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# From French Polynesia to France: The Legacy of *fa'a'amu* Traditional Adoption in “International” Adoption<sup>1</sup>

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**Abstract:** In French Polynesia, as in New Caledonia, circulation of children is frequent and just as accepted as the movement of women inside kinship systems. *Fa'a'amu* adoption involves open, direct adoption arrangements between extended family members, and this has gradually included international ones. Since 1970, many *fa'a'amu* babies have also been given to French childless couples. The adaptation of the *fa'a'amu* institution allows us to trace the legacies of this practice in a globalized world. The Kanak adoption tradition provides comparative material that illuminates the new relationships and parenthood(s) found in the “West,” thereby contributing to current debates in kinship.

**Keywords:** *fa'a'amu* and Kanak adoption, International Adoption, French colonization, custom, law, unequal exchange

**Résumé :** En Polynésie française, comme en Nouvelle-Calédonie, la circulation des enfants est fréquente et aussi bien acceptée que les déplacements des femmes au sein des systèmes de parenté. L'adoption *fa'a'amu* passe par des arrangements d'adoption directe entre les membres d'une famille élargie, et cela s'est étendu graduellement jusqu'à inclure des arrangements internationaux. Depuis 1970, plusieurs bébés *fa'a'amu* ont aussi été donnés à des couples français sans enfants. L'adaptation de l'institution *fa'a'amu* nous permet de retracer l'héritage de cette pratique dans le contexte de la mondialisation. La tradition d'adoption kanak offre un matériel comparatif qui éclaire les nouvelles relations et les nouvelles parentalités rencontrées dans « l'Ouest », contribuant par là aux débats actuels sur la parenté.

**Mots-clés :** adoption kanak et *fa'a'amu*, adoption internationale, colonisation française, coutumes, loi, échanges inégaux

I have been studying Kanak adoption and kinship for some 20 years now (Leblic 2000a, 2000b, 2004a, 2004c). Recently, in Rio de Janeiro, I undertook to compare traditional Kanak and Mā'ohi adoption practices with international adoption (Leblic 2012) as an extension of my reflection on this topic, which I began to develop in an earlier book published in 2004b. In the present article, I would like to pursue the question of the connections between traditional *fa'a'amu*<sup>2</sup> adoption and international adoption.<sup>3</sup> As Judith Schachter said at the 2011 AAA session, adoption [has] floated from one domain to the other: a mode of kinship, a version of exchange, an example of custom *versus* law and a thread in colonialism/post-colonialism studies.

In the first section, I will rapidly compare Mā'ohi, Kanak<sup>4</sup> and Oceanic forms of adoption.<sup>5</sup> The Kanak and the Mā'ohi are the two autochthonous peoples of New Caledonia and French Polynesia, respectively, two French Overseas Territories where traditional adoption is frequent. In both cases, as in many traditional societies, circulation of children between families, or “child exchange”<sup>6</sup> (Carroll 1970 and Brady 1976; see also Modell 1995), is as frequent as movement of women inside kinship systems. A parallel can even be drawn between traditions of adoption and marriage, and one can speak of the birth parents as “givers” and the adoptive parents as “takers” (see also Collard 2004) in that for traditional societies, exchanges of children are part of and similar to exchanges of women through marriage (see also Lallemand 1993). I have written elsewhere that the Paicî Kanak use the same terms for the customs and gifts that make an adoption or a marriage official (Leblic 2012): the customary action, *u pa âboro* (*èpo, ilèri*), “to take a human being—a child or woman,” done by the takers of the child or the woman, mirrors that of the givers of the child or the woman, *u tōpwō âboro* (*èpo, ilèri*), “to install a human being—a child or woman.” This custom gives the newcomer access to the lands on which they are installed, like any other member of the lineage they

join, without risk of incurring the wrath of the local ancestors (for more on the vocabulary of Paicî adoption, see Leblic 2000a, 2000b, 2004a, 2004c, 2004d). One of the most important features of traditional adoption in Polynesia, as more generally in Oceania, is that birth parents and adoptive parents choose each other and, in the majority of cases, stay in touch (there is no secret about adoption). As a consequence, the children add together the rights and obligations of their two kin groups (birth and adoption).

In most cases in Oceania, as in many traditional societies, adoption and fosterage are not necessarily linked to the abandonment of children, which reminds us that, unlike in western societies, parents do not have exclusive rights and functions (Leblic 2004d). For instance, Mā'ohi (and Kanak) may give some of their children to other members of the family—not always childless person—and such gifts may be prompted for several reasons, as we will see ahead. This feature puts us in a specific framework of adoption under French law that is the result of colonial history. Until 1946, French Polynesia was governed by “customary”<sup>7</sup> law, which still applies to the exchange of children in New Caledonia (Kanak exchanges not being necessarily a matter of official record). This is why we need to glance back over the history of this particular legal framework.

In the last few years, with the growth of international adoption and the lack of available children in western countries, parents wanting to adopt a child look farther and farther afield. Furthermore, we know that the children who enter the international adoption circuit are “not always”—I could say, “rarely,”—orphans. These two French Overseas Territories can therefore be of particular importance for French childless couples, since Kanak and Mā'ohi adoption may be seen as a “source of babies” and a means of circumventing certain difficulties inherent in international adoption. We can mention here an important difference between Kanak and Mā'ohi adoption, as far as their integration in the international adoption circuit goes. If the Mā'ohi may give their children to non-Polynesian couples living outside the territory, the same is not true in New Caledonia; although I know of three recent cases of Kanak children being adopted by Caldoches (Europeans who have settled in New Caledonia) or metropolitan Europeans living in New Caledonia. There may be more ... but I will come back to this later.

Since the 1970s, many French childless couples have begun looking for children in French Polynesia, where it is customary to give children within the fa'a'amu adoption circuit. This form of adoption is supposed to maintain ties between the Polynesian birth family that gives the baby and the French adoptive family that takes it.

In most cases, the families themselves look for a pregnant woman willing to take part in this system of adoption (see Lainé 2005). Alternatively, in New Caledonia, the Kanak, among whom the circulation of children is widely practised, rarely give their children to outsiders.<sup>8</sup> I attempt to respond to the question of why the Mā'ohi do and not the Kanak, whereas their traditional systems of adoption are very similar. I also show that, for us, the fa'a'amu transfer of children to these *Popa'ā Farāni* couples (“whites from France”) corresponds to international adoption, whatever one says, and will try to answer the question of why Popa'ā Farāni couples choose children from French Polynesia.

## What Does “Adoption” Mean in Oceania?

I agree with Carroll that the essential question is “What does ‘adoption’ mean”? Is adoption “any customary and optional procedure for taking as one’s own a child of other parents”? (1970:3). Carroll answers the question, “by noting that answers to questions about adoption are answers to questions about the nature of kinship itself” (Brady 1973:437). Goodenough concludes the same volume by insisting on the fact that

because adoption and fosterage involve transactions in which rights and duties are transferred or delegated from one party to another as parents, the study of these practices can help to clarify how parenthood is culturally structured in a particular society and thereby, lead to clarification of the phenomenon of parenthood in a general, cross-societal and hence, anthropological sense. [1970:391–392]

All these works bring Brady to formulate a new definition of adoption:

Emphasizing the importance of adoption as a socio-cultural process of recruitment to kinship identities, a new definition may be formulated as follows: *Adoption is any positive and formal transaction in kinship, other than birth or marriage, that creates new or revises existing kinship bonds to bring them into accordance with any other kinship identity set customarily occupied by two or more persons in that society ...* It is precisely this culturally specific capability to manipulate and change kinship identities that makes adoption possible. [1976:10–12]

To conclude, we will see what kinship and adoption in traditional societies can provide in the way of paths for reflection about kinship in western societies and what lessons our view of traditional adoption can teach us in the current debate on new forms of kinship and parenthood. It should not be forgotten that both adoption and

marriage transform alliance into descent (Shore 1976:196). Because a number of the questions raised in the present debate on these questions in western societies are often familiar to anthropologists working on kinship in traditional societies, we will start our own reflection with these two examples of child circulation. Indeed, today's sociology of the family no longer deals with this but with what are considered, from a certain point of view, as accepted standards (ARTs, gay couple adoptions, etc.), so that one sometimes has the impression of reinventing here what the anthropology of kinship has dealt with from time immemorial.

From the early years of the discipline, researchers in anthropology discussed practices of child exchanges. From the traditional approach which, in England, lays stress on rights and obligations (Goody 1982), in the USA, on culture et personality (Carroll 1970) and, in France, on the gift (Lallemand 1993), to the more contemporary current of the deconstructionist analysis (Schneider 1984), the study of the relationship between certain children and their parents of substitution helped these researchers to reconsider the naturalized categories of the marital family. [Fonseca 2004:209; my translation]<sup>39</sup>

### **Traditional Adoption, French Law and Individual Law: Overseas French Specificities**

Like French Polynesia, New Caledonia is still a French colony. There is, therefore, a certain number of local particularities that have been taken into account in their history by the French legislation applied to the native peoples of the two Overseas French Territories, the Kanak and the Mā'ohi. We will quickly see that if Kanak and Mā'ohi child exchanges are quite similar, we need to take note of their principal differences, which are connected with their different inscription in French law. Since the colonial history of these two territories has left its mark on the present legal framework of personal status, we will set out a few elements that will enable a better understanding of what is at stake in adoption.

Until 1946, Kanak and Mā'ohi were not French citizens, which implies, among other things, that they did not enjoy the full rights entailed in citizenship and, in particular, the right to vote. Since the 1946 Constitution, which allowed all autochthonous inhabitants of the French Union to acquire French citizenship, the law has provided for some exceptions to the legal code governing French citizens, to respect certain fundamental customs in the organization of the autochthonous societies. This was the object of Article 82 of the 1946 Constitution, which provided that those persons concerned could keep their

personal status, providing they had not expressly requested to come under French law. These dispositions were reiterated in Article 75 of the 1958 Constitution, which stipulates that

Citizens of the Republic who do not have ordinary civil status, the sole status referred to in Article 34, shall retain their personal status until such time as they have renounced the same. [Assemblée nationale 1958]

The customary status of the native inhabitants of French Overseas Territories thus included certain specificities, which continue to apply today, in the case of the Kanak people of New Caledonia.

The regime of personal status is that in which the law applicable to persons depends not on the country of which they are citizens but to the ethnic, religious or other group to which they belong; the domain legally governed by this criterion is limited to questions not concerning the country in general but to those more or less internal to the "community" of belonging, essentially family law. [Cercle d'étude de Réformes féministes n.d.; my translation]

In the lawmakers' thinking, this was supposed to allow a gradual transition from customary law to common law.<sup>9</sup> But that did not happen in New Caledonia, and customary rules still govern the civil status of the Kanak people.

The effective application of personal civil status takes several forms. In New Caledonia, the existence of two civil statuses (common law and personal status), the form of the marriage, birth, adoption and death certificates and the procedure followed for their establishment differ in each case. In Wallis-and-Futuna as in New Caledonia, unwritten customs that vary from one region to the next govern the personal civil status of those persons who have not renounced them. In its positive law, the Republic recognizes private property governed by Islamic law on Mayotte, by customary ownership on Wallis and Futuna, and in New Caledonia, groups governed by particular local law, the system of joint clan ownership on Grande Terre and communities of inhabitants in the forest of Guiana. Here the constitution provides for juridical pluralism, a space where questions of power and authority can be debated and resolved according to a system of standing agreements (see Canton-Fourrat 2006).

Today, as the twenty-first century gets underway, Kanak adoption thus comes under customary law, as does everything having to do with the family relations

of persons enjoying a particular legal status. The Kanak, in their great majority, are still governed by the particular civil status, which stipulates in Article 37 of the Territorial Assembly deliberation of April 3, 1967, that what matters is the application of the customary rule after consent by the families concerned. Since the Noumea Accord (May 5, 1998), the term used in the Kanak case is "customary status." For example, in 2005, of 4,106 births, 1,660 (40.4 per cent) were registered under customary status (ISEE 2006:46), which should correspond to the majority of Kanak births<sup>11</sup> (the Kanak population accounts for approximately 40 per cent of the total population of New Caledonia). One of the characteristics of these customary rules is that they are unwritten and can vary from one customary<sup>12</sup> area to another. That is why the Customary Assembly is presently considering standardization of these rules to clarify and adapt them to life as it is today.

When it comes to circulation of children, this customary status has several consequences: all customary adoptions are carried out by agreement between giving and taking families (lineages, clans). Transfers of children, as with customary marriage transfers,<sup>13</sup> are not necessarily registered with the French administration, unless there is some advantage to this (welfare benefits in particular), which means that families adopting in this framework do not need to be approved by the social services, etc., much to the displeasure of many employees of these services, who would like more control over customary adoptions, which they often see in a very negative light (for some pejorative views on Kanak adoption, see also Salomon and Hamelin 2008). All of this is, of course, done for the "child's best interests," a very western notion (Collard and Leblie 2009b; Leblie 2004d; Schachter 2011).

The situation is very different in French Polynesia, where the Mā'ohi do not have a particular civil status. Nevertheless, so-called fa'a'amu adoption entails certain specificities.<sup>14</sup> In effect, the texts dealing with adoption, particularly Law 66–500 of July 11, 1966 (bearing on adoption reform), do not apply in this territory.<sup>15</sup> Therefore, since 1970, in French Polynesia the principle of delegation of parental authority (established by Law 70–589 of July 9, 1970) provides a framework for the circulation of fa'a'amu children. By law, for the first two years of the fa'a'amu child's life, this is not an adoption per se but a delegation of parental authority drawn up with social services and the family court of the Court of First Instance in Papeete and signed and filed by both the birth mother and the future parents. The judge orders an investigation into the social circumstances of the child's parents to ensure that the gift is being made

freely and not under any constraint, so that the judgment of delegation of parental authority can be delivered, which is the only way the adoptive parents can return to France with the baby, a few weeks after its birth. It is also the only legal way of controlling this form of traditional adoption.

Even if this child retains the civil status it had at birth, its status as a child entrusted to a guardian by court decision gives these parents all social rights. At the end of the two-year waiting period (duration of the delegation of parental authority), the parents can obtain from the court located in the child's place of residence the adoption order, which can be for simple or full adoption,<sup>16</sup> depending on the case. This can be done no earlier than two months<sup>17</sup> after the signature of the consent to adoption before the registrar of the Tribunal de Paix in Papeete or before a notary, by the biological parents, with whom the adoptive parents have made a moral contract to maintain ties with the family.

Since 1993, fa'a'amu adoption, like all other forms, is governed by Law 93–22 of January 8, 1993, which modifies the text of the Civil Code relative to civil status, the family and the rights of the child by creating a family court (published in the *Journal Officiel* of January 9, 1993, entering into application from February 1, 1994). The delegation of parental authority is still in effect for all fa'a'amu procedures.

### **Circulation of Children, Child Exchanges and Functions of Traditional Adoption**

To begin with, we can say that adoption is one of the means used by human societies to produce kinship.<sup>18</sup> In Western Europe, adoption fulfils three principal but non-exclusive functions: provide orphans and abandoned children with a family (since World War I in France); provide childless couples with a social progeny; and provide a couple or an individual with an heir in the context of transmission of goods and statuses. Today, as a result of globalization, traditional forms of child exchange often face the importance of international regulations. For instance, since the Convention on the Rights of the Child (CRC) was adopted in 1989, it is customary to evoke the interests of the child in all types of transfer. Chantal Collard and I<sup>19</sup> have shown (2009b) that there was no common standard of well-being of the child among cultures throughout the world, despite the fact that the CRC guarantees a well-being of the child that one hoped would be universal but, ultimately, is all too often only found in the West<sup>20</sup> (see also Sheriff 2000). The western vision of the child's welfare may well not suit the ethos of many cultures; yet it implies the right to intervene when it is threatened (Collard and Leblie

2009b:8).<sup>21</sup> In the same volume of *Anthropologie et sociétés*, devoted to childhood in danger (Collard and Leblic 2009a), I noted the unintended consequences that could result from imposing this well-being as a universal with respect to the affair of the Arche de Zoé (Leblic 2009:83–99). That having been said, let us return to so-called traditional adoption and its main functions.

There is a great diversity of adoption situations in the world, and we can say without much risk that the circulation of children is an almost universal phenomenon. In traditional societies, adoption fulfils several functions; here, I recapitulate the main ones, with no implied hierarchy. One of these functions is, without doubt, to give parents to children who don't have any and vice versa (to ensure the survival and reproduction of the group). But adoption can also respond to the desire to help individuals attain better positions. Adoption also helps balance the sex ratio and compensate a deficit of girls or boys in a sibling group, in particular in response to the needs of alliance, which often demand that to get a wife for my son, I must give a daughter for the son of someone else. This transfer can also “pull” (*tirer*) the child—that is to say, remove it from a bad influence, often having to do with sorcery, to protect it; this is not always unconnected with traditional practices of infanticide, which are avoided by transferring the child. Sometimes it is economic interest that dictates these transfers, the children being given as surety, placed in apprenticeship in domestic work but also entrusted to persons more well-off who can ensure the child a better education. And then there is the child as “old-age insurance,” given to support elderly and/or isolated relatives. Lastly and, no doubt, one of the most widespread causes of adoption in traditional societies is the gift of the child that seals new relations between groups or maintains old relations (in parallel to alliance), etc.

In traditional forms of circulation, children (but sometimes adults as well) are moved in the roles of sons/daughters but also as son-/daughter-in-law or another kin relation, in particular grandson/granddaughter. In sum, the causes of child transfers come down to four (Lallemand 1993):

- survival, reproduction, to resolve the case of orphans or barren parents;
- necessity, in response to excess progeny or a divorce;
- social reasons: to balance the sex ratio;
- welfare: to remove the child from harm's way.

Recall that adoptions are quite often repeated between two (or more) groups in cycles that can be seen in the genealogies. These transfers are carried out by:

- direct exchange (a child for a child);
- differed exchange (a child given in turn but later);
- asymmetric exchange (A gives a child to B who gives to C).

After these few reminders about adoption in traditional societies, I look at the case of the Kanak of New Caledonia<sup>22</sup> and the Mā'ohi of French Polynesia.<sup>23</sup>

### Mā'ohi Adoption, the Notion of fa'a'amu

Traditional fa'a'amu adoption can be defined as an open form of adoption entailing a direct arrangement between more or less closely related members of the same family. A few words about Mā'ohi vocabulary are in order here. In the Mā'ohi language, the fa'a'amu child is “the child one feeds/nourishes,” while the term fa'a'amu designates the adoptive parents as well. *Fānau*, meaning “to give birth,” is used for the parents who give their child (from *fānau* (v.), to be born, to give birth, and *fanau'a*, (n.): 1. child (Académie tahitienne 1999:142; my translation).

The reasons for adoption are to render or reciprocate a service, to honour relatives or friends, to strengthen alliance ties, to respond to economic hardship, desire for a child or “old-age insurance,” etc. Along with Jeanette Dickerson-Putnam (2008:891), I can say that “children, like other family resources, are communally ‘owned’ by extended family members” (see also Billard et al. 1994; Hooper 1970). But that cannot be considered a restrictive view of fa'a'amu adoption, since fa'a'amu exchange not only occurs between members of the same family but also is connected with the alliance system.

Teuira Henry speaks of child exchanges as occurring frequently in Tahitian society, in connection with ritual infanticide reserved for the 'Arioi'<sup>24</sup> society (Serra-Mallol, personal communication).

Tahitians have always adored children. Those who had none adopted and those who had many exchanged them with other families. Adoption was a common gesture of friendship between relatives and friends. These children happily divided their time between their real and their adoptive family. Despite this affection for children, infanticide was so frequent that, Captain Cook having noticed this, tried, in vain, to lecture King Pomare about it. When the first missionaries landed, they found that at least two thirds of all children were killed at birth. [Henry 1962:282–283; my translation]

In addition, naming is an important part of the adoption process<sup>25</sup>:

A family's adopted children were made legitimate by giving them a name from the marae,<sup>26</sup> called *vanuvau i'oa* (receiver of the name) and it was considered an injustice not to admit them into the family. [Henry 1962:149; my translation]

Jean-Vital de Monléon, who made a particular study of fa'a'amu adoption, underscored the parallel between adoption and alliance, as we saw in the case of New Caledonia, noting that "at all levels of society, adoption is a form of alliance that allows ties forbidden by consanguinity (Billard et al. 1994)" (Monléon 2004:61; my translation).

If French Polynesia does not manage traditional adoption within a legal framework in the same way as New Caledonia, it is nevertheless a long-standing institution in Mā'ohi social organization that is driven by various motives (Monléon 2004)—to fulfil an obligation (in response to a service rendered), to honour relatives or friends by giving or accepting a child, to reply to the desire to establish or strengthen an alliance, to have children in the house (a sort of "old-age insurance") and to cope with economic difficulties. All of these reasons for the circulation of children among the Mā'ohi are very similar to those found for traditional Kanak adoption and to those found throughout Oceania (Brady 1976; Carroll 1970).

The fundamental difference we find in today's form of fa'a'amu adoption is its inclusion in overseas adoption in the context of international adoption, the reasons for which, according to the study of fa'a'amu adoption presented by Nadaud (1993) and summed up by Jean-Vital Monléon, are

lack of interest in the child (a mother who is too young, too many siblings), rejection of a child (undesired sex, child of a former marriage), kidnapping (usually by ascendants), forced fa'a'amu (neglected children, accepted out of pity) and fa'a'amu for reasons of conflict between the parents (in the case of separation or crisis in the couple). [2004:61; my translation]

I consider that there are four ways of carrying out fa'a'amu transfers today at the beginning of the twenty-first century: cooperation within the family; marital reasons extending to separation of the parents; professional reasons, giving rise to numerous cases of fosterage or temporary adoption; finally, as an alternative to family planning, where adoption is a means of birth control. Monléon also points out the increasing negative influence of globalization in this type of adoption.

Despite the often exemplary and premonitory side of adoption in Polynesia, where the social often prevails over the biological for the good of the child, my conclusion will nevertheless be pessimistic. I have noted over six years an unfavorable evolution of the phenomenon and its pollution by an insidious globalization. In a time where adoption the world over is governed by a Western standard, The Hague Convention, will traditional adoption still have a place? Furthermore, owing to the same convention, adoption has become increasingly difficult world wide, which means that more and more candidates are looking to Polynesia and perverting the system there, going as far as to pay for children. [2004:75–76; my translation]

### Child Transfer: Contrasting the Kanak System and the Mā'ohi System

The traditional Kanak system has little place for adoption outside the community or the country; one does not give one's child outside the kinship or alliance network, as reference to Kanak social organization takes precedence. Nevertheless, in the past few years, there have been several cases of adoption of Kanak children by non-Kanak residents of New Caledonia. As I am acquainted with only a very few of these (perhaps due to the fact that one often hears of them by chance), it is hard to have an exhaustive view of this new practice. But one wonders if these out-of-context Kanak adoptions might not be expedient for taker families seeking to adopt abroad.

The first case I heard of<sup>27</sup> was the adoption of a two-and-half-year-old girl instigated by the child's grandmother and her single mother from a very poor family with numerous children (many of whom were born to single mothers) and unable to satisfy even their most elementary daily needs. The child's parents, who lived in the bush, therefore asked a woman from Noumea with whom they were in regular contact because of her professional activity and who often brought them basic foodstuffs. The adoptive family already had three children (two boys and a girl) and had never thought of adopting before being asked. It was the occasion that prompted them, together with the catastrophic situation of the birth family, since the grandmother no longer wanted to take care of her fatherless grandchildren born after alcohol-fueled parties.

They thus asked me several times to take the little girl with me. I asked them if they wanted me to adopt her. Which they confirmed. I told them I had to talk to my husband and my children. Then three months later, we took in the little girl, who was two and a half at the time. [Personal communication, May 11, 2009]

As in the case of traditional adoptions, the adopted child visits her family regularly; the adoptive family also regularly receives other daughters of the family for schooling in Noumea. This adoption is thus typical of a gift for economic reasons based on relations of trust with the future adoptive mother.

One of the main differences between these two forms lies in the fact that, to fully adopt this little Kanak girl, the adoptive family had to go through the necessary court procedures, although without having been approved by the territorial family services, since they had a letter from the biological mother saying she had entrusted the child to their care.

It had been explained to me that full adoption gives the child the right to the same share in the inheritance as a biological child and that this was not the case in simple adoption [in the end, this information proved false]. In any event, I wanted all of my children to carry the same family name, on the one hand and, on the other hand, the fact that my daughter changed names does not mean that ties with her family are broken. That's what I also tried to explain to my daughter. And she sees her family two or three times a year. [Personal communication, May 25, 2009]

Full adoption was granted at the end of a fairly long procedure (six years), following agreement by the biological mother (in writing and directly before the court) and by the child's maternal grandfather, who normally has authority over the family.

It seems to me that the child's grandfather is a *petit chef*, they were all in agreement. At one point, after some six years of adoption procedures, the mother had finally written to the court that she no longer wanted a full adoption and that she would like the child to keep her family name. I was very surprised and asked her "why" and, if she wanted her child back, there was still time ... She just answered "no, especially not that," then she wrote again to give her agreement for full adoption. [Personal communication, May 25, 2009]

The two other cases I heard about concerned childless couples, one of whom had tried for an international adoption. After having attempted to adopt in the national and international circuits, the first couple took in a little Kanak girl living in their neighbourhood. After having managed to adopt a child within the international framework, they nevertheless continued to take care of the little Kanak girl, in a sort of fosterage arrangement. The second couple I know was unable to have children and adopted two Kanak babies.<sup>28</sup>

It emerges from these three examples that all of these adoptions are based on relations of proximity between giver and taker families, in what is, to be sure, an unequal exchange—the first being destitute, the second much better off—as an aid to needy families, to give the transferred child a chance of a better education, etc. It should also be noted that taking a disadvantaged Kanak child, often a girl, into a well-off Noumean family to give her or him a "good education" was formerly practised in Noumean colonial high society. But it did not necessarily end in adoption, either simple or full.

In February 2013, I heard of another case of a Kanak baby being adopted by a French couple in France. This is a special case because it is based on pre-existing ties between the givers and the takers. The French couple already had a 12-year-old child. The father, whom I will call X, had spent many years in New Caledonia and was very close to a few Kanak families. In fact, the godfather of one of his sons was a Kanak friend who has since died; but the metropolitan family still has close ties with the whole family. X received one of the daughters of his son's godfather in France some time ago. She had had a baby in a relationship that did not last and did not want to raise the child. Therefore, she first entrusted it to her mother, the widow of X's child's godfather. But the grandmother had too much work with her other children and asked X and his family if they would take the baby in France, if the mother did not change her mind and persisted in abandoning her child. So the family of X took advantage of their vacation to go to New Caledonia for the baby and bring it back to France with them. But they wanted the child to keep the birth family's name, even if they adopted it. And to keep up ties with the birth family, they made a photo album that everyone shares.

We thus have two types of transfer. The first aims to take the Kanak child out of its environment and give it "a better life" (at the instigation of the biological parents). The second consists in remedying a couple's lack of descendants (at the couple's request), as a way of getting around the difficulty of international adoption, with its long and complicated procedures.

I turn now to the concrete details of fa'a'amu adoption to metropolitan France. Between 1977 and 1993, a minimum of 60 and a maximum of 199 Mā'ohi children each year entered the fa'a'amu adoption circuit, whether between Polynesian families or with a metropolitan family doing the adopting. For over 20 years, between 21 per cent and 30 per cent of delegations of parental authority have concerned non-Mā'ohi families from metropolitan France. Just what is delegation of parental authority? The originality of international fa'a'amu adoption resides

in the fact that the givers and the takers of children choose each other. In this context, since 1970, numerous Polynesians have entered the international adoption circuit by extending the gift of their fa'a'amu babies to (often childless) French couples, more and more of whom come looking for a baby but always in the context of direct arrangements between givers and takers. If it is important for the birth mother to know where the child she wants to give will go, the parents to whom it will be given often want to meet the pregnant woman who is relinquishing her child for fa'a'amu adoption. It is only once the contact has been established and they feel they have a good rapport that the transfer can be made. This is based on establishment of a relation of trust between biological and adoptive parents (the adoptive parents thus make a moral pact with the birth mother and with the mother's family to keep them posted, as we will see in what we call "international" fa'a'amu adoption). It is, therefore, necessary to the adoption that the adoptive mother at least attends the birth of the child and that she helps and supports the birth mother in the days following the birth until the gift is completed. For, as both sides say, this is indeed a gift. And it is in this way that the tradition of fa'a'amu adoption has come gradually to include international adoption but within the same traditional framework: givers and takers of the child choose each other, which constitutes the originality of this type of adoption within the French system. And, as we saw earlier, French Polynesian customary law was adapted to the French Civil Code via the delegation of parental authority. Therein resides another originality of this type of international adoption via the fa'a'amu system.

With this framing of the Ma'ohi traditional code in the French Civil Code, the adaptation of the fa'a'amu institution to the demands of childless French couples allows us to trace the tidemarks and legacies of this adoption practice in a globalized world.

It is likely that this all seeks to serve the best interests of the fa'a'amu child, many of whom are born to very young and/or single women. Many others have numerous siblings. In all events, we are dealing with giver families faced with economic and social hardship and who want to give their future child a better life. Something else to take into account here in trying to understand the transition from traditional to international adoption is the fact that in French Polynesia, unlike metropolitan France, abortion was illegal until 2002. These transfers of children can therefore be seen as an attempt to answer the question about what is the best future for a fa'a'amu child. With the advent of legalized abortion, there are an estimated 1,500 or more abortions a year for 4,500 births, which shows that the

demand was pressing. Since then, the number of delegations of parental authority to metropolitan couples has dropped sharply, proof if need be of the impact of one phenomenon on the other.

Let us now come back to the national or international character of fa'a'amu adoptions outside Polynesia. Normally, what we call international adoption implies that there is no contact between birth parents and future adoptive parents, as stipulated in Article 29 of the Hague Convention (Hague 1993)<sup>29</sup>:

There shall be no contact between the prospective adoptive parents and the child's parents or any other person who has care of the child until the requirements of Article 4,<sup>30</sup> sub-paragraphs a) to c), and Article 5,<sup>31</sup> sub-paragraph a), have been met, unless the adoption takes place within a family or unless the contact is in compliance with the conditions established by the competent authority of the State of origin. [Art. 29, Text 33]

Even if Article 29 does not apply here, it does not prevent considering fa'a'amu adoption of children by metropolitan couples living in France as an international adoption. There are several reasons for this. The first is that French Polynesia (like New Caledonia) was historically a French colony. And, to my mind, it is in no way possible to compare intra-national adoption as it occurs in metropolitan France with fa'a'amu adoption, even within French Polynesia, where, unlike in France, social services play no part. Second, Pōpā'a Farāni couples who come to Polynesia for babies are looking for a child in the framework of an international adoption and take advantage of the fact that this territory is still French to circumvent several difficulties encountered in the framework of international adoption (complexity and length of the procedure, in particular). It is even possible that knowing exactly where the future adopted child comes from is also something certain couples may be looking for. Lastly, we are still in an unequal exchange between North and South. If "legally" we are dealing with what jurists call a "national adoption," the global movement of children is similar to that of international adoption. Owing to the colonial context, it is not the legal aspect, "an adoption within national borders," that matters to us here but the local practices and their "exploitation" by French couples in an exchange which, in spite of the fact that certain contacts continue, remains unequal.

### **Kanak and fa'a'amu Adoptions versus International Adoption**

While Kanak<sup>32</sup> and Mā'ohi child exchanges are very similar, I would like to recall the main differences between them. Inclusion of the fa'a'amu practice in the context



Table 1: Comparison between international adoption and Kanak and Mā'ohi adoption

International adoption and Mā'ohi adoption fa'a'amu	Kanak adoption
Occurs outside French Polynesia as well.	Only in territorial New Caledonia.
Adoptive parents deliberately set out to "find a baby."	Personal relations between the families exist before the transfer (on the same model as traditional adoption).
More structured social organization?	Social organization counts on the importance of ties and the relationship.

of national adoption—even if this flows essentially in the direction of metropolitan France—with importance given to personal relations between givers and takers and, therefore, absence of anonymity is important and relatively old. This type of international adoption, modelled on traditional adoption and thought, in terms of adding together both sets of ties and filiations (even if it is a full adoption in France), is a well-known and reputedly easy path for metropolitan couples looking for a child.<sup>33</sup>

Alternatively, because Kanak customary status is still recognized by the French administration, there is no need to register Kanak adoptions with vital statistics. The few recent and still very personal cases involving givers of children attempting to cope with family, economic or educational difficulties and/or takers attempting to solve the problem of childless friends living in New Caledonia remain the exception. And today, when it comes to traditional exchanges in New Caledonia, circulation of Kanak children is still not under the control of the social services (who would like to take charge "in the best interests of the child"). Therein lies one of the biggest differences between the two systems, since fa'a'amu circulation of children between Polynesian families must obtain a delegation of parental authority. Table 1 sums up the elements of this comparison.

In both cases we see the importance of often young, single<sup>34</sup> mothers as providers of adoptable children, whether through the traditional circuit, in the Kanak case, or in the international setting, in the case of Polynesia. In this context, we should remember the correlation between the drop in the number of fa'a'amu children and delegation of parental authority to couples from metropolitan France, since the legalization of abortion in Polynesia in 2002. Thus, everything seems to suggest that women not wanting another child took advantage of the fa'a'amu system to give away super-numerary or undesired children. And in this context, people say it is better to give to Popā'a than to Mā'ohi because the former are motivated by the desire for a child while the latter are moved only by charity.

In conclusion, I would like to try to answer the question posed at the outset: why do Mā'ohi give their children in the international adoption circuit and the Kanak do not?<sup>35</sup> At the present stage of my research, several paths have opened to explain these different ways of dealing with traditional practices in a globalized world.

The first explanation may lie in the social organization of the two groups. I cannot go into detail here, but it is certain that the Kanak social system has remained much more close-knit than that of the Mā'ohi and no doubt less destructured by colonization. The seclusion of the Kanak on reservations for the better part of the colonial period played a part. Their exclusion from the white world and the ban on circulation and, particularly, on going to Noumea all made it easier for the Kanak to maintain a viable "traditional"<sup>36</sup> social organization for a longer time. For the Kanak, the relationship between the individual and the group remains a fundamental definition of their person, in conjunction with the ancestors and the ritual practices devoted to them. This social cohesiveness has also been maintained in part by the customary status, which is still in force today and which can even be said to have been strengthened by the Noumea Accord in 1998, since some individual Kanak, who had lost their particular status through divorce or having been born of a mixed marriage, could ask to be reinstated.<sup>37</sup> It is hard to imagine how a child could be extracted from this system. But the example discussed above, of a child given in adoption to a European family in Noumea, shows that one can sometimes be faced with specific situations of advanced social disintegration (the importance of alcoholism in families, girls conceiving undesired children at drunken parties and an overall increase in the number of families living in extreme poverty).

One reason for this difference has to do with the variable experience of French colonization, which had different effects in the two South Pacific archipelagos. Because of the Kanak's customary status, their social organization was better protected than that of the

Mā'ohi, which largely explains, to my mind, the difference in their insertion in the international adoption circuit. It may be that the Polynesian practice of adoption prefigures a future relationship in other peripheral societies with their colonial powers. Here, if I dare say, Polynesia may be “more advanced” than New Guinea. And that is the second explanation that may be offered—a different evolution in the two social systems and their late inclusion in the process of globalization, with all of the de-structuring effects that often implies. It is perhaps also a way of responding to important social and economic crises affecting these colonial societies.

Lastly, the circulation of children in any so-called traditional society reminds us that the family and more generally kinship are social constructions and that blood or biology is not enough to create kin ties (Gailey 1999,<sup>38</sup> 2010; Collard 2000; Leblic 2004d; McKinnon 2008). Studying child exchanges in Oceania can therefore teach us much and influence our reflections on kinship and parenthood in today's western societies.

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## Notes

- 1 This article stems from a presentation I made to the AAA in 2011, “Tracing Pathways of Kinship in Assisted Reproductive Technologies (Arts),” and in the adoption session organized by Chantal Collard and Françoise-Romaine Ouellette in Montreal on November 18. Particular thanks to Chantal Collard for discussions about my presentation.
- 2 *Fa'a'amu child* means the child one nourishes/nurtures.
- 3 This work is thus an extension of previous work on kinship and adoption (Leblic 2004b), first within the former research group Anthropology of Childhood, headed by Suzanne Lallemand, and then with other colleagues (in particular Chantal Collard; see the workshop “Adoption et nouvelles parentés-parentalités,” which I organized at the lacito (Languages, Civilisation and Oral Traditions) cnrs, December 10, 2010 (<http://lacito.vjf.cnrs.fr/colloque/parente/index.htm>) and within the kinship research unit of the Laboratoire d'anthropologie sociale (las). I have not yet been able to do fieldwork either in French Polynesia or

on the metropolitan families having adopted there. This last part of my study is in its initial phase, e-mail contact having already been made with some families, whom I am to meet soon.

- 4 For lack of space, I will focus primarily on adoption in French Polynesia. For Kanak adoption, see Leblic (2000a, 2004a, 2012) and for another point of view, see Salomon and Hamelin (2008).
- 5 Much has been published on adoption in Oceania. I will refer the reader here to the two principal collective volumes, which propose a broad overview of the question (Brady 1976; Carroll 1970), and to a more recent volume, *Changing Interpretation on Fosterage and Adoption* (Dickerson-Putman and Schachter 2008).
- 6 Since Carroll (1970) and Brady (1976), we have become accustomed to speaking of adoption and fosterage of children in Oceania in terms of child exchanges (see also Modell 1995).
- 7 What I call custom or *kastom* is not something static and frozen in time (see Leblic 1993); it is always evolving, changing, more in a dialectical process between Kanak and non-Kanak practices, representations and values (for Hawai'i see also Modell 1995:202; Schachter 2008).
- 8 In February 2013, I heard of the case of a Kanak child adopted in France (by a couple having lived for a long time in New Caledonia) as a service to a member of the adoptive father's extended family. It is often the case that metropolitans, having worked for a long time among the Kanak (which is also the case of the anthropologist), find themselves included as though by “adoption” in a Kanak family network.
- 9 On the adaptation of Kanak customary law, see in particular Agniel (1993).
- 11 Even if we must take into consideration the fact that the Kanak have on average more children than Europeans in New Caledonia, they have fewer than some other ethnic groups.
- 12 The Kanak of New Caledonia are divided into eight linguistic and customary areas. The Customary Assembly “is the assembly of the different customary councils in the Kanak territory. It reviews the bills and propositions from the territory or deliberations concerning Kanak identity ... it is composed of sixteen members designated by each customary council according to customary practices, two representatives for each customary area.” [http://www.gouv.nc/portal/page/portal/gouv/institutions/senat\\_coutumier](http://www.gouv.nc/portal/page/portal/gouv/institutions/senat_coutumier), accessed December 2, 2009 (my translation).
- 13 In 2005, only 29.3 per cent of unions were customary marriages, which may mean that many of them were not counted.
- 14 For an overview of the specific characteristics of *fa'a'amu* adoption, see Anonymous (2008), Billard et al. (1994), Brillaux (2007), Brooks (1976), Charles (1995), Charles-Capogna (2006), Gourdon (2004), Levy (1970), Marshall (2008), Monléon (2000, 2001, 2004), Nadaud (1994), Ottino (1970), Prel (1996), Saura (1998) and Scotti (2008), Viallis (2002, 2009a, 2009b), Wiki de l'adoption (2008). In addition, a memorandum from Service des Affaires sociales, dated November 28, 2003, recapitulates the history of this kind of adoption. Several useful texts can be found on the Wiki adoption site.

- 15 If the lawmaker has not expressly stipulated it, laws passed in France are not automatically applicable in the overseas territories. They must first be validated by the local assemblies, which then decide whether they are to be applied in their territory.
- 16 It must be remembered that, in full adoption, the child's first birth certificate is annulled and a new certificate is drawn up, which carries no mention of the birth parents and, therefore, of the child's biological filiation. At the same time, all references to the child's family name and, if the parents so wish, its first names also disappear. This is the principle of replacing one filiation by another. In the case of simple adoption, the birth certificate retains a record of the adopted child's original filiation. Here we have the principle of double filiation, which adds on rather than substituting; nevertheless, only the adoptive parents have parental authority.
- 17 A waiting period, during which the birth parents can change their mind.
- 18 Note that historians of medieval Europe see adoption as a way of both manipulating and manufacturing kinship (Corbier 1999:32).
- 19 See also Leblic (2004d).
- 20 But it must also be said that the emphasis in the international conventions on children's rights is sparking new interest in childhood studies, for which we can only be glad.
- 21 "It is not a matter of doing a remake of the Arche de Zoé trial, but of showing how this affair is the best illustration of the excesses that can be engendered by the so-called universal nature of the child's welfare, among other things" (Leblic 2009:84).
- 22 My fieldwork on kinship and adoption was carried out for the most part in Ponerihouen, on the west coast of Grand Terre, in the Païci area. I recently began work in a new area, in Ouvea (the Loyalty Islands) for purposes of comparison.
- 23 The Mā'ohi data comes essentially from bibliographical sources and from a few telephone or e-mail conversations.
- 24 "*Arioi*, n. Brotherhood of wandering artists composed of eight classes into which the candidate was admitted out of a novitiate" (Académie tahitienne, 1999:64–65; my translation).
- 25 This is also the case in New Caledonia.
- 26 The *marae* is a sacred place made up of a stone platform where worship was formerly held, often in association with ceremonies of a social or political nature (Académie tahitienne 1999:251).
- 27 I have not done any fieldwork *per se* on Kanak adoption out of context. I have had some information through e-mail and telephone conversations with persons concerned by this question in an attempt to understand the difference between the Kanak and the Mā'ohi systems.
- 28 But for the moment, I have been unable to reach them for more information.
- 29 See the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption concluded May 29, 1993 (Text 33).
- 30 "An adoption within the scope of the Convention shall take place only if the competent authorities of the State of origin: *a*) have established that the child is adoptable; *b*) have determined, after possibilities for placement of the child within the State of origin have been given due consideration, that an intercountry adoption is in the child's best interests; *c*) have ensured that: (1) the persons, institutions and authorities whose consent is necessary for adoption have been counseled as may be necessary and duly informed of the effects of their consent, in particular whether or not an adoption will result in the termination of the legal relationship between the child and his or her family of origin, (2) such persons, institutions and authorities have given their consent freely, in the required legal form, and expressed or evidenced in writing, (3) the consents have not been induced by payment or compensation of any kind and have not been withdrawn, and (4) the consent of the mother, where required, has been given only after the birth of the child; and *d*) have ensured, having regard to the age and degree of maturity of the child, that (1) he or she has been counseled and duly informed of the effects of the adoption and of his or her consent to the adoption, where such consent is required, (2) consideration has been given to the child's wishes and opinions, (3) the child's consent to the adoption, where such consent is required, has been given freely, in the required legal form, and expressed or evidenced in writing, and (4) such consent has not been induced by payment or compensation of any kind" [Art. 4].
- 31 "An adoption within the scope of the Convention shall take place only if the competent authorities of the receiving State: *a*) have determined that the prospective adoptive parents are eligible and suited to adopt; *b*) have ensured that the prospective adoptive parents have been counseled as may be necessary; and *c*) have determined that the child is or will be authorized to enter and reside permanently in that State" [Art. 5].
- 32 For more details on Kanak adoption not covered here, see Leblic (2000a, 2004a, 2012).
- 33 For a metropolitan couple's account of a *fa'a'amu* adoption, see Sabine Lainé's excellent book (2005).
- 34 Although I do not have any precise statistics for French Polynesia, it seems that most authors are agreed on their importance.
- 35 We should not overlook the fact that metropolitan parents may also have chosen Mā'ohi rather than Kanak parents because of the different way Mā'ohi may have been represented in metropolitan France, the first always having been regarded as less "savage" than the second (see on this subject Boulay 2000).
- 36 For a critique of the notion of tradition, see, among others, Leblic (1993, 2007).
- 37 Formerly, common law status prevailed over particular law and, if it was possible to switch from the latter to common law status, the reverse was not possible.
- 38 "In summary, this book addresses central issues in U.S. adoption practice and provides convincing counterarguments to the assumption that families in the United States today are defined by biological relationships" (Gibbons, 2010).
- 39 Apparently, the same article was published at the same time (January 2004) in two books whose goals are very similar, one in French (Leblic 2004b) and the other in English (Bowie 2004), without the two editors being aware of each other's project.

- 40 The Arche de Zoé is an association that exfiltrated 103 children in from Darfur. They presented them as orphaned refugees and provided them with bandages for the purpose of smuggling them into France and giving them to French families. This was thus a case of trafficking Chadian children for adoption, for which the leaders were convicted first by the Chadian justice system and then by the French.
- 41 "It is not a matter of doing a remake of the Arche de Zoé trial, but of showing how this affair is the best illustration of the excesses that can be engendered by the so-called universal nature of the child's welfare, among other things" (Leblic 2009:84).

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