

## Alice Hearst: *Children and the Politics of Cultural Belonging*

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In *Children and the Politics of Cultural Belonging*, Alice Hearst analyzes the debate over communal and cultural belonging, focusing on “three distinct areas: the debate over domestic transracial adoption of non-American Indian children, the debate over the scope of tribal authority over American Indian children, and the debate over cultural and communal belonging for transnationally adopted children” (Hearst 2012, p. 12). In doing so, Hearst illustrates the difficulty of defining “belonging” but nevertheless asserts the importance of acknowledging “belonging” in discussions regarding adoption and multiculturalism. Hearst also explores the burgeoning international discussion about the extent to which children may have identity rights.

Thus, for people interested in adoption and children’s relationship with culture, this book not only provides a valuable resource in understanding historical and current debates about these subjects but also offers a glimpse into issues that the United States potentially will need to grapple with in the future.

The issue of cultural belonging for children is a complex one, and Hearst respects its complexity by addressing in her analysis the various forces that affect ideas of belonging—history, politics, social movements, and legal decisions. Hearst does not merely state her opinion. Rather, she presents the arguments that various scholars and advocates have made on both sides of the debate and explains how her opinions fit within the overall conversation.

In the Introduction, Hearst sets out the various issues and themes that run throughout the book. Hearst first points

out that marginalized communities have disproportionately borne the loss of children, often through deliberate initiatives by private groups and the federal government to move children from “unsuitable” families to “suitable” families. Hearst, therefore, advocates for a “communally aware position” that takes into account marginalized communities’ experience and concerns when creating legal and policy regimes governing both domestic and international adoption and foster care. Marginalized communities, in turn, would need to be realistic about their abilities to claim and care for the children. Indeed, although Hearst respects the interests of communities, she does not think community interests trump all others. According to Hearst, “If community connections are to be forged, it is critical to understand how children themselves navigate among different spheres of belonging and to grant them the opportunity to shape their own identities as they mature” (Hearst 2012, p. 11). Thus, Hearst recognizes that different policy prescriptions are necessary depending on the circumstances of particular children.

In Chapter One, entitled “Children, Law, and Belonging,” Hearst discusses how the rights of children, or lack thereof, impact ideas of cultural belonging and how varying interests complicate the discussion. On the international level, some commentators have read provisions from the Convention on the Rights of the Child as potentially conferring a right of cultural or communal identity for children. According to Hearst, however, framing identity interests as rights for children is problematic, especially in the United States. Identity is a fluid and ambiguous concept, and children’s rights are deeply entwined with the rights of caregivers.

Hearst examines several Supreme Court decisions and notes that the Court often protects the rights of parents to raise their children, but the Court does not articulate

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independent rights for children. Although Hearst does not think it possible to frame identity interests as rights for children, she nonetheless believes that recognizing and accounting for identity interests in legal regimes governing adoption and foster care “is critical if children’s well-being is to be realized” (Hearst 2012, p. 21). Acknowledging children’s identity interests also means that any debate over a child’s cultural and communal identity “must at the very least give serious consideration to familial and communal interests in maintaining connections to a child as he or she is settled into a new family” (Hearst 2012, p. 29). At the same time, however, children should not be unduly burdened by the obligations of culture and community. Using the law to create identity categories also can be problematic because “an identity once articulated in the law tends to become frozen” (Hearst 2012, p. 35). Indeed, as Hearst illustrates through her discussion of various interests and legislative schemes, there is no one-size-fits-all notion of belonging, and thus people need to engage in deep discussions about both communal and children’s interests when creating policy.

In Chapter Two, entitled “Community, Identity, and the Importance of Belonging,” Hearst delves into the politics of cultural belonging. Hearst notes that political scholars traditionally discounted the importance of communal belonging, focusing instead on the relationship between the state and the individual. Recently, however, political and legal scholars, along with communities, have argued for the recognition of rights to culture and/or group identity. According to Hearst (2012, p. 45), “The reintroduction of community as a significant political category complicates the range of identity claims being asserted today.” Hearst points out the difficulty of defining culture, identity, or community as analytical terms in their own right. People often have multiple and over-lapping identities, and children, in particular, have fluid identities. The law, in trying to establish community rights, is not able to take all of these considerations into account. Nevertheless, Hearst concludes that communal interests, like children identity interests, should be considered in framing legislative regimes that affect adoption and foster care. Hearst also discusses how the placement of children can significantly shape the child’s belonging, and thus the power to place children is important in these discussions.

In Chapter Three, entitled “Rainbow Dreams and Domestic Transracial Adoption,” Hearst explores the debate surrounding domestic transracial adoption and placement of non-American Indian children, particularly African American children. Hearst discusses the history of adoption and foster placement from the mid-nineteenth to today, noting that from the outset providing care for needy children was propelled by assimilative impulses and was intimately tied to the project of nation-building. Hearst

then examines the impact legislature, such as the Multi-ethnic Placement Act (MEPA), the Interethnic Placement Provision amendment to the MEPA (MEPA-IEP), and the Adoption and Safe Families Act of 1997 (ASFA), has had on transracial adoptions. After presenting the arguments proponents and opponents of transracial adoption use when debating this issue, Hearst points out issues the two sides have failed to untangle: (1) the problem of utilizing concepts of race and culture interchangeably, (2) the assumption that a child belongs with one group more than another, (3) the assumption that the universe of adoptable children are homogenous. As in the previous chapters, Hearst illustrates both the difficulties and the importance of considering the interests of the community and the interests of the child when creating laws and policies. Hearst suggests that, at the very least, the legislature should reinstate the original language of the MEPA. Hearst also emphasizes that adoption may not be in the best option for all children; other options, such as group homes, long-term foster care, and permanent guardianship, should be discussed.

In Chapter Four, entitled “Reclaiming the Diaspora and American Indian Children,” Hearst analyzes the debate over the scope of tribal authority over American Indian children. In contrast to the MEPA-IEP, the Indian Child Welfare Act (ICWA) reflects the explicit recognition of the child’s ties to a tribal community. Although Hearst acknowledges value in the communally responsive approach of the ICWA, she does not shy away from pointing out ICWA’s shortcomings, such as assuming that the children subject to its provisions have fixed and singular identities as “Indians.” Hearst traces the history of US treatment of American Indians, showing the deliberate efforts the US made to eliminate tribal cultures. Hearst also recounts the movement in the 1970s to restore tribal identity and sovereignty, setting the stage for the enactment of the ICWA. The subsequent Supreme Court cases Hearst discusses illustrate both the difficulties created by the ICWA’s policy as well as the compelling reasons the ICWA was enacted in the first place. As in previous chapters, Hearst goes back to balancing the interests of the communities and of the children. Hearst advocates for better efforts to facilitate placement of Indian children with Indian foster and adoptive parents, to remedy the inequality that places Indian children and families at risk, and to consider the particular life of each child so that the ICWA can benefit both tribes and children. Hearst also notes that the growing influence of international human rights regimes likely will affect future implementations of the ICWA.

In Chapter Five, entitled “Transnational Adoption in a Shifting World,” Hearst examines the debate over cultural and communal belonging for transnationally adopted children. Hearst traces the history of transnational adoption,

outlines the arguments for and against the practice, and notes the importance of facilitating children's understandings of their culture, which can oftentimes be problematic. Once again, Hearst asserts the importance of addressing the impact that the loss of children has on communities of origin. Hearst also discusses how various human rights instruments, including the Convention on the Rights of the Child, have proposed a set of identity rights to children that has in turn affected the framework within which transnational adoption is discussed. Finally, Hearst explores how the Hague Convention handles questions of cultural and communal belonging.

*Children and the Politics of Cultural Belonging* is a well-crafted scholarly work that raises interesting and important issues, including the roles of the community and children in shaping adoption policies and ideas of belonging. Hearst is very consistent in her analysis and thorough in her research. At times, Hearst's analysis is so consistent as to appear redundant.

However, this redundancy shows that any of the five chapters could be read standing alone and still be representative of Hearst's overall argument and thought-process. Thus, this book has value both in its entirety and in its individual parts. Not only does Hearst skillfully navigate through the complex issues of cultural belonging, but she

also provides readers with enough information to allow them to form their own opinions. Equally importantly, the text confirms the need for a more expansive approach to the current study of youth's sense of ethnicity (see Levesque 2007), particularly as it relates to identity configurations and the implications of those identifications (see Choi et al. 2012; Crocetti et al. 2012). Overall, *Children and the Politics of Cultural Belonging* is thought-provoking and a valuable research resource.

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