1. Re-queering Reproduction:
Queer Kinship, ‘Reproductive Third Party’
and the Incest-taboo

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Since Judith Butler (2002) published her seminal text “Is kinship always already heterosexual?” we have seen an increasing number of nation states in different parts of the world legalising same-sex marriage, often (but not always) granting these couples equal formal rights to form families by way of adoption or assisted reproduction. Third-party reproduction (reproductive arrangements using either a gamete donor or a surrogate or both)\(^1\) has become an increasingly accessible and normalised way of forming a family in many regions – especially in the West – not just for heterosexual couples but also single people, same-sex couples and (albeit to a much lesser extent) other relationship constellations. On the one hand, this development has helped many involuntarily childless people of different genders and sexualities to reproduce and form families that include children and having these relationships legally recognised. As such, it has doubtlessly contributed immensely to de-naturalising – and, some would say, queering – cultural conceptions of parenthood, reproduction and family. In terms of kinship, we may say that this development has diversified the meanings of what can be counted as kinship and who can count as kin by de-naturalising biology and “the genetic link”. Some voices have argued that this has led to a “reproductive imperative” by further universalising the desire to have one’s

\(^1\) For lack of a better term, this text uses the terms “third reproductive party” and “third-party reproduction” as an umbrella term for all reproductive arrangements that involve the gametes or reproductive labour of persons outside of the parental constellation (regardless of how many parents are involved). Another term that has been proposed to name what I here call reproductive third parties is “reproductive collaborators”. As we shall see, I would like to reserve this term to specific situations where the relationship between the reproductive parties is one characterised by a more equal relationship than e.g., most transnational commercial surrogacy arrangements today are.
“own”, preferably, biological children through the contribution of one’s own DNA or through gestation. As noted by several scholars, the last few decades have seen the emergence of stronger normative incentives to reproduce, for straight and queer people alike (Duggan 2002; Franklin 1997; Mamo 2007; Gunnarsson Payne 2016; 2018; Dahl & Gunnarsson Payne 2014; Dahl 2018).2 The field of empirical and theoretical research investigating kinship in this new bio-cultural context has virtually exploded, often under headings such as “new kinship studies”, “critical kinship studies” and “queer kinship studies”. Within this plethora of research, much attention has been paid to how kinship and family is “made” through processes of what adoption scholar Signe Howell (2007) calls “kinning” and “de-kinning”, that is, the set of practices that link one person to another, thereby making their relation into a relation of kinship – and vice versa, disconnect any reproductive third party from the kinship constellation (e.g., a donor, surrogate, birth mother in adoption). Many empirical studies have focused on gamete donors and surrogates, offering crucial insights into the varied and complex experiences of the persons occupying such positions in this new global “reproscape” (e.g., Inhorn 2010; Mohr 2015). Despite this, I argue, the positions of reproductive third parties remain significantly under-theorised, not least in relation to the queer kinship constellations which they make possible. It is with this in mind that this chapter shall focus especially on theorising the position of the “reproductive third party”, how the process to “de-kin” the third party from the donor or surrogacy conceived child may actually serve to preclude a development towards more equal – and “queerer” – ways of creating queer kinship formations that include children.

2 As somecommenters of this text have noted, even more recently, a reverse trend can be discerned, especially in light of climate change, but also major ongoing more or less overlapping crises in Europe and elsewhere (including Russia’s full-scale invasion of Ukraine, the energy and fuel crises, soaring food prices and inflation). Moreover, in the wake of rising illiberalism and anti-gender politics, assisted reproductive technologies are in some contexts demonised from religious and ideological perspectives. At the time of writing, however, it is too early to know the extent to which such counter movements and tendencies will influence current repro-normative discourses.
I shall begin by introducing the theoretical framework of kinship grammars I have previously developed in my work on kinning processes in egg-donation and surrogacy (Gunnarsson Payne 2016a & 2016b). Thereafter I shall proceed to discuss how currently predominant forms of kinning in third party reproduction more often than not strive for the simultaneous de-kinning of the reproductive third-party, with the end goal to “disambiguate” the relationship between the reproductive third party and the offspring; to render it, if not always a complete non-relationship then at the very least a non-kinship relationship, as it were.

Importantly, I shall interrogate the extent to which the relationship between off-spring and a third party can ever be entirely disambiguated, and propose that this relationship should rather be called an un-kin position, that is, a third position between parental kin and non-kin, one which is determined precisely because of its inherent ambiguity. Inspired by Claudia Fonseca’s (2011) work on Brazilian adoption, I shall also discuss the fact that kinning and de-kinning processes in third-party reproduction on the global fertility market is generally partisan in relation to the intended parents, thereby confirming and perpetuating already existing economic, racial and national inequalities. Through the lenses of ambiguity and partisanship, this essay seeks to unpack and reactivate the queer radical potential of third-party reproduction. I am particularly interested in exploring ways in which queer third-party reproduction can be practiced in a way that is more compatible with reproductive justice, and concomitantly with an intersectional approach, which goes beyond naïve notions of reproductive “choice” (see e.g., Smietana, Thompson & Twine 2018). In doing so I argue that we urgently need to look beyond new forms of “homonormativity”, queer liberalism and reproductive imperatives and ask ourselves what can be gained by reintroducing ambiguity into the discussions, and how might this permit us to imagine queer reproduction differently.

In arguing that the position of the “un-kin” occupies a specific position which is neither kin nor non-kin, I shall return to the classical kinship-issue of the incest taboo and argue that it is only
by reading third-party reproduction through the lens of this cultural phenomenon that we can adequately begin to theorise the position that reproductive third parties occupy in our contemporary post-IVF culture (Franklin 2013). Finally, I shall argue why acknowledging the inherent ambiguity of the reproductive third party is a necessary step for beginning to explore queerer, less partisan and more just reproductive practices and visions for the future.

What kinship can be: The theory of kinship grammars

In Butler’s formulation, kinship is described as “a set of practices that institutes relationships of various kinds which negotiate the reproduction of life and the demands of death”. This includes practices that “emerge to address fundamental forms of human dependency, which may include birth, child-rearing, relations of emotional dependency and support, generational ties, illness, dying and death (to name a few)” (Butler 2002: 15). As such, kinship is not only about relationships and practices of love and care, but is also related to issues of property and ownership – including such where persons may be another person’s property, and nationalist and racial ideas of “bloodlines” (Butler 2002: 15). While scholars such as Charis Thompson have shown us that kinship is flexible (2005), we also know that it is by no means random, but rather tends to be governed by a set of cultural and legal principles, classificatory systems, or grammars that are “generative of the kinds of material, relational, and cultural worlds that are possible, and for whom” (Franklin & McKinnon 2001: 15).

In my previous work, I have taken the lead from these theoretical ideas and have begun developing a theory of kinship grammars that, I argue, offers a framework through which it is possible to retain the idea that kinship is indeed contingent and flexible, while at the same time it tends to be governed by contextually determined articulatory principles that have decisive consequences for human relationships, including its legal, social and emotional aspects. As such, the theory of kinship grammars does not intend to offer a “grand theory” removed from everyday
experiences and cultural practices. Rather it is formulated with the aim to, as Clifford Geertz has put it, stay “close to the ground” in a way that allows us to produce “thick descriptions” of the ways in which kinship is actually lived (Geertz 1973), while at the same time offering concepts that have explanatory value valid beyond the specific local setting of an individual study.\(^3\) The “ground” to which my formulation of this theory originally refers – that is, the empirical reality and experiences through which it theorises – is mainly my research in the field of kinship and assisted reproduction. This includes my own empirical research on the Nordic region (Sweden in particular), but also on readings of the vast empirical literature in the fields of kinship studies and third-party reproduction that has been produced mainly (but not exclusively) in the Euro-American context.\(^4\) Importantly, however, the framework is formulated to be flexible enough for other scholars to “take it and run with it” in other empirical contexts. Indeed, it is only by trying it out that its more general interpretative utility can be confirmed or contradicted.

I argue that conceptualising kinship in terms of contextually determined grammars helps us to see how the types of relationships that we call kinship are “governed by a set of historically and culturally contextual articulatory principles” (Gunnarsson Payne 2018: 68). Put differently, these articulatory principles govern

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\(^3\) This is why the identification of a specific kinship grammar must necessarily be retroductive in character (Howarth & Glynos 2007) and entails a movement between empirical material as well as extensive contextual research into the emergence and possible transformation of a specific kinship grammar.

\(^4\) Despite its limitations, for the purpose of this text, I have chosen to use the term Euro-American kinship as an umbrella term to designate the dominant ways in which kinship has commonly been regulated and oftentimes (but far from always) practiced and understood. As such, it is not meant to capture all the different ways in which human beings in the region form kinship and affinity, but should rather be understood as an overarching hegemonic discourse (with some internal variations) that has a major impact on cultural norms, legislations and policy, which in turn affect people’s everyday lives in multiple ways (including access to assisted reproduction and recognition as actual or potential parents). Although there are certainly individual, local, national and regional variations within this overarching discourse, the similarities are striking enough, and, indeed a crucial condition of emergence for the transnational fertility industry and the ways in which its services are practiced and marketed. For a good discussion on the complexities, usefulness and problems of thinking in terms of Euro-American kinship, see Edwards (2006).
articulatory processes that “link together” specific persons and establishes lines of demarcation between, first, those who are included in this specific kinship constellation and those who are excluded from it (that is, between kin and non-kin), and, second, to differentiate between various kinship positions in a specific kinship constellation. These demarcations and differentiations, in turn, have consequences not only for which legal rights and responsibilities these persons have to each other (including inheritance rights, and responsibilities of care and provision), but also for affective ties and social expectations in a given historical, political and cultural context (see also Butler 2002; Strathern 1996).

Despite the use of the linguistic term “grammars”, then, the concept seeks to capture how kinship emerges, how it is sustained or interrupted through practices that articulate a plethora of linguistic and symbolic (e.g., biological and kinship vocabularies and symbols), material elements (e.g., biological substances and processes, technological equipment), and affective investments (e.g., romantic love, parental attachment). The practices through which kinship may be articulated include, but are not limited to, medical and legal practices, monetary exchange and responsibility, practices of care and love, and practices of conflict, discipline and punishment. Considering the complex entanglements that constitute kinship, it is no wonder that kinship has turned out to be so flexible (see Thompson 2005)!

Kinning as rule-following

In my own work, I have previously discussed how kinship grammars such as genetics, epigenetics, gestation and parental intent are negotiated in different ways when determining parenthood (and “natural motherhood”) in egg-donation and surrogacy in different legal and cultural contexts. In this work, I have shown that kinship grammars might be best understood as providing a set of principles that can be differently applied in various settings to disambiguate the inherently ambiguous phenomenon that is kinship
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(see also Thompson 2005). Drawing on Ludwig Wittgenstein and political theorist Aletta Norval’s Wittgensteinian notion of political grammars, we can say that kinship grammars can never tell us what kinship “really” is, but rather tell us how we shall delimit “what may count as possible descriptions” of kinship (Norval 20017: 7, emphasis added, see also Gunnarsson Payne 2016: 488). Though not an idealist concept in the philosophical sense, it is certainly anti-essentialist; for Wittgenstein, the very essence of an object is determined by grammar: “Grammar tells what kind of object anything is.” (1953/2001: §371, 373). In other words, kinship grammars tell us what “counts” as kinship, and who “counts” as kin in a given context (e.g., historical, cultural) or specific domain (e.g., legal, medical).

Such grammars, then, provide us with the rules to determine the “sameness” of objects (or subjects): in order to point out, for instance, that my mother has a quality of “sameness” in relation to other mothers in the world, I need a rule to apply in order to determine what this “motherness” consists of. Depending on what “rule” we will apply in determining who “counts” as a mother, we will simply draw different conclusions. A crucial contribution of the Wittgensteinian perspective is his notion of *rule-following*. This allows us to consider how the application of a “rule” is not external to the rule, but rather how, through being “applied”, the rule itself changes (Wittgenstein [1953] 2001). Importantly, it is through the application of a certain rule in a new context that grammars may evolve over time, and through which the need for new ways of thinking kinship may create new grammars, for instance in the form of hybrid-grammars. Different kinship grammars may peace-fully co-exist within a specific context or even within the same family, or sometimes grammars may conflict and a decision on which rule should be applied may be necessary (for example through legal processes, or psychological or relational processing). It is very easy to see how this is related to queer kinship, whereby

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5 It is precisely because kinship is inherently ambiguous that such grammars are necessary to determine the relationships between people, and this is also why the very application of a grammar is never mere “repetition” but rather *iteration*, in the Derridean sense of the word, including both repetition and alteration in the same move (Derrida 1988: 7).
previously existing principles of kinship have been practiced by non-straight people (most often couples), thereby changing the meaning of what “counts” as family and who “counts” as a parent. As scholars of queer kinship and reproduction have shown, this is applicable not least when it comes to the emergence of new ways of forming kinship- and family bonds through the use of medically assisted reproduction (see e.g., Mamo 2007; 2013; Dahl 2018; Nordqvist & Smart 2015). By utilising treatments such as donor insemination, egg-freezing, culturally available kinship grammars that determine parenthood have become rearticulated, and sometimes – though far from always – normalised and sedimented in law (see e.g., Tinnerholm Ljungberg 2015).

The partisan flexibility of kinship and the position of the “un-kin”

By coining the term ontological choreography, Charis Thompson describes the “dynamic coordination of the technical, scientific, kinship, gender, emotional, legal, political and financial aspects of ART clinics” (2005: 8). She shows that the articulation of procreative intent in third-party reproduction necessarily requires a lot of labour, often over an extended period of time. As she writes, it “is made manifest and followed when kinship is sufficiently disambiguated to pre-empt conflict” (Thompson 2005: 147–148, emphasis added). In egg-donation, for example, it is common that the kinship grammar of genetics is downplayed in favour of kinship grammars of parental intent, reproductive labour (such as mothering practices, pregnancy and childbirth) or even epigenetics. In gestational surrogacy, the situation is the opposite; the reproductive labour involved in surrogacy is not intended to function as a kinning process at all – especially not from a legal or commercial point of view. What both of these kinship grammars share, however, is that they “disambiguate” parental kinship bonds not only by kinning the intended parents with the child (legally, socially and emotionally) but also by de-kinning the reproductive third party as well as this person’s offspring from other parental constellations, who, were another kinship grammar to be applied, would have been potential parental or sibling candidates. As Thompson shows
in detail, such disambiguation requires what can best be described as emotional, linguistic and psychological labour that mobilises various ideas of kinship (including ideas of genetics, gestation or ethnicity and race) so as to establish the intended parents as the “real” parents (Thompson 2005).

That kinning processes to establish parental kinship in third-party reproduction is an emotional process that may take place over an extended period of time is also evident in Helena Ragonés pioneering work on US surrogacy whereby surrogates and intended mothers continuously perform “kinship work” to disambiguate the relationship between mother, surrogate and child (Ragoné 1994: 352–353, see also Kroløkke & Hvidtfeldt Madsen 2014; Teman 2010). Indeed, the whole vocabulary that has emerged in the wake of assisted reproduction – such as “donor”, “gestational carrier” and “siblings” – serves a crucial purpose in disambiguation processes to determine who is kin and who is non kin (see e.g., Cahn 2013: 7). The naming and re-naming of different positions of relatedness is a crucial aspect of renegotiating “the extent to which kinship is part of the pregiven natural order of things and the extent to which it is shaped by human engagements” (Carsten 2004: 6, 9).

As Claudia Fonseca has argued in her work on adoption, in practice, the flexibility of kinship tends to be interpreted and practiced in partisan ways, in favour of adoptive parents rather than the birth mother (2011: 7). While adoption and third-party reproduction (whether it involves a donor or a surrogate, or both) are not fully comparable due to differences in initial reproductive intent, there are still some useful lessons to be drawn from Fonseca’s observation surrounding the “partisan flexibility” of kinship also for the context of third-party reproduction. In commercial surrogacy, contractual agreements and monetary transactions, support disambiguation by rendering invalid the surrogate’s potential claims to be a parent. Some previous research shows that some parents through surrogacy speak of the wish for a “clean transaction” as a way of cancelling out any felt obligations for a future relationship with the surrogate (Murphy 2015; Thompson 2005).
Complexifying this picture somewhat, Marcin Smietana (2017; see also Strathern 1992), has argued that payment does not necessarily exclude the possibility of continued relationships that resemble a form of non-parental kinship relations, or “affinity ties”. He has argued that in his research on gay fathers through surrogacy in the US, affective narrative frames of altruism and gift-giving coexist with neoliberal frames of agency, thereby serving to actually facilitate commodification. In other words, one might say that what is disambiguated through payment is not necessarily the surrogate’s kinship – or kinship-like – position per se, but rather the parental rights and responsibilities that come with it, as well as the intended parents’ obligations towards the surrogate. In this sense, while such relationships might on many levels – precisely because they acknowledge the third party – be less violent than surrogacy arrangements (or adoption processes for that matter) with starker economic inequalities between the parties involved and “cleaner” breaks between them, they cannot be said to be any less partisan. The proverbial cards, are, so to speak, in the hands of the commissioning parents, who because of the partisan nature of commercial surrogacy can decide whether they would like to form such affinity ties with the surrogate who bore their children or not. Considering that we also know from research that many surrogates do prefer some kind of relationship or continued contact after pregnancy, and that moreover there is evidence that some experience disappointment and grief when this does not occur (e.g., see Teman 2019), any scholar who argues for reproductive justice and believes that surrogacy may, at least under certain circumstances, play a role to achieve it, needs to take this evidence seriously.

The similarity between all of these cases is that the applied kinship grammar does not only serve to “kin” the intended parents with the offspring, but it also simultaneously disarticulates, or dekins, the reproductive third party, thereby constituting the reproductive third party as, precisely, a “third party” rather than a parent. Unlike the ways in which birthparents in adoption have often been construed as unfit for parenting or even “‘unnatural’, ‘irresponsible’, or ‘shameful’” as a way to normalise adoption practices (including the norm of the “clean break”), in third-party
reproduction, donors (especially egg-donors) and surrogates tend to be represented as altruistic and selfless, which in turn often serves to “gloss over disturbing inequalities” on the global fertility market (Fonseca 2011: 312; 334).

But regardless of whether we speak of “clean break” adoption, contractual surrogacy or gamete donation, and entirely regardless of whether the relationship is exploitative or not, the most important point to make here is that the very fact that a de-kinning has to take place in order to disambiguate their position, means that the position of the third party cannot be understood as merely non-kin, but something that perhaps would be better described as un-kin. The “un-” in the term “un-kin” is meant to denote a similar meaning as in “un-done”, meaning that we cannot ignore the fact that what it now “is” has been preceded by something else, even if that something else might only have been an unrealised potential. The consequence of this is that this “before”, or this “unrealised potential” that gave rise to the need to disambiguate the relationship to begin with can never be entirely forgotten, but only “repressed” insofar as its potential may, under certain (contingent) conditions, be re-activated. In Jeanette Edwards’ words:

Kinship is not neutral. As Marilyn Strathern remarks, it has ‘certain built-in effects’ (1999: 69). It connects persons to other persons in their absence, and in so doing can disconnect them from others who are present. It is not merely information which can be used or not used to good or bad effect but a thread of identity which once known cannot be unknown. (Edwards 2004: 768)

With this in mind, I argue that it is necessary to re-think the position of the reproductive third party, as well as any offspring that has been produced by this third party as part of a different reproductive constellation to get away from simplified “either-or” models of kinship in third-party reproduction. Identifying and acknowledging the position of the third party, I believe is a crucial step towards visualising alternative reproductive visions using medically assisted reproduction, ones that are more compatible
with a reproductive justice approach and which are truly based on arrangements between reproductive collaborators (rather than buyers and sellers of reproductive tissue and labour).

The un-kin and the incest-taboo:
Bringing sex back into kinship (at least for a moment)

What constitutes the position of the un-kin? What, precisely, is it that demarcates it from simply non-kin? One aspect of this can be seen in the possibility of “reactivation” of a previously unrealised potential of kinship (which would differ from, say a marriage, where the union is what activates such a bond to begin with). Some aspects of “reactivated” kinship connections have been discussed in relation to donor-conceived people searching for donors or donor-siblings, as well as the consequences caused by the medicalisation of kinship.

Empirically, we know from examples of donor-conception that donor-conceived people and their parents have for some time organised through online tools – the most well-known being the US-based Donor Sibling Registry (DSR) – to identify their anonymous donors as well as other people conceived with sperm from the same donor. For a significant number of these people, the motivation for searching for genetic relatives and/or the new relationships with genetic relatives to which the search has given rise have been framed in positive terms of identity and kinship (e.g., Turner & Coyle 2000; Freeman et al. 2009; Jadva et al. 2010; Andreassen 2017). Another form of “reactivation” of forgotten or repressed kinship based on genetics has been discussed in Kaja Finkler’s work on the medicalisation of kinship. She argues that this development has constituted new forms of kinship relations based solely on biogenetic connections, rather than love and choice. Biomedicine, she claims “insists on uniting those who may not choose to be connected” (Finkler 2001: 239).

In order to theorise the position of the un-kin, we also need to take a look at the hitherto under-researched yet very specific aspect that firmly sets the un-kin apart from the non-kin, and this is the incest taboo. Indeed, following Edwards again, it is clear
that “Incest acts as a conceptual break to biotechnological manipulation of gametes, which are already related, outside of bodies” (2004: 768). The reason to look at third party reproduction through the lens of the incest taboo – despite the term’s uncomfortable connotations with norm-breaking, scandal, abuse, and sexual misconduct – is that it helps us to understand what in a specific cultural and historical context is understood as something that is “too close”, or “close in the wrong way” (Edwards 2004), and that this tends to be regulated through cultural norms of sexual prohibition.\(^6\)

It’s the sex that makes the parents – or is it?

As Aaron Goodfellow has pointed out so poignantly “one could argue that the very predicaments associated with determining the relationship between sex and kinship” has haunted kinship studies since its very beginning (or, as Goodfellow states, this conundrum even launched the discipline of anthropology itself) (2015). It is commonly said that in our post-IVF world, sex and reproduction have ultimately become disconnected (e.g., Braidotti 1994) – and there are certainly examples of people who have created well-functioning (though rarely – or at least normally involving considerable strategising – legally recognised) family constellations with children without sexual relationships between every adult involved. Nonetheless, parental kin is still largely regulated around an assumption that there is a sexual relationship between the parents (Dahl 2014). Consider, for example, David Schneider’s now classical formulation of cognatic and conjugal kinship: while the norm prescribes that there “should be no sexual intercourse between blood relatives, for their love is cognatic … there should be, as a sign of love, and as love itself, sexual intercourse between husband and wife, for their love is conjugal” (Schneider 1980: 60). Although this definition today, especially in cultures that recognise legal

\(^6\) Importantly, norms concerning what is considered incestuous behaviour varies across historical and cultural contexts, which not least becomes clear when taking into account different views on cousin marriage, or legal regulations between in-laws in different historical times (see e.g. Åkesson 2000).
unions (marriage or partnerships) between persons legally considered “of the same sex”, the assumption of a sexual relationship is often a pre-requisite for access to medically assisted reproduction and/or legal recognition of a non-biological parent’s parental status (Dahl 2014: 150). For instance, it is quite obvious that legislation on adoption and assisted reproduction generally assumes a sexual relationship between two persons who seek to become parents (it is generally not possible to apply for either if explicitly done so as platonic friends). And, contrary, a person who has a sexual relationship with an intended parent is generally not legally considered a donor or a surrogate, but rather a parent, if a child is conceived as a result of their intercourse. Indeed, the parental status after, for example, a one-night-stand can be legally imposed regardless of any parental intent.

Conversely, while Schneider discusses the symbolic centrality of the heterosexual coitus in the constitution of kinship, the position of the reproductive third party is determined by the opposite, namely, that this person may not be a sexual partner of either or both of the intended parent(s); this is generally one of the criteria that makes the third party into a third party rather than a legally recognised parent. To be clear, it means not only that there is no assumption or expectation of a sexual relationship between parent and third party, but rather that the position of the third party requires an assumption – or even a strict prohibition – of such a relationship. But at the same time, just as the parental kinship relation between parents and offspring is defined by sexual prohibition, so is the relationship between third party and offspring, as well as any offspring between, for example, donor siblings (and in Edwards’ example as discussed below, between genetically unrelated offspring who have been gestated by the same surrogate).

What determines the relationship between children conceived by the same donor or surrogate not-kin in relation to each other’s parent(s), then, is the absence of a sexual relationship, but what determines their position as un-kin in relation to each other, as well as any reproductive third party, is sexual prohibition. This dual sexual prohibition constitutes the reproductive third party as not-quite-kin – and one which in hegemonic understandings of the
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reproductive third party disqualifies them from being included in any form of, to use Schneider’s (1980) expression, “enduring solidarity” (diffuse or not), even though gratitude towards the third party is often expressed in publicly available narratives. Needless to say, these hegemonic understandings of third-party reproduction do not prevent some from forming alternative, or queerer, parental kinship constellations that transgress these norms, but these very norms and their materialisation into structures, such as legislation and social security systems, generally require ample negotiation among the reproductive parties, often causing social confusion, with agreements rarely recognised by law.

Traces of ambiguity: The incest-taboo at the interface of biological inheritance and intimacy

In donor-conception, the incest-taboo most often makes itself known in terms of anxieties about possible relationships between donor-conceived offspring. This anxiety also underpins many regulations that limit the number of donations that can be made, and to how many families. On the one hand, considering the actual risks of inbreeding, regulations that prevent two persons who are closely genetically related from reproducing using their own gametes makes sense. On the other hand, as Jeanette Edwards has demonstrated in her study of European kinship (with English and Latvian ethnographic data), the incest taboo as manifested in her interviewees’ narratives is also articulated with symbolic and moral meanings that far exceed “purely” medical risks. Worries about the consequences of inbreeding among donor-conceived people who may not know of their shared genetic ancestry were often expressed in her interviews, and she draws the following conclusion:

It is said that offspring, from such a union, will inevitably display some kind of deformity (physical or mental). It is as if the child not only acts as a receptacle for the transgressive relationship of its parents (embodying that relationship), but it also makes it manifest (and known). The child embodies the freight of its parents’ transgression, incubates it and makes it explicit and visible. Furthermore, the effect is enduring. (2006: 135)
The fear of incest is also commonly manifested in the popular press, when gamete donation is discussed; the widespread use of sperm donation is often said to have caused a “ticking time bomb”. In one example, “the ticking bomb” is seen as caused by a man who donates sperm privately, outside of the medical system.

The British tabloid newspaper, The Sun, for example, reported that “Family campaigners have slammed Declan Rooney, 43, calling him a ‘ticking time bomb’ because his work is not overseen by medics” and explained that because he donates within a radar of 50 miles around the town of Middlesbrough, there is a risk that the children born as a result of his donations will “potentially live close to each other, meaning that they may go on to have kids”. In response to the criticism, Rooney is said to have insisted never to sleep with his clients, or to receive any monetary compensation apart from travel costs for delivery (Warrander, 7 December 2015). This reassurance can be read as an attempt on behalf of Rooney to calm the reader that this is a respectable practice, and one that further disambiguates his relationship to the recipients precisely as a donor rather than a parent.

But the fear of unintended incest features also in articles on the more controlled fertility industry. In another article on the topic of sperm donation Ross Clark writes in the conservative magazine The Spectator that “[i]t is hard to think of a code of behaviour which is common to all societies on earth, let alone to most other species too – except, that is, for the avoidance of incest.” He adds that “even cockroaches” have developed a strategy to avoid inbreeding but that despite the human species, despite our increased understanding of the risks of genetics, are dismantling “the social infrastructure that guards against it” (Clark, 25 August 2018). This article – which is tellingly entitled “Sperm donors and the incest trap: When one man can anonymously father up to 800 babies, what happens if those children meet?” – sees not only the anonymity and quantity of sperm donation as the main risks, but also argues that the chances of these specific children meeting and falling in love is further heightened by something called genetic sexual attraction (GSA).
In short, GSA is the idea that genetic relatives who have not grown up together are more likely than others to experience an overwhelmingly strong sexual attraction to each other, because unlike those who have, they have not become habituated to each other and therefore not developed the sexual aversion that normally acts as a deterrent protecting against incest. This type of “negative sexual imprinting” between family members is known as “the Westermarck effect”, after the Finnish anthropologist Edward Westermarck, who was the first to substantially investigate the phenomenon (1921). While there has been further evidence for the Westermarck effect (negative sexual imprinting) the existence of GSA has been scientifically questioned (Rantala & Marcinkowska 2011).

Despite this, however, anecdotal evidence of GSA between adoptees and their birth family is repeatedly reported in the media and is intermittently mentioned in articles using the metaphor of the ticking bomb. For instance, *The Telegraph* reported in September 2016 about an alleged case of GSA between a birth mother and her adoptive daughter in the US, where they had ended up marrying each other (Gill, 9 September 2016). In this article, which is entitled “Disgusted by incest. Genetic sexual attraction is real and, on the rise”, Charlotte Gill uses known examples of when birth mothers’ parents and their adopted children meet and fall in love to warn for the dangers of gamete donation:

Perhaps one of the biggest causes for concern is egg and sperm donation. Over the last few decades, it has never been easier for organisations – and individuals – to dish out large quantities of eggs and sperm to different locations. The last Human Fertilisation & Embryology (HFEA) report shows that sperm donations, especially, have been rising since 2005 – with many coming from the US and Denmark.
This seed sprinkling will essentially mean lots of children go through life without ever knowing their biological father and/or mother, and other important close relatives, in the time where the desenticisation effect\(^7\) should happen.

Should they never meet with their (unknown) biological family, then they will never put themselves at risk of experiencing GSA. But such reunions have become much easier – especially as new rules brought out by the HFEA mean that any child conceived on or after April 2005 can now seek information on their parents when they turn 19. (Charlotte Gill, *The Telegraph*, 9 September 2016)

To be clear, what interests me here is neither whether GSA is a valid scientific term nor whether the reported cases of the phenomenon are true. Rather, it serves as an example of how the relatedness of the de-kinned donor as well as offspring of the same donor is being reactivated through the incest taboo, where the definition of persons that are “too close” to engage in a romantic or sexual relationship are defined by applying the kinship grammar of genetics.

Furthermore, based on her ethnography, Edwards proposes that the incest taboo was also manifest in her interviews in relation to intra-family gamete donation, where no genetic birth defects were at stake. Instead, her interviewees express reservation against such a practice because it is felt to upset the clear distinctions between kinship positions, thereby making the role of the child as a “glue” that binds the parents together ambiguous by risking to connect the “wrong” persons with each other. She argues that in both Lithuanian and English kinship, childlessness – whether voluntary or involuntary – is therefore tenuous (2006: 135). Hence, she argues:

\(^7\) “The desenticisation effect” here refers to the argument within GSA-theory that e.g., genetic siblings who grow up together are “desenticised” from feeling any sexual attraction to each other. Conversely, the proponents of these ideas argue, genetic siblings who do not grow up together, or a child and a birth parent who are separated and re-united after the child has grown up, risk feeling a strong attraction to each other, which risk turning to a strong sexual attraction (and hence incest). This is what is also referred to as “negative sexual imprinting” or “the Westermarck effect”, as mentioned above.
If the child embodies the relationship between its parents, it has the potential of creating a relationship between where there was no relationship before. Thus the possibility of a brother donating sperm to his brother gives people pause for thought partly because the ensuing child both contains, and develops from, the mingled body substances of its father’s brother and its mother. (2006: 135)

Based on this, Edwards concludes that the incest taboo is not so much about sex, but rather the creation of a child – with or without genetic risks of inbreeding. I agree with her that this calls for more detailed ethnographic research on different articulations of the incest taboo and assisted reproduction, and how it is played out in different contexts that may differ from the ones she studied (not least in relation to non-heterosexual kinship constellations). Although, to my knowledge, the research on this topic is virtually non-existent, there is anecdotal evidence to the contrary, that rather supports Edwards’ hypothesis that the incest taboo designates what is seen as “too close” (or, I would argue, “close in the wrong way”) – and that this may indeed involve same-sex relationships. The fact that none of the media reports referred to in this essay mention that the risk of GSA would only be a problem for heterosexual couples who might reproduce using their own gametes may speak in favour of Edwards’ hypothesis, yet anecdotal evidence of more “scandalous” stories of GSA between genetic relatives of “the same sex” (as referred to above) speak to the contrary.

Based on this, it is safe to say that even when the rule of the incest taboo is articulated within a kinship grammar of genetics, it is genetic relatedness that defines who is considered “too close” or “close in the wrong way” – even if more research is needed to investigate its various permutations in non-straight or non-reproductive relationships. But interestingly, Edwards’ interviewees also express a similar disgust against potential sexual relationships between people who have been conceived using the same surrogate, even in the absence of a genetic link (Edwards 2004: 769–770). Rather than being an issue of either sex or reproduction, therefore,
the separation between the two in third-party reproduction seems to have given rise to a complexification of the incest taboo that allows for a sliding between them, to the extent that we can today speak of a “fragmentation” not only, as is commonly said, of motherhood, but also of the incest taboo. This, fragmentation, I argue, needs to be thoroughly investigated empirically in order to better understand that the new reproductive relationships (e.g., surrogates, gamete donors, donor siblings) cannot simply be considered non-kinship relations. Existing research on how people engaging in or being conceived through third party reproduction themselves describe their relationships (or non-relationships) to each other therefore needs to be complemented with substantial research on the different permutations of the incest taboo, since this will help us to shed further light on the consequences of current practices of de-kinning in third-party reproduction, and perhaps to open up for a debate surrounding the direction of future policies that better take into account the complexities of kinship and third-party reproduction. While we know from decades of research on queer kinship that a surrogate is indeed not simply “a mother”, and a gamete donor not a parent, it seems to me that current Euro-American cultural understandings, legislations, and policies of parenthood that merely allows for the recognition of a relationship as either one of kin or one of non-kin is inhibiting rather than supporting the subversive potential of queer kinship.

Re-ambiguating the third party, requeering reproduction

As Claude Lévi-Strauss famously argued, the fact that “the prohibition of incest constitutes a rule need scarcely be shown”. Reminding us that “the prohibition of marriage between close relatives may vary in its field of application according to what each group defines as a close relative” he argues that the incest taboo is on the one hand universal because it exists in all known groups and is “sanctioned by no doubt variable penalties, ranging from immediate execution of the guilty parties to widespread probation, sometimes merely ridicule”, but on the other hand that the definitions of what consti-
tutes incest as well as its consequences varies widely between different cultural contexts (Lévi-Strauss 1969: 8–9). Expanding on Lévi-Strauss’ insights, then, the incest taboo can be read as a rule that is applied differently depending on cultural and historical contexts – and considering the Wittgensteinian notion of rule-following, it only becomes logical if the very application of it in the context of third-party reproduction ends up transforming the rule itself. Considering that queer reproductive practices using gamete donation and surrogacy have become commonplace in large parts of the Euro-American world, it follows logically that these practices have transformed the very rules that govern what kinship “is”.

Entangled within this process are two parallel and sometimes contradictory processes whereby discourses of biological kinship have become at the same time more and less predominant. On the one hand, the desire for “biological” children (predominantly articulated through the kinship grammar of genetics, or “blood”) is a crucial “motor” for the fertility industry and treatments such as IVF, egg freezing, surrogacy and donation (in order to ensure a “genetic tie” to one of the parents). On the other hand, there has been an increased tendency to downplay the significance of biological kinship – not least in non-heterosexual parental constellations – in favour of a kinship grammar of parental intent, and an emphasis on parenting as practice and parental love. While the latter serves to de-kin the reproductive third party from the offspring (and, as a consequence, from the parents) the result of the de-kinning, I argue, is however better described as an un-kinning, constituting the reproductive third party as un-kin, and as such as only temporarily and partially dis-articulated from the offspring and whose (physical, imaginary or affective) presence is always “threatening” to re-emerge, thereby revealing the fundamental undecidability of kinship in a dislocatory, sometimes conflictual way. Such previously unrealised potential kinship bonds continuously make themselves known in empirical cases of donor-conceived people searching for donors and donor siblings, in donor conceived or adopted people searching for genetic relatives for medical reasons, or even narratives where donors and surrogates in different ways resist the narratives which write them out of the
child’s lineage (as a surrogate in Amrita Pande’s research expressed it, “[i]t might be her egg, but it’s my blood”, 2009). All of these cases speak of an imagined or felt “closeness” based on a potential kinship bond that has had to be repressed to disambiguate other relationships.

In this chapter, however, I argue that a surer way to identify such relationships – those I have called the un-kin – is to be guided by the incest taboo. Indeed, as opposed to existing examples of reactivated kinship relationships, the incest taboo tells us also where the potential, but not (yet) reactivated kinship relationships are, regardless of whether they are acknowledged by anyone as such or not. It tells us, who in a given context, is rather to be considered un-kin than non-kin – and according to which kinship grammar (be it blood, genetics, gestation, intent or something else which in a given context counts as a kinning-principle). By closely investigating the incest taboo, then, we can learn more about what kinship “is”, also in our post-IVF world where sex and reproduction are said to be disconnected and queer reproduction is becoming increasingly normalised. Following from this, I propose to conceptualise the ambiguous positions in third party reproduction, the un-kin, as following:

First, unlike mere non-kin, the un-kin is always a result of a potential ambiguity concerning the kinship bond, whereby one culturally available kinship grammar has been applied in favour of another. The act (or, rather, repeated set of acts) of applying one kinship grammar rather than another is always an act of exercising power, and cannot as such be separated from societal hierarchies, cultural norms, and forms of reproductive stratification. Second, because the un-kin, unlike the position of non-kin, has always emerged as a repression of other potential alternatives, there is always a risk (or chance, depending on perspective) that the position becomes “re-ambiguated” and therefore in need of re-negotiation. Third, the un-kin position always show “traces” of its repressed potentiality and these traces can be empirically observed in the cultural norms of behaviour relative to the un-kin, and particularly so in norms of sexual prohibition (the incest taboo).
Acknowledging the un-kin as an existing albeit ambiguous position in queer kinship, I argue, is an important first step to begin learning to confront, in Claudia Fonseca’s words “deeply disturbing processes that speak of living together with others or, on the contrary, of relegating these others to the realm on the non-human” (Fonseca 2011: 334). Even is such de-humanisation far from necessary in third party reproduction, we cannot ignore that it does occur, especially on the global fertility market where inequalities are stark and exploitation does take place. By acknowledging the reproductive third party – by welcoming ambiguity back in – we can begin to visualise other, less stratified and more multifarious reproductive futures. Considering the partisan nature of kinship, which in third party reproduction tends to be flexible mainly in favour of the intended parents, it is worth considering Schneider’s formulation of expectations “for how relatives should behave towards each other” – namely through enduring though sometimes diffuse solidarity (Schneider 1980: 61). By daring to acknowledge the un-kin, we might be able to open up and invite them to be included in the expectations of such enduring – more or less diffuse – solidarity. The disambiguation of the reproductive third party as it is generally (though not without exceptions) practiced today, serves precisely to ensure that no such obligations exist between the reproductive third party and the family they contributed to forming. But, may we ask, what does it mean that an increasing number of queer families are made this way (some would say, at the detriment of other, previously more prevalent alternative queer family constellations, with or without children)? What might have been lost on the way? And how can we visualise different reproductive futures? While there is nothing intrinsically “queer” or “conservative” to any type of kinship formation I think there are many good reasons to interrogate and de-naturalise the necessity of disambiguating the reproductive third party altogether. We need to ask ourselves whether there are other ways of constructing “queer kinship”, where acknowledging ambiguity may serve as a route to re-queering kinship, as well as the expectations of solidarity that comes with it, in more inclusive and less hierarchical ways.
References


1. RE-QUEERING REPRODUCTION


