# In Their Best Interests. Diplomacy, Ethics, and Competition in The French World of Adoption

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# In Their Best Interests

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**Abstract**: The international circulation of children today requires a multiplicity of interventions, made all the more complex as adoptive flows must respect the ethical standards defined by the Hague Convention (1993), and be realized in the context of a drastic contraction of the migration of children for adoptive purposes. For a dozen years, the French government has been trying to follow a partially contradictory double imperative: the moral respect of universal principles enacted by international treaties, and the political maintenance of France among the adoptive "great nations" that are able to favor its nationals. To meet this challenge, several institutions have been created: a service of the French Minister of Foreign Affairs; a plenipotentiary Ambassador for International Adoption; a network of international volunteers posted abroad; and a dedicated French Adoption Agency (AFA), which is supposed to guarantee "public access" to international adoption services for putative French parents. Based on a multi-site field study conducted since 2013, this contribution aims to shed light on the architecture, discourse, and actions of these "adoptive public agents." Drawing on interviews and observations conducted in France and abroad, this article describes how these bureaucrats act in practice to create French adoptive families, at the blurred and troubled intersection between the promotion of universal children's rights and the favoring of French national interests.

**Keywords**: bureaucracy, diplomacy, ethics, public policy, transnational adoption

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On January 12, 2010, Haiti was hit by an earthquake measuring 7.0 on the Richter scale. The toll of the disaster was devastating: more than 100,000 deaths,[1] hundreds of thousands of people injured, more than a million homeless. Little information emerged from a country in ruins, and the few images and testimonies that surfaced were harrowing: the stench of decaying corpses suffocated Port-au-Prince, and rubble blanketed the landscape. France, like many other Western countries, immediately offered logistical, humanitarian, and military support. Individual voices, from across the public and private arenas, united in a concert of solace and anxiety. Putative adoptive parents were distraught by the fate of the children they hoped to raise. For them, it was "their children", "their little ones" who had been injured or killed, or who survived in unspeakable conditions. In just a few hours, an online petition posted by the *Collectif SOS Haïti Enfants Adoptés* collected more than 45,000 signatures. Addressed to the president of the Republic, Nicolas Sarkozy, and to his minister of foreign affairs, Bernard Kouchner,[2] the document called for "the quickest possible evacuation of all these children to the home that awaits them [...] We have no intention of diverting Haitian law but, in this nightmare situation, only the will to prevent our children from enduring a new trauma from which some will be unable to recover."[3]

The Quai d'Orsay quickly rejected this request. The Ministry of Foreign Affairs, which oversees international adoption for the French administration, issued a press release:

> Contrary to information reported by some media outlets, the repatriation of all Haitian minors for whom adoption proceedings have been initiated by French candidates is not under consideration. As soon as the situation permits and in agreement with the Haitian authorities, the Intercountry Adoption Service, concerned with finding legally, humanely and materially appropriate solutions, in conjunction with associations and families, will carefully examine all applications, taking into account their progress and the

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[1] The Haitian government initially announced higher casualty estimates (up to 360,000 deaths). However, these figures have been corrected downwards, after Port-au-Prince officials were accused of overestimating human losses in order to facilitate the delivery of humanitarian aid. More reasoned estimates today range from 100,000 to 160,000 deaths.

[2] A media and political figure, and co-founder of the successive initiatives *Médecins Sans Frontières* and *Médecins du Monde*, Bernard Kouchner was the minister of foreign and European affairs from 2007 to 2010. Officially a member of the Socialist Party, he joined the conservative Fillon administration as part of its "*ouverture*" to the left and center, promoted by Nicolas Sarkozy, alongside Eric Besson, Jean-Pierre Jouyet and Martin Hirsch.

[3] http://rapatriement-haiti.over-blog.com/article-pour-le-rapatriement-des-enfants-en-cours-d-adoption-en-haiti-42973567.html

best interest[4] of the child. Today, the highest priority is given to the urgency of relief.[5]

Authorities in Paris eventually reassessed their initial position. The Quai d'Orsay faced an unexpected outcry, amplified by the proliferation of alarmed testimonies in the regional and national press, the mobilization of adoption associations and the influence of digital social networks, which together catalyzed emotional reactions. Above all, other "receiving countries" deviated one by one from the guidelines in force within the world of adoption[6]: planes began to depart from Germany, the Netherlands, Denmark, and Switzerland to "bring back" the children, and a few other European governments started to discuss "speeding up procedures."

By contrast, France appeared to be slow to respond, or even to be inactive. This despite the fact that France was the primary destination for Haitian adoptees, with 651 adoptions completed in 2009[7] – far more than the United States, where 200 to 300 Haitian children were adopted per year at the end of the 2000s. At the time of the earthquake, about 900 Haitian children were in the process of being adopted by France families, and just under half of them had already been assigned to French parents by Haitian judges. But the former colonial power feared ethical breaches and the potentially disastrous image of its agencies seizing orphans in a time of emergency.[8] Parents' groups urged France to accelerate its efforts, alarmed by the many warnings of NGOs and international groups (such as *Save The Children*, *World Vision,* and *UNICEF*) about the risk of kidnapping and trafficking. The French administration finally arrived at a policy it considered sufficiently prudent: While appealing to its "concern for the best interests of the child," and its respect for "ethical conventions" and "international law," Paris sent its first plane to Port-au-Prince to extract thirty-three children who, at the very end of the adoption process, had only been waiting to obtain their final visas from the French consular services. Once in Paris, these children were

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[4] In French, the common phrase is singular, not plural – *l'intérêt supérieur de l'enfant*. This difference has tremendous consequences in the implementation of local policies, as the French apparatus is based less on a range of practical dispositions (whereas the plural may indicate diversity) than on an unquestioned representation of the priority of childrens' lives over those of adults *per se*. Here, I will always use the plural form (interests) to comply with the English version of the 1989 Convention on the Rights of the Child ("article 3: …the best interests of the child shall be a primary consideration").

[5] *Communiqué du Service de l'Adoption Internationale*, 16 January 2010.

[6] I borrow the notion of world/s from Howard Becker, who considers it pragmatically as a community of individuals working together (but in specific ways) to achieve a shared goal in diverse spaces. See Howard Becker, *Art Worlds* (Berkeley: University of California Press, 1984).

[7] *Statistiques de l'adoption internationale en France en 2009*, Ministère des Affaires étrangères.

[8] Paris was all the more worried due to the recent "Arche de Zoé" scandal, which was still then in everyone's memory.

officially "handed over to the families in shelter from the cameras"[9] even as Carla Bruni-Sarkozy – embodying publicly the authorities' compassion – joined the press in welcoming them at Roissy–Charles de Gaulle Airport.

This first plane was followed by others. For months, and despite doubts that were more and more openly expressed, children from Haiti kept arriving in French territory. French authorities unremittingly asserted that these cases complied with the 1993 Hague Convention regulating international adoptions. Unspoken was the fact that the earthquake buried archives of adoption-related records, destroyed files that had been patiently and meticulously assembled, and razed courts altogether, so that conditions could no longer meet the procedural standards upon which the Convention has been based. In December of the same year, after several months of patient investigation – as well as the replacement of the minister of foreign affairs[10] – two planes transported the last remaining children: 318 "little Haitians arrive[d] for Christmas."[11] In total, during 2010, nearly 1,000 children had been transported to France.

What does the treatment of these cases reveal? Is this another manifestation of the unchecked strength of the authorities, backed by state apparatuses to secure access to children as resources? Or should the case be viewed, rather, as an exemplary moment of international cooperation, deployed in response to a humanitarian emergency, and with due deference to legal frameworks? Perhaps a more moderate interpretation is called for. Indeed, the 2010 earthquake not only brought to the forefront the political weight of issues surrounding international adoption; it also highlighted the current ambiguity of public policies, which respond to both ethical matters and the maintenance of power, drawing attention to moral concerns and ethical subjectivities at the heart of the state.[12]

Based on multi-sited ethnographic fieldwork conducted since 2013, I aim to show how international adoption has recently become an administrative-diplomatic problem, to analyze the practical forms of action it requires of those involved, and to decipher its current political meaning. First, I will describe the current architecture of the French public approach to international adoption, before analyzing the coalescence of ethical requirements and political anxieties in the conduct of diplomatic action. Then, drawing on observations and

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[9] "Les petits Haïtiens accueillis à Roissy en présence de Carla," *Le Parisien*, 22 January 2010.

[10] On 14 November 2010, Michèle Alliot-Marie became minister of foreign affairs, and she decided to accelerate the processing of the last pending cases. Her approach was considered by parents' groups to be much more effective than that of her predecessor, and her activism was praised.

[11] "Il restait 318 petits Haïtiens adoptés. Ils seront là à Noël," *Le Progrès*, 20 December 2010.

[12] Didier Fassin *et al.*, eds. *At the Heart of the State: The Moral World of Institutions* (London: Pluto Press, 2015).

interviews conducted with consular officials abroad, I aim at showing how bureaucrats struggle to reconcile the discrepancy between administrative practices and their own beliefs in the universality of children's best interests. Finally, I will detail how public agents have to adjust to an eminently competitive world, and how they have seen their missions transformed by the current restructuring of adoption policy and the evolving political landscape. In questioning how public agents abroad act to promote, control, and regulate both adoptive ties and moral imperatives, I hope to show that international adoption has never been a trivial nor minor subject; it is, on the contrary, a privileged *locus* for examining the articulation between morality and politics, and for investigating how ethical concerns frame and transform public action.[13]

# One World, Many Fragments

Between 2013 and 2018 I researched the world of international adoption through a succession of variously developed ethnographic studies, each of which focused on a singular aspect of the wider picture of contemporary adoption. I have thus conducted fragments of autonomous studies one after another, in places where identified themes appeared particularly prominent and were addressed locally by singular policies (such as children's health, civil status, archives and origins, money and transactions, etc.). I spent six months immersed in a French administrative bureau in charge of adoption in 2013; I observed pediatric units specialized in adoption in 2014; I visited orphanages and agencies abroad for three months in 2015 and 2016; I analyzed for two months the fiscal and political treatment reserved for so-called "children with special needs" at various locations in 2018.[14] This *ad hoc* methodology, which I call "fragmented ethnography," is an adjusted version of multi-sited ethnography.[15] However, the former diverges slightly from the latter's initial theorization, as each

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[14] Some names and identifying details (including exact locations) have been changed, in order to protect the privacy of individuals discussed here.

[15] A book containing more detailed information on the various studies that are part of this fieldwork is being prepared for publication in 2021.

ethnographic study that composes my fieldwork addresses specific spatial, temporal, thematic, and problematic issues.[16] These various fragments can be treated either autonomously or coincidentally, to capture the plurality of dimensions that constitute international adoption as a world that is at once unified and crossed by contradictory logics and paradoxical stakes.

I cannot go into more detail about this method here, nor catalogue the advantages or disadvantages it may generate. However, one may understand that this apparatus – although undoubtedly costly due to the multiplication of studies it has required – has led me to meet regularly with diplomats and related professionals. Unfortunately, I initially underestimated the importance of these agents; as a result, they were not the subject of a specific investigation, unlike other intermediaries or other institutions. These professionals – most of whom (but not all) were linked to French bureaus, embassies or consulates – were variously involved in the conduct of my investigation. They sometimes advised me, as we supposedly shared a certain bureaucratic loyalty (a French diplomat explained to me, in a complicit tone, that "we serve the same state"[17]); they often granted me formal or informal interviews, whether they were working in the central administration or serving abroad; later, as my work progressed and the visibility of my investigation increased, some asked me for expertise or occasional advice. These exchanges did not always make sense immediately; as is often the case, I only understood their importance at the end of the investigation process. Therefore, one should understand that this article does not attempt to sketch a sociology of diplomats or of their profession. No ethnography of a department of the Quai d'Orsay[18] or account of a survey with consular officers here... Rather, I try to make sense *ex post* of bureaucrats' presence and concerns, focusing on the tensions I observed in the diplomatic stance between the promotion of the universal rights of children and the favoring of French national interests.

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[16] In some aspects, even if George Marcus's work remains extremely influential, I have been more inspired by Theodore Bestor's multiple ethnographies to organize this fieldwork. See Theodore Bestor, *Tsukiji: The Fish Market at the Center of the World* (Berkeley: University of California Press, 2004); George Marcus, "Ethnography in/of the World System: The Emergence of Multi-Sited Ethnography," *Annual Review of Anthropology* 24 (1995): 95–117, https://doi.org/10.1146/annurev.an.24.100195.000523

[17] Recruited in 2011 as a Research Fellow at the CNRS, I am a civil servant under French law. My status ensures total freedom of scientific investigation, but the diplomat – likely due to his unfamiliarity with the academic world – assumed that my work would be used for government recommendations.

[18] For a much more systematic study of the French Ministry for Foreign and European Affairs, see Christian Lequesne, *Ethnographie du Quai d'Orsay: Les pratiques des diplomates français* (Paris: CNRS Editions, 2017).

# States as Ethical Wardens

On 4 October 2007, the President of the Republic Nicolas Sarkozy and Prime Minister François Fillon asked Jean-Marie Colombani to draft a report on international adoption. Journalist, former director of the newspaper *Le Monde*, and himself the father of two adoptive children, Colombani was charged with compiling the report because of his "personal experience in this field" and his "constant concern for the public good."[19] The report was to "imagine initiatives" that would render "state services more efficient" in order to "enable a larger number of families to adopt."[20] Colombani turned in the final document in 2008; relatively concise (89 pages, followed by 259 pages of annexes), it analyzed the current French system and suggested 32 proposals to increase its efficiency.

At the time of the governmental request, the context of international adoption was considered to be complicated. Firstly, the rate of arrivals of adopted children on French soil was contracting (n=3162 in 2007), after a peak reached in 2005 (n=4136) and an almost uninterrupted growth since the 1970s. On the other hand, parental requests had never been so numerous, and the number of pending cases was growing, causing frustration, complaint, and misunderstanding – both on the part of candidates themselves and of the public service professionals who guided them through the adoption process.[21] Secondly, at a time when competition between states for access to children was increasing,[22] the French situation was described as "alarming" and was broadly understood to require many transformations in order to face such a "demanding context." Finally, on 1 October 1998 the 1993 *Hague Convention on Protection of Children and Cooperation in Respect of Adoption* entered into force in France, and the innovations it introduced radically transformed bureaucratic actions and procedures.

This treaty is consensually regarded as the major text whose observance guarantees an "ethical" adoption – ostensibly beneficial for each and every one. The Convention is itself part of a long line of legal provisions which, since the 1960s, have regulated the migration of children for adoptive purposes. First, from 22 to 31 May 1960 – a few months after the 1959

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[19] "Lettre de Mission, 4 octobre 2007," *in* Jean-Marie Colombani, *Rapport sur l'adoption* (Paris: La Documentation française, 2008).
[20] Ibid.
[21] Notably during the certification part of the process [*l'agrément*]; see the articles by Solène Brun and Aurélie Fillod-Chabaud in this special issue.
[22] Colombani*, Rapport sur l'adoption*, 226.

*Declaration of the Rights of the Child* – a European meeting on the issue of adoption was held in Leysin (Switzerland) by the initiative of the *United Nations Program of Technical Assistance*, and with the collaboration of the *International Social Service and the International Union for the Protection of Children*. This meeting brought together child experts (psychologists, pediatricians, lawyers, etc.) and specialists in family law and social work. The twelve principles that were set out at the end of the meeting were seen as milestones; they were rapidly integrated into the first international texts on adoption (in particular the 1965 Hague Convention) and have since informed the international regulations on adoptive migration.

These principles do not correlate exactly with contemporary situations or current regulations, yet they are frequently referred to, and they continue to frame the way international adoption is for the most part considered today. First, according to Leysin participants, children are always supposed to be safer in the "cultural environment"[23] of their birth, as any "transplantation" is perceived as risky and harmful. Second, and consequently, the birth family remains the preferred space for child education and socialization, and "all possible solutions" must be considered before separating the child from it. Finally, adoption should not be a purely contractual process; it should involve "child protection agencies," and legitimate local and international organizations. Thus, adoption - even when it is "intercountry," and therefore less likely to be subject to state control and supervision - remains a matter for public action. If, since the Leysin meeting, ensuring the "the child's well-being" has been the primary motive for the regulations that have followed, respect for these principles has been a shared prerogative and morality a political preoccupation.

In the 1970s and 1980s, some international provisions were adopted as part of the transnational codification of "good adoptive practices." However, these initiatives remained scattered and sometimes in contradiction with national policies and local preoccupations. In fact, it was not until the 1993 Hague Convention that a major text regulated the migration of children for adoptive purposes, and enshrined Leysin's initial efforts toward the legalization, co-operation, and standardization of intercountry adoption. The 1993 Hague Convention was adopted a few years after the International Convention on the Rights of the Child (1989) – which was the culmination of the intense legal reflection on child protection that took place in the 1980s and 1990s. France signed the 1993 Hague Convention in April 1995 and it entered into force in 1998.

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[23] These terms were those employed in the Leysin principles.

This treaty implicitly specifies a certain division of labor between countries of origin and receiving countries, and calls for a guarantee of the adoptability of internationally available children according to several imperative ethical criteria: prior intervention of social services, verification of the wishes of the natural parents if they are capable, priority search for a national solution, etc. Without going into detail about the 48 articles of the text, it is important to grasp the document's importance in the architecture of the current adoptive world. The actors of adoption refer to the treaty regularly, whatever their profession; public policies have been redefined nationally to be in line with the principles laid down in its text; most private operators have complied with it; and families are aware of it.

States have a decisive role to play in ensuring the morality of children migrations. According to the Convention, it was up to the parties involved to "cooperate" (Article 1), and to put in place the necessary provisions to ensure the good "morality" of transnational adoption. Largely, this involved the implementation of bureaucratic control over child migrations. From the drafters' perspective, bureaucratization and moralization went hand in hand: administrations were supposed to guarantee the morality of actors and practices – according to their national criteria and in compliance with the Convention; actors and practices were supposed to be "ethical," which meant respecting and aligning themselves with the requirements of their states.

## "An Object of Administrative Action"

The process that enshrines the key role of states – on the part of promoters, regulators, and protectors alike – required the creation of a dedicated administration charged with implementing nationally the principles of the convention. According to the treaty, each state party is obliged to designate a "central authority" to fulfil the "obligations imposed on it" (Article 6). Initially, and unlike all other European countries, the French central authority was conceived only as a non-permanent body composed of ministry representatives and local councils in charge of child policies, chaired by an elected representative, endowed with extremely limited resources, and provided a secretariat by "the Sub-Directorate for International Cooperation in Family Law of the Ministry of Foreign and European Affairs." The Colombani report suggested "modifying the structure [of the central authority] and

making it a service of the Ministry of Foreign and European Affairs [...] to make intercountry adoption the subject of coherent and ethical public action."[24] The Fillon government followed this recommendation.

In accordance with the 14 April 2009 decree, Paris appointed the *Service de l'Adoption Internationale* (SAI) as a new central authority and as a newly created department of the Ministry of Foreign and European Affairs. In 2013 it was renamed the *Mission de l'Adoption Internationale* (MAI). This French decision contrasted with those of other governments: in 2019, of the 101 members of the Convention, only five states link their central adoption authorities to their respective ministries in charge of external affairs and/or immigration. (In addition to France, the states that do so are the US, Canada,[25] San Marino, and Venezuela, the latter two being minor or non-existent actors in international adoption). Most member states' central authorities are attached to the administrations in charge of social and/or family affairs (for 60 countries), or of justice (21 countries). But Paris, following the advice of Jean-Marie Colombani, considers instead that "international adoption [...] is an object of diplomatic action."[26]

The year of its creation, the SAI/MAI had an annual budget of around 800,000 € at its disposal,[27] compared to only 19,200 € in 2007, two years before.[28] The agency brings together about twenty civil servants from various ministries (foreign affairs, of course, but also justice, social affairs, and others) who are chaired by a head of department from the Quai d'Orsay administration. Until 2017, the chair's title was "Ambassador, in charge of international adoption": Jean-Paul Monchau (2008-2011), Thierry Frayssé (2011-2014), and Odile Roussel (2014-2017) filled this role. The French central authority is supported by a few "International Adoption Volunteers*"* (commonly referred to as VIs),[29] who are assigned for one to two years "in post," i.e., to embassies and consulates located in countries considered of strategic importance. In 2008, Paris recruited seven volunteers and assigned them to Burkina Faso,

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[24] Colombani, *Rapport sur l'adoption*, 227.
[25] However, the Canadian case is slightly different (and unique) in that its central authority for the federal government is affiliated with the Ministry of Immigration, Refugees and Citizenship, which is separate from the Ministry of Foreign Affairs.
[26] Colombani*, Rapport sur l'adoption*, 271.
[27] Ministère des Affaires étrangères et européennes, *L'adoption internationale en France* (Paris: Direction des français à l'étranger et de l'administration consulaire, 2013).
[28] Colombani, *Rapport sur l'adoption,* 240.
[29] Their monthly salary includes both a fixed rate (almost 800 euros) and a variable amount (up to 3000 euros additionally, depending on the country of assignment). VIs are among the most subordinate agents in the diplomatic hierarchy.

Cambodia, Ethiopia, India, Madagascar, Mali, and Vietnam. There were only three countries to which volunteers were deployed in 2018 (Ivory Coast, Haiti, Vietnam).

As to the missions of the MAI, the website of the central authority is explicit: the service announces that it is in charge of elaborating "an international adoption strategy," developing projects for "cooperation in favor of children deprived of a family in collaboration with embassies," "issuing the authorization of long-stay adoption visas by consular services," and "ensuring the collection and updating of information on adoption procedures." These items, which, in 2019, almost reproduce verbatim the seventh appendix ("Adoption and Diplomacy") of the 2008 report, reveal the ambiguity of the French system. In compliance with the 1993 Hague Convention, France has surely established a central authority: a body that is supposed to guarantee the "best interests of the child," to act in accordance with ethics, and to ensure that it takes "action in solidarity with the most vulnerable." However, this administration – due to its history and structure, as well as the motives behind its creation – is also a vehicle of diplomatic power, whose objectives are to safeguard the international influence of France and to act in the benefit of its nationals. The current bureaucratic structure, defended by its creators and promoters as a "more effective" and "rational" solution befitting the contemporary "context" of adoption, thus articulates two distinct and even *a priori* contradictory aims: the universal and unconditional defense of an ethical imperative (the best interests of the child) and the political and strategic promotion of particular interests (the French influence).

## Meaningless Actions?

Spring 2015. Mélodie B. (VI) and Bernard G. (Consul) invited me to have lunch with them. We sat in the shade of tall trees in the garden of an Italian restaurant located in the capital of a major country of origin for French adoptive parents. We were already acquainted: Mélodie B. granted me a first interview a few weeks before, during which I voiced appreciation for her rigorous knowledge of adoption files. Bernard G. was less familiar to me; we were separated by greater social and generational distance. Bernard G. was thoroughly affable, but he was occupying his last post before retirement, and his demeanor – a politely distanced interest in the country where he worked – fit the image of a long-experienced

diplomat. His attitude towards me had changed within just a few days: Intrigued by some direct exchanges I had with the French Ambassador for International Adoption during an official visit, Bernard G. suggested that "the three of us meet again to talk frankly about what happens in this country."

Our conversation quickly turned to the "ethical problems encountered by the diplomatic services." Mélodie B. recalled that part of her work consisted in verifying the "juridical security" of adoption files, i.e., ensuring the accuracy of the documents provided by the six French private NGOs authorized to operate in the country within the field of adoption. These associations are referred to as "OAAs" in French: *Organismes Autorisés pour l'Adoption*. They are a key element of the French adoption system. OAAs are associations "authorized by local districts [*départements*] and empowered by the Ministry of Foreign and European Affairs to act in one or more countries as intermediaries for the adoption of children under fifteen years of age." While some OAAs may act in France, the vast majority of them are specialized in procedures abroad. In concrete terms, these associations – descendants of the former Catholic *oeuvres* – support parental candidates once they have been administratively certified [*agréés*] and accompany them until, and during, the parent/child matching process. In 2017, 31 OAAs were authorized. Among them, one finds humanitarian associations (Médecins du Monde), Christian charities (*Les Enfants de Reine de Miséricorde*, *La Cause*, *La Providence*, etc.), and secular "development aid" associations (*Ti-Malice*, *Edelweiss Accueil*, *etc*.). These NGOs are today necessary intermediaries for French adopters who wish to adopt in a member state of the Hague Convention – as the treaty allows adoption through "accredited bodies" only (articles 10-11-12). In front of the consul, who wore an expression of tacit approval, Mélanie B. explained to me:

> As you know, part of my job is to issue visas for adopted children, so that they can enter French territory... But if I ask for missing parts, if I see an irregularity, I call the OAA, and they send a new version to me directly or pass it to me the next day.

Silence. We all knew that the "parts" in question are documents that often take months to secure. The consul bade: "Yes, here is the kind of country where you have more false documents than real ones... And we have no way to verify or to assess what is sent to us." I then asked the diplomat whether, in the face of doubt or suspicion, they had ever been obligated to refuse visas for the children whose files they are processing. Mélanie B. answered: "Before [in 2012], hundreds of files were processed in this country. But it has dropped a lot, up to only twenty this year. And no, we never refused anyone... Oh, hang on. I

did it once, yes, but it was a person who came to the embassy with a child in her hand, without any procedure. So, obviously... But otherwise, when it comes from an OAA, I validate everything." The consul added, with a smile:

> In fact, nothing can be done. I even remember a situation where a man who had been denied a long-stay visa for the adoption of a child came back again to us, stating this time that he was the biological father of the child. In the meantime, he had officially certified his paternity. Foolproof at the legal level, as we don't have the right to order a DNA test in that case. Needless to say, he was white and the child black… Anyway, they left together. We could not do anything. [*Laughs.*] If people knew...

After several months of study, as my familiarity with consular procedures increased, I encountered similar cases in other consulates. In 2017, for example, in another country of origin, I met with Vera T. She was a perfectly fluent 35-year-old graduate of a French institute of political studies. She was recruited in this country several years ago and worked under a local contract, with a salary and working conditions much lower than her French colleagues. However, her linguistic fluency and her thorough knowledge of French and local administrative procedures progressively rendered her almost indispensable. After working in the field of legal services, she found herself in charge of adoption and child protection aid. During our meeting, she mentioned cases similar to that described previously:

> Sure, I have a lot of doubts about the documents that I see and that I am supposed to validate. I am [of the nationality of the country] you understand; I can easily see the problems on some papers. But what can I do? I will not go against the authorities [of this country] at this final stage of the proceedings. I know that sometimes it is complicated, sometimes children still have their birth parents, some orphanages have their arrangements [*s'arrangent*], but hey, I cannot do much. Plus, I am the one who sees them arrive here – when they are happy and all. So, yes, I validate systematically.

This feeling of uselessness and powerlessness expressed at the consular level is, in part, a product of the French bureaucratic organization. First, the low priority given to family, childhood, and social protection issues (compared to the emphasis on, say, "political affairs," chancery, and even cultural cooperation) tends to constrain such matters within the less powerful segments of the diplomatic mission: women, young staffers, "local" or fixed-term contract workers, non-whites. Secondly, and this point is linked to the previous one, the resources allocated to their missions are low, and insufficient to the tasks required. In the world of international adoption, many public agents who are supposed to "guarantee ethical

procedures" act in fact at the end of the adoption process, do not have the capacity to authenticate the documents provided to them, and are directly exposed to a public they do not wish to, or cannot, reject at the last phase of the bureaucratic and legal procedure. Finally, many such agents testify to their relative weakness in the face of local legislation. Invalidating a judgment, preventing an adoption or forbidding a departure would not only destroy a new family (even if their decision was based on the "best interests of the child"). It would also acknowledge the incapacity, incompetence, and even fallibility of the legal-administrative systems of the states in which they operate. If they act "for the benefit of France [*pour la France*]," their decisions enshrine and validate the decisions of the local authorities. Any adjournment could have political consequences that they refuse to risk, in the overwhelming majority of situations. Consequently, their daily work consists less of the ethical certification of individual cases, and more often of the automated validation of local dispositions.

Still, their action is considered by all (including themselves) to be necessary, if not essential. However, this need lies less in their enforcement or control capacity (which in practice does not exist), than in their existence itself and in the ethical certification power that is actually attributed to bureaucratic procedures *per se*. Besides, and paradoxically, the international implementation of a prescriptive code of ethics (the 1993 Hague Convention) has legitimized some practices that are contrary to ethical standards. The fact that the ethicality of the procedure is now guaranteed by the administration allows it to be carried out, including when concrete actions are potentially questionable. Whereas diplomats and consular agents may experience the arbitrariness of the documentation they are dealing with on a daily basis, the fact that they act as if everything conforms to international ethical standards legitimizes the whole process and paradoxically can facilitate the kind of so-called "unethical" practices they are meant to prevent: parents and families are ensured of the validity of their actions, children are subsequently reassured about the conditions of their adoptions, intermediaries are legitimized and praised for their effectiveness, orphanages are labelled as trusted partners and, ultimately, state mechanisms and international codes are strengthened.

# Julia S.'s Tears

However, the public officials I met were for the most part convinced of the legitimacy of the rules and ethical norms that frame the world of adoption. Most often benefiting from extensive legal training, sensitized to humanitarian causes, and highly qualified (even if they were often subordinate within the internal hierarchies of their profession), such officials were generally and unreservedly devoted to the "children's cause."[30] I never met, for example, any professionals who expressed the slightest criticism of the Hague Convention, or of the rules officially in place. On the contrary, most of those with whom I spoke expressed a strong and consistent fealty to the procedure for which they were responsible, despite being aware of its evident limitations.

One day, though, a diplomat I met for an interview seemed to belie this resolute sense of dedication, overtly questioning the meaning of her actions and alluding to the supposed "hypocrisy" of the apparatus of which she was a part. Julia S. was working in a French-speaking West African country, one that – though it was not a signatory to the Hague Convention – remained particularly strategic from the perspective of its former colonial power. Just over thirty-five years old, Julia S. was a slender blonde woman whose large grey eyes expressed a certain melancholy. A graduate of Sciences Po, fluent in five foreign languages, she had entered the Quai d'Orsay after successfully passing its most rigorous entry exams, and was currently holding her second position abroad. Here, she was in charge of issuing adoptive visas and of coordinating the French cooperation policy for children – the latter responsibility being more in line with her high qualifications. When Julia S. agreed to meet me, she explained that she would "be leaving [the country] in two months"; "you're lucky," she added, "I don't want to pretend anymore, I'll tell you the truth."

Quickly, her calm tone and professional reserve gave way to unabashed anger. Unlike her colleagues at other embassies and consulates, Julia S. shared with me a bitter perspective about the country where she lived and the adoption process she was in charge of supervising. Faced with mischief and deceit, she had developed a culturalist reading of the difficulties she had to manage: to her, "collective culture" was to blame. "It may be the people here, I don't know [...]. Parenthood may be a different concept here. [But to me] these people are bad

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[30] On the implementation – and triumph – of the "children's cause" in France during the twentieth century, see Sandrine Garcia, *Mères sous influence: De la cause des femmes à la cause des enfants* (Paris: La Découverte, 2011).

people towards their children. Maybe something in their culture." I did not respond, and remained silent as Julia S. continued:

> It is not poverty; I am sure there is something in their culture that is fucked up. But you can't even mention that something may be wrong here, and try to help. They are so nationalist, they would never listen, on the contrary. Once, a very high ranked agent from the [ministry in charge of children protection] told me, face to face, that she would rather let children die here than send them abroad but, as she could not prevent it, she wanted at least to make money of it… There is something wrong with them.

Julia S. relayed unsettling anecdotes, which implicated the country's authorities and local leaders:

> I'm going to tell you a story. One day, I met an orphanage director who used to work with the USA. He told me that he would rather work with us. He stopped all the current adoptions for children of his institution who were supposed to be adopted by American citizens, pretending officially that their biological parents claimed them back. Then, he came to me, and he offered to us all these children. I said no. Two months after that, he contacted the American families again, and granted them the children. Each time, he acted with official records and papers. With everything in place, stamps, signatures, etc. How can this be possible?

Julia S. started sobbing. We paused. She poured herself a glass of water, before adding:

> [A couple years ago], several children who had been pre-assigned died. Their adoptive parents used to send 250 US dollars a month to the orphanage where they were. How can it be possible, here, to let a child die with 250 dollars a month? How? You saw orphanages, you've been there… So, you know. The dirt, the filth, the smell of urine and sour milk. They have nothing. Babies receive two diapers a day only, even when they have diarrhea or dysentery. Children have scars, marks, irritations. They remain in their own feces for hours and hours. The money… where does it go? And me? What am I supposed to do? Should I close my eyes to help these children leave [this country]? But if I do so, it means that I am partly an accomplice; that I pretend to believe that everything is normal; that administrative papers are okay; that everything is legal… Or, on the contrary, I start speaking up, and I denounce a mafia where people are enriching themselves… But if I do so, I let children die in here. What should I do?

She cried openly, before calming herself, sighing, and whispering to me: "For months, I had no sleep. Months. I can't do that anymore. Now I just want to leave."

Julia S.'s despair and bitterness testify to the relative powerlessness of authorities in the face of practices they consider intolerable,[31] and remind us that the North-South hierarchies that undoubtedly frame the world of adoption[32] are regularly complicated by affectivity, ethics, and critical circumstance, all of which serve to impede the reduction of familial bonds to unambiguous relations. Certainly, the situation encountered by Julia S. is unique in many aspects, and the tragic events that the young diplomat faced are by no means representative of the entire world of adoption. Still, the dilemmas she had to deal with reflect tensions at the very heart of contemporary consular missions. First, while public agents must officially ensure respect for a universal code of ethics, the concrete practice of international adoption reminds us that orphans remain a scarce, desired, and disputed resource – far from the humanitarian representations that would depict these little ones as forgotten beings. The bureaucratic treatment of adoption can never be dissociated from the judgments that surround it, and the actions that make it possible - even when they are "ethical" or "moral" - are embedded in a dense web of power relations. Finally, while some states – through their administrations – have taken responsibility for the moralization of adoption, this ethical commitment is also a political action that places bureaucrats, families, and orphans in fragile and precarious positions, at the heart of a struggle between moral prescriptions, public management of populations, and national sovereignty.

## A Race for Love

Moral dilemmas faced by public actors in adoption are not limited to difficulties relating to legal alterity, political impotency, or the experience – however painful – of arbitrariness in the exercise of bureaucratic power. Tensions also emerge from a growing competition between agents for access to children, in a context characterized by a shortage of

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[31] On intolerability as a social construct, see Didier Fassin and Patrice Bourdelais, eds., *Les constructions de l'intolérable: Essais d'anthropologie et d'histoire sur les frontières de l'espace moral* (Paris: La Découverte, 2005).

[32] As many pieces have rightfully demonstrated, transnational adoption is a product of international power relations, and the international circulation of children partly results from (post-)colonial dynamics and legacies of violence. See, for example, Laura Briggs, *Somebody's Children: The Politics of Transnational and Transracial Adoption* (Durham: Duke University Press, 2012), and Jessaca Leinaweaver, *Adoptive Migration: Raising Latinos in Spain* (Durham: Duke University Press, 2013).

adoptive channels. To analyze this increasing rivalry and its consequences, I choose here to focus on one of its most objective manifestations: the escalation of financial transactions related to the adoption of children, and its impact on public agents.

The Hague Convention asserts a central ethical principle: the prohibition of the commodification of children.[33] Undeniably, the moral injunction against the monetarization of adoption is much older than the convention itself. Still, the text explicitly reaffirms this principle, while also specifying the kinds of activity that are tolerated. The treaty states in its Article 32:

> (1) No one shall derive improper financial or other gain from an activity related to an intercountry adoption.
> (2) Only costs and expenses, including reasonable professional fees of persons involved in the adoption, may be charged or paid.
> (3) The directors, administrators and employees of bodies involved in an adoption shall not receive remuneration which is unreasonably high in relation to services rendered.

According to the text, financial transactions may be tolerated and fees accepted as long as they are considered to be "reasonable" and only if the remuneration is not "unreasonably high." However, if it is the case that such costs are a matter of "reason," it is also true that "reason" is never delineated in practice; and this latitude allows for incessant competition between operators, between agents of the same state, and between adopting states.

In winter 2018, I joined Lucas H. at a cozy café in an Eastern European capital. He was the local correspondent of the *Agence Française de l'Adoption* (AFA), an auxiliary unit of the French public international adoption system. The AFA is a public agency that was established in July 2005 and placed under the supervision of four ministries: those of Foreign and European Affairs, of the Family, of Justice and of the Interior. A relatively new operator in the field of international adoption, the agency was nonetheless created prior to the current crisis in adoption flows. Its initial task was to support the arrival of children on French territory by complementing the work of the existing accredited OAAs. As private NGOs, OAAs are free to select the parental candidates they wish to support without having to justify their decisions. Therefore, as the majority of such associations are still characterized by their conservative Catholic heritage (whether more or less secularized), their selection process is

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[33] For an analysis centered on economics in the trade for children for adoption purposes, see Sébastien Roux, "La circulation international des enfants," in *Les marchés contestés: Quand le marché rencontre la morale*, ed. Philippe Steiner and Marie Trepeusch (Toulouse: Presses Universitaires du Mirail, 2015), 29-61.

often discriminatory. Profiles considered insufficiently "appealing" or "tempting" by OAA volunteers tend to be assessed as "atypical" candidates,[34] that is to say, those who are judged to be (too) distanced from whiteness, conjugality, heterosexuality, "good morality" or, more generally, from the social position usually associated with the exercise of "proper parenting" [*bonne parentalité*].[35] Such negative appraisals meant that, as the use of an accredited operator is a prerequisite under the Hague Convention for any adoption in a member country, a large number of French candidates were *de facto* excluded from the adoption process, even though they had obtained their initial administrative certification [*agrément*]. The establishment of the *Agence Française de l'Adoption* aimed at compensating for this imbalance by accompanying all candidates who wish to apply for international adoption, without engaging in any form of additional selection: "as a public service, [the agency] accepts any application without discrimination (ethnic, racial, social, religious, etc.) and acts strictly in accordance with French law and the legislation of the country of origin." Thus, the creation of the AFA – and its subsequent reform, following the Colombani report – sought to increase the diversity of French adopters' profiles, their number, and their capacity for action, all the while insuring their "equality of treatment" [*égalité de traitement*].

Lucas H. managed the agency's representation in the country where we met. With the help of a translator and an assistant, he met the children reported by the authorities as potentially transnationally adoptable, referred them to medical facilities to assess their health and condition, and wrote evaluation reports that were then forwarded to Paris. When (and if) parents were selected by the AFA central services, Lucas H. followed the local processing of their file before welcoming them on arrival to the country, accompanying them in their meeting with the child, and supporting them while they obtained a visa allowing the child to enter France once the family was legally formed. Lucas H. granted me several in-depth interviews in 2018, during which we talked intensively but informally about adoption, its evolution in the country, and the inflation in donations and "reasonable" financial compensations. Like many professionals I met during my years of investigation, Lucas H. was disillusioned, if not bitter:

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[34] On "atypicality" in the government of adoption, see Sébastien Roux, "Les meilleurs choix possible. Savoirs professionnels, allocation d'enfants et hierarchies sociales dans l'adoption," in Sébastien Roux and Anne-Sophie Vozari, eds., *Familles: nouvelle génération* (Paris: PUF, 2020), 17-29.

[35] For a critical perspective on *parentalité* in the French context, see Sébastien Roux and Anne-Sophie Vozari, "Parents at Their Best: The Ethopolitics of Family Bonding in France," *Ethnography* 19, 1 (2018): 3-24, https://doi.org/10.1177/1466138116687592

> I have lots of time, there's almost nothing to do here. Only a few adopt now... It's over... But maybe that's not a bad thing considering how corrupted it is. […] So yes, the Hague, and ethics... but you know, money is what is at stake; that's why us, at the AFA, we are doomed.
> *Why?*
> Kids are expensive. And with their local donation system, we [AFA] are far from being a prior partner; far from it. [Smile].
> *What do you mean?*
> There are the unofficial fees, you know? What they call "donations." Well, this thing has never been clear… Still, everybody knows what orphanage directors expect. Cash. At the beginning [of his work here, in 2013], they wanted 5,000 US dollars. In addition to what we ask parents at the AFA, but that's a lump sum.

Lucas H. referred here to the expectations of orphanage directors in the country in which he officiated (a member state of the Hague Convention), which differed from fees that parents were officially required to cover. In fact, the AFA, as a public operator, establishes a fixed procedural fee − which varies according to each country − to cover the cost of local proceedings (translation, judicial work, certifications, etc.). The amount of the fee is always lower than that requested by an OAA operating in the same country; indeed, the latter often solicits supplemental charges, marked as ostensible "association fees" and "costs related to the file preparation." Still, in addition to these enumerated and official costs (either paid to the AFA or to an OAA), orphanage directors in the country where Lucas H. operates expected to receive a "help," a "donation" or a "participation in child protection projects" at the child's departure, in cash, directly from the parents' hands.

> For the parents, 5,000 US dollars, it's a lot. We cannot force them to give but they know that it is expected, and I explain to them that it would be appreciated. They're often not comfortable with it, they feel like it's corruption or that they're buying a kid... But hey, when you offer chocolates at work for Christmas, is it corruption? No, but you still expect something in return. At least it makes things easier with your colleagues. It smoothens relations, no? Well, here, it's the same. This is how they do things. Their communist past maybe. Plus, salaries are super low. And you have to see how they manage to run the orphanages here, with almost nothing... In short, it doesn't shock me.

For Lucas H., the main problem with monetary transactions was not so much their existence as the competition they provoked − both between French operators and between nationalities.

> At the AFA, we have the least wealthy, you see, the ones that the OAAs don't want. If you look clean, have a big house and a dog, and you write them a nice letter, you have your chances of being retained by an OAA − even more if you're a Catholic. For us, it's different... So, I totally

> understand that for some parents 5,000 dollars may be too much. They
> can't. Or they do what they can, but after having paid already for plane
> tickets, hotels, insurance... So sometimes they give less, or they give
> nothing at all. Orphanage directors, they are very polite; they don't say
> anything, they let nothing appear. Still, you can be sure that if they receive
> less than they expect, their next kids are not for us […] Year after year we
> saw that we were doing fewer and fewer kids.

According to Lucas H., this situation generated "tensions" and "jealousy" between operators, especially since "tariffs have gradually augmented." "First it was 5,000, then 5,500, then 6,000... at first it increased slowly; then it accelerated." During one of our meetings Lucas H. mentioned donations amounting to nearly $9,000 US – so it may be that "gifts" have almost doubled in four years. Certainly, French operators – the AFA and OAAs – "have tried to sit around a table, and to say at some point that they need to coordinate agreement on a definite amount." But the deal that was negotiated during such meetings – a cap on donations at $7,500 US – quickly fell apart, and was widely dismissed.

Lucas H. added that competition may also come from operators of other nationalities, whose states are almost always members of the Hague Convention. Some of them may offer much more money to local institutions – without necessarily considering their actions as unethical. Still, coming from actors with other adoptive traditions and accustomed to differing associative practices, their donations may greatly exceed the capacities of French operators:

> Orphanages quickly understood that they could receive more... especially
> from Americans. They sometimes received 20,000, 30,000… 40,000 US
> dollars! We, Europeans, can't keep up. Surely, some orphanages want to
> work with us for one reason or another. But it never lasts very long, even if
> you lobby and are present at their side. At one point the amounts are just not
> the same anymore....

During the rest of our interview, Lucas H. elaborated on his own feelings about the approach taken by the AFA, and what he considered to be its relative failure. For him, the French public agency was undoubtedly founded with "good intentions": to guarantee the equality of French people who want to adopt in accordance with international ethical standards ("A real public service mission, isn't it?"). However, the AFA has struggled from the beginning with internal and bureaucratic difficulties, and from an international crisis in adoption that has altered international power relations and overturned hierarchies. Children, while being the subject of increasingly detailed and refined national and international protection policies, are becoming a scarce resource, generating increased demand and competition – both among operators and between different host countries. Once ignored or

even disavowed for their supposed inability to protect their own populations, some countries of origin even used access to children as a tool of influence to impose their agenda.[36] And if money and monetary flows that currently influence the adoption process are not necessarily the mark of traffic or exploitation, they allow Lucas H. to substantiate a reality that is painful to him. First, social hierarchies are manifested within the very heart of family formations, and institutional innovations prove themselves powerless to guarantee equality, even (and maybe especially) in a world now considered to be "more ethical." Second, the core mission of French public agents has been disrupted, and their ethics shaken: whereas such agents were supposed to guarantee both equity and morality (to both parents and children), they are now compelled to align themselves toward an unexpected competitive space – entering grey areas they find contradictory with their *mission de service public*.

## Conclusion

In the second half of the '00s, as adoption migration began to decline rapidly on a worldwide scale and as the consequences of the Hague Convention reshaped the global landscape, France adopted a unique administrative reform. In the spirit of the Colombani report, the French government sought to "rationalize" the management of international adoption. New institutions were created (MAI) and others transformed (AFA); substantial resources were allocated, diplomatic functions were invented (Ambassador for International Adoption, International Adoption Volunteers), knowledge and expertise were disseminated. In short, an entire institutional architecture has been developed in an attempt to articulate two distinct objectives: (1) guaranteeing respect for new and expanding ethical standards, and (2) favoring national interests over those of aliens in a context considered increasingly competitive.

These administrative efforts have been partly successful. This diplomatic or para-diplomatic bureaucracy is now vital to the French management of international adoption. However, many of the agents with whom I met and spoke testify to a malaise in action that,

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[36] In the past decade, Russia has regularly changed its international adoption laws and practices to favor its national interests and to serve its political agenda. See, for example, the Magnitski case.

under different modalities, largely affects the daily life of the institutions with which they are affiliated. Of course, one could argue that this sense of unease is symptomatic of the crisis facing the entire world of adoption, and that it only represents a particular facet of a broader evolution. However, it seems to me that such an interpretation would fail to explain why the crisis expresses itself in such a peculiar form within the French administration and its public agencies, or why it produces such effects on the subjectivity of agents.

As a matter of fact, Mélodie B.'s misunderstandings, Julia S.'s tears, and Lucas H.'s bitterness express more than disconcertment in the face of a rapidly changing world. Their feelings of inefficacy and confusion also bring to light their ethical subjectivities and the moral contradictions they experience at work. As French civil servants and public agents they are supposed to guarantee equality and equity, but instead they experience weakness when engaging with private agencies and interests. As child protection officers, they face moral dilemmas that challenge the core values of their mission, and they experience uncertainty with respect to universal values that may appear distant when applied to local practices and concrete situations. As diplomats, they are supposed to favor their state, government, and compatriots; however, they often begrudge competitive action in a social space that is supposed to be organized solely around the best interests of children. Thus, it is not only the crisis of global adoption that provokes their difficulties. Their conflicted feelings are also, and maybe above all, the intimate wound of a political and moral challenge at the heart of French adoptive diplomacy: the aporetic unification of a universal imperative and a national politics, the impossibility of reconciling ethics and actions that are supposed to favor the best interests of all, and also of a few.

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