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## MAKING BABIES – NEW REPRODUCTIVE TECHNOLOGIES AND THE STRUCTURE OF THE FAMILY

In Germany, the primary focus of this article, assisted conception is a precarious endeavor even to this day. Surrogacy and egg donation are prohibited by law.<sup>1</sup> The German Medical Association’s guidelines strictly limit who is eligible for procedures of heterologous insemination or in vitro fertilization (IVF). “For unmarried couples”, as the 2006 guidelines explain, sperm donation “is to be handled with restraint”. IVF and intracytoplasmic sperm injection (ICSI) are only available to heterosexual couples “in a long-term partnership”. Women who are “not in a partnership or who are in a same-sex partnership” are ineligible for all procedures.<sup>2</sup>

Even if German fertility specialists and operators of sperm banks do not always strictly adhere to the guidelines, the legal provisions make clear that the family is still understood as a community of a mother, a father, and their children originating from procreation. Over the last 18 years, this definition has been legally expanded, first, through the introduction of civil partnerships (known in Germany as *Eingetragene Lebenspartnerschaften*, or ‘registered life partnerships’) and, later, through marriage rights for same-sex couples, as well as through granting same-sex couples the right to adopt. Nevertheless, the fundamental right described in the German constitution, by which “marriage and the family shall enjoy the special protection of the state”, is understood as referring to the heterosexual nuclear family, made up of biological or genetic

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<sup>1</sup> This article is a revised and updated extract from the book *Kinder machen: Neue Reproduktionstechnologien*, published in German in 2014.

<sup>2</sup> Bundesärztekammer, “(Muster-)Richtlinie zur Durchführung der assistierten Reproduktion. Novelle 2006”, *Deutsches Ärzteblatt*, 103 (20), 2006, pp. 1392-1403, here: p. 1400.

relations.<sup>3</sup>

The surrogate mother, the egg donor, and the sperm donor (whom the Social Democratic Party of Germany (SPD) sought to criminalize through a reproductive medicine law in 1989) are all considered alien bodies whose penetration of the family unit must be hindered or – as most reproductive specialists recommend – at least thoroughly concealed.

What has caused this mistrust? What are the constellations in human social life that it can be traced back to? When and under what circumstances did this model of the nuclear family – one that tolerates no additional, marginal figures – emerge? The anthropologist Jack Goody sought answers to these questions, examining an extended period of history. His classic study, *The Development of the Family and Marriage in Europe* sketches the history of the family in the predominantly Christian West as a steady consolidation. Goody associates the weakening of the extended clans, and the establishment of the nuclear family, since the early Middle Ages, with the emerging power politics of the Christian Church.

By narrowing the laws of inheritance, and at times extending the prohibition on incest to familial relationships of the seventh degree, the new state religion of the Roman Empire gradually managed to disrupt influential family networks and to accumulate its own wealth through endowments from unmarried or childless individuals. In this way, the Christian Church could install itself as the leading institution of the community. Practices enshrined in Roman law, like adoption and concubinage, which had allowed for the raising of children with the right to inherit property, were henceforth prohibited. Whereas previously, it had not mattered to extended families if children originated from blood relations or adoption, marital or extramarital relations, the category of parenthood now became reduced to the sexually reproduced nuclear family. (Adoption was only re-legalized in France in 1892, and in Great Britain only as late as 1926.)<sup>4</sup>

It was only after many centuries that a momentous turning point was reached in the process of producing familial intimacy. During the second half of the 18<sup>th</sup> century, the nuclear family – made up of a father, a mother, and children conceived through marital love – became the definitive normative model. The nuclear family came to be understood

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<sup>3</sup> Grundgesetz für die Bundesrepublik Deutschland (Basic Law for the Federal Republic of Germany), Article 6 (1). Available at: <https://www.bundestag.de/grundgesetz> [accessed February 24, 2019].

<sup>4</sup> Jack Goody, *The Development of Family and Marriage in Europe*, Cambridge, Cambridge University Press, 1983, p. 73.

as a site of homogeneity; the social and biological relationships between its members were to become identical within each unit. Simultaneously, mistrust regarding any contamination of the natural unit intensified. Where did this “great transformation of sentiment”, as the historian Edward Shorter called it, come from?<sup>5</sup>

Shorter suggests that Jean-Jacques Rousseau’s 1762 pedagogical treatise, *Émile, or On Education* may well have been a literary milestone. Yet the fundamental cause of this shift, according to Shorter, is related to the economic changes that took place in the middle of the 18<sup>th</sup> century. The rise of a liberal, capitalistically organized market economy destroyed the guilds and splintered economic cooperatives, producing a sphere of competition among individual sellers. Shorter is convinced that “this egoistical economic mentality spread into various noneconomic domains of life.”<sup>6</sup> The cult of sentimentality between married individuals, the close connection to one’s own children, and the detachment of the nuclear family from the village community, are all ultimately social effects of economic reform.

It is thus no stretch to trace present-day reservations about assisted reproduction back to the constitution of the nuclear family in the late 18<sup>th</sup> century. In this period, the family unit began to be defined entirely in relation to the mother whom, at this point, also became the head of the family; a position formerly occupied by the ‘*pater familias*’. It seems logical then that, for the last 250 years, substitutions for motherhood have caused greater scandal than uncertain paternity. The protagonists of reproductive technology – the surrogate mother or the egg donor – are represented as bodies alien to the nuclear family; meanwhile, alien bodies have been being isolated and pushed to the margins since the 18<sup>th</sup> century. Anxiety regarding surrogate mothers follows lines of reasoning similar to the erstwhile demonization of wet nurses. Both women come too close to the family unit, and both transfer unfamiliar and threatening bodily emissions to the child (previously, it was milk, today it is the ‘gene’).

Another key figure, similarly located at the margins of the nuclear family, is that of the stepmother. Her problematic position within the family has been cemented in stories from *Grimms’ Fairy Tales*, by the Brothers Grimm, which have, like no other literary works, shaped cultural iconography and collective imagination in Germany and beyond for 200 years. In at least a dozen of the stories, including the most well-known – like *Snow White*, *Hansel and Gretel*, *Cinderella*, *Brother and Sister*, and

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<sup>5</sup> Edward Shorter, *The Making of the Modern Family*, New York, NY, Basic Books, 1975, p. 259.

<sup>6</sup> Ibid.

*Mother Holle* – it is the stepmothers who, from base motivations of vanity and greed, want to neglect, starve, or kill their adopted children. At most, they feel affection only for their own biological offspring, stemming from their previous marriages. The fathers, married for a second time, usually play the role of the good-natured but passive man, unable to counter the scheming of their new wives.

In successive editions of *Grimms' Fairy Tales*, the figure of the wicked stepmother was given an increasingly prominent role. Whereas in the volumes of the first edition, published in 1812 and 1815, the stories simply portray a 'wicked mother', as in *Snow White* and *Hansel and Gretel*, in the final edition, published in 1857 and towards the end of the Grimms' lives, all the women have been turned into stepmothers. Over the decades, the Brothers Grimm built ever-stronger barriers between the body of the biological family and any supervening individual.<sup>7</sup>

The figure of the stepmother was constructed poetically, and subjected to academic debate, until well into the 20<sup>th</sup> century. It may never be ascertained whether real experiences had led to this production of literary images, or whether it was not in fact the other way around. In any case, in her 1929 study of 'the stepmother problem' within dysfunctional families, the pediatric psychologist Hanna Kühn suggested that the two were intertwined. She drew on statistics that had been collected since the First World War by the Hamburg Office of Youth Welfare concluding that, among the factors that brought about "occurrences of neglect" that were inflicted on youths under the age of 21, "the stepmother was established to be the cause" in 18 per cent of the girls' cases and 10 per cent of the boys'. Kühn attempted to formulate a psychological profile of these women and their attitude towards their stepchildren. As an initial confirmation of what she had long suspected, she pointed towards the literary tradition as evidencing that "the introduction of a stepmother results in an environment conducive to neglect." In the Grimms' tales, and in countless other literary works, from Friedrich Schiller's *Song of the Bell* to the plays of Henrik Ibsen, the figure of the stepmother has, in Kühn's view, "been saturated from the outset with a negative set of facts and connotations."<sup>8</sup>

When visiting primary schools in Hamburg, Kühn had the children write essays about what they associated with stepmothers, and she got

<sup>7</sup> See Albrecht Koschorke, "Kindermärchen. Liminalität in der Biedermeierfamilie", in Albrecht Koschorke et al. (eds.), *Vor der Familie. Grenzbedingungen einer modernen Institution*, Konstanz, Konstanz University Press, 2010, pp. 139-171, especially pp. 164-165.

<sup>8</sup> Hanna Kühn, *Psychologische Untersuchungen über das Stiefmutterproblem. Die Konfliktmöglichkeiten in der Stiefmutterfamilie und ihre Bedeutung für die Vernachlässigung des Stiefkindes*, Leipzig, Barth, 1929, p. 1, p. 3, p. 21.

the results that she expected, namely, that they were considered “straightforwardly evil women”. The psychologist identified two factors behind this unanimous opinion: first, the difficult entry of a new spouse into a preexisting household that was grieving the death of a mother. And second, the new stepmother was clearly marred by the fact of not having given birth to the household’s children herself. The “deep nurturance of motherly love” could not be compensated for, no matter the lengths gone to by a new candidate. Their supposed lack of empathy was traced back to a presumed biological reality. In Kuhn’s argument, the wickedness of the stepmother, in fairy tales and in the everyday life of Hamburg in the 1920s, was an almost tautological necessity. In this telling, a blood-relationship cannot be simulated, and its absence necessarily results in conflict because familial harmony depends on a blood-relationship. “All things considered”, Kühn concludes, “the home of a family with a stepmother has a disharmonious, incomplete, sultry, turbulent, and tense character.” She recommends that, in school surveys and censuses, this type of family no longer be taken to represent “a normal family unmarked by any sort of deficit.”<sup>9</sup>

From the end of the 18<sup>th</sup> century onwards, a requirement for genealogical purity (a requirement that abnegated its own short history) has implied that any proliferation of family-making brings serious consequences with it. It is not just popular fairytales but also some of the most well-known novels within 19<sup>th</sup> century European literature that illustrate the inevitable consequence of putting this purity to the test, namely: disaster. Johann Wolfgang von Goethe’s *Kindred by Choice*, for instance (also known in English as *Elective Affinities*), acts out the consequences of adulterous betrayal in the marriage of Edward and Charlotte. In the final chapters of the book, the child, born amidst the married characters’ thoughts of their respective lovers (Otilie, Edward’s niece, and the ‘Hauptmann’, an old friend of Edward) sets in motion a whole series of deaths.

Fifteen years later, in Mary Shelly’s thriller, *Frankenstein* a similar series of events play out. The bride of the main protagonist, Victor, was adopted by his family as an orphan; in essence, he married his stepsister. The impurity of the genealogy between Victor and his artificially-conceived monster produces increasing tensions throughout the novel, providing a strong echo of the impure genealogy that characterizes the hero’s own family. In *Kindred by Choice*, the relationship between Otilie and Edward and Charlotte’s child, whose facial features resemble Otilie’s own, and whom she cares for as “a different kind of mother”, is

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<sup>9</sup> Ibid.

depicted as a “peculiar kinship”<sup>10</sup> – a turn of phrase that could also be used to describe the network of relationships between the participants in assisted reproductive technology. The same dissolution of biological and symbolic parenthood is found in the structure of Goethe’s 1809 novel as that which appears in today’s practices of surrogacy and sperm and egg donation. Goethe’s familial arrangements are not yet able to withstand this dissolution, however; in an early 19<sup>th</sup> century novel, the symbolic parents must also be the biological parents. As such, the child of the characters’ imagination, who – in contrast to today’s ‘donor conceived children’ – descends from both parents, is symbolically illegitimate, and this is what ultimately leads to the deaths of nearly all the novel’s characters.

### 21<sup>ST</sup> CENTURY PROLIFERATIONS: THE POST-MODERN FAMILY

One could argue that the ideal image of the biological or genetic nuclear family was able to develop its power in a manner that was uncontested for 200 years. The idealized notion of the family originally emerges through Rousseau’s work, but since the early 1970s, processes such as sperm donation, IVF, and surrogacy have considerably increased the scope of the family unit. In German case law, as well as in public debate – which is largely limited to television talk shows and opinion pieces that debate the pros and cons – most of these technologies are still perceived as a threat to the family. In some ways, many advocates of sperm and egg donation also echo their critics, at least in terms of often similarly recommending that children conceived in this way should not be informed about their origins. Both parties appear to largely agree that any proliferation of parentage necessarily weakens the family.

Discussions with doctors, arbitrators, and with the parents and children who are effected, cement the opposite impression, however. The common perception is that, at the beginning of the 21<sup>st</sup> century, it is precisely the proliferation of ‘impure’ families, emerging through the support of third and fourth parties, that are supplying a new model for a mode of life that has, for decades, been decaying and losing its symbolic power. A conspicuous historical intersection illustrates this thesis: the decisive breakthroughs in the history of reproductive medicine took place precisely during the decade in which, owing to the social upheavals of 1968, the traditional concept of the family entered its deepest crisis. This period saw: a dramatic rise in divorce rates; a decrease of the birth rate; the emancipation of women, many of whom were no longer content

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<sup>10</sup> Johann Wolfgang von Goethe, *Kindred by Choice*, translated by H. M. Waidson, London, John Calder, 1960 [1809], p. 237.

solely with the role of mother; the promises of free, unencumbered sexuality enabled by contraception; and a fundamental weariness towards the bourgeois way of life.

In essence, the 1970s saw the disintegration of the social model that had long served as the much-vaunted ‘nucleus of society’. *The Death of the Family* is the title of psychiatrist David Cooper’s 1971 classic, and in subsequent years, hardly a historical, sociological, or psychoanalytic work neglected to refer, in its introduction, to “the celebrated crisis of the family”,<sup>11</sup> or to the demand that “marriage and the family must be destroyed as institutions.”<sup>12</sup> Three years before the birth of Louise Brown, the first person in the world to be born through IVF, Edward Shorter published a study that concluded with a reflection on the *postmodern family* in light of the ‘disintegration’ of the family as a form of life. For Shorter, this was down to a “discontinuity of values” between the current and previous generations, as well as the “destruction of the nest” by women in work delaying motherhood.<sup>13</sup>

The new options for creating a family emerged precisely during this period of great social instability. The fact that those classified as infertile, older women, singles, and same-sex couples could bear children violated traditional political and religious ideas about what constituted a ‘family’. First and foremost, however, it opened up this way of life to a group of people that had previously been excluded, due to reasons of health or biology, and who therefore approached parenthood all the more energetically. To conceive a child in these cases is neither taken for granted nor an accidental or inevitable effect of sexual activity. Instead, it is the object of a long-standing desire. The lives of John and Lesley Brown – the parents of Louise, conceived through IVF in 1978 – clearly illustrate the differences between the crisis-prone natural formation of families and the (longed for) assisted formation of family. Both parents came from challenging circumstances: Lesley grew up in a children’s home after her mother remarried. It was intended that she would enter the care of a foster family in Australia, but she instead ended up with an aunt. As an anchorless teenager, she met the half-orphan John, who had already been married once and had two children, one of whom he had given up for adoption, the other he placed in a children’s home.

Their stories each leave no doubt that the first parents of an IVF baby had both experienced the darker side of the conventional family model

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<sup>11</sup> Jacques Donzelot, *La Police des Familles*, Paris, Editions de Minuit 1977, p. 13. English translation: Jacques Donzelot, *The Policing of Families*, translated by Robert Hurley, New York, NY, Pantheon Books, 1979 [1977], p. 7.

<sup>12</sup> Ti-Grace Atkinson, cited in Robin Marantz Henig, *Pandora’s Baby: How the First Test Tube Babies Sparked the Reproductive Revolution*, New York, Houghton-Mifflin, 2004, p. 6.

<sup>13</sup> Shorter, *The Making of the Modern Family*, p. 278, p. 269, p. 279.

during the 1950s and 1960s, with a multi-generational series of unwanted pregnancies, overworked parents, separations, and abandonments. When Lesley met John, she wanted to start her own family, but then discovered that she was physiologically incapable of doing so. Lesley saw this discovery as the stamp of her life-long curse: “It had been bad enough as a child, not having proper parents”, she wrote. “I had felt different from other people when I was put in a children’s home, and, now that I couldn’t have a child either, I felt certain that I was.”<sup>14</sup> Just when they thought all hope was lost, Lesley and John became aware of the work of gynecologist Patrick Steptoe, and the miracle of artificial insemination turned their fate around. In vitro fertilisation made a functional family out of those who had suffered dysfunctional ones. After the birth of Louise, Lesley Brown even sought to establish contact with her own mother for the first time since childhood.

In a *Spiegel* magazine article on assisted conception published in 1986, the German politician Waltraud Schoppe of the Green Party wrote, “reproductive technologies stretch the model of the bourgeois nuclear family to the point of absurdity.”<sup>15</sup> Yet it seems that precisely the opposite is true: reproductive technologies have sustained the bourgeois nuclear family model and confirmed its logic. Recent discussions around the possibility of marriage for same-sex couples similarly demonstrate that established social rituals are now being reinvigorated by previously excluded groups. The decision of the Supreme Court of the United States, which declared political discrimination against ‘gay marriage’ to be unconstitutional, led to nationwide celebrations, for instance. And Aldous Huxley, and the critics of artificial insemination armed with his novel, were precisely in this sense profoundly wrong: the nuclear family, bound by affection, and the technologically-supported, asexual methods of reproduction, are not mutually exclusive. The surrogacy agency Growing Generations in Los Angeles, provides a more coherent diagnosis of current family formation: “[A] family is created”, it states in all pragmatism, “from the same four components no matter what the family structure is. These components include: a sperm, an egg, a uterus, a home. While, in the case of assisted reproduction pregnancies, you may not be able to provide each of these components, you will be providing the most important one of all: a home.”<sup>16</sup>

Today, anyone looking for a television series with conventional family

<sup>14</sup> Lesely and John Brown, *Our Miracle Called Louise*, London, Paddington Press, 1979, p. 82.

<sup>15</sup> Waltraud Schoppe, “Die Kleinfamilie wird das nicht verkraften”, *Der Spiegel*, 8, September 1986, p. 71.

<sup>16</sup> Growing Generations LLC, “Parenting a Child Through Donated Genetics”. Available at: <https://www.growinggenerations.com/surrogacy-resources-for-intended-parents/parenting-a-child-conceived-through-donated-genetics/> [accessed July 31, 2018].



storylines about the small, staid joys of weddings or Valentine's Days, are likely to come across the sitcoms *Modern Family* and *The New Normal*. At the center of these shows are same-sex couples with an adopted child, or one delivered by a surrogate mother, but the image of the family that they portray connects – as their titles suggest – the novelty of their family genesis with an almost celebrated normality. In these shows, the desire for the conventional is represented by shared family meals at the dinner table, with the image of parents and children gathered in this way having served as a key trope of bourgeois culture in the 19<sup>th</sup> and early 20<sup>th</sup> centuries. Indeed, in recent decades the death of the evening family meal has often been seen as illustrating an ominous fraying of the fabric of the family. Innumerable scenes in films, or in sociological studies, depict loveless households where intergenerational alienation is symbolised by the lack of a dining table and a family devouring junk food on a couch in front of the television. Today one is struck, however, by the care with which meals are prepared, and the ritualized meanings that are ascribed to them, in books and films that portray LGBT parenting. All the critical scenes in the 2011 Oscar-winning film, *The Kids Are All Right*, about a family with two mothers and two teenagers, take place at a lavish dining table: the initial encounter, in the family's own home, with the sperm donor; the elaborate dinner at the home of the donor, where one of the two wives discovers that her partner is having an affair with him; as well as the family's ultimate reconciliation, on the eve of the daughter's departure for college, where the sperm donor gazes out of the window, taking a last look at the children he fathered. These supposedly 'exotic' families shore-up the symbols of bourgeois culture like few 'traditional' families are able to today.

#### NARRATING LINEAGES

It is the disruption of biological lineage itself that calls for this gap to be bridged by an even greater dedication to symbolic legitimations of belonging together. The productive *recounting* of family history – as opposed to a contingent, more-or-less intended biological event, that initiates the story – is often meant to reinforce the bonds between generations. For that reason, pictures of babies, children, and young families are omnipresent in contexts of assisted conception. This is particularly true of sperm banks and IVF clinics, the rooms and brochures of which are typically lined with such pictures. Even the photo albums of the families that use them are often designed with a particular degree of discipline: in one newspaper profile, the founder of the *Spenderkinder* society (in English, the Children of Donors society), a young woman conceived through anonymous sperm donation discusses a

photo album that she had received as a gift when she moved out of her parents' house. The journalist described the captions that accompanied the photographs as "blissfully overjoyed texts". "She had not seen this sort of thing being made by the parents of her friends. It is not the sort of thing that many would do."<sup>17</sup> The same is demonstrated by a new genre of educational books, tailored to children conceived through assisted conception. The titles include: *Sometimes it Takes Three to Make a Baby*; *How Babies and Families are Made (There is More Than One Way!)*; and, *So That's Where I Came From*. The websites of family initiatives and gay organizations sell large numbers of these books in the United States; and many of the titles can be ordered in different formats, depending on whether the family came about through IVF or ICSI, sperm donation, egg donation, or gestational surrogacy. The popularity of this genre is no doubt also partly down to the fact that these technical means of conception unburden authors and parents of any embarrassing need to talk about what otherwise comes up when children learn about procreation: sex. "The language is simple", explains one book advert, "the word 'cell' is used rather than 'egg' or 'sperm'."<sup>18</sup>

The most important symbolic act intended to compensate for the lack of a genetic connection (deriving from the act of procreation) between the parents and their child is, however, the writing and recording of family histories. This could even be observed at a time when sperm donation and artificial insemination were considered demonic experiments. In Hanns Heinz Ewers's 1911 novel, *Alraune* the doctor that performs an insemination starts to make note of Alraune's development in his diary even before her birth, sketching the "brief and simple life story" of her parents: a sex worker and a hanged murderer.<sup>19</sup> Elsewhere, Arthur Kermalvezen, who wrote a book about his identity crisis as a 'donor child', has explained that his mother found "no peace before she wrote about her children as her progeny and, in so doing, wrote us into her family history. Since our birth, she kept for Justine, Audrey, and myself each a small notebook." When Arthur turned 18, his mother presented him with his copy. "I am very attached to this notebook", Kermalvezen writes, "because people often believe that I am looking for a family life when I search for my sperm donor. But I have one that I like."

Diaries, letters, family trees and biographies have all long lost their

<sup>17</sup> Verena Friederike Hasel, "Bestellte Kinder", *Der Tagesspiegel*, December 28, 2007, p. 3.

<sup>18</sup> Donor Conception Network, "Library". Available at: <http://www.dcnetwork.org/library/you-were-born-our-wish-baby> [accessed July 31, 2018]. A list of books is available at: <http://booksforkidsingayfamilies.blogspot.de/>.

<sup>19</sup> Hanns Heinz Ewers, *Alraune. Die Geschichte eines lebenden Wesens*, Munich, Müller, 1911, p. 139.

significance as a means of providing genealogical reassurance, in a time in which DNA tests can establish paternity. Yet they often continue to play a key role in families like these. In one of the photo albums that Kermalvezen's mother "always created with much joy and care", she wrote under a photo of Arthur, his father and his grandfather: "three generations."<sup>20</sup> The caption is designed to assure the continuity of lineage. The first commercially-brokered surrogate mother, Elizabeth Kane, also kept a journal during her pregnancy, and its entries serve as the basis of her memoir. After the birth of the boy, when Kane discovers that her agent had defrauded her and that she does not have time to say goodbye to the newborn, she writes the baby a letter detailing her life story as his biological mother.<sup>21</sup> One well-known ritual among women who today become mothers through egg donation involves beginning a correspondence with their long-desired baby shortly after the embryo transfer: "Dear child", writes one, "I have wanted you for so long that now it is difficult to write thinking of you as a reality, though we are still far from that moment... Maybe I should introduce myself first: if everything goes right, I'll be your [*el teu o el vostre*] (maybe there will be more than one of you) mother... Now in a way you are already here among us, as a thought, as a construction of the future."<sup>22</sup> 'Blood is thicker than water' is the notorious phrase that has sealed the primacy of biological kinship in ethnology since the publication of Lewis Henry Morgan's study in the mid-19<sup>th</sup> century. In light of the decades-long crisis of the model family, and the invigorating infusion provided by new forms of community, one could supplement this conclusion by adding that words and contracts are perhaps even thicker than blood.

## HAPPY FAMILIES

Psychologists and social scientists who are sympathetic in principle to the methods of reproductive medicine have, from early on, attempted to find evidence that these families produce happier-than-average children, so long as they address their origins openly. Since the 1980s, for example, the British psychologist Susan Golombok has directed and published a number of studies, all of which led to similar results, namely, that couples who became parents through in vitro fertilisation or sperm (and later also egg) donation "expressed greater warmth towards their child, were more

<sup>20</sup> Arthur Kermalvezen, *Né de spermatozoïde inconnu*, Paris, Presses de la Renaissance, 2008, p. 42, p. 54, p. 90.

<sup>21</sup> Elizabeth Kane, *Birth Mother: The Story of America's First Legal Surrogate Mother*, San Diego, CA, Harcourt Brace Jovanovich, 1988, p. 64 and p. 272.

<sup>22</sup> Cited in Joan Bestard, "Knowing and Relating: Kinship, Assisted Reproductive Technologies and the New Genetics", in Jeanette Edwards and Carles Salazar (eds.), *European Kinship in the Age of Biotechnology*, New York, NY, Berghahn Books, 2009, p. 24.

emotionally involved with their child, interacted more with their child and reported less stress associated with parenting than mothers who conceived their child naturally”.<sup>23</sup> The primary reason for this, according to the authors, was that children whose conception involved years of emotional, bodily, and financial investment – in other words, a carefully planned and desired child – will be shown more affection than naturally-conceived children who are often the result of negligence or simple marital intimacy. As a psychologist working for an American surrogacy agency argues: “There’s no more wanted child than the child born to an infertile couple.”<sup>24</sup>

This was not always the predominant attitude found in psychological diagnoses regarding reproductive medicine. In 1949, a critical article about sperm donation stated that: “in marriages where the desire for artificial fertilization comes up... a latent marital crisis can be presumed likely.” And yet surprisingly quickly, voices were raised advocating the advantages, in terms of child development, of a longstanding desire for parenthood among many infertile couples. As early as 1960, the lawyer Heinrich Richter defended the method of heterologous insemination, which was strictly forbidden in Germany at the time, arguing that one must “concede that natural procreation will only rarely be preceded by such careful assessment and deliberation as is the case with the artificial transfer of semen, on account of the associated difficulties, embarrassments, and dangers.”<sup>25</sup>

The epistemological value of empirical studies on the emotional state of families will always be problematic, because a category like ‘happiness’ is difficult to measure with the methods of quantitative social research. What can be said, however, is that some of the central problems identified in networks of family relationships by psychoanalysts, from Freud and Otto Rank to David Cooper, have always also related to the biological connection between generations. For Freud, the disastrous structure of the Oedipus complex, for example, only applies to families related by blood. Whether his theories of neurosis equally applied to

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<sup>23</sup> Susan Golombok et. al., “The European Study of Assisted Reproduction Families: Family Functioning and Child Development”, *Human Reproduction*, 11 (10), 1996, pp. 2324-2331, here: p.2324. See also the impressive list of Golombok’s publications. Available at: <https://www.cfr.cam.ac.uk/directory/SusanGolombok> [accessed February 24, 2019].

<sup>24</sup> Cited in Susan Markens, *Surrogate Motherhood and the Politics of Reproduction*, Berkeley, CA, University of California Press, 2007, p. 78.

<sup>25</sup> K.J. Anselmino and H. Friedrichs, “Die künstliche Befruchtung mit fremdem Samen in psychologischer Sicht”, *Medizinische Klinik*, 44, 1949, pp. 1621-1624, here: p. 1623; Heinrich Richter, “Künstliche Samenübertragung als Hilfe in unfruchtbaren Ehen”, in Alan Guttmacher et al. (eds.), *Die künstliche Befruchtung beim Menschen. Diskussionsbeiträge aus medizinischer, juristischer und theologischer Sicht*, Köln, Walter de Gruyter, 1960, pp. 75-89, here: pp. 75-76.

parents with adoptive children is never explicitly addressed. But there are isolated passages in Freud's work where he considers the utopian decoupling of procreation from sexuality as a "liberation from the constraints of nature." These imaginings also suggest that the minefield of 'family' (considered psychoanalytically) always refers to the community produced through the sexual act of the parents. Freud would thus likely understand the separation of family bonds from biological, sexually-reproduced relationships as a desirable means of reducing the latent potential for neuroses.

David Cooper makes a similar argument at the beginning of the 1970s in his treatise against the social form of the nuclear family, which he saw as restrictive and debilitating. "Perhaps", he wrote, "each one of us may have to rediscover the possibility of doubting our origins."<sup>26</sup> So the question is: do the almost inevitable family crises that literature has discussed for 250 years, and that psychoanalysis has been diagnosing for 100 years, derive entirely from the continual cohabitation of parents with their children? Or are they, as appears to be the case, also caught up with the sexually-reproduced consanguinity between the generations? Families whose origins are due to the procedures of assisted conception would, in this respect, likely be freer of some crucial constellations of psychological flaws.

#### THE MODEL OF THE HOLY FAMILY

One final, far-reaching question has yet to be addressed. When the representatives of churches or conservative parties today speak about their reservations concerning reproductive technologies, they often refer back to the model of Christian community: the Holy Family. It eternally preserves an archetype of familial life which must under no circumstance be blemished. But if one looks closely at the connections between Mary, Joseph, and Jesus, are breaks and duplications not immediately clear? In the Christian outlook, Mary and Joseph did not conceive Jesus sexually; God's seed that was to bring forth His Son entered Mary's body through the medium of the Holy Spirit. Using the contemporary terminology of reproductive medicine, one could almost say that Mary was Jesus' surrogate mother, the Holy Spirit the sperm donor, and Joseph the social father.

This curious tradition of Christianity has not been lost on the protagonists of assisted conception. References to the Holy Family have appeared in their various personal testimonials for over 100 years. As early as 1908, Otto Adler wrote about the practice of homologous

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<sup>26</sup> David Cooper, *The Death of the Family*, New York, NY, Pantheon Books, 1970, p. 7.

insemination: “In all times, including the most recent era, a woman who would have had the nerve to claim that a pregnancy came about without intercourse would have been ridiculed, mocked, stoned. Only one credible instance of this sort is known to the world, the insemination of Mary by the Holy Spirit.”<sup>27</sup> In one of the first cases of a surrogate mother, the 24-year old Sue, who was carrying a baby for her infertile roommate, was still a virgin. Her friend injected the semen of her husband herself, at which point she noted Sue’s intact hymen. “I never broke her hymen that night”, she explains to Noel Keane. “I simply pushed against it and the semen shot right through the hymen. I never got into her vagina. Her hymen was broken later, when the gynecologist first examined her.” The doctor explained to them that fluids (as is also true of menstrual blood) can pass through the vagina even with an intact hymen. Noel Keane commented on this situation in his book with the statement: “My God, that’s about as close to an immaculate conception as you can come.”<sup>28</sup>

In Arthur Kermalvezen’s book, *Né de spermatozoïde inconnu (Born of an Unknown Spermatozoon)*, he explains: “That I have no access to my genetic origin has also led me to ask particular questions about Jesus, the ‘Son of God’. The story of his birth has always bothered me. Because the circumstances of my conception have had such a strong influence on my life, I could not understand why this was not the case with Jesus.” And, addressing the conservative critics of assisted conception, Kermalvezen – himself a ‘donor child’ – focuses on the suspicion that, “In any case, the image of the Christian family that the church promotes with its insistence on natural law and its warning against artificial insemination does not correspond to the family of Jesus. Could one not see Jesus as having himself been conceived through donogenic insemination?”<sup>29</sup>

Why did the nuclear family in particular become the Christian prototype of community, when its own relationship structure is characterised by such clear fractures? Almost 20 years ago, Albrecht Koschorke dedicated a book to this question, drawing on Jack Goody’s reflections on how the concept of the family had been consolidated historically. Jesus’s family is shown to have been portrayed in an increasingly close-knit fashion, from the reports of evangelists through to its becoming the central iconography of the Christian religion. The Bible describes Jesus’s numerous brothers and sisters; moreover, there are copious passages that address the incompatibility of the ‘family’ model with the new community of faith: “He that loveth father or

<sup>27</sup> Otto Adler, “Homunculus. Medizinisch-juristische Betrachtungen über die künstliche Befruchtung”, *Geschlecht und Gesellschaft*, 3, 1908, pp, 193-207, here: p. 199.

<sup>28</sup> Noel Keane and Dennis Breo, *The Surrogate Mother*, New York, NY, Everest House, 1981, p. 68.

<sup>29</sup> Kermalvezen, *Né de spermatozoïde inconnu*, p. 97.

mother more than me”, Jesus says, “is not worthy of me: and he that loveth son or daughter more than me is not worthy of me.”<sup>30</sup>

According to Koschorke, the development of the emblem of the ‘Holy Family’ is caught up with the long power struggle between Christianity and influential kinship groups. A religious community that sees itself as a state religion finds itself needing to produce social units that are easier to control than large dynasties. The Holy Family (represented in iconography as increasingly close-knit) thus provided imagery that could serve as effective ammunition – especially in terms of its particularities. Splitting the father figure between “a present but powerless patriarchal authority and an absent one ruling from afar” proved itself to be highly productive politically.<sup>31</sup> In a functioning state, writes Koschorke, such “transcendental nuclear families” – like that of Mary, Joseph, and Jesus – are a productive point of reference, oriented towards an external authority whose “directives are issued in the name of the Father.”<sup>32</sup>

The current conjuncture of family formation, with its inclusion of third parties, can perhaps partly be understood through this long Christian tradition. These new forms of household community are not just revitalizing the symbolic power of the family, a social model that had long been seen as worn-out, although they are doing just that. They also produce citizens that are relatively easy to govern, due to the fact that those who have been able to become parents, against all the odds, have done so through external *assistance* (by doctors, donors and party programs). After all, their deepest desires in life were not fulfilled by straight-forward, and legally unregulated, sexual union, but rather primarily as a result of the fundamental political conditions that they inhabit. 2,000 years after the first modellings of the Holy Family, modern reproductive medicine is ensuring that those who hold previously marginal, precarious positions as substitutes for the roles of father and mother are increasingly recognized as valid members of concrete household communities. This fact in no way justifies the fear that this proliferation of familial forms will overrun ‘natural’ family structures. But they cannot be understood simply in terms of their capacity for subversion and emancipation either. The families formed with the support of reproductive technologies are simply the contemporary expression of a traditional way of life.

*Translated by Thomas Leek.*

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<sup>30</sup> Matthew 10:37 (Authorized King James Version).

<sup>31</sup> Albrecht Koschorke, *The Holy Family and Its Legacy*, translated by Thomas Dunlap, New York, NY, Columbia University Press, 2003 [2000], p. 24

<sup>32</sup> *Ibid.*