Making the family. Actors, networks and the state

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Abstract

This article tries to identify the connection between the family and the state. It does so by engaging with Foucault's notion of governmentality thus pointing out the practice-oriented constituency of state power. The family is approached from an actor-network-theory epistemology and methodology. The epistemological principle presupposes that power of action is symmetrically distributed among actors, both human and non-human. Methodologically, it suggests that one should follow the actors in action. Hence, the article is based on fieldwork that consisted in the tracking of the marriage certificate, identified as the epistemic object that unfolds the associations created in the mechanism of power related to the family.

Keywords
Object agency, family, state, governmentality

Introduction

What is exactly the position of the family in a neoliberal political economic regime, how does it relate with the state and how is it possible to know that? These questions arise in an environment characterized by an economic crisis, managed by deficit-reduction cut policies, and a political crisis, that has been emerging due to the worldwide civil upheavals. In this situation, the questions asked by the paper seem to be rather marginal in regards to contemporary public interest, still under the hegemonic influence of classical political theory. Looking at this margin – the family - is it possible not only to understand the present day regimes of practices but also to establish a point of re-articulation of the dominant discourses? Observing the processes related to civil

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marriage, focusing on the marriage certificate document, how it is built, inscribed, produced, archived and the way that afterwards is used - if it is used - one can understand how families are, to some extent, the product of state practice, but also how, and if, these activities of composing the certificates constantly produce and re-produce certain types of governmentality (Foucault, 1991). Thus, I suggest that by following the routes of these agency-endowed files, observing the interactions that they mediate, and the way in which they are handled by the social agents involved in these interactions, some entangled networks can be drawn, for analytical purposes, that can present an image of how the state power looks like and is exercised through the "lenses" of the family.

One of the Foucauldian themes that has been of particular interest in the contemporary anthropological academia is that of the "art of governing" or governmentality (Abélès 2008; Aretxaga 2003; Collier 2009; Herzfeld 2001; Sharma & Gupta 2006). With this, Foucault referred to a type of governing rationality that emerges in a specific favorable historical moment - a western 19th century defined by demographic expansion, the abundance of capital, the absence of the proximity of the war and the development of new knowledge tools. Governmentality is related to a disposition, a management, of subjects and objects, that engages with different tactics, mechanisms or tools, in order to achieve an assemblage that reproduces the complex apparatus of power. Hence, governing requires tools of knowing, like statistics, and mechanisms of disposing, as institutions, individuals and capital in such a manner in which "perfection and intensification of the processes it directs" (Foucault 1991: 95) is reached. This new form of rationale, he argues, calls for a reshaping of the concepts political theorists used to employ in their analysis of the state (Foucault 1991), but it also points out a new mode of inquiry that traces the genealogies of power while focusing on the arbitrariness of practices regimes.

Even though the work of Derrida (Morris 2007) and that of Gramsci (Kurtz 1996), as well as Agamben's (1998) reflexive continuity on the notion of biopolitics, play an important role in the scholarship, sometimes these frameworks overlapping, other times contradicting each other, I prefer to narrow the discussion emphasizing on Foucault's influence for various reason. First, I consider that he was responsible for shifting the attention from the juridical-institutional model of the state, to a practice orientated view of the constitution of state power. Second, this focus on practices was very appealing for anthropologists who, since the Malinowskian revolution in ethnographic method, defined not only the discipline's object of study but also its methodology in accordance to practice. Third, Foucault's mode of inquiry offered the possibility to reflect on the interplay between the production of anthropological studies and dominant forms of power. Fourth, the role played by the notion of governmentality in the study of family practices, which are at the core of this research, and the expanding literature based on this concept requires a special and selective discussion.

According to Foucault (1991), in the governmental rationale, the family is displaced from its previous central role as a model for the management of the territory, its goods, and inhabitants' bodies, into a unit of population – which is a new category of

knowing the subjects to be governed. Statistics played an important role in defining population, for it has showed that the population has its own rhythms of existence which are irreducible to the family. Nonetheless, even inhabiting a secondary role in the art of governing, the family still works as a fundamental instrument of governing. This unit represents one of the objects of knowing the subject and the population and subsequently becomes the space where governmentality's anatomo-politics, the governing of the self, and biopolitics, the governing of the population, are implemented. "The family", Foucault (1981: 108) argued, "is the interchange of sexuality and alliance: it conveys the law and the juridical dimension in the deployment of sexuality; and it conveys the economy of pleasure and the intensity of sensations in the regime of alliance."

How is this space approachable from an anthropological stance? If one looks at the studies undergone in the framework of governmentality, a very secondary place granted to it will be noticed (Ferguson 1996, Scott 1998, Ong 2006, Trouillot 2001). Others, more detached from this perspective, have tended to concentrate their efforts on kinship, what Foucault called the deployment of alliances (Strathern 2005; Carsten 2005; Parkin 1997; Godelier 2011). Thus, the constrain to peek at the sociological work that has dealt with the issue more in depth arises. Nikolas Rose (1987: 65) mentions that

> Like laissez faire in relation to the market, the idea that the family can be private in the sense of outside public regulation is a myth. The state cannot avoid intervening in the shaping of familial relations through decisions as to which types of relation to sanction and codify and which types of dispute to regulate or not regulate. The state establishes the legal framework for conducting legitimate sexual relations and for procreation and privileges certain types of relation through rules of inheritance.

Moreover, in a later work (Rose & Miller 2008: 30 emphasis added) he describes what to look at when one tries to grasp these diverse procedures.

> we argue for a view of 'discourse' as a technology of thought, requiring attention to the particular technical devices of writing, listing, numbering and computing that render a realm in to discourse as a knowable, calculable and administrable object. 'Knowing' an object in such a way that it can be governed is more than a purely speculative activity: it requires the invention of procedures of notation, ways of collecting and presenting statistics, the transportation of these to centres where calculations and judgements can be made, and so forth. It is *through such procedures of inscription* that the diverse *domains of 'govern mentality' are made up,* that *'objects' such as the economy, the enterprise, the social field and the family are rendered in a particular conceptual form* and made amenable to intervention and regulation.

What seems surprising in these statements is the fact that although they take into consideration Latour's and Callon's works on power, especially in regards to actions at distance as a form of governing in contemporary societies, they refuse to give the same amount of attention that they give to materials involved in this actions, their agency and

the inseparability between the discursive and the material (Callon & Latour 1981; Callon 1991, 1986; Latour 1991, 1986; Law 1986). On this basis I will attempt to analyze the making of the family employing Foucault's notion of governmentality, though bridging it with the epistemology and research methodology provided by the early actor-network-theorists. Power is exercised and produced through contingent practices informed by the ideal art of governing. To identify the actors, technologies, and mechanisms that are at work one must, as Latour would stress, follow the actors in order to trace the associations made between humans and non-humans in action. This will offer a view of the things that keep these actor alliances of power together and how can they re-trace the power compositions.

The registrar's office

In 2000, Belgium had 583 registrar's offices for each of its municipalities. In here, the marriage performances, the certificate signatures, and the responsibility for decisions are assumed by a political entity called the officer of civil status. The practical work though is done by the so-called "civil servants". The work of these is to arrange the individuals on such basis that the inputs given by city residents, national or foreign citizens, are outsourced in a new merged composure confirmed by the delegate of power – the officer of civil status. It is also their work to undo these knots that they've created in case of divorces. Therefore, this office is of particular interest for understanding the making of the family as it is here that different sorts of agents, discourses, and tactics are deployed for to make the mechanism of producing and re-producing power according to governmentality. Nevertheless, as customary to almost all of the official institutions, the accessibility to the insights of this mechanism is restricted for security reasons and usually persons interested in their work have to encounter a spokesman who takes the responsibility of guiding the curious through the aggregates of the machinery. Much like in a museum tour guide, one is presented with the exponents, the purpose of them belonging to that environment, the context of their initial state, but hardly ever with the work done by the ones sitting in the basement desk compiling files and forms for grants and researches.

I had the opportunity to meet and discuss about the making of a family with the spokesman of Leuven's (Belgium) registrar's office. We met at the city hall, in the registrar's office. It is situated on the ground floor, on the left if one is looking at the front reception desk. The location within the city hall spatial arrangement is very open. It has a big glass wall facing the outside of the building, and two opaque walls - one is making the demarcation from the entry, the other probably is part of the building's main structure. The office is composed of a waiting space, equipped with chairs and a large LCD monitor on which different things are posted. It has four bureaus aligned side by side and one separated by a fence-like metal structure on which small cubical and colored shapes are attached. I was sitting at the latter during my talk with S[2]. The entire space is surrounded by metal lockers that contain the archives of each civil status related

[2] Periodically I will use the letter S to nominate the spokesman.

document, printed and legalized within Leuven's jurisdiction. The first impression that I had is that the office is a very open structure that has nothing to hide or put away. Of course the work done by the civil servants on their computers, as well as the documents archived, are completely opaque to the outside viewer. This suggests that much of the important work is done on the computers and that the constant moving between the archives, computers and printers of the civil servants must have a connection that is basic to the functioning of the office. In the interview, the spokesman tried to keep a distance from a description of this movement and kindly refused my intention to participate as an observer in the office.

Nevertheless, I don't think these activities are hidden for suspicious reasons. Rather, the translation performed by this delegate - and the organization of the space - is eliminating practices, controversies, malfunctions that could make his answers and statements incoherent. Some will argue still that this operation reduces the complexity of the situation and that it manufactures a discourse that does not relate with the "real" practice. Considering this, I chose to follow the methodological principles that Callon (1986) distinguishes in his study of the domestication of scallops. In his work he argues that (1) the researcher should not get integrated in the controversies of the protagonists, avoid censoring their discourse, and give the same amount of privilege to any of them. The registrar's spokesman narrative is my main source of information. While translating the contingent practices involved in the making of the family, he is also defining the various actors participating in the action and sets himself and its group (the civil servants and the official) in an interdependent position relative to the others. His discourses provide a description of the associations established between the civil servants, the computers, documents, metal lockers, laws and individuals. (2) One must use a single repertoire of vocabulary for every type of discourse to emphasize the generalized symmetry between the actors. The governmental vocabulary employed is making no hierarchical distinction between the actors accounted in the spokesman description. They are treated as having the same importance in power but are relocated by the spokesman according to its distribution and delegation and the mode in which the registrar's office manages to make this particular associations durable. (3) The researcher should consider detaching from any a priori distinctions between nature and society and consider that there is no clear boundary between them. He/she must follow the actors if the scope is to identify the association they make when describe their world. Within this description I follow one actor, the marriage certificate, and try to understand the various association by the traces left in action.

Epistemic marriage certificate

The process of creating this document looks like a simple procedure in the case of Belgian citizens. They have to make an announcement via telephone, regular mail or e-mail. The people responsible for such are engaged into a performance in which they have to connect different departments from across the region of the country to gather all the documents needed. One, or both of the future spouses, is then called to the department

to give a declaration. One of the main future scopes of the registrar's offices is to involve the individuals less in this action. It gets more complicated when foreign citizens are involved because they have to provide all the documents that were actually the responsibility of the department, and some consulate papers with the homologous laws in their country of origin. My informer said that in this case they sometimes have to make decisions in order to approve the right to get married or not, it is a "gray zone", of which a supervisor with political authority is responsible. Most of the time this responsibility is delegated to the civil servants.

The couple never actually sees the certificate in its final form. This document is made in an accepted illegal way, as S puts it. During the ceremony officiated at the city hall, the partners sign just an empty paper. Nevertheless they have read what is to be written later on it. He argued that it is because of the fact that this method has not changed since the days in which it was difficult to correct the data inscribed in case something could have happened. During the signing the partners see this paper for the first and mostly only time. The marriage certificate contains: the date, place, time and officiating registrar of the marriage; the first names, surname, residence, place and date of birth of the spouses; whether the spouses are minors or not and for minors the court decision which allows the marriage; the first names, surname and residence of the parents; the declaration of the spouses that they want to enter marriage and the declaration of the registrar that they are joined in matrimony; the first name, surname, age and relationship to the spouses of the witnesses; the date, name and residence of the notary if a marriage settlement is made and if applicable the choice of national law on this settlement; the chosen marriage name when one of the spouses due to his or her citizenship has the ability to choose one. Until 2008 each city had its own way of inscribing them. They had reached some consensus and uniformed it at a regional level (80% of Flanders is using it) but they are hoping to reach national uniformity. They had also simplified it a lot. The document now offers only the minimum information possible. There is no sex mentioned and the address is replaced with only the city of residence, for example. This also occurred because this document, the marriage certificate, is valid only in what concerns the legal union between two individuals. It is legal and offers proper information only in relation to the fact that x and y are married there and then, and their parents are xy, xx and yy, yx. It is not responsible for other information that may change during time, like the address for example. Because of this it has also changed its form and the way of archiving it.

There are two original copies of it. One in the archives of the city hall and one at the court of justice. If any changes should be added - like a divorce- to the document, usually inscribed on its margins, is the court which is first addressed to make that change. Subsequently the information pertains also to the town hall administration. This information is transmitted via the only database in which these documents reside in their digital form. The couple is granted with a marriage booklet that has no legal importance but it is used, for example, when the two of them decide to go to the clergy, to religiously officiate the marriage. There is a law that actually regulates this and the civil marriage must be done prior to the religious one. If done the other way, the priest can

face legal consequences. The marriage booklet contains information about the marriage, the addresses of the family, pages for the data regarding the children, an extract from the civil code related to marriage and some suggestions in regards to the method of raising the children. The booklet is the proof of the marriage in all types of activities that involve government administrations, notaries etc. The booklet is to be presented for all address changes, births and deaths in the family. For more important things, like buying a property, they can present a legalized photocopy of the official marriage certificate, which they are allowed to have. In the case of a notarial entity's involvement - as it is usually the law in the case of buy and sell actions - the booklet is sufficient as they have access to the database and can check the validity of their marriage.

In order to understand the practice of making the family, the marriage certificate must be conceived as an epistemic object (Knorr Cetina 2001). The association between the entities – and their practices - that compose the power relation according to governmentality are understandable as long as the subject-object relationship is the focus of research. The marriage certificate as an epistemic object brings into question the alliances between the things that take part in this process. It provides a starting point for further explanation as they produce meaning and generate practices and also give an insight into the connections established between agents in practice. It shows, for example, the internal connections at the registrar's office and also the expansion of these in the family, court of justice and online database that points to the materials of what Law (1986) called a long-distance control. "One can also say the significance of these entities resides in the lack they display and in the suggestions they contain for further unfolding", as Knorr Cetina (2001: 182) puts it, because this object is characterized by a incompleteness of being. They are constantly changing during practice and take different forms, "[t]he lack in completeness of being is crucial: objects of knowledge in many fields have material instantiations, but they must simultaneously be conceived of as unfolding structures of absences: as things that continually 'explode' and 'mutate' into something else, and that are as much defined by what they are not (but will, at some point have become) than by what they are." The duplicate copies of the marriage certificate, the photocopy as well as the marriage booklet, show how this object is not bound to one material form or to one discursive inscription, but engages with any sort of tactics and material to connect and establish continuity between the mechanisms of power.

Law, kinship and sexuality

The inscription of the law onto the document and the inscription, according to the law, of the document depicts the association established between the deployment of alliances, that of sexuality and the law. Also, it clarifies the vicarious connection that the law establishes between the family and the law of the economic market. During the marriage performance the registrar reads the most important articles of chapter six of the Civil Code, that deals with the rights and the obligations of the spouses. They have the obligation to reside together and owe each other fidelity, help and assistance. Their

residence has to be decided in common agreement, in case there is no consensus from their behalf the justice of the peace decides what is best for the family. Each of them has the right to exercise a profession of their own, without requiring the consent of the other spouse. Individually they receive his or her income and gives priority in distributing them inside the family. They share the costs of the marriage according to their financial possibilities. Along these prescriptions the law provides also the cases in which the marriage is prohibited and the exceptions that can be given to royal marriages[3]. The law mentions that marriage cannot take place between: parents, grandparents, great-grandparents etc. on the one side and children, grandchildren, great-grandchildren etc. on the other side; step-parents, step-grandparents, step-great-grandparents etc. and step-children, step-grandchildren, step-great-grandchildren etc. *; parents, grandparents, great-grandparents etc. in law and children, grandchildren, great-grandchildren etc. in law *; between brothers, sisters or brother and sister; uncle and niece or nephew, between aunt and niece or nephew *; adopter and adoption child and their descendants; adoption child and the former spouse of the adopter *; adopter and the former spouse of the adoption child *; adoption children of a same adopter *; adoption child and the children of the adopter *. Since June 2003, marriage can be concluded by two persons of the same or opposite sex. Neither of the spouses may conclude a second marriage before the dissolution of the first. Both of them have to give their approval to be married, approval that cannot be taken into consideration if one or both of them are drunk, insane or threaten with violence.

Nevertheless, the ability of the registrar's office to define its own laws of inscription, as well as the new laws emerging from the issues related with fake marriages, and also the historical fire that ruined the city hall and thus burnt all the marriage certificates, that at that time were not distributed also to the court of justice, presents an association between objects and subjects endowed with power of action that constantly reshapes the morphology of the networks of associations described by the following of the marriage certificate. This connection between law, marriage certificate in all its forms, spouses – and their identification documents, civil servants, computers, printers etc. can be conceptualized according to the two mechanisms of power defined by Latour (1986). First, the primary mechanism that represents the composition of the network of actors, in accordance to the art of governing that has at its goal the reproduction of power by any means, and second, the secondary mechanism that represents the attribution of this power to one of the actors. Thus the power of the secondary mechanism is dependent on the number of actors that associate in the composition. Accordingly, law is powerful – in the sense that it prescribes the structure of kinship and the deployment of sexuality in the family - only as far as all the actors presented while describing the alliances in which the marriage certificate partakes are held together by the materials and discourses out of which these actors are made.

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[3] With the sign * will be marked the cases of exception

Conclusions

This research started with the premise of answering three question. First, what is the position of the family in the contemporary political economic regime? Using the work of Foucault in order to define this regime of practice as a form of subject-object relationship based on an art of governing, governmentality, that stands as the blueprint of ideal disposition of actors in order to achieve the goal of producing and re-producing the power, also the insights of actor-network-theory that states the symmetry of actors, whether human or non-human, and their equality of power in action, I had attempted to show how the family is a locus of the deployment of alliances and sexuality only insofar as its components are associated in a composed network of heterogeneous agents made durable through the agency of the materials and discourse involved. Second, how is it possible to acquire knowledge in regards to that? Considering the marriage certificate as an epistemic object, that it is never fully itself because of its predisposition to ally to other objects and subjects, subsequently suggesting a lack in the constitution of its being, which also determines its multiplicity of material and discursive shapes, and using Latour's method of following the actors, I had depicted the various alliances formed by this object with other and with subjects, either directly, or by proxy. Third, at the beginning of this article I was asking whether this mode of conceptualizing the family could provide a starting point for the re-articulation of the dominant discourses in the public sphere, which I consider to be impregnated with classical political theory. If one takes into account the media hype concerning issues like abortion, fertilization in vitro, adoption, incest etc. a new form of articulating the family that takes into account the political dimension at stake might open up a space for the re-articulation of political and economic concepts deployed in the realm of public interest.

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