
Inequality Near and Far: Adoption as Seen from the Brazilian Favelas

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Focusing on child circulation among the urban poor in Southern Brazil, this article considers the parallels and divergences between local practice, national legislation, and global policy involved in legal adoption. Following a brief ethnographic account of child circulation among working-class families in Porto Alegre, Brazil, the analysis focuses on *adoção à brasileira* (clandestine adoption) as one of the ways in which the Brazilian poor bypass legal bureaucratic procedures in order to adjust the State apparatus to their needs. Finally, the comparative analysis of Brazil and North America centers on the evolution of adoption law and policies. Our approach highlights the variant experiences of family and legal consciousness according to class and national identity, while at the same time considering the political inequality implied in the hierarchization of different cultural repertoires.

In a recent book on international adoption, the social worker responsible for describing the situation in Brazil underlines the superior quality of overseas adopters. Brazilian nationals, judging from the number of children returned to the court, “lack a serious attitude toward adoption.” The author mentions factors such as poor financial conditions and unstable family structures that may explain this lack of seriousness, but, in her opinion, the real motive (and key to a solution?) lies in the fact that Brazilians don’t pay anything for the adopted child: “In contrast, expenses for foreigners are huge, and the adoptive ties turn out to be strong and lasting” (Silva 1995:126).

These comments serve as a springboard for the subject of my article: Brazilian adoption practices, placed within a globalized context. They speak of a problem that is central to my concerns—the so-called “gap” between law and actual behavior.¹

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¹ For a critical overview of the “gap studies” of the 1970s, see Sarat & Silbey (1988).

However, inverting the question that this social worker implicitly poses (“Why can’t Brazilians measure up to international norms of adoption?”), I ask how is it that Brazilian laws, often touted as being on the forefront of progressive international legislation, give so little heed to local values and social dynamics? In fact, in this article, I hope to convince readers that it is no surprise that foreign adopters conform more closely to Brazilian legal directives than do national candidates, since the laws, rather than being based on and adapted to an accurate assessment of local reality, derive from the abstract principles that dominate international debates.

The possibly reprehensible character of this fact derives from two hypotheses. First, these abstract principles are not the neutral product of consensual humanitarian interests. They are, instead, the fruit of ideological power struggles and are inevitably shaped by the hegemonic narratives that reflect, above all, First World contexts and values (Silbey 1997). Following this line of thought, the very popularity of legal adoption that seems to have recently swept the globe—from President Clinton’s speech in which Americans are urged to adopt the 500,000 children in foster care² to the Brazilian child welfare services’ listing of adoptable children on internet sites—may be considered part of a hegemonic narrative in which this particular form of child placement is presented as the “obvious” remedy for the ills of the world’s children. The criticism of hegemonic narratives on adoption having been elaborated elsewhere (see, e.g., Yngvesson 2000; Selman 2000; Fonseca, forthcoming), I will dwell in this article on a second hypothesis, which is that in many countries distinct values and patterns of family organization, including non-mainstream forms of adoption, exist on a widespread basis. To illustrate, I rely on ethnographic research in Brazilian favelas, arguing that to socialize and ensure the survival of younger generations, lower-income families have traditionally resorted to the informal placement of children in different, substitute households, and that the dynamics of this “circulation of children,”³ with its emphasis on extended family networks, have been not only ignored but also disavowed by legislators and social workers alike. Thus, I suggest, adoption laws have evolved in a way that simply does not make sense to a good many people. This supposition not only would explain the “lack of seriousness” of local adopters but also would raise doubts about another fundamental issue in the adoption process: the treatment of birth parents in

² I am referring to the 1997 speech President Clinton made during the signing of the Adoption and Safe Families Act.

³ The “circulation of children” is a generic term that permits the comparative analysis of different forms of child placement found throughout the globe and at different moments in history. On this subject, the work of anthropologists such as Carroll (1970), Goody (1982), and Lallemand (1993) has provided fundamental inspiration.

the legal procedures that render their child available for adoption. Having worked with the sort of poverty-stricken families from which most adoptable children are drawn, I concentrate my aim on this latter element: the understanding and possible misconceptions members of the birth family and, in particular, birth mothers have of the legal adoption process.

My approach is not entirely original. I have drawn inspiration from the abundant literature that points out discrepancies between state law and particular community practices concerning child welfare.⁴ Commenting on the tendency of Hawaiian state services to remove native children from their clan-like kinship networks to place them in non-Hawaiian (white and Japanese) families with a more mainstream way of life, Judith Modell (1997) furnishes a recent example of how state policies, geared toward middle-class family values, have at times discriminated against minority groups. Her study reveals how Hawaiians, in the name of a distinct cultural heritage,⁵ seize upon the very weapons offered by the court—Western legal discourse—to protect the right to raise their children in what might seem, according to official state criteria, substandard homes. Native Americans, Canadian Inuits, and Australian aborigines are among the many groups who have likewise proved competent in appropriating the political strategies of modern government to stem the flow of children extracted from their communities, whether by missionaries or adoptive parents, to be raised and educated in another way of life (Fournier & Crey 1997; Slaughter 2000). One could no doubt include many of these examples in what Merry (1997) describes as “legal vernacularisation,” a process whereby colonized minorities, in their bid for human rights, reinterpret and transform Western law according to their own legal conceptions.

In the Brazilian case I examine here, this sort of “legal vernacularisation” appears to be distinctly lacking. Not only were the birth mothers I dealt with ill-versed in their own individual rights, but also their heterogeneous racial backgrounds (African, Native American, Polish, Portuguese) provided them with no evident common identity through which to articulate their resistance. Indeed, these women were seen, and, in general, saw themselves as nothing other than “poor”—raising doubts in many people as to whether they had any “culture” at all.

Failing to consider certain forms of cultural specificity among the urban poor, state authorities may proceed untroubled with the removal of children from what they consider problematic

⁴ See, e.g., the special issue of the *International Journal of Law, Family, and Policy* on the principle of a “child’s best interests” (1994, vol. 8).

⁵ To evoke native Hawaiian cultural heritage, Modell highlights key concepts in the local kinship system: *hanai*, a sort of adoption, based not “on genealogy but on generosity, not on biology but on belonging,” and *ohana*, the clan system, with emphasis on “the coming together of people who assume responsibility for and loyalty to one another” (1997:159).

families. The consistent refusal to entertain the possibility of alternative family patterns leaves them no other option than to label many households “disorganized”—a diagnosis that can only contribute to the breakdown of existing dynamics. My proposal, to reframe the analysis in terms of local kinship values, complicates this picture. Such an approach need not imply romantic pleas for traditional purity, nor the idealization of practices such as child circulation, which, like any other social dynamic, can be fraught with conflict, internal contradictions, and, in some particular cases, may even justify energetic state intervention. Nonetheless, my approach does imply the existence of non-mainstream logics that however foreign to the hegemonic narrative make sense to certain sane and intelligent people, and—what’s more—may actually work to their benefit in ways unimagined by convention-bound state authorities.⁶

By my emphasis on the specificity of family practices and values among Brazilian favela residents, I do not mean to produce the image of separate and isolated cultural spheres. On the contrary, I hope to demonstrate the interlinking processes that—from local practice to national legislation and global policy—influence family related values. This perspective, inspired in the notion of “stratified reproduction” (Colen 1995), concentrates on how different cultural repertoires interweave, clash, or complement one another according to the particular historical circumstances. The scrutiny of cultural difference, furthermore, is inseparable from considerations on the political and social inequality that cause certain sets of values to be presented as superior to others.

To achieve my aim, I first present the setting and a brief ethnographic account of child circulation among working-class families in Porto Alegre, Brazil. Having set the background, I zero in on those elements of the traditional system that most resemble legal adoption, drawing attention to *adoção à brasileira* (a sort of clandestine adoption) as a way in which the Brazilian poor bypass legal bureaucratic procedures in order to adjust the state apparatus to their needs. The active participation of birth mothers in the placement of their children is contrasted with the prevalent national policy of plenary adoption, which, by its insistence on secrecy in the adoption process, leaves biological kin completely out of the picture. Finally, I suggest that, despite enthusiastic adherence to international campaigns on children’s rights, recent Brazilian policies of state intervention, rather than becoming more sensitive to local-level “alternative” family practices, demonstrate increasing indifference.

⁶ For more on the political significance of cultural difference, see Yanagisako & Delaney (1995), Comaroff & Comaroff (1999), and Santos (1999).

Continuity and Change in the Brazilian Context

Porto Alegre, with its 1,500,000 inhabitants (and counting a metropolitan population double that amount), is the capital city of Rio Grande do Sul, Brazil's southernmost state. With quick access to the nearby countries of Argentina and Uruguay, the area is known for its relatively high standard of living, sporting certain social indicators (low infant mortality and high literacy, for example) closer to those of First World countries than to the Brazilian northeast.⁷ At the end of the 1990s, however, even after more than a decade of relatively efficient administration by the Workers' Party, 10 to 15% of the Porto Alegre population had a per capita income of under US\$40 a month.

When I began my research in Porto Alegre in 1981 conditions were even worse. Public agents—social workers, nurses, or domestic aides—in the city's working-class neighborhoods were few and far between, leaving the bulk of the urban poor to their own devices. Poor people lived in informally segregated residential areas, from which they made daily forays into middle- and upper-class neighborhoods, whether as workers or beggars; however, aside from an occasional nun doubling as a social worker, I seldom saw representatives of the state entering these zones. The particular favela I was then working in was known as “the lawless zone,” since even the police were reputed to be afraid of penetrating the area. My estimate was that not more than a quarter of the adult couples with children were legally married. Most workers, being part of the informal economy, did not possess a social security number, and a great many of the older people had no identity documents, much less the legally required voter's registration card. True, in less poverty-stricken zones, there were schools (offering a maximum of four hours of daily instruction to local children) and public dispensaries, but it was a rare day when the teachers or health officers entered anyone's home. In other words, unless they committed a serious crime, the urban poor had contact with the state authorities when (and how) they chose to—which was not all that often.

It was in just such a context that I became aware of the circulation of children. In a first neighborhood of poverty-stricken squatters (rag pickers, beggars, and an occasional construction worker), approximately half of the women had placed a child, whether on a short- or long-term basis, with a substitute family or at the state orphanage. Five years later (1986), I began a second phase of research in a less-miserable working-class district inhabited by artisans, janitors, maids, bus drivers, and other lower-income employees, where better-off families had an average

⁷ This fact no doubt explains in part certain discrepancies between my observations and those of Scheper-Hughes (1992).

income of about US\$200 a month. Here, I encountered a surprising number of women who had at some time taken in a child to raise. A fine line divided “foster” from adoptive offspring, as many children who had embarked on a short sojourn just “stayed on” in their new home. All in all, in more than 120 households that I canvassed during my field research, I discovered nearly 100 people who, during their childhood, had transited among the households of godmothers, grandmothers, and other sorts of mothers *de criação*.⁸ Of these, not one had been legally adopted.⁹

Since the 1964 coup d'état, the military regime had manifested its concern for children and youth through a state-run service, the Fundação Estadual de Bem-Estar do Menor (FEBEM), which, aside from sponsoring a series of private and philanthropic institutions, basically limited its action to the institutionalization of poor, orphaned, and refractory children. Much to my surprise, the slum-dwellers I was studying neither feared nor resented this agency. Instead, they used it to their own purposes.¹⁰ There were an infinite number of reasons a woman might want to institutionalize a child: if, for example, she was going through a particularly bad financial period (which was often), she was without a place to live, or she remarried and her new companion refused to support the children she had had in previous unions. Parents might also use the threat of internment to keep their disobedient children in line.¹¹ If institutional authorities attempted to impose obstacles, alleging that the establishment was not meant to be a simple “boarding school,” a woman could trump up more persuasive arguments, claiming, for example, that her child was in danger of rape by a new stepfather or a menacing neighbor (see Fonseca 1986). At any rate, the mothers I knew who had institutionalized a son or daughter generally considered the arrangement temporary and expected to bring the child home “as soon as things got better.”

Women who later showed up at the orphanage, ready to resume their motherhood, sometimes after years of absence, would thus be stupefied when told that their child had been declared “abandoned” and given away in adoption. Even those who had signed a paper consenting to their child’s adoption, did not seem

⁸ The verb *criar* in Portuguese means both “to raise” and “to create.” Kin ties formed by caring for one another are labeled “*de criação*.” I have loosely translated the term here as “foster” relatives.

⁹ According to a 1985 census taken in Brazil’s major cities, 2.9% of the children under 18 were adopted, less than a third of them by legal means. Over half of these children had left their birth parents before the age of three (see Campos 1991).

¹⁰ We should remember that in Rio Grande do Sul, the institution was minimally adequate—providing individual beds and regular meals to the interns, which was more than many children got in their homes. Furthermore, older children with no behavior problems were allowed to come home on weekends and holidays. See Blum (1998) for a similar use of state institutions by the poor in 19th-century Mexico.

¹¹ See Merry (1990) for examples in contemporary America of a similar use of juvenile court.

to grasp the idea that they had been permanently stripped of their motherhood and that the child had disappeared forever. From their point of view, they had left their children in the care of the institution in the same spirit they would have resorted to if they had left their children with a grandmother or neighbor. On occasion, these substitute mothers also insisted that the transfer of parental responsibilities should be permanent; but experience often proved them wrong. In the great majority of cases, the birth mother and child would eventually end up in contact, and the child would not be lost to its kin group. In the birth mother's confrontation with state authorities, the clash of different rationalities was glaringly evident.

During the 1980s, the Brazilian political scenario went through important changes. Emerging from 20 years of military dictatorship, the country witnessed with tolerance an effervescence of social movements: workers' strikes, invasions of housing projects, marches for land reform, and church-led neighborhood associations. With an increasing number of university-educated professionals, including social and community health workers, as well as a technologically more efficient state bureaucracy, there arose a demand for greater intervention in people's domestic affairs. The writing of a new constitution (completed in 1988) mobilized thousands of activists aiming at social reforms, who then turned their attentions specifically to the subject of children. Spurred on by the international attention given to the theme (events such as the 1989 United Nations Convention on the Rights of the Child) as well as the Brazilian government's desire to avoid unflattering publicity on its "street children," in 1990 the National Congress passed the *Estatuto da Criança e do Adolescente*, Law No. 8.069, July 13, 1990 (hereafter referred to as the 1990 Children's Code).

Touted as a document "worthy of the First World," in some respects "even more advanced than the United Nations Declaration on the Rights of the Child," the 1990 Children's Code was seen by many activists as a hallmark in the history of Brazilian children. Aside from guaranteeing to all children the right to "life, health, food, education, sports, leisure, preparation for a future profession, culture, dignity, respect, and liberty," it declared radical changes in institutional policies. Orphaned children were to be separated from juvenile offenders, allowing for each category to be placed in specialized and decentralized institutions adapted to their particular needs. No child was to be institutionalized (whether because of or despite their parents' pleas) merely for reasons of poverty. The quality of a child's home environment was to be monitored through local-level "Children's Tutelary Councils," made up of commissioners whose sole concern would be to guarantee the rights and conditions of children within their families, school, and public space.

Brazil, however, has a long history of passing “symbolic legislation” that has very little effect on its citizens’ concrete behavior (Vianna 1996). In 1993 and 1994, curious as to the extent the changes in the political agenda had affected the lives of common citizens, I conducted a series of interviews with working-class families. The following accounts, used to convey ethnographic details of the circulation of children in Brazilian favelas, are drawn from this second phase of field research. Because so little time had passed since the enactment of the new Children’s Code, my study did not ultimately reveal the new legislation’s full impact on local populations. However, as one will see in the first example given below, it did demonstrate the presence of deep-rooted values linked to extended-family networks and a sort of “foster-age culture” that, four years after the new law, still appeared to be highly relevant to people’s lives. And, as one may observe in the second example, it furnished insights into certain forms of legal consciousness linked to a baby’s “clandestine” adoption. Through a birth mother’s tale, one may not only come to imagine why, to certain actors, such a procedure might appear to be more attractive than proper legal adoption, one may also begin to wonder about the political factors bearing on adoption laws that have left this sort of mother so few options.

Inez’s Mothers: Survival, Conflict, and Blood Ties

Inez was 38 years old when I met her. At the time, her husband was distributing newspapers while she worked as an attendant at the neighborhood day care center. As a preamble to her life story, she mentioned the odds she was up against during her early childhood: Nine of her 15 brothers and sisters had died in infancy. “My mother was very poor. She didn’t get enough to eat so the babies would be born already undernourished.” Inez was lucky enough to have been placed with her godmother, Dona Joana, early on. She explains: “They took me to visit my godmother and when it was time to go home, I grabbed onto a table leg, and nobody could pry me loose. So, they just let me stay on.”

Despite being sterile, Dona Joana had always been surrounded by children, brought in by her activities as midwife and foster mother. Twenty years before Inez had entered her life, she had acquired a son, an “abandoned” child whom she had illegally registered as though he were her own flesh and blood. For a short period, this son became Inez’s stepfather, making the (then) little girl a sort of granddaughter in the three-generation household. However, for a good part of her childhood, Inez had called the elderly woman who cared for her neither “Godmother” nor “Grandmother,” but “Mother.” When eventually Inez’s birth mother, long since separated from Dona Joana’s son

and living elsewhere, demanded her daughter's return, the conflict had to be settled in court.

In fact, disputes are not uncommon; the coexistence of different sets of parents is hardly pacific. In particular when a child transfer takes place because of a crisis situation in the mother's life, there is often a great deal of ambiguity about who is actually helping whom. Birth mothers will claim they have made a gift to another household, blessing it with the gracious presence of a child. Foster parents, for their part, often broadcast a different sort of discourse—insisting that they have accepted the caretaking “burden” in order to help out and implying that, in reward, they deserve to keep the child permanently. Considering the inadequacy (if not total lack) of old-age pensions among working-class individuals, the moral issue—to whom a grown child owes his or her loyalty—instead of waning, takes on increasing importance with time, and quibbling among different mothers is, to a certain extent, predictable.

Of course, a birth mother may clarify the ambiguous terms of informal child placements by paying the foster family for the child's upkeep, thus reaffirming her maternal status. However, in most cases, regular payment is hardly a viable option: If a woman cannot afford to support a son or a daughter in her own home, how is she to pay for the child's upkeep in someone else's? One may reasonably assume that Dona Joana—who earned her living as a foster mother, paid either by the state or directly by her wards' parents—was expecting to be financially compensated for taking in Inez and that it was precisely the non-payment of this debt that led Joana to claim maternal privileges. As in many other situations I observed, maternal status—with its emotional and long-term material benefits—would be seen by the child's caretaker as compensation for the unpaid debt.¹²

Therefore, it is no coincidence that Inez's mother, when recounting her version of the story, underlined the fact that Dona Joana was an elderly widow. In an evident attempt to reverse the flow of obligations, she presented the gracious company of her little girl as a sort of gift to this solitary woman. Her stance is made credible by the fact that in the neighborhoods where I worked children indeed appear to be cherished. Young, unmarried mothers, as well as widows and recently divorced women going through hard times, will often be bombarded with offers by people seeking to take babies and toddlers off their hands (see Fonseca 1985). Since, according to local values, both Inez's birth mother and foster mother had valid claims over the child, they

¹² More than once, I saw babies held ransom by a doting foster mother for as little as one or two liters of milk. People claimed that this commodified aspect of child exchange was endorsed by the public courts that, in mediating disputes, would routinely establish a certain amount of financial compensation that a biological mother had to pay in order to regain custody of her child.

resorted to the court to resolve the question of the girl's legal custody. In this particular dispute, which must have taken place in the late 1960s, the court followed the child's (by then a pre-teen) preference, assigning her to her foster mother.

Notwithstanding the various conflicts that result from this "invented kinship," the bonds it forms appear to be more long-lasting than the grudges. Well into old age, finding herself with no retirement benefits, no property, and incapable of making a living, Dona Joana was taken in by her former rival, Inez's mother, Maria. At the time of our interview, Dona Joana was reigning as proud grandmother over an extended household, which included at least four nuclear families (those of Maria and three of Maria's married children). The fact that she had no blood connection to the other members of the family appeared to trouble no one, exactly because her tie to this family was as unquestionable and enduring as a biologic fact. *Mãe é quem criou* (mother is whoever brings you up), her family members explained, using an adage known to all—one that states that to give food and lodging to another person carries with it all sorts of affective and symbolic consequences, creating in the case of child placement a bond not only between tutor and ward but also between the different adult partners of exchange.

The example of Inez and her family demonstrates how a child's placement may be used to cement or even create new social networks. A woman, for example, may expect to receive periodic aid from her brother in exchange for raising his children. A grandmother will see her own married children far more often if she is raising one of their offspring. By taking in a poor cousin or an orphaned nephew, an upwardly mobile relative will demonstrate to his kin group that he is not getting "uppity," nor does he intend to sever ties. Finally, the circulation of children also serves to expand the kin group to neighbors and unrelated friends, such as Dona Joana, as momentary affinities are transformed into life-long relationships through the sharing of parental responsibilities.

The placement of a child may well contain a utilitarian aspect. Women are often driven by sheer necessity to find substitute families for their children, but poverty does not explain the willingness with which people take in unrelated youngsters. It never ceased to amaze me how many, even very poor, households opened their doors to "help out" an extra child or young person.¹³ As they say, "*Onde come um português, come dois, três*" ("Where there's food enough for one, there's food enough for two, three"). Amid so dynamic a play of household arrange-

¹³ Donna Goldstein (1998) describes a Rio de Janeiro maid living in the favela who, besides raising her own children, took in four of her deceased sister's offspring as well as three of her ex-lover's children. Such a case would not be entirely uncommon in the neighborhoods where I worked.

ments, the question arises: How do people view the subject of kinship and personal identity?

The story of Inez's family underlines the socially forged nature of kinship; it also serves to illustrate the enormous weight attributed to blood ties. Of Inez and her six siblings, only the last two were raised by their biological parents. Nonetheless, the Sunday I arrived unexpectedly to interview Maria (the mother of this family), I found her at a backyard barbecue, surrounded by six of her seven living offspring. (The seventh, who had spent the night at Maria's, was having lunch with his parents-in-law). With no hesitation, they all chimed in to piece together their family romance. Two of them had been raised by Dona Joana. Another, carried off by his paternal grandparents, was chased down 20 years later by his brothers and sisters, who had simply followed a tip on where his father worked. Still another recounts how, as a baby, he endured the mistreatment of a negligent wet nurse, before being brought back to live with his mother and stepfather. The oldest brother had simply run away from home at age eight, "never to be seen again." In fact, all of Maria's children eventually found their way back, but the arrival of the oldest, after a ten-year silence, had become a sort of family saga. His sister recounts in vivid detail the day she ran into this 18-year-old youth, pushing his bike up the hill:

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

Six years later, this particular son was working as a night watchman and was still living (with his wife and two children) in a house he had built in his mother's backyard.

This story is far from exceptional. Innumerable times, I ran into a family ostensibly united—where the mother lived side-by-side with several married offspring with whom she interacted daily and celebrated the usual family rites—despite the fact that the children, spread out among different "mothers," had not grown up together. To explain this situation and reaffirm what, for this group, seems to be a fundamental belief in the biological connection, people (who moments before were telling me *mãe é quem criou*) now cited another proverb: *Mãe é uma só* (mother, there's but one). It is as though the tie between blood relatives, going beyond individual acts of volition, could not be broken. Birth mothers and adoptive mothers alike appeared to credit the belief voiced by one of my informants: "Even though that (six-year-old) boy doesn't know I'm his mother, I know I attract his

attention every time he sees me. I feel it. . . . Because it's like my mom says, it's the blood—it's the drawing power of blood (*o sangue puxa*)." The symbolic nature of this bond dispenses with the necessity of a person's physical presence. Small children will be taught—through photos on the wall, or birthdays recalled—to remember their siblings who are living elsewhere. The bond also entitles apparent strangers to become sudden intimates. As Inez said, describing her re-encounter with one of her long-lost brothers: "When we met, I knew right away he was my brother. We hugged with all the emotion of brother and sister, even though we'd spent all those years apart."

Despite the strong emotion of such re-encounters, child circulation is often treated as a banal event by the various people concerned. In one example, a woman wanting to spend a weekend at the beach left her six-day-old daughter in the care of a neighbor. The unpaid babysitter, whose two adolescent children were just becoming independent, called in her sister to wet-nurse the child. A triangular sort of arrangement ensued that, when I met them in 1994, had lasted for at least eight years. As the foster mother said, "She sleeps and eats in my house, and I'm the one she calls mother." Called momentarily away from her playmates to speak to me, the eight-year-old endorsed her foster mom's story with apparent delight. "I have three mothers," she beamed, "The mother who nursed me, the mother who raised me, and the mother who gave birth to me."¹⁴

A good number of children claim to have set up their own arrangements. It is not unusual to hear an 8-year-old explaining, "Auntie asked me to visit, I liked it, so I told my mom I was just going to stay on." Adults will include in their life histories a list of various households in which they lived during childhood, with a predictable variety of commentaries. Some foster parents are remembered as wicked slave drivers, and some as fairy godmothers, but most are described in quite matter-of-fact terms. Many, many people will speak of two, three, and four "mothers" with no embarrassment or particular confusion.

Thus, as children scatter among different foster families, they acquire new parents and siblings. However, as historians and ethnographers throughout the globe have demonstrated (Collins 1992; Goody 1982; Lallemand 1993), such additions do not necessarily imply a rupture or replacement of previous relationships. Instead, just as with ritual kin (which adds godparents to a child's list of relatives), foster arrangements serve to enlarge the pool of significant others in a person's social universe. It is as though the child's social identity were "multi-layered" (Yngvesson 2000), revealing a perception of self that is inseparable from the various

¹⁴ In Portuguese: *A mãe de leite, a mãe de criação e a mãe que me ganhou.*

relationships that form a background sociality to his or her existence.

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The case of Inez well illustrates the comings or goings of children within the deep-rooted fosterage culture prevalent in many Brazilian working-class neighborhoods. There are moments, however, when children are given away on a permanent and irrevocable basis, much as in the system of legal adoption. With the following case, we come to know a woman who, faced with intolerable conditions, actually surrendered her maternal status. However, in stark contrast to legal plenary adoption as it is practiced in Brazil, this birth mother took an active role in the selection of her baby's adoptive family. The story of how she gave up her third-born child highlights how, working between local values and state mandates, the *favela* residents have fashioned a creative bricolage to ensure the reproduction of future generations.

Eliane's Story: Clandestine Adoption in Context

Eliane, a tall, thin black woman, received me in the front room of the little wooden house where she was living with her husband and four of her children. Between chuckles and sighs of exasperation, she had chatted with me for well over an hour about the exploits of her various offspring when suddenly she fell silent. Taking a long puff on her cigarette, tears welling in her steady gaze, she let out an almost inaudible whisper, "I forgot to tell you. Now that you mentioned adopted kids . . . I gave one away [pause] . . . I gave one away."¹⁵

Eliane tells a story not much different from that of many other mothers from the outskirts of the city. Her extended kin group had been able to absorb her first two unplanned children, but, still unmarried and living with her mother when she got pregnant a third time, Eliane had reached the limits of her family's endurance. Her third child was simply banished from the kin group before he was even born.

They were saying things like, "This child can't be my nephew, it can't be my grandson. It's a child of the night, of the partylife. It has no father." They just kept after me. All that revolved me. When you're pregnant, it's easy to get upset.

The young woman had no hope of being able to pay a non-relative to keep her child. Even were she to work, for example, as a maid, she could not expect to receive more than one or two minimum salaries (US\$60–\$120 a month), hardly enough to feed and pay for the day care of three children. (The government-allotted family allowance, available only to salaried workers,

¹⁵ Whereas most women, like Dona Maria, will say they simply "left" (*deixei*) a child with a certain caretaker, Eliane explicitly states that she "gave" (*dei*) her child to someone else.

would add no more than a monthly US\$6 per child.) She knew that many families—recently married couples with no children of their own, sterile women, and simply older couples whose children were all grown—would be on the lookout for a precious bundle such as she had to offer. But, especially when coveting the infant of a non-relative, the prospective parents were reluctant to share parental responsibilities, and even less willing to consider their parenthood of only temporary standing. In these circumstances, Eliane had little choice but to give her newborn child away.

We should remember that there is good reason to believe that the great majority of children given in adoption in Brazil have identifiable parents.¹⁶ There is also reason to presume that many of these parents “consent” to give their children in adoption because of sheer poverty.¹⁷ In other words, they are not embarrassed adolescents trying to cover up a sexual faux pas so they can start life anew. It therefore makes sense that, no matter how poor or unprepared they are, many women, like Eliane, seek an active role in the decisions affecting their child’s future—first and foremost of which is the choice of surrogate parents.

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

It would be misleading to frame the analysis of this scene entirely in terms of individual maternal rights. A birth mother’s decisions are enmeshed in a social fabric wherein other members of the extended family (particularly older women) are constantly giving opinions and exerting pressure to influence what many consider the collective rights and obligations over the group’s offspring. Yet, in general, mothers occupy and, what’s more, wish to occupy a central place in this process.

¹⁶ Ferreira’s study (2000) covering 12 years of adoption processes in Porto Alegre, shows that the mother was located in approximately 90% of the cases.

¹⁷ In the 1985 study of over 150,000 Brazilian mothers who had separated from a child before its first birthday, the overwhelming majority said they had done so because of the “total absence of financial conditions” (Campos 1991).

A further point of interest illustrated by Eliane's story is that a birth mother's active concern for her children need not imply continued proprietary claims. Six years after having "given away" her child, this particular birth mother is enjoying a new, more prosperous phase in life. Her present husband earns a good living collecting junk and transporting goods with his horse-drawn cart. Eliane has her own house now, and has brought all her children to live with her—all but the one she gave away. Living in the same neighborhood as the adoptive parents, she is able to see her third-born faring well, and even occasionally visit his home, but she categorically rejects the idea of reclaiming him:

I always say, even if I won at the lottery, even if I was rich enough to pay back [the foster family], I wouldn't do that. What for? Sure, I could if I wanted. Wow! Just think of it, all my kids here together with me! But I wouldn't do that to them [the adoptive parents]. After six years! How could they avoid loving the child? For God's sake! It would be a crime.

Whereas, before, the lack of money had obliged Eliane to give her child away, now, the financial aspect of her maternal rights reappears in the idea of ransoming her son. Her ties to the child are inalienable ("*o sangue puxa*"), but in order to activate these ties she must have money to pay back all those years of the adoptive mother's financial inputs. In other words, to reintegrate her child into her household, she must be able to provide much more than the bed, schooling, and regular meals she gives her other four children. At this point, only by cashing in on a winning lottery ticket could she hope to merit her "priceless child."¹⁸

However, Eliane is insistent that there are other concerns that are more important than any financial calculation. She clearly pictures the transfer of her son as a gift made to a couple "who had always dreamed of having a child." She also respects the attachment formed between her child and his new family: "As far as he's concerned, I'm no one. At least not his mother. When I go by to visit, he calls me 'auntie'." The value of the gift she made to the other couple is heightened by her feelings of sacrifice. These feelings are, nonetheless, contingent on her active participation in the adoption process.

We arrive now at the point in Eliane's story of central importance to this investigation. The adoptive parents of this woman's baby were not content with an informal oral contract made with the birth mother. In order to ensure the binding nature of this transaction, they went to the proper public authorities and obtained the child's birth certificate as though they had borne him. It was not, in fact, difficult for them to pose as the biological parents. Since hospitals do not require or even facilitate the issuing of birth certificates, parents are obliged to take the necessary

¹⁸ Zelizer's study (1985) on the "priceless child" will be further discussed later.

measures, locating the appropriate office of registry and normally paying a fee. In such circumstances, it is not then surprising that, according to 1998 statistics, nearly one-third of Brazilian births were not registered within the legal deadline. The fact that many children acquire a legal identity only when they enter first grade or even many years later (when, for example, boys embark on their military service) makes it relatively easy to manipulate information on their birth register.

By participating in this sort of procedure (often referred to in the literature as “clandestine adoption,” but known locally as *adoção à brasileira*),¹⁹ Eliane and the adoptive parents of her child have technically committed a crime. All three have been guilty of what the law labels as “ideological falsity,” punishable by up to six years in jail. However, the illegality of the act does not seem to intimidate most potential parents. According to some estimates, this form of adoption was, until recently, ten times more common than legal adoption,²⁰ and, what’s more, it enjoyed the tacit support of a good many members of the judiciary. At the end of the 1980s, public television broadcasted a debate in which judges and lawyers spoke in favor of the “obvious nobility of spirit” that moved families to thus take in foundlings.²¹ Although an occasional newspaper story might connect a clandestine adoption with baby-snatching, there are still serious sources pointing out advantages of the system.²²

Such tolerance of technically illegal practices horrifies the professionals working at the public adoption board in Rio Grande do Sul and fuels criticisms from abroad on the purported corruption and possible commercialization linked to the adoption process. Nonetheless, a closer look at local dynamics suggest that *adoção à brasileira* is not necessarily an isolated practice. It fits into a longstanding behavior pattern of people who have traditionally lived on the margin of state bureaucracy; that is, of a working class that deploys “weapons of the weak” (Scott 1985) in order to exert a certain control over its conditions of existence.

¹⁹ Evidently, the informal name given this illegal practice carries with it a connotation of widespread acceptance.

²⁰ Interview with a state judge, quoted in *Isto E*, 26 August 1990.

²¹ “Nobility” here is an important legal point since, according to Article 242 of the Penal Code, in cases where people have acted for recognizably noble motives, the punishment for clandestine adoption may be diminished or waived altogether.

²² E.g., in Weber’s (1999) research on adoption in the state of Paraná, she found that while Brazilians who consult legal adoption services show a persistent preference for light-skinned babies, *adoção à brasileira*, carried out in general by lower-income people, tends to concern older children of darker color.

Historical Precedents

Students of Brazilian history point out that, since colonial times, the central government has had great difficulty in inciting even banal collaboration from its average citizens. From military conscription to jury service and vaccination campaigns, working-class groups have historically sidestepped state intervention in their daily affairs (Carvalho 1996). This independent spirit was, if anything, more pronounced in the sphere of family organization. Brazilians were proverbially averse to legal marriage (performed, until the 1889 Republic, by scarce and often corrupt church officials), and attempts to impose civil birth registration in the mid-19th century provoked such a reaction that in most parts of the country the measure was revoked within a year (Carvalho 1996; Meznar 1994). Notwithstanding the tenacious myth held by many social workers of a Golden Age of unified families,²³ female-headed households appear to have been extremely common since at least the beginning of the 19th century, accounting for as much as 40% of the population in certain urban neighborhoods (Ramos 1978). Out-of-wedlock births were relatively banal, and, in many day-to-day routines, stigma against unmarried mothers and bastards was hardly perceptible. In recognition of the number of people who fell between the cracks of the official norm, the law made official allowances for an unmarried man to exert paternal authority over, and leave his inheritance to, *illegitimate* sons and daughters (Kuznesof 1998; Venâncio 1986; Fonseca 1997).

In such a context, lower-ranking Brazilians found ingenious ways to get around, or at least to stamp their own values onto, the existing structures of the legal system. Meznar (1994), for example, recounts that particular historical conditions in the northern state of Paraíba (the abolition of slavery and a spurt on the agricultural market because of the 1870s cotton boom) brought officials to judge certain single women as unfit for motherhood, withdrawing their sons who were old enough to work and placing them as cheap farm labor with “respectable,” land-owning tutors.²⁴ To preempt the system, a woman would negotiate the placement of her child with a suitable patron *before* the courts interfered. Some, widows in particular, would petition to foster their own child, agreeing to pay a monthly sum to be held in the youngster’s name until he reached adulthood. (Whether payments were ever made is another matter.)

²³ *Casa Grande and Senzala*, the seminal work of Gilberto Freyre on patriarchal, extended families among the ruling elite of colonial Pernambuco has been used and abused to support various (and often erroneous) theories on Brazilian families (see Corrêa 1982).

²⁴ Girls who provided domestic service were not fought over in the same way and did not receive a monthly stipend.

The extraordinary realism with which mothers would evaluate the prevailing mood of the courts is evident in other modes of behavior that I registered while poring over Porto Alegre archives to examine child custody disputes of the early 1900s. Whereas, at the time, certain women were obliged to demonstrate utter chastity in order to maintain guardianship of their children, others would, on the contrary, underline their sexually promiscuous behavior, exactly to cast doubt on their ex-mate's paternal status. (One woman went so far as to bring in a policeman to testify she was a prostitute.) Since fathers, even of illegitimate offspring, had priority legal rights, a woman would frequently omit her companion's name on a child's birth certificate so as to guarantee her own authority. In at least one significant case, the child's paternal grandparents were registered on the birth certificate, while leaving the father's name out (Fonseca 1993).²⁵

In both Meznar's (1994) and my study, one sees how the law produced unforeseen effects that may have even discouraged the formation of legally constituted family units. The conclusion to be drawn from such observations is *not* that working-class groups had some sort of pristine family patterns that were somehow corrupted by "external" laws; on the contrary, it is precisely that these family patterns have evolved in constant interaction with the various state laws. It is in this sense that I interpret more recent practices—such as clandestine adoption and even the way, during the 1980s, women would use the state orphanage as though it were a private boarding school—as part of a longstanding pattern of working-class family dynamics.

In each of these instances, lower-income people resort to legal means to exert their authority, guarantee the survival of their offspring, or protect their interests. They do so, however, not necessarily in utter reverence for the rules but rather in hopes of finding loopholes in their favor. Whereas such maneuvers have been identified with the working-classes elsewhere (see Merry 1990; Ewick & Silbey 1998), in Brazil there is evidence that people from all walks of life share a profound suspicion of the court system, counting on personal connections and individual cleverness rather than on the impersonal legal system to see justice done (DaMatta 1979). Furthermore, in common law regimes such as those found in Britain or the United States some effort is made to adapt laws to local practices and values, but in Brazil legislators have consciously espoused the idea of "symbolic legislation"—laws that, by providing a sort of blueprint for the ideal society, point out the direction social change will hopefully take. In such circumstances, the gap between, on one hand, the legal

²⁵ See Lazarus-Black (1994) for a similar analysis of law and paternal status in the Caribbean.

ideal and, on the other, the lived values held by a good number of lower-income Brazilians leaves many people little choice but to contrive strategies to adjust the laws to their reality.

The International Mood of National Laws

Whereas the social dynamics of lower-income families have indeed been influenced throughout history by national laws, the opposite does not seem to hold true. The evolution of Brazil's national legislation on child placement, for example, appears to be oriented by anything but local realities. Briefly, the present national policy is to promote plenary adoption as the progressive option for extremely poor, mistreated, and otherwise institutionalized children. This option not only ignores traditional circuits of fosterage and other forms of shared parental responsibilities but also in contrast to *adoção à brasileira*, eliminates any possibility of the birth mother's active participation in her child's placement.

The Legal Adoption Package: Equality Plus Exclusivity

Of course, following the philosophy set out in the 1989 UN Convention on the Rights of the Child, the overriding principle of Brazilian legislation concerning children is at present "the child's best interests." It is undeniable that in many ways the adoption laws have gradually introduced important reforms mandated by universally accepted values. Until recently, for example, Brazil's adoption law condoned discrimination against adopted children, institutionalizing social inequality within the household. The logic of inequality was inscribed in the very vocabulary used in better-off families where the same word (*criado*) was used to signify servant and foster (or adopted) child. During the 19th century, besides using their wards as cheap labor,²⁶ people could "adopt" a boy in order to send him to do military service instead of a biological son. The 1916 Civil Code, aimed at creating a certain uniformity throughout the national territory, reflected traditional biases. Adopted children, transferred from one adult to another by a simple notarized contract, could be returned to their parents (or public institution) with little fuss. They would have no inheritance rights whatsoever if their new parents had borne any "legitimate" children before the adoption, and only half the share of inheritance of any brothers and sisters who might be born after the adoption. It was not until the 1979 Children's Code that it became possible for adopted children to become permanent members of their new family, with full inheri-

²⁶ Historians have furnished ample evidence as to the association throughout the Americas between premodern adoptions and domestic service (Mezner 1994; Neff 1996; Blum 1998; Kuznesof 1998).

tance rights. Only in 1990, with the elimination of “simple adoption,” was this privilege extended to all adopted children.

Significantly, together with the equality of adopted children, the other major change in Brazil’s adoption legislation has been the gradual elimination of the child’s birth family from the adoption process. Until the middle of the 20th century, an adopted individual maintained a sort of double filiation—sharing rights and obligations in his or her adoptive as well as biological family. Law 4.655 of 1965 was the first to frame the child exclusively in terms of membership in his or her new adoptive family. Following the sensitivities of the country’s cosmopolitan elite, the law was inspired in the idea that adoptive families should “imitate nature” (Siqueira 1993). Since *naturally* a child had but one mother, adoption should signify a total rupture with the child’s biological relatives.

Since the 1965 law theoretically pertained only to children under 7 years of age whose parents were dead or unknown, the erasure of a child’s original genealogical ties provoked few reactions. However, with the enactment of the 1979 Children’s Code, guidelines were laid down as to the treatment of living birth parents: Children could be adopted only if these parents had been stripped of authority or had expressly consented to the procedure. This “plenary adoption” was extended to all children under 7 years old who were found by the courts to be “in an irregular situation”—a condition that could include anything from those who were badly abused, abandoned, or being raised in a morally inadequate milieu to those who, because of parental omission, had been deprived of the essential conditions of subsistence, health, or schooling.

The amplitude of this category soon fell under attack, explaining why there is an explicit clause in the 1990 Children’s Code declaring that poverty alone should under no circumstances justify the loss of parental authority. However, as many researchers have demonstrated (Cardarello 1998; Ferreira 2000), despite ostensive safeguards, most children withdrawn from their original families still come from homes in which parental neglect is barely distinguishable from the effects of dire poverty. Furthermore, as elsewhere in the world, the very language of Brazil’s adoption law tends to deemphasize extended family arrangements common in working-class groups, relying instead on values imbedded in the “modern” nuclear family: kinship ties based on choice rather than social or biological givens; children perceived as autonomous identities, detachable and movable from one kin group to another; and the refusal of shared parental rights.²⁷

²⁷ For critical analysis of the Western family values that permeate international discussions on child welfare, see Boyden (1990), Stephens (1995), Yngvesson (2000), and, particularly as they affect public policy on Brazilian street children, Hecht (1998).

One can only suspect that the consistently low socioeconomic status of birth parents has had a lot to do with the way their role has been progressively supplanted (rather than complemented) by their child's adoptive parents over the past 30 years. During the 1980s, in most regions in Brazil the name of an adopted child's biological parents was stricken from the birth certificate, thus rendering the state the official guardian of the "secret of (the child's) origin." With the 1990 Children's Code, and the consolidation of plenary adoption, the secret of the adopted child's origins became a definitive part of the Brazilian adoption process,²⁸ and the notion of plenary adoption, based on a distinctly middle-class family ideal, was declared the sole legal means of adopting a child.

Adoption as a Hegemonic Narrative

Just as in numerous other donor countries, it was to a great extent the increasing presence of *foreign* adoptive parents that led Brazilian policymakers to turn their attentions to the plight of the country's children and to refine policies concerning in-country adoption (Yngvesson 2000; Abreu 2002).

During the first three-quarters of the 20th century, it was quite possible for anyone, including a foreigner, to legally adopt a child without ever having seen a public authority. It was sufficient for a woman, after having first registered her baby, to sign a notarized document passing complete parental responsibility to a second party. With this document, the new parents could obtain a birth certificate in their name, guaranteeing their child a passport (Brazilian or of the parents' nationality) for travel abroad.²⁹

As early as the 1970s, newspapers fueled the image of foreigners descending en masse to adopt Brazilian children, causing special clauses on intercountry adoption to be written into the 1979 Children's Code. Henceforth, adoption by foreign nationals had to pass through Juvenile Court. By the 1980s, Brazilian social planners were anxious to take measures that would not only check the "theft" of Brazilian children but would also counteract negative images dwelling on abandoned street children in the foreign press. It was at this point that *adoção à brasileira* began to be singled out as a backward practice, and concerted efforts were made to bring all adoptions, both national and intercountry, under the control of the Juvenile Courts.

²⁸ According to its terms (Children's Code Art. 47, §4) an adopted child's original birth certificate as well as the court proceedings are to be sealed unless unusual circumstances lead a judicial authority to reveal them.

²⁹ See *O Globo*, 14 August 1980, for a report on several Americans who were able to adopt children in this way.

After the enactment of the 1990 Children's Code, the flux of Brazilian adopted children toward foreign countries slowed down for a year or two, and there is some indication that even with the renewed impetus of the mid 1990s international adoption increasingly involved children who are black or handicapped or too old to be accepted in local homes. These trends bear the mark not only of international directives (aside from the 1989 U.N. Convention, see the 1993 Hague Convention on the Protection of Children and Co-Operation in Respect of Intercountry Adoption) but also of nationalists who see children as part of Brazil's national resources and resent the demeaning role of producing children to be "saved" by First World countries (see Abreu 1998). However, the impact of international influence should not be measured merely by the number of children sent abroad. Campaigns for *in-country* adoptions have never before been so vigorous. Recent nationwide movements for legal adoption have put posters on the walls of town halls and advertisements for available children on the Internet sites of state orphanages.

The important point here is that not only has adoption in Brazil become more centralized and rigidly defined, it has managed to expunge alternative state-sponsored, as well as traditional, forms of child placement. In Rio Grande do Sul, for example, state-coordinated fosterage, long considered a poor stepsister to adoption, is today practically non-existent.³⁰ The previous system of foster care that placed children in lower-income families (at the monthly cost of half a minimum salary—US\$30—per child) is considered not up to present standards. To meet the standards laid out in the 1990 Children's Code, the state has replaced the old orphanages with a series of smaller units, which, at a monthly cost of over US\$1000 per child, offer comforts approximating those of an upper-middle-class home (complete with swimming classes and horseback riding). At this price, the state has a strong incentive to limit the number of state-financed children; thus, juvenile authorities—taking as a parameter the naturalized nuclear family—tend to frame their policies in terms of either/or. *Either* the child stays in his or her birth family (where, presumably, biology compensates for poverty) *or* he or she is given to a new family through plenary adoption. In the latter case, the fact that the great majority of children are under 3 years of age spells out an inevitable rupture with the birth family.

³⁰ A 1994 study on child placement in the state of Rio Grande do Sul indicated that there were only 80 children in foster homes, against 350 in institutional care (not counting juvenile offenders), and 243 given in adoption (both national and international) that year (Cardarello 1996). During the 1990s, the program of substitute families was phased out, reducing the number of foster homes to four in January 2000.

Many of the poverty-stricken parents I dealt with evidently do not agree with either of these options. Like Dona Maria, at times they may feel that their children would be better off in another household, and so they seek allies among relatives and neighbors or even those in state-run programs who might share in child care responsibilities while not entirely usurping their identity as parents. Or, like Eliane, they may be willing to give their children permanently into the keeping of another family that they have helped choose and that they can keep track of from afar. Certainly, these “traditional” practices are not without their hitches, and they could invite state assistance and/or supervision. The possibility of abuse such as that documented in foster homes elsewhere must be taken into account.³¹ However, there is every reason to believe that the less-publicized accounts of relatively successful foster parenthood (Cadoret 1995; Hoelgaard 1998) could prove equally relevant to the Brazilian case. Despite this fact, debate over such issues is practically non-existent. Foster families as well as birth families have been all too easily removed from the scene, leaving adoptive parenthood the single viable alternative for children in serious difficulty.

I suggest that the violence of inequality that until recently branded adopted children as inferior members of their new family has today been relocated in another relation written into the adoption procedure—that between birth parents and adoptive parents. Let us remember that child circulation in the favela traditionally involves adults of more or less equal status. In the working-class districts of Porto Alegre, it would be difficult to distinguish a class of child donors separate from a class of child recipients. Many women who as young mothers placed their children in a substitute family end up taking in somebody else’s child to raise. The slight financial advantage enjoyed by foster and adoptive mothers is generally because of factors linked to the life cycle rather than to social stratification. Near-equal social status may explain why birth mothers in the local setting maintain a certain power of negotiation. Similarly, it is quite possible that the increasingly unequal status between birth and adoptive parents is a relevant factor in the progressive effacement of the former from the adoption process, and that the greater the inequality the stronger the tendency to be so. Considering this hypothesis, one would have reason to believe that birth mothers in intercountry adoption where socioeconomic and cultural differences are at their peak would have less power than ever. In the following and final paragraphs of this article, I will explore this possibility.

³¹ For just one of the frequent newspaper articles on the problems connected with abusive foster homes in the United States, see the *New York Times*, 27 October 2000, p. A18. Gailey (1998) offers an interesting study on abuse within foster as well as adoptive homes.

Inequality Near and Far

Cutting Birth Parents Out of the Picture

Although I did not engage in field work in the North American and European circuits, I draw on the abundant literature that exists on both national and international adoption in these receiving countries to add a comparative perspective to my analysis—one that proves particularly revealing with regard to power plays involved in adoption laws. Inspired by this comparison, I will suggest that, whether in Brazil or in First World countries, adoptive parents commonly feel uncomfortable about their child having another set of parents. They thus tend to dwell on images that justify total rupture with the donor parents—underlining their dire misery, highlighting their sacrifice, or emphasizing their need for protection (see, e.g., Gailey 2000). Such images present plenary adoption, with its clean-break principle, as a necessary—even inevitable—measure in adoption processes. Of fundamental interest, then, is the fact that in the North American context, political circumstances have permitted the growth of a countercurrent composed principally of birth parents and adoptees who question the closed nature of plenary adoption, which denies birth parents participation in their child's placement and bars children from ready access to information on their genitors. I argue that the conspicuous lack of any such movement in Brazil is linked to the birth parents' continued powerlessness, and to a great extent explains the tightening grip of plenary adoption in this context.

Literature on adoption practices in receiving countries furnishes rich insight, particularly on the vastly heterogeneous field of adoptive parents. For example, in Gailey's (1999) study of a small number of extremely affluent North Americans who adopted a child born overseas, she puts us in touch with one extreme of the spectrum. With an average annual income of US\$110,000, her interviewees were distinctly better off than those who adopted children from within the United States, and, with two exceptions, they had few compunctions about linking their affluence to their right to parenthood. Not only did they tend to present this right as obvious—because of the wealth and social status they could provide a child—these adoptive parents also implied that, considering the high price they were willing to pay (an average of US\$10,000 and up for costs involved), they expected high-quality goods: light-skinned babies in good mental and physical health.³² Although no adoption agency, public or private, would explicitly give voice to such consumer logic, the

³² Such attitudes echo those of certain North American couples who use prenatal testing with the intent of producing a perfect child (Rapp 2000).

child-saving rhetoric used by certain agencies may subtly imply that because of their financial security the well-off are not only (by definition) well-equipped to take in children, they practically have a moral obligation to do so. Descriptions on “huge numbers” of “homeless” or “abandoned” children (see, e.g., Bartholet 1993), despite occasional mention of inadequate social policies in sending countries, play on subliminal stereotypes concerning the birth parents’ irresponsibility, absence of moral fiber (inability to “plan” their family), or lack of sexual constraint.

Certainly it would be unjust to reduce the heterogeneous field of adoptive parents to a single note. There are a good number of adoptive parents clearly moved by humanitarian impulses who reject moralistic discourses, emphasizing, on the contrary, the noble sacrifice of their child’s “first” parents. However, even in such cases, social scientists have suggested that the insistence on images of “abandoned waifs” or even “gift children” is part of an individual and collective process of “misrecognition” designed to keep inconvenient ideas such as the possible existence of biological parents, social inequality, and commodity logic at bay (Ouellette 1995; Yngvesson 1998; Strathern 1992).

It is thus no coincidence that discussions on international adoption have generally focused on exceptional historical circumstances in which children have been orphaned or unequivocally abandoned by their parents. Korean War orphans, for example, are often cited as the first wave of foreign children to enter adopted homes in America. More recently, researchers have pointed out the disastrous consequences of totalitarian policies of population control that in the case of Ceausescu’s Romania prohibited contraception and in the case of contemporary China imposed it with draconian measures (Kligman 1992; Johnson, et al. 1998). Finally, much has been said of Korean morality that marginalizes unwed mothers and their offspring, supposedly leaving no alternative but to arrange for children to be adopted outside the country.³³ However, relatively little has been said about Latin American children who, like many Third World “orphans,” come from the singularly unglamorous circumstances of sheer poverty. The idea of “abandoned” and “homeless” children, which throughout the world pervades the adoption discourse, allows very little space for mothers such as these who are simply poor.

Imagining that a child’s birth parents have died or that they were forced to anonymously abandon their child frees the adoptive parents of having to deal with the idea of living birth par-

³³ The video by Korean adoptee, Deann Borshay, “First Person Plural,” in which the cineast rediscovers her birth family, lays to waste many of the stereotypes regarding “abandoned orphans.”

ents.³⁴ Any number of reasons have been given why it is inevitable for birth parents to be cut out of the picture. One argument evokes the “foundling wheels” in Renaissance orphanages, a sort of rotating compartment in the porter’s lodge where babies could be deposited by totally anonymous visitors.³⁵ Although today it is well known that many of the children left in these conditions were the legitimate offspring of poverty-stricken couples, advocates of secrecy dwell on the image of unwed girls who, had they not been given this alternative, would sooner have died or killed their babies than face the shame of bearing an out-of-wedlock child. More recently, debates have raged about whether or not having more than one set of parents will upset the adoptive child’s normal psychological development (see Avery 1998). However, there is another pervasive—although often unspoken—argument for avoiding birth parents when they come from poverty-stricken areas—the fear that the child might be reduced to an object of barter.

Zelizer (1985), in her historical essay on “pricing the priceless child,” furnishes important insights as to why there is such vehement denial of anything smacking of commerce in the adoption process. According to her analysis, Victorian reformers were faced with a paradox. Modern notions on the family provoked a growing sacralization of children, dictating that youngsters be withdrawn from paid labor and other profane influences of the economy’s cash nexus. Yet, the more a child was revered, the more he or she gained in financial as well as symbolic value, thus giving rise to the equally modern notion of “the market of adoptable children.” The turn-of-the-century imagination was peopled with rapacious intermediaries as well as venal mothers who were ready to auction their children off to the highest bidder; hence, the loathing of any contact between adoptive and birth parents, and the repeated call for public regulation of the adoption process.

If this account aptly describes the hegemonic narrative held by those sectors of the population with political clout, it does not necessarily reflect attitudes of less influential, lower-income groups from whose ranks come most adopted children. In this sense, a look at the past 30 years of American adoption procedures—in which political factors have, at times, permitted birth mothers to exert an influence—is highly revealing.

³⁴ As J. Modell states, the notion of a restricted conjugal household is so entrenched in the minds of North Americans that the very idea of sharing represents a fundamental violation of parenthood (1994:47; see also Wegar 1997).

³⁵ See Le Grand-Sebille (1996) and Fine & Neirinck (2000) on the recent legislative approval of the longstanding French practice that most closely resembles the foundling wheel: “accouchement sous X.”

Changes in the Adoption Scene: North Versus South

In the United States, it would seem that “closure” in adoption procedures—including both secrecy (rather than simple confidentiality) of the child’s judicial records and the no-contact principle (barring any contact between child-donors and child-receivers)—peaked in the late 1960s and early 1970s. The adopters’ desire for exclusive parental rights coincided nicely with a new class of birth mothers—among which there were many middle-class girls who, caught in the crossfire of changing sexual mores, began giving birth to out-of-wedlock babies they were not ready to assume socially (Carp 1998). Soon afterward, with the advent of more efficient means of birth control and more tolerant attitudes toward extra-marital sex, this source of adoptable children dried up, and the pendulum of abandoning mothers swung back toward the poverty-stricken whose reasons for giving children up were of a different order, just as in the pre-war period.

Significantly, it is during the early 1970s that people’s worries arose as to the number of transracial adoptions taking place. Spearheaded by the National Association of Black Social Workers (NABSW) and other black activist groups, this movement advanced certain arguments that have since fallen in disrepute: for example, those challenging the possibility that black children can experience adequate social and psychological development while growing up in white families. Other arguments, however, produced long-lasting policy changes, bearing particular relevance on the problem of inequality between birth parents and adoptive parents.

Activists pointed out that black families had long practiced adoption, and, in general, at a higher rate than white families (Stack 1996; Simon 1984). Nonetheless, distrust of bureaucratic procedures and fear of not meeting adoption agencies’ stringent criteria led them to prefer informal circuits. Changes in legislation were thus proposed to encourage “in-group” adoption: financial requirements for adoptive parents were lowered; adoptive mothers were no longer asked to be fulltime homemakers; and certain material comforts (for example, a separate bedroom for exclusive use of the adopted child) were waived. Prominent among the innovations were an acceptance of single adoptive parenthood and the possibility of subsidized adoptions, especially in the case of “special needs” children.³⁶ Another important change in policy concerned the association of foster and adoptive homes. Transgressing previous barriers, “fostadopt” programs permitted foster families to adopt their wards, and prospective adopters were likewise allowed to foster a child while

³⁶ Gailey (1998) comments that in many agencies black children are systematically included in this category to encourage the adoption of these otherwise “difficult to place” cases.

awaiting pronouncement of the child's adoptable status. In the more-progressive sectors, adoption workers would no longer speak of "selecting" adoptive families, but of "preparing" families for the task (Modell 1994).

Adoptees who had been raised in middle-class families were also coming of age in the 1970s and demanding their right to know about their origins. They joined hands with birth mothers' associations to challenge what they considered the state's authoritarian monopoly on information surrounding the adoption process. Although it was generally agreed that judicial files should be confidential, available only to the concerned parties, court-controlled *secrecy* was seen as an abusive use of power. Furthermore, although controversies still rage over the issue, some form of "open adoption," associated by certain researchers with the empowerment and self-affirmation of birth mothers (Modell 1994; Carp 1998), seems to have come to stay. Today in 2002 there are literally hundreds of agencies adhering to the policy that a birth mother should not only be able to meet her child's adoptive parents but also participate in choosing them. The more enthusiastic advocates suggest that relations should not stop with one or two meetings, but that open adoption should entail "full disclosure of identifying information and . . . a commitment to lifelong relatedness."³⁷

Considering that so many other political concerns have been globalized, one might expect the theme of open adoption to have also spread to Third World countries—those which, at the moment, provide the bulk of the world's adopted children. The fact that some of the first (and sometimes extra legal) intercountry adoptions involved a brief contact between birth parents and adoptive parents with, in most cases, no evident abuse (see Abreu 2002), leads one to believe that such a procedure should not be ruled out. However, this possibility does not seem to have occurred to most Third World policymakers. Yngvesson (2000), for example, holds that the "clean break" principle is increasingly dominating adoption as a global practice, and, according to my own observations as well as recent literature on the subject (Jaffe 1995), the "no-contact" principle appears to be spreading in Latin America—together with the increasing sophistication of government regulation. It is significant that international conventions have done little to alter this panorama. On the contrary, Article 29 of the 1993 Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption, operating on traditional paternalistic principles, recommends a series of obstacles to the meeting of birth and adoptive parents. It is as though state regulation of adoption practices (no doubt, a

³⁷ "A Statement of Beliefs—Open Adoption," CHS Catholic Charities, Traverse City, Michigan. See Yngvesson (1997) for a first-person account of such proceedings.

necessary and salutary trend) had been delivered, part and parcel, with the total substitution of birth parents in the decision-making processes.

In Brazil, until recently, only an occasional birth mother who showed up at the adoption board having “changed her mind” might complain about the secrecy involved in the adoption process,³⁸ and, in general, such incidents had little influence on policy makers. However, as more and more children adopted by foreign families come of age and seek to discover their origins, this panorama may be changing. At the end of 1999, Brazilian national TV frequently carried programs on a foreign-reared adoptee’s reencounter with his or her Brazilian birth family, and state adoption agencies reported they were being regularly approached by individuals from abroad, looking for their blood relatives. Today, the controversy over sealed birth records is thus emerging for the first time in Brazilian history (see, e.g., Nabinger & Crine 1997)—as a response, one might say, to consumer demands. Yet, the revelation of information appears to follow a one-way track. It only occurs when the adoptive family (never the birth family) takes the initiative in the desire to furnish necessary “background” elements for their child’s development. Significantly, open adoption, which would involve the active participation of birth parents (much as in traditional practices of child circulation), remains an untouched issue.³⁹

Of course, many officials contend that the “no-contact” principle stems precisely from a desire to protect birth mothers in sending countries against undue pressures from gift-laden strangers seeking to adopt their babies. However, it might be relevant to remember that in the United States those who most vehemently opposed the no-contact principle—mounting campaigns for open adoption and the disclosure of sealed documents—were birth mothers as well as grown adoptees backed by strong minority politics (Modell 1994; Wegar 1997). In such countries as Brazil, there appear to be no political movements ready to endorse birth mothers’ rights, and a good number of the adoptees have been removed, through intercountry adoption, from the national political scene. In such circumstances, one can only wonder if the patronizing concern adoption agencies and legislators show toward local birth families, impeding any contact between

³⁸ Aside from mention of such cases in Fonseca (1986), Schepers-Hughes (1990), and Abreu (1998), the Brazilian newspapers frequently carry articles on just such incidents.

³⁹ Curious as to how sensitivities were evolving in Brazil, I took advantage of a recent (1999) seminar of Brazilian adoption workers to ask the audience if anyone present had worked with open adoption. My question drew a complete blank. It would appear my interlocutors did not have a clue about what the term meant. My impression was then confirmed by a quick search on the Internet. Among the nearly 100 sites in Portuguese concerned with adoption, not one contained any mention of open adoption. On the other hand, I found more than 4,000 sites in North America and Canada dedicated to this subject.

them and foreign adopters, is not inspired by the desire to simplify their work. By their demanding the birth mother's unconditional surrender of her child, the adoption services and potential parents may go about bargaining the terms of the youngster's future unhindered.

* * *

In this article, I have attempted to point out a series of processes. As I stated earlier, it is difficult to evaluate the impact of the new Children's Code, given the short time it has been in existence. Just as working-class populations have historically adapted their reproductive strategies to prevailing political conditions and social policies, one may reasonably guess that they will continue to find new and creative ways of adjusting their family patterns to the present context. Furthermore, the "impact" of the laws will probably to a large extent depend on extra legal factors. For example, were the Children's Code to be accompanied by a public policy to provide full-time schools with free or subsidized meals, child circulation might well recede, nudging working-class families in the direction of the nuclear family model imagined by state legislators. Lacking such policy changes, the heightening of child rights rhetoric might also scare off certain families, causing them to avoid government intervention by falling back upon traditional and not-always-efficient measures of child circulation and *adoção à brasileira*. Such assertions await further research for verification.

From the material set forth in this article, one can ascertain with reasonable confidence that national laws bear little mark of local realities. A comparison of Brazilian adoption policies with those of North Americans would show that "modern" options for child placement are much more varied than those offered in the 1990 Children's Code, and that the particular option inscribed in official legal policies depends very much on the balance of power among disputing blocks of birth parents, adoptive parents, and adoptees.

In terms of political influence, favela residents appear to be at the bottom rung of the global system of adoption. We should remember, however, as Starr and Collier (1989) have pointed out, that asymmetrical power relations are not always defined according to national borders. Ruling groups should be thought of in terms of a coalition of forces stretching through and beyond the nation. We know that the legal vulnerability of favela mothers' parental status has much in common with that of lower-income women in Western Europe and North America. In like fashion, there are many Third World adoption workers, such as the one cited in the opening paragraphs of this article, whose attitudes have more in common with upper-income adoptive parents in the prosperous regions of the globe than with local birth

mothers.⁴⁰ By bringing to bear the relevance of “localized” family dynamics to the issue of adoption, and by pointing out the way these dynamics have been consistently shunted aside by apparently progressive legal reforms, I hope to raise doubts about certain hegemonic narratives, undermine the alliances that support them, and help to redirect the debate in a way that may facilitate dialogue between the unequal partners concerned in today’s globalized forms of adoption.

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⁴⁰ One may cite a certain Peruvian social worker advocating that, even if the foreign parents were not ideal, the adopted child “would still have a better chance for a decent life . . . in a country where children are not condemned by conditions to suffering” (in Jaffe 1995:187). One may also recall the opinion of a Colombian adoption worker who when turning down the petitions of loving, foster families who wish to adopt their wards explains that Western couples “possess superior moral qualities and parenting abilities, besides being better off materially than local applicants” (cited in Hoelgaard 1998:219).

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