

If I Give You My Child, Aren't We Family?
A Study of Birthmothers Participating in Marshall Islands—U.S. Adoptions

In August 1999, a moratorium (Adoption Residency Act, 1999) was placed on international adoptions in the Republic of Marshall Islands (RMI) by the parliament, following several years of skyrocketing adoptions of its children by U.S. families. The small Western Pacific island nation, an independent democracy since 1986 from its former status as a trust territory of the United States, had no laws to regulate adoptions. As a result, adoption practices had ranged from competent and ethical to those aptly described by a high court judge as those of a “black market” (*Marshall Islands Journal*, 1999). These practices included door-to-door solicitation for children, lack of legal representation for the birth parents, and inadequate legal notices to birth families. In addition, rumors abounded of coercive and deceptive means through which children were taken from their parents.

The moratorium, based on recommendations made by the government-appointed task force, reflected a national regrouping effort. During the moratorium--starting in September 1999 and ending in December 2000--the legislature was to enact legislation to address the adoption crisis (Adoption Residency Act, 1999). While adoption-related articles continued to appear on the front page of the only newspaper on the island, most government leaders and ordinary citizens grappled with such questions as: Why were so many families relinquishing their children to U.S. couples? What were the incentives being offered in exchange for the children? and What happened to the extended family systems that traditionally took in children to raise?

In October 1999, the RMI government invited the senior author to study the adoption situation and to make legislative recommendations. This study was a step, along with the legislative effort, to shape adoption policy and practice in the RMI.

CONCEPTUAL FRAMEWORK

Although international adoptions began on a large scale following World War II and the Korean War (Serbin, 1997), professional literature has focused mostly on the receiving countries, ranging from “how-to-adopt” procedures to postadoption adjustment of the adoptive family members and policy regarding international adoptions (Nelson-Erichsen & Erichsen, 2000; Triseliotis, Shireman & Hundleby, 1997; French, 1986). Few authors have examined relevant issues from the point of sending countries (Jaffe, 1995), and little is known of original research conducted in the sending country.

While research originating from sending countries is scarce, the need to understand their perspectives has been repeatedly commented on. In one of the earliest efforts to address this issue, Melone (1976) described the threats of ethnocentrism in international adoption policy and procedure as a factor that may deprive the child of his or her cultural identity and the sending country of its most important resource. He likened orphanhood and its consequences to a violent crisis in a child’s life, lamenting the Western view that orphanhood was an illness to be “cured” by adoption. While admitting that adoption can be a viable option to institutionalization, Melone strongly questioned whether a child could assimilate into another culture and urged adoption only as a last resort solution (1976).

Herrman and Kasper (1992) expressed concern about the political and social effects of international adoptions on the sending countries when adoption is conducted as a business that exploits poor women and children. They questioned whether human rights violations, such as paying a teenage mother in Guatemala as little as \$55 for surrogate services while the adoption agencies and attorneys make much greater amounts of money, justify the claims that

international adoption is in the child's best interest. They recommended, among other things, that standards regulating international adoptions require the inclusion of information about the birthmother's circumstances and the provision by the adoption agency of prevention and community development services in the nations from which they remove the children (p. 53).

Since the adoption of the Hague Convention on the Protection of Children and Cooperation in Respect to Intercountry Adoptions (Hague Convention) in 1993, other authors (Freundlich, 1998; Rios-Kahn, 1998) have discussed the adequacy of international instruments in protecting the rights of those involved in the process. They note that the policies and priorities embodied in the Hague Convention and the Convention on the Rights of the Child (CRC) are based on the assumption that children are generally best left in the country of birth. They welcome the balancing of power and responsibilities in the interaction between sending and receiving countries, thus making the sending countries co-decision makers rather than mere suppliers of children.

Freundlich (1999) takes the discussion a step further in observing that the sending country's national interests must weigh in as a serious consideration in the international equation. Particularly at stake are the protection of the sending country's human resources and the country's image in relation to its ability to care for its citizens. The romanticized vision of adoption as "international charity" may possibly be "another manifestation of exploitation of poor nations by affluent ones" (p. 88). Noting that the number of children adopted internationally had doubled from 1992 to 1999, she encourages the establishment of clearly defined rules and regulations based on the existing international conventions to promote positive outcomes for children as well as balancing international powers in adoptions. She asserts that

enhancing the international understanding of intercountry adoption depends largely on the level of mutual respect that characterizes the relationships between countries. The ethical practice of international adoption requires policies that foster the best interest of the child, including the child's cultural ties.

As in most matters of human interaction, the examination of international adoptions requires an understanding of both the political and personal (Ife, 2001). An effort to increase mutual respect and understanding between the sending and receiving countries is intertwined with the effort to understand the circumstances under which the individual families in the sending country are relinquishing their children. To this end, O'Collins (1992) compared multiple cultural conceptions of adoption throughout the world. In the South Pacific, Polynesian and Micronesian adoption is relatively frequent, public, and casual and involves only partial transfer of the adopted child to the new family. In contrast, Western adoption is relatively infrequent, private, and formal and involves almost complete transfer (O'Collins, 1992). This diverse view demonstrates the difference in the tradition and cultural understanding of adoption.

Studies of adoption in the Marshall Islands are limited. Generally, clan members (determined by matrilineal heritage) adopted children as a response "to the adoptive parents' need for labor or care, or to solidify family relationships, to prevent cross cousin marriage, or to ensure the rights of inheritance" (Rynkiewich, 1976, p. 98). This traditional belief is still held in the Marshall Islands today.

Walsh (1999), who lived in the Marshall Islands between 1996 and 1999 and simultaneously conducted field studies, noted the alarming escalation of foreign adoptions of

Marshallese children and the procedures that exploited the Marshallese culture (Marshall Islands Journal, January 2, 1998). She postulated that the Marshallese viewed adoption as an expansion of jural rights and an extension of family boundaries. The adopted child serves as a link between two families creating a relation of kinship for support and expanded rights. Children are viewed as property of the family and may be given as gifts. Walsh documented the Marshallese belief that all adoptions are “open” and that their child can return home to the Marshall Islands, as customary in traditional Marshallese adoptions. Thus the Westernized view of adoption as the severance of ties produces a cross-cultural misunderstanding which, when practiced, has potentially “agonizing results” (p. 22) for the Marshallese. Furthermore, due to a common belief among the Marshallese that the child adopted into U.S. families will be “a well-educated asset to their family, and able and willing to look after and ultimately provide for their natural parents and extended family” (p. 22), the birth parents are often surprised when the adoptive family does not embrace the entire birth family constellation and the child is no longer viewed as a common link between two families. Additionally, it is an insult within the culture to refuse to share any gift or possession that has been requested by another. Further, there is also an inflated view of the U.S. due to its military presence on Kwajelein atoll and the U.S financial aid. Thus, cultural perceptions heavily influence the international adoptive process with the United States. All of these issues, Walsh stressed, require a close examination to assess whether such cultural traditions in fact have led to a misunderstanding of the legal implications of Western adoptions.

These culture-based risks for the birth families were exacerbated by the lack of laws addressing international adoptions. Practices that would be considered unethical by accepted

international standards and illegal in the U.S. were occurring without parameter controls. For example, after presiding over a case in which the birthfather challenged the adoption of a child without securing the father's consent, RMI High Court Judge Johnson labeled the action as “a black market transaction, where the fundamental rights of several people were violated, according to the dictates of the Compact of Free Association.” Further, Judge Johnson said, “an innocent child who never had a choice in this matter is now at some considerable legal risk.” Johnson continued: “However, spiriting a baby out of its home country, transferring possession of the baby to the prospective adoptive parents in Hawaii, with or without supervision by the state of Hawaii and the unauthorized transportation of the baby to Florida without bothering with a proper guardianship or even an enforceable power of attorney deserves the ugly name ‘black market’” (*Marshall Islands Journal*, 1999). The child involved in this case was the third child placed by the same mother for adoption.

The moratorium imposed in August 1999 by the RMI parliament was the culminating point of frustration over these practices (Adoption Residency Act, 1999). The legislature anticipated passing adoption legislation by December 2000 to provide the necessary government regulation. A UNICEF children’s rights attorney, a RMI deputy attorney general, and the senior author of this paper were invited to coordinate efforts with the government task force to draft legislation. At the same time, the government expressed an interest in adoption-related research.

METHODOLOGY

What could be learned about the lives of the Marshallese birth families who relinquish their children to U.S. families? What factors, combined, culminated in the decision to relinquish

their children for international adoption? What did birthmothers understand about adoption at the time of relinquishment? Years after relinquishment, would they do it over again? To answer these and other questions, we designed a survey instrument to measure three major categories of influences on the adoption decision: economic, familial, and cultural.

Research Questions

Our research questions in each of the three areas of inquiry were

1. whether the economic conditions and lack of resources, coupled with high unemployment and a high birthrate were significant factors among those who relinquished;
2. to what degree the extended families, on both maternal and paternal sides, had influenced the decision to relinquish; and,
3. to what degree cultural beliefs of adoption as the joining of two families and cultural expectation of a continuing relationship with the child influenced the adoption decision.

Study Design

This was a qualitative study identifying and describing the economic, familial, and cultural influences under which the birthmothers decided to relinquish their children for international adoption.

Sample

The sample included 73 birthmothers residing in the Marshall Islands who had placed their children for international adoptions. They were collected by a snowball sampling of those referred from the acquaintances and neighbors of the research assistants, making certain that they

were not interviewing their own family members, friends or acquaintances. Of the 73 participants, 40 birthmothers were located on Majuro atoll, and 33 were located on Ebeye atoll, the two major urban centers and the sources of large numbers of children placed with U.S. families. As shown in Table 1, the birthmothers were of varied age range. They ranged from 18 to 54 years, the mean age being 32 years. The birthmothers' age at the time of the relinquished child's birth ranged from 15 to 49, the mean being 26 years. The mean age of birthfathers at the time of the relinquished child's birth was 30. The birthmothers themselves came from large families, where the mean number of children in the family was 6.99. The mean number of children in the family of origin of the birthfathers was 6.08.

The children relinquished for international adoptions ranged from 12.5 years of age to newborn infants relinquished shortly after birth in the U.S.; 32 were male and 32 were female, gender was not reported for 9 children. In approximately one-third of the cases (31.2%), the children relinquished were the first children born to the birthmothers. However, the average birth order of the relinquished child was between the fourth and fifth ($x = 4.1$), with some children being the twelfth or even the fifteenth child for the birthmother (see Table 1). Most of the women (86.3%) had placed their children for international adoption within the preceding six years, with 36 relinquishing during 1998 prior to the imposition of the moratorium in August of that year. Only ten of the respondents (13.7 %) had relinquished their children prior to 1994.

(Table 1)

The relationship between the birthmother and the birthfather was fairly diverse among the participants of the study. Of the 71 respondents 10 (14%) reported that they were legally married to the birthfather when the pregnancy of their child who was placed for international adoption occurred. Of the 71 birthmothers 24 (33.8%) were living with the birthfathers at the beginning of the pregnancy (the Marshallese traditionally considered cohabitation with the blessing of their parents a legitimate marriage); 14 of the 71 (19.7 %) identified their relationship as “boyfriend/ girlfriend”; and 23 of 71 (32.4%) reported that they were “acquaintances” at the time of conception. During the pregnancy, 23 of the 70 respondents

(32.9%) were living with the birthfather, but not married; 25 of the respondents (35.2%) had “some contact”; 13 of the respondents (18.6%) had no contact with the birthfather during the pregnancy; and 9 (12.7%) were living together and married. A majority of the birthmothers (61.7 %) informed the birthfathers about the pregnancy, while the remaining 38.3% never informed the birthfather of the pregnancy. We did not ask for the reasons for the latter decision.

Data Collection

Months before the data collection began, the senior author obtained permission of the Office of Historic Preservation and a letter of endorsement from the Ministry of Internal Affairs. A local steering committee, consisting of the Secretary of Foreign Affairs, an instructor designated by the president of the College of Marshall Islands, a program director from the Ministry of Internal Affairs, and a member of the women’s leadership organization reviewed the research project and the survey instrument and issued an approval. The primary investigators were on location for the entire duration of the project in June and July of 2001.

Five bilingual female Marshallese students from the College of the Marshall Islands were recruited to conduct the interviews. Due to the sensitive nature of the subject matter in the context of the culture, we felt fortunate to be assisted by women ranging in age from the late 20s to the mid-40s. After initial training by the primary investigators, the research assistants met with the birthmothers to obtain their informed consent in Marshallese and conducted the interviews in private. Semiweekly research meetings were held to exchange ideas and discuss any problems faced by the interviewers, including emotional difficulties experienced by the interviewers themselves. Each interview lasted approximately 60 minutes long. The questionnaire was

translated into the Marshallese language and visually available to the respondent during the entire interview. The same questionnaire was used at both sites.

Measures

The instrument used to gather the data was a 64-item questionnaire designed secondary to the information gathered from the literature review and was a combination of Likert scale, multiple-choice, and open-ended response questions. This instrument was reviewed for content validity by a national expert, and the design was approved by the Institutional Review Board at Brigham Young University to ascertain ethical parameters of the project.

The questionnaire elicited specific information, such as the social and economic history of the birth parents, the reasons for deciding to place the child for international adoption, the nature of the relationship between the birthmother and birthfather, the birth parents and extended family, and the familial reactions to the pregnancy, including familial pressure in the decision-making process. Additional sections inquired about the birthmother's view of international adoption and of Americans, the resources available at the time of pregnancy, the source of information regarding international adoption and the birthmother's rights, and the birthmother's expectations and legal representation at the time of relinquishment. Finally, the questionnaire sought to evaluate the current nature of the relationship between the birthmother and the adoptive family, including questions regarding the birthmother's understanding of her rights.

Data Analysis

The data were entered on-site as the questionnaires were returned, then subsequently analyzed using the Statistical Package for the Social Sciences (SPSS) to calculate the descriptive statistics. The socio-demographic section of the survey instrument was used to describe the

variables within the population. A coding system was developed based on the results of the items listed in the free-response sections of the questionnaire to identify the major themes of the reasons for relinquishment. Other questions that examined the birthmothers' understanding of the issues surrounding the adoption were also compared and cross-tabulated to calculate any differences between their understanding at the time of relinquishment versus their current understanding.

FINDINGS and DISCUSSION

The plight of the birthmothers in the Marshall Islands comes into a clear picture when the economic, familial, and cultural factors are pieced together.

Economic Factors

What is painfully obvious in this study is the birthmother's financial inability to care for the children, combined with lack of familial and governmental support. The annual income of the participating birthmothers ranged from \$0.00 USD (no income) to \$6,000, for an average annual income of \$391.51, not even one-quarter of the already impoverished national per capita of \$1,670. An overwhelming majority of the respondents (86.4%) reported that they did not generate any annual income at all, in comparison to the general unemployment rate of 16%. The official minimum wage is approximately \$2.00/hr (Geographic, 2000), but many employers skirt around even this rate of minimum wage by hiring employees for part-time work, paying around \$1.25/hr. The education level of the birthmothers ranged from three to twelve years, with an average of nine years of school. The Marshall Islands offers compulsory education only up to

the eighth grade.¹ Without even a high school education, the typical birthmother is not likely to obtain a job in a culture in which the men are designated as the providers. Even if she could get a job, she may be hired for only part-time work, earning a wage so low that, even with free childcare by family members, she would not even be able to feed her family (most food is imported and more expensive than in the U.S.).

A few of the birthmothers received financial support from their families of origin, whose mean annual income was reported as being \$923.19. The differences in personal or family annual income between Ebeye and Majuro were not significant. The birthmother's family of origin appears to be suffering the same financial difficulties and cannot provide her support. In fact, in many cases the birth grandmother--who traditionally would have raised the child--is the source of considerable pressure to relinquish the child.

Most of the birthmothers (44 of the 73, 60%) reported that no support was being provided by the birthfathers. Only 35 birthmothers answered the question regarding the birthfather's financial ability to support the children; 13 of 35 (37.1%) were reportedly being supported by their families, whose average annual income was \$1,704, and 22 of 35 (62.9%) reportedly supported themselves. However, 10 of the 22 who supported themselves (45.5%) reportedly had an annual income of \$0.00 (remarkably, many Marshallese men are able to live off the resources of the ocean and land for extended periods of time). The 21 birthmothers who answered reported that the average educational level of the birthfathers was 10.8 years. Given the cultural tradition

¹ Kendall, W. (2000). Personal interview, Ministry of Education, Majuro, Marshall Islands. Minister Kendall is the cabinet level official in the Ministry of Education, RMI.

of matrilineal family organization, it is not likely that the birthfather's family would take significant responsibility for the child.

Under these economic conditions, it appears that most birthmothers did not feel financially prepared to support the children. On the open question "Why did you decide to relinquish your child for international adoption?" the most frequent response was for financial reasons (see Figure 1). Almost 69% of the birthmothers also believed that financial compensation would be forthcoming in exchange for the child.

(fig. 1)

Regarding the services available to and used by them during the pregnancy, 56 respondents (76.6%) reported that health care services were available to them while they were pregnant. The RMI has a government sponsored prenatal health program based on a sliding scale, but there is a user fee of \$5.00 per visit. This alone can be a very large amount for women who have no income at all and may account for the fact that only 49 respondents (67.1%) used the health care services. Only 6 respondents (8.2%) reported that nutritional services were available to them during their pregnancy and all of them used these services. Only 10 respondents (13.7%) reported that counseling was available to them during their pregnancy, and 7 respondents (9.6%) received the counseling while pregnant. Only 6 respondents (8.2%)

reported that while pregnant they had a stable income independent of others, and 3 respondents (4.1%) actually used personal resources during their pregnancy. Twelve respondents (16.4%) felt that emotional family support was available during the pregnancy, and 11 of the respondents (15.1%) relied upon this support. Finally, 18 respondents (24.7%) had family financial support available to them during their pregnancy; all 18 respondents utilized it during their pregnancy.

Virtually no government programs are available to provide a safety net or temporary substitute care for the children, with the possible exception of basic prenatal health care as mentioned previously. Critical services for families, such as cash assistance, supplemental food insurance programs, housing, and utility assistance, are not available. Those who used the nutrition and counseling services may have received them from actual adoption agency representatives who often provide supplemental foods and talk to the birthmothers regarding their pregnancy.

Familial Factors

Because of the important role of the extended family regarding children, the birthmothers were asked about the responses of their families of origin to the pregnancy and adoption. Approximately one-third of the respondents (38.4%) told their parents about the adoption as soon as they were aware of the pregnancy, while 19.2% of the respondents informed their parents shortly after they were aware of the pregnancy. Only 13.7% told their parents after the child was born but before the adoption, and 17.8% of respondents, for whatever reason (not determined by the study), never told their parents. Of the extended family members who were informed of the pregnancy, 38.4% of the respondents reported that their parents reacted in a

“somewhat happy, somewhat unhappy” manner to the pregnancy; 19 (13.7%) reported that their parents were “unhappy,” and another 13.7% reported that their parents were “happy.” Only 8.2% reported that their parents were “very unhappy” with the pregnancy, and only 1.4% reported their parents “very happy” regarding the pregnancy. However, when asked if their parents were accepting of the pregnancy, 34.2% responded that their parents were accepting and 32.9% reported that their parents were not accepting of the pregnancy.

The most influential person involved in the decision-making process to place the child for international adoption was the birthmother herself: 47 of 61 respondents (64.4%) reported that they were the most influential person involved in the decision-making process. Next to themselves, 80% of the respondents reported that their mothers were the main source of influence in the decision-making process; 14 of 61 (19.2%) respondents reported that the birthfather was the most influential person involved in the decision-making process. And 52 of the 73 (71.2%) reported that the birthfathers’ families were not involved.

Inquiry was next made about the efforts to place the child within the family or country. Only 39.7% of the total respondents reported that adoption within the family was considered, while the remaining 60.3% reported that it was not considered. In those cases where adoption within the family was discussed, it was usually the birthmother’s extended family that initiated the discussion. Only 31.5% responded that they had considered placing the child within the country, while 68.5% of the respondents reported that it was not considered, citing the unavailability of that option.

The birthmothers experienced considerable pressure from their own extended families to place their children for international adoption. A total of 53.4% reported moderate to strong

pressure, with 23.3% reporting “moderate” pressure, 9.6% reporting “somewhat strong” pressure, and 20.5% reporting “strong” pressure to place the child for international adoption. Only 29% of the respondents reported that there was “very little” familial pressure to place their children for international adoption (see Figure 2). This was our most surprising finding, because we had expected that the birthmothers had made the adoption decision *against* the wishes of the family rather than under its pressure to place.

(fig. 2)

Traditionally, children were highly valued as assets to the family and are still considered to be precious resources to the nation (Keju, O’Connor & Capelle, 1994). While the family power structure is complex for outsiders to understand (McArthur, 1993), important decisions regarding children were traditionally made by the maternal grandmother, who was expected to raise her grandchildren, even under normal circumstance². Although that traditional practice is changing due to the changes in the economic structures, we have seen that the maternal grandmother still holds a position of influence when it comes to her grandchildren, albeit to make placement outside the family. Obviously, we have examined only those who have relinquished their children, and there may still be many more who continue to follow the traditional practices of raising their grandchildren when necessary.

² Jenkins, M. (2001). Personal interview. College of Marshall Islands, June 30, 2001. Mr. Jenkins is a psychologist and an instructor at the CMI.

The RMI is grappling with a population explosion. The fertility rate is among the highest in the world at 6.6 per woman (Geographic, 2000), and 50% of the nation's population is under 15 years of age. While issues of birth control are beyond the scope of this study, there is a collective reluctance to practice birth control, including the traditional view of children as symbols of status³. The government has emphasized safe sex through condom use, but there is no open discussion regarding family size, and abortion is not legally available. Our finding that the mean birth order of the child relinquished is between the fourth and fifth child in the family suggests that for some birthmothers it became more difficult to support children beyond the first three or four. For birthmothers who relinquished their tenth, twelfth, or even the fifteenth child, one can only imagine the struggle for day-to-day survival.

The options to place a child with relatives do not present themselves readily, since there are no organized means by which such placements may be facilitated. The government has passed child abuse laws (P.L. 1991-130, MIRC), but they are not enforced, and services are currently in the process of being established. Substitute care is therefore only informally provided among the extended family⁴. However, because of the distances between atolls, relatives are often out of contact with each other. Travel is time consuming and expensive, and the rapidly changing family ties make it difficult to rely on the family network. In addition, there is no provision through which the birthmothers may locate a suitable adoptive family within the country. While the women's groups have been vocally opposed to international

³ Landrick J. (2000). Personal interview. Majuro Government Hospital, February 2, 2000. Ms. Landrick is the administrator maternal health clinic in Majuro, RMI.

⁴ Harris, G. (2001). Personal interview. RMI Ministry of Health and Environment, June 18, 2001. Ms. Harris is the only social worker in Majuro and is the director of social work for the ministry.

adoption and have recommended that the government make an effort to encourage in-country adoptions⁵, currently there are no such programs.

Cultural Factors

Our question in this area was whether, as Walsh (1999) observed, the birthmothers had a cultural concept of adoption, considerably different from the Western idea of adoption, which influenced the relinquishment decision. The results of our study confirmed the Marshallese collective belief that adoption is open and the parent/child relationship does not terminate due to adoption. An astounding number of the birthmothers (82.2%) reported that, at the time of relinquishment, they had believed that their children would later return to the RMI at the age of 18 with a good education and material wealth; only 17.8% reported that they had not believed their child would return. In further exploring how they initially came to believe that the child would return to them after age 18, we found that they were promised by either the adoption agency personnel (33.7%) or by the adoptive parents (43.1%).

As time passes, however, birthmothers are facing the reality of the situation created by adoption. When they are asked the same questions of their *current* understanding of adoption, there is a dramatic difference. At the time of the interview, only 28.8% believed that their child would return to them, a dramatic drop from the initial 82.2% of women who believed their child would return. Most of the women reported that they had come to the realistic conclusion by themselves, because the promises of letters, pictures, and monetary gifts were never received or had stopped (see Fig. 3).

⁵ Bigler, C. (2001). Personal communication, June 29, 2001. Mrs. Bigler is the president of the

(Fig. 3)

In addition to the misunderstanding of Western adoption, the mothers reported considerable pressure to relinquish from the local adoption agency personnel. Of the 73 birthmothers, 60 first found out about adoption through adoption agency personnel, who typically contact the birthmothers face-to-face or through relatives. Over 41% of the respondents felt pressure from the adoption agencies to relinquish their child. One respondent even stated, “I was told by [the adoption agency representative] that I should give my child away.” Often, the pressure was in the form of a moral stance. Of the 73 participants 68 (94.4%) were told that an international adoption was the “right thing to do.” Of the 68 who were told thus, 44 (64.7%) were told by an adoption agency representative. Furthermore, 53.4% of the respondents reported that they would not feel comfortable refusing to place their child for international adoption.

From another point of inquiry, the birthmothers were asked if they believed, at the time of relinquishment, that the child would be returned to them in the event of an adoption disruption. An amazing 69.9% believed that their child could return home in the event that the

adoption did not work out, reflecting once again the influence of cultural beliefs and practices which may have appeared as simple naivete to the Westerners. We did not ask for their current understanding of whether the child could return if the adoption were disrupted.

We also wondered if other aspects of the culture--the cultural mandate of submission to those in a position of power (Walsh, 1999) and the view that most Americans are rich and kind--contributed to the adoption decision. Approximately 45% of the birthmothers interviewed believed that most Americans (U.S. citizens) are rich, 47.9% believed that some Americans are rich, and only one individual (1.4%) believed that some North Americans are poor. Nearly one-third (31.5%) of the birthmothers interviewed believed that most North Americans are kind, 63.0% believe that some North Americans are kind, and only 1.4% believe that some North Americans are unkind. In assessing the honesty of Americans, 30.1% of the respondents believed that most U.S. citizens are honest, 57.5% of the respondents believe that some U.S. citizens are honest, and only 2.7% believe that some U.S. citizens are dishonest. In interpreting this data, it is important to remember that these are based on retrospective report; the perspective at the time of relinquishing the child may have been much more generous.

The cultural misunderstanding under which the birthmothers made the adoption decision, we believe, is the most startling aspects of our study. An overwhelming proportion of the birthmothers did not fully understand the legal ramifications of their relinquishment decisions. This lack of understanding is reflected in the finding that at the time of relinquishment, 82.5% believed that their child would return to them after reaching age 18, and 69.9% believed that the child could come back to the Marshall Islands if the adoption did not work out. Most of them believed this on the basis of representations by local adoption agency "finders" or the adoptive

families. The depth of the cultural belief in the continuing relationship between the child and birthparents was driven home when, in the summer of 2001, the senior author introduced the Western concept of adoption to a group of continuing education students at the College of Marshall Islands. Most of the students were professionals--teachers and government workers--and yet, they sat in stunned silence as the author explained that in the Western world, the parent/child tie can be permanently broken by a judge. One by one, as they struggled to understand this concept, they asked the question: How could anyone “undo” something that was an unchangeable fact of life, by virtue of the blood tie between parent and child? It was simply a concept that they had never considered as a possibility. Once they finally understood, there was a sense of outrage and a deep sense of powerlessness over how to convince others that this “legal fiction” is true in America.

We have puzzled over the origins of this cultural misunderstanding. Was it merely the Marshallese lack of exposure to the Western ideas, combined with their traditional practice? Was it the result of active and unethical misrepresentations exploiting the cultural traditions, or the outcropping of assumptions left unchecked? While we still have no answers, the birthmothers were adamant that they had actually received such explicit promises regarding their children’s return. We can share our observation of at least one adoption agency representative making such a promise on a large scale when, at a public hearing broadcast over nationwide radio, she promised that only those who would relinquish children to *her* agency *would* see their children again. This promise was made by the same person who told us, one hour before that hearing, that anyone who thought these adopted children would return was engaged in unethical practice and was an “out right liar” and that she did not believe herself that any of them would

return. “What is there to return to?” she had said. “There would be nothing for them in the RMI, only relatives asking for handouts” (personal communication, July 10, 2001). Based on the interview results, we know that she was not the only person making such promises, as birthmothers, who wanted to tell their story, named other individuals who had made similar promises, without prompt. Aside from the best interests of children, such practices may be considered fraudulent and become the basis for the revocation of an adoption in the U.S.; however, the lack of international laws and birth parent family resources deprive them of recourse to challenge consents based on erroneous representations (Simov, 1999).

The promises of gifts and financial assistance after the adoption fuel dreams of an on-going relationship upon which birthmothers may feel they can rely for themselves and their remaining children. Of course it is difficult for them to understand that promises of on-going contact and support are not enforceable across international lines. There are enough reports of others who receive gifts and monetary help to keep the hopes going for years, but eventually most birthmothers come to realize that the promises are not going to be kept and that there is nothing they can do about it. The reality of Western adoptions, in which parent/child relationships are permanently terminated with no guarantee of ever seeing that child again, sets in slowly. Ultimately, 64 of 73 respondents (87.7%) reported that if they had known at the time of placement that they would never see or hear from the child again, they would not have made the decision to relinquish. This single finding, we feel, is the most important of all our findings and reflects the tragic reality of cultural misunderstanding in RMI-U.S. adoptions.

IMPLICATIONS for POLICY and PRACTICE

“Think of a better world for your child”

This statement, made by a local “finder” to a birthmother, has a familiar ring. There is no question that for most birthmothers who participated in our study, international adoption appeared to be a viable, if not the only, option for their child’s future, given the poverty and lack of resources. We are also quite certain that, in the absence of regulation, some U.S. adoption agency representatives used questionable means to influence the birthmothers’ decision to relinquish their children. The clear implications of the study are (1) an immediate need for adoption regulation and ethical accountability; and (2) the need for a safety net for families so that poverty does not force the separation of children from their own culture and loved ones.

For the government of Marshall Islands, this study is an urgent call to promulgate adoption regulation to stop the unethical practices and to provide legal protection for its citizens. Although other national priorities do exist, concern over the mass loss of its children must take center stage once again, as in 1999, when the moratorium was imposed. In addition to domestic legislation, the RMI government should ratify the Hague Convention so that it can share in procedural and substantive decision-making powers with the receiving country. This study also calls attention to the need to educate the RMI citizenry regarding the legal implications of international adoptions so that birthparents can participate in international adoptions as fully informed as possible. Since international adoptions will continue out of the RMI with or without regulation, and it must remain a viable choice when such is necessary in the child’s best interest, it must be regulated.

Furthermore, this study calls for the implementation of programs to encourage kin- and in-country adoptions. Use of family group conferencing methods similar to those practiced in New Zealand and among Native Americans (Merkel-Holguin & Ribich, 2001) may facilitate kin

placements especially in cases where the birthmother is a minor or otherwise could benefit from family input. We also believe that there is a tremendous possibility of in-country adoptions if other families can be informed of the available children. One of these programs may be facilitated through a central adoption authority to monitor and regulate international adoptions as well as provide options counseling for families, as has been contemplated by government leaders (Radio New Zealand International, 2001).

Social workers, judges, attorneys, and legislators in the U.S. are aware that all international adoptions must comply with the laws of both the sending and receiving jurisdictions. Because of the issues of fraud and coercion previously discussed, the legal validity of some relinquishments must be questioned. For example, during the moratorium, an unaccounted number of children were taken out of the Marshall Islands and placed for adoption with U.S. families, constituting a violation of the moratorium. This “back door” approach was justified by those who participated in arranging those adoptions, because of the Compact of Free Association under which Marshallese citizens are free to travel to and from the U.S. for leisure, education, and employment. The fact that the Compact does not allow travel for purposes of immigration, which adoption is, was conveniently overlooked. As a result, there is a serious concern about the legal status of the children who entered the U.S. during that time for purposes of adoption, without having been first adopted in the RMI. It is not even known if all of them have been legally adopted in the destination states, since no one was keeping track of these children. In some cases, the birthmothers relinquishing in U.S. state courts have not been provided an interpreter, or if an interpreter is present at trial, it may be the adoption agency representative, clearly constituting a conflict of interest. While we do not recommend that

adoptions be set aside--unless the child's best interests have been clearly undermined--, we strongly urge the legal and judicial communities to apply the highest standards of ethics and scrutiny available within their jurisdictions.

When, in January of 2001, the moratorium lifted without any adoption regulations in place, the assistant attorney general issued a statement that the government would endorse only those adoptions taking place in the High Court of the Marshall Islands (Hickson, 2001). The legal and judicial systems in the United States should respect this stance. Furthermore, if and when INS regulations go into effect as has been announced (Federal Register, July 18, 2001), all U.S. courts should make certain that the INS procedures have been properly complied with.

Even more basic to adoption-related policies and services are the provisions of safety net programs for the destitute families of Marshall Islands. While basic medical care is relatively accessible, serious health problems cannot be resolved on the island. Marshallese families are also in great need of assistance with food, housing, and education for their children. In addition, there is an urgent need for child welfare services, including family preservation services and temporary substitute care, preferably with relatives.

Because the RMI government is overwhelmed with issues of economic survival, the reality is that there needs to be assistance from international development and child welfare organizations and NGOs to step in and provide much needed safety nets. Before engaging, however, they must understand the traditional Marshallese culture of adoption which defined it as a means for the future exchange of resources and the formation of "socio-political alliances, community solidarity, and the redistribution of property" (Walsh, 1999). Socially and economically marginalized Marshallese women see adoption as entering into a relationship of

reciprocity. “I relinquished my child for adoption to [provide] education, a better chance of life, and to promote our Marshallese family for a better chance of life in the future” (Birthmother who relinquished her child for international adoption, personal communications, July 10, 2001). The responsibility to educate the birth families resides not only with the RMI government, but also with every entity that plays a part in the multifaceted process of international adoption. We suggest that this responsibility rests most significantly on the shoulders of adoption agencies in educating their local Marshallese representatives who are currently allowed to do “outreach” for birthmothers. We call on agencies to stop solicitations and to invite birthmothers to come to an office, not exclusively for adoptions, but to receive comprehensive counseling regarding her options. Those who tout adoption as international charity must first ask whether their mission is to find children for their clients--the adoptive families--or to serve the best interests of children based on an individual assessment of each family’s abilities and resources. Whenever possible, the call is to empower the families and children so that they have options other than the permanent severance of family ties. Programs need to be established to protect children, provide adequate nutrition, and protect their best interests, whether it is determined to be in their own extended family, in the Marshall Islands, or in a foreign country. If adoption is determined to be in the child’s best interest, the process should protect birth families from exploitation even by those who have good intentions but may be culturally insensitive.

After the moratorium for intercountry adoptions from the Marshall Islands was lifted in January 2001, the passage of the legislation seemed imminent during that very session of legislation and again in the summer of 2001. However, despite the mandate in the moratorium to provide comprehensive adoption legislation, and repeated expressions of commitment by

government leaders to do so (Free association compact agreement talks with the United States, *Marshall Islands Journal*, July 12, 2001), the RMI legislature has yet to pass adoption legislation as of May 2002. The legislative session in August of 2002 will no doubt address the legislation again, and key officials are cautiously optimistic that they will pass then. As of May, 2002, the RMI and U.S. governments are contemplating a scheme under which a special visa would be required for children entering the U.S. for adoption, creating a narrow exception to the freedom of travel enjoyed by RMI citizens under the Compact (Adoption advisory, RMI Embassy).

Limitations and Future Research Suggestions

Perhaps the greatest limitation of this study is the language translation from English to Marshallese. Many of the response choices included words describing emotions, feelings, and attitudes not contained in the Marshallese language. Hence, the given responses were limited to the interpretation of the interviewer. In addition, our snowball samples seemed to focus on the very poor of the poor women. Our results may have varied if our subjects had not been so impoverished overall.

Many issues of importance to the people of the Marshall Islands and to the international adoption community remain unexplored. For example, we could compare the relinquishment rates for mothers from different income and educational levels and examine the impact of relinquishment on the birthmothers, and the number of children relinquished by each birthmother or how many times they have been approached by adoption agency representatives. The perspectives of birthfathers and their families would provide relevant insight. There should be a study of how the siblings of relinquished children viewed adoption. At the community level, the patterns of exploitation of birthmothers by female representatives and their effect on the fabric of

the close-knit Marshallese women would yield valuable information. In addition, we believe that the study needs to be replicated in other parts of the world to see if there are regional patterns, to check correlation with types and amount of regulation, cultural traditions, etc. Another study could be conducted after birth families have received adoption counseling, after the country implements a domestic adoption program to evaluate the effects of the programs. Finally, we strongly recommend research on the informal open adoption agreements entered into between birth and adoptive families as to their origin, motivation, facilitation, compliance, and ultimately their impact on the children. A longitudinal study is critically needed to answer these questions and to shape policy and practice regarding open intercountry adoptions, which in our opinion, are certain to become the wave of the future.

Figure 1: What were the reasons for deciding to place your child for international adoption?

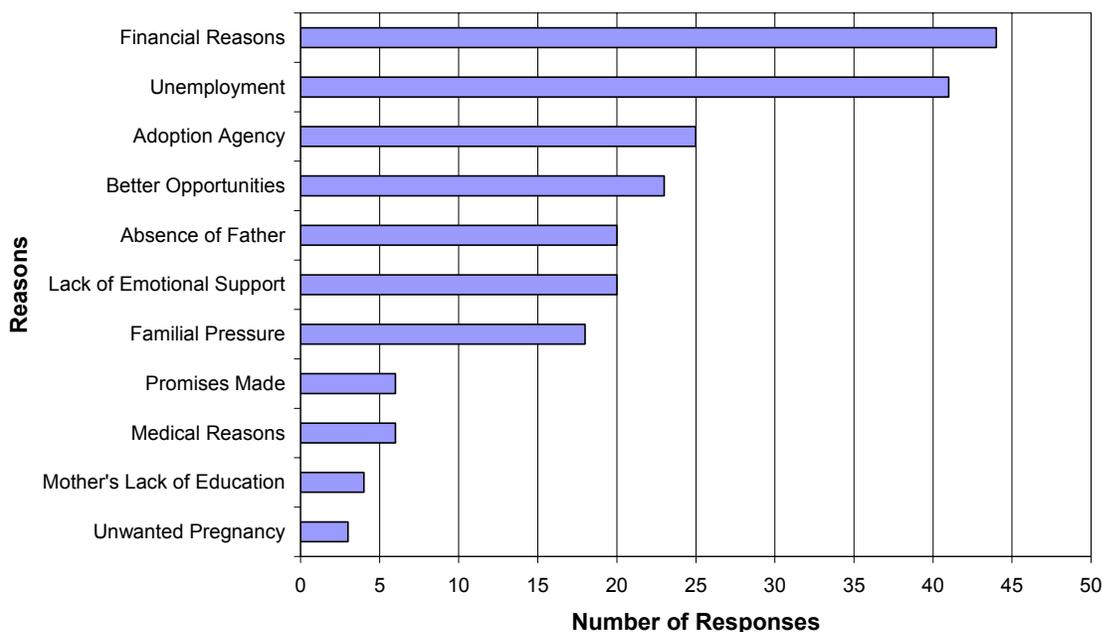


Figure 2: How much familial pressure was there to place your child for international adoption?

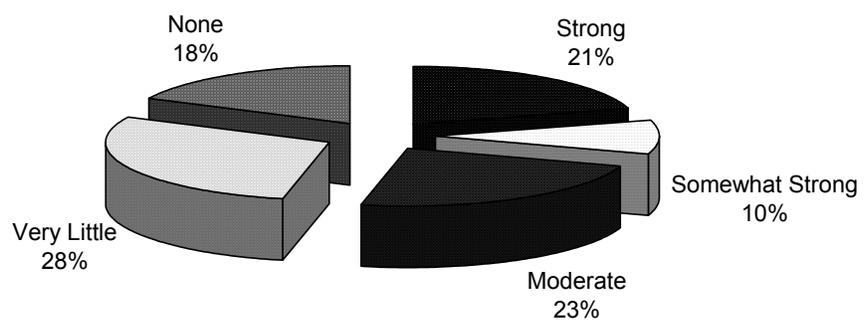
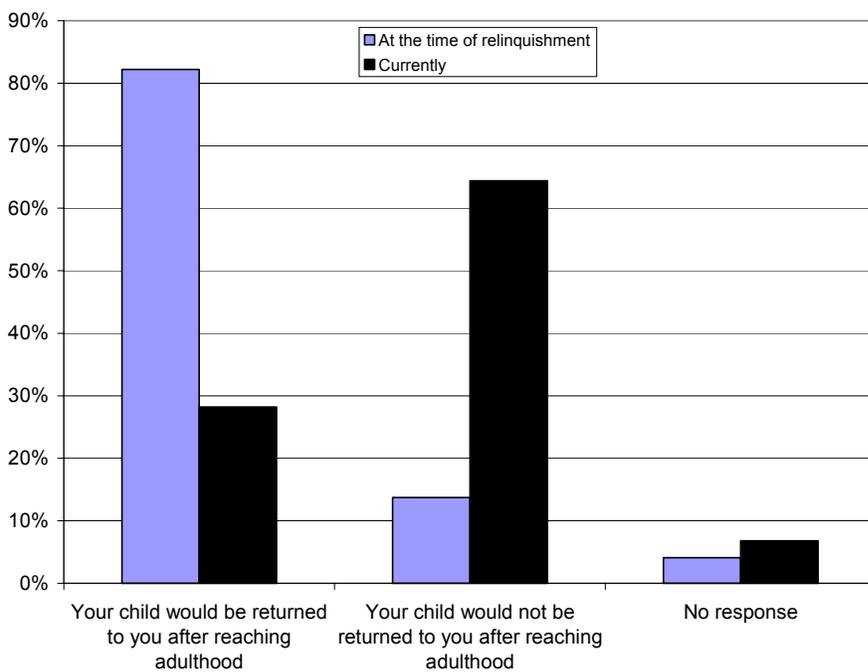


Figure 3: Birth mothers' understanding of international adoption

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