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ADOPTION AS A METHOD OF FAMILY FORMATION IN AMERICA: AN EVALUATION OF HISTORICAL AND SOCIAL TRANSFORMATION[1]

AMERİKA'DA BİR AİLE KURMA BİÇİMİ OLARAK EVLAT EDİNME: TARİHSEL VE TOPLUMSAL DÖNÜŞÜM ÜZERİNE BİR DEĞERLENDİRME

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Abstract

Adoption as a method of forming a family establishes kinship bonds that are not necessarily based on genetic relationships. The United States of America (U.S.A.) set some of the earliest regulations for the practice of adoption and continues to maintain the highest rates of adoption worldwide. This paper provides a historical overview of how adoption has developed and changed in America. In the context of family sociology, Parsons's structural functionalist perspective on the modern, nuclear family is thought to reflect an idealized image of the American family that remained dominant up until the 1960's. However, since then alternative perspectives to Parsons's misogynistic and racially blind theory have been developed that can be used to explain adoption as a way of starting and maintaining a family. Particularly, Yuval-Davis's theory has provided significant insights in understanding the family structure within society and how it has been transformed with changing boundaries for ethnic, racial, gender and sexual orientations. This includes an evolving conceptualization of parenthood, which once was embedded in the patriarchal notion that having a child was a duty to one's nation. Her situated intersectionality theory is offered as an alternative and more helpful lens for drawing attention to the interplay between gender norms, biological biases, and racial prejudices in the social hierarchy of power. Yuval-Davis's theory has further supplied important insights for seeing how the intersection of gender and race relations impact the American adoptive family's precarious place on a changing grid of social power. This article thus utilizes situated intersectionality to analyze adoption in American society. By using an approach that is not commonly applied to the study of adoption, this paper offers a unique model for exploring the experience of adoptive families. In addition, this paper highlights the significance of intersectionality as a framework for understanding the globalizing dimensions of adoption, particularly as sexism and racism increase, which necessarily impact the process of adopting as a method of family formation.

Keywords: Family, Adoption, Kinship, Biological Bias, Situated Intersectionality

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Özet

Bir aile kurma biçimi olarak evlat edinme, genetik ilişkilere dayanmayan akrabalık bağları kurmaktadır. Amerika Birleşik Devletleri'nde (ABD), evlat edinme uygulaması en eski düzenlemelere ve dünya çapında en yüksek evlat edinme oranlarına sahip olan ülkelerden biridir. Bu makalede, evlat edinmenin Amerika'da nasıl geliştiğine dair tarihsel bir bakış sunulmakta ve değişim süreci değerlendirilmektedir. Aile sosyolojisi bağlamında Amerika'da 1960'lara kadar Parsons'ın modern, çekirdek aileye ilişkin yapısal işlevselci bakış açısının egemen olduğu ve idealleştirilmiş Amerikan aile imajını yansıttığı düşünülmüştür. Ancak, Parsons'ın cinsiyet ve ırk açısından kuramındaki körlük, aile kurma ve aileyi sürdürme biçimi olarak evlat edinmeyi açıklamada farklı bakış açılarının gelişmesine olanak tanımıştır. Toplumunun farklı etnik, ırk, toplumsal cinsiyet ve cinsel yönelimlerdeki değişimlerle dönüşen aile yapısını, çocuk sahibi olmanın ataerkil bir vatanseverlik görevi olmaktan çıkarak ebeveynliğe evirilme sürecinde evlat edinmenin değişimini anlamada özellikle Yuval-Davis'in kuramı önemli açılımlar sağlamıştır. Konumlandırılmış kesişimsellik kuramı, alternatif ve daha faydalı bir mercek sunumu, cinsiyet normlarının, biyolojik ve ırksal önyargıların evlat edinme süreçlerine yansıyan toplumsal güç ilişkileri boyutlarına dikkat çekmiştir. Yuval-Davis'in kuramı Amerikan ailesinin değişen sosyal güç hiyerarşisini anlamak, toplumsal cinsiyetin ırksal ilişkiler bağlamıyla güvencesiz kesişimsel ilişkilerini sorgulamak bakımından önemli açılımlar sağlamıştır. Bu makalede Amerikan toplumunda evlat edinmenin kesişimsel bir analizi yapılmaktadır. Bu yönüyle evlat edinme kurumuna yönelik araştırmalarda çok da yaygın olarak ele alınmayan bir yaklaşım olarak konumlandırılmış kesişimsellik bağlamı evlat edinen ailelerin deneyim süreçlerindeki rolünü sorgulamak bakımından bu makale özgün bir model sunmaktadır. Evlat edinmenin küreselleşen boyutlarını kavramak ve son yıllarda giderek şiddetini artıran ırkçılığın ve cinsiyetçiliğin ailede ve evlat edinme süreçlerindeki rolünü anlamak ve sorgulamak açısından konumlandırılmış kesişimselliğin önemini ortaya koymaktadır.

Anahtar Kelimeler: Aile, Evlat Edinme, Akrabalık, Biyolojik Önyargı, Konumlandırılmış Kesişimsellik

INTRODUCTION

Family, considered one of the primary sociological institutions, is defined by the legal recognition of two or more people who are related by blood kinship, marriage, or adoption. Families are recognized for their role in birthing future generations, shaping individuals through the process of socialization, and protecting its members against economic and emotional risk (Erdal, 2014, p. 173). Although traditionally families are described as having one mother and one father, many societies today, especially in the Western world have an increasing number of alternative forms of family, including stepfamilies, single-parent households, grandparents as primary caregivers, cohabitating couples and/or homosexual couples. Additionally, a 2010 Ipsos Reid study indicates that the majority of North Americans see the presence of children as a significant factor in what defines "family" (Little, 2020). This notion of children's significance is one of the underlying reasons that some families choose to adopt children as a method of family formation.

Like the institution of family, adoption is multi-faceted and dynamic, changing along with society. In the U.S.A. today, *adoption* refers to the establishment of a kinship bond between a child or young adult and an adult that did not biologically reproduce them. This includes the severing of kinship bonds between that child and their biological parents. The adoptive parent accepts full responsibility for the child's full range of needs. In addition, the last name of the adoptive family and full inheritance rights are given to the adopted child (United Nations, 2009, p. 1). The institution of adoption involves a triad of the adopted child, the birthparent(s), and the adoptive parents (what is often referred to as the "adoption triangle"). Added to that are social workers and other professionals involved in the process of child adoption. The primary purpose for all parties involved is, ostensibly, to provide for the wellbeing of children who are in need of parental care. This includes the economic and emotional support that the family structure offers as well as the process of socialization and identity formation. The adoptive family has a unique experience in the social world, shaped by family formation norms. While not fully realized in American society, the nuclear family image is highly influential. This is embedded with biological biases including the notion that families are built by heterosexual couples and that family members must conform to one another racially. Biological bias also manifests in notions of defined gender roles-- particularly the idea that womanhood is defined by bearing and being the primary caregiver of children. Divergence from these multiple and often intersecting norms threatens the social positioning of the adoptive family. In other words, because the adoptive family of America must contend with a social

environment that historically privileges biology over kinship that is defined by care, they may be subject to varying degrees of social disadvantage (Wegar, 2000).

The U.S.A. set some of the first and most significant precedents for adoption policies in the modern era, is a signatory on many international treaties that safeguard the wellbeing of children in the transaction of adoption such as the Hague Adoption Convention,[4] and currently leads in the highest numbers of international and domestic adoptions worldwide (Budiman and Lopez, 2017, p. 3; United Nations, 2009, pp. 66, 72). Considering America's significant role in the field of adoption, this paper aims to explore how adoption has developed as a method of family formation in the U.S.A. and what social norms impact the social experience of the adoptive family. Two competing sociological approaches to family formation will be introduced-- structural functionalism and situated intersectionality-- the second of which will form the primary basis for examining the adoptive family form. After this, a historical overview of how the institution of adoption developed in America will set the stage for an analysis of how gender norms, biological bias, and racial prejudice position the adoptive family in the American social context today.

SOCIOLOGICAL APPROACHES TO FAMILY FORMATION

Talcott Parsons's Structural Functionalism

The earliest sociologists address the topic of family formation by differentiating between kinship groups of pre-modern and modern societies. Durkheim labelled the difference between how these kinship groups operated as "mechanical solidarity" versus "organic solidarity" (Nauck, 2009, p. 209). Tönnies's distinction between *gemeinschaft* and *gesellschaft* upholds a similar idea (Appelrouth and Desfor Edles, 2008, pp. 355-357). These ideas were very influential to Parsons's structural functionalist perspective which also depicts a dichotomy between "traditional" and "modern" societies. He critiques most studies of family for focusing on problems relating to the individual (as they would be in psychology) rather than exploring the structural perspective (Parsons, 1943, p. 22). He seeks to remedy this through analyzing the American kinship system in structural terms using his social theory of action. In brief, he describes the kinship unit, or "family," as a social system that works along with other social systems to promote a functioning society. One sociological insight foundational to the structural

[4] The Hague Convention on the Protection of Children and Co-Operation in Respect of Intercountry Adoption is one of the initiatives that defined the child's welfare as the primary goal of international adoption. The U.S.A. is one of the 99 nations that have signed the convention and has been ratified.

functionalist perspective is that dynamic change in family forms indicates major structural changes in the social system (Parsons and Bales, 1955, pp. 4, 26-27). In terms of adoption, the structural functionalist approach may see adoption as a mechanism for families to fulfill their role in sustaining and developing society. At the threat of social dysfunction (the inability to care for a child by the birthparents and/or infertility of the adoptive parents), the process of adoption offers a modification that supports social life.

Parsons and Bales (1955) refer to the newly evolved American family as the nuclear family, sometimes referred to as the "small conjugal unit." They explore the key functions of family along with social and cultural factors that have contributed to its dominance in the modern era. For example, they indicate that the prevalence of non-kinship structures in modern society (such as the state, churches, businesses, and universities) assume some of the core functions of the pre-modern family. This includes the meeting of material needs such as making clothes and extends to the great task of the socialization of the child. The result is that the modern American family has become "a more specialized agency than before" (p. 9). Parsons depicts the nuclear family as a single income earning family, placing a high emphasis on the breadwinner/caretaker paradigm as an "effective kinship unit" and the best adapted family form for modern societies (Appelrouth and Desfor Edles, p. 379; Nauck, 2009, p. 210; see also Parsons, 1943, p. 45; see also Segre, 2012, p. 68). He brings attention to the role of the American occupational system in shaping the nuclear family and the segregation of sex roles. They note how having a single income earner in a family works toward a functional society because it limits the amount of people seeking occupational status. Further, the clear-cut boundaries of the sex roles (supposedly) reduces competition for occupational social status between husbands and wives (Parsons, 1943, p. 35).

Since the 1970s, Parsons has been condemned as a conservative who validates oppressive gender roles (Fox et al., 2005, p. 1; Johnson, 1993, p. 115). In the "Kinship System of Contemporary United States," Parsons (1943) acknowledges that the functions of the American kinship system can be fulfilled by men or women, freeing women to gain status in the occupational structure. Yet, he also couches this notion in terms of women assimilating to the "masculine roles" of the workplace (p. 33) and, if not able to, compensating for their lack of opportunity to gain occupational status by cultivating good taste in things like personal appearance and house furnishings (p. 45). He expands on this thought in *Family, Socialization and Interaction Process* (1955) by asserting that there is "no serious tendency" toward women matching the rate of men in the labor force and limiting the majority of women in the workforce to the single, divorced, or childless (p. 14). These assumptions, which, in the light of the twenty-

first century cultural context, come across as extremely misogynistic, are one reason for Parsons's loss of relevance in contemporary academia. Appelrouth and Desfor Edles (2008) defend Parsons, claiming that Parsons is simply providing a theoretical means of analysis, not prescribing how society should be or claiming that a functioning society is necessarily a healthy society (pp. 349, 355).[5] And yet, they also acknowledge that Parsons failed to acknowledge the "structural barriers to equality" that conflict theorists like C. Wright Mills were much more attuned to (Appelrouth and Desfor Edles, 2008, p. 363; see also Johnson, 1993). If Parsons was merely writing descriptively, he may not have received as much criticism. However, the confined role of women as child bearers and caregivers in his work creates a particular problem for the infertile couple, single parent, or homosexual couple who will not meet these defined norms. Furthermore, Parsons is criticized for his narrow upper-middle class, white male description of essentially middle-class white families (Appelrouth and Desfor Edles, 2008, p. 378). In other words, he presents one single family model that neglects the reality of alternative family forms and their contribution to the functioning of society.

Parsons does not particularly address adoption as a method of family formation. However, his conservative image of family impacts how adoption is seen in relation to the nuclear family form. For example, Parsons and Bales (1955) uses the mother's biological role in birthing and nursing babies as an explanation for why husbands and wives in the "typical" nuclear family fall into gendered roles defined by the breadwinner/caretaker paradigm (p. 23). Thus, the inability (or choice) to adopt rather than give birth biologically puts the women's roles into question. As an alternative to Parsons's claims, Chodorow (1995) concludes, after decades of study on the subject of what produces women's role in child care activities, "cross-cultural and social-psychological evidence suggests that an argument drawn solely from the universality of biological sex differences is unconvincing" (p. 43). Lopata (1994) demonstrates how division of labor norms have moved beyond Parsons's limited breadwinner/caretaker paradigm as U.S. society transitions from traditional to increasingly modern. In other words, the 1950's white, middle-class model of family is not static, but changes and expands in greater complexity as time progresses. The gendered distinction between women's and men's interests and abilities are deeply embedded, but nevertheless, subject to change. And yet, the mother's role in taking responsibility for the welfare and socialization of her child remains a primary burden, worked out in cooperation with her social circle.

[5] A number of scholars remain loyal to Parsons. Levine (2005), for example, dismisses contemporary critiques of Parsons's theory as "one-sided readings" of his material (p. 148).

Paradoxically, the adoptive family can both contribute to the idealized Parsonian image of family (the supposed status quo) but it can also serve to broaden family forms. The study of adoption can also expose structural functionalism's blind spots on gender roles within the family structure, particularly challenging the notion that women must bear and take primary responsibility of care for children to be "true" women or "real" mothers. In Johnson's (1993) discussion on the divergence between structural functionalism and feminist theory, she identifies a significant point of contention between the two perspectives as Parsons's emphasis on men's occupational roles and women's domestic roles. While feminists generally understand this as Parsons's justification of male dominance, Johnson (like Appelrouth and Desfor Edles) sees this as a misunderstanding. She does, however, acknowledge that Parsons neglected to analyze power relationships (p. 119). Because of this, Parsons's antiquated depiction of the nuclear family obscures the condition of women's position in society. Likewise, he fails to bring analysis to less prominent, though existent family forms that characterize those of minority subcultures in society—and perhaps that of the majority too. As Coontz (1995) vehemently argues, conservative (and liberal) ideologies supported by nostalgia for a family form that never really existed (except for possibly a brief fifty-year period in the 1950s), hinders social and economic policies that could work toward child welfare. In addition, greater visibility of the diversity of family forms in American society can lead to a restructuring of social norms, resulting in greater latitude for families in terms of how they form, what roles the members play, and how they interact with their social environment.

Yuval-Davis's Situated Intersectionality

Critical approaches offer a contrast to the structural functionalist perspective, seeing families in terms of power relations that can be questioned, rather than an idealized description of functional roles. Theories rooted in conflict theory challenge the biases embedded in the nuclear family image portrayed by Parsons. This includes traditional gender roles of the breadwinner/caretaker paradigm, womanhood as defined by childbearing, and the implication that families are built on biological kinship.

Few-Demo and Allen (2020) discuss how gender and feminist approaches bring focus to "overlapping ways of framing scholarship that are critical of the status quo of how families compare to the mythical norm (e.g., white, heterosexual, middle class) and instead are aimed at how families actually live" (p. 326). One of these approaches is situated intersectionality, developed by Yuval-Davis and Floya Anthias. Yuval-Davis (2015) defines situated intersectionality as a theoretical framework for analyzing social stratification which "relates to

the differential hierarchical locations of individuals and groupings of people on society's grids of power" (pp. 92-93; see also Yuval-Davis, 2013, p. 7).

Situated intersectionality seeks to uncover the often invisible and convergent factors that determine social norms. This approach can further be used to examine how the social positioning of families that conform to or diverge from family formation norms is impacted. For example, Stasiulus and Yuval-Davis's (1995) work on the concept of group membership demonstrates how *belonging* is highly intersectional with kinship, racial identity, and social status. They discuss how nationalist discourses assume ethnic homogeneity, whereas in reality, all modern nation-states are multiethnic/multiracial to some degree (pp. 16-17). As a result of discrepancies between the rhetoric and real-life experience, members of society are placed on a social system of advantage/disadvantage. In another example, in *Gender and Nation,* Yuval-Davis (1997) writes:

> *The central importance of women's reproductive roles in ethnic and national discourses becomes apparent when one considers that, given the central role that the myth (or reality) of "common origin" plays in the construction of most ethnic and national collectivities, one usually joins the collectivity by being born into it. In some cases, especially when nationalist and racist ideologies are very closely interwoven, this might be the only way to join the collectivity, as those who are not born into it are excluded* (pp. 26-27).

She clarifies that some societies (such as the U.S.A.) may have a "common destiny" rather than a "common origin" ideology that nonetheless generates a "hierarchy of desirability of 'origin'" and an accompanying dominance structure (Yuval-Davis, 1997, p. 27).

While Yuval-Davis does not pay a great amount of attention to the phenomenon of adoption, situated intersectionality can be used to examine how national discourses establish hierarchies of privilege and power that are not conducive to social advantage for the adoptive family. To parse this out, a couple's inability to contribute to the collectivity through "natural" means may be seen as dishonoring their patriotic duty. Additionally, adopted children who are unrelated biologically, and particularly those who are racially different from their adoptive parents, may experience exclusion or at the very least live with the sense that they lack belonging to the collectivity. Thus, the compound layers of reproductive, biological, and racial divergence from social norms threatens the adoptive family's social location. While Parsons's structural functionalist perspective provides insight into how the idealized image of family in

the U.S.A. developed, situated intersectionality of provides a more useful and realistic theoretical framework for examining the real, lived experience of the adoptive family.

THE HISTORY OF ADOPTION IN AMERICA

Up until the mid-nineteenth century, adoptions in the U.S.A. were informal and unregulated. Mounting industrialization of this era resulted in a great influx of people to urban environments and a rise in problems implicated with urban poverty. As in Europe, institutional care for the impoverished and orphaned child was notorious for being crowded, unkempt and unsanitary. On top of this, there was no system of accountability for these institutions to prevent further abuse and exploitation of those they were claiming to help. The rising awareness of the institutional inability to solve the problem of the growing number of poor children with little or no parental supervision led to "placing-out movements" which promoted the placement of poor/orphaned children into homes rather than institutions.

One of the most prominent examples of "placing-out" includes the orphan trains, organized by Reverend Charles Loring Brace, founder of the Children's Aid Society. Through this initiative, impoverished and orphaned children were gathered and sent west on trains to be claimed by rural farming families.[6] Reverend Brace's Children's Aid Society did not seek out these children's parents, request parental permission to send the children west, nor did they investigate the homes that were taking the poor/orphaned children in. In some cases, the "adoptive" farm families wanted to adopt and pass on their inheritance to the orphans, yet there lacked the legislative structures to do so. In other cases, the children became no more than slave labor, exploited, and abused. While most of these children were willingly volunteering to be given up for adoption, Native American children were being forcibly removed from their homes and placed in boarding schools to be assimilated into white Protestant culture and Black children were being exploited through slavery (Perry, 2013, p. 3).

While exploitation of Native American and Black children continued, a groundbreaking response to the problems of the "placing-out" movement for impoverished and orphaned white children was the creation of the Massachusetts Adoption Act in 1851. This act allowed for children to be legally adopted by adults to whom they were not biologically related and dissolved the rights of biological parents over these children. This was a big shift away from

[6] The first train full of orphans left for "the west" in 1854. At each stop the children were "put up" on the train station platform where their characteristics would be described, and they would wait for a family to claim them. This is ostensibly how the term "put up for adoption" came into being (Javier et al., 2007, p. 20; Kahan 2006: p. 55).

the high value placed on biological kinship handed down through Western European culture. "Family" was now a structure defined by the state and by the care taking roles of parents rather than by blood kinship (Çağlayan Aygün, 2019, p. 235; Kahan, 2006, pp. 53-54; Perry, 2013, p. 2). Other precedents set by the Massachusetts Adoption Act were the emphasis on adoption being for the welfare of the child, required written consent of the birth parents before dissolving legal ties between them and their child(ren), the state being responsible for the approval of adoptions (rather than the federal courts), and the judge's role in evaluating the suitability of the prospective adoptive parents. The Massachusetts Adoption Act was soon followed by legislation in the rest of the U.S. states, all of which enacted adoption laws by the year 1929 (Perry, 2013, p. 2).

The next few decades are what Kahan (2006) deems the "progressive era" for adoption. As a response to a 1904 congressional report about institutionalized children and the country's high mortality rate, President Theodore Roosevelt hosted a White House conference on the Care of Dependent Children, demonstrating the government's willingness to take responsibility for children's welfare. As a result of this conference the United States Children's Bureau was established by the year 1912. Around this same time, the newly burgeoning field of social work began to counter the placing-out approach by promoting efforts to keep children within biological families and kinship communities (Kahan, 2006, pp. 56-59). In tension with the Massachusetts Adoption Act, this approach defines family along blood lines rather than caregiving. Even though they generally thought of adoption as a last resort, the social worker community did advocate for states to create legislative regulations for placing children in adoptive situations-- when necessary. This lobbying resulted in the 1917 Children's Code of Minnesota which set an example for many other states' adoption protocols. The Children's Code of Minnesota set up a six-month probationary period before children were officially adopted, stipulated that prospective adoptive parents should be investigated and deemed worthy of providing a suitable home before being able to adopt, and called for the sealing of adoption records (Kahan, 2006, p. 60). Building on the ideas that the Children's Code of Minnesota proposed, the Child Welfare League of America (CWLA), established in 1921, also aimed to establish qualifications for adoptive parents.

The demographic changes that took place in the wake of World War II (1939-1945) and the Korean War (1950-1953) had a major impact on American culture, family structure, and the practice of adoption. During the war period, marriage rates rose, and parenthood was seen as a "patriotic duty" which cast shame on those couples who were unable to bear children biologically. At the same time, medical advancements allowed doctors to diagnose infertility

earlier resulting in the earlier pursuit of adoptions. At this juncture, adoption as a method of family formation was largely used to enable conformity to an idealized image of the nuclear family in which women could take on their gendered role as mothers. Because of this, families primarily wanted to adopt same-race infants. According to Kahan (2006), "by 1951, 70% of adoptees were under the age of one" (p. 62).

Also, during the wartime, social bonds relaxed resulting in a rise in illegitimate births. While the ratio of unwed non-white mothers was particularly high, educated single white women with careers also began to put their children up for adoption to avoid the stigma of illegitimacy. Consequently, adoption rates significantly increased, tripling from 1937 to 1945 and doubling from 1945 to 1955 (Kahan, 2006, p. 60). Social workers attempted to place adopted children in families in such a way that they would resemble biological families, matching race/ethnicity, religion, and even physical and mental characteristics. The profile of adoptive parent candidates who were accepted were generally white, married, infertile, in their mid-thirties, from close-knit families, active in church, and had prospective mothers who intended on staying at home to raise their children (Kahan, 2006, p. 61). Needless to say, adoption practice from this time underscored racial biases of the white community, conservative attitudes toward marriage and family, and a bias against racial integration.

With this sudden increase in adoption, the CWLA began to hold national conferences to examine trends and expand the scope of adoption implementation, starting in the 1940s and 1950s. The CWLA's initial conferences resulted in another paradigm shift, from finding the "perfect" match between adoptive children and parents to a broader focus on placing children into any family that can accept and adequately care for the adopted child. In other words, the pendulum swung again, from an attempt to fabricate the biological family according to white-majority norms to facilitating family forms that are principally bound by caring relationships. Social workers began to place disabled and minority children into adoptive homes more frequently. Additionally, the post-war humanitarian response to orphaned children and youth from countries like Germany, Greece, Japan, and Korea led to a rise in international adoptions and therefore increased the prevalence of the multiracial/multiethnic adoptive family form.

Cultural shifts that happened from the 1950s to the 1970s include the development of contraceptives like the birth control pill, abortion being legalized, and the de-stigmatization of unwed mothers. This resulted in a decrease in the amount of adoptable white babies. A lower "supply" of children that could serve to simulate the white, middle-class biological family and gradually changing attitudes toward racial integration during civil rights movement era resulted in a greater willingness to form multiracial adoptive families. In addition, the Indian Adoption

Project (IAP) that went on from 1958 to 1967 continued to forcibly remove Native American children from their families but encouraged white families to adopt them for the purpose of assimilation rather than sending them to boarding schools as they had been. For a time, this also increased the rate of multiracial adoptions. However, the Native American community condemned the placement of Native American children in white homes as cultural genocide (Kahan, 2006, p. 67). Finally, in 1978 the Indian Child Welfare Act (ICWA) was passed, putting an end to the forced replacement of Native American children into white homes. The ICWA gave the tribe jurisdiction over the placement of tribal children, emphasizing the goal of keeping Native American children within the tribal community, particularly among kin. According to Perry (2013), the ICWA remains influential and relatively unchanged today (p. 5).

Another development starting around the 1970s was growing advocacy for "open adoptions." H. David Kirk's *Shared Fate: A Theory of Adoption and Mental Health*, published in 1964, set forth the psychological theory that adoptive family relationships would be healthier and more well-adjusted if there was open communication between birth parents and adoptive parents. Birth parents would have a greater sense of security knowing that the child was being well cared for. Communication with the adopted child about their adoption would produce a greater sense of security in their own identity. Advocacy groups like the Adoptees' Liberty Movement Association (ALMA), founded in 1971, took this position, calling for a form of adoption in which the birth parents surrendered their legal rights over a child, but maintained the right to knowing about their child's well-being (Kahan, 2006, pp. 64-65). Even though the practice of sealing adoption records remained dominant up into the 1990s, varying degrees of open adoption became increasingly more common among private adoption agencies as the years went on. Open adoptions shatter biological biases by forcing families to confront what binds them together as a family. In other words, transparency within the adoption triad establishes the difference between a "biological parent" and an "adoptive parent," one having genetic ties to the child but only varying degrees of contact, and the other being the true caregiver who takes on the responsibility of providing emotional and physical protection, facilitating socialization, and nurturing identity.

The U.S.A. saw a shift away from policies focused on the preservation of biological families and began encouraging adoption by non-biologically related parents in the 1980s and 1990s. The Adoption Assistance and Child Welfare Act (AACWA), passed in 1980, considered the needs of children in long-term foster care, mandating that they be placed in stable homes of either their birth families *or* adoptive families and provided states with financial assistance to reach these goals. With continued growing pressure to find permanent caring homes for the

increasing number of children in foster care in the mid-1990s, the Multiethnic Placement Act (MEPA) was enacted. The primary aim of MEPA was to prohibit racial discrimination in adoption practice. MEPA was further amended by the Interethnic Adoption Provisions Act (IEP) in 1996 (Johnson et al., 2013, p. 6). These acts were further reinforced in 1997 by the Adoption and Safe Families Act (ASFA) which focused on accelerating the process of establishing permanency for foster children into adoptive homes (Child Information Gateway, 2021; Johnson et al., 2013, p. 7; Kahan, 2006, p. 68). ASFA provided financial incentives to adoptive families in order to raise the number of adoptions in the U.S. (United Nations, 2009, p. 17), and also determined conditions in which the state should terminate parental rights (National Center for State Courts, 2020).

While policies like MEPA, IEP, and ASFA work in favor of the adoptive parent, opposition to these policies criticize them for serving the interest of the white majority, neglecting to adequately consider the interests of minority families and children (Howe, 2008, p. 4). For example, the Child Information Gateway of the U.S. Children's Bureau's 2021 bulletin on racial disproportionality in the child welfare system discusses how ASFA negatively impacts African American families. A disproportionate representation of incarceration of Black people because of the U.S.'s long history of systematic racism has resulted in the over-representation of children in the welfare system and at the same time limits the possibility of reunification (p. 7). Further, minority advocates question whether white families are equipped to raise children that will be faced with a strikingly different socialization experience than their adoptive families based on their race (Johnson et al., 2013, p. 8).

Opposition to domestic interracial adoption in America is one contributing factor to the brief increase in international adoptions, a phenomenon which reached its peak in 2004 (Budiman and Lopez, 2017; Perry, 2013). While international adoption has been criticized as a symptom of the white American consumer approach to adoption, the steady decline of international adoption rates in the U.S.A. is likely linked to economic progress and policy changes in sending countries. Steadily decreasing international adoption rates may also be influenced by the development of assisted reproductive technologies (ART), such as invitro fertilization (IVF), surrogacy, and embryo adoption.

Pew researchers Budiman and Lopez (2017) draw on the most recent data from the Health and Human Services Department, which demonstrates that in the 2015 fiscal year, 53,500 U.S.-born children were adopted. That same year, 6,664 international children were adopted in the U.S. (U.S. Department of State, Bureau of Consular Affairs, April 22, 2022). Currently, adoptive parents in the U.S. tend to be married couples that are more urban and of a

higher education and income status than couples who do not adopt. While there is no difference in age between adoptive fathers and nonadoptive fathers, adoptive mothers tend to be older than nonadoptive mothers. To illustrate, 51% of adoptive mothers, compared to 27% of nonadoptive mothers are in the 40–44-year-old age range. There is an equal ratio of women who have given biological birth and those who have not among adoptive mothers (Jones, 2009). However, there is a strong correlation between the experience infertility and the desire to adopt. According to the Jones (2009), couples who have tried fertility treatment are ten times more likely than those who have not used fertility treatments to adopt. Racially, white people are the vast majority of those who adopt in America. As of 2002, Hispanic women are the least likely to adopt children (Jones, 2009). According to Perry, white women who are in the workforce and, also, white women who consider religion “very important” are most likely to adopt (Perry, 2013, pp. 11-12).

Data on women who voluntarily give their children up for adoption is limited (Child Welfare Information Gateway, 2005, pp. 2, 4)—an issue that Bitner-Laird et al. (2020) sees as a challenge for policy makers who need research (rather than anecdotal evidence) to guide their decisions (p. 2). Stereotypically, teenagers are thought to be the primary suppliers of adoptable babies, but according to the little data available, it appears that the majority of birth mothers are in their twenties and have graduated from high school. Additionally, many of these women have birthed other children. One leading factor in the decision to give children up for adoption is economic insecurity (Bitner-Laird et al., 2020, p. 3; see also Sisson et al., 2017, p. 8). Studies from the early 1990s on teens that relinquish children for adoption indicate that these birth mothers were generally racially white, come from higher income family backgrounds, and had higher educational and life aspirations. Their decision to adopt out was often influenced by parents, their boyfriends and personal experiences with adoption (Baden and O’Leary Wiley, 2005, pp. 18-19; Child Welfare Information Gateway, 2005, p. 2).

Chandra et al.’s (1999) influential research on adoption demonstrates a significant decline in women voluntarily relinquishing their children for adoption. In the 1970s 1.5% of never-married Black women gave their children up for adoption, a rate that dropped to virtually 0% by the mid-1990s. In comparison, birth mothers were predominantly white, with 20% of never-married white women giving their children up for adopting in the 1970’s, a rate that dropped to 2% by the mid-1990s (p. 9; see also Baden and O’Leary Wiley, 2005, p. 18). More current research maintains that the voluntary relinquishment of children for adoption is still uncommon, but has become more racially diverse (Sisson et al., 2017, p. 8). Explanations for the decline in relinquishment rates include greater financial stability of never-married women

who become pregnant and a greater social acceptance of single parenthood (Child Welfare Information Gateway, 2005, p. 4). Because abortion rates declined in parallel to the decline of adoption relinquishment, the notion that women commonly weigh abortion against adoption is unlikely (Bitner-Laird et al., 2020, p. 3; Chandra et al., 1999, p. 10; Sisson et al., 2017, p. 1).

Racial divergence among biological parents is particularly noticeable among children who are adopted out of the U.S. foster care system. In contrast to women who voluntarily relinquish their children for adoption, birth parents who have their parental rights terminated due to an investigation and confirmation of child maltreatment are more likely to identify with racial minorities. Data on parents who have involuntarily relinquished their children for adoption are severely lacking. However, some data can be extrapolated from distribution ratios within the foster care system (Baden and O'Learly Wiley, 2005, p. 22). For example, according to Wildeman et al. (2020) Native American children (including American Indian and Alaska Native) are 2.7 times more likely and African American children are 2.4 times more likely to experience the termination of both of their parent's rights than white children (p. 3). This is attributed to a long history of systematic disadvantages for racial minorities that have resulted in reduced welfare for their children, such as a higher likelihood of parental incarcerations in minority communities (Wildeman et al., 2020, pp. 8-9).

A SITUATED INTERSECTIONAL ANALYSIS OF THE ADOPTIVE FAMILY

The historical overview above demonstrates how adoption as a socially acceptable method of family formation is in constant tension with biological biases which suggest that families are meant to be created on the basis of genetic ties. Many policies starting with the Massachusetts Adoption Act in 1851 to ASFA in 1997 are in favor of facilitating non-biologically related parent-child kinship bonds. However, other child placement efforts, such as those rooted in the establishment of the social services in the early 1900's, emphasize the preservation of biological kinship as the best way to meet the needs of children who lack adequate parental care. In part, this represents a response to the exploitation of children prior to the institutionalization of adoption. At the same time, the value on biological family reunification maintains an undercurrent of thought that criticizes adoption as a form of national/racial imperialism and/or consumer-demand culture. These critiques are often based on an axis of privilege that relates to socioeconomic class and results in undermining the adoptive family's social positioning. Using situated intersectionality, a theory that goes "beyond the automatic privileging of the economic as stratification theories based on class do"

(Yuval-Davis, 2015, p. 96), the following discussion aims to examine three factors that intersect to place the American adoptive family in a unique social location.

Gender Norms

Highly idealized gender norms put the adoptive family's ability to fulfill the gendered responsibility to contribute to the collectivity through biologically bearing children into question. In other words, in America, the lingering Parsonian image of the nuclear family is embedded with the gendered expectation that women will fulfill a patriotic duty through childbearing. Because of the glorification of the woman's role in reproduction, divergence from this expectation puts the adoptive family in a precarious position in terms of the social hierarchy. As noted by Bell (2019), in her discussion of pronatalism-- the social and political promotion of childbearing-- the notion that motherhood is essential to true womanhood can cause women who have a difficult time bearing children and/or choose to adopt to achieve desired family size to feel like they are "failing at femininity" (p. 481).

The socialized expectation that a woman will bear children weighs most heavily on women who experience infertility. Thus, it is not surprising that infertility has been correlated with the pursuit of adoption for decades (see Chandra et al., 1999). According to one study based on data from the National Center for Health Statistics, from 2011 to 2015 four out of ten U.S. adult women between the ages of eighteen and forty-four considered adopting a child. Out of this sample, 52.6% experienced fertility problems. This study also finds correlation between women who have used infertility services and those who adopt (Ugwu and Nugent, 2018, p. 1, 5). On this note, Bell (2019) identifies how the intersection between gender roles and biological privilege has resulted in an increase in ART, to which the option of child adoption is typically seen as second best (p. 483). In other words, ART is more attractive than adoption because it offers women a chance to be pregnant, an experience that is perceived by many as integral to female identity (Bell, 2019, p. 488). Furthermore, women who experience infertility can face distress in relation to their social environment. To illustrate, Born et. al.'s (2018) research on infertility stigma demonstrates how some women who are unable to bear children see themselves as being abnormal and pitied and harboring a desire to hide or "protect themselves" from the scrutiny of others through the development of what is perceived as a "secret identity" (p. 2997).

Chandra et al. (1999) points out that there is a broad range of motives for adoption other than infertility (p. 10). Similarly, Perry's (2013) discussion of how adoptive families were less likely to have biological children from 1950 to 1971 in comparison to adoptive families after

1971, indicates that overall trends could be shifting away from infertility as a primary motive to the altruistic desire to help children in need (p. 11). Nevertheless, even adoptive parents with biological children in the home are subject to the question of why they didn't "just have more children of their own" (i.e., biologically), betraying common gender and biological biases that continue to exist in American society.

Biological Bias

Socially embedded biological biases critique the adoptive family's capacity to represent the collectivity as a "true" form of family. In other words, in America, the predisposition toward defining family through the lens of genetic relationships impacts the social acceptance of adoption as a legitimate method of family formation. As an illustration, the pervasive use of the term "real mother," in reference to the adopted child's biological mother underscores the common notion that biology is the sole basis for kinship bonds (Rizzo Weller, 2019, p. 13). In her brief discussion of adoption, Yuval-Davis (1997) asserts that the common pursuit of adopted children to seek out their biological parents may be a symptom of the modern mode of identity construction—an approach that highly values biology's role in belonging. She notes how developments in the study of genes and knowledge regarding how genes impact lived experiences such as tendencies to certain illnesses, reinforces the value of needing to know one's biological origin. Ironically, modern medical advancements that allow organ transplants (from non-genetically related donors), for example, somehow does not minimize the mental link between body and personal identity (p. 28).

The privileging of biology over care in family relationships is most clearly seen in the U.S. foster care system. Social services today is still rooted in the early nineteen hundred's prioritization of the reunification of the biological family. Unfortunately, this emphasis has neither satisfied the interests of the biological parent nor the adoptive parent. The National Association of Black Social Workers (NABSW), for example, critiques policies such as MEPA, IEP, and ASFA, arguing that "out-of-home" (non-biological) foster care and adoption are not racially and culturally sensitive solutions for the placement of minority children. They call for even longer time frames for biological parents to seek rehabilitation and reunify with children (NABSW, 2003). In contrast, proponents of policies that expediate the adoption of children argue that permanency in a loving home is more critical for a child's wellbeing than the preservation of biological and racial ties (Javier et al., 2007, p. 26). Meanwhile, adoptive families who are subject to long probation periods due to the court's reticence to waive the

parental rights of those who do not demonstrate the initiative to reunify with their biological child see themselves as the "underdog" in the hierarchy of power and privilege.[7]

Racial Prejudice

Deeply rooted racial prejudices challenge the adoptive family's capability to serve the collectivity through adequately socializing children with different racialized experiences and needs. In other words, the inevitable phenomenon of the interracial adoptive family is contested because of the long history of exploitation of racial minorities in America. In addition to a suspicion cast toward the motives of adoptive parents who adopts a child of minority racial identity, the children themselves can be subject to social stigmatization compounded by biological and racial prejudices. According to Yuval-Davis's (1997) application of intersectionality, the identity of the child who is brought into a family through non-biological means is particularly subject to doubt as to their place of belonging in the national collectivity when their ethnic heritage is uncommon and/or uncertain.

Advocates for matching racial characteristics of adopted children with adoptive family's question whether a white family can adequately develop a positive racial identity and the skills necessary for a minority child to cope with racism in society (Howe, 2008; Johnson et al., 2013, p. 8). To their credit, a "race blind" approach naively disregards the unique and often adverse social experience of adopted children that maintain minority racial identities; however, disregarding the adoptive family's capacity to cultivate an appropriate environment for these children disadvantages the prospective adoptive parent and threatens the wellbeing of children who lack permanency in a stable, loving home. As Wegar (2000) argues, racial matching reinforces the notion that "adoptive families *never* can be quite as 'real' as families connected by a biological bond" (p. 367).

Once again, the strain of racial prejudice on adoption is most clearly seen in families who have adopted from the U.S. foster care system. Perry (2013) discusses how in 1963, 40% of children born to unwed white mothers were put up for adoption. By the year 2000, this statistic dropped to less than 2%. He notes that in general, white women are more likely to *voluntarily* give up their child for adoption while Black communities maintain a stronger desire

[7] According to the Child Welfare Information Gateway, "If the child remains in foster care for 15 out of 22 months, in most cases, the law requires the child welfare agency to ask the court to terminate parental rights (end the legal parent/child relationship). During this 15-month period, however, States are required to work to bring parents and children back together" (p. 2). The reunification of foster children is being continually negotiated, as case workers and the court work to find an arrangement that is in the best interest of the child. Nevertheless, the uncertainty involved can be a source of angst for parents who desire to adopt their foster child.

to keep Black children within kinship relationships (see also Baden and O'Leary Wiley, 2005, p. 18; see also Chandra et al., 1999, p. 9). At the same time, Black, Native American, and Hispanic families are much more likely than white families to experience their children being involuntarily removed and placed in foster care (pp. 12-13). To illustrate this, 2018 statistics show that 44% of children in the U.S. foster care system were white, 23% Black, 21% Hispanic and 10% multiracial/other races. It is important to note that these statistics fail to mirror the racial distribution of the U.S. general population which is 76.3% white, nearly 14% Black, and 18.5% Hispanic/Latino (United States Census Bureau, 2020). As a result of the racial divergence in the foster care system, minority race birth parents are more likely to have their parental rights terminated by the court. Out of all American children, an estimated 1 in 100 will experience the termination of their birth parent's rights, typically within the first few years of their life. The highest racial representation of this is exhibited in 3% of Native Americans and 1.5% of African American children whose rights have been terminated (Wildeman et al., 2020, pp. 2-3).

Howe (2008) provides a compelling metaphor that draws attention to the broader picture. She likens the endeavor to solve child welfare through foster care and adoption to "building a hospital at the bottom of a cliff, instead of precautions at the top of the cliff" (pp. 18-19). In other words, neglecting to develop programs that resource parents with the tools, training, and skills necessary to care for the well-being of their own (biological) children only perpetuates the poverty correlated with social disadvantage—much of which disproportionately affects minority races in America (Howe, 2008, pp. 3-4; Kahan, 2006, p. 70; Liamputton, 2010, p. 16). Howe's passion for the intersectionally disadvantaged birth parent is a reminder that the goal of child welfare necessarily requires attention to a complex web of interests and needs. However, she focuses so much on the birth parents, that the legitimate experience of the adoptive parent gets overlooked as they are typecast as "consumers" in a baby market. As already noted, the desire to have children is not mutually exclusive from the altruistic motive of helping children in need. Considering Lee's (2009) insights on the rise of the multiracial family in America, the tensions experienced by the interracial adoptive family may gradually decline. However, recent events, including the COVID-19 pandemic and the Black Lives Matter movement have uncovered just how deeply rooted racial prejudices and their intersection with gender inequality is (Laster Pirtle and Wright, 2021). Needless to say, the interracial adoptive family must be equipped to deal with this reality—a role that can be advocated for through the continued development of intersectional and anti-racist research that

uncovers the naïve assumptions that a post-racist world is possible anytime soon (Allen and Henderson, 2022).

CONCLUSION

Starting in the late 1800's, America set the precedent for adoption policies and has emerged as the country with the highest number of adoptions worldwide today. Diverging from the Western European stress on bloodlines, early adoption legislation, starting with the Massachusetts Adoption Act, defined "parent" as a legally sanctioned caregiver responsible for the economic and emotional well-being of a child regardless of biological association. Nevertheless, simulating the biologically related nuclear family and (particularly in the current foster care system) keeping children within a biological kinship community is highly valued by the social services institution. Because of this, the adoptive family experiences a form of social inequality that is rooted in the interrelated forms of biological bias. This includes the persistent notion that biological/genetic ties are the sole basis for kinship relationships. Additionally, it emphasizes the gendered role of women in (biologically) reproducing children and taking primary responsibility in their care. Another ramification of biological bias is the often-tense racialized experience of the multiracial/multiethnic adoptive family. As a result of the intersecting vectors of gender, genetic, and racial differences, the adoptive family's contribution and belonging to the collectivity is questioned. The experience of reduced social positioning for the adoptive family is likely to see significant change in the U.S. social context considering its trajectory of shifting social norms, including the slow dissolution of the idealized family image through an increasing variety of family forms, the expansion of alternative gender identities, and a rising acceptance of the multiracial family. As Lopata (1994) predicts, the opportunities for socialization and education in the modern world will gradually expand people's life spaces, creating a more complex and multidimensional social context (p. 11).

Perry (2013) points out that shifts in gender and racial norms from between the 1960's and today have resulted in a drastic decrease of unmarried, white women who choose to give their children up for adoption. Additionally, policies developed in the 1980's and 1990's disregarded the Black minority's values of kinship care and instead moved to accelerate the permanency of adopted children, resulting in a greater representation of interracial adoptive families. Policies like MEPA, IEP, and ASFA are criticized as being insensitive to the racial discrepancies in the foster care system and to race-related challenges adopted Black children may face in white homes. According to data from 2007, "while white children represent 56%

of the general U.S. child population, they represent 37% of children adopted from foster care. Black children are over-represented among children adopted from foster care; 14% of the general U.S. child population is black, compared with 35% of children adopted from foster care" (ASPE, 2011). Debate centers around whether acceleration of placing children within the foster care system into adoptive homes without regard to race is simply meeting "demand" for adoptable children or whether transracial adoption is truly in the best interest of the children waiting to be adopted. Further, the overrepresentation of minority children in the foster care system begs more deeply rooted questions regarding why racial inequality persists in the welfare system. In light of these concerns, the NABSW maintains its position against white families adopting black children, as evidenced in its 2003 statements, "Preserving Families of African Ancestry" and "Kinship Care." These documents advocate for kin as foster family and calls for legislation to acknowledge the experience of black people in a society where the racial divide continues to persist (Johnson et al., 2013, p. 9). The most recent data from the U.S. Census Bureau depict a child welfare system in which 44% of foster children are identified as white, 23% Black, and 21% Hispanic. The discrepancy between this and a U.S. general population in which 76.3% children are white, nearly 14% Black and 18.5% Hispanic/Latino clearly demonstrates how in the social hierarchy of privilege and power, children of minority racial identities continue to face disadvantage (United States Census Bureau, 2020). This includes the higher likelihood of minority children being involuntarily removed from their home environment and put in foster care, which may result in the termination of parental rights (Perry, 2013, pp. 12-13; Wildeman et al., 2020). Child welfare research has only in the last few years applied an anti-racist framework to the study of these children's experiences in an effort to address racial disproportionality (Child Welfare Information Gateway, 2021, p. 4).

Adoption in the social context of America can serve to emphasize the intersectional nature of adoption, touching on issue of socio-economic class as well as gender, biological bias, and race. Exploration of these overlapping issues underscores the potential for further sociological study in uncovering historical and cultural prejudices and, in doing so, inform policy that will promote child welfare. Theoretical notions like kinship, stigma, bureaucracy, market-based capitalism, and patriarchy can be useful in exploring adoption and foster care in greater depth. Meanwhile, the less commonly used framework of situated intersectionality can highlight aspects of the adoption experience that warrant further consideration. For example, from a solely economic perspective, the adoptive family may not be traditionally considered "disadvantaged"; however, this framework makes the arenas where adoptive families experience a deficiency of social power and resources more visible. As Yuval-Davis (2013)

argues, “intersectional analysis should not be limited only to those on its multiple margins of society, but rather that the boundaries of intersectional analysis should encompass all members of society” (p. 7). Thus, examining adoption as a method of family formation in the U.S.A. through this lens provides useful insights that can be expanded to study adoption in other social contexts that have received less attention.

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