

## CHILDREN AND THE POLITICS OF CULTURAL BELONGING

Conversations about multiculturalism rarely consider the position of children. Yet providing care for children separated from their birth families raises questions central to multicultural concerns because they frequently find themselves moved from communities of origin through adoption or foster care, a practice that deeply affects marginalized communities. This book explores the debate over communal and cultural belonging in three distinct contexts: domestic transracial adoptions of non-American Indian children, the scope of tribal authority over American Indian children, and cultural and communal belonging for transnationally adopted children. Understanding how children “belong” to families and communities requires hard thinking about how cultural or communal belonging matters for children and communities, who should have authority to inculcate racial and cultural awareness and under what terms, and, finally, the degree to which children should be expected to adopt and carry forward racial or cultural identities.

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# Children and the Politics of Cultural Belonging

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## Acknowledgments

My interest in the issues discussed in this book began many years ago when I worked as a law clerk on a case, *In re Adoption of Halloway*, involving the Indian Child Welfare Act (ICWA), at the Utah Supreme Court. The court had to decide whether an adoption decree entered by a Utah trial court should be set aside and the case transferred to the Navajo Nation for resolution under ICWA. Although there was no question in that case that the child was an Indian child under the terms of the Act, nor was the legal question particularly difficult, there was considerable concern about setting aside the decree because of the length of time that the child had spent with his adoptive parents, with whom he had developed affective ties. In the end, however, the court returned the case to the Navajo Nation, and the reasoning and language in the case were later cited extensively in the U.S. Supreme Court's decision in *Mississippi Band of Choctaws v. Holyfield*. The case left a number of issues unaddressed, including the question of who decides who is an Indian child; although those issues had generated some passing discussion, they did not need to be resolved in order to issue the decision in the immediate case. Accordingly, once that case was finished, I put questions about culture and belonging on the shelf.

Much later, however, the questions reemerged in a slightly different context: a student in my office for an advising appointment spent most of her time discussing not her academic program, but her frustrations as a babysitter. The student had grown up in Zimbabwe and was working several hours a week tending two grade-school children whose white American parents had adopted them from somewhere in West Africa. The parents told her she had been hired to introduce their children to their African roots and to customs like Kwanzaa. As the student pointed out, she knew nothing about Kwanzaa – a celebration of African American heritage, with which she was not familiar – and little about West Africa; the children, in the meantime, seemed primarily concerned with playing video games and, at ages eleven and eight, expressed

little interest in their original connections to Africa. She wanted to honor the parents' good intentions but felt placed on the spot as the communicator of culture for the children in her care. That conversation, coming on the heels of much discussion among academics of multiculturalism and cultural belonging, allowed me to begin developing the questions that inform this book.

Those questions have, at times, seemed endlessly complicated. What seems to be a straightforward proposition – that the interests of cultural groups and communities should be considered in the placement of children – continuously bumped into other considerations. Marginalized groups may have compelling claims for recognition, but deciding who belongs to such groups – or who speaks for such groups – is not an easy matter, nor is it obvious how those claims might be put into effect. In addition, it seems critical that children's voices should matter, although how to incorporate such voices presents difficulties. Nonetheless, it seems clear that discussions about multiculturalism, which are after all about generational connections, need to think about the position of children, especially those moved through adoption and foster care.

In the course of writing this book, I was assisted by several able undergraduate research assistants: Eliza Bryant, Allyson Hawkins, Claire Stein-Ross, and Margaret Woodman-Russell. Each brought her own questions to the table, and those questions helped shape the final project. A grant from the Feminist Legal Theory Project at Emory Law School, directed by Professor Martha Fineman, allowed me to spend a semester at the School of Law at Queen's University in Belfast, Northern Ireland, where I was able to discuss the issues with a new group of associates and begin putting together my thoughts, particularly about transnational adoption. Several supportive colleagues at Smith College and elsewhere helped me clarify my thinking. Kristin Bumiller, Michael Clancy, and Greg White read parts of the manuscript at different times and provided thoughtful assistance. Cecelia Cancellaro, of Idea Architects, was immensely helpful as the book took final shape, and John Berger, at Cambridge University Press, was both a patient and thoughtful editor.

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