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Children in Tatters across the Earth Inter-country Adoptions, Intercultural Discriminations¹

*So that all adult human beings
might feel (prospective) parents
of each child living on the Earth*

Abstract

The essay focuses on a different perspective of the child in the assessment of her/his best interests regarding the practice of international adoption. Specifically, it will be argued that the child who is the object of adoption should be understood in terms of his/her 'relational being,' rather than as an a priori reified entity. This perspective allows for a 'lateral gaze' on the interplay between the cultural characteristics of children and the intercultural meaning of intercountry adoption. The most important implication of such an approach is the relativization of 'blood ties' as the natural source of the parental relationship and responsibilities. The argument is further developed through a retrospective analysis of the cultural-religious sources of Western imagery concerning the idea of the "natural family" and its allegedly genetic roots. Jesus's self-definition as a 'Son of man' serves as a fulcrum for an unorthodox journey through the Western cultural and legal tradition, which unexpectedly ends up subverting its inclination to ontologize the 'blood family.' At the same time, this 'unfamiliar' reconstruction gives rise to a new post-colonial, antiracist and non-ethnocentric configuration containing the seeds of a universal responsibility of adult human beings for all the children living on the Earth regardless of their genetic descent or geographical location. All this subverts, in a sense, the hierarchical relations between 'blood parentage' and 'adoptive parentage' paving a possible new path toward their future developments. Even so, the essay strives to leverage the same cultural-religious origins of the Western tradition and the (allegedly) secularized values/principals underpinning the international and national legal features of adoption and its intercountry projections while exploring more nuanced and fruitful alternatives.

Keywords: Intercountry adoption, Best interests of the child, Intercultural law, Son of man, Blood Family.

1. 'Being' and the 'Best Interests' of the Child: Entification vs. Relationality?

An essay on the 'best interests' of the child in intercountry adoption should ordinarily be focused on questions such as, 'What is to be considered as best interests and how should they be assessed?,' 'How do they address the child's autonomy, identity, right to live with the birth family, need for care and

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protection in the light of her/his vulnerability, right to health and education, etc.?’ ‘Are these ‘best interests’ ‘paramount criteria’ in adoptive procedures, or are they rather of ‘primary relevance’ to be balanced, however, with other factors?’ and so on.

All the above questions generally emerge from the UN Convention of the Rights of the Child (CRC, 1989), and specifically Articles 3² and 21, as well as the Hague Convention on Intercountry Adoption (HCIA, 1993). I have to warn in advance that I will not attempt to answer these questions in the way that might be expected. This is because in my view most of the queries orbiting around the ‘best interests of the child’ miss the mark in their attempt to ascertain the signification of ‘best interests’ in the absence of any previous investigation into the meaning of the word ‘child.’ In the literature on both domestic and intercountry adoptions the answer to the cornerstone question ‘Who is the child?’ is too often taken for granted—at least from an anthropological perspective. Meanwhile the silent assumptions underlying the various conceptualizations of ‘the child’ are too often fraught with cultural prejudices and paternalistic attitudes.

As far as the methodology is concerned, any quest into ‘best interests’ should be hinged on a previous explicit and critical clarification of exactly ‘who’ is the bearer of said interests. On the other hand, it is impossible to aprioristically define the category ‘child’ without considering the experiential and communicative relational network within which each ‘real’ child lives. These relationships include even what is ‘in-between’ along the threads joining the individual child with other subjects in her/his environment. But such ‘in-betweens’, in turn, equal precisely the ‘inter’—‘esse,’ which etymologically provides the inner signification of the (English) word ‘interest.’ Hence it makes little sense to consider the ‘child’ on one side and her/his interests on the other, as if they were two semantically and experientially divorced conceptual entities. What and who a child is, cannot be detached from her/his ‘inter-being’ (and not only ‘interplaying’) with her/his relational environment. This is because the ‘child,’ any child, is a subject who is “gushing out,” and in a sense is being conceptually excerpted, from the stream of experiential and communicative relationships that s/he proactively shares with others.

In the same vein, not even a child body could be assumed as aprioristically existing with her/his own kind. ‘Nurture’ and ‘care’ are prerequisites of human life. But their meaning would be unthinkable outside inter-subjective relations. Specific biological features, such as the ability to acquire linguistic competence, simply would not exist without the communicative interchange between the child and the adults who care for her/him from the earliest days and certainly for the first four years of life. The ‘child’ can be singled out categorically only by means of an implicit assumption about the existence of all the relationships that gradually weave the phenomenal fabric underlying the entity we experience as, and summarizing call, ‘child.’ From a semiotic point of view, even individual DNA comprises a sequence of information which would have no consequence if there were no surrounding environment suitable for its development and communication.³

² But see also General Comment No. 14 (2013) on the right of the child to have his best interests taken as primary consideration (art. 3, para. 1), which was adopted by the Committee at its sixty-second session (14 January–1 February 2013), where it is stated that the ‘best interests of the child’ deserve ‘primary consideration’ in all actions and decisions concerning her/him and that it comprises a threefold concept including and providing a right, a principle and a rule of procedure. See https://www2.ohchr.org/English/bodies/crc/docs/GC/CRC_C_GC_14_ENG.pdf, specifically p. 2.

³ Cronin (1991); Sebeok (2001).

Therefore, the 'being' of the child encapsulates also her/his 'inter-esse' (inter-est), and vice-versa. In other words, the 'inter-esse' (or inter-being) is co-constitutive of the child's 'esse,' or 'being.' Consequentially, assessing the 'best interests' of the child is another way to 'assess,' and some cases determine, 'what and who' the child is, or ought to be.⁴

The interpenetration of 'being' and 'relationality' in the conceptualization of the 'children' and their best interests means that 'nature' and 'culture' should be taken as two sides of the same coin when the well-being of a child is at stake.⁵ 'Natural aspects' of the child's biological make-up, as for example the development of the brain areas related to language, can reach their full development only if the individual is exposed to linguistic stimuli, that is, to cultural phenomena and factors including language. If the developmental conflation of nature and culture is considered comprehensively, it reveals that both the issues 'what and who each child is' and 'which are her/his best interests' cannot find meaningful resolution without a serious cultural investigation. The cultural environment is part and parcel of the child's being and well-being. Consequentially, no assumed natural feature can legitimately serve as supporting evidence to reify characteristics that are however imbued with culture.

If the above conclusions are correct, intercountry adoption could be taken as a testing ground to assess and, even before, provide awareness of the cultural imageries nestled in the ideas and practices of adoption and, most importantly, in the role of parentage. Any decision on the displacement of a child that seeks to assure her/him a family and ensure the protection of her/his best interests must rely upon a comparison of patterns of childhood, parentage, family, and social environment. Such assumptions can be explicit or implicit, but in any case they play a pivotal role in the process that culminates in the declaration of the state of adoptability and the evaluation of the foreign prospective adoptive family. The cultural features of the ideal family and, thereby, the more suitable developmental path for the child are, nonetheless, not universal. The 'transferral' of a child from one cultural environment to another is a proactive prophecy on her/his future, who s/he will become and, then, who s/he will be.⁶ In many cases, the geographical transfer is also a cultural

⁴ From this point of view, I think that the provision included in para. 6 (a, b, c) of the General Comment No. 14 (2013), in defining the 'best interests of the child' as, simultaneously, a *substantive right*, a *fundamental principle* and a *rule of procedure*, neither adds to nor detracts from the issue of the 'relational being' of each, and the schemes used to assess 'who s/he is' in view of the adoption, and especially the intercountry adoption. This does not mean that the 'perception' of the importance of the universe of relationships surrounding the child remains outside the judges' and the social workers' reasoning when they are called upon to ascertain the life conditions of children and the suitability of a specific adoptive path. Nonetheless, the constitutiveness of relationality regarding the 'child's being' is often ignored, or only implicitly considered. But this is not without relevant consequences to the judicial decision. This 'side' position assigned to the 'relational being' of the child can also be traced in scientific approaches. In this regard, see, for example, two very insightful essays, respectively, by Skivenes (2010) and Skivenes and Sørsdal (2018): both of them have the merit of combining a sociological approach and legal logic in the analysis of the courts' decision about the best interests of the child without, however, assuming the 'child's relational being' as the orbital axis of the arguments they develop.

⁵ Ingold (1989, 2000).

⁶ See, in this regard, para. 84 of General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (Art. 3, para. 1) adopted by the Committee on the Rights of the Children: '84. In the best-interests assessment, one has to consider that the capacities of the child will evolve. Decision-makers should therefore consider measures that can be revised or adjusted accordingly, instead of making definitive and irreversible decisions. To do this, they should not only assess the physical, emotional, educational and other needs at the specific moment of the

translation between different schemes of parentage and childhood: that is, principally, different patterns of subjectivity. A change in the relational environment of a child unavoidably entails what the child 'is to be.' Thus, the assessment of the best interests of a child with regard to adoption encapsulates, in every case, a decision about what/who that child will 'be or not be.'

The major danger that lies in the processes of decision-making around intercountry adoption is the risk of engendering a cultural unbalancing. This is because intercountry adoption should always be defined, or at least considered, as an 'intercultural adoption.' Who and what the *adoptable* child 'is' and 'will be' as a result of the adoption should be translated into one another so as to define an intercultural existential pattern functioning as an evaluative standard (without prejudice to the particular exigencies connoting each specific case). The child's present and future, in other words, should be interculturally synthesized and re-conceptualized, each in the light of the other. This translational task should be considered as an indispensable element in the understanding of what the transnationally adoptable child could gain or lose along her/his displacement and, consequently, the cultural/educational commitments/duties of the 'destination parents.'

Insofar as the child is a relational subject, her/his relationality is to be mirrored in the intersecting relationships s/he has woven, and will develop, with both the birth and the adoptive families, as well as the related socio-cultural environments. As stated above, if the 'being' of the child is inherently relational, then negotiating the adoptive process with regard to 'who' and 'what' s/he is and will be, becomes even more challenging. The reason for such increasing difficulty stems from the need to include the relationships from both the child's 'source and target' cultural environments, or her/his whence and whither, in coming to an understanding of her/his inner relational 'essence.'

Intercountry adoption compels the legal interpreters and social workers involved in the adoptive process to take into account not only the different imageries tied to parentage and its function, but also the power relations and in many cases the ethnic, or even worse, racial prejudices between the cultures of the child's place of origin and place of arrival. Just to avoid any misunderstanding, it should be said that the issue of intercultural relationships⁷ is crucial even when the adoptee is an infant because her/his body appearance and/or skin color will influence her/his social relationships with the environment where s/he will grow up. The potential conflict between 'who' s/he feels on the inside and how others will see her/him will mirror encapsulate the relationships between the "original" and "arrival" cultures and their reifications.⁸ When the adoptee goes to school, it will be enough to have almond-shaped eyes or black skin for her/him to be considered Asian or African by her/his classmates and peers, even if the adoptee never had any contact with her/his birth family's culture. In such cases, the child and then the boy/girl shall face the relational discrepancies between her/his inner being and the psychosocial features that others will persist in, or prejudicially infer from, her/his bodily aspect. The 'relational being' of the child will

decision, but should also consider the possible scenarios of the child's development, and analyse them in the short and long term. In this context, decisions should assess continuity and stability of the child's present and future situation.'

⁷ As for interculturality and intercultural law I refer to my previous works, among which see Ricca (2014, 2016, 2016b), and further Ricca (2008, 2013).

⁸ Marr (2016: 226 ff.), Hübinette (2016: 221 ff.). See these very insightful essays for further bibliographical references on critical adoption studies focusing on race and/or racial differences as sources of the psycho-social dis-ease of intercountry adoptees.

transmute, in this way, into a quest for finding an answer to the vital question ‘who am I?’ The answer, however, will ineluctably also rebound on his/her relationship with the adoptive parents and the meanings conferred upon them, against the foil of the overall social environment where the adopted child’s subjectivity is to develop and unfold.

All the above observations lead to the conclusion that the assessment of the ‘best interests’ of the child in intercountry adoption is a multi-factor function in which culture and cultural relationships hold a ‘key role.’ Nonetheless, it is very difficult to find any reference to the constitutive relationality of the child’s ‘being’ in the official comments and in the jurisprudential implementations of Art. 3 of the CRC. A reference text, in this sense, can be found in General Comment No. 14 (2013) by the Committee on the Rights of the Children. Actually, this Comment relies upon an individualistic interpretation of the ‘child’ foreshadowing an underlying ‘entification’ of what it means ‘to be a child.’ In this text, it is possible to come upon, here and there,⁹ occasional referrals to relational aspects, such as the child’s living context, environment and family; even so, all these relational elements or ‘circumstances’ appear to have been taken in consideration merely as surrounding connotations of a pre-determined ‘entity’: precisely the ‘child.’ The final result is that the relational ends also become reified and essentialized, especially when their consideration falls under the lens of a broader comparison with other environmental/relational circumstances that are inescapably involved in intercountry adoption. In other words, relationality and its components are treated as attributes, and thereby mere additions, of the entity ‘child’ rather than as constitutive factors reciprocally interacting and giving rise to the mobile point of psycho-phenomenal confluence that we define ‘a child.’

The main consequence of the above almost Aristotelian distinction/opposition between ‘substance’ and ‘accidents’ is that the child’s social context, cultural habits, family framework, religious inclinations, etc., will be ossified in a sort of ‘thinghood’ and as such grafted onto the assessment of her/his ‘best interests to be adopted.’ In so doing, however, the birth and arrival environments will each be put against one another without any possibility to reciprocally translate them so as to achieve a meaningful synthesis serving as evaluative ground for the child’s development.

Adoption is an ongoing translational process that can last for the entire life of an individual. Intercountry adoption, particularly, comprises a geographical translation, which is accompanied and followed by a semantic one. But if the adoptee as well as the other actors embroiled in this translational challenge (parents, experts, teachers, peers, social contexts, etc.) assume environmental and psycho-cultural factors at play as reified entities rather than as relational threads and clues to the child’s personal development, no genuine translation can take place. On the contrary, silent prejudicial assumptions, stereotyping schemes of judgment, and asymmetrical gazes on Otherness will work as a rudder in steering the identification and selection of the elements to be used as axes for the translation that will occur. The final result could be, then, that the adoptee will remain ensnared in a tangle of dialectical oppositions that will be heightened and stiffened rather than dissolved and creatively overcome.

Cultural and religious features—just to consider two relevant and divisive factors—are often assumed as ossified qualities affecting the ‘individual’, almost as if they were psycho-behavioral

⁹ See General Comment No. 14 (2013), especially para. 48, 55-57.

equipment. They are not narratively discomposed in their semiotic elements and thus subjected to a creative process of metaphorical transposition as functional tools for the construction of a specific child's personality.¹⁰

Idiomatic evidence of this reifying and dialectical approach can be seen, for example, in Art. 9, para. 4 of the CRC and No. 56 of the General Comment. The last provision specifically states:

56. Regarding religious and cultural identity, for example, when considering a foster home or placement for a child, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background (art. 20, para. 3), and the decision-maker must take into consideration this specific context when assessing and determining the child's best interests. The same applies in cases of adoption, separation from or divorce of parents. Due consideration of the child's best interests implies that children have access to the culture (and language, if possible) of their country and family of origin, and the opportunity to access information about their biological family, in accordance with the legal and professional regulations of the given country (see art. 9, para. 4).

In the above text, cultural habits, religious beliefs, and behavioral attitudes are taken as if they were material relics to be nestled, in one way or another, in the arrival family and social context of the adoptee. The possibility of a creative intercultural reinvention seems to be aprioristically out of reach. But this sort of intercultural blindness is only one expression, with specific regard to the adoptive context, of a general inability to conceive of an intercultural approach as a recipe to attune daily issues on a planetary scale within the present human experience. Translational problems merely reveal how individuals involved in intercountry adoption processes are among the countless 'impact points' suffering the unpleasant consequences of a lack of intercultural awareness and skillfulness in contemporary global and state political practice. Many intercountry adoptive parents believe it to be their duty to allow their child to learn the customs, language, religion, artifacts, music, food, etc., from her/his country of origin. They presume that encouraging such retrospective cultural contacts is a way to respect their child's identity. However, in so doing, the *other* culture, namely their child's allegedly "original" culture, is conceptualized as something *alien* or *distant*, and represented by means of the mere morphological appearances of material objects or behavioral dispositions. This kind of reification leaves a kind of schism between the past and the present of the adopted individual, marginalizing her/his cultural Otherness in an imaginary and geographical elsewhere which is tragically doomed to be left in a faraway place and, at the same time, to survive underground in the child's 'being.'

It is extremely difficult for intercountry adoptive parents to draw out from themselves their own cultural habits and relativize them within a symmetrical creative interchange with the adoptee. On the contrary, the parents are prone, at least on average, to recast the adopted child into a kind of surrogate of the child they never had. Paradoxically, this strategy of assimilation and often unaware silencing of the child's Otherness is lived and acted out as a projection of the adoptive parents' love.

From the first days in the new family, the adopted child is somehow psycho-psychically re-invented, as if s/he underwent a re-birth or a transfiguration.¹¹ Nonetheless, bodily appearances

¹⁰ As for the methodology of intercultural translation I must refer, here, to my previous works. See Ricca (2008, 2013, 2014, 2016, 2016b).

cannot be erased or dissimulated, especially in the eyes of those outside the adoptive family circle. These “outsiders” serve as a reminder of the child’s cultural Otherness. Despite the parents’ freely undertaken choice to adopt from another country, Otherness will remain, however, in an ambiguous condition: in most cases it will be overtly included but simultaneously distanced from the inter-subjective interplay between parents and the adoptee. If we consider the relational gist of all children, this ambiguity will lurk inside the adopted subject, ready to break up her/his personal identity at the first conflict with the social environment and its impact on the family life.

Neither the adoptee’s past nor the parents’ cultural habits can be reconciled through unilateral efforts or the use of relational formulas made of reified folkloristic scraps from the alleged cultural environment of the adoptee. Things and practices have little if anything to do with the skin or bodily appearance. Their relatedness is, instead, a cultural construction. Including them inside the familiar spaces or the social surroundings of the adopted child (for example, allowing her/him to attend a school to study her/his birth parents’ language, or arranging interactions with other people from her/his country of origin) will only serve to put up semantic barriers and hurdles between the parents and the adoptee, as well as inside the multiple folds of her/his inner ‘landscape.’ To avoid these discrepancies and relational syncopations the vital game called ‘family’ is to be psycho-culturally played by its members on equal terms. But for that to be the case, the semantic rules of familial coexistence should be renewed and rewritten symmetrically. This implies that the adoptive parents should also undertake a psycho-cultural transformation so as to build an intercultural family environment. Psycho-cultural equality and symmetry are achievable only when the lexicon and the ground for coexistence is the outcome of a process of co-construction. This is true for both the society at large and the family context. Otherwise, coexistence will end up being defined by the sad adage that ‘equal individuals are born not made.’ In intercultural encounters, if the lexicon, the living context of equality, and the existential grammar in use remain one-sided, the result may never be more than a dissimulated but nevertheless radical imbalance. The only way to share cultural differences is the reciprocal reinvention of a common cultural lexicon, which means the reactivation of the attitude to produce culture inclusive to, at least potentially, all human beings.

The last considerations, furthermore, are to be applied also to the child adopted in their first months of life. The reason is that the absence of a co-construed intercultural awareness and understanding between the adoptee and her/his parents would make the family relationships vulnerable to the social, and often prejudicial, representation of her/his inner cultural and ethnic diversity. Without any intercultural equipment, pigeon-holing social representations and the ensuing psychical pressure would impinge on the relational fabric of the family members, confusing and interfering with their ‘identity icons.’ The intercountry adoptee would become, in this way, an interface through which the society at large would hurl all its flaws affecting the coexistence among cultural and ethnic differences, to then be replicated inside the family structure. But this would be nothing but a consequence of a psycho-social condition marked by a widespread deficiency of intercultural awareness and abilities. The family members’ failure to elaborate their reciprocal ethnic

¹¹ See Schachter (1994: 2 ff.). Howell (2006) icastically defines this process of assimilation and/or re-naturalization as the ‘kinning of foreigners.’ More specifically, she observes that the child, at least in the eyes of her/his adoptive parents, goes through a sort of ‘transubstantiation’, which radically renews her/his ‘substance.’ Of course, this is nothing but an illusion. See also Yngvesson (2009: 105 ff.).

and cultural differences in an intercultural way should be considered, in turn, a result of the absence in the surrounding social environment of a sufficient degree of education to intercultural. What is at work here is a sort of malignant and infectious circularity. The psycho-social problems experienced by family members constitute the flip side of what is increasingly being proved as an almost global political unreadiness to combine democracy and human rights, on one side, and cultural/ethnic differences, on the other.

The price of this intercultural unreadiness, and the prejudices, more or less silently nurturing it, is paid primarily by intercountry adoptees. Among all the other categories of victims of discrimination, only the child adopted from abroad experiences the paradoxical condition of a double-natured being. If the adopting parents tend to dissimulate her/his diversity through a process of fictitious naturalization, the surrounding social actors are often prone to undertake a de-normalization of her/his belonging to the adoptive family because of his bodily features and the cultural origins that they epitomize and recount. From this perspective, I think it is not excessive to say that the intercountry adoptee's psychosocial difficulties can be seen as a litmus test of the tragic inadequacy of contemporary humankind and its civilizations to manage the coexistence of cultural differences and in a globalized world.

Actually, the relationality inherent in the child is accompanied and influenced by the relationality between the family and the adoptee, on one side, and the multifaceted interactions of both the family and the adoptee with their social context, on the other. These circuits of relationality interpenetrate one another so as to engender a relational *continuum* from which the 'real' shape of the child's subjectivity and its problems emerge. The more an intercultural approach to these relations is thwarted or ignored, the more the child's development will run the risk of being beset by obstacles crammed with ethno-cultural prejudices. But this observation conveys the further inference that the assessment of the best interests of the child, when attuned to a multicultural and transnational scale, is basically impossible to accomplish in the absence of a well-considered intercultural lexicon.

As alluded previously, it should be emphasized that the ethno-cultural difficulties adoptees face are, in turn, consequences of the uneven and discriminatory situation extant at a global level in the relationships between different countries and cultures. In a sense, these kinds of imbalances skulk at the sources of many intercountry adoptions insofar as they are fueled by conflicts, famine, poverty, social unrest, etc. Intercountry adoptions are often represented as acts of generosity on behalf of poor children otherwise condemned to tragic lives of underdevelopment, or worse even death. This 'altruism,' however, may conceal a poisonous attitude of othering birth families and their socio-cultural environments. The incompatibility of intercountry adoption to be qualified as a genuinely altruistic act is proved by the contrastive relation of belonging that the adopted child faces as a result of the cultural reification of her/his bodily appearance. The double belonging s/he experiences because of her/his bodily features implies a simultaneous non-belonging, or alienness to both the adoptive and birth families and the related world, seen as oppositional. The adopted child is, at the same time, assimilated and distanced precisely because her/his own world of origin is considered by the adopting family as something remote, non-translatable and, therefore, destined to be confined to

an ‘elsewhere.’¹² On the other hand, the birth family or the socio-political context of origin see the adoptive family’s world as hopelessly distant, at once unreachably better and irremediably alien.

As long as the allegedly altruistic adoption includes this othering effect, it will deny the spatial-semantic continuity embodied by the child and her/his best interests. The child’s self-perception as something sundered into two incommensurable and untranslatable halves is nothing but the direct result of the cultural and political rift between her/his two worlds of (presumed) belonging. But the child’s need to be adopted, according to her/his best interests, is in most cases the consequence of a blindness to the ethical, political and spatial *continuum* that bind all the inhabitants of the planetary human landscape. In this sense, the HCIA (1993) as well as the jurisprudence of the ECHR¹³ pave the way to the recognition of that *continuum* when they give priority to the right of the child to grow up within her/his birth family and qualify intercountry adoption as only a secondary option to protect her/his best interests. Through these statements, the supranational authorities and institutions seem to urge a global commitment to support all families compelled to find alternative homes for their children due to socio-economic hardship. The other side of this tendency is the contrast to the phenomenon of child trafficking and the attempt to deter the increasing economic interests escalating around intercountry adoption.¹⁴

The outcomes of the HCIA¹⁵ and ECHR’s statements have been, however, ambivalent. In order to comply with these international and supranational guidelines, the wealthiest countries in the world—which inter alia host almost all intercountry adoptions—would need to see the socio-economic situations of the prospective adoptees’ birth families as a kind of shared responsibility. But this would imply a socio-cultural and geo-political imagery that is utterly different from the ethno-national profile that currently dominates the global scene. Only when the ‘best interests’ of the children in their countries and family of birth is universally considered as a shared and ubiquitous problem for all human beings will there be room for a genuine form of transnational altruism. Of course, such a level of global ethical responsiveness to children’s needs would require the overcoming of all racial, ethnic, religious, and cultural prejudices as well as political-economic discriminations, which would also involve the development of an intercultural global responsiveness.

Only in a world where the socio-economic problems of Others are deemed to be part of the political task of each country could the best interests of the child, if correctly understood according to their relational core, be effectively and transparently protected. By contrast, if geographical, cultural and religious differences continue to be seen as signs of an ‘alien Otherness,’ liable to be disregarded, belittled or even despised, then the best interest of the children living in the poorest or least developed social environments will be implicitly impossible to genuinely pursue.

I think that the children in need of protection and support all over the world embody in themselves a function much like that of a semantic-geographical pantograph, capable of re-drawing

¹² Anagnost (2000: 402 ff.). Yngvesson (2010: 545 ff., 566 ff.); Juffer and Tieman (2016: 212 ff.; 220 ff.).

¹³ ... based on Art. 8 of the European Convention on Human Rights on the ‘Right to respect for private and family life.’ See Skivenes and Søvig (2016), but also, as for the national implementation of the CRC and the Hague Convention, Henaghan (2016: 81 ff.). Moreover, with regard to the general judicial implementation of the child’s rights, Eekelaard (2016: 100 ff.).

¹⁴ On the child trafficking orbiting around intercountry adoptions see the essays included in the collection edited by Marr and Rotabi (2016). See, moreover, Mezmur (2010), Smolin (2010), and, for an overall view, Rotabi and Bromfield (2017).

¹⁵ The Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (1993).

the relations of remoteness and proximity among the different regions and cultures distributed on the Earth. Their existential relationality makes intelligible the semantic-spatial continuity and interpenetration extant among the different parts of the world and the events taking place in each of them. Giving in to the temptation to deny this phenomenal and semantic continuity through the stiffening of categorical, racial, geographical barriers and boundaries culminate in a lack of understanding of the best interests of all the children living on our planet.

The best evidence of the just outlined eventuality is the transformation of the signification and use of intercountry adoptions, which can end up producing a form of commoditization of the prospective transnationally adopted child. The children of the poorest underdeveloped countries become 'goods,' objects of longing for couples living in the richest countries of the world. Despite its generous or altruistic profile, intercountry adoption reveals itself as the final act of a complete disregard for the problems of suffering populations, in several cases caused by the exploitative politics imposed by the most powerful countries at a global level. In different and more corrosive words, it should be said that the 'intercountry adopting countries' first create poverty, leaving the most fragile underdeveloped ethno-social areas to destitution, and then camouflage as altruistic acts the adoptive appropriation of their children, perhaps through commoditizing proposals of economic support on behalf of the desperate families or communities unable to care for their offspring. In these cases, rather than reduce the distances among cultures in the name of the best interests of children, intercountry adoption instead increases the intensity of cultural othering. The rhetoric of the 'better life' assured to poor and disadvantaged children through intercountry adoption is often the triggering factor for their abandonment by their birth parents, who typically give them away because of the impossibility of providing for their health and education. The declaration of the state of adoptability is usually the final step of a long process punctuated by intercultural and transnational imbalance, the last and worst effects of which fall on the weakest members of poorest societies: precisely women and children.

Deplorably, the above scenario is everything but an abstract fantasy. Among the ambiguous consequences of the HCIA and its implementation by many national states, there is undoubtedly an effective impact to child trafficking but also a dramatic decrease in intercountry adoptions.¹⁶ Nevertheless, it would be a mistake to consider the commoditization of prospective adopted children as something strictly associated with child trafficking.¹⁷ Such phenomena are instead an overall consequence of the intercultural blindness and the ensuing othering attitude towards different cultural and geographical contexts.¹⁸ The child is commoditized primarily because the societies hosting her/his prospective adopting parents persist in perceiving and regarding her/his socio-cultural environment as something other, discontinuous and remote from themselves. As mentioned previously, this perception is also the reason for which the process aimed to include the child in the adoptive family is affected by a dramatic lack of intercultural awareness and preparedness. Actually, there are no translational efforts being made between the difficult conditions faced by many families in the world, which result in the death of parents or in the forced abandonment of children, and the standard of life enjoyed by the prospective adopting families in the wealthy countries of the world.

¹⁶ As for the intercountry adoption trends see Selman (2009, 2015, 2016).

¹⁷ See Hermann (2010), Mezmur (2010), Smolin (2010), Goodno (2015).

¹⁸ Strathern (1997: 302), Yngvesson (2002: 228 ff.), Dorow (2006: 205 ff., 262 ff.).

Those difficulties remain ‘alien’ to the wealthy families exactly as the others’ culture does. Even worse, the best interests of the child are ‘gauged’ on the life conditions that the richer countries’ families are typically able to assure. Arriving, then, to this (not only argumentative) point, as in a circle, the perfect crime appears to be definitively executed. Thereafter, cultural prejudice can continue undisturbed to tower over any anti-discriminatory imperative, while the pattern of familial relationships practiced in the dominating countries on the global scene—generally western—assumes a sort of ontological significance.

Imbalance dominates the scene so entirely that the Western family pattern is elevated to the status of an anthropological universal to be used as a yardstick against which to measure all other differing familial experiences. What is Other with respect to this iconized standard is consequently objectified, distanced and divested of any chance of translation. But denying translation equals, and hides in itself, the negation of any relationship. Divested of her/his inner relational being, the child becomes thereby a neutral unity, an entity subject to quantitative and/or functional evaluation, one whose well-being can miraculously match the wealthy country families’ desire for children. The final result is, not surprisingly, the myth of the naturalization of the adoptee and her/his transformation into a sort of surrogate of a ‘virtual’ genetic child.¹⁹ Thereby, the dramatic corollary of the theorem of the assimilating adoptive relationship with the new parents and their culture is that the child’s double cultural identity will be destined to remain frozen in their reciprocal unrelatedness. They will be understood and used only as referrals (or referents) of a double belonging: on one side, that related to the adoptive family and social context; on the other, that recounted by the ‘alien’ bodily features of the adoptee, which are reified as markers of her/his indelible ties with the birth cultural environment. These different belongings will reside as divorced entities inside the relational circuit that is the child’s ‘being’: two subjects in only one body.

This psychologically tragic outcome is rooted, however, in the same pre-conditions that make possible the commoditization of the child within the intercountry adoptive process. Were the referents of double belonging not separated and instead interculturally translated, the neutralization-objectification of the child could not work. More specifically, what could not take place is the assumption of an allegedly universal and objective measure of well-being or health as a yardstick— a sort of item of exchange—to combine and legitimize the child’s needs and the prospective adoptive parents’ desire to have a child: two elements that seem to be alternatively and mutually treated as the two wings of a supply-demand game played on an international scale. But just as in the case of financial exchange, only ‘goods’ or ‘entities’ can be equivocated, items with meanings that are definitively fixed and categorically unrelated.²⁰ On the contrary, any genuine translation and/or metaphorical re-categorization would prevent the use of an objective measure of evaluation. This means that any translation anchored to an exchange pattern can translate only quantities, and never

¹⁹ See, in this sense, Duncan (1993: 50 ff.), Schachther (1994: 22 ff.), Yngvesson (2009: 105-115)

²⁰ Very instructive, in this sense, is a case reported by Yngvesson (2010: 2284) regarding a girl adopted in Sweden. After many years, she found her birth mother in Korea but decided to carry on the relationship with her recovered mother by providing monetary support. This choice was justified by the girl with the possibility to discharge her duties of solidarity with the poor and sick mother without calling into question the identity she construed inside her adoptive family and socio-cultural context. Needless to say, this strategy was only an illusory solution that left two divorced and defective cultural subjectivities within only one person.

relations or qualitative aspects.²¹ The non-quantifiable aspects and connotations, on the contrary, will remain overshadowed by the dazzling evidence of the alleged objectivity or objective features comprising the neutralized matter of exchange: in this case, the child.

If the above considerations should appear too emphatic or exaggerated, it could be useful to analyze the tendency of many courts in the ‘child-providing-countries’ to bio-medicalize the reasons legitimizing the declaration of legal orphan status so as to construe a sort of empirical reference for their decisions.²² The assessment of a medical prerequisite for intercountry adoption functions as a sort of final counter-check of the ‘inaptitude’ of the birth family (or the fostering institution) to provide for the child’s needs. The overriding health reasons assure the relativization, if not also the silencing, of all the relational and cultural determinants of the child’s disadvantaged condition and any possibility to give room to an interculturally-based understanding of the child’s best interests and, even more importantly, her/his being. In this regard, it should be highlighted that the criticism about the ‘best interests of the child’ standard, because of its semantic indeterminacy, should also be addressed to all the situations in which the (apparent) objectivity of its referents hides and/or dissimulates a complete ignorance or disregard for the relational profiles of the child’s condition.²³ Consequently, the commoditization of her/his ‘being’ and best interests, unfortunately, go almost unnoticed, even if it is one of the primary sources of the discriminatory attitude nestled in the intercountry adoption process.

Actually, the drift towards commoditization silently slips into the institutional decisions on adoption even at the crossroads between the opposing interpretations of the child’s best interests as deserving ‘paramount’ or, instead, ‘primary’ consideration. In my view, the leaning toward one rather another interpretation is nothing but a bogus choice stemming from an absurd contraposition previously and artificially established. On closer examination, it is a mere byproduct of the reifying assumptions that stiffen the categorization of the elements (subjects, rights, needs, etc.) put under the dome of what is passed off, in turn, as ‘paramount’ or ‘primary’ despite their inherent relationality.

In the same vein, what is to be underscored here is that child trafficking is to be considered an epiphenomenon, although flatly deplorable, of the child’s cultural commoditization. No one would pay for a ‘baby’ if s/he were not covered by a kind of thinghood.²⁴ But this transmutation of the child is directly implied by the eradication from her/his relational constituents and the cultural/spatial interplay between both the countries involved in the adoptive process. Actually, blindness to the child’s ‘relational being’ is the main cause of the already emphasized psycho-social problems that intercountry adoptees undergo during their development making them ‘alien individuals’ (in turn, African, Latinos, Asiatic, etc.) precisely because they cannot hide their condition of adoption. Of course, there is no coincidence between one’s own bodily features and the condition of being discriminated against. Abstractly, no one is ontologically ‘alien’ with respect to anyone else; it is only

²¹ Yngvesson (2010: 995 ff.) and there for further bibliographical references.

²² In this sense, see the Peruvian experience: Leinaweaver (2009: 190). More broadly, however, regarding the medical status of the adoptees in intercountry adoption see Miller (2012: 187 ff.).

²³ As for the opportunity to adopt an ecological approach to the development of the adopted child see Baden, Gibbons, Wilson and MaGinnis (2015: 104), Dowd (2016: 114 ff.).

²⁴ On the commoditization of children in the intercountry adoptive process see Yngvesson (2010: 995; 2706 ff.; 2797 ff.), and there, too, for further bibliographical references on this topic.

their encounter or coexistence which makes the quest for equality a problem. The creeping racialized difference-issue seems to burst forth at the exact moment that the adoptee with exotic bodily features enters another ethno-social context. There is, however, also an underlying presence at work, a cultural background that triggers the pathogenesis of ‘alienness:’ namely, the paradigm of ethno-nationality. By saturating the way in which humans still experience global political geography today, it dramatically hinders the achievement of the intercultural awareness necessary for the peoples of the world to realize the semantic-spatial (or ‘chorological’—as I otherwise call it)²⁵ interpenetration that holds together, in many respects, the destinies of all their children.

2. Parent-child Relationship, the Idolatric Iconization of the ‘Blood Family’ and Its Fallacious Cultural Foundations

Given the arguments put forward so far, the reader might be inclined to assume that I hold a generic opposition to intercountry adoption. As I will try to argue, however, this is not at all my position. Articulating a wide-ranging complaint about the creeping commoditization of children underlying the current status of intercountry adoptive processes does not in any way entail a radical opposition to adoption as pattern of filiation. My view is exactly the opposite. In deploying the considerations that led me to this legal-anthropological tenet, I would like to start from a historical-empirical fact. As is well known, the implementation of the HCIA by the majority of countries has been followed by a huge decrease in the number of intercountry adoptions. The institutionalization and management of adoptive practices, the proliferation of prerequisites and controls stated by this Convention, the national enforcements designed to assure transparency, the absence of any kind of bribery or exploitation to adoptive proceedings, and finally the instruments developed to directly combat child trafficking, all these factors taken together seem to have reduced the ‘illness’—namely, intercountry adoption—to ashes rather than healing it.

What seems really odd is that although child trafficking seems to have recorded a real setback, the drop in illegal practices orbiting around intercountry adoption has not increased the rates of adoptive practices. Paradoxically, instead, the overall outcome of this struggle against the illicit sourcing of children and other exploitative practices has been an increasing withdrawal from intercountry adoptions, or even more meaningful, an explicit opposition by some national states and the related legislative statements.

How can the above data be explained if the starting point of any analysis is to be the prospective adopting parents’ altruistic and dispassionate commitment to the well-being of the underprivileged and abandoned children of the world? Could it be the case that there is something wrong in this preliminary teleological assumption? Is it possible, conversely, that the strategies designed to fight child trafficking and other exploitative practices have also inhibited the ontological commoditization of children and their best interests silently encapsulated in intercountry adoption? Could it be that the HCIA provisions and procedural steps have ‘simply’ obstructed the exchange logic underpinning

²⁵ See Ricca (2016, 2017).

the ‘miraculous’ harmony between the infertility of wealthy developed-nation couples and the neediness of families from the “child-rich” areas of the world?

When called to weigh the effects of the HCIA, scholars have developed different assessments about its scope and efficaciousness.²⁶ Some have focused on its quantitative effects, and specifically the decrease of intercountry adoption, casting such an outcome in negative terms, that is, as a lost chance to rescue many children in urgent need of familial support. The cornerstone of this approach is that entrusting children to fostering institutions has proven over time to be the worst solution for their psychological and even physical development. In no corner of the earth has the orphanage been found to be the best place to grow up. From this perspective, therefore, if the danger of illicit sourcing or exploitative practices is the price that must be paid for a successful intercountry adoption practice, then it should be accepted as the lesser of two evils. The need for, and the right to, a family environment constitutes, according to this view, the essential core of the best interests of the child and is a prerequisite existing prior to all other possible forms of this evaluative standard.²⁷

Both scholars and national legislation sometimes recognize the right to family of abandoned children as a direct inference from Articles 7 and 20 of the CRC. However, it has also been argued, in strictly legal terms, that these two provisions do not explicitly configure the child’s right to a family but rather the right to receive parental care from her/his own genetic parents or, when it is impossible, to be supported by the state through alternative solutions ‘also including’ adoption by another family.²⁸ In any case, the sociological critique of the effects of the HCIA is that there are scores of families around the world desperate to adopt a child and that the obstacles imposed by the convention condemn hundreds if not thousands of children to languish in orphanages or other detrimental life contexts.

By contrast, other voices have hailed the HCIA and its implementation by states as the end of a sort of planetary plague, more explicitly the final chapter of an endless chain of acts of exploitation, corruption, ethnocentric dominance and child trafficking, all together culminating in a systematic disregard for the child’s right to live in her/his own birth family and socio-cultural environment.²⁹ In short, these scholars maintain that intercountry adoption surreptitiously transformed the social conditions of underdeveloped countries and their families into a kind of anthropological and ethical guilt, the sanction of which is the loss and the displacement of their children to satisfy the yearning for parentage of the wealthiest countries’ couples.

I consider the HCIA a necessary set of legal tools to combat exploitative interests surrounding intercountry adoption. Still, both sides of the above contrasting opinions are by turns reasonable and defective. It is so, I argue, because both of them remain ensnared in a sort of mythologizing of the family, which is subsequently grafted onto an underlying cultural biogenetic preconception about what the adoptive family is, or ought to be. If we consider the idea advocated by HCIA critics³⁰ that the child has an absolute and essential right to a family unit, it is very difficult not to see in the

²⁶ See, as a paradigmatic example, the dispute between Elizabeth Bartholet and David Smolin. A dialogue between their views can be found in Bartholet, Smolin, (2016: 233-251). But see also Bartholet (2015) and Smolin (2005, 2007, 2015).

²⁷ See Bartholet (2016).

²⁸ See Cantwell (2011: 13).

²⁹ Smolin (2005, 2007, 2010, 2015, 2016).

³⁰ Bartholet (2012).

backdrop of such an emphatic assumption the transposition of the genetic family pattern, together with its idolatric iconization,³¹ onto the adoptive family. The conviction silently at work in the claim for the child's absolute right to a family is that the 'natural' place for her/him to grow up and develop is the family 'ecosystem.' On the other hand, this is in line with the adoptive parent's tendency to 'naturalize' the adopted child, treating her/him as a surrogate of their 'missing' genetic child. The main problem with such assumptions is that they are implicitly based on a specific relationship of belonging. They imply that every child should belong to a family, and this is the other side of the child's right to a family. Unfortunately, this other side could reveal itself as a dark side. The question could also be put as follows: why would two outsiders to the child's birth family environment be committed to rear and educate her/him? And then, what makes an alien family unit equivalent to the child's birth family? And why couldn't a single individual or even an extended group of people be likewise suited to accomplish the same function? I suppose there is no other answer to these questions than the underground cultural/ideological assumption of the traditional genetic family (namely, one father, one mother and one or more children) as a normative paradigm. The adoptive family, therefore, is almost unconsciously treated as the substitute of the traditional genetic family or what it should have been, but was not. However this is a mental icon that fuels, at the same time, many of the problems related to the relationships between adoptive parents and their children of different ethnic or racial origins—not to mention the prerequisites for the declaration of the state of adoptability with regard to the children bereft of their genetic parents but included in extended family groups. The absoluteness with which the child's right to a family is presented conjures up an almost idolatric attitude toward 'blood ties' taken as the source of an ethical linkage between parents and their offspring.³² The adoptive family must therefore necessarily mimic those blood ties if it is to be the secure source of affective stability and care for the child, and consequently the 'natural receptacle' for the child's right to all that a (natural) family can provide. In this way, the transmutation of the adopted child into an (almost) natural one is molded and legitimized, cementing all the mistakes and fallacies ensuing from the adopting parents' assimilatory conviction that the ethno-racial difference of the adopted child can be transfigured by means of their love.

On the opposite side are the supporters of the HCIA's hindrances to the spread of intercountry adoption, who consider it to be the root of all evil, responsible for aggravating the conditions of the abandoned or disadvantaged children living in the poorest countries. In their view, the mere possibility of intercountry adoption as a kind of "escape hatch" works as a negative factor deterring the enactment at both national and supranational levels of efficient strategies to support the families and institutions of the children's birth context. The consequence is—in their opinion—the frustration of the possibility for these children to remain in their original cultural and social environment and their transformation into 'human objects' destined to be displaced in the name of an ethnocentric interpretation of human rights and children's best interests. From another angle, these scholars think that there is no legal tool efficacious enough to utterly uproot the danger of child trafficking or, at least, an exploitative practice by institutional agencies involved in intercountry adoption procedures.

All the above concerns can, of course, be fully validated. It is to be recognized, moreover, that they echo Art. 20.3 of the CRC, which states that 'when considering solutions [to the possibility that

³¹ As for the notion of idolatric iconization see Ricca (2018).

³² Legrand (2009: 246 ff.).

a child is temporarily or permanently deprived of his or her family environment], due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.' Nonetheless it should also be noted that no critical foundation is provided to demonstrate the desirability that the manifold possible solutions designed to help abandoned children assure ethnic, religious, cultural and linguistic continuity with their background of origin. Actually, behind the self-evidence that the CRC assumes by virtue of its legal authority, another reifying (and dangerous) double assumption seems to lie. I refer to the two-faced idea that *a)* all human beings, and thereby also children, belong to a culture, which is in turn intended as something past, already determined and self-bounded; and *b)* the birth family is the privileged place where the transmission of this culture can be assured.

Against these implicit suppositions, I first argue that cultures are means for the development of individuals as well as groups, and therefore no one belongs to a culture but rather cultures belong to human beings. Furthermore, I would contest that the birth family (meaning "blood ties") is always the best equipped to transmit cultural knowledge, and most importantly, is endowed with the creative ability to produce culture, which is the only reliable gauge of a genuine flourishing of human potentialities. The binomial 'cultural safeguard/birth family' seems to embody the essentializing culturalism affecting the multicultural approach, and strengthens, rather than relativizes, the fallacious connection between blood ties and the cultural attitudes of individuals.

Actually, a misonic reading of culture is an idiomatic, even if dissimulated, hallmark of multiculturalism.³³ Initially it was due to the need to resist and dismantle the assimilationist inflections of anthropological and legal universalism which, under the dome of a false equality, ended up legitimizing the annihilation of minority cultures. Nonetheless, such an approach brought—despite the several contemporary attempts to deny it— and is still producing, as an epiphenomenon, a frozen image of cultural belonging and its interpretation in a normative/legal sense. Needless to say, this approach is detrimental to a proactive use of cultural competence and the creative interpretation of one's own culture by individuals as well as groups. The main argument against an open and fluid understanding of cultural belonging is that without precise semantic boundaries, the assimilationist influence of the dominant groups and most powerful political subjects would have an easy time dissimulating a complete disregard for the rights of cultural minorities. There are more than some kernels of truth in this concern. On the other hand, however, ossifying our conception of what 'culture' is just to forestall dominant groups and nations has, over time, proven to be a remedy that is worse than the disease. Not only does such a strategy freeze cultural creativity, giving relevance to culture only for what it has already been rather than (also) for what it can become, but it winds up indirectly legitimizing the mystifying assimilationist tendencies inherent in all phenomena of cultural and political dominance as naturally unavoidable. Although this can appear to be a paradox, in practice it is far from it. The transformation of Others (or the weakest cultural subjects) into museumified waxed dummies in the hope, and sometimes on the pretext, of saving them from the

³³ As regards the dialectics between multiculturalism and interculturality, in a huge literature, see most recently Nasar, Modood and Zapata-Barrero (2016). My approach to intercultural law and, more generally, to interculturality is, however, very distant from the 'interculturalism' discussed in the above work, as well as in the majority of texts related to this topic. For an elaboration of my position, among other works, I refer to Ricca (2014, 2016, 2016b); and, further, Ricca (2008, 2013).

engulfing greed of dominant groups dangerously conceals a sneaky self-absolution. Actually, suppressing cultural creativity exacerbates problems, rather than commuting in a source of reciprocal understanding with regard to their causes and real antidotes. The idea that living with one's own birth family is always the best solution because 'blood relationships' cement the maintenance of cultural continuity, taken as an absolute value, is a bad byproduct of the world's intercultural deficiency rather than a medicine against its swarming negative consequences. I shall return to this topic below, but first there are some other preliminary issues to address.

The idolatric iconization of birth family and blood ties has to do, *inter alia*, with the obsession with descent and its ideological iniquitous degenerations.³⁴ The conviction that the 'blood family' is inherently better is only a corollary of the assumption that 'blood' is a bio-natural source of ethical value. Unfortunately, 'blood' is also the imaginative motor that triggers racism, ethno-nationalism, ethno-religious ties and boundaries, ethnocentric culturalism, the psycho-social obsession with having genetic descendants, the representation of family or familiar groups as tribes or pseudo-tribes based on blood-duties which cannot be transgressed, and other 'well-springs' of hatred and violence. The list of the dramatic implications of the 'blood equals value' thesis could go on and on. In any case, one of its features is the assumption of the blood family as the yardstick against which it would be exclusively possible to measure the legitimacy of adoptive parentage. Of course, this is not a universal *a priori*. Anthropological research has provided a great deal of data that confutes that genetic ties are everywhere in the world the cornerstone of familial relationships and parentage.³⁵ If the critics of the HCIA get trapped, despite their divergent opinions, in the stereotype of blood family and the ensuing view of adoption as "lesser," this is because all the international and western legal sources rely, with a sort of anthropological absoluteness, on a paradigm of family influenced by the monotheistic religious traditions of the world: first and foremost, the Christian one.

Western tradition has undoubtedly left a deep impression on the cultural background underlying the international rules on the protection of children's rights and intercountry adoption. Despite the referrals to extended families, traceable even in international legal texts, conceptions, guidelines, etc., the anthropological pattern of two parents and their genetic offspring is regarded as the ideal landmark of all these provisions. The icon of the sacred family doubtless constitutes the imaginative bedrock on which the defense of the so-called traditional family finds its foundations and from which it moves against LGBTI families and adoptions.³⁶ Against this view, I will argue that the Christian sacred family—namely, Joseph, Mary, and Jesus—underwent a fallacious idolatrizing misrepresentation. Conversely, I think that an unbiased reading of the Gospels could subvert the primacy of bio-genetic or blood parentage with respect to adoption, giving a paradigmatic ethical signification to adoptive affective links.

³⁴ An interesting analysis of the cultural roots of the 'blood family icon' can be found in Cordiano (2016), who mines the archetypal, and specious/discriminatory, significance of blood ties in many fables in Western literature.

³⁵ See Howell (2006, 2009: 149 ff.; spec. 162). Fonseca, Marre, San Román (2015: 158), and there for further bibliographical references. For a comparative analysis, see also the essays included in Bowie (2004).

³⁶ With regard to LGBTI intercountry adoption see Gross (2009), Eekelaar (2016); from a broader perspective including all the forms of surrogacy, see also Rotabi and Bromfield (2017).

According to some scholars, the prototypical value associated with biological parentage is a consequence of a presumptive 'Euro-American doctrine of genealogical unity of mankind'.³⁷ By contrast, my opinion is that the idolatrous genetic interpretation of the 'Sacred Family' is very far from the Gospel's message that teleologically and anthropologically looms behind it. In this regard, consider, firstly, the 'Immaculate Conception.' It is, in a sense, radically incommensurable with the starting act of any family based on genetic ties, and thereby rooted in blood relationships. Even if the Book of Matthew lingers long on Jesus' genealogical lineage, it remains that no man is his father. Joseph is only his adoptive father. Nevertheless, the young carpenter felt a sort of duty to take care of Jesus. This occurs—according to the Gospel—either due to the oneiric intervention of the Holy Spirit and/or because of a sense of kinship with the newborn baby. Mary told Joseph that she learned of her unexpected condition from an angel. In any case, this means that in Joseph's eyes the baby would belong to mankind in the same way that all human beings are creatures of God. Furthermore, and most importantly in this story, the marriage between Joseph and Mary is subsequent to the Immaculate Conception—from both a theological and chronological point of view—and not its presupposition. By virtue of Mary's body, Jesus is the God-son but also a son of God as all human beings are. Jesus, actually, will define himself—according to the Gospels—as 'Son of man'.³⁸

The expression 'Son of man' has its equivalent in Hebrew and Aramaic, respectively: *ben-adhām* and *bar'ēnāsh*.³⁹ The biblical uses of this allocution refer, in sequence, to an individual descending from a whole community, an idealized man invested by God with authority and grace, the ontological and prototypical conflation in him between man and God, a descendant of Adam intended as the first human being as such progenitor of all humankind caught in his Edenic condition before the fall from Heaven, a member of the overall set of the saints of the Most High, and finally the symbolic embodiment of offspring from the Jewish people. Regardless of the meaning to be considered as preferable, the expression 'Son of man' emphasizes that Jesus is not the child of Joseph and Mary but rather, even if through Mary's Immaculate Conception, the descendant of a whole category of subjects. Such belonging, however, does not proceed only from a social bond, but is both universally and authentically genetic. It is because he ascribes his sonship to a 'genus,' and by means of this genealogy, the coming into the world of his body epitomizes all the humankind.

I think that it would be very difficult to find a more precise and, at the same time, poetic figuration of the meaning of the human genetic code than the expression 'Son of man.' The Gospel proposes a revolutionary idea that rearticulates the naturalistic fallacy implicitly encapsulated in the idolatrous iconization of the blood family: that is, the derivation of the parents' duty to take care of their "blood-tie children," as well as the symmetric conviction that children are to respect their parents because they have given them life through the transmission of their own blood. In the Gospel, the broadening of the nature/ethical duty to take care of children, however, commutes in a further and unexpected transcending of the 'blood fallacy' because it subverts the order of derivation. The genetic ties extant among all human beings are a consequence, from the biblical perspective, of God's Free Creational Act, namely an act of love. In this sense, nature—that is, 'Being'—comes from an ethical choice freely adopted by God. His care for human descent is to be viewed as a prolongation

³⁷ See Howell (:38), who refers, in turn, to Schneider (1984: 174).

³⁸ On the meaning and the hermeneutic tradition of the expression 'Son of man' see Hare (1990); Casey (1995, 2009).

³⁹ See Vermes (1978), Casey (1987). But see also the previous note.

of the original creational act. Reiterating this prolongation is a task left to all human beings on behalf of all the children of humankind because of the universal divinization/salvation of all humans which occurred by virtue of Jesus making himself a human being. Through Jesus, God becomes Son of man and, as a consequence, human beings are elevated to the role of parents of God and of all humankind: which implies that hereinafter they are responsible for all the offspring of God's creational act, as such already inscribed (and prophesied) in human DNA.

The locution 'Son of man' tells Christians that Joseph had a duty to adopt Jesus because the baby was related to him both genetically and, most importantly, by virtue of God's creational act of love. Jesus embodies the inner relatedness of Joseph to all of humankind regardless of his belonging to a specific family, a social unit which is only an itemization of a broader natural-genetic and simultaneously ethical tie. In other words, nature itself, by means of being rooted in God's free love, becomes a source of the duty to adopt. This duty, in turn, encapsulates the relation of all human beings to Adam before his fall from Heaven with the prototype of humankind, as such, embodying also the coinage of humankind. This kind of relatedness exists irrespective of genetic provenance, meaning being children of a specific individual rather than another.

On the other hand, the idea of a universal brotherhood—shared by both Christianity and Islam—evidently recalls the common filiation from the Creator. As is written in the gospel of John, he who believes that Jesus is God's son will be in him, namely in God, and God will be in him: this means that in the Christian imagery the Immaculate Conception signifies that all human beings are ontologically and reciprocally father and child of each other. Within this framework, faith and nature, social and bio-genetic ties do not constitute, therefore, a binary or dualistic couple. Conversely, from the biblical perspective they appear radically intermingled. This is because in and through Jesus, it is all of humankind that finds its genetic/social salvation, and he is prototypically and simultaneously both father and son. The consanguinity of all human beings and its ethical implications is unrelated to family relationships based on the procreative union of two individual—male and female—bodies. Human beings are all linked by and through their blood—a sort of meta-consanguinity—even if history shows them as unable to recognize and rather prone to neglect the ethical consequences of these transcendent ties. All this casts, however, a paradoxical shadow on both Western Christian and Islamic cultures insofar as both of them see consanguinity as restricted to two genetic parents who form the prototype of the child's family of belonging; which is to be used, as such, as the anthropological and normative yardstick to measure the legitimacy of adoption and, at the same time, to assess differing parental relationships framed by other cultures.

To raise the argumentative bar higher, I would go so far as to propose a parallel between the genetic significance of the Immaculate Conception and contemporary methodologies of heterologous fertilization. I think that it would not be merely provocative to say that the Immaculate Conception in a sense prefigures the ever-controversial artificial insemination. If mirrored in the expression 'Son of man,' perhaps even Christian believers could see in this methodology something 'natural.' Its biological feasibility is nothing but a consequence of the genetic unity of humankind. A unity that was embodied and signified by the God-Son's birth from Mary, that is, from a human being and his self-definition as 'Son of man.' The apparent artificiality of modern methods of fertilization is rooted, in my opinion, in the natural and genetic 'continuity' of all human beings inscribed in their genetic code. Contemporary scientific knowledge does nothing but confirm and give practical consequences to the universal signification of the Immaculate Conception. From this simultaneously ethical and

genetic perspective, however, artificial fertilization and adoption would appear to be the same. But such a conclusion—I am well aware—is very difficult for some people to accept, given their tendency to see the artificial methodologies as a hyper-surrogate to ‘natural’ reproduction, and in that sense as something much worse than adoption. By contrast, however, the Gospel seems to implicitly suggest that if Joseph must adopt Jesus, it is only because of a representational fallacy of humans and the misleading relevance they give to concepts such as group, community, family, etc. As noted previously, Joseph is already, in and of himself, son and father of Jesus. The adoption of Mary’s baby is only an invention: a mere social consequence of sin and human beings’ blindness to the Other-than-Self, who is instead genetically and ethically the Other of Self.

From a broader perspective, then, this Othering blindness is an idiomatic consequence of what could be defined as the ‘Babel effect.’ It is a byproduct of the obsessive pursuit of an ultimate and endless political unity, the existential and social absoluteness of which is signified by the mythical tower. The unity of humankind embodied by that overambitious building fatally transmutes in an individualistic attempt to pass off self-identity as universality. This is the source of the discord stemming from the misleading conviction that being equal, homologous, if not even identical, is a political achievement that can be taken for granted and thereby wielded by everyone against each other.

Human beings—this is Babel’s lesson—are not equal in their effectiveness and topical features but rather in their potentialities and origins, otherwise there would no room for any qualitative multiplicity. The deepest, post-Babel challenge inherent in adoption is the acquisition of the cognitive and emotional disposition to recognize the common kinship, original unity, and belonging with respect to the human DNA through, and despite, the varieties and differences stemming from its bio-psycho-historical unfolding. The Gospel’s radical message is the idea of a universal (duty of) adoption beyond any biological, racial, political, geographical, etc., difference. The acceptance of this general human commitment to the care of children comes from an understanding of what is commonly ‘indivisible un-divided,’ lying beneath the apparent uniqueness and individuality of each ‘human animal.’

Unearthing a human genetic commonality implies a noetic journey towards the origin necessarily involving a re-creation, a prosecution through altruism and charity of God’s primogenital creation (according also to the meaning of charity traceable in both Judaic and Islamic sacred texts).⁴⁰

Many legal regulations on adoption, both national and international, silently enshrine this Christian lesson, but only partially, because they merge it with the distorted idolatrous iconization of the blood family, falsely superimposed by the Western tradition onto the image of ‘Sacred Family.’ This distortion is likely the other side of a long-time resistance to the radically revolutionary idea implicitly expressed by the bodily irrationality of the ‘Immaculate Conception.’⁴¹ It could not be a mere coincidence, indeed, if the denomination ‘Son of man’ does not appear in any of the major

⁴⁰ As for Islam it should be noted that the prohibition to adopt others’ children is compensated for, even if only partially, by the provision of the *kafalah*, which is in turn based precisely on the duty of charity and a universal responsibility for children. On *kafalah*, its meaning and international legal recognition see, for a conceptual and comparative analysis, the collection of essays edited by Yassari, Moller and Najm (2019); Kutty (2015: 527 ff.)

⁴¹ An interesting review of the ancient western cultural and religious sources of the idea that blood ties inherently (or by nature) produce affective and ethical bonds can be found in Kohm (2008: 337 ff.).

sacred and theological texts subsequent to the Bible.⁴² The etiologating of such a powerful and socially subversive message (at least, with regard to the majority of the Western Ancient World's conceptions of family) was paradoxically compensated for by the historical bio-geneticization of the Sacred Family and the 'naturalization' of this transfigured model.

'Two genetic parents and one or more children' is the motto of all conservative movements that struggle against any kind of different conception or experience of family, charged with being 'unnatural,' as if the empirical prevalence of a phenomenon could be taken as an absolute source of legitimacy or value. Actually, were the 'genetic-naturalistic' qualification of the sacred family to be taken as a normative pattern, it should be recognized that the history of Christendom began under the aegis of a complete illegitimacy and unnaturalness. But Western culture, with its prominent role in the elaboration of the dominant legal standards for adoption, seems to be unable to see this radical contradiction at the roots of its conception of family, both 'genetic' and 'adoptive.' I think that such a deficiency is to be considered, perhaps surprisingly, as an indirect outcome of secularization and the ensuing ideological refusal to admit the cultural-anthropological imprint that the Christian moral theology left upon Western modern socio-political imagery and particularly in its secular legal instruments.

I think that things could appreciably change if Western legal culture acknowledged the resilience of many religious conceptual 'relics' inside its allegedly (utterly) secularized categories and took on the renewed awareness of this silent legacy to critically rearticulate its cultural future. This could be, *inter alia*, a starting point to genuinely re-evaluate the pan-parental signification emerging from the expression 'Son of man' and the fallacy of the naturalistic idolatric iconization of the genetic family as a foundational anthropological-legal pattern directly rooted in Christian revelation. Along the same path, the world's legal thought could find the argumentative tools to curtail the steadfast ethnocentric temptation to superimpose the Western notion of a consanguineous family as a universal measure for the legitimacy of parentage and family structures developed by other cultures.

Jesus' self-definition, in a sense, inverts or, at least, equalizes bio-genetic and adoptive parentage, divesting the contemporary formula 'fictive kinship' of its presumed 'nature-based counter-evidence': that is, its prejudicial diversity from the historically fictitious 'bio-genetic sacred family' and the related universal iconization.

From this perspective, there is an anthropologically relevant observation concerning the legal distinction between 'natural' (genetic) filiation, adoption, and foster care. In many cultures—including native communities in Hawaii—⁴³that distinction has no place, to the point that many families are comprised of several members who are qualified as children of the family regardless of whether they are adopted, foster sons and daughters, or genetic children. The source of this kind of inter-categoriality is an inter-family solidarity and a *conception* of adult duties towards children that are not exclusively rooted in genetic parentage. Needless to say, these non-Western populations assume that their family patterns are quite "natural."

⁴² An exception, even if indirect, can be found in Acts, 7:55-56, with regard to the martyrdom of St. Stephan: 55 But Stephen, full of the Holy Spirit, looked up to heaven and saw the glory of God, and Jesus standing at the right hand of God. 56 "Look," he said, "I see heaven open and the Son of man standing at the right hand of God."

⁴³ See Schachter (2009: 52).

As regards “naturalness” in and of itself, we could argue that there is nothing natural outside a representational framing, which inevitably “culturalizes” anything individuals, groups, or peoples can presume to be natural. Beyond this general epistemological consideration, however, the dichotomy between the natural family and the adoptive one is internally dialectical. This means that the opposition between the two alternatives is grounded in a pre-figured scheme of parentage. If blood ties were delineated in universal genetic terms—as the biblical expression ‘Son of man’ suggests—then the bonds of nourishment and care arising from these ties and the related children’s rights should be, at least potentially, the responsibility of all adults able to provide them. Taking the Bible’s suggestion seriously, parentage would stem from, and consist of, a concrete taking of responsibility and actual assistance that on a case-by-case basis each adult would be called upon to accomplish on behalf of one or more children. In other words, all adults should be deemed responsible for every child living on the Earth. In turn, every adult should be considered an ‘actual’—and not only potential—parent because of what s/he does in order to nurture and take care of a child. This alternative framework of ‘naturalness’ relocates the ‘blood issue’—and its definition in terms of exclusiveness and possessiveness—to the backdrop of a real behavioral relationship between adults and children. Conversely, only those who presently act as parents should be considered as such, that is, as an adult responsive to the universal duty to take care of children.

If the dialectical opposition between a genetic/natural family and an adoptive one were universally understood according to the above terms, the division and ensuing conflicts would surely dissolve. Both family patterns would hinge on the actual ability of ‘parents’ to act in order to take universal responsibility for the well-being of all of the earth’s children. Consequently, the entitlement to retain their role as *parents in action* would become aligned with their real behavior: the same which should be assumed as the source of the fundamental right of all adults and children to pursue, and not to be excluded from, the relational ties already established.

The ‘right to continue in the extant and fruitful relationship’ is, in my view, what should undergird the primacy of the child’s living with her/his birth family rather than with an adoptive one. At the same time, it is the ascertained failure of such continuation to assure the child’s flourishing that could prudently legitimate her/his displacement from the birth family. Conversely, if considered against the foil of universal adult responsibility for all human children, insofar as they are all genetically sons and daughters of humankind, the implicit understanding of the adoptive family as a surrogate of the genetic-natural one would make little sense. In different terms, this conclusion would mean the end of another broader dichotomy, precisely that embodied by the oppositional couple ‘social relationship/natural-genetic one’, otherwise dubbed as the nature/nurture divide. If being a parent is to be considered immanent to the relation of care, then this being is inherently relational. This only apparent tautology brings to the surface a too often neglected fact: namely that even material feeding, if and when springing from a sincere affection, involves the transferal/translation of one’s own spiritual and material being. A genuine parent always transfers her/his own nature, knowledge and experience along with the food s/he provides. Even if it is taken in its materiality, the food given with true dedication to a child is however an epitome of a specific, utterly personal, way of acquiring, arranging and cooking for the recipient and in view of both her/his individual exigencies and his/her likes and dislikes. I am really not sure that the mythologized transferal of sperm and oocytes, with their genetic information, involves a transformative ‘giving’ that is broader or more

significant than the provision of food, an environmental habitat in which to grow, and the experiential training that any adult can responsibly and lovingly bestow upon a child.

A zoological gaze cast on human beings and other animals could allow us to relativize coupling as the main distinctive trait of human parenting. Humans are cultural animals in a much more expansive sense than other species. For this reason, the specific making of each human individual and her/his nature are centered on the acquisition of cultural habits. The methods of bodily reproduction are common to all animals, in the end. But not all animals group into families to rear their young, and even when they do, families are not necessarily constituted of a heterosexual couple and its offspring. What is idiomatically essential to human beings, conversely, is an education achieved through symbolic communication with adults acting as cognitive and behavioral interfaces between children and their environment. Without this intermediation there would be no human life. For humans, knowledge and matter are two sides of one coin. The contemporary understanding of the semiotic/informational substance of 'blood,' namely the DNA, should prompt us to come full circle and realize that both knowledge and DNA are common goods of all humankind, and serve to sustain its life on planet Earth.

Ironically, the idolatric iconization of the 'blood family' leads human culture to a compulsive reading of individual descent. This inclination can be captured even through attentive listening to the narrative commentary of wildlife documentaries. Succumbing to the human instinct to anthropomorphize other animals, these commentaries often end up ascribing human obsessions and even neuroses to them. So, it is not at all uncommon to hear the commentator tell us that a lion, a whale, etc., 'in its quest to assure the descent of its own exclusive genetic makeup, fights rival members of the species, and kills outsider pups,' and so on. Of course, the animals, so long as they have not developed an ascertainable language and biographical conscience, will remain completely unable to even grasp instinctively what 'descent' is. While they surely perceive smells or other bodily signals that prompt them to assume particular behaviors, there is no evidence of a transgenerational teleological goal. The problem, of course, does not pertain to animals, but rather exclusively to humans' cultural inclination and their related conception of the transmission of individual blood connotations as the all-comprehensive end of life and its cornerstone as well.

The senselessness of ascribing to animals an intentional pursuit of descent connoted by an exclusory interpretation of blood ties is a distinctive sign of the obsessiveness marking the Western understanding of parentage and family as genetically bounded corrals. Nevertheless, the continued existence of adoptive practices shows a deep anthropological crevice in the understanding of blood ties as the unique source of the parenting relationship.

But let me set aside, for the moment, the thought experiment I have tried to conduct so far by implicitly imagining a Western culture newly cognizant of the relativity inherent in its 'blood family' pattern when mirrored in the Bible's message and in Jesus' self-definition as 'Son of man.' I think that, even outside such a retrospective realization, history shows that the anthropological habits of the Western tradition are not entirely out of tune with the biblical depiction of human filiation. Throughout history, the universal concern for abandoned children, or those in difficult situations, and therefore the confutation of 'blood exclusiveness,' seems to go hand in hand with its opposite, namely the 'bio-genetic family.' As I will try to point out below, this ambiguity is widely traceable also in the legal texts, both international and national, which rule adoption. The two-track imagery underlying the parallel coexistence of the 'family bounded' responsibility for children and a universal

one is the main source of all the ambiguities affecting the psycho-social condition of adoptees, especially those from different geographical, racial and ethno-cultural contexts. The failures—elucidated in the first section of the essay—to grasp the relational signification of the child's being as well as her/his best interests stem, in my view, from the obstacles that those ambiguities place in the way of a plain recognition of a universal rather than exclusory responsibility for all children. Were the Western drafters of international rules on intercountry adoption able to cast a deconstructive gaze on the questionable religious icons nestled in their basic assumptions, it would be possible, perhaps, to find, in the very same sources of a reconsidered Christian-Western tradition, the ethical and anthropological motivations to architect a rationally and emotionally supported structure of universal responsibility.

Be as that it may, there is nevertheless a close connection between the development of a universal sense of parentage and a relational understanding of the child's being and exigencies. A widespread and continuous concern for others' children, as something directly affecting us as human beings, could and should bring people from different cultural and geographical areas closer together. This coming together could also pave the way to an intercultural rapprochement, if only because taking care of others' children implies necessarily taking an interest in their contexts of life, mental paths and habits, intersubjective relationships, economic conditions and their determinants. Each child, actually, bears inside her/himself from birth countless relationships that will mold her/his future environment. S/he is an epitome and a prophecy at once. I will immediately explain what I mean with this apparently aphoristic assertion. Consider the case of disadvantaged and poor countries where people are often compelled to give their children up for adoption. In the relations and determinants summarized in the displacement of these children, there should also be included the historical and present causes of poverty and underdevelopment, from colonialism to the lack of humanitarian aid, from the exercise of power by dominant countries in the exploitation of resources, both environmental and human, to the political instability spurring corruption and wrought by multinational interests. Whether we like it or not, any child in need or abandoned on the Earth is the epitome of all these relationships as well as those which will mark her/his future life. If we assume the existence or at least the ethical need for a universal concern for them, no one could consider others' culture, race, social environment, etc., as something remote, detached from her/his own interests and commitment to understand her/his life environment. In other words, the universal responsibility for children would implicitly entail intercultural awareness, knowledge and commitment.

On another side, precisely because a child is a convergence point for all these relational and global factors and their effects, s/he should be pedagogically prepared to understand the range of people called upon to be responsible for her/him. But the acquisition of such an ability would bring with it an understanding of others' cultures, relational contexts, and so on: in short, an intercultural education. But this implies that the best interests of the child and her/his present/future 'being' should be assessed by taking into account all the factors that could promote the development of such intercultural awareness and knowledge. This would be a basic prerequisite for the child to acquire the cognitive potentialities needed to transform her/his into a subject who is at least minimally aware of the global scale of events and causes determining her/his condition as an inhabitant/citizen of the Earth.

Prospective and current intercountry adoptees embody in themselves the contemporary human condition. Through their being potentially or actually astride different and geographically distant cultural environments, ethno-racial networks, etc., with all the problems that such a condition causes them, these children make evident the inappropriateness of all the nationalistic, racial, culturalizing, essentializing, localizing conceptions of social and political identity.⁴⁴ They tacitly unveil all the evil, if not stupidity, proceeding from the selective idea of blood ties and its metaphorical—but for this no less real—transmutation into categorical boundaries and geographical frontiers. From this point of view, it could be said that intercountry adoption is a prism or a kaleidoscope through which we can see the dramatic cognitive and ethical challenges inherent in the global interrelatedness of the contemporary human experience.

In each intercountry adoptee's mind and body, there are reciprocal 'elsewheres' conflating and overcoming all territorial, cultural, religious, etc. divides. Symmetrically and unfortunately, all the psychosocial problems s/he has to face because of her/his difference stem from the current unsuitability of social imageries to translate the 'elsewheres' in the sense of 'here:' which means nothing but a self-transformation of local subjectivities capable of providing individuals with an aware agency, attuned to the global scale of the events affecting people's lives. The inability to achieve such a cognitive and ethical gaze on the world and themselves is the other side of a still widely common intercultural blindness, which takes place, as I emphasized above, even inside domestic walls, wedging into the relationships between adoptive parents and adoptee.

Of course, everything could change if each human being, regardless of her/his geo-political allocation or adoptive intention, were trained to feel at least potentially committed to understanding the life conditions of children living elsewhere. This knowledge could urge people, wherever they were, to provide for children's well-being, so as to support, if possible, their birth families or, in perfect continuity with this option and a sense of universal responsibility, offer her/himself as a parent. To be clear: the above commitment is not a naive expression of a utopian dream, but rather a description of the consequence of focusing on the anthropological motor that drives the phenomenon of intercountry adoption, even before its regulation. This signifies nothing other than pursuing the best interests of children while fostering the intercultural-spatial continuity of their 'relational being,' rather than exclusory blood ties and duties.

At this point, however, a question comes necessarily to the fore. To what extent is the legal international and national ensemble in tune with the above composition of intercultural-spatial continuity and universal responsibility when it comes to intercountry adoption? Were one being exceedingly optimistic, it could be said that the 'landscape' shows both light and shadow. A sincere assessment, however, that looks beyond the rhetorical openness of some legal statements, reveals a law-in-action primarily at odds with this view, with only two small exceptions: *a*) the child's right to be supported in her/his possibility to live fruitfully with the birth family; and *b*) some hesitant consideration for the experience of the practice of so-called open adoption, which I will briefly address below.

⁴⁴ From this holistic point of view, my view is utterly aligned with the conclusions proposed by Yngvesson (2009: 115).

3. Hybridization and the Inconsistencies between Blood Ties and a Universal Commitment to Childhood in Intercountry Adoption

Unfortunately, the relationality between the child's 'here' and 'elsewhere,' as well as her/his 'before' and 'after,' is decidedly deficient in the international and national regulation on intercountry adoption. This is due to the—perhaps culturally unaware—attempt to legally hybridize the reifying consequences of the biogenetic conception of parentage with the anthropological relevance of the widespread human concern for the destiny of infants, even if born from Others. Despite the exhortation to enable the adoptee to maintain her/his relationships with the context of origin, the whole system of intercountry adoption seems to assume the cultural discontinuity between the 'adopting social world' and the 'child-providing one' as a 'given,' a kind of anthropological precondition.⁴⁵ Hence, even if for comprehensible reasons, the numerous regulations are focused on the adoptive parents' duties, and oriented to assure the highest degree of inclusion for the adopted child in her/his new family. However, this push toward affective inclusion tends—as illustrated above—to morph, in practice, into a kind of 'naturalized kinning,' also because of the lack of intercultural approach among adoptive parents, social workers⁴⁶ and the social fabric at large.

With the exception of a few selected exoticizing material reminders of the child's native culture or environment of origin, the adoptive parents often end up ignoring the landscapes of sense that the adoptee retains, and miss out on the opportunity to creatively and pro-actively combine their cultural knowledge with the child's 'knowing to do.'⁴⁷ Despite any superficial convictions, this ignorance on the part of adoptive parents plays a considerable role in the psychosocial relationships of children adopted in their first months of life. The culturalization of their bodily features is inescapably and prejudicially cast on them by their 'receiving social context' (especially peers and teachers, but also simple acquaintances, or even passers-by). This has the effect of transforming the alternatives available to a) being/not being adopted, versus b) being culturally and radically someone else. Undertaking intercountry adoption implies, in other words, an anthropological transmutation which ultimately winds up developing delivering an out-out, or lose-lose, logic.

As for what has been just outlined, I think that a crucial factor is the legal qualification of the prospective adopted child as orphaned or abandoned. Being defined in this way transforms the child into a subject 'in need.' This categorization, albeit useful as a legal prerequisite to the possibility of adoption, conceals a dark side. More precisely, I refer to the attendant identitarian de-qualification of the prospective adoptee's (original) relational and cultural features. In other words, when the child starts the adoptive path, s/he falls into a sort of psycho-cultural limbo. Even the legal provisions seem

⁴⁵ Oullette (2009: 78).

⁴⁶ See Baden, Gibbons, Wilson, MaGinnis (2015: 84 f; 104); Juffer and Tieman (2016: 220), who advocate the development of an intercultural awareness among the social workers involved in intercountry adoption processes. Some suggestions regarding the support that social agencies could provide to intercountry adopting parents in order to protect the adoptees' cultural identity can be found in Bayley (2006). Bayley's model is to be taken, in my view, only as one step towards the development of the social workers' and agencies intercultural awareness and skill.

⁴⁷ Oullette, Beileau (2001: 27), who emphasizes, "Hence, for example, converted into a question of origins, the original filiation takes the form of documents, photographs and other souvenirs kept by the parents to be shown to the child. Birth ties are recognized in these records of adoption but are de-activated, objectivized. They become a set of leads upon which to build a personal history." See, similarly, Howell (2006: 31).

to assume that the child involved in the first stages of the intercountry adoptive process is waiting for an identity: and this is implicitly the same identity that s/he will be 'given' by the adoptive family, along with the necessary material support. In effect, adoption is somehow parallel to a Christian baptism. It is a renewal, the giving of a new 'nature.' The prospective adopted child *is the subject who will be*; or, to better emphasize the inconsistency inherent in such a condition, *s/he is considered and categorized at present in view of the subject who will have been*, rather than *in the light of the subject who is now because of her/his having been before*. The verbal tense 'future perfect' best signifies the imaginative retroactive renewing effect, a kind of 're-naturing,' attached to intercountry adoption by virtue of the concoction resulting from the current legal provisions and the predominant blood-based conception of family. Of course, there is nothing 'natural' in all this, but instead a cultural view that is fictively—and not even surreptitiously—camouflaged under the guise of natural law, for which adoption serves as a surrogate. According to the current legal provisions, apart from some vague recommendations,⁴⁸ adoptive parents seem to have no specific psycho-anthropological duty to recognize, but above all to translate and integrate the child's past, alive and well in her/his mind, into the cultural frames of the new family's life. In practice, the legally defined adoptive process treats the intercountry adoptee as a subject bereft of any past, or origin.

I realize how harsh this last assertion could sound. Nonetheless, it reflects fairly accurately the institutional/educational practices and the cognitive/cultural approach typically employed in intercountry adoption. On the other hand, even if understood as the by-product of an anthropological and intercultural unawareness, these practical behaviors and effects cannot be dismissed or absolved. Conversely, justifying even a pervasive ignorance would be worse than the effects of the denial of any possibility of continuity with the child's past resulting from the national disciplines on adoption. But such an 'innocent' presumption would be even more damaging and absolute than an explicit attempt to erase that past. It is so because it would come from a 'genuine and pervasive' ignorance about its anthropological significance, and the related long-term psycho-existential implications.

From another perspective, it should not be overlooked that defining children who are abandoned, or in state of adoptability as "needy subjects" fuels and, at the same time, legitimizes adoptive practice if only because this qualification bathes adoption in an aura of altruism and even humanitarian necessity. Nonetheless, need is not synonymous with interest.⁴⁹ The transition from the imagery of interests to the imagery of needs has matured during modernity as a consequence of the political and cultural influence exerted by Marxism. This transition made sense insofar as it was combined with the promotion of individual creativity within a reasonable context of social practices where the subject is imagined, at least potentially, as an actor of continuous processes of emancipation and self-emancipation. The prototype of this ideal horizon coincides with Marxist

⁴⁸ ...which I will analyze more closely below.

⁴⁹ A referral to the imagery of needs can also be found, according to Failing (2015: 485 ff.), in the Lutheran perspective on Intercountry Adoption. Nonetheless, assuming that Failing's recount corresponds to the overall Lutheran approach to intercountry adoption, it seems to lean excessively toward an ecumenical solution. Actually, the Lutheran view seems to reach for a sort of negotiated accommodation between the needs of orphans or abandoned children and the suffering of infertile couples wishing to have a child. Unfortunately, this apparently innocent and well-meaning approach to the 'circulation of children' throughout the world unleashes a commutative logic of needs that ineluctably transmutes, and at the same time dissimulates, the commoditization of children living in disadvantaged contexts.

communism, according to which knowledge and political participation interplay as elements of a kind of hendiadys. In the historical experience of social-democratic welfare, however, the category of 'need,' despite its major significance in terms of social solidarity and support, has been shown to be prone to political instrumentalization. This transfiguration is due to the dominant groups' tendency to give an aprioristic and top-down framing to people's actual exigencies and expectations. From this perspective, the political imagery corresponding to a 'society of needs' has proven unable to effectively include in itself the autonomy and independence that idiomatically qualifies the liberal 'society of interests.' But this failure is even more serious since the passage from one imagery to the other was crucial in order to deconstruct the false conscience nestled in a representation of the modern liberal society. And this because this view relied upon the mystifying assumption that the social actors could give course to their interests entirely and exclusively by virtue of the formal freedom to claim for them in their contracting practices.

The awkward legacy of the conflict between those two socio-political imageries, which remains unsolved in contemporary societies, can also be traced in the discipline of adoption, and specifically in the creeping tension between the needs of the prospective adopted child and her/his right to be heard when his/her best interests in being adopted or not are at stake.⁵⁰ Connecting 'best interests' to the child's *status of abandonment*, and thereby to a condition of almost integral 'being in need,' the danger is precisely that of giving room to aprioristic cognitive and axiological schemes of judgment. Particularly in intercountry adoption, that risk of apriorism tends to fatally morph into ethnocentrism.

On the other hand, the slippage towards ethnocentrism is an almost inevitable consequence of any equivalence between the child's best interests and a configuration of her/his needs as conceptually reified and culturally gauged on 'who the child could be and presumably will have been as a result of her/his adoptive path.' This imbalance toward the future adoptive condition conceals the possibility that a cultural removal provokes an amputation of all those elements of the child's best interests that are ingrained in her/his pre-adoptive experiences. And what is worse, such an amputation would be performed in silence. Insofar as it is rooted in a cognitive reification of the child's 'being' as a subject in need, such a severing would be 'inaudible' and/or almost unconceivable because it would be represented as something simply coextensive to a factual condition of geographical and cultural distance. Under these guises, cultural dominance sneaks into the intercountry adoptive process and is placed as a burden on the child's shoulders in the most terrible way in which power expresses itself: namely, by imposing not so much what is to be done, but rather *neutrally* stating 'what is' and 'what is not.'

The legal implications of this attitude can also be traced in intercountry adoption. In many national laws, the state of abandonment, qualified as a prerequisite to the declaration of the state of adoptability, seems to be paired with the conviction that the child's preexisting parental relationships should be divested of any relevance. Even if in some states—as in the UK and recently, even if in different terms, the US—the adoptee is allowed to search for her/his birth parents, conversely in many others—like, for example, Italy, which has the second highest number of intercountry adoptions

⁵⁰ With regard to the child's right to be heard, see para. no.12 and 90 of the General Comment No. 14 (2013) cit. As for the conflictive relationships between the child's best interest and her/his human rights, including the one to be heard, see Eekelaar (1994, 2016), Fortin (2009: 19 ff.), Sutherland (2016: 33 ff.).

in the world after the US—knowledge of the genetic mother and father is expressly prevented by law, at least until the adoptee is 25 years old: even then, it can be authorized by the courts only for serious and substantiated reasons. In all other cases (in Italy) the public authorities must keep any information about the birth parents sealed, because of their right to privacy, and also for cases where the state of origin allows the mother to remain anonymous. The only exception is the necessity to know the birth parents' identity due to health reasons.⁵¹

Such restrictions divulge a latent contradiction between the international provisions for intercountry adoption and the national laws aimed to implement them.⁵² Nonetheless, it would be superficial to say that what is at stake is simply a radical antagonism between different ideal patterns of adoptive relationship. In many countries—including Italy—it is possible to find an openness to different schemes of adoption. This is the case in co-parent adoption, step-child-adoption and, most relevant, the so-called open adoption based on the judicial ascertainment of the child's condition of semi-abandonment, comprising a two-step process that includes pre-adoption foster-care followed by, if possible and necessary, a final adoption.⁵³ That the last of these new practices is also taking place in Italy is very interesting, as it is in apparent contrast with the cultural Catholic mindset that influences so many state legal policies. There is, however, a possible explanation for these presumed contradictions. All these new formulas seem to undermine the traditional exclusive conception of the adoptive family insofar as they give room—and especially the last—to a kind of trans-familial responsibility for children. This attitude, however, is not in contrast—as expounded above—with the universal concern for children symbolically expressed in the Gospels, the Immaculate Conception, the adoption of Jesus by Joseph and, finally, the self-definition of Christ as the 'Son of man.' These recent developments, in another words, despite their distance from the blood-family pattern, seem to have ancient anthropological roots that are anything but alien to the Christian religion and its cultural resilience in modern Western cultures.

In co-parent adoption, stepchild adoption, and open adoption, the pivotal element that underpins and legitimizes the final adoption in the best interests of the child is the previous non-exclusive onset of an inter-subjective relationship of coexistence and care. Furthermore, the

⁵¹ See Article 28 of the Italian law no. 184/1983, as it has been modified by the subsequent law no. 149/2001. In many countries, among which also the United States, the national legislation does not prevent children from know their birth parents. For a comparative analysis combined with an assessment of the psycho-anthropological implications of the different legislative schemas see Oullette (2009). But as concerns the possessive logic of exclusiveness and the secrecy of the adoptee's origins, see Carp (1998: 102 ff.); Fonseca, Marre, San Román (2015: 160 f.).

⁵² As for the adoptees' right to know their origins and the weak protection that such right has still found in international law and especially in national provisions, see Mathieu (2016: 130 ff.). This author underlines the vagueness and ambiguity connoting the international and supra-national provisions regarding the individual's right to know her/his origin, which leads the European Court of Human Rights to deny the absolute signification of this fundamental (sometimes even defined by the same Court as 'vital,' according to the ECHR Art. 8).

⁵³ Sometimes Italian judges have given shape to *open adoption* processes by exploiting the interpretive potentialities provided by Art. 44 of law no. 83/1984. Nonetheless, in some respects, the result is a hermeneutic of dubious legitimacy. The whole practice would need specific regulation, which in turn would require a whole re-thinking of the axiological and anthropological grounds underlying the idea of adoption. Open Adoption is also practiced in other countries, for example the United States, Belgium and France. On the anthropological significance of open adoption, particularly with regard to the relationship between the adoptee and her/his birth family and/or environment, see: Hollinger (200), Schachter (2001), Oullette (2009).

acquisition of adoptive status does not prevent, in these cases, the possibility for the adoptee to maintain her/his relationship with the family of origin: which is exactly the opposite of what ensues, on average, from plenary adoption. The existence of such a latent inconsistency in the overall legal discipline of adoption lifts the veil on many silenced issues and makes visible many ambiguities lying under the sharp discontinuity that traditional plenary adoption determines in the relationship between the adoptee and the birth family.

At first, it could appear almost obvious that the state of abandonment or orphanage excludes, in itself, the existence of inter-subjective or para-parental relationships. The socio-anthropological reality overshadowed by the regime and the practice of intercountry adoption shows, however, a very different and more variegated reality. In many disadvantaged social contexts, the abandonment or the state of adoptability are not so much a consequence of the absence of parental or para-parental relationships as rather the inescapable circumstance of being unable to assure the well-being of children. It is no coincidence that the HCIA alongside many national disciplines on adoption highlight, among their major concerns, precisely the protection of the child's right to live with her/his birth family. And yet, beyond any outward appearances, assuming the state of abandonment as the prerequisite for the declaration of the adoptability status, even if based on justifiable reasons, is not necessarily in tune with the effective protection of that right. This is because the state of abandonment seems to conjure up guilt and thereby the liability to charge the birth parents for their presumed negligence in caring for their children. In many cases, such a prejudicial attitude is doubtless disguised, but just for this reason, it is difficult to unveil even when it is entirely groundless.

On the other hand, the alleged guilt of the genetic parents or the extended family bestows the intervention of the adoptive parents with a salvific aura, and encourages their inclination to erase any traces of the original family relationships insofar as they are assumed to be harmful. In the co-parent, stepchild, and open adoptions, the contrastive attitude between the adoptive and the genetic parents is nonexistent. On the contrary, the positivity of the psycho-affective relationships taking place with subjects different from the genetic parents is assumed cumulatively, in addition to the maintenance of the previous parental ties, as a cornerstone for the subsequent adoption and its legitimacy as being in the child's best interests. The co-responsibility of genetic and adoptive parents towards the pursuit of the child's best interests, if applied to intercountry adoption, could help the intercultural application of its practice. In the contexts of origin, when attendant economic difficulties or other serious situations prompt the consideration of outside assistance with child rearing, the genetic parents often contemplate the possibility of entrusting their child to another family member/group for a transitional period. Similarly, the basic conviction of many mothers offering their children up for intercountry adoption is that they can eventually come back home. In other words, mothers presume the non-definitiveness of entrusting their child to Others, only to find that once the intercountry adoption has been finalized, this becomes impossible. Their betrayed expectations are, however, the outcome of a dramatic lack of intercultural translation between different anthropological patterns of parentage: an observation that could be made for many non-Western contexts.⁵⁴ In such areas, moreover, it is very difficult to draw a sharp line of distinction between adoption and foster care

⁵⁴ See Kendall (2005: 162 ff.), Högbäck (2011: 129 ff.); Baden, Gibbons, Wilson and McGinnis (2015: 84 f.).

precisely because the blood-family pattern is absent or not perceived as the exclusive one.⁵⁵ In all these situations, the absence of love and the negligence in taking care of one's own children are only a Western prejudicial ethnocentric assumption that has very little to do with the actual process leading to the final institutional declaration of the state of abandonment. However slow and hesitant, the diffusion of both the co-parent and open adoptions in the Western legal experience, together with the lack of inter-family discontinuity which connotes them, could promote the phasing out of the 'abandonment script' and the implicit de-parenting effect ensuing the finalization of adoptions in the intercountry adoptive regulation and practice.

Should the above prefigured change take place, it could prompt, at the same time, a different attitude toward the understanding and management of the intercultural challenges that intercountry adoptive parents and their children must face. This paradigm shift could allow for an overcoming of ignorance of the child's cultural context of origin, and the development of serious interpenetrative educative efforts inspired by a genuine commitment to an intercultural reciprocal translation/transformation learning process between adoptive parents and their children coming from elsewhere.

This change of perspective would also be relevant towards the conceptualization and the implications of the fundamental rights of children insofar as it could affect the inclination to naturalize not only the specific and local categorizations of the child's 'being' but also the educational models to be applied in the countries hosting adoptions. Each culture falls prey to the illusion that only its own views on children and their education are 'natural.' The consequence of this dogmatic pluralism is, however, that the dominant cultures of the world do not resist the 'temptation' to superimpose their own patterns on Others,' not infrequently stigmatized as outlandish, bigoted or even abnormal. All this has heavy consequences on human rights and the way in which they are implemented with regard to children, as the naturalization of educational patterns is closely related to their interpretation.

The interplay between rights and educative practices can lead to a prototypical configuration and use of Western schemes, which results in a metonymical substitution between these interpretations and the alleged universal and authentic meaning of children's human rights. The final outcome of this practice is an ethnocentric and exclusionary reading of rights, the universality of which is defined as the conformity to those (self-centered) prototypical assumptions. In other words, the identity with oneself is passed off as universality. Hence, if an educational model is raised to a paradigm for the implementation of human rights, anything that is not compliant with it will be transitively branded because of its presumptive contrast with human rights in themselves, and then likely to be qualified as inhuman or dehumanizing. Such partisan misinterpretation and instrumentalization of human rights can be found across social and legal experiences whenever different cultures come into contact.

When the just described metonymic substitution is allowed to perform an active role within intercountry adoptive practices, children from cultures different than that of the adoptive parents could suffer dramatic discriminatory consequences. As stated above, the logic of needs does not prevent the essentialization and ontologization of the features of subjectivity, which means, from a

⁵⁵ On this topic see the comparative analysis proffered in the collection edited by Gibbons and Rotabi (2016); see also Högbäck (2011:129 ff.), Fonseca, Marre, San Román (2015 158 ff.), and there for further bibliographical references.

legal perspective, the danger of a drift towards the dogmatic stiffening of a cultural and local interpretation of human rights statements. The monitoring agencies responsible for the supervision of intercountry adoptive processes are prone, on average, to provide an objectifying interpretation of humanitarian standards that is then transfused into parental care models and practices. But this propensity to an ‘alleged objectivity’ bears with it the straitjacketing of individual subjectivities into top-down patterns, leaving little room for diversity, singularity, or even eccentricity with respect to *moral* schemes that are assumed as semantically *molar*, namely self-evident or natural, within a specific culture, especially when this is a dominant one. Unfortunately, the evaluative standard ‘best interests of the child’ functions, in many cases, as a device designed to provide an epitome of the pedagogical implementations of human rights. In a sense, it embodies all the (imagery about the) child’s subjectivity. But this entails also that the inclination toward an ontologizing framing of the subject-child winds up substantiating the identification of her/his best interests with the reified and naturalized cultural figure of subjectivity molded by Western thought; and, what is even worse, it does so as if this figure were validated by human rights.⁵⁶

The above cultural conflation of a possibly ethnocentric reading of human rights and the best interests of the child engenders two important consequences. The first has to do with the stigma tacitly connoting the child’s abandonment—as outlined above. The social contexts within which the abandonment of children is not uncommon are considered underdeveloped, without humanitarian sensibility and pedagogically irresponsible.⁵⁷ Fortunately, (and this is a not insignificant aspect of the rhetoric of intercountry adoption) there are adoptive parents from developed countries who intervene to “rescue” children. Assuming that such a narrative includes some truth, such a depiction of the sequence of events culminating in intercountry adoption opens the door to a radical cultural asymmetry in the relationships between adoptive parents and adopted children.

On the other hand, it cannot be passed over in silence that the interest in intercountry adoption stems also from the specific socio-cultural conditions of the richer countries, especially the Western ones. These include the availability of contraceptives, abortion, and overall societal conditions that make the abandonment of children for economic reasons fairly infrequent; the relative emancipation and empowerment of women that tends to delay the age of procreation, subsequently leading to infertility issues; all these factors together make both the adoption of Western children and the pursuit of children from other countries more and more difficult.⁵⁸ The existence of such determinants makes it necessary to recalibrate the tacit stigma attached to all countries and cultures from which the adopted, and previously abandoned, children come. The difference at stake seems to be economic rather than ethical. Nonetheless, in saying this, I do not mean to exclude that

⁵⁶ Albeit dated, the arguments proposed on this topic by Alston (1994) and An’Naim (1994) are still interesting. See also Cantwell (2016: 18 ff.).

⁵⁷ As for the tendency to cast a tacit stigma on the abandoning/giving birth mothers see Baden, Gibbons, Wilson and MacGinnis (2015: 85 ff.).

⁵⁸ Briggs and Marre (2009: 16 ff.), where the authors, by echoing a phrase previously coined by the anthropologist Shelee Colen (2005), refer to an internationally stratified system of reproduction between the richest countries and the poorest ones. By virtue of this socio-political stratification, the women living in the more developed countries would ‘outsource’ the childbearing to the disadvantaged fertile women dwelling elsewhere, in conditions of misery and low levels of subsistence, in exchange for economic support; in the same vein, see also Anagnost (1995), Höglbacka (2009). With specific regard to LGBTI see Cadoret, (2009), Fonseca, Marre and San Román (2015: 166 f.).

welfare conditions can profoundly influence affectivity and emotive habits. Rather, I mean that conjecturing about such influence cannot legitimize any reification of other populations or the fabrication of ontological marks that discredit their educative practices. Cultural uses are not coextensive with cultural potentialities. Love for children is not necessarily absent from a cultural context only because it is unable to avert their abandonment. Actually, in the past, also the ‘baby-loving-West’ experienced situations similar to those the ‘giving countries’ currently undergo. Perhaps instead of fostering tacit stigma, Western countries should question their own responsibility—as to what they have done, continue to do and not do—towards the creation of all the conditions which impel non-Western parents to abandon their children.

To be more explicit: is it entirely baseless to wonder if a serious global aid program and a redistribution of wealth on a planetary scale could defeat the scourge of child abandonment? Were the answer at least partially positive—as it actually is—it would be impossible to disregard the existence of a vicious circle between the pauperization of those countries from which adopted children come and the philanthropic disposition toward intercountry adoption of Western ones. And if it is so, a dark shadow looms over the entire operation of international adoption. Essentially, the factory of the abandonment does not reside in the places from which the children come, but rather in the countries where they finally land under the guise of ‘abandoned individuals’ rescued by foreign adoptive parents. In the end, world politics, as happens all too often, begets victims only to commit itself to their salvation,⁵⁹ a paradox which by no means comes at zero cost from an existential and emotive point of view, for both children and the families who give them away.

Regrettably, part of the success of intercountry adoption is linked to an implicit equivalence between the state of abandonment and the possibility to “de-parent” children declared as such. De-parenting and spatial distance tend to cumulatively create a *remoting* effect, that is, a time fracture between the present and the past of the adopted child: a fracture that is chronological and cognitive at the same time. It is so because it immunizes both the adoptive parents and their social context from any concern for an intercultural translation, producing a kind of syncope of meaning between what the prospective adopted child has been and what s/he is about to become. To put it differently, the inter-space of translation—which is a metaphor for the *spatial trans-lation* (namely transposition) that the child undergoes—is annihilated, and allows the new parents, and the hosting country, to immunize and exonerate themselves from any duty to grapple with the child’s cultural Otherness and the ‘Elsewheres/he brings with and in her/himself. Conversely, this temporal and spatial elsewhere is addressed through the spectrum of a stigmatizing attitude. These ‘elsewheres’ are often treated as the etiological matrix of an adjustment disorder of the adopted child to the new situation and, for this reason, identified as sources of trauma, dis- or an-affective behaviors, psychic instability, etc. This argument, however, indirectly overshadows and ends up obscuring all the problems—and they are significant problems—caused by the lack of intercultural translation and co-constructive attitude inside adoptive families and the social contexts they inhabit.

As harsh as the above observations may sound, on the other side they may dilute the apparent contradiction between the convergence of the recent anti-immigration trend in Western countries and the tendency, although in dramatic decline, to undertake intercountry adoption. Although the

⁵⁹ Briggs and Marre (2009: 16 ff.), Cadoret (2009: 271).

claim may appear provocative, intercountry adoption is, in many respects, only falsely aligned with a genuine disposition to *alloghilia* (love for Others and/or Aliens) or an openness to cultural Otherness. In fact, this false narrative has been blatantly discredited in Scandinavia where a misguided aspiration for a multicultural society in the 70's fueled unfettered access to intercountry adoption. Sadly, an anti-immigration attitude lurks even in these adoptive practices insofar as it is the other side of a tendency to distance the child's place and culture of origin due to an often dissimulated belief that such distancing serves to ameliorate the risk of problematic contacts with the birth family.

Despite the apparent consonance between intercountry adoption and an openness to Otherness/Elsewhere—geographical, racial and cultural—in too many cases, it holds only as long as what is 'Other' remains distant from the adoptive socio-cultural space.⁶⁰ This implies, sadly, that the same Otherness that dwells inside the adopted child risks being silenced. Also, thanks to the rhetoric of aid and the several national legal provisions legitimizing a radical hiatus in relationships with the birth family, the geographical remoteness, as if it were an empirically insurmountable hurdle, winds up legitimizing the *cultural novation* of the subject entering a new family and country.⁶¹ From the perspective of the best interests of the child, this way of thinking could lead, however, to mistaking the 'child's right' for the parents' right to have their *own* child, according to a possessive logic.⁶²

Without the underlying tendency to deny Otherness, geographical and cultural distance would never transmute into the annihilation of the adopted child's past. And, as paradoxical as it may seem, a genuine, planetary openness to Otherness, at least in my view, would demotivate applications for intercountry adoption. In that case, then, the amazing coincidence between increasing anti-immigration sentiment, sometimes now even falling into a sort of *crimigrationism*, and the large number of intercountry adoptions would both vanish simply because they would exclude each other.

I can well imagine that the above argument could be criticized by citing the express prohibition of any discrimination in all the international and national legal disciplines on intercountry adoption. Unfortunately, however, the non-discrimination principle is interpreted, almost exclusively, only in negative terms. When related to intercountry adoption, it aims to prevent parents from refusing to adopt children of another race, culture, religion, etc. Nothing is stated, conversely, about the parents' duty to know and recognize, through a process of self-transformation, the child's Otherness as a necessary means to avert discrimination.

I suspect that disregard for the 'substance' of Otherness is a flaw common to all non-discrimination disciplines. They make use of both the categories 'direct discrimination' and 'indirect discrimination' precisely in order to prevent the discriminatory attitudes camouflaged under the guise of general rules or norms tailored exclusively to the cultural features of the dominant groups. Nevertheless, in these legal texts there is no room for the *objective discrimination* that comes from a 'simple' ignorance of the Other and the complete absence of any duty to provide oneself with the

⁶⁰ Yngvesson (2010: 260 ff.; 453 ff.; 577 ff., 1340 ff.).

⁶¹ Oullette (2009: 69).

⁶² As for the morphing of adoption towards a proprietary logic inspired by the blood exclusiveness of the Western (so-called) 'nuclear family,' see Fonseca, Marre and San Román (2015: 60); with particular regard to the United States, see Carp (1998: 102 ff).

cognitive tools necessary to address this lack of knowledge.⁶³ On the other hand, such an inclination is also borne out by intercountry adoption. So, for example, if we consider the protocols regarding post-adoptive monitoring by social workers, what pops out immediately is the complete lack of concern for the intercultural practices of inclusion that the adoptive parents should be ready to address in order to support the child's adaptive path.

All these circumstances, when taken together, make the asymmetry inherent in the educative relationship (something that however regrettable, seems impossible to eliminate entirely) between parents and children amalgamate into a cultural asymmetry that ends up poisoning intercountry adoption. Precisely from the cultural perspective, by contrast, it would be essential to emphasize that educative relationships, if genuinely carried out in the child's best interests, must necessarily be bi-directional. It is not only the child who "must" change: if the adoptive parents are to successfully educate a child from a different culture, they, too, must change in tune with the child. A dynamic relationship is required, inspired by the regulative ideal of reciprocal giving. For the same reason, any definition of the families resulting from intercountry adoption practices as 'multi-ethnic' or 'multicultural' is to be deemed seriously misleading. Multi-ethnicity or multi-culturality can be assumed only as initial conditions. The 'processive teleological target' of those families should to be, instead, the invention of a common intercultural dome, as such equidistant from both the parents and the child. Only based on this figuration of past, present and future can all the adoptive family members grow together and advance their personal development.

As regards adoption, I would like to be adamantly clear: education does not mean being the 'God' of the child who is to be educated. Parents and children, at least from a cultural point of view, must be considered to occupy a level playing field. Otherwise the educative relationship will be doomed to fail or fall prey to tragic imbalances—often long dormant but destined to erupt even in the medium term. Conversely, turning towards the Other and intercultural translation efforts is to be intended as a mutual commitment without making any concessions to a misoneist or oneiric maintenance of the original psycho-cognitive condition of the adopted. Origins, and especially cultural ones, are not a fixed point in time and space. They are, rather, a function in the process of a renewing and ongoing conceptualization of the past in view of the construction of a fruitful relationship between any individual and her/his present life environment. For this reason, the disregard of the cultural origins of both the adoptive parents and the adopted child would mean

⁶³ Very interesting remarks on this topic can be found in Dowd (2016: 121 ff.). The author focuses on the fallacy of a 'neutral developmental perspective' so often pervading the educative attitude assumed by adoptive parents and the hosting society, as well. More specifically, she emphasizes how the myth of neutrality, when applied to the cultural habits of the 'receiving society,' can compromise the effectiveness of the principle of non-discrimination stated by Art. 2 CRC. She states: "The litany of examples of discrimination among children unfortunately is a long list. Added to that would be a global comparison that finds disadvantage and exploitation concentrated along race, gender and class lines. The persistence of those patterns, I would argue, should generate a shift in our developmental lens in order to achieve the goal of children's equality. Where inequalities exist among children, Article 2 should trigger examination of the developmental consequences of those inequalities and the role of the state in perpetuating inequality, in order to ensure that children's Article 3 best interests are served in maximizing their developmental potential. Where there are demonstrable differences in children's developmental outcomes that fall along race, gender and/or class lines, a developmental lens informed by the consequences of those developmental challenges should be used to not only counter the effects of discrimination, but more importantly, to trigger obligations and responsibilities to dismantle those structures in the ecology that generate those disproportionate challenges, and implement systems that support children's equal development."

losing access to a toolkit that is essential to achieving the intercultural transformation inherent in any process of personal growth among subjects called to coexist despite their differences.

Quite the contrary, the international legislation on children's rights and intercountry adoption neither helps nor promotes the development of widespread awareness about the importance of intercultural commitment. If one considers, for example, the sixth and seventh 'principles' of the CRC, a complete indifference for the phenomenon of the extended families is obvious, despite the fact that in many cultures the people who are called 'mother' do not exclusively coincide with the genetic one. As emphasized above, the subsequent tenth principle does not even consider the discriminatory consequences of ignorance about the children's culture with regard to intercountry adoptive practices; in the same vein, we could consider the provision stated in Art. 2 of the CRC. The situation does not get any better if one looks at points five, six and seven of the CRC Preamble where the description of family life and the individual development of the child are almost exclusively focused on the Western conceptualization of family and personal subjectivity.

Some further problems, then, arise with regard to Art. 5 of the CRC, where—apparently in contradiction with the previous principles and points—there is a specific referral to extended families. Actually, it is very difficult to infer from this provision how to combine the recognition of the extended family and the declaration of the state of abandonment of children as a prerequisite for their adoptability. Even if one compares this article to the HCIA statements, the question of whether a child included in an extended family can be declared to have a status of adoptability when s/he has lost her/his genetic parents remains quite ambiguous.

Article 7 of the CRC establishes the fundamental right of a child to know her/his parent. Nonetheless this principle does not seem to be adequately connected with all the legislation on intercountry adoption (and not only) that instead exclude the right of the adopted children to know their birth parents. Another very problematic point, then, is the interpretation of Art. 8 and the related protection of the identity, nationality, name and familiar relationships of the child in cases where this provision is to be combined with the inevitable transformations inherent in adoptive practices, especially the intercountry ones.

If we consider the specific topic of this essay, Art. 20 of the CRC, and particularly its third paragraph, is of the utmost importance. This statement reads:

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

In the above provision, what seems to be almost a conundrum is how the interpreters should understand 'continuity' in the child's ethnic, religious, cultural and linguistic background without any referral to the intercultural transformations that the adoptive parents and the adopted child are destined to undergo and manage.

Something similar, however, is to be said with respect to Art. 21. Though this provision is to be commended for attempting to provide a real remedy against the speculative practices germinated in the past around intercountry adoption, subparagraphs c) and, indirectly, b) are almost indecipherable, at least without any connection to a (presumably lacking) preexisting and well-established intercultural competence. The subparagraphs at issue establish:

- (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

My question is: how is it possible to ask for a comparative assessment of the condition of the child's safeguards and standards without any prior development of an intercultural understanding of the 'relational being' of the child and his/her family relationships so as to promote their flourishing?

In this vein, another critical point has to do with the necessity to coordinate Art. 17 of the CRC with Art. 29. In Article 17, the aim of the CRC is to underscore the role of mass media in the education of the child and, particularly, in order to assure her/his attendant cultural life. But what cultural life is at issue if the child is adopted? Art. 17, as a matter of fact, includes some referrals to the international and multicultural sources of information to be made available for children. Of course, these referrals are dramatically insufficient to face the cultural hindrances that an intercountry adopted child could experience. On the other hand, Art. 21 seems, from this point of view, to confuse things even further:

1. States Parties agree that the education of the child shall be directed to:
 - (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
 - (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
 - (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
 - (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
 - (e) The development of respect for the natural environment.
2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

The article begins: 'States Parties agree that the education of the child shall be *directed to*.'⁶⁴ If one focuses attention on subparagraph (c) and relates it to intercountry adopted children, the question of interculturality immediately pops into his/her mind but, unfortunately, remains entirely unanswered. According to the regulation, everything should proceed without impediment for the intercountry adopted child, except the mammoth difficulty of combining 'the development of respect for his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his

⁶⁴ My italic.

or her own' in a hosting society plagued with cultural conflicts. Once again, interculturality seems to be the great absentee from legal concerns.

Even the HCIA does not provide the answer that the CRC evades. Aside from a few statements relating to the child's identity and ethnic, cultural, and religious background, as necessary information to be included by the Central Authority of the State of origin in its report about the prospective adopted child, nothing else can be found in this legal text with regard to culture or intercultural issues.

Many further considerations could be proposed with regard to the so-called 'distance adoption' as well as to 'international foster care' and their relationships with traditional plenary adoption. But these issues, although closely linked to the argument at stake, are beyond the reach of this essay. The legal instruments analyzed here, however, concur to unearth the pervasive inconsistency that goes hand in hand with the parallel histories of adoption and the 'blood family' icon. They seem to illustrate how the universal responsibility for children is increasingly becoming the cornerstone of a widespread duty for care perceived beyond reproductive blood linkages. On the other hand, interculturality is to be assumed as the necessary flip side of the dissemination of such practices insofar as they traverse distances, borders, races, cultures, religions and other differences.

Although the ideal of color-blind adoption has often been branded as a utopian expectation,⁶⁵ the overcoming of exclusive adoptive parentage as the only remedy to the orphaning or abandonment of children comes to the fore as both a possible anthropological transformation and an already extant historical practice. Adoption, in other words, seems to be increasingly intended no longer as a surrogate of blood ties and parentage that is prototypically rooted in genetic derivation. The possibility of wriggling free from the straitjacket of blood parentage and descent and all its imagery should be championed, at least in my view, as a first and yet crucial step on the thorny road towards the eradication of racism. My conviction is that if the day comes when all adult human beings are able to feel themselves to be, at least potentially, responsible for each child inhabiting the Earth, and to see in some sense all children as their own, the journey toward detoxifying the mind from racism will have begun. In spite of all its inner contradictions, or maybe because of them, the current adoptive legal experience seems to give a hint of hope that this possibility could be more than a utopian fantasy.

⁶⁵ See Hübinette (2016: 229).

Bibliography

- Alston, Philip 1994, *The Best Interests Principle: Towards a Reconciliation of Culture and Human Rights*, in *International Journal of Law, Policy and the Family*, 8, 1, April 1994, 1. <https://doi.org/10.1093/lawfam/8.1.1>
- An-Na'im, Abdullahi 1994, *Cultural Transformation and Normative Consensus on the Best Interests of the Child*, in *International Journal of Law, Policy and the Family*, 8, 1, April 1994, 62. <https://doi.org/10.1093/lawfam/8.1.62>.
- Anagnost, Ann 1995, *A Surfeit of Bodies: Population and the Rationality of the State in Post-Mao China*, in Ginsberg, Faye D. and Rapp, Rayna, (eds.), *Conceiving the New World Order: The Global Politics of Reproduction*. Berkeley: University of California Press, 22.
- Anagnost, Ann 2000, *Scenes of Misrecognition: Maternal Citizenship in the Age of Transnational Adoption*, in *positions Asia critique*, 8 (2): 389.
- Baden, Amanda L, Gibbons, Judith L., Wilson, Samantha L. and McGinnis, Hollee, *Pre- and Post-Adoption Counseling Needs in International Adoption: Understanding the Social Ecology of Triad Members*, in Ballard, Robert L., Goodno, Naomi H., Cochran, Robert F. and Milbrandt, Jay A. (eds.), *The Intercountry Adoption Debate: Dialogues Across Disciplines*. Newcastle: Cambridge Scholar Press, 81.
- Bartholet, Elizabeth 2015, *The Hague Convention: Pros, Cons, and Potential*, in Ballard, *The Intercountry Adoption Debate cit.*, 239.
- Bartholet, Elizabeth, Smolin, David M. 2016, *The Debate*, in Gibbons, Judith L., Rotabi, Karen Smith. *Intercountry Adoption: Policies, Practices, and Outcomes*. London - New York: Routledge. Kindle Edition, 233.
- Bailey, Jo D. 2007, *Practice Model to Protect the Ethnic Identity of International Adoptees* in *Journal of Family Social Work*, 10 (3), 1. doi: 10.1300/J039v10n03_01
- Bowie, Fiona 2004, (ed.), *Cross-Cultural Approaches to Adoption*. New York: Routledge.
- Briggs, Laura, Marre 2009, Diana, *Introduction: The Circulation of Children*, in Briggs, Laura, Marre, Diana, (eds.), *Global Inequalities and The Circulation of Children*. New York - London: NYU Press. Kindle Edition, 1.
- Bromfield, Nicole F., Rotabi, Karen S. 2017, *From Intercountry Adoption to Global Surrogacy: A Human Rights history and New Fertilized Frontiers*. Abingdon, Oxon - New York: Routledge.
- Cadore, Anne 2009, *Mothers for Others Between Friendship and the Market* (translated by Margaret Dunham) in Marre, Diana, Briggs, Laura, (eds.), *International Adoption: Global Inequalities and the Circulation of Children*. New York - London: NYU Press. Kindle Edition, 271.
- Cantwell, Nigel 2011, (prepared by), *Adoption and Children: A Human Rights Perspective*. Council of Europe - Commissioner for Human Rights, CommDH/IssuePaper(2011)2 available at <https://rm.coe.int/adoption-and-children-a-human-rights-perspective-issue-paper-commissio/16806dac00> . Accessed September 15, 2019.
- Cantwell, Nigel 2016, *The concept of the best interests of the child: what does it add to children's human rights?*, in Sormunen, Milka (ed.), Council of Europe, *The best interests of the child - A dialogue between theory and practice* Milka Sormunen © Council of Europe, March 2016.
- Carp, Wayne E. 1998, *Family Matters: Secrecy and Disclosure in the History of Adoption*. Cambridge, MA - London: Harvard University Press.
- Casey, Maurice P. 1987, *General, Generic and Indefinite: the Use of the Term 'Son of man' in Aramaic Sources and in the Teaching of Jesus*, in *Journal for the Study of the New Testament*, 9 (29), 21.
- Casey, Maurice P. 1995, *Idiom and Translation: Some Aspects of the Son of man Problem*, in *New Testament Studies* 41(2), 164. <http://dx.doi.org/10.1017/S0028688500021226>.

- Casey, Maurice P. 2009, *The Solution to the 'Son of man Problem'*. London: Bloomsbury.
- Colen, Shellee 1995, 'Like a Mother to Them': *Stratified Reproduction and West Indian Childcare Workers and Employers in New York*, in Ginsberg, Faye D. and Rapp, Rayna, (eds.), *Conceiving the New World Order: The Global Politics of Reproduction*. Berkeley: University of California Press, 78.
- Cordiano, Alessandra 2016, *Archetypes and Family models*, in Carpi, Daniela, Leiboff, Marett (eds), *Fables of the Law. Fairy Tales in a Legal Context*. Berlin – Boston: De Gruyter: 259.
- Cronin, Helena 1991, *The Ant and the Peacock: Altruism and Sexual Selection from Darwin to Today*. New York: Cambridge University Press.
- Cronin, Helena 1991, *The Ant and the Peacock: Altruism and Sexual Selection from Darwin to Today*. New York. Cambridge University Press.
- Dorow, Sara 2006, *Transnational Adoption: A Cultural Economy of race, Gender, and Kinship*, New York: New York University Press.
- Dowd, Nancy E. 2016, *A Developmental Equality Model for the Best Interests of Children*, in Sutherland, Elaine E. and Macfarlane, Lesley Anne Barnes, (eds.), *Implementing Article 3 of the United Nations Convention on the Rights of the Child: Best Interests, Welfare and Well-being*. New York: Cambridge University Press. Kindle edition, 112.
- Duncan, William 1993, *Regulating Inter-Country Adoption: An International Perspective*, in Bainham, Andrew and Pearl, David S. (eds.), *Frontiers of Family Law*, ed. Andrew Bainham and David S. Pearl, London: John Wiley and Sons, 46.
- Eekelaar, John 1994, *The Interests of the Child and the Child's Wishes: The Role of Dynamic Self-Determinism*, in *International Journal of Law and the Family*, 8, April 1994, 42. <https://doi.org/10.1093/lawfam/8.1.42>
- Eekelaar, John 2016, *Two Dimensions of the Best Interests Principle: Decisions About Children and Decisions Affecting Children*, in Sutherland, *Implementing Article 3 cit.*, 50.
- Failinger, Marie A. 2015, *Co-creating Families in an Interdependent World: A Lutheran Perspective on Intercountry Adoption Law*, in Ballard, *The Intercountry Adoption Debate cit.*, 475.
- Fonseca, Claudia, Marre, Diana, San Román, Beatriz 2015, *Child Circulation in a Globalized Era: Anthropological Reflections*, in Ballard, *The Intercountry Adoption Debate cit.*, 157.
- Fortin, Jane 2009, *Children's Rights and the Developing Law*. Cambridge : Cambridge University Press.
- Gibbons, Judith L., Rotabi, Karen Smith 2016, *Intercountry Adoption: Policies, Practices, and Outcomes*. London - New York: Routledge. Kindle Edition.
- Goodno, Naomi H. 2015, *The Hague: An Endless Balancing Act of Preventing Intercountry Adoption Abuses and Finding Permanent Homes for Orphans*, in Ballard, *The Intercountry Adoption Debate cit.*, 207.
- Gross, Martine, *The Desire for Parenthood among Lesbians and Gay Men* (Translated by Léo Thiers-Vidal), in Marre, *International Adoption cit.*, 87. New York: New York University Press.
- Hare, Douglas R. A. 1990, *The Son of man Tradition*. Minneapolis: Fortress Press.
- Henaghan, Mark 2016, *Final Appeal Courts and Article 3 of the United Nations Convention on the Rights of the Child: What Do the Best Interests of the Particular Child Have to Do with It?* , Sutherland, *Implementing Article 3 cit.*, 81.
- Hermann, Katherine 2010, *Reestablishing the Humanitarian Approach to Adoption: The Legal and Social Change Necessary to End the Commodification of Children*, in *Family Law Quarterly*, 44, 3, 409.
- Högbacka, Riitta 2009, *Maternal Thinking in the Context of Stratified Reproduction: Perspectives of Birth Mothers from South Africa*, in Gibbons and Rotabi, *Intercountry Adoption cit.*, 143.
- Högbacka, Riitta 2011, *Transnational adoption and the exclusivity and inclusivity of families*, in Jallinoja, Riitta and Widmer, Eric D., (eds.), *Families and kinship in contemporary Europe: Rules and Practices of Relatedness*. New York: Palgrave Macmillan, 2011, 129.

- Hollinger, Joan H. 2000, *L'adoption ouverte aux États-Unis*, in Agnès, Fine and Claire, Neirinck, (eds.), *Parents de sang, parents adoptifs: Approches juridiques et anthropologiques de l'adoption—France, Europe, USA, Canada*, Paris: Maison des Sciences de l'Homme and Librairie Générale de Droit et de Jurisprudence, 45.
- Howell, Sign 2006, *The Kinning of Foreigners: Transnational Adoption in a Global Perspective*, New York - Oxford: Berghahn Books.
- Howell, Signe 2009, *Adoption of the Unrelated Child: Some Challenges to the Anthropological Study of Kinship*, in *Annual Review of Anthropology*, 38(1), 149.
<https://doi.org/10.1177/0142064X8700902902>
- Hübinette, Tobias 2016, *Post-Racial Utopianism, White Color-Blindness and "the Elephant in the Room": Racial Issues for Transnational Adoptees of Color*, in Gibbons and Rotabi, *Intercountry Adoption cit.*, 221.
- Ingold, Tim 1989, *An Anthropological Looks at Biology*, in *Man*, XXV, 2, 208.
- Ingold, Tim 2000, *Evolving Skills*, in Rose Hilary, Rose Steven and Cape, Jonathan (eds.), *Alas, Poor Darwin: Arguments against the Evolutionary Psychology*. London. Jonathan Cape; also published as *Three in One: On Dissolving the Distinction between Body, Mind and Culture*, free downloadable at <http://lhc.ucsd.edu/mca/Paper/ingold/ingold2.htm> , accessed September 4, 2019).
- Juffer, Femmie and Tieman, Wendy 2016, *Families with Intercountry Adopted Children: Talking About Adoption and Birth Culture*, in Gibbons and Rotabi, *Intercountry Adoption cit.*, 211.
- Kendall, Laurel 2005, "Birth Mothers and Imaginary Lives," in Volkman, Toby A., (ed.), *Cultures of Transnational Adoption*. Durham - London. Duke University Press,: 162.
- Kohm, Lynne M. 2008, *Tracing the Foundations of the Best Interests of the Child Standard in American Jurisprudence*, in *Journal of Law & Family Studies*, 10, 337. doi:10.2139/ssrn.1957143.
- Kutty, Faisal 2015, *Kafalah, Raadah, Istilhaq and the Best Interest of the Child*, in Ballard, *The Intercountry Adoption Debate cit.*, 527.
- Legrand, Caroline, *Routes to the Roots: Toward an Anthropology of Genealogical Practices*, in Marre, *International Adoption cit.*, 246 ff.
- Leinaweaver, Jessaca B. 2009, *The Medicalization of Adoption in and from Peru*, in Marre, *Intercountry Adoption cit.*, 190.
- Marre, Diana 2016, "We Do Not Have Immigrant Children at This School, We Just Have Children Adopted from Abroad": *Flexible Understandings of Children's "Origins"*, in Marre, *Intercountry Adoption cit.*, 226.
- Mathieu, Géraldine 2016, *The child's best interests and the right to know his or her origins*, in *The best interests of the child – A dialogue between theory and practice - Council of Europe*. Strasbourg: Council of Europe Publishing, 130.
- Meer, Nasar, Modood, Tariq, Zapata-Barrero, Ricard 2016, (eds.) *Multiculturalism and Interculturalism: Debating the Dividing Lines*. Edinburgh: Edinburgh University Press.
- Mezmur, Banyam D. 2010, "The sins of the 'saviours'": *Child Trafficking in the Context of Intercountry Adoption in Africa*, Paper presented at the Special Commission of the Hague Conference on Private International Law, The Hague Netherlands, 3. Free downloadable at <https://www.hcch.net/en/publications-and-studies/details4/?pid=6162&dtid=57>.
- Miller, Lurie C. 2016, *Medical Status of Adopted Children*, in Gibbons, *Intercountry Adoption cit.*, 187.
- Ouellette, Françoise-Romaine and Belleau, Hélène 2001, *Family and Social Integration of Children Adopted Internationally: A Review of the Literature*. Montréal: INRS-Urbanisation, Culture et Société Institut national de la recherche scientifique Université du Québec. Available at http://espace.inrs.ca/5011/1/rap2001_01a.pdf (accessed September 19, 2019).
- Ouellette, Françoise-Romaine 2009, *The Social Temporalities of Adoption and the Limits of Plenary Adoption* Françoise-Romaine Ouellette, in Marre, *International Adoption cit.* 69.
- Ricca, Mario 2008, *Oltre Babele. Codici per una democrazia interculturale*. Bari: Dedalo.
- Ricca, Mario 2013, *Culture interdette. Modernità, migrazioni, diritto interculturale*. Torino: Bollati Boringhieri.

- Ricca, Mario 2014, *Intercultural Law, Interdisciplinary Outlines: Lawyering and Anthropological Expertise in Migration Cases Before the Courts*, E/C Rivista Telematica dell'Associazione Italiana di Studi Semiotici, March 2014. http://www.ec-aiss.it/index_d.php?recordID=709 (accessed September 18, 2019).
- Ricca, Mario 2016, *Errant Law: Spaces and Subjects*, available at SSRN: <https://ssrn.com/abstract=2802528> or <http://dx.doi.org/10.2139/ssrn.2802528> (accessed September 18, 2019).
- Ricca, Mario 2016b, *Klee's Cognitive Legacy and Human Rights As Intercultural Transducers: Modern Art, Legal Translation, and Micro-Spaces of Coexistence*, in *Calumet - Intercultural Law and Humanities Review* (2016). Available at http://www.windogem.it/calumet/upload/pdf2/mat_51.pdf (accessed September 18, 2019).
- Ricca, Mario 2017, *How to Make Space and Law Interplay Horizontally: From Legal Geography to Legal Chorology*. Available at SSRN: <https://ssrn.com/abstract=2926651> or <http://dx.doi.org/10.2139/ssrn.2926651>, (accessed September 19, 2019).
- Ricca, Mario 2018, *Cultures in Orbit, or Justifying Differences in Cosmic Space: On Categorization, Territorialization and Rights Recognition*, in *International Journal for the Semiotics of Law*, 31, 829. <https://doi.org/10.1007/s11196-018-9578-5>
- Schachter, Judith Modell 1994, *Kinship with Strangers: Adoption and Interpretations of Kinship in American Culture*. Berkeley: University of California Press.
- Schachter, Judith Modell 2001, *Open Adoption: Extending Families, Exchanging Facts*, in New Directions in Stone, Linda, (ed.), *Anthropological Kinship*, Lanham, MD: Rowman and Littlefield, 236.
- Schachter, Judith Modell 2009, *International Adoption: Lessons from Hawai'i*, in Marre, *International Adoption* cit., 52.
- Sebeok, Thomas 2001, *Global Semiotics*. Bloomington. Indiana University Press.
- Selman, Peter 2009, *The Movement of Children for International Adoption Developments and Trends in Receiving States and States of Origin, 1998–2004* in Marre, *International Adoption* cit., 32.
- Selman, Peter 2015, *Global Trends in Intercountry Adoption: 2003-2013*, in Ballard, *The Intercountry Adoption Debate* cit., 9.
- Selman, Peter 2016, *The Rise and Fall of Intercountry Adoption in the 21st Century: Global Trends from 2001 to 2010*, in Gibbons and Rotabi, *Intercountry Adoption* cit., 7.
- Skivenes, Marit 2010, *Judging the Child's Best Interests: Rational Reasoning or Subjective Presumptions?*, in *Acta Sociologica*, 53(4), 339. doi: 10.1177/0001699310379142
- Skivenes, Marit and Søvig, Karl H. 2016, *Judicial Discretion and the Child's Best Interests: The European Court of Human Rights on Adoptions in Child Protection Cases*, in Sutherland, *Implementing Article 3* cit., 341.
- Skivenes, Marit and Sørsdal, Line Marie 2018, *The Child's Best Interest Principle across Child Protection Jurisdictions in Falch-Eriksen, Asgeir and Backe-Hansen, Elizabeth, (eds.), Human Rights in Child Protection*. Cham, Switzerland: Palgrave Macmillan (Open Access - Creative Commons 4.0). https://doi.org/10.1007/978-3-319-94800-3_4
- Smolin, David M. 2005, *The Two Faces of Intercountry Adoptions: The Significance of the Indian Adoption Scandals*, *Seton Hall Law Review*, 35, 403.
- Smolin, David M. 2007, *Intercountry Adoption and Poverty: A Human Rights Analysis*, in *Capital University Law Review*, 36 (Winter 2007), 415.
- Smolin, David M. 2010, *Abduction, Sale and Traffic in Children in the Context of Intercountry Adoption*, Paper presented at the Special Commission of the Hague Conference on Private International Law, The Hague Netherlands. Free downloadable at <https://www.hcch.net/en/publications-and-studies/details4/?pid=6162&dtid=57>.
- Smolin, David M. 2015, *Can the Center Hold? The Vulnerabilities of the Official Legal Regimen for Intercountry Adoption*, in Ballard, *The Intercountry Adoption Debate* cit., 245.

- Strathern, Marilyn 1997, *Partners and Consumers: Making Relations Visible*, in Schrift, Alan D., (ed.), *The Logic of the Gift: Toward an Ethic of Generosity*, New York: Routledge, 292.
- Sutherland, Elaine E. 2016, *Article 3 of the United Nations Convention on the Rights of the Child: The Challenges of Vagueness and Priorities* in Sutherland, *Implementing Article 3 cit.*, 21.
- Vermes, Geza 1978, *The "Son of man" Debate*, in *Journal for the Study of the New Testament*, 1 (1), 19. <https://doi.org/10.1177/0142064X7800100103>
- Yassari, Nadjma, Mollere, Lena-Maria, Majm Marie-Claude 2019, (eds.), *Filiation and the Protection of Parentless Children: Toward a Social Definition of the Family in Muslim Jurisdiction*. Hamburg – Beirut: Springer – Asser Press.
- Yngvesson, Barbara 2002, *Placing the 'Gift Child' in Transnational Adoption*, in *Law & Society Review* 36, no. 2, 227.
- Yngvesson, Barbara 2009, *Refiguring Kinship in the Space of Adoption*, in Marre, *International Adoption cit.*, 103.
- Yngvesson, Barbara 2010, *Belonging in an Adopted World: Race, Identity, and Transnational Adoption*. Chicago – London: The University of Chicago Press.

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