

(K)information

Gamete Donation and Kinship Knowledge in Germany and Britain

von
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1. Introduction

Much turmoil has surrounded the classical anthropological research topic kinship, most commonly defined as "the relationships arising out of the procreative process" (e.g. Harris 1990, 50). It has led scholars who have spent much of their career writing about kinship as social order or as a simultaneously productive and "bloody" metaphor for connectedness to exasperatedly declare that "there is no such thing as kinship" (Schneider 1984, vii) or that they are "sick to death" of it (Haraway 1997, 265). As a consequence of this creative turmoil, the last 25 years of anthropological research and beyond have given birth to a productive research area often called the new kinship studies. In this research area kinship has been tackled as a generative matrix for relationships of various kinds: a prime site for the negotiation of what a society perceives as the made, and the given, and for the negotiation of what roles are attributed to biological process and physical bodies within practices of human solidarity. In the words of two of the protagonists of the new kinship studies, kinship in the industrial West is to be seen as "a cultural technology not only for naturalizing relationships but also, and at the same time, for the reverse-for transforming naturalized relations into cultural forms" (Franklin and McKinnon 2001, 16). Reproductive

technologies, with their capacity for posing ever new biological, social, legal, and ethical questions surrounding the ties that bind, have often figured at the center of these research endeavors.

This book focuses on kinship-by-donation in both Germany and Britain, i.e. kinship afforded through clinical donor insemination (DI) or in-vitro fertilization (IVF) with donated eggs. This book analyzes how kinship-by-donation is constituted in different-but entangled-ways in four domains: in the knowledge-practices apparent in affected families; in sperm banks and fertility clinics; within national and transnational regulation; and within intersecting interest group activism. A focal point concerns knowledge-management, studying which aspects of kinship-knowledge are deemed relevant, drawn on in various practices, and made accessible-and which are not. Crucial for the figuration of kinship-by-donation in societies such as Germany and Britain, where some relevance is attributed to genetic relatedness, is what can be known, and how, about the donor. In other words: where gamete (i.e. sperm or egg) donation is clinically administered, as in all the cases researched for this book, the constitution of kinship-by-donation is entangled with the official regulatory regimes of donor anonymity or non-anonymity that are in place.

The *raison d'être* for this research is to make an empirical and theoretical contribution to the analysis of plural late-modern societies and social change. This book does not analyze kinship as "hidden grammar" for society as a whole (as apparent in the older anthropological traditions). It focuses instead on how kinship generates and is generated within diverging intersections of biology, law, care practices and beyond, as called for by recent proponents of the new kinship studies (e.g. Edwards 2009b). This research draws not only on contemporary kinship studies to analyze these diverging intersections, but also on the anthropology of knowledge and on science and technology studies (STS). The research aims to look below broad concepts of nature and culture and takes reproductive medicine as an anthropological "field experiment" (e.g. Beck 2012; Knecht et al. 2012) for the study of the (re-)formation of relationships in Western societies. This work thereby presents an ethnographic exploration of a recently emerged form of knowing and doing kinship in Europe: by sperm or egg donation, within newly established non-anonymous regulatory set-ups, and openly talked about in families. The relationships arising out of this very specific procreative process are the object of this study.

The following introductory pages discuss how kinship-by-donation has developed into a regulatory problem (particularly concerning the status of kinship-knowledge) and a publicly visible "experiment" in kinship culture in the last 25 years. It lays out how this research is addressing a specific desideratum in kinship studies, through combining a processual and praxeographic approach, using multi-sited ethnography and a comparative perspective. The new kinship studies and their focus on knowledge are then introduced more fully, followed by an overview of the empirical basis and explorative comparative angle of this book. The introduction closes with a recapitulation of the line of argument followed throughout this research.

Kinship-by-Donation in Europe: Regulatory Problem and "Kinship Experiment"

In Europe, kinship-by-donation has long figured squarely among the extended political and social scientific discussions surrounding the social implications and regulatory affordances of the new reproductive technologies (NRTs), or more generally, the so-called new genetics. While egg donation indeed only became possible through the refinement of IVF practices at the beginning of the 1980s, and more widely used towards the end of the 1990s, sperm donation was not particularly new as a practice of achieving a pregnancy. It also was and is not technically challenging, being referred to as "low tech" by many of the German and British clinicians with whom I spoke during my fieldwork. Clinical insemination-by-donor probably had been practiced, most often secretly, for over a hundred years in many European countries (see chapter 6.1 for further historical discussion). And, given that parents usually did not tell their children about being donor-conceived in the past and were in fact often advised not to do so, affected children seldom grew up to tell their story publicly or become political activists on behalf of changed donation practices.

Other questions surrounding NRTs came to figure more strongly within the policy discussions in my countries of research, Germany and Britain. This was partly due to the inherent practice of accommodating so-called missing genetic links and family secrets into everyday life being common in European kinship practices, as many anthropologists and sociologists have shown (e.g. Smart 2011). The policy debates from the 1980s onwards, moreover, did not focus foremost on what children and parents should or would want to know about donors or vice versa. The debates focused mainly on questions surrounding the status of the embryo (e.g. Hauskeller 2004; Jasanoff 2005; Richardt 2003), and, more so in Britain than in Germany, on how legal parenthood is determined by law if donor conception is involved (e.g. Haimes 1990; Katzorke 2008).

For Britain this meant that with the comprehensive regulation of NRTs and the new genetics, which many European countries started to implement at the beginning of the 1990s, a previous de facto donor-anonymity became an explicitly regulated for donor-anonymity with the Human Fertilisation and Embryology Act (HFE Act) in 1990. In Germany, the Embryo Protection Law issued in the same year outlawed egg donation and did not touch on sperm donation at all. This meant firstly, that many juridical inconsistencies were left in place, for instance those pertaining to potential legal connections between child and sperm donor. And, secondly, that a historically long practiced de facto donor-anonymity remained the dominant practice in German fertility clinics.

However, in the so-called noughties kinship-by-donation, or more precisely the official management of kinship-information within clinically assisted reproduction-by-donor, became a regulatory problem in both countries. It also became a debated example of procreation practice outside the assumed norm of the genetically related heterosexual nuclear family. Thus it emerged as far more publicly visible, in the sense that Stefan Beck has defined a

"prime Versuchsanordnung (an experimental cum experiential system 'in the wild', outside of

controlled laboratory settings) [...] producing new subjectivities, new moralities and social obligations, as well as new relations" (Beck 2012, 363).

In Britain, for instance, homosexual and heterosexual parents-by-donation had set up the interest group Donor Conception (DC) Network strongly advocating parental disclosure of the donation and providing families with a tightly-knit network of local groups, annual conventions, and a vast array of advice materials on disclosure to be accessed or ordered through their comprehensive website. Also in Britain, parents and donor-conceived adults took legal action against donor anonymity in 2002 (*Rose & Anor vs HFEA 2002*). In contrast, in Germany, parents wishing to acknowledge that their children are donor-conceived (a group I will label disclosing parents), along with donor-conceived adults, have started to network with each other via specially set-up websites. They have also started to appear in the media, predominantly supporting the non-anonymity of sperm donors. Within a complex matrix of changing family forms, cultural valorizations of transparency and so-called genetic information, patient group formation, new possibilities of DNA testing, and juridical activities, donor-anonymity and the surrounding practices of non-disclosure were challenged. In this process gamete donor-anonymity was officially removed in Britain in 2004/2005 (UK Gov 2004). In Germany donor-anonymity was not as comprehensively discussed within policy and public discourse as in Britain, but nevertheless a new, but less juridically clear regulatory regime of non-anonymity became implemented in 2007 with the so-called Tissue Law (*GewebeG 2007*). The contemporary ethnographic exploration and analysis of this matrix is one of the central aims of this book.