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# Plenary Legal Adoption and Its Implication for the Adopted Child

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## Abstract

By permanently severing all links between the child and its family of origin, plenary adoption gives those who adopt exclusive parental status. The present paper questions the implications of this legislative approach, which, it points out, imposes a radical change of identity on the child. Taking the province of Quebec (Canada) as an example, I note the main stages in the evolution of adoptees' legal status. I then describe the legislative and administrative framework of adoption in Quebec. I follow this up with a discussion of the main social practices currently associated with plenary adoption: stepparent adoption, adoption of a child placed in foster care, inter-country adoption. Finally, I briefly explain the paradox in identity formation generated by plenary adoption, and the strategies that adoptive parents employ when confronted with the question of their child's origins.

Key words : adoption, inter-country adoption, kinship, identity, children's rights

## Résumé

L'adoption plénière rompant définitivement les liens de l'enfant adopté avec sa famille d'origine, elle confère aux adoptants un statut parental exclusif. Le présent article met en question ce choix législatif en soulignant qu'il impose à l'enfant adopté un changement d'identité radical. À partir de l'exemple du Québec (Canada), il retrace d'abord l'évolution du statut légal des adoptés. Puis, il précise l'encadrement juridique et administratif de l'adoption au Québec. Les principaux usages actuels de l'adoption plénière sont ensuite discutés : l'adoption de l'enfant du conjoint, l'adoption de l'enfant placé en famille d'accueil et l'adoption internationale. Enfin, l'article explique brièvement le paradoxe identitaire provoqué par l'adoption plénière et les stratégies de contournement et d'évitement de ce paradoxe par les parents adoptifs face à la question des origines de leur enfant adopté.

Mots clés : adoption, adoption internationale, parenté, identité, droits des enfants

**Plenary Legal Adoption and its Implications for the Adopted Child**

Since 1990, Quebec has one of the highest rates of adoption per capita in the West (after the Scandinavian countries, Luxembourg and New Zealand)[1]. Children of all ages and origins (in terms of nationality, ethnicity or culture) are being adopted by parents presenting a variety of profiles (married spouses, unmarried couples and single parents, some of whom already have biological children). As its causes, motivations and aims multiply, adoption is increasingly debated in the name of the best interests of the child. Of course, much attention is given to children's security and health. There is also complete agreement about protecting children against the risks of being treated as commodities. Formal regulations and clinical practices strongly defend these principles. The radical change of identity imposed on the adopted child should also call for ethical reflections. However, this would mean reconsidering the exclusivity of the adoptive parents' rights.

This paper stresses the fact that many children now channelled toward adoption are neither orphans nor newborns abandoned at birth. Nevertheless, the only form of legal adoption available in North America and in most countries of Europe erases the adopted child's original identity and kinship ties. The adopted child always becomes a complete stranger to its birth parents and family. I discuss this issue of "plenary" adoption using the case of Quebec as an example. First, I very briefly explain the legal status of adoption in Quebec[2]. I follow this up with a discussion of the three main social practices currently associated with plenary adoption: stepparent adoption, adoption of a child placed in foster care and inter-country adoption. Finally, I briefly underline the paradox generated by plenary adoption, and the strategies that adoptive parents employ when they address the question of their child's origins.

## Adoption in Quebec: from marginality to exemplariness

Legal adoption in Quebec dates back to 1924. At this time, adoption aimed to improve the benefits provided to orphans and to children born out of wedlock, many of whom were being abandoned in religious institutions (Collard 1988). In these early days, adoption did not grant the same rights to an adopted child as those accorded to a son or daughter born to a married couple. Most of the time, adoptees did not learn about their adoption until they had become adults; this revelation frequently occurred by accident and could be a traumatic event for them. The notion that adoption was a fictive kinship and the

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[1] In 1998, the rate of adoption per 100,000 inhabitants was 9.5 in Quebec (6.6 in the rest of Canada), 14.6 in Norway, 14.2 in Luxembourg, 11.8 in Sweden and 10.2 in New Zealand. France and the United States, often cited as the countries where international adoption is, in absolute terms, the highest (3,777 in France, and 15,774 in the United States), had rates of 6.4 and 5.8, respectively. (Source : Adopsjons forum Norway, for Euradopt and the Nordic Council of Adoption).

[2] Over the last ten years, I have conducted several studies on adoption, in particular with the principal Quebec social actors in this field : adoptive parents, inter-country adoption accredited agencies, associations of adoptive families, adoption services of governmental centres for child welfare (called youth centres), and professionals working for them or mandated by them. I obtained grants from the Social Sciences and Humanities Research Council of Canada, the *Conseil québécois de la recherche sociale* and the Department of Canadian Heritage.

absence of role models for adoptive parents kept the adoptive families in a state of discomfort and marginality.

Over the last thirty years, adoption has been positively reassessed. Following closely on the heels of the recognition of women's legal equality, all children gained access to equal rights, regardless of their birth circumstances. In 1969, adopted children in Quebec obtained the same rights with regard to their mothers and fathers as legitimate children. In 1980, the reform of family law gave them equal rights with regard to their grandparents and other adoptive relatives, especially when it came to issues of inheritance. Current family values no longer stigmatize either children born out of wedlock or these children's parents. Adoption is predominantly defined in terms of compensating for the infertility of adopting couples and/or for the deprivation of abandoned children. Starting in the 1970s, experts in the field of adoption encouraged adoptive families to openly recognise the difference between adoptive and biological kinship. In so doing, they promoted empathy between adoptive parents and their child by getting them to acknowledge the sense of loss they experience and the grieving that follows (Kirk, 1984; Brodzinsky *et al.,* 1993). This openness was also favoured by international adoptions of Asian, West Indian and Latino-American children, which began during this decade on a very small scale[3].

As a form of elective kinship tie[4] intended essentially to promote the well being of the child, adoption is no longer seen as a deviation from the norm. On the contrary, it is emerging as an exemplary form of parental project. In Quebec, it is now available to all adults, regardless of their marital status or sexual orientation. Under the terms of the Quebec Charter of Human Rights and Freedoms, every individual - married or not - can apply to adopt a child and have their request evaluated. Moreover, since June 2002, adoption by gay and lesbian couples is also authorized. Similarly, since the family environment is increasingly considered to be the only living environment suitable for a child, it is no longer only children formally abandoned by their parents who are deemed to benefit from adoption, but also all children whose parents do not take personal responsibility for their care, education and upkeep. The children who are currently adoptable thus constitute a highly diversified group; they have followed very varied paths, and do not all have the same needs, either in the short-or long-term.

These developments in adoption imply a significant broadening in the scope of its application. Nevertheless, the statutory framework of adoption has not changed since the period when adoption was stigmatised and shrouded in secrecy. As noted previously, legal adoption in Quebec exists only in a

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[3]   In Quebec, the inter-country adoption movement experienced marked growth only during the 1990s. However, other countries, principally the Netherlands, Scandinavia and the United States, have longer experience with comparatively large numbers of international adoptions.

[4]   See the collective work by Agnès Fine (1998) on electivity in kinship, especially in adoption.

plenary form. An adopted child becomes a full member of its new family, but it also ceases to be the son or daughter of its birth parents[5], and is no longer a member of their kin group[6]. For historical reasons, Quebec society is, with regard to private law, governed by a Civil Code. In this context, the legal tie created between a child and its new parents must be understood through the concept of «*filiation*». In the section on family law, the Civil Code of Quebec pays special attention to the legal senses of and pre-requisites for establishing «*filiation*»; that is, identifying the persons from whom a child is issued according to its birth certificate. In its current version, the Code differentiates between blood filiation and adoptive filiation. When a child is adopted, its new filiation substitutes itself to its original filiation. A new birth certificate that does not mention the adoption is filled out, and notes the names of the adopters as if they were the only parents that the child had ever had. Adoption entails the same rights and responsibilities than blood filiation.

Generally speaking, among the various forms of child circulation surveyed by anthropologists[7], the least popular is plenary adoption which precludes the adoptee's affiliation to both its biological and adoptive families. In most traditional societies, re-settling a child does not result in the loss of its original identity, nor simulate biological filiation between adopters and adoptee. Above all, it creates a bond between the adult partners of exchange; sometimes, it even occurs as a substitute or an equivalent to marital exchange. Furthermore, rights and responsibilities regarding the child are not necessarily associated with just one set of parents; they may also be shared between donors and recipients (Lallemand, 1993). In some western countries, adoption is not always plenary in form. For example, France and Belgium also permit an additive form of adoption called "simple" adoption that does not extinguish all links with the original parents. But this has never obtained in Quebec and plenary adoption is preferred and widely promoted in those western countries (such as France) that also allow simple adoption[8].

The court can grant the adoption only if it is in the best interest of the child. In addition, as a measure of protection for the child, the State tightly supervises the adoption in order to prevent any abuse that could give precedence instead to the interest of either the biological parents, the adoptive parents or any other private party. When the child is born in Quebec, the only parents allowed to independently choose the adoptive parents are those who give special written consent in favor of a member of their immediate

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[5]   Nevertheless, when a person adopts the child of his/her spouse or common-law partner, the filiation with this spouse or partners remain in force (only the filiation with the other parent is terminated).

[6]   However, the restrictions on marriage with former close relatives remain if these restrictions are known in spite of the confidentiality of the files.

[7]   For the most part, anthropologists have studied how the circulation of children interacts with other dimensions of the social structure, though few have examined this in western societies. The best known works deal with Oceania (notably, Brady, 1976; Carroll, 1970 and Silk, 1980), the Inuit (Guemple, 1979 and Saladin d'Anglure, 1988), China (Wolf and Huang, 1980) and Africa (Goody, 1982). See also Goody, 1969; *Anthropologie et Sociétés*, 1988 and Suzanne Lallemand (1993).

[8.]   According to the principle of legal equality for all children, when an intercountry adoption is carried out in a country that practices simple adoption, or that does not have a juridical process for adoption, a judgment of plenary adoption must be issued in Quebec to establish the exclusivity of the bond and confer upon the adoptive filiation powers that are identical to those of biological filiation.

family[9]. Since 1979, when the Youth Protection Act came into effect, every other type of direct placement with a view to adoption has been prohibited; this is a distinctive feature of Quebec's adoption system. The birth parents must sign a general consent to adoption that gives exercise of parental authority to the Director of Youth Protection (DYP). Only the DYP staff members are authorized to identify the prospective adoptive parents or evaluate their parental capacities. Elsewhere in Canada, and in the United States, regulatory control is generally less strict: the placement leading to adoption can often be arranged by the families themselves or through a private agency. The evaluation of candidates may also be carried out by professionals in private practice. In France, parents are allowed to place their child directly with a view to adoption, if the child is at least two years of age.

As I have demonstrated elsewhere (Ouellette, 1995, 1996a, 1996b), this system of adoption is structured on the idea of a priceless child (Zelizer, 1987, 1992) who must be sheltered from any form of exchange, including a gift exchange. The prohibition on direct placement and the mediation of a representative of the State (the DYP) lead to interpret plenary adoption as a gift *to* the child, by diverting attention away from the transaction to which the child is being subjected, and from the breaking off of ties that is being foisted upon it. Thus, each of the parties involved is portrayed as an altruistic donor. The parents (the mother) who gave life to the child and now consent to its adoption give this child "the greatest proof of their love" and "the best chance in life". The adoptive family gives it their love, their time and all that the child needs to grow and thrive. Finally, the professionals working for the adoption services of the State "give a family to a child who does not already have one". The only recipient of a gift (and the only person indebted) is therefore the child itself.

In inter-country adoption – the adoption of children residing outside of Quebec – it is the authorities from the country of origin who determine if the child is adoptable, and who can decide if the child will be entrusted to a Quebec family. Thus, the role of the Quebec government is perforce limited. Private accredited agencies, supervised by the *Secrétariat à l'adoption internationale*, act as mediators between prospective adoptive parents and the authorities of the foreign countries. In some cases, prospective adoptive parents can also make personal contacts in the country of origin in order to apply for an adoption. In addition, they can obtain psychosocial evaluation of their parental capacities at their own expense through a psychologist or social worker in private practice. The DYP intervenes only in procedures carried out in countries where adoption is not subject to judicial control. The costs incurred by the adopters are substantial (in certain cases, exceeding $15 000); they derive from administrative formalities, travel abroad, and the need to get a wide variety of private actors involved. Most of the time, an obligatory "gift" of several thousand dollars must also be made to a charity or orphanage. Since so many private interests are involved, the legitimacy of international adoptions is tenuous. The interpretations according to which

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[9]   Special consent may be granted to an ascendant, to a relative in collateral line to the third degree, or to the spouse of this ascendent or relative.

these adoptions are a gift to the child itself are more easily contested than it is the case in domestic adoptions.

The legal and administrative framework of adoption starts by defining the child according to its age. Its interest and needs to be protected are then evaluated above all in terms of its well-being and psycho emotional growth as a young individual. Since a child's early years are judged to be crucial, the urgency of acting on its behalf has made adoption increasingly important. Nevertheless, the first function of adoption is to create an exclusive relationship between the adoptive parents and their new child. In what way is it in the interest of the child to be submitted to such a radical change of its kinship affiliation and identity (in addition to the change in its name, its national, ethno cultural, religious, linguistic or other form of identity frequently change as well)? This question must be explored by taking in account new social practices in the area of plenary adoption.

## New practices in plenary adoption

Plenary adoption gives to the adopted child rights that are equivalent to those enjoyed by the children born into their adopting family. The fact that it breaks the original filiation creates a situation that appears unambiguous, and the legal and symbolic results are certainly desirable in many cases. In other cases, however, exclusivity seems to better serve the interest of the adults than those of the child itself. In order to clarify this idea, I will deal below with three important aspects of adoption today: stepparent adoption, adoption as permanency planning on behalf of children supported by youth protection services, and international adoption of children originating in countries that are unfamiliar with the concept of plenary adoption.

### STEPPARENT ADOPTION

In Quebec, a person may adopt his/her spouse's child (or common law partner's child, after at least three years of cohabitation). This is the most common form of intrafamilial adoption. It creates a legal filiation with the adopter without breaking the filiation already established between the child and the spouse (or common law partner). However, it terminates the legal relationship with the other parent, who must provide special consent, unless she or he has been divested of his (her) rights. This rupture also affects the half-brothers, half-sisters, grandparents, uncles, aunts and cousins, all of whom become strangers to the child.

These adoptions allow for formal recognition of the parental role exercised by a stepparent, but permanently remove another parent and another kinship affiliation whose existence up to that point had been meaningful (even though it may have caused harm or pain). In this type of plenary adoption practice, the breaking up of the paternal or maternal filiation serves primarily the interest of the couple seeking

exclusive parental status and rights, rather than the interest of the child, who is already part of their family, and is certainly not deprived of parents. It does not allow for continuity in the child's affiliation following the estrangement of one of its parents. It precludes the recognition of multiple parenting and multiple kinship affiliations (Le Gall et Bettahar, 2001). Moreover, as Telfer (2001) indicates, stepparent adoption is gendered and features marked matricentricity: it is usually the father whose legal connection with the child is extinguished. As a result, paternity like marriage appears to be dissoluble, but maternity remains indissoluble.

In many instances, the role played by a stepparent deserves formal recognition (Théry, 1998; Mason, 2000). But given the effects of plenary adoption, other legal approaches would be less drastic than plenary adoption. French legislation, for example, allows only a simple adoption in the case of a spouse's child (a new filiation is created, but none is extinguished). Plenary adoption is ordered only in certain cases where: (a) the filiation with the other parent has not been established, or that parent has had his/her parental rights withdrawn, or (b) that parent is deceased, and his/her ascendants have not expressed any interest in the child (Neirinck, 2000).

## ADOPTION AS PERMANENCY PLANNING ON BEHALF OF CHILDREN PLACED IN FOSTER CARE

Until recently, youth protection services sought adoptive families only for children considered adoptable in the traditional sense, that is, young babies abandoned at birth. These days, however, slightly older children who have been withdrawn from their parents' custody and have "special needs" are targeted for adoption. The DYP's staff is required to identify among these children placed in foster care those who are "at high risk of abandonment", in order to find a permanent family for them as quickly as possible. If re-integration into their birth family or long-term placement in foster care proves to be unsuitable options, an adoption project is developed (MSSS, 1994). This implies that the youth protection services may actually plan a permanent rupture between a child and its parents in order to protect this child from the detrimental effects of parental neglect and long term drifting in the foster care system. This clearly signals a major reversal that changes the meaning of adoption, and that was not initially considered.

Most of the children affected have been subject to traumatic experiences (neglect, abuse or multiple separations). They frequently have attachment disorders (Hughes, 1999). Some have physical or mental health problems. The oldest ones and those who have waited the longest for a stable placement are those whose future is the most uncertain (Barth et Berry, 1987). Social workers themselves sometimes have doubts about the adoptability of these children (Avery, 1999). Indeed, late adoptions are difficult, even when no particular pathology is present (Rosenthal, 1993; Ouellette and Belleau, 1999; Ouellette and Méthot, 2000).

These children's parents also have histories of family break-ups, emotional deprivation and various abuses. Many suffer from psychiatric problems or drug abuse. Their network of relatives is either

inaccessible, unsuitable or has not been invited to get involved (McKenzie, 1993). They rarely choose to have their child adopted. Some eventually consent to adoption, but most of them refuse to do so. In case of such a refusal, a child may be declared legally eligible for adoption if it has been proved that the parent lost interest in it, failed *de facto* to provide upkeep, care or education for at least six months, and is likely to be unwilling or unable to take care of it ever again. Even involuntary withdrawal – due to mental illness for example – may result in this type of declaration, because the court will deem it to be *de facto* abandonment, regardless of the explanations provided (Castelli and Dallard, 1993; Goubau, 1994).

These adoptions, which result from a professional action, aim to provide the child with a stable and reassuring family as quickly as possible. Plenary adoption is probably desirable in most cases, especially when the birth parent has never lived with its child, and always rejected it *de facto*. Yet there are situations that are less clear-cut, in which it could be appropriate to maintain ties with the birth family (see, for example, Goubau, 1994). Indeed, even an unstable and disruptive relationship with this family may nonetheless be meaningful on the long term, although the child has been integrated harmoniously into another family.

The decision to render adoptable a child living in foster care is generally taken on the advice of expert psychologists or child psychiatrists, who assess the child's development, pattern of attachment and behavior. The criteria on which their assessments are based are controversial, even within the scientific community, and of necessity evolving. They can support recommendations for continuity of care in the foster family where the child has developed secure attachment ties or for the displacing of the child in a new family. They can also lead to advice against reuniting the child with his birth parents. Very rarely can they justify adoption per se on the ground that it gives more legal security (Gauthier, Fortin et Jeliu, to be published). Nevertheless, Youth Protection workers and the Youth Court frequently re-interpret experts' recommendations to protect the attachment ties created between a child and its "psychological parents" as a scientific judgment saying that adoption must be granted in the name of the child's best interest.

Most of the children affected by this new practice in adoption come from very disadvantaged socio-economic backgrounds. In addition, their parents' psychosocial problems are bound up with their unsatisfactory living conditions. It is a heavy burden on public finances to provide foster care for these children as well as supportive intervention for their parents. On the contrary, their adoption transfers the entire responsibility for these children to their adoptive families. The budgetary restrictions that have affected social services since the 1980s partially explain why these services increasingly promote such transfers from foster care to adoption. Given this context, registrations to adopt children born in Quebec are implicitly treated as offers of service from families willing to become permanent, free care resources[10] for children who might otherwise live in foster families until they came of age.

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[10]   However, the DYP may grant the adoptive family financial support for the adoption; this support is digressive over five years.

*Inter-country adoption*

Inter-country adoption comprises a wide variety of cases. Most of these adoptions involve children entrusted to adoptive parents by an orphanage whose staff cannot provide information on the birth family; this is what happens in the People's Republic of China (since 1990, the main country of origin for children adopted in Quebec). Plenary adoption is the most practical solution in these cases and meets the child's interest. On the other hand, in many other cases a radical break of the original filiation may be less advantageous.

Some children adopted abroad have lived with their birth family and are old enough to have a clear recollection of it. Their birth parents are poor, but have not necessarily been neglectful or abusive, though this does sometimes occur. Furthermore, while the birth parents have chosen to entrust their children to strangers, they may nevertheless wish to remain in contact with them and their adoptive family. Their attitude is often inspired by traditional forms of child circulation that do not erase the child's past, and that create an alliance or sustainable social bond between the original family and the adopting family (Lallemand, 1993). They sometimes expect that the orphanage through which their child has passed will give them news about the child or put them in direct contact with the adoptive family; some adopters accept this, while others avoid it at all costs. In this sense, international adoption is often based on a misunderstanding between birthparents and adoptive parents, a point emphasized by anthropological studies carried out in the countries of origin (Fonseca, 2000). Lastly, some international adoptions are in-family adoptions allowing brothers, cousins or nephews to enter the country.

In many cases that do not correspond to the stereotype of a very small child without ties, plenary adoption is not necessarily the solution when the child's interest is at stake (Duncan, 1996). This is all the more true for several countries of origin where the child does not cease to belong to its birth family after it has been legally adopted. In such cases, a Quebec court must declare a plenary adoption once the child has entered Quebec, even though the birth parents may not have given their consent to the termination of the original filiation; this also occurs frequently in host countries, such as France and Belgium that have experience with simple adoption. Indeed, in these countries too, those who wish to adopt prefer plenary adoption, even when the child originates in a country where adoption does not extinguish the previous filiation, and even in cases where the child is already older. This preference is based on the fact that they want the exclusivity of the parental tie; but it also stems from the fact that the adopted child may gain faster access to the nationality of the adoptive parents. In-family adoption, on the other hand, leads to different choices: in France, citizens of a foreign origin who internationally adopt a child to whom they are related generally request simple adoption (Rude-Antoine, 1999). The Hague Convention on protection of children and cooperation in respect of inter-country adoption (1993) will not put an end to these conversions, carried out in the child's host country, from simple adoption to plenary adoption; however, the Convention stipulates that written and enlightened consent must be obtained from the original parents before such action can be taken. Besides, in order for a child adopted abroad to acquire the same rights that it would

enjoy had it been born into its adoptive family, it is not essential that it be cut off from its original family. That said, it seems that application of the Hague Convention is more likely to promote the widespread use of plenary adoption in the countries of origin than to make the host countries more open to less radical forms of adoption. The expansion of the "clean-break" approach to Third World countries has been noted by some researchers (Yngvesson, 2000; Fonseca, 2000; Hoelgaard, 1998). But, in the same time, the need for long-term alternative care arrangements is increasingly felt: for example, in the case of refugee and other displaced children, and in the case of children from Islamic countries where only fosterage (*kafalah*) is permitted (Duncan, 1993).

In sum, plenary adoption is no longer intended solely for children, abandoned at birth, whose parents are unknown or wish to remain anonymous. Neither does it aim any longer to hide the existence of the adoption itself. Adoption of a spouse's child, adoption as a permanent placement of a child previously living in foster care, and some international adoptions, all involve children who already have a clearly established filiation. To become part of a new family, these children must lose their original filiation and radically change identity. Their situation seems to be very straightforward. However, in our cultural context, the termination of a blood relationship gives rise to a paradox. I will now develop this idea by discussing the ways adopting parties construct the adopted child's identity.

## The identity paradox in plenary adoption

The dominant genealogical model in euro-American societies is modelled on biological reproduction. The identification of a child's ascendants seems to simply rely on the natural process by which it was born from a man and a woman. Moreover, these kinship ties are considered as the source of a permanent bond of love and solidarity. Via the mirror effect (Modell, 1994), plenary adoption confirms this apparently natural principle of exclusive descent: a child never has more than one mother and one father. On the other hand, an adopted child finds itself in a paradoxical situation: its adoptive affiliation is totally exclusive, yet the cultural context does not allow for the dissolution of its birth kinship ties. Adoptive parents also face this paradox. On one hand, they must consider themselves to be the sole parents of their new child. On the other hand, ever since the norm of secrecy was abolished, they must openly acknowledge that this child was born from another parental couple.

In the practices and discourses of Quebec's social actors in the field of adoption, we can identify two dominant strategies for coming to terms with the paradox raised by plenary adoption. The first strategy consists in understanding parent-child ties from a perspective other than that of kinship affiliation. The second strategy is to acknowledge the original filiation, but only as a reality that is spatially and temporally far removed from the child.

FREEING OURSELVES FROM THE LOGIC OF KINSHIP AFFILIATION

Social actors in the field of adoption place themselves outside the logic of kinship affiliation when they focus solely on the transfer of parental rights and responsibilities, while disregarding the change in identity foisted upon the child. Adoption is thus presented in this way as simply a legal method for providing the child with a stable and loving family. Family is understood here to mean the residential unit in which care and socialization are provided, and not a kinship group. Implicitly, then, the child is defined as a self-contained individual, existing in itself beyond all relationships that involve a sense of belonging or identity.

Those who seek to adopt place themselves in a similar position when they assume that the child to be adopted is kinless and completely left by itself, without any "community of belonging": a barely surviving soul whose social life begins with adoption. The long wait endured by these adoptive parents is likened to a pregnancy. The trip to the country of origin of a child adopted abroad is compared to childbirth: *"We went to get her, and we think it is important. It was like an initiation. She was coming out of her world. It was even a little like childbirth."*

Thus, in inter-country adoption, the ideal child is a *foundling*. Quebecois who adopt little girls in the People's Republic of China (since 1990, around 350 adoptions per year) say that the documents they are given contain stereotyped histories, and that those of children adopted at the same orphanage and during the same period all resemble one another. The age given for the child is approximate; two or three different dates of birth may be transmitted to the adoptive parents between the time a child is proposed and the moment that they take it into their charge. For the adoptive parents, this proves that these children are almost all foundlings: they were found in stations, on buses, on bridges, in garbage containers, on the steps of the orphanage or elsewhere. The fact that China is currently the country preferred by Quebecois who wish to adopt may be explained by several factors, but the importance of the foundling theme in Western representations of origins is probably relevant.

In this regard, the example of an adoptive mother that I met during my research speaks volumes. With her child of West Indian origin by her side, she first of all told me that a missionary nun had found him in a vegetable garden *("he was very small, too small to reach a tomato with his little hands")*; she knew nothing about his past. This version of her son's origins was told to her over the phone by a private intermediary when the child was proposed for adoption. Later in the interview, when the boy had moved away a little, the mother mentioned that she had in her possession documents attesting to the fact that the biological parents had provided consent to adoption in writing because they could not meet the needs of all their children. These documents contained detailed information, but the mother said she was convinced that they were pure fiction, and that the version describing her son as a foundling was much more credible.

## DISTANCING THE CHILD FROM ITS ORIGINAL AFFILIATION

In practice, it is impossible to completely dispose of the question of the original filiation, or to completely ignore the identity paradox created by plenary adoption. The various experts gravitating around the adoptive parents encourage them to openly discuss their child's origins with the child itself. In addition, the parents must expect that once their child reaches adolescence or adulthood, it may look for its birth parents. Nevertheless, the approach employed by those who wish to adopt, and by adoption practitioners, to explicitly acknowledge the child's origins reaffirms the exclusivity of plenary adoption. Indeed, the child itself is distanced from its birth affiliation, which is relegated to a time and locality that are far removed from the adoption context. In their discourses, they do not deny the birth affiliation, but assign it an anterior status. They make it a detail of a past personal history, rather than a component of a current identity. Thus, they acknowledge that the adopted child has had two filiations in succession, but not a double affiliation. In addition, social workers tell those who wish to adopt that they will be assuming responsibility for a second parenthood. In other words, the paradox of plenary adoption is circumvented by placing both affiliations (original and adoptive) on a temporal continuum, so that they do not exist concurrently. In this way, the logic of plenary adoption is not questioned.

Following adoption, there are no longer any ties with the original parents. However, there is still information on file. To be able to respond at a later date to questions that the child will surely ask, it is important to collect as many documents, photos and letters, etc., as possible. Adoptive families, accredited international adoption agencies and public services for child protection all put a lot of effort into this. Through the preservation and management of these documents, the original filiation is acknowledged but deactivated; it is objectified and placed in a position of exteriority relative to the child. The information constitutes the vestiges that will be needed to eventually piece together the child's history.

In the vast majority of international adoption cases, the issue of personal identity is framed almost exclusively in terms of the child's national, cultural or ethnic heritage. In most cases, the parents know next to nothing about their child's past (such as a date, a name, a place of birth, or the number of brothers and sisters). In spite of this unfavourable situation, they very actively set about compiling for the child a record of its origins. This record contains legal documents that the parents were able to collate, but also places a lot of emphasis on their own travel memories and bookish knowledge. The parents compile this record primarily out of photos and videos that they took of the orphanage and of the country's main tourist spots when they went to get the child. They also add clothes, toys and various typical objects that they purchased.

This transposition of individual identity to the cultural level, links the individual to collective referents (Chinese culture, for example, as opposed to Quebec culture), rather than to persons or family lineage. The issue of the child's origins and personal identity is still addressed, but beyond the realm of kinship. This displacement sustains the elaboration of a social discourse on the identity of adoptees; it also gives

them an opportunity to gain recognition for the unique position they are in. At the same time, it neutralizes the opposition between biological filiation and adoptive filiation. International adoption is redefined as the family and social integration of a child born in a different cultural context. At first marginal and atypical, the adoptee's identity becomes comparable to that experienced by members of the various ethno cultural groups that make up our society. A mother may thus say with regard to her daughter*: "This child must put down roots in her new life, in her new country and with her new family"*; but she may also say: *"She is a person of Chinese origin who lives in an adoptive country"* and explain that she is getting her to study Chinese, and teaching her to be proud to be Chinese.

## Conclusion

In adoption, the child's interest comprise the opportunity to live permanently in a stable family that meets its material, emotional and social needs, and having the same rights as a biological child. This is precisely what plenary adoption provides to children whose parents are absent or unsuitable. This legal mechanism is becoming increasingly widespread and its value is most often perceived as self-evident. Many observers of the adoption scene never even consider that it is a legal construct that can be improved. Nevertheless, since assessments of children's interest leave much room for interpretation, the options to which it gives rise should be discussed on an ongoing basis. In this article, therefore, I have drawn attention to the fact that the exclusivity of adoptive filiation does not always coincide with the interest of the child.

Recent developments in adoption means that it can be lived openly. Adoption may even manifest itself as an exemplary form of emotional involvement. On the other hand, the new social practices in adoption increase the number of cases in which a child loses its original filiation so as to gain a new one; this trivializes the shift in identity that is foisted upon it. In addition, the dominant attitudes with regard to adoption consist in denying or neutralizing the role played by birth kinship ties in constructing the individual personal narrative and identity. In sum, exclusive filiation remains the norm. We should ask ourselves if strict adherence to this norm is creating an overly narrow framework for the identity of adoptees. Personal identities are increasingly acknowledged to be composite, fluctuating, and often constructed by crossing gender, ethnic group and cultural boundaries. Could it not therefore be appropriate in some cases to explicitly acknowledge that adopted children might have two distinct foci for constructing their identities: their adoptive filiation, but also their biological filiation? For some observers, "open" adoption would adequately compensate for plenary adoption's overly radical approach, which obliges a child to forego all ties with its former family, even when this is not in its best interest. In this form of adoption, the adoptive parents and birth parents make direct contact. However, such contacts are not always possible, or are restricted to the months before and after the adoption. In inter-country adoption, they are relatively rare. The approach offered by simple adoption, which is inclusive rather than exclusive, should also be explored. It allows the birth legal filiation to subsist after the establishment of the adoptive filiation, but it does not compel to maintain contacts when this is not appropriate. In

exploring these issues, we should draw on anthropological studies on adoption in various contexts. Indeed, plenary adoption represents only one of many forms of adoption and fosterage known throughout the world (Lallemand, 1993).

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