

**Title: China:US intercountry adoption: a Quantitative Grounded Theory Study**

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**Abstract**

This study sought to identify the factors influencing the scale and nature of intercountry adoption (ICA) between the People's Republic of China and the United States of America; and to describe the significance and contribution of each to ICA processes.

It took a documentary data analysis approach based upon Quantitative Grounded Theory; firstly interpreting available data and thematically analyzing the literature in order to identify correlations between changes in the data and the environment for ICA.

The results showed that changes in policies, ethical narratives and ideological shifts (principally the rise of nationalism) appeared to influence both the scale and type of ICAs in successive years.

This paper concluded that China:US ICA is likely to continue only in small numbers with older and special needs children. However, China:US adoptions provide some examples of 'best practice'. Understanding the interplay of factors explored theoretically in this study may guide future ICA arrangements between other country-pairs.

*Originality/value*

Although a range of data have been collected on China:US ICA over a number of years, no systematic attempt has been made to link changes in those data to changes in the legal, social or cultural climate in which such adoptions take place. As well as providing new insights into the dynamics of ICA, the paper develops an original method which could be applied to parallel arrangements between other countries.

**Keywords** Intercountry Child Adoption; ICA; Quantitative; Grounded Theory; adoption; policy

**Article Classification** Research paper

## Introduction

The greater interconnectedness of the world in the 20th century (Budd, 2011) resulted in the first officially recognised intercountry adoptions [ICA] to the United States [US] in 1953 (Kim and Smith, 2009). These adoptions that crossed national borders (Bacchiddu, 2015) were acclaimed as the 'first' to the US by merit of the legal status given by the 1953 Refugee Relief Act (Briggs, 2012). In the half century since then, an estimated 1 million children have been adopted into families outside of their state of origin (Selman cited in Cheney, 2016 p.17).

The backdrop for these figures is the global rise in the number of children without parents. Global estimates range from more than 13 million children worldwide who have lost both parents (estimate by United Nations International Children's Emergency Fund [UNICEF] 2016); but may be extended to include street children and those in foster care and orphanages (estimated at 143 million in Kim & Smith, 2009, p.917). A still broader definition may include those who are deemed 'social orphans' whose parents cannot or will not take care of the child but are living therefore the parental rights have not been terminated; and finally those who are abandoned or relinquished in nations where this abandonment is illegal, and therefore the state becomes the legal guardian, including the People's Republic of China [China] (Liu, Larsen and Wyshak, 2004).

Whilst the decision to pursue an ICA must certainly be made at an individual level, the reality of adoption comes from the "juncture of individual and collective practices" (Dorow, 2006 p.36) most notably the social and legal contexts in which ICA occurs which constrain the possibilities and attempt to manage the risks to the child. Therefore, the national and international policies surrounding ICA are of central importance. On an international level, the two major policies governing ICA are the United Nations Convention on the Rights of the Child [UNCRC] and 1993 Hague Convention on the Protection of Children and Co-operation in Respect to Intercountry Adoption [HCIA]. Both of these are specifically concerned with ICA occurring only when it is in 'the best interests of the child' (Bartholet, 2010), something that critics of ICA argue in practice is often secondary to the desires of

parents and the financial interests of the adoption brokers (Shura, Rochford and Gran, 2016).

The HCIA represents a significant step towards the regulation and promotion of best practice in ICA, but it cannot be seen as a complete answer to the concerns that ICA inevitably raises, for two reasons. First, it has a limited reach: at the time of writing, 97 countries are signatories (China joined in 2005). Secondly, the concept of 'best interest' cannot be considered in static and universal terms, but needs to be the subject of ongoing ethical debate (Davies, 2011): contextualized to take account of the conditions in the sending country and the relationship between sending and receiving countries. Considerations should include "...timing, risk assessment, welfare available in country of origin, local definitions of adoptability, particular needs, family contact and reunification, and preservation of information, in all of which central authorities could play an important role" (Cheney, 2016,p.11).

The practice of formal ICA reached a peak of 45,000 children placed globally in 2004 (Selman, 2016). However, by 2015 this figure had decreased to approximately 5,000 (Romei, 2016). Over the same period, there was a comparable reduction in the numbers of adoptions between China and the US. A number of reasons have been advanced to account for this decline (e.g. the rise in surrogacy, and the possible increase in domestic adoptions), but there is as yet little evidence to support them (Tan, Marfo and Dedrick, 2007).

Within this complex global picture, the respective roles of China and the US are particularly significant. Historically, China has been by far the largest source of children for ICA (Selman, 2016), and has set a pattern which has defied expectations of sending countries. Thus, for example, China was an early adopter of what became known in the HCIA as the 'principle of subsidiarity', which is often held up as the exemplar of policymaking in the 'best interests of the child'(Cheney, 2016, p.10; Joyce, 2014, p.,11). This is a hierarchy of options that promotes; 1) reunification, 2) domestic adoption and finally, 3) ICA . In addition, in its relations with the US, China has over the years repeatedly refined and restated its definition

of the children for whom ICA may be in their 'best interests', along with their understanding of what constitutes the best interests of a child, to take account of the rapid social, economic and political changes it has undergone. Thus, China has been an active partner in the China:US relationship and actively shaped it to China's own needs. By extension, China has the potential to shape ICA from other 'sending nations' across the world.

Much of the literature on ICA expresses concerns that the practice is 'western-centric' (Chen *et al.*, 2015), 'hegemonic', 'neo-imperialistic' (Breuning, 2013) and 'demand driven' (Cheney, 2016); Briggs analyses the unequal power relations between sending and receiving nations, highlighting the "social geographies in which individual mothers...lose their children" (Briggs, 2012, p.10). These perspectives imply that sending nations lack strength and agency. But whilst this may be true of other sending nations, it is not true of China. "China needed resources from abroad to enact a modern social welfare system but could not ideologically afford to let foreigners manage it" (Dorow, 2006, p.102), and this tension may have contributed significantly to the recent history of China changing its policies and requirements of prospective adopters multiple times to best reflect the country's immediate needs without sacrificing autonomy (Gates, 1999; Rainbow Kids, 2017). This is an example of what Wang ((Wang, 2017) describes as 'soft power' being exerted to persuade others to do what is in the national interest without force.

Where historically China has been the primary sending state in ICA, the US has been the corresponding primary receiving state. It is a key 'driver' of both the demand for and responsible regulation of ICA globally (Efrat, Leblang, Liao, & Pandya, 2015). Although the rate of ICA has fallen markedly, dropping by seventy-five percent in a decade (Romei, 2016), the US is still considered as the country with the most influence to promote the best interests of the vulnerable children involved in ICA (Rotabi and Gibbons, 2012).

The history and dynamics of ICA between China and the US is of particular interest because of the size and significance of the countries' roles in global ICA: over the period being studied, China was the source of between 20% and 35% of global ICAs; and ICAs to the US comprised about 50% of all total (Figures 1 and 3). In addition, China was large and influential enough to be able to shape the terms of intercountry adoption to shape its domestic needs, developing a strong ICA infrastructure and models of good practice that could be copied by other 'sending nations'. Finally, the US has maintained a much richer dataset relating to the subject than most other nations, enabling some analysis to be undertaken. The detail provided by the US as receiving state helps us see the patterns in sharper relief.

The purpose of this research was, therefore, to identify the factors influencing the scale and nature of intercountry adoption between the People's Republic of China and the United States of America; and to describe the significance and contribution of each to recent changes in this process. It was based on an analysis of documentation and statistics regarding ICA in order to shed light on possible causes for the changes in ICA between the two nations. The intention was to provide insights into factors promoting or impeding ICA and their implications for the future role of ICA in protecting the best interests of vulnerable children.

In addition, the purpose of the research was to yield lessons from the experience of ICA between China and the US to the benefit of other participating nations. These potentially include, from the sending side; the autonomy of the sending nation, the examples of best practice as seen in the application of the 'principle of subsidiarity' and the very recent announcement of the removal of in-country 'compulsory donations'. On the receiving side, they include the role of adoption advocacy groups and strong multinational agencies providing checks and balances to voices that would otherwise dominate ICA narratives.

The initial research question to be addressed is therefore:

What factors have influenced changes in the scale and nature of ICAs between China and the US in the first two decades of the twenty first century?

## **Research Design**

Since the factors influencing changes in ICA could not be determined in advance, the study employed a Quantitative Grounded Theory [QGT] approach, broadly as described by Glaser and Strauss (Glaser and Strauss, 2017; Glaser, 2008). As will be apparent in the discussion that follows, one of the key difficulties in drawing conclusions about causes of changes in ICA is the complexity, inconsistency and western-centric imbalance of the available data sets. This rules out a rigorously data-driven analysis of causes. QGT appears to be the next best option, insofar as it is rooted in the data while maintaining sufficient flexibility in its treatment to respond to its limitations as they arise. In this respect, it is less authoritative than a comprehensive critical analysis but better evidenced than an 'expert opinion' study.

Although less well-known than the qualitative versions of Grounded Theory [GT] widely used across the human sciences, QGT shares the same methodological framework and techniques. It adopts an inductive and thematic approach to the identification of an emergent theory, using techniques such as data 'fishing' and theoretical sampling to identify the most suggestive data; and at the same time exploring the relationships between data in an iterative activity of theory-building. It differs from the more widely used Qualitative GT in that it engages with numbers and therefore (a) takes a more positivist than constructivist approach, treating some data as 'given' independently of subsequent human interpretation and (b) analyses differences of quantity rather than (or as well as) changes in meaning. At the same time, it differs from other quantitative approaches to data in its emphasis on inductive rather than deductive logics in order to generate new theory rather than test hypotheses already constructed. It is therefore well-suited to the current topic, starting as it does with a recorded change in the number of ICAs and attempting to develop theoretical explanations for the phenomenon.

In general, since Grounded Theory research allows categories to emerge from the data rather than applying a preexisting model, it recognizes the active role of the researcher in the theory-building process (Glaser and Strauss, 2017). For this reason, a claim to researcher impartiality is unsustainable: instead, researchers seek reflexive insight into their potential biases and commitments. In the present case, the first author is seconded to a China-based NGO which works with relinquished children in China; the second author is a member of staff at a university in the United Kingdom. The working position taken here is that while ICA has clear drawbacks and the potential for abuse, there are occasions where it may be the best option. It should not therefore be ruled out as a matter of principle: “[Adoption does not] ...resolve neatly into categories of...good and bad. Adoption may sometimes be the best outcome in a bad situation” (Briggs 2012, p.4)

## **Method**

The study employed a four-stage approach. In keeping with the principles of Grounded Theory these were conducted iteratively rather than sequentially:

- 1) Data Gathering. Collating the relevant quantitative data sets. Gathering documentary evidence and ‘expert opinion’ in the qualitative and grey literature
- 2) Analysis
  - a. Examination of data sets for broad trends and significant changes in the scale and nature of ICA
  - b. Coding for factors that potentially bear on changes to ICA and extracting key themes from the qualitative and grey literature

- 3) Theoretical sampling of key events cited in the literature within the framework provided by the key themes, and locating them in critical correlation with significant changes in the data sets
- 4) Theoretical ordering of key themes in the light of the findings to produce a proposed model of their relationship to changes in ICA

## **Data Gathering**

Given the inductive nature of this study, it was important to gain as wide a range of insights and perspectives on the question of ICA as possible. Furthermore, as a complex social construction, a broad-based understanding of ICA is likely to require input from a range of academic disciplines and data sources. For these reasons, a conventional literature search based upon a narrow range of databases organised by discipline was considered inadequate to the task.

Instead, a wide-ranging search was conducted using two resources, over the period March-April 2017. First, the 'Summon' database search facility provided by Staffordshire University was used to search for the research and grey literature pertaining to ICA, using a range of search terms. The only exclusion criteria applied at this stage were to filter out subjects such as agriculture, where there was no realistic chance of a relevant paper being identified. Google Scholar was then used with the same search terms (but without the filters) as a secondary resource, but also specifically to search for ICA adoption statistics, as an initial pilot search demonstrated that some of these resources were not available via Summon.

This stage of searching yielded, as expected, a huge number of hits, which in each search were automatically sorted into descending order of 'Relevance' by the search engine. The initial intention was to skim-read the first 500 titles for each source to identify those references of significance for the present study; however, 'saturation' was reached for each term well before that point: the last relevant result



was discovered as the 280<sup>th</sup> item, so at item 300 the search was halted (see table 1, 2).

Search fields excluded on Summon	Agriculture, anatomy and physiology, architecture, astronomy & astrophysics, biology, botany, business, chemistry, computer science, dance, dentistry, diet & clinical nutrition, drama, ecology, engineering, film, forestry, geology, mathematics, medicine, meteorology & climatology, military & naval science, music, nursing, occupational therapy & rehabilitation, oceanography, parapsychology & occult sciences, pharmacy, therapeutics, & pharmacology, philosophy, psychology, physical therapy, public health, recreation & sports, religion, sciences, veterinary medicine, visual arts, zoology.
Initial review process	Results were listed in order of relevance. Author 1 skim-read a sample comprising the first 300 titles until no additional relevant hits were encountered, then extracted those found to be relevant from the sample
Secondary review against exclusion criteria	<p><b>Exclusion criteria:</b></p> <ul style="list-style-type: none"> <li>• Adoption' [acquisition of idea, method, style, plan, etc.] as pertains to issues other than that of the social practice of infant/child adoption e.g. adoption of mobile technologies</li> <li>• If related directly to adoption from countries other than People's Republic of China, United States of America</li> <li>• If related directly to post-adoption period</li> <li>• Results in a language other than English or Simplified Chinese</li> <li>• Duplicates</li> </ul>

**Table 1. Literature Search Procedure**

Search term	No. of results:	No. of results after excluding selected disciplines	No. selected for review
China adoption	345,577	254,880	10
International adoption	1,498,063	1,038,723	9
Intercountry adoption	5,091	4,144	13
Transnational adoption	41,562	26,498	2
Comparative study US China	183,337	Google Scholar – fields not excluded	2
Adoption statistics	2,480,000	Google Scholar – fields not excluded	7
Nationalism	611,357	536,813	3

**Table 2. Literature Search and Selection Results**

The search yielded 46 items which were relevant to the present study, drawn from a wide range of disciplines and methodologies. These provided the initial data set for analysis.

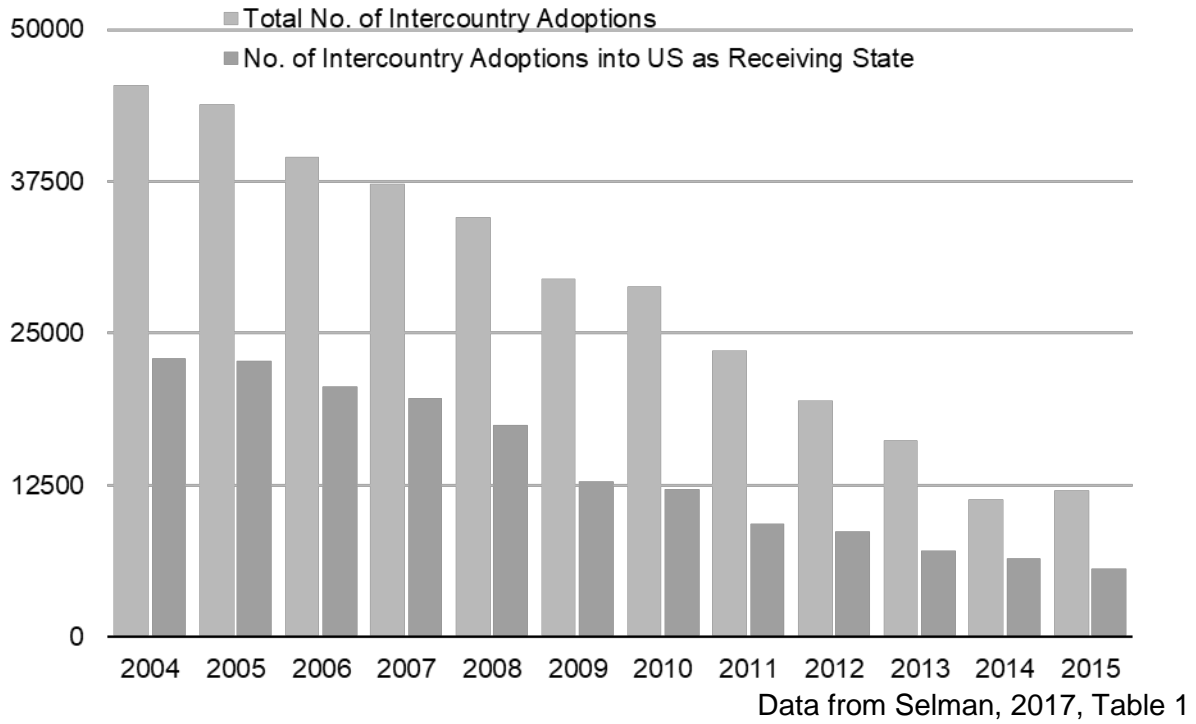
### **First stage analysis: quantitative data**

Much has been said about the extreme paucity of data sets pertaining to the practice of ICA. Jones and Placek (2017) describe it as a 'vacuum', further noting that what is available is "limited, periodic, and/or single purpose" and there are no standardised definitions of what is being measured (Jones and Placek, 2017). Similarly, Selman (2016) qualifies his statistical report by noting the notoriously inconsistent worldwide ICA data collection practices. He further notes that it was only in 2014 that the majority of the top ten sending nations were acceded to HCIA, meaning that until very recently many ICAs operated outside of the internationally approved policies (Selman, 2016).

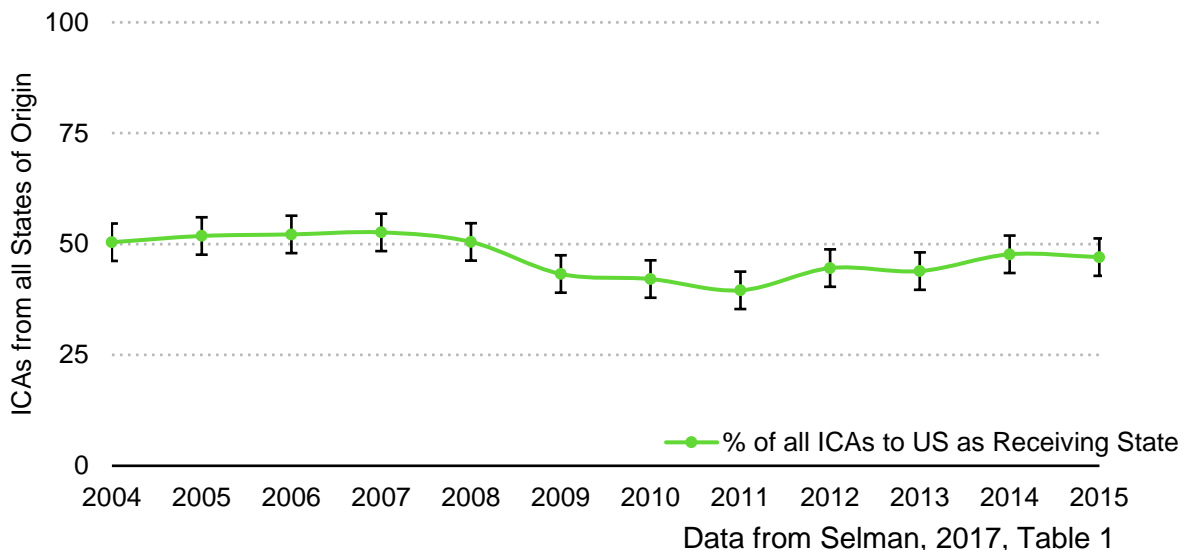
This precludes any attempt at a formal meta-analysis or synthesis of the data; but there is enough information to provide the basis for an inductive process of theory-building. Three data-based documents were identified for review from the search term 'adoption statistics' (National Council for Adoption, 2011; Selman, 2016; US Department of State, 2016). Further relevant sources were identified through means other than database searches. These were 'Adoption: By the Numbers' (Jones and Placek, 2017) and the other editions of the US Department of States' 'Annual Report on Intercountry Adoption' (US Department of State, 2011, 2012, 2013, 2014, 2015, 2017a) (2011; 2012; 2013; 2014; 2015; 2016; 2017). The following discussion synthesizes and summarises the key themes from these data sets:

1. *Declining numbers of ICA worldwide, and fluctuation in proportion represented by US*

The US is historically the primary receiving country for ICA (Selman, 2016, Table 1), yet the percentage of intercountry adoptees received by the US in comparison with other countries has fluctuated (Figure 1).



**Figure 1: Total number of intercountry adoptees to the US from all sending countries**



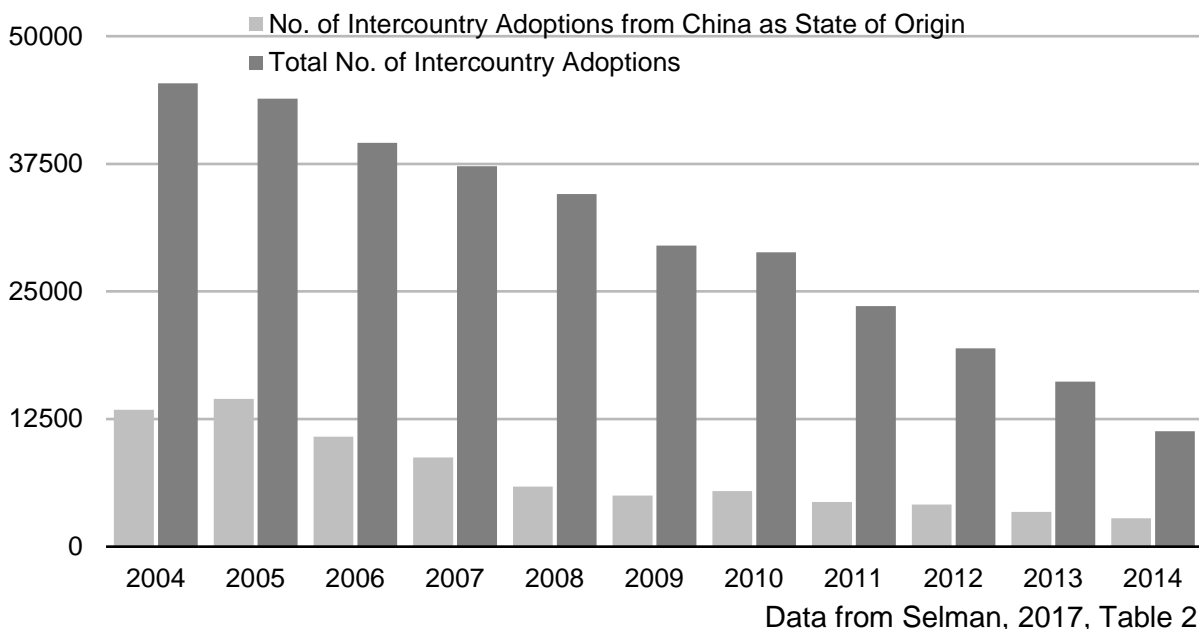
**Figure 2: Percentage of intercountry adoptees to the US from all sending countries**

Whilst the declines in ICA to the US from year to year were reasonably small and broadly in line with global trends, there was a significant drop in the number of ICAs to the US from all sending nations in 2009 as compared with other receiving nations. This is more apparent when viewed as percentages (Figure 2).

In the period 2004-2015, the arithmetic mean percentage of ICA received by the US was 47 and the standard deviation was +/-4.22 (to 2 decimal points) as shown by the vertical bars. During this period, the percentage of ICAs received by the US stayed within a range of one standard deviation with two exceptions of note. In 2006-7 the US received a higher than average number of ICAs as compared with other receiving states; and in 2010-11 there was a marked decline in the percentage of ICAs received by the US.

*2. Reduction of numbers and proportion of adoptees from China*

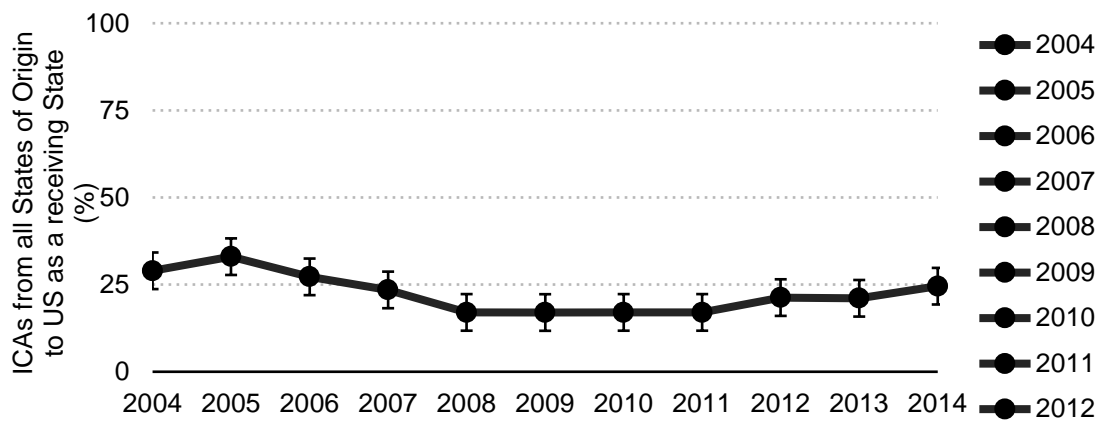
Interpreting ICA data on China as a sending nation is limited by the paucity of evidence. However, some data exists. Figure 3 illustrates the percentage of ICAs from China as compared with ICAs from all sending nations.



**Figure 3: Total number of ICAs from all sending countries and from China**

This shows that whilst China is undeniably a significant actor in ICA, many other countries are significant sending nations to the US. Figure 4 illustrates the percentages represented by these figures.

## China:US intercountry adoption



Data from Selman (2017), Table 1

**Figure 4: Proportion of ICAs to the US from China**

In the period 2004-2015, an arithmetic mean of 23% of all ICAs came from China. During this period, the percentage of total ICAs represented by China broadly stayed within a range of one the standard deviation ( $\pm 5.25\%$ ) represented by the vertical bars, again with two exceptions of note. One occurred in the period 2004-2005 where China as a sending nation 'provided' an increase representing over a quarter of all children adopted intercountry. The second exception was a small but sustained drop between 2008-2011. Numbers recovered in 2012, but did not return to 2007 levels until 2014 (Figure 4). Document analysis paying particular attention to China as a sending nation during these periods should seek to identify reasons for these differences.

### *3. Change in the composition of adoptee cohorts from China*

In addition, interpretation of data shows a co-occurring change in the nature of ICA to the US. One of these is the average age of child at adoption. Statistics are only available for 3 years yet show the average age changed dramatically. However, the number of adoptions of children aged 5 years and over has

remained consistent despite the overall decline in China:US ICA over the same period (Table 3).

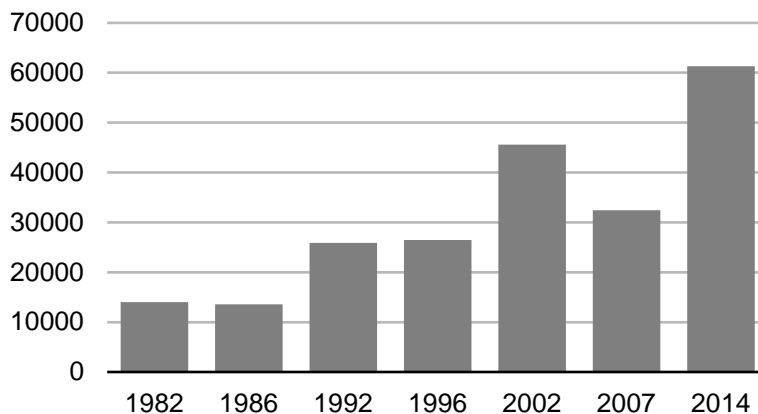
Year	Total no. ICAs from China	Under 1 year	1-4 years	5 years and over
2012	2709	167	2004	538
2013	2268	45	1751	472
2014	2002	19	1516	467
Data from Jones and Placek, 2017, Table 14, Table 15, Table 16				

**Table 3: Age of child adopted from China to the US at time of adoption**

#### *4. Change in the proportion of adoptees with Special Needs*

The US no longer records SN in ICA data as smaller numbers mean the adoptees' identities are no longer obscured within a large cohort. However, as the 'healthy child programme' came to an end in 2009 (Crary, 2016), all China adoptions to the US post-2010 can reasonably be assumed to be SN adoptions. Consideration of the willingness of prospective parents in the US to accept a SN child — domestically or intercountry — suggests that the decline in healthy infant adoptions has not been instrumental in the decline of ICA between China and the US (Figure 5) and in and of itself is an insufficient explanation. The high percentage of non-infants still adopted suggest that the unavailability of healthy infants from China is an insufficient reason to account for the decline.

Furthermore, despite these changes, China has been remarkably consistent in average adoption processing times, speaking to the consistency of China compared with other sending nations.



**Figure 5: Total no. of children adopted [domestically and through ICA] in US with SN**

Whilst these sources of literature provide insightful and relevant data on ICA, the reality remains that the data in and of itself are insufficient to suggest reasons for these changes. Trends show a slow decline overall but also highlight periods where there were spikes and more rapid, though temporary, declines. Further, different data sets emphasise different aspects of the changes and therefore statistics alone can tend to obscure more than they reveal.

This lack of quantitative literature leads to the second part of the inductive QGT process: to identify themes in the discourse and literature which may provide the basis for a critical comparison with the quantitative data and so lead to theory-building. This will open the way to the second stage of the analysis: an inductive synthesis of themes from the quantitative and qualitative sources by purposive, theoretical sampling to test an emergent theory

### **First stage analysis: coding for key themes in the qualitative and grey literature**

From the included six search terms aside from 'adoption statistics', 39 papers were selected for review. These were coded for key themes which may have a bearing



on the changes in the number and nature of ICAs from China to the US over the period covered by the data. Codes which emerged in this process were as follows:

*1. Discourse on ethics*

Discussion of ICA ethics is prolific and has been hotly debated since the first wave of ICAs in 1975 (Khun and Lahiri, 2017). This raises the question of whether the fluctuations in the numbers of ICAs, their composition and the terms on which such adoptions are agreed are influenced by the discourse in both the sending and receiving nation about their ethical acceptability. Ethical objections have been raised on the grounds of possible human rights concerns where the power relations are unequal (Smolin, 2007; Briggs, 2012); others have worried about cultural implications (Brown & de Crespigny, 2009; Chen et al., 2015; Liu, Larsen, & Wyshak, 2004). For Shura et al, ICA is dogged by the spectre of the sale of children (Shura, Rochford and Gran, 2016). In general, ICA processes are often thought to fulfil the desire for children for childless families rather than a humanitarian concern (Briggs, 2012, 209)

Conversely, ethical arguments are advanced in favour of ICA; Cuthbert acknowledges that in our contemporary world, ICA allows for the global care of children who may otherwise be denied family-based care (Cuthbert, 2012); Selman (2012) defends ICA, and in particular the adoption of older and disabled children. In response to criticisms that ICA has arisen in response to the baby-hunger no longer fulfilled domestically (Cuthbert, 2012), Jones and Placek note that infant adoption rate has remained consistent over the last decade, in spite of the majority of ICAs now representing toddler and older child adoptions. They additionally state that there is a strong adoption culture in the US with over 100 million Americans estimated to have had their lives personally touched by adoption in some way (Jones and Placek, 2017)

The fact that the rate of adoption has remained consistent despite the shift to older and disabled children and the observation that around half of adoptive parents already have a biological child within the home (National Council for Adoption, 2011) suggest that the charge that it is driven by 'baby hunger' is overstated. This conclusion is supported by the observation that adoption rates do not seem to have been significantly impacted by the huge increase in domestic and international surrogacy (Cui *et al.*, 2016; Voskoboynik, 2016). Together, they imply that the decision to adopt is driven partly by convictions about the cultural and ethical desirability of adoption.

## 2. *Nationalism*

If the overall rate of child adoption has remained broadly constant, the proportion represented by ICAs shows much more variation. This raises the question of whether, and to what extent, ideological shifts in US culture may be influencing decisions to adopt. The tendency to favour Same Nation Adoption (SNA) over ICA may have some rooting in the rise of nationalist and anti-immigrant feeling (Haidt, 2016).

In the pre-war period whilst the seminal roots of ICA were already in existence, ICA was 'extremely rare' (Gates, 1999, p.370). Several conditions could arguably explain this anti-ICA stance. The first was the strong anti-communist and anti-migration political ideologies (Briggs, 2012). Until 1943 and the repeal of the Chinese Exclusion Act, policies were specifically exclusionary to Chinese migration (Chen, 2015), The situation altered somewhat post-WWII when changes were promoted as 'anti-communist measures', but ICA to the US remained numerically insignificant and motivated by contemporary events such as the Vietnam war and the resulting mixed-race 'orphans' rejected by Vietnamese communities (Briggs, 2012). Thus anti-migration ideology [which overlaps with nationalist ideology] led to anti-ICA policies in the previous century.

Nationalism increases where there is a perceived threat to established norms, and immigration in particular is the perceived root of such uncertainties (Taub, 2016). The role of nationalist sentiment can be seen in proposed policy: for example, in October 2016, the US announced a new proposed intercountry adoption rule (US Department of State, 2017a) which was ultimately withdrawn in March 2017 following strong and vocal opposition from the adoption community (US Department of State, 2017b). Although the proposal falls outside the period under examination in this paper, the language in which it is written provides some valuable insights into the sort of binaries which underlie some nationalist thinking in the first decades of the twenty-first century. Keywords to describe the proposed ICA rule included 'Alien', 'Arms Export', 'Counterterrorism', 'Arms Control'; echoing Haidt's contention that immigration is considered a threat to one's safety and way of life and results in polarised reactions (Haidt, 2016). Whilst immigration is a 'net positive' to a receiving country, the rise of 'authoritarians' noted to co-occur with nationalist sentiment results in "harsh, punitive policies that target outsiders" (Taub, 2016).

Nationalist sentiment is, however, a two-edged sword. It may issue in an 'America First' policy, as above; or it may be expressed as an assumption of American superiority. Thus, it may drive destructive forms of ICA via the dangerous mindset held by some prospective adoptive parents, that; "To be an American or to be prosperous is better than to be poor and in another country" (cited in Joyce, 2017, p.227) which would encourage a continued pursuit of ICA practices that wilfully neglect both international conventions and the 'best interest' of the child.

It is encouraging, however, that in the US organisations such as UNICEF and rigorous academics have provided a counter to the conservative Christian Social movement which would seek to remove all hurdles to ICA and have this enacted in policy (as in the failed 'The Families for Orphans Act' (Joyce, 2017, p.225).

### *3. Policy and legislative changes*

Policy has a “direct impact on the movement of adoptees from one country to another” (Weil, 1984 p.291). A considerable body of research exists on the legislation of ICA and its impact on domestic legislation (Hayes, 2011; Hoffman, 2013). Further, policy is inextricably woven into considerations of ICA: in the discussion of statistical changes (Jones and Placek, 2017), its ethics (Shura, Rochford and Gran, 2016), and intercountry adoption law (US Citizenship and Immigration Services, 2016; US Department of State, 2016). Rotabi and Gibbons draw attention to vulnerable peoples’ need for special protections and that, before the Hague Convention (HCIA) existed, ICA allowed for the commodification of children (Rotabi and Gibbons, 2012). Some argue that HCIA should eliminate private adoptions, though Hayes argues that if the adoption complies with sending and receiving nations’ requirements, this is legally superfluous (Hayes, 2011). Further, pertinently to the research question under consideration, Jones and Placek bemoan the US Government’s recent ‘lukewarm’ policy stance to ICA as a major reason for the decline in ICA rates, hindering many otherwise willing prospective parents from pursuing an ICA (Jones and Placek, 2017).

### *4. Conditions set by China as sending nation*

Much of the literature of ICA offers only “limited or anecdotal evidence or takes the form of legal or philosophical arguments... [rather than considering] why [sending] countries institute more or less restrictive laws regarding intercountry adoption” (Breuning, 2013, p.114). As noted, insights into the reasons and drivers for changes in Chinese practices around ICA are hard to obtain. But China has continued to send significant numbers of children for adoption whilst simultaneously setting the rules in ways that reflect the changing social reality within China (Selman, 2012). This has been done by variously relaxing and tightening requirements such as minimum income and age thresholds and single parent [female] adoption. Thus,

before a child can be received into an adoptive family, the family must first be accepted by China. As well as setting 'eligibility', China has also exercised its agency through deciding 'adoptability' of the children it chooses to refer for adoption.

Dorow, one of the few who considers both sides of the ICA exchange, notes that in addition to this, the China Center for Adoption Affairs [CCWA] (which became the China Center for Children's Welfare and Adoption [CCCWA] in March 2011(Selman, 2012)) have long required prospective parents to state how they intend to uphold the child's birth culture (Dorow, 2006). Gates echoes this awareness of the agency of China, stating that China's traditionally restrictive laws have resulted in many prospective parents being turned down for adoption (Gates, 1999).

### *Conclusion*

From this literature review it is apparent that the lack of comprehensive data sources on ICA represents a dearth mourned by many ICA professionals and results in much material on the practice necessarily being based on anecdotal evidence. Whilst many cite the decline that is evident in even the limited published data sets (Dowling and Brown, 2009; Rotabi and Gibbons, 2012; Selman, 2012; Cheney, 2016) there is little that seeks to examine the possible explanations for the significant decline in ICA. The quality of the data precludes a deductive systematic analysis of changes and variations, but leaves the way open for an inductive process which models the data changes against less testable but more deep-rooted variations in (for example) the strength of ethical objections or of nationalist sentiment, as well as the difficulties and supports given by successive changes in policy and strategy on both sides of the adoption process. This provides the first stage of theory-building to be tested by theoretical sampling: is there a correlation to be detected between changes in the scale and composition of ICA and in the variables associated with each of the themes above?

## **Second stage Analysis: theoretical sampling of quantitative and qualitative data**

The emerging theory is one in which the overall decline in China:US ICA over the period in question is largely explained by global changes in ICA; but that the short-term fluctuations in the proportions of ICAs to the US from China (figure 4) as well as their characteristics (e.g. age, Special Needs) may be partially explainable by the factors identified in the literature search.

For this stage of theory-building, it is acceptable to use an inductive quantitative method which seeks for patterns rather than full statistical rigour (Glaser, 2008). The purpose of this section is, therefore, to identify correlations between increases or decreases in the relative numbers of China:US ICA and changes to the discourse and environment within which the ICAs are taking place. While it is not possible to establish a clear causal relationship between the former and the latter, for the purposes of theory-building it is enough to identify connections that would repay further study.

In order to test which (if any) of the themes identified in the qualitative literature might be contributing to fluctuations in the number and composition of ICAs between China and the US, two processes needed to be followed. The first was to identify within the quantitative data key changes in the scale of ICAs between China and the US. This provided a framework on which to locate potentially significant themes contributing to the change. The key changes identified were, for both countries, the overall decline in the number of ICAs from 2002 onwards; for the US a higher than expected rate of ICA in 2006-7 and a lower than expected rate in 2010-11; for China, a higher than expected rate in 2006-7, and lower than expected in 2008-11. Two other distinctive features of the data extracted were not included directly in the analysis but as a result of the literature review are considered to have an important explanatory role. These are the shift in the age distribution of Chinese

adoptees during the period where records exist, from 2012-2014; and the rise in proportions of adoptees in the US diagnosed as having Special Needs.

The second step was to theoretically sample the qualitative literature for changes in the ICA environment identifiable by application of the emergent themes. This exercise then provided a chronology of potentially salient changes which could be brought into critical correlation with the observed quantitative fluctuations.

US Policy and/or legislation	A
Ethical narratives	B
Ideology	C
Chinese conditions	D
Other factors	E

**Table 4: Coding for strands identified in document analysis**

*1. Application of the themes to the Qualitative and Grey Literature*

Document analysis allows us to use the statistical information gathered above and apply it to the richer ICA qualitative literature. During the period for which there are data, the average time to complete an ICA from China to the US is remarkably consistent, at 232-282 days (Breuning, 2013). Because of the average number of days to adoption, coupled with the time the changes may take to impact prospective adopters' decision, the relevant changes in the environment for ICA were taken to include the 18 months before the rise or fall in numbers identified above. Thus, the documents selected for review were systematically searched for the periods preceding the key dates revealed by interpretation of data (Table 4). The period 2002-3 was of interest in the unexpectedly high rate of ICA from China; the period 2004-5 for the unexpectedly high rate of ICA to the US; 2006-7 for the sharper decline in ICA from China; and 2008-9 for the faster decline in ICA to the US.

Documents were sorted by relevant date and coded to correspond to the main codes that emerged in the document analysis (Table 3). This allowed us to systematically address ‘the main strands’ considered in this paper.

Dates identified through interpretation of data:	Dates searched	Document Title:	Author[s]	Predicted effect on ICA from China	Theme/s identified:	Code
2004-5 [Higher than expected rate of ICA from China]	2002-2003	Adoption: By the Numbers	Jones and Placek (2017)	+	Adoption and Safe Families Act considered to have led to increase in SN adoptions	A
2006-7 [Higher than expected rate of ICA in the US]	2004-2005	Adoption: By the Numbers	Jones and Placek (2017)	+	Positive policy approaches and public attitude to adoption	A
				+	Families essential for kids	B
				-	SN adoptions decrease	C
		Adoption Factbook V	National Council for Adoption (2011)	-	More than half of families reluctant to adopt without subsidies	C
				+	US pro-adoption	B
				-	[US] domestic adoptions ‘push’	A
Foreigners Open Hearts to Chinese orphans	Luo (2016)	+	Restrictions on SN adoptions from China lifted	D		
2008-2011 [Marginally lower than expected rate of ICA from China]	2006-2007	Adoption Factbook V	National Council for Adoption (2011)	-	Fewer children in orphanages	D
				-	Stricter standards for prospective adopters	D
				-	Public assistance given for domestic SN adoptions in US	A
				-	Haitian earthquake resulting in high ICA to US	E
				-	US’ ‘TB Technical Instructions’ policy affects adoption from China	A
		Babies Across Borders	Efrat, Leblang, Liao and Pandya (2015)	-	China gains HCIA membership (2006) leading to lower adoption rates	D



Dates identified through interpretation of data:	Dates searched	Document Title:	Author[s]	Predicted effect on ICA from China	Theme/s identified:	Code
		Flying the Flag for Neoliberalism	Fekete (2016)	-	Global economic crisis	E
		Globalisation and international adoption from China	Dowling and Brown (2009)	-	Significant decline in healthy girls but remaining children have SN	C
		The Global Decline of Intercountry Adoption: What Lies Ahead?	Selman (2012)	-	Lack of healthy female infants	C
		The Legality and Ethics of Independent Intercountry Adoption Under the Hague Convention	Hayes (2011)	-	Korea restricts ICA and promotes domestic adoption	E
2010-2011 [Lower than expected rate of ICA in the US]	2008-2009	Adoption: By the Numbers	Jones and Placek (2017)	-	Infant ICAs see significant decrease	E
		Adoption Factbook V	National Council for Adoption (2011)	-	Lower % of SN originate in ICAs compared to domestic adoptions	C
				-	HCIA entered into force in the US (2008)	A
				-	President Bush signs the Fostering Connections to Success and Increasing Adoption Act (Fostering Connections)	A
		Foreign adoptions hits lowest mark since 1981	Crary (2016)	-	Concerns about child trafficking led to dramatic decrease	B
				+	Adopting within HCIA best way to prevent trafficking	B
				+	The US could play a pivotal role in promoting ethical practice in ICA	B

**Table 5: Thematic analysis of selected documents by date**

*Iterative theoretical sampling of the literature*

In addition to document analysis focused on key dates, the selected literature revealed other search terms that may help understand the recent history of China:US ICA. These were: anti-migration sentiment, adoption migration, special needs adoption, and model minority. A secondary search of the literature was conducted following the same methodology as above. From these searches 28 documents were selected for review using the same thematic categories (Table 6).

Dates identified through interpretation of data:	Dates searched	Document Title:	Author[s]	Predicted effect on ICA from China	Theme/s identified:	Code
2004-5 [Higher than expected rate of ICA from China]	2002 2003	Embodying Chinese Culture: Transnational Adoption in North America	Volkman (2003)	+	Children's books about ICA from China hit the mainstream	C
				+	Adoptees publicly celebrate the imagined culture, with China's approval	C
				+	TV series on adoption aired	C
2006-7 [Higher than expected rate of ICA in the US]	2004 2005	Intercountry adoption on the internet	Chou, Browne and Kirkaldy (2007)	-	UNICEF states legislation of ICA insufficient and can lead to child trafficking	B
2008-2011 [Marginally lower than expected rate of ICA from China]	2006 2007	I bumped into my fate, and against China's adoption rules: Chance and fate seemed to be presenting me with my destiny.	Wyatt (2016)	-	China begins 'barring' prospective adopters for 'perceived deficiencies'	D
		International migration: A case against building ever-higher fences	Zientara (2011)	-	Significant increase in immigrants to the US	C
		National Debates, Local Responses: The Origins of Local Concern about Immigration in Britain and the United States	Hopkins (2011)	-	Immigration concerns take 'central stage'	C

Dates identified through interpretation of data:	Dates searched	Document Title:	Author[s]	Predicted effect on ICA from China	Theme/s identified:	Code
		Why is intercountry adoption declining worldwide?	Mignot (2015)	-	China no longer turns blind eye to homosexuals adopting	D
2010-2011 [Lower than expected rate of ICA in the US]	2008 2009				NO THEMES PERTAINING TO THESE DATES EMERGED	

**Table 6: Thematic analysis of selected documents in secondary search by date**

### Summary of results

The inductive correlative process outlined above has identified a range of factors which potentially contribute to an explanation of the fluctuations in the number and type of China:US ICAs. The direction of influence can be summarised as in the table below (Table 7)

From the data, it seems clear that a range of factors combine to produce the short-term rises and falls in numbers of ICAs between China and the US; but that at the centre of the long-term dynamic lie changes in policy and governmental practice on both sides of the adoption process. US Legislation and policy have been shown to be central to both decline and increase in China:US ICA; and policies from both the sending and receiving nations constrain the eligibility for the prospective adopters and adoptees. These policy changes, in turn, are responsive to shifts both in the ethical narratives in the two countries, and in ideological (principally nationalistic) ebbs and flows.

Dates	Feature	Overall direction of influence	Policy	Ethics	Ideology	China	Global
2004-5	Higher than expected rate of ICA from China (+)	4+ 0-	1+ 0-	0+ 0-	3+ 0-	0+ 0-	0+ 0-
2006-7	Higher than expected rate of ICA in the US (+)	4+ 4-	1+ 1-	2+ 1-	0+ 2-	1+ 0-	0+ 0-
2008-2011	Marginally lower than expected rate of ICA from China (-)	0+ 14-	0+ 2-	0+ 0-	0+ 4-	0+ 5-	0+ 3-
2010-2011	Lower than expected rate of ICA in the US (-)	2+ 5-	0+ 1-	2+ 1-	0+ 1-	0+ 0-	0+ 1-

**Table 7: summary of results**

While the technique used above has proved sensitive to the reasons for short-term changes in the data, two longer-term shifts within China that influence the 'supply' of children are worthy of particular mention. Lee and Feng in describing Chinese practices across centuries, see a "distinctive influence of mortality on population...[that was outworked] through individual proactive interventions" (Lee & Feng, 1999 p.38). Whilst infanticide was an established practice in pre-communist China, the 1980s to early-2000s was marked with high levels of relinquishments and although recent years have seen a significant decline in the practice, it could be that abortion is the contemporary form of 'individual proactive intervention' that shapes Chinese families. The annual figure of 13million is based on registered

abortions occurring at registered clinics: the actual total is likely to be far higher (Yang, 2015), and clearly dwarfs the number of ICAs even at the height of the practice.

Documents further show another form of 'individual proactive intervention' that limits the number of children available for ICA from China: social networks. Dowling and Brown note that many birth families organise the transfer of a child to a family that may keep them (Dowling and Brown, 2009). Johnson *et al* similarly suggest the prevalence of infant relinquishment outside of state involvement stating that this is a mix of child abandonment and a form of privately arranged domestic adoption (Johnson, Banghan and Liyao, 1998).

Thus, further document analysis suggests that the category of 'adoptable' children from China is increasingly constrained to those whose SN were not detectable on the ultrasound, were not aborted and whose birth families lacked the social networks to informally place a child for adoption themselves. This constraint on the 'supply' side of the equation is paralleled by a constraint on the 'demand' side: an 'America First' sentiment towards preferring and supporting SN adoptions within the country, along with increasing ethical reservation regarding the practice of ICA lends momentum to policy initiatives which steer the emphasis away from China:US adoptions. Where these are continuing to take place, the adoptees tend to be older and with SN, characteristics which are considered undesirable in Chinese domestic adoption.

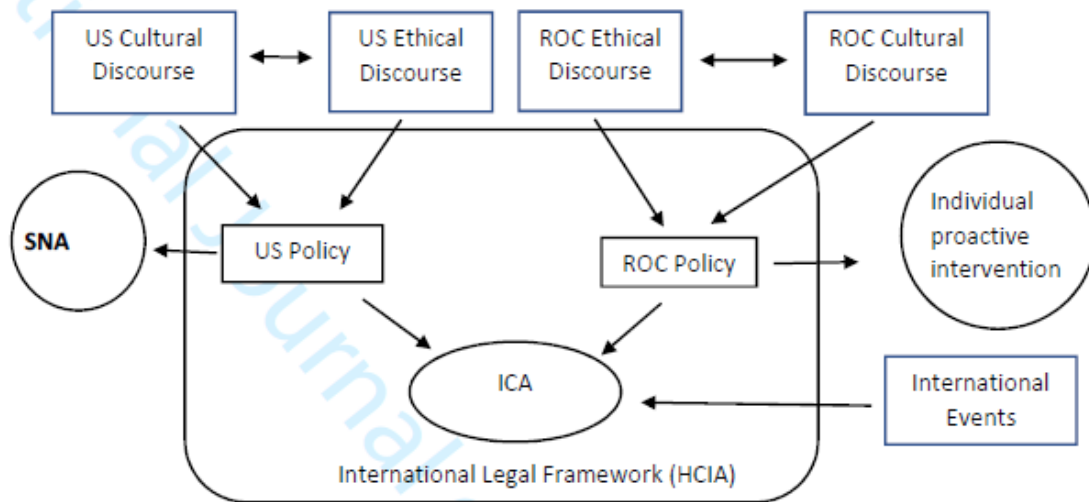
## **Conclusions**

This paper employed a relatively rarely-used methodology which, we argued, was particularly well-suited to the complexities of the data available: heavily slanted towards a western perspective, incomplete in some crucial respects and gathered using a variety of methods. These preclude the dataset from being used to arrive at deductive assertions about the causes of changes in ICA, but the data are sufficient for an inductive process of theory-building. The resulting conclusions are

preliminary and tentative, but nevertheless more firmly based than a straightforward 'expert opinion' paper. They provide the model on which a subsequent process of theory-testing and development may be based.

The limitations of the study to date derive equally from the difficulties inherent in the data and the characteristics of the methodology. Regarding the data, there are some important figures (such as the number of informal domestic adoptions per year in China) which do not exist: indeed, it is difficult to see how they could be gathered. Some other considerations (such as the relationship between key events in the US and public attitudes to ICA from China) are in principle researchable but could not realistically be addressed within the scope of the current study. Regarding the methodology, several omissions influenced the conclusions. For example, an early decision was taken not to seek further empirical data but to work with the published knowledge base alone. Similarly, the decision to focus exclusively on China:US ICA directed the study away from global changes in policy and practice which would cast more light on the broad drivers of change in ICA. These observations reinforce the observation that, while this paper presents a possible model for further study, further testing and study would be required before positive recommendations could be made.

In the light of the findings, and with the reservations above, it is possible to move to a theoretical model of the influences on the scale and nature of China:US ICAs that reflects both the short-term fluctuations and the longer-term decline:



**Figure 6: Model of factors influencing the scale and nature of ICAs between China and the US**

According to this model, the number and type of China:US ICAs is influenced by both ‘supply’ from China and ‘demand’ from the US. The most visible initiators of change influencing adoption are shifts in policy or law which set the terms under which ICAs may be undertaken. However, behind these policies and the shifts in them lie ebbs and flows in the popular perception of the ethical and cultural desirability of such adoptions. That the US has historically had strong anti-communist views with much of its foreign policy informed by this (Briggs, 2012) and indeed, the fact that this was a main thrust of the initial ICAs speaks to the influence of national policy on ICA rates.

It follows that if policymakers from either country wish to influence the number and type of ICAs between China and the US, they may need to engage with the cultural and ethical background against which adoptees and bureaucrats make decisions regarding the appropriateness of any individual arrangement. Although in the long term the law and policy framework in both countries will adapt to reflect the mood

and convictions of the people that frame them, in the shorter term shifts in ethical and ideological sensibilities may prove to diverge and influence actual adoptions.

In reality, it seems highly unlikely that policymakers in either country will desire to increase the rates of US:China ICAs in the foreseeable future. Regarding the 'supply' from China, there appears to be a rising demand for babies to adopt within China (Joyce, citing Johnson notes that: "there's a dearth of children available for adoption in the nation, and middle-class Chinese are rightfully at the front of the line." (Joyce 2014, p.216). Furthermore, social and political shifts in China (such as rising prosperity, the end of the one-child policy; increasing global status) and alternative solutions (as 'individual proactive intervention) are likely to continue to restrict the 'supply' to older children with special needs. However, it is not possible to form a clear picture of the number of domestic adoptions in China because of the high proportion which are undocumented, and the lack of any definitive government data. For example, Wang estimates that in the 1970s there were roughly 200 000 adoptions per year, rising to about 500 000 in 1987 (Wang, 2017); compare this with the official figure of 31 329 in 2011 (Cote, 2013) and it is clear that the rate of adoption cannot reliably be established.

Meanwhile, the 'demand' from the US does appear to depend at least in part upon the cost of adopting a Chinese child when compared to domestic adoption of ICA: witness the increase in SN adoptions within the US after the Adoption and Safe Families Act (2002) provided for financial support (Figure 5) and the dramatically increased uptake of ICA from Liberia motivated by its "cost effectiveness [that caused] families [to line] up by the droves" (Joyce, p.177). Whilst anecdotal, if financial incentives can be this instrumental on deciding the origin of the adoptee, government help in domestic adoption is likely to impact ICA rates. Conversely, the government funding for domestic adoption of SN children is likely to continue to exert pressure away from China:US ICA now that all these adoptees have Special Needs



In the global context, the period under examination in this paper has seen a rapid rise in surrogacy of all sorts, including international surrogacy. For example, “since 2002, India has been open to international surrogacy. Indian surrogates give birth to approximately two thousand foreign babies each year” (Voskoboynik, 2016, p.347). In addition to a preference for domestic adoption, international surrogacy in India and other nations, as well as an increase in domestic surrogacy, may be a contributing factor to declines in ICA at the global level. However, it would be facile to dismiss the US ‘demand’ for adoption as a simple case of unassuaged ‘baby hunger’, and we found no evidence that the increase in surrogacy rates (both in the US and internationally) has had a measurable impact on the total number of adoptions in the US. A detailed examination of this issue is outside the scope of the current paper, but since adoptions in the US are now overwhelmingly of older children with Special Needs, they appear to be undertaken for different reasons.

Whatever the concerns with its ethics and conduct, there is a case that ICA remains the best solution for some among the rising number of children from other countries who can be identified as ‘without parents’ (Briggs, 2012). This number that is growing by millions every year (Crary, 2016) and includes children raised in institutions whose outlook is very bleak (Dowling and Brown, 2009). At the moment, the vast majority of these children reside in countries not acceded to the HCIA, so any opportunity they have for ICA is unregulated and therefore open to abuse and distortion by undeclared interests that are at odds with the best interests of the child.

Within this broad context, the experience of ICA between China and the US over the last twenty years stands out as an example of what can be achieved given sufficient political will. The ‘Principle of Subsidiarity’ which is often held up as the standard of the ‘best interests of a child’ (Cheney, 2016; Joyce, 2017) has been, as far as it is possible to tell, consistently maintained, with ICA only entertained when the alternatives of reunification and domestic adoption have been rejected. On the one hand, the present study demonstrates the extent to which the apparently individual decisions to adopt or offer for adoption a child internationally are

embedded in a network of discourses covering questions of ethics, cultural values, practical alternatives and international events, all of which may affect the frequency and type of adoption undertaken. On the other, it shows that even in this changing landscape (and even against a backdrop of declining numbers) it is possible to deliver steady improvements in the transparency, legal framework and concern for the best interests of the child by regulating ICAs.

To summarise, the practice of ICA as represented by the spectacle of wealthy individual celebrities visiting a developing nation to find an attractive orphan to add to their 'family' is rightly criticised as naïve and imperialistic. Such stories justifiably attract popular suspicion and ethical criticism, but do not represent the best face of ICA. As this study has shown, ICA can be constructed and maintained between two countries in a way that is sensitive to the conditions in each nation and preserves the agency and relative autonomy of each political system but still accepts a shared framework of law and international policy - even where little else (including fundamental political ideology) - is shared. This requires attention to the internal discourses within each country on the ethical and cultural issues surrounding ICA; on the other practical alternatives available and on how, within this context, the best interests of the individual child can be promoted and protected. If national and international policymakers can work creatively within these constraints, the future contribution of ICA to child welfare looks promising.

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