

Article

Papering the Origins: Place-Making, Privacy, and Kinship in Spanish International Adoption

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Abstract: This article examines place and privacy as two key resources for producing kinship through an analysis of exceptional legal practices in Spain that overdetermine international adoptees' Spanishness. Per Spanish law, minors internationally adopted by a Spanish parent are "Spanish by origin" (españoles de origen). Over and above this, however, Spain's Civil Registry Law was modified in 2005 to allow internationally adoptive parents to officially change their child's place of birth in the formal record. I draw on legal material about this change, as well as online posts by adoptive parents discussing it, to make two claims. First, I identify the significance of place as a key resource for the production of kinship—belonging to a Spanish family and nation. Second, I note the persistence of an ideology of secrecy or privacy surrounding the family that is linked to a history of illicit child circulations during the Franco era. I further show that documents are a key nexus mediating the place–kinship and privacy–kinship relations, requiring further attention to both legal documentation and the proliferation of public personal narratives, such as blog posts, as evidence of family dynamics.

Keywords: adoption; children; families; kinship; nationalism; documents; citizenship; Spain

1. Introduction

This article explores the relationship between the registration of birth—a formal, documentary step recording the child's existence in a country's civil registration system—and the affective, relational production of kinship and belonging. I analyze a 2004 modification of Spain's Civil Registry Law that allows internationally adoptive parents to register their child as having been born in their Spanish town (see Appendix A for details of BOE-A-2004-12542 and BOE-A-2005-19005) (see [Leinaweaver 2013](#), pp. 142–44). In Spain, international adoptees obtain Spanish citizenship as a consequence of their filial relationship to a Spanish citizen (referred to as being "Spanish by origin"; see ([Ministerio de Justicia España](#))). The subsequent action of changing a child's place of birth in the formal record appears to overdetermine that child's Spanishness, which, borrowing from [Labov \(1966\)](#), we could also describe as hypercorrecting that child's foreignness. This raises the question of what the purpose is of this hypercorrection—whether it is about producing the internationally adopted child as exclusively Spanish, or whether it is a form of protection of family (or parental) privacy.

In what follows, I trace these two premises, finding both compelling. On one hand, the law signals the importance of territory in Spanish conceptualizations of citizenship and belonging, emphasizing the importance of place in producing a connection to a new family and nation. The possibility of legally changing a child's place of birth is a powerful one that points to the importance of both place, and birth, in regimes of transnational kinship. On the other hand, this legal tool appears to emerge from a discourse of protecting family privacy that, itself, is linked to a troubled history of secrecy in Spanish illegal adoptions during and after the Franco era. My material suggests that by situating the child as having been born in a particular Spanish site, a situation that is reiterated through the documentary tool of the everyday national ID card, the significance of family privacy is highlighted,

while simultaneously child and other kin are linked to place and nation. A related finding is that there is an indirect relationship between place and identity, and that relationship is produced or refracted through documents—a rich area of recent anthropological scholarship to which I contribute here.

Kinship, Place, and Privacy on Paper

Kinship has been the focus of renewed attention within anthropology because of its centrality to social life around the world. Rather than seeking relatively stable structures and mapping genealogical relationships, today's anthropologists of kinship explore what kinds of social relationships seem to be especially significant in a particular cultural context; how those relationships are locally theorized to be produced, nourished, or broken; and what people actively use those relationships to accomplish or cast off. This analysis draws from, and contributes to, kinship studies in anthropology, arguing that international adoption is a key case for sharpening our understanding of the role of place in kinship on one hand, and the significance of privacy and secrecy for the construction of Western families on the other.

Cultural geographers and anthropologists alike have noted the relevance of place in these constructions of kinship: from the burial of an umbilical cord in a Navajo corral or field (Lamphere 2001, p. 41) to the etymological connotations of the word *casa* (Spanish: house) and its overlap with the term *casado* (married) (Leinaweaver et al. 2017). Nash, writing about “geographies of relatedness” (Nash 2005, p. 460), highlights in particular “ideas of ‘place of origin’: personal, national, ethnic, racialized, universal in their familiar and emergent forms”. The rooting, anchoring, or grounding of people in place is an important tactic for producing kinship relations, and similarly, drawing on presumed kinship relations is a common way to justify claims to place through discourses of inheritance, *jus sanguinis* (or the legal tradition whereby one is entitled to citizenship of a particular nation because of one's parent's citizenship rather than because of place of birth, or *jus soli*) and the like.

Transnational adoption provides a useful case study for analyzing the importance of place in kinship—both place of “origin” and place of residence (Frekko et al. 2015, p. 500). On one hand, an adoptive parent must think through and articulate a personal significance of her or his child's birth country, both during the application process of the adoption and as part of developmentally approved strategy during childhood (Frekko et al. 2015; Howell and Marre 2006, p. 302). In this sense, there is significant attention given to what Linda Seligmann refers to as “place-making activities”, or “active engagement with ideas about and connections to very distant places and how they are construed” (Seligmann 2009, p. 118). In parenting work, emphasis is on the child's birthplace as a source of symbolic capital in narratives of parents' journeys, their justifications for choosing the country, and in everyday practices of “place-making”, such as consuming ethnic food and learning Amharic (both examples of other key symbolic objects standing in for place) (De Graeve 2013). This relationship to a place of origin takes on a quite different form when explored by an adopted person going on a “roots trip”—as Barbara Yngvesson and Susan Coutin explain, “These individuals return (or are returned) to sites of prior dislocation because they are presumed to belong there”, but what they experience instead, in seeking a *de jure* (or legally sanctioned) origin, is a renewed sense of dislocation and apprehension of *de facto* impossibility (Yngvesson and Coutin 2006, pp. 177–78).

On the other hand, transnationally adoptive parents and children also do extensive labor that anchors the child in the new nation of residence—Howell's example is photographing an adopted child “in places that epitomize the ideals of Norwegian family life and kinned relatedness” (Howell 2003, p. 472). The, at times simultaneous and contradictory, reiteration of a child's connection to place of origin and the practice of “planting the child in the ancestral land” (in Howell's terms, (Howell 2003, p. 472)) leaves transnationally adoptive families with either a plethora of resources for creating relatedness, or a series of challenging paradoxes as they work to establish both kinship through place, and place through kinship.

But the Spanish Civil Registry Law is not merely further evidence of the significance of place for kinship and kinship for place. It also evidences the secretization of history, an archiving of

material deemed private (Bok 1989; Goffman 1963; Simmel 1906). Secrets—even “public secrets” (Goldfarb 2018)—require that the secret-keeper avoid revelation of a stigma that may discredit him or her (Goffman 1963, pp. 16, 42). They also require that others maintain discretion, which Simmel has nicely defined as the act of “restraining ourselves from acquaintance with all of those facts in the conditions of another which he does not positively reveal” (Simmel 1906, p. 452). Such avoidance and discretion are together generative, Simmel has suggested (Simmel 1906, p. 462; see also Bok 1989, pp. 32–33). One sees this in kinship, in the way that creating and shielding secrets can produce social relations, exemplified in Simmel’s discussion of secret societies (Simmel 1906). In other words, there is a relationship between discourses or ideologies of secrecy and privacy, and the production and nourishing of kinship. Notions of secrecy and privacy may be deployed as a discursive tactic to signal boundaries between what is to be kept within the family, and what is not.

In the twentieth century, adoption has been a key site for the development and elaboration of notions of privacy and secrecy. Two books about the United States demonstrate this ethos clearly: *A sealed and secret kinship* (Modell 2002) and *The girls who went away* (Fessler 2006) both highlight the secretization, even displacement, of births that would ultimately be rewritten through adoption (see also Carp 1998). While international adoptions, some of which are perceived to be transracial, may raise a different set of issues because the adoption is visible and cannot itself be secret, there are a number of secrets that lead to requests for privacy: the origins of the child and how he or she came to be abandoned or available for adoption, the medical or psychological history of the birth parents, the social and historical dynamics of the country of origin (for example, a child adopted from Guatemala in the early years of the 21st century might be assumed to have been illicitly acquired) (Leinaweaver and Seligmann 2009, pp. 4–5). As legal scholar Elizabeth Samuels has noted about closed adoptions in the U.S. during the 20th century, protecting the adoptive family’s (read: parents’) privacy may mean reproducing stratification in adoptive relations, for example by making it more difficult for birth relatives to contact the child (Samuels 2013, p. 37). All this information, including the identity of birth parents, may be known by adoptive parents but maintained secret from adopted children, or it may even be a secret to adoptive parents. Similarly the placement of the child is likely to be a secret to a child’s birth relatives.

The premise on which the value of secrecy persists may be the idea of the child’s “best interests”—that is, that a child could be traumatized by learning that her birth mother had been sexually assaulted or that she herself had been stolen from her birth relatives. The idea that transparency and truth are values in themselves is certainly one that is historically and socially produced, and is one that is mobilized in activism by the open birth certificates movement, so I do not mean to argue for that point without reflection—rather, I will explore some of secrecy’s many effects. Part of the power and persistence of secrecy as a tactic is that, at times, it has been used effectively as a tool for producing adoptive kinship, namely by—if we return for a moment to the argument about place—avoiding questions of belonging to a different family, place, or community and in so doing strengthening the claims of the current family, place, and community.

In the case study presented here, documents are the nexus through which this kinship is produced. This is analogous to how, in the immigration regime of contemporary France, paper materializes a body and a history through the process of a medical certificate objectifying an asylum seeker (Fassin 2005, p. 598). It is similar, too, to the hukou registration system in China (Johnson 2016), or the household registry in Japan, the latter of which Kathryn Goldfarb analyzes as “untouchable proof of that which could not be said . . . the truth of originary disconnection” for foster children (Goldfarb 2018, p. 193). Descendancy from someone inscribed on the Dawes rolls is a further powerful instance of how documents register kinship along with membership in an Indian tribe (Sturm 2002, 2011). In Guatemalan declarations of child surrender, as Posocco notes, “such identity-shifting, relationship-making, and relationship-severing operations depend on a set of written declarations”, which are granted authority to create and transform reality (Posocco 2011, p. 444).

For adoption, then, rewriting a document and newly inscribing a child in the formal record are two of the tools that make that child a full citizen and full family member, tied through writing and language and paper and bytes to a place-name that circulates. Yngvesson and Coutin have eloquently argued that there is not a one-to-one “relationship between birth and the production of the document that certifies the creation of both” a child and his or her mother’s relationship to that child (Yngvesson and Coutin 2006, p. 177). Although the focus of my analysis is on the implications for kinship and nation of this papering of origins, I note that—following recent scholarship on documents (Reeves 2013; Chu 2009; Navaro-Yashin 2007; Hull 2012; Riles 2006)—it is through paper-pushing that a child is anchored to both the new kinship group and to the new nation. Paper is a proxy for place.

2. Ethnographic Setting and Methods

The ethnographic context of Spain is a novel one that accommodates this particular legal modification but that speaks to broader social and population changes across Europe and North America, regions with relatively lower fertility that are the destinations for most international adoptions. The legal context is framed by the current set of regulations for assigning Spanish citizenship, which combines attention to a parent’s nationality (*jus sanguinis*) with an emphasis on the child’s place of birth (partial *jus soli*). In Spain, the citizenship status “Spanish by origin” (*españoles de origen*) is granted to children born to or adopted by a Spanish parent (or even to the child of an exiled Spaniard); a subset of those born in Spain to foreign parents; and those born in Spain whose parents’ identities are unknown (Ministerio de Justicia España).

Spain’s demographic context is also striking. The nation has recently had high rates of international immigration. More than six million international migrants reside in Spain, making up about 14% of the population (OECD Spain 2010), which may have some bearing on parents’ goals to transform their children into Spaniards. Interestingly, at the same time as this change was made in the civil registry law, a similar option was extended to immigrants receiving Spanish nationality and swearing loyalty to the King (Leinaweaver 2013, p. 143) (see Appendix A for details of BOE-A-2005-19005, op. cit.). One might view this as additional evidence that birthplace is central to integration into a new country, or that the Spanish territory itself acts to claim new residents and citizens. The legal justification for this change, however, was the unsustainable delays in issuing certificates that resulted from paperwork bottlenecks following the substantial increase in international immigration and the relative rapidity with which immigrants from former Spanish colonies may obtain citizenship (after two years of legal residence).

Spain also has had high rates of international adoption. Worldwide, numbers of international adoptions increased throughout Europe and North America in the 1990s and early 2000s, peaking in 2004 and then decreasing. Spain’s increase was dramatic: 273% during a seven-year period, while the totals worldwide increased 42% (Selman 2009). Spanish fertility rates are on the low end of the spectrum and surrogacy is illegal in Spain, as it is in a number of other southern European countries (Marre 2011; Bergmann 2011). Legal domestic adoption has, until recently, been rare in Spain (although illegal domestic adoption has recently been revealed as a practice that existed into the 1990s, as I will address below).

This article analyzes the existence of the legal change and its implications for kinship production. Accordingly, my data consist of legal documents surrounding the civil registry law and regulations, read against listserv and blog posts commenting about the issue. The ethnographic interviews and observations I have conducted since 2009 on international adoption and migration in Spain inform my analysis (Frekko et al. 2015; Leinaweaver et al. 2017; Leinaweaver 2011, 2013, 2014, 2015a, 2015b). In the rest of the article, I examine three themes that the law and discussions around it raise: referentialist documentary ideology (the idea of documentary truth or reality versus lying or hiding the adoption); the meaning and use of identity documents themselves; and the functions of secrecy within local kinship regimes. These themes trace the guidelines of the literature just laid out: on one hand observing that the “truth” of kinship is central to its symbolic weight, both reflected in and made real through

documents as embedded in everyday social life, and on the other hand, noting how privacy and secrecy have been relatively unsung resources in the production of social relations.

3. Discussion

3.1. Truth and Falsity

One mother and blogger, who describes herself on her “about” page as “mother of two boys, single mother by choice, adoptive mother, mother of two boys who are different colors than me”, wrote about the place of birth question in 2011 at her blog, “Mother from Mars”. I quote her statement at length because it crystallizes the issues I view as central in the discussion of, and reception of, the civil registry law (see [Gay and Blasco \(2012\)](#); [Marre \(2004\)](#) on the productivity and utility of analyzing online posts for adoption scholarship). The first issue she raises is the significance of truth and reality as opposed to falsity and fiction. The mother writes: “When I went to register my first son at the civil registry I found something that left me shocked: it was possible to register him as born in the town his parents reside in, instead of the place he really had been born. I must be very literal, but it had never occurred to me that place of birth might mean something other than place of birth: my children were born where they were born and that’s all there is to it” (this and subsequent quotes come from <http://madredemarte.wordpress.com/2011/05/18/registro-civil/>).

In her statement, the mother from Mars highlights truth, reality, and literalness as the primary reasons to keep the documented place of birth aligned with her understanding of what actually took place. Recent critical scholarship confirms that documents are felt to have a powerful claim on the truth ([Ellison 2018](#); [Hull 2012](#)). The mother’s statement indexes a referentialist framework in which—quoting [Yngvesson and Coutin \(2006, p. 178\)](#)—the ““as if” world of law [is linked] to an allegedly exterior or prior world (the natural? the social? the real?) on which law acts and from which law derives truth” (see also ([Carr 2010](#), [Frekko et al. 2015](#))). Here, the town name labeled with the phrase “place of birth” is expected to refer to a real thing that actually happened, and to label a different town with this phrase is to participate in a falsification. The professional literature referring to birth registration takes this same literal or referentialist stance as well (see, e.g., [United Nations Children’s Fund 2013, p. 5](#), or article 16 of Spain’s current civil registry law insisting that officials seek “concordance between the recorded facts and the extra-registral reality;” see Appendix A, BOE-A-2011-12628).

Treating the papering of origins, therefore, as a falsification raises two considerations. For anthropologists, “falsification” is often seen as productive, in the sense of creating new realities: it is authorized because it is thought to achieve something seen as even more significant than accuracy of reference. Namely, the “rewritten” birth registries are produced not because they transparently reflect a birth that occurred in a particular location, but rather because officials in the civil registry privileged the protection of family privacy over other guiding principles such as “veracity”, and recommended this action to parents as a way to make their child’s life a bit easier.

Second, the contrast between this particular falsification and others that are less contested—for example, changing the child’s last name (and often first name), and replacing the child’s parent/s on the birth certificate—will reveal what is seen to be significant about the reality of a place of birth. Both of those other “falsifications” are accepted with little question as part of the process of plenary adoption, which affiliates a child with a single family, ascertaining his or her rights to inheritance and making the adoption “real” through a “kind of ‘serial monogamy’ of national/familial kinship” ([Dorow 2006, p. 209](#)). By contrast, the idea of replacing a child’s birthplace is quite rare and has raised concerns among parents like the mother from Mars and adoption psychologists and professionals across Spain. This suggests that changing the birthplace is not seen as similarly protective of a child’s affiliation with the adoptive family, a position that divorces the emplacement of a child from his or her legal integration through name and inheritance law.

These concerns, in contrast with the official stance of the civil registry staff, suggest that there are areas in which veracity is significant for adopted children—aligning with a discourse in which

children's symbolic connections to their countries of origin should be fostered and nourished—and perhaps facilitating the lack of attachment to veracity in the areas of the child's genealogy and last name. This analysis suggests that place of birth is ascribed less importance in the anchoring of an adopted child to his or her new home. Thus, it also suggests that perhaps the place of birth itself is not entirely what this law is about, pointing us instead to consider—as the mother from Mars does—everyday issues of documentary practice and convenience, and the notion of family privacy.

3.2. *The Material Document*

The mother from Mars then turns to the question of documents. She proposes that the reasons that parents decide to “falsify the place of birth point to the potential problems our children can have when someone reads ‘Addis Abeba’ on their [national ID card] instead of ‘Barcelona’ . Problems finding work, problems crossing borders, problems maintaining their privacy, because they'll be asked for explanations and they'll have to say that they are adopted”. The mother adds that when she went to register her second child, the official actually recommended that she change the place of birth “because parents are obligated to make life easier for their child”. Indeed, several of the parents who commented on this mother's blog post explained that they had opted to change their child's birthplace for convenience—for example one commenter noted that her child had been denied a health service because the staff had confused birthplace with nationality. (More recently, a controversy erupted when parents accused FIFA of discriminating against adopted youth when toughening documentary requirements to participate in youth soccer leagues in Spain, described in (Mendo 2015); I thank colleague Beatriz San Román for this reference).

The original poster insists that on one hand, such problems surely arise from racism rather than the notated place of birth, such that changing the place of birth would not end the discrimination. (The children of immigrants, born in Spain, may also have this disconnect: their phenotype is read as foreign but their place of birth is indicated on the DNI as Spain). On the other hand, if indeed there is discrimination based on place of birth, the mother from Mars says that parents' response should be to fight it rather than to acquiesce to it. She firmly rejects the premise that it is “less good” to have been born in Morocco or Ethiopia than in Spain. In Spain, a discourse of national antiracism dominates (see Leinaweaver 2013, p. 20). Instead, notions of multiculturalism, integration, and color-blindness prevail, meaning that parents who observe what appears to be racism against their minority children are in a discursively challenging position.

In practical terms, those parents who emphasized convenience considered the possibility that their child could face discrimination if authorities misread a foreign place of birth as a foreign nationality. As those parents know, in Spain the place of birth appears on the back of the national identity card, something Spaniards carry with them everywhere. The place of birth is, thus, potentially visible every day whenever the identity card is tugged out of a pocket or wallet to be paired with a credit card for a purchase or used as a form of identification to enter an institutional space (Figure 1). The card lists, on the front, the bearer's paternal and maternal surnames, first or given names, sex, nationality, date of birth, and the document number and expiration date. On the back, there is the place of birth (a town), the province (and country if not Spain) of birth, as well as the parents' first names, address, town, province (and country).

These identity cards index the individual's original birth registry, an act that takes on symbolic weight within an international discourse of human rights. The United Nations Convention on the Rights of the Child (United Nations General Assembly 1989) states, in Article 7, that “The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents”. (It is notable that nationality is not identical with place of birth, so the law I am analyzing here does not actively contradict Article 7.) In another example, a UNICEF report states that “Registering children at birth is the first step in securing their recognition before the law, safeguarding their rights, and ensuring that any violation of these rights does not go unnoticed” (United Nations Children's Fund 2013).

The same registry, of course, is also linked to projects of state knowledge and control of the population (Foucault 2001; Kertzer and Arel 2002). In Spain, the ID card originated partly in Franco's project to identify every citizen, what Marin Corbera called a "totalitarian project of control for the Franco regime" (Marín Corbera 2010, p. 323). Identity documents and papers take on additional layers of meaning through their use over time (Gordillo 2006; Skrabut 2014).



Figure 1. Spanish DNI (National Identity Document) mockup, used under Creative Commons licensing from user Donperfectodewiki on Wikimedia Commons, <https://commons.wikimedia.org/wiki/File:Dnie.jpg>.

Identifying citizens and controlling populations does not necessarily require the annotation of a citizen's birthplace, but in Spain, the pre-Franco documentary precursor—called a *cedula personal*—stated that the bearer was a 'natural de' (native of) a specific town. Perhaps building on this model, when Franco instituted the nationwide DNI system, the new document listed—along with two other things not on it today, marital status and profession—one's "naturaleza" (see article 5 of BOE-A-1976-3441, noted in Appendix A). This word is defined by the Spanish authority on Castilian Spanish as "origin that one has according to the city or country in which they were born" (Real Academia Española 2018). These Spanish words, *natural* and *naturaleza*, remind us that place of birth is thought to have bearing on someone's very nature—that which makes them who they are. Nature, like nation, is a word that can be traced to the Latin *natio* or birth (Herzfeld 1997, p. 41), suggesting that birth in a place is central to one's identity, and offering a semantic and symbolic justification for legislators and parents who attend to the adopted child's documentary emplacement. Though the box to fill now reads 'place of birth' instead of 'nature', the associations of naturalness may persist, such that the 'place' of birth may mean more than it says it means.

Gupta and Ferguson have shown that such "naturalisms present associations of people and place as solid, commonsensical, and agreed-upon, when they are in fact contested, uncertain, and in flux" (Gupta and Ferguson 1992, p. 12). A comparable case is found in local models of terroir throughout Europe and North America; Heather Paxson describes terroir as "a theory of how people and place, cultural tradition and landscape ecology, are mutually constituted over time" (Paxson 2010, p. 444).

I encountered other instances of this in seemingly unrelated conversations in Spain—for example, in 2010 I met a woman named Lali who is from a small town in Murcia, whose saint is Eulalia, so she explained many of the girls there of a certain age have that name. Through the name “Lali”, Lali’s place of origin is layered into her identity. This tight association, constitution, and connection is surely one reason that place of birth is so difficult to plausibly, convincingly change: territory meaningfully inflects one’s nature, one’s belonging to family and nation, and is inscribed as such in our documents of everyday existence.

3.3. *Secrecy and Kinship*

The mother from Mars closes her discussion with an intriguing accusation: “Cynically, I think that behind the right (and the desire) to change the place of birth is the intention to hide—to dissemble—adoption. Something really difficult when our children are black”. Similarly, in 2015, I asked a Spanish adoptive mother about the law, and noted her surprise at hearing of it. Her response: Why hide it? She explained that she always told her daughter where she was from, and talked about the children’s home in Peru where the girl had been cared for. Her response suggested to me that she, too, read the law as an impossible attempt to hide a reality that would be made apparent through the phenotypical contrast between mother and daughter.

The possibility that the law is “about” hiding the fact of adoption gains some credence when one considers how it was initially received in 2004–2005. The anthropologist Diana [Marre \(2007, p. 81\)](#) analyzed Spanish adoptive family listservs during that period, and concluded that “many families thought [this ‘rebirth’] was something that could only be ‘beneficial’ or ‘useful’ for families adopting in Russia and Eastern Europe” (see also [Jacobson 2008](#); [Seligmann 2013](#); [Leinaweaver 2013, p. 145](#)). In other words, the families suggested that rewriting the place of birth would only be a useful tactic for those parents whose adopted children were likely to look white. Their assessment suggests that being born in Spain was, at least at the time, also viewed as identical with whiteness. Aligning place of birth with nationality, ethnicity, and parentage could then be thought to have a protective effect on the child, allowing adoption to be hidden so that unwanted questions could be avoided ([Marre 2007, p. 81](#)) and the adoptee herself would be the only one who could choose to reveal that personal and intimate part of her life history. As the mother from Mars observes, this scenario is only possible if phenotypical difference does not visually index the child’s adoption. However, the very existence of the scenario hints at a powerful yearning for privacy in the Spanish adoption sphere.

That idea of privacy is evident in a review of legal documents related to the decision. In 2004, Spain’s civil registry division instructed as follows: “In cases of international adoption, the adopter or the adopters in agreement, can request that in the new registry of birth, their home is listed as the adoptee’s place of birth”. (Note that since 1999 adoptees in Spain were able to receive a new, singular registry of birth upon their parents’ request. Previously, their adoption was noted in the margin of the original birth registry, a “superposition of affiliations” that was also changed with the desire to protect the adoptee’s privacy; see BOE-A-1999-4967, noted in [Appendix A](#)).

Judges writing in 2005 explained this change through reference to Article 21 of the 1958 civil registry regulations (note that a new civil registry law was written in 2011, but its validity has been postponed until June of 2020). In turn, those regulations state: “without judicial authorization, the following information will not be revealed: (1) the illegitimate or unknown filiation, or circumstances that reveal it to be so . . . and the change of the last name Expósito or other similar problems; (2) adoption . . .” (Article 21 of BOE-A-1958-18486; see [Appendix A](#)). In the 1958 document, adoption was linked to illegitimacy and child abandonment, practices required to be kept secret. (Abandonment was evoked, as noted above in Article 21, with the last name Expósito, literally translated as abandoned and historically given to abandoned children whose last name is unknown; see [Boswell 1988, p. 26](#)), and—in [Appendix A](#)—Articles 55 and 191 of BOE-A-1958-18486. These naming practices were only changed in 2005, as indicated in BOE-A-2005-12704, also in [Appendix A](#)).

The 1958 law was written at a moment in Spanish history when kidnapping and secret adoptions were happening with regularity. Perhaps unsurprisingly, this law has been evaluated as consistently more conservative than child protection legislation (Jesús Palacios, personal communication). During the Spanish Civil War (1936–1940) and Franco’s subsequent dictatorship, numerous children of prisoners were placed for adoption with families that supported the regime (Garzón 2008; Frekko et al. 2015). The emphasis on privacy protected parents who acquired children in illicit ways, allowing the parents to cover the historical fact of the child’s adoption. Illicit adoptions continued through the 1980s, so that when transnational adoptions began in Spain in the 1990s, they “filled a slot formerly occupied by a form of child appropriation that was shrouded in silence” (Frekko et al. 2015, p. 706) (see also BOE-A-1987-25627, noted in Appendix A). Periodic controversies or revelations about how children were acquired for international adoption in countries with significant inequality or a notable lack of regulation may, too, have contributed to the persistence of the valuing of privacy about a child’s origins.

Though the officials writing in 2005 did not reference the illicit adoptions in Spain’s recent history, they did emphasize the need to prevent any information circulating that would reveal someone to be adopted, referring back to said Article 21. They state that “one such circumstance that could reveal the fact of adoptive parentage could be that of the place of birth, especially when this has occurred in a remote country. Therefore, it is advisable that the exposure of this fact should be limited and subjected to the special authorization established in article 21 . . . ” (for this and subsequent quotes from the same document, see BOE-A-2005-21250, noted in Appendix A). The logic for this rationale seems to be that place of birth in another country indexes (among other things, including migration) adoption, and adoption indexes abandonment or illegitimacy. They, therefore, instructed that in order to avoid such irregular revelation of adoptions, “especially with respect to international adoptions which have increased so rapidly in recent years”, parents could request that “their place of residence, and not the real place of the adoptee’s birth” would be listed as place of birth. The judges cited articles 14 (general nondiscrimination) and 39 (equality independent of parentage) of the Spanish Constitution (see Appendix A), to support their argument, indicating that knowledge of a child’s birthplace could lead to illegal discrimination based on parentage. These moves are part and parcel of a more general tendency in Spanish adoption law to insist upon “strict secrecy and to prevent contact between birth families and adoptive families . . . [as] mandated by every Spanish adoption law [since the first one in 1987]” (Frekko et al. 2015, p. 711).

These officials argued that the purpose of changing the regulations was to protect “the personal and family privacy and the interest of the minor”. In Spain, this law perpetuates a state of affairs in which secrecy has for a long time “protected” the parties involved in illicit adoptions. Though parents considering formally changing their child’s birthplace may not be fully cognizant of it, the historical origins of this provision suggest that it may reproduce a regime of secrecy that predominates in Spanish adoption. As I have suggested throughout, this regime of secrecy masks illicit activities and it also is thought to generate relations of adoptive kinship. As such, it is an ambivalent—but powerful—resource that some adoptive parents and some civil servants may be drawn to.

4. Conclusions

What I thought I would find when I began working through this analysis is that the opportunity to rewrite place of birth as wholly within the nation would be viewed as a resource for “kinning” (Howell 2003) an internationally adopted child, a kinning that would occur through intensification of the child’s acquired Spanishness, thereby strengthening the child’s ties both to Spain and to the parents. In Spain, place of birth matters deeply in relation to how identity is produced, serving as a marker for transmitting a sense of belonging to one’s nation and family (Leinaweaver 2013, p. 82). This was, I imagined, occurring in the multicultural context of contemporary Spain, where high rates of immigration from some of the same countries that international adoptees come from enable Spanish natives to read the phenotypic features of some international adoptees as “foreign”. In such a context,

it seemed likely to me that the rewriting of the place of birth would not be sufficient; that the creation of this law perhaps responded to (but likely did not fully ameliorate) a feeling that international adoptees are insufficiently Spanish or kin.

However, what I found instead is that rewriting place of birth does indeed appear to be a resource for kinning, but not primarily through an intensification of Spanishness—rather, indirectly. That is, it makes the historical fact of adoption as private as possible, ostensibly protecting the integrity of the family by keeping intimate details out of the public eye (compare [Ceasar 2016](#)). As one adoption psychologist told me when talking about this law, it also potentially curtails the opportunity to have sometimes difficult conversations with children about their origins, and is thus in some ways a form of protection of adoptive parents. By making the fact of the adoption legally private, and minimizing such conversations, it is imagined to also make life easier for the child (compare [Goldfarb 2018](#), p. 193 for Japan). Recalling that the official quoted by the mother from Mars who claimed that “parents are obligated to” make life easier for their children, one inference is that the parents who take this route are thus loving and responsible. When parents consider this option, it is linked to their understandings of their responsibility to protect a dependent, as well as their desire to produce and solidify internationally adoptive kinship. (The parent’s choice to rewrite the child’s birthplace, that I analyze here, is substantially different from another possibility that also exists: the young person opting to have the parent take this step; an example is found in ([Leinaweaver 2013](#), p. 144)).

Ultimately, it seems that both factors are important in the discussions surrounding this law: on one hand, the meaning of place or territory has historic and continuing weight in defining kinship and belonging, and on the other hand, invoking the principle of privacy through the rewriting of place of birth calls on another, equally important, resource for producing a family. As one often discovers when analyzing the implications of international adoption, these findings are actually relevant for any child, internationally adopted or not, who is formally documented as having originated in a particular town (see [Yngvesson and Coutin 2006](#), p. 178). Patricia Hill Collins, writing about the U.S. context, points to a crucial association between place and privacy:

“the traditional family ideal’s ideas about place, space, and territory suggest that families, racial groups, and nation-states require their own unique places or ‘homes’. Because ‘homes’ provide spaces of privacy and security for families, races, and nation-states, they serve as sanctuaries for group members”.

([Collins 1998](#), p. 67)

By privileging the child’s birthplace in a specific Spanish town, and by reiterating that birthplace on the national ID card that is used every day, participants in contemporary Spanish kinship reproduce the value of family privacy at the same time as, and through the same process by which, those persons are (re)connected to towns, to place, and to nation.

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Appendix A. Legal Materials Referenced in the Text (in Chronological Order)

BOE-A-1958-18486: Decreto de 14 de noviembre de 1958 por el que se aprueba el Reglamento de la Ley del Registro Civil, <https://www.boe.es/buscar/doc.php?id=BOE-A-1958-18486>, accessed 11 October 2015. The wording discussed in the above text was subsequently modified, most recently in 2007, but the gist remains in the current version: “adoptive or unknown filiation, or circumstances that reveal such to be the case, the change of the last name Expósito, or other similar problems” will not be revealed without special authorization.

BOE-A-1987-25627: Ley 21/1987, de 11 de noviembre, por la que se modifican determinados artículos del Código Civil y de la Ley de Enjuiciamiento Civil en materia de adopción, <https://www.boe.es/buscar/doc.php?id=BOE-A-1987-25627>, accessed 15 August 2019.

BOE-A-1999-4967: Instrucción de 15 de febrero de 1999, de la Dirección General de los Registros y del Notariado, sobre constancia registral de la adopción, <https://www.boe.es/buscar/doc.php?id=BOE-A-1999-4967>, accessed 13 August 2019.

BOE-A-2004-12542: INSTRUCCIÓN de 1 de julio de 2004, de la Dirección General de los Registros y del Notariado, por la que se modifica la regla primera de la Instrucción de 15 de febrero de 1999, sobre constancia registral de la adopción, <http://www.boe.es/buscar/doc.php?id=BOE-A-2004-12542>, accessed 14 October 2015.

BOE-A-2005-19005: Ley 24/2005, de 18 de noviembre, de reformas para el impulso a la productividad, <http://www.boe.es/buscar/doc.php?id=BOE-A-2005-19005>, accessed 14 October 2015. This law officially modified Article 16 so that “in cases of international adoption, adopters may request that the child’s birth be registered such that the adopters appear as the parents and their residence appear as the adoptee’s place of birth.”

BOE-A-2005-12704: Real Decreto 820/2005, de 8 de julio, por el que se modifica el Reglamento del Registro Civil, aprobado por el Decreto de 14 de noviembre de 1958. <https://www.boe.es/buscar/doc.php?id=BOE-A-2005-12704>, accessed August 13, 2019.

BOE-A-2005-21250: Resolución-Circular de 31 de octubre de 2005, de la Dirección General de los Registros y del Notariado, en materia de adopciones internacionales, <https://www.boe.es/buscar/doc.php?id=BOE-A-2005-21250>, accessed 11 October 2015.

BOE-A-2006-5284: INSTRUCCIÓN de 28 de febrero de 2006, de la Dirección General de los Registros y del Notariado, sobre competencia de los Registros Civiles Municipales en materia de adquisición de nacionalidad española y adopciones internacionales, <http://www.boe.es/buscar/doc.php?id=BOE-A-2006-5284>, accessed 14 October 2015.

BOE-A-2011-12628: Ley 20/2011, de 21 de julio, del Registro Civil, <https://www.boe.es/buscar/act.php?id=BOE-A-2011-12628>, accessed 13 August 2019.

Constitución Española, 1978 (revised as of 27 September 2011), http://noticias.juridicas.com/base_datos/Admin/constitucion.html, accessed 13 August 2019.

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