

THE COLOR OF KINSHIP

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Abstract

Family law scholars have been deeply engaged in recent debates about kinship recognition. Work in this area, however, has largely overlooked the relationship between such recognition and race. Indeed, there has been a curious taken-for-grantedness about kinship as it pertains to race. Existing research allows that kinship structures such as marriage may reflect racial inequality, but it has not yet engaged the ways in which conceptions of kinship themselves shape race – its meaning as well as how it is experienced. Kinship is presumed to be race-neutral when, in fact, it has long been racialized.

This article urges a greater focus on the relationship between race and kinship. It argues that, by failing more directly to address race in this context, family law scholars not only help to ensure the continued salience of race in this context, but run the risk of effectively endorsing the devaluation by courts and other family law decision makers of kinship connections essential to the functioning and survival of many families of color. The first part of the article will develop a theory of kinship and racial formation, drawing on the work of race scholars, but also that of anthropologists and others describing kinship as generative of cultural meaning and hierarchy. The second part of the article builds on this theoretical frame. It first makes the case, using the experience of African America as an example, that not attending to race in kinship study will only perpetuate the adverse race effects that non-normative kinship groups now experience in a host of contexts. The article then shifts to consider the benefits of a more expansive approach to kinship, one more responsive to and inclusive of the care networks and affective relationships in African America and other communities of color. It draws a direct link between normative kinship and the capacity to secure belonging in the broader community.