

DISCOURSES ON CHUUKESE CUSTOMARY ADOPTION, MIGRATION, AND THE LAWS OF STATE(S)

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THIS ARTICLE concerns Chuukese adoption, child exchange, and fosterage practices and how they are continued or discontinued when Chuukese migrate to Guam, Hawai'i, or the continental United States.¹ By focusing on one cultural practice and the system of values attached to it, I hope to pinpoint some of the major changes that take place when key identity-shaping factors diversify and are no longer shared by an ethnic group, let alone families within that ethnic group. We will see how, for Chuukese today, "cultural citizenship" is a "dual process of self-making and being made within the webs of power linked to the nation-state and civil society" (Ong 1996, 738) but also that it is more than that: it is a dual process of self-making and being made within the webs of power linked to traditional society, their nation-state, and the United States.

From Chuuk to the United States

The islands of Chuuk constitute one of four states that together with Yap, Pohnpei, and Kosrae form the Federated States of Micronesia (FSM). The small islands and atolls of the Federated States of Micronesia are scattered across seven million square kilometers of ocean just north of the equator, between the Republic of Palau, which borders the Philippines in the west, and the Republic of the Marshall Islands (RMI) to the east.

Although the total FSM population is approximately 110,000, long-time researchers Francis X. Hezel and Eugenia Samuel estimated, "There are

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over 40,000 FSM citizens living in the United States and its territories today” (pers. comm. 2009).² By contrast, a 1994 FSM census estimate showed that 15,000 citizens were living abroad. Hence, within fifteen years, the number of people leaving the Federated States of Micronesia for the United States and its territories has almost tripled. About half of those, it may be estimated, are from the islands of Chuuk, the most populous of the four FSM states; the number of migrants is increasing by about 1,000 each year from Chuuk alone (Hezel and Samuel 2006, 1). A census I took in summer 2007 verifies the massive exodus of Chuukese. I went through lists of all eligible voters with community leaders from the villages of Chuukiyénú on Toon Island and Epin on the island of Paata, in the western part of the Chuuk Lagoon, and recorded where the people of their villages were living at the time. It revealed that in both villages about 45 percent of the eligible voters were not living on their home island but instead were reported to be residing in Guam, Saipan, Hawai‘i, or the continental United States.

In light of this contemporary outflow of people from Chuuk, one might ask how a distinct ethnic group of people maintains their shared values and traditions—which are a part of their personal and ethnic identity—outside the seemingly secure context of their remote island homeland in the Pacific. What fundamental elements of their culture do they cling to and maintain? How do they adapt? What are the identifiable variables of change? What aspects of a practice do they change or must they change for it to be continued in a different world where different values, laws, ideals, and traditions exist? How do institutions such as the workplace, the Church, or the state that perform wide-ranging functions traditionally performed by kinship groups influence everyday social, economic, and religious life (see Holy 1996, 2), especially in alien environments?

The consequences of migration for the children of migrants who are now growing up in the United States may be particularly dramatic. For instance, Caroline,³ a Chuukese woman who was raised in Oregon, estimated, “At least 75% of the Chuukese born in Oregon that I know of have never been to Chuuk until late adolescence.” The Oregon community of Chuukese is one of the oldest. It began to form when the state of Oregon initiated college programs for islanders from the Trust Territory of the Pacific Islands (TTPI) in the 1970s (see Hezel 2008; Marshall 2004; Lieber et al. 2012 [this issue]). Many ended up staying, especially after independence in 1986 when the Compact of Free Association between the United States and the newly formed FSM nation came into effect. The compact allowed FSM citizens to live and work in the United States and grants access to amenities such as health care and Pell grants.⁴ Today, an estimated 3,000–4,000 Chuukese live in Oregon alone, and the numbers have been rapidly increasing over the past six to seven years.

Recent newcomers often speak little or no English and are experiencing difficulties as they try to establish themselves in their new surroundings, whereas the earlier migrants have settled down quite well (Marshall 2004). As with other Pacific societies, the Chuukese diaspora is developing primarily along familial and relational lines originating in the homeland. Religious denominations play a dominant role in crossing these lines and the formation of larger collectives (Allen 1997; Hezel and Samuel 2006). As communities have developed, ties between dispersed communities have developed and are maintained from Florida to Oregon, from Kansas to Maui. One of the largest transnational get-togethers of Chuukese youth living in the United States is the Micronesian Games. For more than twenty years, they have been coming together in Pasadena, California, from all parts of the continental United States and Hawai'i during the week of the Fourth of July (see also Hezel and Samuel 2006). Sometimes, people have even come from their homeland in Micronesia to participate in this event, either as individuals or with participating teams.

Although it would be worth a separate study to trace the movements of different types of persons such as students, chiefs, politicians, business people, and pastors as they commute between their island homes and the United States or between communities scattered across the United States, I have chosen to trace the movement of people who have been transferred as adopted children from Chuuk to the United States and back. The three cases presented below take us to the center of a complex set of issues revolving around Chuukese emigration and life in the diaspora of the United States and the repercussions this movement of people has for Chuukese society back home.

There are social, legal, economic, and political factors involved as people from Chuuk are trying to better their living conditions, both at home in Micronesia and in the United States. First, I examine these factors in the context of traditional views of adoption and fosterage that influence cultural practice in Chuuk and in the present Chuukese diaspora. Second, I describe the place of law in adoption and the influence of the "received" judicial system on the lives of Trust Territory residents since the arrival of the Americans in 1945. After independence from the United States, this received law was formally incorporated into the FSM and Chuuk State constitutions and codes. We cannot study adoption today—and it should not have been studied in the past (King 1999; McKinnon 2008; Powles 1997; Schachter 2008)—without including court proceedings. To do otherwise would imply an omission or even a denial of the "relationship between the domains of kinship and economy as well as the entanglements of kinship and property" (McKinnon 2008, 232). These relationships are fundamental to identity in traditional society, and they are protected by

the laws and constitution of the modern nation-state. The following case material on adoption will serve to illustrate and deepen our discussion.

Case 1: Henrita

The cell phone hanging from a rafter in the cook house began playing its familiar melody. Henrita, happily married and eight months pregnant with her first child, reached up from her chair and answered the phone. It was Aunt Susan calling from Portland, Oregon. "I heard you are pregnant," Aunt Susan said. "When is my baby due? When can I pick it up?" "What do you mean with 'my' baby?!" Henrita countered. "Are you the one pregnant or am I pregnant?" "Well, I want to adopt the baby and take it with me to Portland. Just let me know when the baby arrives so I can come out to Chuuk and take it with me." The second time Aunt Susan called in the same demanding tone of voice, Henrita talked back (*éppénuwa*), saying that her baby was not a toy she could just pick up and take with her to the United States. What bothered Henrita even more was that Aunt Susan was not the only relative making claims on her unborn child. There was her single older brother on Guam, who was telling everyone that he would be adopting the baby and that she had agreed to it. There were her parents on the outer island atoll and two or three more relatives also standing in line to adopt (*mvuuti*) her baby. Some were more polite in their approach, but that did not change the general attitude and competition among her kin trying to adopt her first-born child. Fortunately for her, her husband had a well-paying job with the government on Wééné, the capital island of Chuuk State, which made them less dependent on their relatives and added to her confidence and determination to keep her child. Her baby was finally born and Aunt Susan kept on calling her, but Henrita remained firm.

What she did not want to tell anyone and could not express out of respect for her family was that she did not want her own life's history to repeat itself in the life of her child. For she, like most everybody else on her island, had also been adopted, but in the past, most adopted children would actually continue to reside with their natural parents and maybe sleep over at the house of their adoptive parents on weekends only. And even then, her home island was so small she could easily walk back and forth between the natural and adoptive parents if she pleased. It was no big deal back then. Adopted children even kept the last name of their natural parents, although rights over the child had officially been transferred to their adoptive parents at the time of the adoption. This transfer of rights to the adoptive parents always became evident at Christmas when

gifts or foodstuffs were being exchanged between the families in church. Her gifts would automatically go to her adoptive parents, not her natural parents. Similarly, when the island community went fishing, her adoptive parents were entitled to her share (*wiis*) of the catch, even though she had always been residing with her natural parents.

Change came for Henrita when her adoptive parents decided to leave the island. She said, "That day they came to our house and said they were planning to go to Guam to look for work and they wanted to take me with them. At first I said no, I did not want to go with them. But my natural father, who had been to college for two years, convinced me to go and take the opportunity to leave the island. 'You are smart,' he said, 'and the schools are much better in Guam than here on our island.'"

Henrita was about twelve years old when she left her parents' home on the atoll in 1989. At first, she and her adoptive parents stayed on Wééné until they had legalized her traditional adoption (§1404 and §1405 Chuuk State Code Title 23) and had obtained their passports. Then they immigrated to Guam. Henrita was the eldest child in her new family and missed her natural parents and siblings terribly (on separation trauma, see Douglass 1998, and on emotions involved in adoption, see Rauchholz 2008). In addition, she did not get along very well with her adoptive mother. She always felt that her adoptive mother had something to complain about her and held more affection for her own, much younger children (compare Fischer and Fischer 1966: 126–27). After a few years on Guam, the family moved to O'ahu, Hawai'i. Henrita ended up graduating from high school there and remained in Hawai'i for college. She met her husband there, and after graduation, they got married and went back to Chuuk, where her husband got a job with the government.

Henrita's story and experience with Aunt Susan is only one example of how people (attempt to) continue a cultural practice with the mindset of traditional adoption, whereas the physical setting and the legal, economic, social, and political parameters within which adoption was formerly embedded and practiced have changed dramatically.

Case 2: An Adoption Triangle: Between Tonowas, Feefen, and Hawai'i

Another case, which paralleled Henrita's experience with Aunt Susan, was that of a young woman, Anna, from Tonowas, an island in the Chuuk Lagoon, and a middle-aged woman, Joyleen, from the neighboring island of Feefen who was living in Hawai'i. Anna had become pregnant out of wedlock when she was only seventeen or eighteen years old. It is always embarrassing to the family when this happens, the more so if the family of

the young girl is better off or of higher rank, which was the case here. Joyleen in Hawai'i had been looking for a child to adopt for some time but without success. Then word came to her of a young single mother from the neighboring island. She followed the lead, eventually sending a request through a go-between, asking Anna if she could adopt her child. An agreement was made for the adoptive mother to send US\$250 a month from Hawai'i to provide for the needs of the birth mother in Chuuk.⁵ In return for this favor, the adoption was legalized and the baby sent off to live with her new mother in Hawai'i. With this move, a number of problems were solved for those immediately involved. For one thing, Anna, the single young mother, could relieve herself and her family of the child who would have been an ever-recurring theme in village gossip and a constant reminder to everyone in the community of her inappropriate behavior. The extended family would be sworn to secrecy for the future protection of family honor and the child. By agreeing to the adoption, Anna could regain her honor and could now go to college; she even had an extra source of income. The court in Chuuk easily agreed to the adoption with the best interests of the child in mind: better education, nutrition, and healthcare in Hawai'i, with brighter prospects for the future than could be expected in Chuuk.⁶ Joyleen as the adopting mother was happy too. She was now eligible for childcare money, food money, additional welfare, and other benefits provided by the state. In addition, she would have someone to care for her in old age.

Like Joyleen, we must remember that Henrita's Aunt Susan had been quite desperate for additional sources of income as well. Making a living in Portland seemed impossible for Aunt Susan, who was working for minimum wage in a restaurant. "We need to help each other out to survive here," Aunt Susan had said, and "if you give me your baby you know that I can pay my rent. Your child will also go to a better school here in Portland than in Chuuk."

A compilation of the financial benefits that would have been available to Aunt Susan in Oregon, had Henrita agreed to the adoption, will illuminate what is involved. It will become clear how two different sets of values were incorporated into Aunt Susan's behavior as part of her strategy to survive and make a more decent living in the United States.

According to local Chuukese sources residing in Oregon, adults may be entitled to welfare payments of \$600 per person, per month, over a period of five years during their working life.⁷ In cases of illness or unemployment, this money is supposed to help sustain a person and help provide for the cost of living, including rent and utilities. This means of support is what makes emigration of Chuukese to the United States possible in the first

place, and they are grateful for this help. Without it, most emigrants would not be capable of establishing their livelihood. Minor children of people with low income may also be entitled to \$600 per month. In addition, an amount of \$300 per month may be paid as food money for the first person in a household. For every additional household member, an additional \$150 per month can be added for food. Medical insurance is also taken care of by the state for families under these conditions. A mother and father may receive a reduced rate if they are working. The state also provides job training programs and English lessons to increase the quality of training and the possibility of employment for new immigrants. Chuukese community and church leaders play an active role in helping the newcomers apply for these programs. What some islanders have discovered recently is the possibility (in some states) of obtaining an additional \$800–1,000 of childcare money if a child below school age is being cared for at home. This has given additional impetus to the transferral of children for purely economic reasons. We saw this in cases reported from Hawai'i and from Henrita and her Aunt Susan.

With an infant in her household, Aunt Susan could have increased her income up to \$21,000 per year, with monthly amounts of \$600 for the general cost of living, \$800–1,000 for childcare support, and \$150 for food, or a total of \$1,550–1,750 per month additional income. In the United States, that is barely enough money for one person to live on, but Aunt Susan was already sharing her apartment with other relatives who were working and providing the income needed to sustain each other.

In the traditional Chuukese subsistence economy, an adoptive parent would provide for an adoptive child until he or she grew old enough to contribute to the welfare of the family by taking on household or subsistence-related chores such as gardening or fishing. In transnational adoption, a new financial dimension is added to these benefits. Sometimes people in Chuuk call a child treated in this way “Social Security,” and the child’s real name may be humorously replaced with this title. Certainly there are also other motives for transnational adoptions between Chuukese, situations where economic considerations play only a little or no role at all. A number of Chuukese commented rather critically regarding an increase in transnational adoptions and wished people would reflect more on the consequences of “moving around of children” and be more self-critical and less selfish.

What was somewhat unusual in Anna’s case was that she did not give her child to any of the close relatives who voiced an interest in the child. Instead she gave the child to the highest bidder, someone living in Hawai'i, where she knew her child would have a brighter future than if it were to

be raised in Chuuk.⁸ Similarly, families of lower economic and educational standing may offer their children in adoption to well-off relatives and even nonrelatives living in the United States. One childless couple I interviewed in the United States was constantly bombarded with such requests by close, distant, and even non-kin but they always declined in light of identity problems they expected in the future for the child and the potential for conflict with the “sharing” parents and their relatives. Although the idea of having a child seemed attractive to them and could have established their image as a complete and “real” family in the Chuukese sense, they knew from experience that the arrangement contained bittersweet seeds that could easily grow out of control. One consideration was the demands that could be placed on the child-receiving couple. Because they received a child, they would, by Chuukese custom, feel obliged to reciprocate such perceived generosity by sending money to Chuuk to support the biological family of their adopted child. Another matter of concern was the ever-present possibility of the child turning away from them or the hidden hopes of the biological parents of luring away their child from the adopted parents once he or she had become a successful adult.

Case 3: Joana

The third case is of a young woman I will call Joana. She was born in 1982 into a large family who lived a simple life based on gardening and fishing on an island in the Chuuk Lagoon. Her family was not well educated, nor were they well off by modern Chuukese standards. As an infant, Joana was adopted by a female cousin of her birth mother who was from the same matrilineage and clan. The adopting family had only one older daughter and Joana became her new younger “sister” or companion. The families and lineage were sworn to secrecy regarding the adoption. Joana was intended to grow up feeling and believing that she was the natural child of her adoptive parents. This would strengthen her affiliation and emotional ties to her adoptive family and would become a central part of her identity within her family, lineage, and clan (*faameni*, *eterenges*, and *eyinang*). Unlike the birth mother, the adoptive mother had gone to high school and married a man who was employed with the Trust Territory administration on Saipan, the TTPI capitol. After FSM independence in 1986, the adopting family moved from Saipan to Hawai‘i, and after three years, they moved to Oregon. Joana visited Chuuk every now and then during summers as her family’s way of maintaining their ties to home as best as they could. One summer, when she was seventeen years old and visiting her “cousins” (who were her actual biological siblings), they confronted her with the truth

about her identity. As Joana's adopted mother related, they said to Joana, "You are our real sister. Why don't you come and stay with us? You belong here with us." At first Joana did not believe them, but her adoptive mother confirmed that she had been adopted but that she had always loved her as her own child. Joana knew that her adoptive mother was telling the truth and that she had cared for her very well. She also knew that she had been much better off economically growing up with her adoptive parents, not to mention her schooling in the United States. Nevertheless, this new piece of information turned her life upside down. She was confused. She did not know where she belonged anymore and felt caught in between. Even worse, she felt betrayed by her adoptive mother. Her trust in her had been breached. Why had she never talked to her about it? She also felt rejected by her birth mother and family. Why had they given her away? Had they not loved her enough to keep her? Why hadn't they given away one of her sisters instead? Why hadn't anyone told her the truth much earlier? Whom could she trust now? Joana fell into a deep identity crisis, and life for her was never the same.

Shortly after receiving this news she returned to the United States and finished high school. Her mother reported that Joana had become restless and argumentative, and that she frequently talked about going to stay with her "real" parents and family back in Chuuk. She felt pulled toward both sides. When she talked to her sisters in Chuuk on the phone, they would try to persuade her to come back to them and would gossip about her adoptive parents and their family. According to Joana's adoptive mother, "They were only envious (*nónówó*) of my daughter, because she was the most beautiful amongst her sisters and she was the smartest too. That's why they wanted her back and tried everything to convince her." Although Joana's adoptive mother did not want to let her to go back to her biological family in Chuuk, Joana made the decision to return. She wanted to get to know her biological mother and father and become better acquainted with her siblings. Joana went back to Chuuk in search of her roots, but her adoptive mother reported that "after not even a month she called me saying 'Mama, please buy me a ticket and get me out of here. I can't stand it here any longer.'"

Now that she was an adult, Joana had to make up her mind where she belonged. The knowledge of her adoption had confused her. She loved her adopted family but also felt an inner pull toward her biological family. She was a part of them but had been excluded from belonging to them. She wanted to change that, but it did not work out the way she hoped. She discovered that living in Chuuk was different from spending summer vacation there. It became obvious to her while living with her biological

family that they had developed in very different ways. She would not and could not fit in. Not only was there an educational and economic gap between her and her siblings, but their ways of thinking, talking, and living were so completely different that it became impossible for Joana to bridge the cultural gap between them. They were too Chuukese, and she had become too Americanized to live under the simpler conditions in her home islands. Also, when her biological family talked about her adoptive family they could hardly conceal their envy and seemed to celebrate Joana's homecoming as a major victory.

Her family in Chuuk made many demands on Joana, and for her, the situation eventually became unbearable. According to the *etak* principle used by Joakim Peter to describe Chuukese navigation and migration logic and practice (Peter 2000), Joana's home was not in Chuuk but in Oregon. She had become American—not fully, but too much to feel at home in Chuuk. Joana's experience highlights a major change affecting adoptions in Chuuk. Cultural differences in cross-island adoption of the past times were minimal compared to what had to be overcome in transnational adoptions like Joana's.

Traditional Adoption

For many Chuukese, the practices of adoption, child exchange, and fosterage have always played key social, political, and economic roles in their islands' history.⁹ What Aunt Susan was asking for was in line with traditional forms of adoption, where children were shared among close kin, just as food, labor, and other commodities of life were shared (Marshall 1976). "In a subsistence economy, having too many children for one's land and resources can easily mean malnutrition . . . also in old people from not having children to work their land and resources for them" (Fischer and Fischer 1966, 127). For this reason among others, a childless couple could approach a close relative with children and ask for a child, preferably an infant whom they would provide for and adopt as their own. In turn, the child would ideally reciprocate and provide for them in old age.

In difficult times, only chiefs who owned more land than average people had the resources to adopt children, whereas in times of affluence, chiefs might adopt many children so that they would have enough people working their land (Betzig 1988).¹⁰ Adoption provided the child with added access to food, shelter, and other resources beyond what a nuclear family could provide. In addition, families with children of their own might be "in need" of a female or male child who could help them with certain subsistence-related activities for which they lacked support. For example, a girl might

reside with her adoptive parents if her help was needed to care for the family's children. And if a woman only had daughters, she might have an adopted son come stay with her to help with male-oriented subsistence activities such as fishing.

Child sharing was also an expression of love and affection between close kin, and to decline a request was considered rude and unloving, stingy (*kiichingngaw*) and uncaring, and without empathy or pity (*ttong*) for the relative making the request. These were, and still are, considered among the most negative character traits a person can embody in Chuuk (Caughey 1977; Käser 1977; Marshall 1976). However, because life on these small islands was hard and food was often scarce, young birth mothers and their families were happy to have the assistance of an adopting family because they played an important role in providing for the young mother's nutrition (see Rubinstein 1979).¹¹ Residence patterns of adopted children generally reflected what islanders viewed as being optimal ways of fulfilling everyone's needs.

Adoption, Residence, and Need Fulfillment

Given the small size of the islands, being adopted usually involved minimal spatial movement, and in the majority of cases (75–80 percent), children remained on their home island, ideally enabling them to wander between their natal and adoptive place of residence (Rauchholz 2009: 62–63). In other words, only one in four or five adopted children actually experienced a permanent change of residence resulting from adoption. Data from the Carolinian islands of Woleai and Fais help to illustrate the limited spatial and residential movement of adoptees in relation to the actual number of children born. These communities had recorded adoption rates of 92 percent on Fais (Rubinstein 1979, 221) and 93 percent on Woleai (Douglass 1998, 126). On Fais, only 20 percent of those adopted were actually residing on the homestead (*bogota*) of their adoptive parents at the time of Don Rubinstein's 1977 survey (Rubinstein 1979: 153, 227),¹² whereas on Woleai, Anne Douglass counted 25 percent at the time of her census in 1980 (1998, 129).

On the atoll where Henrita grew up, adoption practices paralleled those of Woleai and Fais. Other islands in Chuuk, especially those in the Chuuk Lagoon, had much lower adoption rates, ranging between 9 percent and 20 percent of the population (R. Goodenough 1970; Rauchholz field notes 2004–9, available from the author). These islands with lower adoption rates have almost always seen adoptive children residing with their adoptive parents. To a certain degree, this residence pattern seems to be connected

to the number of childless couples in want of a child. Ruth Goodenough's data confirmed this for Romónum, and data from Woleai, Fais, and other islands indicated that adopted children were more likely to reside with their adoptive parents if the latter were childless at the time the adoption took place (R. Goodenough 1970; Douglass 1998; Rubinstein 1979).

One case I recorded illustrates the way child transfers sometimes occur. A family had three daughters, two of whom were adopted by close relatives. Charity, a childless aunt of the birth mother, lived with her husband on another island and had adopted the youngest of the three. Melody, the eldest sister of the birth mother, took the oldest daughter to help in her household with her younger children. To compensate for the loss of her oldest daughter, the birth mother in turn adopted another girl.

One day Charity and her husband were on their way to the district center of Wééné where they had both found jobs. En route they made a short detour to Charity's adopted daughter's home island. As relatives approached their speed boat, Charity called out to them, telling them to inform her niece she wanted to adopt the older sister of the child she originally had adopted and to give the younger one back. This was because she could not care for the young child, who was only four years old, when working in Wééné. The older sister was already in school, would be more independent, and could help manage the household for the working couple. Thus, the younger child was dropped off and "traded in" for her next older sister, who with a few minutes' notice had to pack up and leave for the unknown. The four year old was happy to get to know her siblings and felt comfortable in her new "old" home, but within the next two years she was forced to change residence again when she was adopted by yet another woman to help with chores. She remembers waking up every morning in the new household and running to the beach, looking to see if her siblings were out so she could sneak over to play with them. The story continued when she was an adult. The sister she was traded for, with the help of her mother and the lineage, took one of her daughters against her will after a visit to her home island. To this day, family members have not overcome their hurt, but they conceal these emotions for the sake of harmony within the lineage and family (Rauchholz 2008, 165; see also W. Goodenough 2002, 78).

Adoption and Interisland Ties

From precolonial times to the present, adoption not only has played a role in the establishment and maintenance of ties on individual islands; it also has been a means of establishing connections to other islands to provide

an additional source of support in times of need or to cement strategic alliances for warfare. These ties were often crucial for survival when storms destroyed an island and survivors needed to relocate.¹³ Douglass's 1980 census found that 11 percent of adopted children on Woleai were off-atoll adoptions. These children were the primary agents of extending, intensifying, and fortifying the network of relationships that already existed among members of a family, lineage, and clan who were scattered across a sea of islands. It was kin who shared and kin with whom one felt safe. Children often accompanied an older relative who left an island to be married to someone on a different atoll. It was important for the person getting married to have someone from home join her. A man might also leave a son with someone on another island if he was asked to do so by a relative or clan mate while making a visit. Also, he might in turn ask to take a child with him from the island he was visiting. Saying "no" to such a request is not regarded as a virtue.

We must understand that in traditional Chuukese thought, one cannot just go from one island to the next without having a familial or relational connection of some sort to the island. Each piece of land was owned and inhabited by someone, and the spirits (*énúsór*) of the owners were guardians of such places. People feared not only atrocities of war but also sorcery and arousing or offending the guardian spirits of an unknown place should they happen to intrude. Even today some Chuukese will take a magic potion (*sáfeey*) with them when they travel to islands outside of their geographical "safety zone." Thus, adoption was a means of establishing or maintaining ties on a nearby or distant island. How could someone want to harm a person to whom they had entrusted their child's care?

Traditional Adoption and Modern-Day Migration

Some families who have established themselves in Guam, Hawai'i, or in the continental United States are practicing a reverse form of adoption: sending a child (usually female) back to the home island to be with or care for an elderly landholder in order to secure land title and use rights to land back home. In such cases, the adopted children function as a link to their homeland for those in the diaspora. They form a kind of "homeland security" or back-up system should the emigrants ever need to return to Chuuk, and they also prevent the loss of land to others who have stayed behind. Distant relatives or nonrelatives may use the absence of such a personalized link to place their own kin into the household of a needy senior citizen, hoping for compensation for their services in the form of land traditionally given to such a caretaker (*péwín moor*). Should the needy senior citizen, for his or

her own social security and personal benefit, adopt the caretaking child, it would add to the security of access and title to the estate of the senior citizen on behalf of the adoptee during the senior citizen's lifetime and even more so after his or her death.

In such cases adoptees often report that they are deeply troubled by the separation from their blood family, which weakens what traditionally would be the strongest of ties in society: those between siblings, the "building blocks" of Chuukese society (Marshall 1983). Also, those who have been sent back to the home island are not only prone to feeling rejected but they may also feel unhappy about missing out on educational and economic opportunities in the United States (see Rauchholz 2008).

Metaphorically, children who were adopted off-island in the past served as ropes binding together families across vast stretches of ocean. Over time they settled permanently, grew rooted into their new homeland, and formed a widespread canopy of branches that eventually covered many islands. A family from Pwolowót might own land on Woleai and vice versa, even though the islands are at least 700 kilometers apart. The people who were adopted off-island in previous times shared a common "cultural citizenship," to use Aihwa Ong's term (1996, 738). This is crucially different from the adoption processes observed today.

Issues in Law and Custom: Conflicting Values and Conflicting Rights

A central issue of transnational adoption concerns the laws of nations to which people migrate. US immigration does not recognize traditional forms of adoption. Adoptive parents must provide legal documentation to confirm the adoptive relationship, or at least a legalized transfer of custodianship from the natural parents to the adopting parents, before letting an adoptee enter the country. In Chuuk, as well as in the United States, only legalized adoptions secure an adopted child the benefits of Social Security and other forms of insurance.

What we see as an emerging theme in the context of Chuukese migration to the United States is not only that some children are being shared "in the same way that land, food, residence, labor, physical possessions, political support, and money are shared" (Marshall 1976, 47) but also that they have become an economic good with a trade or market value—an object of exchange. This danger is inherent in the traditional mode of sharing combined with the will and desire to accommodate the desires of other, mostly elder kin, over the best interests of the child, as laid down in the Chuuk State Code (Title 23. Family Law §1406 and 39 TTC §254). It is also inherent in communal and relational patterns "that place the highest

value on communal rather than individual rights,” and where “the needs of the individual . . . often may be perceived as contradicting, even endangering, the health of the community, and particularly the community’s cohesion, the very life blood of Chuukese society. In such structures, the web of mutual obligations and interdependence constitutes the fabric of human life. The highest value is the maintenance of that web and the linkages that comprise it” (Klingelhofer and Robinson 2001, 1).

Thus, Chuukese traditional adoption ideals and practices clearly contain the potential for conflict with the constitutionally protected fundamental rights of the individual. In addition, there is a potential conflict between the rights of a childless adult or couple and the rights of a child. At the age of twelve and above, a child must be heard by the court in Chuuk, and if the child were to disagree with the adoption, the court would have to comply with the child’s wishes.

Henrita, for example, was twelve at the time of her legal adoption. She was not happy about it, but who was she to disagree with her parents and adoptive parents? She felt obliged to comply with their wishes. For her to have said “no” to her adoption in court was beyond the realm of possibility because she was bound by the tradition in which she was brought up. She shared the same values as the adults who were transacting the adoption. There was no way she would have embarrassed the whole family with a show of disobedience before the court.

I have heard of only one case in which an adoptee opposed the claims of his birth family in court, in the late 1970s. A young man had just returned to Chuuk from college in the United States. He had been adopted by the brother of his biological father, who had raised him and provided for him while in college. On his return, his biological father brought the matter to court, claiming he had never given up his son in traditional adoption to his brother. Because the adopted man was over the age of twelve, the court asked him with whom he wanted to stay and whom to accept legally as his father; he chose to stay with his adopted father.

Thus, the conflict between law and custom is a conflict of deeply underlying values: between the needs of the individual and the needs of the community, the worth of an adult versus that of a child. Each person has a value depending on rank, age, gender, achievements, and status. Status can be earned as well as inherited, but even then a person must prove himself worthy of being a mature (*miriit*) person. To be a child (*semiriit*) is to be immature, someone whose emotions, intellect, and character (*tiip*) are still soft—not yet stable and firm (Käser 1977, 2004). A young child is the responsibility of the community and is not regarded as competent to make decisions regarding his or her welfare or the welfare of others.

In the case of Anna and Joyleen, the child was transferred from Chuuk to Hawai'i. The child had become a valued object that Joyleen felt she needed for her well-being. However, she also was conforming to traditional practice and motivation; by adopting the infant, she took on the burden of raising a child born out of wedlock, thus relieving the burden from a young mother. The money she was sending to Anna could be seen as an expression of appreciation for the child, a modern form of reciprocity.

In Henrita's case, none of the above criteria applied. She was married and expecting her first child; her husband had a well-paying job; she was not in need of assistance, and the child was in no danger of being neglected. In fact, the proposed adoption would have resulted in the child growing up without a father. Aunt Susan had in fact placed her individual needs above the needs of her niece. However, the arguments she used to try to obtain the child from Henrita were based on traditional values of community, of sharing and having empathy, pity, and love (*ttong*). Aunt Susan asked Henrita to act on these shared values. What Susan failed to see, according to Henrita, was that Susan's behavior was in effect degrading, reducing her child to an object that could be transferred from one household to the next irrespective of the emotional consequences for the child (Rauchholz 2008, 2009). Aunt Susan did not go to Chuuk to help in the final months of the pregnancy and showed no intention of staying with Henrita to help her through the child's infancy. In the past, that would have been part of an adoption arrangement. We must also take note that before the introduction of powdered milk, the removal of a child from its birth mother could not take place until the child had at least been weaned. Henrita did what she wished her birth parents had done when she was a child: say "no" to her adopted parents.

Anthropology on Law and Custom in Adoption

Anthropological accounts dealing with Pacific adoption have mostly dealt with traditional forms and practices of adoption, while the legal aspects have remained nearly invisible—basically because they were not, or were only rarely, formalized in court by the local island populations (Carroll 1970; R. Goodenough 1970; Brady 1976; Marshall 1976; Thomas 1978; Flinn 1985). In the case of Chuuk, Mac Marshall reported no legalized adoptions for the atoll of Namoluk in 1976. In a most recent development, Judith Schachter (2008) traced the history of traditional adoption and legal adoption in the state of Hawai'i, as did Julianne Walsh for the Marshall Islands (1999, n7).

By contrast, the TTPI and FSM courts have, from their earliest beginnings after World War II, always been confronted with family law, adoption, and tradition. In fact, two years before Joseph Weckler published the first article devoted purely to adoption in Micronesia (1953), the TTPI courts had already ruled on at least two cases in which the private property rights of adopted children were being challenged by the immediate biological kin of a deceased adopting parent. It must also be noted that these were the first two cases brought to court in the Trust Territories (King 1999: 368–71). Had the TTPI staff anthropologist heeded Chief Justice E. P. Furber's request for anthropologists "to devote one-third of their time to court activities" (King 1999, 366), they might have discovered the relevancy and urgency of dealing with issues of law and custom in the context of adoption. Who knows how that discussion would have influenced the later debates ignited by David Schneider in kinship studies. If anthropologists had looked at how adoptive relationships had ended, they could have gained insight into some of the more deeply underlying conflicts brought about by adoption. Ward Goodenough's earliest data from Romónum only hint at such a possibility when he discovered that almost every adopted child had returned to its natal place of residence after the death of its adopted parents or when the child had grown up (W. Goodenough 1978).

Views on Legal Adoptions in Chuuk

In Chuuk, there is some uneasiness in public opinion about legal adoptions. What worries people is the finality of the legalization of an adoption in court. It excludes the option of getting one's child back or of preventing a child from being able to come back one day should he or she want to return. Especially people who have been adopted themselves, or those who have given a child up for adoption, show strong concern. The flexibility inherent in traditional adoption is seen to be lost in a legal adoption. People are justified in these fears, because the law is unmistakably clear regarding the rights and duties of natural parents after a decree of adoption has come into effect:

§1408. Rights and duties of adopting and natural parents

The natural parents of the adopted child are, from the time of adoption, relieved of all parental duties toward the child and all responsibilities for the child so adopted, and have no right over it.

(Draft Chuuk State Code Title 23 §1408 and 39 TTC §255)

To legalize an adoption as the law is written, and the people rightfully perceive, means a full transferral of all parental rights and duties to the adopting parents. The biological parents cannot, by law, exercise the influence they could exercise in customary adoption where coparenting was possible (Flinn 1985, 66; Thomas 1978). If they are unhappy with the treatment of their child by the adoptive parents, or have a disagreement of some other sort with them, they cannot take back their child as they could have in the past (Marshall 1976; Thomas 1978; Rauchholz 2008).

In this respect, legal adoptions are contrary to the traditional view, which holds that a child will always belong to his or her biological parents, the mother in particular, even if the child has been adopted. It does not matter who adopted the child, whether a close relative, a more distant relative, or somebody not related at all. In the usage of the word *neyi* (my child to keep), “my child” is limited to children who are not considered separable from the speaker. One will often add *wesewesen neyi*, meaning “really and truly mine.” A birth mother and her lineage mates may not express these feelings publicly, but in the most secret depths of her heart (*tiip*) the mother may conceal and harbor (*mwokkunooneey*) such sentiments.

However, for an ever-increasing number of adopting parents, legal adoption is preferable to the traditional form because it provides the adopting family with a stronger sense of emotional and economic security and stability. They know that with legal adoption their emotional and economic investments in the child will not be at risk the way they are in the more traditional form of adoption, where children would often return to their birth parents or the homestead of their matrilineage in their youth or as young adults (W. Goodenough 1978, 215; Rauchholz 2008, 163).¹⁴

For Chuukese who have jobs that include Social Security, health insurance, life insurance, and retirement, traditionally adopted children are at a disadvantage. Social Security today will only apply within the framework of law, not of custom, and only legally adopted children are covered by health insurance. Thus, for modern, middle-class, employed Chuukese, it is necessary to adopt a child legally if they are serious about keeping and raising the child as their own. Therefore, in the modern nation-state, the line is being drawn more sharply between adopted children (*mwúúmwú*) and those that are simply being cared for (*túmwúniúúw*) in the traditional sense.

Conclusion

Most Chuukese in the diaspora are not formally legalizing adoptions in the United States court system. Typical adoption procedures as prescribed by

U.S. law, including the costs, the monitoring, and the training involved, are avoided by Chuukese altogether. Adoption is still generally based on kinship, whereas in the United States, adoptees are usually non-kin or stepchildren.¹⁵ Even when Chuukese formally adopt non-kin, they perform the adoption through the courts in Chuuk rather than in the United States. So traditional adoption continues to a limited degree, but under the guardianship principle, with rights over the child limited to the time of absence of the birth parents. Birth parents can revoke the guardianship transferred to the adoptive parents if they deem it necessary, so this form of “adoption” is understood as customary in form.

In an indirect way, U.S. law is being applied in that the Chuukese and FSM judicial systems were introduced and implemented during the U.S. trusteeship over these islands from 1945 to 1986. From the beginning, the courts were forced to include local custom and tradition into their rulings, although it was not the court’s intention to do so for fear of eroding its own credibility (King 1999: 367–68). The courts and their American judges ended up ruling “on issues of custom beyond the personal knowledge of the judge and *without having adequate evidence* before it. The method employed was simply to state rules as though no issue existed” (King 1999, 368; emphasis added). The courts have been evolving,¹⁶ and after independence in 1986, the Chuuk State Judiciary Act of 1990 §1002 established “*a unified judicial system that gives due recognition to the traditions and customs of the people of the State . . . and provides for a means of resolving disputes where traditional and customary means are not satisfactory*” [emphasis added]. FSM state courts will only judge in cases where evidence of custom has been put forth by witnesses who have customary knowledge.¹⁷ This seems to be a major difference in the way the courts approached Chuukese tradition under the American leadership during the Trust Territory times and the way indigenous judges are handling it today. Today, much time is spent in hearing experts with traditional knowledge, and nobody in the court seems to feel that this is eroding the credibility of the court. “But,” I asked the late Chief Justice Andon Amaraich, “how do you uphold a custom or tradition in the court’s decisions when that culture or tradition is rapidly changing?” He responded:

Two things: number one: there is no custom for all the islands. One island is different from the next. . . . Secondly, when they [customs] are changing? Again, the court has been evolving. If one person says “in his custom . . .” the court cannot accept that. The person must put in evidence through people who know and have knowledge. Even though I am a judge, I am from Chuuk,

I know the customs, but cannot decide on behalf of that but on whether the custom is still valid. So the court must take that into account, the changing of custom from generation to generation. The court must take that into consideration. It has to be proven by the person who advocates a custom. He must prove it is still valid. . . . The court's position is not static.¹⁸

This position is also reflected in the internal proceedings and staff development program of the courts in the Federated States. The relationship between law and custom is always on the agenda whenever key personnel of the FSM Supreme Court and the four State Supreme Courts convene for their official yearly meetings, for two reasons among others. First, it is a testimony to the flexibility of the courts. Although they acknowledge custom, they also accept change as a fact and take an active role in defining and redefining the limits or parameters and shifting parameters of their culture. Second, they must constantly deal with issues pertaining to the relationship between law and custom, because it is very difficult to reconcile two legal systems, the customary and the received legal system, which have been merged together under one constitution.

Underlying each legal system is a distinct view of the person. The received law “which concentrates its attention on the legal powers or interests of the individual” (Glenn 2007, 239) clearly opposes the traditional law or custom, which is a “law of relations” and of “mutual obligations” between persons of differing rank and status. This ranking of individuals, which legally places some people above others based on their line of descent, is what makes the workings of the courts so difficult. Translated to our discussion of legal and traditional adoption, the premise of received law to seek “the best interests of the child” (and of the individual) will continue its ambivalent relationship with the traditional ideal behind adoption, which primarily served “the best interests of the adults” (and of the group).

Although the issue of adoption covers only one small spectrum in the clash of different worlds, views, and values exposed in the discussions of migration and diaspora, basic issues of law and custom weave themselves through all areas of life. As globalization processes increase in intensity, and borders and boundaries of different cultures move closer together and even overlap, the challenge of being a cultural citizen attached to the webs of contradicting powers and worldviews will continue to increase as well.

NOTES

1. The fieldwork for this article was conducted between November 2004 and December 2009 in Chuuk, Pohnpei, Guam, Hawai'i, California, Oregon, and Kansas and has

continued into the present through regular phone and Internet-based communications. The writing of this article has been financed in part with Historic Preservation Funds from the National Park Service, Department of the Interior. The contents and opinions of this article do not necessarily reflect the views or policies of the U.S. Department of the Interior. Regulations of the U.S. Department of Interior strictly prohibit unlawful discrimination in departmental Federally Assisted Programs on the basis of race, color, national origin, age, sex, or disability. Any person who believes he or she has been discriminated against in any program, activity, or facility operated by a recipient of federal assistance should write to: Director, Equal Opportunity Program, U.S. Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127.

2. For a detailed case study of the different migration waves of an atoll population in Chuuk, see Marshall 2004.

3. Names and places of persons in the case material have been changed and the data rearranged to protect the identity of informants and the people being described.

4. A Pell Grant is post-secondary, educational federal grant program sponsored by the U.S. Department of Education.

5. All currency figures are in U.S. dollars.

6. It must be added that Anna went to Guam to give birth, thus providing the baby with U.S. citizenship, which is a prerequisite for obtaining all the mentioned benefits of the state.

7. For more information on the Oregon Department of Human Services Temporary Assistance for Needy Families program, see <http://www.oregon.gov/DHS/assistance/cash/tanf.shtml> (accessed February 21, 2012).

8. Walsh 1999 describes how between 1996 and 1999, until government regulation was implemented, more than 500 Marshallese children were adopted by Americans. By giving their children to American couples for adoption, many Marshallese were hoping to provide their children with a better future in the United States. At the same time, many givers also hoped to establish a relationship with the receivers.

9. For more detailed accounts of traditional adoption in Chuuk and the Chuukic continuum, see R. Goodenough 1970; Marshall 1976, 1977, 1983; Thomas 1978; Rubinstein 1979; Flinn 1985; Douglass 1998; and Rauchholz 2008, 2009.

10. This view was also expressed to me in interviews with one elderly source from a chiefly lineage in the Hall Islands of Chuuk in 2007 and was confirmed by two additional sources from Woleai Atoll in 2009.

11. In fact, “many younger prospective fathers view their post-delivery duties of fishing and coconut gathering as an impossibly burdensome obligation” (Rubinstein 1979, 230).

12. According to Rubinstein (1979, 154), the percentages were “14% of the girls and 28% of the boys, including those children residing on their father’s adoptive bogota

rather than on their own adoptive bogota.” Thus, the actual proportion of adoptive children with a change of residency away from their biological family is actually even less than the 20 percent, Rubinstein provided on another page in his dissertation (1979, 227).

13. Most of the islands of Chuuk and the Chuukic continuum that spreads westward toward the islands of Yap and Palau are located in a typhoon belt.

14. Adoption by law in the United States generally marks the closing out of relationships. It implies the “giving up” of the child, the severing of ties between the birth parents and the child. In contrast, adoption by custom in the ideal Pacific form is viewed as the opening up and beginning of relationships and the strengthening of ties between birth parents and adopting parents. In reality, most adoptions in the Pacific take place precisely because a relationship already exists between both parties involved and provides the grounds on which the adoption is enacted (Marshall 2008, 4; Rauchholz 2008; 2009, 55; against Schneider 1984).

15. Selman 2004 also has statistics on England and Wales from 1959 to 1984.

16. The late Chief Justice Anton Amaraich made this point during my interview with him in 2007.

17. Interview with Chief Justice Amaraich, 2007; copy of interview transcript in Rauchholz field notes.

18. Interview with Chief Justice Amaraich, 2007.

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