



# The Other Children of the French Republic. The Government of Kafala by the Institutions of Adoption

Aurélie Fillod-Chabaud

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## **The Other Children of the French Republic.**

### **The Government of *Kafala* by the Institutions of Adoption**

***Aurélie Fillod-Chabaud***

#### **Abstract**

For several years now, as a result of the increasing scarcity of children in the international adoption market, orphaned children have been arriving from Algeria and Morocco for legal collection by families residing on French territory. While most Muslim countries prohibit full adoption, they do allow forms of delegation of parental authority (*kafala*) that enable abandoned children living in orphanages to be cared for by families. In the 1990s, the internationalization of the *kafala* system led to the widespread fosterage of Moroccan and Algerian children by French, Belgian, Spanish, Swiss, and even American families. However, due to the prohibitive status of adoption in Morocco and Algeria, and the fact that France is required to adhere to the regulations of those countries (a 2001 law), these children – unlike those who come from abroad in the context of international adoption – arrive in France without having either the possibility of being naturalized (2003 and 2016 laws) *or* adopted. This article interrogates the particular reception reserved for these children by French institutions, by analyzing the reasons for the *kafala* system's relative obscurity within the French field of adoption, the measures deployed by departmental councils to assess candidates for *kafala*, and, finally, the alternative strategies such families use to adapt to French rule.

Keywords: kinship, adoption, islam, orphan, muslim, Maghreb

Research on adoptive parenthood in Europe pays little attention to the circulation of children between France and the Maghreb via the *kafala*, a fosterage system in Muslim law. However, the practices of the *kafala* system are constantly evolving in a context of the increasing scarcity of children in international adoption<sup>1</sup> and the politicization of migratory transfers.<sup>2</sup> While researchers have already produced work on the various adoption systems in North Africa,<sup>3</sup> this article analyzed the institutional treatment of *kafala* in France.

Etymologically, *kafala* means "to take charge," "to take care." Evoked twice in the Koran (verse 39 of Sura XX and verse 37 of Sura III), and taken up again in the Algerian and Moroccan Family Codes, it is a device allowing the fosterage of a child by a guardian (also called a *kafil*) who undertakes to take charge of the maintenance, education, and protection of a minor (also called a *makfûl*). This measure does not create any filiation relationship between the guardian and the child, and it can apply to children with either legally established filiation ("notary" or "judicial" *kafala*) or unknown filiation ("judicial" *kafala*).

In the 1980s and 1990s, the emergence of *kafala* as a legal system of child custody was the result of a twofold desire on the part of the Algerian and Moroccan authorities: on the one hand, to respond to the health crisis raging in orphanages, condemning thousands of children to a tragic future; and, on the other hand, to position the practice with respect to adoption, and in accordance with the principles of Islam.<sup>4</sup> The Algerian and Moroccan *kafala* is part of two conflicting legal regimes: it is an essential component of family immigration – insofar as it formalizes intra-family transfers of children, as well as transfers of minors within the circle of kinship (for example, the customary practice of child donation) – and it can also have a protective function for children who are orphaned altogether.

Indeed, in France, unlike in Belgium or Spain, *kafala* does not have the same effects as adoption in legal and migratory terms. As a result of the transfer of filiation induced by full

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adoption, internationally adopted children – unlike children legally fostered by *kafala* – become French within six months of their arrival. A double legal constraint prevents children rescued by *kafala* from obtaining this status: the law of 6 February 2001, which forbids the adoption of children when their country of origin prohibits it, and the law of 26 November 2003 on immigration control, which makes the declaration of French nationality subject to a five-year presence on French territory. The law of 14 March 2016 on the protection of children now reduces this period to three years, and it permits French nationals not residing within national territory to allow the *makfûl* in their care to naturalize, an option that was previously unavailable. Only after the children become French can they be fully adopted by the *kafil*, since they are no longer subject to the prohibitive status of their country of origin. Children legally collected then adopted by *kafala* are therefore not like other adoptees: they are considered to be subject to the regulation of immigration control.

Because it is atypical, *kafala* largely escapes the supervisory authority of French adoption institutions. However, the system manifests a fascinating set of paradoxes when analyzed in the context of French efforts to regulate adoptive parenting. On the one hand, Morocco and Algeria, without being legally accepted territories in terms of adoption, embody a kind of ideal within the international adoption landscape: Many babies are waiting for families, waiting times are short, and the children are generally healthy. On the other hand, *kafala* is marginalized by the institutions of adoption because of its religious contours (it is necessary to be Muslim), its sovereignist dimensions (for Algeria it is necessary to share the nationality of the country), and its legally vague aspects (the *kafala* arrangement is neither a simple nor a full adoption, at least until the naturalization of the child). As there is no text specifying the guardianship authority in charge of *kafala* in France, the ministries often defer to one another in order to free themselves from responsibility.<sup>5</sup>

What does the *kafala* system tell us not only about adoption institutions, but also about policies devoted to supervising adoptive parents in France? First of all, we assume that the absence of a national directive or apparatus governing this alternative form of adoption leads the child protection agency to produce both a localized and heterogeneous practice. Secondly, we postulate that the religious nature of the *kafala* leads child protection services to produce cultural, religious, and racialized assignments towards Muslim families who are destined for this type of legal arrangement. The injunctions issued by the institutions against the *kafil* produce unequal treatment toward a section of the French population, which is already regularly subjected to this type of differentiation, or even to a disengagement of the state with regard to its usual prerogatives. State assignments and disengagement lead adoption institutions to produce a hierarchy of "good" and "bad" children from abroad, as part of their adoption by a family residing on national territory.

These research hypotheses were investigated through fieldwork conducted in various child protection agencies in France.<sup>6</sup> Since the Defferre Act of 1984, child protection has been decentralized in France. Departmental councils take charge of this mission and define the budget devoted to it. Between 2017 and 2018, I distributed a questionnaire to the 96 departments of mainland France asking about the practices of child protection professionals with respect to *kafala*. I asked about the regulation of *kafala*, and about the nature of the relations maintained between the departments and the other institutions in charge of the practice. Seventy-six questionnaires were returned to me, representing a response rate of nearly eighty percent. Nine departments subsequently agreed to receive me to discuss my questions in greater depth (see Table 1). The interviews, generally conducted with the head of the service and one or more social workers – I only met women – focused on the department's general activity (missions, organization), national and international adoption statistics, procedures for

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accompanying adoptive parents, the treatment of *kafala* arrangements, and the major challenges of the department (2016 reforms, reorganization, budget balancing, etc.).

Table 1: Presentation of the 9 adoption services met between January 2017 and January 2019.

Department	Number of residents	Number of valid AC** (2016)	IA*** in 2016	Children entrusted for adoption (2016)	Total number of adoptions in 2016	Kafala is regulated by...	Number of investigations realised for kafala / year	Number of children arrived by kafala / year
A	Between 300 and 550 000	110	4	16	20	SI* or AC**	1 to 2	1 to 2
B	Between 300 and 550 000	75	9	4	14	SI*	4 to 5	No idea
C	Between 300 and 550 000	77	16	3	20	SI*	1	No idea
D	Between 2.5 and 3 million	565	31	60	91	SI*	About 20	About 20
E	Between 800 000 and 1 million	122	13	9	22	SI*	4	4
F	Between 1.5 and 2 million	529	30	15	45	SI*	48	5
G	Between 2 and 2.5 million	820	34	29	63	SI*	About 20	No idea
H	Between 1 and 1.5 million	246	23	14	37	SI* or AC**	About a dozen	No idea
I	Between 1.5 and 2 million	275	8	40	48	SI* or AC**	14	14

\* Social Investigation

\*\* Administrative certification

\*\*\* International Adoptions

This article examines the regulation of *kafala* by adoption institutions. Two qualities characterize this oversight: first of all, confusion. The survey of the various adoption institutions

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at the national and departmental level will show how *kafala* regulation combines institutional disorder and political neglect. Second, such regulation is characterized by a lack of public policy instruments. Without legislative resources or tools for management and social supervision, adoption professionals must take differing approaches when investigating families. Due to their deviations from the norm of adoption, as well as the religious dimension of *kafala*, these families are suspected of ignoring the values of the Republic.

### **Governing through Confusion**

"To understand *kafala*, you have to put your hands in the sludge."

*Françoise Sermaux, Head of the Adoption Service of Department F, June 2017.*

In France, when a couple or individual<sup>7</sup> wishes to care for a child by *kafala*, no *modus operandi* is intended for them, except for that proposed by the associations of *kafil* parents: such parents must obtain a document from the French authorities attesting to the good conditions of reception of the *makfûl* child on the national territory, a document generally issued by the department of their place of residence. This document is particularly necessary in order to authorize the exit of *makfûl* from Moroccan and Algerian territory once the legal transfer by *kafala* has been authorized by the French consular authorities. Future *kafil* who have failed to request such a document from their department - often because they have been misinformed about the correct procedure - may therefore find themselves "blocked" at the border, and sometimes forced to wait several weeks with their child without being able to return to France. This is one of the consequences of the lack of a formal *kafala* procedure. But there are many others: lack of knowledge of this type of arrangement by health or social services, freedom of movement blocked by immigration offices, and applications for full adoption rejected by various judges.



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This institutional disorganization is the result of a lack of administrative cooperation throughout the collection procedure. Which texts govern the *kafala* and which institutions are its referents? Which services are in charge of administering the future *kafils*? Who is responsible for ensuring good reception conditions and legal protection of *makful* on French territory? These are questions that remain unclear, even unanswerable, for most of the professionals interviewed in this survey who are ostensibly in charge of regulating the movement of these children.

### ***An Institutional Disorder***

Couples or single persons entering into a Moroccan or Algerian *kafala* arrangement are confronted with different administrations, poorly coordinated between them and often unaware of the *kafala* system. That system has three main areas: child protection services, immigration and civil status offices, and judicial institutions. Each of these administrations manifests a different perception and reception of *kafala* in France.

First of all, let us consider a typical *kafala* trajectory in France. Once the official document attesting to the child's satisfactory legal reception is in hand – generally issued by the child protection services of the department where the future *kafil* reside – the latter must approach their consulate (in the Algerian case) or applicable orphanage (in the Moroccan case). The future *kafil* are then put on a waiting list, and contacted a few months later when a child is ready to be taken in. Without having the possibility of obtaining adoption leave from an employer, the future *kafil* depart for several weeks to the town of the orphanage; here they obtain a form of *kafala* approval authorizing them to take in a child, as well as all the documents necessary to certify the delegation of parental authority (*kafala* judgment) and the departure from the child's territory (passport from the local authorities, visa from the French consular authorities). Once in France, *kafil* are not required to return to the child protection services where they received their original attestation; in this respect, the process differs from that of

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adoption, where a follow-up appointment, of variable duration, is mandatory. The Algerian or Moroccan child must obtain from the prefecture a Movement Document for Minor Children in order to be able to travel with his guardians outside the national territory. Finally, after three years, the guardians may submit an application for nationality to the competent authorities, and then an application for adoption – simple or full, once nationality has been obtained – to the Civil Court.

Composed of three main stages, this path is similar to that of international adoption candidates: first, certification by the French authorities as a family able to adopt/receive a child; then the location - by individual, institutional or associative means – of a child in search of a family, within the country's orphanages; and finally, a return to French territory and the procedure of adoption and naturalization. However, several aspects of the process are unique to the *kafil* 's path. The delays are certainly much shorter (a few months of waiting for orphanages); but, as this mode of adoption is often disregarded by French authorities, several steps of the process are complicated: the certification of candidates, the legal framework regulating the arrival of the child to the national territory, the follow-up attention given to the child by competent authorities, and his or her subsequent access to naturalization and adoption.

The absence of a formal *kafala* procedure has two consequences: on the one hand, the non-recognition of *kafil* and *makful* children as a category of public policy – children who arrive on French territory by *kafala* are not counted by any administration – and on the other hand, the production of contradictory injunctions issued to *kafil* by the administrations, which have the effect of blaming guardians for the lack of coherent information surrounding this type of arrangement. While many studies have already demonstrated similar state practices in the production of policies concerning otherness and minority status,<sup>8</sup> this "obliviousness" on the part of French administrations is all the more salient because it concerns the reception of desired children within the framework of adoption trajectories similar to those encountered in the

context of international adoption.<sup>9</sup> The invisibility of these orphaned children's movements between Algeria, Morocco, and France is accentuated by the absence of a legislative framework clearly defining the status of these children.

### ***The Superposition of Legal Norms***

In France, only one circular – issued during François Hollande's five-year term by the Minister of Justice, Christiane Taubira<sup>10</sup> – attests to the legal effects of the *kafala* system. While *kafala* is defined as a child protection measure, nothing is specified about the explicit mandate of the departmental councils in this regard. The latter remain in a tenuous position with respect to their prerogatives in terms of control and supervision of access to adoptive parenthood within the framework of the *kafala*. As Simone Garavau, head of the Adoption Service in Department I, explains, "There is the 2014 circular that actually did something by saying *kafala* is child protection, so *kafala* is part of the Child Protection Convention, fine! But once we say that... we don't say who has to do the social investigation!" This lack of direction is the consequence of the multiplicity of authorities relating to adoption: the Ministry of Justice, which issued this circular, is not supposed to rule on anything other than the legal effects of the *kafala*. As child protection has no supervisory ministry,<sup>11</sup> no national directive can formally enjoin them to take charge – or to standardize care at the national level – of the *kafala*. The Ministry of Foreign Affairs also has doubts about which institutions would be competent in formulating a *kafala* treatment policy with the departmental councils. During an interview with three ministry officials, I was told that in the absence of legal texts on these issues, the aim was to standardize as best as possible the practices of the French consulates in Algeria and Morocco regarding the documents required for the assessment of applications for exit visas for children legally collected by *kafala*, in France.

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*Official 1:* For our part, since 2010-2011, we have been issuing a circular to harmonize the assessment of visa applications at our posts [consulates] in Morocco and Algeria. Our colleagues do not ask for administrative certifications. It is the policy – because we have understood very well with the evolving jurisprudence that clearly distinguishes full adoption from *kafala* – that we do not seek administrative certifications. In order not to create confusion in people's minds. So our posts never require it. They are asking for a social investigation, however, that is carried out in France, either by the department or at the initiative of the consulates.

*Interview with three officials of the Personal Protection Service, Ministry of Foreign Affairs, January 2017.*

The absence of a legislative framework therefore leads institutions solicited by future *kafil* to produce directives to their agents aimed at harmonizing practices, at least at the local level. However, the production of standards specific to each institution does not generate a single reference system for *kafil*, and it prevents the regulation or even standardization of local policies across the board. Indeed, it is at the departmental level that *kafil* families are treated with the greatest disparity.

### ***The Departmental Level: The "Small" Production of Inequalities***

Since the decentralization law, the departments have assumed considerable responsibility for the "small factory"<sup>12</sup> of family policies in the field of child protection. Several studies have highlighted the territorialization of these competences by departmental services.<sup>13</sup> Policies concerning the *kafala* are at the source of the greatest inequalities on the national territory.

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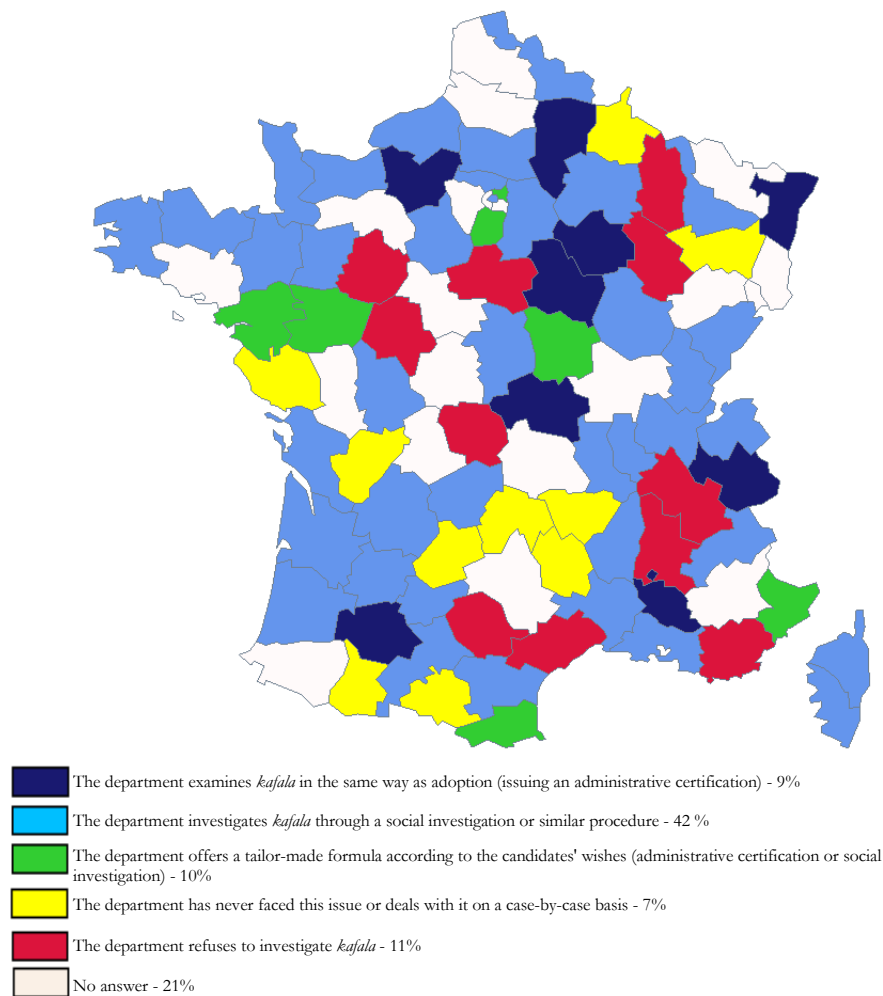
Responses to this study's questionnaire, collected between 2017 and 2018 from 76 of the 96 metropolitan departments, attest to such disparity. As shown in Map 1, nearly half of the departments recommend enacting social investigations of potential *kafil*. Depending on the department, such investigations are based on one to four interviews, conducted at home and in the service offices, by a social worker who is usually in charge of adoption procedures. Social investigations are produced after a procedure lasting about three to five months, and sometimes contain an "opinion," i.e., a conclusion written by the social worker, providing an assessment of the reception capacities of the potential *kafil*. Then, in a rather inconsistent manner, varying alternative responses are delivered to the *kafil*. Some departments recommend that their agents carry out a formal approval, as in the case of applicants for adoption. Others strongly encourage agents to conduct an administrative certification, leaving them a choice between that – and, consequently, a 9-month regulatory procedure – and a shorter social investigation. These departments (in dark blue and green on the map) generally promote a policy with little practical distinction, in terms of support for parenthood, between potential *kafil* and prospective adopters, considering that the *makfûl* child will eventually be adopted. Some departments, which have little experience with *kafala*, do not have a predefined procedure and deal with the issue on a case-by-case basis. These are generally rural and sparsely populated departments, where the overall adoption activity is also low (yellow departments). Finally, some departments attest to an institutional disengagement with the issue, insofar as they refuse to examine requests for *kafala* (departments in red). Several reasons are given for this refusal: administrative policy (the department does not wish to instruct because the *kafala* is not equivalent to adoption), budgetary considerations (the service is overworked and understaffed, and cannot afford to deal with this form of fosterage, or it is unsure whether such arrangements are the responsibility of the departments), or indecision (the department does not know which position to adopt, so it does not adopt any). In these cases, *kafil* are steered to other institutions (Algerian and

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Moroccan consulates) or even to other professionals (private social workers, psychologists).

This lack of direction is obviously the most consequential for the potential *kafil* who are neglected by local child protection institutions.

Map 1: Departmental *kafala* policy in metropolitan France (n=76/96)



**Sources:** data extracted from a questionnaire distributed to the 96 metropolitan departments by the author. Data collection period: 2017-2018.

### ***Less Protected Children***

In addition to a lack of consistency in terms of support for adoptive parents, I also noticed, during the interviews, a grey area concerning the protection of *makfûl* children once they have arrived on

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French territory. There is uncertainty about which administrations are supposed to take charge of the protection of foster children from the time they leave the orphanage until they are naturalized.

Some heads of adoption service agencies who mobilize for the care of these children by Child Protection Services – and who promote equivalent support for adoptive parenthood for both future *kafil* and prospective adopters – base their positioning on Article L. 227-1 of the Social and Family Action Code.<sup>14</sup> According to this article, the department is responsible when a *makfûl* child arrives in the territory, in keeping with the general child protection mission entrusted to these territorial authorities. Several of the interviewees mobilized this article of the law in their internal directives in order to anticipate any disputes by social workers who did not wish to investigate this type of procedure.

Paradoxically, from the time he leaves his native country until his naturalization, the *makfûl* child is supposed to be under the consular protection of his country of origin. In Morocco, for example, Act No. 15-01 of 13 June 2002 on the care of orphaned children provides that the judge or prosecutor who granted the *kafala* shall order the consulate to monitor the child until he or she reaches the age of 18. However, this monitoring is rarely implemented, and the directive has led to a legal uncertainty among French consular services, as evidenced by this discussion at the Protection Service of the Ministry of Foreign Affairs:

*Official 1:* And then, once the child has arrived in France, that's where the concern lies, and it's true that he's practically not supervised once the child arrives in France. (...) Because, following this reasoning, during the three years, the child falls under the consular protection of the child's country of origin. By the time he became French. And clearly, there's probably something to do about that.

*Interviewer:* Officially, they say they do follow-ups.



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*Official 1:* That's right [smiles].

*Official 2:* And we don't have the legitimacy to ask for anything for these children either (...)?

*Official 3:* Unless visas were issued annually and a number of documents were requested again at that time each year. We could at least make sure that there is schooling, a certain number of things (...).

*Official 2:* So in these cases, we could do it on the spot in France without going through the country...

*Official 3:* Maybe we should have a kind of annual meeting like this with the adoptive parents/ *kafil*, it could be an opportunity... they should also introduce the children *a priori*...

*Official 2:* That's right, once they're there, they're there.

*Interview with three officials of the Personal Protection Service, Ministry of Foreign Affairs, January 2017.*

This interview extract shows the great institutional confusion generated by the *kafala*. It gives rise to legal tinkering and to the multiplication of professional practices by political institutions. Faced with this lack of a clear line from the French state on child protection competences, a general vagueness awkwardly characterizes the support of future parents and children.

However, the status of foreign children with respect to international adoption has not always corresponded to that of today. Prioritization methods were evident at the beginning of the internationalization of adoption, as Yves Dénéchère shows: the degree of diligence in investigating candidates for international adoption was lower compared to that of domestic candidates, and adoption professionals denounced this lack of rigor.<sup>15</sup> The disengagement of the state, and the institutional disorder at work in the field of *kafala*, are thus commensurate with a form of

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governance that gives a differentiated value to children from abroad. Several criteria are used by adoption institutions to prioritize children and their adoptive families: the country of origin, the legal status governing their adoption, the age of the children, the age of the parents, their skin color, etc. As Solène Brun shows, stratifications of gender, class, and race are entwined at the level of both adoptable children and adoptive parents. In the case of the *kafala*, these are Maghrebien children legally fostered by couples of North African descent, who thus share not only common origins, but also religious, cultural, and associative ties. Adoption services are far from indifferent to this *a priori* "similarity" between children and parents, as it contradicts the paradigms at work in structuring psychosocial support for adoptive parenting. Moreover, if the absence of *kafala* regulations allows some candidates to be at an advantage (short deadlines, young children, no accreditation), this deviation from the adoption standard also puts potential *kafil* in a delicate position. Suspected by child protection services of wanting to evade state control, they are regularly subjected to contradictory injunctions and investigations that exceed the skills of social workers and that lead such workers to readjust their professional positioning.

### **Governing without Instruments**

Looking more closely at the decentralized competences of the state with respect to child protection makes it possible to analyze the political variations occurring at the local level. The prism of the *kafala* system is all the more interesting because it is part of the analysis of the reception of a Muslim family institution, as well as being a migration issue, since naturalization is subject to a three-year period of residence for these Maghrebien children. The analysis of the public apparatuses that are mobilized as part of the evaluation of potential *kafil* seems relevant to us in order to determine not only the territorialization of practices, but also the transfer of national competences to the departments. My analysis thus fits into the theoretical framework proposed by Pierre Lascoumes and Patrick Le Galès, considering that an "instrument of public action constitutes a device that is

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both technical and social, organizing specific social relations between the public authority and its recipients.”<sup>16</sup> These instruments include “the choice and use of tools (techniques, means of operation, devices) that make it possible to materialize and operationalize government action.”<sup>17</sup> As far as we are concerned, our starting point is the absence of such instruments. It is precisely the effects that this lack of public mechanisms (legal framework, national directives) generates for the governed that interest us.

In the absence of such mechanisms for public action, our analysis targets deviations from the adoptive parental standard as its subject. In the field of child protection, the instruments used by social workers and psychologists to assess prospective adoptive parents revolve around an overarching paradigm, that of knowledge of origins in terms of filiation.<sup>18</sup> Sébastien Roux's work on this subject has already shown that injunctions to "transparency," to knowledge of the past and the history of one's own filiation, are part of the work of supervising adoptive parenthood.<sup>19</sup> The evaluation of *kafil*, if not guided by any set of overt directives, is conducted from the same professional posture. This leads social workers to produce both normative and contradictory injunctions, which either reduce the degree of candidate investigation or, conversely, lead agents to investigate dimensions that do not fall within their field of competence.

We will see that this freedom of action, and this flexibility around the evaluation of candidates, leads social workers to evaluate the degree of religiosity of candidates, so that such perceived beliefs do not contradict the "values" necessary for the child's proper integration into his family, but also within the nation. The lack of available resources (i.e., instruments of public action) often leads professionals to hold a dual suspicion of potential *kafil*: that, on the one hand, such prospective guardians demonstrate a mistrust of the state and, on the other, that they embody a vision of filiation which – as it presumably accords with the precepts of Islam – contradicts the values of the French Republic. Faced with these families who represent, in many respects, a significant deviation from the adoption standard, professionals conduct their investigations around

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the evaluation of the candidates' religiosity. Because of the institutional invisibility of the *kafala*, as well as its religious nature, the future *kafil* are suspected of producing mistrust toward state institutions. This is especially so as Islam embodies, in the eyes of many adoption professionals, an adherence to the practice of secrecy, which contradicts the current paradigm of child protection in France.

### ***Family Deviations from the Adoption Standard***

The specificity of *kafala* – it does not constitute a traditional form of adoption, and does not fit into the evaluation frameworks provided by the public authorities – unbalances the institutional support of adoptive parenthood. At least two deviations from the adoption standard are identifiable: the standard of "traceability" of origins, and the standard of intra-family racial homogeneity.

As the *kafil* are mostly (if not completely) removed from the coaching and guidance provided by adoption professionals with respect to parenthood (information meetings, socio-psychological support within the framework of the administrative certification procedure, post-arrival follow-up of the child), they may have difficulty grasping legitimate assumptions and suggestions made by such professionals. As Sébastien Roux's survey shows, adoption professionals value a high degree of "transparency" when it comes to the adopted child. The child's story must be told to him from an early age, and he must have the opportunity to grasp his past as he sees fit. However, these professionals have repeatedly stressed in interviews how far the potential *kafil* are from this culture of "transparency." This concern is expressed here by Cécile Davergnes, a social worker in Department B:

Usually with the *kafil*, I make two appointments. The first appointment is often about them, their history, their relationship, how they work together, etc. I visit the apartment, we talk about

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the budget. And the second interview is about which parents they are going to be; that's how they project themselves and then how they are going to talk to the child about all this, (...) more about the child's "reality," let's say. And that's where they seemed to be flabbergasted when I tell them that you can talk to the child about his origins. I tell them that it can be complicated if the child learns from a cousin, aunt or neighbor that he or she was not born here. It's true that the couples I see are not at all... It's all Chinese to them. (...). At the same time, there is a listening and a desire to do well but it is also so far from their culture, I think, and from their way of seeing things. Now I hear almost all the time: "we'll tell him that we're not his parents when he's 6, 7 or 10 years old" and that's why I systematically repeat it, I explain it again. But I know it's new and it takes time for it to get absorbed, and I don't see them often and even if we have a good contact, I'm not sure the information really gets through. Except that we know that it is not without damage for the child and the construction of the bond.

*Cécile Davergnes, social worker in the Adoption Service of Department B,  
interview conducted in January 2019.*

It is clear that the lack of socialization within the structures that support adoptive parenthood before and after the child's arrival is a problem for this social worker. During the two interviews allotted by her department to carry out a social survey of future *kafil*, she tried to reaffirm a principle of transparency by questioning the effectiveness of this principle. Despite an apparent willingness to adhere to the expectations of child protection ("there is a listening and a desire to do

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well"), the process of readjusting the values of the *kafil* ("It's all Chinese to them," "it's so far from their culture") would require a much more extensive follow-up than is offered to be effective in the eyes of this social worker ("I'm not sure the information really gets through"). The terms used by the institution, and the potential consequences of a lack of parental adherence to its vision of adoptive filiation, together create a symbolic distance between the institution and the governed which, in turn, accentuates the latter's deviation from the adoption standard. Later in her interview, Cécile Davergnes explains how this "transparency," which she expects from potential *kafil* during their evaluation, is embodied. While she had expected an expression of modesty regarding the infertility of the candidates – humility she linked *a priori* to their religious affiliation – she assimilated their lack of knowledge about the paradigm of disclosure regarding their adopted child's origins more closely with the "cultural" dimension of *kafala*. According to her, the "secrecy" of filiation – i.e.. the fact of "hiding" from the child his origins – would be more tolerable among these families, in particular because such discretion remains a part of the kinship structures in the children's countries of origin, Algeria and Morocco.

The production of essentialized evaluation criteria in relation to "Muslim" perceptions of parenthood can be compared to a second deviation from the adoption standard: that of adopting children who "look" like them. As the following extract from interview shows, the practice of secrecy, coupled with the appearance of cultural assimilation (physical similarity, same language spoken, common religion), often contravenes the expectations of the institution and adoption professionals.

These are babies coming. They can very well be mistaken for the children of the family... How can we be sure that in practice they do not make them look like their biological child? Because I think there are a lot of women who do that.

Gabrielle Souroux's comments reveal a paradox: too much resemblance might lead to confusion. As full adoption is an exclusive and non-cumulative replacement of filiation, there is a concern among adoption professionals that *kafil* represents a particularly successful form of full adoption, one that contravenes their expectations in more than one way: not only does it take place “behind the backs” of institutions, but also it appears contrary to the child's personal law, which precisely prohibits the replacement of filiation. While adoption professionals usually work to “smooth” cultural differences between prospective adoptive parents and their future adoptive children, according to the children's countries of origin but also to the socio-economic and cultural provisions of the applicants, these differences are verbalized here as problematic because they are not formally managed by the state, and would not fundamentally distinguish from the children's original “culture.” Social workers here are dealing with candidates who are generally Muslim, of North African origin, who will adopt children who have the same ethno-racial properties as they do. If, as Solène Brun explains, racial homogeneity is self-evident when the candidates are white, it is all the more problematic here because the candidates are not white and they are perceived as evading state control.<sup>20</sup>

This dual normative gap and the institutional invisibility of the *kafala* arrangement put adoption professionals in an ambiguous position: on the one hand, they have few resources to supervise these families and often feel that they are failing in their mission, while on the other hand, the lack of guidance gives them a certain freedom of practice. This ambivalence is, in my opinion, at the root of a large disparity among territories. Each adoption service handles this coexistent form of adoption differently, leaving a great deal flexibility to the social workers in charge of investigating potential *kafil*.

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***The Social State at Work: The Evaluation of Potential Kafil***

Investigation is carried out by social workers, generally specialized in the evaluation of adoption procedures (administrative accreditation, post-adoption follow-up). In the absence of clear guidelines, professionals tend to assess the degree of religiosity of *kafala* families and to verify that religion will not hinder the child's assimilation.

During the interviews I conducted in the nine departments, I spoke with seven social workers and two psychologists who participated alongside their five heads of service. With regard to the standards provided by the official adoption authorities, here are the criteria they told me they used to assess potential *kafil*: (1) the applicants' life history; (2) the couple's history; (3) the dynamics and adaptation of the applicant(s); (4) the living environment that the couple or applicant wishes to propose; (5) the reasons for their action; (6) the child's profile: age, health, ethnicity, siblings; and (7) the particular characteristics of the adoptive filiation. There are few variations in the evaluation of *kafala* arrangements, with the exception of the last two points, which – as we will see – are unanimously considered as problematic. Other points are also investigated, such as religion (8) or feelings of parental illegitimacy (9), because of the legal nature of this procedure, which cannot be formally affiliated with an adoption. Some heads of service, embarrassed by the lack of formal guidelines, have issued internal memoranda indicating how to proceed and encouraging social workers to conduct their investigations as they would any other. This is the case of Department F, which receives about fifty requests annually from potential *kafil*. I met the head of service in June 2017, as she was drafting a memo intended for the professionals in her department:

My note will specify the content of the evaluation and I would like it to be more detailed. Let us say something about the skills of people who wish to foster by *kafala*: their ability to connect and to respond to the needs and interests of the child. That's also what I call the responsibility of the department, what our



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requirements are in terms of social evaluation for the reception of a child by *kafala*. What is complicated is that I am starting to see people who have been investigated and who are not satisfied with the conclusions of the social survey. And who ask me: "Well, yes, but can you change the conclusion because with this evaluation, I have difficulties, etc.?" And we can see that with the administrative certification, things are delineated, by the procedure of the Social Action and Family Code, but for the *kafala* there is nothing! So for the moment, I have not acceded to the request of these people because I will not change the conclusions of a social assessment carried out by a state-certified professional. I intend today to change things, just a bit, to give social workers a little more precise instruction. Orally, what I'm telling them is that you have to look at the person's ability to make a connection, much like they would do in an adoption procedure. In other words, I tell them that we must not lower the level of requirements. And that we need to do a real evaluation.

*Interview with Françoise Sermaux, head of the Adoption Service of  
Department F, June 2017.*

This head of service therefore wishes to guide the empirical investigation work in order to harmonize practices among social workers, but also to ensure that children legally fostered by *kafala* are welcomed as fully as other internationally adopted children. Among the department representatives I met, four stated that they had not encountered any problems in carrying out social evaluations: they shared a similar approach to administrative accreditation, without publishing the

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final official document. The other five departments that conduct social surveys unanimously deplored the "discomfort" that these investigations bring to social workers. The absence of guidelines, and the fact that *kafala* is not part of an accreditation procedure (despite that it is similar to adoption), disturbs many professionals.

The adaptation of the existing framework used for administrative accreditation in cases of formal adoption leads social workers to make adjustments by themselves. Without guidelines, these workers explain how they tend to rely on their expertise while conceding that their investigations are generally less thorough. I was able to see that religion, which is usually not a significant factor in international adoption projects,<sup>21</sup> was particularly examined in the context of the *kafala* system. Admittedly, *kafala* is a religious practice specific to Muslims, but the assessment of the religiosity of the family is not required of social workers, as it does not fall within their field of competence. Neither the presence of a Maghreb community in the department nor the frequency of the use of *kafala* within the department makes it possible to explain why a department will investigate the question of religion more extensively in these social surveys. However, except for two or three departments whose representatives never mentioned the issue of religion during the interviews, all the rest verbalized religion as "problematic," insofar as it was perceived as doubly contradictory to the values of adoption promoted by the French Republic: first of all, because of the prohibitive status of adoption within Islam,<sup>22</sup> And secondly, because the practice of Islam would prohibit the *kafil* from transforming the *kafala* arrangement into a full adoption.<sup>23</sup> However, many professionals seek to clarify this contradiction at the time of the social survey itself, as explained here by the head of service and a psychologist from the adoption service of Department H:

Clarisse Sitard: Yes, I think it's really, how to say, a disguised adoption. I even had, I received a couple who were very religiously involved with ostentatious signs. And in fact this person, finally the couple, did not hesitate to ask me for approval

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for adoption. And so at one point I allowed myself, given the ostentatious signs that there were, I allowed myself to tell them: “but adoption is not allowed by the personal law of an Algerian child, so how is it, given your... your orientation, how is it that you ask me for approval?”

Aurélie Duravet: This is where the complexity of these evaluations ultimately lies, it is also to see how the people themselves, how to say, they deal with this paradox when the countries generally in which they go, they have the same... It is their origins... So how do they also deal with this complexity, knowing that they are in something completely paradoxical in relation to the child's personal law... And also their own personal law...

*Clarisse Sitard, head of service, and Aurélie Duravet, psychologist in the Adoption Service of Department H, interview conducted in January 2018.*

In this interview, we see how much the plurality of legal norms regulating *kafala*, and the legislative and administrative inconsistencies endemic to such regulation, are attributed to the religious practice of the potential *kafil* – even though Emilie Barraud's research has shown that this form of guardianship is not widely used in a religious context.<sup>24</sup> Clarisse Sitard and Aurélie Duravet confuse here the personal law of the child and the practice of religion, which is supposed to unite the *makfûl* and the *kafil*. They thus correlate a legal system inspired by the Muslim religion, specific to Algeria and Morocco, to the faith of the *kafil* residing on the national territory. Following their reasoning, we understand here that it is the paradigm of adoption that seems to be undermined by respect for the faith. Finally, by not respecting the child's personal status, *kafil* are perceived to be going against their "origins" (meaning the country from which they come, from which their parents

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or grandparents migrated), and also demonstrating a lack of regard for the child's origins. Although these arrangements are based in bilateral conventions, uniting one country to another, the doubts expressed by the two professionals above – concerning the parental capacities of these individuals – arise from their ostensible circumvention. Here, respect for the child's personal law is being associated with respect for his or her individual origins, and passage through a *kafala* arrangement is being linked to a strict practice of religion, which would have to be monitored within the adoption services.

### ***Undesirable Children and the Nation***

The administrative and procedural framework regulating control and access to parenthood is an accepted competence of the state. By allowing certain forms of parenthood and prohibiting others, the state legitimates certain families or, conversely, marginalizes others. *Kafala* has a hybrid status because it is managed without being regulated, it is tolerated without being authorized. This in-between state of affairs leads the adoption institutions, on the one hand, to promote their own role as an assessor of families and, on the other hand, to verbalize an attitude of mistrust towards the state from the *kafil*.

The *kafil* may experience a feeling of parental illegitimacy, which results not from their own parental practices but rather from legal measures leading to the non-recognition of children by the French state. Furthermore, they are then reproached by child services – a decentralized competence of the state – for the institutional precariousness in which the *makfil* are living; the agency may even cast doubts on the sincerity of the emotional bond between parent and child.

This feeling of legitimacy is linked to one of the fundamental foundations of the state, that of pronouncing and certifying filial links. Civil registry is a sovereign competence constituting a “powerful factor of national assimilation,”<sup>25</sup> having the function of endorsing the conjugal or filial links that unite individuals.<sup>26</sup> While the work of Lavanchy<sup>27</sup> or Maskens<sup>28</sup> has shown how much the

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function of civil registrars also has the prerogative to affirm the veracity of the links that unite binational couples, it seems that adoption services also participate in the definition of national borders by legitimizing – or denying – certain links of filiation. Once again, whether through the recognition of surrogate motherhood,<sup>29</sup> or through the regulation of international adoption,<sup>30</sup> the state adjudicates on the desirability of a child by endorsing, challenging or even rejecting his or her national belonging, and it does so by reclassifying the filial ties that unite them with those who perceive themselves as their parents. This reformulation work is carried out on a daily basis by the adoption services agencies when the potential *kafil* contact them to initiate the legal process of guardianship. As evidenced by this interview conducted in Department C with the head of the adoption service and a social worker, this reformulation work is achieved to the detriment of the *kafil*, even though no text clearly specifies the department's qualifications in the field of *kafala*:

Carole Vasseur: So there is a lot of confusion in the terms. People call me: "We would like to adopt a child in Morocco." Well, I'm already telling you that it's not possible because it's forbidden! So we rephrase things. And then they say to me: "Well, I have a paper from the consulate asking me an administrative certification." So I say no, we can't give you a certification. Since we consider that it is not an adoption, we will not issue you a certification. A social evaluation can be carried out. But that's all it is.

Sophie Duphare: Concerning the questions of filiation, the questions of origins... There are indeed many things that need to be worked out with the *kafil*. I think we could have our place in the support of families, but we do not have that place because families do not open the door to us. We are more seen as a source

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of service I think. In other words, we are dealing with people who call us at the end of January to tell us: "We need an evaluation for February". Well, wait, it's not done that way! There is a need for several meetings. "Really?" Well, yes. You can't do it in two days, can you?

*Carole Vasseur, head of service and Sophie Duphare, social worker in the Adoption Service of Department C, interview conducted in April 2018.*

It is clear that the state's failings give rise to feelings of mistrust on the part of the *kafil* against institutions that are involved in the supervision and control of children. Institutional inconsistencies and variations over time are the source of contradictory injunctions. This situation is all the more striking because when adoption services set up pre- and post-*kafala* monitoring, they do not emphasize this type of mistrust in interviews at all. Four services (Departments A, D, E, I) have good relations with families and are aware of how many children arrive on the territory; this is not the case for the other services encountered (see Table 1). The decision as to whether or not to manage the support of *kafil* families therefore indicates a political position on the part of the adoption services. Among these four services, only a few interview exchanges address the religious dimension of *kafala*, and for these interviewees the legal particularity of *kafala* is considered as the responsibility of the state, rather than that of the *kafil*. One of these service's missions would therefore be to compensate for this lack of state consideration by providing fair and routine support throughout the department.

The treatment of *kafala* is subject to great variability due to the discretionary dimension of *kafala* care. Depending on the service, social workers will invest the principles of the Republic differently during their evaluations. Regarding the typology produced by Sarah Mazouz concerning desk agents in charge of naturalization applications,<sup>31</sup> the discretionary dimension of *kafala* care varies in this case according to the positioning of adoption services in this area. In the first scenario,

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the services correlate *kafala* with adoption (A, D, E, I): in this case, the religious, legal, psychological contours of *kafala* are not considered as problematic. Rather, the system constitutes a resource within the adoption market, following the example of Michelle Duturieux's comments, quoted at the beginning of the article. Alternatively, there is the approach taken by small services (B, C). Composed of a head of service and a social worker, support for the *kafil* is often personalized and benevolent, albeit tinged with culturalist questions ("A few lessons from ethnopsychology wouldn't hurt"), which produce variable treatments within a very limited audience.<sup>32</sup> Finally, there are the services (F, G, H) with broad activity in both adoption and *kafala*, and which have decided not to integrate *kafala* families into the support for adoptive parenthood, for various reasons (budgetary considerations, political positioning, lack of administrative capacity). Within these services, *kafil* practices (requests for social inquiries within deadlines imposed by foreign institutions, desire to convert? the *kafala* into a full adoption) are often perceived as intentionally provocative. "Yeah, why would they even bother?" said a social worker during an interview, when I explained the administrative trajectory of the *kafil* and the workarounds they had to use in order to achieve their goals. We see that, like the "guardians of national order" described by Mazouz, adoption professionals testify to a total adherence to the principles of the Republic by seeking, on the one hand, to reconcile the criteria for accession to adoptive parenthood with the different realities of the *kafala* and, on the other, to reproach the *kafil* for the institutional inconsistencies of the French state – as well as for the potential liberties taken by *kafil* that are made possible by these very inconsistencies.

The governance of *kafil* families is practiced in France without any public apparatus. This lack of centralized direction throughout the national territory leads to a localized and particularly heterogeneous treatment of families. The specificity of this mode of guardianship, which from a regulatory standpoint straddles the line between immigration (as it concerns Algeria and Morocco) and child protection, leads the decentralized services of the state to appropriate powers of

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migration control and assimilation that do not belong to them. In this regard, we have seen how the adoption paradigm has been reshaped by adoption professionals in order either to make *kafala* a resource or to produce a higher degree of control over parental practices considered not in conformity with the principles of the Republic. In this latter instance, social service authorities treat the *kafala* system as a Muslim family institution that threatens to disrupt public order, and they make prospective *kalif* subject to judgments distorted by social, religious, and racial prejudice.

## **Conclusion**

Because it fulfils the desire of a future family and because it is part of an "official" legal framework, considered as the norm, the child adopted via international adoption is part of a migratory flow directed and accepted by the Republic. The legal reception and fosterage of children by *kafala* is more equivocal. This research points to three parameters that should be taken into account in analyzing how the state assesses the desirability of adoptable children in the national territory. First of all, there is the question of the state's commitment and competence to determine the fate of the child. While adoption policies are more or less harmonized throughout the national territory – though some associations denounce restrictive and normative abuses of power by certain departments with respect to access to adoptive parenthood – those relating to *kafala* are totally inconsistent. By racializing the children rescued by *kafala* in France (denunciation of "opaque" religious practices by adoption services, suspicions of disengagement on the part of *kafil* families regarding parenting support services), child protection services differentiate their childcare policies. The absence of a national directive clarifying who is responsible for these children leads some departments to equate the status of children arriving by *kafala* with that of unaccompanied minors, whose care is mainly the responsibility of departmental councils (but generally that of different agencies than adoption services, with separate budgets). This brings me to the second parameter, that of the children's country of origin. It is clear here that the parallel that is drawn between



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orphaned children from the Maghreb and children from active? migratory flows (North Africa, Central Africa, the Middle East, etc.) is based on assumptions that correlates the figure of the black or Arab child to that of an unwanted child within the national territory. This analogy should also be linked to the third parameter: that of the adoptability of children. Due to the religious status of these children, the institutions recommend a form of caution with regard to these child migrations. Adoptable after three years by *kafala*, and probably never adoptable as an unaccompanied minor, the statutory and legal precariousness of these children makes child protection services suspicious of these children.

By applying normative assumptions about adoptive kinship the state produces a benevolent view of "good" families. Any redefinition of evaluation frameworks or the readjustment of parental models can create disorder in the social work of family investigation. While this disorder sometimes produces forms of invention that lead social workers to expand the scope of good parenting, it is usually synonymous with vagueness and mistrust. This feeling is exacerbated by the fact that the audience concerned – North African Muslim families — is already subject to political suspicion.<sup>33</sup>

By contrast, the French state consistently facilitates the adoption of the "good" children, those who are expected and desired within the national territory, and it works on behalf of "good" familial matches. On the fringes of adoption institutions, *kafil* families are less likely to see their access to adoptive parenthood as a matter of state regulation, a particular result of the specific nature of the *kafala* market. By having the possibility of being assigned a healthy baby within the year through the *kalafa* system, these families deviate in every respect from the work of facilitating parental desires carried out by adoption institutions.<sup>34</sup> The *kafil* also depart from the racial norm that operates in the world of intercountry adoption, since their putative children are similar to them in skin color, "origins," and religion.

## Notes

<sup>1</sup> Jean-François Mignot, "L'adoption internationale dans le monde: les raisons du déclin," *Population et Société*, 159 (2015).

<sup>2</sup> Émilie Barraud, *L'adoption entre France et Maghreb: De terre et de sang* (Paris: Non Lieu, 2015).

<sup>3</sup> Jamila Bargach, *Orphans Of Islam: Family, Abandonment, and Secret Adoption in Morocco* (Lanham, MD: Rowman & Littlefield Publishers, 2002); Souhayma Ben Achour, "L'adoption d'enfants maghrébins en France," *Revue Tunisienne de Droit* (1999).

<sup>4</sup> Most Muslim countries prohibit adoption. Only Tunisia, Somalia, Indonesia, Turkey, and Lebanon allow it.

<sup>5</sup> In France, international adoption is regulated by several institutions. The Ministry of Social Affairs and Health (which is authorized to regulate child protection); the Ministry of Foreign Affairs (which issues visas to adopted children, and manages and supervises the French Adoption Agency and other bodies authorized for adoption); the Ministry of Justice (which enacts legal standards and circulars relating to adoption); and departmental councils (which support procedures occurring before and after the arrival of the child).

<sup>6</sup> Research conducted between October 2016 and January 2019 at the University of Aix-Marseille, (LabexMed, reference 10---LABX---0090). This work was supported by the National Research Agency as part of the A\*MDEX Future Investments project under reference n°ANR-11-IDEX-0001-02.

<sup>7</sup> *Kafil* are required by the Moroccan or Algerian authorities to be in a heterosexual married couple. They can also be single. Single women are often granted access to their request for *kafala*, single men less frequently. See Barraud, *Op. Cit.*, 2015.

<sup>8</sup> Sarah Mazouz, *La République et ses autres: Politiques de l'altérité dans la France des années 2000* (Lyon: ENS Edition, 2017); Claire Cossé, Emmanuelle Lada, and Isabelle Rigoni, eds., *Faire figure d'étranger: Regards croisés sur la production de l'altérité* (Paris: Armand Colin, 2004); Abdellali Hajjat, *Les Frontières de l'identité nationale: L'injonction à l'assimilation en France métropolitaine et coloniale* (Paris: La Découverte, 2012); Houda Asal et Marwan Mohammed, "Islamophobie en France: formes, définitions et mesures," in *Migrations et mutations de la société française, l'état des savoirs*, ed. Marie Poinot and Serge Weber (Paris: La Découverte, 2014); Camille Gourdeau, *L'intégration des étrangers sous injonction: Génèse et mise en œuvre du contrat*

*d'accueil et d'intégration* (Thèse de doctorat en migrations et relations interethniques, sous la direction d'Alain Morice, Université Sorbonne Paris Cité, 2015).

<sup>9</sup> Barraud, *L'adoption entre France et Maghreb*, 2015.

<sup>10</sup> The "*kafala*" circular of 22 October 2014 clarifies the legal situation of children who have been the subject of a *kafala* measure in their country of origin. The family court judge is recognized as competent to rule on the child in case of *kafala*.

<sup>11</sup> Admittedly, the Ministry of Health and Social Affairs has the regulatory competence and authority to lead policy and reflection on the social aspects of national and international adoption, but the Ministry does not issue any directive on *kafala* and leaves the departments free to act as they wish on this point.

<sup>12</sup> Frédéric Tesson, "Les ressources du département et du canton dans la 'petite fabrique des territoires'," *Annales de géographie* 648, 2 (2006): 197–216.

<sup>13</sup> Delphine Serre, "Les assistantes sociales face à leur mandat de surveillance des familles: Des professionnelles divisées," *Déviance et Société* 34, 2 (2010): 149–162; Delphine Serre, "Gouverner le travail des assistantes sociales par le chiffre? Les effets contrastés d'un indicateur informel," *Informations sociales* 167, 5 (2011): 132–139.

<sup>14</sup> This article stipulates that "any minor received outside the home of his or her parents up to the fourth degree or guardian shall be placed under the protection of public authorities. This protection shall be provided by the president of the General Council of the place where the minor is located."

<sup>15</sup> Yves Denéchère, *Des enfants venus de loin: Histoire de l'adoption internationale en France* (Paris: Armand Colin, 2011). See also his contribution, in this issue.

<sup>16</sup> Pierre Lascoumes and Patrick Le Galès, eds., *Gouverner par les instruments* (Paris: Presses de Sciences Po, 2005), 13.

<sup>17</sup> Pierre Lascoumes et Patrick Le Galès, *Gouverner*, 12.

<sup>18</sup> Dominique Memmi, *La Revanche de la chair: Essai sur les nouveaux supports de l'identité* (Paris: Le Seuil, 2014).

<sup>19</sup> Sébastien Roux, "L'État des origines: Histoires adoptives, conflits biographiques et vérités passées," *Genèses* 108, 3 (2017): 69–88.

<sup>20</sup> See this issue.

<sup>21</sup> However, some countries, such as the Philippines, require candidates to practice the majority religion of the country and attest to this practice.

<sup>22</sup> Of course, France is required to respect the personal status of Moroccan and Algerian children. However, other countries, such as Côte d'Ivoire, have been providers of adoptable children for years while they have the same legal status.

<sup>23</sup> However, anthropologist Katherine E. Hoffman shows that the prohibition of adoption is controversial among Islamic lawyers and theologians. The reform movement is in favor of formally abolishing this ban. See Katherine E. Hoffman Katherine, "Famille, filiation, et foi: Le traitement judiciaire de la tutelle islamique (*kafala*) en France et aux États-Unis," in *Faire et défaire les liens familiaux: Usages et pratiques du droit en contexte migratoire*, ed. Aurélie Fillod-Chabaud et Laura Odasso (Rennes: Presses Universitaires de Rennes, 2020).

<sup>24</sup> Barraud, *L'adoption entre France et Maghreb*, 2015.

<sup>25</sup> Noiriel, "L'identification des citoyens: Naissance de l'état civil républicain," *Genèses* 13 (1993), 26.

<sup>26</sup> Agnès Fine, ed., *États civils en questions: Papiers, identités, sentiment de soi* (Paris, Editions du CTHS, 2008).

<sup>27</sup> Anne Lavanchy, "L'amour aux services de l'état civil: Régulations institutionnelles de l'intimité et fabrique de la ressemblance nationale en Suisse," *Migrations Société* 150, 6 (2013): 61–77.

<sup>28</sup> Maïté Maskens, "L'amour et ses frontières: Régulations étatiques et migrations de mariage (Belgique, France, Suisse et Italie)," *Migrations Société* 150, (2013): 41–60.

<sup>29</sup> Jérôme Courduriès, "La lignée et la nation. État civil, nationalité et gestation pour autrui," *Genèses* 108, 3 (2017): 29–47.

<sup>30</sup> Roux, "L'État des origines."

<sup>31</sup> Sarah Mazouz, "The Value of Nation: Bureaucratic Practices and the Lived Experience in the French Naturalization Process," *French Politics, Culture & Society* 37, 1 (2019): 139-161.

<sup>32</sup> Lila Belkacem, *L'"enfant perdu" et le "pays d'origine": Construction des origines et expériences migratoires de descendants d'immigrants ouest-africains en région parisienne* (Thèse de sociologie, sous la direction de Michèle Leclerc-Olive, Ecole des Hautes Etudes en Sciences Sociales, 2013).

<sup>33</sup> Laurence Brunet, "La Réception en droit français des institutions familiales de droit musulman: Vertus et faiblesses d'un compromis," *Droit et Cultures* 59 (2010): 231–251.

<sup>34</sup> Sébastien Roux, "Petits corps maladies: De la valeur des tares dans l'adoption internationale," *Ethnologie française* 178, 2 (2020): 419-434.