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Introduction: Conceiving Kinship in the Twenty-First Century

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1.1 Beginnings

In September 2016, Dr. John Zhang – a New York fertility specialist – made an announcement which was seen by some as holding out incredible promise, while for others spelled impending doom. Using a novel technique known as mitochondrial replacement therapy (MRT), he created a baby using the DNA of three people. In an interview, Zhang told *New Scientist* that he had performed the procedure for a Jordanian couple and that the resulting embryo was born in April of 2017 (Reardon 2016). According to published accounts, the boy's mother carried a "rare genetic condition known as Leighs syndrome: a neurological disorder which is caused by faulty mitochondria" (Mullin 2017) which are passed on exclusively through women. Although the embryo was created in New York City, it was transferred to the mother's uterus in Mexico in order to circumvent US regulatory procedures which currently prohibit the creation of genetically modified embryos.

MRT was developed to prevent the transmission of hereditary diseases "caused by mutations in the mitochondrial genome": the cells energy-producing structures (Knoppers et al. 2017). The Mitochondrial Disease Foundation in Pittsburgh, Pennsylvania states that between 1,000 and 4,000 children are born each year in the United States alone with significant mitochondrial conditions (Shoot 2015). While mitochondrial diseases affect relatively few families, the results can be catastrophic. Some of the more common mitochondrial conditions include heart problems, muscular dystrophy, vision loss, and stroke-like episodes (Shoot 2015). Many children who have inherited these conditions die within their first few years of life (Shoot 2015; cf. Wrigley, Wilkinson and Appleby 2015).

Mitochondrial Replacement Therapy has the potential of allowing parents who are at risk of transmitting a mitochondrial disorder to

their offspring to have a healthy child, and one to whom they are both genetically related (Wrigley, Wilkinson and Appleby 2015). The version of MRT that Dr. Zhang used is referred to as Maternal Spindle Transfer (MST).[1] The procedure begins by obtaining a healthy egg from a donor and removing that egg's nucleus. Into this enucleated (i.e., hollowed-out) egg are injected the chromosomes of the intending mother (Mullin 2017). The reconstituted egg is then fertilized, and the resulting embryo is implanted into the womb of the intending mother. The mitochondria provided by the donor give energy to the cells, but do not code for physical traits such as eye and hair color, skin tone, stature, IQ, etc. (Shoot 2015). What this means is that roughly 99 percent of the resulting egg's genetic material comes from the mother who intends to raise the baby.

While MRT has the potential to eliminate a variety of debilitating conditions, the technique remains controversial and is currently banned in most countries. Because the long-term consequences of the procedure are unknown, emerging ethical guidelines suggest that if the technique were to become widely available, it should be carried out only on male embryos who would be incapable of passing on the donated mitochondria to future generations (Reardon 2016). Some commentators have also flagged social and ethical concerns: should children born through this technique have the right to know the identity of the egg donor (Lioke and Reame 2016; Newson, Wilkinson and Wrigley 2016: 589)? Although the resulting child would receive only a small percentage of their overall genetic makeup from the donor (i.e., 37 genes of an estimated 20,000 total), some studies have suggested that mitochondrial genes may play a role in mental illness so the genetic contribution from the egg donor is not irrelevant (Lioke and Reame 2016).

For his part, Dr. Zhang sees a bright future for MRT. Buoyed by his success with the Jordanian couple, Zhang has decided to pursue the commercial applications of MRT and has opened up a company called Darwin Life with a decidedly bold mission – to assist older women in becoming pregnant by having their DNA transferred to a younger woman's eggs (Mullin 2017; cf. Bhattacharya 2017).[2] Zhang claims that this will be a "cure for infertility" (Mullin 2017) and says Darwin Life will offer the service to women in their mid to late forties.[3] The procedure will cost US$80,000–120,000 per cycle and Zhang estimates that it will generate over two billion dollars in sales per year (Mullin 2017). Because the technique remains illegal in the US, Zhang says that Darwin Life will continue to make embryos in the US but will perform the embryo transfer at his New Hopes clinic in Guadalajara, Mexico, or in other countries that do not have the same regulatory red tape. In an interview, Zhang stated: "For now our nuclear transfer technique is very much like an iPhone that is designed in California but assembled in China" (Mullin 2017).

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In January of 2018, the Associated Press published an article with the following title: "Gay Couple Married in Canada sues U.S. Government for Denying Citizenship to Child" (Melley 2018). The article went on to describe the plight of Aiden and Ethan Dvash-Banks – 16-month-old twins, "born only minutes apart from the same womb and to the same fathers" (Fadel 2018). Like most twins, Aiden and Ethan have much in common, but there is one thing that they do not share: Aiden has been granted US citizenship while Ethan has not. This discrepancy has recently become the basis of a legal suit which is winding its way through the US court system and is highlighting in the process the significant social inequalities that continue to exist for members of the LGBTQ community, notwithstanding the recent legalization of same-sex marriage.

The fathers of the twins, Andrew and Elad Dvash-Banks, met ten years ago while both were attending university in Tel Aviv (Levin 2018). Andrew was a US citizen and Elad an Israeli. After dating for several years, they got married in Canada in 2010 – at a time when same-sex marriage was still illegal in the United States. The couple were hoping to have children and to eventually move to California where Andrew was raised and where his family still lived (Levin 2018). Their twins were born to a surrogate in September 2016 and according to the pending lawsuit, both boys should have been eligible by birth to apply for US citizenship since each had a father who had been born in the United States. The boys had been conceived by the same surrogate using donor eggs and sperm donated from each father (Melley 2018).

It was only when the Dvash-Banks family went to the US consulate in Toronto to obtain passports for their sons that they realized a problem existed. According to Andrew, at the time of their application, the couple were asked a series of "invasive and embarrassing" questions having to do with how their sons had been conceived (Fadel 2018; cf. Melley 2018). The consular officer refused to process their applications without a DNA test to confirm biological paternity for each child. A few months later, two packages arrived. The one addressed to Aiden contained a passport along with a note saying, "Congratulations on your U.S. citizenship." Ethan's envelope contained a different message: "We regret to inform you that your application for U.S. citizenship has been denied" (Fadel 2018). When asked for clarification, the State Department claimed that it "could not comment on pending lawsuits," but drew attention to a clause on its website which reads: "at least one biological parent must have been a U.S. citizen when the child was born for the child to qualify for birthright citizenship" (BBC News 2018).

While awaiting their case to be heard, the Dvash-Banks family has since moved to Los Angeles having acquired a temporary tourist visa for Ethan, which has since lapsed (Melley 2018). The family of four is challenging the decision of the State Department claiming that it discriminates against LGBTQ people by "denying birthright citizenship to the children

of gay couples based on blood relationships" (Levin 2018). Even though both fathers are listed on the boys' birth certificates, the fact that Ethan's father was born in Israel is enough to disqualify his son from being granted American citizenship. Heterosexual couples are not subject to the same level of scrutiny, and their children would not be denied citizenship on the basis of having bi-national parents. "The message is that you are not fully equal. Your family is less than other families," said Andrew Dvash-Banks in a recent interview (Levin 2018).

Immigration Equality – a gay rights advocate group – has launched a lawsuit in the Supreme Court on behalf of the Dvash-Banks family. A second suit has been filed, under identical circumstances, on behalf of a lesbian couple, Allison Blixt and Stefania Zaccari. According to Aaron Morris, the executive director of Immigration Equality, "the State Department is treating same sex couples as if they were not married and are disenfranchising their children" (Levin 2018). Morris further contends that the problem emerged under the Obama administration after the Defense of Marriage Act (DOMA) was overturned, thereby opening the door to same-sex marriage. As stated in the suit, this decision violates the Immigration and Nationality Act, which states that children "born abroad are U.S. Citizens at birth when one of the child's parents is married to a U.S. citizen" (BBC News 2018). It is expected that the resolution of this case will have far-reaching implications with respect to gay and lesbian rights, not to mention the definition of citizenship in the United States.

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Inga Whatcott thought she hit "pay-dirt" when at the age of 12 she was adopted from overseas. Having grown up in a Russian orphanage after having been abandoned by her biological mother who worked in the sex trade, Inga was adopted by an American couple – Pricilla and Neal Whatcott in 1997. Interviewed in 2013, Inga remembers thinking to herself: "I'm gonna' have a family, I'm gonna' go to school, I'm gonna' have friends" (Twohey 2013d). Only a few months after bringing her to the United States, Inga's adoptive parents gave up trying to raise her. The Whatcotts claim that the agency who handled the adoption failed to inform them that Inga had significant emotional and behavioral issues: that she "suffered from depression, post-traumatic stress disorder, that she smoked" and that she had been previously abused and was functionally illiterate (Twohey 2013d). The Whatcotts' claim they tried to find a solution to their difficulties through counseling and support groups. They also contacted a Russian judge in an effort to nullify the adoption. When all things failed, Neil and Patricia turned to what Pricilla now calls the "underground network" (Twohey 2013d). They posted an ad on the Internet in an effort to find a new home for their daughter. This would be the second time that Inga was abandoned, but it wouldn't be the last. Over the next six months, Inga was profiled online by the Whatcotts three additional times. No one

wanted to keep her and no governmental agency played any role in tracking her whereabouts whatsoever.

An investigative report published by Reuters in 2013 helped to expose a growing and disturbing phenomenon that has come to be known as "private rehoming" in child welfare circles. Through Yahoo! and Facebook groups (sometimes even Craigslist and Kijiji) parents who have come to regret an adoption advertise their unwanted children online and pass them on to persons they have never met (Twohey 2013a, 2013c). According to the Reuters report, loopholes in custody transfer laws allow parents to give away their children through online message boards with little or no government screening or oversight (Davidson and Whalen 2014). When the underground network is used, the only persons who vet the child's new home are the parents who want to nullify the adoption in the first place. In the words of one mother who was completely at her wits' end: "I was so sick of this kid that I would have given her to a serial killer" (Twohey 2013b).

As the victim of a "disrupted adoption," Inga's experiences are not unique. In their investigative report, Reuters analyzed over 5,000 online messages about rehoming in North America dating from September 2007 to September 2012. On one Yahoo! forum alone – Adoption from Disruption – a child was offered up for rehoming approximately once a week for five years (Twohey 2013a). Most of the online posts described the children as having "special needs," including Reactive Attachment Disorder (RAD), emotional or physical disabilities, fetal alcohol syndrome, and/or autism. After learning about the results of the Reuters report, Yahoo! closed down Adoption from Disruption (Twohey 2013a). The company also shut down five additional Internet forums that Reuters brought to their attention (Twohey 2013a). In the wake of these closures, rehoming sites have moved more deeply underground where they can be accessed on a "members only" basis (Davidson and Whalen 2014). The unregulated nature of this market makes it particularly dangerous. Although some children have ended up in stable home environments, many others have been thrown into very dark places and have become the undocumented victims of sexual, emotional, and physical abuse. Born through the rapid proliferation of social media platforms, private rehoming exists in a gray zone between informal adoption and child trafficking.

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The three vignettes which open this handbook have all recently captured the popular imagination and have made headline news in many parts of the world. Despite their diversity, all of these cases share in common one important feature – they help to highlight the sweeping changes that have been taking place with respect to how kin connections are imagined, formed, and administered in the twenty-first century. An interest in kinship has long been central to the discipline of anthropology. Indeed, anthropology emerged as a distinct academic field in the mid-nineteenth

century when scholarly attention began to focus on comparative kin relations. Well over a century later, the study of kinship continues to occupy a privileged place within the discipline. In what was once a highly popular introductory text on the topic, Robin Fox writes: "Kinship is to anthropology what logic is to philosophy, or the nude is to art; it is the basic discipline of the subject" (1967: 10). This handbook will help to highlight why kinship has often been said to hold this pride of place.

This collection is a state-of-the-field survey that captures the many important contributions that the study of kinship has made to anthropology – both as a fledgling discipline in the mid-nineteenth century, and continuing on through more recent years. Consisting of 29 original chapters, each written by a specialist in the field, this collection explores the history of kinship studies and the many different directions in which it has moved over the past few decades. Drawing upon research undertaken across the globe (Africa, India, South America, Malaysia, the Middle East, Asia, the Pacific, Europe, and North America), the chapters in this handbook demonstrate the continuing power of kinship theory to address many questions of broad anthropological concern, and to cast light on some of today's most pressing social issues: How have recent advances in reproductive medicine fundamentally altered our understanding "life" and different biological forms? How has globalization, coupled with the spread of late capitalism, brought in its wake new ways of imagining human relatedness? How might recent shifts in state welfare policies (particularly with the rise of neoliberalism in many parts of the globe) impacted how families operate on a day-to-day basis? How do recent shifts in global capitalism, coupled with the emergence of new political forms, both inform and take their inspiration from kin relations? Addressing these, and a wealth of other questions, this collection presents the results of cutting-edge research and helps to demonstrate why it is that the study of kinship is likely to remain at the core of anthropological inquiry in the years to come.

In November 2017, at the annual meetings of the American Anthropological Association (held that year in Washington DC), I had the opportunity to meet up with a cherished colleague whom I hadn't seen for quite some time. He is a fellow anthropologist, but his area of specialization lies far outside the field of kinship studies. As we talked about recent developments in the field, he confessed to me that he often feels ill-equipped to advise any of his own graduate students when they come to him with questions about kinship. He, like many of his students, has only the sketchiest knowledge about kinship studies, let alone how the field has changed over time. He then recounted to me his own truncated understanding of the field, one that I have subsequently come to realize is shared by the vast majority of non-specialists. Evolutionary theorists like Morgan (1870, 1877) and Maine (1861) helped to put kinship studies on the map. During the 1930s, 1940s, and 1950s, anthropologists (most of

whom were trained in the structural-functionalist vein, and who worked in Africa) imported many of their own ethnocentric Euro-American assumptions about kinship into their own purportedly objective ethnographic accounts. David Schneider, in his two most celebrated works, *American Kinship* (1968) and *A Critique of the Study of Kinship* (1984), offered up a devastating critique of these works in which he revealed that previous studies of kinship were flawed in that they were little more than an imposition of Euro-American folk ideas about relatedness upon the social worlds of other people. In the wake of Schneider's publications, kinship studies all but disappeared. There has only – and very recently – been a renewed interest in the field, prompted in large part by the advent of new reproductive technologies (NRTs) in the West.

One very important aim of this handbook is to serve as a corrective to this history which errs on several counts. It assumes: (1) that there is a hard and fast distinction between what is sometimes called the "old" and "new" kinship studies, (2) that kinship studies all but vanished in the wake of Schneider's work and only very recently have become the subject of renewed scholarly interest, and (3) that studies of NRTs constitute, for the most part, what has taken place in the field of kinship studies over the past few decades.

The chapters in this collection serve as an eloquent testament to the immense breadth that characterizes contemporary kinship studies. While studies of NRTs have certainly contributed immeasurably to the field of kinship studies and have precipitated a radical re-questioning of what it means to be "related" to other persons and other species (and not only in the West but across the globe as well), the chapters which follow aptly demonstrate the incredible diversity that characterizes contemporary kinship scholarship. Recent studies in the field deal not only with NRTs, but also with the challenges that often accompany family-making in an increasingly globalized world. Another key focus has to do with the "politics of reproduction" and the degree to which the state (and or other powerful actors/agencies) play a role in legitimizing what relationships can count as "kinship." The degree to which biological reproduction plays a role in defining relatedness (and if so, how, and to what degree) resurfaces as a theme in many of the following chapters, including how such interpretations have changed (and continue to change) over time. What will be immediately apparent is that contemporary kinship studies deal with a wide range of topics and themes, which go well beyond the social and ethical impact of NRTs.

We shall also see throughout this collection that the distinction between what has sometimes been called "old" and "new" kinship studies is not quite so hard and fast as it seems. Throughout this handbook, it will become evident that several continuities exist between "traditionalist" and "revisionist" works in the field. Far from leaving our theoretical roots behind, contemporary and cutting-edge works are often very much informed by many of

the questions and issues that were raised in the past. Several chapters in this handbook also look back upon the history of the field and offer up new insights concerning previous debates and theoretical schools. Through the lens of contemporary works, it becomes possible to view the contributions and limitations of older works in a new light, and to gain an appreciation for how previous scholarship has continued to influence newer works and will likely continue to do so in the future. In the process, important continuities and disjunctures are revealed in the history of anthropological theorizing and new directions for future research are suggested.

In order to set the stage for the chapters which follow, I turn my attention in the next section to a necessarily abbreviated history of the role that kinship studies played in the development of anthropological theory.

1.2 Kinship Studies and Anthropology

Attempting to capture the breadth of kinship studies from an historical perspective is a daunting, if not impossible task, and certainly not one that I aspire to in the following pages. What I offer up instead is a highly truncated and selective intellectual history in which many significant figures and scholarly debates will be left out. There are several full-length books that do an admirable job in discussing kinship studies from an historical perspective. These include, Robert Parkin's *Kinship: An Introduction to Basic Concepts* (1977); Adam Kuper's *The Invention of Primitive Society* (1988); Ladislav Holý's *Anthropological Perspectives on Kinship* (1996); and Janet Carsten's *After Kinship* (2004). Furthermore, as noted above, many of the chapters that follow also address the intellectual history of the field. Thus, the following short account is by no means comprehensive: what I strive to do is to highlight some of the key texts or debates which played an important role in how the field developed.

Anthropology's fascination with kinship first took root in the mid to late nineteenth century. The publication in 1861 of *Ancient Law* by Sir Henry Sumner Maine played a key role in getting the conversation under way. Trained as a lawyer, Maine was interested in the "patriarchal joint family" – an extended kinship group consisting of a despotic father and his sons holding property in common. This type of family was common in many parts of India, and Maine believed it represented the original (i.e., primordial) family form throughout much of the world. In *Ancient Law*, Maine was interested in setting forth the argument that as societies moved from being "simple" to "complex," there was a corresponding movement from being based on "status" to being based on "contract." For Maine, the term "status" referred to the ascribed rights and duties that flowed from being a member of a family. The world of "status" was juxtaposed to the world of "contract" wherein individuals were seen to

be autonomous agents free to enter into contracts and to form associations with whomever they pleased. As Maine describes his vision of social history:

> The movement of the progressive societies has been uniform in one respect. Through all its course, it has been distinguished by the gradual dissolution of family dependency and the growth of individual obligations in its place. The individual is steadily substituted for the Family, as the unit of which civil laws take account.
>
> *(1861: 163)*

According to Maine, it was the practice of incorporating waifs and strays into the extended patriarchal joint family through adoption (i.e., legal fictions) which eventually led to its dissolution. While these new additions to the family initially strengthened the unit, in time, the "hereditary members of the inner core" (Kuper 1988: 26) began to discriminate against members of the group who were not related to it by blood. As the population of these marginalized citizens continued to grow, they banded together on the basis of their similar interests and developed an alternative logic of civil society. This paved the way for the growth of modern, state-based social forms. As we shall witness in several of the chapters that follow (see in particular the contributions by McKinnon, Reece, and Cannell), Maine's work was to have a lasting impact on anthropology. In particular, he popularized the idea that so-called "primitive" societies were organized on the basis of kinship, while so-called "modern" ones were based on "contract."

The work of Lewis Henry Morgan (1870, 1877) gave further impetus to the early development of an interest in kinship. Born in upper state New York, Morgan began to visit a local Iroquois reservation as a young man, where he collected ethnographic information. Over the course of his research, Morgan noticed that the Iroquois method of classifying kinspersons was markedly different from that which characterized his own society. The term "father," for example, was applied not only to one's male biological parent, but was extended to many other men in the community as well. The word for "mother" was used in a similarly expansive way. To make sense of this phenomenon, Morgan began to collect kinship terminologies from different parts of the world and from reports of societies that existed in classic antiquity (1877). Morgan noticed that many societies, separated in time and space, had similar ways of classifying kin (Fox 1967: 19). On the basis of this insight, he drew a distinction between what he called "classificatory" and "descriptive" kinship systems. Classificatory systems grouped "distinct" biological relatives together (for example, one's "father" and "father's" brother may be referred to by the same kinship term); descriptive systems, by contrast, used distinct terms for "different" categories of biological kin.[4] Operating with the assumption that kin terms were used to refer

to biological relatives, Morgan postulated a theory to account for these different systems of nomenclature. If a terminological system designated many men as "father," then perhaps this indicated that in the not so distant past, the society in question practiced a form of group marriage in which many men could conceivably be the biological father of the child. Like Maine, Morgan then put his theory into an evolutionary framework wherein "simple" (or ancient) societies progressed through a series of stages from "primitive promiscuity" to a system based on monogamy, wherein biological paternity could be fairly certain. Occurring in tandem with these shifting social changes were changes in subsistence practices and the rise of private property (Morgan 1877).

Like Maine, Morgan's ideas were to leave a lasting legacy on the future of kinship studies. A distinction between "social" (i.e., classificatory) versus "biological" (i.e., descriptive) kinship came to be mapped onto a corresponding distinction between "primitive" vs. "modern" society. As Sarah Franklin and Helena Ragoné have pointed out, many nineteenth-century accounts of comparable social organization focused much of their attention on documenting diverse cultural beliefs about procreation, or what Euro-Americans "colloquially called the 'facts of life'" (Franklin and Ragoné 1998a: 1). For many early kinship theorists, acquiring "accurate" (i.e., bio-scientific) knowledge of how offspring were produced signaled a critical stage in the transition from "savagery" to "civilization," characterized by the triumph of "reason" over "nature" (Franklin 1998: 102). Emerging amid the intellectual furor that accompanied the publication of *The Origin of Species* (Darwin 1859), biology came to be seen as the "true" basis of kinship giving kin ties a seemingly "real" and "primordial" basis.

The publication of W. H. R. Rivers' essay, "The Genealogical Method of Anthropological Inquiry" in 1910, further solidified the attention that was given to reproductive knowledge as the basis of cross-cultural comparison. As Mary Bouquet has argued, Rivers intended nothing less than to establish ethnography as a science "as exact as physics or chemistry" (Bouquet 1993: 114). Toward this end, he enjoined fieldworkers to obtain "basic information on relatedness," by collecting genealogical data as a standard component of ethnographic research.

As proposed by Rivers, the genealogical method entailed two essential tasks. First, the fieldworker collected a "pedigree" consisting of the proper names of relatives of a particular individual. Next, the local terms for addressing these persons (i.e., a set of kinship terms) was collected. Rivers contended that through the use of this technique it would be possible to discern the thought process through which individuals in the culture being studied classified kinspersons within their social universe. Having grasped the cultural logic that informed reproductive arrangements, it was then possible to examine how this conceptual framework organized the society in question: how it structured the formation