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Article

Can First Parents Speak? A Spivakean Reading of First Parents' Agency and Resistance in Transnational Adoption

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Abstract: This article analyses the search strategies of first families in Bolivia contesting the separation of their children through transnational adoption. These first parents' claims to visibility and acknowledgement have remained largely ignored by adoption policy and scholarship, historically privileging the perspectives of actors in adoptive countries, such as adoptive parents and adoption professionals. Filling in this gap, we discuss the search strategies employed by first families in Bolivia who desire a reunion with their child. Drawing on Gayatri Chakravorty Spivak's feminist postcolonial theory, we analyse ethnographic fieldwork with fourteen first families in Bolivia. We read how the agency of first parents, severely limited by the loss of legal rights through the adoption system, is caught in a double bind of dependency and possibility. While hegemonic adoption discourse portrays first parents as passive and consenting to the adoption system, the results of our study complicate this picture. Moreover, we argue that the search activity of the first parents can be read as a claim and request to revise and negotiate their consent to transnational adoption. Ultimately, we read first parents' search efforts as resistance to the closed nature of the adoption system, which restricts them in their search for their children.

Keywords: transnational adoption; searches; first parents; Bolivia; postcolonial studies; Spivak; subaltern; resistance



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1. Introduction

In the field of critical adoption scholarship, the perspectives of *first parents* are slowly gaining attention after being ignored for decades by adoption policy and research (Kim 2016; Clemente-Martínez 2022; Högbäck 2016)¹. Pioneering studies on the perspectives of first mothers complicate the prevailing picture of adoption by illuminating the complex challenges they face—from precarious living conditions and oppressive structural systems to the limited alternatives available to them (Bos 2008; Högbäck 2011; Roby and Matsumura 2002). The closed nature of transnational adoption, reflected in adoption law and policy in many countries of origin (Salvo Agolia and Herrera 2020), often prevents first parents from claiming agency in their adopted child's life. Furthermore, various studies have pointed to irregular adoption practices in which adoption policies have been complicit in rupturing the parent–child relationship (Hailu 2017; Loibl 2019; Smolin 2006). In some cases, this led to the erasure of the first parents' history through falsifying, sealing, or destroying adoption records (Branco 2021; Meier and Zhang 2008) or manufacturing their consent (Cawayu 2023a). Due to the increasing irregular adoption practices reaching the media and politics, more and more supply and demand countries involved in transnational adoption are questioning the sustainability of this practice².

This article focuses on how first parents exercise agency and claim visibility. While first parents' speech is severely limited in the Bolivian closed adoption system, we discuss an ethnographic study with fourteen Bolivian families to explore the following research

question: *How can first parents speak out in the transnational adoption system?* Drawing on Gayatri Chakravorty Spivak's (1988) cultural theory on subalternity and agency, we engage with the unacknowledged voices of first parents. For decades, the prevailing narratives depicted these first parents as passive subjects who consented to the adoption system. Nevertheless, they have started to claim visibility, and their counternarratives are gradually entering the adoption discourse, challenging the hegemonic narrative on the transnational adoption system (Clemente-Martínez 2022; Monico 2021). Spivak's work enables us to read first families' unacknowledged searches for their children as forms of resistance. We explore how these searches are indicative of a search for social justice in an asymmetrical world.

This article is structured as follows. First, we briefly discuss the literature on first parents in transnational adoption. Second, we introduce Spivak's theoretical framework on subalternity and speech and implement it to theorise the lived realities of first parents. Third, we detail the methodology and describe the research process. Fourth, we discuss results by elaborating on the different search strategies first parents use. These include (1) searching through the adoption system, (2) searching through initiating court proceedings, and (3) searching through social media. Finally, we discuss how first families' searches can be read as resistance to the current adoption system.

2. First Parents Claiming Visibility in Adoption in the Global South

We observe two interacting dynamics concerning the voice of first parents in transnational adoption. On the one hand, there is a growing interest in documenting the experiences of the first parents. On the other hand, first parents have been claiming visibility for a long time but have only recently been observed by academics and civil society.

The first dynamic is reflected in how various scholars in the field of Critical Adoption Studies in the early 2000s drew attention to the lack of research on first families in transnational adoption. For example, anthropologist Signe Howell (2006, p. 15) noted in the mid-2000s that 'very little, or nothing, is known about the biological parents' of children placed in adoptive families in the Global North. The lack of studies on first families has also perpetuated the rhetoric of transnational adoption as a 'win-win-win situation' (Park Nelson 2016, p. 91). It is believed to benefit the (*un*)wanted child (as it finds a forever home), the adoptive parents (as it fulfils their desire to raise a child), and the first family (as it relieves them of the burden of caring for the child) (*ibid.*). This prevailing imagery is rooted in a Eurocentric analysis of gains, ignoring the losses in the lives of first parents (Högbacka 2016). After separation from their child, these parents continue to endure social stigmatisation and exclusion and have to cope with the permanent loss of their child (*ibid.*). In this regard, anthropologist Kay Ann Johnson (2016, p. 22) note that documenting the stories of first parents allows us to 'correct' the prevailing discourses constructed by adoptive parents, adoption agencies, and competent authorities. Growing scholarship on first parents reveals how historical and socio-political structures impact first families' decisions to have their children adopted. The few studies mainly refer to Asian countries (Bos 2008; Bos et al. 2015; Clemente-Martínez 2022; Johnson 2016; Kim 2016; Prébin 2013). However, research on Latin American first families is still sparse, with some exceptions (Fonseca 2011; Monico 2021), despite the considerable number of transnational adoptions from this continent (Selman 2009).

The second dynamic revolves around first parents claiming space and visibility in the debates on transnational adoption. One extensively documented case regards The Grandmothers of the Plaza de Mayo in Argentina, a human rights organisation founded in 1977. This organisation, which is mainly made up of grandmothers searching for their children, campaigns for the rights of the children who were forcibly separated from their parents during the tumultuous period of the dictatorship (1976–1983) (Arditti 2002; Gandsman 2009). Numerous pregnant women were abducted, and their children were often entrusted to adoptive families close to the military regime after birth. Through their political actions and awareness campaigns, The Grandmothers of the Plaza de Mayo have had a significant influence on politics in Argentina and beyond, actively campaigning for truth and

justice (Arditti 2002). In a more recent study, Carmen Monico (2021) describes how three first mothers in Guatemala tried to search for their children after they were abducted by child traffickers in 2016 and placed in transnational adoption programmes. These first mothers eventually sought psychosocial and legal support from a non-governmental organisation (NGO) to find their children after receiving little support from public institutions in Guatemala (ibid.). With the help of this NGO, their struggle for justice has become more visible.

With this article, we, as scholars, aim to contribute to the growing visibility of first parents in transnational adoption. Implementing Spivak's postcolonial and feminist framework, we abstain from rendering first parents visible, pretending they need scholars to become visible. Instead, we articulate and analyse these parents' strategies to claim visibility in the Bolivian adoption system.

3. Spivak's Cultural Theory on Subalternity and Agency in Transnational Adoption

The title of this contribution articulates Spivak's (1988) influential essay *Can the Subaltern Speak?* In this essay, Spivak focuses on the relationship between the engagement of Northern scholars in reading subaltern people in the Global South. She argues that these scholars' benevolence risks prescribing and limiting the speech of the subaltern. Spivak describes that the subaltern loses its ability to speak because the Northern scholar has a trained incapacity to engage with subaltern speech, or speech 'coming from the unnamed subject of the other of Europe' (Spivak 1988, p. 75).

The reality of first parents in transnational adoption approximates Spivak's definition of the subaltern, which she borrowed from 'Antonio Gramsci's subaltern classes' (Spivak 1988, p. 78). Gramsci used the term 'subaltern classes' to refer to marginalised and oppressed groups living on the fringes of society, especially those who are socially, economically, and politically subordinate (Gramsci 1971). Spivak advances Gramsci's conceptualisation by reading the subaltern in the global asymmetries between the Global North and the Global South. Spivak's concept of the subaltern enables us to read first parents' separation from their transnationally adopted children as a fracture between Global North and Global South. Spivak envisions the subaltern as a group of people disenfranchised from writing their history or claiming any agency in the current economic-political order (Spivak 2006). Correspondingly, the representation of first parents is predominantly monitored by adoption professionals, orphanages, and demand countries in the Global North. Like Spivak's subaltern, first parents are structurally deprived of self-representation. For example, their names are often erased from the adoption documents or their efforts to contest the separation from their child are not mentioned in the documents (see, e.g., Cawayu 2023a). Those stories of first parents that circulate in adoption narratives are often told from the perspective of adoptees, adoptive parents, or adoption agencies. However, in telling their stories, these actors often tend to deploy first parents' voices to legitimise the rescue of the adoptee from the 'miseries of the Third World' (Hübinette 2004, p. 19). In other words, first parents are only consulted to articulate and reproduce the assumptions that Northern actors have of them, namely subjects living in extreme poverty and deplorable living conditions in need of external benevolence.

First parents are heard as long as their voices are desired by those in power (i.e., those governing the adoption field). Spivak argues that such extreme dependency inhibits the subaltern from truly speaking, as true speech would entail an eligibility to criticize their prescribed role in transnational adoption. In her essay, Spivak concludes that when the subaltern's possibility for speech depends solely on the benevolence of the Western subject, the subaltern is unable to speak. She means the subaltern cannot speak about anything other than what the Western subject wants to hear. However, Spivak warns for simplified conclusions as the absence of the subaltern's speech in Northern-led scholarship does not mean that the subaltern's speech is not present outside of hegemonic scholarship. We mentioned how the first parents in Argentina and Guatemala claimed visibility in the

(political) debate on adoption. In doing so, they did not wait for a Northern scholar to render their perspectives visible.

3.1. *Reading the Double Bind in the First Parents' Claim to Agency*

Throughout her work, Spivak has examined the challenges and complexities that arise when marginalised or subaltern groups attempt to articulate their experiences and concerns (Spivak 1988, 1997, 2006, 2013). She argues that these groups are often placed in a 'double bind', which refers to a situation in which they are caught in a paradoxical dilemma. Spivak refers to the 'double bind' as 'learning to live with contradictory instructions' (Spivak 2013, p. 3). They are trapped in a paradox where speaking within the dominant discourse can be necessary for visibility and problematic because it may reproduce their subordination (Spivak 2013).

The double bind surfaces in first parents' lives through various dynamics that testify to a power shortage materialising through marginalisation and invisibility (De Kock 1992; Paulson 2018). First, following the legal detachment from their child, first parents are marginalised and silenced by the dominant hegemonic discourse in transnational adoption (Högbacka 2019; Kim 2016). They are marginalised from the prevailing narrative and are legally prohibited from representing themselves in the life of their adopted child and its lifeworld. Second, when first parents attempt to speak out or represent themselves and claim visibility, they depend on the dominant group's language and concepts. First parents claiming visibility in transnational adoption will often have to contest the institutional adoption discourse that is depriving them of legal rights and a social role in the life of their adopted child. This means that claiming visibility makes their voices prone to being mediated and shaped by the system that oppresses them. Put differently, they must use the language and concepts of the oppressor to make their claims and demands known, but in doing so, they risk reinforcing the very structures that oppress them. They cannot speak without using the tools provided by the oppressor, but using them may also perpetuate their subjugation (Davis et al. 2019). An example of such a double bind is the binary notion of parenthood. First parents cannot claim visibility in transnational adoption without acknowledging the adoptive family setting where their child grew up. These adoptive parents can invoke adoption laws and regulations, privileging a closed adoption system, to decline the first parents requests to see or talk to the adopted child. Hence, first, parents rely on adoptive parents goodwill to be in touch with their adopted child.

3.2. *Spivak's Learning from Below*

We are drawn to Spivak's concept of *learning from below* as equipment for engaging with the double bind in first parents' lifeworlds (Andreotti 2007; Heinemann 2019; Spivak 2002).

To install mechanisms of translation between hegemonic and marginalised worlds, between the adoptive families in the Global North and the first families in the Global South, Spivak explores the notion of the organic intellectual. She borrows this concept from Gramsci's work. Gramsci's organic intellectual refers to individuals who emerge from within a particular social class and serve as intellectuals who are not only academically or professionally trained but are also deeply connected to and engaged with their own class's experiences, culture, and needs (Gramsci 1971). Spivak extends and revises the concept of the organic intellectual. In her work, she focuses on the role of the intellectual in postcolonial contexts, particularly in facilitating the emancipation of the subaltern groups (Spivak 1997). Spivak's organic intellectual once lived a subaltern reality but can mediate between the hegemonic and the subaltern worlds by claiming visibility and agency. She emphasises that the organic intellectual must have a deep understanding of the subaltern's experiences but also be able to translate these experiences into academic discourse and engage with broader political and social issues. So far, first parents have not achieved institutionalisation of their voice in transnational adoption and appropriate the status of an organic intellectual. Nonetheless, first parents' searches for their adopted, abducted or stolen children is an important terrain where scholars and professionals can continue

to learn from them in order to co-design the conditions they need to claim a voice in transnational adoption debates, speak up about their experiences and ultimately becoming organic intellectuals.

Spivak's (1993, 1999) educational work reminds us that professionals and scholars can facilitate such emancipatory processes by learning from below—learning from the subaltern—how they can improve their social service and social intervention. In other words, the professional or scholar should become the disciple of the subaltern, learning from their reality and becoming instrumental to the emancipation of the subaltern and their children (Heinemann and Sarabi 2020; Sacré 2023; Spivak 2002). In other words, for first parents to start speaking, scholars or professionals in the field of adoption must contribute to the conditions in which first parents' speech, self-representation and agency are heard, valued, and articulated (Andreotti 2007).

Adoptee Researchers Learning from Below, Learning with First Parents

In recent decades, adoptee scholars have claimed an academic voice in the debate on transnational adoption (Hübinette 2007; Myong 2016; Park Nelson 2016; Prébin 2013; Sacré et al. 2023). We also witness an increased engagement of adoptee researchers in learning from below (i.e., learning from first parents) (Cawayu 2023b; Clemente-Martínez 2022). Nonetheless, we argue that adoptee researchers cannot be theorised as organic intellectuals, primarily because their upbringing in Northern families equipped them with knowledge and capital facilitating agency and self-representation. Nonetheless, adoptee researchers can play a pivotal role in articulating, reinforcing, and politicising the perspective of first parents. We, as authors, both belong to the group of adoptee researchers. While pursuing a personal reunification with our first parents has contributed to a layered analysis of their lived realities, the encounters with other first parents shaped our ability to understand the asymmetrical and contradictory power relationships in transnational adoption. Learning with the first parents, we realised that the goal of articulating their perspectives should not be limited to facilitating a reunion, although that might be a meaningful practice. Instead, we argue that the adoptee researcher can play a significant role in translating the global asymmetry faced by first parents trying to claim visibility in the global debate on transnational adoption (Sacré et al. 2023).

While the absence of subaltern speech in hegemonic debates is too often ascribed to their inability to represent themselves, learning from below is a way of reading the conditions inhibiting the self-representation of the subaltern. As such, learning from below is a way to learn from the subaltern without the intention to speak for the subaltern but with the intent to render the power inequities that inhibit their self-representation readable, discussable, and ultimately changeable. This article implements Spivak's thinking to revisit first parents' speech as sites of subjectivity and resistance to the power hierarchies inherent in transnational adoption. By reading, articulating, and amplifying their voices and experiences, we explore a more comprehensive understanding of the complex web of social, economic, and political forces that shape transnational adoption practices.

4. Methodology

This article draws on a broader multi-sided ethnographic study of transnational adoption from Bolivia, which examined the conditions and contexts that impacted the relinquishment and removal of children (Cawayu 2023b). This study involved participant observation and semi-structured interviews with 70 participants between 2017 and 2022, including testimonies of first families, local adoption and child welfare professionals, Bolivian adoptees, and adoptive parents.

The data selection for this article includes interviews with 23 first-family members belonging to fourteen first families (see Table 1). Four first families were recruited via Bolivian adoptees or adoptive families who were already in contact with the Bolivian family. Nine first families were approached as part of a search request on behalf of the adoptees. Only one family was contacted via an adoption organisation in Bolivia. All

interviewees were fully informed about the research aims, the methods of data collection, and the analysis. This research project was ethically approved by the Faculty of Arts and Philosophy Ethics Committee at Ghent University (Belgium) prior to the fieldwork in Bolivia. Additionally, the project was guided by the ethical guidelines of the American Anthropological Association (AAA). All interviews were conducted in Spanish, with the full consent and permission of the interviewees. Subsequently, all interviews were anonymised by using pseudonyms and removing all potentially identifying information. Each interview lasted between one and three hours, often supplemented by fieldwork before or after the interview. All interviews were audio-recorded, fully transcribed, and analysed using an intersectional social constructivist approach, examining how participants interpret their own experiences while considering the broader contexts and ideological frameworks in which they are enmeshed (Atkinson and Hammersley 2007; Hastrup 1995).

Table 1. Overview of first families.

# First Families	# First Family Members	Year of Adoption	Department	Searched?
1	1. Mother	1983	Santa Cruz	Yes
2	2. Father 3. Mother	1983	Santa Cruz	Yes, via trial
3	4. Brother	1986	La Paz	Yes, via social media, considered trial
4	5. Mother 6. Aunt	1990	La Paz	Yes, via children's homes, considered trial
5	7. Sister	1992	Potosi	No
6	8. Grandmother 9. Father 10. Mother	2007	Santa Cruz	No
7	11. Uncle	2007	Santa Cruz	No
8	12. Aunt 13. Aunt	2009	Santa Cruz	No
9	14. Mother 15. Father	2009	Santa Cruz	No
10	16. Brother	2009	Cochabamba	No
11	17. Mother	2011	Santa Cruz	Yes, via children's home and social media
12	18. Mother 19. Father	2013	Santa Cruz	Yes, via children's home
13	21. Grandmother 22. Mother	2014	Santa Cruz	Yes, via children's home
14	23. Mother	/ *	La Paz	Yes, via NGO

* It is unclear in which year the adoption took place.

Various topics were discussed in the interviews, including the story of the relinquishment or removal of the child, interaction with adoption and child protection professionals, wishes and desires, search attempts, and reunions. Except for one case, all first families could reunite with their children. Eight of the fourteen families interviewed had initiated efforts to collect information or search for their child. The remaining six families expressed a desire to stay in contact with their children during the interview; however, these families did not attempt to look because they did not know how to proceed.

We have analysed the testimonies and especially the search strategies of the first parents through Spivak's notion of the double bind—referring to the contradictory scripts

of claiming speech in an adoption system that has historically silenced them. On the one hand, we read first about parents' limitations in searching for their children, imposed by a closed adoption system and its institutional agents. On the other hand, we read first parents' dependency on the adoption landscape and its institutional agents to pursue the possibility of a reunion with their children. Navigating the realm of limitations and dependency, we look at how the double bind manifests itself in the search attempts of the first parents. In line with Spivak's thinking, we avoid proposing quick fixes or a set of 'successful' strategies that resulted in a successful reunion. The aim is to learn with first parents about how they attempt to redefine limitations and dependency into possibilities.

5. Results

Following the overview of the interviews in Table 1, we inductively analysed three search strategies. We discuss each search strategy and elaborate on how the families navigate the double bind of dependency and possibility. First, we discuss how five families have contacted agents in the adoption system to search for their children. Second, we discuss how three families considered or started a lawsuit to contest the abduction of their children. Third, we discuss how one family searched for their adopted child via social media.

5.1. Searching via the Adoption System

This first empirical section discusses the search efforts of five first families in the Bolivian adoption system. The first two stories dwell on the search efforts of families who knew in which children's homes their children were placed. The following two cases tell the stories of two other first families who had to search different children's homes to obtain information about their children. The last case describes the story of a mother who turned to an NGO for help finding her child.

In the first case, Fabiana had decided in 2009 to give up her two children for adoption, as she considered this the best solution. At the time, she was in an abusive relationship with her partner. While the mother was in the process of legally relinquishing her parental rights, she kept visiting her children in the children's home. She brought them clothes and food and inquired about the well-being of the children. One day, when she was about to visit the children, she was told by an employee that the children were no longer at home:

They told me the children were already gone with their adoptive parents. I asked, "How are they? Are they good people?" The employee responded: "Yes, they are good people."

Knowing that her children were placed together in a warm adoptive family, Fabiana could make peace with her decision.

In a second case, Isabela had temporarily transferred the care of her grandson to a children's home in 2011. As the grandmother worked in another department for several months, she could no longer visit her grandchild and lost contact with the children's home, so she could not inform the home that she could not see her grandchild. When Isabela returned to the children's home to reclaim the child, she was refused entry. Presumably, her grandson had already been declared adoptable, which meant that the social and legal ties were severed, and this explained why she was no longer authorised to visit the child. On another attempt by Isabela to see the grandchild, she was told that the child was adopted: "The last time I was there, they said, 'The boy is no longer here; he is in another country.'"

In contrast to the previous stories, not all of the first families knew in which children's homes their children were placed, so they had to find out for themselves. This was the case, for example, with Linda, whose children were adopted abroad in 2011. After child welfare professionals found her children, proceedings were initiated to seek the children's parents. According to the children's adoption papers, the responsible authorities were unable to locate the mother, so the children were declared abandoned. As Linda was living in a precarious situation at the time and thought the children were living with her extended

family, she only later found out that her children had been placed in a children's home. She tried to find them by knocking on the doors of various children's homes.

I knew of only two children's homes. I went there. I gave the names of my daughters, but nothing. Where did my daughters go? Where did they go? I went to Children's Home 1, and they were not there. I went to Children's Home 2, but they were not there either. Where could they be? Eventually, I found out that my daughters were in Holland.

Similarly, Mariela and her family also visited various children's homes after Mariela was persuaded by a lawyer in 1990 to give up her child, Lena, for adoption. Mariela, who was still a teenager at the time, and her family began looking for the child in various children's homes, as her aunt Janine reported:

The day she left her daughter there, well, she was crying. My siblings asked her, "Where is Lena?" When my mother came back [from the countryside] two days later, she asked, "Where is the baby?" and Mariela said, "She is in a children's home." "What?! Where?! How?!" my mother freaked out. She made a scandal looking for Lena until we finally found the guy who had ensnared my sister. We went to the children's home to look for Lena. It was not a children's home; it was supposed to be a day-care centre, and she was no longer there. We then looked in all the children's homes, in all the possible places where she could be... But we did not find her. [...] After a month, we found out that Lena had been given up for adoption to Germany. [...] Then we got in touch with the family where Lena was adopted. We saw that the family... They seemed to be good people. [...] The only thing we were able to achieve was that the man who kidnapped Lena signed that he had to bring us pictures of her every year.

When the authorities detained the lawyer, the child was already sent abroad with an adoptive German family. The arrangement, in which the lawyer provided the Bolivian family with pictures, proved to be the only way for the family to stay in contact with the child and helped to ensure that the family did not have to worry too much.

A final case describes the encounter between Elsa and a professional from an adoption NGO in 2018. Elsa, a mother in her early thirties, turned to this organisation for help in finding her son, whom she had lost custody of in the early 2000s due to neglect and alcohol abuse. Elsa expressed her desire to find her son to the professional, "I would like to meet him and know where he is." Elsa went on to explain that during the proceedings in which she was deprived of her parental rights, all the necessary documents of her son were requested, including his birth certificate. Therefore, it seemed logical that her son was registered in the adoption system and that professionals needed to know where he was. She argued: "I filed all his papers with the court. They must be there. They should get them from the archives." The professional conveyed to Elsa that the situation was more complex. The authorities had legally cut all ties to her son. Thus, she no longer had the right to know his current whereabouts, as explained by the professional: "All these papers exist in the court, but the problem is that they will not give you any information."

The examples described show how the first families contacted distinct organisations active in the field of adoption to obtain information about their children. In this context, a complex predicament arises as these parents seek to exercise their agency by approaching the organisations that are part of the larger adoption system that cuts parents off from their children's lives. In line with Spivak's cultural theory on subalternity and agency, we witness how first parents' searches in the adoption system are caught by a double bind. Although the adoption system is complicit in depriving them of any legal rights in the life of their adopted children, its institutional agents are indispensable in the first parents' pursuit of reunion. In theory, the institutional agents can potentially support first parents in finding their children. Nonetheless, in practice, these institutional agents restrict the chances for reunion by reminding the first parents about the irreversible nature of the adoption. In other words, these agents remind first parents that they no longer have

the right to receive information about the child as they lost all their parental rights when the child was declared abandoned and adoptable. This is due to the closed nature of the adoption system in Bolivia, as in many other Latin American countries (Salvo Agoglia and Herrera 2020). Importantly, we witness how the adoption system does not acknowledge the first parents' speech. First parents inquiring about the whereabouts of their adopted children is an attempt to renegotiate consent. Instead, they are reminded that consent is no longer negotiable, as it does not align with the hegemonic adoption policy. None of these families could contact their children or receive detailed information about their children's whereabouts. Only a few families received some limited information from professionals.

5.2. Searching via a Criminal Proceeding

This second empirical section covers the first families' attempts to consider searches by exercising their rights. First, we discuss the testimonies of two first family members who considered criminal proceedings but eventually refrained from them. We then analyse the search efforts of a family whose child was abducted and who tried to trace her by filing a lawsuit against the abductors.

Two families expressed they had a keen interest in taking legal action against the adoption, as they believed the adoption had taken place illegally:

We did not have the economic means to get her back; how to file a lawsuit, etc.

(Janine, aunt of a child adopted abroad.)

If my mother would go to heaven, I would start criminal proceedings.

(Manuel, brother of a child adopted abroad.)

Janine decided against going to court because she and her family had neither the financial means nor the legal guidance to do it properly. Manuel considered initiating criminal proceedings only after his mother's death to spare her the burden of a trial. During the interview, both family members mentioned that the mothers were young single women at the time of the separation. In both cases, we observe how stigma, shame, and disadvantaged socioeconomic background prevented them from initiating criminal proceedings.

In the case of Fabio and Magaly, their one-and-a-half-year-old daughter Astrid was abducted in Santa Cruz in 1983. The parents immediately reported this heinous crime to the local authorities. Relying on their financial resources, which were considerable thanks to their flourishing business, they launched an extensive search campaign to find their missing child. This included funding weekly appeals in local and national media in Bolivia, which eventually led to the arrest of the kidnappers. It turned out that the kidnappers had abducted three children, including Astrid, and placed them with adoptive families abroad. Nevertheless, Fabio and Magaly ended up being the only parents with the financial means to initiate criminal proceedings against the perpetrators and get their beloved daughter back. Although the parents explained that the process was also a financial challenge for the family, they received invaluable financial support from their circle of friends, family, and loyal supporters to fund the legal process.

Through the court process, the parents gained access to the adoption file. This file showed how all the documents had been falsified. Nevertheless, the documents also contained information about the adoptive parents with their address details and some recent photos of Astrid, as Fabio recounted: "Then I had her photo, the address where she was taken. Everything. I found my daughter. I finally knew where she was."

The court case led to Fabio being supported by the Bolivian government to present his case in Belgium. He decided to fly to Belgium and was accompanied there by the Bolivian consul to talk to the relevant Belgian authorities to find out how they could repatriate his daughter. After many months, Fabio could finally see his daughter again in Belgium.

We went to Belgium to look for my daughter. We already had the address and everything. I went with the consul to find my daughter. He arranged a meeting with the adoptive parents. However, the consul told me that the adoptive parents

did not want to return my daughter, “They do not want to return her because they have already become accustomed to her. She will be even more traumatised when she returns to Bolivia.” They convinced me. They said, “You can come and visit us any time you want. We will teach her the language.” So, we agreed. We agreed that my daughter would stay there. She stayed there, and I could return to Bolivia without worrying.

Against all odds, Fabio agreed to leave his daughter with the Belgian adoptive parents. He saw that the adoptive parents were good people who wanted the best for his daughter. These adoptive parents convinced Fabio not to reclaim Astrid, arguing that she could be re-traumatised by the separation. Magaly nuances Fabio’s statement and adds that they were not able to finance a court case in Belgium:

Another thing is that we had no money for a lawyer in Belgium. They said, “If you want, we’ll go to the courts.” And the courts there. . . Bolivian money is not worth much there in Belgium.

The father returned to Bolivia empty-handed but with the idea that his daughter would do well. However, contact between Fabio and the adoptive parents was not maintained, and the adoption remained a closed adoption. Fabio said that the adoptive parents did not believe that he was the genetic father of their adopted child because they were convinced that the adoption had been carried out legally. It was only when Astrid returned to Bolivia at the age of 24 and started looking for her Bolivian family that her adoptive father told her about Fabio’s visit in the 1980s. This accelerated her search for her Bolivian family, and she soon met Fabio and his family. After a DNA test confirmed her genetic relationship with the father, Astrid was sure she had found her Bolivian parents.

The testimonies of the first parents who searched via a lawsuit tell us that the loss of legal rights over their child via transnational adoption has dramatic consequences when that adoption is based on manufactured consent. The loss of rights severely limits these first parents in rectifying the injustice through a lawsuit. Nevertheless, these parents have been consulting the rule of law as an indispensable route towards social justice. Thus, we read how first parents’ searches via a lawsuit are caught by a double bind. The mechanism that separated them from their child—the rule of law—becomes at the same time indispensable in the pursuit of a potential reunion.

In addition, the financial limitations of these parents to start a lawsuit deepen the asymmetry between those who can find justice in transnational adoption and those who cannot. Initiating legal proceedings is often an unattainable option for many first families due to financial constraints and the additional burden of stigma and shame experienced by mothers. From all the other families whose children have been abducted by the same criminal organisation, Fabio and Magaly were the only ones who managed to collect sufficient financial resources to set up a media campaign, take legal action, and travel to the adoptive country where the child was living with the adoptive family. Despite their efforts, they could not return their daughter to their Bolivia family. This case illustrates how this family tried to navigate within their limits while exercising their rights. Yet, they were wronged, as they could not reclaim their daughter nor maintain contact with her. Only when the daughter initiated a search as an adult could the family remain in touch with her.

5.3. Searching via Social Media

In this final empirical section, we address the search of Manuel, who tried to find his sister through social media. But it was not until 2016 that his mother, Yvelin, mustered the courage to tell her son that he had a full sister, adopted by foreigners in 1986. Yvelin had kept this a secret for more than 30 years, but it was only when a close relative involved in the adoption died that she felt comfortable telling Manuel. Yvelin told Manuel how she was forced to give her child up for adoption immediately after giving birth to her newborn daughter. After hearing the news, Manuel promised his mother he would look for his sister. In the following months, Yvelin shared as many details as she could. Because of her frail

health, Yvelin could not search for her daughter herself. Therefore, Manuel suggested to her that he would initiate the search, which he began in mid-2018.

Manuel approached various family members to start his search for information about the adoption. This led to a confrontation with a family member who turned out to be involved in the adoption of his sister. This relative revealed the name of a lawyer responsible for the adoption. This allowed Manuel to locate the lawyer in an accredited online register: "I found the lawyer. I found her picture in the register of the bar association." He then presented the picture to his mother, who recognised the lawyer. With this confirmation, Manuel sought more information about her through social media. Since the lawyer had set her privacy settings to public, Manuel could see all her posts, pictures, and Facebook friends. Since the mother had seen white adoptive parents when the adoption was finalised, Manuel asked her to look at the Facebook profiles he had found in the lawyer's contact list:

Among the lawyer's Facebook friends, there was this couple. Intuitively, I said: "Mama, come and see, come, and see... Here she is. Are these the people you saw?" She saw them and started crying bitterly. She said, "Yes, it's them." I thought, "Okay, I'm close to finding my sister."

Manuel was convinced that he had found the right adoptive family. To confirm his assumption, he called the lawyer to arrange a meeting with her. Although his objective was to find his sister, he expressed that he would also be relieved if he knew whether she was still alive. Manuel recounted:

I explained to the lawyer, "I came here in peace, and I am here because of my mother. She gave her little girl up for adoption, and she did it without her consent. She has been misled. She wants to know about her. At least she wants to see if she is alive. Please.

However, this was a disappointing experience for Manuel, as the lawyer refused to disclose any further information about the adoption. The lawyer also did not confirm whether the adoptive family was the family Manuel and his mother were looking for.

Eventually, Manuel contacted the woman he believed to be his sister in early 2020 after finding her contact details on social media. Still, he was concerned about sharing all this information with her: "How do you tell someone? If a person lives a normal life, someone suddenly tells them, 'Look, this is what happened. You are adopted.' You do not want to harm that person." Manuel told us that he had gone to see a psychologist to receive advice on how to get in touch with the woman he thought was his sister. With some guidelines, he felt confident to write her a letter.

I wrote this girl a letter and enclosed my DNA test results. I wanted to let her know that her mother was looking for her and her brother was also looking for her. (...) Then the pandemic came... That was even more pressure because, well, anyone could get infected. Something could happen to my mother, and thank God nothing has happened to her. Something could happen to me. So, I had to write this letter immediately and not lose any time. I wrote a letter to this girl. I told her that I am her brother, and her mother lives here. "We are looking for you. I do not want to hurt you. My name is Manuel, I live in La Paz. We think you are my sister."

The arrival of the COVID-19 pandemic prompted Manuel to finish his letter and send it to the woman he thought was his sister in March 2020. He later told his mother, Yvelin, that the email had been sent but that she should not get her hopes up too high. In the end, it turned out that Manuel had contacted the wrong person.

Coincidentally, in the same year, Manuel's sister also started a search for her Bolivian family. She had a birth certificate with her mother's full name, so it was easier for her to find her Bolivian family—unlike Manuel, who had no name. With additional help and support, the sister found Manuel. After this turn of events, Manuel had to accept the news that his sister was not the woman he had previously written to. Nevertheless, he was

relieved that he could finally get in touch with his sister and, more importantly, that his mother would be able to know her daughter. The first contact between Manuel and his sister was by email, “Hola Adriana. Manuel, your lost brother from La Paz, Bolivia. You don’t know how much I have been looking for you...”

As Manuel was well aware that neither he nor his mother had a right to know his sister’s whereabouts, he looked for alternative search strategies outside the adoption system. However, social media as a search strategy did not prove successful in the search for his sister. In many ways, his search is similar to that of adoptees who use social media as a tool to find relatives (e.g., [Haralambie 2013](#); [Suter and Docan-Morgan 2022](#)). Moreover, the COVID-19 context put even more time pressure on his search.

6. Discussion: Searching as Resistance

The empirical sections have illustrated the various search efforts of first parents in Bolivia. We argue that their searches can be read as an active form of resistance against the permanent separation indulged by the adoption system. The searches carried out by the first families are a way of claiming visibility within the adoption system, which is determined by Northern logic and policies that render them invisible. Similarly, anthropologist Chandra Kala [Clemente-Martínez \(2022, p. 439\)](#) states that the searches of first families ‘challenge the global system and image the Western world has of them.’ Therefore, we argue that first parents searching and requesting information exercise agency and resistance by contesting their ascribed subalternity.

In transnational adoption, Spivak’s cultural theory enables us to read first parents’ searches as a consent negotiation. Currently, the first parents have a subordinate position in the Bolivian adoption system as they are deprived of all parental rights and any post-adoption support. Despite the absence of policies and initiatives for first parents, the searches demonstrate the necessity to revisit the closed nature of the adoption system and, perhaps, the system as such.

Most interviewed Bolivian families were at peace with the children living with their adoptive families. Only a few families desired to reverse the adoption process, although this attitude might vary over time. Nevertheless, the families desired to receive information about the child or continuous contact. While some families’ objectives were to find out if their children were still alive, others wanted to know if their children ended up in good adoptive families. Most of the first families were aware of the limits of contact in transnational adoption and the potential disinterest of the adoptee.

Based on our findings, we argue that there is a gap between the personal searches carried out by the Bolivian families and the Bolivian adoption system, which deprives these families of any rights or structural support in the search for their children. Consequently, the first parents’ claims to agency and speech are often neither documented nor reported in the official documentation provided by the Bolivian adoption system. For first parents to start speaking, we need to start reading their personal stories as a political gesture, questioning the dominant model of adoption that renders first parents invisible.

7. Conclusions

This article contributes to the scholarship on first families in transnational adoption. While the existing research on first parents focuses on their lived experiences, our contribution expands the scope of the discussion by reading their claims of agency and desire to rewrite their position in adoption history. Spivak’s cultural theory on the subaltern’s agency enabled us to examine how first parents claim agency and visibility in an adoption system that has enforced and legitimised the social and legal separation of their children.

As adoptee researchers, we have implemented Spivak’s ‘learning from below’ as a methodological practice to learn with and from first parents. Spivak’s approach does not render the subaltern visible but articulates and reinforces how the subaltern is already claiming visibility. Integrating first parents’ search strategies with Spivak’s notion of the double bind, we discussed the ‘adoption system’, ‘criminal proceedings’, and ‘social media’

as three sites where they claim visibility and agency. The double bind concept enabled us to elaborate on how these three sites of possibility are simultaneously sites of violence and limitation. While the hegemonic discourse might predominantly present the adoption system as a system of opportunity and possibility, the stories of these first parents render visible how the adoption system is also a site of violence, alienation, and indifference. Importantly, these first parents' stories remind us that these sites of violence can and should be turned into sites of possibility.

Concluding the discussion of this ethnographic study, and in line with Spivak's thinking, we discourage scholars and professionals from merely sharing first parents' victimhood. Instead, we invite them to articulate the strategies of these first parents to claim agency and visibility in an adoption system that has structurally deprived them of social and legal rights in the lives of their adopted children. Consequently, these first parents' claims to agency could incentivise engaged scholars to revisit the accountability of Northern-led adoption structures in upholding these asymmetric power structures. A Spivakean reading to first parents' claims to the agency envisions a restorative potential in an ongoing dialectic relationship between the first parents as emerging organic intellectuals and engaged adoption scholars.

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Notes

- ¹ In this article we deliberately use the terms 'first families', 'first parents', etc. In choosing this term, we follow the argument of the Finnish sociologist Högbäck (2016) who criticises the widely used terms 'biological parents' or 'birth parents'. According to Högbäck these terms tend to perceive the first parents as breeders or producers of children rather than as full parents of the children.
- ² In various European countries such as the Netherlands (Commissie Onderzoek Interlandelijke Adoptie 2021), Flanders (Belgium) (Expertenpanel Interlandelijke Adoptie 2021), France (Denéchère and Macedo 2023), Switzerland (Conseil Fédéral 2020), Sweden (Human Rights Watch 2021) and Norway (Regjeringen 2023), government investigations have taken place to examine irregular adoption practices in the past and in the current adoption system. Such investigations have also taken place in various countries of origin such as Chile (Camara 2019), and South Korea (The Guardian 2022).

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