Maren Klotz

(K)INFORMATION

Gamete Donation and Kinship Knowledge
in Germany and Britain

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Maren Klotz is a senior lecturer at the Department of European Ethnology of the Humboldt-University, Berlin.

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Dedicated to the memory of my father
Detlef Klotz
(1941–2010)

Content

Acknowledgements

1. Introduction

Much turmoil has surrounded the classical anthropological research topic kinship, most commonly defined as "the relationships arising out of the procreative process" (e.g. Harris 1990, 50). It has led scholars who have spent much of their career writing about kinship as social order or as a simultaneously productive and "bloody" metaphor for connectedness to exasperatedly declare that "there is no such thing as kinship" (Schneider 1984, vii) or that they are "sick to death" of it (Haraway 1997, 265). As a consequence of this creative turmoil, the last 25 years of anthropological research and beyond have given birth to a productive research area often called the new kinship studies. In this research area kinship has been tackled as a generative matrix for relationships of various kinds: a prime site for the negotiation of what a society perceives as the made, and the given, and for the negotiation of what roles are attributed to biological process and physical bodies within practices of human solidarity. In the words of two of the protagonists of the new kinship studies, kinship in the industrial West is to be seen as "a cultural technology not only for naturalizing relationships but also, and at the same time, for the reverse—for transforming naturalized relations into cultural forms" (Franklin and McKinnon 2001, 16). Reproductive technologies, with their capacity for posing ever new biological, social, legal, and ethical questions surrounding *the ties that bind*, have often figured at the center of these research endeavors.

This book focuses on kinship-by-donation in both Germany and Britain, i.e. kinship afforded through clinical donor insemination (DI) or in-vitro fertilization (IVF) with donated eggs.[1] This book analyzes

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1 Clinical DI is generally used for family formation in cases of male infertility, or also for lesbian or single women to conceive. It involves an anonymous or non-anonymous man donating his sperm for payment or as a volunteer through masturbating at a

how kinship-by-donation is constituted in different—but entangled—ways in four domains: in the knowledge-practices apparent in affected families; in sperm banks and fertility clinics; within national and transnational regulation; and within intersecting interest group activism. A focal point concerns knowledge-management, studying which aspects of kinship-knowledge are deemed relevant, drawn on in various practices, and made accessible—and which are not. Crucial for the figuration of kinship-by-donation in societies such as Germany and Britain, where some relevance is attributed to genetic relatedness, is what can be known, and how, about the donor. In other words: where gamete (i.e. sperm or egg) donation is clinically administered, as in all the cases researched for this book, the constitution of kinship-by-donation is entangled with the official regulatory regimes of donor anonymity or non-anonymity that are in place.

The *raison d'être* for this research is to make an empirical and theoretical contribution to the analysis of plural late-modern societies and social change. This book does not analyze kinship as "hidden grammar" for society as a whole (as apparent in the older anthropological traditions). It focuses instead on how kinship generates and is generated within diverging intersections of biology, law, care practices and beyond, as called for by recent proponents of the new kinship studies (e.g. Edwards 2009b). This research draws not only on contemporary kinship studies to analyze these diverging intersections, but also on the anthropology of knowledge and on science and technology studies (STS). The research aims to look below broad concepts of *nature* and *culture* and takes reproductive medicine as an anthropological "field experiment" (e.g. Beck 2012; Knecht et al. 2012) for the study of the (re-)formation of relationships in Western societies. This work thereby presents an ethnographic exploration of a recently emerged form of knowing and doing kinship in Europe: by sperm or egg donation, within newly established non-anonymous regulatory set-ups,

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sperm bank. The sperm is later injected into the women's vagina or uterus. Egg donation and IVF treatment with donated eggs generally involve far more medically invasive procedures for donors and recipients. The procedure is generally used to help infertile or post-menopausal women to become pregnant. It involves an anonymous or non-anonymous woman donating her eggs for payment, for price reductions in her own fertility treatment, or as a volunteer. The eggs are then fertilized with sperm in a Petri dish, the fertilized eggs are later transferred into the receiving woman's uterus.

and openly talked about in families. The relationships arising out of this very specific procreative process are the object of this study.

The following introductory pages discuss how kinship-by-donation has developed into a regulatory problem (particularly concerning the status of kinship-knowledge) and a publicly visible "experiment" in kinship culture in the last 25 years. It lays out how this research is addressing a specific *desideratum* in kinship studies, through combining a processual and praxeographic approach, using multi-sited ethnography and a comparative perspective. The new kinship studies and their focus on knowledge are then introduced more fully, followed by an overview of the empirical basis and explorative comparative angle of this book. The introduction closes with a recapitulation of the line of argument followed throughout this research.

Kinship-by-Donation in Europe: Regulatory Problem and "Kinship Experiment"

In Europe, kinship-by-donation has long figured squarely among the extended political and social scientific discussions surrounding the social implications and regulatory affordances of the new reproductive technologies (NRTs), or more generally, the so-called new genetics. While egg donation indeed only became possible through the refinement of IVF practices at the beginning of the 1980s, and more widely used towards the end of the 1990s, sperm donation was not particularly new as a practice of achieving a pregnancy. It also was and is not technically challenging, being referred to as "low tech" by many of the German and British clinicians with whom I spoke during my fieldwork. Clinical insemination-by-donor probably had been practiced, most often secretively, for over a hundred years in many European countries (see chapter 6.1 for further historical discussion). And, given that parents usually did not tell their children about being donor-conceived in the past and were in fact often advised not to do so, affected children seldom grew up to tell their story publicly or become political activists on behalf of changed donation practices.

Other questions surrounding NRTs came to figure more strongly within the policy discussions in my countries of research, Germany and Britain. This was partly due to the inherent practice of accommodating

so-called missing genetic links and family secrets into everyday life being common in European kinship practices, as many anthropologists and sociologists have shown (e.g. Smart 2011). The policy debates from the 1980s onwards, moreover, did not focus foremost on what children and parents should or would want to know about donors or vice versa. The debates focused mainly on questions surrounding the status of the embryo (e.g. Hauskeller 2004; Jasanoff 2005; Richardt 2003), and, more so in Britain than in Germany, on how legal parenthood is determined by law if donor conception is involved (e.g. Haimes 1990; Katzorke 2008).

For Britain this meant that with the comprehensive regulation of NRTs and the new genetics, which many European countries started to implement at the beginning of the 1990s, a previous *de facto* donor-anonymity became an explicitly *regulated for* donor-anonymity with the Human Fertilisation and Embryology Act (HFE Act) in 1990. In Germany, the Embryo Protection Law issued in the same year outlawed egg donation and did not touch on sperm donation at all. This meant firstly, that many juridical inconsistencies were left in place, for instance those pertaining to potential legal connections between child and sperm donor. And, secondly, that a historically long practiced de facto donor-anonymity remained the dominant practice in German fertility clinics.

However, in the so-called noughties kinship-by-donation, or more precisely the official management of kinship-information within clinically assisted reproduction-by-donor, became a regulatory problem in both countries. It also became a debated example of procreation practice outside the assumed norm of the genetically related heterosexual nuclear family. Thus it emerged as far more publicly visible, in the sense that Stefan Beck has defined a

"prime Versuchsanordung (an experimental cum experiential system 'in the wild', outside of controlled laboratory settings) […] producing new subjectivities, new moralities and social obligations, as well as new relations" (Beck 2012, 363).

In Britain, for instance, homosexual and heterosexual parents-by-donation had set up the interest group Donor Conception (DC) Network strongly advocating parental disclosure of the donation and providing families with a tightly-knit network of local groups, annual conventions, and a vast array of advice materials on disclosure to be accessed or ordered through their comprehensive website. Also in Britain, parents and donor-conceived

adults took legal action against donor anonymity in 2002 (Rose & Anor vs HFEA 2002). In contrast, in Germany, parents wishing to acknowledge that their children are donor-conceived (a group I will label *disclosing parents*), along with donor-conceived adults, have started to network with each other via specially set-up websites. They have also started to appear in the media, predominantly supporting the non-anonymity of sperm donors. Within a complex matrix of changing family forms, cultural valorizations of transparency and so-called genetic information, patient group formation, new possibilities of DNA testing, and juridical activities, donor-anonymity and the surrounding practices of non-disclosure were challenged. In this process gamete donor-anonymity was officially removed in Britain in 2004/2005 (UK Gov 2004). In Germany donor-anonymity was not as comprehensively discussed within policy and public discourse as in Britain, but nevertheless a new, but less juridically clear regulatory regime of non-anonymity became implemented in 2007 with the so-called Tissue Law (GewebeG 2007). The contemporary ethnographic exploration and analysis of this matrix is one of the central aims of this book.

Research Desiderata

This book sets out to address four *desiderata* in the social-anthropological research on kinship and assisted reproduction. Firstly, existing work in the new kinship studies focusing on how individuals and families do kinship with the help of reproductive technologies has predominantly concentrated on studying snapshot moments of family formation. Such works have thereby convincingly shown how in moments of crisis and medical intervention, actors resort to diverse tactics of naturalization and normalization (e.g. Franklin 1997; Thompson 2001). Only very few studies (see Becker et al. 2005; Edwards 2000) have focused on more everyday life appraisals of reproductive technologies outside of moments of immediate reproductive crises, or on more long-term confrontations that the families concerned might be facing. My work takes a processual approach to address this research gap, both in its research- and its initial sampling-strategy: The families (n=13) who participated were predominantly interviewed several times over a period of a few years. For all of the

families the initially successful donor insemination, or embryo transfer in the case of egg donation, already occurred several years before, making the narrative reconstruction of different periods in their becoming families-by-donation possible.

Second, as for instance Jeanette Edwards (2009b, 4) recently criticized, there has been a tendency in contemporary anthropological studies of kinship in Europe and North America to too readily place the observed phenomena in a "biology box" and in a "social box", under-problematizing "what got to be included as biological" and thereby implicitly reifying the nature/culture dichotomy. The approach applied in this book follows Edward's call to "resist the attempt to purify" (2009, 10) kinship and to focus rather on the diverse and flexible practices of its making. For this purpose, the research takes inspiration from relational materialist approaches such as Actor Network Theory (more in chapter 2.3) developed in the interdisciplinary field of STS.

Third and fourth, this study takes a locally and nationally multi-sited approach. Similar previous studies have tended to focus on negotiations of kinship within more singular domains. How kinship is negotiated within regulation, for instance, has been studied from a socio-legal perspective (e.g. Donovan 2006; Sheldon 2005), but not in its intersections with more everyday life practices in families (for a call to change this see Edwards (2006)). My work compares differences and consequent entanglements *between* how kinship-by-donation is constituted in the families, clinics, regulation, and interest groups under study. Moreover, it contributes a qualitative empirical inquiry of reproductive technologies, their regulation, and everyday kinship perceptions *in Germany*, where it has been notably under-researched in comparison to Britain.[2]

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2 There are however exceptions to this, mostly coming out of the research cluster (SFB 640) my work was also associated with, for example Beck et al (2007); Klotz and Knecht (2009), Knecht, Klotz, and Beck (2012) or Knecht (2009), but also from elsewhere (e.g. Hauser-Schäublin et al. 2000; Petersen 2000). Timm (e.g 2010; 2011) has not studied reproductive technologies in Germany, but has contributed to an introduction of the so-called new kinship studies and their theoretical concerns into the German anthropological debates and the more historically oriented family studies of German speaking *Volkskunde*.

Studying Kinship and Kinship-Knowledge

One of the constitutive starting points for this book has been my hypothesis that there is a core theme running through the complex entanglements of the above identified matrix of changing family forms, cultural valorizations of transparency and so called genetic information, biotechnological developments and interest group activism. This theme is kinship-knowledge, or rather its social, medical, and regulatory management: what has to be known by whom about sperm and egg donors on the basis of which assumptions about biology? How is this information stored and made accessible? What should children know, and how should they know, about the donation? Or, put more ethnographically, as this research is not an ethical, but a descriptive and analytical endeavor: what is currently known and by whom about the donors? How—and in conversation with which scientific and everyday discourses on biology, heredity, and physiological connections — are these ways-of-knowing validated, represented, and practiced within multiple social relations? Through which familial and institutional practices and infrastructures[3] is this information stored and made accessible? What are children-by-donation told, when and how and by whom? What becomes excluded and silenced? And, ultimately, how is kinship-by-donation constituted within these knowledge-practices — practices of (k)information — in contemporary Western Europe? Answering these questions through an exploratory and multi-sited ethnographic focus on practices of what I have come to call kinship knowledge-management in Germany and Britain is the main aim of this work.

As mentioned above, the study of kinship has a turbulent history within anthropology and has been part of its disciplinary formation reaching back into the 19th century. Two aspects have long been contested: whether kinship, in its anthropologically charted global diversity, is indeed a universal category of human social organization, and how to actually conceptualize the potential link between biological reproduc-

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3 As expanded upon in chapter 2.3, by infrastructures I am referring to formal and informal data-management systems crucial for kinship knowledge-management, such as the donor-files in a clinic, but also such everyday life "archives" as photo-albums in families. (For a discussion of the crucial role of infrastructures in the constitution of everyday life e.g. see Star (2002)).

tion, everyday care practices, and socially recognized kinship systems. The recent scholarly works included in the umbrella term, new kinship studies, have incorporated anthropological critiques of ethnocentrism, feminist critiques of anthropology, bioethical discussion on relatedness and privacy, and analyses from STS into a more practice and process oriented perspective of kinship. These works provide the broad theoretical background to this research. They often focus on NRTs' potential for "kinship trouble" (Franklin 2001, 314) or "identity trouble" (Hauskeller 2009, 40) through new relations and new knowledge on those relations coming out of the Life Sciences. New kinship studies contributors have tended to stress the importance of studying how kinship is done—and thereby defined—locally and with attention to rather flexible practices of inclusion and exclusion. Kinship then comes to figure as an "analytical tool" (Bestard 2009, 19; also see Strathern 2005, 7) for studying the formation of relationships and solidarity and the entangled role of "biologies and biologicals" (Franklin 2001).

In this research the analytical tool kinship is employed to describe and analyze how persons in Britain and Germany use gamete donation during a period of transition in which unquestioned anonymity and non-disclosure are replaced by routines of unquestioned non-anonymity and expectations of disclosure. Yet the analytical tool and ethnography's general strength for empirically picking up and reacting to the unexpected have also led me to touch upon the emergence of much wider cultural patterns in this research: namely the rise of transparency and connectedness as moral imperatives, as explored in the concluding chapter. Stripped of universalist or deterministic underpinnings, the study of kinship remains a probe into social life, as relevant a hundred years ago as in this work.

Debates on the role of knowledge or knowledge-practices in establishing kin-relationships also have a long history in cultural and social anthropology (see chapter 2.2). I argue that clinically assisted reproduction-by-donor is different from, say, adoption, IVF or also unassisted reproduction, in the way it brings together the necessity to manage the status of different forms of kinship-knowledge very explicitly: specifically how and which aspects of knowledge about the donor are relevant in official regulation and among parents and children, but also

of equal importance, which discourses feed into the clinical "production" of kinship-by-donation (such as, for instance, scientific standards or classifications systems).

Drawing on the works of one of the new kinship studies' founding figures, David Schneider (1968), and using his notion that changing scientific biological knowledge in Western societies is foundational to kinship, Marilyn Strathern (1999) famously claimed that knowledge about biological procreation has the built-in effect of creating relationships through discovery. She therefore called it "constitutive information" and argued that, given the central role knowledge plays on parentage and procreation for people in Western societies, kinship-information cannot be scanned for personal utility by those affected. Rather, it irrevocably contributes to identity formation: "The social effect is immediate" (Strathern 1999, 75). The "constitutivity" of kinship-knowledge is also captured in the title of this research: *k*information.

Both Schneider's original assertion and Strathern's later conceptualization have been taken up and expanded upon within some of the works of the new kinship studies (e.g. Franklin 2001), as discussed in chapter 2. Empirical engagement with Strathern's (1999) concept has been scarce (but see Carsten 2007). It is one of the aims of this research to change this and thereby make an empirical and theoretical contribution to the scholarly debates on kinship-knowledge in anthropology. My research shows that kinship-by-donation is uniquely positioned in forcing the actors engaged in it to address and negotiate explicitly aspects of kinship-knowledge that are often taken for granted or kept private in the making of families. This makes kinship-by-donation a prime site for exploring in close empirical detail what the notion of kinship-knowledge as constitutive knowledge might mean in different societal domains and socio-material contexts. The idiom knowledge-management functions as the term to cover all the complex familial and institutional negotiations of kinship-information that I analyze. The term is borrowed from management theory and organizational studies and has the advantage of stressing the actors' agency and tactical engagement along with regulatory and infrastructural necessities and affordances. I use it stripped of its implicit or explicit rendering of knowledge-as-capital or knowledge-as-substance, which it carries in its originating disciplinary contexts. Rather, taking a pragmatist outlook, I

argue that doing kinship and knowing kinship fall together (see chapter 2), yet take different shapes within and across the settings studied. My aim is to show the central role of knowledge-management in the making of families-by-donation in Europe.

Empirical Basis and Comparative Angle

In researching *k*information in four specific domains and in different sites and localities my research shows which aspects of kinship-knowledge are typically foregrounded and hence become constitutive within these domains and within individual families. Thus I encounter multiple axes of comparison, and the structure chosen to account for my findings focuses on three entangled aspects of similarity and difference: comparative axes are the four domains (families, clinics, regulation, interest groups), individual cases, and the two countries, Germany and Britain, as distinct regulatory environments. The narrative position adopted for this comparison is one where familiarity with neither the British nor the German regulatory situation is assumed of the potential reader. The comparative and contrasting aspects of this research then become a methodological tool to capture and analyze local specificities in different field sites and realms of analysis. It is worth clarifying that I do not wish to make claims on generalizable national differences beyond specific national regulations and reactions to these distinct policies. This research presents aspects of a "thick comparison", i.e. a reflexive approach to ethnographic comparing, which "takes seriously that objects of comparison — along with ethnographic fields—are being produced through the research process" (Niewöhner and Scheffer 2010, 4).

One aspect that I chose not to use as a systematic point of comparison, although it is repeatedly touched upon within individual discussions throughout this research[4], is the difference between egg and sperm donation and associated gender-differences in the experience of assisted conception. The individual families I studied were predominantly DI families (partly due to the illegality of egg donation in Germany). To expand the study to cover this specific comparative realm productively and in all its

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4 For example in chapter 5.2 pertaining to the clinics and in chapter 8.5 pertaining to virility.

facets would have unduly expanded the pragmatic boundaries set for this work.[5]

The empirical basis of this research is provided through a multi-sited ethnographic exploration, employing in-depth and, as mentioned above, recurring interviews and short ethnographic episodes (such as shared meals or walks) with heterogeneous families-by-donation over a period of several years. The families (D n = 8; GB n = 5) were predominantly found through interview appeals in interest group forums and fertility clinics. The intensity of contact varied, but predominantly consisted of two interviews over a three-year period with e-mail contact in between. Where possible, interaction with families took place more often than the two interviews and in more informal fieldwork situations. The empirical basis of this research is further provided through (in some cases recurring) interviews and informal interactions with clinicians, policymakers, interest group activists, fertility counselors and donor-conceived adults across Britain and Germany. Short periods of ethnographic observation in fertility clinics in both countries were accompanied by the collection and analysis of local and national operating procedures, guidelines and policy documents. Interest group and counseling publications on gamete donation, particularly advice booklets and children's books on disclosure were also analyzed and compared. Further interviews from the "Kinship Cultures" research project (some conducted by myself) with families-by-adoption or -IVF, fertility doctors, and adoption counselors were selectively drawn on as well. Interviews were transcribed verbatim and observations recorded in fieldnotes. All were analyzed in a two-step coding process as suggested by Emerson (1995).

Within the empirically oriented parts of this book, I move back and forth between pointing to practices I identify as typical and pointing to practices I describe in individual detail. The narrative tone adopted in this work is reflexive, and sometimes also experimental or autoethnographic: chapter 2, for instance, experiments with the genre of the ethnographic arrival scene, trying to capture how I arrived at the theoretical and analytical

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5 However, in addition to the indeed manifold extant empirical and theoretical discussions of kinship, infertility, and gender within the new kinship studies (Thompson 2005 would be an excellent example), see Klotz (2007) for a limited discussion of UK donor-anonymity and differences between egg and sperm donation. For more systematic comparisons see the works of Almeling (e.g. 2011).

positions constitutive for this research instead of a concrete fieldsite. The (limited) autoethnographic components thread in an additional methodological tool: the author's own "inexperience" with kinship, for example through being raised by parents who foregrounded their personal and political credo that "water" (i.e. chosen ties of solidarity beyond kinship) is "thicker than blood", is used as a tool of defamiliarization whilst probing into taken-for-granted assumptions on kinship. The epistemological position thereby taken throughout this book is one of critical reflexive realism (e.g. Aull Davis 1999), where the researcher's subjectivity is neither eclipsed, nor made visible as an end in itself, but "is a means […] of coming to know, however imperfectly, other aspects of social reality" (Aull Davis 1999, 213). Transparent subjectivity and an associated making-strange of the seemingly familiar are hence used within this research as the anthropologist's well-tried tool for an intersubjectively comprehensible—and thereby accountable—analysis and discussion (e.g. Amann and Hirschauer 1997; Steinke 2000).

Book Structure

I follow my description and analysis of how kinship-by-donation becomes constituted in different ways in the knowledge-practices apparent in families, clinics, regulation, and intersecting interest group activism by firstly tracing my theoretical and conceptual arrival at this research in chapter 2. I use the classical genre of the ethnographic arrival, as touched upon above, to trace three arrival scenes. In scene 1, I trace how I came to identify knowledge-management as one of the key regulatory problems gamete donation poses, because gamete donation disrupts long established recognition practices of parenthood. This section outlines the recent regulatory changes in Britain and Germany. In the second scene, I discuss the term knowledge, its role in the history of kinship studies, and its use in the so-called anthropology of knowledge. I focus on the role of materiality when studying kinship in scene 3.

Chapter 3 gives an account of the research process, the sample, and data analysis. Chapter 4 is the first of five chapters engaging in detail with the fieldwork data. However, the book barely separates into empirical and theoretical chapters: relevant theoretical points and links back to the broader

theoretical grounding in chapter 2 are engaged with directly in the relevant empirical sections, and taken up more abstractly again in the concluding chapter.

Chapter 4 is also the first of three chapters (chapters 4, 7, and 8), which put the parents at center-stage, i.e. focus on the domain of the families. While chapters 7 and 8 concentrate on active practices and confrontations in familial knowledge-management, chapter 4 analyzes the broader reflections and opinions of the parents and also reconstructs past-practices. The first section (4.1) follows how the parents defined kinship within their own reflections expressed in the interviews. There it is constituted through three characteristic tensions relating to choice, corporeal continuity, and love. Then I reconstruct what I call the reproductive histories of the parents (4.2). Specifically for the heterosexual couples of my sample, donor insemination appears as a *technology of the last resort*, only to be pursued after the unsuccessful utilization of IVF/ICSI.

Chapter 5 focuses on the fertility clinics and sperm banks I visited in Germany and Britain. The chapter starts (5.1) with details about the regulation of sperm and egg donation in both countries and particularly what role these regulations play—or actually do not play—on the "shop-floor" (Griffiths, 2003) of the different field sites. The section makes visible how kinship-by-donation in both countries was constituted within two differing modes of governance: a tight, yet processual approach in the UK and a "hands off" minimal approach in Germany. The following sections focus on two different pathways of knowledge in the clinical constitution of kinship-by-donation: the medical trajectory[6] (5.2) and the accessible clinical/institutional trajectory (5.3). In 5.2 I analyze in detail the working stages involved in the step-by-step constitution of kinship-by-donation at the clinics. I argue that one of the unique characteristics of kinship-by-donation is how comprehensively it relates to clinical and institutional administration, infrastructures, and scientific standards. This also means that clinical and parental knowledge-management becomes part of the physical constitution of the children born through the procedures, for example through having specific blood groups. Section 5.3 analyzes which aspects

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6 I use *trajectory of knowledge* as put forward by Fredrik Barth (2002), which I discuss in chapter 2.2 Barth uses the phrasing to point to the path-dependence of knowledge within entangled practices of validation, storage, and distribution.