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ARTÍCULO

Alternative or disruptive family models? Grand/motherhood and posthumous surrogacy in the case of Ana Obregón

Models de família alternatius o disruptius? Avitat i gestació subrogada pòstuma en el cas de l'Ana Obregón

¿Modelos de familia alternativos o disruptivos? Abuelidad y gestación subrogada póstuma en el caso de Ana Obregón

Mathilde Cassou

Mathilde Cassou. Academic associate at McGill University's Center of Genomics & Policy. This paper was written when she was affiliated to the University of Oxford's School of Anthropology and Museum Ethnography. Email: mathilde.cassou@umontreal.ca. ORCID: <https://orcid.org/0009-0000-0515-0874>.



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Abstract

The neoliberalisation and marketisation of fertility have had – and continue to have – tremendous impact on conceptualizations and affordances of kinship. Through the case of Ana Obregón, which caused great controversy in 2023 in Spain, this project examines how ART components such as transnational surrogacy, sperm donation and posthumous reproduction are not only responding to, but also changing, the ways in which family-making is perceived and practised. Following the steps of feminist contributions to the field, this lens interrogates how kinship, as a key social system, is reinserted in new contexts where ARTs predominate. To answer these questions, I explore the public perceptions of this case conveyed in both the press and social media in order to understand how narratives surrounding kinship, surrogacy, posthumous reproduction, and grand/motherhood are constructed and carried out. A digital ethnography seeks to demonstrate how this case interrogates common sense and exemplifies an alternative family-building strategy which also becomes disruptive as it is inserted into new possibilities allowed by global third-party reproduction. This project also seeks to engage with the existing literature at the intersection of ARTs and kinship to offer a different avenue beyond the classic Anglo-American bibliography. Looking at how women's bodies shift from private to public sphere when childbearing is involved, I explore how subjectivities and asymmetries are conveyed in the public discourse, thus highlighting the power of a single case study to reflect normative attitudes and sociocultural debates.

Keywords: kinship; motherhood; grandmotherhood; assisted reproduction; surrogacy; posthumous procreation.

Resum

La neoliberalització i la mercantilització de la fertilitat han tingut – i continuen tenint – un gran impacte en les conceptualitzacions i les possibilitats del parentiu. A través del cas de l'Ana Obregón, que va causar una gran controvèrsia en 2023 a Espanya, aquest article examina com els components de les tècniques de reproducció assistida, com la gestació per substitució transnacional, la donació d'esperma i la reproducció pòstuma, no sols estan responnent a les formes en què es percep i practica la creació de famílies, sinó que també les estan canviant. Seguint els passos de les aportacions feministes a aquest camp, s'adopta una perspectiva que qüestiona com el parentiu, un tema antropològic tradicional i un sistema social clau, es reinserteix en els nous contextos en els quals predominen les TRA. Per a respondre a aquestes preguntes, exploro les percepcions públiques d'aquest cas transmeses tant en la premsa com en els mitjans socials amb la finalitat de comprendre com es construeixen i duen a terme les narratives entorn del parentiu, la gestació subrogada, la reproducció pòstuma i l'avitat/maternitat. Des d'un marc conceptual de recerca narrativa, una etnografia digital pretén demostrar com aquest cas interroga al sentit comú i exemplifica una estratègia alternativa de construcció familiar que també es torna disruptiva en inserir-se en les noves possibilitats que permet l'ecosistema reproductiu global i les seves asimetries. Aquest article també pretén comprometre's amb la literatura existent en la intersecció de les TRA i el parentiu per a oferir una via diferent més enllà de la bibliografia clàssica angloamericana. Observant com els cossos de les dones passen de l'esfera privada a la pública quan està implicada la maternitat, exploro com les normes, les subjectivitats i les dinàmiques de poder es transmeten en el discurs públic, destacant així l'abast d'un únic estudi de cas.

Paraules clau: parentiu; maternitat; avitat; reproducció assistida; gestació subrogada; procreació post mortem.

Resumen

La neoliberalización y la mercantilización de la fertilidad han tenido – y siguen teniendo – un tremendo impacto en las conceptualizaciones y las posibilidades del parentesco. A través del caso de Ana Obregón, que causó una gran controversia en 2023 en España, este artículo examina cómo los componentes de las técnicas de reproducción asistida, como la gestación por sustitución transnacional, la donación de esperma y la reproducción póstuma, no sólo están respondiendo a las formas en que se percibe y practica la creación de familias, sino que también las están cambiando. Siguiendo los pasos de las aportaciones feministas a este campo, se adopta una perspectiva que cuestiona cómo el parentesco, un tema antropológico tradicional y un sistema social clave, se reinserta en los nuevos contextos en los que predominan las TRA. Para responder a estas preguntas, exploro las percepciones públicas de este caso transmitidas tanto en la prensa como en los medios sociales con el fin de comprender cómo se construyen y llevan a cabo las narrativas en torno al parentesco, la gestación subrogada, la reproducción póstuma y la abuela/maternidad. Desde un marco conceptual de investigación narrativa, una etnografía digital pretende demostrar cómo este caso interroga al sentido común y ejemplifica una estrategia alternativa de construcción familiar que también se vuelve disruptiva al insertarse en las nuevas posibilidades que permite el ecosistema reproductivo global y sus asimetrías. Este artículo también pretende comprometerse con la literatura existente en la intersección de las TRA y el parentesco para ofrecer una vía diferente más allá de la bibliografía clásica angloamericana. Observando cómo los cuerpos de las mujeres pasan de la esfera privada a la pública cuando está implicada la maternidad, exploro cómo las normas, las subjetividades y las dinámicas de poder se transmiten en el discurso público, destacando así el alcance de un único estudio de caso.

Palabras clave: parentesco; maternidad; abuelidad; reproducción asistida; gestación subrogada; procreación post-mortem.

1. Introduction

1.1 The case

Ana Obregón is a well-known 69-year-old Spanish actress and presenter who announced in March 2023 that she had made an agreement with a Miami-based Latina surrogate to carry her intended grand/child in the United States, since surrogacy is not recognised in Spain. Perhaps the most striking aspect of this affair is the embryo itself, in that the sperm used belonged to Obregón's late son, Alessandro Lequio ('Aless'), who passed away from cancer in 2020. Having previously expressed his desire to conceive a child after his treatment, he had proceeded to oncofertility preservation. Thus, posthumous procreation was sought by Obregón through the fertilisation of the surrogate's egg with Alessandro's sperm – although he never consented to this specific use. Upon returning to Madrid, she went through the national adoption system, following the instructions published in Spain a few years ago on the registration of children born through surrogacy abroad as adopted children (Jimeno 2023). Indeed, in 2010, a more permissive instruction of the Spanish General Directorate of Security and Public Faith allowed the inscriptions in the registry of maternity or paternity resulting from surrogacy, making these types of parenthood recognised in Spanish law. Since a 2013 ruling by the Supreme Court and a subsequent 2019 instruction, such registrations in the consular civil registries became only allowed when there is a ruling in the country of origin (Becerra 2023). Thus, it was possible to obtain maternal filiation in this case; Ana Obregón, being a Spanish national, could register the child as her daughter born in the United States. Therefore, Obregón was made both the social and legal mother of the child, while simultaneously being her biological grandmother. The announcement provoked an intense public reaction, with strongly polarised opinions extensively displayed on social media and in the traditional press.

1.2 The whys

Why did this affair generate such a widespread controversy? Why were opinions so polarised on this case particularly, and what moral judgments and norms do they convey? How is this related to the wider context surrounding third-party reproduction in Spain?

The case, still very fresh in collective minds, will be used as the entry angle for a broader sociocultural analysis with an anthropological lens on the 'bio-social entanglements' (Gibbon 2007) of the several dynamics at play: cross-border surrogacy, posthumous reproduction, advanced maternal age (or 'postmenopausal motherhood'), adoption of kin, and the ethical and legal aspects of these individual practices. However, beyond a simple list of these components, it is their entanglement which makes this case compelling to analyse sociocultural and bioethical perspectives, revealing a lot about the local context.

Accordingly, this paper broadly explores how the complex, multi-layered dimensions from the realm of fertility and assisted reproduction in this case resonate with the public discourse (or not), and how they are closely related to social change. Because 'we know that IVF and ARTs do not just reproduce babies: they reproduce values, norms, identities and institutions' (ReproSoc 2018), I examine how this unfolds in the present case, and how kinship and parenthood (especially motherhood) are significantly transformed by ARTs in some regards, but also not in others, such as the primacy of blood kinship as well as social norms surrounding maternal age and responsibility.

1.3 The focus on Spain

Over the last decade, more attention has been paid to the impact of discrepancies or inconsistencies in different national legislations, showing how these gaps are driving global trajectories of fertility mobility or *reprotravel* (Inhorn 2020). With its significantly lower prices, Spain has become a very popular destination – the first European one – for gamete donation and oocyte cryopreservation (Nahman 2016, Inhorn & Patrizio 2015). For instance, half of total cycles with donated eggs across Europe are done in Spain (Rivas Rivas & Álvarez Plaza 2020: 13), patterns which have certainly prompted not only legal but also extensive bioethical reflection. However, despite constituting the most extensive body of knowledge by far on the topic, the Anglo-Saxon literature seems only partially adequate to analyse cases like the present one, where the nature of the interrogations is fundamentally sociocultural.

2. Methods: The hows

A literature review sought to explore the sociocultural and bioethical considerations of transnational and local surrogacy practices as well as posthumous reproduction in Spain, and its implications for alternative family building strategies in the contemporary context. Conceptually, I draw on Strathern's approach to the deconstruction of media discourse in a similar case (1999). Just like Thompson calls fertility clinics 'dynamic cultural sites' (2007: 13), here, I extend this denomination to social media since they also offer a rich account of sociocultural norms, values, and trends: 'Anthropologists of reproduction must pay attention to digital storytelling as a new reproductive technology' (Teman 2019).

The sample (field) was constituted through a Google search with a broad range of keywords related to Ana Obregón's case. All newspapers articles and blog posts from Spanish sources were considered unless they displayed strong ideological orientations that went beyond relating facts about Obregón's story. This selection was facilitated by discarding content from journals and magazines with a mandatory fee and/or required membership. Similar keywords were used on Instagram (the only social media consulted given that it was, at the time of the research, Obregón's only social media platform), through search with hashtags, direct search of individual profiles including Obregón's, and algorithm-based suggestions from the "Search & Discover" section. In total, 12 newspapers and blog articles and their corresponding readers' reactions were considered, as well as 48 of Obregón's Instagram posts and stories and their corresponding comments. The materials consulted spanned what can be considered the case's length, from the announcement of the girl's birth until her first birthday (March 2023-March 2024).

Consequently, the digital ethnography aimed at realising a public discourse analysis to examine how this 'provocative case history that simultaneously signals new ethical dilemmas and appeals to the human interest of experiences familiar, directly or indirectly, to everyone' (Strathern 1999: 10) was treated in Spanish newspapers and social media, and how this relates to a larger context. The discursive semantic analysis focused on examining the relationship between language, meaning and social context, with the aim of understanding how language constructs and reflects social realities, power dynamics, ideologies and cultural norms (Mealer & Jones 2014, Pascoe Leahy 2022) – in short, wider societal factors embedded in the realities that this project is trying to capture since 'there is more to what people say than the view they are expressing' (Strathern 1999: 11).

This method revealed several dynamics or components within the case, which are then used for the analysis instead of being artificially imposed. Thus, this methodology is based on the conception that knowledge is constructed in social interaction, involving shared meanings and a process of self-reflection (Torres et al. 2008), hence the relevance of conducting field-related collaborative work in parallel. In Madrid, experts from two Spanish universities¹ took part in an extensive roundtable discussion anchored in the strength of interdisciplinarity, particularly relevant here since the discussants were also familiar with the case and the context in which it is embedded. This form of ‘witness thinking’ (Shotter 2012) gave rise to new interpretations discussed at length in the next sections.

Lastly, I posit that the Obregón affair generated a big controversy involving many opinions and attitudes because ‘people seize upon kinship issues much more readily in some contexts than in others’ (Strathern 1999: 21). Although it may seem particularly easy to fall into a moral evaluation of a case like this one, whose focus takes root in the endeavours of a single individual, this paper does not seek to condemn or praise. Rather, it aims to establish a dialogue between the micro and the macro levels, highlighting what comes out when an anthropological gaze is adopted towards what is otherwise perceived as a mundane context (Geertz 1973).

3. Discussion

3.1 A more open-ended reproscape?

In this context of ART-driven social change, it is also crucial to look at how these developments respond to and interrelate with the transformations in the concepts of family and parenthood that have been taking place in society, where ‘kinship is the most important social institution’ (Hylland Eriksen 2023: 119). Over time, factors such as the use of contraceptive methods, the delay in the birth of the first child, the increase in the proportion of unmarried people and a greater focus on personal fulfilment have contributed to redefining kinship structures. These factors have given rise to emerging family configurations, such as single-parent, same-sex, shared parenting models, etc., among others (Vidal 2014; Franklin, Strathern et al. 1999). Thus, ARTs have not only introduced new possibilities in procreation, but their very existence responds to the needs of a changing society that seeks to create family ties in contexts that adapt to new realities.

¹ Universidad Complutense de Madrid and Universidad Autónoma de Barcelona.

This case is composed and transcended by many dynamics, or points of controversy, whose juxtaposition in a single case generated a massive public outcry (e.g. ‘Everyone seems to have an informed opinion on the subject’ [*Todos parecen tener una opinión fundada sobre el tema*] (*HayDerecho* 17 April 2023)). Rather than representing an alternative family-building strategy, this affair is disruptive because it contradicts many of the elements that make up kinship in the corresponding collective imaginary, challenging the cultural aspects and social structures (Gélard 2021). Therefore, the ‘quest for conception’ (Inhorn 2020) in Obregón’s case represents a disruption of ‘a cultural system of relatedness’ (Hylland Eriksen 2023: 120), as this case is inscribed in the Euro-American context, where consanguineous kinship is predominant and single parenthood is not part of the normative spectrum of family patterns. More than a mere combination or juxtaposition of layers of complexity, the case of Ana Obregón illustrates how these issues are intertwined, highlighting that a new ‘ontological choreography of reproductive technologies’ (Thompson 2007) focuses not so much on what kinship *is* than on what it *does* (Carsten 2004).

For the Community of Madrid (2011), where Obregón lives, ‘*the family is a dynamic structure that evolves with the society of which it is a part and of which it is a fundamental reference point for understanding it. The factors that determine its composition, its size and how it is organised are not only demographic, but also have to do with economic and social issues*’ [my translation]. It is paradoxical that economic and social issues are mentioned as determining factors, as these were precisely some of the triggers of the controversy, as will be discussed later.

3.2 ‘The hegemony of the gene’²

Yet, despite offering more reproductive options and allowing the formation of a greater diversity of family models, ARTs reaffirm the importance of the genetic or biological link: ‘What is striking, of course, is the close resemblance between the model of inheritance described by blood-based bilateralism and that described by biogenetics’ (Franklin 2013: 292). These conceptions are based directly on what we regard as natural and contribute to it, as anthropologist Kaja Finkler argues: ‘the new genetics have not precipitated the decline of the natural facts/social facts dichotomy, but have instead strengthened this distinction’ (2000).

² Franklin, S. 2013. ‘Chapter 13: From Blood to Genes? Rethinking Consanguinity in the Context of Geneticization.’

As a consequence of the increased accessibility of ARTs, there is a window of opportunity for users to take control over kinship ties, modifying them in ways that suit their desires but feel unnatural in a broader social perspective. ‘The extent to which kinship is intrinsic to personhood’ (Carsten 2004: 106) and the value attributed to genetic connection in parent-child relationships is not a whim of those seeking surrogacy or assisted reproduction methods, but is a reflection of the kinship ideology prevalent in Western countries. The emphasis on ‘biogenetic ties as a frame of meaning’ for maternity and family legitimacy (Rivas Rivas & Álvarez Plaza 2020) that considers the biogenetic connection as the fundamental element of kin relations, evidenced in phenotypic, bodily, attitudinal and behavioural similarities, underlies both contemporary Euro-American cultural systems and most Western legal systems regulating birth and parentage. Adoption clearly illustrates this hierarchisation. Studies on the construction of paternal and maternal roles in adoption processes have highlighted how experts responsible for information, training, evaluation and selection of candidates make a distinction between biological and adoptive parenthood, presenting the former as the normative reference for the latter (Rivas Rivas & Álvarez Plaza 2020: 218). Traditionally, a non-blood tie or ‘fictive kinship’ (Carsten 2004: 141) is considered somewhat symbolic, less legitimate because not anchored in biological foundations (e.g. “*real mum*” (Kirkman 2008)).

Since biological inheritance is an integral part of personal identity (e.g. Córdova & Lipko 2013), the case examines and exemplifies how gametes are not simply cells, but those involved in the transmission of individual life, not of human life in general; it is a unique factor of differentiation and similarity. The search for ‘genetic truth’ [*verdad genética*] only seems to work in one direction (from children to parents), but not the other way around (Álvarez Plaza & Pichardo Galán 2022). Indeed, the case of Ana Obregón is disruptive in that, contrary to what happens in cases of adoption where the parents are not so interested in the genetic link, Obregón is the one who specifically seeks this method so that the family and identity link – blood and genes – takes precedence. In Franklin's words, Obregón seems to be ‘extending, altering [and] otherwise manipulating’ the ‘kinship universe’ as the present case is inscribed in the Spanish sociocultural context in which kinship ideology does not allow for ‘third parties’ in reproduction (Rivas Rivas & Álvarez Plaza 2020: 19), hence the tremendous social resonance of the case.

3.3 ‘Wombs for rent’: Revival of the surrogacy debate

Over the past few years, Spain has come to be recognised as a global fertility hub mostly due to its more permissive regulations (ESHRE 2019) and attractive prices on the market (Ishii 2018). This ‘liberal legislative framework’ (Alon et al. 2024) is generally understood to reflect and encourage a general openness towards non-traditional family models in society (Directorate-General for Structural Reform Support 2023, Torres Quiroga 2019). However, the controversy around the Obregón case seems to have rekindled the societal debate on surrogacy since the legislation is not so straightforward.

Indeed, the Spanish law from 2006 on ARTs does not prohibit nor criminalise surrogacy, only stating that the surrogacy contract is null and void³ (*HayDerecho* 17 April 2023). This kind of legal vacuum, which also exists in several other countries, is among the reasons behind transnational surrogacy dynamics (Nahman 2016). Interestingly, several sources consulted for this project posit surrogacy to be simply illegal in Spain, which further underlines the general vagueness surrounding the legislation on this practice and its opacity to the public. Meanwhile, a public survey carried out by My Word Observatory in 2017 showed that 72% of respondents agreed that this controversial practice should be regulated by law (My Word Social and Market Research 2017). This confusing legal status was extensively discussed and its implications for the present case were analysed with a legal scholar who partook in the panel discussion in April 2024. It was observed that even in the very definition of surrogacy offered by different sources does the choice of terms convey certain subjectivities, making it almost impossible to find a neutral account and reiterating the highly polarising nature of this practice. For instance, the Basque Women’s Institute (2018) distinguishes commercial from traditional surrogacy⁴, whereas this does not appear in the proposed law of the Association for Surrogacy in Spain.⁵ In the public discourse, not only many social comments and posts but also newspapers articles directly displayed a negative stance towards the surrogacy component of Obregón’s case. They denounced the practice as morally reprehensible – particularly given its close-to-forbidden state in Spain – notably through the widespread use of the expression ‘womb for rent’ [*vientre de alquiler, útero de alquiler*] (e.g. *El*

³ The undertaking of such practices does not give rise to criminal or civil liability or any other type of legal sanction. Art. 10, *Ley 14/2006, de 26 de mayo, sobre técnicas de reproducción humana asistida*.

⁴ Where the surrogate is also the egg provider.

⁵ *Ley de la Asociación por la Gestación subrogada en España*.

País 5 April 2023). Criticism of Obregón's choices regarding surrogate motherhood reflects a deep disdain for how the fertility industry, increasingly influenced by economic libertarian principles, positions privileged women—mostly white—as consumers of reproductive technology (Torres Quiroga 2019). This divide is further highlighted by Obregón's fame and wealth, emphasising that only a select few can access greater reproductive autonomy and bypass common restrictions: the process appears to be 'illegal unless you've got money to do it elsewhere' [*ilegal salvo que tengas dinero para hacerlo fuera*] (*El Diario* 29 March 2023).

According to a marketing analysis by the Spanish Observatory on the Image of Women, 3 official complaints were also lodged to *Hola* magazine for their coverage of Obregón's case, stating that it commercially promoted surrogacy (2023), on the basis of a new law⁶ since February 2023 which recognises gestational surrogacy as a form of violence against women and declares the advertising of this practice illegal because it violates their dignity. This was echoed online as several sources directly framed the arrangement as 'a form of violence against women', as denounced by Spanish Equality Minister Irene Montero (Reuters 2023), for whom there was a 'clear poverty bias' regarding the greater number of women of colour and from lower socioeconomic backgrounds involved as surrogates. Indeed, social media comments also expressed concerns for the 'risky business' (Cattapan 2014) of relegating gestation to different women because it entails the separation of motherhood and maternity – a division between bodily functions and social role which gives way to 'cross-border exploitation and structural injustice' (Deveaux 2016). The (Latina) woman involved in Obregón's case did not necessarily seem to be directly invoked at the heart of the commodification argument, but she is often mentioned as a figure of suffering/oppression in the broader narrative across many online comments (*La Vanguardia* 5 April 2023).

Nonetheless, a certain trend in favour of surrogacy was also visible online, for which legalising and visibilising surrogacy as a viable and desirable form of parenthood promotes reproductive autonomy for all parties. Several comments argued that assuming that this practice strips surrogates of their agency is reductionist and patronising because the choice to become a surrogate and to dispose of their bodies as they please might be empowering for some women (García León 2019), following the *my body, my choice rhetoric*. Defending Obregón's reproductive

⁶ Ley Orgánica de salud sexual y reproductiva y de la interrupción voluntaria del embarazo.

autonomy and child wish, this view emphasised the establishment of a contract between all parties to grant individual agency (e.g. ‘to each her own’ [*que cada una haga lo que quiera*]).

In short, whilst ARTs are supposed to bring about greater procreative equality by providing reproductive options to a wider range of individuals, the case highlights the issues of a ‘progressive reproductive liberalism’ [*liberalismo reproductivo progresista*] (Torres Quiroga 2019) which paves the way for a hyper-stratification of the baby market.

3.4 Adoption: an alternative to surrogacy?

In Obregón’s case, the adoption of the child born through surrogacy was treated in the Spanish legislative system as a *fait accompli* in order to prioritise her best interest (because she was already born and had a registered intended parent to adopt her). This kind of legal contortion supports what Rivas Rivas and Álvarez Plaza discuss in their extensive ethnography of Spanish reproductive markets when they note that, curiously, contrary to surrogacy, adoption generally has a strong social acceptance in Spain (2020: 218). The authors suggest that, in the latter, the biological mother renounces the exercise of her maternity once the child is born, whereas in surrogacy this is done by the surrogate before the birth, which contributes to the erasure of the very idea of motherhood (2020: 215). Over the past few years, a notable shift, both in the literature and in practice, from ‘surrogate mother’ to strictly ‘surrogate’, exemplifies this.

Furthermore, according to Fonseca (2004) and Cardarello (2009), the hegemonic expert discourse related to ‘origins’ in the Spanish context has moved from the taboo and stigmatisation of adoption as a form of infertility assistance to the rhetoric of abandonment suffered by orphaned children, thus making it more socially acceptable to adopt because the public discourse frames it as an altruistic endeavour. In 2019, the president of the Bioethics Committee of Spain, Federico de Montalvo, supported this by stating that the choice to undergo fertility treatment without first considering adoption is ‘more debatable, especially when there are millions of human beings who are born in contexts of abandonment and vulnerability.’ [My translation] (*El País* 29 January 2019).

Nonetheless, it is striking that adoption is appealed to as an alternative to surrogacy despite the criticisms it has received as a form of assisted procreation that reproduces some of the ethical objections to surrogacy, such as its exploitative aspect. In fact, the successive laws, both

international and national, that have been passed on this matter have been the result of responding to allegations of child abduction, exploitation, abuse and trafficking.

Thompson's approach proves useful to understand the interactions between child desire and the reproductive means that are considered socially acceptable (or not) to achieve it, emphasising that adoption and ARTs are more about 'making *parents*' rather than 'making babies'. She notes that the initial focus on the child's best interests has shifted to an individualist 'parent-centred extension of reproductive rights' (2007: 7), as indeed the case demonstrates.

3.5 From horizontal to vertical kinship ties: "lateralizing descent"

Unsurprisingly, the use of Obregón's deceased son's gametes has also been highly controversial. Aside from obvious legal and bioethical issues raised around the lack of explicit consent and violation of his posthumous rights (Rodríguez Guitián 2015), the time frame allowed for posthumous assisted reproduction (PAR) was also overlooked since the Spanish law⁷ allows up to a year after the death (García Gómez 2023) whereas the procedure took place 3 years after Aless' death. The parameters of the sperm donation procedure were also against the guidelines of the Spanish Fertility Society (*El Salto Diario*, 8 April 2023), reiterating once more the inequality of access to ARTs and Obregón's underlying privilege.

In the past decade, a few mediatised cases⁸ have displayed how the redefinition of kinship ties through PAR has mainly been by couples, when one of the partners has died before having offspring – in other words, in a 'horizontal' way. The Spanish law in question notably mentions the 'husband's death'. However, because Obregón's kinship tie with her son is a parental one, the case is 'vertical' (two generations involved). Spanish philosopher Gómez García emphasises that the kinship system does not rely on absolute and univocal positions (2011); no one is only a parent or sibling in relation to everyone else. It is normal that an individual, as a relative, progressively accumulates a set of relationships, occupying at the same time several relative positions, but here, the public reactions to Obregón's case suggest that this mobility is socially and culturally confined to certain roles. Accordingly, Obregón's child wish is shocking because it is navigated *vertically*

⁷ Ley 14/2006, de 26 de mayo, sobre técnicas de reproducción humana asistida.

⁸ Such as those of Diane Blood in the United Kingdom (see: BBC Witness History. 4 Feb 2012. "Diane Blood". Available at: <https://www.bbc.co.uk/programmes/p00n4sk9>) and Baret et Caballero c. France (see: European Court of Human Rights, 5e section. 14 Sept. 2023. "Affaire Baret et Caballero c. France". Available at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-226475%22%22%7D>).

from a double relative position: as both a (legal) mother and a (biological) grandmother. Similarly, since she already had a child, several comments on social media conveyed a great discomfort that Obregón's grand/daughter is also her son's daughter and/or sister, thereby 'lateralizing descent' (Thompson 2007: 12). Such identities, although fluid, are disruptive in this particular configuration of 'collaborative reproduction' (where different actors beyond the traditional intended parent(s) are involved) (Thompson 2007) because they generate concerns about the 'perceived intensification of the already existing tie between donor and recipient' (Carsten 2004: 137). In other words, a widespread discomfort was discernible towards what is *perceived to be* an incestuous link, given that Obregón's son is the [biological] father of her [legal] daughter. However, as examined in the panel discussion, this does not constitute a case of incest, mostly thanks to the 'dissociation between sexuality and procreation that the ARTs have made possible' (Rivas Rivas & Álvarez Plaza 2020: 12) that the case so vividly – and perhaps oddly – highlights.

In examining the evolution of Obregón's self-narrative regarding her role in relation to the child, it is evident that a significant shift has occurred over time, observable in both older and more recent interviews with Obregón, as well as in her social media posts. It appears that she strategically reframed her role from that of a mother to that of a grandmother. This reframing can be interpreted as a deliberate attempt to distance herself from the complex and often contentious issues associated with her status, particularly the ambiguous ethical and social implications that some perceived as bordering on incest (Lemardelé, 2021). By embracing the role of a grandmother, which is more socially acceptable in this context, Obregón was able to gain legitimacy and acceptance in the public sphere, simultaneously moving away from such perceptions through the empathy raised as a consequence of the sense of loss and pain.

At the same time, her strategic shift reflects an attempt to navigate and mitigate the confusion stemming from her dual role as a legal mother and a social grandmother. This confusion resonates with broader cultural discourses, underscoring the notion that kinship operates as a biocultural interface system (Gómez García 2011), where biological, legal and social roles intersect and sometimes conflict. In this context, Rodríguez Guitián (2005) challenges traditional approaches by suggesting that post-mortem reproduction, such as artificial insemination using semen from a deceased male, results in a child that is 'post-posthumous', thereby complexifying our understanding of kinship.

In short, Obregón's case appears disruptive because it caused a clash between affordances of kinship – what surrogacy and posthumous reproduction make possible – and conceptualisations of kinship – what is considered, through habitus, 'all the "reasonable", "common-sense", behaviours (and only these)' (Bourdieu 1977: 95).

3.6 Overcoming (or not) the loss of her son

*'Well, the end of mourning for a child is to accept that you are not going to accept it.'*⁹

As far as public opinion was concerned, whilst some perceived the events with empathy, seeing them as a desperate way to prolong the memory of their son and to find consolation after the loss, a large portion strongly judged and criticised the decision. Shortly after the news started circulating, Margarita Robles, Spain's minister of Defence, spoke out to urge respect for the personal reasons that led Obregón to make this decision (*Antena 3* 5 April 2023). Meanwhile, several members of parliament of the Spanish left-wing political group (Podemos) invited the public to think about the women behind it and the situations of economic vulnerability that are encouraged by these practices (*ABC* 5 April 2023).

In view of Obregón's behaviour on social media and the consequent overexposure of the child, many argued that this is a clear illustration of the extent of this moral infraction, and that the origin of this birth is deeply linked to a traumatic experience of loss of a loved one that the Spanish woman has not been able to overcome. However, the fact of trying to mitigate the suffering by making use of ARTs redefines the act of bringing a baby into the world and turns it into a tool for overcoming grief – which is not inherently in the nature of ARTs nor a deliberate misuse of them, in Obregón's view, but a reproductive choice whose moral grounds were clearly more questionable in the public's eyes.

In Finkler's case studies of adopted individuals searching for their birth parents (2000), it is observed that reconnecting with their genetic heritage profoundly transforms individuals' realities, providing them with 'a new sense of continuity with the past' through bonds of suffering (Franklin 2013: 296). Similarly, Ana Obregón seems to be attempting to reconnect herself and the child with her late son, Aless. Online, numerous comments and actions reinforce this idea: the girl's name, for example, phonetically mimics his. Obregón also expressed her loneliness after the divorce and the loss of her only child and her parents, saying that she will never be alone again after the girl's birth. Perhaps most shocking, considering the reactions on social media, is Obregón's choice to address Aless directly in the descriptions of each Instagram post, thus he remains the central focus of the family narrative (e.g. 'She is Aless' daughter and when she grows up I will tell her that her father was a hero, so that she knows who he is and how proud she should be of him.'¹⁰). In addition, Obregón has also decided not to be called 'mother' or 'grandmother', but 'Bela', which is the nickname Aless used to refer to his grandmother when he was a child (Del Río 2023b).

⁹ "Pues el final del duelo por un hijo es aceptar que no lo vas a aceptar." [My translation] (Hola 25 August 2024)

¹⁰ My translation. Original sentence: [Es hija de Aless y cuando crezca le contaré que su padre fue un héroe, para que sepa quién es y lo orgullosa que tiene que estar de él.]

Thus, the main stream of online comments denounced that the girl became a project to enable a ‘continuity of being’ (Mc Mahon et al. 2020), suggesting that Ana Sandra’s mere existence is inscribed in a logic of compensation for Aless’s death and becoming in Obregón’s eyes what bioethics would call a ‘saviour child’¹¹. It is interesting to note how this moral compass is conveyed in invoking the girl’s future as people argue that she may end up suffering serious identity and psychological problems as time passes, ‘[dislodging] [her] sense of self’ (Carsten 2004: 106).

3.7 Late grand/motherhood

“She will be an elder when the girl is a teenager.”

Yet, despite this complex constellation of dimensions in this case, the digital ethnography analysis revealed that Obregón’s age (68 at the time of the child’s birth) seemed to be the most unsettling element in the public eye. Indeed, more attention was given to her advanced age than to any of the other atypical elements, alimending the societal debate about the ethical limits of late parenthood, as ARTs allow women and families to control their biological clock by postponing their family project. In the data collected, the striking frequency of comments referring to Obregón’s age displays how people use concerns about the child’s well-being to convey a moral judgement regarding Obregón’s fitness for motherhood - or lack thereof - especially on Instagram comments (e.g. ‘She may be too old to take on the responsibilities of bringing up a child’¹²).

As discussed in the round table discussion, the fact that ‘human interest then becomes an angle on the story’ (Strathern 1999: 11) of Obregón’s ‘late motherhood’ [*maternidad tardía*] (although it cannot be designated as such because it is not her first parental journey) shows the prominence of sociocultural norms throughout time: people continue to have opinions on women’s bodies and decisions. At a time where family configurations are multiplying and social norms around motherhood are changing, this social outcry offers a vivid account of ‘the idea of society debating the ethics of parenthood’: women’s age is *still* disruptive. Assumptions about fitness for motherhood are common in the case of women who choose to conceive later in life, where the argument mainly lies in biological imperatives and the decline of fertility with age, and can be supported by the scientific evidence of the physiological limitations increase with age. In this case, however, the fact that Obregón is not the biological mother highlights even further how

¹¹ See also ‘saviour sibling’, ‘saviour baby’.

¹² Original sentence: [*Puede que sea demasiado mayor para asumir las responsabilidades de criar a una niña.*]

such concerns and critiques in the public discourse purely emerge from deeply ingrained social norms according to which an older woman is equated with lesser fitness for motherhood, though better suited for grandmotherhood, likely impacting the child's well-being. The concept of the 'elderly mother-to-be' brings to light significant questions about societal expectations and generational roles. In her study of a case in which an Italian woman became a mother at age 62 through IVF, Strathern highlights that 'what is innovative is not the desire to have a child nor its embodiment, but the stage in life at which this happens to her' (1999: 9). Here, the intersection of age, gender, and reproductive technology reveals a nuanced landscape where personal desires confront societal expectations.

In public discourse, the notion of 'baby hunger' frequently underscores such debates. Davitz describes this phenomenon as a compelling force that overshadows all other considerations: 'When a woman has baby hunger, nothing else is as important to her as this inner drive to bear a child' (1984: 207). However, this desire is subject to societal validation, particularly for elderly women, whose drive for motherhood is not always seen as an exercise of reproductive autonomy but is often contextualised within familial or generational frameworks, such as doing it 'for her son' rather than for herself. This shift – fulfilling perceived familial duties – highlights how reproductive freedom is often framed differently for women compared to men (Torres Quiroga 2019: 25).

3.8 Grandparenting: More-Than-One Identity

The literature on grandparents taking care of grandchildren in the Hispanic world, characterised by the high value placed on the traditional family model, focuses on conditions and circumstances where families face numerous risks of interruption or lack of parental care: poverty, divorce, abandonment, substance abuse, etc. (Coelho & Dias 2016). Nevertheless, this is not the case here given that the situation results from a deliberate reproductive choice in a very different framework. While in many Latin American countries, grandmothers often assume caregiver roles, the Spanish situation reveals a more complex picture. Delayed fertility in southern European countries, coupled with traditional expectations and little public support for raising children, means that grandparents may not spend as many years directly devoted to their grandchildren compared to their counterparts in other regions (Leopold and Skopek 2015). Here, this is mirrored for a very different reason and several concerns were expressed around the girl's future lack of a relationship with her grandmother given their significant age gap.

All this research shows the paradoxical and complex condition that this kin function has, as it is seen simultaneously as an opportunity to enjoy the grandchildren (Moreno and Sandoval 2015) and as an experience to repair previous experiences and have new ones (Marín-Rengifo and Palacio-Valencia 2015). In exploring Obregón's multifaceted role as a caregiver, we encounter how her role as a grandmother allows her to nurture and bond with her grandchild, enriching her own life. But Obregón's involvement also goes beyond primary caregiving; it is an avenue for continuing to mother her son and keep his memory alive. Thus, by combining the responsibilities attributed to all these roles, the grand/mother figure emerges as a hybrid social role where different responsibilities and expectations, both extrinsic and intrinsic, meet in a complex process of intergenerational transmission.

4. Conclusion

Because of techno-scientific advances as well as social change, the separation of kinship or parenthood from reproduction has allowed the 'explosion of the nuclear family' (Carsten 2004) and the unprecedented multiplication of family models. Yet, it is paradoxical that ARTs allow these new possibilities whilst upholding the primacy of blood kinship. However, the associated costs remain an inescapable obstacle, which inevitably produces (or reproduces) a division between those individuals and couples who can afford it and those who cannot. Although particularly salient in the case of surrogacy, an increasing attention should be given to this 'stratified kinning' (Pande 2016) as fertility flows are complexifying globally. Similarly, although there generally is good social acceptability in Spanish society towards alternative family models, surrogacy in particular appears to be disruptive of this spectrum of family-building options because it is predominantly perceived as a form of exploitation of women. The digital ethnography suggests that the Spanish 'reproscape' exhibits clear inequality in terms of access and social acceptance of certain models, these limitations often being linked to classic oppressive factors such as social class, ethnicity, age, gender, etc.

Interestingly, this case also reflects a clear asymmetrical positioning of Spanish public opinion regarding age criteria around parenthood, thus emphasising certain gender dynamics. Indeed, Thompson reminds us that 'our *interactions* with ARTs produce rather than simply reflect' (2007: 8). Whilst older men often face minimal scrutiny for their parenting choices, older women frequently encounter significant social judgments and barriers, which has been a crucial element of controversy in this case - if not the most controversial aspect.

Obregón's case demonstrates how kinship becomes this very personal thing that can now be almost endlessly reconfigured and offers a unique interpretation of the social imperative of having biological grand/children. Moving forward, blurring boundaries between the biological and the social might also be a way of approaching kinship, as family relationships develop at this very interface.

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