

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

by

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I have conducted research about Kanak traditional adoptions and kinship for twenty years (Leblic, 2000a, 2000b, 2004b, 2004c). Recently, in Rio (June 2009), I began a comparison between Kanak and Mā'ohi traditional adoption *versus* international adoption (see Leblic, 2012a). Here I shall focus on the legacy of *fa'a'amu* traditional adoption in “international” adoption. As said Judith Schachter during the session:

« adoption floated from one domain to the other: a mode of kinship, a version of exchange, an example of custom versus law, and a thread in colonialism/post-colonialism studies »

and the Mā'ohi case is a concentrate of all these questions. First, I would like to say a few words on Mā'ohi adoptions in comparison with those that take place between the Kanak<sup>2</sup> and Oceanian peoples.

The interest of this comparison is the fact that Kanak and Mā'ohi are both natives respectively of New Caledonia and French Polynesia [Map 1], which are still two French overseas territories where traditional adoptions are frequent. There, as in many traditional societies, the circulation of children within families or “child exchange”<sup>3</sup> is as accepted as the movement of women inside kinship systems. So, as we do for the marriage system, I have chosen to speak about “givers” for birth parents and “takers” for adoptive one (see also Collard, 2004) in accordance with the fact that in so many traditional societies child exchange is part of and similar to the exchange of women in marriage (see also Lallemand, 1993). As in all of Oceania, Mā'ohi (and Kanak) children and women circulate between families inside the kinship systems (and “*kastom*” for the Kanak one) and we can make a parallel between adoption and marriage customs and speak about “givers” for birth parents/ and “takers” for adoptive parents<sup>4</sup>. Some main points about traditional adoption, in Polynesia and more generally in Oceania, are that birth and adoptive parents choose each other and stay in contact (with no secrecy). As result, children accumulate rights and obligations from both parental groups.

Thus, Mā'ohi (and Kanak) give some of their children to other parents, not always without children.. Several reasons are at the origin of these gifts, as we will see further on. Therefore, in these two French overseas territories, adoption and fosterage are not linked to

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<sup>1</sup> This paper is a revised version of a presentation made at the AAA congress in Montreal in November 2011 in the session “Tracing pathways of kinship in assisted reproductive technologies (arts) and adoption” led by Chantal Collard and Françoise-Romaine Ouellette.

<sup>2</sup> Here, I am speaking especially about French Polynesian Adoption. For Kanak oadoption, I refer to the paper already published in *Scripta Nova* in Portuguese from the workshop held in Rio in June 2009 (see Leblic, 2012a) and to two chapters of book I have edited (Leblic, 2004b and 2000a).

<sup>3</sup> Since Carroll (ed., 1970) and Brady (ed., 1976) “child exchange” is the term usually used to speak about adoptions and fosterage in Oceanian Societies (see also Modell, 1995).

<sup>4</sup> We notice that for Paicî Kanak, there are the same terms for the presents made for adoption and marriage (see Leblic, 2012a).

abandonment<sup>5</sup> and that recalls the fact that, as I have already written (Leblic, 2004a), there is no exclusiveness in the parental functions like that which comes about in the Western societies. This characteristic places us towards a very specific framework of adoption within the French Republic where situations result from their colonial history. Indeed, in these two territories, the custom<sup>6</sup> rules have governed until 1946 for the French Polynesia and even today govern the New Caledonia these child exchanges (which therefore are not inevitably registered with a civil status). This is why it will be necessary to return quickly to this particular legal framework.

As, for the last few years, with the increase of international adoption and the lack of children in the West, childless parents look for a child farther and farther away from their country and sometimes, under undesirable conditions. Also because of the fact that we know that the children placed into the network of adoption are not “always” – I would even say “often” – orphans. Thus, these two French overseas territories can have a particular importance for French childless couples, because the Kanak and Mā’ohi traditional adoption can be at the same time a source of babies and a means to by-pass certain difficulties inherent to international adoption. We can also notice here a huge variation between Kanak and Mā’ohi in international adoption. If Mā’ohi people give their children to non-Polynesian couples who live outside of the territory, it is not the same in New Caledonia<sup>7</sup>.

Indeed, since the seventies, a lot of childless French couples have begun to look for children in French Polynesia where it is usual to give children within the *fa’a’amu*<sup>8</sup> adoption network. This means adoption that should maintain links between the Polynesian family of birth who give the baby and the French adoptive family who take him. Generally, French families are looking by themselves for a pregnant woman likely to take part in this adoption system (for such a story, see Laîné, 2005). On another side, Kanak people, who largely practice child exchange, don’t give their children outside. The subject of this paper is to consider why the first ones allow it and not the others, whereas their systems of traditional adoption are very similar. We will also show that for us the *fa’a’amu* child, transfer to these *Popa’ā Farāni* («White people from France») couples match very well with international adoption no matter what can be said about it. So I shall try to answer these questions: why do *Popa’ā Farāni*

<sup>5</sup> It is often thus in many so-called traditional societies where one speaks more about child exchange than adoption and/or fosterage.

<sup>6</sup> What I name custom or *kastom* is not static and frozen in time (see Leblic, 1993), but in perpetual evolution and rather dialectic between Kanak and non-Kanak practices, representations and values (see also for Hawai’i Modell, 1995: 202).

<sup>7</sup> We have even heard about three recent cases of Kanak adoptions by Caldoches people (Europeans having made stock in New Caledonia) or French people living there. Perhaps there exist more cases. We will return there later on.

<sup>8</sup> The *fa’a’amu* child is in Mā’ohi «the child we fed». We also say *fanau* «to give life» for parents who are going to give their child, from «*Fānau*, v.e. [...] To be born. [...] v.i. To give birth» and «*Fanau’a*, n.c. 1°) Child (familiar) [...] 2°) Kid of an animal, quadruped, bird, insect...» (Académie tahitienne, 1999: 142). About questions of mā’ohi adoption vocabulary, here are the terms founded in the dictionary of the Tahitian Academy (1999): «*Fa’a’amu* (1), adj. Adoptive. *E tamari’i fa’a’amu* = an adoptive child. Domestic. *E pua’a fa’a’amu* = a domestic pig; v.t. 1°) To feed, to give to eat. *’Ua fa’a’amu ānei ’oe i te pua’a* ?= did you give something to eat to the pigs? 2°) To adopt. *E piti tamari’i tāna i fa’a’amu* = it raises chickens at Taravao. Synonym(s): *fā’a’ai* (1) – *tavai* – *fa’atavai*» (idem: 103); «*Fa’a’ai* (1), adj. Feeder; n.c. The one who adopts; v.t. To feed. *E pīra’e iti’uo i fa’a’auha i te ’atoti* = a small white tern nourished with fish called *’atoti* (T.H. p. 379). To adopt. Synonym(s): *fā’a’amu* (1) – *tavai* – *fa’aatavai*» (idem: 102); «*Fa’atavai*. v.t. To adopt a child. *Metua fa’atavai* = an adoptive father. *’Ua fa’atavai na te mau hina’aro hōpe’a o Tāpoa*... [...] Synonym(s): *fa’a’amu* 1°) - *fa’a’ai* (1)» (idem: 131). «*Tavai*. adj. Adoptif. *E tamaiti tavai* = an adoptive child. *E metua tavai* = an adoptive father, an adoptive mother; n.c. Adoption. Cf. *’Ahuvai, atavai* (3), *fa’a’ai* (1)» (idem: 477); «*Atavai* (3). n.c. (Davies) Adoption. Cf. *Tavai*» (idem: 72, author’s translation).

couples (« White of France ») choose the *fa'a'amu* children of French Polynesia? Why do Mā'ohi give their babies and not Kanak? And why do I refer to these transfers as “international adoption” and not “national adoption”?

Lastly, to conclude, we will see what kinship and adoption in traditional societies can provide us as traces of reflection about kinship in Western societies and what lesson our look upon the traditional adoption can bring to us in the current debate about new forms of kinship and parenthood. This is because a number of the requesting put today in the debates on these questions in the Western societies are often well known by anthropologists working about kinship in traditional societies, as we will see it starting from these two examples of child circulation. Some indeed regret that today the sociology of the family only deals with what is considered from a certain point of view, as except standards (ARTs, gay couples' adoptions, etc.) and one has sometimes has the impression that one is reinventing here what the anthropology of kinship<sup>9</sup> has treated from time immemorial.

Works which I present here<sup>10</sup> are thus located in the prolongation of work which I have been working on for about fifteen years on kinship and adoption (see Leblic ed., 2004), first within the ex-research group Anthropology of childhood directed by Suzanne Lallemand than with other colleagues (in particular Chantal Collard<sup>11</sup>) and within the kinship research unit of the LAS.

### **Customary Adoption, French law and common individual law: Caledonian specificity**

I would like to point out that New Caledonia and French Polynesia are still French colonies. There are thus certain local peculiarities, which were taken into account in the course of their history by the French legislation applied to these native peoples of the two French ultramarine regions, Kanak and Mā'ohi<sup>12</sup>. We see those who concern us here because, if Kanak and Mā'ohi child exchanges are quite similar, it is necessary to point out their main differences that are linked to their different insertion in the French law. Thus, the colonial history of these two territories have marked the current jurisdiction of the statuses of these persons, and I shall present some few elements to allow a good understanding of the issues in the adoption.

Until 1946, Kanak and Mā'ohi were not French citizens; this implicated that therefore they did not have all the rights that go with the citizenship, in particular the right to vote. Since the 1946 constitution, which allowed all natives of the French Union to attain French citizenship, went into effect, legislators have planned certain dispensations to the system of common law governing every Frenchman, in order to respect certain fundamental customs in the native social organizations. This was the object of the article 82 of the 1946 constitution that planned

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<sup>9</sup> «As of the first years of the discipline, researchers in anthropology discussed practices of the child exchanges. Since the traditional approach which, in England, lays the stress on the rights and obligations (Goody, 1982), and in USA, on the culture et the personality (Carroll, 1970) and, in France, on the gift (Lallemand, 1993), to the more contemporary current of the deconstructionist analysis (Schneider, 1984), the study of the relationship between certain children and their parents of substitution helped these researchers to reconsider the naturalized categories of the marital family.» (Fonseca, 2004: 209, author's translation).

<sup>10</sup> I have not yet been able to conduct fieldwork investigation, neither in French Polynesia nor on the metropolitan families having adopted over there. This last shutter is with its initial phase, contacts having already been made by emails with some families, which I must meet soon.

<sup>11</sup> See the workshop “Adoption et nouvelles parentés-parentalités” I organized at the CNRS-LACITO, December 10, 2010 (<http://lacito.vjf.cnrs.fr/colloque/parente/index.htm>).

<sup>12</sup> There are many studies about Oceanian adoption. I refer the reader to the two main collective works on the subject which propose a wide panorama (Carroll [ed.], 1970 & Brady [ed.], 1976).

for the concerned persons to be able keep their personal status as long as they did not make the expressed demand submit themselves to the French common law. These provisions were resumed in the article 75 of the 1958 constitution, which stipulates that:

«The citizens of the Republic who have no civil status of common right, only mentioned in the law of article 34, keep their personal status as long as they did not give it up.» (the 1958 French Constitution, art. 75, <http://www.c-e-r-f.org/fao-155.htm>, consulted September 14, 2009, , author's translation)

The personal customary status of Natives of Overseas French Territories thus contained certain specificities, which continue even today, as it does for the Kanak of New Caledonia:

« The regime of the personal status is the one in which the law applicable to the persons is a function not of their citizenship, but their ethnic, religious membership group, etc., the domain of the rights governed according to this criterion is naturally not reduced to general questions in the country, but more or less internal to the “community” of membership, essentially family law. » (Cercle d'étude de Réformes féministes: Le statut personnel coutumier dans les territoires d'outre-mer, <http://www.c-e-r-f.org/fao-155.htm>, consulted September 14, 2009, author's translation)

In mind of the legislators, it had to allow a gentle transition from customary laws towards common law<sup>13</sup>. But this did not occur in New Caledonia and the customary rules,, which govern the Kanak civil status of the populations of particular civil status, have endured until today.

« The effectiveness of the personal civil status is translated in various ways. In New Caledonia, the existence of two civil statuses (of common law and personal status), the form of marriage, birth, death and adoption certificates, and the observed procedure differ from one to another. In Wallis-et-Futuna, as in New Caledonia, the customary, unwritten rules, variable from a region to the other one, govern the personal civil status of the persons who have not given up it. The Republic recognizes in its substantive law the private property governed by the Muslim right in Mayotte, the customary property in Wallis and Futuna and in New Caledonia, the groupings of local particular rights (GDPL), the system of a clan's joint possessions,(on the mainland of New Caledonia, and the inhabitants' communities of the Guyanese forest. Here, the Constitution plans a legal pluralism, a space where the questions of the power and the authority can be discussed and solved according to a system of pre-established agreements. » (*L'unité du droit et le pluralisme juridique*, 29 janvier 2006: auteur: Altide Canton-Fourrat, titre: *L'unité du droit et le pluralisme juridique: La République française et ses collectivités ultramarines*, consulted on December 12, 2010, <http://www.opuscitatum.com/index.php?op=NEPrint&sid=139>, author's translation).

Today, at this beginning of XXI<sup>th</sup> century as at the end of the Kanak XX<sup>th</sup> century, adoption is thus still situated within the customary law, as is all that concerns the family of the persons of status of particular law. The Kanak, in their great majority, are indeed still managed by this particular civil status, which specifies in Article 37 of the Deliberation of April 3, 1967, that what matters on the subject is the application of the customary rule after consent of the interested families. Since the Noumea agreement (May 5, 1998), we speak henceforth about “customary status” for the Kanak. As an example, in 2005, out of 4.106 births, 1.660 (that is 40,4%) were registered under customary status (ISEE-TEC publication 2006: 46), we can ask ourselves what has to correspond to the majority<sup>14</sup> of the Kanak births, when we know

<sup>13</sup> For the adaptation of the Kanak customary laws, see in particular Agniel (1993).

<sup>14</sup> This is taking into account the fact that Kanak have on average more children than the Europeans in New Caledonia, but fewer than the other certain ethnic groups (to be verified).

that the Kanak population represents about 40% of the population of New Caledonia? One of the characteristics of these customary rules is that they are not written and that they can vary a little from one customary area<sup>15</sup> to the other. This is why the customary senate<sup>16</sup> is presently thinking about a standardized publication of all these rules to clarify them and adapt them to today's life.

Because of the customary status of the Kanak people (the Melanesian “*kastom*” recognized by the French law), there is no necessity of registering the Kanak adoptions – as the customary marriages<sup>17</sup> – in the French civil registry unless there are some advantages (granting welfare in particular). This practice is still beyond the control of the social services, and any customary adoption takes place according to an agreement between clans givers and takers. This means that the adopting families in this framework also do not require approval by social services, etc., to the great displeasure a number of staff members of these said departments which would indeed like to be able to control what takes place in customary adoptions because they often have a very negative view of these child exchanges. Therefore it is a practice that the French social system would especially like to control in the name of the so-called “better interest of the child”!

The situation is very different in French Polynesia, where Mā'ohi are not of particular civil status. Nevertheless, there are certain specificities in the so-called *fa'a'amu* adoption process<sup>18</sup>. Indeed, texts relating to the adoption, in particular the law 66-500 of July 11, 1966 (including reform of the adoption) was not applicable on this territory<sup>19</sup>. The delegation of the parental rights (so called DAP) has thus been established in French Polynesia since 1970 in order to give a legal framework to the *fa'a'amu* child exchanges (law 70-589 of July 9). Since, if, as with all the adoptions, this *fa'a'amu* is governed by the text of law 93-22 of January 8 1993, “modifying the civil code relative to the civil status, to the family and to the children rights and establishing a judge in family affairs” – published in the *Journal officiel* of January 9, 1993, and coming into effect on February 1, 1994, the DAP is still effective in any *fa'a'amu* procedure.

### **The circulation of children, child exchange and the functions of traditional adoptions**

Adoption is a way used by human societies to establish some kinship<sup>20</sup>. In the West, adoption had three main functions (non exclusive) to give first a family to orphans and found children

<sup>15</sup> The New Caledonian Kanak population is distributed in eight linguistic and customary areas.

<sup>16</sup> The customary Senate « is the assembly of the various customary councils of the Kanak country, it is seized upon for the projects and the private bills of the country or the deliberation relative to the Kanak identity [...] consists of sixteen members appointed by every customary council, according to the practices recognized by the custom at the rate of two representatives per customary area. » ([http://www.gouv.nc/portal/page/gouv/insitutions/senat\\_coutumier](http://www.gouv.nc/portal/page/gouv/insitutions/senat_coutumier), consulted on 2009, December 2<sup>nd</sup>, author's translation).

<sup>17</sup> In 2005, only 29,3% of the marriages were customary; this can mean that their number is not necessarily recorded.

<sup>18</sup> For a vision of the specificities of the *fa'a'amu* adoption, see Anonyme (2008), Scotti (2008), Brillaux (2007), Gourdon (2004), Monléon (2000, 2001, 2004), Saura (1998), Prel (1996), Charles (1995), Nadaud (1993) and Billard *et al.* (1993). In addition, a note of the department of the social affairs of November 28th, 2003 retells the history of this mode of adoption. Several other useful texts can be consulted on-line on Wikipedia for adoption.

<sup>19</sup> If the legislator does not plan it expressly, the laws passed in France are not applicable automatically in the overseas territories. The local assemblies who decide then on their applicability for their territory must first confirm them..

<sup>20</sup> Let us note that the historians of medieval Europe see in adoption at the same time a manipulation and a

(since the First World War in France), then to provide a social offspring to childless couples, finally to furnish an heir to a couple or an individual, within the heritage of goods and status. In this framework, one speaks about the interest of the child! But every anthropologist **owes wonder if** this one is unique and universal. Today in fact, traditional child exchanges are often confronted with globalization and the importance of international regulations,. Thus, since the Convention of the Rights of the Child (CRC) of 1989, it is of use when relating to in any type of transfers of the “best interest of the child [that is] a primary consideration” (CRC, part I, art. 3). Chantal Collard and I<sup>21</sup> have written (2009a) that there did not inevitably exist only one common standard of well-being in spite of the fact that « the CRC guarantees the well-being which one wishes universally for the child » and which finally is very often only Western<sup>22</sup> (see also Sheriff, 2000). This view of the well-being of the child can thus not fit into the ethos of numerous cultures – « and involves a right of intervention when threatened » (Collard and Leblic, 2009a: 8). In the same issue of *Anthropologie et sociétés* 33-1 devoted to childhood in danger (Collard and Leblic [éds], 2009b), I moreover noted, about the affair of The Arc of Zoé (Leblic, 2009: 83-99), the drift that can lead this composed well-being as universal<sup>23</sup>. Having said that, let us return to so-called traditional adoption and its main functions.

There is a large diversity of the situations of adoption in the world, and we can say without risking too much that the existence of the child exchange is almost universal. Since Suzanne Lallemand (1993) anthropology in the so-called “traditional” societies focused on adoption and the gift/counter-gift, by insisting on the notion of circulation of children (often in parallel to that of the women in the marriage) (Leblic, 2004a), yet without forgetting the “purchase”, the capture and the inveiglement of children (Collard and Leblic, 2009a; Menget, 1988). The capture led us to approach adoption in a different way: as mode of reproduction of the one, of the kinship, of the ethnic group who integrates the other, foreign, enemy. Today moreover, the studies on the international adoption are also bound with the questions of emigration, identity, etc.

In traditional societies, the main functions of the adoption are multiple and we are going to recapitulate them here without a specific order. One of them is in no doubt to give relatives to children who have no parents and vice versa to answer the necessity of the survival and the reproduction of the group). However, it can answer also the desire to help individuals to acquire better positions. We also adopt in order to balance the sexes and to restore a deficit of girls or boys to a sibling in particular to be able to answer the necessities of the alliance, which very often includes the idea that to have a woman for my son I must be able to give a girl for somebody else's son. We can also “pull” the child by performing this transfer, that is shield him from a bad influence, often of the order of witchcraft, in order to protect him; what is also still without link with the traditional practices of infanticide, which can be avoided by child's transfer. Sometimes, it is the economic interest which takes precedence over these transfers with not only loaned out, apprenticed children, placed for domestic work, but also children entrusted to more well-to-do persons who can insure the child a better education, as Chantal Collard (2004) tell us about the *restavecs* of Haïti, or still allows the captation of family benefits... We also know of the child as a “stick of old age” who is given to insure a

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manufacturing of the relationship (Corbier, 1999: 32).

<sup>21</sup> See also Leblic (2004a).

<sup>22</sup> It is also necessary to say that the accent put on children rights by the international agreements generates a renewed interest for the studies on childhood, which is a consequence we can congratulate them for.

<sup>23</sup> « It is not a question of redoing the trial of the members of The Arc of Zoé, but of showing how this illustrious affair is at best the derivation of the so-called universalism of the well-being of the child, among other things that this can engender » (2009: 84, author's translation).

support for old and/or isolated relatives. Finally, and doubtless one of the most important customs in traditional society, the gift of child allows for the creation of new relations between groups or the maintenance of long-standing ones (in parallel with the **alliance**), etc. In the traditional circulation of children, the children (but also sometimes adults) are moved as son/girls but also as son-in-law/daughter in-law, or in quite different relations of kinship, in particular grandson/granddaughter... In summary, the causes of young transfers can be divided into four groups (Lallemand, 1993):

	1	2	3	4
Causes	Survival Reproduction	Necessity	Social Properties	Convenience
To solve	Orphans Childless Parents	Excess of descent Divorce	Balance of the sexes	Protecting (Pulling) the child

Let me point out that very often the adoptions repeat between two groups (or more) in these cycles, where we can spot in the genealogies. These transfers are then made according to:

- A direct exchange (child against child);
- A deferred exchange (child returned later);
- An asymmetric exchange (A gives to B who gives to C...).

We may now see what the situation is for the Kanak of New Caledonia<sup>24</sup> and for the Mā'ohi of French Polynesia<sup>25</sup>.

### **Kanak traditional Adoptions: the Paicî case**

I am going to present here the situation regarding Kanak adoption, from my works on the Paicî kinship and adoption (*cf.* Leblic, 2000b, 2004a, 2004b, 2004c). Above all, it is necessary to say some words of the Paicî kinship (Leblic, 2000a).

Kanak and more particularly Paicî [Map 2] have patrilineal lineages with a patrilineal transmission of name, totem, rights and lands, and so on. **We thus belong to the lineage of our father for life for a son (except adoption in another lineage) and until her marriage for a girl who becomes then member of the lineage of her husband;** and every Kanak thus becomes an ancestor in his paternal lineage for a man, in that of her husband for a woman. The Paicî kinship system possesses in addition a particular and unique characteristic in New Caledonia: the presence of two marital exogamic moieties, the Dui and the Bai, where Dui and Bai are ideally in position of crossed cousins, with a preferential marriage between crossed cousins (for more details, see Leblic, 2000b). In Paicî child exchanges, it is translated by two main types of transfers who are also transfers of parental rights and duties of the birth parents to the foster parents. On one side, we have the loan or the often-named temporary guarding, in anthropological literature, fosterage. On the other side, we have the gift, that is the adoption itself<sup>26</sup>. All these transfers can make either within the birth lineage, or in another lineage, what

<sup>24</sup> My field works on kinship and adoption were conducted mostly in Ponérihouen (East Coast of the Main Land, Paicî Aera), and recently, I have started a new comparative fieldwork on these questions in Ouvéa (Loyalty Islands, Iaii Area).

<sup>25</sup> The Mā'ohi data result essentially from bibliographical sources and from some phone conversations or by way of e-mail.

<sup>26</sup> Between these two extremes, a multitude of situations which we developed elsewhere (Leblic, 2004b) as for example the attribution of such child to a given relative without change of residence nor identity or the assimilation of two persons by link of homonymy, *jènôôri* (for example, great-grandfather/great-grandmother and great-grandson/great-granddaughter).

then infers a complete change of identity in case of gift. In Paicî adoption, we also notice an accumulation of the filiations and the prohibitions because there is no or not enough adoptive secrecy<sup>27</sup>. Also, there is a parallel between child exchange and woman exchange in the alliance by an identity of the customs “to take” (by the takers) and “to rest” (by the donors) a woman who is going to get married as a child given to another lineage because, for the both, there is change of identity and installation on lands of another lineage than the one they are so going to join. There are customs called *u pa âboro (èpo, ilëri)* «to take a human being (a child, a woman)» made by the takers (of a child or a woman) which answer those of the donors (of a child, a woman), *u töpwö âboro (èpo, ilëri)* «to rest a human being (a child, a woman)», to give access to the newcomer, as any member of the lineage which he/she joins, to their lands without risking the wrath of the ancestors<sup>28</sup>. Moreover, as I had already written in 2004:

« To analyze the phenomena of children's transfers and compare them with the marriages, we can start from the one who gives a child, or from the one who receives him/her, in other words by distinguishing taker and donor of children. » (Leblic, 2004b: 97, author's translation)

The main motivations of these child exchanges are, besides the absence of descent, the reminder of the alliances, the payment of a debt or the thanking for service provided. Several reasons are indeed called for the young transfers (some being also valid for the adults among whom are the women given in the alliance), and we thus distinguish according to the sex of the given child. We give a girl for the payment of a debt, the reconciliation of two lineages, the stop of a war or a conflict, the replacement of a woman whom we were not able to return in the cycle of the marital alliances; and we give a boy to thank for a gesture or for a service provided and avoid the extinction of a lineage for lack of male descendant. Finally, we give a boy or a girl to fill the absence of descent of a couple, or restore the balance of the sexes in siblings (a boy without sister will have difficulty in finding a wife).

For the record, I would just say that the transfer of an adult (only one or a whole group) is one of the modes of integration of the foreigner and the means to save a pursued lineage<sup>29</sup>. This very common practice of Kanak adoption had led André-Georges Haudricourt to qualify it as transplanting of children in parallel to that of plants:

« The interest of the Melanesians for the foreigner<sup>30</sup> “to cultivate” shows itself today in a striking way [...]. Every time they can get themselves the cutting of a new plant, they bring back it at home; they exchange those whom they possess. The link is imperative with the exchanges of children so current in Oceania; The “evolved” one, which feels reluctant to give his(her) children “to fall again” into the nearby families is taxed by the selfish man(woman) and by the social misfit. » (Haudricourt, 1964: 102, author's translation)

<sup>27</sup> This assertion is to be qualified for the other regions of New Caledonia, such as the region of Hienghène, where not only there is secrecy, but this one is indispensable to the functioning of the system, with rites to cut the initial relationship (see the works of Patrice Godin and Béalo Gonyi [Gonyi, 2006]).

<sup>28</sup> For more details about adoption vocabularies, see Leblic (2004b: 98-99).

<sup>29</sup> There are cases also where one adopt one's grown-up uterine nephew on his (her) old days when one has no son and when one have important customary responsibilities to take over.

<sup>30</sup> This notion of foreigner calls for some comments. We have to wonder how fare is the notion of foreigner that we cultivate in Kanak societies. He/she often lives in the nearby valley, thus taken away to a closeby destination, and if it the language is the same, he/she is Kanak. The one who is named foreigner in this frame is the one who is not native of the soil in question and with which we are going to maintain relations, whether it is by marriage, adoption or integration via the adoption of a group in a group of the place.



By putting on the same plane children's transfers and exchanges of plants within the framework of a civilization of the yam, he thus replaces the adoption in the Kanak horticultural ideology:

« The Melanesian farmer tries to establish the richest possible collection of cloneshybrids?, either by exchanging with his neighbors, or by bringing back fallow lands a novelty which he has perceived there. He is awakened thus at the same time in the novelties and in the exchanges. He considers it normal to borrow or to exchange the children, to adopt a foreigner. » (1972: 38, author's translation)<sup>31</sup>

We must distinguish here between the adoption of a child and that of a grown-up “foreigner”. If both are based on the same general principles, in particular the integration of somebody in its patrilineal relationship, these two sorts of integration leave behind different situations because the transferred child cannot be likened to one “non-socialized human being”; he does not do more than change identity of relationship, in case of transfer from one lineage to the other one:

« A migrant, remote from his housing environment-origins, is perceived as a non socialized human being; he has lived, as it is said, aside, in the forest, until he is invited to enter the soil which welcomes him. This foreigner is explicitly registered there in a new geopolitical space and untied from his group of origin, that is from its agnates and from its former maternalism. As a consequence, we assimilate him with an adopted child, fed and educated by his new relatives, his hosts, who accumulate towards him the functions of fathers and mothers. As paternal relatives, they pass on to him a name of lineage, and a clan membership; as uterine, they also have to keep up his physical development and his health, endow him with a strong body, in this difference near as the body which they shape is not intended for another site than theirs: he is produced on the spot and has to return, after his death and even of living one, a local ancestor (cf. Haudricourt A.-G., 1964: 93-104). » (Bensa, 1996: 111, author's translation)

If we look at the Paicî adoption in the facts, we notice that transfers spotted in the genealogies divide up as follows:

- A quarter of the children listed in the genealogies (that is 341 on 1.374) were the object of a transfer, what is thus an important phenomenon;
- Half of the transferred children arose from an unwed mother (without paternal recognition, thus without social identity in this patrilineal society);
- Half of the transferred children stay in their born lineage (or in a brother lineage);
- Fifth two of the transferred children are it in a marital allied lineage of the born lineage.

In accordance with the importance of the children arisen from unwed mothers, a phenomenon which doubtless has developed since the colonization, we are going to distinguish in our analysis the transfers which arise from it of those of children born to couples.

If we look who are the foster parents of the children arisen from unwed mothers, for whom we are obligated to envision giving a social, (clan) identity, we notice that:

- Approximately fifth three of the children not recognized by their biological father stay in their born chalk-lining and are adopted by:
  - A brother of the mother (29%)
  - The father of the mother (27%)

<sup>31</sup> On the same subject, see also J. Fajans (1997) who, 32 years after Haudricourt, « see in horticulture an act symbolically similar to the adoption, the replacement of the wild (nature) by the (social) cultivated » (mentioned in Juillerat, in the press).

- The fifth two remainders are adopted in another chalk-lining than that of the mother by:
  - A maternal grandfather of the mother (9%)
  - A classificatory brother-in-law of the mother (10%)
  - The later husband of the mother (5%)
  - More distant allies (12%)

The foster parents of the transferred children arisen from a couple are:

- Seven children out of ten are adopted in another lineage than that of the father, essentially that of the mother by:
  - A « brother » of the mother, an maternal uncle (7%)
  - A classificatory father of the mother (4%)
  - A sister of the mother = a classificatory mother (4%)
  - Classificatory allies more taken away for the others
- Three out of ten stay in the chalk-lining of their father and are adopted by:
  - A « brother » of the father = a classificatory father (26%)

All this also takes place in the optics of creation or reminder of links between clans.

In a recent investigation begun in 2007 in the island of Ouvéa (the Iaai area of New Caledonia) and not finished by this time in fine comparative clauses on Kanak kinship and adoption, I have noticed that the data in adoption are very similar in the importance granted to the much more systematic and child exchanges as regards the birth of the first-born almost automatically restored to the maternal family, to mark the link of alliance. This traditional practice, decreasing since the influence of the western nuclear family, has shown itself of two possible manners, with change or not of patronymic. This is proof that the child exchanges have a lot to do with the wedding alliance and the exchange of the women (for more details, see Leblic, 2000a).

### **Mā'ohi Adoption: *fa'a'amu* concept**

Traditional *fa'a'amu* adoption can be defined as open, direct adoption arrangements between extended relatives and the *fa'a'amu* child is the child “that we feed”. The reasons for the adoption are: to return a service, to honour relatives or friends, to establish or to strengthen an alliance, to cope with economic difficulties, to fulfill a desire for a child, to have old-age insurance, etc.

Teuira Henry presents the exchange of the children as something very current in the Tahitian society, in contact with a practice of ritual infanticide reserved for the only “society” of *'aroi*<sup>32</sup> (Serra-Mallol, pers. com.):

« Tahitians always adored the children. Those who hadn't child adopted some and those who had many children made exchanges with the other families. Adoption was a gesture of friendship, which was usually made between relatives and friends. These children fortunately shared the time between their real family and their foster home. In spite of this affection for the children, the infanticide was so frequent as captain Cook having noticed it tried, however ineffectively, to remonstrate King Pomare of on this subject. When the first missionaries came off the ships, they noticed that at least two thirds of the children were killed from their birth. » (Henry, 1962: 282-283, author's translation)

<sup>32</sup> « *'Arioi*, n.c. **therhood of wandering entertainers including eight classes and in whom we were admitted after an origin of noviciate** [...] » (Académie tahitienne, 1999: 64-65, our translationauthor's translation).

Always according to Teuira Henry, the dation of a name is important in the process of adoption<sup>33</sup>:

« In a family the adopted children were legitimized by the attribution of a name of the *marae*<sup>34</sup>, called *vauvau i'oa* (container of the name), and we considered as an injustice not to admit them also in the family. » (Henry, 1962: 149, author's translation)

Jean Vital de Monléon, who particularly studied *fa'a'amu* adoption, stressed the parallel between adoption and alliance, as **we** saw it for New Caledonia:

« At every level of the society, the adoption is an alliance, which allows links forbidden by the consanguinity (Billard *et al.*, 1993). » (2004: 61, author's translation)

Even if in French Polynesia, traditional adoption is not legally managed in the same way as in New Caledonia, it is nevertheless also the former institution of the social organization Mā'ohi which answers diverse motives (de Monléon, 2004): to perform an obligation (for a service provided), to honor relatives or friends by giving them a child or by accepting him, to answer the desire to establish or to strengthen an alliance or to have children at the house – a kind of “old-age insurance”–, and to mitigate economic difficulties. All these reasons for Mā'ohi child exchange are thus very close to those evoked for the Kanak traditional adoption and to those that we can spot everywhere in Oceania (Carroll ed., 1970 et Brady ed., 1976).

The fundamental difference that we find in the *fa'a'amu* adoption of today is its insertion in the overseas adoption in the circuit of international adoption, the reasons of which are explained in the study on *fa'a'amu* adoption presented by Nadaud (1993) and synthesized by Jean Vital de Monléon:

« The indifference of the child (the child of a too young mother, too numerous siblings), the refusal of a child (unwanted sex, child of a **first bed**), a child's kidnapping (mostly by ascendants), the *fa'a'amu* constraint (abandoned children whom we accept by pity) and the *fa'a'amu* by inter-parental conflict (in case of separation or of crisis inside the couple). » (Monléon, 2004: 61, author's translation)

So, this author considers that there are four manners to proceed to *fa'a'amu* transfers at the beginning of XXI<sup>th</sup> century: family cooperation; conjugal reasons owing to parental separation; professional reasons inferring of numerous fosterages or temporary adoptions; and finally an alternative in family planning where adoption is a means to regulate the births. He also points out the more and more present negative influence of globalization in this type of adoption:

« In spite of the often exemplary and premonitory side of the adoption in Polynesia, where the social dominates the biological often for the good of the child, my conclusion will be pessimistic all the same. Indeed, I was able to notice in six years an unfavorable evolution of the phenomenon and its pollution by an insidious globalization. When world adoption is managed by Western standards, such as the convention of The Hague, will traditional adoption find its place? Due to the same convention, adoption is harder and harder throughout the world, which makes that more and more applicants turn to Polynesia and corrupt the system there, going as far as exchanging children. » (Monléon, 2004: 75-76, author's translation)

### **Kanak child exchange *versus* that of the Mā'ohi: two contrasted situations**

<sup>33</sup> This is also the case in New Caledonia.

<sup>34</sup> The *marae* is a sacred place constituted of a “platform built in dry stones [...] where the former worship service took place) associated often with ceremonies with social or political character » (Académie tahitienne, 1999: 251, author's translation).

In the Kanak traditional system, there is little space for the extra-community or international adoption: wone do not give one's child except within the networks of relationship or alliance because the reference to the social organization Kanak prevails. Nevertheless, these last years, some cases of Kanak children's adoption by non-Kanak living in New Caledonia have occurred. As they are few (maybe it is due to the fact that I know only little about it and that we learn them often by chance), it is difficult to have an exhaustive view of this new practice.

*Kanak Adoption out of context: a palliative to the international adoption?*

I have not yet done field work on the Kanak adoption out of context. I have just exchanged some email contacts with people concerned by this question to understand why the Kanak do not give their children to non-Kanak persons like Mā'ohi people usually do. The first adoption I heard about recently is the one of a 2 and half-year old girl. This was at the time of the process. This child was born from a young single woman and it was her grandmother who is mostly taken care of her. The family was quite poor, with numerous children, many born from unwed mothers and they couldn't face the most elementary daily needs of the children. Therefore both relatives of the child (the mother and her mother), living in bush, asked a woman coming from Noumea with whom they were regularly in contact because of her professional activity and the fact that she often brought them foodstuffs to help them. This woman had already three children with her husband (two boys and one girl) and she had never thought of adopting before that. This was the opportunity which incited her to adopt this young Kanak girl. It was also the catastrophic situation of the birth family. The grandmother did not any more want to take care of her grandchildren who had furthermore been born to very alcoholic parties and without paternal recognition!

« They thus repeatedly suggested to me that I take the girl. I asked them the question, if they wanted me to adopt her. This they confirmed to me. I answered them that I had to speak about it to my husband and to my children. Then, three months later, we welcomed the girl, who was 2 and half years old at this time. » (Extract of interview by email, May 11<sup>th</sup>, 2009, author's translation)

As in traditional adoption, the adoptive girl goes back regularly to see her birth family. Moreover, her adoptive family regularly receives the other girls of her family because they study in Noumea. This is the custom for the children of families living in the bush. This adoption is thus typical of a gift adoption for economic reasons based on a reliable relation with the adoptive mother-to-be.

But one main difference between the two is that to adopt this young Kanak girl at full charge, it was necessary for the non-Kanak adoptive family to take the necessary steps with the court, without approval of the territorial social services, because the mother-to-be was in possession of a letter of the biological mother specifying that she had entrusted them the child:

« They had explained to me that the plenary adoption gives the right to the child to have the same share of inheritance as a biological child and that it was not the case for a child adopted simply (information which finally turned out false). In any case, I wished that all my children carry the same surname, on one hand, and on the other hand, the fact that my daughter would have changed her surname did not mean that the links were broken with her family. This is what I also tried to explain to my daughter. Also, she sees again her birth family two or three times a year. » (Extract of interview by email, May 25<sup>th</sup>, 2009, author's translation)

A quite long-term procedure--six years-- was necessary to obtain the plenary adoption, further to the agreement of the biological mother. This was by mail and directly with the court and

further to that of the maternal grandfather of the child, the person doubtless having authority over the family.

« It seems to me that the grandfather of the girl is a small chief and they were all right. After approximately six years of steps of adoption, the mother finally wrote to the court that she did not wish to go through with the plenary adoption any longer and she wanted the girl to keep her lineage surname. I was amazed and I asked her the question “why” and if she wanted to get her daughter back and that there was still time... She just answered me “no, especially no”, then she wrote a mail to restore her agreement for the plenary adoption. » (Extract of interview by email, May 25<sup>th</sup>, 2009, author's translation)

I have heard about two others cases concerning childless couples after at least one of them has tried a national and an international adoption. This childless couple put up a Kanak girl living in their district. Finally, they managed to adopt a child in international adoption. Nevertheless, they are continuing to take care of the Kanak young girl, in a kind of fosterage. The second one, not being able to have children, has adopted two young Kanaks<sup>35</sup>.

What comes out of these three examples is that all these adoptions are based on relations of nearness between families givers and takers, in a certainly uneven exchange – The first ones being deprived, the seconds being quite well-to-do – as an aid to needy families, to give a chance to the transferred child to have a better education, etc. It is necessary to note also that the fostering of a Kanak discriminated child, often a girl to give her a “good education”, in a well-to-do Noumean family is in certain ways the former practice of the well-meaning colonial society. However, this did not result necessarily in an adoption, simple or plenary.

We thus have there two types of transfers. The first one aims at taking the Kanak child out of his/her environment to give him/her “a better life” (on the initiative of the biological parents). The second consists in remedying the absence of descent for a couple (at their own request), as a way of mitigating the difficulty of the international adoption – with its very heavy and very long steps.

#### *Fa'a'amu* Adoption by French childless couples

Between minima 60 (in 1977) and maxima 199 (in 1993) Mā'ohi children circulate annually within the *Fa'a'amu* adoption, whether it is between Polynesian families or with a French metropolitan family as the adoptive family. For more than 20 years between 21% and 30% of the Delegation of Parental Authority [DPA] concerned no Mā'ohi metropolitan families. I have to point out what the Delegation of Parental Authority is. The originality of the *fa'a'amu* international adoption is that child givers and takers still choose for themselves. However, since 1970, many Polynesians have also participated in international adoption by giving babies from *fa'a'amu* adoption to French couples because numerous French metropolitan couples (often childless) come to look for a baby there, but always through arrangements made between givers and takers. If it is important for the birth mother to know where the child whom she wishes to entrust will go, the adoptive parents to whom she is going to entrust her baby's education are those who often try to meet pregnant women wishing to give their child in *fa'a'amu* circulation. It is only once the established contact is well made between both parts that the transfer can be undertaken. It is based on the establishment of a reliable relation<sup>36</sup> between the biological parents and the foster parents. In addition, it is necessary so that the adoption can be carried out that the foster mother at least be present for the delivery

<sup>35</sup> However, I have not managed to contact them to have more information.

<sup>36</sup> Thus the foster parents create a moral contract with the mother (and the family) of the child who was entrusted to them: give news regularly... as we will see with the “international” *fa'a'amu* adoption.

of birth mother, that she assist and support her in the days just before and which follow the birth, until the gift is actualized. This is because, in the statements of some as others, it is good of a gift about which it is a question here. It is through this way that this tradition of *fa'a'amu* adoption has gradually begun to include international adoption but in the same framework as the traditional one: child givers and takers still choose for themselves, and this is its originality inside the French system.

As we have seen, the French Polynesian customary law has also been adapted to the French civil code and it is another originality of international adoption through *fa'a'amu* system. During the first 2 years, it is not an adoption but the fact of entrusting a child to intended parents within a delegation of parental authority (DPA) made by the social services. This is performed according to a request signed and put down both by birth mother and by the parents of intention, by a family affairs judge of the county court of Papeete. He/she orders a social investigation relative to the parents of the child to make sure that the gift is freely made, without constraints of any kind, to allow him to deliver the judgment of delegation of the parental rights authorizing the metropolitan parents to leave to France with the baby a few weeks after its birth. This is the only way for the foster parents to return to mainland France with the infant and it is also a way to control legally traditional adoption.

Even if the child so entrusted keeps his born civil status, his “status of meditative child by court order” opens to these parents the right to all the securities. Through the DPA during the first 2 years, the adoptive parents return to mainland France with the baby. After 2 years (the duration of the DPA<sup>37</sup>), there is a judgment of simple or plenary<sup>38</sup> adoption<sup>39</sup>. The foster parents draw up a moral contract with the mother (and the family) who has entrusted her child to them: to give news regularly.

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

*Is fa'a'amu in the best interests of the child?*

It is likely that all this takes place in the sense of a search for the best interest of the child, here *fa'a'amu*. Many people indeed arose from very young women and/or single women. A number of others have arisen from families with too many children from other reasons. In all cases, we are confronting economic and social difficulties experienced by the givers' families, who want to give a better life to come for the child *fa'a'amu*! Another matter to be considered here to understand this passage from traditional adoption to international adoption is that in French Polynesia, in contrast with the Metropolitan France, the legal right to abortion did not exist before 2002. Therefore the transfer is a way to try to answer the question: What is the best future life for the *fa'a'amu* child? With this new right to abortion, there are more than 1.500 annual abortions (estimated) out of 4.500 births; it seems obvious that the demand was high. Since this moment, the DAP with Metropolitan French couples

<sup>37</sup> Duration during which birth parents can retract.

<sup>38</sup> Let us point out that in France, with plenary adoption, the first birth certificate becomes invalid and a new act is drafted which contains no indication of the birth parents and thus on the biological filiation of the child. At the same time, any references to his (her) surname of origin-- and if the parents wish it, to the first names-- also disappear, according to the principle of replacement of one filiation by another one. On the other hand, in the case of a simple adoption, the birth certificate keeps track of the original filiation of the adopted child. Therefore, we are here in the principle of a double filiation where we proceed by accumulation and not by substitution; nevertheless, only the foster parents possess the parental rights.

<sup>39</sup> The decision of adoption will be transcribed on the registers of birth of the place of birth of the child.

decreased greatly. This is proof of the link between the both facts. Thus transferring is a way to try to answer the question: What is the best future life for the *fa'a'amu* child?

*Fa'a'amu adoption: national or transnational adoption?*

Usually, what we call international adoption means that there is no contact between the birth parents and the prospective adoptive parents, according to the article 29<sup>40</sup> of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (or Hague Adoption Convention, 1993):

« There shall be no contact between the prospective adoptive parents and the child's parents or any other person who has care of the child until the requirements of Article 4<sup>41</sup>, sub-paragraphs *a*) to *c*), and Article 5<sup>42</sup>, sub-paragraph *a*), have been met, unless the adoption takes place within a family or unless the contact is in compliance with the conditions established by the competent authority of the state of origin.»

If it is not applicable here it does not prevent us from considering children's adoption *fa'a'amu* by couples living in Metropolitan France as international adoption. This is for several reasons. The first one is that French Polynesia (as well as New Caledonia) is historically a French colony. And, in my opinion, we can in no way compare an intra-national adoption such as it takes place on the Metropolitan French territory with the adoption *fa'a'amu* such as it occurs, even at the internal level in French Polynesia, where social service, do not step in such as is the case in France. Then, the *Popā'a Farāni* couples who go to Polynesia to look for babies are couples who are inserted into the search for a child in international adoption and who take advantage of the fact that this territory is still French to by-pass the number of difficulties met in international adoption (the heaviness and lengths of time for these actions in particular). Moreover we can even think that the fact of knowing exactly where the future adopted baby comes from is a fact that can be also sought by certain couples. Finally, we are always in the unequal exchange between takers and givers (here in colonial context) or more generally between countries of the North and countries of the South. If legally we are in front of a kind of adoption that is national yet similar to global movement of the children in international adoption, because of the colonial context, it is not the French legal side that interests me here, an adoption inside the national borders, but the native

<sup>40</sup> See text 33. "Convention sur la protection des enfants et la coopération en matière d'adoption internationale du 29 mai 1993".

<sup>41</sup> «An adoption within the scope of the Convention shall take place only if the competent authorities of the State of origin: *a*) have established that the child is adoptable; *b*) have determined, after possibilities for placement of the child within the State of origin have been given due consideration, that an intercountry adoption is in the child's best interests; *c*) have ensured that: (1) the persons, institutions and authorities whose consent is necessary for adoption, have been counseled as may be necessary and duly informed of the effects of their consent, in particular whether or not an adoption will result in the termination of the legal relationship between the child and his or her family of origin, (2) such persons, institutions and authorities have given their consent freely, in the required legal form, and expressed or evidenced in writing, (3) the consents have not been induced by payment or compensation of any kind and have not been withdrawn, and (4) the consent of the mother, where required, has been given only after the birth of the child; and *d*) have ensured, having regard to the age and degree of maturity of the child, that (1) he or she has been counseled and duly informed of the effects of the adoption and of his or her consent to the adoption, where such consent is required, (2) consideration has been given to the child's wishes and opinions, (3) the child's consent to the adoption, where such consent is required, has been given freely, in the required legal form, and expressed or evidenced in writing, and (4) such consent has not been induced by payment or compensation of any kind» (Art. 4).

<sup>42</sup> «An adoption within the scope of the Convention shall take place only if the competent authorities of the receiving State: *a*) have determined that the prospective adoptive parents are eligible and suited to adopt; *b*) have ensured that the prospective adoptive parents have been counseled as may be necessary; and *c*) have determined that the child is or will be authorized to enter and reside permanently in that State.» (Art. 5).

practices and their use by French couples in the colonial context.

### **Kanak and *fa'a'amu* adoption versus international adoption**

If Kanak and Mā'ohi child exchanges are quite similar – and I do not have enough time to speak about traditional Kanak adoptions – I only want to point out their main differences. The relatively large scale and ancient insertion of *fa'a'amu* children in international adoption (coming to mainland France) is an easily known and renowned “circuit” for metropolitan childless couples by-passing numerous difficulties met in international adoption (with importance still placed on the personal relations between givers and takers that are not anonymous). So it is a sort of international adoption based here on traditional adoption and considered as an accumulation of the links of filiations from the point of view of the givers (a plenary adoption in France for the Metropolitan French couples<sup>43</sup>).

On the other hand, because of the customary status of Kanak<sup>44</sup> still recognized by the French administration (the Melanesian “*Kastom*” recognized by the French law), there is no necessity of registering the Kanak adoptions in the French civil registry. In New Caledonia today, Kanak child circulation is still beyond control of social services (but that they would like to get their hands on it in the “better interest of the child”!). It is there that lies the major difference between Kanak and *fa'a'amu* adoption. To the Kanak, this practice, i.e., its insertion into international adoption, is still almost non-existent. Even if I have been able to hear about some recent and still very individual cases where, on the side of the givers, they have faced family, economic, educational difficulties, etc; and, on the side of the takers, they have made up for the lack of children of friendly couples living in New Caledonia, this remains still exceptional. The picture below sums up the elements of this comparison:

<b>International Adoption and</b>	
<b>Mā'ohi (<i>fa'a'amu</i>) Adoption</b>	<b>Kanak Adoption</b>
Outside of French Polynesian Territory	Only within the New Caledonian Territory
Voluntary initiative of the adopting parents “to find a baby”	–Based on personal relationship existing before the transfer
More disintegrated social organization?	Traditional social organization still very strong (great importance of social relations)

In both cases, we note the importance of the unmarried<sup>45</sup>, often very young, mothers, as suppliers of children to adopt, whether it is in the traditional circuit for the Kanak or in the international circuit for the Polynesians. As such, we can note the correlation between the fall of the number of the children put in delegation of parental rights with Metropolitan French couples since the authorization on the Polynesian territory of the termination of pregnancy (2002). Therefore, everything leads us to think that the women not wanting a new child have taken advantage of the *fa'a'amu* system to entrust the supernumerary or unwanted children. In

<sup>43</sup> For a narrative of *fa'a'amu* adoption by a metropolitan childless couple, see the excellent book of Sabine Lainé (2005).

<sup>44</sup> And what I name “*kastom*” is not static and frozen in time (see Leblic, 1993), but in perpetual evolution and rather a dialectic between Kanak and non-Kanak practices, representations and values (see also for Hawai'i Modell, 1995: 202).

<sup>45</sup> Although I use no precise statistics for the French Polynesia, it seems that most of the authors agree on their importance.



this framework, it is better to look to *Popā'a* rather than Mā'ohi, because the first ones have the motivating desire for a child while the second are motivated only by the charity, as it is said!

To conclude, let us try to answer the initial question: to know why Mā'ohi give their children in the circuit of the international adoption and not the Kanak<sup>46</sup>. At the current stage of this research, several tracks can be used to explain such a difference of the insertion of traditional practices in the globalization.

The first one can lie in the social organization of each of these two groups. I cannot present them here in detail. Yet it is sure that the Kanak have preserved a social system much more welded than that of Mā'ohi and doubtless less disintegrated by colonization. The Kanaks' exclusion in the reserves during the largest part of the colonization is not alien to this fact. Confined away from the world of the Whites, with a ban from circulating-- in particular going to Nouméa-- these conditions allowed the Kanak to keep their social organization viable for a longer time said by ease "traditional"<sup>47</sup>. To the Kanak, the relation between individuals and groups remains fundamental in the definition of the persons in connection with the ancestors as well, and with the ritual practices which are dedicated to them.

ISO, in comparison, the Kanak adoption tradition found in New Caledonia, though very similar to that in French Polynesia, does not connect to (or involve) an the international adoption framework. This social cohesion was able to be also maintained by the existence of the customary status which has continued until today, and which we can say has even strengthened since the agreement of Nouméa (1998). because certain individuals Kanak who had lost their particular status because of a divorce, or to have arisen from a mixed alliance, were able to ask for more to re-enter it<sup>48</sup>. It is thus difficult to conceive to extract a child of this system. But the example developed above of a child entrusted in adoption to a western family of Nouméa watch good that we can sometimes be also in particular situations of advanced social disintegration (the importance of the alcoholism in the family, the girls having unwanted pregnancies during very sprayed parties, big impoverishment of the family generally).

One reason for this difference can be found in the level of French colonization experienced by these Oceania islands. Thanks to the customary status of the Kanak people, their social organization has been more protected than that of Mā'ohi people. And it is certainly one of the reasons for their very different insertion into international adoption. Is this a way of answering important social and economic crises of these colonial societies? Perhaps, in traditional child exchanges inserted into international adoption, the current Polynesia may prefigure New Caledonia of tomorrow. Moreover, it is the second explanation there which we can move forward: a difference of evolution of both social systems and their moved insertion in the globalization with the disintegrations which this often implies. Could there also be a way to answer important social and economic crises in these colonial societies?

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<sup>46</sup> You should not neglect the fact that the Metropolitan French parents could also have chosen to address the Mā'ohi parents rather than Kanak parents, by virtue of a different representation that we can have in Mainland France of Mā'ohi and Kanak, the first ones being considered for a long time as "less wild" than the second (see on this matter Boulay, 2000).

<sup>47</sup> For a criticism of the notion of tradition, see Leblic among others (1993 and 2007).

<sup>48</sup> Previously, status of common law took it on the status of particular right and if we could pass of this last one in the status of common law, the opposite was not possible.

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**Keywords:** Traditional Adoption, fosterage, international adoption, Kanak, Mā'ohi, New Caledonia, French Polynesia, kinship, unequal exchange, custom, French law.

**Mots-clés:** Adoption traditionnelle, fosterage, adoption internationale, Kanak, Mā'ohi, Nouvelle-Calédonie, Polynésie française, parenté, échange inégal, coutume, loi française.  
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