TRANSNATIONAL INFLUENCES IN THE SOCIAL PRODUCTION OF ADOPTABLE CHILDREN: THE CASE OF BRAZIL[*]

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Abstract (classification of article: Case study)

I propose, in this paper, to consider transnational aspects linked to the social production of adoptable children in a Brazilian setting. I will argue that an apparently straightforward conflict between poverty-stricken families and the state authorities that strip them of parental rights is in fact a highly political issue involving innumerous overseas as well as national influences. National childcare policies that encourage certain childcare options and eliminate others emerge as much from scandals in the media, "consumer demands" by adoptive parents, and philanthropic support as from the more apparent global trends in child welfare legislation.   Here, looking at legislation and media reports, I will give particular attention to how, during the 90s, vigorous campaigns in favor of plenary adoption by Brazilian nationals implied the near-total silencing of alternative forms of childcare such as foster care, and how recent circumstances are reverting this trend. Nonetheless, childcare continues to be seen as a consensual issue of all fronts working for the "child's best interest", rather than a political matter of conflicting interests between unequal categories of caretakers.

Key words: child rights, child adoption, social policy, Brazil

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I propose, in this paper, to consider transnational aspects linked to the social production of adoptable children in a Brazilian setting. I will argue that an apparently straightforward conflict between poverty-stricken families and the state authorities that strip them of parental rights is in fact a highly political issue involving innumerous overseas as well as national influences. National childcare policies that encourage certain options and eliminate others emerge as much from scandals in the media, "consumer demands" by adoptive parents, and philanthropic support as from the more apparent global trends in child welfare legislation.

Transnational adoption has been much in discussion these past few years exactly because, since the mid-nineties, the overwhelming majority of children who are legally adopted in Europe and North America come from "elsewhere". During the eighties, Brazil was the world's fourth largest exporter of officially adopted children, behind India, Korea and Colombia (Kane 1993). Since then, for reasons I will come to explain, Brazil dropped out of the process, while other countries such as China, Romania and Guatemala joined in. At any rate, the presence of mostly dark-skinned adopted children in First World countries has inspired a great deal of literature linked to the personal identity of these so-called hybrid individuals: the quest for national and ethnic origins, which takes them on "roots trips" back to Chile or Ethiopia for example (Yngvesson 2003, 2004), and the national policies that encourage new sorts of diasporas -- in Korea, for example, a country that does everything to welcome "home" a prosperous generation of children adopted abroad (Kim 2003).

The personal identity of foreign-born adoptees hooks in with the concerns of many scholars rooted in the northern hemisphere whose homelands are presently witnessing immigration on a massive scale. I would suggest, however, that the concerns and therefore the angle of analysis of many Third World scholars are quite different. In Brazil, despite regional migrations and ethnic diversity that create "hybrid" populations, foreign immigration is minimal. A number of people have left to seek their fortunes abroad (see, for example, Martes and Fleischer 2003), but these emigrants have not as yet had particular impact on local issues. It is understandable then that Brazilian scholars (such as myself), just as those based in other "peripheral" countries, approach the question of transnationalism from a different angle -- emphasizing, not people crossing borders, but rather the migration of ideas, of influence from abroad exactly on issues that appear unfailingly local and domestic (see for example, Salman 2004).

Transnational influences, of course, are not all of a kind. An adequate analysis of these influences in the Brazilian production of adoptable children led me through an intricate network of forces, including various stands (often one opposed to the other) and innumerous interest groups. It would be tempting to focus on but one of these stands or groups in this paper, but I have chosen

rather to trace several intertwining threads of this scene – from scandals in the Brazilian media on foreign "baby-snatchers", to the salvationist attitudes of adoptive parents in Europe and North America, and back again to the influence of international NGOs on Brazilian social policy. Along the way it will become apparent how the winds of debate (as well as swings in national child placement policy) cannot be easily explained, much less predicted, in simplistic terms. The social production of adoptable children is neither (as some would have it) result of the "global forces of imperialism", nor (as others would have it) the victory of enlightened individuals battling for social justice within Brazil. It is rather the outcome of an intricate interplay between public opinion, specific interest groups and personal agency – all of these involving influences that extend well beyond the nation's borders.

Adoption as a human rights issue

During the final months of 1997, a highly publicized scandal concerning Jundiai, a medium-sized town in the state of Sao Paulo, pointed to the need for tighter regulation of the adoption process. A number of lower-income mothers – compared by journalists to the Argentine *madres de la plaza de majo* – had banded together to protest the " abduction" of their children by the local judge, a man by the name of Beethoven. Investigation showed that over the previous six years, more than two hundred children had been given in international adoption, most of them without the mother's consent. After a summary investigation, the judge would declare the child abandoned and the mother stripped of her parental status, allowing adoptions in record time. The judge countered the mothers' accusations with what he considered a perfectly good justification. Working in collaboration with a reputable Italian adoption agency, he was providing a decent home to mistreated and neglected children who were living in deplorable hygienic and moral conditions. However, written justifications were based on relatively flimsy accusations: that the child's mother earned her living as a stripper, or that the family was living in a house "with broken windows and roaming dogs".

Press coverage of this affair insinuated that Judge Beethoven had acted out of venal interest, possibly receiving large "donations" from the Italian agency through which the confiscated children were channeled. Reading between the lines, however, we see emerge another possible version of reality – one in which the judge a fervently religious man, acting according to moral convictions, sent the children abroad not for his own personal gain, but rather " for the children's own best interest". Certainly, this incident is but the tip of the iceberg, one particularly visible example of a conflict that is repeated throughout many Third World countries of poor families protesting the state-decreed loss of their children.

To better understand the nature of this conflict, one must consider that still today the overwhelming majority of parents who lose their children to adoption

do not actively seek this solution. Researchers in Brazil have repeatedly shown that out-of-wedlock and even teen pregnancies are not generally a major drama, and that, barring total misery, it is unusual for a new-born child not to find willing guardians within the parents' extended kin network (Campos 1991, Fonseca 2003). In fact, considering the misery in which 20 per cent of the Brazilian population lives, it is surprising to encounter so few people consenting to "give" their child in adoption. The fact is that in the great majority of cases, children have been made available for adoption, just as in Jundiai, through a court order which unilaterally strips their parents of parental rights.

Such might seem to many observers an inevitable, if not desirable, turn of events. What else can we do, they might ask, when dealing with poverty-stricken parents, often plagued with drug dependency, alcoholism and other serious ills? In response, one should ask, **Why are there so few adoptable children in Europe and North America**? Why are potential adopters here obliged to spend thousands of Euros and much time and effort to go abroad in order to fulfill their dreams of "having a family"? A superficial response to this question would drench out old stereotypes of high birth rates and thus excess children *there*, versus low birth rates and a scarcity of children *here*. Brazil, however, has today a birth rate only slightly above that of most European and North American countries. Furthermore, the fertility rate in this country plummeted, between 1980 and 1991 (from 4,4 to 2,9[i]) exactly at a time when transnational adoption was on the increase.

Why then do countries in the Third World have "so many" children available for adoption, and those in the Northern Hemisphere have so few? A second possible explanation approaches more relevant socio-economic issues. There is unquestionably more poverty in the so-called "sending countries". However, realists will admit that, especially since the decline of the welfare state, there is much poverty in First World ghettoes as well. Despite state support to lower-income families (more support in some cases, less in others, but almost always considerably more than in Brazil), there are many instances in which state authorities deem it necessary to remove a child from its parents' home. What happens to these children? Why are they **not** put up for adoption?

I would suggest that the often overlooked although crucial point in this debate is of a political nature. The political, as well as social and economic, superiority of adoptive parents has been a constant throughout history. In North America, for example, when -- during the post war period -- the desire for adoptive children was intensified at the same time as the traditional supply of adoptable children dwindled, prospective parents turned their search toward native populations – the Inuit in Canada, for example, or Hawaiians or Native Americans in the United States. One by one, these groups resorted to political action in order to stem the hemorrhage of out-going youngsters. Lobby groups involving such powerful organizations as the NABSW (National Association of Black Social Workers) were active not only in restricting abuse, but also in promoting various forms of fosterage, and open or subsidized adoption to encourage in-group placements (Simon 1984; Carp 1998, Modell 1994 and 1998). I would then suggest that the reason there are so few adoptable children in Europe and North America is that respect for citizens' rights impedes state authorities from

acting unilaterally to strip individuals of their parental identity. Children are, of course, removed from homes that are considered abusive or otherwise inadequate. However the passive compliance of the parents is no longer sufficient motive to justify cutting all connection between the two generations. Aside from measures coined to help parents "restructure" their homes, the state must then provide alternative living arrangements for the child -- such as residential homes and foster families – arrangements that complement, rather than replace, the biological parents. And, in the few cases when legal adoption still occurs, it tends to incorporate aspects that cater to sensitivities of birth parents ("fostadopt" programs and open adoption, in which birth parents can meet their child´s adoptive parents), and the choice of adoptive parents close to the child´s original home (subsidized adoption, for example).

Such is **not** the case in Brazil, nor in most of the countries that have made children available for transnational adoption. I might add that working-class Brazilians have a centuries-old tradition of *informal* fosterage, in which children circulate between the home of their "blood" mother (*mãe de sangue*) and that of other relevant adults (grandmother, godmother, neighbor, etc.) (see Cardoso 1984, Kuznesof 1998, Goldstein 1997, Fonseca 2003). It is then highly curious that, for most the period since the 1990 Children's Code, programs of state fosterage were struck from the political agenda and a blanket of silence (if not reprobation) settled around the possibility of any alternatives for "children at risk" other than plenary adoption.

We thus argue that the public childcare policies which favor or, on the contrary, inhibit the production of adoptable children are a matter of political contention. Having established that the adoption process does indeed involve conflict, conflict that could (and, in fact, at other historical moments, did) mobilize social movements and human rights activists, I will now turn my attention to the question of "transnational" influences in what seems like an eminently national social policy.

Baby-snatchers: Brazilian media coverage on transnational adoption

Brazilians, of course, do not in general have the same view of transnational adoption as do people in Europe or North America. In fact, most would probably be horrified to think that their views had in any way been influenced by overseas pressures. This point is demonstrated by a look at Brazilian media coverage -- television and newspapers -- in which foreign intervention in the Brazilian adoption process is, more often than not, depicted as clearly predatory.

In July of 2001, Brazil's leading television channel broadcast a full-hour program on the international traffic of adopted children. In the two opening scenes of the program, spectators see fragments of an anonymous, purportedly European reporter's videotape in which lower-income women attempt to sell their infants. Whereas one mother, explaining simply that she has another four children to take care of, appears ready to relinquish the toddler in her arms for the

bagatelle of R$150 (around US$70), another woman, visibly a mother-to-be, drives a harder bargain. Speaking in terms of U.S. dollars, she insinuates that the price (US$1000) is insultingly low for the child she is about to bear.

Between these shocking images, on the one hand, of a mother who gives so little value to her child and, on the other, of a woman who cynically manipulates this value, the spectator has hardly time to catch her breath before the camera moves on to a new subject: the venal intermediaries involved in transnational adoption. For the next fifty minutes, viewers are presented with lawyers, judges, a nun, and an ex-priest, gleaned from one end of Brazil to the other, who all have one thing in common. They are accused of having illegally facilitated the intercountry adoption of Brazilian children, many of them for personal gain. The obviously foreign accent of the two church figures helps to firm conviction that the major threat to these poverty-stricken families comes from overseas. In other words, whereas newscasters in the United States and Western Europe tend to dwell on "child-saving" images -- stark halls in sordid, Third World orphanages, filled with dirty cribs and usually dark-skinned toddlers stretching out their arms, as though begging for a charitable soul to adopt them --, in the Third World they seem to favor stories about "infant snatching", the "baby trade", "trafficking in orphans".

The ample press coverage dedicated to scandals concerning intercountry adoption have produced palpable results. The fact is (and what the producers of the television program referred to above fail to mention) that transnational adoption in Brazil is, today, no more than a shadow of its former self. It is true that, by the end of the 1980s, Brazil was classified as the world's fourth largest source of adopted children, and, at the time, Brazilian children appeared to be heading the list of foreign-born adoptees in countries such as France and Italy. Furthermore, up until the mid-90s, in many regions of Brazil, intercountry adoption outstripped local adoption. However, around 1993, there came a turning point. From then on, the number of intercountry adoptions went into steady decline, dropping from over 2000 per annum to just over 400 at the decade's close (see Fonseca 2002a).

The 1990 federal Children's Code was no doubt partially responsible for the drop in transnational adoptions. In many states of the federation, public placement services suspended or slowed down their activities for a year or more, so as to "restructure" their service in function of the new legislation. However, well before the Children´s Code, more dramatic issues were troubling public opinion. Since the 1980s, there had been a tendency in news articles to link real and documented cases of "traffic in orphans" across national borders, to "the traffic of [*human*] organs". In 1988, rumors on the traffic of organs were dignified by a federal prosecutor who claimed to have sound evidence that Brazilian children adopted abroad were being used as guinea pigs in scientific experiments as well as for organ transplants. That same year, the theme was included in the agenda of the Congressional Parliamentary Inquest, and, throughout Brazil, the federal police opened a record number of investigations (39) on transnational adoption. Despite the fact that none of the inquiries ever turned up firm evidence, rumors came to a peak in the mid-90s, in the wake of what seemed to be a worldwide wave of hysteria.

From the late 1980s, the mood was thus ripe for the massive wave of legal investigations of any judge, lawyer or charity worker who had served as go-between in a transnational adoption. With jail sentences and other sanctions being meted out, public opinion underwent an about-face, causing an abrupt fall in the potential status of such agents from "child-savers" to "child-traffickers" (see Abreu, 2002). As more and more state officials began to see involvement in transnational adoption as a political liability, such programs were, in some regions, suspended altogether. In other words, *official* intercountry adoptions were curbed along with the *illegal* smuggling of youngsters. Hence, in 2001, most of the scandals dished out by the national television program mentioned above had to be discreetly warmed over from years past. Viewers, however, appear as avid as ever for episodes on the traffic in children.

The pressure of consumer demands

While newspapers were airing scandals and legislators were enacting new laws to curb transnational adoptions, influence from overseas was seeping through in other, perhaps more pervasive forms. In this second part of the paper, I suggest that, during the 1990s, the major lines of Brazilian childcare policies for poverty-stricken children – the idealization of "clean-break" adoptions (since 1990, all adoptions are plenary, implying a total rupture between the birth and adoptive families), the absence of programs promoting foster families, fostadopt policies or subsidized adoption -- were an indirect consequence of certain international pressures. Ideas filtered in from abroad, subtly reinforcing the perspective of the "consumers" of adoptable children – that is, adoptive parents -- almost always "foreign" (in terms of nationality or class) to the child's original milieu.

It might seem strange to speak of "consumers" in the field of adoption. However, in this sense, the ethnographic study of C. Gailey (1999) among affluent North American adoptive parents is quite revealing. Able and willing to pay the price (normally US$10,000 and above), her informants seek "Blue-Ribbon babies": white infants in perfect health, from abroad. As they see it, they are exerting their right as childless couples to "complete the family". Here, the image of the Western nuclear family is so ingrained that it hardly need be mentioned that, in their bid to 'imitate nature", these couples seek a child exclusively their own, with no strings attached. The urgency of their quest is matched by the ease with which they accept stereotypic images of their child's birth parents as unloving, abusive and abandoning.

Certainly, many of Gailey´s informants as well as most adoptive parents would be aghast at the association of children with a consumer market. First in line to condemn the "traffic of children", they would insist that it is exactly to avoid any such connotation that they favor a closed adoption process, precluding any chance for barter between birth and adoptive parents. It might, then, come as a surprise to learn that many peoples of the world would consider adoption in its "modern" plenary form as ridden with Western commodity logic.

The British anthropologist M. Strathern (1992) thinks through just such an issue on the basis of her ethnographic fieldwork in Melanesia. In contrast to the Melanesian "logic of the gift", Western consumer logic, as presented by Strathern, 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 entirely foreign to the gift economy she describes in which relationships and mutual obligations are the central issue.

Much of Strathern's argument is geared toward the understanding of what, to many observers, would be considered an exotic tribe: the Hagen of Papua Highlands New Guinea. I found her comments, however, highly relevant to the analysis of child circulation among lower-income families of urban Brazil. In this traditional practice, common throughout Brazilian history, children – whether placed by their parents or acting on their own initiative – would spend a good part if not all of their formative years in the household of un- or distantly-related adults (Fonseca 2003). My ethnographic observations led me to believe that, in a way quite distinct from the proprietary logic of nuclear families, this circulation of children creates ties between the partners of exchange (people, not entities); 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 its 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 – whether harmonious of full of conflict – which shape his or her being.

The contrast between this sort of practice and plenary adoption in which children are "de-socialized", given a "clean slate" by wiping away their pre-adoption history, is evident (see Ouellette 1995, Leifsen 2004). 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 2003, 2004). 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.

Although I have encountered many professionals in the adoption field who would understand and perhaps even share the doubts I have outlined about plenary adoption, the great majority of European and North American adoptive parents I have met find any challenge to the clean-break form of adoption incomprehensible, if not downright outrageous. I might illustrate this idea with the description of a recent seminar on adoption I attended in Barcelona. The event -- aimed at bringing together scholars, professionals, and adoptive parents -- was a great success. A dozen specialists, many from Catalunya, but several from abroad, spoke to a packed auditorium. But what impressed me most was the overwhelming pressure (expressed not only in the majority of

talks but also in the general debate) exerted by adoptive parents to impose their particular version of the process. Local authorities from the child welfare service were repeatedly remonstrated for not making more "local" children available for adoption.   The general mood was that the state should remove children from "unfit" parents as quickly as possible, giving the youngsters the benefit of "real" (read, adoptive) families. Although one or two of the speakers brought up positive elements of foster care, this alternative was quickly cast aside during discussion. One of the expert contributions that most interested these adopted parents came from the psychoanalyst who assured people that the "desire" to constitute a family is what produces a true bond between parents and child.   Most these commentaries revolved around the problem of integrating new-born infants into the family. It is thus not surprising that the question of less idealized forms of adoption (adoption of older or handicapped children) was scarcely voiced.

Certainly, many important issues were debated during this day-long event (Marre and Bestard 2004). However, the importance of certain subjects must be weighed against the glaring absence of others. I was the only speaker from a "sending" country. Although one or two speakers broached more delicate subjects (see, for example, Cadoret 2004), nowhere in the public debate did I hear any mention of the adopted children's birth parents, nor was there any questioning of the "clean-break" model of plenary adoption in which all knowledge of a child´s biological origins is decreed a state secret, precluding any possibility of contact between the adults concerned or continuity in the child´s biography.

Dissenting opinions were confined to the discreet audience of coffee-break clutches. There, I heard one young woman who had recently adopted a little girl from Haiti recounting with great emotion the two-hour encounter she'd had with the child's birth mother.   Although unsure as to whether her letters were getting through or not, she continued to mail this woman pictures of the little girl whose destiny they shared between them. Were she to make a suggestion to policy-makers, she confided, it would be to facilitate contact.   This sort of comment, however, did not surface during general debate. On the contrary, the pervading opinion, even of certain specialists, was that "shared motherhood", such as that described in many non-Western societies, was a utopian dream, and that "open adoption" (in which, as in Haiti, birth and adoptive parents may meet under careful supervision) "would never work" in European adoptive families[ii].

Mine was a small-scale experience which seems, nonetheless, to mirror more global processes. B. Yngvesson (2003, 2004), a well-known anthropologist specialized in the analysis of transnational adoption, also points out the generally conservative (traditionalist and patriarchal) tone of family-based policies in this field. It was, for example, the child's supposed "need for a family" that tipped the balance in favor of full plenary adoption during the 1993 International Hague Conference on the Protection of Children and Co-operation in respect of Intercountry Adoption[iii].   Whereas representatives from sending countries generally endorsed local solutions for children in need, those from

receiving countries considered intercountry adoption preferable to many local solutions which might include foster homes and institutional care.

The irony is that it is exactly those alternatives that, for a variety of reasons, are most common in Europe and North America -- institutional and foster care -- that are effectively denigrated in the arena of transcountry adoption.   The net result of the "mutual education" process (Yngvesson 2004: 215) which takes place in international conferences is not so much a massive increase of transnational adoptions. (Nationalistic reactions such as those we witnessed in Brazil, against "baby-snatchers" from abroad, stemmed this tide in many sending countries.) It is rather an exaggerated enthusiasm in Third World countries for plenary adoption as a "cure for (too) many ills" (see Selman 2004 for a critical response to this stand).

Observers repeatedly call attention to the contrasting evolution of adoption patterns in sending and receiving countries:

> "While adoption in the West is gradually moving away from the notion of sealed records and a complete break with the past, in the international market the trend is still toward the freeing of infants for placement overseas by severing all links with their natal family (and countries). " (Bowie 2004: 14)

Rather than thinking of two parallel lines of development, the analyst might well ask about the link between one pattern and the other[iv]... Of course, First World adoptive parents may well plead that they have no influence and, for that matter, no right to interfere in the adoption policies of sending countries. I would suggest that, on the contrary, there are already innumerable transnational influences in Brazilian adoption practices and that the "hands off" attitude of many First World observers, aside from reflecting "respect for local autonomy", derives from a subtle approval of policies based on race and class discrimination which would not be tolerated in their home countries.

Notwithstanding the endless debates about what policies are truly in a child's best interest[v], it is clear that , in the adoption of most Third World children, the effacement of a child's pre-adoption history, the sanitizing of his or her biography, serves, above all, to protect the adoptive parents proprietary interests.

The paradox of public policy: between the utopia of adoption and a bloated system of residential care

The production of adoptable children implies facilitating certain channels of child placement and closing or limiting others.   In this part of our analysis, we will thus shift attention toward Brazil, and the manner in which, during the 1990s, the promotion of plenary adoption by Brazilian nationals (in what I call "a model of rupture") implied the silencing of alternative forms of childcare such as foster care (a "model of continuity").

After the enactment of the 1990 Children´s Code, the Brazilian Judiciary, acting through specialized sectors in the major townships (*Juizados de Infância e de Juventude*) became spearhead of childcare policy. Besides creating special state commissions to deal with transnational adoption, these "JIJs" began to vigorously promote legal, plenary adoption by local families. Posters were strategically placed in various public locales . Some states put special sites on internet. Support groups aimed specifically at encouraging adoption, and generally closely linked to the judicial authorities, sprouted throughout the country and specialized teams were set up in the Children's Courts to better organize the process. The mood at the time was highly influenced by the recent embargo on transnational adoption. It was as though Brazilian authorities were reasoning: "If we shut off transnational adoption, we must do something with the children that would have been adopted by foreigners. Logically, they must now be adopted by Brazilians." With frequent references to the long list of Brazilian candidates awaiting an adoptable child, the message seemed to be "we (Brazilian nationals) have to get there first".

The irony is that in-country adoption did **not** increase during the 90s. On the country, studies suggest that it may even have declined[vi]. Ironically, the decline may be due to the precise forces that were designed to better organize legal procedures. With more attention centered on adoption, juvenile authorities no doubt became sensitive to accusations that they might be "trampling" the process (precipitation matters by skipping over necessary investigations). Article 23 of the Children's Code, stating that no parent should be stripped of parental authority because of poverty, was consistently evoked in public debates. Since most children put up for adoption by the Children's Court are not voluntarily relinquished, this renovated respect for parental authority was destined to slow the production of adoptable children.

The "slowed production" had an effect on the profile of the sort of child who would become available. Innumerous public policies emerged during the 90s designed to help lower-income families maintain their offspring. Rather than summarily withdraw a child from its poverty-stricken home, more and more social workers could try out home-based alternatives. Thus, the "adoptability" of a child would only become apparent when the child was older and less appealing to potential adopters. The support groups, highly sensitive to this issue, redirected their campaigns toward the adoption of older children and of those with health problems... However, there was no radical change in the general demand by potential adopters that consistently gave priority to white infants in perfect health.

If, after the enactment of the Children's Code, adoptions did not increase, what was happening to children who for one reason or another were withdrawn from their families? The country was faced with a tremendous paradox – the growth of childcare institutions precisely at the moment when such institutions were being more than ever before denigrated. My ethnographic experience in the city of Porto Alegre[vii] documents radical reforms in institutional care. The traditional orphanages were dismantled and replaced by small "family-like" residences scattered in different neighborhoods in which a dozen or so children

of all ages and both sexes would be raised by state-employed educators. Of course, the more "humane" these homes became, the more people (including parents and childcare workers) would try to temporarily "board " children in these establishments (see Fonseca 1986), creating the risk of overburdening an already costly system.

It is not then surprising that in the past few years of my research on the state-articulated childcare system, I have repeatedly heard a near-hysterical refrain that these state residences should be used only as a last resort, that internment MUST be as fleeting as possible because, "as everyone knows", institutionalization has disastrous effects on a child's development. In short, state-sponsored childcare should be kept at a minimum.   In accord with the Children's Code, residences are presented by public authorities as a "transitory" phase, a temporary stop-off on a child's road to "family living".   However, the only two options normally cited for this "family living" -- the child's original (biological) family or a permanent adoptive family – are anything but evident. The programs of aid to poverty-stricken families are of feeble reach (the more widespread federal programs at the moment allow for a monthly input of around US$10 per child), hardly compensating rampant unemployment or, for those unskilled laborers lucky enough to find work, ridiculously meager wages. Children who are quickly returned from institutional care to their families often find themselves doomed to "family-living" in exactly the same precarious conditions that caused their initial institutionalization (Huppes 2004). And, as to adoption, the great majority of youngsters in state homes are older, dark-skinned and often suffer from some sort of disability – exactly those most difficult to place in adoption. The net result is that, while a good number of young people in fact grow up in residential homes, state authorities do not have any policy plan to deal with these youngsters since... in the state's logic... they simply shouldn't exist.

The demise and dawn of foster care in Brazil

One should remember that, in Brazil, unlike the European or North American case, poor families, clustered in vast shantytowns and housing settlements, cannot be considered marginal. Thus, working-class people have, since colonial times, been relying on alternative social institutions -- family networks and the informal sectors of the economy -- to keep them going.   In the realm of family organization, they have managed to see to the welfare of their children and guarantee the survival of new generations through, among other things, the strategy of informal fostering arrangements. Through this practice, documented by historians and social scientists in diverse parts of Brazil, parents will divide the economic onus and socializing responsibility involved in raising a child between a series of informally chosen foster parents (Cardoso 1984; Campos 1991; Fonseca 2003; Hecht 1997; Goldstein 1997).

Because of my ethnographic experience with traditional forms of child circulation, I became curious about official programs concerning foster families. From the late 90s on I was thus asking the Juvenile Court authorities in my town about their various childcare policies, and repeatedly I was told that foster programs did not exist. They were a thing of the past, clearly not up to the

standards of the new Children's Code.   Interestingly enough, it was thanks to one of my student assistants who watches daily television that I learned of one of the oldest and most important programs of foster parenting in Brazil, run precisely by my state´s juvenile authorities. Significantly enough, news of this program only came to public attention after it was finally discontinued at the end of 2002. A recently elected state governor, determined to streamline the public machinery by weeding out old, administratively irregular programs, had abruptly cut off all support to the nine remaining foster families – leaving these families and the 28 children and young adults they were caring for "high and dry". The foster mothers, not knowing where to turn, had resorted to denouncing their situation on a television news spot and one or two radio programs.

Evidently the misinformation about foster care programs was not restricted to my state.   In 1997, the authors of a worldwide survey of foster care systems regret they were unable to add Brazil to the other twenty-one case studies they included in their report, alleging that Brazil simply had no cultural or legal precedents in the realm of foster care (Colton and Williams 1997). The authors of the book manage, however, to mention a single program, operating through the juvenile authorities in Porto Alegre, which supposedly had long since been discontinued.   In other words, the program was symbolically buried at least six years before it actually expired.

Indeed there had been a few sparse initiatives in institutionalized foster care in different parts of Brazil before the Children´s Code. Church-related philanthropies, from Catholic to Adventist, were trying out small residential homes run by full-time "social parents" (a live-in woman or couple who would agree to a long-term commitment). The Swiss-based International Children´s Villages had set up houses in a dozen or more Brazilian capitals. However, during the 90s, these alternatives to institutional care were little more than tolerated as a distant runner-up to idealized adoptive families.   And, on the whole, public authorities all but ignored the option of home-based foster care, to the extent that still in December 2003, in all of Brazil, I could find only some half dozen programs, involving altogether around 60 foster families and no more than 150 children.   Considering that estimates for the same period put the number of institutionalized children in Brazil anywhere from 25,000 to 100.000 (Silva 2004), one comes quickly to the conclusion that state-sponsored fosterage, as an alternative to institutionalized care, is still practically insignificant.

The idea that adoption is much preferable to fosterage has had considerable support from certain sectors of the international debate. We mentioned above the voice of First World adoptive parents who systematically present foster families as an entirely inadequate form of childcare.   Also mentioned above is the evident slant of the 1993 Hague Convention on intercountry adoption toward clean-slate plenary adoption. And, certainly, evaluations of the foster care programs in Europe and North America bring out innumerous potential shortcomings to the system. A recent report (August, 2004) from the International Social Service on "Improving protection for children without parental care" calls attention to a "foster care crisis" in the U.S. and Britain, due largely to problems in the recruitment and preparation of new foster parents.

The authors of this document caution against "over-reliance" on foster care that might impede other, more preferable, solutions such as rapid return to the child's original family or adoption. The report concludes discussion on this item cautioning against such reliance: "Countries considering the establishment or development of formal foster care clearly need to be made aware of the dangers of pinning their hopes entirely on this system" (2004: 6).

Such advice however would need to be mediated through local realities. It is one thing to speak of an overburdened system in the United States, for example, where there are easily 200,000 children in the care of unrelated foster parents, or in Britain where local campaigns aim at recruiting 7.000 foster families. It is quite another to speak of developing fosterage as one, among other, childcare alternatives in a country with fewer than 100 children and under 60 families involved in public-run foster arrangements. Local policy makers do not always make the necessary adjustments when they import international rhetoric. It is by no means insignificant that a much-read Portuguese translation of the UN Convention on the Rights of the Child simply ignores the UN document's mention of fosterage, translating the term as *adoptive* families (Lima 2002: 209). Ironically, it is precisely the sort of advice furnished in the ISS report against "over-reliance" on the system that anti-fosterage specialists in Brazil use to argue against any and all use of foster families.

« Family-based models for child care » ressignified

The dawn of the millennium has brought yet a new mood in childcare policies in Brazil. Today, after supervising transnational adoption during the 80s and promoting national adoption during the 90s, most child care organizations concentrate their efforts on what Brazilians call *convivência familiar* – a notion that could be loosely translated either as "family living" or "family-based models" of childcare. In fact, the term is not new – as anyone in the field will point out. It is central to the 1990 Brazilian Children´s Code. What has changed is the way the term is used. Whereas the emphasis on family-based models of childcare was used during the 90s to justify vigorous campaigns in favor of *adoption*, today the notion is used to announce seminars and programs designed to maintain children in their *original families* or... eventually... consider the possibility of childcare *in foster families.*

This about-face in the discussions of foster care, begun in the past two or three years, is due, to a great extent, to the influence of internationally backed NGOs. Three major conferences publicly mark the change in tide. After a long incubation period, the Association of International Children´s Villages has evidently found the time ripe to disseminate its particular vision of childcare. In November of 2003, the NGO organized in São Paulo the First International Congress on the Child and Adolescent´s Right to Family and Community Living in which, aside from discussing the usual issues (aid to lower-income families, children with HIV/AIDs, etc.), they explicitly cite the need to study alternatives to institutionalization such as foster care. In April 2004, Terra dos Homens in partnership with public authorities, various NGOs (in Brazil and France), and the Catholic-inspired Pastoral do Menor, held an "International

<u>Conference on Foster Care</u>" in Rio de Janeiro. This conference was, so-to-speak, a coming-out party for the foster families project underway in Rio since 1997, run by basically the same coalition that organized the conference. The fact that the proponents of this project presented the results of their "experiment" alongside half a dozen French scholars and professionals specialized in foster care was no doubt a strategic maneuver designed to head-off negative reactions from more conservative local specialists.

In November 2004, a university-centered research group (CIESPI – PUC/RJ), in partnership with the Chapin Hall Center for Children (University of Chicago) held still another conference in Rio on "<u>Family and Community Living</u>: a priority right for all children" in which North American specialists were brought in to speak, among other things, on foster families. Simultaneously, the director of the center launched a book based on a UNICEF-financed study of (inadequate) institutional care in Brazil (Rizzini e Rizzini 2004).

The point here is that foster care is being discussed in public events for the first time since the promulgation of the Children's Code nearly fifteen years ago. Of course, there are still no accords as to exactly how this foster care should be organized – whether for small children only, or including adolescents ; whether for short stays only (a matter of months) or for longer periods ; whether involving only « volunteer » parents or providing for small stipends paid to the foster caretakers. However, the breakthrough is that foster care programs are being publicly discussed. And, in this change, international organizations have played an important role.

Interestingly enough, the April conference in Rio can be seen as the outcome, among other things, of a growing discussion on a global level of this form of child care. The major NGO behind the scenes, The International Foster Care Organization (IFCO, seated in The Hague) proudly announces in its monthly newsletter the presence of a representative of the United Nations Commission of the Rights of the Children at a recent conference (2003). One year later (September, 2004), the president of IFCO is seen participating in the UN Commission where he forwards the organization's proposal : "If parents or relatives cannot provide the child's care then skilled, supported Foster Care wherever possible with regular and meaningful contact with the child's biological parents should be preferred to institutional care"[viii].

Certainly, recent trends in Brazil have been buoyed by IFCO´s international forum of debate. According to the organization's own home-page, the Latin American connection began with the participation of a pair of Argentine childcare workers in a 1995 IFCO conference in Norway. By the year 2000, the couple founded the Red Latinamericana within IFCO designed to promote foster care in South America – "*continente em donde la temática aún es poco conocida o directamente inexistente*" (a contintent in which the theme is still little known if not absolutely inexistent)[ix]. The 2003 IFCO conference in La Plata, Argentina included several representatives from Brazil and, by the time I – as researcher – hooked into this network, in a small conference in Campinas, December 2003, IFCO was already a major point of reference. Thus, we may surmise that the 2003-2004 wave of Brazilian conferences organized around

the possibility of foster care reflects a convergence of national and international movements.

Summing up

I have outlined above what might be considered the major transnational influences on Brazilian child placement policies. There is no doubt that adoption surged into the public limelight during the 1980s due to the interest of overseas adoptive parents.   The presence of foreign visitors – Italians, French, some North Americans -- ushering out toddlers from airports in Rio and Bahia brought on a backlash in public opinion. New legislation not only battened down the hatch on transnational adoptions, but also imposed new and more stringent guidelines for national adoption. During the nineties, I have argued, although transnational adoptions were ending, national childcare policies suffered considerable influence from abroad which, favoring the perspective of adoptive parents, presented plenary adoption as the obvious solution for children who, for one reason or another, could not stay with their biological parents.   Thus, traditional Brazilian practices such as informal fostering arrangements were completely ignored and no effort was made to create or promote official programs for foster families. The « clean-break » model of adoption won hands down over foster families that might provide children with a « family-based model for child care » that would not necessarily cut them off from their original families and communities.

During the end of the 1990s, a group of foreign-backed Brazilian activists with not only funding from, but also abundant experience as consultants in, international organizations such as UNICEF, Terre des Hommes, Children's Villages, etc., began to quietly challenge the hegemonic narratives of the moment. Joining hands with the International Foster Care Organization, and working with the judiciary (since, realistically, there is no possible way of working around it), these women (with one or two male exceptions), coming from the fields of psychology and social work, consciously or no, have launched a movement to de-center the icon of plenary adoption as the "obvious" solution for children who cannot remain in their original families.

Before concluding, it is now time to scramble this somewhat overly linear narrative. The image of corporate interest groups organized in neat historical phases, is in many ways misleading. There is considerable internal debate within each of the categories I've discussed here (journalists, legal operators, adoptive parents, NGO workers). Furthermore, the present mood, far from being the culminating phase in an evolutionary sequence, includes

simultaneously the various positions I've outlined in this article – all of them involving "transnational" movements in people and ideas.

There is still, however, a final point of fundamental importance to be addressed, dealing with the "conflict" I brought up at the beginning of this paper, between state authorities and poverty-stricken parents, concerning the destiny of their children. Much of present-day rhetoric still poses the issue in an either-birth-or-adoptive-family form. Defending the *possibility* of foster care makes sense only within this scenario. Foster families are far from being an "evident solution" to contemporary dilemmas concerning poverty-stricken populations. In many ways this unpopular cause reminds me of C. Geertz (1984) defending his anti-anti-abortion stance. No one really thinks abortion is a great thing... but, in a number of situations, it might be the most respectable solution available. The same logic applies to foster families. Certainly it would be better to correct the glaring inequality between rich and poor in Brazil (a country that holds several world records for the disastrously uneven distribution of wealth). But barring this possibility in the immediate future, what alternatives are available? In Brazil, state-sponsored foster care, building on local tradition, might not only furnish a reasonably suitable environment for children, it could also be a way of respecting the human rights of their parents.

Most arguments used by policy-makers to defend one form of childcare or another are avowedly "child-centered". Not only is the child inevitable focus of debate, but the idea of a child´s "best interests", no matter how arbitrary the definition, is presented as naturalized, consensual truth. We hold, in this article, that as long as childcare is seen as a consensual issue, rather than a contested domain of conflicting interests among unequal partners, policy debates will continue on the either-birth-or-adoptive seesaw. Bringing birth parents into focus – as was the case with the Inuits, Native Americans, blacks and Hawaiians evoked at the beginning of this paper – shifts the debate to another territory. It is only by keeping such issues in mind that transnational influences in the production of adoptable children in Third World countries come well into focus.

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[i] Fertility had peaked in 1960 at 6,3 children per woman. By the year 2000, this number had dropped to 2,3. See data from the IBGE (Instituto Brasileiro de Geografia e Estatística) – Censo Demográfico 2000, Fecundidade e Mortalidade Infantil.

[ii] Ethnographic literature on Europe furnishes many examples that deny this affirmation (see Monléon 2004, Yngvesson 2000, Cadoret 1995). See Collard (2004) for an analysis of adoption in Haiti.

[iii] This document is constantly cited to pressure countries such as Haiti to abolish simple and open adoption. See "Report and Conclusions" (2000) of the special follow-up commission to the Hague document in which a few forlorn Third World voices are raised in dissent.

[iv] For an inspiring example of just such an approach, linking family patterns in New York and the Dominican Republic, see Colen (1995).

[v] This subject has been thoroughly discussed in the scholarly literature. See Fonseca (2002b) for a brief overview.

[vi] See *Folha de São Paulo*, 27 de março, 2004: Caderno – Cotidiano.

[vii] Porto Alegre, the southernmost capital of a Brazilian state, a city of over a million and a half inhabitants, is ensconced in a relatively prosperous and politically progressive area of Brazil. Nonetheless, the laboring poor have by no means been immune to the vagaries of a national political economy that has produced one of the world's most unequal distributions of wealth.

[viii] http://www.ifco.info/, accessed June 13, 2005.

[ix] http://www.ifco.info/~relaf/index.html, accessed June 13, 2005.