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MCGILL UNIVERSITY

COMPARATIVE ANALYSIS OF
INTERNATIONAL CHILD ADOPTION PRACTICES AND POLICIES
IN KOREA AND CHINA

A Thesis Submitted to
The School of Social Work
Faculty of Graduate Studies and Research
In Partial Fulfilment of the Requirements
for
The Master's Degree in Social Work

by
Erica E. Penner

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Abstract

Intercountry adoption (ICA) is growing in controversy as it grows in popularity. While heart-warming stories of families with babies from abroad dominate the media coverage on this subject, this represents only a small segment of the entire situation. Using Korea and China as case examples, this thesis extensively reviews and analyzes policy and the cultural, social, economic and political layers of the ICA mechanism from a political-economy perspective and argues that children are treated as commodities in both supplying and receiving countries. ICA is used by governments to solve internal social problems while promoting international relations. The thesis concludes that only a small number of children and parents actually benefit from ICA and the majority of persons involved--unadopted children in both countries, birth parents and some adoptive applicants--do not gain from ICA and may actually experience suffering as a result of it.

RÉSUMÉ

L'adoption internationale est de plus en plus controversée et populaire. Les médias parlent surtout des situations réconfortantes de parents qui adoptent des enfants de l'étranger, mais omettent de nombreux aspects reliés à ce type d'adoption. Cette thèse traite de cas d'enfants de la Corée et de la Chine, examine et analyse en profondeur les principes directeurs et les couches culturelles, sociales, économiques et politiques des mécanismes de l'adoption internationale. Nous démontrons que les pays qui pratiquent ce type d'adoption et les pays adoptifs se servent des enfants: l'adoption internationale leur permet de résoudre leurs problèmes sociaux internes, et de promouvoir leurs relations internationales. Nous concluons enfin que seul un petit nombre d'enfants et de parents bénéficient effectivement de l'adoption internationale et que la majorité des personnes intéressées: les enfants qui ne sont pas adoptés autant dans les pays exportateurs d'enfants que dans les pays adoptifs, les parents biologiques et quelques parents qui font des demandes d'adoption internationale n'en tirent aucun avantage, et peuvent en souffrir.

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Chapter One

Overview of Inter-Country Adoption

Introduction

Inter-country Adoptions (ICA) have been described as a "strange blend of humanitarianism outreach and semi-commercial exploitation on an international scale" (D.S. Kim, 1978). In recent years, 23,000 ICAs have taken place annually world-wide (Song-ae, 1994a). Due to shortages of infants available for adoption ICAs now outnumber domestic adoptions in some European countries (Hall, 1986). In 1970 there were fewer than ten ICAs in Canada, but in 1991 there were 2,400 from forty-two countries, about the same number as incountry adoptions (Fulton, 1995; Westhues & Cohen, 1994, 1995). The growing popularity of ICA has not diminished concerns about the wisdom of the practice. Researchers anticipated identity and psychological problems for adopted children, and the rise of trafficking from lack of coordinated adoption services and agency resources to parents (Hochfeld, 1954; Pettiss, 1958). The United Nations (1953, 1957, 1960) has long expressed concerns about potential legal dilemmas and cultural implications of ICA. Some of these predictions have come true, others have not.

Rationale for Study

Children without adults can be a drain on social services and an embarrassment to a society without a well-developed system of substitute care. An easy solution to this problem is to allow these children to be adopted. In addition to reducing the number of unwanted children, supplying

countries can often benefit financially when more prosperous foreigners are able and willing to pay adoption fees.

The purpose of this thesis is to understand why two jurisdictions that initially opposed non-relative adoptions eventually permitted and encouraged ICA. The Republic of (South) Korea and the People's Republic of China share an ancient tradition of feudal Confucian society that shunned contact with other cultures. Furthermore, both societies are patriarchal, highly structured and hold similar views concerning family and children. However, they differ in political and economic values and in their experiences with ICA.

In Korea, ICAs were introduced when authorities were unable to adequately care for the large number of orphans and mixed-race illegitimate children following World War II and the Korean War. Religious organizations from other countries initiated ICA, but over time the Korean government took control, began to reduce ICAs, and developed incountry options for its parentless children. Today the number of ICAs with Korean children are considerably fewer than in previous years.

On the other hand, Chinese ICAs resulted from a political decision to meet a policy goal. China has recently legitimized ICA for its abandoned girls who are numerous and without prospects in a patriarchal culture that severely limits family size. After resisting ICA for years China began to permit it in the 1990s and recently to encourage and promote it. The timing of the decision to legitimize ICAs also coincided with increased openness to the western world and the desire to build trade relations with capitalist countries.

This thesis reviews and analyzes policy and practice and the cultural, social, economic and political layers of the ICA mechanism from the framework that children are treated as commodities in both countries. These two countries were selected because of their many historic and cultural similarities but their different approaches to ICA. These examples illustrate that economics, demographics, and politics influence child welfare policy. To be thorough, social policy analysis needs to address three issues -- what causes social policies to emerge, how they are shaped by social forces and their social function (Midgley, 1994).

Theoretical Framework

Although social workers have mainly emphasized the interpersonal side of adoption, ICAs can also be analyzed from a political economy perspective. Governments identify priorities and develop particular social and economic policies to solve internal social problems, but also to promote international relations and to avoid costly alternatives. Furthermore, the timing of policy decisions is influenced by demographic pressures and cultural traditions, but also by political leadership and ideology, technology, economic development and the influence of advocacy groups (Dauman, 1990; Kihl, 1994; P. Lee, 1992). Social consensus and political authority are both needed, thus political economics has been described in terms of a feedback relationship between market participants and the economic environment (Rima, 1993). With the emergence of a global economy over the last fifty years it has become necessary for nations to cooperate with each other and develop policies acceptable to consumers and producers in all interested countries (Brock & Hormats, 1990). This holds true for adoptions as well. Economic

concepts such as supply, demand, markets and profit can be used to understand social policy decisions including adoption (Chambers, 1994; Chambers et al, 1992).

In adoption, children without parents may be seen as the commodity and adoptive applicants as the consumers. Even with adoption, there is an inverse relationship between supply and demand; when the supply of children is low and the demand for them is strong, their value increases. Applicants who do not qualify for adoption domestically or do not wish to wait for years for a child have increasingly been turning to alternate suppliers of children in Third World countries, where the price of adoption is reduced in time and criteria if not money (Chambers, 1994; Kadushin, 1984).

The criteria used by agencies to select adoptive parents, especially in western nations, have become increasingly stringent due to a diminishing supply of able-bodied infants. For example, in the United States two million couples are waiting to adopt one of the 25,000 healthy, mostly white, babies that become available each year (Carstens & Julia, 1995). The adoption market is the way in which the suppliers of children and those who want them conduct their exchange. This market may be legal or illegal. Profit may be financial, but is more often counted in social and personal terms that are difficult to measure. In ICAs the child and the adoptive parents are of different nationalities. They and their countries have needs that can be met through the ICA transaction. Supplying countries possess a surplus of certain types of children, and importing countries have a shortage of children for adults who want to adopt (Bowen, 1992; Fulton, 1995). At first glance it appears that a simple transfer of children would solve both countries'

problems, but upon closer inspection it becomes apparent that the situation is more complicated.

Diverse and interrelated historic, social, legal, cultural and political dynamics influence the export and import of children (Montgomery, 1994). Historic elements include how the exporting country has dealt with crises in the past as well as relationships with foreign governments. Legally, national laws govern the guardianship of children. Culture dictates what constitutes an acceptable family composition and what categories of people are valued. Political dynamics influence how the export of children will be received by citizens of the exporting country and the world.

The political economy perspective sometimes involves identifying social goals and then using policy and economic measures to see if those goals have been achieved (Rima, 1993). Korea and China identified different welfare and population goals at varying times, but both countries introduced inter-country adoptions to accomplish these goals. In the case of ICA, policy differences were influenced by the fact that Korea moved towards modernization and capitalism five decades before China. Since culture and traditions of the two countries were highly similar, differences in timing and process would thus be explained by differences in political ideology and westernization.

Historical Overview of Intercountry Adoptions

While adoption is now an accepted part of western culture, it was not always so. Historically, parentless or unwanted children in the western world were indentured as servants, apprenticed to skilled workers or cared for by relatives (Baker, 1995). Concerns about maltreatment of children were

raised in the 1800s leading to the outlawing of child labour and the establishment of orphanages to care for and educate homeless children. Around the turn of the last century adoption of certain children by non-related families was introduced for the purpose of normalizing their lives as much as possible. This norm has since been extended to include the adoption of children from other races and cultures (Bagley, 1993b).

In the western world, adoption has come to be conceptualized as a triangle involving biological parents, adoptive parents and child intended to benefit all three parties. Birth parents are relieved of the responsibility to care for a child they are unable or unwilling to parent; adoptive parents gain a welcome addition to their family; and children are provided with a permanent, stable home believed to be essential for healthy physical, emotional and social development (Brodzinsky, 1990; Kadushin, 1984). Both a social and a legal process, adoption serves one or both of two purposes-- family perpetuation and the provision of a safe environment for a child (Barth, 1994; Cole, 1984; Silva-Ruiz, 1990)--and it continues to change and evolve in response to social and political circumstances.

International Social Service, Geneva, has been handling ICA since 1924 (Mende, 1976), but large-scale movement of children is a recent development in world migration patterns consisting of two distinct phases. The first phase involved European orphans, especially German and Greek, who were sent to North America, especially the United States, at the end of World War Two (Pettiss, 1958). The second phase concerns Asian children who have been exported since the mid-1950's. Initially Japan and then other Asian countries began to export children with Korea becoming the largest

supplier. Most children continue to be adopted within the United States (Carstens & Julia, 1995).

Features of Inter-Country Child Adoption

For ICAs to take place, it is necessary to have a supplying country, an importing country, cooperative links between the two countries, and an imbalance in socioeconomic conditions between the countries involved. The planned international movement of children is a political and economic process and economic terminology is often used to describe it (Ngabonziza, 1991). The basic unit of this transaction is a devalued child considered to be "surplus" by its country of origin, for reasons discussed below. Their country is happy to export them and profits financially as well as politically by building links with the importing country.

Supplying country. A supplying country for ICA contains surplus children, often orphans who are byproducts of war or a natural disaster which kills adults and creates poverty and famine (Carstens & Julia, 1995; Bogard, 1991). According to the international organization Terre des Hommes, every day 500 million children go hungry, 100 million are handicapped, 50 million under the age of twelve work, 100 million live on the streets and 10,000 die of hunger (Boeten, 1988). Due to the crisis and the depletion of adults, there are few internal mechanisms to care for these children so the government may support ICA for population control and as a solution to child abandonment and homelessness (Bagley, 1993b; Bowen, 1992).

Other factors contributing to an oversupply of children that become candidates for ICA are a high birth rate, especially among impoverished

people, and a breakdown of the extended family due to rapid industrialization (Altstein & Simon, 1991a). In some countries certain categories of children are undervalued and rejected by their own relatives (Boushel, 1994). For example, illegitimate children of American servicemen were produced in both phases of ICAs and were not valued in their countries due to their mixed race (Hochfeld, 1954).

In ICA transactions the exporting country is responsible for determining the "best interests of the child" and that the child is legally free for adoption (Altstein, 1984). There has been much discussion about how to determine the "best interests of the child". One response is that placing an abandoned child with receptive adoptive parents it is in her/his best interests (Kim & Carroll, 1975). However critics of ICA argue that these adoptions more often meet the needs of adoptive parents than the child (Duncan, 1993; Lurvey & Rutkin, 1993) and that these children will lose their culture and acquire a confused identity (Bagley, 1993b; Tizard, 1991). The criticism that these children risk racism (Beaumont, 1990; Tizard, 1991) is countered by the claim that mixed-race children, ostracized in their own country, will encounter social barriers whether adopted abroad or not (Feigelman & Silverman, 1985).

Importing country. Early in the 20th century there was an oversupply of children in Europe and North America due to high rates of parental death and child abandonment. Since the 1960s, however, there have been few children, particularly white infants, to adopt in these continents due to declining fertility, increased contraception use, legalized abortion, and state support to single parents (Chambers, 1994; Daly & Sobol, 1994a, 1994b;

Carstens & Julia, 1995). Culturally, countries that import children tend to culturally accept adoption and families based on social as well as blood ties. Thus, taking a non-related child into a family is an acceptable way to acquire a child. Yet, the vast majority of children currently available for incountry adoptions are those considered "less desirable", including sibling groups, older children, those with behavioural problems and children with disabilities (Daly & Sobol, 1994a; Harper, 1994). Consequently, prospective adoptive parents seeking infants have turned to ICAs.

In ICA transactions the importing country's responsibility is to screen and approve adopters (United Nations, 1957). ICA is not the first choice for some adoptive parents, but is for others who are motivated by a humane concern for poor, orphaned children (Altstein & Simon, 1991a; Westhues & Cohen, 1994, 1995).

Cooperative links. In order for ICA to work effectively, social and child welfare agencies of the countries involved in ICAs must work together. Links can be of diverse composition and may be formal or informal depending on whether or not the countries involved hold an official adoption agreement (McDade, 1991; Selman & White, 1994).

Formal ICAs as recommended by the United Nations (1957) involve an agreement between two countries, one legal process valid in both jurisdictions and protection of the child with a guardianship provision (Epstein, 1982; Hale, 1981). This means that there is no conflict of laws between the countries. Yet, this type of adoption can be time-consuming and frustrating for adoptive parents due to the rigorous process.

Informal ICAs occur when no official agreement exists between countries, and adoptive parents must travel directly to the sending country to adopt the child under that country's law (Hale, 1981). Yet the foreign decree may not be recognized in the importing country, leaving the child with "ambiguous legal status" and no legal guardian (Barth, 1994; Epstein, 1982). Parents, therefore, may be required to re-adopt the child on return to their own country to fulfil specifications in their home jurisdiction (Bell, 1985).

Imbalance in socioeconomic conditions. Child exporting and importing countries generally differ economically. Basically the sending country is poor, the receiving country is prosperous and the ICA process is fuelled by needs closely connected to their respective economic circumstances (Bowen, 1992; Kadushin, 1984). The sending country cannot afford to keep the children and provide services for them due to a shortage of government revenue. In poor countries where life for most is at a subsistence level, social services are almost non-existent, and ICAs financially benefit the exporting country in several ways. Adoptive parents can usually afford adoption fees plus spending money while in the country for a stay that could range from days to weeks or even months.

ICAs are usually "south to north" transactions and have been criticized as a new form of colonialism (McDade, 1991; Ngabonziza, 1988). Developing countries are eager to improve their economic situations by generating trade with wealthier countries and children are one of the products traded, reminiscent of the ongoing drain of resources from

developing countries. Because of the political implications in this handling of children, ICAs have remained for decades a high profile international issue.

International Legislation

The need to coordinate and standardize adoption laws and procedures was identified as early as the 1950s (Hochfeld, 1954; United Nations, 1953, 1957, 1960). The first time ICA was addressed by the United Nations was in the Study on Adoption of Children in 1953, which excluded Eastern and Far Eastern countries and devoted two paragraphs to the subject of ICA. The Inter-Country Adoption Report of a European Expert Group, composed in Geneva in 1957, was the first United Nations document devoted to ICA (United Nations, 1957). This was followed by the United Nations conference of 1960 in Leysin, Switzerland, where efforts continued to formulate fundamental principles of ICA. As in the earlier conference, only European representatives attended (Bagley, 1993b). At the conclusion of the Leysin meeting, two goals were put forward: incountry adoptions should be increased and better protection for children involved in ICA is needed (United Nations, 1960; International Child Welfare Review, 1961c).

The outcome of these United Nations conferences involved six General Procedural Principles and six Safeguards for Children and Families. The General Procedural Principles stated that adoption must be based on the welfare of the child and that all incountry alternatives for children should be considered before ICAs are chosen (Delupis, 1975; United Nations 1957, 1960). The first priority was that children should be cared for by their own parents and if this is not possible or appropriate, all other permanent family care alternatives within the country must be considered. If non-family

placement is needed, non-institutional alternatives are preferable to institutional ones (Ngabonziza, 1988; United Nations, 1957, 1960). This conclusion was based on concern about preserving the cultural integrity of exporting countries and keeping the focus on developing the country's services instead of putting energy and resources into exporting a few children. Delegates representing sending countries feared that if ICAs were made a priority, wider-reaching solutions to homeless children might be impeded (International Child Welfare Review, 1961a; Ngabonziza, 1988).

The six Safeguards for Children and Families were accompanied by a "Guide to the Casework Process in Inter-Country Adoption" (International Child Welfare Review, 1961b). They stressed the importance of home studies of adopters and coordination by agencies from both countries to insure that the adoption is legally valid (Caiani-Praturlon, 1991). To protect the child in the new country, a six-month agency guardianship provision was recommended (United Nations, 1957, 1960).

In 1964, the Hague Convention on Jurisdiction, Applicable Law and Recognition of Decrees in International Adoptions of Children was a further attempt to advance international legislation on ICA (Bogard, 1991; Bowen, 1992; McDade, 1991). This convention was ratified by Austria and Switzerland. The United Kingdom signed, but did not ratify it as the convention was criticized as vague, failing to define terms, and applicable only to the few contracting countries (Bogard, 1991). Another convention, the Council of Europe Convention of 1967 (also called the Convention of Strasbourg) added that no "improper" financial advantages to arrangers of ICAs should be permitted (Bogard, 1991). Participants outlined the desired

characteristics and appropriate training of the interveners and the process of ICA. This Convention, however, was criticized for neglecting to address the need for adoptions to be valid in both sending and receiving countries (Caiani-Praturlon, 1991) and for being vague in defining "consent" and "abandonment" (Bogard, 1991). It was signed by eleven European countries but was ratified by only six (Ireland, Malta, United Kingdom, Norway, Sweden and Switzerland). Both conventions were criticized for lacking clarity and specificity (Bogard, 1991).

A debate at United Nations General Assembly in 1980 was followed by the non-binding "United Nations Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally" (Horne-Roberts, 1992). Sixty countries participated in a three-year plan to draft procedures towards a binding international framework. The long-term goal was that adoptions in all countries eventually would be regulated, with ICA practice becoming a social service specialty (Pierce & Vitillo, 1991). The declaration was approved by the United Nations General Assembly in 1987 (Pierce & Vitillo, 1991), and ratified (as of August 1, 1989) by three European countries: Austria, Switzerland and the United Kingdom. The low number of countries has been attributed to the diversity of adoption laws and doubt on the part of delegates that the proposed solution was realistic or attainable (Beaumont, 1990). Continuing its work, the United Nations' 1989 Convention of the Rights of the Child, Article 21, concerned ICAs and addressed consent issues, preference of incountry adoptions, adoption

standards, how to stop improper financial gain from trafficking, and promoted bilateral or multilateral agreements (Duncan, 1993; Jonet, 1989).

Most recently a Special Commission was established by the Hague Conference on Private International Law in 1990 to develop an International Convention on Intercountry Adoption. It involved 65 states, six inter-governmental and eleven non-governmental organizations including representatives from Asia and South America. The aims were to establish a framework of regulations that would define a procedure to decide what was in the best interests of the child, and secondly, to establish a system for co-operation and monitoring among contracting states (McDade, 1991). Furthermore, developed countries were obligated to help emerging countries develop child care services (Duncan, 1993).

In conclusion, these conventions make similar points but in increasing and widening scope. The main concerns are that incountry adoptions should be promoted for children with no options within their own country. The same adoptive standards should apply in ICA as in incountry adoptions. Legal and procedural safeguards should protect children and adoptions should be legal in both jurisdictions. Co-operation between countries is important for enforcement of standards and suppression of trafficking in children.

Concluding Remarks

ICA has been gaining popularity for half a century and has become a form of "big business". The bigger this business becomes, the more the interested parties examine and analyze it. Social workers, political leaders and world citizens disagree amongst themselves as to the merits of ICA for

children, families, cultures and international relations. Discussions concerning incountry alternatives to ICA and the viability of these alternatives continue. Researchers, especially those from exporting countries, question the political and humanitarian motivations of ICA participants and disagree about the degree of corruption that is believed to accompany the practice of ICA (Duncan, 1993; Ngabonziza, 1991).

Much of the research done to date has been only descriptive and has focused on the adoptee with almost no attention given to unchosen children in Third World countries, parentless children in western countries and birth parents of the ICA adoptees. This thesis looks beyond the romantic, high profile success stories to continuing problems, analyzes the political economy of ICA and propose some solutions.

Chapters Two to Four compare Korea and China with respect to ICA. Korea has been the major supplier of children in the world, but is phasing out the practice. This appears to be a function of its desire to declare its recovery, to fit into the modern industrial world, and to care for its own needy children. China, with its long history of seclusion, is just beginning to export children because its main social challenge is controlling and coping with its huge population. China addressed this by implementing a "One Child Policy" which slowed population growth considerably. However, this collection of policies created girl orphans whom no one inside China wants.

Chapter Two focuses on the historical and cultural context of these two countries and how this has influenced their political and economic priorities. Chapter Three examines the political and economic priorities of Korea and China and how these have interacted with traditional attitudes to

adoption to result in present adoption policies and practices. Chapter Four discusses current issues in ICA and future trends in Korea and China. Chapter Five uses the Korean and Chinese experiences to draw conclusions and make recommendations for the future of adoption policy. The thesis concludes by arguing that while precipitating events for ICA differ in the two countries, the practice may not be in the best interest of children in either situation.

Chapter Two

Historical and Cultural Context of Adoption in Korea and China

Introduction

This chapter describes the historical and cultural context of South Korea and China and their respective attitudes to adoption. Current Korean adoption legislation is a direct result of its war experience of the 1940s and 1950s. Korea was not the only country to export children during that time, but it was the first large scale movement of children of a non-white race into western countries. The scale of the migration and its circumstances made Korean adoptions high profile and precipitated the move to regulate ICAs. However, Korea cancelled its ICA agreement with Canada in 1988 (Bowen, 1992).

China is new to ICA, exporting children on a noticeable scale only since about 1992. Chinese infant girls began to arrive in Canada after the cancellation of Korea's ICA agreement and China's decision to facilitate ICA a few years later. Both countries share highly similar histories and cultures and traditional approaches to adoption. Yet, recent history and cultural changes have resulted in striking differences in how these countries approach ICA today.

Historical Context

Korea. Korea enjoyed a homogeneous and stable culture and language with almost no external contacts for 5,000 years (Canda et al, 1993; Pritham & Sammons, 1993). For centuries it was a poor agrarian society without economic or strategic value to the rest of the world. In the late

1800s, however, world powers who wished to become established in Asia for trade and military purposes noticed Korea's central geographic location. Subsequent international power struggles often placed Korea in the middle (T. I. Kim et al, 1972).

In 1894-95, Japan was victorious over China for Korea and occupied Korea from 1910 to 1945. To this day there is strong anti-Japanese sentiment among Korean people (M. Lee, 1969). The liberation of Korea coincided with World War Two and civil turmoil that led to the division of Korea into the Democratic People's Republic of (North) Korea and Republic of (South) Korea. After liberation 1.8 million displaced refugees returned to South Korea from Japan and Manchuria adding to the confusion caused by the wars.

In 1950, North Korea, supported by the People's Republic of China, invaded South Korea, supported by the United States. The Korean War of 1950-1953 devastated South Korea and killed 7% of the population (T. I. Kim et al, 1972), separated 10 million from their families, and created 100,000 orphans, 500,000 widows, countless homeless persons and many refugees from North Korea (Alstein & Simon, 1991a; Bagley, 1993b; Korea Newsreview, 1994c). Traditional ways of dealing with crises were ineffective due to the large scale and unfamiliar nature of this war (Jae-Ho, 1979).

During the Post-War Reconstruction period (1953-1960) South Korea was faced with considerable infrastructure damage, extreme poverty, a high birthrate and a young population. Increased demands were placed on the

Korean government to provide for orphaned children (Alstein, 1984; McDade, 1991).

China. In China, as in Korea, feudal society endured for 2000 years with Confucianism the dominant ideology (Canda et al, 1993). China changed radically, politically and socially, with the Revolution and founding of People's Republic of China (PRC) in 1949 (Wei, 1992). Since the socialist rule, effort has been directed towards the promotion of political values rather than the needs of individuals (Ngan-Pun, 1994). The communist government attempted to eliminate practices based on lineages and politically and legally men and women are now equal. Yet, traditional values endure in private especially in rural areas (Melina, 1987). Both socialist and traditional Chinese ideologies favour isolation and only since the early 1980s has China been motivated, politically and economically, to form links with foreign countries (Zhangling, 1990).

Comparison of historical context. For centuries Confucianism, feudalism and isolationism established the values of racial homogeneity and cultural stability central to Chinese and Korean societies although they interpreted Confucianism somewhat differently (Kihl, 1994; Slote, 1992). These values were not questioned or challenged owing to the minimal contact with outside cultures, aside from each other. External contact was mainly with Japan with which both China and Korea had adversarial relationships (Hahm, 1986).

Korea and China have both been involved in recent social, political and military upheavals (Slote, 1992). China's role in the division of Korea resulted in North Korea siding with China and its socialist, Soviet leanings

while South Korea was strongly influenced by the United States. These influences determined the two countries' methods and rates of modernization. While China has continued its isolation Korea has pushed for modernization and has come to be known as one of the "new tigers" or "little dragons" of Asia due to its dynamic economic growth (Brock & Hormats, 1990; P. Lee, 1992).

Compelled by damage from wars and in desperate need of assistance to rebuild, Korea initiated the move toward modernism in the 1950s when the United States offered assistance in the form of aid spawning foreign investment and markets. This massive assistance gave Korea a huge advantage over China which did not receive anything on this scale (Datta, 1993). China made the first tentative moves toward modernization by seeking foreign investors in the 1980s as a result of increasing internal social and economic pressures and waning support from a weakening Soviet Union. Economic liberalization has propelled China into fast economic growth (Homer-Dixen, 1995).

Since both countries had large labour forces and few natural resources it was the timing and degree of openness that largely determined the pace of development. Korea effectively reformed the use of its limited land, developed an agricultural sector that fed its own people, and exported surplus food to Japan. This was developed into a wider range of exportable goods sent to a broader market. Even though China is a much larger country, it did not have surplus goods to export and did not look to develop any, since their political ideology did not support this kind of venture.

Despite their conflicts, South Korea and China fostered a reluctant alliance due in part to economic needs but also to a shared cultural heritage. South Korea and China have traded since the 1980s, and trade increased with the formal establishment of diplomatic relations in August 1992 (Lee & Sohn, 1994). Trade volume more than doubled in the first two years and China is now South Korea's third largest trading partner (Korea Newsreview, 1994e).

Cultural Context

Korea. Religion, cultural values and law share the same origins in Korean philosophies, an eclectic synergy of Buddhism, Taoism, Shamanism and Confucianism (Hahm, 1986). Confucianism is dominant, more of an ethical system than a religion, and is the moral foundation of Korea (Canda et al, 1993; Kihl, 1994).

The Confucian family system values patriarchy, large families, bloodline maintenance, and many sons who, through ritual ancestral worship, assure ancestors' immortality (Chung & Haynes, 1993; Deuchler, 1992). Social class and rights pass from fathers to sons, but fathers are not held responsible for illegitimate children. Consequently these children, especially those who are mixed race, are not registered at birth, not entitled to a legally enforced means of support, and not accepted in Korean society, (Bagley, 1993b).

Women rank lower than men in Confucian society. The Confucian Rule of Three Followings requires that, "a female should follow her father when she is young, follow her husband after she marries, and follow her son when she is old" (C. S. Kim, 1989). The purpose of marriage is to provide sons

and women can be divorced for not doing so (Chung & Haynes, 1993). To further illustrate how entrenched this patriarchy was, girls were not given individual names until 1939, but were instead referred to in terms of their relationships to men (C.S. Kim, 1989).

Since contact with other cultures, the status of women has been improving both socially and legally (Hye-son, 1995; S. Kim, 1984). Most noticeable is their increased education which began through the efforts of Christian missionaries who established the first women's school in 1886 (Soh, 1991). Recently women have moved forward academically at a rapid rate. In 1966 only 18.7% of Korean women entered high school, but by 1993 this had increased to 89.1%. There has also been an increase in the number of female teachers although the percentage of female administrators is still below 9% in all levels of education (Korea Newsreview, 1995e). In 1965 18% of university graduates were women; by 1994 they made up 42% of all graduates (Korea Newsreview, 1995d).

The Equal Employment law of 1987 (revised in 1989) gave the increasing number of female employees equal rights to men and made gender discrimination illegal. In 1993 47.2% of women worked outside the home, up from 37% in 1963. Yet politics remains a male-dominated field as only 1.5% of government officials elected in 1995 are women (Korea Newsreview, 1995e).

In 1960 adultery was made grounds for divorce for men as well as women. This greatly reduced concubinage although some wives continue to prefer it as an alternative to divorce to enable their husbands to acquire a son (Hahm, 1986). More recently, 1977 Civil Code changes supported

women's equality within the family and allowed a daughter some inheritance rights (but only one-quarter of the inheritance of a son) (C.S. Kim, 1989).

The Civil Code made two provisions affecting adoption. First, if there are no sons, a daughter may temporarily head her family so that when she reproduces, her sons can continue the bloodline upon adulthood. In this case her husband becomes a member of her family. He may find this preferable to being a subsequent son in his own family, but due to strict bloodline regulations he is not permitted to head his wife's family. The other provision is permission to adopt a son-in-law. Neither has gained popularity as both require a man to relinquish his name and renege on his duty to his own ancestors, which he could find disagreeable (C.S. Kim, 1989).

China. In keeping with Confucian traditions there is a strong preference for male children in China. Well over half of the estimated 400 million children currently in China are boys, which is contrary to the expected sex ratio (Wei, 1992). Normally 106 males are born for 100 females, but in China 120 boys are registered for every 100 girls (Bagley, 1993a). Calculated from this normal male-female ratio it has been deduced that there were 700,000 "missing" girls from China's more than 20 million births in 1991 (Porter, 1993). Although abandoning children is against the law, these girls may have been killed, abandoned or hidden (Bagley, 1993b; Steinitz, 1992). Yet, the disposal of female children is nothing new. For years, 600,000 to 1,000,000 girls a year went "missing" (Bowen, 1992) and 2.5 million girls have been calculated as "missing" from 1980 to 1987 (Bagley, 1993a, 1993b). A more recent estimate is 15 million abandoned girls since 1980 (Driedger, 1996).

Historically women retained lower social and legal status than men in China as in Korea, but since the Revolution, changes in law have propelled women into legal, if not social, equality. Most visibly, women now enjoy full labour force participation. Yet, even though today's young women hold different expectations from previous generations and do not rigorously follow traditions, social change has been slow (Jankowiak, 1990). While daughters are legally equal with sons, in practice parents often deny them their inheritance (Palmer, 1989).

Women traditionally were considered responsible for the gender of children (Jankowiak, 1990). If a wife did not produce a son, she had failed as a wife and her husband was permitted to take a concubine for the purpose of producing a male child (Goody, 1969). Concubinage was made illegal by the Marriage Law of 1980 and left adoption as the most viable way to acquire a son if one was needed (Zhangling, 1990). Girls can also be adopted, but historically adoption was different for girls than for boys. A girl who was "adopted" became a servant (Porter, 1993) or a "foster daughter-in-law" destined to marry a son of the foster family (Goody, 1969).

Besides addressing adoption, the new Marriage Law supported gender equality, the right to choose one's own marriage partner, and the protection of women and children (Zhangling, 1990). Prior to this law, a woman joined her husband's family upon marriage, but with the Marriage Law whether a bride or groom joined the other's family became a matter of choice for the couple (Palmer, 1989). With the new law, the Chinese family is actively under reform.

Discussion of cultural context. Confucianism, which is shared by Korea and China, dictates what types of people are valued, how religion is to be practised, and the definition of family. Confucianism grew out of feudalism and a harsh life and advocated patriarchy coupled with a strong, structured family unit and society (Fong, 1994). This belief system helps define a "surplus" child, and from these values and definitions grew the initial goals of ICA.

In both countries, women traditionally have endured lower status than men although this is changing. In Korea, changes have come largely from contact with other cultures with legislation following. In China, gender equality was legislated following the Revolution, but traditions have been slow to change. Regarding women and adoption, both countries borrowed from the Japanese tradition that women could temporarily be head of the family and that a son-in-law could be adopted. Korea legislated these changes in 1960 and China in 1980. Simultaneously concubinage, a long-standing practice in both countries, was made illegal as part of the legislation. Since producing a son through concubinage had been an acceptable alternative to adoption, its prohibition impacted on incountry adoptions.

In spite of women's oppression, they were highly valued for producing sons and brides were chosen for characteristics believed to be good for child bearing (C. S. Kim, 1989; H. Lee, 1969). Emphasis is now placed on small families in both China and Korea, and women no longer have several opportunities to produce a son. One chance may be all they get and

consequently many couples manipulate circumstances to insure their child is male.

In Korea the original goal of ICA was to export the children of Korean mothers and American fathers and thus to maintain racial purity, a value that had grown out of cultural isolation. The first time Koreans were faced with mixed-race children was following World War Two and especially the Korean War earlier this century, a troubled time of extreme distress when no political or cultural mechanisms were in place to take care of these children. The most viable alternative at the time was to export these children to their fathers' country, which absolved the Korean government from having to deal with the problem internally. Furthermore, this solution fit in with cultural and religious beliefs that a child belongs with the paternal family. The presence of Americans in Korea in the 1940s and 1950s facilitated the development of the ICA prototype bilateral agreement as they were eager to take the children to the United States to fill a growing need for babies (Adams & Kim, 1971).

China has never experienced a large scale excess of mixed-race babies and was prompted to legitimize the export of children for other reasons, specifically as a result of the "One Child Policy" designed to deal with population control. The Chinese define "abandoned" children as "surplus", but in practice, these children tend to be girls and ICA has become the disposal of unwanted female offspring (Corelli, 1995).

To legitimize ICAs both countries have presented them in a cultural context that supports long-standing Confucian values although this has manifested itself differently in both countries. In Korea, racial purity was the

value that was presented as being in jeopardy. In China, socialist values minimized the role of the family and stressed state loyalty. These political values, combined with lingering patriarchal values and legislated family size, made ICA palatable. Circumstances have compelled Korea and China to change culturally, but in different ways. Historically, Korea has always been less rigid in the practice of Confucianism and less patrilineal than China (Canda et al, 1993; Slote, 1992). Thus, a combination of historical and internal and external factors have shaped ICA goals. In the final analysis, the ICA goals serve to maintain the culture.

Political and Economic Priorities

Distinctive policies have emerged in China and Korea as political dynamics have been changing since the 1920s. The Korean legal system began to follow the western system in the early 1900s and South Korea eventually chose capitalism and a close relationship with western countries, in particular the United States. China, along with North Korea, resisted western capitalism and chose instead communism and continued isolationism (Hahm, 1986). Yet, both countries' choices interacted with Confucianism to produce interesting results. South Korea maintained its traditionally authoritarian government and still enjoyed rapid economic growth. Communist policies in China facilitated isolationism but destroyed self-sufficiency and patriarchy (Chu & Carew, 1990). In response to poverty and demands from its citizens, China began economic reforms in 1979, which posed a serious challenge to socialism by introducing western values and materialism (Cotton, 1994). Support for Communism is noticeably waning. Interestingly, some of the first speculators and profiteers of this

shift in philosophy are well-connected Communist party members who are creating, to their advantage, a "corrupt form of neo-feudalism" (Homer-Dixen, 1995).

Today, both countries are developing and competing for new markets and investment to increase economic growth, improve their standards of living, and support large populations. Japan, South Korea, Taiwan, Hong Kong and Singapore became economic and social development models in Asia and China appears to be modelling itself after these countries by reaching out to foreign investors (Homer-Dixen, 1995; P. Lee, 1992; Rima, 1993). Since 1984 North Korea has competed internationally for foreign investment and technology. Differing political priorities, which could impede Korea and China working together, have been put aside out of necessity, making South Korea an important trading partner for China. Formerly China had a trade surplus with South Korea, but since 1993 China has a trade deficit (Cotton, 1994). As their political and economic goals are met and become more similar, it is reasonable to expect that they will continue their trade relationship as rivals as well as partners (Korea Newsreview, 1994e). In time this relationship could lead to greater harmonization in social policies, but this could also be impeded by differences in political ideology.

Although China and Korea are similar in history and culture, their political and economic environments developed very differently in the last fifty years. This accounts for the variation in their adoption policies and practices, which are discussed in the next chapter.

Chapter Three

Attitudes Towards Adoption, Practices and Policies

Overview

Historically, the purpose of adoption in Asian cultures was to acquire a boy for bloodline continuance, for financial support, to care for elderly relatives and to perform religious rites. It was customary for extra sons to be given between brothers for this purpose (Kreager, 1980). While China developed a more complicated system of adoption than Korea, the basic premise of adoption for both countries was the same.

The ICA patterns of these countries differ, however. While both China and Korea first reported ICAs in 1948, China's numbers stayed very low for years while Korea increased ICAs steadily and rapidly.¹ While China held back, Korea soon became the number one supplier of children in the world (Alstein & Simon, 1991a).

In addition to fewer ICAs in China, many children were adopted by relatives in Hong Kong, Macau and Taiwan while most Korean children went to non-relatives in the United States (Weil, 1984). This shows that China was respecting the tradition of relative adoptions even with ICA. This tradition appears to be challenged, however, since from 1986 to 1991 fifty children from the People's Republic of China went to foreigners (Zhuoye,

¹ From 1948 to 1962 China (including Hong Kong and Taiwan) exported 840 children to the U.S. and both Koreas exported 4,162. Between 1963 and 1975 China (including Taiwan) exported 793 children and South Korea 14,682. From 1976 to 1981 China (including Taiwan) exported 371 children and South Korea 19,283 (Weil, 1984).

1991). While the numbers are still low relative to Korea, this represents the first indication that ICAs to non-relatives were gaining acceptance.

The sequence of adoption development parallels the sequence of modernization in these two countries. When Korea launched its large scale ICA program at about the same time as its industrial development in the 1950s, China did neither, choosing continued isolation and minimal external contacts. Korean legislation in the 1960s followed the practice of ICA, contrary to China which legislated first, and then pushed its citizens to comply. In China modern civil adoption was legislated in 1980 and ICA were formalized in the early 1990s.

Korea

Historically, adoption in Korea was permitted within the extended family for the purpose of perpetuating the bloodline. It always involved a boy, one generation younger than the adopting father, with the same surname as the adoptive parents and by mutual consent from parents and relatives (Bagley, 1993b). These early policies fit into the socio-cultural framework of patriarchy (Byma, 1974).

Practices. In 1954 religious organizations began to arrange inter-country adoptions (Miller, 1971). The Korean Central Child Welfare Committee was established in 1961 under the Ministry of Social Affairs (Tieszen, 1966). This committee soon expanded services to include other countries and other areas of child welfare. International Social Service (Korea) was established in 1964 and in 1965 it became a private agency, mandated and partly funded by government (Miller, 1971). In 1971 it was renamed the Social Welfare

Society and, influenced by American models, continued to expand into other areas of child welfare (Feigelman & Silverman, 1985).

ICAs began after the Korean War (Alstein & Simon, 1991a). The first adopted children were the Amerasian offspring of American servicemen and, according to the culture, it made sense to send them to their fathers' country (Tizard, 1991). After this supply was exhausted, Korea continued to export illegitimate and abandoned children as the demand from America and Europe continued to rise (Vitillo, 1991). Between 1951 and 1983, more than 38,000 Korean children were sent to the United States for adoption (Vitillo, 1991). More than 40,000 went to North America in the 1980s (Hermann & Kasper, 1992). According to Korea Newsreview (1994a) 179,673 Korean children were adopted from 1958 to 1994, of whom 72.6% were exported. Of those exported, 81.5% went to the United States. Drawing from this extensive experience with ICA, Korea developed specific legislation in 1961 with the Special Law on Adoption of Orphans (Kim & Carroll, 1975), revised it in 1966 and 1976, and renamed it the Extraordinary Adoption Law (Tahk, 1986).

As Korea is a small country with many inhabitants, over-population has been a concern for some decades (Korea Newsreview, 1994e & 1994f; Song-ae, 1994c). ICAs came to be an informal initiative for population control but the Korean government also introduced a National Family Planning Program in 1962 (Hahm, 1986). It promoted late marriage, small families and contraception education which have all contributed to the reduction of the birth rate (Korea Newsreview, 1994a). Since 1990 there has actually been a negative population growth which has caused the

cancellation of a two-child per couple policy initiated in 1971 (Song-ae, 1994c).

Policies. Korea's Extraordinary Adoption Law requires agencies to operate both group care institutions and foster homes (Kim & Carroll, 1975). Foster homes, established in 1965, are for children about to be adopted. The Korean government pays for part of institutional care but not foster care which is financed through fees paid by adoptive parents (Tahk, 1986).

In South Korea, all adoptions must be arranged by government-approved agencies (Selman & White, 1994). Four agencies, mandated for ICA by the South Korean Ministry of Health and Services, work with licensed agencies in the countries with which Korea has adoption agreements (Alstein & Simon, 1991a; Chun, 1989a). Private adoptions are illegal (Korea Newsreview, 1994d). The Korean government sets the criteria for adoptive parents who must also meet requirements in their own country. There are penalties of fines or jail sentences for rule violations or unauthorized adoptions (Kim & Carroll, 1975).

Before a child can be adopted, the biological parents or the child's nearest relative must consent (Bogard, 1991). If the child is fifteen years old or older s/he must also consent (Chun, 1989a). Police systematically search for the parents of abandoned children by giving notice twice in fifteen days through newspapers and court bulletin boards when a child has an opportunity to be adopted. If the parents are not found, guardianship goes to the superintendent of the local child care agency (Bell, 1985). Eighteen is the Korean age limit for adoptions (Tahk, 1986), but this does not usually apply to ICA since most receiving countries set lower age limits (Chun, 1989a).

Korea has strict standards for adoptive parents and foreign agencies (Vitillo, 1991). The receiving agency must provide a home study and post-placement services by a social worker who is Korean or who is acquainted with Korean culture and traditions (Chun, 1989a). If applicants from a non-agreement country wish to adopt they can go to a country with an agreement and deal with an agency there. Foreigners living in Korea for six months may adopt through a Korean adoption agency (Tahk, 1986).

Korea has a guardianship provision in their adoption laws (Epstein, 1982). The child may leave Korea before finalization, but the foreign agency director must accept guardianship until legalities are completed (Hale, 1981). The receiving agency must send a progress report to the Korean agency every six months until the child becomes a citizen of her/his new country (Chun, 1989a). To provide support services, the Korean agency employs a social worker who processes requests from overseas Korean adoptees or their parents regarding post-legal services, visits to Korea or cultural information (Tahk, 1986).

Initially the Korean government saw adoption as an alternative to costly institutional care. As incountry adoption was not culturally acceptable, exporting children seemed an appropriate way to reduce the institutionalization of orphans and mixed-race children. The policy appears to have achieved its desired effect. The 60,000 institutionalized children of the 1960s became 30,000 in the 1970s (Mathews, 1977) and decreased to 23,000 in the 1980s (Alstein & Simon, 1991a, 1991b). More recently the government has begun to reduce ICA by encouraging incountry alternatives for these children.

China

China's history of "feudal adoptions" is similar to Korean tradition, in which relatives were preferred, especially the son of a brother or paternal cousin (Goody, 1969). An heirless man was obliged to adopt so he would have a "son" to care for him in old age and insure family perpetuation (Zhangling, 1990). Although without legal formalities, these adoptions may still be recognized if challenged by law suits or heredity disputes (Bagley, 1993b; Palmer, 1989).

Practices. Three types of traditional custom adoption are still practised with or without legal sanction. The preferred one is a "full" adoption of an heir who will eventually perpetuate descent lines (Kreager, 1980). If this is not possible, a man may adopt an indirectly related boy. The third type is the adoption of an adult heir, permitted if an only child moves, or dies leaving the parents heirless (Palmer, 1989; Steinitz, 1992). While not necessarily legally bound, custom adopted children are duty bound to both sets of parents. They are not required to live with the adoptive parents but may carry out their duties while living with their natural parents. Upon the death of the adopter, and when the adoptee has finished his duty of funeral rites, the adoption is terminated. The adoptee inherits from the adoptive parents unless it is disputed, in which case a civil court decides who is entitled to inherit (Palmer, 1989).

China's ICA experiences date back to 1948 after the Second World War when orphans were sent to the United States. Exact numbers are not known since early statistical records combined the numbers of children exported from the more restrictive mainland China with the more open jurisdictions of

Hong Kong and Taiwan. The numbers appear to be very small and many of these ICAs involved Chinese adopters in Hong Kong, Macau & Taiwan adopting their relatives (Ning, 1992; Weil, 1984).

Policies. Current Chinese policies concerning family and adoption stem from a need to control the huge population. The famous "One Child Policy" is in fact several policies and laws developed since the 1950s to address overpopulation which have slowed the growth rate (Porter, 1993; Steinitz, 1992). The policies are also designed to increase per capita production to triple that of 1980 by the year 2000 (Jing et al, 1987).

The establishment of the State Family Planning Commission in 1971 was an early policy specifically targeting the birth rate (Jing et al, 1987). An expanded Marriage Law of 1980 further legislated family planning and now there are 185,000 family planning committees in China (Zhangling, 1990). Assuming that later marriage means fewer children, the new law raised the minimum marriage age to 20 for females and 22 for males (Steinitz, 1992; Zhangling, 1990). Late marriage (23 for women and 25 for men) and late birth (mother over 24) earn financial awards. On the other hand, births outside of marriage are illegal and punishable by law (Palmer, 1988-89). A compulsory one child pledge is signed by all couples upon marriage (Jing et al, 1987). Financial and social incentives such as priority for schools, "good" jobs for the parents, health funds and a monthly allowance for only children encourage this pledge to be honoured (Jing et al, 1987).

There are some exceptions to the one child policy. Parents may be allowed a second child if the first has a non-inherited disability, if both parents were only children, if the parents live in certain remote rural regions,

if couples are over a minimum income level and pay an "excess birth fee", if after many years of childless marriage a couple adopts and then conceives, or if a widowed or divorced person marries a childless person. In no circumstances is a third child permitted. Couples with serious hereditary diseases are not allowed to reproduce (Palmer, 1990-91). Authorities evidently believed that persons might adopt girls, freeing parents to try again for a boy. Therefore, they required adoptive couples to be childless in order to protect the family planning policies (Melina, 1996b).

It was not until the new Marriage Law (1980) that civil adoption was recognized and promoted. There are now two types of legal adoption in modern China. In a Civil Adoption an individual adopts a child and takes on all parental responsibilities for that child. In a State Adoption, a child welfare organization adopts a "young unfortunate", or a child who has been orphaned or abandoned and is disabled, ill, or part of a sibling group (Palmer, 1989).

In other legislation, the Chinese government created a draft plan for children in 1990 to address health, education and child protection (Beijing Review, 1991). China's first law on child protection, The Law on the Protection of Minors, became effective in 1992. It covers family, health care, education and juvenile delinquency and focuses on children aged 6 to 18. Although it is a national law, it is implemented by municipalities (Wei, 1992).

While ICAs were still possible, non-relative adoptions were difficult prior to the 1992 legislation which was made fully effective in 1994 (Bowen, 1992; Fulton, 1995). The data from prior to the legislation are highly

inconsistent. One report states that from 1986 to 1991 about fifty Chinese children from PRC were adopted by foreigners, 80% North American (Zhuoye, 1991). This appears to be consistent with another report that in 1988 only twelve Chinese babies went to the United States (Porter, 1993). However, elsewhere it is reported that in 1990 there were 1,973 foreign adoptions, 55% more than in 1989 (Ning, 1992). What is not disputed is that as ICA controls began to loosen in late 1989 (Wong, 1991b) numbers burgeoned. In 1995 592 children came to Canada (Driedger, 1996).

In 1992 China stopped ICA for two years in response to negative allegations about trafficking in babies (Driedger, 1996). During that period explicit legislation to facilitate the export of Chinese girls, the Adoption Law of the People's Republic of China, was passed as part of a larger series of policies designed to control population (Bowen, 1992; Porter, 1993). The two basic principles of this law are that adoption must be voluntary and must be in the best interests of the child (Ning, 1992).

Prior to this law, ICAs were allowed only if one parent was Chinese or if the family had extensive Chinese connections (Porter, 1993). As well, foreigners had to reside two years in China, be childless and adopt only one child (Bowen, 1992). Now they are permitted their own children and may also adopt two Chinese children (Ning, 1992). However, the one child policy still applies to incountry adoptions except where a couple has a child who is handicapped or lives overseas (Palmer, 1989). Foreign adoptive parents pay a \$3,600 to \$6,000 (Canadian) "donation" to the orphanage plus a notary fee, but Chinese parents pay nothing (Bowen, 1992; Wong, 1991a).

In China it is illegal and punishable by a fine to abandon a child, yet only abandoned children can be adopted although the word "abandoned" is broadly interpreted (Melina, 1996b). While United States law requires an investigation to prove abandonment, Canadian and Chinese laws assume any child in an orphanage is abandoned (Bagley, 1993b; Wong, 1991). Chinese reports say 100,000 children are in orphanages although this number is disputed by outside critics who believe there are many more (Driedger, 1996). Homeless children in China are kept in more than 800 Social Welfare Houses and 60 orphanages partly funded by government. The Social Welfare Houses are said to employ doctors, nurses, teachers and nutritionists to look after the children, who are often disabled, and to train them to become self-sufficient when they leave at age 18 (Zhuoye, 1991). However, conditions in these facilities have been reported as filthy, crowded and unhealthy (Driedger, 1995, 1996; Steinitz, 1992). In what has been called "death camps for children" half of the children die of hunger, neglect and abuse (Driedger, 1996). Orphanages may operate foster homes for the strongest and healthiest children who are streamed for adoption (Porter, 1993). These are the clean, bright facilities foreigners see (Driedger, 1996).

Applicant parents from outside the country apply to the Ministry of Civil Affairs and then visit China and enter into a written contract with a designated adoption organization (Palmer, 1989). Applicants may choose to deal with an intermediary who has contracts with Chinese orphanages or to make their own arrangements (Bowen, 1992). Either way, adoption applicants must provide a package of notarized documents including medical certificates, financial statements, home study, proof of marital status and

age, police clearance, and references (Ning, 1992). Adopters may be married or unmarried and must be at least thirty-five years old (Cunningham, 1994), but the child should be under seven years and there should be a twenty year age spread between the child and the adoptive parent (Palmer, 1989).

In China, there is no anonymity in adoption and the demonstrated consent of natural parents and children over seven years old is essential (Palmer, 1989). After a short wait of a few months or less, the Civil Affairs Department approves and finalizes the adoption (Zhuoye, 1991).

The new Adoption Law itself has been criticized by policy analysts because there is no public accounting of adoption fees. Although orphanages receive up to \$85,000 to \$200,000 (Canadian) a year, about \$4,000 per adoption, conditions do not improve as little money seems to be directed to internal resources for children. Orphanages claim the money goes to the Bank of China for redistribution to services for children, but there is no evidence of this (Driedger, 1996; Wong, 1991a).

Comparison

While the traditional adoption processes of Korea and China are highly comparable due to cultural and historic similarities, the rate and timing of ICA in Korea and China are different due to political priorities and contact with the outside, especially western cultures.

Their practices and policies also differ. In Korea ICA are highly structured, regulated, and include written bilateral agreements with the countries involved. These agreements follow the Leysin guidelines and include a guardianship provision, explicit cultural rules and a protocol for follow up services (Bagley, 1993b). In China adoptions are independent,

direct, quick, open to anyone and procedurally simple. In both countries orphanages and adoptions are financed through fees paid by adopters.

In both countries policies concerning ICA grew out of ideology as well as social needs. There were children who needed care but political regimes wanted to rid themselves of the responsibility of these inconvenient children. Korean adoption legislation in 1961 identified orphans, who were in reality mainly mixed-race children, as children available for ICA. In China ICA legislation was motivated by the "One Child Policy". Both countries have passed birth control policies--China in 1971, and Korea in 1962--implying concerns about over-population.

Yet, the two countries have recently taken opposite approaches to ICA. Since 1974, Korean legislation has encouraged and supported incountry adoptions while ICAs have been phased out. Chinese ICA controls loosened in late 1989, opening the doors widely for foreign adopters and legislation was passed in 1992 regarding the export of girls. Legislation was based on cultural, economic and political values with little consideration for the children.

Once recognized and legitimized by legislation, ICAs are opened up to international scrutiny. They are also perceived differently by social policy critics. While Korea is praised for its rigorous practices, China is under harsh criticism for alleged corruption, specifically the misuse of ICA fees paid by adoptive parents. These differences mirror their pace of westernization. An analysis of current issues and future trends of ICA in China and Korea is the subject of the following chapter.

Chapter Four

Current Issues and Future Trends

Overview

China, Korea and other Asian countries are profoundly changing politically, economically and socially (Fieweger, 1991; Homer-Dixen, 1995). The geographic reality that many are islands historically has isolated them from each other as well as from other parts of the world. China and Korea differ in this respect since they are geographically linked with each other. This connection has contributed to a long and tumultuous legacy of cultural, economic and military relations that has both fostered shared traditions and fuelled bitter conflicts. Despite this, China and South Korea are major trading partners, even while China and North Korea are still bound by a 1961 mutual defense arrangement (Cotton, 1994).

China and Korea share modern concerns as well, since both countries have too many people for too little space. China has framed this in terms of excessive population growth and has created policies to address population control. Korea has framed the problem in terms of rapid industrialization and the growing need for infrastructure and social services. This difference in frame of reference is evident in the differing approaches to social and economic policies including child welfare and inter-country adoption (ICA).

Korea

Korea has experienced profound changes due to war, industrialization and westernization (Lee & Sohn, 1994; Sung, 1992). While basically peaceful, there is still conflict between the two Koreas with the North critical of the South for its ties with the west (including ICA) (Porter, 1993). South

Korea blames its lack of social spending on the need to bolster military expenditures due to the Northern threat (Canda et al, 1993; P. Lee, 1992). Modernization and democracy were promoted by radical students and politicians seeking reform in the 1970s and 1980s, and this set the tone and direction for the major economic, industrial and social changes that followed (Kihl, 1994).

Although Korea suffered a recession in the 1980s, the economy has grown considerably since 1963 (Park, 1993). Between 1970 and 1994 Korea's annual economic growth averaged 8.1% (Korea Newsreview, 1995d). A five-year development program to expand economic growth potential and improve social conditions was launched in July 1993 by President Kim Young Sam five months following his inauguration (Lee & Sohn, 1994). This meant sudden prosperity and independence for many Koreans who, until recently, knew only poverty. Social welfare spending has also increased and has targeted children, the elderly, handicapped persons and the poor (Alstein & Simon, 1991b; P. Lee, 1992). Domestic political pressures, strong economic growth and national pride in moving out of the Third World all contribute to the idea that children's needs can be provided for internally.

Child welfare. With this economic boom Korean child welfare has improved in terms of health, education and infant mortality since the 1960s (Bowen, 1992; Ngabonziza, 1988). In addition to more help for institutionalized children, the Korean government is working to increase aid to families so they will not be forced to abandon children due to poverty (Tahk, 1986). Much of the assistance is in kind - food, tuition exemption,

medical insurance, vocational training for adolescents - designed to make children into competitive adults (Suh, 1984). Yet Korea is still unable to care for all its citizens since economic growth has fought an uphill battle to move ahead of population growth (Vitillo, 1991). The population has grown from 16.87 million in 1945 to 44.85 million in 1991 and much of this growth is due to people living longer. The average life expectancy which was 52.4 years in 1960 is now 71.6 years (Korea Newsreview, 1995d).

The Korean government is proud of its accomplishments and its new, modern image. To save face it suspended all ICA during the Olympics to avoid negative publicity and international embarrassment that could come from reports of not being able to care for its children (Alstein & Simon, 1991a). However, the culture is not changing as fast as social policy (Korea Newsreview, 1994a, 1995c). The Confucian family is adapting although it remains more traditional in rural areas. Increased internal migration has created more nuclear families and a breakdown of the traditional extended family system (Pritham & Sammons, 1993). Consequently some children abandoned by their parents have few alternative for care by relatives and are forced to fend for themselves. In 1994 nearly 3,000 Korean households were headed by children who had been abandoned by their parents (Korea Newsreview, 1995b). Interaction between traditional values and western ideologies has prompted change and disruption (Slote, 1992). The challenge for Korea is to balance the increase in incountry adoptions with the decrease in ICA and support families so that children are not left in institutions (Malcolm, 1977).

Current status of adoptions. As more children's needs were being met internally and Korea began to prosper, the government became sensitive to negative pressure from the international community and reconsidered its policies. A plan was introduced to gradually phase out ICA (Lewin, 1990). In 1988 the adoption agreement with Canada was suspended. Korea has been limiting ICA with a view to returning to the original idea of allowing only mixed-race and handicapped children to be adopted by foreigners (Song-ae, 1994a).

Since 1970, Korea has made no new ICA agreements and has begun to implement policies to reduce the export of children to encourage incountry adoptions (Tizard, 1991). Yet Korea has had to revise its target date to stop the export of children many times due to the reluctance of Korean parents to adopt. The original date of 1981 was eventually revised to 1996 (Korea Newsreview, 1994d; Mathews, 1977). The 1996 date was recently cancelled with no new date given (Song-ae, 1994a). In spite of these delays, ICAs are lessening. Although Korea exported 6,275 children in 1986 (Porter, 1993), this figure was reduced to 2,290 in 1993 (Song-ae, 1994a).

Domestic adoptions have never been popular in Korea although they increased temporarily in the late 1980s after government encouragement (Vitillo, 1991). In 1974 Korea passed a law requiring equal numbers of incountry to inter-country adoptions (Simon & Alstein, 1977). Also, since 1974, Koreans have been permitted to adopt a child with a different surname, and since 1977 adoptees have been able to use their adoptive parents' name (Malcolm, 1977). The most recent legislation designed to promote incountry adoptions was passed January 1996 and limits the age of

foreign adoptive parents to between 25 and 44 years. Also, for the first six months that a child is in an agency or orphanage incountry adoption must be pursued and only after this time, if the child is still unadopted, may ICA be considered for her/him (Korea Newsreview, 1996). A decline of incountry adoptions from 1,872 in 1989 to 1,154 in 1993 may seem a negative development, but actually overall numbers of children available for adoption simultaneously declined. The relative percentage of internal to external adoptions is, in fact, increasing (Song-ae, 1994a). In 1994 1,207 children were adopted in Korea (Korea Newsreview, 1995c).

Recently Koreans have expressed increased interest in incountry adoption. Most adoptive parents are urban, prefer newborns and keep the adoption secret, pretending the babies are their own (Korea Newsreview, 1995c). Consequently there are few follow-up services (Chun, 1989a). A controversial bill to allow parents to register adopted children as their own was considered by the Korean National Assembly, but to date it is still against the law. In fact, recently they seem to be moving in the opposite direction. As of the new legislation of January 1996, adoption agencies have been required to keep adoption records permanently and may no longer destroy them following adoption (Korea Newsreview, 1996). Also, two home visits to conduct a homestudy of adoptive applicants and one follow-up home visit within six months of the placement of a child in a Korean adoptive home are now mandatory before an adoption can be finalized (Korean Newsreview, 1995f). The Ministry of Health and Social Affairs also plans to reward adopters with government subsidies and priority status when buying scarce homes (Korea Newsreview, 1994d).

Pressure on couples to produce smaller families coupled with the strong preference for male children has led to abortions of female fetuses (Song-ae, 1994c). Female fetal abortions are estimated to be 30,000 a year (Korea Newsreview, 1995a). While it has been illegal for doctors to tell women the sex of the fetus since 1987, it still happens. While doctors face three years imprisonment or a heavy fine for violating the law few have been prosecuted (Korea Newsreview, 1995a). This selective abortion has caused a serious shortage of females since 1992 (Korea Newsreview, 1994e, 1994g, 1995a). In 1992 there were 114 boys born for 100 girls (Korea Newsreview, 1994g) which is contrary to expected ratios. It is estimated that by 1999 one in six men will be unmarried as a result (Song-ae, 1994b). At this rate by 2010 men in their twenties will outnumber women their age by 28.6%. (Korea Newsreview, 1994g).

Recently more adoptive applicants are stating their preferences for baby girls. From 1971 to 1980 36.8% more boys than girls were adopted. By 1990 this had decreased to 4% and the trend reversed in 1991. In 1994 girls outnumbered boys by 15%. This trend is believed to be due to the promotion of the value of the child-rearing experience over lineage and the growing belief that daughters are easier to raise and more loyal than sons (Korea Newsreview, 1995c).

China

China's biggest socio-political dilemma is its rapid population growth (Homer-Dixen, 1995). Decreasing infant mortality, a baby boom in the 1950s and 1960s, and increased life expectancy contributed to the huge population surge (Jing et al, 1972). The 360 million children born between

1961 and 1975 are now of child-bearing age, further magnifying the problem (Palmer, 1990-91). China's main social policy goal is to reduce the birth rate while increasing production.

By slowing population growth, the one child policy has been credited with aiding economic development by reducing domestic demands on women and freeing them to work outside the home, thus resulting in a higher standard of living for the smaller families (Zhangling, 1990). On the other hand, with increased life expectancy, there will eventually be fewer adults to look after more elderly (Palmer, 1989). This means expanded social and health services will be needed for the elderly (Jing et al, 1987). The Chinese government has responded by introducing special old age security and pension plans in 1989 for single child families and families with only daughters (Palmer, 1990-91). Attitudes towards women are changing as a result of increased pensions and economic power for women. Daughters are seen as more loyal and supportive than sons and with some of the economic considerations removed there is beginning to be some stated preference for girls, especially in urban areas (Melina, 1996b). It is all part of a social "shift in emphasis from providing an 'heir' to providing 'care'" (Palmer, 1989).

Child welfare. More reliance on public housing and government services and Communist policies, however, have weakened family ties and traditional values, leading to increased divorce rates and abandoned children in orphanages (Jankowiak, 1990; Porter, 1993). Orphanages are reported to be poorly funded and of low quality, places where children are stored and receive no care with only half the children surviving. Older children, girls,

and children with disabilities receive the worst care (Steinitz, 1992; Wong, 1991a).

Clinging to traditional values, some couples go to extremes to make certain that their only child is a boy. Although amniocentesis for the purposes of determining gender was banned in 1989 and coerced abortions and female infanticide are illegal, these practices are believed to continue (Jing et al, 1987; Palmer, 1988-89, 1990-91). Historically, families also disposed of girls through child betrothal making them another family's responsibility (Kreager, 1980) but this is also illegal now. Although trafficking in human beings is illegal and punishable by capital punishment (Wei, 1991), trafficking in babies is believed to be on the increase (Bagley, 1993b). Chinese authorities suspect that some families may produce "extra" children for childless couples who are willing to purchase a child, especially a boy (Palmer, 1989).

Researchers of the one child policy fear that, combined with tradition, it might produce a generation of "Little Emperors", spoiled only sons and grandsons, whose social and political behaviour as adults could dramatically impact on Chinese society and culture (Jankowiak, 1990; Zhangling, 1990). There are also reports of wife abuse of women who produce daughters (Palmer, 1988-89). A recent concern is the new trend of unbalanced sex ratios. The male preference has caused a shortage of women which will make finding a wife more difficult in years to come (Zhangling, 1990).

Current status of adoption. To date there has been no wide-spread international disapproval of the export of Chinese girls possibly because of the relatively small numbers so far. The Canadian government is supportive

of ICA as many of the children go to Canada and especially to Quebec (Bowen, 1992; Daly & Sobol, 1993). No doubt there would be a considerable outcry by waiting Canadian parents should the government take steps to halt or limit the import. On the other hand, as numbers increase and China opens itself to further international scrutiny, children's advocates may speak up as they have in the case of Korea and other countries and propel positive change. But, much of the publicity recently has been negative and there is concern, especially from prospective adoptive parents, that this could cause China to once again close the doors to its orphanages.

Comparison

Korea and China are struggling in their own ways to reconcile traditional customs and emerging lifestyles with their main differences their rates of modernization and their relationships with the Western world (T. I. Kim et al, 1972). Political differences have made China and Korea mistrustful of each other while they remain closely connected culturally. While Korea chose to pursue capitalism immediately following the wars of the 1940s and 1950s China followed communism and isolationism. Only recently have economic and social priorities become similar in that both countries desire increased external investment to support huge populations. Each can offer a large work force with which to compete for markets, which has led to economic growth for both countries and increased social spending in Korea.

Both countries, along with other Asian countries, are now faced with imbalanced sex ratios with considerably more men than women (Korea Newsreview, 1994g). This is a direct consequence of the entrenched male bias in these societies combined with strict family planning laws that compel

parents to abort female fetuses. The concern now is that declining fertility will result in populations of elderly persons with relatively few young adults to assume their care in the traditional familial sense or in the social financial sense (Korea Newsreview, 1994e; Song-ae, 1994c). Increasing acceptance of adoption, especially girls, could help solve this problem as well as promote incountry adoptions and increase the value of females (Song-ae, 1994b).

Regarding adoptions, Korea and China are at different stages of policy development and practices. Korea is phasing out ICA largely because fewer mixed race children are available but also from concern about its international reputation. It wants to be perceived as modern and able to care for its citizens internally. Instead, Korea is encouraging internal adoptions (Lambert, 1988).

In China, internal adoptions for abandoned children have not been promoted. In many ways China seems to be where Korea was twenty to thirty years ago with respect to international relations. They are just now opening up to the world and are finding that unwanted babies are a highly desirable product coveted by the outside world. The present regime sees no reason not to fill that market need as the political and economic focus is on building international trade. How the citizens of China feel about the export of their babies is not known.

If the trend continues and China continues to industrialize, modernize and form alliances externally, it may be pressed to change or at least modify its values, ideology and policies to fit with current, international social welfare expectations. If this is the case it likely will, as Korea and other

Asian countries have, reduce or eliminate the export of children and seek ways to internally care for them and to integrate them into society.

It is important to include culture, history, politics and economics when discussing ICA. Yet this is not sufficient, as outcomes must also be considered. Since many of the Korean adoptees are now adolescents and adults, clinical researchers have been studying them to learn about the impact, positive and negative, of the ICA experience on the adoptees and their adopted families, the subject of the next chapter.

Chapter Five

Outcomes and Recommendations

Overview

Wide-eyed babies and toddlers clinging to the beaming parents who have rescued them from the horrors of the Third World. This is the image dramatically presented by the media that pops to the minds of most persons when they hear the words "intercountry adoption". Even apart from popular images ICAs are, for the most part, considered successful for children and adoptive parents, but the rigor of some of the research has been questioned. Furthermore, concerns have been raised about the political and economic implications of ICA.

Until very recently the needy children who have been left unadopted in Third World countries have not been mentioned in the same breath as ICA. And, except for a handful of outspoken critics, neither the corruption that is believed to accompany ICAs, nor the situation of unadopted children who continue to wait for homes in the very countries that import the greatest numbers of children, has been addressed. The heartwarming scenes at airports give no indication of the heartbreak behind the scenes.

Research into ICA has been centred in three main areas: psychological, socio-cultural, and political-legal. Psychological research concerns the mental and emotional well-being of the adopted child. Socio-cultural studies examine the effects of ICA on children, families and communities of both sending and receiving cultures. Political-legal research explores countries' internal and international economic and political agendas as they pertain to ICAs. This chapter will examine these issues in more detail and conclude

that while most intercountry adoptees adjust satisfactorily, unadopted children in both receiving and sending countries and birth parents in sending countries do not enjoy the same positive outcomes.

Impact on the ICA Adoptees

Lack of relevant research. Adoptees in general are believed to be at increased risk for psychological and academic problems due to losses experienced in their early months and years (Brodzinsky, 1990; Verhulst et al, 1992). For example, while adopted children make up 2% of all children in the United States approximately 10% of them present psycho-social problems (Carstens & Julia, 1995). However, adoption research has concentrated mainly on white infant adoptions and most North American studies on transracial adoptions focus on black children in white homes (Silverman & Feigelman, 1990; Simon & Alstein, 1977, 1992). Despite attempts at comparisons, ICA adoptees are not typical babies (in fact they are often not babies at all as 35% are over age one). Furthermore, ICA adopters are not average adopters as their situation differs economically, culturally, linguistically and historically from that of Black American children adopted by White American parents (Carstens & Julia, 1995; Westhues & Cohen, 1995). Korean and Black Americans come from different cultures and present different challenges to adoptive parents. Linguistically, Black American children do not experience a language barrier. Historically Blacks and Whites in America have endured a highly conflicted past for centuries that has entrenched bitter prejudice. Korean children, while they may experience prejudice, do not have to deal with this same history.

The scant ICA research from Europe, the United States and Canada has focused on Korean adoptees, as they are the most numerous and thus more accessible to researchers. The research methodology has been harshly criticized for the lack of standardized assessment tools, reliance on parental reports, short-term follow-ups, the lack of control groups, and the use of small or select samples. Studies have also not controlled for the fact that children originate from different countries and cultures and are adopted under a variety of policies (Alstein et al, 1994; Courtney et al, 1996; Verhulst et al, 1990a, 1990b).

One exception is a study that examined the experiences of twenty-five individuals of Japanese heritage adopted by Chinese families following World War Two. While these adoptees shared Asian features with their adoptive families, some adjustment difficulties were reported, especially with those adopted after age three. Yet, the sample is too small to draw conclusions as 2,500 Japanese youngsters were adopted by Chinese families in the late 1940s (Tseng et al, 1990).

Outcomes. Keeping in mind these methodological shortcomings, ICA adoptees, after initial adjustments, are reported to be generally well-adjusted and researchers report satisfied parents and good academic performance in children. Furthermore, most children report identifying with the adoptive country and not feeling a loss of culture (Bagley, 1993b; Westhues & Cohen, 1994, 1995). Paradoxically, this seems to indicate that they have indeed stopped identifying with their ethnic and racial origins. Of all international adoptees, Koreans showed the best adjustment socially, personally and academically. This is widely believed to be due to the

Koreans' insistence on the use of child welfare agencies throughout the adoption process (Andresen, 1992; Bowen, 1992; Horne-Roberts, 1992). Other countries recently have followed this model of using agencies but have not yet evaluated the outcomes (Selman & White, 1994). Chinese children, for example, have been adopted by foreigners for only about four or five years, making evaluation of the children's progress difficult.

Much of the success of ICA is also attributed to the characteristics of adults who adopt foreign children. Due to the expense incurred, these children generally go to stable, mature, middle-class, educated people who can provide an enriched environment. For many of these parents this is a "preferential adoption" since they are not usually motivated by childlessness, but by compassion (Bagley, 1993b; Marcovitch et al, 1995; Westhues & Cohen, 1994, 1995). Additionally, they are described as comfortable with the concept of adoption and supportive of open adoptions (Brinich, 1990; Trolley et al, 1995).

Research has also served to identify several risk factors for ICA children. These are pre- and post-natal conditions such as malnutrition, medical neglect, abuse and learned behaviours suitable for survival in an institution but not appropriate in a family. The symptoms of adjustment problems have been documented to varying degrees and include behavioural (especially lying, attention seeking and sexual acting out), social (in particular relationship difficulties stemming from fears and anxieties), cultural identity problems, learning problems related to language acquisition and health problems or disabilities (Harper, 1994; Marcovitch et al, 1995; Verhulst et al, 1990c). Many of these problems are the same as experienced by special

needs children adopted in their own country (Hobday & Lee, 1994). In fact, some analysts recommend that all ICA adoptees be viewed as "special needs" by social workers for all the previously stated reasons (Carstens & Julia, 1995). These factors will certainly impact on how the children manage in their new social environment.

Socio Cultural Impact of ICA

While considerable media attention is given to the cute babies and glowing parents involved in ICA, only recently has anything been reported on the conditions of unadopted, institutionalized children in exporting countries (Driedger, 1995, 1996; Steinitz, 1992). While ICAs are regarded by some as a "win-win" situation for children and parents (Bowen, 1992; Fulton, 1995), not all children who need homes get them and not all applicants obtain children (Chambers, 1994). This applies to children and adults in both sending and receiving countries.

Unadopted children. The high rate of abandoned children in developing countries is the result of social disorganization and poverty that leave parents few alternatives. Abandonment may be seen as a survival mechanism or a way to secure a better life for the child through ICA (Melina, 1996a; Bagley, 1993b). Within certain cultures, as in Korea and China, fostering has historically been used to exploit children as servants, so ICA may be preferred by impoverished parents in these countries (Tizard, 1991). Self-interested proponents of foreign adoptions have actually pressured birth parents to relinquish their children. This perpetuates what ICAs are claimed to solve -- homelessness of children -- since not all children receive homes (Fieweger, 1991; Ngabonziza, 1991). Children selected for adoption are the

healthiest, strongest and the least needy. The ones not chosen are physically or developmentally handicapped and left in sub-standard institutions without adequate care (Carstens & Julia, 1995; Driedger, 1996). For the adopted children there are no guarantees that ICA will be the ideal solution. Often there are lower standards for adoption abroad, leading to speculations that international applicants may not always be considered suitable parents for adoption in their own country (Bagley, 1993a; Speirs & Baker, 1994).

Foreign children are not the only concern of ICA critics. The import of infants has made certain needy children in importing countries "hard to place", denying them the chance for adoption (Barrett & Aubin, 1990). Others claim that it is the faulty public perception of a decreasing supply of "adoptable" children at home that has artificially inflated the demand for children (McDade, 1991; Simon & Alstein, 1992). While newborns are rarely available for adoption, other categories of children are without homes. The current high profile of ICA further creates an illusion of a shortage of children and thus prompts parents to look to other countries first. Regardless of which view is accurate, certain Western children are without permanent homes in countries with alleged shortages of children for adoption (Barth et al, 1994). The exotic appeal of ICA has caused these children at home to be overlooked by legislators, agencies, social workers and adoptive parents in their own countries. Certainly if they were given some promotion and adoptive parents some social and financial incentives, the "shortage" of children in western countries would not be so great.

Child welfare services. Throughout Third World countries social services for children have been based on colonial laws which are irrelevant

and inappropriate to the indigenous culture (MacPherson, 1987). Typically, policies fail to consider the child's family or community of origin and they promote the separation of children and parents by ignoring birth parent rights. These imbalances may explain why many exporting countries have recently been stopping or limiting ICAs (Barth, 1994; Boer et al, 1994). ICA policies are not really intended to resolve problems for parentless children but were designed to meet the needs of exporting countries and potential adopters.

Not everyone agrees, however, that ICAs are totally negative. Some researchers feel they have actually propelled child welfare service development in certain Third World countries. Adams & Kim (1971) credit ICAs with increasing First World awareness of the desperate situations in Third World countries and argue that ICAs are a step toward world child welfare services. They report, for example, that ICAs in Korea stimulated local social services and resource development by publicizing the needs of the country's children and soliciting technical and instrumental support.

Yet other international social work experts argue that ICAs impede the development of services and appropriate resources within a country and act as a form of colonialism (Bagley, 1993b; Carstens & Julia, 1995). Those opposing ICA on moral grounds describe it as a "rescue fantasy" of First World toward Third World, patronizing and self-righteous (Hartman, 1990; Hall, 1986).

While ICAs may have stimulated child welfare services in Third World countries, it appears that this may largely benefit foreigners who come into contact with resources for children in the course of arranging their own

adoptions. To present adoptable children in the most appealing way, agencies may place them in foster homes with higher standards or give them special attention in other ways. These privileges are not afforded the older children, the ill, or the handicapped who are kept out of the sight of most foreigners (Steinitz, 1992).

While some homeless children in Third World countries benefit from ICA and are placed in comfortable western homes, most of those left behind lead hopeless, destitute lives. Furthermore, many western children in substitute care have few prospects of a permanent home, while some western applicants must wait since they cannot afford to travel in order to adopt children abroad. Furthermore, some are unaware of local needs for adoptive parents and possibilities for adoption. In 1990, however, there were more than 100,000 children in foster care in the United States in need of adoptive homes (McRoy, 1994). In their review of several studies, Courtney and his colleagues (1996) report that only one-quarter to one-half of all American children available for adoption have been placed in adoptive homes. There are, therefore, possibilities to adopt at home.

The Political Economy of ICAs

Today ICAs are considered "big business" and bring welcome foreign currency into child exporting countries. For example, Korea takes in \$15-\$20 million U.S. each year (Herrmann & Kasper, 1992; Carstens & Julia, 1995). This income is an important consideration for impoverished countries when setting policy. In this perspective, children are a commodity driven by market forces of supply and demand (Johnson et al, 1993; Montgomery, 1994). Along with this comes the risk of corruption for financial gain, specifically

trafficking in children and the corresponding inability to control the trafficking due to the money involved (Lurvey & Rutkin, 1993; Wallace, 1995). With the elusive traffickers protected by sellers (who gain financially) and buyers (adoptive parents), few are apprehended by authorities. Furthermore, many people view adoptive parents as rescuers rather than villains, making enforcement against them extremely difficult (Fulton, 1995; Jonet, 1990).

Less blatant than the outright sale of a child is the temptation to bend or stretch rules to complete a transaction. Although some countries do not permit adoption or try to limit ICAs, these rules are often disregarded as eager parents and baby brokers persist. Consequently some illegal adoptions are completed across jurisdictions, potentially causing future legal problems for children and parents (Bogard, 1991). The strong desire that couples from the west have for children can prompt authorities to relax adoption criteria especially during national crises (Duncan, 1993). National disasters, for example, have been known to lead to hasty placements without considering incountry possibilities (Johnson et al, 1993; McDade, 1991). Humanitarian motivation has been used to justify intrusion into a country to remove a child. Consequently, ICA policies and practices do not address poverty, lack of adequate child welfare facilities and cultural preferences for male children (Barrett & Aubin, 1990; Ngabonziza, 1991). Its high profile gives the impression that ICA has a major impact on the situation of children when in reality it just serves to obscure the many needs of children and families.

In addition to the alleged corruption there are other problems in international adoptions, specifically linguistic and legal barriers which can

make reaching a consensus time-consuming and difficult (Bagley, 1993b). These political, economic and legal elements make ICA a complex issue and, as a result it can be difficult to judge what is in the best interests of a child (Warr, 1988).

The Future of ICA

Despite vast differences in opinions and beliefs about ICA, no one appears to be advocating stopping them altogether. The prevailing wisdom is to facilitate and regulate ICA internationally, although ideas vary about how to do this. While a relatively recent phenomenon in world relations, experiences with ICA in Korea, China and other countries have provided enough information to make some recommendations (Johnson et al, 1993).

If ICA continues, regulations are needed on two planes: clinical and global-organizational. The clinical part will help individual children and families and the global organizational part will safeguard legal and cultural concerns. Clinical solutions must grow out of previous ICA experiences, in particular those of Korea's half century of ICAs.

Clinical Solutions

ICA may be a short-term answer to an immediate problem and the best plan for some children. Yet it is not a permanent solution to global issues of child welfare and poverty in developing countries and should be used as a last resort only for children for whom no domestic alternatives can be created (Bagley, 1993b; Ngabonziza, 1991). An important part of the clinical solution is, as much as possible, to care for children within their own countries. This involves a two-dimensional approach and means creating possibilities for children in Third World countries in addition to increasing the

appeal of certain children in First World countries. Third World social work practice is rapidly developing practice methods most appropriate to their social and economic development and is showing innovations and progress (Midgley, 1990, 1994, 1996a). Korea in particular has made tremendous progress with social worker training and currently has thirty university programs in social work including six doctoral programs that produced 1,286 graduates in 1990 (P. Lee, 1992).

International solutions. How an international agency should operate and be funded has not been agreed on by international social welfare authorities (P. Lee, 1992; Selman & White, 1994). Social work practitioners who work with ICA families agree that adoptive parents are inadequately prepared to deal with children's adjustment difficulties, differences in cultures and prejudice (Carstens & Julia, 1995; van Tuyll, 1994). For the children who are actually adopted internationally, culturally competent social workers are needed to guide parents through the tasks of explaining difficult subjects such as abandonment, the circumstances of the adoption, negative images of the child's cultures and how to deal with racism (Melina, 1988a, 1988b, 1990a, 1990b, 1996a). While clinical casework alone is not an appropriate approach to global social welfare, specially trained caseworkers are needed for children and families (Lusk & Stoesz, 1994; Mary & Morris, 1994). ICA should be a social work specialty within the social work profession, developing expertise consistent with their respective cultures and traditions. For example, the Western style of casework contradicts the culture of countries such as Korea and China by its lack of involvement of extended family.

Domestic solutions. As discussed earlier, there are parentless children in every country and social service agencies could direct prospective parents who want to "help children" to needy children in their own country. Market research carried out in England to address this need concluded that ineffective publicity and recruitment was to blame for the lack of interest in local children. The conclusion was that agencies should treat all inquiries for adoption as a potential resource and promote alternatives to baby adoptions rather than discouraging applicants with tales of long waits (Lunken, 1995).

Agencies should also cease defining a child's adoptability from a parent-consumer perspective, but rather look at the needs of the child (Cole, 1984). Using economic concepts, we need to redefine "supply" to include all parentless children especially those previously considered "hard to place". We need to reconsider the "price" of acquiring a child, that is the eligibility requirements for domestic adoptions. This is not to reduce standards, but to redefine parenting and caring and to assist potential adoptees by "screening applicants in rather than screening them out" (Sachdev, 1984).

The British research also concluded that agencies must assure support for adoptive parents with special needs children (Lunken, 1995). A subsidy to adoptive parents could be paid in cases where the child has special needs, to help defer exceptional costs (Barth et al, 1994). Even with this kind of monetary support the cost to social services would be reduced, as the child would no longer be in a care facility. While adopting special needs children poses challenges, clinical research has shown that 80% of these children adjust satisfactorily to an adoptive home within three to five years (Hobday & Lee, 1994). If the adjustment difficulties of ICA and incountry adoptees

with special needs are highly similar, it is reasonable to assume that ICA children would adjust within a similar time frame. In-country adoptions of special needs children could certainly be successfully promoted for several additional reasons. Furthermore, potential adoptive parents should be reminded that more complete social and medical histories are available for domestic children and that local adoption involves fewer expenses, especially if it is subsidized. Subsidized domestic adoption would be a much less expensive venture for parents than going abroad and would reduce government costs for social services. Subsidies generally involve a one time start-up payment while foster rates continue until the child is an adult.

Global-Organizational Solutions

International regulations. International regulations and laws are the only solution to corruption in adoptions and to avoid "limping" adoptions that are legal in only one jurisdiction. One part of such regulations would be to disallow private adoptions and only to use only licensed agencies following world-wide regulations (Johnson et al, 1993; Lurvey & Rutkin, 1993). The Leysin principles are widely accepted by academics and are an example of movement toward international governing standards (Bagley, 1993b). However, the apparent reluctance of so many countries to ratify these principles and the reported disregard of them at a local practice level indicate that they may not be sensitive to individual countries' needs. For example, although Germany, Sweden, Denmark and the Netherlands have adopted the United Nations Principles, only 10-20% of adoptions in Germany actually follow them in practice (Carstens & Julia, 1995). For this reason, some groups, including the international organization Terre des Homme, believe

that international legislation is not feasible and instead, they promote bilateral agreements (Boeten, 1988; Caiani-Praturlon, 1991).

A web of bilateral agreements would be time-consuming to negotiate, difficult to control and would leave so many gaps and holes in the mesh that corruption would probably not be stemmed at all. International Social Services (ISS) is currently undertaking a world-wide review of ICA policies and procedures with a view to standardizing ICA according to the Leysin principles. While participation is voluntary, more than sixty countries have, to date, asked to be included in this venture. The eagerness of countries to participate in this process supports the view that an international system of facilitating and processing ICAs is the preferred option.²

Some critics caution against overly strict regulations and procedures, warning that restricting ICA will cause an increase of child stealing and illegal adoptions. Consequently, they urge that reasonable regulatory action be implemented before trafficking gets out-of-hand (Chambers, 1994: Korea Newsreview, 1994b). Others argue that trafficking is overestimated and overdramatized (Boeten, 1988). As exact statistics typically are not included with critics' anecdotal information, it is difficult to determine which view is accurate. Nevertheless, policy makers agree that trafficking in children is unacceptable and that the means to prevent it must be part of any global plan.

Changes in policies of supplying countries. The supply and demand equation needs to be addressed as well. Many Third World Countries are

²R. Freeman, ISS (Canada), personal communications, September & October, 1995; D. Ngabonziza, ISS, personal communication, October 27, 1995.

reducing ICA by legislating restrictive domestic adoption laws (Johnson et al, 1993; Sachdev, 1984). In these countries, ICA is seen as a resource issue in which children, as future resources, flow from poor countries to rich countries. This places ICA in a highly important position as a symbol of international services development. The contradiction is that ICA has been handled by international social service agencies as a type of rescue mission. This has led to the paradox of social services administering an resource-exchange transaction.

ICAs have been a part of international social services for half a century and both successes and failures have been well documented by critics and proponents. This experience and expertise needs to be utilized to create a framework for global practice that connects poverty, environment, militarism, communications, economics and consumption (Hartman, 1990; Lusk & Stoesz, 1994). This framework needs to be a "partnership" model, rather than the traditional "dominator" model of society where ideas flow in only one direction.

Policy makers and international social service agencies need to cooperate to create and promote policies and programs that contribute to economic development and increase the standard of living in Third World countries. These policies and programs should develop human capital by expanding employment opportunities, implementing family planning programs and developing social capital by strengthening social infrastructure (Mary & Morris, 1994; Midgley, 1990, 1996a, 1996b). This type of intervention would greatly increase the ability of parents and countries to take care of their children. Work towards this ideal began with the United

Nations Convention on the Rights of the Child (November 1989) and the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (1993). These conventions set the wheels in motion to address ICA within a global perspective. However, how to pay for a program on this scale is barely, if at all, mentioned in the literature.

With the recent elevated interest in ICA, it is certain that it will become more regulated. Yet this regulation must be addressed within the context of the rights of children, the economic needs of families, cultural values and resources and ideologies of governments. The legislation must consider how best to help adults and children in both countries, how the regulations would impact on families and cultures and how to most effectively address issues of corruption and abuse.

Conclusions

Upon close inspection it seems that ICAs are not as romantic and idyllic as they first appear. After adoptees reach their new homes, they face psychological, social and academic risks. While these personal risks may be buffered to some extent by the privilege of growing up in a middle class western home, not everyone benefits. Furthermore, the unadopted children suffer in low-quality substitute care with no prospects of being adopted and slim prospects of survival.

On a social level, ICA has been criticized for perpetuating and exacerbating the abandonment of children and impeding the development of incountry resources for improved social services. ICA has also been blamed for diverting attention from children waiting to be adopted in western countries and for catering to prospective parents who can afford the

expenses of adopting abroad. This situation is perpetuated due to the money involved and the pressure placed on developing countries to give up their children to foreigners.

Ideally, the way to resolve these problems and meet everyone's needs is to care for all children within their own communities. This involves promoting adoptable children within their own countries and directing adoptive applicants towards these domestic children rather than encouraging them to look elsewhere. In developing countries this means campaigns focused on redefining family and parenthood in order to make undesired children more appealing, as Korea has recently done in promoting the adoption of girls. This, along with improved social services, is beginning to bring the desired results. For hard-to-place children in western countries simply making applicants aware of local prospects for adoption could make a difference.

For foreign children without incountry prospects, who are adopted through ICA, care must be taken to assure that thorough home studies are completed, that there is a careful matching process of children with families, that after-placement services are available, and that all legal requirements are met with the adoption. Perhaps one day an international agency will be established to oversee the transfer of children between countries. Although not everyone believes that this is viable, child welfare experts from both sides of the ICA equation agree that there is need for more supervision and vigilance of ICAs.

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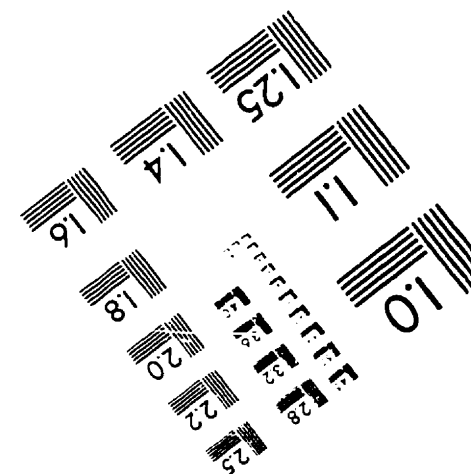
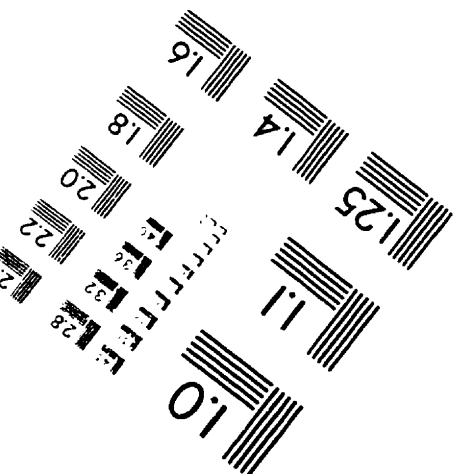
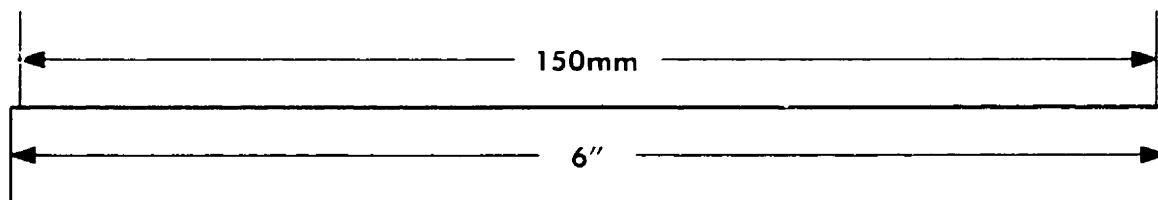
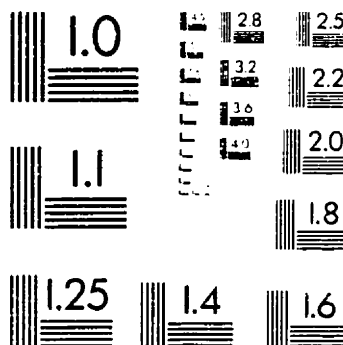
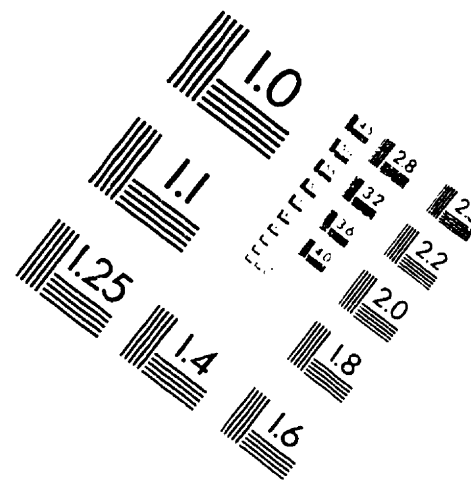
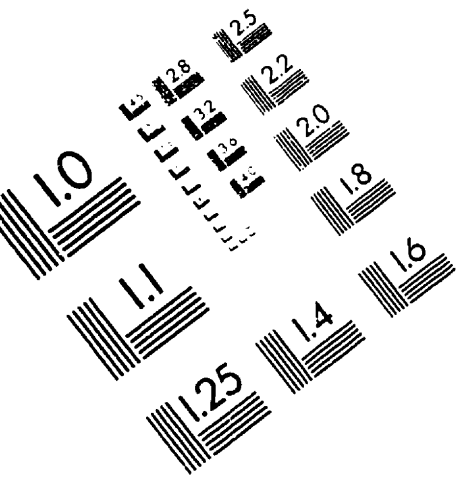
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IMAGE EVALUATION TEST TARGET (QA-3)



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