

Author's Version

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Introduction

Biological reproduction, kinship and social reproduction

Contemporary anthropology is based on two empirical observations known since the end of the 19th century: the unity of the human species, which enabled the development of physical anthropology; and the diversity of different cultures, which is the subject of social and cultural anthropology¹. Reproduction is a universal biological phenomenon at the scale of the human species and kinship is a social system of representations, emotions and practices; it is highly normative, culture specific, susceptible to change and one of the first subjects dealt with by social anthropology in the 1870s. The links between human reproduction and the different systems of kinship have always led to debate. When discussing kinship, is it possible to speak of anthropological invariants as Claude Lévi-Strauss did with the incest taboo² and then Françoise Héritier with gender differential valence³? Are representations of kinship based systematically on ethno-knowledge, as Malinowski believed⁴? Or should we analyse the games of strategy of individuals and social groups with biological and social constraints, constraints which vary according to the historical context, the direction of game being unevenly spread in society, as Pierre Bourdieu suggests within the framework of a general theory of social reproduction⁵?

Postmodern American cultural anthropology, relatively unknown in France, has since 1968 with David Schneider, brought out the importance of “nature” in American representations of kinship⁶, the importance of such representations in the scientific models of kinship in anthropology⁷ and that of reproduction in biology with the work on feminist anthropology, particularly that of Emily Martin⁸.

¹ We will systematically use the scientific vocabulary of Anglophone anthropology in which the “four domains” of anthropology coexist more peacefully than in France. These four domains are physical anthropology, close to the biomedical sciences, linguistics, archaeology and social and cultural anthropology (sometimes called “ethnology”).

² C. Lévi-Strauss, *Les Structures élémentaires de la parenté*, 1949.

³ F. Héritier, *Masculin-Féminin I. La pensée de la différence*, 1996.

⁴ B. Malinowski, *The Sexual Life of Savages in North-Western Melanesia*, 1929.

⁵ P. Bourdieu, *Le Bal des célibataires. Crise de la société paysanne en Béarn*, 1962.

⁶ D. M. Schneider, *American Kinship: A Cultural Account*, 1968.

⁷ D. M. Schneider, *A Critique of the Study of Kinship*, 1984.

⁸ E. Martin, “The Egg and the Sperm: How Science had constructed a Romance Based on Male-Female Roles”, 1991.

The recent trends in western societies offer a magnificent laboratory in which to resume the debate, if we study them with all the precision and the rigour of the ethnographic method, which has spread to all the social sciences since the 1980s⁹. This is what the present work sets out to do. Have the changes in customs, law, and reproductive techniques led to a greater dissociation between biological reproduction over which there would seem to be greater control, and the kinship system freed from biological constraints and resources? Or conversely, have they strengthened the link between the two?

The 1980-2010 period witnessed several major upheavals in this regard. The development of knowledge about the human genome on the one hand, and improved techniques of medically assisted procreation on the other, have changed kinship representations and practices, recognised in different ways by the various national legal systems. Since 1987, the widespread use of blood tests, which makes it possible to describe with precision the genetic proximity of two individuals through the examination of their DNA, has reinforced the biological representation of kinship. At the same time, progress in procreative medicine since the eighties has split the representation of maternity into genetic reproduction and gestation. In 1993, a judgement of the California Supreme Court in the case of Johnson versus Calvert held that the surrogate mother was not the child's natural mother, giving precedence moreover to the intent to procreate over genetics. In 2002, India legalised surrogacy, opening the doors to a medical industry with a view to the overseas market. In France, the first bio-ethical laws of 1994 reaffirmed the inviolability of the human body; for this reason, the Civil Code considers all "agreements relating to procreation or gestation on account of a third party" void¹⁰. In 2002, the notion of "trustworthy person" entered discreetly in the Public Health Code with the law on the rights of hospitalised patients. This way, the everyday dimension of kinship was introduced in dealings with the authorities and the medical corps (especially cohabitation, including same sex couples). The debates in France on PACS (contract of civil union) in 1998, then on "marriage for all" in 2013 are part of a revival of kinship representations, obfuscated at times by hazy ideological conflicts.

Written in 2004-2005, the main body of this work is based on enquiries conducted between 1985 and 2005 and explores cases of kinship three dimensions' dissociation, namely blood (which refers to biological reproduction), name (which refers to the legal institution of kinship) and the everyday (which refers to long term care). It bears the mark of this period in which biomedical progress has reinforced the role of biology in kinship representations. The introduction, chapter 6 and the conclusion, written in 2013, assess the new recognition of everyday kinship.

⁹ Under various appellations according to the discipline, for example "qualitative sociology" or "micro-history".

¹⁰ Article 16-7 of the Civil Code since the law of the 29th of July 2007.

Everyday kinship, a forgotten dimension of kinship

Unlike the structural analysis of kinship systems, which has left behind a significant legacy in French neoclassical anthropology¹¹, and some psychoanalytic trends, the ethnographic analysis of kinship applied here to suggest an alternative modelling is not based on a local then universal consistency of kinship systems, but on case studies which enable the understanding of individual experiences by drawing attention to their socio-historical, local, national and international frameworks. Accordingly, on the basis of such case studies, we will consider the weight of kinship terminologies (terms of address, terms of reference, words used by natives¹² to address their relatives on the one hand and to refer to them on the other), the rules of affinity (positive rules which designate preferential partners, negative rules which designate partners to be avoided, of which the most common is the incest taboo), the norms of behaviour and affects¹³ (which range from avoidance and respect to joking¹⁴).

Three sets of arguments will be put forward to understand the place of biological representations and law in today's kinship. We will restrict ourselves mainly to the French legal framework, for law has to be national at least partly. This however does not preclude a few excursions outside national confines. While the practices and representations of kinship cannot be reduced to a set of legal rules governing kinship relations, there is a close link between the two. Whether the individuals concerned are aware of these rules or not, they sometimes have to deal with them and then learn how to describe their practices in legal parlance.

First argument: the place of law in the establishment of filiation.

Contrary to David Schneider's assertion that western filiation refers to nature alone and the intervention of law is limited only to affine kinship, we will see that law constructs filiation throughout. The study of filiation law in France, before and after the law of the 3rd of January 1972¹⁵, shows that the State is present in the establishment of filiation and does not necessarily submit to nature. This will be discussed in the first three chapters of the present work.

¹¹ I have taken this expression from J.-H. Déchaux, « Les études sur la parenté : néo-classicisme et nouvelle vague », 2006. The author analyses here four publications: for the new wave, a feature from the review *Incidence*, « Qu'est-ce que la parenté? Autour de l'oeuvre de David M. Schneider », 2005 ; J. Carsten, *After kinship*, 2004 ; and the first edition of this work. Weber, *Le Sang, le nom, le quotidien. Une sociologie de la parenté pratique*, Paris, Aux lieux d'être, 2005) ; for neo-classicism, M. Godelier, *Métamorphoses de la parenté*, 2004 ; to which I will add F. Héran, *Figures de la parenté. Une histoire critique de la raison structurale*, 2009.

¹² I use the word "native" to refer to the people studied and distinguish their conceptions of the world from those of the ethnographer, who himself is a native of another world. The opposition scientist/native is the equivalent of the oppositions high/popular, learned/vernacular.

¹³ We followed Marcel Mauss for the analysis of the links between the rules of behaviour and affects: see « L'expression obligatoire des sentiments », 1921.

¹⁴ M. Mauss, « Parenté à plaisanteries », 1928.

¹⁵ See M. Laborde-Barbanègre, « La filiation en question : de la loi du 3 janvier 1972 aux lois sur la bioéthique », 1998.

Second argument: the strength of everyday kinship.

Our ethnographic studies have brought out a third dimension of kinship, which we will call *everyday kinship*¹⁶, distinct from the *kinship by nature* and *kinship in law* revealed by Schneider. *Everyday kinship* is only one aspect of practical kinship, the main feature of which is to transcend the distinction between filiation and affinity. Sharing the ‘everyday’ is not part of filiation or affinity; it is assistance without expecting anything in return, the pursuit of a common cause and the pooling in of resources¹⁷; it could develop into a relationship of filiation or affinity but this is not inevitable. *Everyday kinship* can only be understood in situations in which domestic work enables the survival of the residence group or household, especially the caring of a person incapable of surviving alone such as a baby, a chronic patient, a handicapped person or a dependent aged person. These situations are discussed in the last three chapters of the book.

Third argument: the place of biology in the recent history of the representations of filiation.

The representations of first paternity, then of maternity, underwent considerable change in France at the end of the 20th century, leading in some cases to the strengthening of the place of biology, and in others to reducing its importance or challenging it.

- Far from being reduced to its biological dimension, paternal filiation in the Civil Code, before and after 1972, rests on the historically variable superposition of nature, law and the everyday. With respect to nature, the presumption of paternity, inscribed in the Civil Code from the very beginning, could not be proved biologically till the nineties. Subsequently, we witnessed, if not more weight being given to reproduction in paternal filiation, at least the possibility of confronting paternal filiation (legitimate and natural) with biological reproduction. From the legal point of view, the transmission of the patronymic still takes place through marriage or the recognition of paternity outside marriage. But to be fully considered as paternity, neither biological nor legal paternity can do without the construction of everyday links.

- For a long time, maternal filiation seemed closer to the representations of biological nature: in the French Civil Code, is not the mother the one “proved by delivery”? But recent medical advances in female reproduction have changed things. Are pregnancy and delivery, well-studied in their relationship with medical power¹⁸, natural or everyday phenomena? The question came to be asked because biological reproduction itself is split into two: that which has do with the genetic representation of nature (carried by the gamete) and that which has to do with the bodily representation of nature (present in gestation). Surrogate motherhood is not

¹⁶ It was in Malaysia that this dimension of kinship was brought out most convincingly: see the works of the anthropologist J. Carsten, *The Heat of the Hearth: The Process of Kinship in a Malay Fishing Community*, 1997.

¹⁷ It is this everyday dimension of kinship which was the subject of our first collective work: F. Weber *et al.* (ed.), *Charges de famille. Parenté et dépendance dans la France contemporaine*, 2003. It was also present as an idea in my first analysis of popular cultures: *Le Travail à-côté. Étude d'ethnographie ouvrière*, 1989.

¹⁸ R. Rapp, *Testing Women, Testing the Fetus: the Social Impact of Amniocentesis in America*, 1999; L. Boltanski, *La Condition fœtale. Une sociologie de l'avortement et de l'engendrement*, 2004.

something new: adoption at birth “accouchement sous X” (anonymous birth) in French law bears witness to its age-old existence. The novelty is the genetic parent’s (father or mother) capacity to disqualify the surrogate mother not in the name of law (which plenary adoption and “accouchement sous X” would be) but in the very name of nature. As genetic parentage is competing with bodily maternity for the monopoly of biological legitimacy, this could create a situation of non-kinship, or to be precise, non legitimate kinship. While the biological representation of maternity is weakened by the sudden awareness of its duality (gamete or womb), everyday maternity is no longer obvious (who will breastfeed the baby, the genetic or the surrogate mother?).

This work emphasises everyday kinship which emerged as the emotional cement of kinship relations in the course of our ethnographic enquiry. Without it, neither biological nor legal kinship can assert themselves fully despite the strength of the ideology of blood and the law. Whereas blood and the law give practical kinship its lasting dimension, everyday kinship is temporary because it is practiced on a day-to-day basis; it is the everyday acts of caring, one of those “free currents of social life¹⁹”. These are the non institutionalised forms which Durkheim claims are social facts like structural facts, the only difference being “in the degree of consolidation”. The study of everyday kinship, as can be seen in short news items, surveys, discourse and practice, is thus our main lead. Sometime acknowledged by law, we will see it at work in two instances: first, during a trial in which legitimate filiation was being contested and everyday kinship described as “possession of status” was used to stonewall the demand for a blood test; then, with the 4th of March 2002 law on the rights of hospitalised patients who can name a “trustworthy person,” by which term is meant an everyday relative, to represent them in case of incapacity.

Judging by the yardstick of everyday kinship, the comparison between the recent forms maternal and paternal filiations, linked to both medical progress and homosexual mobilisation²⁰, brings out not so much the gender differential valence than the political, legal, and social inequality between fathers and mothers. Is not biological filiation, genetic or gestating, a screen to hide the continuing inability of women to transmit their name despite changes in the law? Isn’t it a screen to hide the difficulty in combining motherhood and a career whereas fatherhood speeds up the career of their colleagues and husbands? Isn’t it a screen to hide the different way in which they are assigned the role of caregiver without responsibility for dependent persons, be it their children, their parents or patients under their professional care? The emphasis on everyday kinship, rather than the legal and biological dimensions of kinship, is the refusal to accept the primacy of the symbolic and the imaginary over practice; it is to favour, within the anthropology of kinship itself, the analysis of reproduction in the economic sense of the term, or what Marx refers to as reproduction of the labour

¹⁹ É. Durkheim, *Les Règles de la méthode sociologique*, 1895, p. 19.

²⁰ The law of the 4th of March 2002 which institutes the “trustworthy person” was the result of a demand made by homosexuals with AIDS, who experienced painfully the return of legal kinship in the hospital context.

force and contemporary microeconomics as domestic health production, and to link such analysis with the question of social reproduction. What then are the links between the role of women in biological reproduction, now taken in hand by the medical corps, and their place, central and invisible, in social reproduction?

From structural analysis to ethnographic analysis

The conventional anthropology of kinship is based on the gender difference and the distinction between filiation and affinity, as François Héran²¹ reminds us, or rather the western representations of kinship studied by David Schneider in which gender is a biological fact and nature (consanguine kinship) is opposed to the law (affine kinship). It developed a powerful tool for analysis, the kinship diagram, which has proved to be sufficiently flexible for it to be separated from the conventional models that gave rise to it. The kinship diagram offers the ethnographer a reduced visual representation of the cases he is studying. It can be easily adapted to changes in customs: divorce, non-official relationship, homosexual marriage, birth out of wedlock, whether recognised or not, can all be represented without any difficulty.

For a long time, kinship was a particularly active and cumulative field of social anthropology. It has been there right from the origin of the discipline with the works of Lewis Morgan in 1871²² and has withstood changing scientific paradigms, in particular the abandoning of the evolutionist hypothesis postulating successive systems of kinship, from the more or less primitive to a single modern system of kinship. Ethnographers reported sparse social facts from field studies conducted with varying degrees of meticulousness. The universal nature of kinship diagrams facilitated the early synthesis of their data and the development of evolutionist then structural models.

The conventional diagram, as it emerged during the 20th century, uses five conventional symbols: a triangle represents a male, a circle a female, a horizontal bracket pointing upwards represents a marriage, a vertical line represents filiation linking children to the marriage bracket and the sibling link is a horizontal bracket pointing downwards.

Each of these notations is very flexible. When gender is not known or of little importance, the individual is represented by a square. An homosexual marriage is represented by a bracket between two triangles or two circles. Each individual can be linked to several spouses, successively or simultaneously, with the help of several brackets open towards the top, numbered if required, and each one of these marriages can give rise to filiation. An oblique line cutting across the marriage bracket represents a divorce. A vertical line represents natural filiation between only the mother or only the father and the child. A dotted bracket represents a non-official marriage and a dotted line represents non-official filiation.

²¹ F. Héran, *Figures de la parenté*.

²² L. H. Morgan, *Systems of Consanguinity and Affinity of the Human Family*, 1871.

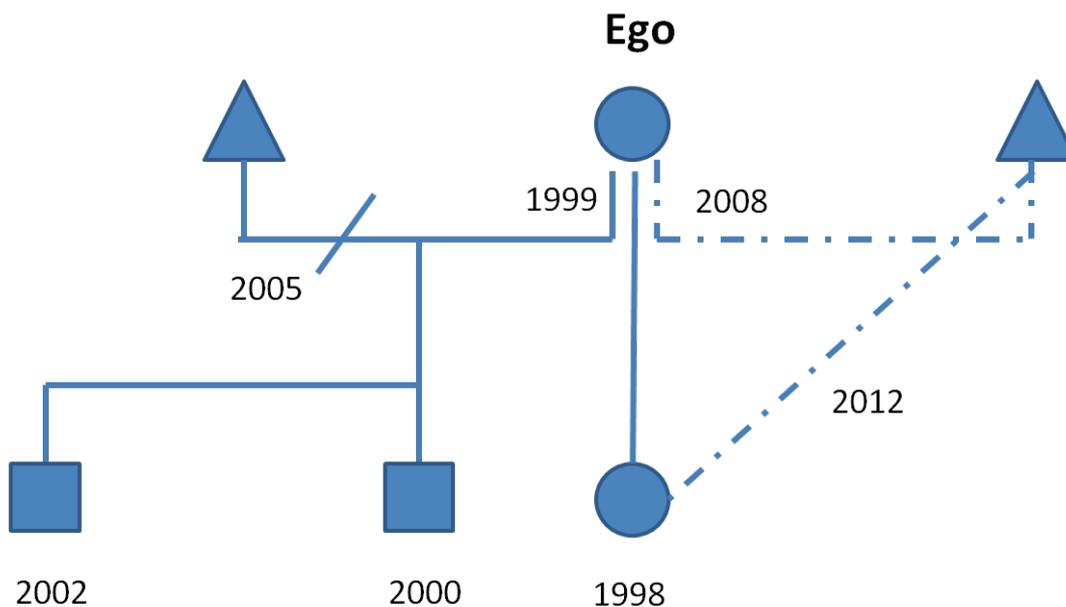


Figure 1 – Kinship diagrams today

Ego has a daughter without a declared father in 1998; she marries in 1999 and has two children in 2000 and 2002. She divorces in 2005 and lives since 2008 with a companion who adopts her first daughter in 2012.

The construction of such diagrams is based on the translation of the kinship representations of the individuals surveyed in terms of this universal representation. Diagrams can support a structural representation of kinship: in which case, what predominates is the play of forms and their repetition. They can also support an ethnographic analysis of practical kinship. Each diagram represents a central person Ego and the relationships that stem from Ego; dates are added to the conventional symbols (date of marriage, birth and death); a cross is used to show that the person is deceased. The entire diagram thus represents the network of individuals with whom Ego recognises having a kinship tie, referred to as *parentele* when the relatives are alive. The political and social habits of such networks have been studied in a pioneering article by Claude Karnoouh²³. Finally, closed curved lines can be added to the diagram to represent both the kinship groups to which Ego belongs: lineage, a perennial group based on filiation which excludes some relatives and includes the living and the dead – the symbolic importance of this group has been studied by Jean-Hugues Déchaux²⁴; household, a temporary group covering all cohabitants but which could also include friends and relatives brought together through sharing everyday life whose economic importance in the caring of dependent persons has been shown by us along with Séverine Gojard and Agnès Gramain²⁵.

²³ C. Karnoouh, *La démocratie impossible. Parenté et politique dans un village lorrain*, 1973.

²⁴ J.-H. Déchaux, *Le Souvenir des morts. Essai sur le lien de filiation*, 1997.

²⁵ F. Weber *et al.* (ed.), *Charges de famille*.

Nature and law in western kinship

The seventies and the eighties marked a turning point in the anthropology of kinship with the revelation of its west-centric postulates. After studying the kinship representations of American families, the American anthropologist David Schneider²⁶ demonstrated that such families served as the foundation of the anthropological study of kinship. Indeed, the conventional diagrams rest on the distinction between filiation and sibling relationships on the one hand, and affinity on the other. This scientific distinction refers to the western opposition between « real » kinship and “political” kinship (the Spanish language contrasts two types of kinship, *carnal* and *politica*). With Schneider’s work, the classical anthropology of kinship all but vanished, at least in Anglophone studies. He had tarred the hitherto unchallenged flagship of anthropology with the brush of European ethnocentrism.

A study of the Napoleonic Civil Code compels us to nuance Schneider’s analysis of European kinship²⁷. Indeed, it is Law that forms the basis of filiation, a State and not a private matter, related to the State imperative of identifying individuals, as shown by the historian Gérard Noiriel²⁸. The jurist Marcel Iacub then examined in detail the legal basis of maternal filiation²⁹.

The Code contrasts maternity, proved by delivery, with paternity, which can only be presumed as only its likelihood (seen in terms of the time between the marriage and the delivery) can be verified. Furthermore, before the French law of the 3rd of January 1972 on filiation, the Code contrasted legitimate filiation (established by marriage which links the child indissolubly to the father and the mother who are married) and natural filiation (established separately vis-à-vis the mother through a declaration of delivery, and the father through a legal deed of recognition). If natural maternal filiation had to do with assumed nature (here the declared delivery), legitimate filiation (without distinction of sex) and natural paternal filiation required a voluntary deed (marriage or the recognition of paternity). The situation became more complex after 1972 due to the legislator’s desire to reduce statutory and successoral inequalities between legitimate and natural children and those born of, especially after 1990, once it was possible to carry out paternity blood tests. However, even if judges in their desire for stability have at times given in to the temptation of taking recourse immediately to such tests, two elements prevent us from interpreting the filiation reforms after 1972 as the abdication of law in favour of nature, namely adoption and possession of status..

The primary objective of the legal rules of filiation is to establish the child’s identity, and its second objective is to define the rules of successoral transmission. The State, as the guarantor of the identity of individuals, thus seems more important than nature in the establishment of filiation, especially in the light of the procedure for plenary adoption which replaces any possible previous

²⁶ D. M. Schneider, *American Kinship et A Critique of the Study of Kinship*.

²⁷ I remember my surprise, when during a seminar in 1998 with the jurist Xavier Lagarde, I discovered the conventional definitions of kinship in anthropology coincided perfectly with the present definitions in the French law.

²⁸ See G. Noiriel (ed.), *L’Identification. Genèse d’un travail d’État*, 2007.

²⁹ M. Iacub, *L’Empire du ventre. Pour une autre histoire de la maternité*, 2004.

filiation. Furthermore, the legal concept of possession of status – which describes a social reality as it is – is an effective translation of the kinship relations created in everyday life: lawsuits contesting legitimate paternity can only result in a blood test in the absence of possession of status, in other words, only if the filiation relation between child and father is not recognised by their entourage.

The discovery of everyday kinship

The concept of *possession of status* is in keeping with the third dimension of kinship the importance of which was only recognised in the eighties: everyday or nurturing kinship, which came from a process of bringing up, caring and looking after. Based on her studies in Malaysia, the British anthropologist Janet Carsten showed the existence of a kinship determined neither by law nor nature but by living together and sharing food. Indeed, among the Malays of the Langkawi islands adoption is a common mode of kinship and is based on the production of the body through food taken together and cohabitation linked to the permanent surveillance of the adopted person's behaviour. Numerous works on adoption, especially those edited by Agnès Fine³⁰, have shown that this is neither fictive kinship nor replacement kinship (like plenary adoption in French law) but a filiation added to the filiation of birth (whatever be its mode of establishment) by increasing the circle of relatives and by bringing about lasting, if not permanent changes in the person adopted.

For my part, I have taken up the concept of everyday kinship to describe kinship relations observed at *a given point in time*, during periods of routine caring of a person incapable of surviving alone. A scientific discussion thus began with the Anglophone world on care or care studies, which, since the eighties, have brought together sociologists and economists³¹. Working with domestic health production economists³² led me to emphasize the economic dimension of everyday kinship and suggest an analysis in terms of the domestic group (household) rather than the network (parentele). This analysis is critical of the reduction of the family to interpersonal and psychological aspects, as suggested by François de Singly³³, who studies the changes within the nuclear family by dissolving kinship groups (household, lineage) in favour of an elective kinship whereby only relationships by choice in pairs subsist. Our field studies reveal that there is a strong feeling of obligation the degree of which varies according to the resources and the family history of the protagonists.

The concept of everyday kinship allows us to study the feeling of obligation among kin (in the widest sense of the term) and economic practices which transcend the obligations inscribed in the Civil Code, especially when cohabitation has not been officialised by a marriage or civil solidarity pact, but is an established fact recognised by the social but not the tax authorities. Everyday kinship

³⁰ A. Fine (ed.), *Adoptions. Ethnologie des parentés choisies*, 1998.

³¹ Among the works available in French, see in particular J. Tronto, *Un monde vulnérable. Pour une politique du care*, 2009 ; P. Paperman and S. Laugier (ed.), *Le Souci des autres. Éthique et politique du care*, 2011.

³² A. Gramain and J. Wittwer, « Prise en charge des personnes âgées dépendantes : quels enjeux économiques ? », 2010.

³³ See for example F. de Singly, *Libres ensemble*, 2009.

also allows us to analyse financial flows beyond the household between financially dependent teenagers, family, and friends who help them out or even between physiologically dependent aged people and family and friends. Everyday kinship helps us identify the gap between legal obligations and practices, whether this gap is the result of a shortcoming (legal relatives who do not help) or of a surplus (helpers who are not obliged to help). In fact, it allows us to go much further and analyse recent changes in kinship in its relationship to biological reproduction and changes in the law.

Same-sex partnership and kinship: blood or the everyday?

The years 1990-2000 in France were marked by a violent conflict over the links between biological reproduction and legal kinship. Public opinion was sharply divided with those for and against homosexual kinship equally vociferous in expressing their support, even though the matter was of equal concern for sterile couples on the one hand, and blended families on the other. In reality, homosexual mobilisation for access to kinship (marriage and parentality in the words of sociologists, affinity and filiation in the words of anthropologists) drew, depending on whether the demand was for such access in law or in practice, from two major contrasting trends in respect to the legitimacy of kinship: should kinship be based on consanguinity or the everyday? Legal debates on PACS (law voted in 1999), then on marriage for all (law voted in 2013) through their emphasis on affinity as the door to filiation tried to legalise the everyday and skirt the tricky question of blood. After all, once homosexual marriages are accepted, why shouldn't filiation be established through presumption of paternity, extended to presumption of maternity, as was the case for centuries for legitimate paternity? However, a different solution has been suggested. Allowing homosexual couples plenary adoption and medically assisted procreation with anonymous donor(s), both replacing genetic filiation with legal filiation and getting rid of the former, would place homosexual filiation in a solid combination of everyday and legal filiation, skirting once again the thorny question of biological reproduction. The opponents of homosexual marriages were thus led to reinvest in the biological representations of filiation, forgetting the reality of adoption, the manifestation of intention in the recognition of paternity and the legalities of the possession of status.

In parallel to these legal battles in France in which the defenders of homosexual rights had chosen to throw open marriage to same sex couples, homoparental practices³⁴, this time part of a transnational space³⁵, carry the traces of the ideology of blood. In taking recourse to surrogacy, illegal in France, some male homosexual couples (in 2011 they constituted 60% of the 100 000 same sex couples in France of which only 10, 000 homosexual couples raised children³⁶) sought, like some heterosexual couples where infertility was due to the mother, to gain genetic paternity and dissociate

³⁴ To use the now accepted term : see M. Gross, *Qu'est-ce que l'homoparentalité ?*, 2007.

³⁵ Marked in particular by the legality of surrogate motherhood open to homosexual couples in some States of the United-States.

³⁶ According to the INSEE-INED Famille et Logement 2011 survey: G. Buisson and A. Lapinte, « Le couple dans tous ses états. Non-cohabitation, conjoints de même sexe, PACS... », 2013.

genetic maternity and surrogacy by taking the gamete from one woman and having another woman bear the child, thereby weakening biological maternity and its presumed psychological consequences. Some female homosexual couples (the bulk of the 10 000 homosexual parent couples in France) benefited from their reproductive capacity, either through medically assisted procreation outside France or through informal practices of shared reproduction. In fact, homosexual mothers do not need to separate the gamete from the womb to secure their biological maternity, even though they face the same problems as homosexual fathers when it comes to the legal recognition of their everyday kinship.

The opposition between blood and the everyday sheds light on other political debates as well, the changes in legislation and the practices of heterosexual parents. From the nineties to 2010, the scales tipped heavily in favour of blood. The advent of DNA tests, called “paternity tests”, in the late eighties gave a fillip to the biological reinterpretation of kinship. Till then paternity flowed from an individual decision (through marriage or the recognition of paternity) and likelihood (the Civil Code did not allow filiation without an apparent link with sexuality), and the law in its keenness to preserve “family peace” threw a prudish veil over adultery. The bioethical laws of 1994 halted the spread of paternity tests, making them illegal unless called for by a judge in a filiation case. In 1997, the Yves Montant affair hit the headlines. There was an appeal against the decision given in 1994 declaring Montant to be the natural father of Aurore Drossart after he refused to be subjected to a paternity test and his body was exhumed at the request of his last wife and adoptive daughter. The belief in the genetic character of paternity was then at its peak. Neither possession of status nor likelihood was required to be given as grounds for the first request for a test. If the result was negative, the decision could not be contested.

Two legislative events in 2005 and 2007 show the weight of biological representation in kinship during this period.

The first went largely unnoticed. To “simplify the law” (the law of the 9th of December 2004) number of articles related to filiation in the Civil Code were reduced by half. The 4th of July 2005 order ratified by the law of the 16th of January 2009, consecrated legally the inequality of fathers and mothers in respect to filiation at the same time as it recalled the equality of legitimate and natural children and those born of adultery. “The mother shall not be required to proceed to the recognition of her child, even if she is not married; maternal filiation shall be simply established by naming the mother in the birth certificate of the child”. Few commentators noticed that with these seemingly innocuous phrases (to spare unmarried mothers of a laborious administrative procedure), the order threw back maternity into the realm of nature³⁷. Whereas maternal and paternal filiations continued to be established together in marriage, the expression of a common desire, whereas paternal filiation outside marriage assumed the recognition of paternity, the expression of an individual desire,

³⁷ With the notable exception of M. Iacub, *L'Empire du ventre*.

henceforth maternal filiation outside marriage was no longer the expression of any desire, but *referred to an established fact* (“maternal filiation shall *simply* be established by *naming the mother* in the birth certificate of the child”). Or when the legislator is blinded by the simplicity of nature.

On the contrary, the second event gave rise to much indignation because it touched upon the question of immigration. In 2007, in the euphoria of Nicolas Sarkozy’s election as President of the Republic, the Mariani’s amendment claimed to subordinate the right of family regrouping to the proof of filiation through DNA tests. The first salvo of protest against the discriminatory nature of this measure led to limiting the proof of filiation to the mother alone and that, for countries in which vital statistics were unreliable. In 2009, the implementation decrees of this measure were officially abandoned. The red line of limiting individual identification to genetics and not kinship was not crossed.

Towards 2010, the movement for a biological definition of kinship, characteristic of the period 1990-2000, seemed to have been pushed aside. Homosexual demands were geared towards lessening the dissociation between gestation, genetics and everyday kinship. The term “maternal surrogacy”, distinct from “gestational surrogacy”, was suggested to refer to the informal practices of shared filiation whereas the idea that “pluri-parentality” is possible emerged forcefully³⁸. The right of children to know their origins, used till then to send non biological parents back to the hell of “fiction”, seemed to have been brought into perspective: biological origins became a story among others³⁹, pressed into service in the context of increasing recourse to biomedical knowledge. Indeed, learning more and more about the genetic transmission of diseases, gives rise to exaggerated hopes and beliefs.

Among the many moving accounts of reunions of birth parents and children brought up by others splashed across the front pages of newspapers in the nineties was the story of Sophie and Manon Serrano in the *Libération* of the 15th of April 2013 under the strange title “In spite of good blood.” It was the classic plot for a novel: two babies get exchanged in the labour ward and the error is discovered only when the two girls are ten years old. The story ends with the everyday triumphing over blood. The lady journalist reported thus what one of the girls, Manon, then aged 18, said: ‘Thanks to my biological family, I learnt about my origins and from whom I got such and such physical feature. It was important to know where I came from, for I was lost. But deep down, I already knew who I was: I’m the girl who grew up with my mother, my sister and my brother.’ This is how the journalist concluded her article on this ‘modern’ story of ‘an inseparable mother and daughter who had no biological links’: “In the eyes of the others, they see that they resemble each other. ‘When we’re told this, it’s a gift’.” The newspaper chose to illustrate the story with a photograph in which the resemblance between mother and daughter is striking, though the fact that Manon’s biological parents were from Réunion had given rise to suspicions about the wife’s fidelity

³⁸ M. Gross, *Qu’est-ce que l’homoparentalité ?*, p. 22-23.

³⁹ I. Théry, *Des humains comme les autres*, 2010.

before the exchange of the babies had been discovered. The idea that everyday kinship exists and has a strength of its own, which can even create resemblances⁴⁰, seems to be gaining ground in the media.

Without my having looked for it, homosexuality is at the heart of two cases examined in this work. The fact that there is no legal recognition of same-sex kinship relations make them the ideal place to observe the dissociation of the different dimensions of practical kinship. Priscille (chapter 2) is brought up as the daughter of a traditional couple, while her biological father –also her godfather – is her mother’s lover, her legitimate father being homosexual and accepting the situation. Teresa (chapter 5) lived for thirty years in a homosexual relationship in the upper middle classes of a Francoist Barcelona. She lost her companion when she became dependent and the responsibility of caring for her fell upon two of her nieces, a blood niece (a daughter of one of her brothers) and her adopted niece and goddaughter (a daughter of one of her companion’s brothers) at the end of a complex emotional and patrimonial case. There is nothing surprising then that in both cases, spiritual kinship (godfather-godmother, godson/goddaughter) was used to state a second degree of kinship: unlike plenary adoption, it is the only European kinship which is inclusive and not exclusive. More generally speaking, the stories told here are out of the ordinary. Surprising in their historical context, like that of Sophie who grew up between 1967 and 1978 in a household of two with a letterbox with four separate patronymics, today these stories can be useful in considering major changes about which there is really nothing radically new.

The three bodies of the mother

Numerous sociological and anthropological works have approached the question of contemporary maternity, especially from the perspective of its links with medicine. Rayna Rapp analyses the consequences for mothers of the medicalisation of pregnancy through compulsory amniocentesis after a certain age⁴¹. Luc Boltanski discusses feminine experiences of abortion and discovers the difference between two conceptions of the foetus: the baby foetus and the tumour foetus⁴². Only the representation of the foetus as a tumour and not as a person makes abortion emotionally bearable for mothers, something some doctors know well, whether they want to make the abortion psychologically easier or more difficult for the mother. Besides, Emily Martin shows how medical power has taken possession of the female body as the capacity to reproduce and how the women concerned succeeded in re-appropriating it while putting up with medical practices and representations⁴³.

The lines of dissociation of maternal filiation do not match with those of paternal filiation. Indeed, far from being unified by the ideology of blood, as is the representation of male biological

⁴⁰ We shall see later in this work that the theory of family resemblances is at the heart of some European representations of kinship. See B. Vernier, *La Genèse sociale des sentiments. Aînés et cadets dans l’île grecque de Karpathos*, 1991.

⁴¹ R. Rapp, *Testing Women, Testing the Fetus*.

⁴² L. Boltanski, *La Condition fœtale*.

⁴³ E. Martin, *The Woman in the Body. A Cultural Analysis of Reproduction*, 2001.

filiation, female reproduction can be split into two: a genetic representation of maternity, close to the ideology of blood, with male and female gametes likely to circulate under the control of the State; the bodily experience of begetting, to use Boltanski's term, in which pregnancy (or gestation) and delivery (or parturition) are combined.

The line of demarcation drawn by French law between oocyte donation, legal subject to conditions, and the illegal practice of surrogacy, which involves a "surrogate mother", focuses on this opposition between genetic maternity and bodily maternity. The bodily experience of maternity itself may be considered as a form of everyday maternity, at least when the baby-foetus representation prevails over the tumour-foetus representation. We lack studies on the experience of surrogate mothers, which would allow us to understand which representations of the foetus and begetting make emotionally bearable the separation between mother and baby. However, it is clear that such mothers are often poor, and that the ideology of the gift and altruism masks, very thinly at times, the importance of the remuneration they receive in exchange for the loan of their uterus, as also the physiological risks they run when the practice is not well regulated. In India, since the 2002 law which legalised the practice of surrogacy and gave rise to a veritable industry, the number of children born in this manner has been estimated at 25 000 per annum. While this reality has not received the attention of sociologists, it has spawned a social novel, *Origins of Love* by Kishwar Desai.

Until the 20th century in European societies, after-birth everyday maternity has been known to entrust upper-class children to a wet nurse, sometimes at the cost of their being taken away from their birth parents. However, wet nurses were always of inferior social status and had to accept, against payment, that their relationship with the child was temporary and unimportant in comparison to the relationship which linked the child to its birth parents. Subsequently, caring by wet nurses was regulated by medicine and the State, conferring on everyday mothers a professional status which excluded in principle the establishment of emotional ties. Recent work on the psychology of labour⁴⁴ has shown the psychological cost of this professional ideology for salaried nursery nurses, women whose professional skills, assume, for them to be effective, strong emotional ties, which are nonetheless constantly denied.

Moreover, the emotional heartbreak of the adoptive mothers, unquestionably greater than that of the adoptive fathers, shows the extent to which the ideology of blood is effective even when it does not found any filiation, but weakens a filiation considered as being different from the filiation "by blood". The child's right to know its origins is one of the many manifestations of this ideology of blood, which has led to the emergence of a market for psychological care for adoptive parents and children, supposedly suffering from specific pathologies.

⁴⁴ P. Molinier, « L'amour et la haine, la boîte noire du féminisme ? Une critique de l'éthique du dévouement », 2004.

Maternity's legal dimension weakness has been highlighted by numerous sociological and anthropological works. Studies in Quebec and France⁴⁵ show that the practice of transmitting the paternal name, the patronymic, persists with the same vigour even when the law no longer requires it. Mothers are responsible for such practices: they wish to leave the fathers the privilege of transmitting the name to compensate for the weakness of paternity, linked less to the ideology of blood than to the absence of begetting, that is to say the relative weakness of everyday paternity.

Finally, the recognition of maternity does not play the same role as that of paternity in the French law. The Civil Code's falling back on proof of delivery has been strongly contested by Marcela Iacub in the name of the equality of sexes, which seems to reach its legal limit here, justified by the representation of biological reproduction in its sexual dimension, bodily rather than genetic.

The case studies presented in this work show that these different dimensions of kinship, far from being incompatible and concurrent, can add to each other. To see things clearly, we need "to give a purer meaning to the words of the tribe", as Arthur Rimbaud invites us to do, and refuse approximations and simplifications in the vocabulary used. In Africa educating parents are frequently added to birth parents⁴⁶, which is not the same as adding birth kinship to biological kinship. The study of a poor quarter in Buenos-Aires shows the emergence of rental kinship, which creates linkages among people living together without any official kinship ties, and which testifies to the overlapping of market transactions and personal relations⁴⁷. It is time we gave up approximations referring to father-mother as the genitors and reduce law and the everyday to genetics, as also impassioned positions for or against surrogacy and homosexual kinship. Once the genetic parent, the legal parent and the everyday parent (including the bodily mother) have been clearly identified, it will be easier to think about their logical associations and dissociations, without trying to fit one on the other. That some logical possibilities are morally more legitimate, socially more common and emotionally easier than others, depending on the historical context, is a question of fact and not of principle.

The systematic exploration of these dissociated logical possibilities of kinship makes us understand the extent to which the limited kinship celebrated in the 20th century as the ideal type of modern family – the nuclear family, consisting of father, mother and their children – one that became a traditional model in the 19th century, was only a specific case of the superimposition of several dimensions of kinship. It provides a descriptive model to reflect on the diversity of cases possible, and reduce their apparent complexity.

⁴⁵ A. Fine and F.-R. Ouellette, *Le Nom dans les sociétés occidentales contemporaines*, 2005.

⁴⁶ A. Grysolet and C. Beauchemin, « Les aller-retours des enfants de l'immigration subsaharienne : les filles ou les garçons d'abord ? », 2013.

⁴⁷ E. Schijman, « Usages, pactes et "passes du droit". L'accès au logement social à Buenos Aires », 2013. The analysis of the superimposition of market transactions and personal relations was carried out in F. Weber, « Transactions marchandes, échanges rituels, relations personnelles. Une ethnographie économique après le Grand Partage », 2000. We find an application of this in medieval data in L. Feller *et al.*, *La Fortune de Karol. Marché de la terre et liens personnels dans les Abruzzes au haut Moyen Âge*, 2005.

Impossible reproduction and the glass ceiling

This dissociation of contemporary kinship probably stems from the non synchronised evolution of medical practices, daily practices, law and feelings. Medical reproductive technologies have followed an independent path at the international level, propelled by the taste for technical prowess, improvement of knowledge and the emergence of markets regulated to varying degrees by national health authorities. As for the law, it changes with national legislations which arrive at a precarious compromise on a case by case basis between potentially conflicting ethical principles, especially when it is about affirming jointly the equality of sexes, the equality of sexualities, the equality of legitimate, natural and adulterous filiations, the rights of the child and the inviolability of the human body.

Kinship is not merely the cultural translation, highly diversified, of biological reproduction, itself in a period of great upheaval. It is also the main tool of social reproduction, both the reproduction of social groups and the reproduction of the parents' social status to children. The inequality between men and women in the matter of social reproduction and the effects of this inequality on the use of medical technologies have rarely been thought of in these terms. Such inequality can be witnessed in India, as we have seen, in the case of poor mothers who can opt to become surrogate mothers for a payment to improve the economic lot of their family. In this respect, another more spectacular phenomenon can be observed: the democratisation of medical echography in conjunction with the continued payment of dowry money to the groom by the bride's parents has given rise to the selective abortion of girls, the current sex ratio being 112 boys for 100 girls (in France it is 105 boys for 100 girls). This inequality of men and women in the matter of social reproduction remains relatively obscured in the discussion on western kinship.

Political mobilisation for and against homosexual kinship leaves in the dark the inequality of homosexuals with respect to social reproduction depending on whether they are men or women, rich or poor. If begetting and nurturing are easier for female couples, who do not have to break with traditional social sexual practices, male couples are more directly confronted with strong economic inequalities. In fact, whereas in France male couples are more frequent than female couples (3 male couples for 2 female couples), they represent a tiny minority of same sex couples with children. Indeed, their begetting and nurturing practices, legal or simply deviant, are expensive, due to which they are reserved for a financially and socially well-off minority. Whereas the debate focuses on an illegal solution – surrogacy – accessible in point of fact only to this minority, would it not be better to invent solutions which do not ape biological reproduction and which have the merit of being less inegalitarian? In other words, accepting for once and for all that blood kinship is not more legitimate than everyday kinship, and strengthening the latter rather than desperately looking for access to the former.

The solutions envisaged today by some homosexual parenting activists⁴⁸ move in this direction and are based on elements already present in the law: simple adoption and delegation of parental authority to a third party. Simple adoption leaves place for birth kinship. But it transfers full parental authority only to the adoptive parents, a solution not suited for women couples where one is the birth mother and the other the adoptive mother; nor is it suited for step parents who do not want replace the birth parents but join them. Thus, separated homosexual parents keen to share parental authority take support from the notion of delegation of parental authority to a third person present in article 377 of the Civil Code the contours of which are fluid. The Code draws up a Prévert type list: “member of the family, trustworthy near relation, institution approved for receiving children or *départemental* Children's aid service”. Everyday kinship is thus bogged down in the system of administrative control⁴⁹.

The concept of “trustworthy person”, as defined in the law of the 4th of March 2002 on the right of hospitalised patients⁵⁰, is more limited but much more precise: it recognises everyday kinship without perpetuating it and only in the case of the right to healthcare. It deserves to be extended to all institutions which have to deal with everyday kinship without requiring a judicial protection mandate. The socio-medical establishments, EHPAD and homecare services could thus recognise the everyday kinship of vulnerable adults without having to adopt traditional legal safeguards, which could be limited to financial matters. As for minors, legitimate parent(s) could, along the lines of the right to healthcare model especially in their relationship with the national education system, name jointly and in writing for a limited duration a “trustworthy person” who, once again, would not replace them but be in addition to them.

Less instituting than adoptive kinship or judicial protection, the mechanism of naming a trustworthy person by an adult, which could be extended to the delegation of parental authority to a third person by the legal representatives of a minor, has the merit of preserving the rights of the other relatives and the person concerned if he or she is an adult while recognising the place of everyday

⁴⁸ M. Gross, *Qu'est-que l'homoparentalité ?*, p. 65.

⁴⁹ M. Gross, *ibid.*, p. 43, discussing law no. 2002-305 of the 4th of March 2002 in respect to parental authority, observes that the decisions of the courts on this point are leading arbitrariness.

⁵⁰ It deals with the law no. 2002-303 of the 4th of March 2002 in respect to the rights of patients and the quality of the healthcare system promulgated on the same day as the law mentioned in the previous note. It modifies the public health code to the extent that: “Art. L. 1111-6. – Any adult has the right to name a trustworthy person who can be a relative, close relationship or attending physician who will be consulted in case the patient might not be able to express his will and be properly informed. The naming must be given in writing. It is revocable at any time. If the patient so wishes, the trustworthy person can accompany him during all procedures and attend medical interviews in order to help him take informed decisions. During all hospitalisation in a health establishment, the patient is advised to name a trustworthy person in the conditions stipulated in the previous paragraph. This is valid for the duration of the hospitalisation unless the patient wishes differently.” This provision is hardly applied in hospitals which still balk at treating a former spouse or a friend as a legitimate interlocutor and maintain a legally erroneous conception of the role of official kinship. For a preliminary study of this law, in relation with the judicial protection of adults, see F. Fresnel, « La personne de confiance et l'incapable », 2002.

kinship in dealings with the administration. It could be applied to any person who takes care of one his or her relative or friend: step parents vis-à-vis children of spouses, the separated parent of a child vis-à-vis the other parent, the step daughter or the niece of a close aged or sick relative. By separating everyday care (including parental authority) from the successoral stakes, the mechanism has the merit of separating the household (everyday solidarity) from the lineage (symbolic affiliation).

Such recognition of everyday kinship, by definition temporary, cannot replace the naming of an inheritor which refers to the specificities of French successoral law: equality among children (legitimate, natural or born of adultery) except for the use of a relatively small quota available (one-fifth in the case of four siblings), prohibitive inheritance tax for non consanguine inheritors (60% instead of the 5-40% range depending on the amount of the inheritance). This succession provision which favours only “direct line” inheritors has never been questioned, though the equality among children, legitimate, natural and those born of adultery came after a hard won battle through a series of changes in the law since 1972. However, this provision is what puts a lid on symbolic affiliation: after refusing to consider inheritance outside legitimate filiation (regardless of the rights of natural children and those born of adultery), it now refuses to consider inheritance outside “consanguine” filiation. In particular, simple adoption, in which the child’s relationship with his or her birth parents has been maintained since 1966, does not institute the adoptee as a direct lineage kin; he or she is thus liable to the 60% inheritance tax, except in the case of long term everyday kinship⁵¹. The exclusive character of legal filiation (henceforth detached from the marriage of the parents), which prohibits all forms of multi parentality since it obliges the adopting father (mother) to replace the birth father (mother), is thus, contrary to what one might expect, related to the absence of testamental freedom. In this, kinship replicates biological reproduction (or its simulation plenary adoption) to ensure social reproduction (the transmission of symbolic status and patrimonial property). Highly inegalitarian, social reproduction, of which the law of succession is only one element, does not permit multiple filiations. Is this to avoid the accumulation of property? In the case of large fortunes, the argument may be justified in the name of reducing inequality, but there can be no justification for applying the 60% rate from the first euro. The ideology of blood, far removed from David Schneider’s “by nature” assumption, lies in the provisions of the tax code which preserve traces of the ties between filiation and nation, despite the profound changes in the 1804 Civil Code since 1972.

The obstacles to social reproduction affect primarily same sex couples but also second spouses unable to institute as their inheritors those whom they nonetheless consider as their children. But they are not the only ones to be affected, far from it. Delayed access to parenting, linked to the indefinite

⁵¹ Five years of “uninterrupted help and care” (a good legal definition of everyday kinship) for the period of the child’s minority or ten years minority and majority together (article 786 of the general tax code). The list of the five other exceptions provided for in this article shows the links between filiation and Nation: three of them concern families of which one member has died for France or is a former deportee, the other two refer to kinship (the child of the first spouse, adopted simply, is a direct line inheritor, as well as the adoptees “whose kinship ties with the natural family were declared severed by the court”).

prolongation of studies and the difficulties in entering the workplace for the generations which attained adulthood after 1990 poses for mothers and mothers alone, a medical problem, sometimes indicated by specialist doctors. The glass ceiling, which keeps women from rising to the upper rungs of the professional and political ladder, has its equivalent in the sphere of kinship. The most qualified women are the ones who, because they have delayed maternity, run the risk of being infertile, whereas this not the case for qualified men. They are quite happy to marry younger and/or less qualified women. While access to paternity continues to speed up success in one's career, access to maternity remains a professional hurdle to be overcome. This has nothing to do with biology. It is clearly a social difference between the job of motherhood, subject, as shown by Séverine Gojard⁵², to severe moral and medical constraints, and the status of the father, inaccessible or fragile in social groups faced with a crisis of social reproduction, as illustrated by Pierre Bourdieu for the French peasantry in 1960 and as can be seen today in the most precarious segments of young people⁵³. The problems of social reproduction affect separated couples as well, since separation can bring down the standard of living and have an adverse affect on the social future of children⁵⁴; another group affected are career minded mothers with a high social status who succeed in crossing the glass ceiling by reversing the traditional power equations within the couple and whose children are likely to face specific problems⁵⁵.

We need to recall these elements of social morphology in order to put into perspective the context in which children born at the start of the 21st century are growing up. There will be more children than baby boomers to be raised by a single mother or within a reconstituted family, making them similar to the children born before and after the First World War when fathers went to war and lost their lives in large numbers. Today as yesterday, men who are inadequately qualified and women who are over qualified find themselves in an impossible social reproduction situation in a world where attaining adulthood assumes being a parent even though the economic and social conditions of parental success have become difficult to fulfil. Today as yesterday, after the long parenthesis of the post war boom years when a simple model of kinship, linked to the stability of family relationships and working conditions, was superimposed, kinship now finds itself split into several other dimensions represented by several paternal and maternal figures but also by several filial figures of an advanced age. This is why the case studies presented here, exceptional in nature as they are, can provide us with the key to conceive of kinship today and tomorrow.

⁵² S. Gojard, *Le Métier de mère*, 2010.

⁵³ It is always the most qualified men who live with a partner between the age of 30 and 50: F. Daguet and X. Niel, *Vivre en couple. La proportion de jeunes en couple se stabilise*, 2010. See also C. Peugny, *Le Destin au berceau. Inégalités et reproduction sociale*, 2013.

⁵⁴ As shown by recent research on the economic and social consequences of marital breakups.

⁵⁵ Ongoing research on children of the middle and upper classes in a situation of social decline bears this out.

Words and feelings

Analysing practical kinship is first to reproduce the words of each one, the words they use to describe their experiences and interactions. It is the sociologist's task to analyse them dispassionately, and the reader's task to hear their rhythms. It is to ponder on the collective frameworks of singular experiences and interactions. These collective frameworks are words and gestures, the law and injunctions, feelings and ways of expressing them, reasoning and ways of counting, evaluating and appreciating objects – detached from people – and things – which aren't. There are collectives to which we belong without our knowing it. There are others to which we feel we belong. Objective belonging (the collective *in itself*) and the feeling of belonging (the collective *for oneself*) do not overlap. Among the objective belongings, we can mention language and ways of thinking, culture as a fund of available references, objects and techniques, the nation with its law and administration, class as community of the material condition, gender as community of the physiological condition and generation as community of the historical condition.

In the multitude of belongings felt, indicated in language by the passage from *I* to *we*, two have to do with kinship: today's *we*, a living circle of close relatives and friends, household; yesterday's and tomorrow's *we*, the lineage in which *I* is only the link in a chain of transmission between dead ascendants and future descendants. These two subjective kinds of *we*, household-nest and lineage-arrow, worn like a flag or carried like a yoke, find objective support in language, objects, and the law; the manner in which they are imposed varies according to class, gender and generation. Every individual can find himself at the crossroads of several *wes*, one or several *we-of-household* and one or several *we-of-lineage*. Too many *wes* tires out individuals and leads them to behave inconsistently. It also makes analysis in terms of collectives difficult. Now, kinship is not merely recognised or claimed belonging, it is also a relationship, a network, discontinuous segments, an elective link between *you* and *I*, all of these links forming an egocentric *parentele*. Household, lineage and parentele are three factors which have a hold on practical kinship.

Be it household or lineage, the belonging to a kinship group places, consciously or unconsciously, an obligation. Explicit decisions are dictated by moral imperatives – saving the life or preserving the welfare of a household member; saving what the lineage carries. Acts, by far more numerous, which do not accede to explicit consciousness, seem all the more spontaneous as they involve feelings, positive or negative: carnal affection or loathing; gratitude or resentment and disappointment; proximity and similarity of views or disagreement and estrangement. In the long term of lineages, moral conviction under certain conditions, is what makes filial duty effective. In the moment of the interaction, charismatic emotion gives rise to elective feelings (“Because it was him, because it was me”). In the human time scale of households, attachment is formed through everyday experiences. The immense weight of norms in kinship relations poses a formidable problem for sociological enquiry: in public, and an enquiry is indeed a public affair, people will only talk about or

acknowledge legitimate feelings. If one is not satisfied to merely record these feelings, but tries to understand their genesis – to use the wonderful title of the book by the anthropologist Bernard Vernier, *La Genèse des sentiments* – an attentive study of extreme situations will reveal, through moments of great emotional intensity, what is lacking for these situations to be legitimate. We then see the complexity of kinship feelings, consisting of superimposed layers impossible to describe separately, except if, by some sort of natural experimentation, we come across cases in which one or the other is absent. Ten such cases form the raw material of this book.

My mother, Claude, was born in 1914; she lost her father during the war in 1916. Her mother, Rose, remarried after the war. The new couple lost two twins in childbirth. Much later, Rose and her second husband raised their first grand-daughter, who died when she was eleven. I was the second-born after this death. I was brought up by these same grand-parents, very old, and by a paid wet nurse. I came to my mother Claude's place at the age of nine. Though there were just the two of us, our letterbox had four names on it: my mother's maiden name which she took up again after her divorce; my father's name, which was also my name, that of Armand [her mother's lover], who received a part of his mail at our place; the name of my maternal grand-mother, Rose, who bore the name of her second husband. At 13, I met a modern middle class family in which there was a father and a mother, married, the parents of two daughters, and a grand-mother, invited only on Sundays. And there was only one name on the letter-box for a household of four. It was in 1975. I discovered that this situation, so exotic for me, was the norm – and that ours was the exception.

[Sophie V*, diary, August 2000.]

This is how Sophie summarized her family situation in her diary, written in the course of the enquiry, between her arrival at her mother's place, which coincided with the death of her grandfather, and her financial independence, which coincided with the death of her grandmother. If we observe the financial flows and the material mutual help around Claude and Sophie during this period, we notice that for a two member household as recorded in the census (the mother and the daughter living under the same roof), the household comprised in fact five people: Sophie, her mother Claude, her maternal grand-mother Rose, her father and Armand. The father, who lived in America, paid for the upkeep of his daughter; Armand paid a part of the rent, since he lived there three days of the week; the grand-mother Rose was the owner of a house which was used for vacations by mother and daughter or mother, daughter and Armand with Claude paying the maintenance charges; Claude also paid partially for the old people's home of her mother Rose, who herself received two pensions (a war widow's pension and the reversion pension of her second husband). If we observe the intergenerational transmission, things are much simpler: it takes place through a matrilineal lineage which transmits the house. Rose's mother, a dressmaker, had it built with her worker husband in 1905, after which three generations of only daughters inherited it: Rose, Claude and then Sophie, my interviewee.

Before interviewing Sophie, I had known her mother rather well, a teacher fed on Sartre and Simone de Beauvoir, who first freed herself from the daily looking after of her daughter in her early childhood, then of her mother in her old age. Seen from the outside, her choices appear to be selfish: her profession and her lover. The emotional reality was more complex. She had looked after without respite and in a constant state of anxiety her first daughter, who died of leukaemia at the age of 11.

She had taken full care of her husband, an unemployed naturalised Russian student without any money, had hidden him during the German Occupation, had helped him pass the high level competitive examination for teachers, and had waited till he was financially stable before divorcing him. She had felt guilty about the divorce, which she believed her mother had instigated, and had thus remarried the same man, this remarriage resulting in the birth of Sophie, only to divorce him again, this time convinced that she was acting on her own. Then she met Armand, whom she thought she could marry, and with whom she thought of bringing up her daughter still to be born. But she came up against a host of reasons conspiring to keep her in a situation not to her liking. Armand was scared of what his wife would do in case of a divorce and wished to see his own children growing up. He was suffering from Parkinson's disease and preferred inflicting on his wife, and not Claude, the task of looking after him which he knew would be long and painful, having seen his own grand-mother die slowly of the same disease.

A student involved in an exuberant love affair during the seventies, the time between the invention of the pill and the appearance of AIDS, Sophie had a stormy, but when all is said and done, rather relaxed relationship with her mother. Claude had lived her life as a free woman faced with material and social difficulties that her daughter did not encounter. When Sophie was still a child, there were no crèches and household employees were rare. Rose did what she could to lighten Claude's burden, but she let her daughter know that her ex husband was not the kind of person you'd want to associate with and that her lover, though much more presentable, was wrong not to have married her – ultimately, she did not allow him to stay in the family house where she lived with her husband and their grand-daughter Sophie. Claude hid her private life from her women friends, even her closest ones. She suffered because she did not have a normal family life. There was never a Sunday or a Christmas spent with Armand. Nor did she have a typically middle class life – she did not invite anyone and no one invited her, as she did not have a partner. Some of Armand's friends led, like him, a double life. She was happy to go out with them, they were bohemian academics, but their unofficial companions had to pay the price and give up their own social life for the double social life of their men friends.

It was when Claude started growing old – though she retained her youthful look for many years – that things began to go wrong. In the first years of her retirement while she was suffering from a debilitating osteoarthritis of the hip, Claude kept a close watch on the love life of Sophie who was drifting apart from her social milieu. This, as analysed by a sociologist, was only a matrimonial strategy, strewn with conflicts and clashes for those who are its subjects: both Claude and Sophie had to undergo a great deal of emotional suffering before Sophie's homogamous marriage could take place.

Going beyond the census definition of household (living under the same roof) and parentele as an ego centred network of kinship relations isolatable in pairs, two concepts allow us to analyse cases such as this: the household as a unit of household accounts, lineage as an arrow of transmission and

affiliation. I am abandoning the term *family* because it refers to a specific family norm, the nuclear family, and that as such, it hampers the analysis of practices, norms and feelings in all their complexity.

Method and concepts

There is a large body of work and articles in the social sciences dealing with the issue of contemporary families. As a general rule, they can be put, as least in France, into two broad categories. There are those which describe an oppressive family situation (“Families, I hate you!”, we would write angrily in our school notebooks after 1968) either for the mothers (the classic opposition between feminists who dislike the image of the devoted mother, and the pro-family group who praise it to the skies), or for the young, children and adolescents (this is often the psychoanalysts’ point of view), or then, rarely, for all the family members. There are also those texts which describe the family as a protective, even liberating institution: by acting as a screen between the individual and society, it allows for self-fulfilment in a private world in which positive values such a generosity, devotion and selfless affection prevail at the fringe of a capitalist society and the hold of the State. As elsewhere, in specialised social sciences everyone has an opinion about the family, positive or negative.

Historians and anthropologists working on far off worlds help up break with these opinions deeply entrenched in our personal experiences. Statistics, when they exist, can also cause a powerful break with old paradigms. In this book, I have gone one step further, using a less common and undoubtedly more risky technique: a sociological ethnography of exceptional cases, the equivalent of experimentation morally impossible in the human sciences. The sociologist ethnographer relates the personal experiences of his interviewees to their social and historical conditions of possibility, listening to the words spoken, observing the practices followed and the feelings involved, using as a yardstick his own experiences which themselves become the subject of analysis. He carries out a study on himself, one that never quite ends. Seeking to attain greater neutrality with respect to my subject, I had to distance my own experiences as well those of my interviewees, thereby freeing myself, at least I hope so, from any normative approach, positive or negative, to the institution of family. By assuming a socially constructed subjectivity, tested with ethnographical encounters, I confronted complexity and the possible inconsistency of the feelings of filiation. In doing so, I discovered the importance of everyday kinship, a necessary but not sufficient condition for the exercise of kinship.

Everyday kinship refers to links forged by the sharing of daily life and the household economy in their material (co residence, domestic chores) and emotional dimensions (sharing of work, care given and received), where the work of socialisation takes place, largely unconscious and involuntary, whether it is early or late socialisation. Everyday kinship constitutes a dimension of the ties of filiation neglected in favour of its two other dimensions: biological ties or blood ties, both called into

question by the advancement of biomedical techniques and strengthened in the representations which forge practical kinship; legal ties, which govern the transmission of name and property, and which, for the past thirty years, have adapted somehow or other to the changing customs – fewer marriages and increase in the number of divorces, officialization of cohabitation, change in the balance of power between men and women, transformation of sexual norms and contraceptive and procreative techniques. We will see here that these three dimensions of filiation, *blood*, *name*, the *everyday*, are not necessarily superimposed, neither at the start of life, at the time of looking after children, nor at the end of life, at the time of looking after the aged and the dying. When these three dimensions are dissociated, individuals experience the painful inconsistency of filiation: they lack the words to name those to whom they are close, behaviour and feelings lose their obviousness, and different conceptions of kinship clash with each other. They can overcome this inconsistency with the help of accounts of filiation in which the illusion of a historically fictive but psychologically effective identity is created. The task of the ethnographer is then to reinsert these practices, counter to the accounts of filiation, in multidimensional social histories, and to inscribe the relations in an interpersonal story, itself open to several interpretations.

This book is thus driven by the tension between the personal experiences of my interviewees, who became allies and whom I asked to reread their case analysis and the abundant historical, sociological, demographic and anthropological bibliography available on the family in France in the 20th century. While I borrowed from the anthropology of kinship my main tools of analysis (household, lineage, parentele), I do not view kinship as a closed system. On the contrary, in the social experiences referred to here as *practical kinship* as distinct from legal rules and social norms, I attempt to restore all that spills out of the well-ordered universe of kinship ties, governed by family morals and the law. I try to understand the linkage between the two acts that institute kinship ties (marriage and filiation as they are recognised publicly, through the *name*) and a set of objective facts – sexuality in its psychological dimension, reproduction in its biological dimension, which together produce the ties of *blood*; residence in its economic dimension, reputation in its social dimension, which together produce the *everyday* ties. Blood, name, the everyday: the stories narrated here show the contemporary instability in the arrangement of these three principles in practical kinship, referring respectively to nature, the law and the household economy. The ultimate objective of this work is to show how practical kinship in its triple dimension – moral, emotional and material – forms an efficient mechanism of socialisation at the different stages of life, that is to say how practical kinship crosses other social, academic, professional and political experiences and how it is influenced by the social position of individuals reproduced partially thanks to it.

Eight ethnographic cases

The eight cases discussed in this book lay no claim to being representative. I was guided by the desire to unravel the obvious – everyone knows what a mother is, what a father is, and how strong the ties of

filiation are – with the help of experiences, not conceptualised experiences but social experiences, sifted through the screen of ethnographic enquiry. The ethnographic challenge is to consider the researcher as a tool of experimentation, confront the researcher with the interviewees on whom the study is being conducted, and use this dual self-analysis as indicative of phenomena, not individual or nor even inter- subjective, but social. Analysing individuals, trajectories and situations in the detail of their particularity reveals the processes by which this particularity is built. Ethnographic analysis explains every particular case as the intersection of multiple collective stories; a comparison of the cases then allows us to establish the domains of validity of such collective stories and the probability of their intersection.

Because they are exceptional, the ethnographic cases – just like clinical cases – which follow bring into sharp focus the conditions of the ordinary exercise of kinship in its dual aspect: taking care of members of the household and transmission of property and status in the lineage. They allow us to deal with the question of the linkage between taking care and transmission, first from the caring of children, seen by the children themselves and their parents, then from the caring of the aged, this time seen only by the children barring exceptions. The cases are situated historically: women born between 1950 and 1970 were my main interlocutors because they have experienced the transition between the nuclear family norm, the sustainability of the household prevailing over the imperatives of lineage, and the self-fulfilment norm of elective ties.

To begin with, the case of Bérénice, centred on the caring of young children, brings to light the three dimensions of filiation, blood, name and the everyday (chapter 1). Two other dissociated cases of paternity complete the analysis and organise it into a hierarchy (chapter 2); next a dissociated case of maternity (chapter 3) explores the differences between paternity and maternity. These four cases allow us to study separately each one of the dimensions of filiation, namely blood, name and the everyday, their linkage and their impact on caring for people and on the transmission of property and status. Then, three cases of everyday kinship without any biological or legal link centred on the caring of the aged are discussed (chapter 4), followed by a case in which everyday kinship combined with the specificities of Catalan successoral law (chapter 5) bring to light, by default, the institutional and emotional mechanisms of the combined strength of blood and law.

With respect to paternity, a trial and infra-legal disputes show the possible dissociation between paternity through blood, name and the everyday – be they step fathers or nurturing fathers. When she was 29, Bérénice, who had three fathers – a father by name, a father by blood and an everyday father – agreed to lose the case filed against her by her legitimate father within the framework of the French law of 1972. Pursuing the analysis of the dissociation between legal, biological and everyday paternity, in a period of changes in the law of filiation, is to analyse cases in which a child is brought up by a companion of the mother who is not the father (Violette's case), but who could, under certain conditions, become the father (Priscille's case). What happens during the passage from the household – of which the everyday father is a part – to the lineage – from which he is excluded, or from which

he excludes himself? Both these cases of dissociated paternity confirm the absence of any legal translation of everyday paternity as well as the increasing recourse of the law and customs to the biological dimension of paternity in the nineties.

With respect to maternity, to what extent is the dissociation between the mother by blood, the mother by name and the everyday mother conceivable? The case of Helena Parva shows us the contradictory injunctions that weigh upon a single mother living on a social allowance for handicapped adults: even before the birth of her first daughter, multiple obstacles were placed in her carrying out her role as mother: suspicions about the mother's incapacity and exhortations to be a good mother combine in the world of social assistance which, by replacing the father in his economic function, denies the mother all parental authority. With respect to mothers, understanding the difficulty of combining nurturing maternity (everyday worries) and maternal authority (decision making) means revisiting the balance of power, which has to do both with class and remuneration, between nurturing mothers and those with parental authority, the balance not always being tipped in favour of the same side. We will show the tragic impossibility of some women, who stay away from professional life and look after their children single-handedly, to take up this responsibility even though they have built their lives around it. With respect to pure everyday kinship where there are no official ties, three cases observed in an older historical context attest to its existence, its strength, and its limitations. It originates in households which are temporary by nature and can be perpetuated through the transmission of ties, sometimes even the transmission of property and status. Finally, in a legal context in which testamentary freedom prevails, the linkage between the caring and succession of an old rich childless lady suffering from Alzheimer's is brought to light. Two of her nieces, one by blood and the other by a homo conjugal marriage and by everyday affection came together to deal with a dishonest governess accused by the neighbourhood of embezzling the old lady's income and grabbing her inheritance.

The border between inheritors (interested parties) and servants (paid) is more porous than we imagine, and the notion of natural care-giving in the case of the very old, analogous to the notion of maternal love in the case of the very young, is more ideological than descriptive. By which processes do some people find themselves drawn into taking up an everyday responsibility that they did not wish to shirk? Chapter 6 discusses the results of recent research on the caring of dependent people in France within the framework of the dependency policies put into place since 2002. The conclusion provides the outline of a new modelling of kinship groups and networks, which challenges the individualist postulate of the human sciences quickest to provide models, namely economics and experimental psychology.

While trying to understand the experience of dissociation between these three dimensions of kinship, blood, name and the everyday, in a generation of transition born before the 1972 law, my aim was not discover incredible cases, reflective of the various pathologies of filiation or its hypothetical future. My concern was to unveil the complexity of the feelings of kinship. The three dissociated

dimensions in these extraordinary cases are combined in ordinary cases to reinforce the ties whose apparent simplicity rests, in fact, on the piling up of the three dimensions of which the first is linked to the legal framework, the second to the ideology of blood and the last to the sharing of the everyday, each dimension involving moral obligations, feelings and self-interest. The exceptional nature of the cases which form the book is what allows us to measure the gap between prescribed behaviour and actual practices, or to be more precise, between legally acceptable behaviour, legitimate behaviour to which individuals attribute the force of law, morally justifiable behaviour, within the framework of kinship relations, and observed behaviour. The fact that in these extraordinary cases moral obligation, everyday attachment and elective kinship are dissociated is what allows us to analyse the strength of the feelings of kinships when these three dimensions are superimposed.

The cases discussed in this book have been presented as intelligible stories in themselves but also as avenues for a more broad-based analysis in the hope that the reader experiences the same intellectual trajectory.