



BRILL

Reply

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We appreciate the attention paid by professors van IJzendoorn and Bakermans-Kranenburg (hereafter IJ/B) to our work and the report by the Committee Investigation Intercountry Adoption (hereafter CIIA). We are grateful to the Journal of Applied History (JOAH) for the possibility to respond, since we do not agree to all IJ/B's observations and criticisms.

IJ/B's comments hinge to a large degree on the undesirability of *institutional care* and how that compares with intercountry adoption as a last resort. We have not addressed or researched this in our work, as we focused on the occurrence of abuses in intercountry adoption to the Netherlands and the knowledge and involvement of the Dutch government and other stakeholders. In that sense we deem this argument somewhat far-fetched. There is nonetheless legal-scholarly debate on whether institutional care in-country must be considered *before* intercountry adoption can take place or not, as also reflected in chapter 2.2. and annex C of the CIIA report, and referred to on p. 7 of our article. But this issue was never a central argument. Instead, we have looked at whether the existence of abuses in the past and adequate guarantees to prevent this in the future would warrant the continuation of intercountry adoption. Without denying that institutional care in several countries leaves much to be

desired, we do not agree that the inadequacy of institutional care elsewhere invalidates the findings or consequences of our work, as future abuses cannot be prevented.

IJ/B state that we use a *flawed market metaphor* in describing intercountry adoption. We agree it is a metaphor (indicated by our use of inverted commas) but find its usage fully justified. The emergence of a critical political economy perspective in recent literature and documented abuses, including trade in children and the payment of hefty sums for children or more recently for surrogacy, testify to its applicability.

IJ/B question our *methods*, saying: “They argue to conduct ‘applied historical analysis’ with the exclusion of developmental research methods or findings” and assert our work is based on non-replicable archival research which they deem of limited value compared to the ‘meta-analytical studies’ they themselves carried out. IJ/B refer to: “(...) a study when it deliberately leaves out findings from developmental research on the impact of international adoption on the triangle of birth parents, adoptive parents, and the adoptees.” We have not deliberately left out findings from developmental research or employed any exclusive focus. This is a misrepresentation of the methods we used. Our archival work was complemented by an extensive literature study, key informant interviewing both in the Netherlands and abroad, a statistically representative survey among nearly 3,500 adoptees in the Netherlands carried out by the CBS [Dutch Statistics], and, among others, a media and political analysis (for a full overview see annex A, CIIA report). This usage of multiple sources and methods enabled us to triangulate our findings, making them more robust than when only based on single ones. Moreover, on p. 3 of our article we state: “Since research into adoption was never a prerogative of historians but was carried out predominantly by social scientists, we will also demonstrate how a historicizing approach as such can be of **added** value to adoption studies by other disciplines” (emphasis added). We have, in annex E of the CIIA report, referred to numerous academic publications on intercountry adoptions in other disciplines. We also believe we have adequately summarized the main contents of the academic debate in that annex and again (in a condensed form) on pp. 8–12 of our article. This implies we never excluded other disciplines. But, in contrast to IJ/B, we doubt whether quantitative or statistical methods are the most appropriate or superior when investigating adoption abuses. Such cases are not only sensitive and seriously underreported, but data collection in developing countries is often absent or incomplete at best. It is here that qualitative methods like key interviews, oral history and field visits may in effect yield better insights.

IJ/B take issue with the *replicability* of our study. This has to do with the confidentiality of some governmental archives. On p. 6 we explain this issue: “(...)

our governmentally-sanctioned project was granted unrestricted access to all relevant archives, non-public ones included. (...) For that reason, we negotiated hard to publish verifiable findings and provide references to archives". We annotated our findings consistently and extensively (over 360 footnotes in the CIIA's main report and over 300 in the annexes). Therefore, our work cannot be likened to investigative journalism, because of our extensive methodological explanations, the use of multiple methods, triangulation, and extensive referencing to sources (including confidential ones).

Finally, there are different *ethical perspectives* possible on how to arrive at policy recommendations: the right of the child to grow up in its own ethnic and socio-cultural environment, and to know its origin and birth parents; the negative impact of intercountry adoption on the identity, wellbeing and development of the adoptees; the possibly illegal aspects of intercountry adoption, the occurrences of abuses and the effects thereof on adoptees; and the potentially negative impact of institutionalization on children. In our ethical reasoning and the recommendation to install a moratorium, we weighed those aspects differently from IJ/B, also in view of what a government is able to do. IJ/B state they "(...) missed a recommendation that the national government(s) take their responsibility for closer and more careful systematic monitoring of compliance with the legal procedures for intercountry adoption." In their view, that would more logically follow from the findings than a moratorium. We disagree. There is no reason to believe that abuses can be excluded by governmental action neither in the Netherlands, nor in countries of origin that are often mal-governed and corrupt. The Dutch Minister of Legal Protection has no jurisdiction in those countries and compliance with international legislation, and procedures cannot be enforced. The CIIA study concluded it was not possible to design a system of adequate oversight on the adoption procedures elsewhere. This was one of the main ethical foundations for the proposal to adopt a moratorium on intercountry adoption.