BOOK DISCUSSION

Book Discussion: Response to Comments by Anna High

1. Introduction

As I suspect is the case for many, as an academic juggling the demands of teaching, research, and family in these "new normal" times, the weeks of the academic calendar seem to be slipping away a little more rapidly as compared to pre-pandemic life. As such, it does not seem so long ago that I was finalizing the manuscript, reading the proofs, and sending this book (*Orphan Relief in China*) out into the world. And yet my son Fred, who is the same age as this book (kindly timing his arrival for soon after completion of the manuscript), is now a boisterous two-and-a-half-year-old. In that time, it has been humbling to see *Orphan Relief in China* well received by peers around the world, and it is humbling all over again—and perhaps even quite self-indulgent, given the aforementioned time pressures—to have this opportunity to engage again with the material and reflect on my research journey. I am immensely grateful to Liang Xiaochen,[1] Xu Zheng, and Shahla Ali for taking the time to write these thoughtful comments, and to Hiroshi Fukurai, immediate past-president of the Asian Law and Society Association (ALSA), for his support in and co-ordination of this book discussion.

Taking the same approach as previous years' discussants, my intention in this short response to the commentary is not to summarize the key points of my research—that would be superfluous, as the commentators have done a wonderful job at introducing the scope and approach of the book. In the interests of space, I will not respond individually to each point raised in each commentary. Instead, I would like to use this opportunity to respond to and elaborate on three themes highlighted by the commentators.

2. Longitudinal fieldwork in a changing China

As clichéd as it may be, it does feel like writing a book is a labour of love that is similar, in some small ways, to parenting—in that the days can feel long but the months (before a deadline) pass quickly. As I mentioned above, Fred joined our family in a very timely manner, soon after I had submitted the manuscript for *Orphan Relief in China* and just before receiving its page proofs for a final review. Reading through those pages in those hazy newborn months, pages that were the culmination of a research journey I had started over a decade earlier when I first visited a foster home on the outskirts of Beijing as a volunteer, was a prompt to reflect on how I had changed as a researcher over the course of those years, and how the field had changed too.

My final trip to China to collect data for this book had been two years earlier, in the summer of 2017, when Fred's older sister, Maggie, was herself a "babe in arms." It was a relatively brief trip, but still a source of anxiety (some of which, in hindsight, I can identify as the general anxiety common to all new parents) in terms of both the emotions of meeting and reuniting with research informants and with their charges, and the logistics of

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[1] Liang (2020).

ensuring that Maggie was safe, well, and fed. If readers will allow me to indulge in another cliché here—visiting the field hit me differently as a mother as it had when I was a post-graduate student. I was obviously (noticeably) much older; children inadvertently reminded me of this when they uniformly and spontaneously referred to me as Anna *ayi* (auntie) rather than my previous Anna *jiejie* (older sister). Hearing an upset child's cry could lead to a physical maternal response, and seeing children in distress, children who looked to be the same age as Maggie, provoked a different emotional response than it had just a few years earlier.

China had changed too, with Xi Jinping steadily strengthening his political and moral authority over the party-state, and a growing sense of domestic and international unease about "hard strikes" happening in the west. As Xu Cheng and Shahla Ali note, in *Orphan Relief in China*, I present insights from care workers operating in the shadows of the law. As a foreign researcher, I relied on the generosity and grace of locals to help me navigate in that shadow myself—for example, my taxi driver, who spoke to officers at a rural check-point to explain why this hapless *waiguoren* (foreign national) had left her passport at her Beijing apartment, rather than keeping it on her person as required by law. Foreign researchers in China generally face unique challenges of access and security, but it seems inevitable that as the political terrain in China continues to shift, so too will the shape and impact of the shadow of the law on our work. Interestingly, there is no clear evidence, as yet, that the legal landscape for foreign researchers in China has become more repressive under Xi Jinping;[2] however, Greitens and Truex have also found that, nonetheless, the overall perception of foreign scholars is that China's research climate is recently becoming more constrained.[3] Disciplinary conversations, including in the socio-legal school, about researching in a changing China will continue as scholars find mutual support in navigating the risks of research—risks that are "uncertain, individualized and not easily discernible from public information."[4]

3. The researcher's place in the field

Both commentaries highlight the foregrounding of ethnographic fieldwork and story-telling in *Orphan Relief in China.* Perhaps some might disagree that this study, of a very particular social group—*gu'er* in private orphanages and their caregivers—is rightly characterized as ethnographic, but as another reviewer has noted, I have attempted to be down to earth and nuanced in describing this social sphere,[5] and telling stories of lived experiences is an important aspect of that. As Xu Zheng and Shahla Ali note, individual stories are used to provide context for the broader meta-narratives of changing laws and policies, and interactional politics.[6] But of course, this can cause internal conflict for the writer. Throughout my research, I have been concerned with the risk of contributing to the objectification of *gu'er* as the "unfortunate other."[7] Indeed, I preferred the Chinese term *gu'er*, or the literal English translation "lonely child," to the English term "orphan" (despite its use in the title), which is experienced by some as pejorative and objectifying, defining a child solely by her parental status.[8] But inevitably, in telling stories, to some degree at least, the children and informants whose stories I tell are cast as "objects rather than creators of

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[2] Greitens & Truex (2020), p. 359.

[3] *Ibid.*, p. 359.

[4] *Ibid.*, p. 370.

[5] Park (2019), p. 246.

[6] Zheng & Ali, this issue.

[7] Qian (2014).

[8] High (2020), p. 4.

anthropological knowledge."[9] This causes a moral tension, although Kirsten Bell has noted, in a passage that resonates with me, that

> the moral tensions of fieldwork arguably differ in degree rather than in kind from the tensions raised by human interactions in all its forms, with their vacillations between sincerity and insincerity, genuineness and hypocrisy, honesty and self-deception. Viewed in this light, the perils of ethnographic fieldwork, as with its promise, stem as much from the anthropologist's *humanity* as their professional identity as a *researcher.*[10]

In our daily and mundane humanity, perhaps it is not so controversial to say that we are constantly perceiving and interpreting and reimagining the stories of others from our own perspective, for our own end of gaining knowledge and understanding our own place in the world. This is a tension that cannot be done away with, but must be inhabited with self-reflection, particularly when it comes to using the stories of others to do scholarly work of "humanitarian value."[11] There are other researchers in the field of Chinese orphan relief—I am thinking in particular of Kay Johnson and Leslie Wang—who have inhabited this tension beautifully, and in whose work I found a great deal of guidance and motivation.[12]

A related point is the use of genuine, meaningful relationships for multiple purposes—the relationship between researcher and informant can be not only enriching in and of itself, but also something we rely on and leverage for scholarly ends. James S. Bielo has written of ethnography that, whatever else it may be, "it is about building, negotiating, losing, and celebrating relationships with fellow human beings."[13] Telling these stories requires, first, a relationship to be built—as Simpson has noted, in an ethnographic (or ethnographic-ish) approach, "to talk of 'the field' is to talk of an entity which is itself relational and not merely spatial."[14] Here there was an interesting symmetry between my role as a researcher and the organizations I was mapping—as to the latter, and as Xu Zheng and Shahla Ali note, *Orphan Relief* highlights how their prospects for survival were dependent on the cultivation of good webs of relationships with local officials.[15] Similarly, the success or otherwise of my research in China was dependent upon fostering mutual trust with participants; in that process, I was mindful of being both an insider and an outsider in the field.[16] Throughout, it was important not to lose sight of the relational nature of that field and the aforementioned moral tension that comes with storytelling in a field comprising people's lives, including their traumas, losses, and loves.

4. Forever homes, gotcha days, and international adoption

Many of the stories in *Orphan Relief in China* were told with a view to painting a textured and sensitive (if necessarily incomplete, due to space and time constraints) picture of broader dynamics, including the movement of *gu'er* to and from different caregiving contexts. Another reviewer, Young Sun Park, has said that *Orphan Relief in China* generally depicts one such movement, international adoption, in a positive light; Park rightly points

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[9] Gay y Blasco & Hernández (2012), p. 1 (cited in Bell (2019), p. 19).
[10] Bell, *supra* note 9, p. 15, emphases in original (internal citations excluded).
[11] Zheng & Ali, *supra* note 6, p. 523–525.
[12] Johnson (2016); Wang (2016).
[13] Bielo (2015), p. 47.
[14] Simpson (2011), p. 384 (cited in Bell, *supra* note 9, p. 9).
[15] Zheng & Ali, *supra* note 6, p. 523–525.
[16] High, *supra* note 8, p. 17.

out that inter-country adoption is an extremely complex process and one that requires nuanced treatment.[17] Other than pointing interested readers to the excellent work of Leslie Wang, cited above, I would also add that I have elsewhere given more attention to those complexities and nuances,[18] which are worth touching on here also. The rhetoric of inter-country adoption has shifted dramatically since its inception in the wake of World War II; inter-country adoption continues to be infused with the (at-times problematic) rhetoric of "child rescue," but with parent-driven or family-driven arguments strengthening, in a way that can come "uncomfortably close to casting adoptees as objects or commodities rather than subjects."[19] In the context of East to West adoption—and noting that the American international adoption culture is, to a large extent, dominated by evangelical Christians for whom adoption is also a route to faith membership—an added objection is the "imperialist" one, which characterizes inter-country adoption as an "exercise of influence and control by the more powerful nations who are seen as 'robbing' Third World countries of their children whilst confirming their inferiority and inadequacy."[20]

The obvious response to the "imperialist" objection is the paramountcy principle—that the paramount issue is whether international adoption serves the best interests of children, regardless of its potential "neocolonialist hue."[21] But as I noted in 2014, "frequently in humanitarian, child-centred discourse on adoption, the 'best interests' standard masks an underlying ideological inconsistency—are we saving children from being family-less/ institutionalized, or saving them from third-world countries?"[22] This was a point on which the foreign-run foster homes in *Orphan Relief in China* were generally very cognizant and reflective. As I discuss at length in the book, for foreign-run welfare providers, cultivating local legitimacy, despite their illegality, required navigating a complicating contextual factor: China's historically rooted scepticism of the intervention of outsiders in matters of domestic welfare. As one of my informants described it, it was important for foster homes to send a clear message: we are helping the state to save children from abandonment; we are not trying to save children "from being Chinese."[23]

5. Concluding remarks

I am most grateful to Professor Amy Shee (chair) and to the committee members of the 2020 Distinguished Book Award of the Asian Law and Society Association for selecting my monograph from what was no doubt a field of very worthy contenders. I would like to acknowledge the late Dr Eric Herber, whose excellent work on Japan's criminal justice system, *Lay and Expert Contributions to Japanese Criminal Justice*, was awarded the 2020 Honorary Mention. It was a pleasure to join in celebrating recent Asian socio-legal scholarship at the 2020 ALSA conference award ceremony, held virtually in September 2021 after Covid-induced delays, and in which Dr Herber's wife participated. My thanks to Professor Kay-Wah Chan, president of ALSA, and the conference organizers for hosting this event.

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[17] Park, *supra* note 5, p. 246.
[18] Kloeden (2014), pp. 504–13.
[19] *Ibid.*, pp. 508–9.
[20] Triseliotis (1993), p. 131.
[21] King (2009), p. 425.
[22] Kloeden, *supra* note 18, p. 511.
[23] High, *supra* note 8, p. 94.

References

Bell, Kirsten (2019) "The 'Problem' of Undesigned Relationality: Ethnographic Fieldwork, Dual Roles and Research Ethics." 20 *Ethnography* 8–26.

Bielo, James S. (2015) *Anthropology of Religion: The Basics*, London: Routledge.

Gay y Blasco, Paloma, & Liria de la Cruz Hernández (2012) "Friendship, Anthropology." 37 *Anthropology and Humanism* 1–14.

Greitens, Sheena Chestnut, & Rory Truex (2020) "Repressive Experiences among China Scholars: New Evidence from Survey Data." 242 *The China Quarterly* 349–75.

High, Anna (2020) *Non-Governmental Orphan Relief in China: Law, Policy, and Practice*, New York: Routledge.

Johnson, Kay Ann (2016) *China's Hidden Children*, Chicago: The University of Chicago Press.

King, Shani M. (2009) "Challenging MonoHumanism: An Argument for Changing the Way We Think About Intercountry Adoption." 30 *Michigan Journal of International Law* 413–70.

Kloeden, Anna Jane (2014) "Pondering the Politicization of Intercountry Adoption: Russia's Ban on American 'Forever Families'." 22 *Cardozo Journal of International and Comparative Law* 497–560.

Liang, Xiaochen (2020) "Orphan Relief in China—Anna High, Non-Governmental Orphan Relief in China: Law, Policy, and Practice (New York: Routledge, 2020) pp 174. Hardcover: $53.99." 7 *Asian Journal of Law and Society* 583–5.

Park, Young Sun (2019) "Non-Governmental Orphan Relief in China (By Anna High, Routledge, 2020)." 16 *Otago Law Review* 241–6.

Qian, Linliang (2014) "Consuming 'the Unfortunate': The Violence of Philanthropy in a Contemporary Chinese State-Run Orphanage." 38 *Dialectical Anthropology* 247–79.

Simpson, Bob (2011) "Ethical Moments: Future Directions for Ethical Review and Ethnography." 17 *Journal of the Royal Anthropological Institute* 377–93.

Triseliotis, John (1993) "Inter-Country Adoption: In Whose Best Interest?," in M. Humphrey & H. Humphrey, eds., *Inter-Country Adoption: Practical Experiences*, London: Routledge, 119–37.

Wang, Leslie K. (2016) *Outsourced Children: Orphanage Care and Adoption in Globalizing China*, Stanford: Stanford University Press.