

**What Gaze on ‘children’ is Manifested
in What is Said About Adoption
in the UN Convention on ‘the rights of the child’?**

Essay in the master course:

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Table of Content**Page****Part I The Global Gaze on 'children'**

| | |
|---------------------------------------------------------------------|-----|
| Introduction | 1 |
| Method | 1 |
| Theory | 2-3 |
| Problems with 'the child perspective' and 'the child's perspective' | 3 |
| What 'child perspective' Prevails Within the Convention States? | 3-4 |
| What 'child perspective' Prevails Outside the Convention States? | 4 |

Part II The Displacement of 'the best interest of the child-principle' towards 'the best interest of the adult/society'

| | |
|----------------------------------------------------------------------------------------|-------|
| What is International Adoption? | 5-7 |
| Is International Adoption 'in the best interest of the child under the circumstances'? | 7-9 |
| The First Circumstance to the De- and Reterritorialization of 'children' | 9-11 |
| The Second Circumstance to the De- and Reterritorialization of 'children' | 11-13 |
| The Third Circumstance to the De- and Reterritorialization of 'children' | 13-15 |

Part III The Distinction Between 'adopted children' and 'normal children'

| | |
|---------------------------------------------------------------------------------------------------------------------------|-------|
| Equalizing the National and the International Adoption Practice is Problematic | 15 |
| The International Adoption Process | 16-17 |
| What Does it Mean to be De- and Reterritorialized? | 17-20 |
| How are Social and Cultural Actors Commodified Through the International Adoption Process? | 20-21 |
| What Does it Mean that the Adoption Agencies Actively Promote De- and Reterritorialization of Social and Cultural Actors? | 21-24 |
| Are 'adopted children' Protected Against Sexual Exploitation Within the Adoptive Family? | 24-27 |
| Conclusion | 27 |

APPENDIX 1

| | |
|------------|----|
| Article 21 | 28 |
|------------|----|

APPENDIX 2

| | |
|----------|-------|
| Concepts | 28-29 |
|----------|-------|

TABLE OF REFERENCES

| | |
|-----------------|-------|
| Further reading | 30-31 |
|-----------------|-------|

Part I The Global Gaze on 'children'

I will discuss what gaze on 'children' is manifested in what is said about adoption in the UN Convention on 'the rights of the child'. The essay consists of three parts, each in which I question and estrange myself from the Child Convention and the international adoption practice as an instrument and a means to promote 'the best interest of the child'.

In Part I I introduce the methodological and theoretical frame of the essay. In Part II I discuss the displacement of 'the best interest of the child-principle' towards 'the best interest of the adult/society'. And in Part III I investigate the distinction between 'adopted children'- 'normal children' which results from the international adoption process.

I should also mention that the essay has two Appendices. In Appendix 1 it is stated what is said in Article 21, on adoption, in the Swedish version of the Child Convention. I emphasize that it is the Swedish version because the Swedish convention text differs in comparison to the English convention text. The Swedish translation 'the convention states... shall guarantee that the best interest of the child shall be the primary consideration' does not reflect the English convention text. The English convention text states that 'the best interest of the child shall be a primary consideration' not 'the primary consideration'. Because of this difference in the Swedish convention text it is not easily understood that 'the best interest of the child' should be weighed up against other interests (Schiratzki 2002:28).

In Appendix 2 I give an account of the concepts used in the essay. It could be of interest to the reader viewing this appendix as it might facilitate the understanding of the analyses I conduct in the essay.

Introduction

In this essay I claim that there is a globally prevailing gaze on 'children'. It is a gaze prevailing not only within the nations having ratified the Child Convention but also outside the convention states. The reader will follow an analysis how this gaze is manifested within the Child Convention and the international adoption practice. This gaze contains an intimate relationship between power and knowledge. Principally, the relationship between power and knowledge is manifested in the case that 'children' are denied power because 'adults' assume that 'children' have no knowledge. But also in the case that it is Western ideals that have been construed to represent 'the best' within the Child Convention, which indicate an asymmetric relationship between the biological parents-adoptive parents as well as between the giving-receiving countries.

Method

I claim that there is a gaze on 'children' which could be globally recognized. This gaze is problematic. It is problematic because it assumes a distinction between 'children' and 'adults'. I apply a social anthropological perspective to go beyond the distinction between children-adults. The social anthropological perspective has no firm definition. The reader should understand the social anthropological perspective as: a wider perspective¹. The wider perspective consists of a critical questioning and an estrangement from conventional ideas about 'children', for instance. An important point of the social anthropological perspective is that it neither emphasizes differences nor similarities. It is however possible to compare

¹ Further information about the fluid character/applications of the social anthropological perspective can be found in Hylland Eriksen (2000); McGee & Warms (2004); Kuper (1997).

different perceptions emphasizing differences or similarities. I claim that the Child Convention could be viewed as an example of an emphasis of differences between 'children' and 'adults'. Within the Child Convention 'children' are distinguished as a particular social category of men. That is, 'men under the age of 18 years' (see Article 1). I question and estrange myself from this distinction by applying a social anthropological perspective. The methodological point of this questioning and estrangement results in my consideration of 'children' and 'adults' as social and cultural actors; humans. In other words, I do not distinguish 'children' and 'adults' as two social categories of men. I consider 'children' and 'adults' as ONE social category.

As regards the practice of international adoption of 'children' I question and estrange myself from the conventional idea that international adoption can promote 'the best interest of the child'. From a wider perspective I see that the international adoption process is organized within a structure upheld by 'adults'. I claim that the international adoption process signify an involuntary migration of the 'child' from the giving country to the receiving country. The involuntary separation of the 'child' from his country of origin (deterritorialization) and the involuntary integration of the 'child' within the adoptive family's homeland (reterritorialization) indicate the satisfaction of 'the adults' interests as regards the international adoption practice. Also, this involuntary migration process involves an economic cost, implying the case that 'children' are made into goods (commodified).

Taken together, my questioning and my estrangement means that I go beyond the Child Convention and the international adoption practice considered as an instrument and a means to promote 'the best interest of the child'.

Theory

By applying the social anthropological perspective I approach the Child Convention and the international adoption phenomenon as an instrument and a means to promote 'the best interest of the child'. I question and estrange myself from the whole idea of constructing a convention which distinguishes 'children' as a particular social category of men. I mean that this distinction could be derived to the globally prevailing gaze on 'children'. This gaze contains an intimate relationship between power and knowledge. This power/knowledge-relationship is illustrated 1) in how 'adults' view 'children' as 'men under the age of 18 years'. This is an objectifying view which indicates that 'children' stand in a subordinated position in relation to 'men over the age of 18 years'. It points to the asymmetric relationship between child-adult. 2) by the fact that it is 'adults' whom have formulated the good principles for adoption practices. 'Children' are instrumentalized by these adoption practices. 'Children' are used to promote the best interests of adults as regards the international adoption practice. The fact that 'children' are involuntarily migrated from their countries of origin to be involuntarily integrated within the adoptive family's homeland, is a lucid manifestation of the instrumentalization of 'children'. It indicates the displacement of 'the best interest of the child-principle' towards 'the best interest of the adult/society'. 3) in that principally all 'children' being adopted internationally originate from "the lesser developed countries". Indicating an asymmetric relationship between the lesser developed countries and the industrialized countries as well as between the biological parents and the adoptive parents. This asymmetric relationship is related to the Western colonization of the world, the decolonialization process and different actors' ideological perceptions in both the giving and the receiving countries. Briefly, this implies that Westerners have maintained the power to construct their ideals to represent 'the best' which points to a Western ethnocentrism.

All in all, there are three power/knowledge-relationships: a) between child-adult b) between the biological and the adoptive parents c) between the giving and the receiving countries. I suggest that these power/knowledge relationships appear when the Child Convention and the international adoption practice are viewed from a wider perspective. I claim that the whole idea that the Child Convention and the international adoption practice are assumed to promote 'the best interest of the child' can be seen as a result of these intimate relationships between power and knowledge prevailing in the global gaze on 'children'.

Problems with 'the child perspective' and 'the child's perspective'

Because I have chosen to put into practice a social anthropological perspective in this essay I will now explain which problems I see with applying 'the child perspective' and taking 'the child's perspective' in the context of adoption. I claim that both 'the child perspective' and 'the child's perspective' assume a distinction between 'children' and 'adults'. Implying that 'children' are considered as proto-adults. The evolutionary traces remains and the conventional consideration of 'children' as 'men under the age of 18 years', are not transcended. It results in serious consequences for interpretations of what is 'the best interest of the child' and 'the rights of the child'. In the context of adoption it is assumed to be in 'the best interest of the child' to be adopted as quickly as possible after birth (Hoksbergen 1987:1). Consequently, it is not possible to know or understand 'the child's perspective' because 'the child' cannot yet express himself verbally and is thereby unable to giving his perspective in this context.

As regards the international adoption practice 'adults' apply a 'child perspective' which acknowledges the involuntary migration of the 'child' from his country of origin in order to be involuntary incorporated within the adoptive family's homeland. That is, the country in which the purchasers of the 'child' originates from. I suggest that this 'child perspective' results in serious consequences for interpretations of 'the best interest of the child' and 'the rights of the child'. Firstly, 'children' are objectified, instrumentalized, and commodified through this adoption practice. Secondly, the distinction between 'normal children' and 'adopted children' comes into existence. Indicating the creation of differences in interpretations of 'the best interest of the child' and 'the rights of the child', which is exactly the opposite of the universal outline of the Child Convention.

An advantage of applying a social anthropological perspective is made up of the possibility that it can be used to estrange itself from conventional perceptions concerning 'children' and question the fact that 'children' are considered as 'children' in relation to others. Consequently, a social anthropologist can pose the question: How come 'children' are 'children' as opposed to humans? I will investigate this question in the next paragraph where I view what 'child perspective' prevails within the nations having ratified the Child Convention. Then I move on to look at what 'child perspective' prevails outside the convention states.

What 'child perspective' Prevails Within the Convention States?

Here I will investigate what 'child perspective' prevails within the convention states. The convention states are the states/nations having ratified the Child Convention. The Child Convention is an expression of the conventional gaze on 'children' within the convention states. Ratifying the Child Convention means that each convention state makes a distinction between 'children' and 'adults'. This distinction points to a power/knowledge-relationship between 'children' and 'adults'. The power/knowledge-relationship is expressed in the way 'adults', based on their rational knowledge, have maintained the power to define 'children' as

'men under the age of 18 years'. 'Adults' have distinguished 'children' as a particular social category of humans. From a social anthropological perspective the definition of 'children' as 'men under the age of 18 years' indicates the binary oppositions: child-adult/immature-mature/irrational-rational. In other words, 'men under the age of 18 years' stand in a subordinated position in relation to 'men over the age of 18 years', that is, rational adults. Indicating that 'men under the age of 18 years' are considered as proto-adults within the convention states. 'Adults' view on 'children' as 'men under the age of 18 years' position 'children' within a structure of irrationality. Consequently, the reason 'children' are not viewed as complete, mature, and rational humans within the convention states can be derived to the intimate relationship between power and knowledge which is expressed in the gaze on 'children' prevailing within the Child Convention.

I claim that 'the child perspective' within the convention states is objectifying. And this objectifying gaze on 'children' as 'men under the age of 18 years' undermines the Child Convention considered as an instrument to promote 'the best interest of the child'. This objectifying gaze on 'children' is expressed consistently in the whole of the convention and all parts of the convention articles. Consequently it is not just the definition of 'children' as such I am questioning. Certainly, the reader does not have to adopt my point of view. I have only tried to show the reason to my rejection of the Child Convention considered as an instrument to promote 'the best interest of the child'.

What 'child perspective' Prevails Outside the Convention States?

Here I investigate what 'child perspective' prevails outside the convention states. The USA is the only state/nation which has not ratified the Child Convention. At least until 2007. To understand what 'child perspective' prevails in the USA I will inspect the reason proposed in the USA against ratifying the Child Convention. This reason could perhaps show what 'child perspective' prevails in the USA. In the USA it has been suggested that the parental authority would be undermined if the Child Convention was ratified. Further, it would increase the risk of family quarrels (Schiratzki 2005:55). I claim that the reason proposed in the USA against ratifying the Child Convention, in comparison to 'the child perspective' within the convention states, expresses a power relation between 'children' and 'adults' which is founded on a particular knowledge/rationality (that is the rationality of adults). In consequence, 'children' in the USA stand in a subordinated position in relation to 'adults'.

In comparison, it can be seen that whether or not the Child Convention is ratified the power/knowledge-relationship between child-adult remains both within and outside the convention states. I claim that this comparison could be viewed at as an example of the fact that there is a gaze on 'children' which could be globally recognized. I question and estrange myself from this gaze by applying a social anthropological perspective in this essay. Therefore the analysis can go beyond the structure of irrationality which surrounds 'children', both within and outside the convention states. Unfortunately, it does not change the fact that 'men under the age of 18 years' are viewed at as incomplete, immature, and irrational. However, the analysis could perhaps be seen as a first step towards a reformation of the globally prevailing gaze on 'men under the age of 18 years'.

Part II The Displacement of 'the best interest of the child-principle' towards 'the best interest of the adult/society'

The comprehensive theme of this part of the essay regards the displacement of 'the best interest of the child-principle' towards 'the best interest of the adult/society'. But in order to explain to the reader how this displacement has occurred I will begin this part with a

paragraph where I investigate 1) what is said about adoption in the Child Convention 2) how the international adoption practice came into existence as a phenomenon, and 3) the reason to the international adoption practice being inconsistent with what is generally said in the Child Convention. It being so is dependent on the fact that the distinction between ‘normal children’ and ‘adopted children’ comes into existence, which is exactly the opposite of the universal outline of the Child Convention.

What is International Adoption?

According to what is stated in article 21.b, international adoption seems to be: an alternative form of care which can be considered if ‘the child’ cannot be placed within a foster family or an adoptive family or be cared for appropriately in “its” country of origin. I claim that this definition sheds light on a power/knowledge-relationship. From a social anthropological perspective this definition of ‘international adoption’ indicates that ‘men over the age of 18 years’ within the convention states have had the power to define ‘international adoption’ as a possible alternative which could be considered under certain circumstances in order to promote ‘the best interest of the child’.

I question and estrange myself from the idea of even considering international adoption as an alternative to promote ‘the best interest of the child’. As a way of sharing my scepticism to the international adoption practice I will now describe some problems I see with international adoption. To begin with, the international adoption phenomenon arose as a consequence of the decreasing number of ‘children’ available for national adoption (Lindgren 2006:164). For example, the reason to the decrease of national adoptions in Sweden was dependent on many things. For instance, it was dependent on the Law on Abortion and changed attitudes towards unmarried women and their ‘children’. The increasing number of ‘children’ available for international adoption arose in the first room as a consequence of the decolonization process of “the lesser developed countries”. Many ‘children’ and ‘adults’ were affected by the conflicts which arose in connection to the decolonization, that is in the Third World. Though, it was ‘the children’ whom should be “saved and rescued” by means of international adoption. Not ‘the adults’.

International adoption of ‘children’ in the lesser developed countries has, from a historical point of view, been considered as a way of “saving and rescuing” ‘children’ from wars and poverty. This will to “save and rescue” ‘the children’ in the lesser developed countries can be derived to a Christian Western ideology. The adoption agencies were created by Christian Westerners whom imagined it to be ‘in the best interest of the children’ to be separated from their country of origin in order to be incorporated in the countries of the colonizers. I claim that this shows the serious and astonishing conflict between ‘the international adoption practice’ and ‘the best interest of the child’. This conflict is expressed through the asymmetric relation between the giving and the receiving countries or, in other words, the former colonies and the former colonizing countries.² In short, the international adoption practice came into existence as a consequence of the prevailing situation in the giving countries which, amongst other things and in most cases, had been created by the receiving countries.

² When I say that the adoption agencies assumed it to be in ‘the best interest of the child’ to be separated from the former colonies in order to be integrated in the countries of the former colonial powers, I want the reader to understand this argument generally and polarized. All giving countries have not been colonized by the West. And all receiving countries have not been colonial powers, although they might have taken advantage of the world order during the time of the Western colonization of the world. However, most international adoptions occur between the lesser developed countries and the industrialized countries. This fact indicates an asymmetric relation between the giving and the receiving countries which, amongst other things and in most cases, could be derived to the time of the Western colonization of the world.

Now I will give an account of another problem with the international adoption practice. This problem is expressed in the concept 'international adoption'. I claim that this concept keeps up the appearance that even 'children' from the industrialized countries are adopted internationally, for instance to the lesser developed countries. This appearance is deceptive. It guises a power/knowledge-relationship between the giving and the receiving countries. I will now show how this power/knowledge-relationship is guised. I do this by studying what is said about international adoption in the Swedish law.

Sweden is one of the countries in the world receiving the most internationally adopted 'children', at least in relation to its population size.³ But according to the Swedish law it is an unacceptable act to intermediate 'Swedish children' for international adoption. That is, it is prohibited to separate 'Swedish children' from Sweden in order to incorporate them in the purchasers' homeland. This law is expressed in the Swedish Child Care law which seems to have come into existence as a way of preventing international adoption of 'Swedish children' (Kats 1992:20). This example shows that it is considered juridically acceptable to purchase 'children from other countries'. At the same time as it is juridically unacceptable to sell 'Swedish children' to other countries. I claim that this example points towards a power/knowledge-relationship between Sweden, considered as a receiving country, and the giving countries. The power/knowledge-relationship is expressed in the fact that 'international adoption' from the giving countries is considered a possible alternative because rational 'men over the age of 18 years' have had the power to define the rationality in 'the best interest of the child-principle'. It is a rationality which accepts international adoption to Sweden, but not from Sweden. In fact international adoption is not a mutual and equal process where 'men under the age of 18 years' are migrated involuntarily between all countries of the world. It indicates an asymmetric relationship between Sweden considered as a receiving country and the giving countries.

Now I will give an account of the third problem I see as regards the international adoption practice. It is the fact that international adoption is incompatible with what is said in the Child Convention. According to a paragraph in the introduction in the Swedish version of the Child Convention it is stated: "The child, to achieve a complete and harmonic development of its personality, needs to grow up in a family environment surrounded by happiness, love and compassion" (Hammarberg 2006:33).

There are three reasons proving how this quote from the Child Convention is incompatible with the international adoption practice. The first reason is dependent on the fact that single persons and homosexual persons/couples are allowed to adopt 'children' internationally. In spite of the fact that the Child Convention does not define the family concept, 'the family' is considered as "a heterosexual relationship united through a legal contract of marriage"⁴ (Lowe and Douglas 1996:144). In fact if single persons and homosexual persons/couples adopt a 'child' internationally, 'the child' cannot achieve his complete and harmonic development according to what is said in the Child Convention. I claim that this fact points to the case that the international adoption practice is not consistent with what is said in the Child Convention, at least not from 'the child's perspective'.

The second reason to the fact that the international adoption practice is inconsistent with what is said in the Child Convention is that international adoption is not a "natural" way of creating

³ Each year about 1 000 'children' arrive to Sweden for adoption (Internet, www.mia.eu).

⁴ This quote refers to the European Convention on the Human Rights. Because the ECHR shall be considered as paramount to the Child Convention (Schiratzki 2005:23), and the Child Convention has not defined 'the family', it is the ECHR definition of 'the family' which applies to the Child Convention.

a family. Because ‘the family’ within the ECHR and the Child Convention is founded on a heterosexual relationship, the family concept indicates that ‘children’ are created through “natural” procreation.⁵ This idea of ‘the family’ and how ‘children’ are created points to the fact that neither a single adoptive parent nor homosexual persons/couples and the heterosexual adoptive parents would be able to provide ‘the child’ with the structure/family environment within which ‘the child’ will achieve his complete and harmonic development. Exactly because international adoption is not a ‘natural’ way of procreating. Consequently, the international adoption practice is not compatible with what is said in the Child Convention in this regard.

The third reason to the fact that the international adoption practice is incompatible with what is said in the Child Convention is that international adoption creates differences in interpretations of the universal outline of the Child Convention. These differences are expressed, amongst other things, in the above two reasons to the fact that the international adoption practice is incompatible with what is said in the Child Convention, which also create the distinction ‘normal children’-‘adopted children’.

Now I will explain what is problematic with the appearance of this distinction. According to the Child Convention: “an important aspect of the convention is that it gives a universal definition of what rights should concern each child around the world. Its definition of the rights of the child shall regard all societies independent of culture, religion, or other distinctive features. [...]. The care for the rights of the child extends over the national borders; it is not only a possibility to care – but a duty” (Hammarberg 2006:6-7). I claim that this quote shows the problematic in that the international adoption practice creates a distinction between ‘normal children’ and ‘adopted children’. Strictly, this distinction is problematic because it involves the fact that ‘children’ whom are separated involuntarily from their countries of origin to be integrated involuntarily within the purchasers’ homeland are not embraced by the same “universal” rights as ‘normal children’. Does this mean that the Child Convention should be considered in relative terms? I will look in to this below.

Is International Adoption ‘in the best interest of the child under the circumstances’?

I have showed the reason to my rejection of the Child Convention as an instrument for promoting ‘the best interest of the child’ as well as the reasons to the fact that the international adoption practice is not compatible with what is said in the Child Convention. I rejected the Child Convention because it manifests the global gaze on ‘children’. This gaze contains an intimate relationship between power and knowledge. I showed that the Child Convention is composed of a distinction between child-adult and that it is ‘adults’ whom have formulated the Child Convention and the good principles for adoption practices. The Child Convention and the good principles for adoption practices express a power/knowledge-relationship between child-adult and between the giving and receiving countries, because most international adoptions occur from the lesser developed countries to the industrialized countries.

Certainly there are exceptions. To give an example, the USA, considered as an industrialized country, sell “their” ‘children’ internationally. A number of ‘American children’ have been separated involuntarily from the USA in order to be involuntarily integrated within Swedish adoptive families. The reason to the sale of ‘American children’ to Sweden is in most cases

⁵ This is in itself an expression of a power/knowledge-relationship. It can be seen that the Child Convention is founded on a Western idea of how ‘children’ are created. See Franklin (1997), for instance, where other ideas are discussed on how ‘children’ are created.

related to the circumstance of the mother's and the father's different ethnic origin. In accordance to American norms and values 'the child' is considered illegitimate and the parents can be exposed to social control. A social conflict arises. This social conflict can be treated by separating 'the child' from the USA in order to incorporate "it" in the family of the Swedish purchasers. At least from the perspective of the biological parents. However, is this 'in the best interest of the child'?

I will now go deeper in to this assumption: international adoption is 'in the best interest of the child under the circumstances'. I do this by examining the relativity of the three circumstances, provided by the adoption agencies, to the case that international adoption is 'in the best interest of the child'. I suggest that the examination of these three circumstances not only shed light on the asymmetric relation between the giving and the receiving countries but also the asymmetric relation between the biological and the adoptive parents as well as the asymmetric relation between child-adult.

Here I present the three circumstances to the case that 'children' are separated involuntarily from their countries of origin in order to be integrated involuntarily within the purchasers' homeland: 1) 'the child' is an orphan 2) the biological parents' economic situation and 3) cultural aesthetic, that is, 'the child' is considered illegitimate according to cultural norms which result in the case that 'the child' is abandoned or given up for international adoption.⁶ These three circumstances have been provided by the adoption agencies. The adoption agencies are often maintained by adoptive parents motivated by a Christian Western ideology of "saving and rescuing" 'children'. I claim that the three circumstances lack support from empiric research. Furthermore, they can be considered as arbitrary. I will, however, analyse these circumstances as if they were a reflection of "the reality".

When writing my master essay in social anthropology (Cidrelius 2006), I interviewed some internationally adopted social and cultural actors. One woman whom had been adopted internationally came to know when meeting her biological parents after more than twenty years after the adoption that she and her brother had been kidnapped by their biological father's mother. Because they were considered illegitimate by their biological father's mother. Though, "found on the street" was the only information stated in her adoption documents. The implicit meaning of this text in the documentation was that she had been given up for adoption because of her biological parent's economic situation. Clearly, this was not the case.

I will argue that it is the global gaze on 'children' and the asymmetric relation between the giving and the receiving countries which are expressed in the good principles that have been outlined for adoption practices. These good principles which have been outlined by 'men over the age of 18 years' indicate the displacement of 'the best interest of the child-principle' towards 'the best interest of the adult/society'. It leads me to the conclusion that the international adoption practice could be seen as a total phenomenon. That is, the displacement of 'the best interest of the child-principle' prevails on all levels of society amongst 'men over the age of 18 years': socially, economically, politically, religiously, scientifically, historically and geographically, or individually as collectively, structurally as contextually, and locally as globally.

⁶ Illegitimacy in this case could signify that 'the child' is born out of wedlock. Often the mother is stigmatized and exposed to social control from her family and other members of the society. Then, the international adoption can treat this social conflict from the biological mother's perspective. The adoptive parents are often referred to as 'the involuntary childless'. Because adoptive parents devoid from the social norm of having children they can be exposed to social control in the receiving country. They can, however, solve the social conflict by adopting a child internationally.

The First Circumstance to the De- and Reterritorialization of ‘children’

The first circumstance provided by the adoption agencies to the case that ‘children’ are separated from their countries of origin in order to be integrated within the purchasers’ homeland is that ‘the child’ is an orphan. I will now go deeper in to this circumstance by questioning the concept of ‘orphan’ and comparing the good principles which have been outlined for adoption practices in the Swedish and the South Korean constitution. I should mention that several serious problems have been focused as regards the practice of adoption and foster care placements. Therefore, “it has been the intention to outline a declaration of good principles for adoption practices in order to give each country the possibility to evaluate their own laws in relation to their conditions” (Detrick 1999:344).

If a ‘child’ is an orphan in Sweden it is not ‘in the best interest of the child’ to involuntarily separate “it” from Sweden in order to incorporate “it” in the purchasers’ homeland, for instance in South Korea. This is because international adoption of ‘Swedish children’ is considered as an unacceptable act according to the Swedish constitution. Furthermore, Swedish politicians have developed institutions, establishments, and services for the care of orphans.

Sweden has a moral obligation to develop such institutions in relation to convention article 18.2, on upbringing and development. In consequence, ‘children’ in Sweden enjoy the right not to be de- and reterritorialized, whether their parents, relations, and friends of the family are deceased, and even if there is available any adoptive or foster family internationally. I suggest that Swedish politicians draw the line here to what means can be regarded as acceptable in order to promote ‘the best interest of the Swedish child’. Swedish politicians, it seems, want to keep ‘Swedish children’ within the nation. It could be interpreted as an instrumentalization of ‘Swedish children’ where the emphasis lies on the interest of ‘Swedish adults’ to keep ‘Swedish children’ within the national borders.

I can only speculate what are the reasons behind the Swedish politicians’ distinction, therefore I leave it as it is. I can, however, compare the Swedish distinction to the good principles that have been outlined for adoption practices in the South Korean constitution. This comparison can perhaps create some clarity, albeit fragmentary.

When ‘children’ are orphans in South Korea it is considered to be ‘in the best interest of the child’ to involuntarily separate “it” from South Korea in order to incorporate “it” in, for instance, the Swedish adoptive family which has purchased ‘the child’. There are several reasons to the case that international adoption is assumed to promote ‘the best interest of the South Korean child’. One reason is that South Korean politicians have not developed institutions, establishments and services for the care of ‘children’ in relation to convention article 18.2. In spite of the fact that South Korea is an economically rich country. Practically, this means that orphans are taken care of at the adoption agencies child care centres, where ‘the best interest of the child’ is promoted by selling “it” to ‘involuntary childless’ individuals or couples in countries such as Sweden whom have developed other ways of promoting ‘the best interest of the child’ under this circumstance.

In order to understand why South Korean politicians assume that international adoption can promote ‘the best interest of the child’ when “it” is an orphan, it becomes relevant to understand what lies within the concept ‘orphan’. In Sweden, it is perhaps imagined that ‘orphan’ signifies the fact that the parents of ‘the child’ are deceased. In comparison, being an orphan in South Korea could signify 1) that the parents have abandoned ‘the child’ 2) that someone has kidnapped ‘the child’ and given “it” to the adoption agencies child care centre,

as a way of protecting the honour of the family. In other words, because ‘the child’ is considered illegitimate. 3) that the parents have committed suicide because of the cultural stigmatization which excludes them from support from the society 4) the case that the father may have abandoned the mother which leads to a situation where the mother’s family and relations distance themselves from the mother and ‘the child’. Further, the South Korean state might consider the mother inappropriate because she is unmarried. In consequence, the mother is characterized as a problematic teenager. With this characterization of the mother follows the stigmatization of ‘the child’. And because the mother is characterized as a problematic teenager she is not entitled to support from the state. Seemingly, from the perspective of the mother, the only option is to abandon ‘the child’ or give “it” up to the adoption agencies’ child care centre. Surely, there are cases when the parents of ‘the child’ have died a ‘natural death’, but it could very well be questioned what is the reason behind the fact that international adoption is assumed to promote ‘the best interest of the child’.

Taken together I claim that there are many reasons to a ‘child’ being an orphan. The assumed perception that ‘orphaned’ means that the parents of ‘the child’ are dead is important to question and estrange oneself from, at least in this examination of the first circumstance leading to the de- and reterritorialization of ‘children’ from South Korea to Sweden.

Before I compare the good principles which have been outlined for adoption practices in the Swedish and the South Korean constitutions I will mention a strange meaning of the case that ‘South Korean children’ are adopted to Sweden because they are ‘orphans’. If it was the case that the South Korean state did not have the economical resources to develop social establishments for ‘orphans’ or that the stigmatized mother could not take care of her ‘child’ and thereby makes “it” an orphan, then, according to convention article 27.4: “the convention states shall take all appropriate action to secure collection of funding for the child from the parents or others having economic responsibility for the child, both within the convention state and internationally.” If I have understood this convention article correctly it would signify the case that Sweden should assist South Korea with financial support to the biological parents of ‘the child’, in this case. What is odd regarding this example is that the appropriate action is international adoption. Perhaps this is dependent on the fact that South Korea is an economically rich country which is expected to support parents under these circumstances, for instance by the development of social establishments for the care of ‘children’. Another thought could be the case that the international adoption practice treats social conflicts both within Sweden and South Korea.

Now I will compare the good principles which have been outlined for adoption practices in the Swedish and the South Korean constitution. I do this by estranging myself from the assumption that the Child Convention and the international adoption practice can promote ‘the best interest of the child’. From a comparative perspective I see 1) that both in Sweden and in South Korea it prevails an objectifying gaze on ‘children’, being regarded as ‘men under the age of 18 years’ 2) that it is ‘adults’ or ‘men over the age of 18 years’ whom have formulated the good principles for adoption practices. In Sweden it is not an acceptable act to sell ‘children’ to South Korea. That is where Sweden draws the line in the interpretation of ‘the best interest of the child-principle’. ‘Swedish children’ shall remain within the national borders. In South Korea, on the other hand, it is considered a legitimate act to sell ‘children’ to Sweden. In Sweden there are ‘involuntary childless’ singles and couples demanding ‘children’. South Korean politicians have not developed social establishments for ‘children’ but relied on the ideological perception of the adoption agencies that ‘the best interest of the child’ is promoted by “it” being deterritorialized from South Korea in order to be deterritorialized in Sweden.

I claim that the Swedish ‘child perspective’ legitimate the further objectifying South Korean ‘child perspective’; ‘Swedish men over the age of 18 years’ assume it legitimate to deterritorialize ‘South Korean men under the age of 18 years’ in order to be reterritorialized in Sweden. And ‘South Korean men over the age of 18 years’ assume this practice legitimate perhaps because they will not have to develop social establishments for ‘children’ being born by stigmatized mothers which the South Korean state actively distance itself from. According to this comparison I claim that both ‘Swedish adults’ and ‘South Korean adults’ assume it legitimate that ‘South Korean children’ are exploited to satisfy the will of ‘Swedish adults’ to purchase ‘children’ and ‘South Korean adults’ unwillingness to develop social establishments for ‘children’.

I suggest that it can be seen that the international adoption practice has a function. This function consists in transforming social conflicts to harmony. I mean that, in the first room, the international adoption practice between Sweden and South Korea is in the best interest of ‘men over the age of 18 years’. It is ‘adults’ whom have formulated the good principles for adoption practices. These adoption practices instrumentalize ‘children’. The instrumentalization is manifested in the case that ‘the children’ are exploited as a means to promote the interests of adults. In consequence, I claim that the international adoption practice sheds light on 1) the power/knowledge-relationship between child-adult both in Sweden and in South Korea 2) the asymmetric relation between Sweden and South Korea and 3) a difference of interpretation of ‘the best interest of the child-principle’ and ‘the rights of the child’. In sum these aspects of the international adoption practice can be seen as completely natural manifestations of the global gaze on ‘men under the age of 18 years’. Indicating the displacement of ‘the best interest of the child-principle’ towards ‘the best interest of the adult/society’.

The Second Circumstance to the De- and Reterritorialization of ‘children’

Now I continue the analysis by focusing on the other circumstance to the case that ‘the child’ is involuntarily migrated from his country of origin in order to be involuntarily integrated within another country. That is within the country in which a single person or a couple have expressed a will to purchase a ‘man under the age of 18 years’. According to the adoption agencies the second circumstance is dependent on the economic situation of the biological parents. I claim that this circumstance stands in opposition to what is stated in convention article 21.a. In convention article 21.a it is said that “the convention states shall secure that the adoption of a child is executed by authorized organisations, whom according to applicable law and appropriate conduct and *on grounds of all relevant and proper information decide that the adoption will be conduced in respect of the child’s position in relation to its parents, relatives, and care takers and that, where necessary, those people involved have given their active consent to the adoption founded on such advise which may be necessary*” (Article 21.a). I mean that the italicised text contradict the case that ‘the child’ is de- and reterritorialized under this circumstance.

I will try to show to the reader how the second circumstance can be legitimated in spite of my claim of its contradiction to what is said in convention article 21.a. I suggest that the second circumstance can be legitimated because of the timeless and isolated frame of reality being directed towards the giving countries. The circumstance that the biological parents supposedly live under an economic situation which might result in their active consent to the international adoption of their ‘child’ is a perception which can be considered completely natural in the receiving countries. However, I ask the reader to see the second circumstance to the de- and reterritorialization of ‘children’ from a wider perspective.

Because I question the whole idea of the case that the Child Convention and the international adoption practice can promote ‘the best interest of the child’, I find it important to understand the reason behind the fact that parents in the giving countries are faced with the choice of choosing whether they will be able to take care of their ‘child’ or promoting ‘the best interest of the child’ by separating “it” from “its” country of origin in order to be integrated within the purchasers’ homeland. I claim that the context in which the biological parents’ conditions of life are construed and limited can be derived to historic and current phenomena. I mean that the biological parents’ economic situation originates from the time of the Western colonization.

Dramatically the society in the colonized countries was changed by the colonizing powers, during the time of the Western colonization which began by the end of the 1500th century. It is generally assumed that the time of the colonization was rounded off by the decolonization process which began by the end of the 1940s. It was during the 1950s that the adoption agencies came into existence. These adoption agencies were founded on a Christian Western ideology assuming that ‘the children’ whom were affected in the formerly colonized countries should be “saved and rescued” by means of international adoption to adoptive families in the formerly colonizing countries. This international adoption practice between the former colonies (the lesser developed countries) and the former colonial powers (the industrialized countries) has continued all the way in to the 21st century. Today the adoption agencies are driven by the same ideology of “saving and rescuing” ‘children’ from the poor countries. International adoption has come to be regarded as an alternative way of creating a family.

I claim that the poverty that prevails in the lesser developed countries is dependent on the colonization and the decolonization process. Though, not only. I mean that the lesser developed countries are constrained in their development to strong economies. It depends on several reasons: 1) that the industrialized countries do not write off the lesser developed countries’ debts 2) that the lesser developed countries, in exactly the same way as during the time of the colonization, are forced to produce goods for export. In consequence, they have to import food which could be produced to a cheaper price within the country. And 3) the global trade contracts are founded on a neo-liberal ideology, resulting in profits within the industrialized countries’ economies and losses in the lesser developed countries’ economies (Vera-Zavala 2003). Not only do these economic losses affect the lesser developed countries’ national economies. But also in the way that parents in the lesser developed countries are faced with the option of choosing whether they can take care of their ‘child’ or promoting ‘the best interest of the child’ by separating “it” from his lesser developed country of origin in order to be integrated in some industrialized country.

I mean that the biological parents’ economic situation cannot be viewed from a timeless and isolated perspective or from historic and current phenomena. The biological parents’ economic situation is dependent on the industrialized countries unwillingness to letting the lesser developed countries develop into strong economies. The biological parents’ economic situation indicate the asymmetric relation between the industrialized countries and the lesser developed countries, or the asymmetric relation between the giving and the receiving countries. This asymmetric relation between the giving and the receiving countries is not balanced through the international adoption practice, but upheld. Principally because the money spent on adopting ONE ‘child’ could be used to support MANY ‘children’ and the biological parents in the giving countries (at least in regard of convention article 27.4). Also because the biological parents are not able to do much else than actively consenting, on the advice of the adoption agencies, to selling their ‘children’ to some industrialized country.

When I say that the biological parents are not able to do much else than giving their active consent to selling 'the child', this 'not able to do much else' refers to the fact that the biological parents could promote 'the best interest of the child' by putting "it" to death, if it was not so that the Child Convention and the international adoption practice were assumed to promote 'the best interest of the child'. It depends on the case that 'children', from a global perspective, are gazed at as incomplete, immature, and irrational objects. 'Children' are equals to animals. Animals cannot be caused unnecessary suffering, though it is never the case in point of asking animals (or 'children being adopted') of their informed consent. Animals/children are not subjects; it is assumed that they cannot give or refuse to leave their consent. For instance, in Sweden 'men under the age of 18 years' are put to death by means of abortion as a way of promoting 'the best interest of the child' (that is 'the best interest of the adult') when the parents cannot or do not want to take care of their 'child' because of some circumstances. The reason to the case that 'children' are not put to death in the lesser developed countries as a way of promoting 'the best interest of the child' when the parents cannot or do not want to take care of their 'child' can, amongst other things and in most cases, be derived to the colonization of the lesser developed countries which resulted in the case that the Christian Western ideals were constructed to represent 'the best'. Consequently, the practice of putting 'children' to death was forbidden. A practice which had been prevailing in most lesser developed countries before 1) they were colonized by the West 2) the international adoption practice was institutionalized, and 3) the Child Convention was assumed to promote 'the best interest of the child'; 'the best interest of the adult'.

In sum I mean that the second circumstance provided by the adoption agencies to the case that 'children' are de- and reterritorialized is both arbitrary and questionable in relation to convention article 21.a. The arbitrariness is expressed in the case that it seems natural that the biological parents give up their 'children' because of their economic situation. The doubtfulness is expressed in the Christian Western adoption agencies' perception as regards the biological parents' situation. It is a timeless and isolated perception. This perception is not founded on relevant and reliable information. And the biological parents' active consent to selling their 'child' has been given involuntarily; because they are not able to do much else than selling their 'child' to some industrialized country. In this case the adoption agencies are promoting the interest of the biological parents by existing in their homeland as a function to promote 'the best interest of the child under these circumstances'. However, in the first room, it is the interest of the 'involuntary childless' in the receiving country being promoted. I claim that it indicates 1) the asymmetric relation between the biological parents and the adoptive parents 2) the asymmetric relation between the giving and the receiving countries 3) the displacement of 'the best interest of the child-principle' towards 'the best interest of the adult/society, and 4) the presumption that the Child Convention and the international adoption practice, considered as an instrument and a means, promotes 'the best interest of the child' and 'the rights of the child', which can be derived to the globally prevailing gaze on 'men under the age of 18 years'.

The Third Circumstance to the De- and Reterritorialization of 'children'

According to the adoption agencies the third circumstance to the case that 'children' are adopted internationally is dependent on cultural aesthetics; the biological parents' consideration of 'the child' as illegitimate in relation to cultural norms and values. This circumstance consists of several problematic aspects. First, it seems that the biological parents actively distance themselves from 'the child' by consenting to separating "it" from "its" country of origin. This distancing points towards an objectifying and discriminating gaze on 'the child'. Second, it seems the adoptive parents support the biological parents' objectifying

and discriminating gaze on ‘the child’ by accepting the fact that ‘the child’ is involuntarily migrated to their homeland.

Third, it can be seen that it is the adoption agencies contributing to handling this social conflict, from the perspective of the biological and the adoptive parents. From the biological parents’ perspective, the social conflict is expressed in the case that ‘the child’ is considered illegitimate in relation to cultural norms and values. From the adoptive parent’s or parents’ perspective, the social conflict is manifested in the case that they are categorized as ‘involuntary childless’. Childlessness is a breach of the social order in the receiving countries. The adoption agencies transform these social conflicts from the perspective of the biological and the adoptive parents. I claim that the adoption agencies in this case promote ‘the best interest of the adults’, both in the giving and the receiving countries.

Fourth, this circumstance to the case that ‘the child’ is adopted contradicts what is said in article 2, on non-discrimination. In article 2.1 it is stated that “the convention states shall respect and secure each child those rights stated in the child convention without discrimination of any kind, [for instance regarding] the child’s descent or its position in general.” Further, it is stated in article 2.2 that “the convention states shall take all appropriate action to secure that the child is protected against all forms of discrimination [founded on the parents’ expressed opinions]. This is clearly not the case. As regards the international adoption practice, the adoption agencies contribute to the discrimination of ‘children’.

I shall also mention two general contradictions which could be extracted from article 2. The first contradiction is expressed in the fact that the Child Convention is a discrimination of ‘children’ dependent on Their position in the society, considered as incomplete, immature and irrational ‘men under the age of 18 years’. The other contradiction is exposed by the fact that it comes into existence a distinction between ‘normal children’ and ‘adopted children’ which means that each ‘child’ does not have the same rights universally as stated in the Child Convention. Through the international adoption practice ‘adopted children’ are distinguished as a particular social category of ‘men under the age of 18 years’ whom are excluded from the intentions of the Child Convention to promoting ‘the best interests of the child’ and ‘the rights of the child’.

All in all, as regards the third circumstance to the case that ‘children’ are adopted internationally, I mean that the four aspects provided exemplify the displacement of ‘the best interest of the child’ towards ‘the best interest of the adult’ or ‘the society’s best interests’. Principally the best interest of the Western society because the adoption agencies are driven by a Christian Western ideology which, amongst other things and in most cases, aim at “saving and rescuing” ‘children’ from the former colonies to the former colonial powers. In other words, the third circumstance to the case that ‘children’ are adopted internationally is founded on an arbitrary perception which can be derived to a Christian Western fantasy of “saving and rescuing” ‘children’ to paradise (the industrialized countries) or ‘the good life in the West’.

In conclusion I mean that it is the global gaze on ‘men under the age of 18 years’ and the asymmetric relation between the giving and the receiving countries forming the structure which structures the good principles for adoption practices. These adoption practices point to the displacement of ‘the best interest of the child-principle’ towards ‘the best interest of the adult/society’. Leading me to the conclusion that the international adoption practice can be seen as a total phenomenon composed of the essence of the international society’s norms and values as regards ‘children’. In other words, the displacement of ‘the best interest of the child-principle’ seems to prevail on all levels of society amongst ‘men over the age of 18 years’:

socially, economically, politically, religiously, scientifically, morally, historically and geographically, or individually as collectively, structurally as contextually, and locally as globally. And it is within this structure that social and cultural actors are objectified, instrumentalized, and commodified by being involved in de- and reterritorialization processes, which I will describe in the next part of the essay.

Part III The Distinction Between ‘adopted children’ and ‘normal children’

The all-embracing theme of this part of the essay is the distinction between ‘adopted children’ and ‘normal children’. This distinction comes into existence as a result of the international adoption process. I mean that it gives rise to several meanings. I will investigate these meanings which the international adoption process gives rise to from a wider perspective. First, however, I will discuss the problem of equalizing the national and the international adoption practices.

Equalizing the National and the International Adoption Practice Is Problematic

Before starting to discuss the distinction between ‘adopted children’ and ‘normal children’ I will question and estrange myself from what is said in article 21.c, where the national and the international adoption practices are equalized. I claim that there is a problem with this equalization. In article 21.c it is said that “the convention states shall secure that each child involved in the international adoption practice shall enjoy the guarantees and norms as compared with the national adoption practice.” I question this equalization of the national and the international adoption practices because there are notable differences between the two practices. These differences give rise to a distinction between ‘nationally adopted children’ and ‘internationally adopted children’.

Although it is possible to make some comparisons, I suggest that the national adoption practice shall be kept apart from the international adoption practice. Principally, it depends on the case that ‘nationally adopted children’ often have come into existence through ‘natural’ procreation; national adoption of ‘children’ often occur within families where ‘the child’ is adopted by the mother’s or the father’s new partner or by the foster family having raised ‘the child’. Because ‘the child’ is adopted nationally he can enjoy his rights within his homeland. And, this ‘child’ is represented by “its” biological parent or foster parents. Contrastingly, the rights of ‘the internationally adopted child’ are displaced to the receiving country and it is the adoption agencies acting in ‘the internationally adopted child’s’ place. And, as regards national adoptions, the Swedish state sponsors all costs.⁷

Taken together I claim that these differences point to the problem of equalizing the national and the international adoption practices. I suggest that the national and the international adoption practice should not be equalized. It depends on the case that ‘internationally adopted children’ do not enjoy the guarantees and norms which ‘nationally adopted children’ do. The foremost similarity between these adoption practices is that ‘adults’ assume that adoption, national as well as international, can promote ‘the best interest of the child’. It is an assumption which I question and estrange myself from.

⁷ Furthermore, the national adoptions are fewer than the international adoptions. Today, about 100-160 national adoptions occur annually in Sweden. There are three different forms of national adoption. The first and most common form is stepchild adoptions. Approximately it occurs 100 annually. The second form is adoption of foster children, being adopted by their foster parents. Approximately, 15-25 cases annually. The third form is adoption of infants, concerning approximately 15-20 children annually (Lindblad 2004:201).

The International Adoption Process

Now I will explain what is meant by the international adoption process and how I will analyse it. I suggest that the international adoption process is an involuntary migration of 'the child' from his country of origin to another country where "it" is involuntarily integrated within that adoptive family which has purchased this 'man under the age of 18 years'. Because 'the child' has not been asked whether "it" wanted to be migrated from the country of origin in order to be integrated within the purchasers' homeland, I suggest that the international adoption process is involuntary. The reason 'the child' is not asked depends on the fact that 'adults' assume that the Child Convention and the international adoption practice promote 'the best interest of the child'. Moreover, it is 'adults' whom have formulated the good principles for adoption practices. And, generally, 'adults' assume that the international adoption is the most successful when 'the child' is migrated as soon as possible after "its" birth. Therefore, 'the child' cannot declare his perspective as regards the decision to separate 'the child' from his country of origin in order to incorporate "it" within the adoptive parent's or parents' homeland, that is in the home of that person or those persons having purchased this 'man under the age of 18 years'. Because the international adoption involves an economic cost 'the child' is commodified. The economic cost varies because of several reasons and it is dependent on 'the adults' demand and the supply of adoptable 'men under the age of 18 years'. In consequence, the international adoption process is upheld by 'adults'. And, it is the adoption agencies representing 'the child's perspective'. I claim that the adoption agencies promote 'the best interest of the adult'; 'the best interest of the child-principle' has been displaced towards 'the best interest of the adult/society'. Moreover, once 'the adopted child' has been integrated within the purchasers' homeland I claim that "it" is not protected against sexual exploitation in the same manner as 'normal children'. Now I hope that the reader understand what I mean by the international adoption process and how I will analyse it.

From a wider perspective I see that no man would ever accept the case of being involuntarily separated from his country of origin in order to be integrated within the purchasers' homeland. I will now give an example explaining why I do not see how any 'adult' would accept being involved in an international adoption process; an involuntary migration from his country of origin to the purchasers' homeland. The reader will now imagine the case that the 35 year old Lars Larsson's parents have died in an accident. The moment after Lars has been notified of this tragic circumstance, someone is knocking on his door. Shocked and sad, Lars opens the door. Lars is met by a representative from the adoption agency. This representative pushes himself through the door, holding the "UN Convention on the Rights of the Adult, and claims that Lars immediately will be migrated from his homeland in order to be integrated in a land where a purchaser have expressed a will to incorporate Lars in his family. The representative from the adoption agency refers to the 'adult convention', reading: "the convention states that acknowledging and/or allowing adoption shall guarantee that the best interest of the adult shall be the primary consideration under the prevailing circumstances." - "As a man over the age of 18 years you enjoy certain rights. I have come to promote these rights. There is a transsexual native of some country on the other side of the world, living in a cave, who wants to buy you. It is because he is 'involuntary adultless' that he wants to buy you and share his love with you. You will receive: a new name, identity, relations, eating habits, religion and a man to love. Splendid, huh? It is in your best interests! Hurry up, no need to bring anything, the plane is waiting."⁸ The reader may find this example odd and

⁸ I am not saying that there is something odd about Lars being migrated to a transsexual man living in a cave. What is odd, is that Lars will be involuntarily migrated from his country of origin to some other country where someone has expressed a will to purchase Lars. Further, it is odd that the representative from the adoption agency can refer to a text which objectify, instrumentalize, and commodify Lars. It is an expression of an asymmetric power/knowledge-relationship which manifests a certain gaze on social and cultural actors.

unreasonable. However, I will show that this is the way in which the good principles for adoption practices have been outlined as regards ‘men under the age of 18 years’.

In sum I hope the above makes possible for the reader to perceive the international adoption process. It is a process involving the case that ‘the child’ is involuntarily migrated from his country of origin to the purchasers’ homeland, because ‘adults’ assume it to be in ‘the best interest of the child’. And, once ‘the child’ has been involuntarily integrated in the purchasers’ family “it” is not protected against sexual exploitation in the same manner as ‘normal children’. Because this is a different way of perceiving the international adoption practice it may be difficult to understand this wider perspective. I will, however, try to show that it is reasonable.

What Does it Mean to be De- and Reterritorialized?

Here I will discuss the meaning of involving ‘the child’ in an involuntary migration process from his country of origin in order to be involuntarily integrated within the adoptive parents’ homeland. I do this by questioning and estranging myself from the perception that the Child Convention and the international adoption practice can promote ‘the best interest of the child’.

According to the UN the Child Convention contains some cardinal principles. These are: article 2, on non-discrimination, article 3, on the best interest of the child, article 6, on the right to life and survival, and article 12, on the right to freedom of opinion and to be heard. Simultaneously, these principles are reflected in all the convention articles. These founding and general principles can be seen as the constitution of ‘the best interest of the child-principle’. In short these articles involve the case that: “each child, no exceptions made, has a right to enjoy its rights (article 2); the best interest of the child shall be considered as regards all decisions concerning the child (article 3); not only its survival but also development shall be secured to the best ability of the society (article 6); its opinions shall be heard and respected (article 12). These principles relate to each other and form an attitude to children. This attitude can be seen as *the child perspective* of the convention” (Hammarberg 2006:13, emphasis in original). When discussing the conventional consideration that the international adoption practice promotes ‘the best interest of the child’ I will question and estrange myself from these cardinal principles. It depends on the fact that the convention states having ratified the Child Convention assume that the international adoption practice can promote ‘the best interest of the child’.

Now I will focus on the international adoption process in itself; the involuntary migration of ‘the child’ from his country of origin to another country. What does this migration mean in the perspective of social and cultural actors? I will start by investigating how this migration can affect the development of ‘the child’s’ personality⁹ or personhood. Some aspects of ‘the child’s’ personhood are expressed in the articles 6¹⁰, 7¹¹, 8¹², and 27¹³.

Because the Child Convention is founded on the Western perception that ‘children’ are conceived through ‘natural’ procreation, it arises a complexity in the context of adoption. Depending on the fact that the international adoption practice is not a ‘natural’ way of

⁹ Here, the concept ‘personality’, as I use it refers to the anthropological concept ‘personhood’. This concept involves social and cultural circumstances in relation to time, place, and room. In other words, this concept goes beyond the Western psychologists’ perception on man’s personality, as understood strictly in terms of age.

¹⁰ The Article on the Right to Life and Survival.

¹¹ The Article on the Right to a Name and a Nationality.

¹² The Article on the Right to Keep its Identity.

¹³ The Article on the Right to Standard of Life.

procreating. In consequence, the distinction between ‘adopted children’-‘normal children’ comes into existence. To start with I will expose the complexity with the rising of this distinction by inspecting what is said in the articles 7 and 8.

In article 7 it is said that “the child, when it is born, shall have a right to a name, a right to achieve a citizenship, and, as far as possible, have a right to knowledge of its parents and be cared for by them.” As regards ‘normal children’, article 7 poses no problem. However, regarding the ‘rights of the adopted child’, this right is displaced to the receiving country. Neither does ‘the adopted child’ receive the name, that citizenship, and, nor those parents ‘the child’ should have been cared for in his country of origin. The problem with the case that ‘the child’ does not receive the name and citizenship reflecting his origin, and parents from his country of origin, as compared to a ‘normal child’, is that it can give rise to confusion both within and outside ‘the adopted man under the age of 18 years’.

For instance, the adoptee can have difficulties in uniting the biological interpretation of himself with the social environment surrounding the adoptee; it can be difficult to achieve an identity when the adoptee’s name does not reflect his origin and no one look similar to the adoptee within the family he has been incorporated. I also claim that the adoptee can create confusion because citizens of the receiving country might consider the adoptee to be an immigrant. Then the adoptee can be exposed to xenophobic comments; the adoptee can be discriminated on basis of ethnic origin. Despite the case that the adoptee has been brought up as a citizen of the receiving country. Simultaneously, the confusion outside the adoptee can also create confusion within the adoptee if he considers himself to be a citizen of the receiving country.

Further, in article 8 it is stated that “the convention states undertake the task to respect the rights of the child to keep its identity, consistent citizenship, name and relations as these are acknowledged in the law, without unlawful intervention.” Similarly to the problem which I shed light on concerning article 7, the involuntary migration of ‘the child’ from his country of origin means that ‘the child’ is denied to keep the identity which ‘the child’ has and would have developed in his country of origin. In the receiving country ‘the child’ receives another identity, a new citizenship, a new name, and new relations. This is problematic because these aspects of the personhood both consist in a biological and a social foundation which are related to each other. In other words, the way in which a social and cultural actor identifies himself and his relation to others is dependent on both biological and social aspects of the personhood which, for instance, are expressed in one’s name, identity, citizenship, parents, and relations. As regards ‘normal children’ whom have not been involuntarily migrated from their country of origin in order to be involuntarily incorporated within the purchasers’ homeland, articles 7 and 8 are unproblematic. However, a complexity arises when regarding ‘adopted children’.

Taken together, through the de- and reterritorialization of ‘children’, it comes into existence a distinction between ‘normal children’ and ‘adopted children’. This distinction shows the creation of differences of interpretations of ‘the rights of the child’ and ‘the best interest of the child’, for instance, concerning articles 7 and 8.

Moreover, it is generally considered that ‘the child’ should be adopted as early as possible after birth in order to promote ‘the best interest of the child’. This general assumption might seem reasonable if you have a certain gaze on ‘children’ which assumes that ‘the child’ has not yet developed any perception on how his future life will take form in his country of origin. I question and estrange myself from this gaze. It is a gaze which put less weight on biological aspects of the child’s personhood. I claim that this gaze can be derived to the conventional

gaze on ‘men under the age of 18 years’, seen as incomplete, immature, and irrational. Because less weight is put on the biological aspects of their personhood regarding ‘adopted children’, no respect is taken to the fact that ‘the adopted child’, under his upbringing, will come to realize that “it” is biologically different in relation to ‘normal children’ in the receiving country. This complexity might be difficult to understand. In short it means that ‘the adopted child’ can face identity problems because “it” has no one to identify with as have ‘normal children’.

Certainly there are immigrants in the receiving country whom cannot be considered ‘normal’ but as “immigrants” or “children of migrants”. However, ‘adopted children’ are indifferent to ‘children of immigrants’. Exactly because they are ‘adopted children’, have been brought up as citizens of the receiving country, and, speak the mother language of the receiving country. Therefore, ‘adopted children’ are considered as citizens of the receiving country by ‘the immigrants’ and ‘the children of the immigrants’. Despite the fact that ‘adopted children’ often distinguish themselves because of their appearance which devoid from the norm in the receiving country.¹⁴

This complexity which I have just described does not strike all ‘adopted children’. Though, does it justify the international adoption practice as a way of promoting ‘the best interest of the child’? If you, as the convention states, assume that the international adoption practice can be seen as a means to promote ‘the best interest of the child’, then you acknowledge the fact that some ‘adopted children’ have an intrinsic right to a problematic life in relation to article 6. Contradicting the perception that the international adoption practice is a way of promoting ‘the best interest of the child’ as is said in the Child Convention. Because, according to the Child Convention, each international adoption shall promote ‘the best interest of the child’. Now if one ‘child’ experience a difficult life in the receiving country, that ‘child’s’ best interest was not promoted through the international adoption practice. Similarly, if ‘the adopted child’ experience that “it” has only had a good or a better life than what “it” could have had in the country of origin, this ‘child’s’ best interests has not been promoted. The reason behind the case that the international adoption practice is considered legitimate, despite the fact that ‘adopted children’ are overrepresented in the suicide statistics and within the mental care¹⁵, depends on the assumption that the international adoption practice promote ‘the best interest of the child’. In fact each international adoption does not promote ‘the best interest of the child’ which the convention states assume.

In other words, ‘normal children’ are not only protected from being killed but acknowledged the right to survival and development, where a great emphasis is put on ‘the child’s’ early development, including the right to play (article 6). Though, this intrinsic right to life, survival, and development which the convention states acknowledge ‘normal children’ distinguishes itself from the intrinsic right to life which ‘adopted children’ enjoy.

The complexity which comes into existence as regards ‘adopted children’ in relation to article 6, also arise in relation to article 27. In article 27 the convention states acknowledge “each child the right to the standard of living necessary to promote the child’s physic, psychic, spiritual, moral, and social development.” I claim that the standard of living acknowledged to ‘adopted children’ are not the same as those ‘normal children’ enjoy. First, ‘adopted children’ are acknowledged the standard of living in the receiving country. Second, because

¹⁴ Further reading on the formation of identity as regards adoptees can be found in Irhammar (1997) and von Grieff (2000).

¹⁵ See Hjern, A., Vinnerljung, B., and Lindblad, F. 2003 Suicide, Psychiatric Illness, and Social Maladjustment in Intercountry Adoptees in Sweden in *Lancet* 360 (9331):443-448.

international adoption is not a ‘natural’ way of procreating, ‘the adopted child’ cannot achieve his complete and harmonic development.

In sum, ‘adopted children’ do not enjoy the same rights compared to ‘normal children’ as stated in articles 7, 8, 6, and 27 because ‘adopted children’ are separated involuntarily, on basis of arbitrary reasons, from their countries of origin in order to be integrated involuntarily in the receiving country within that adoptive family which has purchased ‘the child’. I have described one meaning of de- and reterritorializing social and cultural actors. Below I continue to discussing another meaning of the international adoption practice, that is, the way in which ‘children’ are commodified through the international adoption process.

How are Social and Cultural Actors Commodified Through the International Adoption Process?

In this paragraph I will discuss how ‘children’ are made into goods (commodified) through the international adoption process. I question the international adoption practice as a means to promote ‘the best interest of the child’, whereas the convention states acknowledge that ‘the best interest of the child’ is promoted through the international adoption practice. In article 21.d it is stated that “the convention states shall take all appropriate action to secure that the international adoption does not lead to *inappropriate* economic profit for the persons involved” (article 21.d, my emphasis) in the international adoption process”.

First, because I question and estrange myself from this good principle which have been outlined for adoption practices, I interpret article 21.d as if the convention states acknowledge that the international adoption can lead to an appropriate economic profit for the persons involved in the involuntary separation of ‘the child’ from “its” country of origin in order to be integrated involuntarily in the purchasers’ homeland.

Second, I interpret the convention text as the international adoption involves an economic cost, whether inappropriate or appropriate. I claim that this fact is sufficiently astonishing and serious. The economic cost of the international adoption turns ‘the child’ into a commodity.

Third, I claim that the economic cost, whether inappropriate or appropriate, springs from a demand. It is the adoptive parents’ demand for ‘men under the age of 18 years’. The international adoption phenomenon came into existence as a way of “saving and rescuing” ‘children’ from the wars and poverty which arose in connection to the decolonization process, that occurred more than fifty years ago. Today it is said that ‘children’ are adopted internationally for three circumstances, which I analysed earlier. Though, which ‘men under the age of 18 years’ are adopted internationally is dependent on the demand of the adoptive parents, and possibly, the adoption agencies’ marketing of the supply of ‘adoptable children’. The adoptive parents’ demand is expressed in the choice they make when choosing 1) the colour of ‘the child’, that is from what country they want to purchase ‘the child’ 2) whether they will purchase a boy or a girl 3) whether they will purchase an infant or an “older” ‘child’, and 4) whether they will purchase a ‘healthy child’ or a ‘SN-child, that is a ‘child with special needs. A ‘SN-child’ cost less than a ‘healthy child’.

All in all, the adoption agencies satisfy the adoptive parents’ demand for ‘children’ by offering the adoptive parents several options of ‘adoptable children’. However, it is not only the demand of the adoptive parents which dominate the cost of ‘the adoptable children’. The cost also varies because several adoption agencies, from the same and different countries, are active in each country of origin. Consequently, a situation of competition arises to promote

‘the best interest of the adoptable children’. Finally, the price on ‘the man under the age of 18 years’ varies whether the price is attached to the current dollar or euro rate.

According to the discussion I have lead the international adoption process depicts itself as an industry making an “appropriate” profit on selling social and cultural actors. ‘The children’ are turned into commodities through the international adoption practice. It is a denigrating treatment of ‘adopted children’ in relation to articles 32¹⁶, 35¹⁷, and 36¹⁸. I claim that this treatment is a natural result of the globally prevailing gaze on ‘children’ or ‘men under the age of 18 years’.

The perception that the international adoption promotes ‘the best interest of the child’ is an assumption held by ‘adults’. It creates differences in interpretations of ‘the rights of the child’ and ‘the best interest of the child’. The difference is manifested in the rise of the distinction between ‘normal children’ and ‘adopted children’. This distinction contradicts the cardinal principles of the Child Convention. And because international adoption is taken for granted by ‘men over the age of 18 years’, considering themselves to applying a ‘child perspective’ or putting into practice ‘the child’s perspective’, it is further motivated to question and estrange oneself from this assumption.

What Does it Mean that the Adoption Agencies Actively Promote De- and Reterritorialization of Social and Cultural Actors?

In this paragraph I inspect some meanings of the adoption agencies’ representation of ‘the child’s’ voice as regards the international adoption. I do this by questioning and estranging myself from what is said in the convention articles 21.e, 12, 14, 16, and 31. I will show that the adoption agencies’ representation of ‘the child’s’ voice indicates the displacement of ‘the best interest of the child-principle’ towards ‘the best interest of the adult/society’. Which, however, is a natural consequence of the conventional gaze on ‘children’, and the fact that ‘adopted children’ do not enjoy the same rights as ‘normal children’.

In convention article 21.e it is said that “the convention states acknowledging and/or allowing adoption shall guarantee that the best interest of the child shall be the primary consideration, and shall [e], promote, where necessary, the objectives in this article by entering bilateral or multilateral arrangements or agreements and within this frame strive to secure that the placing of the child in another country occurs through the authorized agencies.”

From a wider perspective it can be seen that the convention states assume that the international adoption is a way of promoting ‘the best interest of the child’. Further, it can be seen that there is a distinction being drawn between ‘children’ and ‘adults’. Also, it can be seen that it is the adoption agencies being acknowledged by the convention states as the authorized agencies to promoting, where necessary, some of the objectives in article 21.

The adoption agencies are founded on a Christian Western ideology of “saving and rescuing” ‘children’ from wars and poverty. The wars and poverty which have arisen/preval in the giving countries are often heritages of the Western colonial time, the decolonization process and the prevailing neo-liberal ideology which rules the global trade agreements. The adoption agencies are mainly driven by adoptive parents striving to satisfy potential adoptive parents’ demand for ‘children’. These adoptive agencies compete against other adoption agencies,

¹⁶ The Article on Protection Against Economic Exploitation.

¹⁷ The Article on Prevention of Trafficking of Children.

¹⁸ The Article on Protection Against Other Exploitation.

from the same and different countries, to separate 'children' from their country of origin in order to integrate 'the children' within the purchasers' homeland, which is often an industrialized country or a former colonial power. Indicating the displacement of 'the best interest of the child-principle' towards 'the best interest of the adult/society', being a natural consequence of the conventional gaze on 'children'.

Now I will discuss what it means that the adoption agencies represent 'the child's' voice, taking as a point of entry article 12 and contrasting to what is said in articles 14, 16, and 31. In article 12.1 the convention states acknowledge "the child which is capable of forming its own opinions the right to freely express these [in all questions regarding the child,...]." And, further in article 12.2, "to fulfil this objective the child shall be acknowledged the possibility to be heard direct or through a representative or [an appropriate organization]." As regards international adoption it is considered 'the best interest of the child' is promoted through being de- and reterritorialized as early as possible after birth. Thus, 'the child' is not capable of expressing "its" opinions of concern to "it". Consequently, it can be seen that the adoption agencies form the appropriate organ to represent 'the child's' voice as regards the international adoption. This, I claim, contradicts what is said in article 21 (as a whole; that international adoption is a means to promote 'the best interest of the child' and 'the rights of the child') and stands in opposition to the articles 12, 14, 16, and 31.

The international adoption of a social and cultural actor means that this human is separated involuntarily from his country of origin and integrated involuntarily in the purchasers' homeland. In article 31 it is said: "the convention states acknowledge the rights of the child to rest and leisure, to play and recreation adjusted to the child's age and the right to participate in the cultural and artistic life." As regards international adoption, 'the child's' voice is represented by the adoption agencies' advocating the case that 'the child' should be separated involuntarily from his country of origin. Meaning that 'the adopted child' does not have the same right to rest, leisure, play, recreation, and to participate in the cultural and artistic life in his country of origin. Thus, 'the adopted child' is denied his rights as stated in article 31 by the adoption agencies' advocating the case that it is 'the best interest of the child' to be de- and reterritorialized.

Further, if the reader has accepted the arbitrariness of the three circumstances leading to the de- and reterritorialization of 'the child', then the international adoption can be regarded as an arbitrary intervention in 'the child's' private life in relation to article 16. In article 16 it is said: "No child may be exposed to arbitrary or illegitimate intervention neither in its private and family life, its home or correspondence, and nor illegitimate attacks on its honour and integrity. The child is entitled to the protection of the law against such interventions or attacks." The arbitrariness is expressed mostly in the case that the international adoption, in many cases occurring from the former colonies to the former colonial powers, is taken for granted, that is, it is assumed to promote 'the best interest of the child'. In article 16 a right is stated which only 'normal children' are entitled to, not 'adopted children'.

Another right which 'the adopted child' is denied because of the adoption agencies' representation of 'the child's' voice, is the right to practice freedom of thought, consciousness, and religion. This right is stated in article 14. As regards international adoption I claim that 'the adopted child' is denied to exercise this right in his country of origin. Because 'the child' is involuntarily separated from the giving country 'the adopted child' is not entitled to the same right to practice freedom of thought, consciousness, and religion, as 'children whom are not adopted internationally' and 'children whom are adopted nationally'. In consequence, it arises a difference in the interpretation of 'the best interest of the child' and 'the rights of the child'.

This difference becomes even more remarkable when inspecting article 14.2. Pointing out: “the convention states shall respect the parents’, and should the occasion arise, the care taker’s rights and obligations to, in a way that is compatible with the child’s continuous development, provide the child guidance when exercising this right.” In other words, this means that it is ‘the child’s’ adoptive parents whom shall provide this incomplete, immature, and irrational ‘man under the age of 18 years’ guidance when “it” exercises this right until “it” becomes a ‘man over the age of 18 years’. The adoptive parents have a another way of thinking ¹⁹, another consciousness ²⁰, and another religion ²¹ than the biological parents whom are leaving their child to the adoption agency, which in turn, sell ‘the child’ at an appropriate price.

Because of the conventional assumption that the international adoption is the most successful to all parts involved if ‘the child’ is adopted as early as possible after birth, it could be thought that the involuntary migration is of lesser importance, that is, that the international adoption does not limit ‘the rights of the child’ in this context. Just because it is assumed that yet ‘the child’ has not developed any conceptions of that freedom of thought, consciousness, and religion “it” has and would have had in the country of origin. I question and estrange myself from that assumption. Contrastingly, I claim that the involuntary migration in fact limit ‘the child’s rights as stated in article 14.

The reader does not have to share my point of view. It can instead be seen that the involuntary migration expands the child’s possibilities to exercising this right. This means, however, that one assumes that the Child Convention and the good principles which have been outlined for adoption practices by ‘adults’ are ways of promoting ‘the best interest of the child’. In other words, one justifies the case that social and cultural actors are objectified, instrumentalized, and commodified, and that the asymmetric relation is upheld between 1) child-adult 2) the biological parents-adoptive parents, and 3) the giving countries-receiving countries.

This regime of thought dominates article 14.3. Dictating: “the freedom to practice one’s religion or beliefs can only be subjugated if such restrictions are prescribed by the law and which are necessary to protect the general custom and other person’s basic freedom and rights.” Consequently, the international adoption activity is such a restriction prescribed by law which can subjugate ‘the child’s’ freedom to practice his religion or belief which “it” would have had in the country of origin. Further, the international adoption activity can be seen as necessary to protect the general custom and other person’s basic freedom and rights. The general custom is protected by means of the case that the developed countries are “saving and rescuing” ‘children’ from the lesser developed countries. Persons in the rich countries, that is ‘men over the age of 18 years’, are trying to clean their consciousness from the colonial time, founded on a Christian Western assumption that ‘the children’ can take part of the paradise in the receiving country. For instance, when Western adoptive parents advocate international adoption and represent ‘the child’s’ voice, it is the adoptive parents’ basic freedom and rights to purchase ‘men under the age of 18 years’ from the lesser developed countries which are protected. I claim that article 14.3 make visible the displacement of ‘the best interest of the child-principle’ towards ‘the best interest of the adult/society’ and upholds the asymmetric relation between child-adult, the biological parent-adoptive parent, and the giving-receiving countries.

¹⁹ i.e. they believe that international adoption is ‘in the best interest of the child’.

²⁰ i.e. the morally blameworthy in the exploitation of the people in the formerly colonized countries.

²¹ i.e. adoptive parents are often either citizens in countries which are founded on Christian ideals or they are Christians.

Now I have discussed what the adoption agencies' representation of 'the child's' voice means, by inspecting what is said in articles 14, 16, and 31, taking article 12 as a point of entry. Because I neither take for granted the Child Convention nor the international adoption practice as an instrument and a means to promote 'the best interest of the child' I have been able to shed light on a conflict which arises through the adoption agencies' representation of 'the child's' voice as regards international adoption. In order to see how 'men over the age of 18 years' can overlook this described conflict the investigation must go back to article 12 for a closer inspection.

I will now provide an imaginative example which clarifies what I consider a conflict of interest by the adoption agencies' representation of 'the child's' voice. How can 'men over the age of 18 years' not see it? The reader will now have to imagine the case that the newly born 'child' was capable of forming his own opinions and could express these in the matter of whether 'the child' wanted to be separated from his country of origin in order to be integrated in the purchasers' homeland. Would the convention states acknowledge 'the right of the child' to oppose the de- and reterritorialization? I claim that the convention states would not acknowledge 'the right of the child' to have "its" opinion respected. Just because it is said in article 12.1 that "the child's opinions shall be devoted meaning in relationship to its maturity and age." Because 'children' both within and outside the convention states are considered incomplete, immature, and irrational, this means that the adoption agencies' advocating, that it would be 'in the best interest of the child' to be de- and reterritorialized, would be paramount in relation to 'the child's' voice.

According to this analysis article 21 stands in opposition to the articles 12, 14, 16, and 31. It depends on the fact that international adoption does not promote 'the best interest of the child' and that 'the child' is denied the rights stated in the articles I have discussed. I claim that it is completely natural and can be derived to the global gaze on 'men under the age of 18 years'. This objectification of 'children' which is expressed in the Child Convention and the good principles which have been outlined for adoption practices point to the fact that the Child Convention and the international adoption practice as an instrument and a means to promote 'the best interest of the child' have been displaced towards 'the best interest of the adult/society'. And 'adopted children' are not in fact entitled to the same rights and protection as 'normal children'. In the next paragraph I will discuss how this is manifested when 'the child' has been reterritorialized in the receiving country within that adoptive family which has purchased this 'man under the age of 18 years'.

Are 'adopted children' Protected Against Sexual Exploitation Within the Adoptive Family?

Starting from article 34 I will discuss whether 'the adopted child' is protected against sexual exploitation within the adoptive family. The adoptive family can be constituted of a single person or a couple. It can also exist 'children' within these family constellations, for instance, 'normal children' and 'children whom have been adopted', nationally as well as internationally. When I discuss whether 'the adopted child' is protected against sexual exploitation the reader should imagine an adoptive family constituted of two 'unmarried homosexual adults', one 'normal child', and one 'child which has been adopted nationally'. This adoptive family has decided to purchase a 'child' from a formerly colonized country.

All in all, this is an "abnormal" family. It depends on the fact that the parents are unmarried and homosexuals, and that the bond between child-adult is biological only between one of the parents and a 'child'. The other bonds are socially created. The reason for "complicating" this

family is that I want to describe a reality which some ‘adopted children’ are facing when they are involuntarily integrated in the adoptive family.

I will try to show two facts: 1) that ‘adopted children’ have not been protected against sexual exploitation and sexual assaults from their adoptive parents since the international adoption practice was institutionalized around the 1950s until 1 January 2005, and 2) that ‘adopted children’ arriving to adoptive families constituted of biological and/or ‘adopted children’ does not enjoy the same protection against sexual exploitation and sexual assaults as ‘normal children’ whom grow up in “normal” families with ‘normal siblings’. It depends on the fact that ‘adopted children’ are put in an unequal position in relation to the adoptive family’s other ‘children’. I claim that ‘adopted children’ can be exploited sexually by the biological and/or the other ‘adopted child’ which exist within this adoptive family, supported by the Swedish Law. The reason this discussion is even possible depends on the fact that the Swedish Act of Marriage is founded on biological relations.

Now I will take a closer look on the case whether ‘adopted children’ are protected against sexual exploitation and sexual assaults from their adoptive parents, taking article 34 as a point of entry. In article 34 it is said that “the convention states undertake to protect the child against all forms of sexual exploitation and sexual assaults. To fulfil this responsibility the convention states shall particularly take all appropriate national, bilateral, and multilateral action to prevent:

- a) that a child is led or forced to participate in an *illegitimate* sexual act;
- b) that children are exploited for prostitution and other *illegitimate* sexual practices
- c) that children are exploited in pornographic shows and in pornographic material” (my emphasis).

I will show that ‘adopted children’ have not enjoyed a sufficient protection against what is said in article 34 since the international adoption practice was institutionalized around the 1950s until 2005. In order to understand this grave and astonishing discussion, the reader must question and estrange himself from the assumption that the Child Convention and the international adoption practice are ways of promoting ‘the best interest of the child’.

At a first inspection of article 34 it may seem to demonstrate no complexity. Though, as regards the international adoption practice, it arises a complexity. The first complexity with article 34 is that ‘children’ are distinguished as a particular social category of men. The second complexity regards the fact that this article was outlined by ‘adults’. The third complexity is that it concerns illegitimate sexual acts and illegitimate sexual practices. Now I will explain the reason ‘adopted children’ have not been protected against sexual acts and sexual practices from their adoptive parents.

Once the economic transaction of the international adoption is closed and ‘the child’ has been reterritorialized within the adoptive family it means that ‘the adopted child’, juridically, is equal to a ‘normal child’. However, there is an important difference. The difference is manifested in the fact that ‘the adopted child’ has not come into existence through ‘natural’ procreation, in comparison to ‘the normal child’. Conventionally, ‘the adopted child’ is classified as an “adopted child”. A classification which “it”, independent of age, always carries around. Because ‘adopted children’ have not come into existence through ‘natural’ procreation, the adoption, national as well as international, can be annulled. It can occur under two circumstances.

The first circumstance is whether ‘the adopted child’ becomes an object for another adoption by someone other than the adoptive parents. The second circumstance is whether ‘the adopted child’ and the adoptive parent get married or register partnership (Schiratzki 1997-03-17). The first circumstance is still an accepted way of annulling an adoption. The second circumstance ceased to be acceptable 1 January 2005. Then the possibility of turning the child-parent relation into a child-partner relationship was seen unacceptable by the Swedish Law.²² This example shows that ‘adopted children’ have not been protected against sexual exploitation and sexual assaults from their adoptive parents in Sweden until 2005, in a juridical sense. Just because it has been a completely natural and legitimate sexual act. Consequently, from a wider perspective, the whole international adoption activity can be seen as a legitimate sexual practice where ‘men over the age of 18 years’ have been able to purchase ‘men under the age of 18 years’ to exploit sexually, to use in pornographic shows, and in pornographic material. At least since the international adoption practice was institutionalized around the 1950s until 2005.

Now I have shown that ‘adopted children’ have not been protected against sexual exploitation and sexual assaults in the same manner as ‘normal children’, at least not until 2005. I continue the discussion and intend to show that ‘adopted children’ still not enjoy the same protection against sexual exploitation and sexual assaults in comparison to ‘normal children’ whom grow up in “normal” families with ‘normal siblings’. The reader will now imagine an adoptive family constituted of two ‘unmarried homosexual adults’, one ‘nationally adopted child’, and one ‘normal child’. This adoptive family has decided to purchase a ‘child’ from a formerly colonized country. Is ‘the child that will be adopted’ to this adoptive family protected against what is said in article 34? I claim that there are arguments against the case that ‘adopted children’, in comparison to ‘normal children’, are protected against what is stated in article 34.

Because this adoptive family is not constructed on biological bonds between the family members (except between one of the parents and his/her ‘biologic child’) the ‘adopted child’ and the other ‘children’ can enter into matrimony with each other. It is a possibility which can be seriously questioned, because this is an incestuous relationship. I question the astonishing fact that adoptive children-adoptive children and adoptive children-normal children can enter into matrimony as well as ordinary relationships (that is non-juridical relationships). This couple could reproduce ‘children’. Although this relationship would mean no harm to the ‘reproduced child’, theoretically, it is still a relationship between two siblings. It is a relationship which is accepted because they are not related biologically.

Within a “normal” family, relationships between two siblings are considered unacceptable. Thus, it arises a difference of interpretation of ‘the best interest of the child-principle’ and ‘the rights of the child’. It is not only considered to be ‘in the best interest of the adopted child’ to enter into relationships with his/her siblings, but ‘the adopted child’ also enjoys the right to enter into relationships with his/her brothers and sisters. I claim that this difference of interpretation of ‘the best interest of the child-principle’ and ‘the rights of the child’ can lead to sexual exploitation of ‘the adopted child’ and sexual assaults from the other ‘children’ within this family. The reason is that this relationship is considered completely natural according to the Swedish Matrimonial Act. Strictly it means that ‘adopted children’ are put in an unequal position in relation to the adoptive family’s other ‘children’, adopted as well as biological.

²² It was proposed in the proposition 2003/04:131 International adoption issues.

Taken together, I claim that ‘ adopted children’ are not protected against sexual exploitation and sexual assaults, in the same manner as a ‘normal child’, when they are involuntarily incorporated within the adoptive family, that is, within that family which has purchased the child, at least until 2007. I have showed this by questioning and estranging myself from what is said in article 34.

Conclusion

I have investigated what gaze on ‘children’ is manifested in what is said about adoption in the UN Convention on the Rights of the Child. I claim that this gaze 1) is globally prevailing (that is, both within and outside the convention states) and forms an intimate relationship between power and knowledge. This power/knowledge-relationship shows itself mostly in the fact that ‘children’ are denied power because ‘adults’ assume that ‘children’ lack knowledge. But also in the fact that it is Western ideals which have been construed to represent ‘the best’, indicating an asymmetric relationship between: the biological parents-adoptive parents, as well as the giving and the receiving countries. 2) consents to the fact that ‘men under the age of 18 years’ are objectified, instrumentalized, and commodified through the international adoption practice 3) points to the displacement of ‘the best interest of the child-principle’ towards ‘the best interest of the adult/society’, and 4) creates differences of interpretations of ‘the best interest of the child’ and ‘the rights of the child’ as regards ‘adopted children’ and ‘normal children’, which is exactly the opposite of the universal outline of the Child Convention. In this essay I have questioned and estranged myself from this gaze.

APPENDIX 1

Article 21

Here is stated what is said in article 21, on adoption, in the Swedish version of the UN Convention on the Rights of the Child:

“The convention states acknowledging and/or allowing adoption shall guarantee that the best interest of the child shall be the primary consideration, and shall,

[a] secure that the adoption of a child is executed by authorized organisations, whom according to applicable law and appropriate conduct and on grounds of all relevant and proper information decide that the adoption will be conducted in respect of the child’s position in relation to its parents, relatives, and care takers and that, where necessary, the persons involved have given their active consent to the adoption founded on such advise which may be necessary;

[b] acknowledge that the international adoption can be considered as an alternative form of care of the child, if the child cannot be placed within a foster or an adoptive family or be cared for in an appropriate way in its country of origin;

[c] secure that the child involved in the international adoption enjoys the same guaranties and norms as compared with national adoption;

[d] take all necessary actions to secure that the international adoption does not lead to inappropriate economic profit for the persons involved;

[e] promote, where necessary, the objectives in this article by entering bilateral or multilateral arrangements or agreements and within this frame strive to secure that the placing of a child in another country occurs through the authorized agencies” (my translation).

APPENDIX 2

Concepts

Here I give an account of the concepts used in this essay:

Deterritorialization. Refers to the involuntary migration of ‘the child’ from “its” country of origin.

Reterritorialization. Refers to the involuntary integration/incorporation of ‘the child’ within the adoptive family’s homeland. I use these concepts to shed light on the fact that the international adoption is an involuntary migration of ‘the child’ between the giving and the receiving country.

Social and cultural actors. As a way of not emphasizing differences between child-adult, I use this concept. It is a social anthropological concept which enables me to go beyond the structure of irrationality which surrounds ‘children’.

Social anthropological perspective. There are many social anthropological perspectives. The social anthropological perspectives have floating definitions and can be applied to different fields of research. In this essay the social anthropological perspective should be understood as: a wider perspective. This wider perspective consists in the case that I do not essentialize differences between ‘children’ and ‘adults’. Consequently, the analysis can go beyond the globally prevailing gaze on ‘children’ which is expressed 1) within the convention states 2) outside the convention states 3) by academic researchers, for instance, through ‘the child perspective’ and ‘the child’s perspective’, and 4) amongst professionals working with ‘children’ and issues concerning ‘children’. In other words, this wider perspective is constituted of a critical questioning and an estrangement from conventional ideas, for instance, as regards ‘children’.

Power/knowledge-relationships. I claim that it exists a certain gaze on ‘children’ which can be found within the Child Convention and the international adoption practice. This gaze contains an intimate relationship between power and knowledge. The relationship between power and knowledge is most clearly expressed in the fact that ‘children’ are denied power because ‘adults’ assume that they lack knowledge. In this essay the power/knowledge-relationships are expressed in 1) ‘adults’ consideration of ‘children’ as ‘men under the age of 18 years’ which indicate an asymmetric relation between child-adult 2) the formulation of the good principles

which have been outlined for adoption practices, pointing to an instrumentalization of ‘children’, that is, ‘children’ are used as a means to satisfy the interests of ‘adults’ 3) the asymmetric relation between the biological and the adoptive parents 4) the asymmetric relation between the giving and the receiving countries which, amongst other things and in most cases, can be derived to the Western colonial time and the prevailing neo-liberal ideology which does not allow “the lesser developed countries” to construct strong national economies 5) the adoptive agencies’ representation of ‘the child’s’ voice 6) researchers and other members of the global community whom put into practice ‘the child perspective’ and trying to apply ‘the child’s perspective’ instead of considering ‘children’ as men, and 7) the exclusion of ‘the rights of adopted children’ in the universal outline of the Child Convention.

Western assumptions. Because we, men, live in a world in which it prevails a distorted distribution of power and resources, it could be of analytical interest to shed light on what assumptions can be derived from the Child Convention and the international adoption practice. If it is the case that Westerners have had the power to make their ideals to represent ‘the best’, it would point to an ethnocentrism. I claim that the Western assumptions are expressed in the Child Convention by means of the facts 1) it is Westerners having taken the initiative to formulating the Child Convention 2) it is Westerners whom assume that the international adoption practice is a way of promoting ‘the best interest of the child’ 3) it is the Western perception of ‘the family’; a heterosexual relationship united by a legal bond of matrimony which can be found in the Child Convention 4) it is the prevailing Western epistemology of reproduction (the ‘natural’ way of procreation) which rules the Child Convention 5) the adoption agencies were created by Christian Westerners whom were motivated by a particular regime of thought, that of “saving and rescuing” ‘children’ from the wars and poverty which arose in connection to the decolonization process. In other words, the international adoption practice is founded on a Christian Western ideology, and 6) the whole discourse on rights can be derived to the Western philosophers of the Enlightenment.

‘the best interest of the child’. According to the UN the Child Convention contains some cardinal principles. These are: article 2, on non-discrimination, article 3, on the best interest of the child, article 6, on the right to life and survival, and article 12, on freedom of opinion and the right to be heard. Simultaneously, the light of these principles can be found in the other articles of the convention. These founding and general principles can be seen as the cornerstones of ‘the best interest of the child-principle’. In short, the articles emphasize: “that each child, no exceptions made, have a right to enjoy its rights (article 2); that the best interest of the child shall be considered at all decisions concerning the child (article 3); that not only their survival but also their development shall be protected, only to the outer limit of the ability of the society (article 6); and that their opinions shall be welcomed and shown respect (article 12). The articles are related and together they form an attitude towards children. This attitude can be seen as *the child perspective* of the convention“ (Hammarberg 2006:13, emphasis in original).

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Further reading

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