New kinship, Islam, and the liberal tradition: sexual morality and new reproductive technology in Lebanon

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Recent kinship studies take interest in new reproductive technologies (NRT) such as in vitro fertilization. Such studies are frequently situated within a larger body of work, ‘the new kinship studies’, that follows David Schneider in challenging the notion of ‘natural’ foundations of kinship. In the course of my own research into NRT in Lebanon, I found many examples of the ‘elective’, non-biogenetic relations that are foregrounded in these recent kinship studies. However, such relations are confidential, in public conformity to an ethic of sexual propriety. Sexual morality is also a central theme of political polemic in the wider Middle East, locally perceived as under threat from ‘Western immorality’. I suggest that we should be wary of an ethnocentric over-emphasis on data challenging such notions of propriety. Further, the role of sexual morality in the constitution of kinship might usefully form a more prominent part of the theoretical agenda.

In her trenchant critique of recent anthropological discourses on kinship, Mary Patterson questions a ‘narrative of kinship’s death and resurrection’ (2005: 1) that portrays kinship as almost disappearing, albeit temporarily, as a subject of serious anthropological concern subsequent to the criticisms of Needham (1971), Schneider (1972), and others, to be later reconstituted in new form with new interests: gender, new reproductive technologies (NRT) such as in vitro fertilization (IVF), and new familial relationships in ‘Euro-America’ such as those of gays and lesbians. Patterson notes that the scepticism of the 1970s with regard to kinship ‘coincided with a global decline of empires’ (2005: 12). Much of the uncertainty over ‘old’ kinship (to use Patterson’s ironic formulation) was related to its ‘ethnocentricity’, within the context of a wave of anxiety that anthropology was in some sense part of the colonial enterprise. But Patterson wonders if the ‘new’ kinship studies might not ‘merely reinstate a cultural imperialism of a different kind driven, as before, by the preoccupations of dominant cultures?’ (2005: 9). As well as pondering the timing of kinship’s demise,

[might we not also ponder the timing of kinship’s revival? Spurred, we are told, by new reproductive technologies and new varieties of family formation (virtually all exclusive preoccupations of the developed world), this revival happens to coincide with the increased involvement of anthropologists]
as consultants in the service of the neo-Imperialism of states through international bodies like the World Bank, the World Trade Organization and their development agencies (2005: 12).

This line of criticism rings true of my own research experiences. In an attempt to further an interest in the study of kinship in the Middle East, and inspired by the work of scholars such as Marilyn Strathern on Europe and North America, I have been studying Islamic Middle Eastern reactions to NRT through analysis of Islamic legal texts and through fieldwork in Lebanon, most fruitfully with doctors, lawyers, and religious specialists.¹ I did not work with infertility patients, although I learned much from the accounts of the medical specialists treating them. My work has thus tended more towards a focus on cultural categories and debates (see, e.g., Franklin 1999 [1993]; Strathern 1992a; 1992b) than on the individual narratives of the afflicted. Medical anthropologist Marcia Inhorn (2004a; 2006), however, has interviewed such patients in Lebanon, and her work, it is hoped, complements mine in this regard; I refer to it frequently. While I have not knowingly been employed in the service of neo-Imperialism, I have had cause to ponder the politics and ethics of working within the ‘new kinship studies’. But I have been struck by the coincidence of kinship’s revival not so much with the growth in the numbers of anthropologists working in development, as with a wave of American and European military and economic intervention cast rhetorically in terms of ‘universal’ values, such as, for instance, those of feminism and individual sexual liberties. These moves are viewed with a great deal of suspicion and cynicism in much of the Islamic Middle East, which has borne the brunt of this intervention and rhetoric, including, for instance, military action in Afghanistan celebrated in the Western media for unveiling Afghan women (Hirschkind & Mahmood 2002). My purpose here is not to debate the rights and wrongs of those interventions, or the concomitant uses made of that rhetoric and those values, although there is clearly much to be debated. Rather, I wish to point out that many of the recent studies in kinship take an interest in questioning the seemingly ‘natural’ principles of human reproduction and relations between the sexes (or even the existence of the ‘sexes’). This anthropological project is not so much novel as part of a broader, liberal tradition of questioning received moral wisdom that has had a momentous and continuing impact globally, meeting with both welcome and resistance. Locally, Lebanon (especially its Muslim communities), the wider Middle East, and the Islamic world are commonly perceived as under threat of contamination via mass media and consumer products from the immorality of ‘the West’, where sexual relations are supposedly without constraint and kinship ties are consequently degraded. This emphasis on sexual morality became an important theme of my field research, which was, I should say, conducted at a time of heightened tensions, beginning as it did directly after the American-led invasion of Iraq.² Political, economic, social, and sexual freedoms frequently become confounded, in both American and European discourses and those of Islamist and other Middle Eastern polemic. If ‘old kinship’ could be criticized within academic circles for a putative relation to colonial projects, then ‘new kinship’ could plausibly be related to this latest wave of Western interventions.

I should be clear that I myself find much of this recent work on kinship inspirational, and adopted its modes precisely because, it seemed to me, the study of kinship in the Middle East might benefit. That some ‘new kinship studies’ could be seen to have a political agenda that many – although not all – Middle Easterners might see as imperialistic need hardly lead to the further dispatch of this latest reincarnation of

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anthropological kinship; it should, however, caution against celebration of a triumph over ‘ethnocentricity’ or ready proclamations of an analytical superiority over other academic projects, including ‘old kinship’. To develop the analytical point, examples from my Lebanese ethnography will demonstrate that, in following these new lines of inquiry into kinship, just as the old, one has to be careful not to sacrifice ethnographic richness to analytic desire. One can certainly find instances in Lebanon of the ‘elective’ and non-biogenetic relations that are frequently foregrounded in these recent kinship studies, as in the use of donor gametes, or even, reportedly, surrogacy arrangements. However, these unconventional relations are a matter of strict confidence, secrecy even; they are perhaps better dubbed ‘fictive’ than elective, by which I mean to evoke a public presentation that preserves received categories, as opposed to an overt ‘freedom of choice’ that would discount them and fits more the rhetorical pattern of economic, political, social, and sexual freedoms discussed here (see Strathern 1992a; 1992b: 31ff.). Such relations smack of immorality, and sexual immorality in particular. Both this public rhetoric, inimical to the project of questioning traditional notions of propriety, and private transgression against it have to be taken together.

This turning of attention towards sexual morality is, I suggest, a useful one for the student of kinship generally. In trying to understand how contemporary ‘Euro-America’ is distinctive in its kinship thinking, anthropologists following the work of David Schneider have focused upon its supposed preconceptions of a ‘biological’ and ‘natural’ basis to kinship. What is perhaps more distinctive, and worthy of further study, is the decline of the importance of sexual legitimacy for kinship relatedness. In Islamic legal thought, for example, legitimacy – being born of a man and a woman united by a contract of marriage – is a core constituent of full kinship relations. The same has historically been true of Europe and America. However, that component has radically diminished in importance, if not disappeared, in much of Europe and America over the last century; and it is that withering away perhaps that has left the ‘biological’ component so prominent. I will return to this point at the end of the article. But first of all some words on the ‘new kinship studies’ are in order, followed by my ethnography of assisted reproduction in Lebanon and its treatment by Islamic legal specialists.

New kinship

David Schneider stated in a much quoted interview just before his death that kinship had, in the 1990s, ‘risen from its ashes’, where he among others had supposedly consigned it, in a renaissance due to ‘feminist work, to studies of gay and lesbian kinship, and to Marilyn Strathern’s After Nature’ (Handler 1995: 193). This portrait in its starkest form of radical disjuncture and redemptive transformation has been subject to criticism: some doubt that kinship in its pre-Schneider form ever actually died, noting the continuing work done on ‘old’ themes (Parkin 1997: ix-x), particularly outside America and Britain (Patterson 2005); others suggest that Schneider was anticipated in his criticisms by feminist scholars, among others (Franklin & McKinnon 2001; Lamphere 2001). However, shorn of hyperbole, this is in its broadest outlines an accepted reading of the history of anthropology (see, e.g., Carsten 2000; 2004; Holy 1996; Parkin 1997; Peletz 1995; Stone 2001). Kinship had been a prominent theme within anthropology from its beginnings in the nineteenth century. Its study came to be dominated by ‘theory’: that is, the cross-cultural comparison of ‘kinship systems’ and terminologies, and the subsequent formulation of analytical categories and propositions with claims.
to general applicability and scientific importance. Bodies of theory such as those of 'alliance', pursued by acolytes of Lévi-Strauss, and 'descent', more a British Africanist project, evolved within regional traditions and came to be applied generally. However, it came to be seen by anthropologists working within these traditions that such general applications found more or less purchase on disparate ethnographic realities. That is, in attempting to fit data into typological frameworks, 'butterfly-collecting' (Leach 1961: 2), violence might be done to the ethnography, its richness sacrificed to analytical concerns (Barnes 1962). These theoretical constructions, including the idea of an isolable domain of 'kinship' itself, came to seem dubious: creations of anthropologists' intellectual enthusiasms, they were of uncertain relation to lived reality. The very utility, indeed possibility, of kinship studies was radically called into question on these grounds in the 1970s, most notably by Needham (1971: 5) (‘There is no such thing as kinship’) and Schneider (1972: 59) (‘ “[K]inship” ... is a non-subject’). If ‘kinship’ was an anthropological chimera, then why study it? The study of kinship duly became unfashionable, although far from every anthropologist was convinced it had died, or should die.

However, kinship was to make an overt comeback in the late 1980s onwards, albeit with rather different themes taking centre-stage: gender (Yanagisako & Collier 1987), unconventional (by ‘Euro-American’ standards) family forms such as those of gays and lesbians (Weston 1991) or those resulting from ‘open adoption’ (Modell 1994), and issues provoked by new reproductive technologies, especially in vitro fertilization (e.g. Edwards, Franklin, Hirsch, Price & Strathern 1999 [1993]; Franklin 1997; Ragoné 1994; Strathern 1992a; 1992b). It is Schneider, rather than, say, Needham, who is most frequently cited as ‘anthropological father’ (Strathern 1992a: xviii) to much of this writing. That influence stems from two major works. In American kinship, Schneider (1980 [1968]) claimed to treat the ‘American kinship system’ as any other, although in a ‘cultural’ account, centring on what he found to be the ideology of kinship in America rather than on actually existing patterns of social relations. Here, American kinship ideology was seen as positing a foundation for kinship in the ‘natural facts’ of ‘biological’ reproduction. In his Critique of the study of kinship (1984), this led to a further attack on the anthropological notion of kinship, which he held to be erected upon the self-same notional framework of given, natural facts of biology; this anthropological notion of kinship, its purported universality notwithstanding, was thus equally culturally particular. Hence studies working with that notion would be working from an ethnocentric set of assumptions, rather than the universal ones they aspired to. The anthropologists of gender who led the new wave of enthusiasm for kinship studies found Schneider’s work inspirational, questioning as it did these ‘natural’ facts of human reproduction that were held to ground Euro-American conceptions of gender relations. Indeed some writers, pre-eminently Yanagisako and Collier (1987), suggested that he had not gone far enough in this respect, and that the very ideas of ‘biology’ and ‘sex’ were themselves ethnocentric, cultural constructions (contra, see, e.g., Scheffler 1991; Stone 1997). This interest in questioning Euro-American conceptions of ‘natural facts’ led to an interest in the supposedly novel forms that kinship relations have taken in the West since the late twentieth century owing to increased rates of divorce, the advent of gay and lesbian families, and the impact of NRT.4 The anthropological value of NRT specifically, then, lies in their unsettling implications:

With the introduction of assisted reproductive technologies (ARTs), seemingly simple yet nonetheless culturally bound assessments of what constitutes family, motherhood, and fatherhood ... can no

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longer be taken for granted. ARTs have served to defamiliarize what was once understood to be the ‘natural’ basis of human procreation and relatedness (Ragoné 1998: 118, reference omitted).

Most of this recent work on kinship has concentrated on Euro-America, or rather the UK and the US, as Patterson (2005) notes. Among those more supportive than Patterson of these new projects, Janet Carsten (1995; 2000; 2004), for one, however, has long been keen to escape from the toils of Schneider’s scepticism concerning the viability of cross-cultural interest in ‘kinship’. She, too, finds that ‘both the study of gender and that of assisted conception rest on a single project of defamiliarizing the “natural” and that which is taken for granted’ (2004: 23), and would like to see cross-cultural comparison concentrating on such questioning of preconceptions of kinship as a given relation dependent on biological reproduction. In a programmatic statement introducing an earlier volume of essays exploring new directions in kinship, she writes: ‘One of the purposes of this volume is precisely to interrogate the role of biology in local statements and practices of relatedness’ (2000: 2). Such a critique entails an interest in ‘transformability’ and ‘convertibility’, in ‘optative rather than given’, ‘negotiable’, ‘malleable’, and ‘fluid’ relations, the ‘process of kinship’, and turning ‘the conventional understandings on their head’ (2000: passim).

In describing these trends in kinship studies, novelty is often stressed. Although one struggles to identify open adherents of a tightly defined theoretical school, proponents and critics of these approaches alike write of ‘new kinship studies’, focusing on ‘new kinship’ and ‘new reproductive technologies’. And yet worries within anthropology about the legitimacy of grand theories founded on cross-cultural comparison are hardly new, especially with regard to the central theme of kinship. Boas and his students criticized ‘lineage theory’ right from the beginning (Kuper 1982). But this interest in renewal, in revolution, fits the wider posture of challenge of the moral orthodoxy – of seeking new arrangements of social relations. And this, too, has been an important theme of anthropology from its very origins, as Scheffler has pointed out: ‘Via that argument anthropology has been a major contributor to liberal humanism’ (1991: 365). One thinks again immediately of the efforts of Boas, particularly in the field of race, for whom anthropology ‘enables us to free ourselves from the prejudices of our civilization’ (in Stocking 1974: 280). One also thinks of his pupils, eminent relativists such as Herskovits and Benedict certainly, but also Margaret Mead, whose account of Samoan sexual mores was wildly popular when it was published in 1928, and was much cited in debates of the time over sexual morality, as were Malinowski’s descriptions of Trobriand matrilinearity, procreation beliefs, and sexuality (see, e.g., Russell 1929). And attitudes to sexuality, and indeed kinship, have changed dramatically in the course of the last century in Europe and America; revolutions in Euro-American kinship thinking are not as ‘new’ as much recent anthropological writing suggests. Wolfram (1987) provides an excellent account of the series of debates within Parliament and the Church of England over kinship in Britain in the nineteenth and twentieth centuries, from the lengthy (sixty-five years) and bitter battles over the Deceased Wife’s Sister’s Marriage Act of 1907, through the 1908 Punishment of Incest Act, to the Church of England’s commissions on marriage with affines in the 1930s and 1970s. And while Rivière (1985) mourns the lack of anthropological input into the 1984 Warnock Report on human fertilization and embryology, anthropologists were frequently called upon by the Church in these earlier discussions: Malinowski and Westermarck (Church of England 1940), and later Jean
La Fontaine, Esther Goody, and Wolfram herself (Church of England 1980). ‘New kinship’ is thus, in this sense, as old as anthropology itself.

The new kinship studies, then, where they express an interest in the questioning of received moral categories, can be seen as intimately bound up in a historical movement of liberal reform of the institutions of personal status, relations between the sexes, and sexual morality. This trend towards revolutionary reform of the legal institutions of kinship and marriage is hardly restricted to Britain or ‘the West’. It is important to note here that the countries of the Middle East have been similarly engaged over the last century in a programme of legal debate and reform, most importantly instituting legal codes that, in matters of personal status such as marriage and divorce, have drawn heavily on the heritage of Islamic law, but often in order to institute radical and progressive changes (Anderson 1976). In many personal status codes, divorce instigated by the wife has been much facilitated and polygyny restricted, although the extent to which women have profited in practice is a separate question. Despite the heavy influence of Europe in the colonial and post-colonial context, it would be a mistake, according to Mayer (1995), to think that such reforms were a mere belated aping of the West; they, rather, followed a global trend that swept out antiquated legislation in Europe as well. However, such reforms in the Islamic Middle East were put in place by political elites largely disconnected from their subject populations, and have not always carried public opinion with them. They are still the subject of bitter debate, and their repeal – or, rather, further reform – is a frequent political move on the part of Islamizing regimes, the Islamic Revolution in Iran and Qaddafi’s Libya for example, or site of internal political wrangling, as in Egypt or Algeria. Debates over women’s rights and sexual freedoms, including attitudes towards homosexuality, are heavily politicized, particularly in the current climate of tense relations between, on the one hand, the United States and its allies and, on the other, an array of predominantly Muslim nations. This wider historical and political context should be borne in mind here, not only as causing me to realize just how politically directed some of the new kinship studies might appear, but also as lending weight and intensity to the assumptions and arguments regarding propriety that came to dominate my work on assisted reproduction in Lebanon.

**Assisted reproduction in Lebanon**

Lebanon offers a particularly rich environment for such research (Inhorn 2004a; 2006). Its medical sector is highly evolved, including the assisted reproduction sector. It also offers a striking diversity of ethical standpoints, home as it is to eighteen official religious communities, Christian, Muslim, and Jewish. For our purposes here, the three largest are most important: the (Twelver) Shiite Muslim community (about 35 per cent of the population), the Sunni Muslims (about 25 per cent), and the Maronite Catholics (20 per cent). Secular, liberal thinking is also important, and its supporters are sometimes labelled ‘the nineteenth community’, although within Lebanon’s communitarian political and legal system that remains a joking ascription. Lebanese citizens have to be members of one or other of the official communities, and are subject to the laws and tribunals of their community in matters of personal status, that is, marriage, divorce, filiation, and inheritance – in short, kinship. In all other legal domains, civil law prevails and is common to all. Under a long-standing convention, political office is shared out between the communities on a nominally demographic basis, although no official census has been carried out since 1932. The subsequent relative increase of the Muslim
population left the continued political pre-eminence of the Maronites, gifted dominance by their French allies under the French Mandate after the First World War – a topic of contention and cause of violence. More recently, the under-representation of the burgeoning Shiite Muslim community has proved the source of tension. Religious identity, then, is of the first importance to the country’s political and legal life, and the strength of the secular state is correspondingly diminished.

Importantly for my argument here, however, religious differences aside, across all the communities the values often glossed as ‘honour and shame’ in an anthropological literature that extends across the Mediterranean and throughout the Middle East are of enduring, if variable, importance. Public standing or ‘reputation’ (sum’ah) is tied to, among other things, sexual propriety, in particular the sexual continence of female relatives. Where that ethic of sexual propriety is compromised, violence may result: the social violence of exclusion and degradation of social status, or at the most extreme, nominally at least, the redress of attacks on public standing through murderous physical violence, sometimes directed against female relatives deemed to have transgressed the bounds of sexual continence. In practice, fear of ‘what the neighbours say’ is much the more significant. My drawing attention to this strand of local ideology is not, then, to exaggerate the number of ‘honour crimes’ in Lebanon, or indeed the prissiness or prurience of Lebanese sexual life. It is to identify an ethic of sexual propriety of capital importance shared across different religious communities in Lebanon, while varying in its intensity and emphases across communitarian and class lines. In Islamic law, zinâ, the crime of illicit sexual relations between unmarried persons, is the subject of notoriously harsh, if seldom applied, punishment. But adultery and fornication are also seen as reprehensible under Christian precepts. And while religious law does not apply here, adultery is a crime under Lebanese civil law. To give an idea of the immediate relevance attached to this discourse in the arena of assisted reproduction, in a conversation early in my research an important gate-keeper warned me that I ‘must sign a confidentiality clause, because if the wali [a woman’s guardian, usually her father, an Islamic institution] were to find out, there might be honour killings’. That is, if some irregularity in a woman’s reproductive life were to become public knowledge, all the potentially violent consequences of such a threat to the public standing of her male relatives could be set in motion. The confidentiality clause never materialized, and the danger was, I suspect, considerably exaggerated, but an important principle had been established.

‘Morals’ (akhlâq), referring especially to sexual morality, were a prominent theme in my conversations with people from all walks of Lebanese life. While my most passionate debates here were with Muslims, especially religious specialists, a Christian doctor, who had practised for many happy years in England, told me he returned to Lebanon for the sake of his children: ‘There’s less drugs and early sex here’. Another Christian doctor, who had worked in France, wondered why Europeans bothered with fertility treatment at all, as men there could ‘just get their wife to sleep with another man’. ‘Morals’ are commonly felt, or at least said, to be an area where ‘the East’, and, in Muslim accounts, the Muslim ‘East’ in particular, excels. ‘In the West’ (bi-l-gharb), so a rhetoric with wide currency runs, ‘there are no morals’ (mâ fi akhlâq), there is a sexual free-for-all. ‘Your sister [or daughter, in a common variant] could have sex with her boyfriend in front of you in England, and you could do nothing about it, right?’ was a conundrum often put to me by Muslim men. Thus, too, the relations of kinship have broken down in the West, as no man can be sure of his wife’s fidelity and thus that ‘his’ children are ‘really his’, and Western society has become fractured and individualistic.
But this rhetoric of superiority is combined with one of insecurity and anxiety that this morality is under threat from Western culture introduced via the internet, satellite television, and long-standing mass emigration to Western countries. It is under threat, too, from Lebanon’s parlous economic situation, which makes it hard for young men to marry and promotes an economic dependence on tourists from the Arab Gulf and Saudi Arabia who are suspected by some of encouraging prostitution.

This moralizing discourse attaches equally, if somewhat inconsistently, to fertility treatment (see Inhorn 2006 and 2003: 79-81 on Egypt). As the doctors I interviewed in Lebanon told me, there is very considerable pressure on married couples, and wives in particular, to reproduce, pressure coming in the first instance from close kin, ‘the neighbours’ — a court of opinion constantly cited — and from wider society and the religious community. Doctors felt that Muslim women were under particular pressure, as the ease of divorce and polygamy for Muslim men renders infertile wives — and wives of infertile husbands — especially vulnerable. Fertility specialists reported couples consulting them within months of being married, sometimes even before marriage. Advanced fertility treatments have been taken up with alacrity, as they have across the region (Inhorn 2003). Lebanon has a strikingly large number of well-frequented IVF centres for its population size, and expatriate Lebanese, attracted by relatively low costs, as well as visitors from other Middle Eastern countries, come to Lebanon for treatment.¹¹ Lebanon has an additional attraction in this regard: its religious and hence medical ethical diversity and communitarian legal and political system have made it as yet impossible to reach an ethical consensus with regard to assisted reproduction and to enact legislation regulating procedures such as IVF. Broadly speaking, Catholicism forbids any artificial intervention in human reproduction, Sunni Islam allows husband and wife IVF, and some Shiite authorities go further and allow some donor treatments. The Lebanese state is, in any case, historically weak and has long been oriented more towards a laissez-faire mercantilism than the totalitarian interventionism more typical of the region. These procedures are, then, to all intents and purposes unregulated, much to the concern of the Lebanese medical profession. As a result, unlike in all other Arab Middle Eastern countries,¹² donor sperm and egg treatments are available, and a few doctors even talked of surrogacy arrangements, albeit as exceptional cases. I was told that patients from Egypt, for example, come to Lebanon for donor egg treatments, prohibited in their own country (and see Inhorn 2003: 114-15).

Recourse to all such treatments, including relatively uncontroversial procedures such as husband-and-wife IVF, is a matter of strict confidentiality, even secrecy (see Inhorn 2004b). Infertility carries a stigma, and no one wants to seem afflicted or abnormal (Inhorn 2004a and see 2003: 241-64 on Egypt).¹³ Rumours abound, among patients and doctors from all communities, of unscrupulous doctors using other parties’ sperm, eggs, and embryos to increase their success rates, which renders any form of fertility treatment suspicious (Inhorn 2004a: 174-5): one Shiite cleric, for instance, talked of doctors using ‘a sperm here, an egg there’ in telling the story of a friend who had gained as a result of fertility treatment an (inappropriately) blond and blue-eyed son. The opinion of ‘the neighbours’ and gossip are much feared. Doctors from all communities explaining their patients’ preoccupations often returned to the idea of Lebanon, a country of some four million with a capital city, Beirut, of more than a million, being ‘like a village’, ‘small’, ‘narrow’ (dayyiq); patients come ‘looking over their shoulders’. Patients from Tripoli, in the north of Lebanon, might travel to Beirut — despite the hardships that IVF involves for women — and vice versa, to escape the
neighbours’ gaze, and this consideration may also lie behind some of the ‘reproductive tourism’ alluded to above. This concern becomes very pressing in the case of donor treatments, which are readily assimilated to ‘adultery’ (zinâ), but are nevertheless pursued by some in need. Patients might keep treatment a secret from friends and family, even their spouses. One Christian doctor working in Beirut told me of a Muslim woman who travelled to Lebanon for treatment from Kuwait, for donor eggs. She asked him if there was any possibility of anyone finding out. When he told her that a subsequent genetic test might reveal the truth, she had a hysterical fit, and later aborted a successfully implanted embryo.

We should, however, distinguish between the use of donor sperm and donor eggs.14 Artificial insemination by donor is much more readily assimilated to sexual wrongdoing in the popular imagination as well as the religious. One common source of donor sperm for the large hospitals has been medical students. However, several doctors told me of people who ‘brought their own’, of indeterminate identity, or brought a brother, cousin, or even their father to donate. In the case of donor eggs, easier to accept culturally but incomparably harder physically to donate and receive, and much more expensive, a relative or a friend was also a commonly reported choice. Some clinics also use unused frozen eggs and embryos from previous patients, whom they often charge discounted rates in return. One well-respected Shiite doctor brings donor eggs from America, leading to rumours of him servicing Hizbollah with blonde and blue-eyed donors (Inhorn 2006: 115-16), although he himself told me that he took care to select ‘Mediterranean types’.

Such rumours are characteristic: in these cases of the use of donor gametes, the patients’ pre-eminent worry is whether or not the child will look like them, lest ‘the neighbours’ become suspicious (but see Inhorn 2006: 116). The religion of the donor, which I had imagined might be a sensitive issue in Lebanon with its history of strained inter-communitarian relations, is apparently not seen as of any great concern, according to my medical informants’ accounts at least (and see Inhorn 2006). But an important and telling consideration is the ‘morals’ of the donor: what is their background, their behaviour? Specifically, what of their sexual behaviour? This question has medical significance with regard to sexually transmitted diseases, but the conflation of the moral and the medical is typical. Medical tests before marriage are considered important, and indeed are required for Sunni Muslims: these check for genetic diseases, ‘for the children’ (li-l-awlâd), as it was explained to me by medical, legal, and religious specialists, but also for sexually transmitted diseases, ‘for the morals’ (li-l-akhlâq). Egg donation is bound up with further ‘moral’ issues, as the procedure to extract the eggs involves passing a medical implement through the vagina. This renders it unsuitable for young, unmarried women, who are the most common donors in the West, as material proof of virginity is important to one’s marriageability. One Shiite doctor summarized the points nicely:

They get eggs from family and friends (aqribâ’, asdiqâ’). They must be known, because of illnesses, and also their behaviour, because they might sleep with lots of people, then they might have diseases like AIDS. And they prefer somebody who looks the same. The sister is best, and should be married – because they must be a virgin before marriage, and the technique goes through the vagina.

These ‘moral’ considerations are still more apparent in cases of surrogacy, which are by all accounts extremely rare. No self-respecting Lebanese woman, Muslim or

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Christian, would be seen publicly pregnant with the child of a man other than her husband. Those seeking this solution to their infertility problems turn to other quarters. One Christian doctor told me that he had been approached by a man with a plan to engage the services of a Romanian nightclub hostess, a stereotypically ‘immoral’ party if there ever was one in the local imagination. While this woman’s dubious lifestyle, and foreign nationality, put her outside the bounds of conventional morality and rendered her pregnancy feasible, it also led the doctor to reject the plan on other grounds: ‘She was a drinker’. More commonly cited were transactions with a domestic servant, a maid, who would be an immigrant from a less well-off country, such as Sri Lanka, the Philippines, or Ethiopia, living with the family, who could be hidden during the pregnancy. Another doctor told me that he had had recourse to the services of the women of a village in neighbouring Syria – ‘They couldn’t be single though!’ he added. Of all the areas of moral concern that one might find with such a transaction, the concern with apparent sexual propriety is picked out again.

Sexual propriety is equally the principle around which the Islamic debate turns (see Clarke 2007b for references). For Sunni Muslim jurists, broadly speaking, the use of donor sperm and eggs and surrogacy arrangements is forbidden as being clearly analogous to, if not identical with, zinâ (‘adultery’, ‘fornication’), and as sharing in the consequences of zinâ, the confusion of kinship relations (ikhtilât al-ansâb) (see also Inhorn 2003). This latter consideration helps to clarify the situation where a man is married to two women (permissible in Islamic law), and the egg of one is fertilized with his sperm and the resulting embryo transplanted to the uterus of the other. While some early opinions allowed this scenario, the broad consensus is now that this is also to be forbidden. According to the majority of opinion, maternity would be assigned to the gestational carrier and deliverer of the child. While many Shiite jurists agree with the Sunnis here, the opinion of two authorities highly influential in Lebanon differs. Ayatollah Khamene’i, spiritual leader of the Islamic Revolution in Iran, which has long provided financial and military support to Lebanon’s Shiite community, finds that the use of sperm and eggs from third or fourth parties is not comparable with zinâ, which, rather, entails sexual intercourse. He therefore does not prohibit the use of donor sperm or eggs, or indeed, by implication, surrogacy arrangements (Clarke 2007a; Inhorn 2006). Lebanon’s own Ayatollah Fadlallah finds the use of donor sperm beyond the pale, but does allow the use of donor eggs. The official line is that, in order to legitimate the procedure, the husband should marry the egg donor, even if by a temporary marriage (a characteristically Shiite institution), although some of my sources indicate that this condition has recently been relaxed. Ayatollah Khamene’i, one should note, does not require such a marriage. The potential confusion of kinship relations is obviated in both their opinions by attributing paternity and maternity to the originators of the sperm and egg, a ruling with clearly inconvenient consequences for those pursuing donor treatments, especially given that adoption is formally forbidden to Muslims: there is no formal institution of ‘social father’. Most importantly, inheritance rights are defined in Islamic law by kinship relation, as is veiling. A girl born of donor sperm would not inherit from and would, on adolescence, have to veil before the husband of her mother. While there are ways round these obstacles, the principle of paternity and maternity – attributed to the donor rather than the recipient – remains inconsistent with the desire of an infertile party to have children of their own.

Not all Shiites who otherwise follow the rulings of Khamene’i are willing to take up the possibility of using donor sperm in case of need (Inhorn 2006: 112ff.). Religious
opinion is rather in advance of that of society here. And one should also note that Khamene’i’s opinion is controversial in Shiite jurisprudential circles. But there are Shiite men in Lebanon who have profited from his ruling on donor sperm, and doctors reported that such patients would often cite it; indeed one Christian doctor subsequent to such an encounter obtained a copy of Khamene’i’s book and kept it on his bookshelf to reassure worried Muslim clients. And a knowledgeable Shiite doctor who practised donor procedures assured me that, before God, pious patients would follow through all the consequences of their religious specialists’ opinions, namely that subsequent children would be related to the donors and not to the recipients. Before society and before the Lebanese state, however, he was clear that this would not be acknowledged, and that the couple concerned would present the child as having arrived in the conventional manner, as being ‘theirs’. And so while another Shiite doctor, a religiously committed woman, told me that ‘religion does not concern itself with what the neighbours say’, most fertility patients clearly do.

Marcia Inhorn, reflecting on the implications of these Islamic legal debates, links the Sunni position, prohibiting the involvement of any parties other than a husband and one wife, to what she finds as Marilyn Strathern’s argument ‘that the new technological interventions in reproduction have had a main effect of privileging “biogenetic relatedness” as the ultimate and determinative form of kinship in Euro-America’:

Certainly in the Sunni Muslim world, Strathern’s argument takes on perhaps its strongest form. There, the pre-existing Islamic imperatives regarding ‘pure’ lineage, coupled with Islamic prohibitions against adoption, not only privilege but, in fact, mandate biological as opposed to social construction of families ... biogenetic relatedness – glossed as nasab, or blood relations [the translation is conventional, but somewhat prejudicial in this context] – is an absolute imperative (Inhorn 2003: 120, emphasis as original).

Inhorn (2003: 114) draws a contrast in this respect with those Shiite opinions that allow the use of donor sperm and/or eggs. While her argument is wholly comprehensible in terms of the practical results of these positions, the opposition might in other ways be better reversed, as it is trends within Shiite thought that privilege genetic relation, as we have seen. However, the question remains as to whether nasab (‘filiation’) can indeed be seen as a ‘gloss’ for biogenetic relatedness, and classically at least the answer is no. Nasab is legitimate relatedness. All children born to a married couple are considered in Islamic law, both Sunni and Shiite, as the children of that couple. If a man suspects his wife of infidelity, and that her child is that of another man, then he must repudiate her and her child by swearing a mighty oath (li’ân), and this must be done within a defined period from the birth of the child. If he does not do so, the child is ascribed to him, and can never be considered otherwise. Sometimes, then, nasab might be awarded by default to a child who is not the biological child. But, more importantly, not all biological children can legitimately claim nasab: the bastard is, classically, denied paternal relations in Sunni thought, and paternal and maternal relations in Shiite thought (Kohlberg 1985). There is no classical Islamic concept of a ‘natural’ child. Islamic law does mandate biological relatedness contingently, because sex outside marriage is forbidden, and thus, were this injunction followed, all children would be biologically related to their social parents. But that consideration does not reduce nasab to biogenetic relation. As Muslim intellectual Munawar Anees puts it in his discussion of the new reproductive technologies, ‘Islam, therefore, does not endorse parenthood as two distinct entities: biological and social – Muslim parenthood is biosocial’ (1984: 116).

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This importance attached to legitimacy of birth extends in Lebanon beyond communitarian doctrine to a general perception of ‘bastards’ as ill-fated and unwelcome products of immorality, and, beyond that, to the establishment of a category of state bureaucracy. Until 1996 (Chahine 2004), the fact of one’s bastardy had to be recorded on one’s identity card, carried compulsorily and produced at every bureaucratic hurdle. Even now, the names of one’s parents are recorded on the card, and thus it is still a humiliating giveaway to have ‘unknown’ recorded next to ‘father’s name’. The propriety of one’s conception bears upon the most material manifestation of identity, determines one’s kinship relations, and affects one’s life generally, in its most concrete, everyday circumstances.

Kinship and propriety
There is much here of interest, to the student of ‘new kinship’ as well as the student of kinship in the Middle East specifically. Non-biogenetic patterns of relation are being instituted through the use of donor sperm and eggs, in some cases given new religio-legal forms; and biogenetic relations are, according to the doctors I spoke to, being instituted in new ways through surrogacy arrangements, albeit rarely. However, these new patterns of relation are not, generally speaking, explicit. Kinship is indeed, as Carsten (1995) has argued, a process, but in Lebanon often a legal one of registration, of getting the appropriate papers. This is because, it must be stressed, kinship relations resulting from assisted reproduction may be more fictive, with that word’s overtones of pretence, than elective: publicly, and in some cases bureaucratically, they are depicted elliptically, perhaps even falsely. The processes of IVF, the use of gametes from third parties, and the employment of a gestational carrier are hidden from view, and a narrative of conventionality, of adherence to an ideology of immutable kinship relations given through unexceptionable sexual relations, is presented. There are no doubt exceptions to the general characterization I am putting forward here, and perceptions of assisted reproduction will evolve as these procedures become more familiar, but these patterns are not unique to fertility treatment. Adoption is forbidden to Muslims in its most complete sense of giving unrelated children the name of the adopting parents and treating them as non-adopted children in every regard, including the institution of rights of inheritance. Fostering of orphaned children is regarded as an act of the highest merit, but without the ‘falsification’ of their identity. Nevertheless, fostering arrangements among the Muslim communities of Lebanon often shade into adoption in fuller senses, as conversations with lawyers and the staff of orphanages revealed. And Islamic judges and sheriffs (mukhtârs), responsible for matters of bureaucracy appertaining to kinship under Lebanon’s communitarian legal system, told me of cases where Muslim couples have registered an unrelated baby, presumed by my informants to be the fruit of an illicit sexual union, as their own.18 As doctors explained, arrangements were previously made whereby an adopting couple would pay for the costs of the delivery of an illicit pregnancy and the doctor would falsify the birth certificate, although advances in fertility treatment, on the one hand, and contraception, abortion, and education, on the other, mean that such arrangements are less common nowadays. Such informal adoptive practices are by no means peculiar to contemporary Lebanon: they have historical depth and regional breadth, as Sonbol’s (1995) historical survey and Bargach’s (2002) ethnography of Morocco testify (and see Inhorn 2006).
A focus, then, on non-biogenetic, mutable, and elective relations highlights important ethnographic facts, important because it would be all too easy otherwise to see only the ‘official’ rhetoric of conventionality, of immutable kinship relations given by birth and conceived according to the norms of sexual propriety, that obscures an informal economy of reproductive and sexual practices, at least as revealed to me by privileged informants. But equally a one-sided emphasis on those facts that might be seen as useful in ‘defamiliarizing the “natural” ’ in Euro-American ideas might obscure not just the official rhetoric but also the ethnographic fact of insistence upon it, an insistence that also relates to local and global political contexts. Freedom and fluidity in constructing moral categories is here a matter of intense political sensitivity, and cannot be mere description of how kinship is ‘practised’, any more than it should be in analyses of kinship thinking in contemporary Britain or America. Most important of all is the continuing relationship in my Lebanese ethnography between official, public rhetoric and unofficial, private practice, the existence of the two in combination, the fact that some things, if part of life, are better left unsaid, if not unknown.\(^1\)

These concerns as to sexual propriety are not unfamiliar to, nor unthought by, scholars of assisted reproduction in Britain or America.\(^2\) Strathern (1992a: 40ff.) cites Pfeffer’s (1987) account of how discussions of artificial insemination by donor in Britain in the 1950s were dominated by worries as to the birth of ‘bastards’ (see Cannell 1990).\(^3\) But this concern seems to have dropped out of view. Strathern’s comments elsewhere with regard to the reactions of Edwards and Hirsch’s British informants to the possibilities of assisted reproduction in the 1990s are striking:

> [I]n thinking through the relational consequences of certain procreative possibilities, people may position the parties involved as though donors and recipients of gametes were instead partners to a sexual act. What seems at issue is less the propriety of the partners’ actions than the consequences for the combination of substances (Strathern 1999 [1993]: 177).

By contrast, in the contexts of fertility treatment in Lebanon and Islamic legal debate it is precisely the propriety of the actions that is most at issue, rather than the combination of substances. As Strathern notes for Thatcher’s Britain, and by extension contemporary Euro-America more widely, kinship values are now ‘substantiated ... through an exaggerated attention to biological idiom’ (1992a: 52); and thus, as we have seen, much recent anthropological work on kinship has been concerned with challenging that exaggerated attention to biology and problematizing concomitant notions of ‘natural’ and ‘genetic’ relations. But the question remains, I think, as to why biology became so prominent. Finkler, for instance, wonders ‘Why has the pendulum swung so drastically towards genetics, particularly in American [and British, one could add] society since the 1970s?’ (2000: 201). She points to the ever-increasing hegemony of biomedicine, and, less plausibly perhaps, long-standing ‘[f]olk notions of family as a biogenetic entity’ (2000: 205). Coming from the context of my own ethnography, a different answer (a partial one, no doubt) seems obvious: ‘biology’ and ‘genetics’ have become so visible, indeed indispensable, in contemporary Euro-American kinship thinking precisely because a previously important part of kinship’s social component, concern over the propriety of the sexual relationship through which the child was conceived, has disappeared from sight – furthermore, to answer Finkler in full, that disappearance was part of a historical process that reached its fruition in the 1960s and 1970s.

In sum, sexual morality plays an enduring, although evolving, role in the constitution of kinship relations in Lebanon. Historically, the same is true of Britain or...
America, for instance, although that role has become diminished sufficiently to drop out of most anthropological discussion, which has focused instead on the biological idiom thus thrown into relief. Cross-culturally, however, it might be an interesting theme to explore, one that too close a focus on ‘defamiliarizing the “natural” ’ might miss. Sexual morality is also at stake globally in political rhetoric and polemic, especially in the context of the sensitive and highly charged relations between ‘the West’ and ‘Islam’. Part of the impetus for a reinvention of kinship studies lay in a dissatisfaction with the perceived political implications of ‘old’ anthropological projects; Islamic and Middle Eastern commitments offer a challenge in this respect to the new.

NOTES

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1 Fieldwork was conducted in 2003-4, before the latest, tragic round of upheaval and destruction in Lebanon. Ten months were spent working in and from Beirut, with frequent visits to Lebanon from Syria for several months prior to that. In that time I visited eighteen fertility treatment clinics, of varying sizes and capabilities, and conducted in-depth interviews, several times in some cases, with thirty-three doctors, four of whom were women: twenty-one Christian (of various denominations), two Sunni Muslim, seven Shiite, three Druze. My reading of Islamic texts was reinforced and contextualized by interviews with numerous religious authorities in Lebanon; I also regularly visited several Islamic law courts and offices issuing fatwas. I further interviewed a number of lawyers and staff from four orphanages.

2 Fieldwork began in late April 2003.

3 Simpson (1994: 834) finds high divorce rates by far the most significant phenomenon in this regard.

4 With regard to NRT specifically, Kahn’s (2000) work on Israel is a notable exception, along with that of Simpson (2004a; 2004b) on Sri Lanka.

5 We hear of ‘new directions’ in kinship (Stone 2001), ‘The new uses of kinship theory, and the novel sites and locations where kinship theory is being pursued’ (Franklin & McKinnon 2001: i), the ‘new kinship studies’ versus the old (Carsten 2004: 23; Franklin & McKinnon 2001: 10), ‘new’ kinship (Patterson 2005: passim), ‘the wave of anthropological writing that has gone under the name of “the new kinship” [studies]’ (Strathern 2005: vii), or just plain ‘new kinship’ (Patterson 2005; Strathern 2005). This last offers the useful, if ambiguous, possibility of referring both to the new approaches to kinship within anthropology, and to the new forms that kinship is supposedly taking in the modern West (for the latter, see Carsten 2004: xi, 180).

6 Hocart (1937) pointed early to the problems entailed by the ready application of ‘Aryan and Semitic’ kinship concepts to classificatory kinship systems. Needham (1971: 2) explicitly saw his own critique as a resumption of Leach’s (1961) ‘iconoclasm’.

7 A process that continues today (Simpson 2006).

8 These are approximate figures, based on Harris (1996). Demography, like assisted reproduction, is a sensitive subject in Lebanon and statistics are hard to come by.

9 The literature has been contested; see Shryock (2001) for some recent comments.

10 Inhorn (2004a: 2095) reckons on approximately fifteen IVF clinics. Estimates given to me by doctors ranged from five to twenty-five assisted reproduction centres; I myself visited eighteen self-proclaimed centres. A figure of five to eight centres undertaking significant amounts of work seems most likely.

11 But not Iran (Tremayne 2006).

12 Although Inhorn (2004a: 171) also suggests that a process of normalization of infertility and infertility treatment is under way.

13 Donor insemination is not required so much nowadays owing to the advent of ICSI (intracytoplasmic sperm injection), where individual sperm are injected into eggs under a microscope (see Inhorn 2003: 220-1; 2004a: 173-5).
This also has the advantage, I was told, of making it clear whose the child is, by virtue of the difference in appearance between the gestational surrogate and the baby.

This is important, as sisters are a common source of donor eggs, and in Islamic law a man cannot marry two (or more) sisters simultaneously. See Tremayne (2006) for comparable cases in Iran.

Judges in California have made use of the same principle to attribute paternity to non-biologically related would-be fathers (Dalton 2000: 197-9). Cannell (1990: 673) notes the similar position adopted in the Warnock Report in Britain.

My informants here were all Sunni, although that fact is perhaps more contingent than significant.

Konrad (2005) proposes an anthropology of anonymity, but the anonymity she describes of egg donation in Britain, where a kinship relation is gifted unsullied of complication, is of a different order to that at stake here.

For example, Dolgin (1997: 8ff.). This theme is, tellingly, much more visible in Kahn’s (2000) description of assisted reproduction in Israel.

Perhaps the only other occasion where sexual propriety entered into British discussions of fertility treatment was in the debates in the early 1990s over so-called ‘Virgin births’, where single women who had never had sexual intercourse sought to bear children through donor insemination, as Marilyn Strathern brought to my attention (see Strathern 1995).

Again, one thinks of Kahn’s (2000) work here.

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Nouvelle parenté, islam et tradition libérale : moralité sexuelle et procréation médicalement assistée au Liban

Résumé

Les études récentes sur la parenté s’intéressent aux techniques de procréation médicalement assistée telles que la fécondation in vitro. Ces études s’inscrivent souvent dans un travail plus large, « les nouvelles études de la parenté », qui remettent en question, avec David Schneider, la notion de fondement « naturel » de la parenté. Au cours de ses propres recherches sur la procréation médicalement assistée au Liban, l’auteur a relevé de nombreux exemples de relations électorives, d’origine non biologique, inscrites dans ces études récentes sur la parenté. Ces relations sont toutefois confidentielles, et la vie publique se conforme à une éthique de la moralité sexuelle. Celle-ci est également un thème central de polémiques politiques dans le Moyen-Orient, localement perçu comme menacé par « l’immoralité occidentale ». L’auteur suggère qu’il faut se délier de l’insistance ethnocentrique sur les données remettant en question ces notions de correction. Il serait en outre utile d’accorder une plus grande place dans l’agenda des travaux théoriques au rôle de la moralité sexuelle dans la constitution du lien de parenté.

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