

Duties of Justice and Transracial Adoption

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Abstract

Racial issues have been on display all across the United States in recent months, but one area in which racial issues are constantly being debated though not publicized is foster care. Young minority children are constantly being placed with white foster parents or adoptive parents of different cultures and socioeconomic backgrounds. Many sociologists, such as W.E.B. Du Bois, have found that placing minority children in a different culture creates a double consciousness and harms the culture of their biological parents. However, there are several contemporary philosophers, such as Elizabeth Anderson, who argue that integration must be taking place in every social arena, including the family, in order to solve many social problems, especially those involving race. This research project will work through philosophical, sociological, and legal literature in order to answer the following questions: is the interracial adoption of minority children by white parents in the best interest of the children? Should interracial adoption be encouraged because it leads to greater integration within society? Is a harm done to African American culture when African American children are raised by parents of a different race? These questions will be researched by looking at adoption policies, empirical data, and scholarly writings, especially Elizabeth Anderson's *The Imperative of Integration* and Tommie Shelby's "Integration, Inequality, and Imperatives of Justice: A Review Essay". Following the review of these articles, this paper will argue that adoptive parents have a duty to seek out transracial adoptions in order to counter the harms of segregation with active steps toward a more integrated society.

Transracial adoption is one of the major issues in American adoption policy today. This issue has come up time and time again and been argued for and against in many different ways but still generates conflict. Transracial adoption, put most simply, is when a child is adopted by parents of a different race. Some groups are strongly opposed to transracial adoption. For instance, in 1972 the National Association of Black Social Workers issued a statement saying that black children ought to remain in black families because it is not in the best interest of the child to grow up isolated from members of their own race in a white family.¹ Likewise, some academic sociologists claim that the ideal and default position of social workers ought to be to place children with members of the same race.² On the other hand, many arguments have been brought against having same-race adoption as the default position. The main argument that will be evaluated in this paper is the one that Elizabeth Anderson makes in her book *The Imperative of Integration*. She holds the position that in order to improve race relations, the United States ought to promote integration at every level, including in the family. The following will explore the arguments for integration through transracial adoption and the arguments for against transracial adoption from a communitarian standpoint and defend the position that adopting parents have a duty to transracially adopt in order to promote a more integrated society.

The history of transracial adoption is complex and short. As Barbara Melosh points out, “adoptions of African American children by white parents, unknown before the 1950s, never became common.”³ Melosh states that transracial adoption has usually been defined as the adoption of black children by white parents.⁴ However, for this paper, the definition will be

¹ National Association of Black Social Workers, *National Association of Black Social Workers Position Statement on Trans-Racial Adoptions* (New York: National Association of Black Social Workers, 1972)

² Hawley Fogg-Davis, *The Ethics of Transracial Adoption* (Ithaca, NY: Cornell University Press, 2002)

³ Barbara Melosh, *Strangers and Kin: The American Way of Adoption* (Cambridge, MA: Harvard University Press, 2006), 159

⁴ Ibid, 160

extended to include all adoptions where neither parent is the same race as the child. In this respect, interracial couples are only considered to be transracially adopting if the child's race does not match that of either parent. This paper will also not deal with the issues surrounding the adoption of Native American children due to the incredible complexity of the situation. The passage of the Indian Child Welfare Act in 1978 made transracial adoption nearly impossible and since the United States recognizes the role of Tribal government in adoption proceedings it would require a separate paper to investigate transracial adoption with Native American children.⁵

Transracial adoption can be organized in many different ways. The United States currently uses a system where adoption agencies strongly consider the preferences of adopters and look for a match.⁶ For instance, when a person looks to adopt a child, he must answer a series of questions about what characteristics he would be willing to accept in a child. Questions about special needs, medical history, and race are all asked and the adopter can specify certain traits as acceptable or unacceptable. However, social workers complete home studies of prospective adopters and have the ability to deny adoptions on the grounds that the family would not be a good fit for their preferences. For instance, Melosh states, "Parental preference alone did not settle the question of parental fitness to raise boys or girls: social workers sometimes decided that prospective adopters would not be good parents of one sex or the other, regardless of what these clients said about their preferences."⁷ However, Melosh notes that the same consideration was not usually given to matters of race; social workers would accept the fitness of a client who

⁵ "Indian Child Welfare Act of 1978, 25 U.S.C. 1901-1963" (1978)

⁶Barbara Melosh, *Strangers and Kin: The American Way of Adoption* (Cambridge, MA: Harvard University Press, 2006), 163

⁷ Barbara Melosh, *Strangers and Kin: The American Way of Adoption* (Cambridge, MA: Harvard University Press, 2006), 164

said that they would be able to deal with the challenges of transracial adoption.⁸ However, as Fogg-Davis points out, there is a general consensus among scholars that the practice of race-matching is in the best interest of the child, even though transracial adoption is an acceptable alternative to foster care or an unfit parent.⁹

A policy based on race-matching means that the race of a child makes them more suitable for an adoption by parents of the same race. Though social workers use many criteria for determining placement, the race of a child can lend support for particular homes over others. For instance, if a black child were up for adoption and two families were hoping to adopt her, one white and one black, the child's race would be one of many criteria that recommend placing the child with the black family. This policy has been used for a long time and was exclusively used until the 1970's when many white prospective adopters wanted children but there were not enough white children to satisfy the demand.¹⁰ However, this policy remains the default position of most social workers. In contrast, a colorblind policy of adoption would demand that social workers not consider race as a factor when choosing which home would be a fitting placement for a child. They would rely solely on the other factors at their disposal such as age, sex, health and other traits of a similar nature. However, this policy is considered by many to be more of an ideal than a realistic policy for adoption.¹¹ There is a third policy option as well which argues for a more integrative form of adoption where social workers make an attempt to place children with parents of different races in order to promote integration. Black Nationalists reject this position

⁸ *ibid*

⁹ Hawley Fogg-Davis, *The Ethics of Transracial Adoption* (Ithaca, NY: Cornell University Press, 2002), 73

¹⁰ Barbara Melosh, *Strangers and Kin: The American Way of Adoption* (Cambridge, MA: Harvard University Press, 2006), 159

¹¹ Elizabeth Anderson, *The Imperative of Integration* (Princeton, NJ: Princeton University Press, 2010), 113.

because it takes black children away from their culture and undermines black culture as a whole.¹²

This paper will oppose the practice of race-matching and instead argue that parents have a duty of justice to transracially adopt. Race should certainly be taken into account in the same way that sex, special needs, and other such concerns are weighed, but there should be no officially recognized policy concerning race within adoption practices, race-matching, integrative, or otherwise. I will argue that prospective adoptive parents have a duty of justice to transracially adopt because it fulfills their duty of justice to promote just race relations. This duty does not extend to governmental functions for reasons that will be explored later on, but limits itself to a duty that is placed upon those adopting children. Social workers should maintain a position that allows for transracial adoption but they are not required to deny adoptions to same race placements when the placement is available and would benefit the child. This would be an example of the adoptive parents not fulfilling their obligation to promote just race relations and would not be a violation by the adoption agency in any way. The duty lies with each future parent to alter their preferences so that they will adopt transracially. This practice of transracial adoption will make for a more integrated society and promote racial justice in the way that Anderson outlines in her book.

To understand Anderson's argument and its relation to transracial adoption, one must look at the major parts of her argument for integration. We will examine the harms of segregation, the benefits that come with a more integrated society, and how Anderson's argument supports making transracial adoption the primary consideration when placing children in adoptive homes.

¹² National Association of Black Social Workers, *National Association of Black Social Workers Position Statement on Trans-Racial Adoptions* (New York: National Association of Black Social Workers, 1972)

Finding the ways that segregation has harmed society is not a difficult task. Looking back on the history of the United States, one can see the consistent theme of race-based oppression. Though slowly over time racial discrimination became less brutal but still extremely overt. First the international slave trade was abolished, years later, slavery altogether, leaving Jim Crow laws in the South, then separate but equal was done away with in *Brown v. Board of Education* and schools were required to integrate, and later, bussing practices started in order to further integrate schools. However, despite the ways that race relations in the United States have improved there still remains the institutional discrimination, stereotypes, stigmatization, and subordination of blacks. Anderson argues that segregation is the central cause of disadvantage for blacks in the United States.¹³ She maintains that, “Segregation has two faces: (1) structures and norms of spatial and social separation, to prevent contact between members of different groups, and (2) hierarchical role segregation, to ensure where contact occurs, it is on terms of domination and subordination.”¹⁴ There are, of course, many other means of racial oppression besides segregation, but segregation is what holds them all together. It affects aspects of daily living that typically go unnoticed without research. One study showed that the more segregated a school is, the greater the achievement gap is between white students and black students.¹⁵ Anderson believes that if segregation is deconstructed then all of the damages to minority groups, such as stereotyping, lack of job opportunity, higher arrest rates, discrimination, etc. will disappear with it. Segregation holds all racial injustice together and to provide justice for all, it must be systematically taken apart. Anderson says that, “Segregation has two faces: (1) structures and norms of spatial and social separation, to prevent contact between members of different groups,

¹³ Elizabeth Anderson, *The Imperative of Integration* (Princeton, NJ: Princeton University Press, 2010), 112.

¹⁴ Ibid

¹⁵ James Coleman et al., *Equality of Educational opportunity* (Washington, D.C.: GPO, 1966)

and (2) hierarchical role segregation, to ensure where contact occurs, it is on terms of domination and subordination.”¹⁶

Anderson argues that since racial injustice has its roots in segregation the ultimate way to deconstruct such a system is to integrate more comprehensively. Anderson distinguishes her view from the other popular, contemporary views of assimilation, desegregation, and colorblindness in order to clarify what she means by integration.¹⁷ First, assimilation, which will be dealt with in more detail later, is the idea that the minority culture will be absorbed by the majority culture so that there is one cohesive whole. Anderson believes this to be an incomplete strategy because she recognizes that this would simply be a further injustice to require a culture to give up its identity to prevent unjust discrimination. Instead, whilst she acknowledges that the minority group must accept some changes in their way of life, the dominant group bears primary responsibility for reforming their attitudes and opinions in order to include persons of minority groups as equals.¹⁸ Second, Colorblindness, i.e. ignoring race all together because race should not be treated as anything more than a social construct, will not benefit society in the way that integration will because it does nothing to tear down discriminatory social and cultural structures, and simply ignores the fact that racial injustice already exists. Finally, desegregation, the act of tearing down structures which perpetuate segregation, does not go far enough in its approach to repairing past discrimination. It is a necessary step but does nothing to improve multi-racial interactions once segregation has been deconstructed. It leaves the communities as they were before desegregation but leaves the opportunity to integrate.¹⁹

¹⁶ Elizabeth Anderson, *The Imperative of Integration* (Princeton, NJ: Princeton University Press, 2010), 112.

¹⁷ Ibid, 113

¹⁸ Ibid, 116

¹⁹ Ibid, 113

Promoting a policy of integration involves desegregation but desegregation acts as only the first step. After the barriers of segregation are removed, integration pushes members of different racial into closer spatial and personal relationships/ Moreover, integration is not merely an ideal or a superogatory goal. As Anderson argues, “Since the problem is an injustice (segregation), the remedy is an imperative of justice (integration).”²⁰ All people have the duty to promote integration because each person has the duty to combat injustice. This duty would not hold true if there were other means of removing the injustice of segregation; however, as Anderson shows, integration is the only system that has empirical backing and been shown to effectively counter the harms of segregation. Integration takes a more comprehensive approach to solving the problem by actively taking down structures that perpetuate segregation and then going a step further and placing groups in the same spaces on equal terms. Anderson shows how integration has been an effective approach to improving race relations by citing studies and theories that support her hypothesis. For example, the Gautreaux program in Chicago gave poor black families vouchers that allowed them to move into wealthier, integrated neighborhoods. Once relocated and settled, the parents’ and children’s outcomes began to improve relative to those who remained in segregated housing.²¹ They found higher paying jobs and their children were much less likely to drop out of school.²² Anderson interprets this data to show that the changes were sparked by increased interactions with members of society who controlled social capital and the social capital that the participants gained carried over for generations within each particular family.²³ And many other studies have found similar results showing that integrated

²⁰ Ibid, 112

²¹ *Hills v. Gautreaux*, 425 US 284 (1976)

²² ibid

²³ Elizabeth Anderson, *The Imperative of Integration* (Princeton, NJ: Princeton University Press, 2010), 119.

schools exhibit greater performance among minority students without decreasing the performance of those in the majority group.²⁴

Much of Anderson's argument hinges upon Allport's contact hypothesis: the idea that the more contact a person has with someone of another race as equals, the less prejudiced that person will be able to be.²⁵ Anderson's arguments for integration rest strongly on this idea but she also defends it using research. A study conducted by Daniel Powers and Christopher Ellison has shown that when a person becomes aware that one of their friends has a friend of a different race, it will decrease their prejudice.²⁶ Furthermore, they have shown that there is a correlation between interracial friendship and lower levels of prejudice and it is not just the result of selection bias.²⁷ If society integrates at a residential level then no doubt contact will increase among races and according to these studies the level of conflict between races will decrease and the level of positive relationships will increase.

If this contact hypothesis is true then it follows that transracial adoption, which would significantly increase consistent, intimate contact between disadvantaged and advantaged groups, would produce even better results than simply a residential form of integration. This form of residential integration would be what Anderson refers to as spatial integration. But this alone does not satisfy the duty to correct the harms of segregation. Formal integration must occur as well. Formal integration places the emphasis on individual actions. People cannot simply live near one another but they must make bonds and interact in a friendly manner as equals.

Anderson argues that formal integration "happens when members of different races form

²⁴ Jacob Vigdor and Jens Ludwig, "Segregation and the Black-White Test Score Gap," *NBER Working Paper no. 12988* (Cambridge, MA, 2007)

²⁵ Gordon Allport, *The Nature of Prejudice* (Cambridge, MA: Addison-Wesley, 1954)

²⁶ Daniel Powers and Christopher Ellison, "Interracial Contact and Black Racial Attitudes: The Contact Hypothesis and Selectivity Bias," *Social Forces* 74, no. 1 (1995): 205-226

²⁷ Christopher Ellison and Daniel Powers, "The Contact Hypothesis and Racial Attitudes Among Black Americans," *Social Science Quarterly* 75, no. 2 (1994): 385-400

friendships, date, marry, bear children or adopt different race children.”²⁸ This is what Anderson hopes to achieve and she argues that it is a duty of justice for society and its authorities to mandate this sort of integration. Transracial adoption is another form of formal integration that will diminish racism in society and so according to Anderson it must be encouraged. Indeed, it may be a duty of justice to increase this practice and change our default intuition from placing children with same-race parents and focus instead on placing children with parents of different races.

CRITICISM OF INTEGRATION

Now that Anderson’s argument has been explained and her position supporting transracial adoption as a duty of justice has been shown, let us examine Tommie Shelby’s reply to *The Imperative of Integration* and how his arguments relate to transracial adoption. Shelby begins by summarizing Anderson’s argument in detail before raising objections that integration violates the right of blacks to be self-segregating and that integration is really just another form of assimilation.

First, Shelby maintains that Anderson is mistaken that black self-segregation practices violate the imperative of integration. Shelby agrees that self-segregation can be done for reasons that would violate black people’s duty of justice to integrate, as when, for instance, a disapproval or hatred of white people motivated self-segregation.²⁹ However, Shelby provides several reasons for maintaining a racially homogenous community that he would consider to be perfectly legitimate, since “often [black people] engage in these practices to protect their shared interests in a society where they are deeply disadvantaged and vulnerable to mistreatment and political

²⁸ Elizabeth Anderson, *The Imperative of Integration* (Princeton, NJ: Princeton University Press, 2010), 116.

²⁹ Tommie Shelby, “Integration, Inequality, and Imperatives of Justice: A Review Essay,” *Philosophy & Public Affairs* 42, no. 3 (2014): 272

marginalization.”³⁰ Shelby believes that blacks make these choices conscious of the benefits and likelihood that their choices will worsen segregation patterns. This would be an example of throwing the baby out with the bathwater in his view. Legitimate black cultural practices do not deserve to be thrown out in the name of promoting better race relations. Shelby maintains that the best perspective is that of an egalitarian pluralist instead of one who supports integration.³¹

Anderson argues that integration will result in just relations between blacks and whites but she argues for this without addressing the concerns of black people who think that self-segregation has value for them. If racial justice mandates integration then it must be done with respect to the interests of the disadvantaged group. The letter written by the National Association for Black Social Workers that was mentioned previously argues along similar lines in regards to transracial adoption. They hold that the black community does not want to give their babies over to white people because this would be a form of cultural assimilation and not one integration. A dominant group would be taking the children of a minority group and raising them without respect to traditions or values held by the black community.³² Shelby argues from this same idea. An egalitarian pluralist model would allow for equal treatment of races while maintaining cultural identities. He maintains that eliminating discriminatory practices in order to create equal opportunity in racially segregated neighborhoods would be enough to bring social capital to blacks.³³ Instead of residential integration, “(W)e should work to improve the residential environment of the unjustly disadvantaged, that is, to make their neighborhoods less

³⁰ Ibid, p.270

³¹ Ibid, p.273

³² National Association of Black Social Workers, *National Association of Black Social Workers Position Statement on Trans-Racial Adoptions* (New York: National Association of Black Social Workers, 1972)

³³ Tommie Shelby, “Integration, Inequality, and Imperatives of Justice: A Review Essay,” *Philosophy & Public Affairs* 42, no. 3 (2014): 274

disadvantaged, but without aiming to rearrange neighborhood demographics by race.”³⁴

Egalitarian pluralism calls for allowing distinct cultures to separate residentially in order to protect the legitimate interests of blacks but forcing a distribution of social capital to promote access to good jobs and wealthier social networks for black people.

Second, Shelby enters into a discussion of cultural capital. Anderson argues that the only cultural habits that would need to change are those which prevent employment or the gaining of social capital, and these are not traits born out of black culture but ones born out of disadvantage.³⁵ However, Shelby thinks that to change some of these cultural habits would be to give in to injustice, for instance, to change one’s hairstyle from a black hairstyle to one that is more accepted in white culture. Shelby argues, “The fundamental problem might simply be that blacks are often at the mercy of whites’ arbitrary cultural tastes and must conform to white expectations (or at least appear to) if they are to succeed.”³⁶ Cultural capital is gained not only through dressing in a similar fashion but also through the music one listens to, the foods one eats, and the topics one discusses. Since the mechanisms for gaining cultural capital have been chosen by those who have cultural capital, the means for obtaining it becomes a matter of adopting the arbitrary tastes of white elites.³⁷ Since this is the case, integration begins to look much more similar to assimilation. And as has been shown, the Black Nationalist movement, Anderson, and Shelby are all against assimilation because it requires blacks to give up cultural practices that are a form of their cultural identity in order to gain advantages. This, of course, would not bring racial justice because it would place the responsibility for racial injustice upon those minority

³⁴ *ibid*

³⁵ Elizabeth Anderson, *The Imperative of Integration* (Princeton, NJ: Princeton University Press, 2010), 114-115.

³⁶ Tommie Shelby, “Integration, Inequality, and Imperatives of Justice: A Review Essay,” *Philosophy & Public Affairs* 42, no. 3 (2014): 279

³⁷ *ibid*

groups that chose not to assimilate and not upon the dominant group that had acted discriminatorily.³⁸

Shelby continues his critique of Anderson by pointing to the fact that integration is often an unpleasant experience at the beginning for most black people moving into white neighborhoods. The costs can include discrimination, violence, vandalism, and prejudice. When blacks choose to integrate, the burden is placed entirely on their shoulders and they are the ones who suffer from fulfilling this duty of justice.³⁹ This could also be the case with transracial adoption as a form of integration. The primary burdens are placed on the adopted black children because they will grow up feeling like outsiders or feeling that their parents do not understand the challenges they face.⁴⁰ Anderson acknowledges these costs and replies that with time the stress placed upon blacks will disappear and give way to greater racial justice.⁴¹ Shelby replies, “The concern is that blacks, an already disadvantaged group, will have to carry these burdens in the meantime, particularly when a positive result from their sacrifice is far from certain.”⁴² Shelby argues that since integration places such high costs on the minority group and relatively few on the dominant group, it is reasonable to explore other options to alleviate harms of segregation before resorting to a more extreme form of integration.

Third, The fact that integration policies can be abused and have unintended consequences leads to the worry that if one takes Anderson seriously when she says, “(W)e need to restore integration to a central place on our political agenda.”⁴³ Then that may commit us to endorsing

³⁸ Elizabeth Anderson, *The Imperative of Integration* (Princeton, NJ: Princeton University Press, 2010), 115.

³⁹ Tommie Shelby, “Integration, Inequality, and Imperatives of Justice: A Review Essay,” *Philosophy & Public Affairs* 42, no. 3 (2014): 281

⁴⁰ *ibid*

⁴¹ Elizabeth Anderson, *The Imperative of Integration* (Princeton, NJ: Princeton University Press, 2010), 180.

⁴² Tommie Shelby, “Integration, Inequality, and Imperatives of Justice: A Review Essay,” *Philosophy & Public Affairs* 42, no. 3 (2014): 281

⁴³ Elizabeth Anderson, *The Imperative of Integration* (Princeton, NJ: Princeton University Press, 2010), 3.

political policies that place a considerably greater burden upon a group that has been historically disadvantaged and mistreated in the political realm. To allow for policies that mandate or encourage transracial adoption could be unjust because of the historical discriminatory policies against black people. Because the United States has acted so unjustly toward blacks in the past, it seems unjust to allow for governmental policies that potentially destroy black cultural practices and ones that could place a greater burden upon black children adopted by white parents. When these things are part of a political agenda and are encouraged by state policies, it seems fitting that they be mistrusted due to historical injustices in similar policies. Melosh highlights many of these historical injustices in transracial adoption policies in her book *Stranger and Kin: The American Way of Adoption*.⁴⁴

Now Let us look at how transracial adoption plays into the debate with Shelby's argument that integration is more assimilatory in practice. The National Association of Black Social Workers stated in their 1972 position statement on transracial adoption, "The affirmation of our ethnicity promotes our opposition to the trans-racial placements of Black children."⁴⁵ They made this statement due to the fact that black children were being adopted to white parents as a practice of meeting the demands of white families and not based on the best interests of black children. They go on to state that white parents are not able to relate to the black children as well as black parents could because they are unable to understand the difficulties associated with being a minority. They cannot help the child deal with racist behavior or with being an outsider in a white culture.⁴⁶ This process looks like the ultimate form of assimilation because it

⁴⁴ Barbara Melosh, *Strangers and Kin: The American Way of Adoption* (Cambridge, MA: Harvard University Press, 2006), 158-184

⁴⁵ National Association of Black Social Workers, *National Association of Black Social Workers Position Statement on Trans-Racial Adoptions* (New York: National Association of Black Social Workers, 1972)

⁴⁶ *ibid*

is done, “(T)o further diminish black and accentuate white.”⁴⁷ If transracial adoption takes black children out of their culture and places them in homes that cannot teach them about the history or traditions of their biological ancestors then the practice is slowly, but surely, assimilating blacks into white, mainstream culture because they are growing up immersed in it. The Black Nationalist would argue that the process of integrating through transracial adoption places a much more burdensome demand upon blacks because their children are being assimilated through this practice and their culture is being lost.

REPLYING TO SHELBY

Tommie Shelby and the Black Nationalist viewpoint raise several important critiques of transracial adoption as part of the practice of integration. I will attempt to reply to each of these objections in what follows to show that transracial adoption ought to be encouraged as a duty of justice since all people have a duty to ensure that the society in which they participate is just.⁴⁸

The first argument that Shelby makes against integration is that an egalitarian pluralist model would be better for restoring racial justice. He thinks that self-segregation should be allowable if done for legitimate reasons. The idea that limiting adoptions to exclusively same-race parents is acceptable would fall under this view as well, maintaining that the reasons were for cultural preservation or some other legitimate reason. This idea of self-segregation as an acceptable action of blacks is central to Shelby’s response to Anderson. In order to respond to his argument, I will reply first to his arguments based around the harms done to black cultural traits by integration and then to his arguments saying that integration is not in the best interest of those integrating

⁴⁷ *ibid*

⁴⁸ Tommie Shelby, “Integration, Inequality, and Imperatives of Justice: A Review Essay,” *Philosophy & Public Affairs* 42, no. 3 (2014): 258

Shelby's first justification for this idea is his argument that in order for blacks to gain cultural capital, they must assimilate to the tastes of white elites beyond those cultural traits which Anderson describes as being from a culture of disadvantage. This presents a problem for any who support integration because there must be a distinction between integration and assimilation. The distinction is this: integration places a duty of justice upon whites just as it does upon blacks. And perhaps, Whites who are in the dominant group have a greater duty to promote integration and bear the burdens that come with it. So, in the case of transracial adoption, it is seen as a corrupting of minority culture by a dominant group because Shelby interprets integration as meaning only blacks integrating into white culture. However, the converse must be true as well. Whites have an even stronger obligation to integrate into the cultures of minority groups as well. So, it is not the case that only black children will be adopted by white parents, but also, black parents must be encouraged to adopt white children. To support what the NABSW said in 1972, "We denounce the assertions that Blacks will not adopt."⁴⁹ They argue that adoption procedures have screened out black applicants based on education, income, and other similar things to make it more likely that only middle class white parents will adopt. However, if adoption agencies deem a parent unfit to adopt a white child, then there is no reason to assume their fitness in adopting a black child. Practices such as this imply that black children are less valuable because they can be given to parents who are less able to take care of children. If a parent is fit to adopt a child then the race of the child should not matter and black parents ought to be encouraged to adopt white children in the name of integration in the same way that white parents should be encouraged to adopt black children. Policy itself should be colorblind, but the duties of adoptive parents require them to seek out children of different races in order to

⁴⁹ National Association of Black Social Workers, *National Association of Black Social Workers Position Statement on Trans-Racial Adoptions* (New York: National Association of Black Social Workers, 1972)

promote integration. This type of integration cannot be considered assimilation because it integrates both cultures into each other while leaving each with children who will grow learning about multiple cultures instead of just one way.⁵⁰

Shelby continues his justification by adding that the demands of integration are placed disproportionately upon the black community because they are the ones who are expected to integrate. However, even residentially the same solution is available. Simply shift the burden onto the dominant group. White, middle class families ought to move into black neighborhoods in the same way that black families ought to move into white neighborhoods. This means that the burden of integration will be shared by all instead of just the disadvantaged group. Furthermore, there are several benefits that will come with whites moving into disadvantaged neighborhoods with blacks. They will bring social capital with them to these areas and effectively break the culture of disadvantage that persists in many neighborhoods of color.⁵¹ Also, many of the worries regarding TRA will disappear because now black children with white parents and white children with black parents will live in communities that contain members who can help them to navigate their racial identity. One of the strong arguments presented by the NABSW was that children would not have guidance in dealing with racism, but in an integrated neighborhood, mentors will be nearby; also, they claimed that children would need special accommodations as the odd one out, but in an integrated neighborhood there would be access to any special services that one might need.

Anderson provides compelling statistics as to why integrated communities enjoy greater racial justice and benefits.⁵² She also provides clear support of Allport's contact hypothesis

⁵⁰ If one were to argue that growing up in this way causes a harm to be done to the child then one is implying that bi-racality is less desirable than a person belonging to only one ethnic group.

⁵¹Elizabeth Anderson, *The Imperative of Integration* (Princeton, NJ: Princeton University Press, 2010), 114-115, 119.

⁵² Ibid, 119-122

which has been further supported by these statistics.⁵³ So, with clear benefits coming from integration and equal short term costs placed upon members of all races, there remains no reason to allow for self-segregation. If the duty of justice to integrate was only placed upon blacks then there would be sufficient reason to allow it but since the burden is placed more heavily upon the dominant group, the legitimate reasons for self-segregation apply to all races and are now incompatible with a duty to integrate.

Furthermore, there should be no issue regarding whether or not government policy mandates transracial adoption. This paper argues takes a less extreme stance than Anderson's and argues that adoptive parents have a duty to seek out transracial adoption and not that social workers ought to make an extra effort to place children with parents of a different race. This model allows for integration to take place in a complete way by each person fulfilling their duties while remaining sensitive to past injustices regarding transracial adoption policies in the United States, as highlighted by Melosh.⁵⁴ This approach should satisfy the worry that adoption policies are in place just to take black children out of black homes, because the adoption policies do not show any preference for placing black children in white homes. The duty relies on adoptive parents to show a preference for integration by adopting children of different races, black adopters included.

In addition, governmental adoption policy should remain colorblind because of the near impossibility of crafting integrative adoption legislation that could remain free from abuse. If adoption legislation mandated or even encouraged the adopting of black children into white families or vice versa, the process begins to look more like assimilation. If transracial adoption becomes more than a private duty held by adoptive parents then the risk is greater that adoptive

⁵³ Ibid, 123

⁵⁴ Barbara Melosh, *Strangers and Kin: The American Way of Adoption* (Cambridge, MA: Harvard University Press, 2006), 175

parents will be less respectful of the heritage of their child because they did not make the conscious decision to transracially adopt. However, if the transracial adoption policy remains colorblind and the duty remains with adoptive parents, then parents who fulfill this duty intentionally will be better prepared to respect the challenges that come with integration. The parent, in this instance, made the decision to transracially adopt and was not bound by any outside forces but hopes to create a more integrated society through their adoption. While the parent in the first instance does not fulfill the duty to integrate because they have no choice in their adoption, the law requires them to take a child of a different race. This could easily be used by dominant groups to assimilate minorities into a different culture, even if it is done unintentionally. The law cannot preserve the intention of integration; therefore, it should make no effort at enforcing it. A colorblind policy prevents assimilatory practices and avoids the worry of institutional discrimination, while leaving intact the duty of parents to seek out transracial adoption.

In conclusion, this paper has argued Anderson's position that a duty exists to promote integration and one way of doing this would be transracially adopt. However, in light of the concerns presented by Tommie Shelby, I do not go as far as Anderson and argue that integration ought to be done through state policy. In my view, the duties of integration lie in the hands of each individual, and this remains true in the realm of transracial adoption. Adoptive parents have the duty to adopt children of different races, but this should not be mandated or regulated by adoption agencies. More studies should be done in this realm to see the long term effects that transracial adoption has on the individuals and on the communities in which they take place.

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