

## ONE

**Introduction: After Kinship?**

Nineteen-ninety-five, Nottinghamshire, England. Stephen Blood, critically ill with bacterial meningitis, lies in a coma on life support machines. His sperm are removed without his prior written consent. Within a few days he is dead. Although he and his wife, Diane Blood, had been trying to conceive a child before his death, the British Human Fertilisation and Embryology Authority (HFEA) refuses to grant permission for Diane Blood to undergo artificial insemination using her husband's sperm. Diane Blood challenges the decision in the High Court. In October 1996 the challenge is dismissed on the same grounds as the original HFEA ruling.

Diane Blood announces her intention to take the ruling to the Court of Appeal: "I think that I have the most right of anybody to my husband's sperm and I desperately wanted his baby" (*The Guardian* 18.10.96). Sir Stephen Brown, president of the High Court's Family Division, comments sympathetically, "My heart goes out to this applicant who wishes to preserve an essential part of her late beloved husband. The refusal to permit her so to do is for her in the nature of a double bereavement. It stirs the emotions and evokes what I believe to be universal sympathy for the applicant." "Leading fertility expert" Lord Winston describes the decision of the High Court as "cruel and unnatural." Baroness Warnock, chair of the Parliamentary Committee that led to the setting up of the HFEA, reportedly blames herself: "We didn't think

## After Kinship

of the kind of contingency which has actually arisen" (*The Guardian* 18.10.96).

November 1996. The HFEA rules that Diane Blood cannot legally export her husband's sperm to Belgium for use there. Once again, the Authority cites the lack of written consent as grounds for this decision. Reports emphasize the conflict between the views of the clinicians seeking to help "sometimes desperate individuals to fulfil themselves through having children" and "the inhuman general ethical principles that get in the way" (*The Guardian* 23.11.96).

February 1997. An Appeal Court judgment upholds Diane Blood's right as a European Community citizen to have medical treatment in another member state. She is granted permission to export her husband's sperm to Belgium and to have treatment there. At the same time, the Appeal Court preempts the possibility of further similar applications by ruling that the extraction and storage of the sperm without Stephen Blood's consent had been unlawful. Professor Ian Craft, director of the London Gynaecology and Infertility Centre, calls the decision a "fudge," blaming a "restrictive" and "intransigent" HFEA. Pointing out that women have the right to undergo termination of a pregnancy or a hysterectomy without their partner's permission, he argues that preventing a woman from becoming pregnant in such circumstances is an infringement of individual freedom (*The Guardian* 7.2.97).



Nineteen-nineties Israel.<sup>1</sup> A series of rabbinic debates on artificial insemination are conducted with unusual intensity. The debates focus on three main issues: Can sperm for artificial insemination be procured from Jews, given that masturbation is prohibited under Halakha (Jewish religious law)? What is the relation between a sperm donor and a child

<sup>1</sup> This account is closely based on Susan Kahn's work, *Reproducing Jews: A Cultural Account of Assisted Conception in Israel* (2000).

### Introduction: After Kinship?

conceived using his sperm? And what is the status of the child conceived in this way (Kahn 2000: 94–7)?

The orthodox rabbinate reaches some unexpected conclusions. Discussions take into account the prohibition on masturbation for orthodox Jewish men; the problematic status of a child conceived by means of donated Jewish sperm, who could be considered to have an equivalent status to that of a child born from an adulterous relation between a married Jewish woman and a Jewish man not her husband; and the further possibility that such a child might eventually, unknowingly, enter an incestuous marriage with a half sibling. The rabbinate rules that, in the light of these complications, where male infertility is not treatable, donor sperm must be taken from non-Jewish men (2000: 104–10). Here procurement is deemed unproblematic since non-Jews are not bound by the Halakhic prohibition on masturbation. Similarly, the adulterous connotations of the union of egg and sperm are obviated since, according to Halakhic prescriptions covering Jews, only relationships between Jews can be defined as adulterous. But what is perhaps most satisfying for those concerned is that the use of non-Jewish sperm does not affect the Jewish identity of the child since Jewishness is inherited from the mother. Like children born to a Jewish mother and a non-Jewish father, a baby conceived through the union of a “Jewish egg” with “non-Jewish sperm” is defined under these rulings as a Jewish baby.

This erasure of non-Jewish sperm is so complete that, according to these rulings, children born to different Jewish mothers by means of non-Jewish sperm taken from the same donor are quite unrelated. Marriage between adults so conceived is permitted because the sperm necessary for their conception has apparently had no part in forming their identity (2000: 104–5). This is one of a number of selective erasures accomplished in a highly conscious manner and in the particular political context of the modern state of Israel – a country with “more fertility clinics per capita than any other in the world,” where the full range of modern fertility treatments is subsidized by state health insurance, and where every

## After Kinship

citizen, “regardless of religion or marital status, is eligible for unlimited rounds of in vitro fertilization treatment” until the birth of two live children (2000: 2). In Israel, the reproduction of Jews is a vital concern, and regulations governing fertility treatment, like marriage and divorce law, are grounded in and informed by Jewish law (2000: 76). The seemingly arcane discussions of Orthodox rabbis over what constitutes a Jew thus have a direct political salience – reproduction of family and nation could hardly be more closely intertwined.



Nineteen-ninety-three Scotland.<sup>2</sup> Anna, a married woman in her thirties, adopted as a baby, is anxiously preparing for her first meeting with her birth mother. As she recalled in an interview a few years later:

I’m on a high. I’d just been out and I’d bought myself a new jumper. I thought, I’ll wear my trouser suit and this new jumper to meet her. I had it all planned out – I didn’t want to look too dressy; I didn’t want to look too scruffy. I just wanted to look in-between, because I had this idea that maybe she was quite poor. . . .

But what has precipitated this meeting awaited with so much trepidation? Amidst a wealth of childhood and teenage experiences that she summarizes as “like living in a house of people who are aliens,” Anna selects two particular events. As a child of about eight, she recalls how:

. . . one day, I was upstairs in my bedroom, and I heard my mum talking to my uncle David, and all I heard my uncle David saying was “one day Anna will probably ask you something about who her mum is. I’m sure she’ll ask you when she’s older.” And that was the only night I wet my bed, and I cried my heart out. The only time I can remember crying, really crying.

<sup>2</sup> Names and some other details in this account have been changed. The background to this research is explained in Chapter 4.

### Introduction: After Kinship?

But then she says, “It wasn’t a big deal. I always wondered why she gave me away but I never had the courage to go and ask any questions.” The second event Anna picks out occurs about ten years later: “I was playing a game. It wasn’t a game. I was playing with friends – the ouija board. And I got a horrible message about my mother, telling me horrible names and things. It really upset me. . . . That’s what made me ask my mum.”

Some years later, as the mother of two children, Anna decided to initiate a search for her birth mother. She enlisted the help of an adoption agency, which advised her about accessing first her original birth certificate, and then the court records of her adoption:

It was just so amazing, it was like looking in a book and reading about yourself. It was all right at the time. But when I went to bed at night I realised I couldn’t sleep. It was so much for me to take in. I even found out what my name was. I remember thinking I had no idea that I had a different name.

After she had made several unsuccessful phone calls to people of the same name picked out of the phone book, the agency advising Anna located the brother of her birth mother, and she sent him a letter. Two days later, and as she put it, “on a high,” she received a letter back: “I sat down, and I had my cup of tea and my Mars bar and I’m so excited. . . .”

The outcome to this story was not the reunion anticipated with such excitement. The letter revealed that Anna’s mother – who had herself made repeated but unsuccessful attempts to contact her daughter – had died not long before Anna had initiated her search. Although this discovery triggered an immense emotional upheaval, Anna did eventually establish contact and relationships with members of her birth mother’s family.

But even when finding a birth mother is possible, establishing a relationship is by no means a certainty. Another person I spoke to described his first meeting with his birth mother in this way: “There’s definitely no ‘ting,’ connection, like that, because this is somebody you don’t know.

### After Kinship

You don't know this person, it's a total stranger. It might not have been my mother, she could have sent somebody else."

### Redoing Kinship

I have chosen just three vignettes to illustrate some of the many new guises taken by kinship at the close of the twentieth century and the beginning of the twenty-first. What are these stories about? And what do they have in common? This book is conceived, at least in part, as an answer to these questions. Clearly, these sketches reveal concerns with which we are all too familiar – most obviously, the intense, often too intense, emotional experiences that embody family relations. They illustrate too the direct linkages between the enclosed, private world of the family, and the outside world of the state's legislative apparatus and the project of nation-making. They speak to issues of personhood, gender, and bodily substance.

More generally, the stories I have chosen raise questions about the nature of kinship. These questions focus on the extent to which kinship is part of the pre-given, natural order of things and the extent to which it is shaped by human engagement. A central theme of the chapters that follow is the distinction that is made, both in anthropological analyses of kinship and in indigenous folk notions, between what is "natural" in kinship and what is "cultural." Kinship may be viewed as given by birth and unchangeable, or it may be seen as shaped by the ordinary, everyday activities of family life, as well the "scientific" endeavors of geneticists and clinicians involved in fertility treatment or prenatal medicine. In the past, anthropologists have seen the distinction between "social" and "biological" kinship as fundamental to an analytical understanding of this domain. For the most part, anthropologists confined their efforts to understanding the "social" aspects of kinship, setting aside the pre-given and "biological" as falling outside their expertise. But increasingly, this separation, which is undoubtedly central to Western folk understandings of kinship, has itself come under scrutiny. This shift is partly the

## Introduction: After Kinship?

result of technological developments and the public concerns they engender, although it is also highlighted in many more prosaic contexts that anthropologists encounter.

This book is, in part, an essay on the theme of “what’s happened to kinship?” It is about the ways in which our most familiar concepts of kinship are changing. Certainly, many people are confronted in their daily lives and in media representations by some apparently unfamiliar kinds of kinship – not just broken or reconstituted families, but a new world of possibilities engendered by technological interventions. Fertility treatments, genetic testing, posthumous conception, cloning, and the mapping of the human genome seemingly carry the possibility of shaking some fundamental assumptions about familial connection. Taken together with media hype about the “crisis of the family,” the endless possibilities offered by new technologies seem to open the door to a brave new world that is indeed “after kinship.” But although the chapters that follow analyze kinship in some of its new forms, they also reveal some old concerns. Part of my intention here is to place what is new in the field of kinship in the context of what is more familiar.

I consider the question “what’s happened to kinship?” in two quite different senses. Although this book is partly taken up with some striking, and at times bizarre, new possibilities that have become part of the daily currency of experiences of relatedness, I am equally concerned with the analytic strategies by which they may be understood. Since the late nineteenth century, anthropologists have claimed kinship as the area of expertise central to their discipline. And it is as an anthropologist that I examine, among other topics, reunions between adults adopted in infancy and their birth kin, or the legal and ethical discussions surrounding Diane Blood’s rights to her husband’s sperm, or the debates about sperm donation of the Orthodox rabbinate in Israel. I seek to understand these new developments in the context of an anthropological literature in which crosscultural comparison is the most prominent methodological tool. But I am equally interested in the analytic work that anthropologists do

## After Kinship

when they draw these comparisons, and in recent developments in the study of kinship in anthropology (cf. Bouquet 1993, 1996, 2000; Strathern 1992c; Franklin and McKinnon 2001a). So, this book is at least as much about what has happened to the anthropological study of kinship in recent years as it is about what has happened to our everyday experience of kinship.

But there is of course a relation between these two concerns, and it is one that I hope will be apparent to the reader of this book. I argue that partly because mid-twentieth century debates about kinship in anthropology became removed from the most obvious facets of actual lived experiences of kinship, kinship as a subdiscipline became increasingly marginal to anthropology through the 1970s and 1980s. Not only did anthropological renditions all too often fail to capture what made kinship such a vivid and important aspect of the experiences of those whose lives were being described, but they also ignored the pressing political concerns of the postcolonial world and of the world immediately outside the academy. It is no surprise, then, that in this era studies of kinship gave way to studies that focused on power and hegemony or on gender.

The close link between, for example, the rise of feminism as a social and political force outside the academy in the 1960s and 1970s and the blossoming of studies of gender in anthropology now seems obvious. And other connections are equally apparent – for example, between the current revitalization of kinship studies and wider public concerns about technological developments in the field of fertility treatment and genetics. However perversely anthropologists might seem to disconnect the actualities of their social and political worlds from their academic renditions of others' lives, inevitably they inform each other.

This book is not however, only about what is new and what is familiar in contemporary kinship. It is also an attempt to set out a new project for the study of kinship. The stories with which I began highlight themes that are central to my argument. Perhaps the most obvious is that of comparison and contrast. Running through all the chapters is an adherence to



### Introduction: After Kinship?

the comparative endeavor that informs anthropology. Although in many respects the last ten years have witnessed a resurgence in kinship studies, I suggest toward the end of this chapter that the value of comparison has been sidelined. In recent years, anthropologists have focused on local understandings and meanings of kinship rather than crosscultural comparison. In this book, I place not just the close, intimate, and emotional work of kinship beside the larger projects of state and nation, but I also juxtapose examples of kinship taken from North America, Britain, and Poland beside those from Malaysia, Israel, and Madagascar, among other places.

I have already mentioned the close-up, experiential dimension of kinship that too often is excluded from anthropological accounts. This lived experience often seems too mundane or too obvious to be worthy of close scrutiny. But the stories I have sketched make clear that kinship is far from being simply a realm of the “given” as opposed to the “made.” It is, among other things, an area of life in which people invest their emotions, their creative energy, and their new imaginings. These of course can take both benevolent and destructive forms. The idea that kinship involves not just rights, rules, and obligations but is also a realm of new possibilities is apparent whether we look at mundane rituals of everyday life – a birthday party or a family meal – the seemingly baroque arguments of Orthodox rabbis, or the decisions reached by the HFEA. This sense of infectious excitement, as well as anxiety, afforded by new possibilities emerges clearly when ordinary people engage with technological innovations. I take it as fundamental that creativity is not only central to kinship conceived in its broadest sense, but that for most people kinship constitutes one of the most important arenas for their creative energy (cf. Faubion 2001).

But why should these points matter? And where do they diverge from kinship in its more classic anthropological renditions? To answer these questions, I turn to some anthropological history, looking first at mid-twentieth century anthropological renditions of kinship.

## After Kinship

### **Kinship in the Mid-Twentieth Century**

This book is neither intended to be a conventional textbook nor a summary of everything that has happened in the anthropology of kinship over the last thirty years. The history I give here is a partial one that, for convenience, I divide into three phases. In this section, I look back at the anthropology of kinship in the mid-twentieth century. The following section focuses on the culturalist critique of kinship, and particularly on the work of David Schneider. Finally, I take up more recent developments in kinship studies and place them in the context of some contemporary practices of relatedness.

For the leading figures of early and mid-twentieth century British social anthropology – Bronislaw Malinowski, A. R. Radcliffe-Brown, Edward Evans-Pritchard, and Meyer Fortes – kinship was central to the discipline. The reason for this was that these authors were attempting to understand the basis for the orderly functioning of small-scale societies in the absence of governmental institutions and states. They saw kinship as constituting the political structure and providing the basis for social continuity in stateless societies.

This defining paradigm was crucial to the way the field developed. Both Malinowski and Fortes saw the nuclear family as a universal social institution, necessary to fulfill the functions of producing and rearing children (see Malinowski 1930; Fortes 1949). Although both Malinowski and Fortes had a keen interest in domestic family arrangements and in relationships between parents and children, partly because of the influence of Freudian psychology on their work, Fortes (1958) also set out a crucial division between what he called the “domestic” and the “politico-jural” domains of kinship. The former concerned the intimate world of individual nuclear families – mothers, fathers, and their children – and the latter concerned the public roles or offices ordered by wider kinship relations. In a lineage-based society in which the kin group held property, and in which descent from a common ancestor determined membership,