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► **To cite this version:**

Agnes Martial. Multi-parenthood and contemporary family forms in French studies. *Antropologia*, 2019, KINNING AND DE-KINNING: RETHINKING KINSHIP AND RELATEDNESS FROM ITS EDGES, 6 (2), pp.13-26. 10.14672/ada2019157613-26 . halshs-02315990

**HAL Id: halshs-02315990**

**<https://shs.hal.science/halshs-02315990>**

Submitted on 26 Jun 2023

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# Multi-parenthood and contemporary family forms in French studies

AGNÈS MARTIAL\*

## Abstract

Analysing the case of France, this article presents a reflection on the notion of multi-parenthood in the study of contemporary family models – adopted families, stepfamilies, donor-conceived families in the context of ART. It retraces the recent use of the notion in French kinship and family studies and its different interpretations in scientific or political debates. The article then examines multi-parental models and the issues they face at three moments of family life: conception and birth, childhood and education, cross-generational transmission. In these families, additional figures and relationships seem to be uncertain and fragile, in particular when they are restricted to the sole procreative dimension, while choice and experience are increasingly valued – leading in some cases to the legal recognition of a third bond of kinship. Thus multi-parental situations lead us to reconsider the value of blood, flesh or even genes in contemporary understandings of kinship.

**Key-words:** multi-parenthood; kinship; stepfamilies; adoption; ART

## Introduction

Alternative family configurations have emerged in European and North American societies over the last few decades, reflecting both the redefinition of gender relations and the growing number of parties involved in a child's conception and/or education. For almost fifty years separated parents and step-parents have coexisted in stepfamilies; in adopted families, an adoptive mother and father raise a child who was in most cases born from unknown parents; the development of Assisted Reproductive Technologies (ART) has caused a sharp increase in the number of individuals involved in sperm donation, egg donation, embryo hosting or surrogacy to conceive a child... Analysing the French case, this article aims to retrace the uses of the theoretical concept of multi-parenthood in anthropological studies and to show the interest of this notion for the study of contemporary kinship.

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In France, recent forms of family life have given rise to many debates and law proposals: on the “status” of step-parents in stepfamilies, on the right for an adopted person to access information on their origins, etc. This year (2019), the review of the bioethics Law on ART is at the forefront of the debate<sup>1</sup>. Although the legalization of surrogacy does not as yet appear to be on the agenda, other questions are being thoroughly debated: should lesbian couples and single women be given access to ART? What place should be given to gamete donors? What response should be brought to requests from ART-conceived individuals for donor identity disclosure? To the exception of stepfamilies, which today are home to one in ten children in France (Lapinte 2013), the situations mentioned above remain a minority and only impact a small number of families. Fewer than 2,000 children are adopted each year in France<sup>2</sup> and, while ART-conceived children accounted for 3.1% of births in 2016, only 5% of those were conceived from a gamete donation<sup>3</sup>. However, in spite of their relatively low statistical weight, such family situations do open up new questions on contemporary kinship. These arrangements are not just characterised by their unusualness, or by the inventiveness they manifest. They are also understood, interpreted and translated by the people who experience them according to longstanding norms and representations that form part of a common universe of rules and meaning. What is at stake here is not so much observing “marginal” models as deviations or transgressions with respect to an established norm, but rather studying what these models can teach us on the contemporary transformations affecting gender and kinship.

Where kinship and its definition are concerned, two apparently conflicting movements characterize these transformations. The first reflects the growing value assigned to intention, choice and experience in the social and legal legitimisation of kin relations, which results in an increasing shift away from the heterosexual reproductive model. For instance, after the recognition of adoptive kinship and later that of intended parenthood in donor-conceived families, the 2013 law on same-sex marriage introduced the possibility for a person to adopt their same-sex spouse’s child, setting the ground for the recognition of same-sex families. Meanwhile however, other voices emerged to emphasize the importance of the “biological” dimension in the history of children born into non-traditional families, with some demanding access to their “personal origins” in the context of adoption or ART. These diverse ways of defining kinship are frequently debated in the political arena

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1 The debates on the bill for the revision of the bioethics law are held at the National Assembly from 24 September to 3 October 2019.

2 In France, 715 children from France were adopted in 2015 according to the “Office National de l’Enfance en Danger”; 815 children were adopted from abroad in 2017 according to the “Mission de l’Adoption Internationale”.

3 INSEE (Institut National de la Statistique et des Etudes Economiques).

as in science. Some conservative voices, like the French “*Manif pour Tous*” movement<sup>4</sup> (“Protest for All”, NDLT), speak against the emergence of families that do not conform with the heterosexual and reproductive norm. These movements consider biological origin as the essence of “true” kinship, and believe that this “natural” order is threatened by the emergence of new family models. Another example is the argument in French debates on access to ART for lesbian couples that resorting to anonymous sperm donors amounts to creating “fatherless children” in same-sex families. This interpretation of the origins confuses kinship with biological connection, ignoring the existence of the legal and social bonds that stem from individual choice in new families, inducing a new form of equality between people regardless of their gender or sexuality.

### «Multi-parental» configurations

Yet, this opposition between “blood” and “social” relations at the foundations of kinship is of limited interest: both dimensions need to be embraced in Western societies, where kinship can only be understood by acknowledging the multivocality of diverse, shifting and often contradictory discourses and practices. Numerous studies on new family models have established this fact: there exists no univocal and coherent representation of kinship that could rest solely on “blood” on the one hand or “choice” on the other. In non-traditional families as elsewhere, kinship relations are built on a complex tangle that combines “nature” with perceptions of the role played by choice along with emotional and social factors – where each factor may in turn come to the forefront depending on the context of action and the purposes of the argument (Carsten 2004; Thomson 2005; Bestard, Marre 2009; Nordvisqt, Smart 2014). While this coexistence has long existed in the history of European societies (Fine, Martial 2010), new family models changed the deal. Due to the growing gap between kinship and procreation, cases where a family can include more (or other) individuals than just a father and a mother are now conceivable. The concept of multi-parenthood refers to widespread practices in time and space, as recounts ethnographic literature (for an overview, see Razy 2010). In France, the notion was revived in the nineties in comparative studies of child circulation in Oceania, Africa and Europe (Lallemand 1993; Fine 1998). At the turn of the 2000s, it appeared in the French scientific literature in studies on adoption and stepfamilies (Théry 1991; Fine 2001; Cadoret 2002; Martial 2003). It can be useful for this purpose: this notion supersedes the biological vs. social dichotomy by

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4 This movement was born in France in 2012 to protest against the draft law on same-sex marriage and parenting: <http://www.lamanifpourtous.fr/>.

challenging the exclusiveness of Western kinship, whose organisation appears to be based on the heterosexual “reproductive” model (one father and one mother, who are also expected to be the child’s biological parents). This shift appeared in the 1990s with studies on adoption in the US (Modell 1994), Quebec (Ouellette 2000), France (Fine 1998, Fine, Neyrinck 2000) and Brazil (Fonseca 2000), which drew rich analytical perspectives from the comparison between these countries. In many societies and cultures where circulation of children is practised, different aspects of parenting can be assigned to people who are not the biological parents and distributed between a group of several adults, usually within a circle of relatives (Goody 1982; Lallemand 1993; Godelier 2004). Some of these functions are connected to procreation (conceiving and giving birth), others to the legal notion of descent (Porqueres 2014) (defined as the connection between an individual and a group with all the rights and duties this entails: the transmission of an identity and social status, along with access to certain rights and assets), and others to the notion of parenting (educating, raising, feeding, loving, behaving as a parent). This breakdown can help us analyse situations that are referred to as “multi-parental”: situations where two relations (with a mother and a father, or with two mothers/two fathers in same-sex families) no longer suffice to account for the multiplicity of actions, relations and individuals that engage with a child’s history. The notion of “multi-parenthood” therefore encompasses the legal bond that connects the child to a kinship group by granting them a name, a status and access to certain rights and assets and by prohibiting incest; but also the understanding of parenting as a number of behaviours that involve caring for and educating a child, as well as actions associated with a child’s conception.

Nevertheless, the notion of multi-parenthood can raise doubts and is the object of some criticism. A very open concept, it encompasses very disparate family models that involve diverse relationship histories, diverse types of “parents” and diverse legal issues. Because this notion can embrace such a complex range of interpersonal links, some observers of family evolutions consider that it fosters disorder and parental confusion<sup>5</sup>. This article aims to demonstrate that the wide scope of the notion of multi-parenthood is not incompatible with the identification of specific conditions in which this term can be called upon and sometimes actualized; and that this notion remains a heuristic concept that can help analyse contemporary evolutions

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<sup>5</sup> See, for example, the French political discussions around the creation of a “third-party” status that would facilitate the exercise of the step-parent role in stepfamilies, opening also the recognition of the partner’s parent position in same sex families. In 2009, a parliamentary report refused the creation of this status, arguing that it would provoke, in the child’s experience, confusion and a loyalty conflict between different parental references. Cf. Jean Leonetti, *Intérêt de l’enfant, autorité parentale et droit des tiers*, Rapport remis au Premier Ministre, octobre 2009, La documentation française, France.

of the family. Studying multi-parenthood requires taking into account two different temporal perspectives: the first consists in observing a child's individual and familial trajectory, with various individuals and/or relations assembling over time; the second consists in capturing the evolution of these characters and relations at different points in a family's history. Three key stages can be observed: the stage of conception and birth; the extensive experience of childhood; and the transition between a generation and the next. By examining roles, places and statuses in the context of each of these three moments, we can assess whether new family models can be qualified as "multi-parental" and question the way relations are organised and hierarchised.

### **The conception stage: intention and knowledge**

The first stage of multi-parenthood unfolds during the child's conception and birth, in the circumstances of the child's potential "circulation" during the very early days of its life. Adoptive families – whether same-sex or heterosexual – as well as ART-created families testify to the growing role played "by the wish for a child and intended parenthood in the field of parenthood" (Tarnowski 2010, p. 253). Intention plays an increasingly significant part in the definition of parenthood in the context of ART: this notion provides the basis for the recognition of the "non-statutory" parent's rights in a same-sex family (Descoutures 2010; Cadoret 2002; Gross 2012). This notion of intention, which can be translated in terms of commitment and responsibility, has become a legitimate part of the ART "reproductive process" involving a donor (Théry, Leroyer 2014, p. 166). The people who contributed to the birth of the offspring in these families are distinct from their two legal parents<sup>6</sup>, whether those are a same-sex or heterosexual couple: birth parents in adopted families and "reproductive donors" in ART-created families – including sperm and egg donors as well as surrogates (Gross 2014; Théry 2016).

The co-existence of these different figures was initially organized by French Law in such a way that intended parenthood mimicked biological relations and acted as a substitute for them (Fine, Neyrinck 2000). Full adoption eliminates a child's previous relations, bringing a "socially naked" child into his/her adoptive family (Howell 2006). Similarly, the anonymity of gamete donation suppresses the donor's identity. However, the emer-

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6 One or more of the two legal parents may be connected to the child by a "biological" or genetic relation (the mother or one of the mothers in the case of a donor insemination; the father or one of the fathers in the case of surrogate conception; the father and mother in the case of surrogate conception where both parents provided their gametes).

gence and subsequent legal recognition of same-sex families have created the need for different narratives on a child's birth. Conception is also the point in time with which some adopted or donor-conceived individuals associate their "personal origins", perceiving this information as a major part of their personal history and identity. Regarding adoption, in a context where the emphasis is placed on the child's right "to know their [birth] parent and be raised by them insofar as possible"<sup>7</sup>, the question of the origin gradually pervaded the principles of international and national adoption and transformed its practice (Ouellette 2008; Ygvensson 2010; Roux 2017). From 2002, France has attempted to combine the preservation of the right to give birth anonymously with the possibility for an individual to know their origins. This compromise was materialized by the creation in 2002 of the *Conseil National pour l'Accès aux Origines Personnelles* (CNAOP, "National Council for Access to Personal Origins")<sup>8</sup> which handles requests, supports adopted individuals with their research and asks birth mothers for their potential consent for disclosure.

Similar claims have emerged in the context of ART (Delaisi 2008; Théry 2010). Some donor-conceived adults wish to identify their donor, and sometimes use Internet-purchased DNA tests for this purpose<sup>9</sup>. In this case again, couples of parents are encouraged to share the circumstances of the birth with their child (Nordvisqt 2014). The disclosure of donor identity in ART, suggested by several reform proposals (Théry, Leroyer 2014; Brunet 2016), is on the agenda of the revision of the Law on Bioethics. Greater emphasis is placed today on the knowledge of one's origins, although few studies to this day have analyzed the impact of this shift in terms of access to information and definition of roles and relations (Roux 2017). An individual's relation to their origins, whether those are real or fantasized, engages the potency of kinship knowledge, described by Marilyn Strathern as both "constitutive" and irreversible (1999). A. Martin's survey of donor conceived people in France (2017) highlights the diversity of these people's expectations from donors – ranging from the possibility of identifying or meeting the person, to simply accessing information on them or to the refusal to know anything about them. Having access to knowledge on this poorly defined, ghostly figure can be perceived by some parents and by some donor conceived individuals as posing a threat to the construction and balance of existing kinship

7 Article 7, *UN Convention on the Rights of the Child* (UNCRC) ratified by a General Assembly resolution on November 20th 1989. See also article 8 (on the right to respect for one's private and family life) of the *European Convention on Human Rights* (ECHR).

8 <http://www.cnaop.gouv.fr/>.

9 Anaïs Martin, « Origins and DNA : experience of sperm donor conceived adults », 16 mai 2019, Journées d'étude Dimension sexuée de la vie sociale, L'AMP: entre enjeux de parenté, de santé et d'identité, EHESS, ANR Origines, Centre Norbert Elias (Marseille).

relations (Nordqvist, Smart 2014). In the case of French women couples who use a foreign sperm donor, the choice of an anonymous donor may be due to the two female co-parents' wish to protect themselves from any potential paternity claims (Brunet et al. 2017). Beyond the donor, knowing one's "origins" can also involve becoming aware of a potentially very large number of kinship relations, since the donor is the intersection of multiple genetic connections. Gamete donation can pose the risk of generating "too much relationality", which can be perceived by the parents as an excess of kinship (Konrad 2005, p. 187; Nordqvist, Smart 2014, p. 113). However, as observed by Janet Carsten in her study on adoption, there is no predetermined model for the impact that knowing one's origins can have on kinship, since individuals are not just passive recipients of information. Rather, they may modulate the timing and scale of their access to knowledge to better manage its effects, thus limiting the constitutive power of knowledge on kinship (2007). This knowledge can potentially but not necessarily form part of an individual's definition of his or her own identity.

When the donor's identity is known from the moment of the child's conception, diverse strategies can emerge, ranging from establishing a distance to building additional links through what is referred to as "family practices". New relational constellations thus appear, where each individual try to define their role – which does not go without hesitations and ambivalence (Nordqvist, Smart 2014). In the British context where donor anonymity was lifted in 2005, and due to the growing use of genealogy websites using DNA testing<sup>10</sup>, donor conceived people are now able to identify their donor, with some creating groups of "donor siblings" who share the gametes of the same donor. In her PhD thesis (in progress), Anaïs Martin analyzes the relations that form in such circumstances, reflecting both a shared quest for identity and a great uncertainty as to the nature of these bonds and the course of action to follow<sup>11</sup>. Such relations are indeed paradoxical: although they are grounded in "nature", a powerful symbolic representation of kinship in our societies (Schneider 1968), they are not backed by any practical, emotional or customary experience of kinship relations; and in the event where the donor can be identified, this relation does not translate into legal terms in terms of kinship or parental rights.

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10 These websites offer to deliver medical, ethnic or genealogical information based on the analysis of a DNA sample submitted by post. In France, such tests are illegal but some ART-conceived people did find their donor or other people born from the same donor through such websites.

11 Anaïs Martin, "Chercher ses origines (ou pas). Parcours d'adultes conçu.e.s par don de sperme en Angleterre", contribution presented at the conference "*Mon corps m'appartient ? L'enjeu du corps et l'apport des sciences sociales au débat bio-éthique*", Centre Norbert Elias, Marseille, 17&18<sup>th</sup> May 2018.



### The childhood stage: the experience of kinship

Childhood is the second phase in the emergence of multi-parenthood, during which other adults than the child's father(s) and/or mother(s) can be involved in their education. In this case, these multiple bonds derive from the experience of everyday relations of "practical" parenting (Weber 2013) including care as well as material and emotional support: these relations are built after a child's birth and develop in addition to the child's legal kinship. The existence of these forms of kinship has been studied in France in step-families and same-sex families created through co-parenting (Martial 2003; Gross 2016). In the latter, a couple of men or women becomes associated with a couple or a single person of the opposite sex to conceive and raise a child. The child therefore has a biological and legal mother and father, but also the parents' respective partner(s), who is/are not legally recognized as the child's parent. In spite of the already long history of stepfamilies, such "additional" relations hardly ever translate into law. French Law has provisions to safeguard or acknowledge a child's bonds with their parent's partner, but these provisions are little known and barely used. Since the late nineties, the Parliament has debated successive bills to recognize the "status" of step-parents, who form part of the vast category of "third parties" who may have, in addition to the parents, developed an emotional and educational relation with a child. These evolutions have always been hindered by the difficulty of providing a definition of relations between step-parents and step-children in step-families. This definition should be both open and specific, in order to account for the diversity of situations and reflect the voluntary, chosen and reversible nature of such relations – in contrast with paternal and maternal bonds (Martial 2003). A white paper on "filiation, origins and parenthood" (*Filiation, origines, parentalité*) recommended that the step-parents' "place" within the family should be acknowledged, instead of granting them a uniform legal "status" (Théry, Leroyer 2014). The successive bills of Law reflect a shift towards the creation or improvement of legal provisions, but without an additional status being defined in an unequivocal and systematic manner. This additional parenthood remains under-regulated – in spite of the complexity and multiplicity of parent figures that can be involved in everyday education during childhood, sometimes giving rise to tensions, conflicts and rivalries.

In this context, literature has observed the importance of gender in the way relations are structured and hierarchized around a child, for example in stepfamilies (Cadolle 2000; Martial 2005). In same-sex parent families, there is a strong asymmetry between maternity and paternity: women and mothers often play a prominent part in children's education in comparison with the father(s), regardless of how keen the latter might be to also be seen as a "parent" in their own right. Martine Gross (2016) shows that the

potential tensions and conflicts that arise in such families often result in a rivalry between the child's father and the mother's partner, while the father's partner is relegated to a peripheral position. Such conflicts only subside when men comply with the implicit norm according to which women play the part of the child's main parent. Gender also structures relations in step-families, where step-fathers and step-mothers are faced with distinct constraints and expectations depending on the residential context. Step-fathers are more often in a situation where they raise their partner's children on an everyday basis, due to custody being more frequently granted to mothers. As they act as parents in everyday life, they are expected among other things to behave as a "generous provider" meeting the needs of the woman and children who share their life (Martial 2005). On the contrary, step-mothers are perceived as rivals to the children from a former union, competing with them for access to the father's assets. In addition, they are often required to take responsibility for the domestic management of their spouse's children's intermittent presence, without having the chance to form everyday parenting bonds with them (Cadolle 2000). This asymmetry in the construction of the step-parents' status in stepfamilies also has an impact during the third stage: that of inheritance and inter-generational relations.

### **The trans-generational stage: transmission**

In stepfamilies, relations between step-parents, step-siblings or half-siblings built over a long-term experience of shared residency and education during childhood, can in some situations translate into property relations (Martial 2008). Such inheritance practices acknowledge the existence of elective and socially constructed relations that complement existing kinship. However, these relations are not considered in the transmission of family assets: step-parents and step-children are not considered as relatives under the French Law. The transmission of assets between a step-parent and their step-child is subjected to very heavy taxes (60%), making it almost impossible for a child to inherit from their step-father or mother<sup>12</sup>.

According to the current legal system, direct transmission is only possible if one adopts their spouse's child. In this case, "simple" adoption<sup>13</sup> comes as an addition to the child's existing legal parentage without cancelling or replac-

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12 Since 2006, it is possible to organize the equal distribution of the parents' assets between their heirs through an inter-vivo donation, which allows circumventing the impossibility for stepchildren to inherit from stepparents. Law n° 2006-728, Reform of estates and liberalities, June 23th 2006.

13 French Law draws a distinction between "adoption plénière" (full adoption), which cuts all ties with the child's birth family, and "adoption simple" (simple adoption) which preserves prior relations.

ing any prior relations, making it possible to reduce inheritance tax. Since the mid-nineties, quantitative studies have documented the steady growth of “simple adoption” in France. Between the 1970s and the 2000s, the number of persons adopted per year increased from around 1,500 to 10,000, this exponential growth being a direct result of the use of adoption in stepfamilies (Mignot 2015). This shift reflects the enduring importance of inheritance in kinship practices in France, also revealing its integrative power through this “overturning” of property customs. While step-parents were once referred to as negative parent figures due to their position as strangers who threatened an orphaned child’s inheritance (Perrier 2006), they have today become part of a child’s kinship with many embracing the child into their lineage through transmission. “Simple” adoption today affects 10,000 persons per year in France, most of whom already have a mother and father. A growing number of individuals thus now have three parents. As the case law currently stands, it is not possible for a step-child to be adopted by both their step-parents<sup>14</sup>. The law thus refuses to recognize more than one additional parental relation. In this context, additions are more frequently made on the mother’s side of the stepfamily, transforming a step-parental relation into a relation of kinship and thus creating several paternal relations for an individual. In the French context where property law is being transformed by stepfamilies, fatherhood thus appears to be the relation on which the rise of multi-parenthood is having the greatest impact. It would be interesting for research on new family models to dedicate more attention to this shift. In France, “simple” adoption involves a change in civil status, introduces new rights and obligations, and creates the condition for an individual’s potential integration into a new kinship group. This process can potentially transform the way in which an individual describes and perceives their family and kinship after childhood. What will be the impact of such adoptions on future generations? And what surname, assets and family will adopted step-children from stepfamilies transmit to their own descendants?

## Conclusion

The notion of multi-parenthood is useful in that it enables us to describe both shared and distinct issues concerning new family models. In the conception, the childhood and the trans-generational stages, four sequences of action and intention can potentially introduce additional figures into a family: wishing

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14 A judgement by the Court of appeal on 12<sup>th</sup> January 2011 stated that “the right to individual and familial privacy may not prohibit from setting a limit to the number of successive adoptions a person can be the object of, or command that all ties of affection, however old and established, must be sanctioned by adoption” (Théry, Leroyer 2014, p. 154).

for a child; accessing information on one's "origins"; existing as a parent with certain rights within an educational, material and emotional relation; and transmitting assets and as such becoming a parent in the legal sense of the term, within the line of generations. The coexistence of these four dimensions and their articulation (or lack thereof) can produce different types of multi-parental constellations. Same-sex co-parenting families combine three dimensions of multi-parenthood: during conception, intended parents co-exist with birth parents; they become parents through experience during childhood; and after the child has entered adulthood, one of the two co-parents can adopt the child, and transmit inheritance to them. Stepfamilies are affected by the experience of childhood and by transmission, with some histories leading up to the acquisition of additional paternal figures. Finally, adopted families and ART-created families have two parents – whether same-sex or not – but are faced with the issue of information on the child's origins during the conception period: new figures and potential relations thus come into focus at the margins of kinship, through practices such as looking for and/or organizing a reunion with a birth parent, identifying a donor or meeting individuals born from the same ART donation. Except for "simple" adoption, these additional situations exist in a legal vacuum: multi-parenthood situations remain overall informal; they are subjected to gender asymmetries during childhood and are later characterized by a strong element of choice or by their virtual nature. Multi-parenthood thus functions as a marker for the recent evolutions in the definition of kinship. The exclusiveness of kinship inherited from the reproductive model (one mother and one father) has remained equally exclusive now that the bond is based on the project of a parental couple (no more than two parents), whether it is same-sex or heterosexual. Alongside these kinship relations, additional relations appear as uncertain and precarious, because they cannot stand on the intention of becoming a parent, on childhood memories or on "kinning" (Howell 2006). The obviousness of "natural" relations thus seems weaken, while choice and experience are increasingly valued, challenging the saying often quoted by David Schneider (1968): is blood always thicker than water in multi-parenthood situations? To improve our understanding, we must carry on studying contemporary multi-parenthood through empirical studies on the relation to the "origins"<sup>15</sup> in the context of adoption and ART.

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15 This is the object of the ORIGINES research programme: "At the edges of kinship: origins and new familial configurations (2018-2021)", National Research Agency, Centre Norbert Elias, France, <https://www.anr-origines.fr/>.

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