a woman who didn't raise her child had *abandoned* it, and that such a rupture was permanent.

One might ask, however, if -- in their informal patterns of behavior -- women always saw child placement as a temporary measure. Did they never have the intention of 'giving up' their children as in the terms imagined by orphanage administrators? Consideration of another lengthy example will help to answer this question. Whereas the case of Inez and her family illustrates the comings and goings of children within the deep-rooted fosterage culture prevalent in Brazilian working-class neighborhoods, with Eliane, we come to know the story of a woman who, faced with intolerable conditions, 'voluntarily' gave up her third-born child on a permanent and irrevocable basis. By examining her gesture, which bears close resemblance to legal adoption as it is known to most people in the First World, we come one step closer to thinking about the different perceptions -- of birth parents and of adoptive parents -- which may possibly be involved in the process of intercountry adoption.

### **Clandestine adoption: Shaping the law to localized perceptions**

Eliane, a tall, thin black woman, received us in the front room of her little wooden house where she lives with her husband -- a wagon-driver -- and her four children. Between chuckles and sighs of exasperation, she had chatted with us for well over an hour about the exploits of her various offspring when suddenly she fell silent. Taking a long puff on her cigarette, tears welling in her steady gaze, she let out an almost inaudible whisper, 'I forgot to tell you. Now that you mentioned adopted kids...I gave one away ...[pause].... I gave one away.'

Eliane tells a story not much different from that of many other mothers from the outskirts of the city. Her extended kin group had been able to absorb her first two unprogrammed children, but still unmarried and living with her mother when she got pregnant a third time, Eliane had reached the limits of her family's endurance. Furthermore, she had no way of paying a non-relative to keep her child. Even were she to work, for example, as a maid, she could not expect to receive more than one or two minimum salaries (\$60-\$120 a month), hardly enough to feed and pay for the daycare of three children. (The government-allotted family allowance, available only to salaried workers, would add no more than a monthly \$6 per child.) Thus, Eliane had no choice but to give her newborn child away.

The young woman went searching among relatives and acquaintances for her future child's adoptive parents and, shortly before giving birth, found what she was looking for. Her choice fell upon the baby's paternal aunt, a woman who, after years of trying for a pregnancy, had recently lost a stillborn child. Eliane recalls the circumstances of this encounter with amazing detail: the hesitation, the tears and the respect with which the potential mother treated her: 'She said, "Look Eliane, we don't want to force you." She gave me liberty to do what I wanted.' But, after a week's soul-searching and mutual support, the decision was made. As Eliane tells it, she went to the would-be mother's house, and the two women sat there crying - the baby between them, in his crib - until Eliane drew herself to say, 'No, you keep him'.

The drama of this moment runs high exactly because, contrary to most of the cases we mentioned before, it is understood that Eliane's child will not return to his birth family. Unbeknownst to the state authorities, the child's adoptive parents will take out his birth certificate as though they were the birth parents, and he will learn only the details of his biography that they are willing to furnish him. Eliane, too, will be bound to secrecy. The proof? Six years later, although she has found a stable companion and evolved to clearly

improved living conditions, her son treats her as a 'stranger': 'As far as he's concerned, I'm no one. At least not his mother. When I go by to visit, he calls me "Auntie".'

By participating in this clandestine form of adoption, Eliane and the adoptive parents of her child have technically committed the crime of 'ideological falsity', punishable by up to six years in jail. However, the illegality of this act does not seem to intimidate most potential parents. According to some estimates, this *adocção à brasileira* in 1990 was ten times more common than legal adoption<sup>9</sup> -- a statistic easily understood by those who recognize that the Brazilian working-class population has traditionally lived on the margin of state bureaucracy. Even today, at the turn of the century, nearly one third of births are not declared within the legal deadline, and many children acquire a birth certificate only when they enter first grade or do their military service. In these circumstances, it is not difficult for adoptive parents to pose as birth parents.

The fact that birth mothers prefer Eliane's method of placing a children is understandable. Closer to cosmopolitan sensitivities than to local cultural dynamics, the Brazilian adoption laws, more and more centered on a narrow definition of the conjugal family, have more or less shunted birth parents aside. Until 1965, an adopted child simply added on the adoptive filiation to the biological filiation, maintaining the two sets of parents. During the past thirty years, plenary adoption, based on the idea of the adoptive parents' exclusive parental rights, gradually took root, being declared, with the 1990 Children's code, the country's sole legal form of adoption. According to the Code's article art. 47, b, 4, all trace of a child's original identity is now to be stricken from an adoptive child's birth certificate, and the secret of the biological parents' identity to be divulged only when the Court deems fit.

Thus, if Eliane, for example, appeared at the state's official adoption services, she would no doubt be advised to think twice before 'abandoning' her child. However, once she took the decision, she would have absolutely no say in the decisions concerning its future. After a court decision stripping Eliane of her parental authority, an efficient service of psychologists and social workers would take her child in tow, and she would have no further contact with or information about her child. Although the informal practice of *adoção à brasileira* likewise erases a child's biological parents from the birth certificate, it gives them much greater leeway in their actions: not only will they be able to play an active role in the choice of their child's birth parents, but -- in all probability -- they will be able to watch, from a respectful distance, as he grows up.

Why adoptive parents might prefer this modality is not much harder to understand. For many years, performing this legal sleight of hand was the only way people with other (biological) children could guarantee full inheritance rights to their adoptive offspring<sup>10</sup>. Furthermore, legal adoption was long hemmed in by a series of restrictions which, in many cases, simply did not fit their circumstances<sup>11</sup>. In 1988, the new constitution facilitated adoption and prohibited any discrimination between biological and adoptive children. However, at least in Rio Grande do Sul, the number of national legal adopters has yet to increase (Ferreira 2000). It is possible that many potential adopters still do not feel at ease with the interviews and bureaucracy involved in the state adoption process. They may imagine, perhaps with reason, that they are too poor, too old, single or otherwise unacceptable by the adoption service's usual criteria for good parents. It is no coincidence that a recent study in the state of Paraná on 400 adopted families showed that whereas upper-middle class parents go through official procedures at juvenile court, lower-income couples tend to adopt in the traditional (and illegal) *adoção à brasileira*.



Furthermore, the anonymous procedure through which an adoptive family is matched to a child's needs magnifies the insecurity of potential parents. In traditional cases of child circulation, people often end up with a child not by choice, but rather by a play of circumstances, when a death in the family or a divorce in the neighborhood suddenly makes a youngster available. The question doesn't arise whether the child is the color, size, or sex the would-be parents prefer<sup>12</sup>. If, however, they are asked to describe the anonymous child they would ideally like to adopt, they will generally ask for a white baby girl in good health – exactly the sort of child which is in short exchange at the orphanage. If the state authorities enjoyed the aura of superior authority or greater legitimacy in their 'gate-keeping' role, people might still resort to their services. But such does not appear to be the case, and, so, *adoção à brasileira* continues to be an extremely popular way of acquiring a son or daughter.

In the past decade, with the increasing attention drawn to international, and, by extension, national adoption, progressive members of the judiciary and social services have waged an ever-rising campaign against *adoção à brasileira*. The imposition of a state-run monopoly is seen as prerequisite to the professional regulation of adoptions, and, among other things, the protection of poor women against pressures from 'baby traffickers' (Trillat and Nabinger 1991). It is, nonetheless, interesting to observe that the cases of abuse (in which children are removed from their homes too quickly and with insufficient justification) which appear in the national press seem to involve overzealous judges and state social workers just as much as venal intermediaries (*Isto É* 5/13/98, 11/25/98, 12/28/98; see Hoelgaard 1998 and Leifsen 2000 for similar comments on other Latin American settings).

One might wonder if, recently, with the new Children's Code, the nation's lawmakers have been more successful in blending child welfare and local family dynamics. In fact, the Code

foresaw radical changes in policy concerning the institutionalization of children. The big orphanages were to be dismantled and replaced by little units; in no case was a child to be placed (with or without its parents' consent) simply for reasons of poverty. Poverty would likewise not be a sufficient motive for stripping a mother or father of parental authority, and in any case, children up for adoption would be destined first and foremost to Brazilian adoptive families.

Despite the humanitarian intentions of these reforms, their result has been ambiguous. A study of children's dossiers at the state orphanage shows that the sort of mother who, during the 1980s, would be classified as merely 'poor', began, after the 1990 children's Code, to be labeled 'negligent' and 'abusive', thus maintaining the legal fragility of her maternal status (Cardarello 2000). We also see that the 'small, family-like units' in which children are presently placed have become so costly that the State is highly motivated to keep the number of institutionalized children at a minimum. Ironically, the program of state-sponsored foster mothers (who, like Dona Joana, would receive a modest sum (around \$30 a month per child) to look after their wards) has been all but phased out. For children from poverty-stricken families, the present, progressive solution appears to be adoption. And, curiously, notwithstanding the various publicity campaigns aimed at promoting national adoption, there still exist a great number of Brazilians who have been turned down by the official services while international adoption, despite a brief decline in the early 1990s, appears to be more popular than ever.

One of the indirect implications of this new mood is that poverty-stricken mothers who, in the past, sought some sort of mutual comprehension with local state authorities, foster and/or adoptive parents are now up against a decision-making force which stretches to the other side

of the world. It is this stretch which justifies our article's final considerations on the cosmopolitan sensitivities which guide the policies of most gate-keepers in the contemporary field of adoption.

### **Cosmopolitan sensitivities**

In the short space we have left, it would be impossible to do justice to the enormous complexity of laws, and attitudes concerning international adoption in receiving countries, located mainly in Western Europe and North America. However, to complete our argument, and perhaps indicate a few possibilities for future research, we propose to evoke three lines of discourse presently being developed in these countries. Running the gamut from the more simplistic and easy to rebut to the highly sophisticated views, these debates reveal three manners for thinking about the relations created through the international circulation of children.

The first sort of discourse, which presents international adoption as a way of saving children from Third World misery and violence, is particularly common in popular news media. But, it shows up in the work of a limited number of researchers as well. For example, in one author's personal account about adopting a child in Peru, the long list of ordeals she was forced to undergo at the hands of corrupt Peruvian officials stands in stark contrast to the moving description of the ceremony which bestowed American citizenship on her infant son (Bartholet 1993). Citing statistics which confuse abandoned and street children with the merely poor <sup>13</sup>, this author proposes to explain international adoption in terms of the world's division into two blocks: 'one consisting of countries with low birth rates and small numbers of children in need of homes and the other consisting of countries with high birth rates and

huge numbers of such children' (Ibid: 141). Not only does she ignore, in this second group of countries, the existence of many, many frustrated people who have been turned away by local adoption agencies, she dismisses in one fell swoop the alternative of placing children in local foster families, claiming that 'in these countries', foster care is not better than in 'our country' and often results 'in little more than indentured servitude' (*Ibid*: 157).

Critics of this discourse hold that it is an example of how, rather than recognize this financial disparity as a fundamental element of the adoption process, those who possess the upper hand activate mechanisms of 'misrecognition'<sup>14</sup>, which translate the process into moral terms. The rhetoric on inter-country adoption which revolves consistently around 'huge numbers' of 'homeless' or 'abandoned' children, indirectly casts suspicions on the birth parents' irresponsibility, absence of moral fiber (inability to 'plan' their family), or lack of sexual constraint<sup>15</sup>. In a similar vein, the idea that, because of their financial security, affluent couples make better parents (having 'so much to offer a child') is implicit in countless European and North American texts. Although no adoption agency, public or private, would explicitly give voice to such consumer logic, the qualities they require of a worthy adoptive parent usually include superior financial solvency.

C. Gailey (1998), in her study of North American adoptive parents (responsible for well over half the world's international adoptions), gives us a concrete example of such attitudes. With an average annual income of \$110.000, her interviewees were distinctly more affluent than those who adopted locally-born children and, with rare exceptions, they had few compunctions about linking their affluence to their right to adoptive parenthood. Not only did they tend to present this right as obvious -- in function of the wealth and social status they could provide a child --, these adoptive parents also implied that, considering the high price

they were willing to pay (\$10,000 at least), they expected to get high quality goods: light-skinned babies in good mental and physical health. Gailey's account demonstrates how 'salvationist' attitudes coexist in dangerous proximity to the commodity logic historically abhorred by the field of adoption workers (Zelizer 1985).

Signe Howell (1998), in her study of Norwegian parents who adopted a child from overseas, describes a discourse quite different from the first – one that is based on the idea of a gift relationship. Whereas the 'salvationists' consider birth parents and sending countries of only secondary interest, those who partake of this second discourse see themselves as actively engaged in a reciprocal exchange with 'child donors'. Acutely aware of the financial disparities which provoke the North-South flow of children, these Norwegian parents band together to send money to orphanages in the country from which they received their adopted offspring, thus establishing what they consider to be a 'long-distance fostering relationship'. The fosterage arrangement is seen as opening the circle of protagonists, providing for an indirect return, delayed in time, to those institutions perceived as the donor agents.

While there are evident merits to this approach, one cannot but wonder at the ease with which birth parents -- flesh-and-blood people -- are substituted in the adoptive families' imagination by the mediating agents or agencies, or even by a folkloric image of the child's birth country – 'abstract entities and not a partner with whom the gift has created a bond' (Ouellette 1995: 162). Of course, in certain cases, it would be impossible to proceed otherwise since, because of particular historical circumstances, the child has no traceable relatives. But people are often overly hasty in seeing this sort of circumstance as typical of all adoptions, ignoring cases such as most those in Latin America where 'orphans' became available for adoption for no other reason than the sheer and utter misery of their parents. In Brazil, at least, evidence leads us to believe that a good number of the children given in adoption have living and identifiable

parents (or other relatives)<sup>16</sup> who, given the opportunity, would relish contact with or knowledge about their offspring.

A third discourse on adoption is centered precisely on the spiny question of the coexistence of two different sets of relatives. Researchers in this line remind us that, at least in North America, the notion of a restricted conjugal household is so entrenched in the people's minds, that the very idea of sharing represents a fundamental violation of parenthood' (Modell 1994: 47; see also Ouellette 1996, Wegar 1997, Yngvesson forthcoming). They also contend that it is exactly the average American's belief in the overriding appeal of blood relationships that leads them to fear the continued presence of birth parents in their child's existence. (One does not take the trouble to banish what one does not fear.)

This fear was largely responsible for the consolidation, during the 1960s, of legal institutions closely resembling those of Brazil today: the child's pre-adoption biography was hidden, the court and adoption workers were guardians of this 'secret', and a radical distinction was made between adoptive and foster families (Carp 1998, Modell 1994). The North American panorama, however, has changed vastly in the past thirty years. In the more progressive adoption services, adoptive parents are no longer selected according to rigid criteria, but rather they are 'prepared' for the task. 'Fostadopt' programs have sprung up permitting foster families to adopt their ward and, in like fashion, permitting potential adoptive parents to foster a child while awaiting the legal pronouncement making him 'adoptable'. Adoptees, for their part, joined hands with birth mothers' associations to challenge what they considered the state's authoritarian monopoly on information surrounding the adoption process. Although it was generally agreed that judicial files should be confidential – available only to the concerned parties – court-controlled *secrecy* was seen as an abusive use of power. Furthermore, although controversies still rage over the issue, 'open adoption', associated by

certain researchers with the empowerment and self-affirmation of birth mothers, seems to have come to stay. Today there are literally hundreds of agencies adhering to the policy that, not only should a birth mother be able to meet her child's adoptive parents, she should also participate in choosing them. The more enthusiastic advocates suggest that relations should not stop with one or two meetings, but rather that open adoption should entail 'full disclosure of identifying information and (...) a commitment to lifelong relatedness'.<sup>17</sup>

It is ironic that exactly this third discourse which directly addresses the problem of comparative parental worth does not seem to have spread to issues concerning international adoption where, according to at least one specialist, the 'clean break' principle (positing a complete rupture in the adopted child's identity) is 'increasingly dominating adoption as a global practice' (Yngvesson 2000). Brazil serves as a case in point. The secret of a child's origins has been part and parcel of the legal process ever since the first embryonic version of plenary adoption (1965). Up until recently, only an occasional birth mother who showed up at the adoption board having 'changed her mind' might complain about the secrecy involved in the adoption process<sup>18</sup>. Such incidents appeared to have little influence on policy makers. However, today, as more and more children adopted by foreign families come of age and seek to discover their origins, the panorama may be changing. At the end of 1999, Brazilian national TV carry frequent programs on the re-encounter of some foreign-brought-up adoptee with his Brazilian birth family, and state adoption agencies report they are being regularly approached by individuals from abroad looking for their blood relatives. Not surprisingly, the controversy over sealed birth records is emerging for the first time in Brazilian history (see, for example, Nabinger and Crine 1997) – as a response, one might say, to consumer demands. Yet, the revelation of information follows a one-way track. It only occurs when the adoptive family (never the birth family) takes the initiative, in the desire to furnish necessary

‘background’ elements for their child's development. Significantly, open adoption, which would involve the active participation of birth parents (much as in traditional practices of child circulation) remains an untouched issue.

### **Cultural values in the adoption contract**

Let us return now to our initial object of analysis – the implicit contract existing between those who give and those who receive a child in the field of international adoption.

Notwithstanding the validity of many First World concerns, it would be simplistic to suppose that it suffices to export legal innovations – from the United States to Brazil, for example – in order to guarantee a just contract between partners in exchange. Aside from the evident political considerations concerning this issue (see Fonseca 2000), we must address the difficulties in communication due to cultural differences. In other words, we should consider that the very terms of the conventional legal contract – maternal rights, family, individual – may be Eurocentric and therefore, in certain situations, difficult to translate.

It could be said, for example, that the very concept of ‘a child’s best interests’, cornerstone of all humanitarian and international legislation on adoption, is axed on a particular notion of the child as an autonomous individual. In the name of this principle, each step of the adoption process -- from the birth mother's sacrifice to the intermediary's professional zeal and the adoptive parents' dedication -- is presented as a sort of gift made to the child itself. The child is thus placed at the center of a series of dyadic relationships with people who are not necessarily connected to one another. His being is abstracted from the social tissue, leaving networks and collectivities far in the background (Ouellette 1995: 168).



Certainly, the Norwegian parents described by Howell, moved by the logic of the gift, try to reestablish a social element to the child's trajectory, by sending retributions and thus maintaining ties with the sending country. However, even in this situation, one might still ask if the adoptive parents are not acting according to typically Western values. Underlining contrasts between Melanesian and European perspectives, the anthropologist M Strathern (1992) suggests that Western consumer logic is defined not so much by money as by the image of an *impersonal* market, with the independent *individual* exercising *free choice* at its center. According to this perspective, even charitable altruism follows the directives of Western consumer logic, prizing the notion of an individual's *anonymous* donations to a *faceless* recipient. The idea of 'no strings attached' which accompanies charitable acts would be foreign to the gift economy she describes in which relationships and mutual obligations are the central issue. Indeed the very idea that it is possible to 'give away' objects -- be they children or bracelets -- as though they were detachable from the original relations which engendered them -- carries particularly Western connotations of property and ownership (see also Yngvesson forthcoming). Thus, when children are seen as alienable goods, in the anonymous circuit of altruistic donations, adoption would be more aptly associated with commodity logic than gift exchange.

These reflections have direct bearing on our analysis of the views of lower income Brazilians on family life. Inspired in Strathern's comments, I would suggest that their insistence on consanguineal ties, much more than the adulation of biology, represents a refusal to see individuals as detachable from their own social histories. Women like Eliane may picture the transfer of their child as a gift made to people 'who had always dreamed of having a child'. But the implications of the exchange go well beyond her personal intentions to the very nature of individuals ensconced in social relationships. As we have seen in the examples presented

above -- whether harmonious or full of conflict -- the placement of a child creates ties between the partners of exchange: between neighbors, between affines and their (ex-) spouse's relatives, between sterile women and large families with numerous descendents. At the core of these transactions, the child is perceived as inseparable from the various relationships which form a background sociality to his existence. The very nature of the gift (the obligation to perpetuate the process of giving, receiving, and retribution) assumes the on-going nature not only of the child's identity but of the social ties which shape his being.

The comparative perspective afforded by anthropological research proves particularly useful to our analysis of child circulation among Brazilian slum dwellers, not only to bring out particular dynamics in family organization, but also to understand how these 'local' dynamics fit into hegemonic currents of thinking. It is no longer possible to limit ethnographic descriptions to a natural history approach, focused on the quaint customs of a supposedly isolated or archaic group. In today's world system, localized practices are recognizably embedded in asymmetrical power relations which have a bearing on both local and global realities. We have tried to show that the people we interviewed possess notions of family and individual identity in keeping with their particular historical context, that these notions do not always coincide with those of conventional contractual law, and so that, in the normal procedures which make children available for adoption (the sentence of abandonment or the term of release signed by birth parents), we may be over hasty in presuming a certain understanding between the different parties concerned.

On the basis of these remarks, we may outline a program of research which covers three major questions. In the first place, we might ask what ideological mechanisms -- what scientific and professional biases -- have silenced local dynamics which diverge from the

hegemonic norm? A second question concerns the difference in national policies on adoption: to what extent are these differences due to specific local realities, and to what extent do they depend on the particular position each country occupies in the world system of production and distribution of children? Finally, the third line of research addresses the enormous concentration of research focusing on adoption to the detriment of other forms of placement such as fosterage or ‘traditional’ practices of child circulation. Considering the increasing popularity of international adoption, and in the interest of forging just procedures, it is of urgent importance to map out the different forms of placement, not only so that they will be respected in faraway exotic places, but also so that they may be recognized as viable alternatives within today’s world, thus permitting a rewrite of modernity’s hegemonic script.

## BIBLIOGRAPHIE

- Abreu, D. (2002) *No Bico da Cegonha, Histórias da Adoção e da Adoção Internacional no Brasil*, Rio de Janeiro: Relume Dumará.
- Avery, R. J. (1998) ‘Information disclosure and openness in adoption: state policy and empirical evidence’, *Children and Youth Services Review* 20(1–2): 57–85.
- Bartholet, E. (1993) *Family Bonds: Adoption and the Politics of Parenting*, New York: Houghton Mifflin.
- Campos, M. M. (1991) ‘Infância abandonada – o piedoso disfarce do trabalho precoce’, in J.S. de Martins (ed.), *O massacre dos inocentes: a criança sem infância no Brasil*, São Paulo: Hucitec, pp. 117–53.
- Cardarello, A. D. L. (2000) ‘Du “Mineur” a “l’enfant–citoyen”’: Droits des enfants et droits des familles au Brésil’, *Lien Social et Politique* 44: 155–66.

- Carp, E. W. (1998) *Family Matters: Secrecy and Disclosure in the History of Adoption*, Cambridge: Harvard University Press.
- Carroll, Vern (ed.) (1970) *Adoption in Eastern Oceania*, Honolulu: University of Hawaii Press.
- Collard, C. (1991) 'Les orphelins "propres" et les autres...: carence parentale et circulation des orphelins au Québec (1900–1960)', *Culture* 11(1–2): 97–123.
- Collins, P. H. (1992) 'Black women and motherhood', in B.Thorn et M.Yalom (eds), *Rethinking the Family: Some Feminist Questions*, Boston: Northeastern Univ. Press, pp. 215–245.
- Fonseca, C. (1985) 'Amour maternel, valeur marchande et survie: aspects de la circulation d'enfants dans un bidonville brésilien', *Les Annales ESC* 40(5): 991 – 1022.
- Fonseca, C. (1986) 'Orphanages, foundlings and foster mothers: the system of child circulation in a Brazilian squatter settlement', *Anthropological Quarterly* 59(1): 15 – 27.
- Fonseca, C. (1993) 'Parents et enfants dans les couches populaires brésiliennes au début du siècle: un autre genre d'amour', *Droit et Cultures* 25: 41–62.
- Fonseca, C. (2000) 'The politics of adoption', paper presented at the Annual Meeting of the Law and Society Association, in the session 'Law in Latin America', Miami, USA, 28 maio.
- Fonseca, C. (forthcoming) 'An unexpected reversal: charting the course of international adoption in Brazil', *Adoption & Fostering Journal*.

- Gailey, C. (1998) 'The search for baby right: race, class, and gender in US international adoption,' paper presented on the panel, 'Kinship and Consumption,' Annual Meeting of the American Association of Anthropology, Philadelphia, December 2–6, 1998.
- Ginsburg, Faye D. and Rayna RAPP (eds) (1995) *Conceiving the New World Order: The Global Politics of Reproduction*, Berkeley, University of California Press.
- Goody, E. (1982) *Parenthood and Social Reproduction: Fostering and Occupational Roles in West Africa*, London: Cambridge University Press.
- Hoelgaard, S. (1998) 'Cultural determinants of adoption policy: a Colombian case study', *International Journal of Law, Policy, and the Family* 12(1): 202–241.
- Howell, S. (1998) 'Is blood thicker than water? Some issues derived from transnational adoption in Norway,' paper presented during the Wenner–Gren symposium 'New Direction in Kinship Studies: A core concept revisited', Mallorca, 27 March–3 April.
- Kane, S. (1993) 'The movement of children for international adoption: an epidemiologic perspective', *The Social Science Journal* 30(4): 323–339.
- Kuznesof, E. A. (1998) 'The puzzling contradictions of child labor, unemployment, and education in Brazil', *Journal of Family History* 23(3): 225–239.
- Lallemand, S. (1993) *La circulation des enfants en société traditionnelle. Prêt, don, échange*, Paris: Editions Harmattan.

- Leifsen, E. (2000) 'The economy of circulating Ecuadorian children'. Paper presented on the panel ' Cross-cultural approaches to adoption ', 6<sup>th</sup> Biennial EASA Conference, Krokow, 26–29 July.
- Ferreira, K. M.M. (2000) 'Estatuto da Criança e do Adolescente na Justiça da Infância e Juventude de Porto Alegre: análise sociológica dos processos de destituição do pátrio poder', M.A. thesis in Sociology, Universidade Federal do Rio Grande do Sul.
- Meznar, J. (1994) 'Orphans and the transition from slave to free labor in Northeast Brazil: the case of Campina Grande, 1850–1888', *Journal of Social History* 27(3): 499–516.
- Modell, J.S. (1994) *Kinship with Strangers: Adoption and Interpretations of Kinship in American Culture*, Berkeley: University of California Press.
- Modell, J. (1998) 'Rights to the children: foster care and social reproduction in Hawai'i', in S. Franklin and H. Ragoné (eds), *Reproducing Reproduction: Kinship, Power, and Technological Innovation*, Philadelphia: University of Pennsylvania Press, pp. 156–172.
- Nabinger, S. and A.–M. Crine (1997) 'L'enfant entre deux mondes', *Nervure* 10(4): 33–36.
- Ouellette, F.–R. (1995) 'La part du don dans l'adoption', *Anthropologie et sociétés* 19(1–2): 157–174.
- Ouellette, F.–R. (1996) 'Statut et identité de l'enfant dans le discours de l'adoption', *Gradhiva* 19: 63–76.
- Selman, P. (2000) *Intercountry Adoption: Developments, Trends and Perspectives*, London: British Agencies for Adoption and Fostering (BAAF).

- Strathern, M. (1992) *Reproducing the Future: Anthropology, Kinship, and the New Reproductive Technologies*, Routledge: New York.
- Trillat, B. et S. Nabinger (1991), 'Adopción internacional y tráfico de niños: mito y realidad', *Interpol, Revista Internacional de Policía Criminal* 428: 18–25.
- Weber, L. N.D. (1998) "Famílias adotivas e mitos sobre laços de sangue", in L.N.D. Weber, ed., *Laços de Ternura: Pesquisas e Histórias de Adoção*, Curitiba: Santa Mônica.
- Wegar, K. (1997) *Adoption, Identity, and Kinship: the Debate over Sealed Birth Records*. Yale University Press.
- Yngvesson, B. (forthcoming) 'Placing the Gift Child in Transnational Adoption.' *Law & Society Review*.
- Yngvesson, B. (2000) "'Un niño de cualquier color": race and nation in intercountry adoption', in J. Jensen and B. de Sousa Santos (eds), *Globalizing Institutions: Case Studies in Regulation and Innovation*. Aldershot: Ashgate, pp. 247–305
- Zelizer, V. (1985) *Pricing the priceless child : the changing social values of children*, New York: Basic Books.

---

<sup>1</sup> Published in Cross-cultural approaches to adoption (Fiona Bowie, org.). London: Routledge. Isbn 0 415 30350 8, 165 – 181, 2004.

A modified version of this article is to be published in French in *Anthropologie et Sociétés* (2000) vo.24, n. 3. I would like to thank Chantal Collard and Françoise-Romaine Ouellette for their thoughtful reading of this material.

<sup>2</sup> Among the notable exceptions see C. Collard (1991) on child circulation in rural Quebec and Collins (1992) on *othermothering* among Afro-American families in the United States.

<sup>3</sup> Data from the *Ministério da Justiça – MJ/DFF/DPMAF/NICI* according to the number of passports emitted during this period to children adopted by foreigners. From 1994, the number of children adopted by foreigners went into decline, sinking by the year 2000 to one fifth the peak rate of the late 1980s. For an analysis of this about-face, see Fonseca (forthcoming).

---

<sup>4</sup> Porto Alegre is the capital city (1,500,000 inhabitants) of the Brazil's southernmost state, Rio Grande do Sul.

<sup>5</sup> The verb *criar* in Portuguese means both 'to raise' and 'to create'. Kin ties formed by caring for one another are labeled '*de criação*'. I have loosely translated the term here as 'foster' relatives.

<sup>6</sup> According to a 1985 census taken in Brazil's major cities, 2.9 per cent of the children under 18 were adopted, less than a third of them by legal means (see Campos 1991).

<sup>7</sup> At times, the children were sent to her by the Juvenile Court, at other times, they were brought in by their own mothers. In any case, payment was highly irregular.

<sup>8</sup> More than once, I saw babies held ransom by a doting foster mother for as little as one or two liters of milk. People even claimed that this commodified aspect of child exchange was endorsed by the public courts which, in mediating disputes, would routinely establish a certain amount of financial compensation a biological mother had to pay in order to regain custody of her child.

<sup>9</sup> Interview with a state judge, quoted in *Isto E*, 26 août 1990.

<sup>10</sup> Full inheritance rights was granted in the 1979 Children's Code to all individuals who had undergone a plenary adoption. With the abolition of simple adoption in the 1990 Code, these rights were extended to all adoptive children.

<sup>11</sup> Until 1990, adoptive parents had to be at least 30 years old. For a plenary adoption, the child could not be over 7. With the new Children's Code, these ages were changed to 21 and 18 respectively.

<sup>12</sup> According to research carried out by L. Weber (1998), people who opt for the illegal form of adoption, tend to adopt older children of darker skin color.

<sup>13</sup> The statistics are from an amply criticized UNICEF report alleging that there are from 31 to 80 million children living in the world's streets, of which around half are in Latin America and from 10 to 36 million in Brazil.

<sup>14</sup> This concept of *méconnaissance*, coined originally by Pierre Bourdieu, has been applied to the adoption process by Strathern 1992, Ouellette 1995, and Yngvesson 1998.

<sup>15</sup> The Brazilian case undermines this simplistic reasoning that links adoptable children to lack of birth control. In the last twenty-five years, the birth rate has been cut in half. In 1996, Brazilian women could expect to bear an average of 2.7 offspring (bringing the country's birth rate close to that of Sweden). And yet, for most of this period, international adoption increased steadily. On this subject, see also Selman 2000.

<sup>16</sup> Ferreira's study (2000) covering twelve years of adoption processes in Porto Alegre, shows that the mother was located in approximately 90 per cent of the cases. According to Campos (1991), in a sample of 150,000 women in the major Brazilian capitals who admitted to having placed a child before its first birthday, the great majority claimed they had done so due to 'utter lack of financial conditions'.

<sup>17</sup>: 'A Statement of Beliefs – open adoption', CHS Catholic Charities, Traverse City, Michigan . See also Avery (1998) for a recent overview of open adoption.

<sup>18</sup> Aside from mention of such incidents in Fonseca (1986) and Abreu (2002), the Brazilian newspapers carry frequent articles on just such incidents.