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SYMPOSIUM: MAKING FAMILIES COMMENTARY

Queer reproductive justice?


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Abstract In the past half-century, there have been some notable shifts in English language feminist and queer scholarship and activism about procreation, marriage and family. In particular, there has been a striking increase in emphasis on genetic and biological family creation in queer and lesbian, gay, bisexual and transgender kinship practices, in contradistinction to earlier emphases on escape from the norms and demands of heteronormative patriarchy. During the gay liberation movement, older concepts of 'families we choose' were not defined by (nor meant necessarily to include) the creation of children as kin. The contemporary shift transpires amidst racial, national and economic disparities around the ability of people to 'couple' or to access reproductive technology. In line with early feminist and queer studies, this commentary calls for a broadening of the view of reproduction, and for more direct engagement between the primarily critical discourse on reproductive justice and the frequently celebratory discourse on queer families. 

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KEYWORDS: queer families, surrogacy, reproductive justice, feminism

Editors' note

This is an edited version of a spontaneous commentary delivered by Judith Stacey at the Making Families symposium held at UC Berkeley on 19 February 2016 on papers presented during the symposium. The recent history of feminist and queer studies and politics in the USA, considered in the first part of the commentary, involved a critique of mainstream family institutions. This early feminist and queer perspective provides a lens for analysing

contemporary queer families and surrogacy, discussed in further sections of the commentary and in dialogue with some of the papers presented at the symposium.

Commentary

Looking back, I realize that I have been involved in a type of queer family discourse from before there was such an animal. I was part of the first generation of self-identified

<https://doi.org/10.1016/j.rbms.2018.06.004>

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feminist scholars, the generation who created women's studies programmes that have morphed in so many ways since the early 1970s. By the end of my career, I came to present myself to my students as a sort of living diorama of the sedimented layers of feminism and queer studies over the decades since gender and sexuality studies brashly entered the academy.

The early stage of second-wave feminism, which was then called 'women's lib', and the gay liberation movement of the Stonewall era were popularly perceived as anti-family and anti-natalist. The public viewed us as threats to the family, because a radical feminist critique of conventional family life framed our family politics and scholarship. This included a critique of 'heteronormativity', a word that did not exist at that time. Almost immediately, a vehement backlash against feminism and gay liberation incited the reactionary politics of a 'family values' crusade that is still with us. The late arch anti-feminist Phyllis Schlafly, who founded the successful STOP ERA crusade in 1972, described feminism as the 'anti-family, anti-children, and pro-abortion' agenda of 'women's libbers who view the home as a prison and the wife and mother as a slave' (quoted in [Courtwright 2010, p. 124](#)).

Some 1970s feminist activists did join struggles for reproductive justice to an anti-racist and anti-homophobic feminist imagining of parenthood. For example, a group called CARASA (Committee for Abortion Rights and Against Sterilization Abuse) grew out of a New Left feminist politics kindled during the social movements of the 1960s – civil rights, black power and the anti-war movement. Some of us, myself included, actually entered the academy in the early 1970s because New Left movements and grassroots feminism sparked a desire to understand the roots of male domination and how it related to race and class oppression. I had been a junior high and high school teacher before feminist consciousness-raising inspired me to enter a doctoral programme in sociology to pursue this feminist passion.

Listening to the fascinating, sophisticated papers at this symposium made me ruminate on the subsequent mind-bending shifts in feminist and gay discourse on families. I thought back to [Shulamith Firestone' \(1970\)](#), one of the foundational radical feminist books of my consciousness-raising period, which imagined that a reproductive future of test-tube babies would liberate women from the constraints of our biology. Texts like these led feminists to be branded as anti-natalist and anti-maternal. So I loved the title of Kim TallBear's symposium paper, calling us to 'Make Kin, Not Babies'. It resurrects the queer family promise that some of us had long cherished, but has mainly gone by the wayside.

Firestone turned out to be an anomaly. Very few feminists after Firestone embraced technology as a route to liberation from women's bodies. Quite the opposite vision began to dominate – an anti-technology celebration of women's bodies and maternal power, such as in [Adrienne Rich' \(1976\)](#), [Susan Griffin' \(1978\)](#) and [Sarah Ruddick' \(1980\)](#). Feminism rapidly swerved into what might even be called a 'pronatalist groove'.

There were always academic critics of this romantic, anti-technology credo. Donna Haraway's name was appropriately mentioned during the Making Families symposium. 'A Cyborg Manifesto' ([Haraway, 1984](#)) provocatively challenged the type of celebratory feminist embrace of women's differences and of women's biological capacity and procreative abilities that was flourishing in the 1980s – the Reagan era.

Haraway's manifesto began to imagine a world in which you could not quite define the borders of the human. Runners with prosthetic legs, for example, as well as reproductive technology represented a melding of technology and biology. Feminists could embrace some technology without forfeiting critique. Much of the work presented in this symposium, including by its co-convenor [Charis Thompson \(2005, 2013\)](#), takes up some of those ideas in ways that I find thrilling.

On the other hand, the utterly dramatic gains in public acceptance that gay sexuality and family life have since achieved in so many contemporary societies also represent a retreat from queer family visions. I have written elsewhere ([Stacey, 2004](#)) about how ambivalent I felt when I participated as a public intellectual in the staggeringly successful campaign for same-sex marriage and parenting rights. In fact, two articles about the gender and sexual orientation of parents that I co-authored with Tim Biblarz ([Biblarz and Stacey, 2010](#); [Stacey and Biblarz, 2001](#)) remain far more politically influential than my much more critical or 'queer' publications. They contributed tangibly to major court decisions that legalized same-sex marriage and parenting rights. They therefore helped to normalize a form of gay marriage and family life that, as [Marcin Smietana \(2016, 2017\)](#) points out from his work on surrogacy, is decreasingly queer, and increasingly normative and exclusionary.

Some gay male subjects of my ethnographic research in Los Angeles ([Stacey, 2011](#)) were queer family pioneers who feel wistful about this change. Several complained to me in 2011 that they did not see younger gay men making the more communitarian and innovative family choices that they had made earlier. They had been early members of the Pop Luck Club in Los Angeles, a gay father support group that started in 1999, grew exponentially and still exists, although it is scarcely needed nowadays. Pop Luck started with nine gay men trying to figure out how they could become out gay parents. They soon began to become dads through a wide range of means – adoption, surrogacy, foster care and co-parenting in various creative arrangements, as well as from prior heterosexual relationships.

The Pop Luck Club did address some of the questions that Charis Thompson and Marcin Smietana posed with this symposium. Initially, it promoted gay male parenthood in a community context. This first generation of out gay fathers was trying to raise their kids in a gay community because they felt great need for such support. Increasing social acceptance of gay parenthood since this time has diminished this need, and seems to have reduced more creative, collaborative forms of families as well. The drive for inclusion in normal family life marginalized queer conversations such as [Michael Warner's \(1999\)](#) once popular critique of normal or [David Halperin's \(2007\)](#) provocative considerations of risky sex, 'What Do Gay Men Want?'

I think it is worth asking how to place a conversation about intentionally queer families into one on reproductive justice. This Making Families symposium represents a great start on such a project, but I did not find much intersection between the two conversations. Maybe that is because reproductive justice discourse is primarily critical of the stratification of assisted reproductive technology. Scholars focus on exposing the exploitative relationships involved in mixing technology and biology amidst structurally unequal relationships among generally female 'donors' or 'labourers'

and their 'recipients' or 'clients', many of whom are comparatively affluent First World gay men. Generally, the types of families created through transnational surrogacy are not queer families in the affirmative sense. Reproductive justice discourse reveals the racism, colonialism and imperial relations involved in making kin ties we could still perhaps call queer, although they by no means embody the vision of the liberatory queer movement. That is why the symposium heard proposals like [Winddance Twine's \(2017\)](#) call for a global regulatory framework to govern these brave new world transnational reproductive relationships.

In contrast, queer studies often evince a celebratory, self-congratulatory approach to most forms of queer kinship – 'what great new novel families we have!' – as [Josh Gamson \(2015\)](#) showed. I plead guilty to abetting this romantic tendency in my last book, 'Unhitched' (2011). Although I tried to place the stories of creative queer kinship I told within a structural analysis of social inequality, 'Unhitched' affirmed the collaborative, three and four co-parent families that some of the gay men I was studying created, including chosen kinship bonds with lesbian couples as co-parents or with heterosexual women. While sensitive to the economic inequalities involved, I also affirmed the kin-making projects of affluent gay men who built extended family relationships with the women who served as their egg donors and traditional/gestational surrogates.

I would love to see the notion of 'making kin' addressed by people who really understand critical discourse on reproductive justice and technology, and vice versa. One proposal might be to consider egg and sperm 'donation' and surrogacy in ways that feminists have applied to sex work, which raises similar issues. Feminist sex workers want to change the conditions and relationships of sex work sufficiently to make it a legitimate occupation that some people might genuinely choose. Their goal here is not only to decriminalize sex work, but also to recognize the legitimate social purposes it serves within a broad discourse about sexual rights. Do people have a right to seek and, if necessary, to purchase sexual pleasure? What about people with disabilities, or who are old, physically unattractive or socially awkward? Why should society stigmatize people without intimate partners who wish to be sexually active without exploiting others? Why should we stigmatize people (disproportionately women) who are willing to provide sexual services for remuneration? [Kulick and Rydstrom \(2015\)](#), for example, have written insightfully in this vein about the surprising contrast between Denmark's and Sweden's laws and ethics regarding sexual rights and access.

I think a conversation about rights around surrogacy and reproductive technology could usefully adapt this framework as well. Can an ethic of reproductive justice be applied to the working conditions and routes of access to assisted reproduction? Are the structural inequalities insuperable, or is there ethical space for commerce and queer kinship in assisted reproduction? The paper presented at the symposium by [Sharmilla Rudrappa \(2015\)](#) moves in this direction by taking seriously the agency of Indian surrogates and their own family strategies. However, even if her vision of ethical labour conditions were to be achieved, this is not a queer family project. Marcin Smietana's data suggest that serving as surrogates enabled many of the women he interviewed to enhance their own more nuclear family projects. In my research in Los Angeles ([Stacey, 2011](#)), a few gay men did fully integrate their egg donors and surrogates into their

families, making lasting kin bonds across households. They were the rare exceptions, but they were the ones that excited me.

As for the ethical non-monogamy issue, I recall three gay men in my study who lived in a committed trio. All three said that they would have liked to have been fathers, but they felt that they just could not do that to a child. They were very active uncles to their nieces and nephews, but felt that at that point (approximately 15 years ago), it was hard enough to imagine what their kids would have to deal with just by having gay dads. They found the prospect of a child having to bring friends into a home where three gay dads were sharing one bed just too much to ask.

The last thing I want to mention comes from my chapter ([Stacey, 2011](#)) about the Mosuo people of southwestern China, an ethnic minority culture who actually practice a form of matrilineal community akin to [TallBear's \(2018\)](#) fantasy. Disappointingly to most of us at this symposium, the Mosuo kinship system does not accept queer sexuality at all. Nonetheless, Mosuo kinship challenges most conventional principles of family life elsewhere. Perhaps most radical is the fact that traditional Mosuo kinship does not include marriage or even cohabiting couples, and biological paternity is irrelevant. Some people maintain long-term sexual, romantic relationships, but they enjoy these in a night-visiting system.

Traditionally, all Mosuo adults continue to live with their maternal families in an extended family household over the life course. One member of the family, usually but not always a woman, is chosen to be head. All children born to the women of that household belong to the matrilineal family. All adult siblings and their mothers and their siblings parent all of the children born to the household. I find this reminiscent of the Dakota family image presented today, as well as of some early visions of queer kinship.

The Mosuo claim to be exclusively heterosexual, but they do not seem to have a double sexual standard for women or men who choose to initiate or reject sexual intimacy with as few or many partners as they wish. Their sexual life is their private business because it does not affect the family economically or in any other way. Mosuo society has no divorce, widowhood or singlehood. Everyone has multiple parents, everyone has kin, and their reproductive decisions are unrelated to the economy or to their sexuality. I find this aspect quite appealing. Although this specific kinship system is incompatible with a postmodern capitalist world, it does offer some provocative implications for ways to separate eros and domesticity, and for the advantages of poly-parenting.

The parallels between the Mosuo kinship and the early queer family narratives and practices in the USA only underscore how modern liberal family values in the USA are a historical formation, which is often taken for granted and treated as the norm. Two different yet complementary lenses to look at this norm are offered by queer and reproductive justice scholars, and a conversation between them is only just beginning.

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Declaration: The author reports no financial or commercial conflicts of interest.

Received 8 October 2017; refereed 25 June 2018; accepted 29 June 2018; online publication 24 July 2018.