

THE DIFFUSION OF INTERCOUNTRY ADOPTION:
LEARNING IN THE GLOBAL SYSTEM

By

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To my husband, Adam, who encouraged me to start this journey and loved me through it,

and

To Keegan and McKenna who have always loved me unconditionally.

The journey and the prize would mean nothing without you.

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TABLE OF CONTENTS

	Page
ACKNOWLEDGEMENTS	iii
LIST OF TABLES	viii
LIST OF FIGURES	ix
Chapter	
I. INTRODUCTION	1
The Central Question	1
The Central Argument	2
Competing Explanations	3
Why the Question is Important	15
Methods	17
Conclusion	19
II. A THEORY OF THE DIFFUSION OF INTERCOUNTRY ADOPTION	21
Main Themes	22
Theoretical Framework Part I: Diffusion through Learning	25
Theoretical Framework Part II: Domestic Characteristics as a Threshold	30
Theoretical Framework Part III: Demand-Side Learning v. Supply-Side Learning	36
Conclusion	42
III. THE SUBSTANCE OF INTERCOUNTRY ADOPTION	45
Dataset 1: State Choice in Allowing Intercountry Adoption	47
Dataset 2: Partner Choice for Intercountry Adoption	56
Conclusion	65
IV. THE DIFFUSION OF INTERCOUNTRY ADOPTION	67
The Model	68
Is Intercountry Adoption Diffusing?	69

Is Intercountry Adoption a Domestic Political Process?	75
How Do Domestic Characteristics Form a Learning Threshold?	78
Conclusion	81
V. INTERDEPENDENCE IN PARTNER CHOICE FOR INTERCOUNTRY	
ADOPTION	83
The Model	84
Are States' Partner Choices Interdependent?	87
Are States' Partner Choices Shaped and Constrained by International Law?	89
What Are States Learning About Commitment to the HCICA?	93
Conclusion	97
VI. CONCLUSIONS AND IMPLICATIONS	98
Implications	104
Conclusion	107
WORKS CITED	110
Appendix	
BY-COUNTRY BIBLIOGRAPHY FOR DATA	118

LIST OF TABLES

Table 2.1: Propositions	44
Table 3.1: The Legality of Intercountry Adoption.....	49
Table 3.2: The Logistics of Intercountry Adoption	51
Table 3.3: Does a State Allow Intercountry Adoption?.....	53
Table 3.4: Dates When States Allowed Intercountry Adoption	56
Table 4.1: Propositions	67
Table 4.2: Learning Model	71
Table 4.3: Domestic Political Model	77
Table 4.4: The Role of Domestic Characteristics	79
Table 5.1: Propositions	84
Table 5.2: Structural Network Effects	88
Table 5.3: Covariate Effects	91
Table 5. 4: Top Sending States of Children 2005-2009.....	95

LIST OF FIGURES

Figure 2.1: Sending States that Allowed Intercountry Adoption in 1985 and 2005.....	22
Figure 3.1: 2005 International Child-Flow Network	59
Figure 3.2: 2006 International Child-Flow Network	60
Figure 3.3: 2007 International Child-Flow Network	61
Figure 3.4: 2008 International Child-Flow Network	62
Figure 3.5: 2009 International Child-Flow Network	63
Figure 4.1: Predicted Probability of Allowing Intercountry Adoption.....	72
Figure 4.2-4.5: Predicted Probabilities of Allowing Intercountry Adoption.....	73

CHAPTER I

INTRODUCTION

The Central Question

US citizens have adopted more than 230,000 foreign-born children in the past decade (US Department of State 2010). The global adoptions in the same time could be up to twice that many (Engel et al. 2007; Menozzi and Mirkin 2007; Selman 2009). These children have crossed political, ethnic, social, and linguistic boundaries to migrate to new families in new states. It is not surprising that psychologists, sociologists, and anthropologists have devoted considerable resources to understanding intercountry adoption. What is surprising is that little work has been done to understand the context in which these adoptions are processed; political scientists have produced little research investigating the political factors that enable or inhibit intercountry adoption.

If scholars are to investigate intercountry adoption, we must understand why a state would allow foreigners to adopt its children in the first place, and what drives states' selection of intercountry adoption partners. This is the foundational puzzle of the practice of intercountry adoption. It might seem like an obvious conjecture that intercountry adoption is simply a response to a child welfare problem. Most puzzling, however, is the fact that states with similar child welfare problems make different choices regarding participation in intercountry adoption. Take Ethiopia and Rwanda for example. The states share a region and have similar child welfare crises. Both states initially allowed intercountry adoption in the late 1980s, when children starting to flow out of the states. But Ethiopia has taken steps to build a robust intercountry adoption program and

is one of the top sending states of children; Rwanda, on the other hand, has only started to implement the legislation that allows foreigners to adopt children, and it has sent out few children over the past two decades. What explains the difference in state behavior?

The Central Argument

Intercountry adoption is spreading through the international system because states are learning about intercountry adoption from two sources. First, states learn from other states' experience that intercountry adoption is an *effective* policy option; it can provide a solution to a domestic child welfare crisis. Second, states learn from networks of adoption advocates that intercountry adoption is an *accessible* policy option; it is a solution the state can easily initiate. Building on policy diffusion theory, I argue that the information states garner from other states' experience with intercountry adoption and from networks of adoption advocates influences states' perception of intercountry adoption as a policy option. Therefore, I expect that as the proportion of states in the international system that allow intercountry adoption increases, so should the likelihood that any one state in the system allows the practice. The first half of Chapter Two lays out my theory of diffusion, demonstrating how information is shaping the diffusion of intercountry adoption.

But not all states have allowed intercountry adoption at the same time; some have allowed it early on when the perceived effectiveness of intercountry adoption was relatively low, while other states still do not allow intercountry adoption. The second half of Chapter Two addresses this disparity in the timing of state choices by offering an explanation of how states' domestic economic, religious, and demographic characteristics

constitute a threshold for allowing intercountry adoption. This threshold is essentially the lens through which states are learning about intercountry adoption. If this threshold is low, a state is more likely to allow intercountry adoption early on when few other states have tried the policy. For these states, it is only important that intercountry adoption is accessible as a policy option. But for states with relatively high thresholds for allowing intercountry adoption, the perceived effectiveness of intercountry adoption must be much higher before the state will allow intercountry adoption. My theory thus uses both international and domestic factors to explain the diffusion of intercountry adoption.

My theory of diffusion, presented in Chapter Two, explains state behavior on both the supply and demand sides of adoption. On the supply side, my theory explains how states with a large supply of vulnerable children decide whether or not to allow foreigners to adopt those children. On the demand side, my theory also explains how states with citizens who want to adopt foreign children decide the most effective and accessible partners for intercountry adoption through observing other states' experiences and through interacting with networks of adoption advocates. Thus, the main contribution of my research is the theoretical argument and empirical evidence that states' learning, through the lens of domestic economic, religious, and demographic characteristics, is driving the diffusion of intercountry adoption and partner choice for intercountry adoption.

Competing Explanations

An extensive review of intercountry adoption literature in a variety of fields of study reveals few studies that investigate state behavior in intercountry adoption.

Breuning and Ishiyama (2009) and Breuning (2012) are two political evaluations of intercountry adoption that serve as a foundation for my own examination. These studies identify factors that influence the restrictiveness of states' intercountry adoption laws. In particular, these studies show that Muslim states and states with more women in the government tend to have more restrictive intercountry adoption laws, while states with larger orphan populations tend to have less restrictive intercountry adoption laws (Breuning and Ishiyama 2009; Breuning 2012).¹ These are important findings, but they do not show that the practice of intercountry adoption is *diffusing*; i.e. that the choices of one state regarding participation in intercountry adoption impact the choices of other states.² Rather, the studies identify factors that impact states' openness to intercountry adoption at one point in time across multiple states. There are no existing studies that identify the factors influencing states' selection of intercountry adoption partners.

There are however three strands of international relations literature that might offer explanations of the factors driving state behavior in intercountry adoption. I explore each of these strands of literature theoretically and empirically in the chapters that follow. The first strand might answer the question: why do states with vulnerable children allow foreigners to adopt those children? This literature claims that domestic political factors are really driving the fact that more and more states are allowing intercountry adoption. For example, the decision to allow intercountry adoption could be disaster-driven. States that face similar crises, like drought or famine, could simply decide to allow intercountry

¹The findings from these two studies were conflicting in some ways. But Breuning (2012), the most recent with the most expansive data, found that women in government and orphan population are two domestic characteristics that have the most impact on intercountry adoption laws.

² Policy diffusion research has identified patterns of interdependent policy choices both within and across states in substantive issue areas like democracy promotion (Gleditsch and Ward 2006), education policy (Meyer and Rowan 1977), human rights (McNeely 1995; Boli and Thomas 1997; True and Mintrom 2001; Wotipka and Ramirez 2007), and economic liberalization (Guillen, Zelner, and Henisz 2004; Simmons and Elkins 2004).

adoption at the same time because the states have the same underlying cause of their child welfare problem (Simmons and Elkins 2004; Franzese and Hays 2008). It is also possible that intercountry adoption could be a policy preference for states with certain political characteristics, for example, states that have recently undergone a political transition and have an interest in instituting programs that have an appearance of reform (Simmons and Elkins 2004). In both cases, state choices might seem interdependent when in fact the observed pattern is coincidental; states just happen to make the same policy choices, but there is no interdependence in those state choices.

The second strand of literature might answer the question: how do states with citizens who want to adopt foreign children choose their partner states for intercountry adoption? This literature would claim that international law is shaping and constraining state choices as they choose intercountry adoption partners. States that adopt children, which are all committed to the Hague Convention on Intercountry Adoption (HCICA), the multilateral treaty governing the process, should select intercountry adoption partners based on whether or not the sending states of children are committed to the treaty. This would be evidence of international law's selection effect. Even if the states adopting children allow their citizens to adopt children from sending states that are not committed to the HCICA, this dense interaction should influence uncommitted states to move toward commitment to the treaty. This would be evidence of international law's influence effect. The treaty should have both selection and influence effects that shape and constrain state behavior.

The third strand of literature might answer both questions. This literature would agree that states' choices regarding intercountry adoption are interdependent, but would

argue that this interdependence is driven by a coercion mechanism instead of a learning mechanism. Intercountry adoption is by its very nature an unbalanced exchange; the states adopting children are all economically-developed states, while most of the states allowing foreigners to adopt children are developing states. States' behavior could be interdependent because the more powerful states are compelling the weaker states to allow their citizens to adopt vulnerable children, and requiring that sending states of children make certain treaty commitment choices in order to have a thriving intercountry adoption program. In the following sections, I examine each explanation and discuss the shortcomings of each explanation when applied to intercountry adoption.

Domestic Factors: Intercountry Adoption as a Domestic Political Process

The first alternative explanation of state behavior could help explain why states allow foreigners to adopt children. It seems plausible and even likely that states decide independently whether or not to allow foreigners to adopt children. Thus, most international political research, at least empirically, begins with the assumption that though states are interconnected in important ways, their behavior is not endogenous to those interconnections. In other words, states make choices independently based on their own constraints and interests.³

The international community can present an international solution to a domestic child welfare problem, this perspective argues, but states decide independently whether to accept or reject that solution. Therefore, in order to assess this argument, it is necessary to identify the state-level characteristics that would determine state's interests and

³ In fact, most statistical tools used by political scientists to investigate state behavior require independence of the units and observations of analysis (Smith 1998; Signorino 1999; Goemans 2000).

constraints on matters of adoption. While there are not clearly specified theories about this, I build upon the work of Breuning (2012) and policy-making literature and consider the following factors: women in political leadership, recent political transition, a state's institutional quality, and the executive's control over law-making. I address the possibility that intercountry adoption is a domestic political process in Chapter Four.

What the Argument is Missing

This perspective claims that states' decisions are made based on domestic political characteristics; states' interests are exogenous to the solution being offered. This explanation of state behavior, particularly for intercountry adoption, is incomplete because it misses how a state's decision to allow intercountry adoption, or any international solution, is intricately connected to the decisions of others in the international community. In a vital way, the decision to allow intercountry adoption is endogenous to the solution that intercountry adoption provides. That is to say, it is a function of the perceived effectiveness and accessibility of the solution itself. This perceived effectiveness and accessibility is formed through observing and interacting with both the solution givers and the other states that have allowed the solution; especially other states with similar child-welfare problems.

A very basic understanding of the process of intercountry adoption demonstrates that domestic factors do not provide a complete explanation of the spread of intercountry adoption. Families that want to adopt a child from another state initiate the intercountry adoption process. The family decides the state from which they want to adopt the child based on several factors including the race of the child, ease of the process for adopting

from that state, availability of adoption agencies in the state, and legal protections for the adoption in the state. Once the adoption has been initiated, the states on both sides of the adoption respond to this request for a child in many ways. First, sending states decide whether to allow or prohibit foreign adoption of children and receiving states decide whether to allow or prohibit their citizens from adopting children from the chosen state. Second, both sending and receiving states decide how restrictive the process of foreign adoptions will be. Third, both sending and receiving states may choose to restrict intercountry adoption with certain states. For example, the Russian Government shows preference in adoptions to receiving states with which it has signed bilateral adoption treaties; China restricts adoptions to receiving states that are Hague committed and adoption agencies within those states that are Hague certified. Receiving states typically decide from which states to allow its citizens to adopt children based on two factors: 1) whether or not the adoption will legally transfer across borders and 2) the level of corruption in the sending state's intercountry adoption program. For example, the United States has restricted adoptions from both Guatemala and Nepal based on the level of corruption in those programs. Fourth, both sending and receiving states decide whether to commit to the HCICA and to comply with its requirements or to process adoptions outside the Hague framework. Fifth, both sending and receiving states can impede any adoption without any formal *legal* consequences, although such a move can present serious political consequences.

Decisions to initiate intercountry adoption do not typically originate within the governments of states. There are almost no examples of governments deciding independently to allow intercountry adoption, setting up an intercountry adoption

program, and executing that program. Rather, the decision to allow intercountry adoption is almost always a government response to a request for children from the citizens of a foreign state. That request for children is most often facilitated by networks of adoption advocates seeking to open adoption programs in that state. The state then *responds* to the request and starts structuring an intercountry adoption program with the guidance of adoption advocates and with other states' experience in mind.

Think, for example, of a telephone. One person having a telephone in isolation makes no sense. We get telephones in order to connect with others. At the very least, at least one other person must have a telephone in order for the telephone to have any relevancy. But the more people who have telephones, the more effective the telephone will accomplish its intended purpose.⁴ Intercountry adoption is similarly an interdependent phenomenon. If one state allows intercountry adoption in isolation it makes no sense. Unless there is a state with citizens offering to adopt vulnerable children, allowing intercountry adoptions will serve no purpose. It certainly will not provide an effective solution to a child welfare problem. But as more and more states request children and more and more states respond to those requests, the more effectively intercountry adoption can address child welfare challenges. Because it is by definition an interdependent phenomenon, it needs a theory of interdependence to explain it.

International Factors: International Law

The second alternative explanation of state behavior could help explain partner selection for intercountry adoption. This explanation also seems plausible because it

⁴ The telephone analogy is a classic reference in the study of globalization. See for example Nye (2011: 117).

provides an international cause for an international phenomenon; i.e., that state behavior in cross-border transactions is shaped and constrained by international law. So instead of states choosing independently the other states from which to allow their citizens to adopt children, partner choice for intercountry adoption is influenced by those same states' commitment to the HCICA, the multilateral treaty governing the practice.

When states allow their citizens to engage in cross-border transactions, this perspective argues, the states should want those transactions to occur within a legal framework that protects their citizens' rights and interests. This is true both for simple coordination purposes—wanting the transactions to be legally valid on both sides—and for security purposes—wanting citizens to be protected legally. If this claim is legitimate, the HCICA should have both selection effects—states select their partners based on commitment to the HCICA—and influence effects—uncommitted states should move toward commitment over time as they interact with committed states. I address the possibility that partner choice is driven by international law in Chapter Five.

What the Argument is Missing

This explanation points to multiple mechanisms through which international law should influence state behavior in cross-border transactions.⁵ The assumption is that if these mechanisms impact state behavior, we should see evidence of international law shaping and constraining state behavior. This explanation might be convincing when international law has high levels of obligation that restrict state coordination outside its

⁵ Analysts have shown that multilateral cooperative frameworks like the HCICA can influence state behavior through various mechanisms such as norm adoption, reciprocity, reputational concerns, information provision, and signaling (Keohane and Martin 1995; Simmons 1998; Simmons 2000; Bearce and Bondanella 2007; Hathaway 2007; Kelley 2007; Mitchell and Hensel 2007; Guzman 2008; Tomz 2008; Simmons 2009).

provisions. But the HCICA, as I will explain in Chapter Three, does not have such levels of obligation. In fact, there is no legal penalty for acting outside the HCICA provisions, even for HCICA committed states.

Again, a basic understanding of intercountry adoption demonstrates the potential shortcomings of applying this particular explanation to the case of intercountry adoption. While all the states that adopt children—the states initiating partner choice—had ratified the HCICA by 2010,⁶ not even half of the top ten states that send children had ratified the treaty by the end of my study. In fact, only two of the nine states from which US citizens adopt the most children (China, Guatemala, Russia, Ethiopia, South Korea, Vietnam, Ukraine, Kazakhstan, and Haiti) had ratified the treaty by 2010 (China and Guatemala); intercountry adoptions originating in seven of the main states that send children to the United States are thus conducted outside the Hague framework. Worldwide, only four of the top ten states that send children (to any state that adopts children) had ratified the HCICA in the time period I study. Despite receiving states' commitment to the HCICA, sending states whose programs are the least institutionalized have largely failed to commit to the treaty. These simple statistics show that the states initiating partner choice, the receiving states of children, are choosing partners that are not committed to the HCICA, despite the availability of partners that are committed to the HCICA.

⁶ Ireland was the last receiving country to ratify the treaty in 2010.

International Factors: Coercion

A third alternative explanation of state behavior could help account for both the decision to allow foreigners to adopt children and partner selection for intercountry adoption. This explanation seems plausible for both aspects of state behavior in intercountry adoption, because it is based on the easily observable fact that intercountry adoption is by nature an unbalanced exchange; the states adopting children are all economically-developed states, while most of the states allowing foreigners to adopt their children are developing states. This explanation would agree that state choices for intercountry adoption are interdependent, but would disagree that this interdependence is learning-driven. Instead, this perspective would argue that interdependence in state behavior for intercountry adoption is coercion-driven—powerful states are taking advantage of child welfare crises in less powerful states.⁷

For the decision to allow intercountry adoption, this perspective argues, states with a large number of citizens wanting to adopt foreign children could compel states with a large population of vulnerable children to allow foreign adoption of those children. For example, a powerful state like the United States could require that a state allow intercountry adoption as a condition of aid (Dobbins, Simmons, and Garrett 2007:456). For partner selection, states with citizens who want to adopt foreign children could be using their partner choice initiation to coerce states to behave in a certain way. For example, if adopting states restrict partner choice to other states that are also committed to the HCICA, this could compel states to commit to the HCICA as a condition of an

⁷ For a description of the difference between learning and coercion as a mechanism of diffusion see: Guillen, Zelner, and Henisz 2004:33; Simmons and Elkins 2004:172-173; Braun and Gilardi 2006:310; Gleditsch and Ward 2006:919-920. The differences will be explained in Chapter Two.

intercountry adoption relationship. Furthermore, even if adopting states partner with uncommitted states, that partnership could become coercive as the adopting states of children try to compel their uncommitted partners to move toward commitment to the HCICA.⁸ I address the possibility of coercion-driven state behavior in the decision to allow intercountry adoption in Chapter Four, and the possibility of coercion-driven state behavior in partner choice in Chapter Five.

What the Argument is Missing

The possibility of coercion in intercountry adoption is more difficult to dismiss, primarily because the consequences of this explanation are so ominous. If the coercion explanation is valid, the practice of intercountry adoption is likely predatory and reeks of colonialism. But this explanation does miss important points that will become more evident in the empirical evaluation of its merits. First, for the decision to allow intercountry adoption, it is difficult to conceive of what type of service might be tied to the requirement that a state allow intercountry adoption. The most likely service would be the provision of aid, particularly aid related to the welfare of children. But the evidence shows that there is no correlation between the amount of aid a state receives from the United States and the likelihood that a state allows intercountry adoption. Because the United States adopts more children than any other state in the world (Engel et al. 2007; Menozzi and Mirkin 2007; Selman 2009), and is also one of the states

⁸Scholars have shown that dense interactions (Risse, Roppe and Sikink 1989; Checkel 1999; Checkel 2005; Gheciu 2005; Johnston 2005; Kelley 2008), the persuasion of norm entrepreneurs (Goodman and Jinks 2004; True-Frost 2005; Goodman and Jinks 2008), and cognitive or social pressures to conform (Goodman and Jinks 2004; Patterson 2006) can socialize states to adopt the normative values of others and change their behavior.

sending the largest amounts of aid abroad, this is a reasonable test of the likelihood that states are being coerced to allow intercountry adoption.

Second, there are several examples of the sending states of children, arguably the weaker states in the intercountry adoption relationship, deciding to close their intercountry adoption program against the wishes of the more powerful receiving states of children. For example, Romania, one of the states sending the most children abroad in the early 1990s, unilaterally closed its intercountry adoption program against the wishes of many of the governments representing the families in the process of adopting children from Romania. Russia has also demonstrated multiple times that as the sending state of children it is more powerful than the receiving states of Russian children; Russia frequently demands that the governments in the states adopting Russian children comply with Russian demands such as drafting separate bilateral treaties on adoption as a condition of an intercountry adoption relationship. In fact, in January 2013, Russia instituted a ban on US citizens' adoption of Russian children, despite state-level negotiations between the US and Russian Governments. There is also ample evidence that the sending states of children control the process, even to the level of requiring foreign citizens to report back to their government for many years after the adoption of one of their children takes place. China, one of the main sending states of children, requires that the agencies processing adoption of Chinese children hold additional certification, as do many of the other sending states of children. An investigation of the process of intercountry adoption makes it doubtful that the sending states of children are being coerced to behave in any particular way by the receiving states of children. Rather,

it appears that the sending states of children are actually more powerful in the relationship than the receiving states.

Third, for partner choice, the receiving states of children that initiate intercountry adoption partnerships frequently partner with sending states that do not share their commitment to the HCICA. This undermines the expectation that receiving states are restricting partner choice as a coercive tool to require that sending states are committed to the HCICA as a condition of service. The second possibility, that receiving states are frequently partnering with uncommitted states in an effort to compel them to commit with the treaty through this dense interaction, also seems to be false. The evidence shows that few of the top sending states of children have moved toward commitment to the HCICA as they have interacted with the HCICA-committed receiving states of children.

Why the Question is Important

The theory presented in Chapter Two addresses an aspect of globalization that has been largely neglected, the flow of children across borders. It explains how adoption, which was previously exclusively domestic, has become a global, interconnected phenomenon through state learning. Thus, I explain how two aspects of state behavior in intercountry adoption are interdependent. First, I explain why more and more states over time have chosen to allow foreigners to adopt their vulnerable children, instead of focusing primarily on domestic solutions. Second, I explain how states choose partners for the practice. These explanations provide new insight into an aspect of state behavior that has historically been understudied—state choices when exchanging children through intercountry adoption. Though children have crossed borders legally through adoption

for many decades, scholars of international politics are only starting to investigate the context in which these exchanges take place.

The importance of understanding intercountry adoption should not be underestimated for several reasons. First, the children flowing across borders through intercountry adoption are the most vulnerable of a state's citizens, not just because they are children, but because they lack parents to advocate for their protection. Their protection falls within the primary responsibility of the state. Second, intercountry adoption is a practice characterized by the coordination of legal systems across borders, a goal that can only be accomplished through state policy. Adoptions must be processed in the origin state of the child such that the child can legally be transferred to another family in another state. Thus, intercountry adoption is primarily a political phenomenon. Third, complications in intercountry adoption are increasingly becoming international incidents that are negotiated at the state level. In fact, Russia recently banned adoptions of Russian children by US citizens after years of negotiation at the state level over the two states' intercountry adoption policies.

Though there are a few studies that attempt to explain aspects of state behavior in intercountry adoption, there is no research examining the foundational question of why states would allow foreigners to adopt children in the first place. Not only does my research answer this foundational question, but it shows how the interdependence driving states' choices to allow intercountry adoption is also influencing state behavior as states participate in intercountry adoption. This linkage demonstrates that understanding the factors behind the diffusion of intercountry adoption can also help us understand state

behavior for other aspects of intercountry adoption. Thus, it is vital that we are able to understand why states allow foreigners to adopt children.

Methods

I develop the diffusion theory of intercountry adoption presented in Chapter Two relying heavily on recent policy diffusion literature as well as network analysis literature. I provide an understanding of how state behavior for both the decision to allow intercountry adoption and partner choice is interdependent on the choices of other states and how the diffusion of intercountry adoption and states' partner choices unfold throughout time. This baseline understanding of interdependence, presented in the first half of Chapter Two, explains how states look to each other and to networks of policy advocates for information about policies and partners that they are considering (Boehmke and Witmer 2004; Simmons and Elkins 2004; Brooks 2007; Dobbins, Simmons, and Garrett 2007:459-461).

But this understanding of interdependence raises the question of how state characteristics matter for state behavior in intercountry adoption. My theory answers this question in the second half of Chapter Two by arguing that state characteristics serve as a lens through which states learn. State characteristics form a threshold that must be met before they will allow intercountry adoption. For some states, these characteristics render the threshold rather low, and the state will allow intercountry adoption regardless of the lesson they learn about the policy's effectiveness. For these states, the accessibility of intercountry adoption as a policy, which is learned from networks of advocates for the policy, is more important than the perceived effectiveness of the policy, which they

would learn from other states' experience. But for other states, their characteristics render this threshold relatively high, and many other states must allow adoption before that lesson of intercountry adoption's effectiveness is high enough to overcome the higher threshold.

Though state characteristics intuitively should matter for the decision of whether or not to allow foreigners to adopt children, it is less clear that these same characteristics should matter for partner choice. I argue, in the third part of chapter two, that state characteristics and the threshold they form are more important for the decision to enter the community of states that allow intercountry adoption than it is for partner choice once a state participates. This difference is driven primarily by the fact that the demand side of intercountry adoption, the states initiating partnerships, has different considerations than the supply side of intercountry adoption, the states allowing the adoption of their vulnerable children. I argue that for partner choice, states are driven by what they learn about the effectiveness of a partner and the accessibility of a partner, not by the characteristics of that state such as their commitment status to the HCICA.

Any study of intercountry adoption suffers from a lack of available data on the phenomenon. This problem has been well-documented across multiple fields that have attempted to study intercountry adoption over time (Breuning and Ishiyama 2009; Selman 2009; Breuning 2012). Thus, my first task is to construct data that I can analyze to answer my research question. This data generation process is described in Chapter Three, along with a tutorial on the mechanics of intercountry adoption and the challenges to studying the political context of the process. My data are original and my data generation strategy differs in approach from the other studies that have investigated the

politics of intercountry adoption (Breuning and Ishiyama 2009; Breuning 2012). My data are cross-sectional time series data, while the other studies have utilized cross-sectional data only. These original comprehensive data are a significant contribution to the study of intercountry adoption and will facilitate future research on the phenomenon.

In Chapters Four and Five I evaluate the validity of the theory presented in Chapter Two using the data I present in Chapter Three. I adopt a multi-method approach to theory testing, using two complementary statistical tools. In Chapter Four, I test the predictions of the diffusion theory of intercountry adoption with a discrete-time hazard model. This test shows how sending states' domestic characteristics that make them less likely to allow intercountry adoption are overcome as more states in the system demonstrate the effectiveness of the policy. In Chapter Five, I test for the presence of selection or influence effects using a stochastic actor-oriented model of network dynamics. This test shows how receiving states add and drop partnerships with sending states based on other states' experience with those states.

Conclusion

There are two primary aims of my research, one scientific and one practical. First, I seek to explain, using social scientific tools, how state behavior for intercountry adoption is inherently interdependent; the choice of one state is inextricably connected to the decisions of other states that have tried intercountry adoption before them. Second, I want to provide a baseline understanding for a phenomenon that is understudied; the political context in which children are exchanged across borders. The theoretical contribution of this research is the extension of our understanding of how states learn

about international solutions to their domestic problems. The methodological contribution of this research is the use of statistical tools that can capture the interdependence that international political research often misses. But most importantly, the substantive contribution of this research is a better understanding of state behavior regarding the most vulnerable of all citizens.

CHAPTER II

A THEORY OF THE DIFFUSION OF INTERCOUNTRY ADOPTION

When China took steps to allow intercountry adoption in 1991, it became the 56th state in the world to allow foreigners to adopt children. Since 1943, when Mexico became one of the first states to adopt legislation providing for foreign adoption of children, 96 other states have followed its lead. Figure 2.1 shows the stark difference between how many states allowed intercountry adoption in 1985 compared to the number of states that allowed intercountry adoption in 2005. How can we explain this trend? In the previous chapter, I outlined three strands of literature that offer competing explanations for state behavior and previewed their shortcomings when applied to state behavior in intercountry adoption. In this chapter I present a theory of the diffusion of intercountry adoption that overcomes these shortcomings, while still exploring the potential of the competing explanations so they can be tested empirically alongside my theory of diffusion.

In this chapter, I present a baseline theory of the diffusion of intercountry adoption that explains how state choices regarding intercountry adoption are interdependent. I then account for how the domestic characteristics of states shape this interdependence. Finally, I explain how this interdependence operates differently for the demand-side and the supply-side of intercountry adoption. Overall, I claim that intercountry adoption has become a defining feature of child welfare policy all over the world because states are learning from other states' experience that intercountry adoption

is an effective policy option, and learning from networks of advocates that intercountry adoption is an accessible policy option.

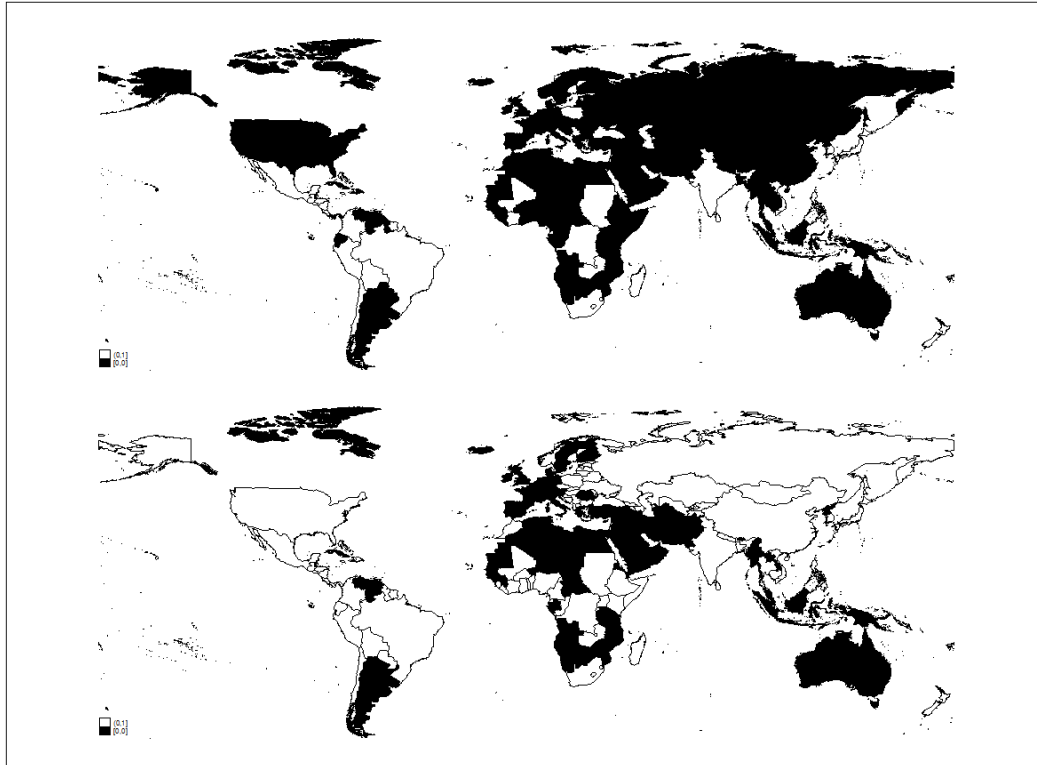


Figure 2.1: Sending States that Allowed Intercountry Adoption in 1985 (Top) and 2005 (Bottom). White=Yes

Main Themes

The main task of this chapter is to identify a causal mechanism driving state behavior for intercountry adoption on both the supply and demand sides. Because intercountry adoption is the transfer of a child from one state to another, any theory of the diffusion of intercountry adoption must be able to account for state behavior on both the

sending and receiving sides of the exchange. This is even more important if state choices regarding intercountry adoption are interdependent as I argue.

On the supply-side, states with a large supply of vulnerable children face the choice of whether or not to allow foreigners to adopt children. Intercountry adoption is an explicitly international solution to a domestic child welfare problem. There are multiple agents involved in providing this potential solution. At the individual level, citizens of one state are requesting to be granted custody of a child in another state that is unable, for a variety of reasons, to be cared for in that state. These prospective adoptive parents are supported logistically and legally through networks of adoption advocates such as adoption agencies, lawyers, child-care workers, and orphan advocates. This adds a second level of agents, i.e. non-state organizations and groups. At the state level, the government of the state of the potential adoptive parents is offering the child citizenship as a member of the family in that state. The state with the supply of vulnerable children must decide whether it will respond to this request and allow foreigners to adopt its vulnerable children.

On the demand-side, states with citizens requesting to adopt foreign children must decide which states will serve as partners for the practice. There are also multiple levels involved in this decision-making process. At the individual level, those same citizens request to be granted custody of a child from another state. At the non-state level, those same networks of adoption advocates are supporting the same citizens requesting to adopt. But at the state level, the government must agree to allow that child to become a citizen once it enters the country. This involves the state actively choosing to coordinate visa and naturalization regimes with the origin state of the child. Because all the states

that adopt children are committed to the Hague Convention on Intercountry adoption (HCICA), there are explicit requirements that must be met before the child is eligible for a visa. For example, it must be able to be established that the child is legally available for adoption according to the laws of the receiving state of the child. This is relatively straightforward for a sending state like South Korea, with a well-developed infrastructure, because the history of the child is usually well-documented. It is less straightforward for a state like Somalia, where it is difficult to identify the history of a child. The state with the demand for adoptable children must decide the states from which it will allow its citizens to adopt children.

My approach links state behavior on both the demand side and supply side of intercountry adoption. Sending states allow foreigners to adopt vulnerable children based on the information they learn about the policy. When a foreigner's request to adopt a child is initiated, networks of adoption advocates make intercountry adoption seem like an accessible option, and other states' experience makes intercountry adoption seem like an effective option. This information is then filtered through the lens of the state's domestic characteristics. Receiving states similarly decide on their partners for intercountry adoption based on the information they learn about those partners. When a citizen's request to adopt a child from a foreign country is initiated, networks of adoption advocates make that state seem like an accessible partner (by facilitating the logistics and legal requirements of the adoption), and other states' experience makes that state seem like an effective partner. This basic understanding of state behavior on the supply and demand sides of intercountry adoption also provides a multi-dimensional picture of the practice of intercountry adoption. It shows that factors influencing whether or not states

choose to join the community of states that exchange children through intercountry adoption also influence how states behave as part of that community.

Theoretical Framework Part I: Diffusion through Learning

I examine intercountry adoption as a diffusion process. Though policy diffusion research does not always address the innovators of policy that begin the process of spreading a policy, this literature considers how the implementation of new policies across states is interdependent—the choice of one state is influenced by what other states have done before them. Policy diffusion research has identified patterns of interdependent policy choices both within and across states in substantive issue areas like democracy promotion (Gleditsch and Ward 2006), education policy (Meyer and Rowan 1977), human rights (McNeely 1995; Boli and Thomas 1997; True and Mintrom 2001; Wotipka and Ramirez 2007), and economic liberalization (Guillen, Zelner, and Henisz 2004; Simmons and Elkins 2004). If intercountry adoption is diffusing, we should observe certain patterns in states' choices regarding participation in intercountry adoption across space and time. At the most basic level, as the proportion of states in the system that allow intercountry adoption increases, so should the likelihood that any one state allows intercountry adoption (Shipan and Volden 2008:842; Gilardi 2010). This effect should remain strong even when controlling for the fact that intercountry adoption is a process unfolding over time. In fact, the effect should grow throughout time, such that the “experiences of others become more influential as the diffusion process unfolds” (Gilardi and Luyet 2009:551). In other words, the diffusion of intercountry adoption is not just a matter of the group of states that allow the process gets bigger throughout time,

but the pressure on any one state to allow the policy increases as more and more states in the system allow intercountry adoption. I argue that the mechanism driving this interdependence in states' behavior is learning.

All states with child welfare challenges have some type of domestic means of addressing the problem. These domestic solutions can be institutionalized, like state-provided orphanages, or a system of foster care. The domestic solutions can also be more informal, like family members or communities caring for children that lack parental care. Rarely does a state completely lack provisions for children without parental care. These domestic solutions can be considered the status quo policy. Policy change will occur when the expected utility of a new policy outweighs the expected utility of the existing domestic solution. The expected utility of a policy is based on the payoffs and costs of allowing the policy, as well as the perceived effectiveness of the policy (Gilardi and Luyet 2009:554). The international community offers the international solution of intercountry adoption through the individual, non-state, and state paths already mentioned. When this solution is offered, states respond based on their perception of the effectiveness of intercountry adoption—how well it will address their challenge—and the accessibility of intercountry adoption—how easy it is to facilitate the solution. Learning drives policy diffusion by altering the perceived effectiveness and accessibility of the policy through the provision of information about the policy (Simmons and Elkins 2004; Brooks 2007; Dobbins, Simmons, and Garrett 2007:459-461).

There are clearly domestic, independent factors that contribute to the payoffs for allowing intercountry adoption. These domestic factors will be discussed in detail in the next section. For now, I am concerned with the international or interdependent factors

that contribute to how a state perceives the effectiveness and accessibility of intercountry adoption. These international factors are especially important for a state considering a new policy for one very clear reason: the policy is new, and the state does not have prior experience to inform the decision-making process. The domestic environment can provide important information about the payoffs of policy change (Volden, Ting, and Carpenter 2008:319), but policymakers must also rely on information from outside their own experience to inform their perception of the effectiveness and accessibility of intercountry adoption.

This information can come from two sources: policymakers can observe the experience of other states that have tried the policy before them (observational learning), or they can learn more about the policy from state and non-state actors who are advocating for the policy (interactive learning). Observational learning is often superficial; it can serve as a shortcut for policymakers faced with a problem that other states have faced (Boehmke and Witmer 2004:40; Simmons and Elkins 2004:175). If policymakers observe that other states that allow intercountry adoption are able to reduce the population of vulnerable children; this observation, even without *evidence* of a link between the policy and the desired outcome, can be sufficient to change policymakers' perception of the effectiveness of intercountry adoption (Simmons and Elkins 2004:175). Interactive learning, on the other hand, is transmitted through networks of state and non-state advocates for the policy (Mintrom 1997). Instead of serving as a shortcut for policymakers, networks of advocates convey information about the policy that effectively limits the choice set of policymakers (Kahneman, Slovic, and Tversky 1982) by making

adoption seem like an *accessible* policy solution instead of merely an *effective* policy solution (Simmons and Elkins 2004:175).

Competing Explanation: Diffusion through Coercion

The core of my theory is that intercountry adoption is spreading through learning because the spread of intercountry adoption starts at the micro-level, which is more consistent with learning than with coercion. In fact, for many of the states that allow intercountry adoption, children flow out of the state long before the government of the state responds with legislation to regulate the practice. Adoptions are not initiated by states; they are initiated by individuals wanting to adopt a child from another state. These individuals are made aware of children who need families most often through indirect contact with children from the state. Though there has been relatively little systematic empirical work examining the initiation of intercountry adoption programs, anecdotal evidence suggests this contact often happens through missionaries and/or non-faith-based aid workers who run orphanages. These missionaries and/or non-faith-based aid workers become agents of learning in two directions. First, they transmit information about the vulnerable children back to the states from which they came. This information generates interest in adopting the vulnerable children. Second, they transmit information about adoption as an accessible option back to the states in which they are operating. States then regulate these initiated adoptions by choosing to coordinate or not coordinate legal systems and visa regimes.

But it is also possible that intercountry adoption is instead diffusing because powerful states and/or international institutions impose the policy on weaker states. If the

diffusion of intercountry adoption is taking place through coercion, it implies that powerful states are taking advantage of child welfare crises in less powerful states.⁹

It is especially important to investigate this possibility because intercountry adoption is by nature an unbalanced exchange; the states adopting children are all well-developed states, while most of the states allowing foreigners to adopt their children are developing states. The diffusion patterns might look the same, but coercion drives diffusion through altering the *payoffs* associated with allowing a policy instead of impacting the perceived effectiveness of the policy (Guillen, Zelner, and Henisz 2004:33; Simmons and Elkins 2004:172-173; Braun and Gilardi 2006:310; Gleditsch and Ward 2006:919-920).

Dobbins, Simmons, and Garrett (2007:456) claim that coercion can take the form of the conditionality of some good that a state desires. Take for example the spread of reforms across states seeking EU membership. The European Union requires that states meet certain development standards to gain EU membership. Thus, the European Union can impose policies on states seeking EU membership by indicating that these policies will be considered evidence of reform. A policy can then diffuse across states seeking EU membership because the payoffs for allowing the policy are so high that the perceived effectiveness of the policy matters much less.

How would diffusion through coercion look for intercountry adoption? The United States is the receiving state of most intercountry adoptions; scholars estimate that the US share of global adoptions is between fifty and eighty percent (Engel et al. 2007; Menozzi and Mirkin 2007; Selman 2009). One way to investigate the possibility of

⁹ Recent policy diffusion studies have identified at least four potential mechanisms that could cause policies to diffuse across borders: coercion, competition, learning, and social emulation (see Dobbins, Simmons, and Garrett 2007 for an overview of the literature on these mechanisms).

coercion is to examine how the aid that a state receives from the United States, especially aid that impacts the quality of life for children, changes the likelihood that the state will allow intercountry adoption. If coercion drives the diffusion of intercountry adoption, we can expect that a state's aid relationship with the United States will impact the likelihood that it would allow intercountry adoption.

If intercountry adoption is spreading because it is imposed on states we would expect to see states allowing intercountry adoption because of negotiations at the state level; for example the United States or some other receiving state of children making openness to intercountry adoption a condition of aid or some other benefit to the sending state. On the other hand, if intercountry adoption is spreading because states are learning about the benefits of the policy we would expect to see networks of advocates making the policy an accessible option to policymakers, and states responding by allowing children to flow out of the state and with legislation regulating the flow.

Theoretical Framework Part II: Domestic Characteristics as a Threshold

There are numerous studies showing how states' domestic characteristics influence their behavior. Even if a policy is diffusing and state choices are interdependent, the domestic characteristics of states should serve as a filter through which they learn from other states' experience (Lee and Strang 2006:888; Brooks 2007:702; Gilardi and Luyet 2009:551; Gilardi 2010:651). I argue that the domestic characteristics of states impact the way they learn from other states' experience. For some states, learning is relatively easy because their threshold for allowing intercountry adoption is relatively low. Some of these states might even allow intercountry adoption

regardless of what other states in the system are doing. Therefore, some states can be policy innovators and allow intercountry adoption before the policy has even started to spread through the system. But for other states, the lesson must be much stronger before the perceived effectiveness of intercountry adoption is high enough that the state will allow intercountry adoption (Gilardi and Luyet 2009:550-551). How do the domestic characteristics of states work together to shape state decisions regarding intercountry adoption?

Braun and Gilardi (2006:306) argue that while the perceived effectiveness of the policy is important for the likelihood that policymakers accept the policy, there are domestic factors that impact the costs of allowing the policy and the payoffs for allowing the policy. Domestic characteristics form a threshold that determines how many other states must allow a policy before the perceived effectiveness of the policy is strong enough to tip the state toward allowing the policy (Braun and Gilardi 2006:303). I examine the impact of economic, demographic, and religious characteristics.

For economic characteristics, I expect that poorer states are more likely to allow intercountry adoption because the revenue generated from the practice will have more of an impact on the state's economy. Brooks (2007) argues that poorer states are also more likely to learn from other states' experience because they have fewer resources for researching multiple policy options. I argue that the earning potential of adults in the state, operationalized as the gross national income per capita, is a more relevant operationalization of poverty than GDP per capita for intercountry adoption. This is the case because GNI per capita more accurately captures the calculation a state makes regarding the economic benefit of intercountry adoption. States can earn several

thousand dollars per child for every adoption transaction in the adoption fees alone, not including the revenue generated by the adoptive parents' required travel and donations to orphanages. This might not seem significant for a state like China whose GDP per capita was over \$8000 in 2009 (Heston et al 2011). But if you consider that the earning potential of the average adult in China in that same year was just a little bit over 500 dollars, then \$3000 per child seems much more significant (WSP 2011; Selman 2009:590). Especially when China would have to invest considerable resources to institutionalize the child until it is at an age where it could contribute to the national economy. A state's economic characteristics, specifically the average earning potential of an adult, should influence the payoffs of allowing intercountry adoption.

For demographic characteristics, I focus on how fertility rates impact the likelihood that a state allows foreigners to adopt children. Almost every demand-side analysis of intercountry adoption begins with the assumption that low fertility rates in Western states are driving the growth in international adoption.¹⁰ In fact, all the top ten receiving states of children for intercountry adoption have total fertility rates below 2.0 (Selman 2002:219). States with high fertility rates might be more likely to allow intercountry adoption because the sheer number of children in the state could increase the likelihood that families are unable to care for the children in their family as well as the children of relatives that might need care. This is compounded by the fact that for states with high fertility rates, a disaster in one family unit will render more children vulnerable per family than in states with low fertility rates. It also stands to reason that states with

¹⁰ Selman (2009) mentions that fertility rates likely impact whether or not a state allows foreigners to adopt children, but does not provide empirical analysis confirming the impact.

low fertility rates, especially those under replacement fertility rate,¹¹ would be less likely to allow intercountry adoption because it would be politically unpopular to release children to foreign families when the domestic population is declining. Selman (2002:219) notes however that several of the states that allow intercountry adoption have fertility rates lower than those of the major receiving states of children. For example, in 1998 the total fertility rates of at least eight of the major sending states of children were below replacement fertility rate of 2.1.¹² A state's demographic characteristics should influence the payoffs for allowing intercountry adoption, but it is unclear whether these demographic factors will matter more or less as the policy spreads through the system. In fact, it is possible that demographic factors only matter for policy innovators.

Finally, for religious characteristics, it is well-documented that states with large Muslim populations, especially states with Muslim influences on their government structure, are less likely to allow intercountry adoption (Bartholet 2005; Roby and Shaw 2006; Breuning 2012). This is most likely due to the legal structure of such states; Sharia law does not allow for adoption as Western states conceive of the practice (US Department of State 2010; Breuning 2012:7). But that restriction does not preclude the possibility that foreign citizens could become the guardians of a child for the purposes of migration (Bargach 2002; UN 2011; USDOS 2010). In fact, Breuning (2012) finds that the percentage of the population that is Muslim has no statistically significant impact on the likelihood that a state will be more open in their intercountry adoption laws. A state's religious characteristics should also influence the payoffs for allowing intercountry adoption, especially for religions that are fundamentally opposed to the practice of

¹¹ Total fertility rates under 2.1 are considered to be below replacement fertility rate (Craig 1994).

¹² Sending states with total fertility rates under 2.1 included Bulgaria, Romania, Russia, South Korea, Poland, Ukraine, Thailand, and China in 1998.

adoption in general. In that case, a policy that allows for foreigners of potentially different religious beliefs to adopt children should be especially politically unpopular.

Competing Explanation: Intercountry Adoption as a Domestic Political Process

Even if we identify diffusion patterns in the spread of intercountry adoption, and isolate learning from other potential mechanisms, there is still the possibility that these patterns are not due to states learning from other states' experience, but rather due to similar types of states having similar policy preferences. In that case, we are not observing that intercountry adoption is diffusing, but rather that the choice to allow intercountry adoption is a domestic political process. That is, states make similar but independent decisions about intercountry adoption based on their domestic characteristics (Simmons and Elkins 2004:172; Braun and Gilardi 2006:299; Franzese and Hays 2008; Volden, Ting, and Carpenter 2008). For example, the decision to allow intercountry adoption could be disaster-driven. States that face similar crises, like drought or famine, could simply decide to allow intercountry adoption at the same time because the states have the same underlying cause of their child welfare problem (Simmons and Elkins 2004; Franzese and Hays 2008). On the other hand, it is possible that intercountry adoption is a policy preference for states with certain political characteristics (Simmons and Elkins 2004), like states that have recently gone through a democratic transition. In both these cases, state choices might appear to be interdependent when in fact they are not. If the choice to allow intercountry adoption is a domestic political process, states' domestic political characteristics should at least impact the likelihood that the states allow intercountry adoption.

I examine the impact of four different operationalizations of domestic political characteristics. Two of the characteristics should impact the costs of allowing intercountry adoption; the other two should impact the payoffs of allowing the policy. I expect first that it should be less costly to push through policy change in states in which the party of the executive has control over lawmaking bodies as well (Tsebelis 1995; Tsebelis 2002; Braun and Gilardi 2006: 302). I also expect that states with higher institutional quality are less likely to view the costs of allowing intercountry adoption as prohibitive. These costs can include things like adjusting the family law system, and creating institutions responsible for processing adoptions. For states with higher institutional quality, these responsibilities can be absorbed by existing institutions.

Additionally, there is evidence that states with more women in the legislature are more restrictive in intercountry adoption policy (Breuning 2012:15). This is possibly because women are more sensitive to the consequences of women relinquishing custody of children, especially to foreign citizens. It is also possible that states with larger percentages of women in politics are more likely to have adequate welfare systems, and more likely to have provisions that help single parents care for children. If that is the case, the political payoffs of allowing foreigners to adopt children would be significantly lower for female politicians. I also expect that states with newly transitioned political systems will be more likely to allow intercountry adoption, because the political payoffs of instituting new solutions to long-standing challenges should be higher with a newly transitioned system. Citizens and foreigners are expecting sweeping reforms and innovative solutions of newly transitioned governments, impacting the payoffs of allowing a new policy.

Theoretical Framework Part III: Demand-Side Learning v. Supply-Side Learning

My theory of the diffusion of intercountry adoption claims that states' decisions to allow intercountry adoption are interdependent—the choice by any one state is influenced by the choices other states have made before them. The domestic characteristics of states are important to the extent that they determine the threshold that must be met before a state will learn from other states' experience and from networks of adoption advocates that intercountry adoption is an effective and accessible policy option. But does learning work the same way for states considering partners for intercountry adoption—the demand side of intercountry adoption?

If states' choices regarding intercountry adoption partners are interdependent, we can reasonably expect to see evidence that the choices of one state influence the choices of other states. States can learn about partners for intercountry adoption in the same way that states learn about the policy of intercountry adoption. Policymakers can observe other states' intercountry adoption partnerships (observational learning), and/or they can learn more about partners from state and non-state actors who are advocating the formation of a partnership (interactive learning). If learning is driving the pattern of partner choice in intercountry adoption, then as a state secures a more central position in the network of states that exchange children through intercountry adoption, the state's popularity as an intercountry adoption partner should increase (Cao 2010). This is a positional approach to understanding what I will call the “child-flow network,” emphasizing how a state's position in the network characterizes its relationship with the other states in the network (Cao 2010:827).

But unlike the supply side of intercountry adoption, the domestic characteristics of states are less relevant for the learning process in the demand side of intercountry adoption. Think back to the types of domestic characteristics that should matter for states allowing intercountry adoption. These economic, religious, and demographic characteristics should matter for the decision to enter the community of states that allow intercountry adoption for the reasons highlighted in early sections. But once a state enters that community, the relationships formed are constrained by the community in which the states are imbedded. Two states might be very different from each other in every way, but the fact that they are connected to other states in the network in a similar way makes them structurally equivalent in the child-flow network (see Cao 2010:827 for more on structural equivalence in international networks of states). This equivalence, or similarity in states' positions in the network, conveys information about the suitability of that state as an intercountry adoption partner. States are still learning about partners from the experience of other states and from networks of advocates facilitating adoptions, but they are learning about partners through states' positions in the network.

Competing Explanation1: Partner Selection Influenced by International Law

Analysts have shown that multilateral cooperative frameworks can influence state behavior through various mechanisms such as norm adoption, reciprocity, reputational concerns, information provision, and signaling (Keohane and Martin 1995; Simmons 1998; Simmons 2000; Bearce and Bondanella 2007; Hathaway 2007; Kelley 2007; Mitchell and Hensel 2007; Guzman 2008; Tomz 2008; Simmons 2009). Commitment to and compliance with international agreements facilitates and standardizes patterns of

behavior between states that can in turn influence the characteristics and interests of states and the behavior of other states. For issues that necessitate the coordination of legal systems across borders, multilateral cooperative frameworks provide information on how to adjust domestic systems to enable cross-border transactions, operationalize norms of what is expected in such transactions, and standardize cooperation within those frameworks. As states permanently adjust legal systems in order to comply with the requirements, that investment in the cooperative framework should decrease the likelihood that the state would cooperate with states outside that framework.

If international law is driving states' selection of intercountry adoption partners, states should rationally *select* to interact with other states that share their commitment to the HCICA because commitment provides a reasonable expectation that the adoption will be valid across borders and that citizens will be legally protected. The treaty provides a standardized legal framework, and access to reliable information on their partners' past behavior and activity patterns, which analysts have shown to be one of the primary benefits of multilateral cooperative frameworks (Keohane and Martin 1995; Simmons 1998 and 2000; Bearce and Bondanella 2007; Kelley 2007; Mitchell and Hensel 2007; Guzman 2008; Tomz 2008). Restricting intercountry adoption partners to committed states also signals the importance of the treaty as a qualification for intercountry adoption partners. If states invest in the treaty such that they adjust their domestic system to comply with the requirements of the treaty, then freely partner with uncommitted states, these actions undermine the value of the commitment as a signal to other states (Fearon 1997; Farber 2002; Fortna 2003; Goldsmith and Posner 2003; Moore 2003). Ultimately, states should *select* their intercountry adoption partners based on those states'

commitment to the HCICA (Moody 2001; Steglich, Snijders, and Pearson 2010). It is possible, and even expected based on the literature I have highlighted, that states' commitment to the HCICA is more important than other states' experience with that state.

Analysts have also shown that states' interactions with each other influence their commitment decisions. For instance, states often choose certain multilateral cooperative frameworks to further their existing interests (Mearsheimer 1994; Von Stein 2005; Allee and Huth 2006; Thompson 2006; Hathaway 2007; Vreeland 2008; Powell and Staton 2009; Von Stein 2008), or to lock in current policymakers' choices for future administrations (Moravcsik 2000). Constructivist scholars have shown that dense interactions (Risse, Roppe and Sikkink 1989; Checkel 1999 and 2005; Gheciu 2005; Johnston 2005; Kelley 2007), the persuasion of norm entrepreneurs (Goodman and Jinks 2004; True-Frost 2005; Goodman and Jinks 2008), and cognitive or social pressures to conform (Goodman and Jinks 2004; Patterson 2006) can socialize states to adopt normative values and change their behavior. For intercountry adoption, uncommitted states should feel pressure to commit to the HCICA as they interact with committed states, because even uncommitted states are required to uphold some of the provisions of the treaty when interacting with committed states that are bound to the treaty's requirements. Over time, compliance with such procedures should reduce uncommitted states' costs for implementing the HCICA. A state's partners in intercountry adoption should *influence* its decision to commit to the HCICA.

If the treaty provides the most streamlined process and the best protection for citizens, cooperation outside the treaty should be an exception, not the norm. Thus,

uncommitted states should move toward commitment in order to ensure that committed states will continue to select them as partners. Beyond the material benefits of committing to the treaty (i.e, being more attractive as a cooperation partner), there are also normative reasons why uncommitted states should be *influenced* to commit to the treaty as they interact with committed states. First, research has shown that actors tend to assimilate to the behavior of the other actors with whom they interact (Oetting and Beauvais 1987; Oetting and Donnermeyer 1998; Steglich, Snijders and Pearson 2010), even if those actors choose each other for instrumental reasons (Feld 1982; Steglich, Snijders and Pearson 2010). Thus, as committed states interact with uncommitted states, there are components of that interaction that should influence the uncommitted states to move toward commitment, such as committed states requiring the uncommitted states to uphold certain requirements of the treaty which in turn makes it easier to commit to and comply with the HCICA. Second, as constructivists highlight, dense interactions between states can lead to behavioral change through norm adoption (Goodman and Jinks 2004 ; True-Frost 2005; Goodman and Jinks 2008) and cognitive or social pressures to conform (Goodman and Jinks 2004; Patterson 2006).

In sum, there is a substantial amount of literature that points to the likelihood that the HCICA, the multilateral treaty governing intercountry adoption, should be driving states' selection of intercountry adoption partners. The treaty should have a selection effect such that the states initiating intercountry adoption partnerships, states that are all committed to the HCICA at this point, should select intercountry adoption partners based on whether or not those states are also committed to the HCICA. The treaty should also have an influence effect, such that when committed states partner with uncommitted

states, those uncommitted states should move toward commitment over time as a result of the interaction with committed partners.

Competing Explanation 2: Partner Choice as Coercion

Finally, it is possible that states' partner choices for intercountry adoption are interdependent, but that the interdependence is coercion-driven instead of learning-driven. The differences between learning and coercion have already been outlined, but what would coercion-driven partner selection look like? States could either be coerced to choose certain partners, which would make partner choices the *product* of coercion. They could also be using partner choice initiation to compel states to behave in a certain way, which would make partner choice a *tool* of coercion. If partner choice is a product of coercion, the states initiating partnerships are likely compelled by an outside source to restrict partners to certain types of states. The most likely coercive source would be the HCICA, which would compel states to restrict partners to HCICA-committed states. If partner choice is a tool of coercion, the powerful, economically-developed receiving states of children could restrict partners to HCICA-committed states as a condition of a relationship, because exchanging children through the HCICA framework provides the most protection for the children and adoptive parents involved. This could also be accomplished by partnering with uncommitted states and then using that existing relationship as leverage for compelling sending states to commit to the HCICA.

If states' partner choices for intercountry adoption are interdependent because of coercion, we can expect to see a few patterns. First, states should restrict their partner choices to other states that match their own commitment to the HCICA. Because all the

receiving states of children, the states initiating partner choice, are committed to the HCICA, they should only initiate partnerships with other committed states. We should see this pattern regardless of whether partner selection is a product of coercion or a tool of coercion. Second, if the receiving states of children DO partner with uncommitted sending states, which we know they frequently do, we should see those uncommitted receiving states moving toward commitment over time. We should see this pattern because if states are using partner choice as a coercive tool, state behavior should converge over time on commitment to the HCICA.

Conclusion

I have argued in this chapter that intercountry adoption has spread through a diffusion process: state's choices in intercountry adoption are interdependent. This interdependence drives state behavior on both the supply and demand sides of intercountry adoption. For the supply side, states' decision to allow intercountry adoption is dependent on what other states have decided before them. On the demand side, states' selection of intercountry adoption partners is dependent on other states' selection of intercountry adoption partners. I have argued that this interdependence has more of an influence on state behavior than domestic political characteristics on the supply side or international law on the demand side. Though the domestic characteristics of states provide a threshold for states' learning, interdependence is driving state behavior.

Moreover, I have proposed that the mechanism driving this interdependence in state behavior is learning. On the supply side, the information provided by other states'

experience with intercountry adoption alters policymakers' perception of how effective intercountry adoption is as a policy option. Information provided by networks of policy advocates alters policymakers' perception of how accessible intercountry adoption is as a policy option. On the demand side, the information from these two sources influences how states perceive of the effectiveness and accessibility of other states as intercountry adoption partners. I have argued that learning is more likely driving the interdependence than coercion.

From this theoretical framework I generate a series of propositions about interdependence in states' behavior as well as the competing explanations of state behavior in intercountry adoption. These propositions, presented in Table 2.1, will be evaluated empirically to test my theory of the diffusion of intercountry adoption alongside competing explanations. Chapter Four will provide empirical evaluations of the hypotheses concerning state behavior for the supply side of intercountry adoption—the decision of whether or not to allow foreigners to adopt children. Chapter Five will provide an empirical evaluation of the hypotheses concerning the demand side of intercountry adoption—partner choice for intercountry adoption. Chapter Three presents the data that will be used for these evaluations.

Table 2.1: Propositions

Explanation	Hypothesis
Supply-Side: Allowing Intercountry Adoption	
Learning-Driven Diffusion	As the proportion of states in the system that allow intercountry adoption increases, so does the likelihood that any one state will also allow intercountry adoption.
Coercion-Driven Diffusion	As the amount of aid a state receives from the United States increases, so does the likelihood that the state will allow intercountry adoption.
Domestic Political Process	States with similar domestic political characteristics will make similar choices regarding whether or not to allow intercountry adoption.
Supply-Side: The Role of Domestic Characteristics	
Economic Characteristics	The lower a state's GNI per capita the more likely it will allow intercountry adoption.
Demographic Characteristics	The higher a state's fertility rate the more likely it will allow intercountry adoption.
Religious Characteristics	States with a predominately Muslim population will be less likely to allow intercountry adoption.
Demand-Side: Partner Choice for Intercountry Adoption	
Interdependent Partner Choice	States will choose network partners based on those states' position in the network, regardless of that state's commitment to the HCICA
Selection Effect	States that have committed to the HCICA will send and receive children primarily to and from other states that have also committed to the HCICA.
Influence Effect	States that have not committed to the HCICA will move toward commitment over time as they interact with other states that have committed to the HCICA.

CHAPTER III

THE SUBSTANCE OF INTERCOUNTRY ADOPTION

The goal of this chapter is to present data to answer the two research questions: 1) Are states' decisions to allow intercountry adoption interdependent? 2) Are states' partner choices for intercountry adoption interdependent? Answering these questions, and examining intercountry adoption as a diffusion process, requires data that captures connections in state choices across time and space so that the myopic spread of policies is not mistaken for diffusion (Volden, Ting, and Carpenter 2008). No such data exist from previous investigations of intercountry adoption. Thus, one of the primary contributions of my research is substantive: I have generated two datasets that will facilitate future research on state behavior in intercountry adoption. I present the datasets in this chapter, and then answer the research questions in the next two chapters. After a brief explanation of the role of states in the practice of intercountry adoption, I proceed in this chapter by presenting in turn the two datasets I generate to evaluate the propositions presented in the last chapter.

It is important to understand the intercountry adoption process to fully grasp the important role that states play as gatekeepers of children. Families that want to adopt a child from another state initiate the intercountry adoption process. The family decides the state from which they want to adopt the child based on several factors including the race of the child, ease of process for adopting in the state, availability of adoption agencies in the state, and legal protections for the adoption in the state. Once the adoption has been initiated, states are the pivotal players in every step of the process on

both the sending and receiving sides. First, sending states decide whether to allow or prohibit foreign adoption of children. Receiving states decide whether to allow or prohibit their citizens from adopting foreign-born children. Second, sending states decide how restrictive the process of foreign adoptions will be by allowing or restricting foreign adoption agencies, imposing or lifting residency requirements for adoptive parents (Breuning and Ishiyama 2009), requiring few or many visits to the sending state before the adoption can be processed, and lifting or imposing restrictions for adoptive parents based on their income, health, background, and age. Receiving states also impact the level of difficulty in the process by lifting or imposing restrictions on the requirements necessary to become adoptive parents.

Third, both sending and receiving states can restrict intercountry adoption partners to certain states. For example, Russia shows preference in adoptions to receiving states with which it has signed bilateral adoption treaties; China restricts adoptions to receiving states that are Hague committed and adoption agencies within those states that are Hague certified. Receiving states decide from which states to allow its citizens to adopt children based on two factors: 1) whether or not the adoption will legally transfer across borders and 2) the level of corruption in the sending state's intercountry adoption program. For example, the United States has restricted adoptions from both Guatemala and Nepal based on the level of corruption in those programs. Fourth, both sending and receiving states decide whether to commit to the HCICA and to comply with its requirements or to process adoptions outside the Hague framework. Fifth, both sending and receiving states can impede any adoption from processing

without any formal *legal* consequences, although such a move can present serious political consequences.

Dataset 1: State Choice in Allowing Intercountry Adoption

Intercountry adoption is the adoption of a child across state borders; that is, the citizens of one state adopt a child that is a citizen of another state. The adoption must be legally processed in the child's origin state in a way that allows the child to be legally processed into another state as a citizen of the new state and a member of a new family. Though this seems straightforward, intercountry adoption is a complex process, as any parent who has adopted internationally has experienced firsthand. Even the question of whether or not a state "allows" intercountry adoption is quite complicated and difficult to measure. For example, some states might allow a foreigner to adopt one of their children within the state if that foreigner is a permanent resident of the state. That child might even be allowed to migrate eventually if the family chooses to return to its country of origin. But allowing a limited number of children to leave the country under special circumstances does not necessarily indicate that the state allows intercountry adoption. Rather, it could merely indicate that the state's laws allow children to leave through legal loopholes that are rarely challenged and are not yet closed. The first dataset I generate provides a dependent variable that identifies which states allow intercountry adoption and when those states started to allow the practice. Identifying when that state moved from being a "no" to being a "yes" is also problematic. But this time element is crucial if we are to understand how the choices of one state impact the choices of another state. I

classify state choices in intercountry adoption along two complimentary dimensions of intercountry adoption: the legality of adoption and the logistics of adoption.

Does the State “Allow” Intercountry Adoption?

Legally, even if a state allows foreigners to adopt children within state borders, that adoption is not an intercountry adoption unless the new legal status can travel to the receiving state of the child. Even the US Department of State website on Intercountry Adoption stresses this fact by reminding parents that even if a child is adopted in their origin state, the adoption does not automatically qualify the child to receive a US visa for immigration. The child must meet qualifications both within the origin state and within the destination state in order for the citizenship to transfer across borders. Incongruence in adoption laws and visa regimes can complicate the adoption process to the point that a child can be legally adopted by a foreign family but unable to enter those adoptive parents’ state as a citizen. For example, one mother that has been trying for three years to adopt a Tanzanian child finally was able to process the adoption legally within Tanzania in October 2012, but is still waiting to be granted a visa for the child to enter the United States.¹³

There are three categories of states that legally allow intercountry adoption (shown in Table 3.1). First, there are the states that have legislation providing for intercountry adoption. For example, China’s adoption law of 1991 specifically states that foreigners can adopt Chinese children under certain circumstances (Gates 1999). States with intercountry adoption laws usually have robust intercountry adoption programs, and often have implemented the provisions of the Hague Convention on Intercountry

¹³ Amy and Pray’s story can be read on her blog, “Kusali to Pray,” at <http://kusalipray.blogspot.com/>

Adoption (HCICA), the multilateral treaty governing the process. For these states, intercountry adoption laws are specifically formulated so that an adoption in the origin state of the child is also legal in the receiving state of the child, and children usually receive citizenship upon entering the destination state. These states legally facilitate intercountry adoption and are usually committed long-term to the practice.

Table 3.1: The Legality of Intercountry Adoption

Category of Legality	Legally Facilitate	Do Not Facilitate but Do Not Prohibit	Legally Complex but Still Possible
Provisions	Have laws providing for intercountry adoption; adoption is finalized in origin state of child and legal status travels to receiving state.	Do not have laws prohibiting intercountry adoption; adoption is often finalized in receiving state of child.	Child's legal status is only changed in the receiving state of the child, adoptive parents are only guardians in sending state.

Second, there are states that do not legally facilitate intercountry adoption by transforming their legal system to provide for such adoptions, but they have no laws prohibiting the practice. Foreigners can adopt children within the state, and there is no prohibition against the adopted child immigrating to another state. These adoptions are often processed differently than the first category; the child often must be readopted in their destination state. Some of these states have intercountry adoption programs, but they are unwilling or unable to absorb the cost associated with transforming their laws. Belize and Bangladesh are states that fall in this category.

Third, there are states that allow a foreigner to become the legal guardian of a child within its state then allow that child to migrate to another state. The legal identity

of the child does not change within its state of origin, but in the destination state, the child is adopted and given a new legal identity. These adoptions, while possible, are often legally complex. For example, several Muslim states have guardianship provisions because there is no category for adoption in Sharia law.¹⁴ A foreign citizen can gain guardianship of the child in their originating state under Sharia law, but the child does not change their legal identity as a part of the new family in the child's originating state. Once the child migrates to the destination state, the family adopts the child into its family in the destination state and the legal status of the child is changed in the destination state.

The second dimension of intercountry adoption is the logistics of adopting a child from that state (as shown in Table 3.2). Even states that legally allow foreigners to adopt children can have such stringent requirements that it becomes logistically impossible to process an adoption. There are three categories of logistical impediments to consider. First, states have different requirements regarding the role of foreign adoption agencies. Most states with robust intercountry adoption programs allow foreign adoption agencies to operate within country, and these agencies are experienced at navigating the legal requirements for adoption within that state. This facilitates strong networks between foreign families and sending states, because it reduces uncertainty in the intercountry adoption process. Other states require foreign adoption agencies to operate through a domestic mediator, such as a lawyer, and do not give foreign adoption agencies permission to operate as a separate entity within country. In these states, foreign adoption agencies usually develop strong relationships with a mediator in-country, and

¹⁴ Different receiving states of children have different relationships with sending states of children. Thus, congruence in visa regimes varies depending on the sending and receiving state of the child. For US visa law on adopted children see: US Secretary of State. "Determining Orphan Classification." *Travel.state.gov*. US Department of State, 16 June 2001. Web. 06 Aug. 2012.
http://travel.state.gov/visa/laws/telegrams/telegrams_1408.html

this mediator handles all the details of the adoption in-country, while the adoption agency handles all the details of the adoption within the receiving state. Finally, there are states that do not allow adoption agencies to operate in any capacity. In these states intercountry adoptions are only handled by domestic attorneys. Foreign adoptive families can only process adoptions at considerable time and cost. The adoptive families must often travel to orphanages themselves, identify an adoptable child themselves, and find a domestic lawyer themselves to facilitate the adoption. Logistically this makes adoption unfeasible, unless the family is in the position to spend several years navigating the process, with a considerable amount of that time spent in the origin state of the child.

Table 3.2: The Logistics of Intercountry Adoption

Category of Logistics	Adoption Agencies	Identity-Based	Non-Identity-Based
Provisions	Legal role of adoption agencies: either allowed to operate in-country, through a mediator in-country, or legally prohibited.	Religious-matching, ethnicity-matching, nationality-matching. Presence or absence of children in family.	Residency requirements, domestic conditions, varying levels of institutionalization.

Second, states have varying levels of requirements concerning the identity of the adoptive parents. Some states, especially states in the Middle East and Africa, require that the religions of the adoptive parents and the child match.¹⁵ Other states require that adoptive parents who are citizens of a foreign state must share the ethnicity or nationality

¹⁵ Because infants and small children are often too young to claim a religious affiliation, the religion of the child is determined either by the religion of the child's birth parents or by the religious affiliation of the orphanage housing the child.

of the child being adopted. Foreigners that are permanent residents of the state from which they are adopting are often eligible for an intercountry adoption in states that otherwise restrict adoption. Some states require that the adoptive family has no existing children in order to be eligible to adopt a child. States can also have laws restricting adoptions to opposite-sex married couples only, prohibiting adoption by single parents, unmarried couples, or same-sex partners.

Third, many states also have logistical requirements that are not based on the identity of the individual(s) seeking to adopt. Residency requirements vary across states; some states require that the potential adoptive parents travel to meet the child, while other states require that the potential adoptive parents live with the child for a period of time (sometimes up to a year) before the adoption process can start. Some states have residency requirements of up to two years for adoptive parents. Beyond residency requirements, states can allow intercountry adoption but have few children that are available for adoption. Other states specify that children can only be adopted if there are no domestic solutions for the child. Other logistical complications are connected with the institutionalization of the process in the state; some states have regulations that vary across districts within the state. In Nigeria, for example, some regions allow US citizens to adopt Nigerian children, and others prohibit US citizens from adopting. The process can also lack institutionalization to the point that it is close to impossible to navigate an adoption as a foreigner. Several African states have this complication.

In sum, for a state to be classified as allowing intercountry adoption, it must be legally possible and logistically feasible for children to be adopted in both the sending and receiving states of the child (as shown in Table 3.3). For legality, the state must

either have laws that provide for intercountry adoption, or at least have a structure that allows children to be processed out with a legal guardian for the purposes of migrating to another state. For logistics, the state must be free of restrictions or have minimal restrictions in at least one of the logistics categories (agencies, identity-based, non-identity based). And finally, adoptions must have happened in the past five years.

Table 3.3: Does a State Allow Intercountry Adoption?

Dimensions of Intercountry Adoption	Only one category of logistics restrictions	Only two categories of restrictions	All three categories of restrictions
Legally Possible (one of the three categories)	Allow intercountry adoption	Allow intercountry adoption	Do not allow intercountry adoption
Not Legally Possible (none of the three categories)	Do not allow intercountry adoption	Do not allow intercountry adoption	Do not allow intercountry adoption

There are three exceptions to these rules. First, some states do NOT fit the above qualifications, but are still classified as allowing intercountry adoption because there is a substantial flow of children out of that country. Sometimes this is because of a special relationship between a sending and receiving country. Other times it is because the identity requirements are stringent enough that they do not fit the logistically possible criteria, but the requirement is still overcome frequently. For example, one identity based requirement can be that adoptive parents cannot have biological children.¹⁶ Though a stringent requirement, this is actually quite common among parents who are adopting internationally. Second, there are some states that DO fit the above qualifications, but are still classified as not allowing intercountry adoption because even though there is an

¹⁶ Cambodia, Panama, Benin, Senegal, and Portugal all have a requirement that parents either be unable to biologically have children, or that they do not have any biological children at the time of adoption.

outflow of children on a limited level, it is due to some specific circumstance and does not indicate a favorable government policy to intercountry adoption. For example, Gambia has extremely restrictive laws for foreigners hoping to adopt, such that it is virtually impossible for a foreigner to adopt a Gambian child. Yet, immigration data shows quite a few children flowing between Gambia and Italy. This is likely due to a special arrangement between those two countries, not because Gambia is technically allowing intercountry adoption. Third, in some states, it is technically possible to adopt children (based on both legality and logistics dimensions), but the process is inhibited by unusual restrictions that make it unlikely or exceptionally difficult. These states either 1) do not consciously allow intercountry adoption but have not yet adjusted their laws to close loopholes that make it technically impossible, or 2) allow intercountry adoption but the severe restrictions show discomfort with the policy and the likelihood that it will be further limited in the future.

When Did the State Move from a “No” to a “Yes?”

Even when considering these two dimensions of intercountry adoption, it is difficult to determine a date at which states moved from being a “no” to a “yes.” For some states, I use the date at which children started flowing out of the country. I got this information from 1) receiving states’ immigration data, or 2) news reports of Americans or Canadians adopting those children. This accurately captures when states start to allow intercountry adoption because if children are leaving the state they are permitted to leave by their government and allowed to leave in a way that they can be processed into a new state as a citizen. For other states, I use the date at which they passed the legislation that

made the practice legally possible. This is the second best option for the states for which I could not find information on the flow of children. This also accurately captures “allowing” intercountry adoption. Even if children were not flowing out at that time, the government consented to the practice legally.¹⁷

There is really no way uniformly to determine a start date for states’ intercountry adoption programs because most states have followed a unique path to allowing intercountry adoption. Programs can start because natural disasters render a large population of children without parental care while simultaneously creating international interest in caring for those children. The recent earthquake in Haiti is a good example of the type of natural disasters that can lead to interest in international adoption. Or, as I have already discussed in previous chapters, interest in adopting from a particular state can arise from grassroots care organizations and informal networks between orphanages and faith communities in the states that adopt children. Rarely does a government pass legislation to start the practice before children start flowing out through intercountry adoption.

Yet, if we are to examine *state choice* in intercountry adoption, it is important to identify when the state actually made a choice to allow the practice. My approach is the most effective way to pinpoint that date. It identifies two possibilities of state choice in allowing intercountry adoption—two responses of states to the request for their children. States can either respond by letting children leave the country for purposes of immigration without changing their legislation, which my first method identifies. States could also respond to this request by crafting and adopting legislation that provides for

¹⁷ The bibliography contains a separate section organized by country in order to show where information determining the date for each country was obtained.

the practice, which my second method identifies. Table 3.4 provides the dates at which each state identified as allowing intercountry adoption in my dataset moved from being a “no” to a “yes” state based on the outlined criteria.

Table 3.4: Dates When States Allowed Intercountry Adoption

Country	Date	Country	Date	Country	Date	Country	Date	Country	Date
Mexico	1943	Haiti	1974	Ecuador	1986	Russia	1993	Armenia	2001
Germany	1945	Brazil	1975	Ethiopia	1986	Belarus	1994	Benin	2001
Japan	1946	Colombia	1975	Sierra Leone	1986	Moldova	1994	Burkina Faso	2002
Sri Lanka	1948	El Salvador	1975	Somalia	1986	Romania	1995	Slovak Republic	2003
Philippines	1953	Vietnam	1976	Uganda	1986	Estonia	1996	Cameroon	2004
Bahamas	1954	Thailand	1979	Dominican Republic	1987	Kyrgyzstan	1996	Congo	2004
Barbados	1955	Poland	1980	Rwanda	1988	Georgia	1997	Morocco	2005
South Korea	1955	Bolivia	1981	Bulgaria	1989	Guyana	1997	Tajikistan	2005
New Zealand	1955	Chile	1981	Cambodia	1989	Kazakhstan	1997	Togo	2005
Jamaica	1959	Costa Rica	1981	Hungary	1989	Kenya	1997	United States	2005
Lebanon	1962	Guatemala	1981	Panama	1989	Liberia	1997	Montenegro	2006
Madagascar	1963	Honduras	1981	Paraguay	1989	Nigeria	1997	Senegal	2006
Zambia	1964	Nicaragua	1981	Uzbekistan	1991	Albania	1998	Serbia	2006
Lesotho	1966	Peru	1981	Bosnia	1992	Croatia	1998	Burundi	2009
Swaziland	1968	Cote D'Ivoire	1983	China	1992	Czech Republic	1998	Malawi	2010
Sudan	1971	South Africa	1983	Lithuania	1992	Ghana	1998		
Singapore	1972	India	1984	Nepal	1992	Macedonia	1999		
Suriname	1972	Brunei Darassalam	1985	Ukraine	1992	Mongolia	1999		
Mali	1973	Bangladesh	1986	Latvia	1993	Azerbaijan	2001		

Dataset 2: Partner Choice for Intercountry Adoption

The second dataset I generate provides two variables. The first identifies how states added and dropped intercountry adoption partners from 2005 to 2009. This dataset, which consists of five complete network panels, identifies both state choices and how those choices have progressed over time. This time element is crucial to identify how states’ partner choices are interdependent. The second variable identifies how states’ commitment status to the Hague Convention on Intercountry Adoption (HCICA) has developed over the same time period. This variable is important to evaluate the

competing hypotheses that states' partner choices are shaped and constrained by international law.

Partner Choice for Intercountry Adoption

My network panels consist of pairs of states sending and receiving at least ten children in any of the five years I study.¹⁸ When a state decides to allow intercountry adoption, either as a sending or receiving state, that state is choosing to enter the network. States enter into the network with relevant traits for intercountry adoption, like a large number of children who need homes, or a large number of citizens with a demand for adoptable children. States develop intercountry adoption relationships with other states based on those observable traits. The panels represent snapshots of the network in each time period. Each panel is an observation moment; between panels states add and drop ties to other states. Between my five panels, there were 167 network-tie changes.

There are multiple reasons why I chose to study intercountry adoption from 2005-2009. First, the numbers from this time period are verifiable from at least three sources. Data collected from years before 2005 have too many missing values. For example, if there are no data available for Canada as a receiving state for 2003, those missing values make it look like Canada dropped all ties with sending states for that year. This skews the results of the model to make it look like Canada decided to drop those ties, when in fact there was just missing data. Second, the data from these years are the most relevant for discussing the future of the practice. Third, in these five years the final receiving states of children implemented the HCICA, except for Ireland who implemented the

¹⁸ Ten children per year is a reasonable measure of whether or not a state is actually participating in intercountry adoption, versus merely appearing that way because foreign citizens are adopting their relatives' children.

treaty in 2010. Fourth, the commitments in this time period to the HCICA were more costly than those from previous years, because eighty percent were sending states that had to incur considerable costs building the institutions necessary to implement the requirements of the treaty. In the previous five years, only 50 percent of the commitments to the HCICA were the sending states of children.

In Figures 3.1 - 3.5, I present the child-flow network with all ties among all participating states from 2005 to 2009. Circles represent states that send children and squares represent states that adopt children. States that are committed to the HCICA have gray nodes, while uncommitted states in the year represented have black nodes. The child-flow network is a directed network; states that adopt children request the orphan from the states that send children. I model the receiving state as the state that controls the outgoing tie because although sending states *respond* to the request of the receiving state, the orphan cannot be sent if there is no state to receive them.¹⁹ I represent the tie as a line with an arrow pointing from the receiving state of the orphan to the sending state of the orphan (the direction of the *request* for the orphan). I only represent active ties between states in each year; states not sending or receiving any ties drop out of the network for that year. Though the volume of children flowing between countries varies, the model itself only measures the presence of a tie, not the size of the tie. Thus, my analysis is focused on how the presence of ties between states influences their behavior, instead of differentiating between stronger and weaker ties.

¹⁹ Because the network has no reciprocity (states are generally locked into their position as sending or receiving state), I model the ties as directed from one state to another. It is always the receiving state (of the child) that initiates an intercountry adoption, thus I model the tie as directed from receiving to sending state.

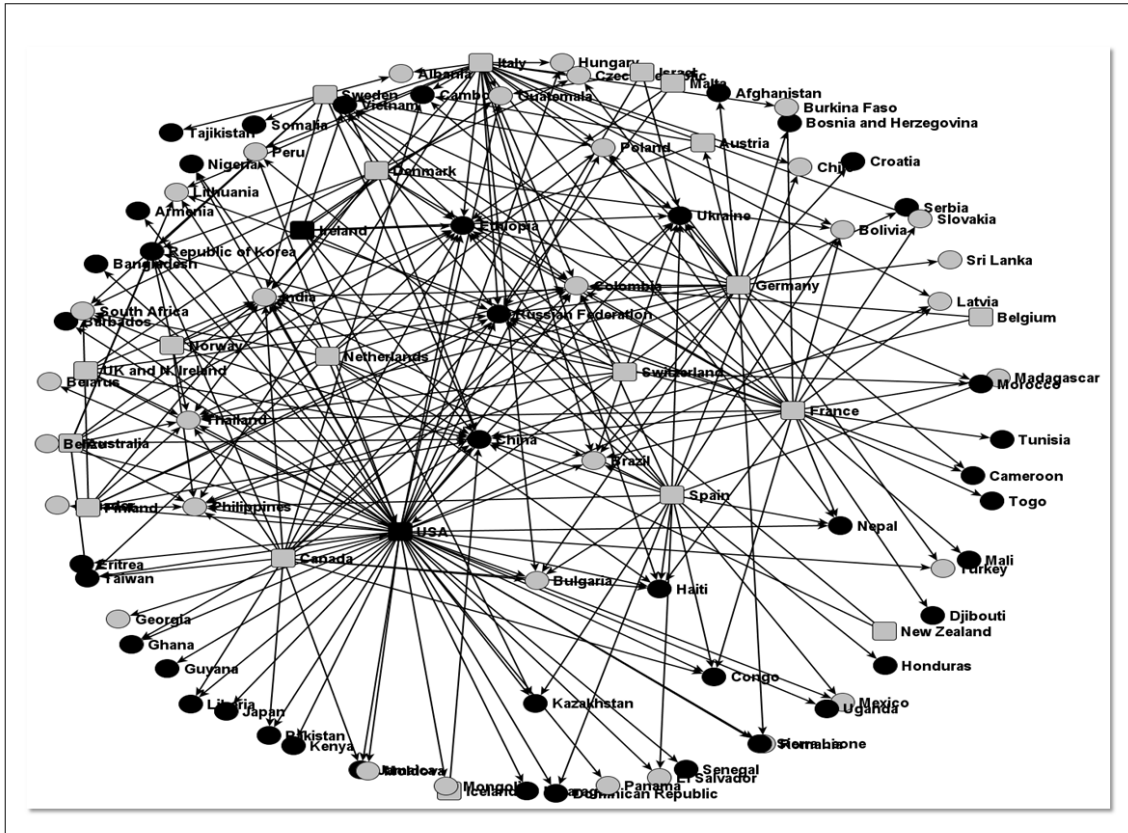


Figure 3.1: 2005 International Child-Flow Network (Circles=Sending States, Squares=Receiving States. Gray=HCICA Committed, Black=Not Committed)

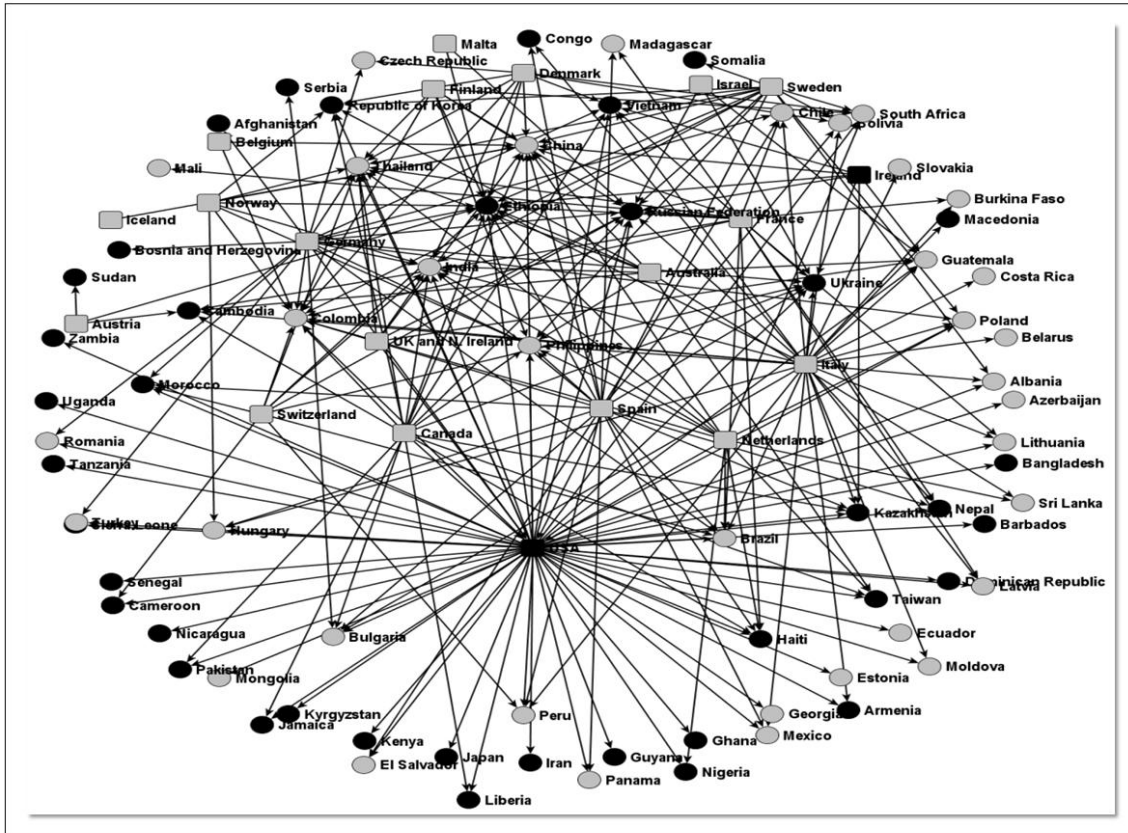


Figure 3.2: 2006 International Child-Flow Network (Circles=Sending States, Squares=Receiving States. Gray=HCICA Committed, Black=Not Committed)

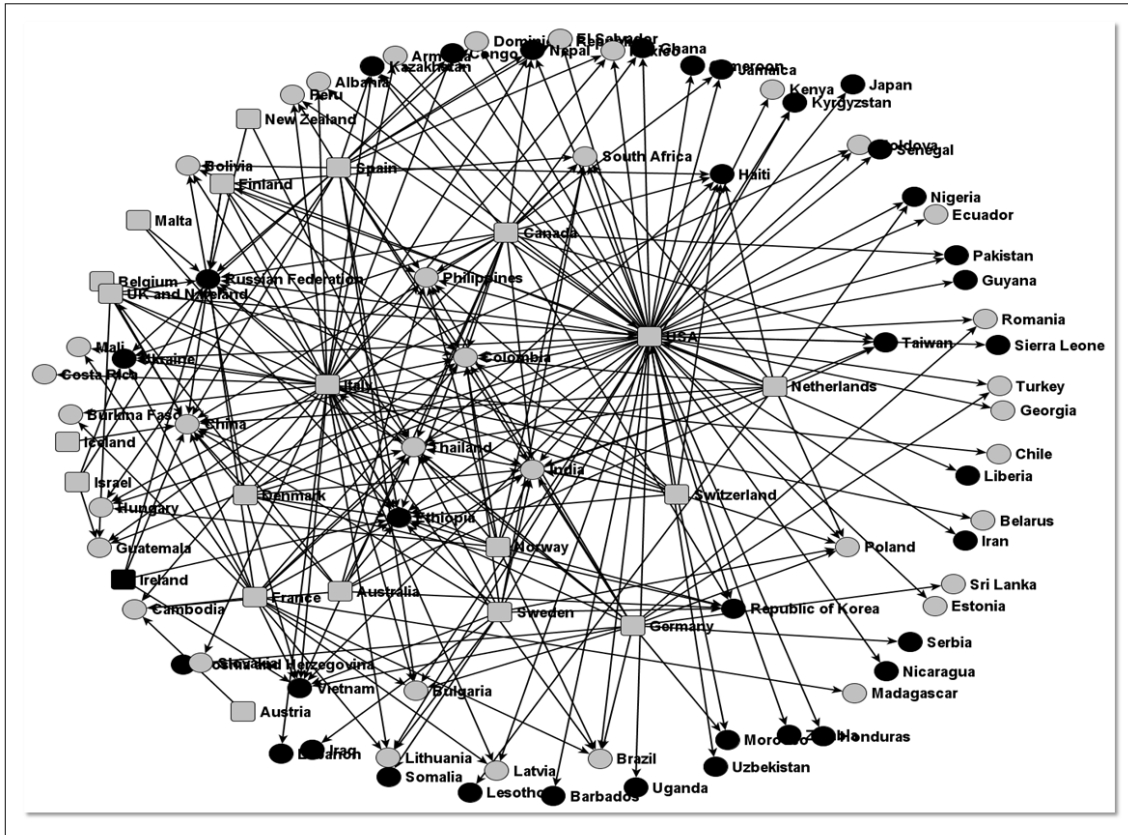


Figure 3.3: 2007 International Child-Flow Network (Circles=Sending States, Squares=Receiving States. Gray=HCICA Committed, Black=Not Committed)

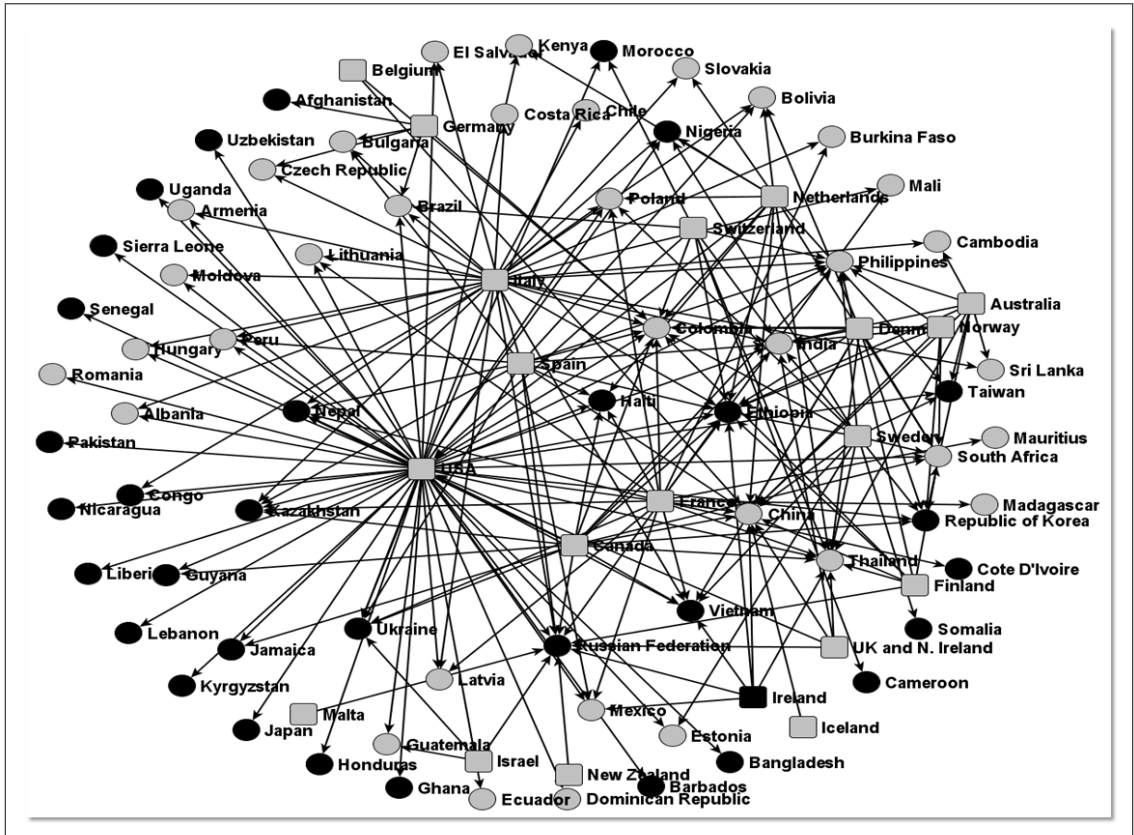


Figure 3.4: 2008 International Child-Flow Network (Circles=Sending States, Squares=Receiving States. Gray=HCICA Committed, Black=Not Committed)

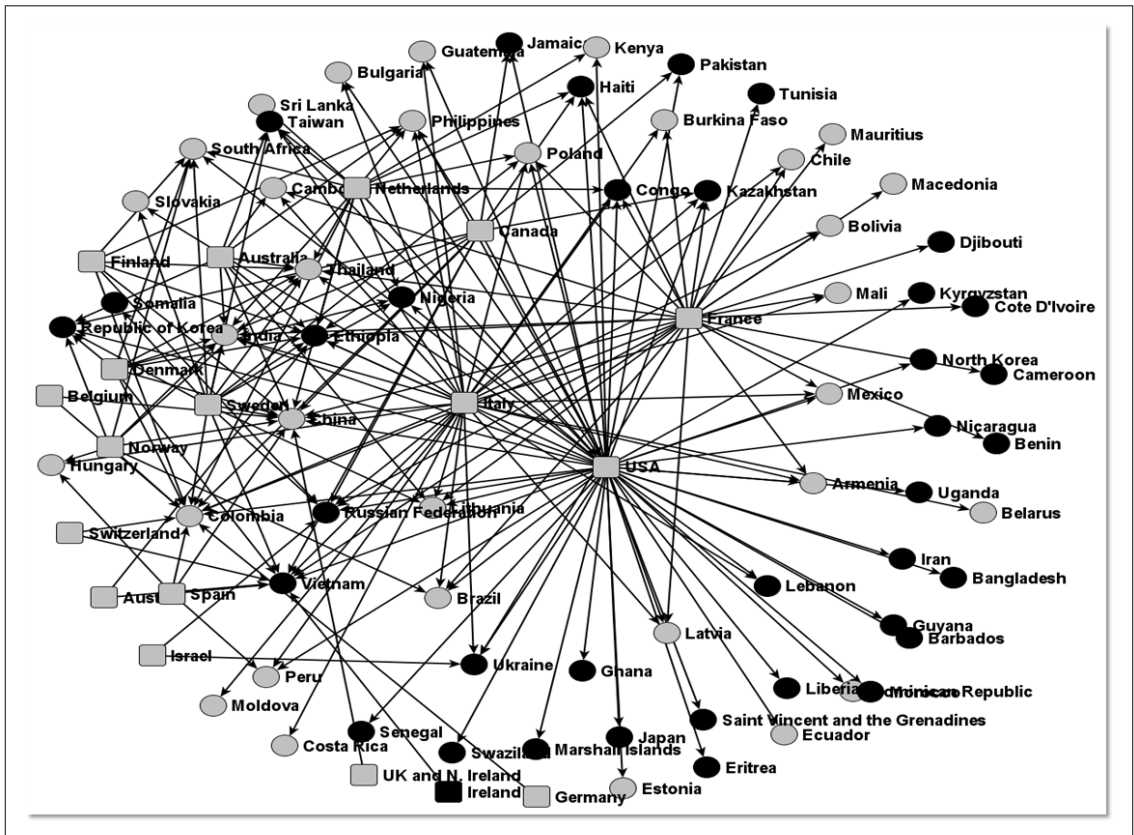


Figure 3.5: 2009 International Child-Flow Network (Circles=Sending States, Squares=Receiving States. Gray=HCICA Committed, Black=Not Committed)

States' Commitment to the HCICA

The Hague Convention on Inter-country Adoption (HCICA), which a group of states created in the Seventeenth Session of the Hague Conference in May 1993, is the multilateral treaty that regulates the processing of adoptions across borders, and it serves multiple purposes within that role. First, flowing from the UN Convention on the Rights of the Child, the convention is concerned with protecting the best interests of children (a concept left largely undefined), and is an attempt to curtail two types of corruption in the processing of international adoptions: child trafficking, and defrauding individuals attempting to adopt. Child trafficking is a serious worldwide problem, as children are

bought and sold across borders, often after they are kidnapped or purchased from their birth parents (Kapstein 2003; Smolin 2005; Graff 2008; Smolin 2010). On the adoptive side, adoptive parents can spend years of their lives and thousands of dollars trying to adopt promised children that were, unbeknownst to them, not even legally available for adoption (Smolin 2005; Smolin 2010). Second, the convention is an attempt to normalize interstate transactions of adoptions, and ensure that the states sending and receiving children have laws that are compatible with each other in order to simplify and institutionalize the process (Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (hereafter HCICA) 1993: 2).

There are several mechanisms the treaty puts into place to achieve its objectives. States that sign the treaty are required to establish a central authority to deal with all intercountry adoptions. The central authority's responsibilities include 1) ensuring that the child is adoptable and that adoption is in the child's best interests, 2) ensuring that each adoption is free of extortion and corruption, 3) ensuring that adoptive parents are eligible to adopt, 4) accrediting domestic agencies driving the intercountry adoption process, and 5) interacting with the central authorities from other states to ensure that the adoptive process is normalized across states (HCICA 1993: 3-4). Committed states are also required to provide an annual report accounting for the numbers of adoptions each year and their partner states in the process.

All states, regardless of their status as Hague members, are able to commit to the treaty. States that were part of the Seventeenth Session were able to sign the treaty as soon as it was available, in May 1993. Other states that were not part of the Seventeenth Session were able to commit to the treaty by acceding once the treaty entered into force.

Either form of commitment entails the same responsibilities; the only difference between the two is that states already committed to the treaty can formally object to a country acceding to the treaty, which is entered into record but does not prevent commitment. States can withdraw commitment at any time with no formal consequences, and there is no punishment for defection (HCICA 1993: 14).

While all the states that adopt children had ratified the HCICA by 2010,²⁰ not even half of the top ten states that send children had ratified the treaty by the end of my study. In fact, only two of the nine states from which US citizens adopt the most children (China, Guatemala, Russia, Ethiopia, South Korea, Vietnam, Ukraine, Kazakhstan, and Haiti) had ratified the treaty by 2010 (China and Guatemala); intercountry adoptions originating in seven of the main states that send children to the United States are thus conducted outside the Hague framework. Worldwide, only four out of the top ten states that send children (to any state that adopts children) had ratified the HCICA in the time period I study. Despite receiving states' commitment to the HCICA, sending states whose programs are the least institutionalized have largely failed to commit to the treaty.

Conclusion

In this chapter I have presented the datasets I generated to answer two questions: 1) Are states' choices to allow intercountry adoption interconnected, and 2) Are states' partner choices for intercountry adoption interconnected? Not only are these datasets unique and original, but they enable a field of investigation that was not possible with current data limitations. As such, these datasets represent a significant contribution to the

²⁰ Ireland was the last receiving country to ratify the treaty in 2010.

political investigation of intercountry adoption. The next two chapters present models that use the data to answer my two research questions. Combined with already existing data on state characteristics, these two datasets allow me to test the empirical validity of my theory alongside competing explanations of state behavior.

CHAPTER IV

THE DIFFUSION OF INTERCOUNTRY ADOPTION

This chapter evaluates my theory of the diffusion of intercountry adoption against competing explanations of state behavior. Using the original dataset of state choices in intercountry adoption I presented in Chapter Three, I analyze how states' decisions to allow intercountry adoption impact the likelihood that any other state would also allow intercountry adoption. Because I already explained the dependent variable used for the analysis in Chapter Three, this chapter only contains an explanation of the independent variables used in the analysis. First, I provide a description of the discrete-time hazard model used to analyze the data. Second, I present data and tests to answer my research questions and evaluate the propositions from Chapter Three. The propositions are presented below in Table 4.1.

Table 4.1: Propositions

Explanation	Hypothesis
Supply-Side: Allowing Intercountry Adoption	
Learning-Driven Diffusion	As the proportion of states in the system that allow intercountry adoption increases, so does the likelihood that any one state will also allow intercountry adoption.
Coercion-Driven Diffusion	As the amount of aid a state receives from the United States increases, so does the likelihood that the state will allow intercountry adoption.
Domestic Political Process	States with similar domestic political characteristics will make similar choices regarding whether or not to allow intercountry adoption.
Supply-Side: The Role of Domestic Characteristics	
Economic Characteristics	The lower a state's GNI per capita the more likely it will allow intercountry adoption.
Demographic Characteristics	The higher a state's fertility rate the more likely it will allow intercountry adoption.
Religious Characteristics	States with a predominately Muslim population will be less likely to allow intercountry adoption.

The Model

Braun and Gilardi (2006:314-315) argue that the most effective way of modeling diffusion is to use a model that can capture both how the threshold that states have for allowing the policy and how the interdependencies among actors can impact the likelihood that a state will allow the policy. I use a discrete-time hazard model (Beck, Katz, and Tucker 1998) to accomplish this objective. This model is particularly well-suited for my data and research for several reasons. First, it allows me to account for state choices while controlling for the fact that there are temporal dependencies in the data. This prevents misspecification and inflated results (Beck, Katz, and Tucker 1998). I use Carter and Signorino's (2010) method of accounting for time dependence in such models, because this method simplifies both the measurement and interpretation of such dependencies.²¹ Second, the hazard rate, or the likelihood that a state would allow intercountry adoption, is measured as a function of the independent variables, which in this case are the state characteristics that form the threshold I seek to capture (Beck, Katz, and Tucker 1998:1264). Third, by including an independent variable that measures the percentage of other states in the system that allow intercountry adoption at each discrete point in time, I can capture how the perceived effectiveness and accessibility of intercountry adoption, based on observations of other states' experience with the policy and information from networks of adoption advocates, also impacts the likelihood that a state will allow intercountry adoption at that point in time. With a relatively simple model I can capture both how the independent state characteristics and the interdependent system characteristics impact the likelihood that a state will allow intercountry adoption.

²¹ Carter and Signorino (2010) recommend using a cubic polynomial of the time it took a country to switch from "no" to "yes" (i.e., t , t^2 , and t^3) as temporal dependence controls instead of the time dummies or splice techniques that Beck, Katz, and Tucker (1998) recommend.

It is important to understand how my data, measurement, and method of analysis differ from the other two studies that investigate the restrictiveness of state adoption policies. First, my data is more expansive than either studies; I collected data on 170 states.²² Breuning and Ishiyama (2009) examine regional adoption policies (38 Sub-Saharan African states), and Breuning (2012) examines adoption policies for 112 states globally. Second, the measurement of the dependent variable in my study differs from the other two studies. In both Breuning and Ishiyama (2009:93) and Breuning (2012:11) the dependent variable is measured as an ordinal scale of state restrictiveness of intercountry adoption policy at one point in time. My dependent variable is measured as a binary time-series, cross-sectional variable so I can assess both states' decisions to allow intercountry adoption and the timing of these decisions. Though their dependent variables capture greater variation in the restrictiveness of state policies at that one point in time, my dependent variable captures more variation in state choices across time. Third, both studies use ordinal logit to analyze the data (Breuning and Ishiyama 2009:94-96; Breuning 2012:14-15), while I use the discrete-time hazard model to analyze my differently structured data.

Is Intercountry Adoption Diffusing?

I use original time-series cross-sectional data to analyze state choices in intercountry adoption. I examined and recorded the specifics of the legal framework for adoption in every state, the state's history of participation in intercountry adoption, and the mechanics for adopting a child from that state. I then classified states along the two dimensions of intercountry adoption: the legal possibility of adoption and the logistic

²² The only states not included in my study are those with a population smaller than 250,000 in 2010.

feasibility of adoption. Relying on this classification, I determine whether or not a state allows intercountry adoption and record the year that they moved from being a “no” to a “yes.” My data start in 1941, at the beginning of the decade in which intercountry adoption started to become a phenomenon as we now know it (Selman 2009).²³ State choice is recorded for each year from 1941-2012.²⁴

My central argument posits that state choices regarding participation in intercountry adoption are interdependent; the choice of one state to allow intercountry adoption influences the choices of other states. To evaluate this claim, I use a model that includes the proportion of other states in the system that allow intercountry adoption at the time that the state allows the policy (*Learning*) as the only independent variable. I also run a model with *Learning* as the independent variable and a state’s *GDP per capita* (Heston et al 2011) and *democracy score* (Marshall and Jaggers 2006) as controls, as well as controls for time dependency. These variables control for the possibility that the implementation of a policy of intercountry adoption is a function of political and economic development. Finally, these models cluster the standard errors by state to control for the dependencies in the data across time for each individual state. The results of the model are shown in Table 4.2.

²³ Before this decade, cross-border adoptions were still processed. But most of these adoptions were familial adoptions, where the citizens of one state adopted their relatives’ children in another state.

²⁴ Some states like Romania, Kazakhstan, Vietnam, and Cambodia (just to name a few) have periods where they allow intercountry adoption, and then they stop allowing the practice. My data accounts for these trends (Beck, Katz, and Tucker 1998:1271).

Table 4.2: Learning Model

	Model 1	Model 2	Model 3
Variable			
Learning	.040 (.008)*	.030 (.011)*	
Child aid from United States			-.216 (.362)
Controls			
GDP per capita		-.000 (.000)*	-.000 (.000)*
Democracy Score		.046 (.020)*	.053 (.019)*
Timeelapsed	-.239 (.055)*	-.255 (.059)*	-.291 (.055)*
Timeelapsed2	.009 (.002)*	.010 (.002)*	.011 (.002)*
Timeelapsed3	-.000 (.000)*	-.000 (.000)*	-.000 (.000)*
Model Fit			
Number of Observations	6731	4849	4907
Number of Countries	161	139	144
Log Likelihood	█ -416.460	█ -338.215	█ -359.134
Wald chi2	(4) 49.65	(6) 53.38	(6) 43.76
Prob>chi2	0	0	0
Pseudo R2	0.0503	0.0763	0.0744
*Significant at 0.05			

The results in Table 4.2 show that intercountry adoption is diffusing throughout the international system. The coefficient on the variable measuring learning is positive and significant. This result is robust even when controlling for the type of state and temporal dependencies in the data. Model 2 shows that the lower the GDP per capita of a state, the more likely that the state will allow intercountry adoption, and also that states with higher democracy scores are more likely to allow intercountry adoption than states with lower democracy scores. Figures 4.1-4.5 show the substantive impact of the learning variable. For an average state, with a GDP per capita around \$8000, a democracy score around 1, and around 20 years without allowing intercountry adoption since 1941, the probability is about 0.005 that this state would allow intercountry

adoption when no other states in the system allow the policy. This shows that it is unlikely that an average state will become a policy innovator. But the probability increases to about 0.03 when more than 50 percent of the states in the system allow intercountry adoption. That is, the odds of switching from “no” to “yes” are six times as large when 50% of the countries in the world have instituted the policy of intercountry adoption.

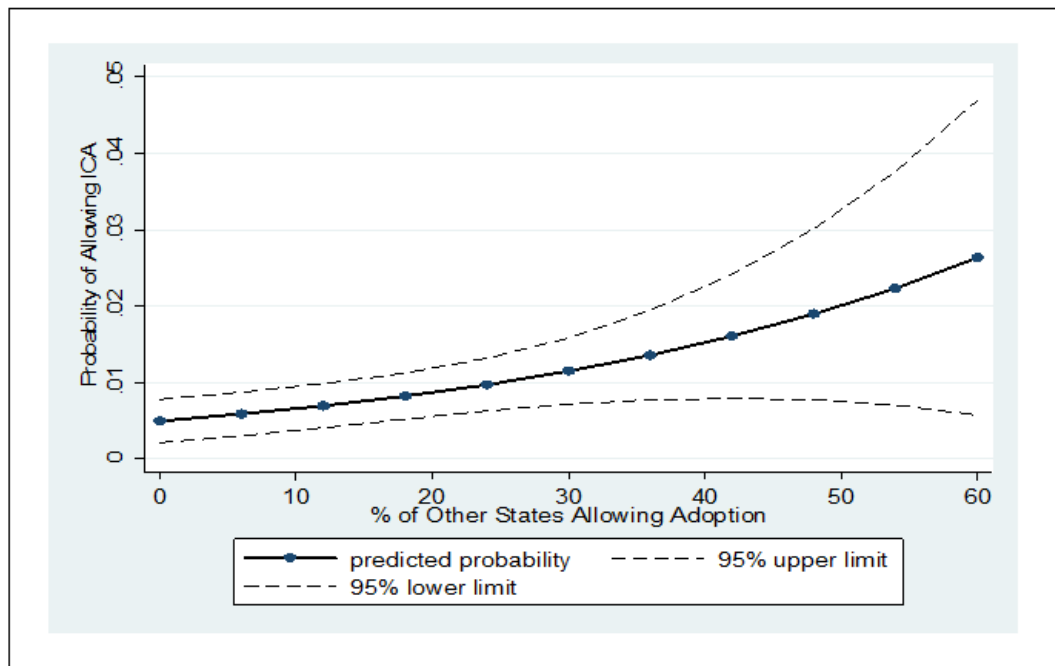


Figure 4.1: Predicted Probability of Allowing Intercountry Adoption (Other Variables at Mean)

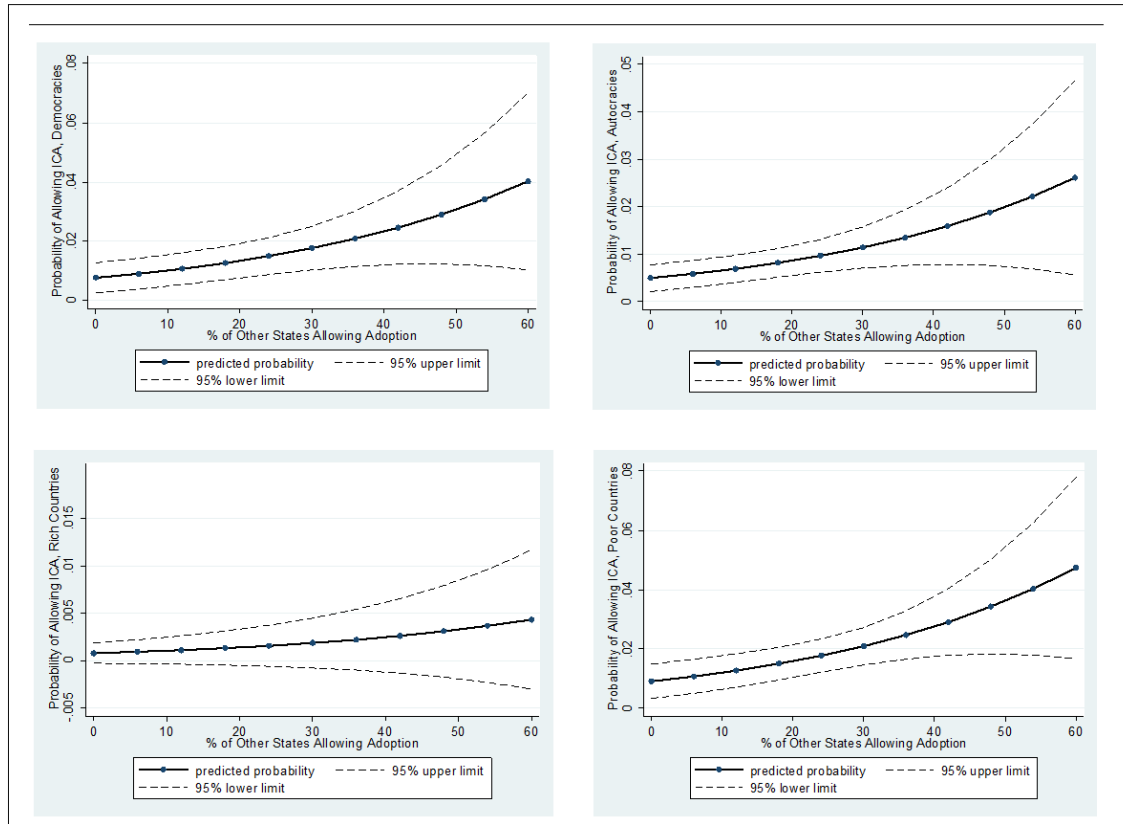


Figure 4.2-4.5: Predicted Probabilities of Allowing Intercountry Adoption

The impact is even more remarkable when we consider different types of states. For democracies the probability goes from about 0.01 to 0.04, while the probability only increases to 0.02 for autocracies. So though there is little difference between the probabilities for democracies and autocracies when no other states allow intercountry adoption, they are significantly greater for democracies than autocracies once more than 50 percent of the states in the system have allowed intercountry adoption. This shows that intercountry adoption is a more popular policy choice for democracies than for autocracies. For rich states, there is no difference between the probabilities of allowing intercountry adoption, regardless of the proportion of other states allowing intercountry

adoption. But for poorer states, the probability increases from 0.01 to almost 0.05 when more than 50 percent of the states in the system have allowed intercountry adoption.

These results provide strong support for the argument that states' choices regarding their participation in intercountry adoption are dependent upon the choices of other states.

Before I can claim that learning is driving the diffusion of intercountry adoption, it is important to distinguish between learning-driven diffusion and coercion-driven diffusion. I must eliminate the possibility that intercountry adoption is diffusing because powerful states are coercing weaker states to allow the policy as a condition of aid. Thus, to investigate my hypothesis, Model 3 (in Table 4.2) includes a variable that measures the amount of *Child Aid* each state received from the United States in the years of the study, normalized by the GDP of the state (USAID 2012).²⁵ The results show that the aid variable has no statistically significant impact on the likelihood that a state allows intercountry adoption. This finding confirms that states are not pressured to allow intercountry adoption as a condition of receiving aid from the United States; rather, learning is driving the diffusion of intercountry adoption.²⁶

In the aggregate, it is difficult to determine whether the learning that the model captures is observational learning or interactive learning. In order to tease out the difference definitively, we need in-depth case studies. But there are a few clues from the practice of intercountry adoption that can help us answer the question. In fact, it is likely a combination of observational and interactive learning that is driving the observed diffusion pattern. For observational learning, we know that intercountry adoption is a

²⁵ I repeated this model using different types of aid including 1) global health and child survival, 2) Food for Education, 3) Development Assistance, and 4) Peace Corps, and 5) military aid. The results were robust across all formulations of aid from the United States.

²⁶ I ran another model including the learning variable and the child aid variable. The learning variable remained significant, and child aid was still not statistically significant.

highly publicized practice. As more states allow intercountry adoption, there is more available evidence through media portrayals of intercountry adoption, that states are using intercountry adoption to address their domestic child welfare challenges. Even publicized scandals serve as a mechanism through which states are alerted to the fact that more and more states are allowing intercountry adoption. But the model also captures the possibility of interactive learning. Networks of adoption advocates are the facilitators of the practice of intercountry adoption. They are often entrepreneurs who help states start up their intercountry adoption programs and publicize that children are available for adoption. As more and more states have allowed intercountry adoption, these networks and organizations have proliferated throughout the system. So the spread of intercountry adoption across states is facilitated by these networks of advocates, but also presents more and more opportunities for the networks to advocate for adoption as an available method of orphan care.

Is Intercountry Adoption a Domestic Political Process?

My third hypothesis addresses the possibility that the observed diffusion patterns are not evidence of learning-driven diffusion at all, but rather evidence that states independently decide to allow intercountry adoption. To evaluate the hypothesis, I run a series of models for domestic political variables that could impact the likelihood that a state allows intercountry adoption, controlling only for GDP per capita and time dependencies in the data. I also cluster the standard errors by state to control for the

dependencies in the data across time for each individual state.²⁷ We already know from the first set of models that more democratic states are more likely to allow intercountry adoption. But there are other domestic political characteristics that could make it more likely that a state allows intercountry adoption.

First, I include a measure of the percentage of *Women in Parliament* (Inter-Parliamentary Union 2005). Breuning (2012:15) finds that states with more women in the legislature are more restrictive in intercountry adoption policy. Second, I include a variable that indicates whether or not the party of the executive has control over all lawmaking bodies (*Executive-Legislative Unity*) (Keefer 2009). If the party of the executive has control over lawmaking bodies then it is likely easier to push through policy change (Tsebelis 1995; Tsebelis 2002; Braun and Gilardi 2006: 302). Third, I include the International Risk Guide indicator from the Quality of Governance dataset (*Quality of Governance*) (Teorell et al 2011). This variable is an index that serves as a proxy for the institutional quality of a state. States with higher institutional quality are less likely to view the costs of allowing intercountry adoption as prohibitive.²⁸ These costs can include things like adjusting the family law system, and creating institutions responsible for processing adoptions. For states with higher institutional quality, these responsibilities can be absorbed into existing institutions. Fourth, I include a measure of the tenure of the political system (*Tenure of Current System*). States that have recently undergone transitions could be more willing to try out new policies (Keefer 2009). The results of the model are shown in Table 4.3.

²⁷ I include one variable at a time because I am concerned with the individual impact of each variable, not the joint impact. I control for GDP to ensure that we are not observing an economic factor instead of political factors.

²⁸ The index measures three concepts: state corruption, law and order, and bureaucratic quality.

Table 4.3: Domestic Political Model

	Model 1	Model 2	Model 3	Model 4
Variable				
Women in Parliament	-0.000 (.017)			
Executive-Legislative Unity		-0.178 (.438)		
Quality of Governance			-1.43 (1.167)	
Tenure of Current System				-0.027 (.016)
Controls				
GDP per capita	-0.000 (.000)*	-0.000 (.000)*	-0.000 (.000)	-0.000 (.000)*
Timeelapsed	-0.358 (.078)*	-0.277 (.075)*	-0.253 (.092)*	-0.312 (.068)*
Timeelapsed2	.013 (.003)*	.010 (.003)*	.007 (.003)*	.011 (.003)*
Timeelapsed3	-0.000 (.000)*	-0.000 (.000)*	-0.000 (.000)*	-0.000 (.000)*
Model Fit				
Number of Observations	3007	2690	1745	3265
Number of Countries	135	126	91	136
Log Likelihood	✓ -238.772	✓ -230.602	✓ -146.076	✓ -287.128
Wald chi2	(5) 58.68	(5) 18.99	(5) 14.39	(5) 32.65
Prob>chi2	0	0.002	0.013	0
Pseudo R2	0.076	0.058	0.09	0.077
*Significant at 0.05				

The results in Table 4.3 show that the decision to allow intercountry adoption is not a domestic political process. None of the four variables measuring domestic characteristics has a statistically significant impact on the probability that a state allows intercountry adoption. This finding holds across multiple types of domestic political characteristics that could make intercountry adoption more attractive, in both directions. Having more or less female representation in government, party monopoly on decisionmaking bodies, more or less institutional quality, or the absence or presence of political transition does not have a statistically significant impact on the likelihood that a state would allow intercountry adoption. Rather, intercountry adoption is diffusing across states with varying domestic political characteristics. The only political

characteristic that consistently impacts the likelihood that a state would allow intercountry adoption is the democracy score of that state.

How Do Domestic Characteristics Form a Learning Threshold?

The last three hypotheses address the argument that the domestic characteristics of states shape the diffusion process; domestic economic, demographic, and religious characteristics constitute a threshold of a state for learning from other state's experience with intercountry adoption. To evaluate these last three hypotheses, I use a series of models that test the learning variable with each domestic characteristic, and then conclude with a model that includes all three characteristics. First, I include a measure of the GNI per capita of the state (*GNI per capita*) (UN 2011), normalized by GDP (Heston et al 2011). This measure shows how the economic characteristics of the state, operationalized as the earning potential of the average adult, impact the likelihood that the state learns from other states' experience.²⁹ It is important to normalize the GNI per capita by GDP, because this captures the cost benefit analysis regarding the decision to allow intercountry adoption. For a state like China, the GNI per capita is a very insignificant portion of the GDP. The average adult is contributing little to the overall GDP, but China receives a large sum of money for each child adopted by foreigners while saving the cost of institutionalizing that child. For a state like France, with a higher GNI per capita and a moderately high GDP, the calculation is different. The average French adult is contributing much more to the national GDP than the average Chinese adult.

²⁹ For this analysis, I do not control for GDP per capita, because the GNI per capita is normalized by GDP. In the multivariate model I include the GDP per capita control, and it does not impact the statistical significance of the GNI per capita variable.

Second, I include a measure of the fertility rate of the state (*Fertility Rate*) (UN 2011). This measure shows how the demographic situation in the state impacts the likelihood that the state learns from other states' experience. Third, I include a measure of the religion of the state, broadly conceived of as Christian, Muslim, or other,³⁰ based on the majority religion of the state (*Religion*) (CIA 2009). The results of the model are shown below in Table 4.4.

Table 4.4: The Role of Domestic Characteristics

	Model 1	Model 2	Model 3	Model 4
Variables				
Learning	.051 (.011)*	.035 (.011)*	.017 (.011)	.030 (.014)*
GNI per capita	-.004 (.001)*			-.002 (.001)*
Religion (Muslim compared to Christian)		-1.034 (.330)*		-.894 (.333)*
Fertility Rate			-.366 (.100)*	-.286 (.116)*
Controls				
GDP per capita		-.000 (.000)*	-.000 (.000)*	-.000 (.000)*
Democracy Score	.026 (.020)	.031 (.020)	.032 (.021)	.026 (.020)
Timeelapsed	-.240 (.069)*	-.265 (.059)*	-.222 (.065)*	-.222 (.070)*
Timeelapsed2	.009 (.003)*	.010 (.002)*	.009 (.003)*	.008 (.003)*
Timeelapsed3	-.000 (.000)*	-.000 (.000)*	-.000 (.000)*	-.000 (.000)*
Model Fit				
Number of Observations	3632	4849	4359	3632
Number of Countries	129	139	135	129
Log Likelihood	-295.400	-332.138	-308.903	-281.994
Wald chi2	(6) 49.07	(8) 60.74	(7) 52.67	(10) 59.45
Prob>chi2	0	0	0	0
Pseudo R2	0.071	0.093	0.097	0.113
*Significant at 0.05				

The results in Table 4.4 show that states' economic, demographic, and religious characteristics form a threshold impacting the likelihood that they learn from other states'

³⁰ "Other" includes Jewish states, Hindu states, Buddhist states, and states where the majority of the citizens profess no religious affiliation (like North and South Korea for example).

experience with intercountry adoption. In the series of models including learning and one other explanatory variable, all the explanatory variables are significant and learning maintains its significance for all models.³¹ These results hold in the model including all variables as well.³² States with lower GNI per capita are more likely to allow intercountry adoption. This is consistent with my expectation that states will find it more economically beneficial to participate in intercountry adoption when the earning potential of the average adult in the state is lower. States with higher fertility rates are *less* likely to allow intercountry adoption, which moves in the opposite direction of conventional wisdom about fertility rates and confirms Selman's (2009) observation that states with lower fertility rates do participate in intercountry adoption. This could possibly be explained by literature that shows how in some developing states families have more children as insurance against economic uncertainty (Portner 2001). If this is the reason families are having more children, it is less likely that such families would give up these children for adoption.

Finally, Muslim states are less likely to allow intercountry adoption than Christian states. This is consistent with my expectation about the impact of religion, and is likely due to several dynamics. First, as I mention in the theory section, Sharia law does not have a legal category for adoption as Western states understand the practice, making adoptions from Muslim states logistically complicated even if they are legally possible through guardianship. Second, Muslim states are more likely to require that the religions of the child and adoptive parents match than Christian states. This requirement reduces the pool of individuals requesting adoptions from those states. Third, anecdotal evidence

³¹ The only exception is that learning's statistical significance drops below the 0.05 level in the model including fertility rate only. It does, however, remain significant at the 0.08 level.

³² When included in the multivariate model, learning's significance goes back up to 0.01.

supports that in many states the practice of intercountry adoption is initiated by missionaries who run orphanages and facilitate interest in adoption through religious networks. Muslim states are more restrictive of the role that Western Christian missionaries can play in child welfare institutions.

Conclusion

If scholars of international politics are to understand the politics of intercountry adoption, we must understand why states allow foreigners to adopt children in the first place. Why do some states with vulnerable children allow foreigners to adopt those children when others do not; and what explains variation in the timing of these decisions? There is little research that can give us traction on answering these foundational questions about intercountry adoption. I have argued that the spread of intercountry adoption is a process of policy diffusion: states learn from other states' experience that intercountry adoption is an effective solution for domestic child welfare problems. As more states in the international system allow intercountry adoption, the increasing power of this "lesson" alters other states' perception of the effectiveness of intercountry adoption as a policy solution. Moreover, as intercountry adoption spreads through the international system, networks of adoption advocates proliferate and facilitate intercountry adoption as an accessible policy option for states.

I found that intercountry adoption is in fact diffusing, and that states' domestic characteristics serve as a lens through which they learn from other states' experience with intercountry adoption. Politically, the only characteristic impacting states' threshold for allowing intercountry adoption is their democracy score; more democratic states are more likely to allow intercountry adoption. Economically, states with lower GDP and lower

GNI per capita are more likely to allow intercountry adoption. Demographics also matter; states with lower fertility rates are more likely to allow intercountry adoption than states with higher fertility rates. Finally, religion impacts the threshold for allowing intercountry adoption; Muslim states are less likely to allow intercountry adoption than Christian states.

My findings challenge some of the findings in Breuning and Ishiyama (2009) and Breuning (2012). First, both studies found that a state's level of democracy had no impact on the openness of the state's intercountry adoption laws, while my study finds a robust statistically significant effect for that variable. Second, unlike Bruening (2012:15), I found that the proportion of women in parliament does not impact state choice regarding intercountry adoption. Third, both studies found that religion did not matter for openness to intercountry adoption, while I found that Muslim states are less likely to allow intercountry adoption. I suspect that our contradictory findings are due to the differences in our data, methods, and questions as outlined in earlier chapters. But the differences in these findings are surprising and should encourage additional research on the conditions under which these identified factors matter more or less for state choices regarding participation in intercountry adoption. My findings also challenge the conventional wisdom about the impact of demographic factors on intercountry adoption, and should prompt further research to identify why populations with larger fertility rates are *less* likely to allow intercountry adoption.

CHAPTER V

INTERDEPENDENCE IN PARTNER CHOICE FOR INTERCOUNTRY ADOPTION

The last chapter provided empirical evidence to support the validity of the diffusion theory of intercountry adoption in explaining state behavior on the supply side of intercountry adoption. I showed how states decide to allow intercountry adoption based on what they have learned about the policy from other states' experience and from networks of adoption advocates. But a theory of diffusion for intercountry adoption must explain state behavior on both the supply side and the demand sides of intercountry adoption. Thus, I now turn to empirical evidence that supports the validity of the diffusion theory in explaining state behavior on the demand side of intercountry adoption. States that have citizens who want to adopt foreign children must decide the partners they will allow for the practice. Using the original dataset of child flows in intercountry adoption that was presented in Chapter Three, I analyze how states' partner choices for intercountry adoption depend on what other states before them have chosen. First, I provide a description of the stochastic actor-oriented network model used to analyze the data. Second, I present data and tests to answer my research questions and evaluate the propositions from Chapter Two. These propositions are presented below in Table 5.1.

Table 5.1: Propositions

Explanation	Hypothesis
Partner Choice for Inter-country Adoption	
Learning-Driven Interdependence	States will choose network partners based on those states' position in the network, regardless of those states' commitment to the HCICA.
Selection Based on International Law	States that have committed to the HCICA will send and receive children primarily to and from other states that have also committed to the HCICA.
Coercion-Driven Interdependence	States that have committed to the HCICA will send and receive children primarily to and from other states that have also committed to the HCICA.
Coercion-Driven Interdependence	States that have not committed to the HCICA will move toward commitment over time as they partner with other states that have committed to the HCICA.

The Model

I use a stochastic actor-oriented model that Burk, Steglich, and Snijders (2007) developed to analyze the network of states with children flowing between them. With this model I can identify the properties of the network that would indicate interdependence in state choices and identify how states' commitment to the Hague Convention on Inter-country Adoption (HCICA) impacts partner choice. The model projects an overall network space (multiple possible network configurations), and then estimates the statistical likelihood of the current configuration of the network based on that projection (Burk, Steglich, and Snijders 2007:398). The model then uses a continuous-time Markov chain to analyze how states change their network ties based on two main factors: their current network ties and the choices of others in the network.

At the heart of social network analysis is the claim that agency lies not just in the units themselves, or the actions of the units, but also the environment in which those units are embedded (Pescosolido 2010). There are three basic assumptions to my application of social network analysis to the study of international politics: 1) states interact with each other in a social environment, 2) states are interdependent with other states in a way

that shapes and constrains policy choices, and 3) states' relational properties can be observed through states' interaction with each other (Wasserman 2010).

These simplifying assumptions make social network analysis particularly effective for studying intercountry adoption, because there is something fundamentally relational about having children flowing from one state to another. For instance, at the micro-level, communities in the United States with large numbers of children adopted from the same region often have a special connection with the state from which their children originated.³³ When children are adopted from developing states, the presence of adopted children in the developed state can create a longer-term relationship in which other things like aid, resources, and training will also flow from the developed state to the developing state. In addition to the relational *content* of intercountry adoption (children), the actual *exchange* of the children is relational. Adopted children's citizenship is transferred through a long process of give and take where both the sending and receiving state make choices based on state-specific characteristics and interaction with each other. While both the sending and receiving states maintain agency in the process as important gatekeepers in the transfer of children, in order to understand accurately intercountry adoption we must analyze how the relationships between states also constrain states' agency and influence states' choices (McClurg and Young 2011).

There are several limitations to the type of data that can be studied using this stochastic actor-oriented model. First, the data must be longitudinal data that have at

³³ There are many examples of this phenomenon. For example, Ordinary Hero (http://ordinaryhero.org/Ordinary_Hero/Home/Home.html) and 147 Million Orphans (<http://www.147millionorphans.com/>) are two organizations created by families in Tennessee who adopted children from Africa and Asia. These organizations advocate for other waiting children in the sending countries from which they adopted children, raise funds for individuals to adopt these waiting children, and fund development programs for orphanages from which they adopted children.

least two observed moments in the network, known as network panel data (Snijders, Steglich, and Van de Bunt 2010: 3). As described in Chapter Three, my data are composed of five panels of network data from 2005-2009. Second, the number of observation moments should be between two and ten, but usually needs to be much less than ten (Snijders, Steglich, and Van de Bunt 2010: 15). I have five observation moments in my data. Third, there must be more than 20 actors in the network. My network consists of 119 states. The final requirement is that there must be more than 40 total changes between observation moments for each dependent variable (Snijders, Steglich, and Van de Bunt 2010: 15). My data meet all the requirements of the model.

There are also several assumptions necessary for the estimation of the model and its application to intercountry adoption. First, the network is a social environment that itself influences the possibility of change in the network (Snijders, Steglich, and Van de Bunt 2010: 5). As I have already discussed, this assumption is quite reasonable for the study of intercountry adoption. Second, states make choices based on the current configuration of the child-flow network, not past configurations. This assumption is also quite reasonable; the current status of relationships among states sufficiently captures states' past relationships as intercountry adoption relationships tend to endure. Third, states can only change in small steps. Each state can only make one change regarding their behavior or their network tie to any other state in each portion of panel data. Again, though this might not be completely realistic, it is a reasonable assumption that states cannot change policies regarding partner choices multiple times in one year. Fourth, states react to the behavior and network choices that other states make, but they do not make their choices based on prior negotiation (Burk, Steglich, and Snijders 2007: 398).

This indicates a fluid partner network environment that accounts for individual states' choices but also interconnection between those states' choices. Fifth, states have information about other states in the network (Snijders, Steglich, and Van de Bunt 2010: 7). This is foundational to my claim that states are learning from other states' experience. The final assumption is that states control their outgoing ties. These assumptions are all reasonably valid for my use of social network analysis, and this particular model, to study the community of states that exchange children.

Are States' Partner Choices Interdependent?

The first step in analyzing the data is to examine the structural properties of the network dynamics. Structural effects (see Table 5.2 below) demonstrate how the ties between states in the child-flow network mutually depend on each other. There are three key parameters in the model (see Table 5.2): the out-degree effect, the in-degree popularity effect, and the out-in degree assortivity effect. When interpreting the effects, it is important to remember that ties are directed from the receiving state of the child to the sending state of the child; the directionality of the *ties* is the reverse of the directionality of the *child*. Thus, a receiving state (of the child) sends out a tie to the sending state (of the child) by requesting that child. The out-degree effect reflects the likelihood that a state will send out a tie, or a request for a child from another state. The negative significant coefficient (-7.382*) indicates that states in the network do not request children indiscriminately from a large number of states; rather, they request children from a very limited set of states. This suggests that there are criteria by which states are choosing network partners. The in-degree popularity effect reflects the tendency for actors with many in-coming ties to attract more ties *because* they are so

“popular.” The positive significant coefficient (0.070*) indicates that states that receive requests for their children from a large number of states will tend to continue to receive that many ties, or even receive ties from additional states based on their status as a popular sending state of children.

Finally, the out-in degree assortivity effect reflects the tendency for actors sending a lot of ties to be tied especially to actors that likewise receive a lot of ties. The positive significant coefficient (0.406*) indicates that the top receiving states of children request children more than proportionately from the top sending states. Thus, when states achieve status in the child-flow network, either as a top sending or a top receiving state, those positions of status tend to mutually reinforce each other. While peripheral states can enter and exit the network, the top sending and receiving states tend to prefer to establish relationships with each other.

Table 5.2: Structural Network Effects

Structural Network Effects	Coefficient (SE)
Out-degree effect	-7.382 (0.206)*
In-degree popularity effect	0.070 (0.018)*
Out-in degree assortivity effect	0.406 (0.019)*

* $p < 0.05$

The results in Table 5.2 clearly support my first hypothesis and demonstrate how states’ partner choices for intercountry adoption are interdependent.³⁴ The results in Table 5.2 show how states’ positions in the network determine the likelihood that they will receive ties, as well as the type of states they are more likely to choose as network partners. The results are consistent with a network that has a center-periphery structure

³⁴ The study of dyads is nothing new for international political research, but showing how these dyads are embedded in a larger network environment is an important contribution of social network analysis methods to the study of international political relationships. See Maoz 2010.

(Wasserman and Faust 1994: 419-420), in which certain states are central as intercountry adoption partners, and others are located on the periphery of the practice. States' choices are interdependent on the choices of other states *and* influenced by the larger network environment within which they are embedded because states learn about the effectiveness of intercountry adoption partners from the experience of other states in the network that have partnered with those states. Beyond this observational learning, it is also likely that states choices are interdependent because networks of intercountry adoption advocates that facilitate adoptions make adoptions from a particular state accessible to a number of other states with citizens who want to adopt foreign children. As these networks of advocates proliferate to sending states of children, they make that state a more accessible intercountry adoption partner.

Are States' Partner Choices Shaped and Constrained by International Law?

Even if states are learning about partners within the network, states could be choosing their partners for intercountry adoption based on whether or not those states are committed to the HCICA. If states' partner choices are shaped and constrained by international law, we should be able to observe a *selection* effect such that states requesting children (who were all committed to the HCICA by 2010) should request those children primarily from states that are also committed to the HCICA. Though adoptive parents are the initiators of the adoption process and decide the states from which they want to adopt, states restrict their available partners by closing and opening intercountry adoption relationships with other states. Thus, if the treaty is an important influence on partner selection, we should observe a selection effect based on commitment to the HCICA.

Using the stochastic actor-oriented model, I test for a selection effect in the evolution of the child-flow network. The model tests whether or not states consider HCICA commitment when they develop a new tie with another state (open an intercountry adoption relationship), or drop an existing tie (close an intercountry adoption relationship) (Burk, Steglich, and Snijders 2007: 400). This is carried out within the same model specification from which Table 5.2 was derived, thus controlling for the consequences of the network environment. The model calculates how HCICA commitment influences a state's partner selection while holding constant the influence of the state's position in the network. Network evolution (the changes in ties between network panels) is the dependent variable, and HCICA commitment (0,1) is the independent variable.

There are three key parameters in the model that indicate how commitment to the HCICA impacts the evolution of the network: the HCICA commitment alter effect, the HCICA commitment ego effect, and the interaction between these two (see Table 5.3 below). The HCICA commitment alter effect reflects the tendency for *sending* states that have committed to the HCICA to develop more ties more rapidly with receiving states (because they are receiving requests for children) than sending states of children that have not committed to the HCICA. The negative significant coefficient (-0.466*) indicates that sending states that have **not** committed to the HCICA are actually developing more ties more rapidly with receiving states than states that have committed to the HCICA. The HCICA commitment ego effect reflects the tendency for *receiving* states of children that are committed to the HCICA to develop more ties more rapidly with sending states of children (because they are sending out requests for children) than

receiving states of children that have not committed to the HCICA; the positive significant coefficient (1.804*) indicates that states committed to the HCICA increased their requests for children more rapidly than uncommitted states. This finding is quite obvious, because all receiving states except Ireland were either already committed by the beginning of the study time period (2005) or committed during the time period (2005-2009). The interaction between the HCICA commitment alter effect and the HCICA commitment ego effect is the coefficient that most clearly answers the research question about interdependence in states' partner choices because it reflects the tendency for states that are committed to the HCICA to prefer ties to other states that have also committed to the HCICA (homophilous selection). The positive but *insignificant* coefficient (0.787) indicates that committed states do not show a statistically significant preference for requesting children from other committed states. Instead, commitment to the HCICA does not increase the likelihood in any statistically significant way that a sending state of children will receive a request for its children from the almost exclusively committed receiving states.

Table 5.3: Covariate Effects

Covariate Effects	Coefficient (SE)
HCICA commitment alter effect	-0.466 (0.224)
HCICA commitment ego effect	1.804 (0.391)*
HCICA commitment ego x HCICA commitment alter effect	0.787 (0.451)

* $p < 0.05$

These results clearly show a lack of support for the second hypothesis. Interestingly, there does appear to be a selection mechanism, because HCICA committed receiving states seem to prefer (if only slightly) to request children from sending states

that are not committed to the HCICA.³⁵ But there is a lack of the homophilous selection that we would expect if international law is shaping and constraining states' partner choices. States do not show a statistically significant tendency to send and receive children from states that match their own commitment to the HCICA; rather, they frequently send and receive children outside the HCICA framework. If an HCICA committed receiving state wishes to request children from a sending state, it has a number of HCICA committed sending states from which to choose. The results indicate that receiving states do not show a preference for choosing those committed sending states over uncommitted sending states as network partners. Lack of commitment on the part of sending states does not limit the number of receiving states from which it receives requests for children.

It is also quite clear from these results that interdependence in partner choice is learning-driven, not coercion-driven. Coercion-driven interdependence in partner choice could appear in two ways. First, the receiving states of children could be coerced themselves to choose certain partners. The most likely force of coercion in this case would be the multilateral legal regime to which all the receiving states of children belong, the HCICA. But we can see from these results that states are not choosing their partners based on those states' commitment status to the HCICA. In fact, states show a slight preference for choosing states that are not committed to the HCICA. Second, the receiving states of children could be using their partner choice as a coercive tool to force the sending states of children to behave in a certain way. This could be accomplished

³⁵ This is evident from the HCICA commitment alter effect which shows that uncommitted sending states develop more ties more rapidly with receiving states (who are all HCICA committed) than sending states that have committed to the HCICA.

either by restricting partner choice to other committed states, so essentially making HCICA commitment a condition of a relationship. It could also be accomplished by partnering with uncommitted states then using that existing relationship as leverage for compelling sending states to commit to the HCICA. Again, these results show that states are not restricting partner choice to other committed states. The last possibility is discussed in the following section.

What Are States Learning About Commitment to the HCICA?

Even if the HCICA is not shaping and constraining states' partner choices, the very fact that committed states are interacting with uncommitted states could influence the uncommitted states to commit to the treaty through multiple mechanisms like coercion, persuasion, or imitation. Even without a selection effect for international law, interaction between committed and uncommitted states should influence uncommitted states to commit to the treaty if the treaty is having any important impact on intercountry adoption beyond standardizing and streamlining the limited number of adoptions processed between HCICA committed states. The existence of an influence effect would be evidence pointing toward coercion-driven interdependence in states' partner choices—receiving states of children could be using intercountry adoption relationships as a coercive tool to move states toward commitment to the HCICA. Because all the receiving states of children are committed to the HCICA, they have the same interest in moving sending states of children toward commitment.

To test for an influence effect, I use simple data analysis techniques to understand whether or not the evolution of the network is influencing states' commitment patterns.

We should expect that states in the network will behave in a way that makes them more attractive as partners in intercountry adoption, and a commitment to the HCICA should signal commitment to institutionalization and legal security for citizens and foreigners. This should especially be the case as more and more states commit to the HCICA and it becomes the norm to conduct adoptions within the HCICA framework. States that depend on the revenue generated through intercountry adoption should want to commit to the HCICA so they do not get eliminated from the practice, or dropped as network partners. Between 2005 and 2009, an examination of the data makes it clear that states do not see commitment to the HCICA as a signal that makes them more attractive to the receiving states of children.

By the time of the first network panel, 2005, fifty-one percent of all states in the network had committed to the HCICA; in the first ten years of the treaty's existence, there was an average of six new commitments to the treaty every *year*. Every receiving state of children had implemented the treaty by 2005 except for the United States (which implemented in 2007) and Ireland (which implemented in 2010). This indicates that every time a state sent children abroad to be adopted between 2005 and 2009 (especially after 2007 when the United States implemented the treaty), regardless of that sending state's commitment status, they sent that child to a committed state. We would think that this dense interaction would present significant pressure on the sending states of children to commit to the treaty. But only nine of the network states committed to the HCICA between 2005 and 2009, including the United States; China was the only top ten sending state of children to commit. Compared to the six new commitments per year for the first ten years of the treaty's existence, between 2005 and 2009, there were only 2

commitments per year. Table 5.4 shows the top ten sending states of children for each of the years of the study. Several things are apparent from looking at this table. First, there is very little change in states' positions as sending states for the five years of the study; this confirms the finding that sending states' popularity tends to cement their position as a top sending state. Second, over the course of the five years of the study, there is very little change in the commitment status of the top sending states of children, except for the increase from three committed states to four committed states from 2005 to 2006 (with China's implementation of the treaty). Third, the top ten committed states do not enjoy an elevated position due to their commitment to the HCICA, they are scattered at random throughout the list. In fact, for every year of the study, the top three sending states included at least one, and sometimes two uncommitted states.

Table 5. 4: Top Sending States of Children 2005-2009

2005	2006	2007	2008	2009
China	China	China	China	China
Russia	Russia	Russia	Guatemala	Ethiopia
Guatemala	Guatemala	Guatemala	Russia	Russia
South Korea	Ethiopia	Ethiopia	Ethiopia	Colombia
Ukraine	Colombia	Colombia	Vietnam	South Korea
Colombia	South Korea	Vietnam	Colombia	Ukraine
Ethiopia	Vietnam	Ukraine	Ukraine	Vietnam
Vietnam	Ukraine	South Korea	South Korea	Haiti
Haiti	Haiti	India	Haiti	India
India	India	Haiti	India	Brazil

States are listed in order of the number of children they sent in each year; each state sent more than 200 children per year. HCICA committed states are in bold.

The lack of support for the fourth hypothesis is quite clear. Uncommitted states that interacted densely with committed states from 2005-2009 were not compelled to commit to the treaty during that time. The table above demonstrates that only ONE of the top five sending states of children committed to the treaty in the studied time period

(China). In fact, Guatemala, the other top three sending state that was already committed to the treaty dropped out of the top ten sending states by 2009, when the United States dropped their tie with Guatemala due to corruption in the program. The lack of an *influence* mechanism is likely due to two trends in intercountry adoption relationships. First, as the previous analysis showed, states that are requesting children do not exclude their requests to committed states. Thus, it is quite easy to cooperate outside the HCICA framework and still be a top sending state of children. Second, the benefits of committing to the HCICA do not clearly outweigh the costs of committing to the treaty. Even benefits that are difficult to measure like relieved social pressure and the adoption of network partners' norms do not appear to be impacting the likelihood that states will commit to the HCICA.

Furthermore, the lack of an influence mechanism undermines the presence of coercion-driven interdependence in state behavior. Receiving states of children are not coerced to choose certain partners by the multilateral framework to which they have committed, and they are not using partner choice as a coercive tool to move the sending states of children toward commitment to the HCICA. States' choices are clearly interdependent, but this interdependence is learning-driven, not coercion-driven. In fact, states are learning from other states experience that it is possible to have a robust intercountry adoption program outside the HCICA framework. They are also learning that networks of adoption advocates can make intercountry adoption an accessible policy, even without commitment to the HCICA framework.

Conclusion

Despite the fact that intercountry adoption is becoming an increasingly politicized process, we know little about the factors influencing state behavior as they exchange children across state borders. I examined interdependence in state behavior for intercountry adoption and investigated how states learn about the most effective partners from other states' experience with those partners and from networks of adoption advocates that facilitate adoptions. I found that states' choices are interdependent; more central states in the network are more likely to receive ties than states that are on the periphery of the practice. This finding supports that states are learning about partners from other states' experience. I did not find evidence that states' partner choices are shaped and constrained by international law. States do not limit their choices of network partners to other states that match their own commitment to the HCICA, but are more likely to choose their network partners based on what they have learned about those partners from other states' experience. I also found that states are not compelled to commit to the HCICA because of their interaction with other states that have committed to the HCICA, but are more likely to learn from other states' experience that they can have a robust intercountry adoption program outside the HCICA framework. In the end, what states learn from other states' experience and from networks of adoption advocates is more influential on states' partner choices for intercountry adoption than the shaping or constraining influence of international law.

CHAPTER VI

CONCLUSIONS AND IMPLICATIONS

Amy Summers, a student at Vanderbilt University, first met Prayden James when she was a volunteer at an orphanage in Tanzania. When they first met in June 2007, Pray was only 10 months old. Despite the fact that Tanzanian laws do not technically allow intercountry adoption, Amy decided to do everything she could to adopt Pray and bring him back to the United States. She returned to Tanzania for short trips in December 2007, July 2008, December 2008, and June 2009. In September 2009 she moved to Tanzania, for what she hoped would be a short-term relocation to facilitate the adoption. As of December 2012, Amy is still in Tanzania, where she is now Pray's adoptive mother according to Tanzanian courts, trying to facilitate his migration to the United States and readoption in US courts.³⁶

Amy is still in Tanzania because of the politics of intercountry adoption. Her story illustrates the importance of understanding the political factors that inhibit or facilitate adoptions across state borders. On the supply side, Tanzania's domestic regulations on adoption have changed multiple times in the years that Amy has been in Tanzania. Despite the fact that she has complied with these changes, it took four years for her to be able to adopt Pray domestically within Tanzania. But as I highlighted in Chapter Three, a domestic adoption order does not ensure that Pray can migrate to the United States as a US citizen. For that to happen, the United States, on the demand side of this adoption, must be willing to coordinate visa regimes and naturalization regimes

³⁶ To read Amy and Pray's story, visit her blog at: kusalipray.blogspot.com/

with Tanzania. The United States must choose Tanzania as an adoption partner. Because there are no adoption agencies operating within Tanzania, and no social workers certified by the US Government to facilitate adoption, Tanzania is not an accessible partner for the United States.

My research explains the complexities of Amy and Pray's story in two ways. First, it explains why Tanzania, on the supply side of intercountry adoption, has not yet allowed foreigners to adopt children. Tanzania's threshold for allowing intercountry adoption, based on its domestic constraints, inhibits Tanzania from learning from the experience of other states about the effectiveness of intercountry adoption. Additionally, the absence of adoption advocates in Tanzania trying to facilitate intercountry adoption inhibits Tanzania from learning that intercountry adoption is an accessible policy option. Second, my research explains why the United States, on the demand side of intercountry adoption, has not chosen Tanzania as an intercountry adoption partner. There are not other states that have previously had an intercountry adoption partnership with Tanzania, and thus there is little evidence that Tanzania would be an effective intercountry adoption partner. There are no adoption advocates attempting to facilitate a relationship between the United States and Tanzania, so there is little evidence that Tanzania would be an accessible intercountry adoption partner.

My work started with a simple observation: international adoption seems to be spreading through the global system as an international solution to states' domestic child welfare challenges. This observation, which is confirmed by empirical evidence, yielded a puzzle: states with similar challenges make different decisions, at different times, regarding their participation in intercountry adoption. This puzzle begs two fundamental

questions about the practice of intercountry adoption. First, on the supply side of intercountry adoption, why would a state with a large number of vulnerable children allow foreigners to adopt those children? Second, on the demand side of intercountry adoption, what explains states' partner choices for intercountry adoption?

My research addressed these fundamental puzzles of intercountry adoption in several steps. First, I proposed a solution to the puzzle with a theory of the diffusion of intercountry adoption in Chapter Two. This theory explains state behavior on both the supply and demand sides of intercountry adoption, which is important because intercountry adoption by its very nature is an exchange. On the supply side of intercountry adoption, I argue that intercountry adoption is diffusing as a child welfare solution because states are learning about the effectiveness of the policy from other states' experience, and learning about the accessibility of the policy from networks of adoption advocates that seek to facilitate these adoptions. To explain variation in the timing of states' decisions, I argue that states' domestic economic, demographic, and religious characteristics produce a threshold that must be overcome before a state will allow intercountry adoption. This threshold is essentially the lens through which states are learning about intercountry adoption. For states with low thresholds for allowing intercountry adoption, the lesson of the effectiveness of intercountry adoption is less important than the accessibility of intercountry adoption. Thus, states with low thresholds are more likely to be policy innovators and allow intercountry adoption before other states have tried out the policy and demonstrated its effectiveness. But for states with high thresholds for allowing intercountry adoption, the lesson of the effectiveness of intercountry adoption is vital for their decision to allow the policy. States with high

thresholds are more likely to wait until other states in the system have tried out the policy and proven its effectiveness.

I argue that this same learning mechanism is driving interdependence in states' partner choices for intercountry adoption. On the demand side of intercountry adoption, states are allowing their citizens to adopt from states, and thus choosing those states as partners for the practice, because they learn from other states' experience that those states are effective partners, and from networks of adoption advocates that those partners are accessible partners. However, unlike the supply side of intercountry adoption, the domestic characteristics of states on the demand side should not matter as much for partner choice. Partner choice is made based on the availability of children, and the effectiveness of the potential partner, not based on the domestic characteristics of the state.

My theory was evaluated against competing explanations of state behavior from international relations literature. This comparison yielded a series of propositions to evaluate the strength of my theory of the diffusion of intercountry adoption alongside other theories of state behavior. The remainder of my work has been devoted to testing these propositions. The first challenge in testing these propositions, especially for a phenomenon like intercountry adoption that is understudied empirically, is to generate data capable of capturing the trends I hoped to explain, as well as the explanatory forces I claimed to be influential. Thus, a significant contribution of my work is the development and presentation of data capable of being analyzed to evaluate my claims. I devoted Chapter Three to presenting data that takes into account both cross-sectional and time-series factors; the data enable an investigation of the factors influencing state behavior

across multiple state contexts and multiple time periods. These data take into account both supply-side state decisions, the decision to allow intercountry adoption, and demand-side state decisions, the choice of partners for intercountry adoption.

Having data that enable further investigation, I then tested my propositions with two different statistical models. Chapter Four employed a time-series hazard model to test the propositions about state behavior on the supply side of intercountry adoption. This analysis answered the question: Why do states with vulnerable children allow foreigners to adopt those children? The analysis demonstrated the validity of several claims. First, it showed that intercountry adoption is in fact diffusing; as more states in the system allow intercountry adoption, the pressure on any one state to allow intercountry adoption increases. Second, it showed that the patterns of diffusion we observe are not due to a domestic political process that similar states are pursuing at the same time, or based solely on the domestic characteristics of states. Third, it showed that learning, not coercion, is the mechanism driving the diffusion of intercountry adoption. And finally, the analysis showed that states' domestic characteristics serve as a lens through which these states are learning about intercountry adoption.

The second model, presented in Chapter Five, is a stochastic actor-oriented model of network dynamics to test the propositions about state behavior on the demand side of intercountry adoption. This analysis answers the question: How do states select partners for intercountry adoption? The analysis demonstrated that other states' experience with intercountry adoption partners influences the likelihood that other states will choose them as an intercountry adoption partner. What states learn about partners from other states' experience with those partners is more influential on the likelihood that they are chosen

as intercountry adoption partners than the state's commitment status to the Hague Convention on Intercountry Adoption, the multilateral treaty governing the process. The analysis showed that states are not selecting their partners based on commitment to the treaty, and interacting with a committed partner does not move an uncommitted state toward commitment over time. Finally, the analysis suggested that learning is the mechanism driving interdependence in states' partner choices, not coercion. States are not choosing their intercountry adoption partners because they are coerced to choose certain partners, and they are also not using partner choice as a coercive tool.

My work employs quantitative analysis as a starting point for evaluating how learning is driving the diffusion of intercountry adoption and interdependence in state choices. Because so little work has been done to understand the politics of intercountry adoption, I needed to perform an aggregated analysis in order to be able to say anything about state behavior in intercountry adoption in general. And the statistical analyses served me well in this regard; we now have a clearer understanding of why intercountry adoption is diffusing through the international system, which states are more likely to allow intercountry adoption in the future, and *why* they are more likely to allow intercountry adoption in the future. We also have a clearer understanding of the criteria through which states are making partner choices for intercountry adoption. Furthermore, I have provided data that can facilitate future investigations of intercountry adoption.

Fundamentally, my work has argued that intercountry adoption is more of an international process resulting from our increasingly globalized world than a domestic political process. A process which was once quite localized, the transfer of children between families through adoption, is increasingly becoming a globalized phenomenon

across state borders. Children are no longer only transferred between families when they are adopted. They are now transferred across state lines to new families in new states. They become new citizens of these new states. The context of intercountry adoptions is political, and scholars need to understand the political factors that inhibit or facilitate adoptions on both the supply and demand sides of intercountry adoption. My work is the first step in understanding these factors.

Implications

The empirical and substantive contributions of my work suggest several theoretical implications for the study of international politics more generally. First, my research contributes to our understanding of why and when states choose international solutions to their domestic problems over available domestic solutions. Many of the states that allow foreigners to adopt children have social welfare systems capable of addressing the needs of vulnerable children. The United States, China, South Korea, and Russia for example all allow foreigners to adopt children when there are available domestic solutions for their care. I have demonstrated that other states' choices communicate information about the effectiveness of the international solution and influence the likelihood that any state would allow that international solution even when domestic solutions exist. Additionally, I have established that the threshold that states have for allowing intercountry adoption, as shaped by their domestic economic, demographic, and religious characteristics, can help both scholars and policymakers evaluate the likelihood that any one state would allow intercountry adoption at this point

in time, when so many other states have allowed the policy and shown that the policy can effectively address child welfare challenges.

Second, my research adds to the budding literature attempting to theoretically and empirically distinguish between the mechanisms of diffusion. It is not enough to identify that policies are diffusing through the international system, we must identify *why* states' policy choices are interdependent. Coercion and learning, the two most relevant potential mechanisms for intercountry adoption, are perhaps the most difficult diffusion mechanisms to distinguish from each other because they are often observationally equivalent. With the presence of coercive patterns, it can be difficult to determine when the coercion stops and learning starts. But in the absence of coercive patterns, when states' policy choices are converging over time on the same policy option, it is clearer that states are learning from other states' experience, not being coerced to adopt policies as a condition of service. I have demonstrated that it is important to eliminate the possibility of coercion by investigating if states' policy choices are a condition of a service, good, or membership in some larger group. Though the patterns produced by these mechanisms will differ across issue areas, the method of eliminating the possibility of coercion-based diffusion in order to understand patterns of learning-based diffusion can be applied across issue areas.

Third, my research has demonstrated that state learning can be both observational and interactive. If states are learning about policies, there must be some agent of learning that is conveying information. My empirical analysis establishes that learning is happening, and provides evidence for learning observationally from other states' experience. This indicates that policymakers are aware of other states' experience with

policies, and use the information they gather from other states' experience to form ideas about the effectiveness of policies. Though I currently lack the data to empirically demonstrate the impact of interactive learning on states' choices, I have shown that it is likely that an additional layer of agents of learning exist, and I have provided a theoretical framework for understanding how these agents are contributing to states' learning processes. Networks of adoption advocates are in a position to teach states that intercountry adoption is an accessible option, because they are the agents facilitating the adoptions across borders. They are also in a position to convey information about other states' experience with intercountry adoption as a policy. My work has established the presence of such networks and placed them theoretically within states' learning processes. This opens the door to further investigation of how networks of advocates are agents in the learning process.

Fourth, my research has implications for the study of international law. Although this is only one treaty in one issue area, I have shown that what states learn about their partners from other states' experience and from networks of adoption advocates has more of an impact on partner choice than the constraining power of international law. At the very least, this finding should encourage scholars to take into account learning when investigating the impact of international law. More seriously, it could indicate that scholars are misestimating models that measure the impact of international law.

Finally, outside international relations, my research demonstrates to scholars of comparative politics that studies of states' social welfare choices are incomplete if the international dimension is ignored. An examination of the decision to allow intercountry adoption as a purely domestic political process does not give us any leverage in

understanding why states are allowing intercountry adoption. But introducing the international aspect, the fact that states are learning from each others' experience, opens our eyes and explains how intercountry adoption is spreading across the international system. This explanation does not ignore domestic factors; rather it shows how domestic factors are important in the ways that they shape states' learning processes. In our increasingly globalized world, it is insufficient to study states' policy choices as autonomous processes. Even comparative social welfare studies should be taking into account how international forces shape and constrain states' policy choices, even for issue-areas that are traditionally understood as independent from outside influence.

Conclusion

In conclusion, my work offers lessons to several relevant groups for the study and practice of intercountry adoption. For political scientists, I demonstrate how an overlooked but widespread aspect of globalization teaches us something about the ways that states are learning about policies that can offer solutions to their domestic problems. I have demonstrated how observational state learning influences states' perception of the effectiveness of policies, as well as how interactive learning can alter states' perception of the accessibility of policies. My work opens the door for more research investigating how non-state networks of advocates for policies are agents of state learning.

For policymakers in the intercountry adoption community, my work has several implications. First, I have shown which states that do not allow intercountry adoption are more likely to move toward allowing the practice. Non-Muslim states that have low earning potential for the average adult are more likely to allow intercountry adoption,

especially now that so many other states in the system allow the practice. It is possible that the roadblock for such states that still do not allow intercountry adoption is more logistical. Second, I have shown which states are more likely to cease to allow the practice of intercountry adoption, which should serve as a warning for the policymakers negotiating interstate relationships. For example, states that have a high threshold for allowing intercountry adoption are more likely to regret instituting the policy and to look for evidence disconfirming that choice. Adoption scandals, such as those experienced between the US Government and the Russian Government, are much more likely to break down intercountry adoption relationships for states that already have higher thresholds for allowing intercountry adoption. In fact, this prediction came to fruition in January 2013 when the Russian Government banned US citizens from adopting Russian children. Third, because the Hague Convention on Intercountry Adoption is not influencing states' choices of partners for the practice, and interaction with committed states like the United States is not moving uncommitted partners toward commitment, it is time to rethink the resources devoted to perpetuating commitment to the HCICA. Instead of focusing on commitment to the HCICA as a signpost of success, the receiving states of children should focus more on building transparency within existing intercountry adoption relationships, which is ultimately the goal of commitment to the HCICA. When states learn through networks of advocates and state-to-state interaction that such transparency will help them build a more effective and more accessible intercountry adoption program, this learning should change states' behavior more than a tacit commitment to the HCICA.

Third, for the networks of adoption advocates that are seeking to facilitate adoptions, I have demonstrated the states that are more likely to start allowing

intercountry adoption. Because such advocates have limited resources available for facilitating adoptions, they should focus their energy on these states that have lower thresholds for allowing intercountry adoption. I have demonstrated that these networks of advocates have an avenue for influence as agents of state learning. More than merely facilitating adoptions on individual levels, these networks can influence state policy by making intercountry adoption an accessible option. My work should be used as a tool for identifying the most promising avenues for facilitating new intercountry adoption programs.

My hope is that this study has demonstrated the importance of understanding the political context in which intercountry adoptions are processed. It is certainly important to understand the psychological, sociological, anthropological, and legal implications of intercountry adoption. But if we do not understand why states allow foreigners to adopt their children, or how they choose their partners for the practice, we are blindly following a path that will disappoint in the end. We will continue to be surprised when states suddenly decide to close intercountry adoption relationships, disrupting in-process adoptions. The consequences of the political decisions states make regarding their participation in intercountry adoption are relevant for interstate relations, potential adoptive parents, and most importantly the vulnerable children impacted by these state policies. Scholars should place a premium on producing research that explains state behavior in intercountry adoption.

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