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What is a Family? Refugee DNA and the Possible Truths of Kinship

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By Carole McGranahan

Tashi thought they were his kids. They were his kids. He was the only father they had ever known. He had been their father since the day each of his four children was born. After being recognized as a Convention Refugee in Canada, he applied for permanent residence and listed his wife and children as his “overseas dependents” on his application. Finally he would be reunited with his family who had waited in a Tibetan refugee camp in South Asia while he made the uncertain journey to Canada via a well-worn route through the USA. He had dutifully written down their names, sexes, ages, and dates of birth on his application. He had told the truth. But then the Canadian government asked for a DNA test as proof that the children were his. His claiming them was not enough because, as the government asserts, refugees lie. And then a different truth was revealed. He was not the genetic father of two of his children, although his wife was their genetic mother. Canadian government officials decided that Tashi had been untruthful in claiming these children—his children—on his permanent resident application. His request to bring his family to Canada was denied.

What sort of truths do DNA tests provide? What are the social and family truths that precede and exceed DNA? What is the responsibility of the anthropologist to confirm or challenge these truths?

Tashi’s struggle to reunite his family came to me as a legal case in need of anthropological expertise. It was a legal case that needed to also be an ethnographic one. Questions put to me by his attorney included: Do Tibetans have a tradition of infidelity? Would a husband know if his wife was having an affair? What makes someone a parent in Tibetan society? In some ways these are classic anthropological questions about marriage, kinship, and social relations (Carsten 2000), and in other ways, they are anthropological questions repurposed for the legal system, designed to speak back to DNA findings by showing family is not solely determined by shared genetic markers. The presumption of the Canadian government official was that Tashi knew about his wife’s infidelity and lied about it. However, while DNA may suggest infidelity, it does not decide family.

What is a family?

Family is kin, but kin is not only genetic. Tibetan kinship is patrilineal; belonging is formally reckoned through the father, but genetic fatherhood may go unclaimed, and non-genetic fatherhood may be claimed. Outside of marriage, men may choose or not to claim their genetic offspring as their children. Identifying offspring as children enters them into one's patriline, and thus into certain familial obligations and relationships. In the case of polyandrous marriages, which in Tibet mostly consist of a woman married to brothers, all of her husbands are the fathers of her children regardless of which husband is the genetic parent; each would be referred to as 'father.' In terms of non-genetic fatherhood, Tibetan practices of adoption, of step-parenting, and of grandparents raising grandchildren as their children (rather than as their grandchildren) are all examples of relationships for which the terms father, mother, son, and daughter are used. How does infidelity factor into any of this? It depends.

Extramarital affairs are not condoned in Tibetan society. Some affairs remain secret, while others become known to members of the community, including spouses. A wife may learn about her husband's infidelity and feel there is nothing she can do. Or she might confront him or leave him, or confront his mistress, or worse. A husband may learn of his wife's infidelity and do nothing about it, or may confront her or her lover. Or he may also do something worse. Graphic physical abuse in cases of discovered extramarital affairs is not gendered. Both men and women participate in this. There is no single disciplinary rule for infidelity. Historically Tibetans do have socially acceptable forms of sexuality outside of marriage that are not secret, such as being a religious consort to a tantric practitioner; such sexual practices are not categorized as infidelity. In contrast, infidelity is hid from one's spouse. In the case of a married woman who becomes pregnant by her secret lover, as long as she is also having sexual intercourse with her husband, then it is entirely possible her husband might never know her genetic children are not also his genetic children. Until, of course, a DNA test is done.

A growing number of governments use DNA tests to assess refugee claims for family reunification (Heinemann and Lemke 2012, 2013; Holland 2011). Such testing resembles efforts in the U.S. to determine tribal belonging through DNA tests. In *Native American DNA: Tribal Belonging and the False Promise of Genetic Science*, Kim TallBear (2013: 4, 201) argues that DNA testing is reconfiguring the concept of the tribe in ways that do not cohere with the nongenetic ways indigenous peoples "assert their inherent self-determination as peoples." Her incisive critique of genetic testing rests in part on its supposed scientific neutrality that frees it from cultural or other bias. Instead, she finds that such tests are deeply cultural: "the populations and population-specified markers that are

identified and studied mirror the cultural, racial, ethnic, national, and tribal understandings of the humans who study them” (TallBear 2013: 5). That is, DNA testing rests on categories of belonging that do not necessarily belong to the group being tested. The genetic presumptuousness demanded of tribal belonging is similarly demanded of parents and children in Canadian family reunification programs.

Why does genetic knowing have such power for Canadian immigration officials? Part of this has to do with the modern truth claims of science, and another part rests on the 21st century fascination with new technologies. One such invention, according to Louise Amoore (2013: 82), is the biometric border in which “digital technologies, molecular techniques, and data analytics ... simultaneously dissect bodies into granular degrees of risk.” The association of risk with refugees, and the mistrust of them, is not something new (Daniel and Knudsen 1995). What is new here are forms of authorization such as biometrics and genetic testing that promise expert truths. Amoore contends these new forms of knowing “act as though they were sovereign, as proxy forms of sovereignty” (2013: 6). These new forms of knowing enable Canadian officials to say no. No, you have not told the truth. No, you are not a family.

In the case of Tibetan refugees looking to reunite their families, DNA testing provides proxy expertise to the immigration official. This is an expertise not congruent with either cultural or legal truths of the family. It is an immigration practice which denies family beyond genetics. If DNA testing shows that parent and child do not share enough of the same chromosomal patterns, there is no automatic immigration process to continue the investigation of the claim. Instead, the burden of proof is placed on the applicant through the process of appeal, but documents that might be expected by the Canadian government are often not available. For Tibetans, birth and marriage have long been life events that take place at home without the involvement or certification of the state, the monastery, or any other institution. Even today, in the refugee community in South Asia, most Tibetans do not possess birth or marriage certificates, and many do not even have identity documents. Building an appeal case thus involves telling one’s story through the help of an immigration attorney, through the testimonial letters of neighbors, friends, and Tibetan government officials, and through the services of an expert witness like me. The use of DNA testing to determine family is an effort to foreclose these lived, narrative truths of family.

Narrative is at the heart of the ethnographic case. In their Introduction to this series, Emily Yates-Doerr and Christine Labuski (2015) explain that “a case becomes ethnographic in the way that it situates the narrative of any given event within other narratives.” The ethnographic case is necessarily one that is multilayered, in which expertise as singular truth rests on a

series of multiple truths. In the case of determining family, of assessing who is parent to a child, a singular 'yes' or 'no' truth cannot rest solely on a DNA test. Such a formulation works in neither the Tibetan cultural system nor the Canadian legal one; in both systems, logics of family are multiple, involving systems of legitimation and recognition beyond the genetic. In the Tibetan case, unknown infidelity on behalf of a wife does not cancel out a husband's paternity claims to her children. Given that the infidelity was unknown, given that the genetic father did not at the time of birth or any time since claim the children as his own, and given that Tashi was the only father any of the four children had ever known, in Tibetan terms he was their father. Tashi was their father.

As with so many other families, with those formed through adoption or second marriages or reproductive technologies or some other means, genetic belonging is not what holds Tashi's family together. Care, commitment, shared stories, and social recognition of claimed family status do. Tashi came to Canada to seek a better life for his family. Tibetans have been refugees since 1959, constituting a now multi-generational diaspora spread around the world. Theirs is a continuing story of loss and separation, of families fragmented, and of dreams of reunion. Rather than facilitating a reunion, DNA testing now threatens to pull this family apart.

Can anthropological knowledge make a difference? It should be able to. Ethnographic truths about kinship and family, about sexuality and secrets provide the substance and the nuance needed to understand why DNA tests might not find familial relationships even in situations where they thrive. And yet the ethnographic case is one that disrupts. It is one that challenges the easy no, and that thus is read and put aside by immigration officials untrained in the kinship, marriage, or other practices of the individuals whose files cross their desks. Or, in anticipation of inconvenient disruption or delay of bureaucratic work, the ethnographic case might be the one that remains unread. As Marnie Thomson (2012) writes, the international refugee system is predisposed to say no, to have authored and authorized its own series of loopholes and rules that enable a denial of status, or perhaps a denial of family. In consular offices and refugee camps around the world, this is a familiar story. Disruption is not welcome. Disruption is risky.

For Tashi and his family, who remain in South Asia, disruption in the form of ethnographic truths is necessary. But even together with legal truths, taken out of the consular office and brought into the courtroom, will these be enough? And what happens if they are not?

Note: Names and details of this story have been changed.

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