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Social Work in a Post-Dobbs World: The ‘Adoption Fallacy’, Decolonization, and Reproductive Justice

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Abstract

This article takes as its departure a critique of the ‘adoption fallacy’ underlying the US Supreme Court decision *Dobbs v. Jackson Women’s Health Organization* to argue that the *Dobbs* decision incentivizes a reconsideration of social work practice as a site for advancing reproductive justice. To do this, however, social work must strive to decolonize the profession by critically reflecting on its role in reproductive policy and politics, particularly its complicity in abortion and adoption decisions that may have limited—and continue to limit—reproductive justice. Only then can social work effectively counter the adoption fallacy and advocate more broadly for reproductive justice.

Keywords

abortion, adoption, decolonization, reproductive justice, social work/social welfare history and philosophy

The *Dobbs* decision of the United States Supreme Court (*Dobbs v. Jackson Women’s Health Organization*, 2022), which resulted in the overturning of *Roe v. Wade* (Reamer, 2023), hinged partially on an argument (advanced by Justices Coney Barrett and Alito) that a woman’s ‘choice’ to have an abortion can easily be shifted to a ‘choice’ to carry a pregnancy to term and have the child(ren) adopted. Like many adoption scholars who have taken issue with this framing of ‘choice’ (Merritt, 2022), we reject the false ‘choice’ between abortion and adoption. While the evidence is scant, Sisson et al. (2017) studied adoption decision-making among cisgender women seeking abortion. Using the Turnaway Study, a longitudinal study of 956 women, they conducted in-depth interviews with the 231 women who were denied abortions because of gestational limitations. They found that most of the women denied an abortion were not interested in an adoption plan. Of those who gave birth, 91 percent chose to parent their children. Overall, they found that among those women motivated to “avoid parenthood,” adoption is chosen infrequently and that adoption as a solution to being

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denied abortions is simply not grounded in the evidence. Moreover, studies show that women who have relinquished children to adoption suffer far more psychological trauma than women who have had abortions – or even women whose children have died (Blanton & Deschner, 1990). Add this to the ample evidence of high infant and maternal mortality rates in the US, especially for poor and Black families (Kennedy-Moulton et al., 2023), and it becomes clear that the idea that adoption is an easy solution to or replacement for abortion, as the adoption proponents assert, is a fallacy.

Nevertheless, the debates about abortion and adoption in the wake of the *Dobbs* decision have reinvigorated calls for reproductive justice. Though the social work profession has long been involved in referring clients to reproductive services and serving a role within a team of service providers (Alzate, 2009), it has seldom engaged in the academic literature with issues of reproductive rights – and even less with reproductive justice (Liddell 2019). However, US social work's main governing body, the National Association of Social Work (NASW) (2021a), has addressed reproductive justice as follows:

As social workers, we support the right of individuals to decide for themselves, without duress and according to their own beliefs and convictions, when they want to become parents. If they want to become parents, how many children they are willing and able to nurture and support, the opportune time for them to have children and with whom they choose to parent. (p. 275)

This statement is further supported by the ethical principle of *self-determination*, as enshrined in the NASW code of ethics (NASW, 2021b).

Informed by these NASW considerations, we argue that the *Dobbs* decision provides an additional imperative to consider social work practice as a site for advancing reproductive justice. To do this, however, the profession must decolonize by reflecting on social work's past and present role in reproductive policy and politics – particularly its complicity in abortion and adoption decisions that may have limited and/or continue to limit – reproductive justice.

Background: Reproductive Justice

First, some background on the concept of reproductive justice: The concept itself is often credited to the women-of-color feminist collective, SisterSong (Callahan, 2022; Luna, 2020) – though Ross & Solinger claim that the concept has longer roots in the US history of minority women's reproductive disenfranchisement. They point out,

Historically, the absence of adequate reproductive health services has rigorously structured the lived experiences of generations of women of color and their communities. This history calls attention to the colonizing and modernizing processes that separated women from family and community traditions and resources. (Ross & Solinger, 2017, p. 17)

Founded in 1997, the SisterSong Women of Color Reproductive Justice Collective's mission is “to build an effective network of individuals and organizations to improve institutional policies and systems that impact the reproductive lives of marginalized communities” (SisterSong, 2023, para. 2). They define reproductive justice as “the human right to maintain personal bodily autonomy, have children, not have children, and parent the children we have in safe and sustainable communities” (SisterSong, 2023, About Us, para. 4). SisterSong themselves credit the Women of African Descent for Reproductive Justice, formed in the run-up to the International Conference on Population and Development in Cairo in 1994, with coining the term. Recognizing the need for the voices of the most marginalized in debates about reproduction,

They recognized that the women's rights movement, led by and representing middle class and wealthy white women, could not defend the needs of women of color and other marginalized women and trans people. We needed to lead our own national movement to uplift the needs of the most marginalized women, families, and communities. (SisterSong, 2023, About Us, para. 5)

Nevertheless, Luna (2020) argues that SisterSong was instrumental in reframing the right to reproduction as a human right in the United States and across the world.

Regarding abortion debates in the US, Liddell (2019, p. 103) claims that SisterSong "distinguishes reproductive justice as being about access, instead of the issue of choice, arguing that 'there is no choice where there is no access'" for poor women and women of color (which could also be extended to trans-gender people). As a unifying framework, the concept of reproductive justice therefore

went beyond the pro-choice activist focus on the legal right to abortion and access to contraception and addressed some of the critiques of the mainstream feminist movement's lack of attention to the concerns of poor women and women of color. (Liddell, 2019, p. 100)

Adoption scholars have also begun to engage the notion of reproductive justice in adoption (e.g., McKee, 2018), drawing attention to the deep racial and class disparities that mark adoption practices (Cho et al., 2023).

Despite the increasing recognition of reproductive justice, both as a concept and as an imperative, Liddell (2019, p. 99) has pointed out that neither reproductive rights nor reproductive justice have gained much traction in social work literature – though the former, which takes a more juridical and individualistic approach, has been invoked much more than the latter, which is more holistic and intersectional. Zavella (2020) notes that while most reproductive justice organizations remain ethnically or racially specific, they offer an effective example of how to negotiate differences across diverse communities and stakeholders to bring about meaningful social change. This is why it is not only a useful framework for revealing the connections and fissures in the abortion vs. adoption debate, but for advancing the social work profession's goals to address barriers to structural as well as social change. To do this effectively, though, social work – as a professional practice as well as an academic discipline—must also come to terms with its own complicity in the injustices that mark abortion and adoption histories. A commitment to decolonization as a professional mandate is therefore in order.

Decolonizing Social Work

In 2004, Mutua & Swadener edited a volume on *Decolonizing Research in Cross-Cultural Contexts: Critical Personal Narratives*. The book took aim at research that centered Western knowledge by reclaiming the representation of Indigenous and non-White peoples, cultures, and ways of knowing. They pointed out that "Research itself has been described as a colonizing construct, with the legacy that Linda Tuhiwai Smith (1999, p. 80) summarized as 'they came, they saw, they named, they claimed'" (Mutua & Swadener, 2004, p. 1). Part of why hegemonic, colonized research frameworks are problematic is that they tend not only to 'otherize' studied people of color but also 'effectively disempower and silence' racialized Others by figuring them as helpless victims. Habashi (2005, p. 771) further spoke of the "impossibilities of implementing decolonizing research for indigenous scholars [because] the current indigenous discourse is a remnant of [as well as a response to colonial] oppression". Despite these calls nearly two decades ago, scholars complain that colonization remains an intractable methodological and empirical problem in academic research (Viruru & Rios, 2021) – not least because of persistent patriarchy within the academy (Cheney, 2019).

Interestingly, in social work, calls to decolonize research and practice have come primarily from Indigenous social work scholars (e.g., Gray et al., 2013; Tamburro, 2013) seeking to promote traditional cultural practices and ways of knowing in order to overcome the lingering effects of colonialism in Indigenous communities and the universalization of Western knowledge production in the academy. This necessitates an understanding of the effects of colonization in practice, not only on those communities, but on the social work profession itself, given that it has historically acted as an apparatus of the colonial/settler state.

The Role of Social Work in Parenting and Reproductive Decisions

There are countless instances of practicing social workers acting as status quo keepers, casting moral judgement and social control over others' sexuality and reproductive decisions, as well as how they parent their children. Jane Addams (1912), who is considered the founder of the social work profession in the US, took a dim view of sex work, for example. Taking the moralistic stance of the day, Addams considered White, female sex workers (often called prostitutes in this era) as victims of sex slavery, or "white slavery", rather than acknowledging that some women chose to engage in sex work (Bromfield, 2016).¹

Social work is the lead profession in public welfare adoptions, and the profession has a longstanding history in the practice (Carp, 1994), including in private domestic infant adoptions. Sadly, the profession has a shameful history of responding to cisgender girls and women who were seen as "wayward" or "fallen" due to sex outside of marriage, dating back to the profession's beginnings (Carp, 1994; Kunzel, 1993). During the period between the end of World War II and the enactment of *Roe v. Wade* (1945–1973), now known as the *Baby Scoop Era*, more than 1.5 million unwed pregnant girls and women were sent to maternity homes to give birth, and then often coerced to surrender their children for adoption (O'Connor McNees, 2021). As agents of the state in child welfare decision-making, social workers (or those calling themselves social workers) played a major part in forcing mothers to relinquish their children by perpetuating presumptions about who was 'fit to parent' and who was not (Fessler, 2007). As a profession, social work has not truly reconciled its involvement in injustice related to this era's stigmatization of single motherhood and the coerced relinquishment of infants for adoption. Similarly, LGBTQ+ parents have at the very least been misunderstood, and more likely discriminated against, in child welfare cases where child custody decisions were affected by the oppressive views of public welfare case managers (Mallon & Woronoff, 2006).

Historically, social workers who have engaged in determinations of fitness to parent have had a heavy hand in child relinquishment practices and determinations of the best interests of the child that may have further disenfranchised already-marginalized women (Briggs, 2020). While the profession has improved with a commitment today to family preservation as a goal, as well as reunification of children with their families in contemporary times, social workers must come to terms with the fact that they have been part of the problem of stigmatizing single motherhood and other inherent issues of unplanned pregnancy. And, as Briggs (2020) points out, social work is a profession that has continued to engage in the "taking of children" – particularly children of color – through social welfare regimes that are quick to pathologize or even criminalize parenting practices and coping strategies that do not map onto White, middle-class models and standards. Prevalent examples include Indigenous children's removals from families to residential schools as recently as the 1990s. Social workers also participated in the placement of Indigenous children for adoption into White families for the express purpose of alienating them from their culture (DeMeyer & Cotter-Busbee, 2012). Such practices have upheld White settler colonialism through cultural genocide, and Native families and communities continue to suffer the resulting effects of intergenerational trauma, including the erasure of identity (Mapp & Rotabi-Casares, in press).

Moreover, social work practices have contributed to a disproportionate number of children of color in state care (Detlaff & Boyd, 2020). In 2019, Native American children made up approximately one percent of the child population while making up 2% of the foster care population. Similarly, African American children accounted for approximately 14% of the child population, but they comprised 23% of the foster care population. White children were half of the child population but comprised 44% of the foster care population. Children of color and their families therefore continue to be disproportionately affected by forced removal in the child welfare system (Children's Bureau/Child Welfare Information Gateway, 2021). Social work's role in this system has been interrogated historically and in contemporary times, especially its assessment of poverty and race (Briggs et al., 2022). The use of case managers without social work credentials in public welfare settings has presented challenges in this regard: when such case managers execute unjust policies – such as those policies related to economic assistance necessary for a social safety net – it often reflects poorly on the social work profession. Nevertheless, the profession has much to account for in the removals of children of color.

Even in the international arena, social workers have been implicated in questionable adoption practices, affecting many children of color and their families (Roby et al., 2013). Though intercountry adoption has declined by over 90% since its peak in 2004 (Neville & Rotabi, 2020), it continues to be fraught with social justice implications for the profession of social work (Roby et al, 2013). Whether it is the child-removal crisis on the US-Mexico border (Monico et al., 2019) or other forms of intercountry adoption which have taken place mainly from poorer countries of the global South to wealthier countries of the global North, the profession has been entangled in its inherent problems. Social work has too often been involved in the dispossession of birth mothers (of color) to meet the desires of predominantly White adoptive parents in the global North. This practice has been reinforced by the prevalent presumption that this transfer is in the best interests of children (Namubiru Mukasa & Cheney, 2017), which is not only shown to be problematic by the outcomes for international adoptees (Gibbons & Rotabi, 2012; Keyes et al., 2013) but also smacks of (neo)colonization (HübINETTE, 2006).

Elsewhere, we have also shown that where intercountry adoption takes place, corruption soon follows (Cheney, 2014; Rotabi, 2014). For example, adoption agencies continued working in Guatemala even after there were dire warnings about unethical and illicit practices, such as payments to birth mothers (Bunkers et al., 2009). While not all of those employed by these agencies were professional social workers (with a BSW or MSW diploma), the profession largely remained quiet during the human rights crisis that unfolded there (Rotabi & Bromfield, 2017). In practice, social workers actively engaged in home studies and other critical procedures enabling Guatemalan-US adoptions, thereby challenging ethical imperatives to act with *integrity* and ensure human rights in order to safeguard the rights of vulnerable people. The same is true of the placement of children separated from their families at the southern US border in foster care during the Trump administration's "Zero Tolerance" policy (Cheney & Rotabi, 2018). There have been considerable challenges to social work in other countries where intercountry adoption has taken place, with deep concerns about unethical practices in African countries (Cheney, 2021; Mezmur, 2010). The dispossession of birth mothers – women of color in poor countries – challenges social and reproductive justice when one considers that White people are frequently adopting from Africa (Rotabi & Bromfield, 2017).

Today, there are approximately 18,000–20,000 private infant adoptions of US-born children annually (Sisson, 2022). Though the legal profession takes a lead role in these processes, social workers have some impact through their involvement with adoption agencies. This includes validation of adoption decisions through home studies and other tasks that may reinforce presumptions about parenting suitability – decisions which have disadvantaged already-marginalized people. The social work profession's long-standing history therefore provides a unique lens from which to interrogate the idea that adoption is a viable and just alternative to abortion.

Social workers have been less involved, as compared to nurses, in actual abortion services. This is undoubtedly related to the medical nature of abortion and the need to have low-cost pre- and post-

abortion counseling services. Often, those providing that care are not actually credentialed social workers in clinics that are oriented toward making such care affordable. It should be noted that it is not uncommon for counselors to be voluntary, and Planned Parenthood “counselors” do not specifically require BSW or MSW credentials for counseling services (Planned Parenthood, n.d.).

Nevertheless, we maintain that social work must reckon with its complicity in the above practices that have impinged upon people’s (particularly women of color’s) ability to make free reproductive choices or support their choice to parent or not to parent. While there have been advances in family preservation principles in social work practice (Strydom, 2012), social workers have been less vocal about reproductive freedom, and even in discussions of family preservation, reproductive justice can still be implemented. However, people have the right to choose whether to parent without being criminalized, as will be the case in states currently implementing anti-choice legislation (Gomez et al., 2020). And when people do choose to parent, they need state support in terms of economic assistance and other services, like childcare. Social work certainly has a role to play in weighing in on such issues of reproductive justice through research and practice (Gomez et al., 2020).

Pathways for Reproductive Justice in Social Work

Given this history, we argue that social workers need to be more vocal about abortion rights, as well as speaking up against coercive adoption practices in favor of supporting people’s rights to parent, for those who choose to give birth. The NASW (2021a) statement on abortion as health care is a step in the right direction, but there is room for more concerted and united advocacy at all levels (Beddoe et al., 2019), including those mentioned above.

Expanding research agendas in restrictive abortion care will be imperative as women face environments where social workers may even be penalized for assisting a woman in exercising choice and ultimately self-determination (Reamer, 2023). Gomez et al. (2020) state that the profession should be “leading the charge” (p. 363) in scholarship given the profession’s orientation to social justice. However, there is currently an insufficient research base in this new era of abortion restriction. Emerging research agendas must be developed to include legal implications for practice. Such research will not only inform direct practice but also aid in advancing a policy advocacy agenda as states move forth in legislating reproductive freedom and access to abortion and contraceptives.

Nevertheless, it is encouraging that Social Workers for Reproductive Justice (SWRJ) have broadened the profession’s conceptualization of reproductive justice and its application for social workers:

Social workers should follow the NASW Code of Ethics (NASW, 2021b) by advocating for self-determination when it comes to issues of sexual and reproductive health. This means that when in practice a social worker should support any and all clients making decisions related to when, how and if to have a family and provide unbiased support, accurate information, and appropriate referrals for the client’s needs (SWRJ, 2023).

The *Dobbs* decision certainly has implications for social work practice. In 1981, when *Roe* was not even a decade old, Angela Davis issued a call to action: “What is urgently required is a broad campaign to defend the reproductive rights of all women—and especially those women whose economic circumstances often compel them to relinquish the right to reproduction itself” (Davis, 1981, p. 206). Social work could play a vital role in correcting this injustice, particularly now, when it is arguably needed more than ever. Social work can act as a key voice in advancing reproductive justice by, for example, recentering the debates on (potential) birth mothers and their plights. Phelan (2022, p. 6) has noted that,

Rhetorically, [Supreme Court Justice] Barrett acknowledges ‘the right to choose’ central to abortion debates, but she moves the location of that choice from pregnancy to parenting, oddly overlooking both the complex experience of giving birth and the fraught challenges of creating an adoption plan.

Given what role social workers have played in this experience, they are uniquely positioned to speak truth to power around just how fraught that shifting of choice is, and what consequences it will inevitably have for people whose ‘choices’ are taken from them by abortion bans. Liddell (2019) notes that focusing on individual choice tends to obscure institutional perpetuation of inequalities. It was for this reason that the late Supreme Court Justice Ruth Bader Ginsburg said that *Roe* should have been decided under the equal rights amendment, not the right to privacy (Prager, 2021).

Phelan (2022, p. 7–8) points out that by “Retaining the concept of ‘termination’ but moving its object from pregnancy to parental rights, *Dobbs* suggests that the solution to the ethical difficulties of abortion can be solved on the apparently ethically-free terrain of adoption.” As we have shown above, and social work can show from its own lessons learned, this is hardly the reality.

Given the brief history of social work’s involvement with adoption injustices summarized above, there are a few things the social work profession can do as a decolonizing corrective to past practices. These include more concerted advocacy for family preservation, birth parents’ rights, and children’s rights to family, identity, and nation in policy, practice, and research. In specific instances, this might even mean refusal to perform home studies in situations of unethical removal of children from birth families (Mapp & Rotabi-Casares, in press). In broader terms, it might mean applying a reproductive justice lens to decolonizing the criteria by which such determinations are made, thus redressing the application of White, middle-class standards to diverse families and children. In the post-*Dobbs* abortion debate, it means not only being more vocal in defense of reproductive justice for all but approaching post-birth care from a reproductive justice standpoint – especially addressing the issue of criminalization and pathologizing of poverty and Black, Indigenous, or other marginalized groups’ parenting practices.

The reproductive justice non-profit organization Forward Together provides a helpful set of questions for framing social work research and practice from a reproductive justice perspective:

1. Are people of color, young people, immigrants, Lesbian, Gay, Bisexual, Transgender, Queer/Questioning (LGBTQ) individuals, or low-income communities being disproportionately affected in a way that warrants exploration? Are certain communities or populations experiencing a significant difference in outcomes than others?
2. Who are the experts from communities affected by the disparity who can serve as sources or provide first-hand perspective for the story?
3. What are the historic and systemic factors that contribute to these outcomes? In many instances, law and policy, intervention from the medical establishment, or legacies of racism and colonialism have created disparities that provide critical context in understanding today’s outcomes. (Forward Together, 2020, p. 1, cited in Liddell, 2019, p. 110)

This conceptualization illustrates the importance of non-governmental organizations in defending reproductive justice at a time when the government is overreaching with new local and state legislative enactment, requiring social workers to act as agents of the state. Small organizations will be the hub of activity – with social workers as community activists – helping women travel to jurisdictions where they can receive abortion care, among other services prohibited in local government social service settings. Furthermore, supporting small non-profits in social advocacy work is imperative as legal frameworks are developed and enacted. Social workers must be positioned on interdisciplinary teams in such organizations where medical practitioners often have the strongest voice.

However, social workers are the experts in policy advocacy and have much to offer in advancing progressive policy agendas.

In order to critically integrate the above ideas offered by Forward Together into social work practice, Gomez et al. (2020) call not only for greater engagement in reproductive justice research, but also more effective integration of the concepts in social work education. Researchers have noted a foundational gap in sex and sexuality education among social work educators (Velez et al., 2022). Moreover, Begun et al. (2016) found that, while “social work students lacked appropriate knowledge of abortion policy and resources” (p. 284), the more they were informed about abortion, the more likely they were to refer clients to a full range of reproductive services. This gap can therefore be remedied through integration of concepts in human behavior and social environment courses as well as courses that examine the foundations, or history of, social work to include social work’s past of shaming illegitimacy and unethical promotion of adoption as a solution. Reproductive justice can be integrated across the social work curriculum, and particularly in social justice discourse, among other dimensions of critical thinking, especially in relation to reducing health disparities (Gomez et al., 2020; Poehling et al., 2023). Bird (2016) also offers effective strategies for social workers to positively influence policy change through such mechanisms as coalition building, advocacy engagement, and stakeholder outreach. Such approaches will set the stage for future practitioners who are ready and capable of navigating the ethically challenging context of health-related practice in this post-Dobbs era (Reamer, 2023) – including work with doctors and nurses – that requires interdisciplinary skills to realize reproductive justice (Poehling et al., 2023).

In being attentive to these ideas, we must continue to challenge the ‘adoption fallacy’. As leaders in child welfare, social workers must challenge the erroneous messages about adoption promoted by many far-right and Christian organizations. Resistance is imperative, as most women will continue to refuse adoption as a solution to unwanted pregnancy, as noted above. An essential part of that resistance is redressing the past harms that social work has committed as actors of the state, especially related to the shaming of illegitimacy and unethical adoption practices. As we grapple with our professional history, quite simply, we need an honest and unified voice stating that adoption is not the answer; to suggest otherwise is to advance the ‘adoption fallacy’ and continue to perpetuate injustice.

Social Work in a Post-Dobbs World

Reamer has recently commented that in the wake of the *Dobbs* decision, “...social workers have a moral duty to engage in purposeful social action to challenge national and state reproductive health policies that endanger clients...” (2023, p. 8). This is not only about the right to choose; it is also about how the social work profession supports people in their right (not) to parent and provides the services and resources that they need in order to be successful in that endeavor. Currently, access to abortion care is threatened, and yet social safety nets are simply inadequate in terms of supporting people to parent. Social workers deliver many reproductive health services, yet they have not commonly weighed in on the recent debates, such as the abortion/adoption debate. However, this is not in fact the question. Rather, the question is how social work can advocate for greater reproductive freedoms and parenting choices, thus challenging the ‘adoption fallacy’. We have therefore argued here that, now more than ever, the profession has a reproductive justice role to play – an integral part of which is working toward decolonization by stocktaking to redress its role in past reproductive injustices.


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Note

1. While abortion was not a politicized and controversial topic in Addams' day, it would be interesting to know what she thought of the practice of abortion, which was inevitably taking place.

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