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## The Hand That Rocks the Cradle: How Children's Literature Reflects Motherhood, Identity, and International Adoption

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### Recommended Citation

Susan Ayres, *The Hand That Rocks the Cradle: How Children's Literature Reflects Motherhood, Identity, and International Adoption*, 10 Tex. Wesleyan L. Rev. 315 (2004).

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# THE HAND THAT ROCKS THE CRADLE: HOW CHILDREN'S LITERATURE REFLECTS MOTHERHOOD, IDENTITY, AND INTERNATIONAL ADOPTION

Susan Ayres<sup>†</sup>

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## I. INTRODUCTION

In the 1939 book *The Chosen Baby*, Mr. and Mrs. Brown go to an adoption agency to view a baby, and the social worker tells them, "Now go into the next room and see the baby. If you find that he is not *just the right baby for you*, tell me, and we will try to find another."<sup>1</sup> Since 1939, especially in recent years, there has been a revolution in adoption<sup>2</sup> and an explosion of children's books on adoption.<sup>3</sup> Adoption stories have both proliferated and significantly

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1. VALENTINA P. WASSON, *THE CHOSEN BABY* (Glo Coalson illus., rev. ed. 1977) (nonpaginated book).

2. See ADAM PERTMAN, *ADOPTION NATION* 5–6 (2000).

3. An appendix of selected children's books on adoption follows this article. Susan Bordo, who has written on adoption narratives in children's books, points out that

changed from the traditional adoption story told in *The Chosen Baby*. For instance, in the 2002 book *The White Swan Express*, four families—including a single mother—fly to China to adopt four baby girls whom they have never seen.<sup>4</sup>

Recent children's books such as *The White Swan Express*<sup>5</sup> reflect and shape shifts in adoption and in adoption law. As Desmond Manderson pointedly remarks, "Children's literature is not a series of texts *about* the law. It is a source of law."<sup>6</sup> In this Essay, I consider various narratives in adoption books intended for young children and examine how these narratives reflect changing ideologies about adoption and family. Juxtaposed with these children's books are excerpts from surveys with adoptive parents<sup>7</sup> and from Jana Wolff's book *Secret Thoughts of an Adoptive Mother*.<sup>8</sup> Because I am not an adoptive mother myself, I am somewhat of an outsider, and probably have unintentionally insulted survey respondents, as well as participants of the International Adoption and Cultural Transformation Conference at which I presented an earlier version of this paper.

More than probably. One person responded to the survey question "What is your 'story' to yourself about how you are your child's parent?" with the following: "I know you don't mean it to be, but this is slightly offensive. Sounds like I'm deluding myself."<sup>9</sup> Yet another responded, "I don't have a story to myself other than the way it hap-

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none of the recent books are perfect, "but using them all as part of a program of reading about varied families tends to cancel out the limitations or overstatements of each." Susan Bordo, *All of Us Are Real: Old Images in a New World of Adoption*, 21 TULSA STUD. WOMEN'S LITERATURE 319, 322 (2002).

4. JEAN DAVIES OKIMOTO & ELAINE M. AOKI, *THE WHITE SWAN EXPRESS: A STORY ABOUT ADOPTION* (Meilo So illus., 2000).

5. *Id.*

6. Desmond Manderson, *From Hunger to Love: Myths of the Source, Interpretation, and Constitution of Law in Children's Literature*, 15 LAW & LITERATURE 87, 93 (2003) (using Maurice Sendak's *Where the Wild Things Are* as a case study). It should also be pointed out that stories have a profound effect on children: "[I]n the lives of smaller children, books have a sacred quality and are often surrounded by rituals that heighten their emotional significance for the child." *Id.* at 92.

7. Susan Ayres, *Adoption Stories Survey Responses* (Sept. 2003) (on file with the Author) [hereinafter Ayres, *Adoption Stories Survey*]. The adoption survey asked the following questions: 1. *Why did you want to adopt?* 2. *What was the adoption process like? i.e., private, how long, did you fetch the baby?* 3. *How do you see yourself as a parent to your child? How do you feel about a child who is not biologically related?* 4. *What is your "story" to yourself about how you are your child's parent?* 5. *What is the story you tell your child about adoption and the child's birth?* 6. *How did you pick your child's name?* 7. *Any tensions, i.e., issues about kinship, infertility, references to birth mother, how others respond, issues of cultural or economic exploitation?* 8. *What are your favorite adoption books for children?*

The survey was sent to a local adoption list-serve and resulted in ten responses, which are on file with the author.

8. JANA WOLFF, *SECRET THOUGHTS OF AN ADOPTIVE MOTHER* (1997). My colleague, Richard Storrow, recommended this very funny and honest book.

9. Ayres, *Adoption Stories Survey Responses*, *supra* note 7.

pened.”<sup>10</sup> In asking parents about their story, I guess I should have revealed my theoretical assumption about how we construct ourselves by the stories we tell, about how identity is constructed as “the effect[ ] of complicated discursive practices.”<sup>11</sup>

See the trouble we non-adoptive parents have? Although I feel like a fraud, I find some reassurance in the following survey response: “*I guess in the end, just like a woman who gives birth stops being a ‘new mother’ and becomes ‘a mother,’ those of us who have adopted stop being ‘adoptive parents’ and become ‘parents.’*”<sup>12</sup>

Children’s books are “a source of law”<sup>13</sup> for children because “[children] are constantly trying to make sense of what is going on around them, and although literature itself is only a constituent of life experience, as a constituent it is potentially of the greatest importance.”<sup>14</sup> As adults and lawyers, we can also read children’s books as a source of law because they reflect patriarchal ideologies about the family and stigma surrounding adoption. Like other myths, children’s books tell stories about origins and constitute not only subjects but are also the foundation of law<sup>15</sup> by reflecting legal norms and projecting legal changes. Children’s stories dramatize the evolution of family and adoption through four narratives: the kinship narrative, the as-if narrative, the failure narrative, and the bad mother narrative. The kinship narrative, discussed in Part II, defines family to include those bound by kinship or blood. The kinship narrative labels adoption as second best and views adoption through three narratives discussed in Part III: the as-if narrative, which sees adoption as trying to replicate kinship; the failure narrative, which views adoption as the result of a failure to have birth children; and the bad mother narrative, which labels the mother who gives up her child for adoption as a bad mother.

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10. *Id.* Only one survey response called this a “good question.” Survey responses also objected to my use of the word “fetch” in the question, “*What was the adoption process like? i.e., private, how long, did you fetch the baby?*” One parent responded, “*We TRAVELED to bring our baby home (‘fetch’ sounds like you’re going after a stick or something.)*” *Id.* Despite survey objections, “fetch” is commonly used in European accounts and is also used in the American book, *The Chosen Child* (“Bright and early the next morning the Browns went to fetch their baby.”). WASSON, *supra* note 1.

11. See DIANA FUSS, *ESSENTIALLY SPEAKING 2* (1989).

12. Ayres, *Adoption Stories Survey Responses*, *supra* note 7. While I take heed of this observation, for the sake of clarity in this Essay, I continue to use the term “adoptive parent.”

13. Manderson, *supra* note 6, at 93.

14. IAN WARD, *LAW AND LITERATURE* 94–95 (1995).

15. See Manderson, *supra* note 6, at 89–93. Manderson argues “that there are nevertheless texts that provide an important discourse through which we develop assumptions as to the meaning, function, and interpretation of law; assumptions that are tested and implemented in those daily events throughout our lives. The texts that play this important role are not the *Magna Carta* or *Marbury v. Madison*. They are our children’s books.” *Id.* at 93.

My discussion of these narratives focuses on books for children under the age of eight. According to research concerning developmental stages, children under age five accept adoption like any other fact about themselves.<sup>16</sup> One survey response illustrates this early stage: “[My two year old] is still too young to conceptually understand the adoption concept. She does know that she was born in China and will tell people this.”<sup>17</sup> Researchers have found that children around ages six to nine start to distinguish birth from adoption and begin to question the permanence of adoption.<sup>18</sup> Later, children focus on the legality of adoption and accept it as permanent.<sup>19</sup> So, this project focuses on books for younger children because the simple and uncomplicated narratives offer a seemingly transparent and accessible source of law.<sup>20</sup> It should be noted, however, that illustrations are a primary

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16. See MARY WATKINS & SUSAN FISHER, TALKING WITH YOUNG CHILDREN ABOUT ADOPTION 60 (1993).

17. Ayres, Adoption Stories Survey Responses, *supra* note 7.

18. WATKINS & FISHER, *supra* note 16, at 60.

19. See *id.*; see also WARD, *supra* note 14, at 91–95 (1995). Ward notes the stages developed by Piaget—that from birth to about age seven children are almost solely subject to parental influence, so justice is subordinate to parental authority; by ages seven to ten, “children develop the need for common understanding of rules to which they are subject” but see justice as part of nature not as social or individual responsibility; then, from ages ten to fourteen, children develop an evaluative capacity and for ideas such as equality, fairness, etc. *Id.* at 94–95. The older adopted child’s perspective can be found in books such as LINDA WALVOORD GIRARD, WE ADOPTED YOU, BENJAMIN KOO (Linda Shute illus., 1989) (nonpaginated book). This book, about a boy adopted from Korea as a baby, but who is nine at the beginning of the story, describes the different stages an adopted child reaches as follows:

My parents started early telling me I was adopted. My mom is a first-grade teacher, so she knows how to explain things to little kids. But when Mom and Dad said I had a birthmother, it didn’t really mean anything. “We adopted you from Korea” sounded no different than “Uncle Jack was born in Pittsburgh.”

When I went to nursery school, I used to draw pictures of myself and my family. I colored my hair black and my skin light brown, the way I’d color a lake blue or the sun yellow. I had noticed my looks, but I didn’t think about them. I felt I was just like everyone around me.

Then one morning when I was in second grade, I was combing my hair, and my hand just stopped. I stared at myself in the mirror. I saw that I was Korean! I was different from my parents! I laugh now when I think how surprised I was at that moment.

I watched in school all day for one other face like mine, but no one looked like me.

*Id.*

In the story, when Benjamin realized he was different, he became angry and decided to run away and “go[ ] back to Korea! I’ll find my real mother” because “[h]ow can you feel like your mother’s child when you don’t look like her at all?” *Id.*

20. As Ian Ward points out in his discussion about Rudyard Kipling’s *Jungle Book*, while academics can find much to debate about whether Kipling’s work presents natural or positive law, for children the text and message is clear and “not questioned.” See WARD, *supra* note 14, at 104, 107. Analyzing the legal issues in books for younger children is not complicated by the “demands made upon the child to take responsibility for moral judgements [sic]” that characterizes books for older

part of children's books because pictures are more important than words for young children.<sup>21</sup> In addition, many of these books have illustrations of animals rather than people because children under age seven identify with animals and cannot yet separate fantasy and reality.<sup>22</sup>

## II. ARE YOU MY MOTHER?: THE KINSHIP NARRATIVE

The first and master narrative is not a narrative of adoption, but of kinship—the patriarchal underpinning of the family. The law of kinship mandates an intact or heterosexual family<sup>23</sup> in which “paternity is the central social relationship.”<sup>24</sup> As a result, emphasis is placed on kinship based on genetic ties or the law of blood.<sup>25</sup> Children are seen as objects of ownership, and women are important because they have men's children. As the anthropologist Claude Levi-Strauss contends, women are objects of exchange that perpetuate the clan—women do not have an identity but “secure the reproduction of the *name*.”<sup>26</sup> As a result of the law of kinship, families are presumed to be heterosexual—a presumption labeled the “Straight Mind” by theorist Monique Wittig.<sup>27</sup>

The classic kinship story is *Are You My Mother?*<sup>28</sup> In this much-loved story, a baby bird hatches and falls out of the nest while his mother has gone in search of food. The baby bird wanders around asking various animals and objects “Are you my mother?,” and each time, the baby bird learns that the cow, dog, tractor, etc., are not his

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children. See *id.* at 108. Rather, books for younger children generally present an “immanent justice,” not an indeterminate justice. See *id.* at 116.

21. *Id.* at 99.

22. *Id.* at 96–97, 99.

23. Christine Ward Gailey, *Ideologies of Motherhood and Kinship in U.S. Adoption*, in IDEOLOGIES AND TECHNOLOGIES OF MOTHERHOOD 11, 20 (Helena Ragoné & Frances Winddance Twine eds., 2000).

24. Barbara Katz Rothman, *Beyond Mothers and Fathers: Ideology in a Patriarchal Society*, in MOTHERING: IDEOLOGY, EXPERIENCE, AND AGENCY 139, 141 (Evelyn Nakano Glenn et al. eds., 1994).

25. Barbara Yngvesson & Maureen A. Mahoney, ‘As One Should, Ought and Wants to Be:’ *Belonging and Authenticity in Identity Narratives*, 17 THEORY, CULTURE & SOC’Y 77, 85 (2000); see also ELIZABETH BARTHOLET, FAMILY BONDS: ADOPTION, INFERTILITY, AND THE NEW WORLD OF CHILD PRODUCTION 165, 169 (1993) (explaining that blood ties are considered essential to good parenting).

26. JUDITH BUTLER, GENDER TROUBLE 38–39 (1990). See also Drucilla Cornell, *Reimagining Adoption and Family Law*, in MOTHER TROUBLES 208, 211 (Julia E. Hanigsberg & Sara Ruddick eds., 1999) (explaining that “a woman’s legal identity remains bound up with her duties to the state as wife and mother within the traditional heterosexual family”).

27. See MONIQUE WITTIG, *The Straight Mind*, in *The Straight Mind and Other Essays* 21, 27 (1992).

28. P.D. EASTMAN, *ARE YOU MY MOTHER?* (1960) (nonpaginated book). My colleague Cynthia Fountaine protested: “I can’t believe you’re going to ruin *Are You My Mother?* for us.”

mother.<sup>29</sup> The baby bird exclaims, "I did have a mother . . . I know I did. I have to find her. I will. I WILL!"<sup>30</sup> Finally, after more searching, the Snort (a front-end loader? excavator?) picks up the baby bird and puts him back in his nest.<sup>31</sup> When the mother bird returns and asks, "Do you know who I am?," the baby bird shows his brilliance by identifying the mother bird and listing all the things she's not.<sup>32</sup>

Although it is a much-loved book, *Are You My Mother?* is not a children's book about adoption and probably is not read to many adopted children (by their parents) because it so blatantly follows the Law of Blood—or Kinship.<sup>33</sup> Even though there is no father bird in *Are You My Mother?*, the patriarchal law of kinship and family is based on the "normal" or "intact" family composed of a mother, father, and birth child(ren). The strong kinship message in *Are You My Mother?* is that of course the cow and dog and other animals are not the baby bird's mother—they look nothing alike. They are not kin. The baby bird learns that his mother is the one who looks like him.

Professor Elizabeth Bartholet also reads *Are You My Mother?* as "reinforc[ing] the message that real parenting is blood linked: The absurdity of adoption by any of the non-birds is patent, and the story turns on this humor and on the rightness of the fact that the bird belongs where he came from."<sup>34</sup> And yet, the interpretation of *Are You My Mother?* to reinforce kinship is not the only possible reading, as my colleague, Professor Cynthia Fountaine, and as Professor Barbara Bennett Woodhouse remind me. Professor Fountaine urges a different reading: Perhaps the message is that the other animals are not the baby bird's mother because they are unwilling to care for the baby bird. She suggests that the one who appears at the end with a worm dangling from her mouth is his mother, and she just happens to be the bird who sat on his egg.<sup>35</sup> While I appreciate this alternative reading and even agree that a child might also see it this way, I think the text undermines this interpretation, especially in its constant reference to all the animals and things that are simply not the baby bird's mother. The correlation is not based on commitment, but on likeness—only the mother bird looks like him, so she *must* be his mother.

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29. *Id.*

30. *Id.*

31. *Id.*

32. *Id.*

33. My survey did not ask whether parents read *Are You My Mother?* to their adopted children, but in a subsequent conversation, one adoptive mother said, "Yes, that was one of my favorite books growing up, but of course I don't read that to my daughter." Nonetheless, adopted children will probably have the book read to them, as I realized recently when volunteering in my child's kindergarten/first grade class, and the teacher asked me to read *Are You My Mother?* to groups of kindergartners, one of whom, at least, was adopted.

34. BARTHOLET, *supra* note 25, at 166.

35. Professor Fountaine urged this interpretation during several discussions about my presentation at the International Adoption Conference.

Another interpretation of *Are You My Mother?* is that of Professor Woodhouse, who reads the book as support for her focus on children's rights and for the proposition "that the first and best choice for children generally is to preserve and protect the child's biological family and community of origin from disruption."<sup>36</sup> Professor Woodhouse's reading is also valid as support for her argument that because a child's identity "is inevitably shaped by her own and other's perceptions of her biological and often racial or ethnic kinship,"<sup>37</sup> "[i]t seems appropriate, as a matter of children's rights, that . . . current rules of law should prefer reunification with the family of origin."<sup>38</sup> Professor Woodhouse's interpretation is not necessarily inconsistent with mine. Rather, her interpretation inevitably follows as a result of the master kinship narrative, which perpetuates the preferences she describes. Thus, despite various possible interpretations, *Are You My Mother?* constitutes a source of law grounded in the kinship narrative. This master narrative influences the way we view adoption and determines at least three other adoption narratives discussed in the next section.

### III. THE CHOSEN CHILD: THE PATRIARCHAL NARRATIVE OF ADOPTION—OR THE AS-IF NARRATIVE, THE FAILURE NARRATIVE, AND THE BAD MOTHER NARRATIVE

The master kinship narrative affects adoption because it views adoption "as-if" kinship that tries to replicate the law of the family.<sup>39</sup> Adoption is considered second best or a "last resort,"<sup>40</sup> and recent surveys indicate that as a culture, Americans continue to stigmatize adoption.<sup>41</sup> Christine Ward Gailey has described three assumptions arising from the master narrative of kinship: first, genetic ties are strongest, which creates a narrative of second best or "as-if"; second, parents should try to have their own children before trying to adopt, which creates a narrative of failure; and third, maternal bonds to infants are stronger than paternal bonds because of pregnancy and birth (the "birth bond"), which results in a bad mother narrative.<sup>42</sup>

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36. See Barbara Bennett Woodhouse, "*Are You My Mother?*": *Conceptualizing Children's Identity Rights in Transracial Adoptions*, 2 DUKE J. GENDER L. & POL'Y 107, 119 (1995) [hereinafter Woodhouse, "*Are You My Mother?*"]. I thank Professor Bartholet who pointed out this interpretation.

37. *Id.* at 119.

38. *Id.* at 118–19.

39. Gailey, *supra* note 23, at 11; Yngvesson & Mahoney, *supra* note 25, at 82–83, 87.

40. BARTHOLET, *supra* note 25, at 165.

41. See Naomi Cahn, *Perfect Substitutes or the Real Thing?*, 52 DUKE L.J. 1077, 1153 (2003) (reviewing 2002 survey data). See also BARTHOLET, *supra* note 25, at 164 (explaining the stigma that surrounds adoption).

42. Gailey, *supra* note 23, at 12.



I will discuss each of these three narratives in turn, first considering children's books that reflect these narratives, and then considering children's books that reject these narratives.

### A. *The As-If Narrative*

Professor Elizabeth Bartholet suggests that some “adoptive families are founded on a lie.”<sup>43</sup> The lie is the “claim that the original birth never took place and that the adoptee was instead born into the adoptive family.”<sup>44</sup> Historically, this lie was given effect when the adoption process tried to mimic the kin family by sealing records in order to “dissolve[ ] . . . [ ]blood[ ] ties” and in trying to match the child to the family.<sup>45</sup> Even though adoption severs blood ties, “a discourse of ‘authenticity’ (as ‘blood’ or ‘birth’ identity) is embedded in adoption laws and practices that ostensibly construct identity as independent of birth and of blood.”<sup>46</sup> Adoption, therefore, results in a narrative of “as-if” kinship.

A classic adoption book demonstrating the as-if narrative is *The Chosen Baby*, mentioned in the introduction, originally published in 1939 and revised in 1950.<sup>47</sup> This book begins with James and Martha Brown, who “had been married for a long time and were very happy together. Only one thing was missing in their lives. They had no babies of their own, and they had always wanted children to share their home.”<sup>48</sup> They decide to adopt a child, and the book describes the adoption process, which results in a placement of a baby boy. The Browns go to the adoption agency to see the baby and are told, “Now go into the next room and see the baby. If you find that he is not *just the right baby for you*, tell me, and we will try to find another.”<sup>49</sup> The baby, of course, is just right—he looks like them—so the Browns take him home and name him Peter.<sup>50</sup> Later, they decide to adopt a baby girl, and when they go to the agency to make sure she is just right, they fall instantly in love with her (“We love this baby already”), and name her Mary.<sup>51</sup> The story ends with a picture of a matching family

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43. BARTHOLET, *supra* note 25, at 58–59.

44. *Id.* at 59.

45. Yngvesson & Mahoney, *supra* note 25, at 85. “‘Identity’ is about not being split, about being complete. A ‘complete’ family should include a father, mother and child who are ‘like’ one another.” *Id.* at 87; *see also* Cahn, *supra* note 41, at 1148–49 (noting that “[b]y the middle of the twentieth century, social workers believed that the happiness of adoptive parents and of adopted children required matching children to their families”); BARTHOLET, *supra* note 25, at 48–49 (discussing the as-if model, which required sealed records and matching families).

46. Yngvesson & Mahoney, *supra* note 25, at 85.

47. WASSON, *supra* note 1.

48. *Id.*

49. *Id.*

50. *Id.*

51. *Id.*

enjoying a picnic: Mrs. Brown holds little Mary, Peter is nestled between his parents, and a dog lounges contentedly at their feet.

While *The Chosen Baby* is still a popular children's book, it is now out of print, and maybe that is a good thing. One problem with the chosen baby motif is that psychologists believe the concept of being chosen is damaging: "The reality is that most adopters no longer choose their child from a group of orphans. Even if they did, this story line about specialness could become a burden for a child."<sup>52</sup> The child could also fear "that if one was chosen, one also might have been rejected and might yet still be."<sup>53</sup> *The Chosen Baby* also reflects a narrative of the "as-if" Straight Mind family: mom, dad, and a big brother and little sister who match. The following subsections discuss recent children's books about adoption that counter the as-if narrative by describing scenes of misrecognition and modeling scenes of difference—these changes cut to the heart of the kinship narrative and provide a new source of law.

### 1. Scenes of Misrecognition

While some modern adoptions also try to mimic the kin family,<sup>54</sup> including international adoptions of Eastern European children by white families, it is impossible to mimic the kin family in international/interracial adoptions of Asian, South American, African-American, or African children by white parents. Families that clearly do not match encounter what Ann Anagnost labels as "scenes of misrecognition"—in other words, the constant need to explain misrecognition by others and to explain differences.<sup>55</sup>

As survey responses indicate, in international adoptions, the as-if narrative shapes the way others look at family and creates scenes of misrecognition:

*Because my [two children adopted from Russia] do not resemble each other, many people are surprised to find out they are sisters. My standard answer always is "I have one Rose Red and one Snow White" (like the old fairy tale), or more often strangers have put a lot of effort into making a connection and usually say that [the younger child] looks like me . . . and [the older child] looks like [my husband].<sup>56</sup>*

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52. WATKINS & FISHER, *supra* note 16, at 69.

53. Bordo, *supra* note 3, at 322. *Contra* BARTHOLET, *supra* note 25, at 184 ("Adoption critics scorn the tradition of referring to the adoptee as a 'chosen child,' but adoptees *are* chosen children.").

54. One respondent who has lived in Singapore pointed out that in other parts of the world adoptions often do try to mimic the kin family. Ayres, *Adoption Stories Survey Responses*, *supra* note 7.

55. Ann Anagnost, *Scenes of Misrecognition: Maternal Citizenship in the Age of Transnational Adoption*, 8 POSITIONS 389, 395 (2000).

56. Ayres, *Adoption Stories Survey Responses*, *supra* note 7.

Likewise, Jana Wolff, in *Secret Thoughts of an Adoptive Mother*, describes the "Casper-like experience[s]" she has had when others failed to see her (a white woman) as the mother of her son (an interracial child who looked black):

I was invisible at the mall once, when I overheard one teenager ask another if "that little black kid was here alone." Three feet apart, we were unrelated. . . . To some I look more like my child's social worker than his mother. We get smiled at and glared at, but always stared at. Adopting interracially is like donning a permanent sandwich board that advertises your adoption (and your infertility, too).<sup>57</sup>

Several children's books exemplify such scenes of misrecognition and provide model responses for children to deal with rude comments or other issues of misrecognition. For instance, *Is That Your Sister?: A True Story About Adoption*, depicts an interracial adoptive family (two older non-adopted boys who are white, two younger adopted girls who are African-American).<sup>58</sup> It is written from the perspective of Catherine, a six-year-old adopted child, who explains:

Kids at school or in the park are always asking me, "Is that your sister?" Sometimes when they see my mother, the kids ask, "Is that your mother?" I know why they ask me the questions, because my sister and my mother and I don't look anything alike. We don't have the same kind of skin or face or hair. I tell the kids that my sister and I are adopted.<sup>59</sup>

Although Catherine says, "You know, sometimes I hate talking about adoption with a lot of dumb kids and grownups," she continues to explain adoption to her friends.<sup>60</sup> The book contains photographs of Catherine's family, including a scrapbook of her favorite photographs. The tone of *Is That Your Sister?* is both humorous and matter-of-fact, and the book provides a model for responding (or not) to "as-if" questions. This model for responding is, in essence, new law for the formation of families.

Similarly, *Chinese Eyes* by Marjorie Ann Waybill, also addresses scenes of misrecognition.<sup>61</sup> In *Chinese Eyes* a little first grade girl, Becky, adopted from Korea, is teased by other children and called "Chinese Eyes."<sup>62</sup> She is upset, and tries to understand: "Why did they say 'Chinese eyes?' she wondered. Mother said she had Korean eyes."<sup>63</sup> After school, her mother comforts her, first by comparing the

57. WOLFF, *supra* note 8, at 129-30.

58. CATHERINE & SHERRY BUNIN, *IS THAT YOUR SISTER?: A TRUE STORY OF ADOPTION* 20 (1976).

59. *Id.* at 10.

60. *Id.* at 21.

61. See MARJORIE ANN WAYBILL, *CHINESE EYES* (Pauline Cutrell illus., 1974) (nonpaginated book).

62. *Id.*

63. *Id.*

different color and shape of their eyes, and then by telling her that the children in China have eyes shaped like Becky's and that "their eyes are beautiful . . . just like your eyes."<sup>64</sup> Another children's book, *Katie-Bo*, tells about a family with two non-adopted boys that adopts a baby sister from Korea.<sup>65</sup> When the parents tell the two boys that the baby might look a little different, the boys "have fun drawing her picture" as a monster.<sup>66</sup> However, when Katie-Bo arrives, the boys love her and are afraid she might go back. Their father reassures them that she is there to stay, and that "adoption is for always."<sup>67</sup>

So, although many recent adoption books challenge the kinship narrative, others continue to incorporate the assumption that genetic ties are strongest. While these books also deal with other issues concerning adoption, they reflect kinship expectations through narratives or pictures of matching families. For instance, *Talking About Adoption*, a question and answer book for children ages five to seven, states, "You may not look like your adoptive parents, but adoptive children often begin to be like their family in other ways."<sup>68</sup> While *Talking About Adoption* reassures children who do not match, another page echoes the as-if narrative: "Your new parents chose you. They will love you just as much *as-if* you were their birth child."<sup>69</sup> By echoing the kinship narrative, the subconscious message is that the adopted child is second best. And it's just not text that echoes the "as-if" assumption in many of these children's books, but also illustrations and photographs. For instance, the very popular adoption book, *Tell Me Again About the Night I Was Born* by Jamie Lee Curtis, contains illustrations of a matching mom, dad, and little girl.<sup>70</sup> Despite these visual and verbal remnants of the kinship narrative, children's books that dispel the "as-if" family by addressing scenes of misrecognition head-on are becoming much more common, in part due to the growing number of international adoptions and books about international adoptions.

## 2. Scenes of New Recognition/Scenes of Difference

One popular adoption book that rewrites the kinship narrative of *Are You My Mother?* is *A Mother for Choco* by Keiko Kasza.<sup>71</sup> *A Mother for Choco* begins with a little yellow bird, Choco, "who lived

64. *Id.*

65. IRIS L. FISHER, *KATIE-BO: AN ADOPTION STORY* (Miriam Schaar illus., 1987) (nonpaginated book).

66. *Id.*

67. *Id.*

68. JILLIAN POWELL, *TALKING ABOUT ADOPTION* 24 (2000).

69. *Id.* at 27 (emphasis added).

70. JAMIE LEE CURTIS, *TELL ME AGAIN ABOUT THE NIGHT I WAS BORN* (Laura Cornell illus., 1996) (nonpaginated book).

71. KEIKO KASZA, *A Mother For Choco* (G.P. Putnam's Sons 1992) (1982) (nonpaginated book).

all alone. He wished he had a mother, but who could his mother be? One day he set off to find her.”<sup>72</sup> Like the little bird in *Are You My Mother?*, Choco meets different animals who clearly do not look like him and clearly cannot be his mother. Choco is rejected by a giraffe, a penguin, and a walrus, when he finally breaks down in tears.<sup>73</sup> Mrs. Bear, who hears Choco crying, comes to comfort him, and asks him, “If you had a mommy, what would she do?”<sup>74</sup> When Choco tells her all the things his mother would do, Mrs. Bear does each one in turn—she holds him, kisses him, and sings and dances with him, and finally she tells him, “Choco, maybe I could be your mother.”<sup>75</sup> Choco is shocked, and says, “You? . . . But you aren’t yellow. And you don’t have wings, or big, round cheeks, or striped feet like me!”<sup>76</sup> Of course, it doesn’t matter to either Mrs. Bear or Choco, and she takes him home to her family of three children (an alligator, hippo, and pig), who don’t look anything like her, either.<sup>77</sup> *A Mother for Choco* provides an alternative to the master kinship narrative by rejecting the necessity of matching and emphasizing a narrative of difference. A mother isn’t necessarily the one who matches you, but the one who does the things a mommy would do.<sup>78</sup>

Another children’s book that rewrites the kinship narrative of the “as-if” family is *Horace*, by Holly Keller, the story about Horace, a little yellow spotted leopard, who is adopted by a family of orange striped tigers.<sup>79</sup> As his mother tells him every night, “We chose you when you were a tiny baby because you had lost your first family and needed a new one. We liked your spots, and we wanted you to be our child.”<sup>80</sup> When all of Horace’s cousins come to his birthday party, and he looks nothing like them, he becomes sad because “[m]y spots are silly . . . and I’m all the wrong colors.”<sup>81</sup> He is so sad that he decides to run away “to find a family where I belong.”<sup>82</sup> He does find a family of spotted leopards and spends the day playing with them, but eventually, he reunites with his Mama and Papa, who “were looking for him.”<sup>83</sup> The story ends happily, with Horace accepting his family that doesn’t match and telling his Mama, “[I]f you chose me, can I choose

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72. *Id.*

73. *Id.*

74. *Id.*

75. *Id.*

76. *Id.*

77. *Id.*

78. *Id.*

79. HOLLY KELLER, *HORACE* (1991) (nonpaginated book).

80. *Id.*

81. *Id.*; see also SHERRIE ELDRIDGE, *TWENTY THINGS ADOPTED KIDS WISH THEIR ADOPTIVE PARENTS KNEW* 169–78 (1999) (describing the tremendous difficulties some adopted children have with birthdays).

82. KELLER, *supra* note 79.

83. *Id.*

you, too?"<sup>84</sup> When Mama tells him, "That would be very nice," Horace says, "Then I do."<sup>85</sup>

Like *A Mother for Choco*, *Horace* is a fairly recent book that rewrites the as-if narrative as a celebration of difference and of choice. However, by giving Horace a choice, the narrative echoes the problematic motif of the chosen child because Horace's choice is largely illusory. As Sara Dorow has pointed out, there really isn't a choice for adopted children—she quotes a five-year-old Chinese adoptee who protested, "But I didn't want to go."<sup>86</sup> Or, as a Korean adoptee indicated, "[S]omeone forgot to ask us if we wanted to be America's diversity mascots."<sup>87</sup> My intent is not to deconstruct the narrative of difference, but to highlight some examples of the narrative of difference that provide an alternative to the master kinship narrative. As a source of law, children's books sometimes reflect, and sometimes foreshadow, changes in law.

### 3. Not the Straight Mind

Several books tell stories about non-traditional families that break the expectations of the Straight Mind that a family should be comprised of a heterosexual nuclear family.<sup>88</sup> As Carolyn Heilbrun has pointed out, "[L]ives do not serve as models; only stories do that. And it is a hard thing to make up stories to live by. We can only retell and live by the stories we have read or heard."<sup>89</sup> Children's books that reject the Straight Mind tell new stories that model a new law of the family. For instance, *I Love You Like Crazy Cakes* by Rose Lewis<sup>90</sup> and *The Best Single Mom in the World: How I Was Adopted* by Mary Zisk<sup>91</sup> are both stories about a single woman who adopts a

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84. *Id.*

85. *Id.*

86. Sara Kathryn Dorow, *Spirited Crossings: The Political and Cultural Economy of Transnational Adoption* 65 (2002) (unpublished Ph.D. dissertation, University of Minnesota) (on file with the Author) [hereinafter Dorow, *Spirited Crossings*].

87. Sunny Johnsen, *The Creation and Rise of KAD as a Separate Identity and Nation*, at <http://www.geocities.com/kadnation/kadnation.html> (last visited Mar. 26, 2004) (on file with the Texas Wesleyan Law Review) (citation omitted); Kathleen Ja Sook Bergquist, Remarks at International Adoption & Cultural Transformation Conference (Nov. 7, 2003); see also Woodhouse, "Are You My Mother?", *supra* note 36, at 109–11 (focusing on children's rights to "familial, cultural, and national identities" and on the way "children have often figured as passive objects whose identity . . . can be transferred with a stroke of the pen from one to another name, family, and group").

88. See generally MONIQUE WITTIG, *On the Social Contract*, in *THE STRAIGHT MIND AND OTHER ESSAYS* 33 (1992) (discussing several works concerning the formation of, and deviation from, *The Social Contract*).

89. CAROLYN G. HEILBRUN, *WRITING A WOMAN'S LIFE* 37 (1998).

90. ROSE LEWIS, *I LOVE YOU LIKE CRAZY CAKES* (Jane Dyer illus., 2000) (nonpaginated book). It is so popular that it is available as a board book.

91. MARY ZISK, *THE BEST SINGLE MOM IN THE WORLD: HOW I WAS ADOPTED* (2001) (nonpaginated book).

baby girl.<sup>92</sup> In *I Love You Like Crazy Cakes*, the woman “who . . . had many friends, . . . was missing something, too—a baby.”<sup>93</sup> When she flies to China and first meets the baby, she says, “I was so happy that I cried the moment I took you in my arms . . . you cried, too. I had been waiting for you my whole life.”<sup>94</sup> Likewise, the single woman in *The Best Single Mom in the World* also “loved my work and my friends . . . . But something was missing!”<sup>95</sup> So she “flew across the ocean and over the mountains” to adopt a child “to love, and take care of forever.”<sup>96</sup> Both books provide a model and law for the formation of single-parent families that reject the Straight Mind’s expectations.

A single mother and a lesbian couple are among the adoptive families in *The White Swan Express*, mentioned in the introduction to this Essay. This story begins with four families waking up in North America on the “special day” they were flying to China to adopt four baby girls, who at that same time were “[o]n the other side of the world [where] the moon rose over the continent of Asia.”<sup>97</sup> Although the book is primarily a narrative about “fetching” the baby, it is also a narrative rejecting as-if families. Two of the families are heterosexual, one is composed of two women, and one is a single woman. While China does not currently permit gay or lesbian couples to adopt (and does not allow single men to adopt), this book, and others discussed below, envision an alternative narrative to the Straight Mind and to policies regulating adoption. These narratives foreshadow, rather than reflect, existing legal norms that continue to “use the two-parent, biological family as the template against which to measure, and to conform, other families.”<sup>98</sup>

Two other recent books narrate an alternative to the Straight Mind. The book *Heather Has Two Mommies* by Lesléa Newman,<sup>99</sup> clearly rejects the kinship narrative in a story about Heather’s two mommies. One day Heather goes to preschool, and when she realizes she doesn’t have a daddy, she cries until her teacher elicits a narrative of the other children’s wide variety of families—single parents, two mothers, two

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92. In each book, the mother’s sexual preference is not alluded to, and I am not suggesting the mother is necessarily gay or lesbian, but rather, that the book rejects the Straight Mind’s requirement of a heterosexual nuclear family.

93. LEWIS, *supra* note 90.

94. *Id.*

95. ZISK, *supra* note 91.

96. *Id.*

97. OKIMOTO & AOKI, *supra* note 4, at 3, 7.

98. Cahn, *supra* note 41, at 1162 (footnote omitted) (noting, for instance, that the Uniform Parentage Act is based on the two parent, straight mind family, and thus, makes no allowance for surrogacy agreements by single parents or same-sex parents).

99. LESLÉA NEWMAN, *HEATHER HAS TWO MOMMIES* (Diana Souza illus., 2d ed., Alyson Publications 2000) (1989) (nonpaginated book). The author’s note indicates that the first edition detailed Heather’s conception and birth, whereas the second edition deletes that part of the story.

fathers.<sup>100</sup> The teacher reminds all the children, "It doesn't matter how many mommies or how many daddies your family has. . . . Each family is special. The most important thing about a family is that all the people in it love each other."<sup>101</sup>

Like *Heather Has Two Mommies*, the book *How My Family Came to Be—Daddy, Papa and Me*<sup>102</sup> also shows a family that breaks the Straight Mind mentality. In this book, two white men adopt a little African-American boy whose mother "was too sick to take care of children."<sup>103</sup> Narrated in the child's voice, the book describes the typical adoption process leading to the adoption day when "Daddy and Papa said they loved me from the minute they saw me and wanted for all of us to be a family"—a "forever family."<sup>104</sup> Like *Heather Has Two Mommies*, this book redefines a family as "made up of people who love you."<sup>105</sup> While it rejects the Straight Mind, the last page echoes the as-if narrative: "We play, talk, read, hug and sometimes fight, *just like other families*. I love my Daddy and Papa with all my heart."<sup>106</sup>

Recent children's books like *How My Family Came to Be*<sup>107</sup> reject the Straight Mind, but as noted above, these books may nonetheless contain its vestiges. For instance, in *How My Family Came to Be*, one illustration of a little boy and three women contains this text: "I have lots of women who help raise me too—like my teachers, my godmother, and my granny."<sup>108</sup> Likewise, *The Best Single Mom in the World* describes the men helping to raise the little girl: "Sometimes I wish we had a dad in our family. But Grandpa takes me to special places. And we can talk about anything. . . . And my friend Nicky's dad is teaching us to play soccer."<sup>109</sup> Although these references to a missing male or female surrogate seem unobjectionable, they can also be read as implicating the Straight Mind. As authors Andrew Elfenbein and John Watkins argue in an essay about their two-father adoption: "[W]hereas the conservative right . . . insists on a real mother, liberals are content if there is a female surrogate."<sup>110</sup> The need for a surrogate is based on assumptions that perpetuate the Straight Mind because:

The point is not that gay men can give a child everything a mother could give him but that "everything a mother could give him" is a

100. *See id.*

101. *Id.*

102. ANDREW R. ALDRICH, *HOW MY FAMILY CAME TO BE: DADDY, PAPA AND ME* (Mike Motz illus., 2003) (nonpaginated book).

103. *Id.*

104. *Id.*

105. *Id.*

106. *Id.*

107. *Id.*

108. *Id.*

109. ZISK, *supra* note 91.

110. Andrew Elfenbein & John Watkins, *Papadada: Reinventing the Family*, 21 *TULSA STUD. WOMEN'S LITERATURE* 301, 307 (2002).



mystification. It depends on a sense of essentialized gender traits by presuming that all mothers, by virtue of their femaleness, magically transmit certain qualities to their children that only they can give.<sup>111</sup>

*How My Family Came to Be* appears to be about domestic adoption, and I have not seen any children's books that depict two men, or even a single man, adopting a child from another country. As Elfenbien and Watkins point out, many countries prohibit gay men from adopting, and while a single man can adopt a child from some countries, he cannot make his sexual orientation known.<sup>112</sup> Despite these prohibitions, several recent children's books challenging the Straight Mind shape and reflect changes in family law regarding adoption.

### B. *The Failure Narrative*

The second assumption of the kinship narrative is that women should try to have children via pregnancy before adopting. This assumption stems from the patriarchal view discussed above that a woman's primary role is to have children. If, because of infertility, a woman cannot give birth to a child, the couple might then consider adoption. Thus, "adoption is depicted as deriving from two failures or betrayals of a supposed 'natural order'"—the failure of the birth mother and the failure of the adopting couple to conceive.<sup>113</sup> As Gailey has starkly observed, "[T]he U.S. adoption triad has two failed mothers and a rejected or substitute child as the major players."<sup>114</sup> The failure narrative also assumes that the birth bond is stronger, so adoptive parents are not the "real" parents.<sup>115</sup>

Jana Wolff alludes to this failure narrative in *Secret Thoughts of an Adoptive Mother*: "We were two illegitimate mothers of one illegitimate baby—each of us slightly defective by society's standards."<sup>116</sup> She describes adoption as "a bittersweet solution to a two-way problem. Sweet, because a baby in need of a home finds a home in need of a baby. But bitter because it is nobody's first choice, and the baby will

111. *Id.* at 309.

112. *Id.* at 311.

113. Gailey, *supra* note 23, at 21–22. See also BARTHOLET, *supra* note 25, at 44–45 (describing effects of adoption on these two failures).

114. Gailey, *supra* note 23, at 22.

115. See Caroline Rogus, *Conflating Women's Biological and Sociological Roles: The Ideal of Motherhood, Equal Protection, and the Implications of the Nguyen v. INS Opinion*, 5 U. PA. J. CONST. L. 803, 810–14 (2003) (tracing United States Supreme Court cases that perpetuate the stereotype that mothers have a stronger bond to their children than do fathers). One example is the case of *Planned Parenthood v. Casey*, in which "O'Connor describes the physical and emotional pain that accompanies childbirth and motherhood, and the fact that 'these sacrifices have from the beginning of the human race been endured by women with a pride that ennobles her in the eyes of others and gives to the infant a bond of love.'" *Id.* at 813–14 (quoting *Planned Parenthood v. Casey*, 505 U.S. 833, 852 (1992)).

116. WOLFF, *supra* note 8, at 48.

grow up one day to understand that.”<sup>117</sup> The traditional adoption story told to children reflects this assumption of two failures:

[T]ypically (but not always) [the adoption story] begin[s] with a non-event: that a baby did *not* “grow in Mommy’s tummy.” The non-event explains the need to find a replacement for this baby . . . and the adoption story describes the steps that led to this or that particular child becoming “theirs.” The agency, the orphanage, the social worker and the foster mother play central roles in the adoption story, as does a journey by the parents (sometimes only to the airport) to get their child.<sup>118</sup>

Although not all adoptive parents first try to have birth children, many do, and this traditional adoption story appears in many children’s books.<sup>119</sup> For instance, *Tell Me Again About the Night I Was Born* has a child’s crude drawing of a family tree that includes Dad, Birth Dad, Birth Mom, and Mom.<sup>120</sup> The book also describes the little girl’s repeated plea to hear the story of her birth and adoption: “Tell me again how you couldn’t grow a baby in your tummy, so another woman who was too young to take care of me was growing me and she would be my birth mother, and you would adopt me and be my parents.”<sup>121</sup>

Whereas young children are often sad not to have been in their adoptive mother’s “tummy,” older children may be resentful.<sup>122</sup> The story of an older child’s resentment is told in *We Don’t Look Like Our Mom and Dad*.<sup>123</sup> In this book about two boys adopted from Korea, when one boy realizes he did not grow in his American mother’s tummy, “Eric became so angry he hit her and said, ‘You’re a bad mother.’ As soon as he calmed down, his mother put her arms around him and told him how happy she and his father were to have adopted him and Joshua.”<sup>124</sup>

Many children’s books start with these two failures—and many of the personal narratives I received also began with these two failures—after all, that is often, but not always, where the story begins; moreo-

117. *Id.* at 97.

118. Yngvesson & Mahoney, *supra* note 25, at 79 (citations omitted).

119. See, e.g., PERRY SCHWARTZ, *CAROLYN’S STORY* (1996). Carolyn says in the book: “I was adopted because my birth parents couldn’t take care of me. They loved me and wanted me to be safe and healthy and happy. So they made a plan to find a good home for me. My adoptive parents wanted to have a baby. They found out they couldn’t have birth children, so they made a plan to adopt me.” *Id.* at 11. The author’s note states: “The thoughts expressed in this book are those of my daughter, Carolyn.” *Id.* at 5. The book is a “true” book written by Carolyn’s adoptive father with his photographs of Carolyn and her family.

120. CURTIS, *supra* note 70.

121. *Id.*

122. See WATKINS & FISHER, *supra* note 16, at 71–72.

123. HARRIET LANGSAM SOBOL, *WE DON’T LOOK LIKE OUR MOM AND DAD* (Patricia Agre photo., 1984).

124. *Id.* at 25.

ver, many adoption agencies require that couples prove infertility before they can adopt.<sup>125</sup> However, it's important to ask if we over-emphasize and reinscribe patriarchal values by beginning the story with two *failures*. This might be an example of the tension between the story of origins the child needs to hear and the patriarchal expectations that ought to be revamped, as I discuss in my conclusion.

The birth bond narrative's emphasis on biological bonds as best can be challenged with new definitions of family.<sup>126</sup> Moreover, as survey responses indicate, adoptive parents see themselves as "real" parents:

- *"I see myself in everyway [sic] as a mother to [her]—I dont' [sic] think I could love any baby more, even one that was biologically connected. The fact that she's not genetically connected to me makes me curious about what she'll look like when she grows up and what her birth parents were like. But I feel physically connected to her, so I don't really think about the lack of biological connection much."*<sup>127</sup>
- *"I am her parent 100% as if she was our biological child."*<sup>128</sup>
- *"I see myself as a parent who loves their child. It doesn't take long to see through the differences. Whenever I look at [her], I see my daughter, a little 2 [year] old. I rarely see her as a 'Chinese girl.' She is a little girl—regardless of her heritage."*<sup>129</sup>
- *"We see ourselves as her parents, plain and simple. Trust me, 'blood' isn't all it's cracked up to be . . . ."*<sup>130</sup>
- *"She is mine. Period. . . . I can't imagine my life without her and I know that I have [th]e same hopes and fears that any parent has. . . . There is no reason why we can't be a family. . . . [W]e are a family bonded by our love for each other rather than by blood."*<sup>131</sup>

Another survey response makes the point that an adoptive parent does not necessarily project his or her genetic qualities onto the child:

- *"I think a lot of parents feel like their children are a reflection of themselves; this may make them push the children in one direction or another. Since we had no role in their genetics or in the critical formative stages of their early lives, I expect we feel less of that. I might expect a biological child of mine to have certain abilities, and*

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125. See Gailey, *supra* note 23, at 22; see also BARTHOLET, *supra* note 25, at 31 (noting that adoptive parents must also show that they have resolved their feelings about infertility before adopting).

126. A new narrative of family may not resolve the child's need to know his or her roots: "This origin story, [adoptees] insist, is the only thing that provides access to 'belonging.' Those who are denied a seamless origin story—those who are adopted across family, national and racial boundaries—struggle with the compelling discourse of authenticity visited upon them countless times . . . ." Yngvesson & Mahoney, *supra* note 25, at 101.

127. Ayres, Adoption Stories Survey Responses, *supra* note 7.

128. *Id.*

129. *Id.*

130. *Id.*

131. *Id.*

*to expect certain things, but these children are 'terra incognita.' They may turn out smart or dumb, clumsy or athletic, but I will have very little to do with that. I think it allows us to look for what the kid is good at, not what we expect or hope the kid to be good at.*"<sup>132</sup>

### C. *The Bad Mother Narrative*

A third assumption of the kinship narrative is that the mother who gives up her child is bad—that “‘normal’ motherhood is somewhat instinctual and that mothers who give children up are somehow ‘bad’ mothers . . . . Adoptive mothers, by extension, are seen as striving to be good mothers, although it is assumed that . . . they are somehow compensating for failed womanhood.”<sup>133</sup> Children’s books typically do not portray the birth mother as bad, and often do not portray her at all. Recent books, however, give the birth mother a role in the adoption narrative, although this role may not be very large.

*Horton Hatches the Egg*,<sup>134</sup> a Dr. Seuss book, is a classic example of the bad mother narrative. Mayzie is “a lazy bird hatching an egg,” who is bored and decides to go on vacation if she can find someone to sit on her egg.<sup>135</sup> Horton, the elephant, sits on her egg while she is in Palm Beach deciding “she’d NEVER go back to her nest!”<sup>136</sup> Despite inclement weather, teasing, almost being shot, and being sold to the circus, Horton stays on the egg: “I meant what I said / And I said what I meant. . . . / An elephant’s faithful / One hundred per cent!”<sup>137</sup> Just as the egg hatches, Mayzie appears and wants it back: “But it’s MINE! . . . It’s MY egg! . . . You stole it from me! *Get off of my nest and get out of my tree!*”<sup>138</sup> Miraculously, the baby bird Horton hatches is an elephant-bird, and Horton and the baby go happily home.<sup>139</sup>

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132. *Id.*

133. Gailey, *supra* note 23, at 18–19. Gailey found in her survey of international adoptive parents that “[t]he overarching picture was of a poor, promiscuous, addicted, unthinking, or self-destructive young woman. The birth mother became the bad mother: sexually active, able to procreate, but unable or unwilling to nurture.” *Id.* at 25. See also Katherine O’Donovan, “*Real* Mothers for Abandoned Children,” 36 *LAW & SOC’Y REV.* 347, 372–73 (2002) (arguing that the assumption “[u]nderlying all three [English, German, French] discourses [of abandoned children] is the assumption that if the woman who gives birth were not a victim, or ill, she would not abandon her child and that giving up one’s baby is unnatural for a ‘real’ mother—that is, a woman who has given birth”).

134. DR. SEUSS, *HORTON HATCHES THE EGG* (reprint 1968) (1940) (nonpaginated book).

135. *Id.*

136. *Id.*

137. *Id.*

138. *Id.*

139. *Id.*

While this book offers some interesting possibilities for a surrogacy analysis<sup>140</sup> and for a discussion of how gender is constructed and parodied, what I want to focus on here is the bad mother narrative and the “rescue narrative”—Mayzie is a lazy, bad mother, who would rather be off sunning in Palm Beach than doing her motherly duties. And Horton is the surrogate/adoptive father who rescues the baby. The book doesn’t provide much empathy for lazy Mayzie; in fact, the book declares that hatching a hybrid and sending it home with Horton is the way “it should be, it *should* be, it **SHOULD** be like that!”<sup>141</sup> Even though *Horton* can be read as a positive adoption story about a committed surrogate father,<sup>142</sup> the story it tells about Mayzie is less than positive. So, even though I agree with Professor Woodhouse that in the end Horton should be selected to raise the baby, this does not detract from my observation that Dr. Seuss has failed to give the reader any view of Mayzie other than as a “lazy” mother. Dr. Seuss’s simple characterization of the birth mother as irresponsible is reflected in the views of adoptive parents.

In her survey of international adopters, Gailey found that “[m]any of the international adopters . . . characterized the birth mothers as irresponsible in giving birth to children they couldn’t afford, but responsible enough to give them [to] people who could.”<sup>143</sup> Gailey’s data from international adopters also showed that they think “the poor in another country were healthier or more morally upright than the poor of their own country.”<sup>144</sup> Regarding Chinese birth mothers who abandon their children, Dorow has found that they are usually constructed by international adopters as either “victims of a cruel system” or “heroes who did the best thing for their child in difficult circumstances.”<sup>145</sup> Gailey also found that single mothers and African-American mothers had the most compassion toward birth mothers.<sup>146</sup>

Although she did not adopt internationally, Jana Wolff, in *Secret Thoughts of an Adoptive Mother*, dares to reveal the letter she *wanted* to write to her child’s birth mother in a domestic, open-adoption process: “Who are you, anyhow? What kind of person would get herself knocked up by a scummy guy who runs away when he hears the news? Haven’t you heard of birth control? Of AIDS? Of abortion? . . . Of

140. See, e.g., Barbara Woodhouse, *Hatching the Egg: A Child-Centered Perspective on Parents’ Rights*, 14 CARDOZO L. REV. 1747 (1993) (drawing on *Horton* to illustrate “gestational fathering”).

141. *Id.* at 1751 (quoting DR. SEUSS, *supra* note 134).

142. See *id.* I thank Professor Elizabeth Bartholet for pointing out this reading of *Horton*.

143. Gailey, *supra* note 23, at 26.

144. *Id.* at 51–52.

145. Dorow, *Spirited Crossings*, *supra* note 86, at 76. In China, however, some construct these mothers as having no education, and thus, no sense of social responsibility. *Id.* at 77.

146. Gailey, *supra* note 23, at 53.

monogamy? Of love?"<sup>147</sup> After Wolff and her husband adopted Ari, an interracial child, she frequently was not seen as his mother because he looked black and she looked white.<sup>148</sup> She indicates that she wanted to respond to people who asked where his real mother was with the following: "Where is his *real* mother? . . . 'His real mother?' I want to yell back. 'She's out getting knocked up by some guy she'll never see again.'"<sup>149</sup> Despite her initial "bad mother" thoughts, Wolff developed a close relationship with Ari's mother and began to think of Ari's mother as "the *real* hero" who was "unimaginably brave, unexplainably sure" about her decision to place her child for adoption.<sup>150</sup>

Several survey responses echoed Wolff's empathetic sentiment:

- "I will always love her birth mother because she cared enough to go through pregnancy and labor and had to give up her child. She is a very brave woman."<sup>151</sup>
- "My only issue I think is a sadness and curiosity about her birthmother and wondering what role she will play in [my daughter's] imagination."<sup>152</sup>

Understandably, most children's books about adoption do not depict the birth mother as a "bad mother." Often, she is a shadowy figure or not discussed at all. This is based in part on a lack of information about the birth parents, especially in the era of sealed records or of international adoptions in which little is known about the birth parents. Many survey responses indicated this lack of information about birth parents in international adoptions. This silence about the birth parent can also be based on a conscious decision not to discuss the birth parents. As one survey respondent wrote, "We decided not to adopt in the United States as most domestic adoptions are private arrangements with birth mothers and I couldn't handle someone changing their mind (in fact I fully believed they would . . .). That le[d] to foreign adoption."<sup>153</sup> Another responded: "We know little about the boys' birth mothers, and what we know isn't particularly creditable, so we don't go into details."<sup>154</sup> The lack of information can also lead to a story that adoptive children often hear, such as the following survey response:

*It is our feeling that her parents either for economic or emotional reasons could not take care of her. But we firmly feel that she was very important to them and deeply loved by them and that is why she*

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147. WOLFF, *supra* note 8, at 17.

148. *Id.* at 129–30.

149. *Id.* at 99.

150. *Id.* at 51, 78.

151. Ayres, Adoption Stories Survey Responses, *supra* note 7.

152. *Id.*

153. *Id.*

154. *Id.*

was left to be found across the street from the orphanage. They wanted her to be found and cared for.<sup>155</sup>

As Barbara Yngvesson points out, however, even if little is known or shared about the birth mother, she is the “site of ‘dreaded identification’” because although she is “‘outside’ the family,” she is also always “*within* the adoptive family” since she made it possible.<sup>156</sup> Typically, adopted children wonder about their birth parents,<sup>157</sup> and so, the traditional narrative results in two competing stories for children: a preservation story (the story about the child’s roots) versus a story of separation/abandonment (separation, new identity, clean break).<sup>158</sup> Conventional adoption narratives open gaps in a child’s life story.<sup>159</sup> This is especially true in international adoptions in which little or nothing is known about the birth mother. For instance, Yngvesson and Mahoney tell about a six-year-old adoptee who rejected the traditional story, “[Y]our mother loved you so much that she wanted you to have a mommy and a daddy,” and instead of this traditional story, the six-year-old believed, “My mother threw me away like a blade of grass.”<sup>160</sup> These contradictory narratives about the birth mother can be very confusing from the child’s perspective because “‘if she [the birth mother] loved her, why would she give her up?’ And more poignantly, if she did love her and [gave] her up, then why wouldn’t adoptive parents do the same?’”<sup>161</sup>

Despite the likelihood that the birth mother is a large presence in the child’s emotional and imaginative life,<sup>162</sup> in many children’s adoption books, the birth parents are not mentioned at all, or are merely shadowy figures. For instance, Pearl Buck’s 1963 book, *Welcome Child*, is filled with black and white photographs of an American family in the fifties or sixties who adopted a little girl from Korea.<sup>163</sup> A

155. *Id.*

156. Barbara Yngvesson, *Negotiating Motherhood: Identity and Difference in “Open” Adoptions*, 31 *LAW & SOC’Y REV.* 31, 38–39 (1997); see also BARTHOLET, *supra* note 25, at 52 (referring to the “dreaded ‘other mother’”).

157. See ELDRIDGE, *supra* note 81, at 85–95.

158. See Barbara Yngvesson, *Going “Home”: Adoption, Loss of Bearings, and the Mythology of Roots*, *SOC. TEXT*, Spring 2003, at 7–8 [hereinafter Yngvesson, *Going “Home”*].

159. Yngvesson & Mahoney, *supra* note 25, at 80.

160. *Id.* at 80.

161. Dorow, *Spirited Crossings*, *supra* note 86, at 78–79. Watkins and Fisher try to deal with this dilemma by advising adoptive parents that “[i]t is possible to convey to a child that being placed for adoption is not incompatible with being wanted and loved by one’s birthparents,” WATKINS & FISHER, *supra* note 16, at 80. The authors also warn that it can be threatening to tell a child, “[y]our birthmother placed you for adoption *because she loved you,*” since the young child will wonder if the adoptive parents, who also love her, will also give her up.” *Id.* at 82.

162. See Gailey, *supra* note 23, at 50–51 (pointing out that around age eight, adoptees begin to ask questions about their origins).

163. PEARL S. BUCK, *WELCOME CHILD* (Alan D. Haas photo., 1963). Pearl Buck adopted seven children and established the Welcome House, the first international,

brief reference is made to the birth parents: "Do you see the little girl in the picture? Her name is Kim. She had no mother and father and she felt lonely without them. She did not know how to find them."<sup>164</sup> The book does not talk about Kim's roots or birth parents further; however, except in one photograph, which has an eerie allusion to the abandonment story, the adoptive father holds Kim in his arms to view a storybook village sculpture of a giant boot-shaped playhouse and the text reads: "When Daddy took her to a nearby fairy-tale village, she liked visiting 'the old woman who lived in a shoe.' But it was a queer house, and she felt safer up on Daddy's shoulder."<sup>165</sup> Although Kim is smiling in the photograph, the sculpture looms overwhelmingly in the foreground, reminding the reader of the next line of the nursery rhyme: "she had so many children, she didn't know what to do." As a Nobel Prize winner, surely Pearl Buck recognized the symbolism of abandonment in this photograph—or perhaps, she intended to symbolize the rescue narrative that motivated many Korean adoptions.<sup>166</sup>

Several other children's books either allude to the birth parents, describe the child's imaginations about the birth parents, or describe the adoptive parents' empathy with the birth parents. For instance, *The Best Single Mom in the World* has a color illustration of the birth mother shown "far away across the ocean and over the mountains," and the adoptive mother tells her daughter that her birth mother "wanted the best for you, but she couldn't take care of you."<sup>167</sup> Another book, *I Love You Like Crazy Cakes*, does not depict the birth mother, but begins with her absence: a roomful of babies in cribs and "each was missing something—a mother."<sup>168</sup> The mother's absence evokes empathy in the adoptive mother. When she adopts her daughter and comes home from China, she rocks the baby to sleep, and the text reads, "I held you tightly, kissed you softly, and cried. The tears were for your Chinese mother, who could not keep you. I wanted her to know that we would always remember her. And I hoped somehow she knew you were safe and happy in the world."<sup>169</sup>

Other children's books delve more deeply into the conflicting story of roots versus abandonment, such as *Allison*, in which a little girl adopted from China becomes angry when she realizes she does not look like her Caucasian adoptive parents and that she had other birth

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interracial adoption agency in 1949. See PETER CONN, PEARL S. BUCK: A CULTURAL BIOGRAPHY, at xv (1996).

164. BUCK, *supra* note 163, at 10.

165. *Id.* at 48–49.

166. See PERTMAN, *supra* note 2, at 73–74. Harry Holt lobbied Congress for laws to govern intercountry adoptions after learning of the "wretched existence of Korean War orphans." *Id.*

167. ZISK, *supra* note 91.

168. LEWIS, *supra* note 90.

169. *Id.*



parents in China who didn't keep her.<sup>170</sup> The other children in Allison's preschool class stare at her when she asks, "Do you have a mommy in another country? . . . I mean another mommy who gave you away."<sup>171</sup> After some destructive behavior (cutting the hair and legs off her mother's dolls and ruining her father's baseball and mitt),<sup>172</sup> Allison seems to understand and accept adoption when her parents allow her to adopt a stray cat.<sup>173</sup> Similarly, in *A Koala for Katie*, a little adopted girl questions her mother, "Why didn't my first mommy want me?"<sup>174</sup> Her mother tells her, "Remember what I told you? . . . She loved you, Katie, and she wanted you to have a better life than she could give you."<sup>175</sup> Like Allison who adopts a cat, Katie ends up adopting a stuffed koala whose mother couldn't take care of it, and Katie promises to take good care of it. The difficult question of "Why didn't my first mommy want me?" is explored in Sara Dorow's memory book, *When You Were Born in China*.<sup>176</sup> In this book, intended for children who are eight or older, Dorow explains how China's one-child policy results in many orphans, usually girls, since elderly parents traditionally live with their son's family.<sup>177</sup> Dorow also explains that in China "[y]our parents could get in trouble if they took you straight to an orphanage," so parents often abandon children in very public places where they will be found and taken to an orphanage.<sup>178</sup>

Although Dorow's memory book provides information that might help an older Chinese adoptee understand "Why didn't my first mommy want me?," the issue is a psychologically difficult one, and books for younger children that address this issue (such as *Allison* and *A Koala for Katie* discussed above) seem to gloss over the issue by ignoring the birth mother. Moreover, I have not discovered a children's book that shows a developed relationship between a child and both his birth parents and adoptive parents. A few come close by providing examples of a child's imaginative relationship with the birth mother, such as *Mommy Near, Mommy Far*.<sup>179</sup> In this book, the narrator, Elizabeth, a girl adopted from China, realizes that she has two

170. ALLEN SAY, *ALLISON* 6–11 (1997).

171. *Id.* at 12–13.

172. *Id.* at 18–21.

173. *Id.* at 28–29.

174. JONATHAN LONDON, *A KOALA FOR KATIE* (Cynthia Jabar illus., 1993) (nonpaginated book).

175. *Id.*

176. SARA DOROW, *WHEN YOU WERE BORN IN CHINA* (Stephen Wunrow photo., 1997) [hereinafter *DOROW, BORN IN CHINA*].

177. *Id.* at 14–16. See also Dorow, *Spirited Crossings*, *supra* note 86, at 66 (reviewing factors that lead to abandonment).

178. DOROW, *BORN IN CHINA*, *supra* note 176, at 18.

179. CAROL ANTOINETTE PEACOCK, *MOMMY FAR, MOMMY NEAR: AN ADOPTION STORY* (Shawn Costello Brownell illus., 2000) (nonpaginated book).

mothers and has imaginary conversations with her China Mommy.<sup>180</sup> Her American Mommy even talks on the play phone to Elizabeth's China Mommy and tells her, "Yes, Elizabeth is doing fine. She loves you very much. And she knows you love her, too."<sup>181</sup> Elizabeth learns about China's one-child rule and becomes sad when she sees a Chinese girl with her Chinese mother.<sup>182</sup> As Dorow argues in *Spirited Crossings*, Chinese adoptees will likely never learn exactly why they were abandoned, and so, their stories will always lack narrative closure because any story they tell themselves will be constructed.<sup>183</sup> Moreover, any story they tell themselves about China's policies and Chinese parents' preferences for boys will inevitably make girl adoptees "feel inadequate."<sup>184</sup>

Another children's book that presents a child's possible wonderings about the birth parents is *We See the Moon*.<sup>185</sup> This book alternates wonderful peasant paintings with poetic musings about Chinese birth parents—asking such unanswerable questions as "Why did you leave me?" and "Do you remember me?"<sup>186</sup> The book ends with the poignant statement, "I love others now, And I will always love you."<sup>187</sup> Although narratives by adult adoptees provide musings about birth parents, and although other essays describe the relationship between an adopted child and his or her two sets of parents (or mothers),<sup>188</sup> children's books contain a narrative gap concerning birth parents—a gap waiting to be filled because "[n]o one wants a gaping hole where birth mothers should be."<sup>189</sup>

#### IV. BOOKS YET TO BE WRITTEN

As I filled my house with children's books on adoption, it was no surprise that my eight and six-year-old children would spend time reading them. Katie, who is six, picked *Jin Woo* by Eve Bunting<sup>190</sup> as her favorite book. *Jin Woo* tells about how an older boy responds to news that his parents will adopt another little boy—first with great displeasure, and eventually with great pleasure—exactly the way Katie responded to the arrival of her baby brother, Benjamin. Daniel, who is eight, picked *I Love You Like Crazy Cakes*<sup>191</sup> (even though it

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180. *Id.*

181. *Id.*

182. *See id.*

183. Dorow, *Spirited Crossings*, *supra* note 86, at 65–67.

184. *Id.* at 72.

185. CARRIE A. KITZE, *WE SEE THE MOON* (2003) (nonpaginated book).

186. *Id.*

187. *Id.*

188. *See, e.g.,* Yngvesson & Mahoney, *supra* note 25, at 98 (meeting South Korean birth mother); *see* Yngvesson, *Going "Home"*, *supra* note 158, at 18–23 (meeting birth mother in Chile).

189. Dorow, *Spirited Crossings*, *supra* note 86, at 79.

190. EVE BUNTING, *JIN WOO* (Chris Soentpiet illus., 2001).

191. LEWIS, *supra* note 90.

was the board book version for babies) and I told him, “*That’s my favorite, too. I love you like crazy cakes!*” Reading children’s books for the international adoption conference inevitably led me to ponder what books are yet to be written, what narratives are yet to be inscribed?

I can’t quite wrap my mind around the illustrations or text for a future book on adoption. One possibility is the view of some cultures, such as the Baule of the Cote d’Ivoire, that it is a *privilege* to be adopted.<sup>192</sup> In this culture, birth mothers give their children to women who are known to be skilled in raising children. In other places and cultures, adoption may be informal—such as in African-American communities<sup>193</sup> and in the Tongan Islands of the southern Pacific, where “a childless woman may be given a child by her sister out of compassion and love; the child grows up in close contact with both women, the adoptive woman being the closest ‘mother.’”<sup>194</sup> One possibility suggested by different cultures’ adoption practices, then, is to see adoption as adding people rather than losing people<sup>195</sup> and of being comprised of “multiple rootedness.”<sup>196</sup>

Another possibility for a future narrative is to see adoption not as second best, but as the norm. Bartholet suggests that “[w]e should try to imagine living in a society in which adoption is revered rather than denigrated.”<sup>197</sup> Similarly, Janet Beizer talks about viewing adoption “as-if”—she proposes using the “adoption model to divest biological kinship relationships of their baggage of ownership.”<sup>198</sup> Beizer foresees “as-if” families and describes a future “which would have a biological relationship made in the image of an adoptive one: the child, freed from the onerous expectations of ownership, would be *as-if adopted*, the parent *as-if-adoptive*.”<sup>199</sup>

Finally, adoption narratives can serve as a model for all of our individual stories, as Yngvesson and Mahoney argue: “Each adoption points to the contingencies of birth, to the arbitrariness of choice (which family, which nation) and to the fact that any adopted child could have had a different story: there is no ‘meant to be’ in adoption stories . . . .”<sup>200</sup> Similarly, going back to my theoretical assumption

192. Gailey, *supra* note 23, at 20; see also BARTHOLET, *supra* note 25, at 169–70 (discussing adoptions in Tahiti, and in Polynesian and Micronesian societies, which may place adoption “at the top of the family hierarchy”).

193. See Cornell, *supra* note 26, at 210 (pointing out that with informal adoptions in African-American communities, there are two mothers and neither is labeled the “real” mother).

194. Gailey, *supra* note 23, at 20–21.

195. *Id.* at 20.

196. Yngvesson & Mahoney, *supra* note 25, at 104.

197. BARTHOLET, *supra* note 25, at 183.

198. Janet Beizer, *One’s Own: Reflections on Motherhood, Owning, and Adoption*, 21 TULSA STUD. WOMEN’S LITERATURE, 237, 248 (2002).

199. *Id.* at 249.

200. Yngvesson & Mahoney, *supra* note 25, at 81–82.

that we construct our identities, this construction is an incomplete process for which adoption narratives can “serve[ ] to throw into relief what is surely a common, though sometimes subtle, experience of the arbitrariness of belonging . . . , and of the impossibility of ever completely belonging in the places where we find ourselves.”<sup>201</sup>

## APPENDIX

*Selected Children's Books on Adoption*

- ANDREW R. ALDRICH, *HOW MY FAMILY CAME TO BE: DADDY, PAPA AND ME* (Mike Motz illus., 2003).
- ROSALYN BANISH & JENNIFER JORDAN-WONG, *A FOREVER FAMILY* (1992).
- SUZANNE BLOOM, *A FAMILY FOR JAMIE* (1991).
- PEARL S. BUCK, *WELCOME CHILD* (Alan D. Haas photo., 1963).
- CATHERINE & SHERRY BUNIN, *IS THAT YOUR SISTER?: A TRUE STORY OF ADOPTION* (1976).
- \*EVE BUNTING, *JIN WOO* (Chris Soentpiet illus., 2001).
- JOANNA COLE, *HOW I WAS ADOPTED: SAMANTHA'S STORY* (Maxie Chambliss illus., 1995).
- \*JAMIE LEE CURTIS, *TELL ME AGAIN ABOUT THE NIGHT I WAS BORN* (Laura Cornell illus., 1996).
- NANCY D'ANTONIO, *OUR BABY FROM CHINA* (1997).
- CHRISTEL DESMOINAUX, *MRS. HEN'S BIG SURPRISE* (2000).
- \*SARA DOROW, *WHEN YOU WERE BORN IN CHINA: A MEMORY BOOK FOR CHILDREN ADOPTED FROM CHINA* (Stephen Wunrow photo., 1997).
- IRIS L. FISHER, *KATIE-BO: AN ADOPTION STORY* (Miriam Schaer illus., 1987).
- SUSAN GABEL, *WHERE THE SUN KISSES THE SEA* (Joanne Bowring illus., 1989).
- LINDA WALVOORD GIRARD, *WE ADOPTED YOU, BENJAMIN KOO* (Linda Shute illus., 1989).
- RANDALL B. HICKS, *ADOPTION STORIES FOR YOUNG CHILDREN* (William H. Rockey photo., 1995).
- \*KEIKO KASZA, *A MOTHER FOR CHOCO* (G.P. Putnam's Sons 1992) (1982).
- \*KAREN KATZ, *OVER THE MOON: AN ADOPTION TALE* (1997).
- \*HOLLY KELLER, *HORACE* (1991).
- \*DAVID KIRK, *LITTLE MISS SPIDER* (1991).
- CARRIE A. KITZE, *WE SEE THE MOON* (2003).
- \*PHOEBE KOEHLER, *THE DAY WE MET YOU* (1990).
- VIRGINIA KROLL, *BEGINNINGS: HOW FAMILIES COME TO BE* (Stacey Schuett illus., 1994).
- SUSAN LAPSLEY, *I AM ADOPTED* (Michael Charlton illus., 1975).

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201. *Id.* at 102.

- \*ROSE LEWIS, *I LOVE YOU LIKE CRAZY CAKES* (Jane Dyer illus., 2000).
- \*JONATHAN LONDON, *A KOALA FOR KATIE* (Cynthia Jabar illus., 1993).
- LESLÉA NEWMAN, *HEATHER HAS TWO MOMMIES* (Diana Souza illus., 2d ed., Alyson Publications 2000) (1989).
- JEAN DAVIES OKIMOTO & ELAINE M. AOKI, *THE WHITE SWAN EXPRESS: A STORY ABOUT ADOPTION* (Meilo So illus., 2000).
- CAROL ANTOINETTE PEACOCK, *MOMMY FAR, MOMMY NEAR: AN ADOPTION STORY* (Shawn Costello Brownell illus., 2000).
- JILLIAN POWELL, *TALKING ABOUT ADOPTION* (2000).
- FRED ROGERS, *LET'S TALK ABOUT IT: ADOPTION* (Jim Judkis photo., 1994).
- MAXINE B. ROSENBERG, *BEING ADOPTED* (George Ancona photo., 1984).
- ALLEN SAY, *ALLISON* (1997).
- PERRY SCHWARTZ, *CAROLYN'S STORY* (1996).
- ELAINE SCOTT, *ADOPTION* (1980).
- HARRIET LANGSAM SOBOL, *WE DON'T LOOK LIKE OUR MOM AND DAD* (Patricia Agre, photo., 1984).
- STEPHANIE STEIN, *LUCY'S FEET* (Kathryn A. Imler illus., 1992).
- ANN TURNER, *THROUGH MOON & STARS & NIGHT SKIES* (James Graham Hale illus., 1990).
- VALENTINA P. WASSON, *THE CHOSEN BABY* (Glo Coalson illus., rev. ed. 1977).
- MARJORIE ANN WAYBILL, *CHINESE EYES* (Pauline Cutrell illus., 1974).
- MARY ZISK, *THE BEST SINGLE MOM IN THE WORLD: HOW I WAS ADOPTED* (2001).

\*Indicates favorites listed in survey responses.