Concluding Remarks: Kinship between Choice and Contestation

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Abstract: The contributors to this thematic section show women and men negotiating reproduction and family relations in contexts marked by globalization, expanding commodification, assisted reproductive technologies (ARTs) and the assertion of women's right to determine their child-bearing. These factors operate synchronically to produce new markets. New forms of "kin work" emerge as familial bonds are imaginatively established and sundered. Commodification and connection are uneasily balanced when globalization simultaneously fosters new modes of kin-making and facilitates their rupture.

Keywords: reproductive tourism, adoption, surrogacy, kin work, assisted reproductive technologies (ARTs), international commercial surrogacy, medical tourism, commodification, globalization

Résumé : Les contributeurs à cette section thématique montrent comment des femmes et des hommes négocient la reproduction et les relations de parenté dans des contextes marqués par la mondialisation, l'expansion de la marchandisation, les technologies de reproduction assistée (TRA) et l'affirmation du droit des femmes à décider de leur vie reproductive. Ces facteurs opèrent simultanément pour produire de nouveaux marchés. De nouvelles formes de « travail de parenté » voient le jour à mesure que les liens familiaux se forment et se brisent. Un équilibre précaire s'établit entre marchandisation et connexion dès lors que la mondialisation favorise à la fois l'émergence de nouveaux modes de production de parenté et leur rupture.

Mots-clés : tourisme procréatif, adoption, maternité de substitution, travail de parenté, adoption, technologies de reproduction assistée (TRA), maternité de substitution commerciale internationale, tourisme médical, marchandisation, mondialisation

The contributors to this thematic section show women and men negotiating reproduction and family relations in contexts marked by globalization, expanding commodification, assisted reproductive technologies (ARTs) and the assertion, in some contexts, of women's right to determine their child-bearing. These factors operate synchronically to produce new markets, for adoption, reproductive surrogacy, in vitro fertilization (IVF) treatment, impregnation or family bonding; to galvanize cross-national entrepreneurs; and to engender state action. At the same time, they generate new sites of kin-making: homes and clinics in which pregnant women wait to give up the children they will bear to commissioning parents, hotels in which hopeful IVF clients stay as they go through treatment cycles, tourism destinations to which women travel more or less consciously seeking sexual partners with whom they may reproduce, tours intended to foster the identification of a quasi-diaspora constituted by adopted children and their families with the children's country of origin. New forms of "kin work" emerge as familial bonds are imaginatively (and institutionally) established or sundered. Conflicts over old kin-related identities, "motherhood" in particular, take on new meanings. Emerging market relations and forms of kin-making uneasily coexist. Affective or "intimate" labour[1] may sometimes soothe the tensions among them; at other times, it seems to heighten the disjunction between the logic of family-based bonds and that of commercial and individualistically oriented instrumental exchanges.

These are issues that engage states as well as civil society. States participate in crafting kinship by regulating reproductive markets—such as those entailed in adoption, ARTs or surrogacy—defining the terms of parentage and familial status that determine, for example, who is entitled to recognition in law and policy as a "mother" or as a particular parent's "child" and establishing the legal framework for reproduction. And states erect barriers or reach across borders to promote broader

identifications linking kinship and nation (see Cohen, this issue). Thus, these essays describe contexts in which markets for baby-making are globalized; reproduction is a site for re-envisioning and reconstituting community and, sometimes, nation; and the definition and implications of motherhood emerge as a primary site of contestation. The following remarks briefly illustrate these general themes.

In her essay in this issue, Amrita Pande tracks Indian gestational carriers' kin work as they craft relations with their clients and navigate the difficult waters of bearing children they know they will have to provide to others. Parvati and Salma, for example, describe themselves as sisters of the women who have commissioned their babies. Indeed, Parvati terms herself a "younger sister," deploying a demographic fiction to describe the relationship, as, in fact, the commissioning mother is the younger of the two. Yet the reference to "younger sister" is remarkably effective, operating simultaneously on three planes. As a metaphor for social status, it acknowledges and incorporates the hierarchical relationship between the gestator and the commissioning mother. As a descriptor of biological connection, it evokes the blood nexus between the child and the gestator, which, Pande shows us, the gestators use to counterbalance and, indeed, undermine the commissioning parents' claim that their proprietary "genetic material" is the sole physiologic determinant of motherhood. And, as a statement of family connection, it removes feelings associated with respect, solidarity and love from the realm of the purely incidental or gratuitous—emotions that may or may not evolve out of a contractual exchange—and embeds them in a precise system of obligations. The violation of those feelings is, in the perspective that these surrogates describe, an insult to the deep structure of familial bonds they have worked so hard to imaginatively create.

Clients seek to situate themselves *within* the gestational process. Commissioning mothers describe, as forms of maternal labour, their attempts at physical reproduction, their travel to remote locations, their persistence at seeking to have a child. Enterprising business people have found a niche: "dummy tummies" now enable commissioning mothers to be seen by others as their future children's gestators and to imaginatively experience at least one aspect of the physical facticity of pregnancy. And "sound belts"—if actually worn by the surrogates requested to do so—will transmit *to* the fetus the sounds of children's commissioning mothers' voices as they sing lullabies. But even while the commissioning mothers' narratives are replete with attempts to displace the surrogates' monopoly over gestation, they, too, seem ambivalent about interpreting the relationship in purely contractual terms. Deepa recalls her client, Jessy, saying to the baby she had delivered and nursed, "See, this is your mom." Three years later, on the child's birthday, Deepa expressed her birthday wishes to Jessy, who reciprocated by sending pictures. But, Pande tells us, in most cases the clients ultimately prefer to monetize the relationship with the gestational carriers: they read the surrogate's willingness to bear a child for them through the lens of her financial need. Talking about her decision to buy a piece of land for the surrogate who bore her child, Preeti says, "I want to buy her a piece of land on top of all the cash ... I won't call it charity. She has given me a lot. But we have given her a lot as well. This should get her life all set." This, in Preeti's view, is not charity, but it is, undoubtedly, monetization. The question is, for what?

Like the sibling metaphor that the surrogates adopt, Preeti's description of her desire to "get her [the surrogate's] life all set" (which Preeti's husband finds "silly") conveys multiple meanings. The idea that the surrogate "should" be all set in life suggests an imperative addressed to the surrogate that she really *be* "all set." In the language of contract, the purchased land constitutes a final settlement; it extinguishes a debt and allows for no further recourse. But why is such a discharge necessary? Are the payments originally stipulated by contract not sufficient? Or is the problem that they are not sufficient to achieve Preeti's objective, which, one might speculatively infer from this brief exchange, is to ensure that the surrogate not (need to) work as a surrogate again? Being "all set" with a piece of land has a specifically economic connotation. Land may serve as dowry or as a source of livelihood. As dowry, it establishes marriageability, presumably inscribing the bearer of the dowry in the moral structure of matrimonial sexual (and, hence, reproductive) relations. As a source of livelihood, the sustenance to which it gives rise is grounded in agricultural, hence *not* gestational, labour. So Preeti's phrase may be read as suggesting that Preeti hopes to extricate the surrogate from surrogacy. Of course, these reflections are purely speculative. But could the gift of land, and the closure it seems intended to effect, simultaneously signify Preeti's recognition that gestational work is not really work like any other and mark her own engagement in a particular kind of "de-kinning," to borrow the powerful phrase suggested by Pien Bos and Fenneke Reysoo (2011)? On this reading, Preeti is translating an inchoate perception of an obligation that implicates familial bonds into the clear *do ut des* of an extinguishable contract.

Preeti's discomfort is the other side of the surrogates' disappointment when the children they have borne are transported to distant homes and communications are severed. Indeed, neither clients nor surrogates quite know how to categorize the relationship that binds one to the other. Is it a market transaction? Does it establish a kinship bond? Can the aspirations—to identity, continuity, commonality/ exchange, finality and autonomy—inscribed in each framework be reconciled? And would the terms of this dilemma be different if they were not being negotiated over long distances?

Case after case involving domestic surrogacy transactions in the United States and elsewhere has pitted not only opposing legal claimants but also conflicting understandings of reproduction and the bonds to which it gives rise.[2] As individual actors draw on their own symbolic repertoires to redescribe child-bearing, sexuality, paternity and maternity, as well as client–worker relations, the tropes they mobilize often conflict: trans*cultural* reproductive markets, whether domestic or international, generate precarious understandings of key terms, works in progress rather than definitions that can serve to obviate further conflicts. But, in trans*national* exchanges, when conflict occurs, exit may sometimes provide a more readily available solution than is practicable in domestic contexts. As Susan Frohlick's essay suggests (and other essays here substantiate), when the ground kinship rests on is marked by mobility, the threat of exit introduces a permanent note of seismic instability.

In Frohlick's analysis, Euro-American women journeying to Costa Rica invert the canonical account of sedentary women of one race being impregnated and then abandoned by transient males of another race (occupying troops, for example) and then having to grapple with the consequences of having borne children whose biracial features denote the particular circumstances of their births. Here, inspired by what might be termed a "romantic" vision of child-bearing and an eroticized view of Costa Rica, and empowered by a strong sense of their own autonomy, German, British and American women eschew ARTs and adoption and travel to Costa Rica to become pregnant "naturally" by Afro-Caribbean men, whom they see as reproductively powerful.[3] Then, having established the requisite relations and borne their babies, they may decide to leave and take the children with them. The sometimes consciously sought biracialism of the babies is a value, not a stigma.

Such behaviour appears opportunistic to at least some members of the local communities with whom these women engage. In the words of Ms Mary, a "mother, auntie and grandmother": "Many womens [sic] come with that idea they never have a kid and they come with that idea to have a child in the Caribbean. And many of them, after they don't have the father there for that baby but they have that baby some of them mostly they go back to their country, I say, like with a souvenir!" In fact, however, Frohlick describes several women who initially intend to stay in Costa Rica precisely to ensconce their child (and themselves) within local networks of kith and kin. But when unspecified factors lead them to re-evaluate the decision to remain in Costa Rica, the value of these bonds seems less salient. Just as their families of origin, against whose desires some chose to have biracial babies, could not constrain their earlier choices, so their local kin cannot compel them to remain. Frohlick notes that "both the reproductive mobilities of the foreign mothers and their children's mobilities ... fostered ongoing incommensurabilities and disjunctures between local and translocal meanings and practices of kinship." As with the gestational carriers and their clients whom Pande describes, the incommensurability that Frohlick highlights revolves in significant part around the understanding of motherhood. At issue is the independence of the woman who has the ultimate legal claim to be a child's "mother" from the community within which her motherhood has been constituted.

But as Amy Speier's analysis of reproductive tourism to the Czech Republic shows, travel does not necessarily entail crossing cultural boundaries and does not always unleash conflicts over meanings. Maureen chooses the clinic in Zlín, which Speier focuses on, because of its popularity with North Americans. "The comfort of having more people who come here and knowing that there will probably be other Americans here that I can talk to ... was a very big part of us choosing to come here." Maureen, like many of the clients of Zlín's ART services whom Speier describes, craves and finds a community made of others who not only are undergoing the same physiologic experiences but also share the same interpretive framework. The protagonists of Speier's paper are in Zlín only temporarily. They nurture no fantasies of relocation; although they may return, if their treatment is unsuccessful, to undergo further cycles of IVF or to have another child, their stays are time-bound and circumscribed by medical needs. They stay in a *penzion* whose business has been galvanized by an early U.S. client. The innkeepers successfully create an atmosphere in which Americans feel cared for, by tending to their clients with a hospitality that, Speier suggests, is not characteristic of Czech hoteliers.

This American community is grounded in the basic commonality that binds the penzion's guests, that is, the

experience of infertility. Infertility frames the friendships that clients establish during the weeks of their stay in Zlín and, coupled with the comfort of a shared national culture, provides a basis for seemingly immediate solidarity. That solidarity appears to rest on a shared understanding of the pain of infertility but also of the nature of the ART process itself. In the Zlín penzion, identities are clearly defined: the women undergoing treatment will be "mothers"; their male partners will be "fathers." No fear that these identities may be contested, either by gamete providers or by the future children themselves, seems to surface in the prospective parents' conversations, despite the growing impact of movements tending to restrict or eliminate donor anonymity.[4] Indeed, one may speculate that the aura of safety that the Zlín penzion so adeptly creates stems, at least in part, from the fact that the Czech Republic ensures gamete donor anonymity through binding guidelines. In this context, as Speier notes, the Zlín innkeepers and their guests engage in intimate labour that introduces affective elements into the underlying commercial relationships involved in reproductive travel. That such an insertion proves effective is a testament to the already uncontested nature of both the commercial and tourist relationships involved. The tourists are prospective "parents," the future children "theirs." The penzion provides a supportive and temporary haven for its foreign guests, who seem to experience it more as an outpost of their own society than as an expression of Czech culture. As for the Czech Republic itself, it blends into the background, a functional site for the acquisition of particular services. In this context characterized by clear demarcations, neither national nor familial identities appear to be *en jeu*.

Not all states blur into the background of the markets they institute. China, in Frayda Cohen's analysis, engages directly in the promotion of a quasi-diasporic identity among the families of children, primarily girls, adopted from its Social Welfare Institutes. Rewinding the "red thread" that signifies connectivity, state institutions work with the adoption community to promote "heritage tours." Designed to foster a view of China as the children's "motherland" and to promote knowledge of their "hometown," heritage tours are also intended to develop "a correct perspective" on intercountry adoption, while allowing Chinese governmental institutions to gain insight into the children's integration into their adoptive families.

These tours are not simply articulations of a top-down state policy designed to promote national identifications among child emigrants and their families. Cohen describes a transnational adoption community eager to re-establish affective bonds. Thus, visiting the institute from which she had been adopted, seven-year-old Katie is encouraged to try to speak Chinese and to rediscover her "roots." Along with letters and photos from parents who have stayed in touch, the institute displays the "memory books" its volunteers have created for the children who once lived there. While Katie seems perplexed, her mother, Ellie, has prompted the connection that the institute is attempting to promote. For her and others in similar situations, the visit to the institute may be intended to establish Katie's "roots."[5] But, as Cohen points out, the visit (and the connections it occasions) is also understood as a way of "giving back" to China, "giving back" for the "gift" of the child who has been adopted. Unsurprisingly, when the American adoptees are asked how much their adoptions cost, they recoil. Their resistance does not indicate a reluctance to bear a financial burden (which they have already done). It centres instead on the question's implicit characterization of the form of kin-making through which they have constituted their families. The notion of cost evokes that of a sale and, in turn, of a financial transaction whose object, the child, is an exchangeable good.

Who, then, is a buyer and who a parent, who a visitor and who a member of a community, who an obligor and who an obligee? Who decides which identity and correlative moral, social and legal rights will prevail when? Raising these questions, these essays highlight the uncertain balancing of commodification and connection when globalization simultaneously fosters new modes of kin-making and facilitates their rupture.

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Notes

1 Intimate labour can be understood as "work that involves embodied and affective interactions in the service of social reproduction." See Boris and Parreñas 2010:7.
2 As I discuss in my essay on "Babies without Borders: Human Rights, Human Dignity and the Regulation of International Commercial Surrogacy," numerous legal cases have highlighted the conflicting understandings regarding reproduction, and, in particular, maternity and paternity, embedded in different legal orders.
3 Although, in these accounts, pregnancy is sometimes described as "accidental," it is difficult to imagine that young Euro-American women who travel to a destination more or less consciously seeking to reproduce would not have the means to either prevent or interrupt unwanted pregnancies. Indeed, Frohlick describes at least two instances in which

the pregnancies were carried forward despite pressures from the women's families of origin to end them. In this perspective, the pregnancies may be accidental, but the births are desired.

4 Reflecting the intensity of the current debate, the Ethics Committee of the American Society of Reproductive Medicine recently advised readers that "because the law in this area is rapidly evolving, and because it is becoming increasingly easy to conduct searches for individuals on the internet, [gamete donation] programs should make it clear to donors that they cannot give guarantees regarding immunity from future contact with offspring." See Ethics Committee of the American Society for Reproductive Medicine 2014.

5 As Cohen notes, both the notion of "roots" and that of "Chineseness" have been contested in the current debate regarding intercountry adoption. Nonetheless, she also suggests that adoptive families often integrate the notion of a Chinese homeland into their domestic narratives.

References

Boris, Eileen and Rhacel Salazar Parreñas
2010 Introduction. *In* Intimate Labours: Cultures, Technologies and the Politics of Care. Eileen Boris and Rhacel Salazar Parreñas, eds. Pp. 1–12. Stanford: Stanford University Press.

Bos, Pien and Fenneke Reysoo
2011 The Supply-Side of Adoption: Relinquishment and Adoption from the Perspective of Unmarried Mothers in India Paper presented at the Annual Meeting of the American Anthropological Association, Montreal, November 18.

Ergas, Yasmine
2013 Babies without Borders: Human Rights, Human Dignity and the Regulation of International Commercial Surrogacy. Emory International Law Review 27:117–188.

Ethics Committee of the American Society for Reproductive Medicine
2014 Interests, Obligations, and Rights in Gamete Donation: A Committee Opinion. Fertility and Sterility 102(3), September. http://www.asrm.org/uploadedFiles/ASRM_Content/News_and_Publications/Ethics_Committee_Reports_and_Statements/interests_obligations_rights_of_donor.pdf, accessed February 23, 2015.