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Research report: Anthropology

BUREAUCRACIES OF THE "UN-ADOPTABLE"

Jessica Honiball 1492003

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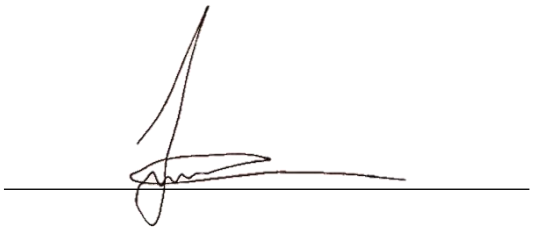
Name: Jessica Honiball Signature: 

Jessica Honiball

Anthropology Masters Candidate

1492003@students.wits.ac.za

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UNIVERSITY OF THE WITWATERSRAND JOHANNESBURG

Under Supervision of Matthew Wilhelm –Solomon, at the University of Witwatersrand.

This is a dissertation submitted in partial satisfaction of the requirements for a master's degree in Social Anthropology by Jessica Honiball at the University of Witwatersrand

Student number: 1492003

I would like to extend a special thanks to my Supervisor Matthew Wilhelm –Solomon, who has guided me, and waited patiently for me to finish. Without your guidance, this would not have been possible. Last but most importantly, I would like to thank everyone who participated in the research across South Africa.

Keywords: Adoption, Bio-power, Bio-politics, Bureaucracy, Kinship

Abstract: This thesis is concerned with the ways in which adoption bureaucracies shape and impact families within South Africa. It examines adoption experiences by conducting research across South Africa in 2017 and it argues, that the bureaucratic process involved within adoption is influencing the ways in which kinship relations are created, as the government is withholding birth certificates and classifying children as un-adoptable. It examines the impact of such classification and what it means to the families in their day to day lives. It examines the above argument, by drawing on ethnographic research to illustrate the realities of adoptive families. In addition, it argues that the government is withholding the right to live a 'dignified' life when they make decisions for children.

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1. Introduction

1.1. Prologue

I sit in a safe house, created by two volunteers for children with disabilities and without parents to care for them. I listen to how the bureaucracies of adoption unfold in one of the most extreme ways. A safe house can be understood as a temporary safe place for children to be cared for. Caitlin [1](a research participant) explains that: "it is written on the court order, that when a child is placed into a safe house, they are either placed into temporary safe care or into temporary foster care. An adopted placement will be a different court order with different instructions". In other words, when children are placed into a safe house, it will be the first port of call after they have been rescued or taken into the state's custody from their unsafe environment, which means that they are then placed into temporary safe care within a safe house. Returning to the safe house in which I was sitting it was apparent that the premise consists of a safe house, the office of the safe house and next to the office, a family home. Within the family home stays a transracial family of 5 which includes of a mother (Caitlin) and a father (Daniel), two biological sons and their one 'foster' daughter (Zoya). They have been trying to adopt Zoya for over four years which means that Zoya is in Caitlin and Daniel's 'temporary' safe care or foster care, whilst they are fighting for her to be adopted.

Zoya was given birth to by an 'illegal' immigrant from Lesotho in Johannesburg. The fact that the birth mother is termed illegal instead of undocumented influences the adoption process. If the mother was undocumented it would have been easier to adopt Zoya, as that will mean that she is unknown and that the state does not have personal information of the mother. The fact that the birth mother is categorized as illegal by the government affects the adoption. The birth mother signed the adoption off, but she never provided her identification number and the conceiving father is unknown. Caitlin said the adoption would have been easier if there were no information available of the conceiving parents. With no information available Zoya would have been processed as an abandoned child without parental classification which would have been a less complicated adoption. Caitlin and Daniel followed the right procedure and advertised for the conceiving father and mother in any case, but there was no response. In other

[1] Caitlin and Daniel. November 2017. Personal interview. Eastern Cape: All the participant names are pseudonyms

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words, legally Zoya should be classified as adoptable if she and her 'foster parents' had citizenship status in South Africa.

Their biggest obstacle with the adoption process is that Zoya is stateless. Neither Lesotho nor South Africa is willing to grant Zoya citizenship. Lesotho is not willing to grant citizenship as the birth mother did not provide her identification number, which means that it is difficult to find her in Lesotho's database. In South Africa, the basic principle of South African citizenship is that a child follows the citizenship or nationality of their parents (Department of Home Affairs, 2017). If one parent is a South African citizen, then the child will be a citizen by birth (Department of Home Affairs, 2017). However, if a parent is in South Africa illegally then their children will not be entitled to South African citizenship (Department of Home Affairs, 2017). In other words, a child born in South Africa does not automatically qualify for South African citizenship if their parents are foreign or in the country illegally (Lombard-Steyn, 2017). The process is further complicated by the adoptive parents as they are in South Africa on a voluntary visa originally from Ireland. Their visa is only valid for three years at a time which means that they must return to Ireland every three years, but they cannot take their daughter with. In the long-term Zoya can obtain citizenship in Ireland but Ireland cannot process an international adoption because she does not have an identification document and she does not have citizenship. Caitlin and Daniel, however, indicated that they would like to obtain permanent residency within South Africa and that they do not have an urge to return to Ireland soon.

Focusing on the bureaucratic process involved in Zoya's adoption it was suggested that the right process was not followed by the state. Bureaucracy can be defined as a formal, hierarchical organization with many levels in which responsibilities, tasks, and authority are delegated among individuals, departments or offices that are held together by a central administration (Hirsch, et al., 2002). Hull (2012, p. 252) on the other hand proposed that most social accounts of bureaucracy have emphasized administrative organization, discourse, norms, rules, and informal behavior. Anthropologists have focused on those affected by bureaucracies rather than what goes on in the office (Hull, 2012, p. 252). People can be affected in multiple ways by bureaucracies. According to Hull (2012, p. 523) "documentation is preserved and recorded towards the ends of representing, of reconstituting, or of providing a physical or intellectual phenomenon". In other words, documents are not simply instruments of

bureaucratic organizations but bureaucratic rules, ideologies, knowledge, practices, objects, outcomes and even the organizations themselves, that impact people organizations and places in multiple ways (Hull, 2012, p. 253). The problem, however, is that documents link people, places, things, times, norms and sociality together, which has real implications for people who are undocumented as an example (Hull, 2012, p. 255).

Zoya is implicated in similar ways, as she is firstly undocumented and secondly it was suggested that the right process was not followed by the state, which complicates her adoption further. Caitlin and Daniel started the process in Krugersdorp when the magistrate told them that they can adopt Zoya. Caitlin and Daniel then moved to Port Elizabeth and Zoya was placed with them in Port Elizabeth. Living in Port Elizabeth they had to work with the magistrate there, who then informed them that Zoya was not allowed to be placed with them in the first place, because they are on a voluntary visa and Zoya does not have citizenship. For clarity, one may only adopt a child in South Africa if a person is a citizen of South Africa or has permanent residency. Caitlin and Daniel did not have either of these, which means they did not qualify for adoption nor a placement. Caitlin suggested that the Port Elizabeth magistrate issued a complaint against Krugersdorp and that they might work differently now. According to Caitlin the main problem at hand is the fact that the best interest of the child is not taken into consideration. Caitlin believes that everyone except the family is focused on the political issue, as their case has become very political since Lesotho is against South Africa, Home affairs against legal aid and vice versa. The family and legal aid are arguing that Zoya does not know of any other mom, dad or brothers, she knows the mom, dad, and brothers with whom she is living for past 4 years. To take her away from the only family she knows would be inhumane according to Caitlin and Daniel. Caitlin and Daniel further proposed that to place Zoya in a children's home, when there is a loving family, will not be in her best interest. To take her away from her family members will be merciless towards the family members. Although it is very difficult to propose what the best interest of the child is one must assume that both the state and the family is taken the best interest of the child into account, as Zoya has not been taken away from Caitlin and Daniel. The adoption process, on the other hand, is complicated in this case, but this is no ordinary case. A possible reason why the state is hesitant to allow Caitlin and Daniel to adopt Zoya is the fact that it is unlawful to adopt Zoya if the adoptive parents are not citizens of South Africa or do not have permanent residency.

The above example is not an everyday adoption story; it is the most extreme adoption experience that I have come across while conducting this research, but it highlights many aspects which I will address in this thesis. The research focuses on the perspectives of adoptive parents to examine how they experienced the adoptive process. I did not interview any adoptive children, as the research focus was concerned with the adoptive parents. This thesis is concerned with the ways in which adoption bureaucracies' shape and impact families within South Africa. It examines this by looking at how administrative processes, such as delaying birth certificates, are influencing families across South Africa. It argues that the bureaucratic process involved within adoption is influencing the ways in which kinship relations can be created, as the government is withholding birth certificates and classifying children as 'un-adoptable'. I argue that children are considered un-adoptable when their birth certificates are withheld by the government, as these children cannot live a life, an adopted child would live, without a birth certificate. One, however, must question the classification of being un-adoptable and why the government is classifying children as such.

This thesis, in addition, argues that the government is withholding the right to live a 'dignified' life, when documents are withheld, and children are classified as unadoptable. With regards to living a dignified life Bear and Mathur (2015, 21) suggest that the public good needs to be reconceptualized, so that it does not just refer to resources such as clean air, roads or free public education. Rather, the public good should be understood as desirable ideals that are considered universally beneficial for everyone and are the rationale for radical changes to bureaucratic organizations (Bear & Mathur, 2015, p. 21). In other words, they are proposing that there is a shift in the ethical underpinnings and lines of social struggles that are hidden by the technical analysis of public goods in economics and development studies (Bear & Mathur, 2015, p. 21). Bear and Mathur (2015, 22) are therefore indicating that living a dignified life is not based on access to clean air and free education. In their perspective, it is rather based on the social struggles that individuals face and how these social struggles are hidden by technical analysis of public goods by the state, which needs to change (Bear & Mathur, 2015, p. 21). They further argue that documents are manifested, and they potentially shift relations between people and institutions, where decentralized bureaucracies engaged in public-private partnerships. According to Bear and Mathur (2015, 22), documents exist to provoke unstable productive relations as flexible. They are therefore speculative, partial, fluid contracts that often generate uncertainty and inequality (Bear & Mathur, 2015, p. 22). To clarify it is a constitutional right

to have dignity, equality, and freedom (Bill of Rights, 2018). Without birth certificates, citizenship, an adoption court order or a passport living a dignified life becomes complicated which is what this thesis will address. One, however, must question whether it is in the best interest of the child to be adopted and whether remaining existing kinship networks will be living a dignified life. In other words, documents such as a temporary safe care court order or an adoption court order will impact the way in which kinship relations are created as children are either defined as a foster child or an adoptive child. Developing this perspective, I will argue that the contestations around adoption raise questions around dignity as it involves both issues of bureaucratic rules and desirable ideals for society.

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1.2. The South African adoption process

"A child is adopted if the child has been placed in the permanent care of a person in terms of a court order that has the effects contemplated in section 242 of the children's act" (Children's Act, 2005, p. 112). Adoption can be understood as the process where a person or persons applies in court to be considered the parent of a child (Legal Wise, 2015). According to the South African Children's Act (2005, p. 112), a child may be adopted if the adoption is in the best interests of the child, if the child is adoptable and if the provisions of the children's act are complied with. An adoption social worker must make an assessment to determine whether a child is adoptable. A child can be classified as adoptable if the child is an orphan and has no guardian or caregiver who is willing to adopt the child or the whereabouts of the child's parent or guardian cannot be established (Children's Act, 2005, p. 112). To expedite the adoption of children, the Children's Act of 2005 also introduces an objective criterion to determine the earliest period at which the child can become available for adoption (Gerrand, 2015, p. 58). For clarity an orphan can be understood in the following terms: "UNICEF and global partners define an orphan as a child less than 18 years of age who has lost one or both parents to any cause of death" (UNICEF, 2017). A child is also adoptable if the child has been abandoned or the child's parent or guardian has abused or deliberately neglected the child or has allowed the child to be abused or deliberately neglected (Children's Act, 2005, p. 112). Lastly, a child is adoptable if a child needs a permanent alternative placement (Children's Act, 2005, p. 112). Children must be legally identified as abandoned or otherwise without parents to be placed for adoption (Leinaweaver, 2008, p. 41). The process of locating, investigating and labeling such children as abandoned is a joint endeavor, carried out in intersections between the police, the courts and the network of orphans (Leinaweaver, 2008, p. 8).

Before a child can be adopted consent must be provided by both the biological parents (if both are available) or by the legal guardian/s where applicable (South African Government, 2017). If the child is older than 10 years old, they will need to give their own consent (Legal Wise, 2015). If the child is younger than 10 years old, but they show maturity and understanding, then they will be able to give consent to be adopted. All forms of consent must be in writing and it must be signed by the person giving the consent (Children's Act, 2005). All consent forms are then certified by the children's court (Children's Act, 2005). The parent/s or legal guardian/s has 60 days to withdraw their consent and the child stays at a temporary place of

safety in the meantime (Children's Act, 2005). This temporary place of safety is similar to the safe house example above. Social workers will tell the prospective adoptive parents about their children after the 60 days have passed (Children's Act, 2005).

Under extreme circumstances, consent from parents or legal guardians is not required for example when the child has been abused or neglected. These circumstances are when parent/s or legal guardian/s has a mental illness, abandoned the child and cannot be tracked down, abused or neglected the child, or allowed abuse or neglect to the child (Children's Act, 2005). In addition to this consent is not necessary when the parents or legal guardians failed to fulfill parental rights and responsibilities towards the child for 12 months (Children's Act, 2005, pp. 112-114). In addition, no consent is needed when the parents failed to respond to the notice of the proposed adoption within 30 days of receiving the notice (Children's Act, 2005, pp. 112-114). Or if the father of the child did not marry the child's mother and did not acknowledge that he is the father of the child, or if the child was conceived from an incestuous relationship between his/her parents (Children's Act, 2005, pp. 112-114). Finally, if the court found that the child was conceived as a result of the rape of his/her mother (Children's Act, 2005, pp. 112-114):

> "The Children's Court must take the following factors into account before considering whether to allow the adoption: The community, religious and cultural background of the child, the child's parent/s, and the prospective parent/s, if the adoption will be in the best interest of the child; and any other relevant information contained in the application" (Legal Wise, 2015).

To outline the adoption process, I will be addressing who may adopt a child. In South Africa, a child may be adopted jointly by life partners, which includes partners in a permanent domestic life partnership or other persons sharing a common household who forms a permanent family unit (Children's Act, 2005, p. 114). A child may also be adopted by a widower, divorced or unmarried person. In other words, a child may be adopted by parents within a homosexual or heterosexual relationship. In other forms of adoption, a child may be adopted by a married person whose spouse is the parent of the child or by the biological father of a child born out of wedlock. Lastly, a child can be adopted by the foster parent of the child (Children's Act, 2005, p. 114). It is important to note that adoptive parents must be South African citizens to adopt a child within South Africa or they should have permanent residency for at least 5 years (Joburg

Child Welfare, 2015). When considering the above information, it is evident that Caitlin and Daniel should not be allowed to adopt a child as they firstly do not have permanent residency and they are not South African citizens, but they were advised otherwise. An Adoptive parent can be anyone above the age of 18, and most agencies such as the Johannesburg Child Welfare cap the age limit at 50. A person with a criminal record can adopt a child, but this is highly dependent on the nature of their crime (News 24, 2016).

Starting the adoption process in South Africa, a notice must be served to each parent or guardian to request their consent for the adoption to occur when a child is available to adopt. A social worker will then arrange an interview with the biological parents or guardians to compile a report containing information on whether the child can be adopted and whether adoption is in the best interest of the child (Legal Wise, 2015). The child's medical information and other background information can be gathered during this process. An application to adopt a child can then be made in the Children's court which will be accompanied by a report of the social worker, a letter by the provincial head of social development recommending adoption of the child, and the necessary consent forms where it is applicable (Children's Act, 2005).

There are four main phases in the adoption process namely: application, screening, waiting list and placement. To start the adoption, process an adoption social worker is engaged, and an application to adopt a child is submitted (Blackie, 2012). In South Africa, a person can adopt a child legally by working through an accredited adoption agency or with the assistance of an adoption social worker which can be either public or private (Western Cape Government, 2017). When working through an adoption agency the process starts with the prospective adoptive parents submitting an application to the preferred agency. Each agency has their own requirements which the prospective parents should take note of. All prospective parents are required to undergo orientation, screening and preparation process (Adoption.org, 2018). During the orientation phase, the adoption process is explained to the prospective parent/s.

The second phase is that of screening and preparation. This usually includes orientation meetings, interviews with a social worker, full medical examinations, marriage and psychological assessments, home visits, and police clearance and the checking of references (Joburg Child Welfare, 2015). According to the Children's act, all applicants have to have

police clearance as well as clearance from the National Child Protection Register and National Register of Sexual Offenders (Children's Act, 2005). The screening process allows social workers to get to know the prospective adopters as a family and their motivation to adopt. The social workers attempt to determine whether the adopters will be able to provide the child with a warm, loving and stable home (Adoption.org, 2018). The screening process is a child-centered approach, to determine whether the prospective parents will be suitable adoptive parents for the child (Children's Act, 2005). Depending on each case, the screening takes about six to nine months (Adoption.org, 2018).

After the screening has been completed the prospective adoptive parents are placed on a waiting list for a child (Western Cape Government, 2017). The social worker or adoption agency will then talk to the applicants about their expectations. The prospective parents provide their preferences to the social worker regarding the child's age, religion, health and race (Adoption.org, 2018). However, the more specific the requirements the applicants have, the longer it will take to match a child with them (Adoption.org, 2018). "For example, there's a high demand and not many white or Indian children available for adoption" (News 24, 2016). "When a child is matched then the adopters are informed, and arrangements are made for them to meet the child" (Adoption.org, 2018). After the child has been identified, there will be an introductory period where the parent/s is introduced to the child (Western Cape Government, 2017). The length of the introduction is supervised and the time they will spend together is highly depended on the age of the child.

The fourth main phase is that of the official placement if the child with the adoptive parents which is a legal process carried out through the Children's Court (Western Cape Government, 2017). Once the child has been with the adoptive parents for a period of time, and the social worker has assessed the adoption to be in the best interests of the child, the adoption is finalized through the Children's Court (Western Cape Government, 2017). After the court order, the becomes the legal child of the adoptive parents as if the child was born to them and has all the same rights as a biological child (Western Cape Government, 2017). According to Legal wise (2015), if an adoption order has been granted by the Children's Court, the order, together with the birth certificate of the child, must be taken to the relevant Home Affairs office to record the adoption and any change in surname, where applicable. The adoptive child takes the surname of the adoptive parent/s (unless the Children's Court states otherwise). Legal finalization of the

adoption, registration, and noting of adoption on the population register are the final steps to be taken. Unfortunately, this process can take a year or longer to finalize. The Children's Act also makes provision for the adoption to be canceled, even after finalization, but this can be prevented by ensuring that all legal requirements are met. Furthermore, certain fees such as professional fees for medical expenses or to the relevant child protection organization who assisted with the adoption might be payable during the adoption process (Children's Act, 2005). The fees are payable to cover legal, administrative and professional services. The fees range from R 12 500 to about R 28 000 on average. It can, however, go as high as R 40 000 if the adoptive parents are paying the medical expenses of the birth mother. When a prospective adoptive parent applies for adoption, there is no minimum income requirement, but the prospective parent should be able to provide for the child's basic needs (Children's Act, 2005). The Children's Act provides a basic cost structure for accredited organizations. Some organizations are subsidized by the National Department of Social Development and will charge a nominal fee; others are not subsidized and will charge a bit more. The department is responsible for monitoring accredited service providers to ensure that they charge reasonable fees (Living and Loving, 2017). Another factor to consider is that there will be different fees for national adoptions and international adoptions (South African Government, 2017). The picture on the next page will give an indication as to how costs are allocated with a national adoption within South Africa.



How much does it cost

You must pay to an accredited child protection organisation in respect of an inter-country adoption.

Group orientation	R2 250 per session
Interview/counselling	R250 per hour
Home visits	R250 per hour
Home study report	R500 per report
Court processes	R500 per day
Birth registration	R170 per hour
Administration costs	R170 per hour
After care services	R500 once-off payment
Origin enquiry/tracing	R200 per hour

(Image 1 [fees outline]: South African Government 2017)

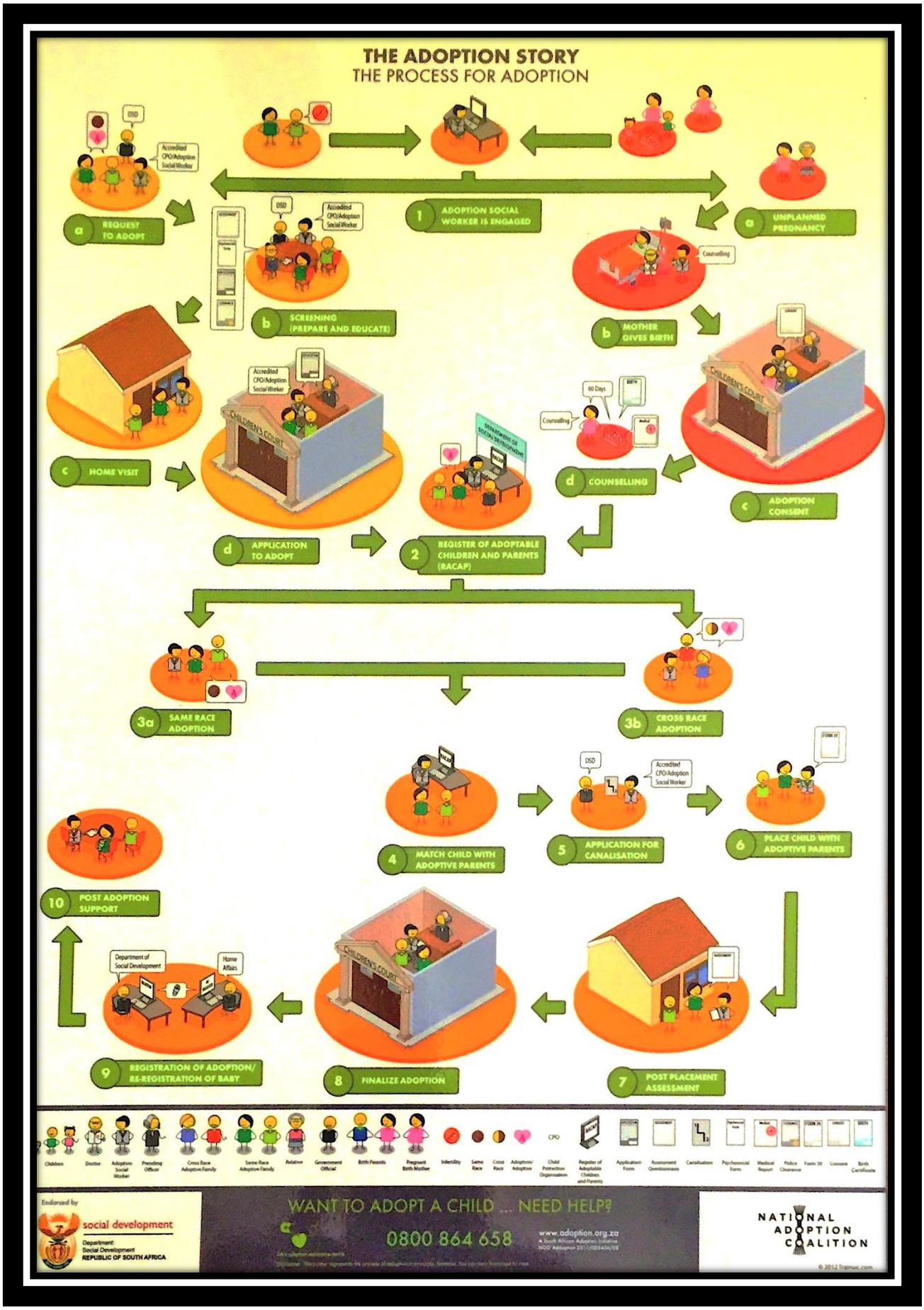
The image above outlines the cost of the adoption process (national adoption) and how funds are allocated for the administrative process. (South African Government, 2017). The costs above are an outline provided by the government and that it might differ if prospective adoptive parents prefer a private social worker and whether the adoption is a national adoption.

Lastly, there are various forms of adoption available which include the following: The first form is that of "related adoption" where a child is adopted by a person who is related to the child such as a sibling or another family member (Western Cape Government, 2017). The second form of adoption is that of "disclosed adoption" where the identity of both the adoptive and biological parents are known (Adoption.org, 2018). Disclosed adoption may include a post-adoption agreement that provides for future contact or for the exchange of information (Adoption.org, 2018). Closed adoption is the third form of legal adoption and it entails that the identity of both the biological and adoptive parents are not made available (Western Cape Government, 2017). National adoption is a legal adoption that is accredited by a social worker or organization where both the adoptive and biological parents are citizens of South Africa or have permanent residency (Western Cape Government, 2017). Same- race adoption is when

the race of the adoptive parents and the adoptive child is of the same race (Adoption.org, 2018). Inter-racial adoption is when the race of the child and the adoptive parents differ (Adoption.org, 2018). The last form of legal adoption is that of inter-country adoption which is a legal adoption is facilitated by an accredited adoption organization or social worker where either the adoptive parents or the child of not South African citizens (Western Cape Government, 2017). It is notable that South Africa is a party to The Hague Convention of inter-country adoptions and facilitates inter-country adoptions in accordance with the convention's principles (Living and Loving, 2017). Citizens of South Africa adopt nationally within South Africa does not prefer to adopt from other countries (Living and Loving, 2017). Adoptable children who are difficult to place within South Africa (such as children with disabilities or HIV) are considered for inter-country adoptions (Living and Loving, 2017). Inter-country adoptions are a more difficult process since they entail the legal requirements and processes of two countries. Parents could also wait a long time before they are matched, due to the limited number of children placed for inter-country adoptions," (Living and Loving, 2017). However, adoptees of intercountry adoptions are migrants confound to conventional categories such as refugee, immigrant, or exile by sharing similarities with each of these types but not entirely conforming to any one of them (Kim, 2010, p. 90). In other words, adoptees of intercountry adoption life their lives between two nations, two families and two histories (Kim, 2010, p. 90). Yet they typically lack the social-cultural and economic capital to flexibly take advantage of new global transformations (Kim, 2010, p. 90). One, therefore, has to evaluate whether inter-country adoption is in the best interest of the child as it will cause the child living two histories simultaneously, which can influence their psychological health (Kim, 2010, p. 90).

To summarise the adoption process I have included an outline on the next page derived from Deidre Blackie's (2012) work on adoption and abandonment. This picture is derived from the National adoption coalition of South Africa's website and was compiled by Deidre Blackie in 2012. The table at the bottom outlines the process involved in the picture below it. Both the table and the image outline the procedures involved within adoption and how biological parents can safely abandon their children.

Adoption	Abandonment
Request to adopt through an adoption Social worker.	Make contact with an Adoption Social worker if there is an unplanned pregnancy.
Adoption social worker starts the screening process of the adoptive parents.	Birth mother gives birth to the child.
The social worker does a home visit of the prospective adoptive parents.	Birth mother signs adoption consent forms.
Prospective adoptive parents start the official adoptive process.	Birth mother receives counseling.
Both parties' adoptive parents and biological parents must register at the Registration of Adoptable children and parents (RCAP), after which the adoption process starts.	
Type of adoption identified (same-race) or (inter-racial).	
A match is made between adoptive parents and the adoptive child.	
Department of social development and social worker reviews the application.	
If the application is approved, the child is placed with adoptive parents.	
The social worker does a post-placement assessment.	
If social worker agrees that the adoptive family is for the best interest of the child, then the adoption is finalized.	
The adoption is then registered, and the child's surname will be changed to the adoptive parent's surname.	
Post adoption support is made available.	



(Image 2 [Process outline]: Blackie 2012)

1.3. Methodology, Chapter Outline, and Argument

This research focused on the perspectives of adoptive parents examining how they experienced the adoptive process within South Africa. I interviewed participants across South Africa to compare experiences from different contexts. I accessed various research participants by firstly drawing on personal networks and secondly by asking people to participate in the research on various Facebook adoption groups. My personal network allowed me to interview participants face to face in Gauteng, Port Elizabeth, and telephonically in Cape Town. The participants interviewed also referred me to other adoptive parents in their network which is typically known as Snowball sampling (Bryman, 2012, p. 424). Participants, who volunteered on Facebook, provided me access to interviews in Kwa-Zulu Natal, and Cape Town. These participants were mainly interviewed telephonically. I did not interview any adoptive children, as the research focus was concerned with the adoptive parents. However, there still a need for research in South Africa on the experiences of the adoptees and their experience of being adopted. In terms of sampling another sampling method that was employed can be referred to as convenience sampling which is the most commonly used sampling method (Acharya, et al., 2013, p. 332). This type of sampling is used as it takes both the ethnographer and the research participant's convenience into consideration, which means that research participants will only be interviewed if it is convenient for them to be interviewed (Acharya, et al., 2013, p. 332). Because this research focused on adoptive parents it was important for the adoptive parents to have a convenient time for them to be interviewed, as they have work during the day and their family to care for at night. The advantages of this sampling method are that it is commonly used and inexpensive (Acharya, et al., 2013, p. 332). A major limitation is however that the sample population cannot be measured or controlled (Acharya, et al., 2013, p. 332).

The research for this thesis was conducted within South Africa through means of interviewing South African citizens and one family who are on a temporary visa within South Africa. A total of 15 interviews were conducted in or telephonically, Gauteng, Port Elizabeth, Kwa-Zulu Natal, and Cape Town, in October and November of 2017. All the adoptive parents where white which means that that the research is skewed as no black adoptive parent's experiences are taken into consideration. This was not done intentionally, as there were no adoptive black parents who volunteered to partake in the research. Admittedly my personal network constrained my access to black adoptive parents, as my network consists predominantly of

white adoptive parents. Social workers, however, give priority to "same race adoptions" as it "resembles a natural family" according to Ntongana (2014). However problematic the statement above is about "resembling a natural family", it is very difficult to achieve this when there are currently far more white adoptive applicants than black applicants within South Africa (Ntongana, 2014). Ntongana (2014) states that there are not enough black adoption applicants which means that social workers are not always able to place black children with black families, within the same culture or kinship networks. This, in turn, means that children will be placed within a trans-racial family, as it is suggested by the state that it is in the best interest of the child to be in a stable family environment (Ntongana, 2014). Therefore, "adoption is still under-utilized by the majority population, namely black South Africans which is problematic in terms of placement (Taulela, 2015, p. 56). It is problematic as children are not placed with black families due to the lack of black applicants and same race families are preferred by the state.

Returning to the sampling methods used within this research paper, I hoped by using over 5 Facebook adoptive groups across South Africa that I would gain access to black adoptive parents, but the research was dependent on participants volunteering to participate in the research and unfortunately, I could not gain access to these experiences (which is a major limitation of this research paper). Another limitation of this paper is the fact that most of the families interviewed were from a middle-class background, which also limits the scope of the research paper. This shaped the research significantly as it focuses on one particular group of people, being white and from a middle-class background. I, therefore, suggest that future research should focus on black adoptive families from various classes as it is a much-needed experience that needs to be taken into consideration. Most of the adoptive children were however black children adopted by white adoptive parents. Three of the fifteen families interviewed can be classified as same race families as both the adoptive parents and adoptive children were white. I asked these families whether it was their choice to not adopt a child of another race, and they said they did not specify, the social worker notified them of the children who had been placed for adoption, and the children happened to be the same race as the adoptive parents. The second same race family did not intend to adopt any more children as their children were almost grown up, but when the social worker phoned, they felt excited to grow their family even further. The family, however, indicated that it influenced their older children, but after some time they adjusted to the new family dynamics of a new young family member entering the family unit.

Furthermore, the research that was gathered for this thesis followed a qualitative strategy that deployed interviews as its main form of gathering data. Thus, a qualitative, based, interview study was used as the main research design. Qualitative research seeks to understand a phenomenon in "context-specific" settings where the researcher does not attempt to manipulate the event as one would in an experiment (Golafshani, 2003, p. 600). Within an experiment results needs to be manipulated so that it can be tested under other circumstances. Broadly defined, qualitative research refers to any kind of research that produces findings not arrived at by means of statistical procedures or other means of quantification but rather, research that produces findings arrived from real-world settings where the phenomenon of interest unfold naturally without interference (Patton, 2001, p. 39). According to Golafshani (2003, 600), quantitative researchers seek to determine prediction, and generalization of findings, whereas qualitative researchers seek illumination, understanding, and extrapolation to similar situations. According to Hoepfl (1997, p. 49), qualitative research can be used to gain new perspectives on already known phenomenon's or to gain more in-depth information that may be difficult to obtain quantitatively. In terms of qualitative research, the research problems tend to be framed as open-ended questions that will support the discovery of new information (Hoepfl, 1997, p. 49). One major advantage of qualitative research reports is that they can typically entail rich data with details and insights into participants' experiences of the world, which may be in "harmony with the reader's experience" and thus more meaningful to the reader (Hoepfl, 1997).

According to Creswell (2007, p. 36) qualitative research is a situated activity that locates the observer in the world. It consists of a set of interpretive, material practices that make the world visible and these practices transform the world. They turn the world into a series of representations, including field notes, interviews, conversations, photographs, recordings, and memos to the self. At this level, qualitative research involves an interpretive, naturalistic approach to the world. This means that qualitative researchers study things in their natural settings, attempting to make sense of, or interpret, phenomena in terms of the meanings people bring to them (Creswell, 2007, p. 36). The value of qualitative data can, therefore, be described as gathering in-depth data that one would not have gathered by using quantitative data. The researcher attempts to observe, describe and interpret settings as they are so that they can contextualize the setting to the reader (Hoepfl, 1997). It is important to contextualize the setting of the participant as it helps the reader to understand the lived experiences of the participants

and what narratives they apply to their lived experiences. If the reader understands the lived experiences it will enable the reader to understand the context of the participants better.

In terms of this thesis, the interviews were semi-structured so that the interview could be less formal and more like a conversation (Bryman 2012, p. 433). Structured interviews would have constrained the conversation and in my opinion would have resulted in fewer data generated, as it does not allow the participants to engage in a conversation. As a researcher, I employed an overt role, as the research participants were aware of my role as a researcher (Bryman 2012, p. 433). As a qualitative researcher, the main goal of an interview is to provide concrete descriptions of an event or experience that the interviewee has experienced or is experiencing (Weiss, 1995, p. 66). To accomplish this, the qualitative researcher interrogates the interviewee where experience has been generalized (Weiss, 1995, p. 74). This step is extremely important as the qualitative researcher might not have another opportunity to ask the interviewee to elaborate on a point. Without elaborate explanations on a generalized statement, the qualitative researcher might compromise the research (Weiss, 1995, p. 76). It is however not always easy to ask the interviewees to elaborate on their generalized statements, but without it, the researcher risks not knowing the full context.

For example, I asked the one participant if they could elaborate on the history of their child and how their child became a part of their family unit. The initial response was that their child was placed for adoption by a mother who did not want the child due to her circumstances. I, in turn, asked, if she could elaborate on the circumstances of the birth mother, whilst I saw that this made the adoptive mother uncomfortable. She, however, responded in much detail when she explained how the birth mother was raped, and the birth mother did not see how she would be able to love the child. The adoptive mother further explained that "as the adoptive parents that do not make us love our 'child' less because we do not associate the rape with her, whereas the birth mother did". As an interviewer, this was a difficult question to ask, but it was needed to understand why the child was abandoned in the first place. As a researcher, this helped me understand the wider- bureaucracies as the child is stateless, due to the father' not being known due to the circumstances mentioned above and the birth mother not providing her identification documents. Secondly, it helped me to understand how the birth mother related to the child and how the adoptive parents understand the circumstances of the abandonment. Whilst conducting

research the qualitative researcher may not be aware at the time that the data generated might be a theme that the research will be utilized, hence the importance of elaboration.

Participant observation was not used as a method of data collection, but I believe that limited observation played a role in me understanding the context of the interviewees especially whilst visiting the places of safety. When I did visits to the participant's homes these visits were of a cursory nature in order to conduct interviews and did not constitute participant observation. Nonetheless, they did give me a sense of people's home contexts, the places of safety discussed here, and how these environments are shaping the ways in which family structures or care are being shaped/provided. All the adoptive families I spoke to, especially when it was face to face, made it clear that although they do not want their child to feel adopted, they would speak openly about the adoption, but they wanted to make sure that the adoptive child experiences the family the same as the biological child would experience it. One research participant did, however, tell her daughter that I was there to speak about adoption and the daughter asked me on my way out if I brought her birth certificates. This will be addressed later in the thesis. Whether the children felt adopted or as an outsider to the family is unclear as I am relying on the opinions of the adoptive parents and not the experiences of the adoptive children.

To extrapolate themes and concepts within this research grounded theory and to a certain extent case studies were used. Firstly, grounded theory can be used as an approach to analyzing qualitative data as the themes of the research is derived from the research (Emerson, et al., 1995, p. 143). Creswell (2007, p. 62) defines grounded theory as the following: “The intent of a grounded theory study is to move beyond description and to generate or discover a theory, an abstract analytical schema of a process (or action or interaction)”. In other words, a key idea behind grounded theory is that the theory is generated and not “off the shelf” (Creswell, 2007, p. 63). Grounded theory gives priority to developing rather than verifying analytic propositions (Emerson, et al., 1995, p. 143). In other words, the themes and concepts are derived from the research and not predetermined. However, some theoretical propositions guided the research, but the main themes emerged through the research. By making frequent comparisons across the data the researcher can develop, modify and extend theoretical propositions so that the emerging themes fit that of the research (Emerson, et al., 1995, p. 143). By emphasizing “discovery theory” in field notes, practitioners of grounded theory treat sets of activities of

social life to convey an appreciative understanding of the world and lives of persons under study (Emerson, et al., 1995, p. 143). Furthermore, I related emergent themes to existing debates such as those around kinship and biopolitics.

To elaborate, the research began with a broad question of: How do adoptive parents experience the adoptive process (this was the starting theoretical propositions)? Whilst conducting the research themes of un- adoptability, biopolitics, and bureaucracies emerged. Secondly, this research made use of case study narratives as it focused on particular cases, such as Caitlin's case in the opening chapter of this thesis, to portray how they are experiencing the different themes, this thesis attempts to address. This thesis, for this reason, used several case study narratives to focus on key problems such as bio-politics and the concept of un-adoptability. According to Emerson et al (1995, p. 143), qualitative analytic coding proceeds two phases which consist of open coding and in focused coding, which this thesis deployed to analyze the data available. Open coding can be described as when a researcher reads field notes line-by-line to identify and formulate ideas around the themes and concepts that were derived by the research (Emerson, et al., 1995, p. 143). Creswell (2007, p. 67) adds that in open coding the researcher forms categories of information about the phenomenon that is being studied and within each category, the researcher finds sub-categories that need to be analyzed. In focused coding, on the other hand, is when the researcher subjects the line-by-line analysis to topics that have been identified in the area of study (Emerson, et al., 1995, p. 143). This research deployed both coding techniques to analyze the data that was gathered for this research. It firstly examined the interviews by drawing out the themes by using grounded theory and secondly linked all the themes together which emerged from the research by using line by line analysis.

It is further important to note that the research was approved by the Wits University School of Social Sciences Human Research Ethics Committee (Protocol, Anth 17/07/03). I did not ask provoking questions as I had a list of broad questions to develop a conversation, but the research participants steered the conversation in the direction which they wanted it to go. I would in return ask the participants if they would like to elaborate, to which they would give a response, which they were comfortable with. There were some sensitive topics that were derived from the conversations I had with some of the research participants, especially about the adoptive child's history, but all the topics were handled with the utmost respect and

sensitivity. Furthermore, all the research participants were asked for verbal consent so that none of their details were captured on paper (Vivanco, 2018). This ensured that the research participants had anonymity (Vivanco, 2018). All the names of the research participants have been changed in this thesis. In other words, pseudonyms were used instead of real names. The research kept all participants anonymous as their identity, could lead to the identification of their children which might lead to them being stigmatized. The children also did not consent to them being identified which is why it is important for the parents to be kept anonymous. The research that was gathered from the research participants was stored on a password-protected computer and the computer has been locked away in a safe and secure location.

1.3.1. Key question and arguments

Lastly, this thesis is concerned with the ways in which adoption bureaucracies' shape and impact families within South Africa. The research examines the question: how do state bureaucracies shape the experiences of adoption and how can bio-politics lead to un-adoptability within South Africa? It argues that the bureaucratic process involved within adoption is influencing the ways in which kinship relations can be created, as the government is withholding birth certificates and classifying children as un-adoptable. It proposes that the government is withholding the right to live a 'dignified' life when they make decisions for children, which might not be in the best interest of the child (such as being classified as unadoptable, by not issuing an adoptive court order or by withholding birth certificates). The above arguments will be substantiated by the following themes: kinship, biopolitics, and the un-adoptable. The writings around kinship illustrate that families are formed in multiple ways and that while blood relations are a biological fact kinship relations are fluid. It is evident that in Zoya's case the state privileges biological over social which is why there is tension between South Africa and Lesotho over Zoya. The theme around kinship is to make the reader think differently about how one becomes related to one another and that one can be related to one another in various ways.

1.3.2. Structure

Most literature focuses on the ways in which a family unit is formed but it does not focus on how adoptive families are firstly negotiating kinship relations and how, secondly, the state is denying some adoptive families the right to form a family by withholding documents. This theme serves as an introduction to how kinship relations are fluid and that families can be created in multiple ways, but the state has a say in the legitimization of that family structure. The second theme is that of biopolitics which explores the link between politics and kinship relations. The state legitimizes the family structure especially when it concerns adoption, as the child's surname needs to be changed to form part of the family. The child, in addition, needs their personal documents such as their birth certificates to go to school or to travel with their family members. Without these documents, the state is exercising their ability to delegitimize the adoptive family structure and to deny them the right to form a family unit. Various state departments do this by using the bureaucratic systems in their favor, as they send the adoptive parents from one department to another, and drown them with paperwork, to delay the process. Some of the research participants did not receive their birth certificates after 5 years, due to the delays in this process. This, in addition, reinforces the state's power to control who lives a dignified life and what a dignified life means in terms of children being adopted or not being adopted. The last theme is that of the 'un-adoptable' which examines the government's power to the fullest extent, where decisions can be made for children which might not be in their best interest. All of the above themes will be addressed in each chapter. In other words, chapter 2 outlines the conceptual frame of the thesis by addressing how family structures are formed and how the state plays a role in the legalization of this. Chapter 3 and 4 of the thesis addresses the research findings (ethnographic chapters), by examining where the state obstructs the adoptive process and how children are classified as un-adoptable.

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2. Kinship, Care and Bio-politics

2.1. Kinship

Adoption in South Africa, and across the globe, is a way families with fertility issues can build their kinship structures. It, however, forces them to think about kinship structures and units differently as the child will not be born into the family unit. Blood is however still a potent vector for measuring relatedness and personhood, and it has gained greater force in conjunction with the molecularization of identity in many social contexts (Kim, 2010, p. 90). This section outlines key debates in the literature on kinship and relationality. These debates are important in light of concerns about adoption outside of kinship networks, which this thesis addresses. There is a common Indonesian idiom that "a woman is incomplete without a child", which emphasizes the significance of childbearing and the social suffering stemming from childlessness (Bennett, 2018, p. 102). As Bennett proposes many families might feel incomplete without a child not only Indonesian woman, especially due to infertility levels increasing, which causes adoption to be a viable option to complete the family structure (Bennett, 2018, p. 102). I am not proposing that the only reason for adoption is infertility, but many families use adoption to complete their family structures since they cannot conceive a child biologically.

Adoption, however, forces the adoptive parents to think about kinship differently as the child not is kin by blood but by law. Kinship has been the central trope of anthropology for some time and it has been one of the most valuable tools for discerning how small-scale societies are organized (Leinaweaver, 2008, p. 8). Early anthropologist drew careful lines demarcating biologically determined genealogical kinship (blood relations) from other kinds of relatedness which are variously classified as "fictive" or "ritual" kinship (Leinaweaver, 2008, p. 8). Similar to early attempts to theoretically distinguish gender (or the cultural differences between masculine and feminine) from sex (or the biological differences between males and females), kinship studies were grounded in the belief that blood ties are objective difference, and social ties are layered as culture, on top of this biological and factual bases (Leinaweaver, 2008, p. 8). Leinaweaver (2008, p. 9) further mentions that there is tension between kinship as it simultaneously is a theoretical concept and a social category, which is a source for creativity in theorizing relatedness. Her book outlines a sense of becoming kin, over time, that involves

the kindling and reinforcing of some interpersonal relationships, and the lessening or divesting of others (Leinaweaver, 2008, p. 9).

Furthermore adoption, both transnational and domestic is a method for creating the most intimate forms of relatedness, yet it is one that explicitly framed and structured by global relationships, in particular, the political and economic relations between countries and regions (Leinaweaver, 2008, p. 8). Without asking the participants in the interviews how they relate to one another, I rather posed the question of what does your household look like in terms of family members? Each person gave me an outline of their family by giving some context around their household. They would, for example, elaborate by suggesting: "in our house lives both me and my partner, our two biological boys, and our one adoptive daughter". I asked this question to establish how that particular family relates to one another, and how they classify one another within their family. Interestingly the adoptive child was always identified as the adoptive daughter or son. This could have been done for me to understand the family structures better or it could have been done to differentiate the biological children from the adoptive child. It is, however, difficult to speculate the reason. When considering adoption, it complicates how a family is portrayed as the adoptive parents have to explain to the biological children how another child will be kin, without the child coming into the family through means of birth. What this means is that adoptive families must negotiate kinship differently than a family with only biological children would have to. In other words, kinship and family structures have become more complex and more interesting to study than ever before. '

It is important here to note the shift in anthropological perspectives on kinship. Kinship' can be defined as "the relationship of kin" or as "a person's relative (s)" (Livingstone, 2008, p. 446). Missing in the above definition is the ways in which one becomes a relative and what relationships consist of. Kinship as an analytical tool has however shifted from reflecting on social structures to the way in which people care for one another and consider themselves related to each one another in everyday practices across contexts. In other words, anthropology is using the term kinship to challenge assumptions of what makes one related to another. Previously, kinship was focused on social structures and how families are situated within these social structures which were mainly due to structuralism. Levi- Strauss (2012, p. 125) was one of the key persons involved with the development of structuralism theory in Anthropology. Structuralism examines the social structure of a particular society and it assumes that a society

is organized by patterns of behavior (Levi-Strauss, 1969, p. 3). Patterns of behavior are further structured by cultural norms such as values which act as social facts in the social structure of that society (Macionis & Plummer, 2012, p. 125).

This, however, begs the question, how are people related to one another and what does kinship mean when addressing relationships? Morgan proposed that people can be related to one another in terms of affinal or consanguineal relationships (Schneider, 2004, p. 271). In basic terms, consanguineal relations refer to different persons being related to one another by blood (Nada & Warms, 2010, p. 170). Affinal on the other hand refers to relatives through marriage (Nada & Warms, 2010, p. 170). These 'definitions' or terms do not include other family forms such as two partners who had not been married to one another but are in a marriage-like relationship with one another. One can argue that adoption can be included in affinal kinship. It is, however, apparent that there is a need to move beyond these terms as the emphasis is placed on blood, biological and lawful processes in the above sections which include marriage to legitimize a family structure. Strathern (1992, 3) suggested that a parallel exists between the relationship of biological to social life, between what is natural and what is artificial or socially constructed. Firstly, it is highly debatable what is natural but what Strathern is proposing is that there is a parallel embedded in kinship and the way it is thought of (Strathern, 1992, p. 3). In other words, kinship systems and family structures are imagined as social arrangements imitating a biological family structure (Strathern, 1992, p. 3). Kinship, therefore, refers to the manner in which social arrangements provide cultural context for natural processes such as giving birth to a child (Strathern, 1992, p. 17). This does not mean that kinship is imagined it merely proposes that kinship is a social construct and families tend to reproduce family structures that resemble a biological family structure.

Berman (2014, p. 579) proposed that David Schneider's work emphasized that non-sexual modes of reproduction (such as adoption) frequently serve as prototypical examples of how kinship is not "biological". Berman, in turn, agrees with Schneider by arguing that kinship is not determined by biology but rather that parenthood is a form of possession and it is contingent with material and verbal aspects of interaction, such as who lives near whom and in whose house the child was born (Berman, 2014, p. 579). Parenthood, therefore, contested as birth mothers are not always the ones who can use speech and space to claim an infant, which means that multiple people can be potential parents and that multiple bonds can be, formed (Berman,

2014, p. 579). In other words, the birth mother might not be the mother who forms a bond with the child, as according to Berman, a bond is formed by material and verbal speech, and that a bond can be formed with more than one person. This is highly relevant in terms of adoption as the birth mother might not be the person the child forms a bond with. Berman and Schneider proposed that kinship is not based on biology and physical reproduction, it is based on caring and forming bonds with different kin members. In simple terms, kin is 'created' in terms of adoption by forming bonds socially and by becoming related to one another.

Carsten, on the other hand, prefers to use the word 'relatedness' which refers to the indigenous ways of acting out relations between different people (Carsten, 1995, p. 223). Carsten's theory of relatedness is based on her ethnographic research on the island of Langkawi about the Malays. She discovered that the Malays sees 'relatedness' as a process of becoming and to become a 'complete' person or kin when they have to consume food such as cooked rice together in their houses (Carsten, 1995, p. 223). For the Malays kinship or becoming related to one another is based on the connection between blood, rice, and milk. The breast milk of the mother originates from the mother's blood, therefore the "blood becomes milk" (Carsten, 1995, p. 227). The mother's milk is important for the child's emotional and physical development. Blood is said to be created in the body from the food and for the Malays, their main food source is cooked rice (Carsten, 1995, p. 223). Cooked rice, therefore, plays a significant role in the 'relatedness' of people in this society. The house in the Malay society is strongly associated with women. As women spend most of their time in the house while they prepare cooked meals. The house is seen as the womb of a woman as it holds its members inside it. Therefore, the house has fundamental structural significance to the Malays. The above example expresses how relatedness and kinship are fluid and how one can become related to one another in terms of substance. It is, however, important to note that biologically blood relations are fixed and a biological fact, but the way kinship is constructed is thought of differently in this social context. When one considers adoption in South Africa the state takes the best interest of the child into consideration and needs to make sure that the child will have a stable family environment, which means that children are placed with families with many precautions. It is helpful for families to understand the social construction of kinship so that they can form family units though means of adoption and view themselves as a family structure. Kinship structures provide families and the state with ways to identify themselves and to situate themselves within their social context.

In summary, the above examples show a view of relatedness and caring in a different light as opposed to established assumptions about kinship. Levi- Strauss (1969, p. 3) proposed that Humans are "both a biological being and a social individual". An individual is biologically based in terms of the reproduction of the species. Socially, it is organizations such as the law that prohibit, for example, homosexual marriages because two people of the same gender cannot reproduce. Schneider critiques Morgan who applied western ideas to the analysis of 'kinship' in other cultures (Carsten, 1995, p. 224). Morgan identified 'kinship' in terms of consanguinity and affinity and for Morgan marriage is the central institution of 'kinship' (Schneider, 2004, p. 258). This way of classification emphasizes the state's role in the legitimization of a person's family. The state firstly needs to recognize one's marriage and until recently (2006) many citizens who identify as homosexual were denied the right to marry (Brand, 2006). For example, in South Africa, homosexual relationships were not seen as legitimate in the eyes of the law up until 2006, and homosexual couples were denied the right to marry lawfully before 2006. By not acknowledging the relationship or by not recognizing the relationship as a lawful one nor a legitimate relationship, the state exercised their power over citizens of South Africa, by delegitimizing homosexual couple's family forms. When considering adoption, the legitimization of the family form becomes even more complicated, and legitimization is needed because adoption is a legal process. In other societies such as the Malays marriage and lawful practices are not what makes them related to one another which contrast with biological ideas of what makes one related to one another. Other than the Malays it is apparent that law and marriage are two of the main factors by which a family structure is legitimized.

When one examines adoption and kinship it becomes evident that adoption is a legal process that needs to be approved by the state (Nagtegaal, 2015). In other words, the state needs to firstly approve the adoption, secondly change the child's surname to the adoptive family's surname and issue the child with a birth certificate. These documents are empirical for the family form to be recognized as a legitimate family form by the state, as the adoptive child will not be part of the family legally if the adoption papers have not been approved, or if the child's surname has not been changed to the adoptive parent's surname. In other words, if a child is placed with a family, and the paperwork has not been finalized, then the child will be a foster child and can be taken away from the family at any point in time. This delegitimizes the family structure as the family cannot work on becoming a family as they need to prepare for the family

being torn apart when the child is taken back by social services. Foster care is a two-year arrangement and it is favored over adoption by the government (I will address this later), in South Africa. In South Africa, the law plays a big role in the legitimization of a family structure, which in turn affects the ways in which kinship relations are created within South Africa. The fostering system plays an even greater role when it concerns adoptive families and adoptive children. If a foster child is removed from a household, then the foster family no longer has a right to care for the child. This affects the ways in which children, especially foster children are cared for. In other words, kinship studies have been central to anthropological thought about family and how families are created, yet kinship studies they offer only a limited perspective on theorizing adoption. Strathern (2005, 52) has a key example of how bio-politics can influence the way in which kinship relations are formed and thought. She mentions that courts have been known to refuse evidence about 'biological' paternity and attend only to familial relationships (Strathern, 2005, p. 25). For example a man discovered that he was not the biological father of the child and he tried to sever ties with his son, but the state brought him back to the relationship he had established with the child by suggesting that: if a parent-child bond has been formed then a relationship still exists at law (Strathern, 2005, p. 25). In the above example, the state favored the social construction of kinship over biological kinship. It is however notable that the state has the bio-political power over this kinship structure by enforcing a relationship based on social construction due to a bond being formed. If one addresses issues of law and the role the state has, kinship literature is inadequate hence a biopolitical approach is needed to frame kinship more accurately.

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2.2. Bio-politics and dignified living

The regulation and governance over populations is no new phenomenon. Plato (in Ojakangas 2012, p. 4) proposed that: "The best men must have sex with the best women as frequently as possible, while the opposite is true of the most inferior men and women, and, second, that if our herd [poimnion] is to be of the highest possible quality, the former's offspring must be reared but not the latter's. And this must all be brought about without being noticed by anyone except the rulers so that our herd of guardians remains as free from dissension as possible. Moreover, if it happens that the most inferior men and women do have sex with each other and children are born to them, or if the child is defective, Plato advises (1997b: 460c) that they must be deported to some secret place: 'The children of the inferior parents, or any child of the others that are born defective [anapeˆros], they [the officials appointed for the purpose] will hide in a secret [aporreˆtos] an unknown place, as is appropriate." (Ojakangas, 2012, p. 4)"

In other words, the regulation of sexual practices and reproduction has been the interest of the state from early on. Many other governments have an interest in the regulation of sexual practice as they have a need to regulate the population. The regulation and governance over a population, however, requires the regulation and controlling of intimate bodily experiences such as reproduction. Foucault proposed (1978, p. 251-252) that sexuality exists at the point where the population and the body meet (Foucault, 1978, p. 252). Humans recognize sexuality and desire as both a social process and a bodily experience. Foucault repeatedly asserts that modern bio-politics are essentially about the regulation and control of populations, including the regulatory control of birth rate, longevity, public health, housing, and so on (Ojakangas, 2012, p. 4). Abortion is an example of the bio-political power involved when one considers reproduction. Religion and cultural values play a role when considering abortion, however, the state, prohibits abortion after 13 weeks without a reason, which means that without a medical reason the birth mother will have to carry the child in her body to term (Government of South Africa, 2018). Government and laws around abortion draw a line between lawful and unlawful abortion and that is marked by the fact of having sensation and being alive (Ojakangas, 2012, p. 5). Although this is a harsh example it is a powerful example of how government policies can decide whether a woman must carry a child in her body or not.

In other words, reproduction is political and a good example of this can be seen in South Africa's past (Mkhwanazi, 2015). During the apartheid era in South Africa, 'the notion of stratified reproduction effectively describes the National Party's valuing of white women's reproduction during apartheid and its contempt for and attempts to curb black women's fertility" (Mkhwanazi, 2015). The national party at the time announced the development of the national family planning policy in 1974 when South Africa was undergoing a 'record unemployment' among black people (Mkhwanazi, 2015). Mkhwanazi (2015, p.329) proposed that the government thus spared no expense in rolling out family planning specifically targeting the urban black population with free services. Thus, in turn, caused the fertility rates of African women to drop between 1945 and 1980 (Mkhwanazi, 2015). Mkhwanazi notes that "In 1983, there were over 36,000 'family planning service points' countrywide. Of these, 21,000 only offered birth control services and no other health service" (Mkhwanazi, 2015). In other words, South Africa has been interested in the ways in which its citizens reproduce from at least the time of the apartheid era where racial policies were put in place. This example also indicates how the government used to control over reproduction to control certain population groups. Mkhwanazi (2015, p.328) points out that the government regulated reproduction under black people under apartheid so that the white people could increase their numbers as there was a need for white labour power. In other words, the government exercised their bio-power over the population, in order for them to manipulate the one part of the population to have better opportunities and to exercise control over the other part of the population.

This brings us to the question of what is bio-politics and biopower? Bio-politics firstly concerns the whole population and the individual within the population, it is not focused on man as a body but on man as species. In other words, "biopolitics take the population as its problematic, making it both scientific and political, as a biological problem and as power's problem". Biopower for Foucault is the power over life-processes of individuals and the population to control the population. It is, however, important to note that the term has been used in a variety of manners by various authors. For the purpose of this paper, it will be used in terms of the definition above. Foucault (1978, p. 245) proposed that: "What we are dealing with in this new technology of power is not exactly society (or at least not the social body, as defined by the jurists), nor is it the individual body. It is a new body, a multiple body, a body with so many heads that, while they might not be infinite in number, cannot necessarily be counted. Biopolitics deals with the population, with the population as a political problem, as a problem

that is at once scientific and political, as a biological problem and as power's problem (Foucault, 1978, p. 245)."

In other words, biopolitics is concerned with the regulation of the population and many times the governing power has the power to 'make' live and 'let' die (Foucault, 1978, p. 245). Foucault proposed that death is the 'object of taboo' when one concerns bio-power whereas sovereign power is based on the right to kill and the threat of death. In other words, these are two separate forms of power where the one serves to treasure notions of life and care and the other one is concerned with notions of death and killing. Foucault, however, emphasizes that modern bio-political societies have combined these two forms of power and have done so through the logic of racism, which makes killing acceptable in bio-political societies in which death has become the object of taboo. Racism legitimizes killing because the killing of some individuals fortifies the life of those who are living (Ojakangas, 2012, p. 8).

Hull (2012, p. 259) in addition proposes that coordination and control are closely related to the capacity bureaucratic documents have and the ability to make things come into being, by creating documentation for that thing. In some cases, the generative capacity of documents is integrated with regimes of control in ways highlighted by Foucault, especially in relation to individual subjects (Hull, 2012, p. 259). For example, insane or reasonable persons are produced and diverted into regimes of rehabilitation or punishment through the ritualistic production of intake documents (Hull, 2012, p. 259). Hull (2012, p. 259) points to people subjected to political violence as another example of bio-power and using bureaucracies as a tool to exercise it when people are made into victims and inserted into the governance of international aid agencies through production and circulation of trauma ports. Immigrants, however, have difficulty obtaining citizenship which in turn affects their identity, as one's identity can be tied to the place in which one resides in (Hull, 2012, p. 259). In other words, documentation forms part of the bureaucracies that implicate the lives of people within a country in which they are living. It implicates their lives as it either states that a person is a citizen or an undocumented immigrant wherein legitimization and benefits is attached to the status of a citizen and delegitimization and consequences are attached to being an undocumented immigrant.

This invokes the question of, which life counts which life is included in the political or social sphere and who is not. Where do children without a birth certificate fall into this type of

society? With the government having the right over life or death, one has to ask: what is a life without love or care? What life is a life without a family? If children are living within an orphanage are they experiencing life to the fullest or are they merely surviving? Citizenship is both a legal and social process. Legal in terms of the state needs to provide it, but social in terms of social acceptance. The law can reinforce social structure as they impose rules on for example reproduction to control the people in their society, thus shaping their own culture. Certificates inscribing birth, baptism, or marriage are touchstones of identity, charting legitimacy and belonging (Leinaweaver, 2008, p. 143). Leinaweaver (2008, p. 143) explains how she is looking at posters on the walls of the adoption office indicating children saying: I exist, I want a name"- which refers to the state's campaign in Peru to get all citizens registered. The registration equates to civil existence. A person's last name set down pen and ink for prosperity, as they are meaningful documents of identity as they are backed up by paper (Leinaweaver, 2008, p. 143). Last names do the work of situating them in a social world by indicating connections to relatives, a family name locates a person both in the social hierarchy and in a network of kin relations. Last names index connections to others; infants abandoned at birth have no such connections (Leinaweaver, 2008, p. 145). The naming system is skewed patrilineally, however, because names that are passed down are ultimately men's last names (Leinaweaver, 2008, p. 145). The key issue here is concerned with the relation between biopolitics and adoption, as the ways in which the state regulates the population is not directly linked to biology but rather a type of non-biological control over kinship. Having the right to dictate what happens within the private sphere of an individual's life or a family this prompts the question of whether the government is allowing citizens to not live but to live a dignified life?

To answer the above question, one needs to examine what it means to live a dignified life and what such a life consists of. Ringgaard highlights that a human life is a dignified one when it is culturally conditioned, but this has changed throughout history (Ringgaard, 2014). What this means is that living a dignified life firstly depends on the context in which the person is situated and secondly it depends on the decade and technological advancements of that particular time. It is, however, important to note that having dignity and living a dignified life is a human right. According to Reyneke (2011, p.130), dignity plays an important part in the South African Constitution as it is one of the founding values of the constitution and it is an enforceable right. The right to dignity forms the foundation of many other constitutional rights which makes this

an important right which cannot be overlooked (Reyneke, 2011). Dignity has been overlooked by South Africa in the past where the consequences of not respecting the dignity of others are well known in South African history of Apartheid (Reyneke, 2011). Reyneke (2011, p.131) points out that there is no hierarchical order to the different rights in the South African Constitutional, but the Court held that the "right to life and dignity are the most important of all human rights" and that "we are required to value these two rights above others". Due to this, it is evident, that all "human beings are entitled to be treated as worthy of respect and concern" because South African citizens are entitled to equal dignity and respect regardless of one's membership to a group (Reyneke, 2011). As indicated earlier Bear and Mathur (2015, 22) are proposing that living a dignified life is not based on access to clean air and free education but rather on how social struggles are being addressed and that the ways in which social struggles are being addressed need to change. In South Africa, it is difficult to live a dignified life without documents such as a birth certificate, passport or an adoption court order. In other words, people within South Africa should not be objectified nor discriminated against, as that will imply that the person is not given the dignity they deserve. According to Berggren (2011, p.381), there are two types of human dignity namely absolute value and relative value. Being born as a human being to have an absolute dignity, and it brings with it obligations and rights (Berggren, 2011, p. 381). Berggren (2011, p. 381) further proposes that human dignity is inviolable, which means that it should not be violated. The relative value, in contrast, is responsive and can thus is violated as it is shaped by culture and the context in which a person is situated. It is further, evident that human dignity is violated every day around the world and one example of these violations can be seen within the adoption processes in South Africa when documents such as birth certificates, adoption court orders, and passports are being withheld.

Adoptees negotiate the social world around them through wielding the notion of belonging- a belonging by papers, words, and sentiments (Leinaweaver, 2008, p. 132). Belonging is produced through emotions (which Barth [in Leinaweaver, 2008, 135] suggests, in turn, produce knowledge or what Max Weber called "Zusammengehörigkeitsgefúl" which refers to a feeling of belonging together. It is also produced through documentation legitimacy, archival tools by which families come to know themselves and others (Leinaweaver, 2008, p. 135). This leads to the following question: in what ways does the struggle for dignity in adoption relate to other constitutional and socio-economic struggles in South Africa? To answer the above

question adoptive children's constitutional rights such as the right to dignity are being violated when their documents are withheld or when they are classified as un-adoptable. Their socio-economic struggles are also increased as without these documents they cannot attend a school which results in them not having a well-paying job and so on (Macupe, 2018). Therefore, when one examines certificates and the importance of them with regards to adoption they play an even bigger role. Firstly, adoption is a legal process that has many certificates involved, but the most important certificate will be the child's birth certificate, which this paper will further focus on. However, when government withholds these documents it means that the adopted children do not have access to a dignified life as they will not be able to be enrolled in school, travel, be on a medical aid and so on (Macupe, 2018). It is, in addition, evident that the participants in the research also suggested that they are having much difficulty to enroll their children in schools without birth certificates and that traveling is an issue for them as a family (Macupe, 2018). What this means is that a dignified life is entangled with other variables such as service delivery (such as obtaining a birth certificate), citizenship (as only citizens of the country are promised service delivery) and others such as attending school, access to health care and a family. There is hence a need to examine why the state obstructs the adoptive process, and why they are withholding birth certificates. This will be examined in chapter three of this thesis.

2.3. Adoption in South Africa

Child abandonment in South Africa is increasing which means that more children are entering the legal child care and protection system (Gerrand, 2015, p. 56). According to the Child Welfare (the largest non-profit organization in the field of child protection), approximately 2600 children were abandoned in South Africa in 2011 (Gerrand, 2015, p. 56). In 2010 approximately 1900 children were abandoned (Gerrand, 2015, p. 56). Abandoned children, generally infants or children of a young age at the time of abandonment, are usually placed in temporary safe care. Given the age of a young abandoned child, they are exposed to the damaging long-term effects of institutionalization and long-term effects of abandonment. What this illustrates is that between 2010 and 2011 there was an increase of 27 percent of child abandonment in South Africa. Gerrand (2015, p. 56) proposes that the influx of abandoned children entering the child care system and becoming eligible for adoption can be linked with a variety of social, economic, political and material circumstances. These circumstances include widespread poverty and unemployment, constraints on the availability of housing, lack of access to services that enable people to maintain family life, teenage births, rape, unwanted pregnancies and HIV/AIDS (Gerrand, 2015, p. 56). As a result of the HIV/AIDS epidemic in South Africa, many children are orphaned and although they are eligible for adoption they are currently in the legal foster care of relatives, usually on a permanent basis due to the parents being deceased (Gerrand, 2015, p. 56). As compensation to the relatives caring for the children, the related primary caregivers are in receipt of a state foster-care grant. However, if the primary caregiver of the orphan is an illegal immigrant or a refugee, then no grant will be issued to them and no state social assistance will be granted. It is, however, apparent that different countries have different policies in terms of grants, foster care, adoption and legislation will be dependent on the country in which the child is situated.

For example, American celebrities Madonna and Angelina Jolie have raised interest in the politics of inter-country adoptions (Ishiyama, 2009, p. 89). Although there were some questions whether Angelina Jolie "fast-tracked" her Ethiopian adoption, even when her agency maintained that she had followed the same steps required of all adoptive parents and there was no identifiable reason to suspect otherwise (Ishiyama, 2009, p. 89). In addition to Jolie's controversial adoption, Madonna's adoption is also critiqued as Malawi requires that prospective adoptive parents foster the child they hope to adopt for 24 months while residing

within the country (Ishiyama, 2009, p. 89). Madonna, however, had not spent that amount of time in Malawi which opens the adoption for criticism. These two celebrity adoptions highlight differences in the adoption laws of Ethiopia and Malawi, and Ishiyama (2009, p. 89) proposed that this prompts the question: what factors explain the variation in the adoption policies of Sub-Saharan African countries, such as the length of Malawi's residency requirement and the absence of Ethiopia's? (Ishiyama, 2009, p. 89). Even though inter-country adoption from African countries is modest compared to adoption from the top four countries of origin, there is a reason to believe that interest in African Adoption will continue to rise (Ishiyama, 2009, p. 90). A possible reason for the interest increase of African Adoption is the HIV/AIDS pandemic which has created an orphan crisis in sub-Saharan Africa. Another reason might be because there is now a greater acceptance of trans-racial adoption (Ishiyama, 2009, p. 90). The rise in inter-country adoption is increasing even though global data indicates that "almost 85 percent of all adoptions are currently undertaken by parents who are citizens of the same country as their adopted children" (Ishiyama, 2009, p. 90). The state, however, has concerns about inter-country adoption, not just when it concerns celebrity adoptions. The state takes extra precautions when inter-country adoption is considered as inter-country adoption has been used to traffic children and some cultural anthropologists contended that adoptions are driven by the "supply and demand" of western infertility which is responsible for children being removed from their birth culture (Vorster, 2018).

Although AIDS orphans remain a relatively small proportion of the total number of orphaned children, it is the AIDS crisis that has drawn attention to Africa's orphans, facilitated by celebrity travel to—as well as adoption from—the continent (Ishiyama, 2009, p. 97). The positive result of this attention is that more orphaned children will have the opportunity to join a family (Ishiyama, 2009, p. 97). The other side of the coin is that the children afforded this opportunity do not necessarily hail from the countries where the orphan crisis is most acute; our analysis shows that sending country adoption as are not explained by the size of its orphan population (Ishiyama, 2009, p. 97). Much work remains to be done to better understand the politics of international adoption (Ishiyama, 2009, p. 98). The global movement of orphaned children from (usually poor) sending countries to eager families in (most often wealthy) receiving countries has largely been studied from the perspectives of social work, sociology, and law. Yet, at the root of this movement of children across borders is the political decision making and diplomacy that makes it possible (Ishiyama, 2009, p. 98)

Major concerns about the loss of cultural roots and the ultimate welfare of the children in the receiving countries are reoccurring themes. Mokomane et al (2001, p. 349) conducted a study around trans racial and intercountry adoption and key informant interviews in their research illustrated the following:

> 'I would not allow such a thing because when a child grows up they need to know their background. But this will be difficult in the case of inter-country adoption. So, because of this, I am reluctant to encourage inter-country adoption. A sense of belonging is very important. Everyone wants to belong to someone. Even if I bond with those people who have adopted me, at the end of the day I want to know my roots'. (Social worker, private agency, KwaZulu-Natal) '. . . . I think it (inter-country adoption) is good; it gives the child a number of opportunities. There are children who are not adopted and that would give a child an opportunity that they never had; to have a better life. But at the same time if they leave their countries they lose touch with their birth country and I think that is my only concern'. (Public sector social worker, Limpopo) (Mokomane & Rochat, 2011, p. 349).

In other words, it is favorable for adoptive parents to adopt children within the country that they reside in as it will help the child to belong and to find their cultural roots when needed. The key informant above explains it is preferable to raise the child in the country of birth as it will allow the child to explore their cultural roots whilst living with an adoptive family. There are however low levels of trans-racial adoption in South Africa which is surprising, given the favorable legislative framework and South Africans' generally positive attitudes to trans-racial adoption (Mokomane & Rochat, 2011, p. 349). For example, a study by Moos & Mwaba (2007) [in Mokomane & Rochat, p.349] among students at a predominantly black university in Cape Town revealed that 87% of the respondents indicated support for trans-racial adoption by disagreeing with the statement: 'Black children should be raised by Black parents only' (Mokomane & Rochat, 2011, p. 349). Only 9% indicated that they believed that black children adopted by white parents were likely to lose their culture (Mokomane & Rochat, 2011, p. 349). This might be since the children are kept in the country of origin and if they want to explore their culture it will be easier to access it. By the same token, data from the key informant interviews in Mokomane et al (2011, p. 349) research showed encouraging attitudes towards trans-racial adoption, as the following quotations illustrate:

> *"I don't have a problem with that (trans-racial adoption). Children socialize when they grow up due to taught values and norms. As long as they are told where they come from, they know their culture, and they are given the opportunity to interact with other children. I don't see it as a problem". (Public sector social serves official in Limpopo.* (Mokomane & Rochat, 2011, p. 350).

> *"I don't think culture should be a deciding criterion in any adoption because all that matters is what will benefit the child". (Non-profit sector social services official, Gauteng)* (Mokomane & Rochat, 2011, p. 350).

In other words, key informants indicated that the best interest of the child is to form part of a family. It is however preferred, by the above informants, that the child is kept within the country in which they are born so that they can explore their cultural roots when the need arises. However, as a direct result of black citizens of South Africa's beliefs regarding family formation, most black citizens find that the legal adoption process, as currently practiced in South Africa, does not concur with their cultural and ancestral belief systems as the ancestors of the adoptive child is unknown (Gerrand, 2015, p. 58) & (Blackie, 2014, p. 7). Blackie (2014, 7) proposed that a common argument she came across was that black parents were not willing to enter a formal legal adoption process with abandoned children. The reason for this was that the adopted child had a lack of connection with their ancestors which would result in troubled and unfulfilled lives (Blackie, 2014, p. 7). For the adoptive family, it would create problems amongst their ancestors (Blackie, 2014, p. 7). Gerrand (2015, 58) in addition proposed that black people reason that it is difficult to adopt a child whose' origins are unknown due to the abandonment of the child. As pointed out by Mokomane et al. (2011), black South Africans perceive adoption as severing the child's relationship with his or her family of origin and clan roots with serious repercussions for the adopted child's lineage and well-being. There is also intense pressure on black women to prove their fertility, and thereby meet lineage requirements, by giving birth to a child biologically (Gerrand, 2015, p. 58). Black South Africans are therefore not in favor of the formal adoption process and biological children are favored as the ancestors will be known.

When considering race and adoption it is suggested that Africans (who make up about 80% of the population of South Africa) are notably under-represented in terms of adoption as adoptive parents (Mokomane & Rochat, 2011, p. 354). White adoptive parents in South Africa are generally younger and there are quite a few them whose earnings are above average (Mokomane & Rochat, 2011, p. 354). Black adoptive parents, on the other hand, are older and the majority of them are in low socio-economic levels (Mokomane & Rochat, 2011, pp. 354-355). According to Molomane et al (2011, p. 354), it is proposed that most black people who are willing to adopt is over 40 years of age, educated and they usually wait to find out that they cannot conceive before they consider adoption. In the white community, white people have been exposed to adoption and have a vast amount of knowledge about it, their reasons for adopting are totally different from black people. The majority of children being adopted in South Africa are white children being adopted by step-parents, but the overwhelming number of children in the child care and protection system who are eligible for adoption are black (Gerrand, 2015, p. 57). In the South African context, very few White, Coloured or Indian children become available for unrelated adoption. However, when they are available for unrelated adoption they are almost immediately placed with already screened South African adoptive parents, as same-race families are preferred in South Africa by the state, despite the demise of apartheid and the move towards a non-racial society (Gerrand, 2015, p. 57).

Gerrand (2015, p. 56) however suggests that there are several reasons why black citizens should be considered first when an adoption model is being developed. Firstly, fertility and parenthood are highly valued in African countries, including South Africa, and thus there is a low prevalence of voluntary childlessness (Gerrand, 2015, p. 57). Childlessness is, however, a reality for many black families as fertility services in the public health sector is only available in a number of tertiary hospitals mostly in the private sector (Gerrand, 2015, p. 57). He argues that the majority of black citizens are experiencing serious financial challenges, but there is an emerging black middle class within South Africa due to Economic Empowerment Programme (BEE) (Gerrand, 2015, p. 57). Secondly, it is apparent that many childless black citizens want to move away from raising a relative's child as a means of addressing infertility.

Nevertheless, black adoption applicants are often disqualified from adopting a child because of their employment and financial status, sexual orientations or HIV status (Gerrand, 2015, p. 57). This means that there are currently a small number of black South Africans who have been screened and found fit and proper to adopt a child (Gerrand, 2015, p. 58). In terms of the

screening process, the Children's Act of 2005 has created a method and screening to match adoptable children with prospective adoptive parents. Gerrand (2015, p. 59) therefore proposes that adoption social workers should consider implementing a culturally sensitive approach to adoption. When considering adoption in South Africa it is apparent that the fostering system is more popular than completing the formal adoption process, which I will address below. Meintjies (2003, p. 1) in addition proposes that foster parents are entitled as custodians to claim a monthly foster child grant up until the child is 18 years of age. According to Meintjies (2003, p. 1) "the Department of Social Development is encouraging relatives to take care of orphaned children under the foster care package". (Meintjies, 2003, p. 1). Mokomane et al (2011, p. 351) argue that many of South Africa's remain in foster care as their caregivers cannot afford to lose the foster care grant which is inevitable if they proceed with the adoption. Key informants, in addition, advocated for the introduction of some form of adoption subsidy (Mokomane & Rochat, 2011, p. 351). Meintjies, however, indicates that placements in foster care are made for a maximum period of two years with ongoing monitoring by social workers, where a renewal process is necessary in order for the placement to be renewed and this process is not as onerous as the initial application (Meintjies, 2003, pp. 5-6).

Gerrand (2015, 55) proposed that South Africa is facing a major child welfare crisis as securing permanent care for thousands of orphaned and abandoned children is proving to be difficult. Many children end up trapped in child care and protection service (Gerrand, 2015, p. 55). Adoption would provide abandoned children with the opportunity to establish lifetime relationships in a hopefully supportive family environment (Gerrand, 2015, p. 55). But with the low number of court-approved adoptions in South Africa, one must ask what one can do to improve the number of court-approved adoptions? Meintjies (2003, 2) therefore argues that the average income for South African citizens/ residents does not allow many South Africans to favor adoption as there is no support mechanism. Henderson (2016, 305) in addition argues that even when children have parents, their parents are often unemployed. It is not uncommon for grandparents to contribute to the ongoing livelihoods of households with their old-age-pensions irrespective of whether the children are orphans (Henderson, 2016, p. 305). A South African state distribution of a basic income-grant for all poor families irrespective of whether children are orphaned has been proposed but it is something that the state has thus far rejected (Henderson, 2016, p. 305).

In the context of HIV/AIDS, there is also not adequate social security alternative to an extended Child Support Grant for all children, which makes it difficult to care for such children. Therefore, "Within the formal child care system in South Africa, foster care is normally considered to be the preferred form of substitute care for children who cannot remain with their biological families and who are not available for adoption" (Meintjies, 2003, p. 6). It is possible to hypothesize that if a grant is provided for adoptive families to care for the adoptive child, then adoption become favorable over the foster system, and it might encourage more black citizens to consider adoption to combat infertility. Despite South Africa's robust legislative framework, very little research has been conducted on adoption in South Africa, and little is known about whether changes to legislation have proved effective or acceptable within social work practice (Mokomane & Rochat, 2011, p. 347). However, the adoptive process has been implemented with the best interest of the child in mind and although there are problems with the process, it is important to keep in mind that the procedures have been set in place to protect the children.

3. Adoptive families and bureaucracies

3.1. Where does the state obstruct the process of adoption in South Africa?

To illustrate the theoretical concepts above I will be drawing on the qualitative research that was conducted for this thesis. This chapter will address how adoptive families are impacted by bureaucracies and biopolitics and how the state obstructs the adoptive process in South Africa. The chapter does so by drawing on the lived experiences of the research participants. Hailey[2] (one of the research participants) is a single mother who adopted her daughter Asha in 2008. Hailey and Asha live in KwaZulu-Natal and together they form a family unit. I asked Hailey why she chose adoption to which she proposed that; "I knew I wanted to be a mom when I was 40 years old. I had two options available, as I did not have a partner, which was artificial insemination or adoption. Needless to say, I chose adoption. I knew I wanted to be a mom and I did not have a partner and I did not see why I should allow that to decide whether or not I became a mom or not. I am 50 now and I adopted my daughter in 2008 when she was 6 months old". Hailey's motives to become a mom were not defined in the conversation, however, one can argue that her motives would have been individual motives as she did not want a child for the sake of her partner but for herself as an individual. From my conversations I had with Hailey, her capacity as a mother has brought her happiness, frustration and a lot of love. Hailey illustrates how alternative families reorganize their social environments to work for them. Hailey and her daughter form part of the alternative transracial family category and they are greeted with many questions within their everyday lives.

The research participant's everyday lives consisted of going to school, doing grocery shopping with their parents and home life, where they will be greeted with questions. Some of the questions and opinions from the general public in supermarkets and restaurants, which I gathered from the research participants were as follows: She is not your real mother (which questions what a mother is and what role a mother should play). This statement implies that the birth mother is the mother of the child and the adoptive mother is the person who takes care of the child. Hence the importance of exploring kinship relations and educating people that people can be related to one another in various ways. Another shocking question that was asked by a member of the public was, where did you buy her? The adoptive mother (Hailey) handled

[2] Hailey. November 2017. Personal interview. KwaZulu-Natal: The participant names are all pseudonyms

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the situation well, by respectfully educating the person on the adoptive process and that children are not for sale. The worst statement that was made in the supermarket in front of Tanya[3] and her adoptive child, was when a black man told the Tanya that she is stealing their children and that she should return the child to the biological family. Tanya explained to the man, how her daughter was adopted and that no biological relatives wanted her, hence the opportunity for her to have been able to adopt her as her daughter. She also used this opportunity to explain to the man that she loves her as her own daughter and that she is doing everything to provide her child with the best life she can. Tanya said the man's attitude towards her changed when she started explaining to him that she loves her child. She explains how they parted ways in a friendly manner.

It is apparent that the adoptive families I interviewed, met questions and statements as a chance to educate people of the general public about adoption and to teach them that one can love a child that was given birth to by another woman, and that the colour of the child's skin does not make the adoptive parents, I spoke to, love them any less. They take these questions as an opportunity to show the public that not all families are created biologically, and not all mothers and fathers are mothers or fathers because they conceived a child together. Hailey, for example, has become a good mother to her daughter without a biological father and without carrying a baby for 9 months. Hailey's life goals are to protect her daughter and to make sure that her daughter lives life to the fullest.

When I asked Hailey how she experienced the adoption process, she proposed that the adoption of her daughter, Asha, was very simple and it was easy to work with her private social worker. There were 15 interview sessions, conducted by Jessica Honiball, which were mainly focused on the prospective adoptive parents and their expectations which were useful and helpful to Hailey as it managed her expectations about adoption and it helped her to understand the process. She proposed that the longest part of the adoption process was that of police clearance and everything after the adoption has been finalized. In other words, changing names, obtaining birth certificates and getting registered as the mother of the child, is a time-consuming process after the adoption has been finalized. To elaborate, her adoption process started in August 2007 when she finalized all the adoption paperwork. In November 2008 the adoption of her daughter was finalized. After the adoption was finalized she had to do the name change and that took a

[3] Tanya. November 2017. Personal interview. Johannesburg: The participant names are all pseudonyms

long time. After that, she needed to get an unabridged certificate and that took 5 years. *"In the end, I hired a private institution who then got the un-abridged certificate within 10 days".* Why the state did not want to issue Hailey with an un-abridged certificate she does not know, but this had major implications for Asha because she could not be enrolled in school or travel without an unabridged certificate. In her own words, she said that process after the adoption has been finalized "was not fun and the government is hard to deal with. It is a complete mess afterward". I asked Hailey if she knew why the private institution was able to obtain the birth certificates so quickly after she has tried for years? She responded that she did not care how they did it, all that mattered to her was the fact that Asha, had her birth certificates and that they could move on with their lives.

Furthermore, Hailey proposed that she is in contact with networks of people wanting to adopt and who have adopted previously. She said that it has been a while since she adopted but currently the Department of Social Development does not approve of adoption, particularly cross-racial adoption. She based this statement by drawing on the information she has derived from her adoption groups and by using their stories as examples of how new adoptive families are struggling. Almost all the other research participants experienced the same as Hailey as they were met with much resistance and comments within government whilst they were busy with the adoption. Many other research participants experienced much resistance from the Department of Social Development across South Africa when it concerned their cross-racial adoptions. Lara[4] (another research participant) adopted her daughter 4 and a half years ago; she is still waiting for the name change to be finalized and for her daughter's birth certificate. Still waiting for these documents Lara must go to the Department of Home Affairs quite a lot. She recalls a particularly bad time when she described to the government official that she needs the above two documents for her daughter. In her own words; *"I went to the department, and I explained to the Xhosa man behind the counter my situation and how I have been waiting for 4 and a half years for the documents. He replied by saying that the kid must go back to Namakwa. I in return told him that I am here to pick up the documents, it is not a debate about who her family is, the adoption was finalized over 4 years ago. He then said, the government will not let the adoption documents go through, he has been working for the government for 9 years and he knows that they hold adoption papers back".* Lara then tried to explain to him that she is the mother of her daughter legally and that the adoption has been finalized 4 years

[4] Lara. November 2017. Personal interview. Eastern Cape: The participant names are all pseudonyms

ago, she is not there to obtain adoption papers, but the name changes and the birth certificate of her daughter. He then told her that he is 100% sure that her adoption papers have not been approved by a court.

Although this was not a racist conversation it is implied that she may not be the mother of her daughter, when he tells her that her daughter must return to Namakwa and that the court will not sign the adoption off. It is evident that adoptive parents are met with much resistance from government officials and by holding back on documents such as birth certificates and name changes and one can argue the state is using bureaucratic systems to delay this process for a reason that is not known to the research participants nor me. In a way holding back these documents makes the family dependent on the government systems, as they need the different government departments to issue these documents and two they need them to recognize their family structure as a legal legitimate family form by issuing these documents. Without the child's surname changing to the adoptive parent's surname, they are not recognizing that the child forms part of the adoptive parent's family, which delegitimizes their kinship structures. In addition to this, it means that children cannot live life to the fullest as they will not be members of their society without a birth certificate. Lara's daughter cannot be enrolled in school, travel, be a member of a medical aid, go to playgroups etc. because she does not have a birth certificate. What this means is that Lara's family is not seen as a family by the state and that Lara's daughter is not recognized as a citizen by the state as her basic human rights are being violated as she does not have a name or nationality legally without a birth certificate (Refugee Campaign, 2003).

In Hailey's opinion, she believes the government is not fond of adoption because there is no money in it, as no money is allowed to change hands for adoption because of South Africans alliance with The Hague convention. The Hague convention was established to protect children and their families against the illegal, irregular, premature or ill-prepared adoptions abroad. It also seeks to prevent the abduction, the sale of, or traffic in children (Joburg Child Welfare, 2015). It is also apparent that the government prefer fostering to adoption which one should question. She believes the answer to this is because a foster child has an R950 grant attached to it so there is potential to steal that money. Tragic as that may sound according to Hailey that is the reality. She further suggests government officials are favoring fostering in opposition to adoption and that fostering is a 2-year arrangement. In KwaZulu-Natal, the department of social development has gotten in the way by refusing to sign off adoptions according to Hailey. A

study conducted by Carte Blanche (the television series) corresponds with what the research participants have been proposing about KwaZulu-Natal (KZN). They found that is the province with the largest number of orphans and abandonment and that only 8 adoptions occurred in 2016 (Vorster, 2017). The head of the department of social development suggests that they have tightened up adoption approval to prevent child trafficking. Vorster (2017) however proposed that the link between adoption and trafficking has never been proven and that the memorandum in effect caused a virtual shutdown of adoptions (Vorster, 2017). According to Vorster (2017), KwaZulu-Natal's primary strategy for child protection is family reunification, foster care, and even institutionalization is considered better options than adoption.

Vorster's (2017) research proposes that the above strategy can be problematic for the following reasons: "Family reunification is not always possible, nor is it always in the child's best interests. This is especially true where the child has been removed because of abuse. Foster care is an impermanent solution, especially for abandoned children, and given that there are approximately half a million children in a system designed for 50 000, foster care is so overloaded that it's at the point of collapse. International research shows that institutional care can damage a child's developing brain, especially in the first 1000 days, and lead to lifelong problems in learning, anti-social behavior, and mental health difficulties including anxiety, chanting, head-banging, rocking, self-harm, cruel or aggressive behavior, cold detachment and a lack of empathy. Taking the abovementioned information into consideration it is evident that if a child is kept in foster care instead of the child being adopted, the child will most likely have many behavioral problems. What is however interesting to note is that children are often classified as un-adoptable by the state due to behavioral problems, which can arguably be caused due to the favoring of foster systems.

To elaborate it is evident that the KwaZulu-Natal state proposed that, only 53 adoption applications were made in 2017 of which 75% has been finalized. Vorster (2017) however revealed that adoption social workers counter the data that has been proposed by the state as there has been a backlog of application, were in actual fact a number 129 application were submitted and only 30% of these has been approved. The average time to approve an adoption also takes up to 6 months, which is a long time for a child to be without a family as children mainly remain in care during this time (Vorster, 2017). Vorster (2017) further proposes that only 17 unrelated adoptions have been approved this year, leaving large numbers of abandoned

children, and children consented for adoption, without a permanent family. The department seems unwilling to accept adoption consent from birth mothers, at times even contacting the extended family to ask if they want the baby (Vorster, 2017). Baby Homes are overfull, and children are growing older in care or places of safety (Vorster, 2017). Parents who want to adopt are being forced to foster and many are too fearful to apply for an adoption because even when their foster child's biological family has not made contact for years, the DSD uses the adoption application to trace them, and try to force a family reunification (Vorster, 2017). Some departmental checks are extraneous to the Children's Act. Many adoptive families are having to resort to High Court litigation to get adoptions approved (Vorster, 2017). In other words, the bureaucratic system that KwaZulu-Natal is following is causing children to be left without families and making prospective adoptive families afraid to start the adoption process. It is however evident that the National Department of social development has expressed concerns about KwaZulu-Natal and their approach to adoptions but despite this KwaZulu-Natal's department of social development is adamant that there is no adoption crisis (Vorster, 2017). They substantiate that there is no adoption crisis as they have claimed that there is little demand for adoption in the province, but the adoption community disagrees, arguing that the low numbers of applications are because KwaZulu-Natal's department does not support adoption and they use obstructive tactics. Vorster (2017) proposes that a new co-operative approach is required to ensure that everyone acts in the best interests of the most vulnerable".

When one considers the previous chapter on biopolitics and bio-power it is evident that the government is exercising their power over life and death when they obstruct the adoption process. I suggest that they are exercising power over life or death as they are making life choices on behalf of the children, which might not be in the best interest of the child, to either be in foster care, with a biological relative or in a place of safety. In addition to this, they are regulating the types of kinship relations that will legally be sanctioned as they are favoring the foster system and biological placements over adoption. I propose that they are depriving the child of a dignified life when the child is subjected and forced to be part of the system rather than forming part of a family. By favoring a foster system, the Department of Social Development is firstly, are making adoptive parents scared to adopt children, as there will be a chance that the parents might lose their child every 2 years. By discouraging prospective adoptive parents, they are causing children to lose hope to be adopted one day and they are contributing to the fact that children homes are overpopulated. I suggest that prospective

adoptive parents are discouraged based on what the research participants pointed out when they talk to new adoptive parents within their adoption network, and due to the fact that the fostering system is favored over the adoptive system. If the children houses are too full the children will not receive the love and attention that they need to develop fully or to ensure that no mental illness occurs. This raises the question, do children living in a child's home live a dignified life? Are they able to live life to the fullest, with opportunities such as going to university? Is it in the best interest of the child to favor a fostering system or family reunification over adoption? At the end of the day, the government's main concerns should be concerned with the best interest of the child and most of the research participants commented that the best interest of the child has not been government's main concern in fact.

To examine an ethnographic example, I would like to draw on Caitlin's experiences. To refresh the reader's memory, Caitlin[5] and Daniel are the parents of two biological sons and parents to their one foster daughter (as she cannot be adopted due to her and her "foster parent's" citizenship status). Caitlin and Daniel, in addition, run a safe house for children with disabilities and their objective is to find a loving family home for all the children in their safe house. To support the above claim Caitlin proposed that: "We received children who could not be placed, they could not go to children homes because it would have been 1 staff to 15 kids. The question she had with this type of children home was: Do any of these kids get back to you when they are older having said "I got a job, I got married, I got a child" any good news. No, they go back to where they came from and the cycle just repeats itself, because they do not know of any better. So, we did not want to do this to the children in our care".

Essentially all the children in Caitlin's safe house have a family waiting for them, but the problem is that they are international placements and the department of social development government does not approve of this. She proposes that they do not approve of the international placements as the government will do their own investigations and see if there aren't any relatives who are willing to care for the child. Once the investigation is done, and the results are unsuccessful, Caitlin will start with an application for an international placement, by which the government will reply that they are starting their own investigation again. This is an

[5] Caitlin and Daniel. November 2017. Personal interview. Eastern Cape: The participant names are all pseudonyms

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excellent example of how the department of social development is using the bureaucratic systems to delay the adoption process which influences the ways in which kinship relations can be created, as the child will either stay in foster care or at the place of safety. These international adoption families have both the resources and care for these children especially children with disabilities. Despite their efforts, Caitlin suggests that the children are not receiving the care they deserve in the safe house as she or the staff members cannot love all the children as a mother would. Caitlin further explains that: "The government, however, contests this because they do not like children being taken from their culture and being placed in a different culture. My question here was; how do you learn about your culture if you are in a children's home. The government's argument is that at a children's home an Xhosa child can be adopted by an Xhosa family. The other aspect that bothers the government is ancestral worship so a family from a different background/ family line such as an American family adopting a South African baby, might upset the ancestors. For example, we have a little boy that we can place with a family overseas, but the government is blocking it, they keep on doing their own investigations to see if there is any way that the placement overseas does not have to happen. Caitlin said that has been with us for 3 years, his "dad" has not visited once and his mother is deceased. The boy is HIV positive, and because of this, none of the family members want them, they explicitly said: "we do not want him". But even then, the government insists on doing more investigations. I asked how long an investigation can take but, there is no time limit or time frame on these investigations which is highly problematic".

Caitlin explained that the government will often say yes for international adoption when it is a special needs child. They have been running the safe house for 4 years and they have had 9 adoptions all of which were children with disabilities to international families. For them, personally, it can be frustrating as their daughter is tip top healthy which makes government hesitant for them to adopt her.

Taking the above-mentioned information into consideration it is firstly, it is evident that the government was obstructing the processes of adoption by withholding the unabridged certificate of Asha. To be clear Hailey had to hire a private company to obtain the unabridged birth certificate because the government did not issue one after 5 years and Hailey went to home affairs continuously. A private company who needed to be paid a premium got the unabridged certificate in 10 days. Lara's Daughter is still waiting for a birth certificate and she

is fully aware of the impact it has on her life. As I said goodbye to Lara at the gate of her house, her daughter ran up to me and asked: “het jy my geboorte sertifikaat gebring?” (Did you bring my birth certificate?). This was a heart-breaking moment for me when I was four I did not worry about administration issues that made me a non-citizen. But what this indicated for me was the fact that she experienced the fact that she is not part of the society in which she is living which should not be a concern for a child to have. This raises the question of what happens if the state does not allow a child to have citizenship, an identification number, a birth certificate or an unabridged certificate? Is the state taking the best interest of the child into consideration? How does the bio-political power of the state influence the ways in which kinship relations are perceived and formed? The adoption process has been created to take the best interest of the children into consideration, but by exercising bio-political power over families, by withholding birth certificates or citizenship is a political problem than addressing adoption and the best interest of the child. These questions will be explored in the chapter below when considering the classification of un-adoptable.

4. Un-adoptable adoptees

4.1. What does it mean to be an un-adoptable child?

The term un-adoptable is not a new term, it has been around for a long time. However, the ways in which it allocated changed. To start this theme, I would like the reader to consider the following case study of Clarence Logan: Clarence Logan and his brothers were an abandoned by their young mother in an icy apartment in New York in 1969. Clarence and his brothers were separated from one another for eight of Clarence's nine years (Times, 1977). He ended up living with his brothers again, but he finds it hard to believe that they have been reunited. He fears that he might lose his brothers (Ricky, 10 and Willie, 11) again in the future. He fears this, as the family was reunited under a set of unusual circumstances and they now form part of a rambunctious family of five boys and an enormous extended family. It is suggested by the Times (1997) that "Clarence does not talk easily to strangers who come to his new four-bedroom home in a modern housing complex in New York City, but his nervously wringing hands speak for him. He's still in a shell," said Florence Logan, who will adopt Clarence as she has his two brothers. But he'll get out of it just like my other boys. They stay here a while and they change". From this, it is evident that Florence knows that the 'boys' need time to adjust to their new way of living as they do not know how it feels to form part of a family due to the fact that they have only been in foster care his whole life.

The Times (1997) suggests that foster care systems often do not make accommodations for siblings to be placed together, and separately the children were living the predictable life of some foster children. The children were not made available for adoption as the child-welfare theories at the time considered children like Clarence un-adoptable because they were black. Clarence's brother Willie lived in a ward at the Bellevue Hospital for several years as no foster home in the state would take him, he too was classified as un-adoptable. The doctors refused to release the child although he was healthy. A child placement agency who specialized in finding homes for the "un-adoptable" took Willie's case and argued that his constitutional rights were being denied because he has been classified as un-adoptable. Willie was placed with Mrs. Logan at the time, and the social worker (Sue Wildermuth) began looking for Willie's two brothers. This was a move that was considered innovative especially during the 1970s. She found Ricky at a children's village and Mrs. Logan adopted Ricky. The social

worker then filled in an application for Clarence to be adopted, and his foster parents of three years, after the application, requested that Clarence be removed from their foster care. By removing Clarence from their foster care, Clarence could be adopted by Mrs. Logan, reuniting their family. The Times (1977) proposed that: "The Department of Social Services has acknowledged that it had been its practice until recent years to keep black children in foster care because it was believed that there were no black adoptive homes for them. The policy now, the department said, is to recruit black families. To place what are now considered "hard to place" children, such as black children over 5 years of age, white children over 12, retarded and handicapped children, standards for adoptive parents have been revised" (Times, 1977).

Although this case study was done in the 1970's I propose that it is still relevant. The category of being un-adoptable still exists, but the ways in which children are classified as unadoptable has changed. Even if all the categories and processes have changed, the fact remains that a child can be classified as un-adoptable and the effects of this classification have not changed. In the above-mentioned case study, Clarence was classified as un-adoptable because government assumed that no one wanted to adopt black children as it was a difficult placement to make in the 1970s. In turn, this affected Clarence greatly, for eight of his nine years being alive, he had no family to care for him, no siblings to play with, no mom or dad to give him love and ultimately no home. Even though he has been provided with a family, in the end, he still fears that he might lose his brothers again which is an outcome of the foster system. The foster system does not allow children with the safety they need as they need to be prepared every two years to be taken away from their foster family. It is in addition evident adoptive children experience a great sense of abandonment, and I argue that the foster system can contribute greatly to feelings of abandonment as they can be placed with a new family every two years (Landerholm, 2001). In addition to this, the child who has been placed with many foster families often gets classified as "unadoptable" due to "behavioral problems". I, however, suggest that these "behavioral problems" are an outcome of the foster system as the children need to build walls around their hearts so that they do not get hurt. Also, they might not be in a 'home' long enough for the foster parents to establish authority as parents so that their behavior can be corrected. The above case study points to the long-term effects of fostering and how favoring the foster system does not allow children to live a dignified life. By favoring the fostering system, it is evident in the case study above that Clarence has a psychological fear for his siblings to be taken away and the fear is being expressed through behavioral problems.

In addition to this, Clarence is exposed to feelings of abandonment which might make it difficult for him to make sense of the kinship structures, and to accept the family as his family.

Reich (2005, 246) suggested that behavioral problems are one of the main reasons, in our social world today (South Africa 2018), for children to be classified as unadoptable. For a child to be classified as unadoptable attorneys need to describe in detail the child's behavioral problems to justify the claims they are making with regards to adoptability (Reich, 2005, p. 246). When the attorneys and the social workers have reached a consensus that the child's behavior is "out of control" and will not be a good candidate for adoption, then the child can be deemed unadoptable (Reich, 2005, p. 246). Pearl (1963) however, suggests that there is no unadoptable child, there are always parents to be found for every child, people just need to be educated and children should not be given up on. In my opinion, I believe that if a child is classified as unadoptable it means that the government has given up on that child. I propose that this will lead to even greater abandonment issues as the child has now been abandoned by his or her birth parents, foster parents and the government. Reich (2005, 246) however proposed that it is difficult to examine adoptability because no research identifies the exact reasons why certain children are not adopted. It is noticeable that some attention and blame has been placed on social workers who identify adoption for some children and not for others (Reich, 2005). Other researchers acknowledge that there is a limit to the resources social workers have, which then force social workers to focus on the easier adoptions (Reich, 2005). The fact, however, remains that children are classified as unadoptable which is an unsavory position as one is suggesting that the child is not desirable (Reich, 2005). By classifying a child as unadoptable one is contributing to the victimization of a child in an unpalatable situation.

Michelle[6] (another research participant) explains how she lost her foster daughter to the system over 18 years ago. Michelle fostered her foster daughter, Judy when she was three years old. After a short term in her care, the government contacted her and told her that Judy is to be reunited with her biological family. Heartbroken and grown attached she handed Judy over to the government officials. She phoned regularly to hear if her foster daughter was adapting and how she was doing. She, however, did not have contact with the family directly but rather with

[6] Michelle. November 2017. Personal interview. Eastern Cape: The participant names are all pseudonyms

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the social workers involved. She was assured each time that Judy is doing well and that she has accepted her biological parents, like her parents. When Judy was about 11 years of age, Michelle found out that Judy has been in and out of foster care ever since she was said to be reunited with her biological family. When she found out that she has been lied to, she went to the place of safety where Judy was placed to see how she was doing in reality. Upon arrival, Michelle explains how Judy ran to her and asked her whether she is here to come to get her? Michelle could not take her out of her place of safety and she was assured that Judy will go to a good family. After this Judy was placed with a rich family, who could provide for all her material needs. Michelle asked whether she could come and visit to which the foster family agreed. Upon arrival Judy asked Michelle whether she is there to come and get her, to which she had to reply no, as she was no longer the legal foster parent of Judy. After some time has passed, Michelle filed a notion to adopt Judy. The social worker in return told Michelle that she may not adopt Judy as this was her last placement. Michelle did not understand what this meant so she asked the social worker to explain this. The social worker explained to her that a child may only be placed in eight foster homes after which they are labeled unadoptable, and this was Judy's ninth placement which means that she can no longer be adopted. Michelle contested this by saying that she was never notified, that Judy has been in so many foster homes as she was assured that she was safe and happy with her biological family. The social worker told Michelle that Judy has already been labeled unadoptable and that it could not be undone. In the end, Judy stayed with the family in their foster care until she was 18 years of age, after which she moved out. After moving out Michelle and Judy has been in contact with one another and rebuilding their relationship, Judy told Michelle after some time, that she has endured much abuse in multiple ways being in and out of foster care.

For Judy being labeled unadoptable meant that she could not be with the mother, she wanted to be with. From Michelle's story above it is evident that Judy wanted Michelle to be her mother but due to the bureaucratic process involved she was not able to adopt Judy. Had she known beforehand that Judy was placed into foster care after her biological family abandoned her again, she might have had the opportunity to adopt Judy as her own. The fact however still remains that Judy has never had a stable family, she has been abandoned multiple times and it has been made clear to her that she is undesirable when government classified her as unadoptable. Judy did not have any medical conditions or psychological problems she was merely subjected to the fostering system which implicated her to a great extent.

Another instance of being classified as unadoptable is that of Caitlin and Zoya. To recap the details of Caitlin's situation please consider the following. Caitlin's family consists of a father (Daniel), two biological sons and a pending adoption of their one daughter (Zoya). They have been trying to adopt their daughter for over 4 years, in the meantime, Zoya has been placed within their temporary safe care. Their daughter was given birth to by an illegal immigrant from Lesotho, in Johannesburg and they as the adoptive parents do not have permanent residency within South Africa as they are within the country on a voluntary visa which needs to be renewed every three years. When they have to return home either Caitlin or Daniel will stay behind with Zoya and let the one parent and the two sons travel first, then the one parent and the sons will return to South Africa and the other parent will return to Ireland.

I suggest that Zoya has been classified as unadoptable due to the fact that as she does not have citizenship and her "foster parents" do not have permanent residency. In reality, if something does not change drastically, such as Zoya is granted citizenship and Caitlin and Daniel is granted permanent residency, then Zoya will ultimately be unadoptable without the official stamp to declare it. This, however, begs the question, what happens if Caitlin and Daniel's visas do not get clearance? If this is to happen then Zoya will have to go to another place of safety, either a house for children to be cared for or to another foster family. Her chances of being adopted will be even less as her case is very complicated, due to the fact that she is stateless. In addition to this, Zoya will not be able to live a dignified life as she will be an illegal immigrant in each country, due to the fact that she does not belong to any state. She will not be able to attend school (without parents making alternative arrangements for her), she will not be able to be a member on a medical aid, she will not form part of any nation and she will not have citizenship. To be placed into foster care is not a permanent solution and, in my opinion, foster care and the favoring thereof implies that children are unadoptable in actual fact. I suggest that it implies unadoptable as one can get stuck in the foster system and just like Judy, be placed too many times for adoption to be possible. The fostering system, in addition, opens children up to more vulnerabilities than needed, which is why I beg the question: Is fostering or classifying a child as unadoptable in the best interest of the child. Is this fair to take a child away from the family they know due to a mistake the birth mother made as to giving birth to a child in a country illegally and declaring it?

Many children around the world fall into similar circumstances as it is evident that somewhere in the world a stateless child is born every 10 minutes, and they will experience a lifetime of discrimination (UNHCR, 2015). It has been proposed that many children and adults are stateless and it is difficult to determine the exact number of individuals who do not have citizenship status but it is estimated that 12 million people in the world are stateless (UNHCR, 2015). Focusing on children it is further proposed that in the countries hosting the 20 largest stateless populations that at least 70,000 stateless children are born each year (UNHCR, 2015). A person's nationality, however, has an impact on one's life, especially on a child's life. It is proposed that children need nationality documents to receive medical care in more than 30 countries and stateless children cannot be vaccinated in at least 20 countries (UNHCR, 2015). Unfortunately, the disadvantages do not stop at medical/ health care it continues into education, employment and being a child as one does not belong in the country in which one is born or in any other country for that matter. For a child, this not only discriminates against their right to live a dignified life but against their basic human right to live. In other words, the classification of being un-adoptable has great effects on children and the families they form part of. The fact that documents are being withheld is contributing to the fact that children are being excluded from the political, economic and social spheres of South Africa. Documents are therefore used as a bio-political tool that affects many adoptive families within South Africa, and it influences the ways in which they negotiate their social environments and kinship structures.

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5. Conclusion

Many children in South Africa and across the world have had their rights taken from them by governments not taking the best interest of the child into consideration when it comes to issues with adoption. What this means is that decisions are made for children on their behalf which they would have to live with for the rest of their lives. I suggest that when various government departments make these decisions, they are denying children to live a dignified life. I am not proposing that all adoptive processes are incorrect and inefficient, but what was highlighted by the research participants was that there is much room for improvement. This thesis was firstly concerned with the ways in which adoption bureaucracies shape and impact families within South Africa. It illustrated this by firstly examining how people become related to one another, and how families care for one another. It illustrated that kinship relations are not fixed but rather fluid as they may not be defined solely by marriage or biology. However, the pressures to represent a family were not only social, as the state also pressurized adoptive families through means of legal and bureaucratic practices which is reinforced by biopolitics. It is reinforced by politics due to the fact that the state has the power of the population by exercising their power over life, death and kinship relations.

To illustrate the above statements, I would like to return to the example provided in the prologue of this paper, that of Caitlin and Daniel. To recap, Caitlin and Daniel are trying to adopt their 'foster' daughter who has been placed with them over 4 years ago. The biggest obstacle within the adoption process for them is the fact that their daughter is stateless. Neither Lesotho nor South Africa is willing to grant the child citizenship. Lesotho does not want to grant citizenship because the mother did not provide her identification number so it is difficult to find her on their database and in South Africa, the basic principle of South African citizenship is that a child follows the citizenship or nationality of their parents (Department of Home Affairs, 2017). The process is further complicated by the adoptive parents, as they are in South Africa on a voluntary visa originally from Ireland. Their visa is only valid for three years at a time which means that they have to return to Ireland every three years, but they cannot take their daughter with. In the long-term Zoya can obtain citizenship in Ireland but Ireland cannot process an international adoption because she does not have an identification document and she does not have citizenship.

The above example shows how adoption bureaucracies are shaping the lives of Caitlin's family, as they, firstly, cannot adopt their daughter due to the fact that neither they or their daughter have citizenship within South Africa. Secondly, the fact that neither South Africa nor Lesotho wants to grant the child citizenship, illustrates how these government departments are hiding behind the red tape of the bureaucratic process to not grant Zoya citizenship. It is, in addition, evident that Zoya is considered un-adoptable due to the fact that she does not have citizenship, which will impact her life greatly. In addition to this, the placement should not have taken place in the first place due to the fact that Caitlin and Daniel do not have permanent residency. For clarity, one may only adopt a child in South Africa if a person is a citizen of South Africa or has permanent residency. Caitlin and Daniel did not have either of these, which means that they were not allowed to qualify for adoption in the first place, nor a placement. In other words, the process implicated the lives of Caitlin's family and that of Zoya's which means that their lives have been dominated by the bureaucratic processes, instead of focusing on forming a family unit. Zoya can also not participate within the economic, social or political sectors of South Africa as she does not have citizenship. This example can be used to summarise the argument of the thesis. This thesis has argued that the bureaucratic process involved within adoption is influencing the ways in which kinship relations can be created, as the government is withholding birth certificates and classifying children as 'un-adoptable'. It is important to note that the category of 'un-adoptable' is the most extreme example of the bureaucratic process and the difficulties it poses. I argue that children are considered un-adoptable when their birth certificates are withheld by the government, as these children cannot live a life, an adopted child would live, without a birth certificate.

The above example summarises the argument due to the fact that Zoya cannot live a dignified life as she can be taken away from her family at any point in time, and she is classified as un-adoptable, due to the fact that she does not have citizenship. The fact that Zoya does not have adoption papers or citizenship, means that Zoya's life is being influenced by the bureaucratic processes involved within adoption. The argument was however substantiated in the thesis by examining how various government departments have to acknowledge the family structure either in terms of marriage, by changing the adoptive child's names or by finalizing adoption papers and birth certificates. By withholding these documents, the state is excising their biopolitical power, to delegitimize the family structure of the adoptive families involved in the research which illustrates the state's power over life and reproduction. If the family structure

(such as Caitlin's family structure) is delegitimized it means that the dignity of the family unit is being discriminated against which is means that the family unit is not recognized as a family in the eyes of the law. The thesis, in addition, argued that the government is withholding the right to live a 'dignified' life when they make decisions for children, which might not be in the best interest of the child. The thesis proposed this as a child without a birth certificate cannot attend school, be on a medical aid nor travel with their family. In actual fact, a child without a birth certificate can be seen as a non-citizen as they would not be able to participate in limited spheres of their social world without a birth certificate. In addition to this, the thesis proposed that children who are classified as un-adoptable do not have access to a dignified life, as they will be subjected to form part of the bureaucratic system instead of a loving family, all because the state has the power to do so.

It is however evident that the terms needed to analyze the bureaucracies involved within adoption requires one to move beyond standard categories of kinship and biopolitics. One can move beyond these categories by drawing connections between them as it is apparent that no analytic category can capture these adoption dynamics in themselves. For example, kinship is important to address family structures but doesn't adequately grasp the non-biological dimension or the state's power when forming kinship relations. Biopolitics is therefore important to analyze the state's power over life and death, by examining social reproduction, but it had to be re-shaped in the thesis to encompass non-biological reproduction such as adoption. All of the above themes, therefore, formed part of the bureaucratic system involved in the adoption process. They formed part of the bureaucracies as firstly, kinship is created both by individuals and the state (and the state only recognizes as a family unit by providing marriage certificates for example). Issuing marriage certificates or changing the surname of a child involves an administrative process which requires different state departments to legitimize the family structure. As mentioned in the thesis many government departments are hesitant to give the adoptive parents the finalized documentation, as they argue that the adoption could not have been finalized in court. What this illustrates is the state's power to delegitimize a family unit by withholding documents. All of these themes form part of the bureaucratic system under which a family unit is dependent on the administrative process involved to legitimize their family unit, lawfully. Drawing back to the unadoptable, it is evident that rendering a child un-adoptable is one of the most extreme instances where the best interest of the child is not taken into consideration.

6. Works Cited

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