

Why intercountry adoption needs a rethink

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Associate Professor Sonja Van Wichelen, sociologist and leader of the Biohumanity FutureFix research project in the Faculty of Arts and Social Sciences made the call in a paper published in the latest issue of *Law and Society Review*.

In the paper, Associate Professor Van Wichelen argues that the world of international adoption today is undergoing profound changes and that legal systems and processes have been unable to catch up.

Over a period of five years, Associate Professor Van Wichelen conducted fieldwork in the United States and the Netherlands, where she visited a number of adoption agencies and conducted in-depth interviews and [ethnographic research](#).

One key aspect of her research was an examination of the impact of the Hague Convention on Intercountry Adoption, which was established in 1993 and sets out the international principles that govern intercountry adoption.

"The Convention does have an important role to play in ensuring the protection of the child and combating illegal and unethical adoptions," Associate Professor Van Wichelen said.

"However, it also operates as justification within the institutional domain, allowing adoption agencies to make distinctions between what they perceive to be 'legitimate' and 'illegitimate' adoptions and enacting particular norms and values that meet the needs of only some groups—particularly prospective adoptive parents in the Global North."

To date, many debates around international adoption have necessarily focused on postcolonial questions of whether it serves wealthy childless couples in economically developed societies in the Global North at the cost of birth families in developing countries in the Global South.

Associate Professor Van Wichelen's research also found that only a certain kind of kinship knowledge becomes known through current international laws, screening out other kinds.

"Essentially, the Convention has been helping to mainstream Euro-American adoption knowledge and practices, sometimes to the disadvantage of local adoption or fostering practice," she said.

Moreover, "with the emergence of new 'post-modern' ways of [family](#) life that challenge the Euro-American nuclear family unit—such as single parent families, extended families, LGBTIQ+ families and 'blended' families—it is vital that our global laws and regulations also speak to new forms of kinship."

Associate Professor Van Wichelen said her research highlighted that the issues at the heart of intercountry [adoption](#) were complex and that there were no easy fixes.

"Solutions suggested by other scholars and commentators have often remained within the realm of law, proposing more regulation, greater transparency, or proffering institutional 'best practices'. In addition, I believe it demands a political response and a global debate about how we can honour, respect, and legally work with different kinds of kinship knowledge in a transnational space."

More information: Sonja van Wichelen. Moving Children through Private International Law: Institutions and the Enactment of Ethics, *Law & Society Review* (2019). [DOI: 10.1111/lasr.12412](https://doi.org/10.1111/lasr.12412)

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