SYMPOSIUM: MAKING FAMILIES

Kindred spirits?

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Abstract In this commentary, I reflect on the connections and strains between various efforts to expand options for family-making, to reduce the inequities that structure family-making through assisted reproduction and adoption, to secure and protect reproductive rights, and to pursue reproductive justice. I suggest that two threads connect these various aspects of reproductive politics: the commitment to self-determination, and an expanded understanding of kinship beyond the nuclear and the biological. These two themes stand in complicated tension – visible in debates over the ethics of surrogacy, for instance, and in the ways that queer family-making is facilitated, in part, by class and racial inequalities – that need to be confronted head-on. I conclude with some examples of what political kinship built around family justice can and does look like at the level of concrete action.

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Paying close attention to the intimate tales of unconventional family creation that surround us – family-making through adoption, foster care and assisted reproduction; by those gay, straight and trans; coupled, single or within multiparent families – invariably takes us into larger stories about the social, legal and economic structures within and against which those families are made. As I describe in ‘Modern Families: Stories of Extraordinary Journeys to Kinship’ (Gamson, 2015), this is tricky, often contradictory terrain. These are stories not just of creative, fierce efforts to make a family in the face of personal and institutional constraints, but also of the politics of those efforts. They force us to take account of fortunes intertwined with misfortunes, of inequalities that haunt intensely loving acts, of ferocious inventiveness in the face of institutional obstinacies, and of profits tied to intimacy and bureaucracy tied to love.

I have come to believe that narratives of unconventional family creation, taken seriously as both personal and structural tales, may also point toward an ‘expansive view of reproductive freedom’ (Gamson, 2015, p. 211). This is not a new insight, but one that remains stalled, perhaps because it requires the difficult task of holding together commitments that do not always appear compatible. As the sociologist and legal scholar Dorothy Roberts has long argued, ‘we make reproductive
decisions within a social context, including inequalities of wealth and power’, and thus ‘reproductive freedom is a matter of social justice, not individual choice’ (Roberts, 1997, p. 6; see also Briggs, 2012; Ginsburg and Rapp, 1995; Thompson, 2002). It is past time, though, to carefully flesh out the connections between reproductive justice in the sense that Roberts and other feminist scholars and activists have articulated, and the sorts of family-making inequities that I, and others, have described.

The reproductive justice framework, say Loretta Ross and Rickie Solinger, calls attention to ‘three primary principles’ that remain in jeopardy: the right to have a child, the right not to have a child, and the right to ‘parent children in safe and healthy environments’ (Ross and Solinger, 2017, p. 9; see also Sufrin et al., 2015). For these principles to be fulfilled, people reproducing and becoming parents need access to resources such as health care, education, housing and a living wage. The inequities in family-making that run through unconventional family creation stories – who can and can’t have or raise a child, how and under what conditions – are multiple, intersecting and complex. They include, for instance, restrictions on family-making due to discrimination and stigma that queer people and single parents often face (Baumle and Compton, 2015; Dowd, 1997; Moore and Stambolis-Ruhstorf, 2013); the restricted access to assisted reproduction technologies largely to people, straight or not, with considerable financial resources (Smietana, 2017; Thompson, 2016); the potential and actual exploitation of women working as paid surrogates, in the USA and elsewhere, who tend to have lower incomes than commissioning parents (Markens, 2007; Rudrappa, 2015; Smietana, 2017; Twine, 2011); and the vast inequalities in the adoption world between countries that ‘send’ children and those that ‘receive’ them (Dorow, 2006; Hollingsworth, 2003; Marre and Briggs, 2009), and between individuals who ‘give up’ children for adoption or foster care and those who become adoptive parents (Romesburg, 2014; Rothman, 2005). How, then, might we think about reproductive justice in ways that take account of these family-making inequities? How might we think about queer and other unconventional family-making phenomena in the light of commitments to reproductive justice? What conflicts and tensions in the realm of family justice become more clearly visible when we do?

A couple of shared threads, it seems to me, connect the politics of family creation and the reproductive justice framework. The first is the basic assertion that family justice requires self-determination in the making of our families and in the use of our bodies in the creation of kinship, free from coercion and stigma. Clearly, that is not where we are. When abortions receive no public funding and women’s health clinics are targeted; when adoption statutes and agency practices favour heterosexual couples; when in-vitro fertilization is costly and not covered by most insurance; when surrogacy law is an uneven patchwork that requires money and legal assistance to pursue, and often leaves gestational carriers vulnerable; when families of colour cannot assume that their children will be safe from state interference and violence; when paid family leave is a reality for only a small portion of the population; when intrauterine devices to prevent conception are prohibitively costly for many; and when it comes to the personal, life-changing decisions about having or not having children, and about how to raise them, the most marginalized people plainly have a lot less reproductive autonomy than others. Self-determination about whether, how and when to make a family is, to say the least, unevenly distributed and unevenly supported.

A second connecting theme is that both culture and policy operate on a very narrow understanding of reproduction and kinship, and that family justice requires an expanded understanding of kinship that goes beyond the nuclear, the heterosexual and the biological. As the social change organization ‘Forward Together’ (2017) puts it, most of us ‘fall outside the outdated notion that a family consists of a mom at home and a dad at work’, yet ‘too many of the policies that affect us are based on this fantasy’. What Birdsong and Rodgers (2015) call ‘nuclear family privilege’ (the restriction of who qualifies as family) undercuts the freedom of many to make and raise families with safety and dignity. ‘If your family arrangement includes more than two adults, people who are not biological or adoptive parents raising kids, people who aren’t related to you, or any other number of configurations’, they write, ‘then you’re invisible’. Invisibility, to say the least, restricts choices and access to resources, and encourages policies that deny and shame non-normative ways of making and having kin. Family justice, then, requires a broader notion of kinship. Indeed, centering the insights of diverse family forms might bring forward resources that current policy reads mainly as deficits. The multigenerational ‘extended kin ties’ common on ‘the lower end of the economic spectrum’ (Gerstel, 2011, p. 2), largely invisible in USA policy that prioritizes the nuclear family, are untapped community resources. The combinations of biological and social kinship so often forged in queer, unconventional and undervalued family forms – sometimes called ‘chosen families’, ‘fictive kin’ or ‘voluntary kin’ (Nelson, 2013; see also Golumbok, 2015; Goodfellow, 2015) – offer models for family support based less in biology as in intention, commitment and reciprocity. Making visible the ways in which surrogates, sperm and egg donors, birth parents and intended parents – queer and, more typically, not – sometimes work together to establish ‘affinity ties’ (Mamo, 2007; see also Franklin, 2013) point to kinship connections that are being lived but have not yet even been named.

These two themes sometimes stand in complicated tension, in part because of the class and racial structures that have been such central forces in reproductive and family options in the USA and beyond. While being gay, single or both means being subject to legal and bureaucratic restrictions in your decision-making, having money plainly helps you bypass those restrictions. The option for gay men to parent children to whom they have biological ties has been facilitated by the formation of a class of donors and gestational surrogates whose ‘bioavailability’ is partly determined ‘by economic need, by political vulnerability, and by frequently gendered moral demands’ (Cohen, 2008, p. 85). The expansion of queer reproductive justice of this kind, so that gay men of all classes and races have, potentially, this reproductive option, stands in tension with the goal of reducing ‘stratified reproduction’ (Colen, 1995). Moreover, given the economic and commercial structures in which assisted reproduction has emerged, a reproductive inequality gap between whiter and more economically marginalized queers appears to be growing. As historian Don Romesburg (2014, p. 21) pointed out in his discussion of queer transracial adoption, lesbian, gay, bisexual and
transgender family formation opportunities have been enhanced by "a divisive arrangement that pits 'good' middle-class/wealthy and often white gays as deserving and charitable parents against 'bad' poor blacks as undeserving and damaging ones". The principles of self-determination and expanded notions of kinship do not meet one another cleanly and comfortably.

The tensions between the two are discomfitting, but confronted and clarified, they can be productive in both a theoretical and a practical sense. Hints of new alliances and new practices, pushed, in part, by the strains between reproductive justice commitments, have been emerging. For instance, we see efforts to align the reproductive rights of the 'bioavailable' (women choosing to donate eggs or carry a baby for others) with those of intended gay parents in the 'Proposed Framework for Ethical Surrogacy' developed by the non-profit organization 'Men Having Babies' (2015) in collaboration with its surrogate advisory board. We hear calls for embracing 'radically open adoptions', such that birth families and adoptive families build solidarity and kinship, resisting the systemic insistence on their disconnection, working towards 'flexible, attentive, intersectional and active queer and racial solidarities instead of fixed expectations for gay or black identities' (Romesburg, 2014, p. 21). The tensions between reproductive self-determination and queerer, broader definitions of kinship may, in fact, be not just troubling but productive, pointing to new paths forward.

References


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