

# Kissing Cousins: Racism, Homophobia and Compulsory Able-bodiedness in the Controversy over Inter-Cousin Marriage

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*This article analyses cousin couples as a contested form of intimacy in relation to racism, homophobia and compulsory able-bodiedness. Looking at representational and regulatory practices from the politico-legal realm, cousin couple advocacy and popular culture, I demonstrate that each discourse is in conversation with the others. I first consider procreative objections to inter-racial and same-sex marriage and compare them to arguments made about inter-cousin marriage in U.S. law and recent calls to discourage cousin marriages in England and prohibit them in the Netherlands. Next, I analyse how the 'Cousin Couples' website advocates on behalf of inter-cousin relationships by invoking the race analogy while at the same time failing to address the impact of consanguinity laws on racialised communities. Of particular note are the conspicuous absence of a same-sex marriage analogy in the editorial arguments in 'Cousin Couples', and the ways stigmatisation is transferred to people with disabilities. Finally, I analyse a recent U.S. film, Kissing Cousins, which centres on a budding romance between cousins of South Asian origin. While the film confronts the cousin taboo, it attempts to buy acceptability through consumerist identifications and ends by retreating to hegemonic scripts, particularly with recourse to assimilationist paradigms for racialised citizens. In all of the examined discursive arenas, racialisation, procreation and disability become sites of othering, while same-sex desire comes to occupy a more ambivalent position, sometimes seen as analogous to or overlapping with, and other times as distinguishable from, other issues surrounding cousin couples.*

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## I. INTRODUCTION

While same-sex couples have been conducting campaigns throughout the world to access the right to marry, another type of controversial couple – controversial in the Global North, that is – has also been fighting to earn or keep their right to legal recognition and social acceptance. Cousin couples are prohibited from marrying in most states in the U.S., and increasingly face discrimination and censure in Europe.

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As it happens, my parents were first cousins. And even though their marriage would be legal in Canada – where I live – the taboo nature of their relationship has prompted me to conceal their relational status at times, particularly when I want to present myself as a *good* Muslim (read: not a terrorist, or a fundamentalist, or uncivilised). When I have shared my parents’ overlapping lineage, I have received responses like: “Yuck!”; “Isn’t that illegal?”; “You’re lucky you don’t have a genetic disorder”; “I guess that’s normal where you come from”; or “It was an arranged marriage, wasn’t it?” If the last question is posed, I then have the opportunity to explain that it was a self-chosen marriage; indeed, my father broke off a previous engagement after he visited his aunt and fell in love with my mother, his cousin. I can try to fit this family history within the narrative of Jane Austen’s novel, *Mansfield Park*, where Edmund eventually cuts all romantic ties with the superficial Mary to unite with his steadfast cousin Fanny.<sup>1</sup> I know that this picture of refined British courtship might blur the image of Muslim Pakistanis as backward and barbaric. As Ratna Kapur has argued, under the colonising gaze, arranged marriages are not seen as ‘real relationships’, so my parents’ ‘love marriage’ can buy them some political and cultural currency.<sup>2</sup>

Romantic love is thus used as a persuasive tool for controversial couples who seek legal recognition, particularly because convention expects that ‘true romance’ culminate in marriage.<sup>3</sup> The U.S. activist organisation ‘Cousin Couples’ (hereinafter ‘CC’), for example, has relied on the trope of the romantic outlaw to de-stigmatise cousin relationships.<sup>4</sup> Significantly, advocates for same-sex and cousin marriages have both analogised their struggles for legitimacy and marital choice to that of inter-racial couples.<sup>5</sup> Indeed, both groups have invoked *Loving v. Virginia* (1967), the precedent-setting case that abolished anti-miscegenation laws as unconstitutional in the U.S., in support of their legal positions.<sup>6</sup>

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1. JANE AUSTEN, *MANSFIELD PARK* (1814).

2. RATNA KAPUR, *EROTIC JUSTICE: LAW AND THE NEW POLITICS OF POSTCOLONIALISM* 154 (2005).

3. Cheshire Calhoun, *Making up Emotional People: The Case of Romantic Love*, in *PASSIONS OF LAW* 226 (Susan A. Bandes ed., 1999).

4. The Statement of Principles, *COUSIN COUPLES*, <http://www.cousincouples.com> (last visited Oct. 22, 2013).

5. Same-sex and inter-cousin marriage advocates have argued that, as with historical opposition to inter-racial marriage, prohibitions against gay and cousin marriage are rooted in discriminatory arguments based on religious and scientific discourse as well as slippery slope scenarios that suggest if such marriages are allowed, then nothing would prevent the legalisation of unions between, for example, human and animal or sister and brother. See Elspeth Reeve, *How Arguments Against Gay Marriage Mirror Those Against Miscegenation*, *THE ATLANTIC WIRE*, May 9, 2012, <http://www.theatlanticwire.com/politics/2012/05/funny-how-arguments-against-gay-marriage-are-just-those-against-miscegenation/52108/>; Courtney Megan Cahill, *Same-Sex Marriage, Slippery Slope Rhetoric, and the Politics of Disgust: A Critical Perspective on Contemporary Family Discourse and the Incest Taboo*, 99 N. W. UNIV. L. REV. 1543 (2004-2005);

6. *Loving v Virginia* 388 U.S. 1 (1967) (hereinafter *Loving*).

This reliance on race analogies by other kinds of stigmatised couples, whether cousins or gays/lesbians, has been met with resistance from politically diverse sectors. From a conservative standpoint, prohibitions on same-sex and cousin marital relationships are based on objective criteria that advance the best interests of society and thus are different from anti-miscegenation laws which were based solely on irrational prejudice and the perseverance of white supremacy.<sup>7</sup>

From a critical race theory perspective, scholars have argued that comparing race discrimination to heterosexism, as if the two are discrete categories, can obfuscate the existence of intersectional identities, implicitly positioning gay and lesbian people as white and racialised people as heterosexual.<sup>8</sup> Some queer critiques have posited that fighting for the right to marry adheres to an assimilationist politics, further delegitimises and marginalises other forms of kinship and distracts both gays and lesbians and the larger public from more pressing political issues.<sup>9</sup> Many important recent arguments from theorists like Jasbir Puar and Dean Spade have pointed out the way gay marriage advocacy is often implicated in ‘homonationalism’ and ‘homonormativity’, where the folding of gay subjects into hegemonic scripts of citizenship has become intimately tied to displacing abjection onto immigrant, racialised and criminalised populations.<sup>10</sup>

Bearing in mind the critiques cited above, I will consider how the contested issue of inter-cousin attraction and marriage can be read in relation to racism and homophobia, as well as other oppressive systems, most saliently compulsory able-bodiedness.<sup>11</sup> While I will, at times,

7. In relation to same-sex marriage, see Lynn D. Wardle & Lincoln C. Oliphant, *In Praise of Loving: Reflections on the Loving Analogy for Same-Sex Marriage*, 51 HOWARD L.J. 117 (2007-2008).

8. See Darren Lenard Hutchinson, “Gay Rights For Gay Whites”?: Race, Sexual Identity, And Equal Protection Discourse 85 CORNELL L. REV. 1358 (2000).

9. See Paula Ettelbrick, *Since When is Marriage a Path to Liberation?*, 6 OUT/LOOK: NATIONAL GAY AND LESBIAN Q. 4–16 (Fall, 1989), reprinted in KAREN HANSEN & ANITA ILTAGAREY, *FAMILIES IN THE U.S.: KINSHIP AND DOMESTIC POLITICS* 481-486 (1998); Nancy D. Polikoff, *We Will Get What We Ask for: Why Legalizing Gay and Lesbian Marriage Will Not “Dismantle the Legal Structure of Gender in Every Marriage”* 79 (7) VIRGINIA L. REV. 1535-155 (Oct. 1993); Katherine M. Franke, *The Politics Of Same-Sex Marriage Politics* 15 (1) COLUMBIA J. OF GENDER & L. 236 (2006).

10. See JASBIR K. PUAR, *TERRORIST ASSEMBLAGES: HOMONATIONALISM IN QUEER TIMES* (2007); Dean Spade, *Demanding the Unthinkable* 1(1) FEMINISTS@LAW (2011).

11. ROBERT MCCRUE, *CRIP THEORY: CULTURAL SIGNS OF QUEERNESS AND DISABILITY* 9 (2006). He theorises “compulsory able-bodiedness” as an ideological system that produces disability and rests on the assumption that “able-bodied identities, able-bodied perspectives are preferable and what we all, collectively, are aiming for.” Other theorists use the concept “ableism” to describe discriminatory practices against people with disabilities. The blog, *Feminists with Disabilities*, defines ableism as, “discrimination against people with disabilities, including the expression of hate for people with disabilities, denial of accessibility, rejection of

be drawing analogies, I will also attempt to destabilise what such a comparative analysis actually signifies. If we understand an analogy as constructing a correspondence between two or more categories, premised on the political belief that such a framing is a relevant and fruitful epistemological site, we must also pay attention to the constructedness of categories as well; categories are themselves performative instances of analogising. For example, to say that I am a woman is to analogise the similarities between me and other people who register as ‘women’, despite all of the possible differences between those designated as ‘women’, based on categories like disability, class, religion, race, gender identity and sexual orientation.

Similarly, to speak of cousin couples, same-sex couples and interracial couples as coherent categories ignores the fact that within each of these groupings, there will be innumerable differences, both in how couples identify and how they are recognised and treated in the world. As Janet Halley argues, ‘coherentist’ positions assume that:

Identity inheres in group members, that group membership brings with it a uniformly shared range (or even a core) of authentic experience and attitude; that the political and legal interests of the group are similarly coherent; and that group members are thus able to draw on their own experiences to discern those interests and to establish the authority they need to speak for the group.<sup>12</sup>

While analogising necessarily involves the danger of re-essentialising and reifying unstable entities, this is an extension of the hazards inherent to the performance of all identity categories. Halley suggests one way to manage such hazards in one’s analysis is to “shift from persons to discourses, from coherentist identity politics to critical theory.”<sup>13</sup> I agree.

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disabled applicants for housing and jobs, institutionalized discrimination in the form of benefits systems designed to keep people with disabilities in poverty, etc.”). What is Ableism? Five Things About Ableism You Should Know, *FORWARD*, Nov. 19, 2010, <http://disabledfeminists.com/2010/11/19/what-is-ableism-five-things-about-ableism-you-should-know/>. Emphasizing the constructiveness of disability, A.J. Withers has advocated for the term “disablism” over ableism primarily because, “ableism implies that this oppression is somehow related to ability – which it is not. Disability is a social category and its label is imposed on certain groups of people because of their perceived characteristics as un(der)productive.” A.J. WITHERS, *DISABILITY POLITICS & THEORY* 7 (2012). Withers cites PAUL MILLER ET. AL., *DISABLISM: HOW TO TACKLE THE LAST PREJUDICE* 9 (2004) who define disablism as “discriminatory, oppressive or abusive behavior arising from the belief that disabled people are inferior to others.” In both texts, Withers explains that ableism is more commonly used in North America, while disablism is the preferred term in Britain. Given Withers’s arguments that the term disablism more effectively signifies disability as a construct, and that an Indian law journal is publishing this article, I employ the terms disablism and disablist.

12. Janet Halley, “*Like Race*” *Arguments*, in *WHAT’S LEFT OF THEORY* 45 (Judith Butler et. al. eds., 2000).

13. *Id.* at 65.

My hope is that being critically attentive to the instability of these categories and the performativity of analogies can help evaluate the interdependency of oppressive discourses and expose the ways tolerance of one type of controversial couple is sometimes contingent upon vilifying others. In this way, I try to move towards what Puar names an ‘assemblage’ model of analysis that is “attuned to interwoven forces that merge and dissipate time, space, and body against linearity, coherency, and permanency.”<sup>14</sup>

In this open-ended spirit, my essay has thus *assembled* somewhat disparate textual, national and institutional arenas for the purposes of interrogating the contestation of cousin couples. First, I consider procreative objections to inter-racial and same-sex marriage and compare them to arguments made about inter-cousin marriage in U.S. law and during recent calls to discourage cousin marriages in England and prohibit them in the Netherlands. Next, I analyse how the CC website advocates for inter-cousin relationships by invoking the race analogy while at the same time neglecting the impacts of consanguinity laws on racialised communities. I further note the conspicuous absence of a same-sex analogy from the editorial arguments in CC, and the way stigmatisation is transferred to people with disabilities. ~~Finally, I analyse a recent U.S. film, *Kissing Cousins*, which centres on a budding romance between cousins of South Asian origin.~~ While the film confronts the cousin taboo, it attempts to buy acceptability through consumerist identifications and ends by retreating to hegemonic scripts, particularly with recourse to assimilationist paradigms for racialised citizens.

“Finally, I analyze pop culture, focusing on a recent U.S. film, *Kissing Cousins*, which centres on a budding romance between cousins of South Asian origin.”

My premise in this analysis is that each realm – the politico-legal, support-group advocacy and popular culture – engages in representational and regulatory practices in conversation with one another. In order to understand how inter-cousin relationships are constituted and contested in the socio-legal imaginary, it is important to step outside of official legal rules and political debate to get a broader understanding. Politico-legal marginalisation of cousin couples does not occur in a vacuum, but is in a dynamic relationship with common sense ideologies, often produced in cultural texts. In addition, cousin intimacy and marriage does not occupy much cultural space in the Global North, as compared to, for example, same-sex intimacies, so the small amount of representation available takes on heightened significance. Each realm may have different ostensible purposes: from explicit legal control over marital law and sexualities to challenging stigmatisation to titillating

14. PUAR, *supra* note 10, at 212.

an audience with the incest taboo. However, each discursive arena also attempts to constitute a normative sexual order that relies, in part, on othering. The othering threads that I want to pull out for particular attention relate to racialisation, reproduction and disability, with some consideration of same-sex desire as analogous and overlapping yet distinguishable from issues related to cousin couples.

## II. PROCREATIVE BOUNDARIES AROUND MARRIAGE

Discourses of procreation, genetics, and ‘best interests of the child’ form a justificatory bedrock for the denial of marriage rights to ‘controversial’ couples.<sup>15</sup> Children who are produced in these stigmatised unions are constructed as an impossibility, or as ugly, subhuman and inferior in comparison to children of normative couples. The boundaries around marriage are thus being defended through the use of children as a discursive human shield against the threat of sexual and romantic deviants.

From the historical vantage point of the new millennium, the empirical arguments used to deny inter-racial couples the right to marry in the U. S. appear absurd and unscientific. Nonetheless, it is worth considering a few of these cases for the ways they exploit biological discourse to justify legal discrimination.

In 1883, the Missouri Supreme Court confidently attested to the incapacity of inter-racial unions to produce children:

It is stated as a well authenticated fact that if the issue of a black man and a white woman, and a white man and a black woman, intermarry, they cannot possibly have any progeny, and such a fact sufficiently justifies those laws which forbid the intermarriage of blacks and whites [...]<sup>16</sup>

While such an assertion is not only patently false, it also perpetuates what Katherine Franke dubs “repronormativity,” an ideology that incentivises, naturalises and makes imperative reproductive behaviour.<sup>17</sup> In this way, the Court implies that having children is the *sine qua non* of marriage, and thus asserts procreative capacity as a prerequisite for access to marital rights. During the same time period, Georgia’s Supreme

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15. William N. Eskridge Jr., *No Promo Homo: The Sedimentation of Antigay Discourse and the Channeling Effect of Judicial Review*, 75 N.Y.U. L. Rev. 1327 (2000). I borrow the trope of sedimented discriminatory discourses from this article, where Eskridge addresses the ways modern anti-gay policies based on social republican values are built upon homophobic medical-utilitarian and natural law arguments.

16. *State v. Jackson*, 80 Mo. 175, 179 (1883).

17. Katherine Franke, *Theorizing Yes: An Essay on Feminism, Law, and Desire* 101 COLUMBIA L. Rev. 181 (2001).

Court did not go so far as to refute the procreative abilities of interracial couples but instead demeaned the children produced through ‘miscegenation’. Chief Justice Brown stated: “The amalgamation of the races is not only unnatural, but is always productive of deplorable results.”<sup>18</sup> In this declaration, the Chief Justice advances an essentialist position that the sexual union of interracial couples is ‘unnatural’, along with a consequentialist claim of the undesirable outcome, if allowed. The judge later elaborates on the reproductive repercussions: “the offspring of these unnatural connections are generally sickly and effeminate, and [...] they are inferior in physical development and strength, to the fullblood of either race.”<sup>19</sup> In this assessment, the Court relies on disablist arguments, through its warning of the purported sickness and inferior physique of mixed race children, intersected with the misogynist characterisation of such traits as ‘effeminate’.

An Alabama Supreme Court case in 1881 deployed an animalistic metaphor to argue that anti-miscegenation laws were for the greater good: “[...] the amalgamation of the two races, produc[es] a mongrel population and a degraded civilization, the prevention of which is dictated by a sound policy affecting the highest interests of society and government.”<sup>20</sup> The descriptor ‘mongrel’ dehumanises mixed race children linking them to the canine species while relying on a speciesist ideology to support public policy that prevents this ‘degradation’ of the civilisation.<sup>21</sup> Such language persisted well into the twentieth century, as the Virginia Supreme Court upheld the state’s anti-miscegenation law in 1955, finding it constitutional for a legislature to pass laws to prevent “a mongrel breed of citizens.”<sup>22</sup> Anti-miscegenation jurisprudence thus utilised scientific authority that banked on repronormative, disablist, misogynist and speciesist ideology to uphold a white supremacist limitation on marital rights.

Science, including social science, has also been used to advance a repronormative objection to same-sex marriage that either denies the procreative capacities of same-sex couples or bemoans the consequences of same-sex parenting. In an early response to a legal challenge to the prohibition of same-sex marriage, the Washington Court of Appeals in

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18. *Scott v. Georgia*, 39 Ga. 321, 323 (1869).

19. *Id.*

20. *Pace v State*, 69 Ala. 231, 232 (1882).

21. The etymology and use of the term ‘mongrel’ refers to a ‘dog of mixed breed’. THE CONCISE OXFORD DICTIONARY OF ENGLISH ETYMOLOGY (T. F. Hoad ed., 1996), <http://www.oxfordreference.com/views/ENTRY.html?subview=Main&entry=t27.e9732> (last visited Jan. 13, 2012).

22. *Naim v. Naim*, 197 Va. 80; 87 S.E.2d 749 (1955)

1974 made a claim analogous to the Missouri Supreme Court's 1883 assertion that such unions were non-procreative:

[...] it is apparent that no same-sex couple offers the possibility of the birth of children by their union. Thus the refusal of the state to authorise same-sex marriage results from such impossibility of reproduction rather than from an invidious discrimination "on account of sex."<sup>23</sup>

While the Missouri Supreme Court's nineteenth century disavowal of the existence of mixed race children is obviously false, the Washington Court of Appeal's twentieth century assertion of the 'impossibility of reproduction' for same-sex couples is not a neutral 'scientific fact' either. How we understand and define procreation is a political decision not an empirical one. The anti-same-sex advocates claim that all opposite-sex couples are 'potentially' procreative and no same same-sex couples are. Yet heterosexuals who wish to marry but are incapable of procreating through heterosexual intercourse, whether due to age, disability, sexual challenges or other circumstances (for example, if one is incarcerated), are not procreative either.

Meanwhile, same-sex couples can be richly procreative, whether through adoption, egg and sperm donation, surrogacy or multiple partner encounters, thus using the exact same methods that many heterosexual couples employ. How one defines 'potentially procreative' is not actually based on the two parties' ability to create a child. And even 'fertile' couples rely on assistive apparatuses to procreate, for example basal thermometers are used to determine the time of ovulation.<sup>24</sup> I would argue that a more inclusive and realistic approach would define 'potentially procreative' as simply the desire to have or raise children. The steps a family or individual may take, including the use of scientific technologies, adoption, alternative family arrangements as well as penile-vaginal intercourse, are all procreative activities.

Other judicial opinion that opposed gay marriage more closely builds upon the anti-miscegenation jurisprudence that demeaned the offspring of inter-racial couples. In the 2003 landmark case of *Goodridge v. Department of Public Health*, the Supreme Court in Massachusetts became the first in the U.S. to recognise a same-sex couple's right to marry.<sup>25</sup>

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23. *Singer v. Hara*, 522 P.2d. 1187 (1974).

24. See Basal Thermometers: Tips for Use, BABYHOPES, <http://www.babyhopes.com/articles/basal-thermometer.html> (last visited Sep. 19, 2013). A basal thermometer is a highly sensitive instrument that tracks a body's basal temperature. When women ovulate, they generally experience minute temperature changes and thus those wishing to conceive can use the thermometer to determine when they are most fertile.

25. *Goodridge v. Department of Public Health*. 798 N.E.2d 941 (Mass. 2003).



Nonetheless, it is instructive to consider how the dissent objected to the majority opinion by positing that same-sex parents fail to provide the best life circumstances for children, assumed to be “a home with both the child’s biological father and mother.”<sup>26</sup> Justice Cordy’s dissenting opinion elaborated that “the Legislature could rationally conclude that it furthers the legitimate State purpose of ensuring, promoting, and supporting an optimal social structure for the bearing and raising of children.”<sup>27</sup>

This heterosexist judgment does not posit procreative inability as a justification to prohibit same-sex marriage but rather argues that children will lose the ‘optimal’ setting if parented by a same-sex couple. While not as hyperbolic as past decisions constructing mixed race children as sickly, effeminate or de-humanised mongrels, Justice Cordy’s dissent nonetheless implies that children of same-sex parents will not develop into the ideal normative citizens. In simple terms, Courts objecting to inter-racial marriage have asserted that the *nature* of children born from such unions will be suboptimal, while Justice Cordy’s objection to same-sex marriages asserts that the *nurture* of children born of such marriages will be suboptimal. The underlying message is that society does not want to encourage the creation of such children. Furthermore, Justice Cordy’s argument also has roots in biologist discourse as it posits a transcendent connection between the child and her biological parents that justifies a presumption that the biological nuclear setting is in the best interests of the child.

Cousin couples who seek to marry also face social resistance and sometimes legal prohibition, based primarily on the purported likelihood of producing ‘suboptimal’ children. In exploring these positions, it is appropriate to consider the status of cousin marriages in the U.S. While the taboo of cousin marriage may be prevalent, the U.S. is currently the only country in the Global North to prohibit marriage between cousins in over 60% of its states.<sup>28</sup> In fairness, it should be noted that the states that do allow marriage between cousins are more populous and therefore most U.S. citizens can marry their cousins. Further, a few states have only partial prohibitions, allowing cousins to marry if they

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26. *Id.* at 1021.

27. *Id.*

28. MARTIN OTTENHEIMER, FORBIDDEN RELATIVES: THE AMERICAN MYTH OF COUSIN MARRIAGE 32-33 (1996) All information about the state of the laws addressing cousin marriage in the United States is derived from this book. However, after the book was published, Texas joined the group of states that forbid cousin marriages.

are beyond ‘child-bearing’ years, or if they receive genetic counselling.<sup>29</sup> However, the fact remains that U.S. prohibitions on cousin marriage have generated a small amount of case law that addresses the issue from different vantage points, such as fraud (where cousins fail to disclose their relational status when applying for a marriage license), to conflict of inter-territorial laws (when cousins wed in a state or country where their marriage is legal but then move to a state where such marriages are forbidden). An overview of select caselaw referencing cousin marriage reveals a gradual movement from stigmatisation and intolerance towards more lenient perspectives.

In 1886, the Supreme Court of Arkansas found that the legislative purpose of prohibiting consanguineous marriage, including first-cousin marriage, was to prevent, “[...] evil consequences to body and mind resulting to the offspring of such marriages.”<sup>30</sup> A few decades later, the Supreme Court of Washington voided a marriage between first cousins that had been solemnised in British Columbia, Canada, on the grounds that the Canadian contract breached the statutory law in that U.S. state.<sup>31</sup> Such a union, the Court found “is repugnant to good morals and public policy” and violates “rules of morality and decency which make it against the natural law of civilised nations.”<sup>32</sup> While the Court’s rejection of the cousin marriage relies on disgust rhetoric and moralism, the judgment’s *coup de grâce* deploys a disablist logic that demeans the couple’s child:

Marriages between parties so nearly related are prohibited in nearly all civilized countries, and, if argument in support of such a policy is needed, the fact that the only offspring of this marriage is deaf and dumb supplies it.<sup>33</sup>

This argument recalls the 1869 Georgia Supreme Court decision in *Johnson v. Johnson* that described mixed race children as ‘sickly’. Such pronouncements reflect a system of compulsory able-bodiedness which constructs a child’s disabilities as a self-evident trait of undesirable deficiency. The ideological assumption of a common ground of agreement – that non-disabled children are inherently preferable – is then used to legitimate the statutory ban on first-cousin marriage.<sup>34</sup>

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29. For more discussion of each state’s prohibitions, see COUSIN COUPLES, <http://www.cousincouples.com/?page=states>.

30. 48 Ark. 66, 2 S.W. 256 at 256.

31. *Johnson v. Johnson*, 57 Wash. 89 (1910)

32. *Id.* at 90.

33. *Id.*

34. McCruER, *supra* note 11, at 8-9.

Furthermore, the repetition of ‘civilised’ to so describe the territories that have implemented this ban perpetuates a colonialist fantasy that such laws attest to superiority in both morality and science. Continuing in this vein, the 1935 New York family law case, *Incuria v. Incuria*, melds religious, scientific and colonialist discourse, to uphold prohibitions of ‘incestuous’ marriage:

The basis of the statute [...] is found in the Bible, in usage, as well as I might say, in science. The experience of mankind has taught that eugenically, marriages in such close relationships as first cousins, aunts and nephews, uncles and nieces, etc., result in the inbreeding of the vicious propensities that may, and are likely to be in any family group. [...] Marriage in close degrees is repugnant to decency. It has come to be regarded as unnatural. As man rises in civilisation and in culture, he discards brute and primitive characteristics and habits to the extent that they appear to him, not only to be repellant, but unnatural.<sup>35</sup>

Although the facts of the case concern a marriage between an aunt and her nephew, the rhetoric also includes first cousins in its indictment. Disablism manifests in a eugenic argument that such unions are indecent and repellent because they accentuate the ‘vicious propensities’ of a particular family group in its offspring (although in the facts of the case, the wife was past ‘child-bearing’ years). This case attests to the perceived disablist ‘risk’ that cousin marriage will not only produce physically suboptimal offspring but will also strengthen problematic psychological tendencies in the next generation.

More recent caselaw in the U.S., however, accepts that the genetic issues related to first cousin sexual unions are being contested in the scientific community. In a 1981 estates case, the Supreme Court of Kansas reviewed the prohibition of incestuous marriage, finding that although it has been justified based on the idea that “[...] inbreeding is thought to cause a weakening of the racial and physical quality of the population according to the science of eugenics,” there are nonetheless “opposing views regarding the effects of in-breeding from first-cousin marriages.”<sup>36</sup> The Court thus determined that:

Although our statutes prohibit first cousin marriages and impose criminal penalties where such marriages are contracted in Kansas, we cannot find that a first cousin marriage validly contracted elsewhere is odious to the public policy of this state. The reason for the inclusion of first cousins in K.S.A. 23-102 [statute that forbids cousin marriage] has

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35. *Incuria v. Incuria*, 280 N.Y.S. 716.

36. *In the Matter of the Estate of Owen C. Loughmiller, Deceased*, 229 Kan. 584, 586 (1981).

become less compelling in recent years as evidenced by the legislature's omission of sexual intercourse between first cousins in the definition of incest.<sup>37</sup>

In relation to international conflict of laws, a 2008 case issued by the Court of Appeal of Louisiana determined that a marriage that took place between cousins in Iran was still valid in the state, despite the fact that if contracted in Louisiana, it would not be valid.<sup>38</sup> The Court found that there was no strong public policy argument that prevented it from recognising a marriage between first cousins performed in a state or country where such marriages are valid. Thus, while repronormative and disableist ideologies still dominate the debate, some recent U.S. jurisprudence has begun to recognise changing views on the genetic repercussions of inter-cousin procreation and have demonstrated tolerance towards cousin marriages that have been sanctified in other territories.

Legislatures in the U.S., on the other hand, have not expressed much leniency in recent years. State Representative Phyllis Kahn's proposed bill to repeal the cousin marriage prohibition in Minnesota failed to pass.<sup>39</sup> But not only have cousin marriage advocates been unable to repeal any prohibitive statutes in the U.S., they have also lost ground. In 2005, Texas, which had previously allowed cousin marriage, amended its laws to render any marriage between first cousins void.<sup>40</sup> The state representative, Harvey Hilderbran, who introduced the amendment as part of a larger child protection law, said of such unions: "Cousins don't get married just like siblings don't get married. And when it happens you have a bad result. It's just not the accepted normal thing."<sup>41</sup> Hilderbran thus relies on the incest taboo, a normative claim, and a vague reference to 'bad results', to characterise all cousin marriages in a pejorative manner.

The broad nature of Hilderbran's pejorative characterisation may actually represent something of a departure from other past and current rhetoric. For example, Diane B. Paul and Hamish B. Spencer posit in

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37. *Id.* at 590.

38. *Ghassemi v. Ghassemi* 998 So.2d 731, 2007-1927 (La.App. 1 Cir. 10/15/08).

39. Libby George, *Proposed bill would legalize first-cousin marriages*, MINNESOTA DAILY, Jan. 23, 2003, <http://www.mndaily.com/2003/01/23/proposed-bill-would-legalize-first-cousin-marriages>; Morgon Mae Schultz, *Law making is a little like test taking: A day with Representative Phyllis Kahn*, 3 (8) THE WAKE, 7, 23 Jan 26, 2005, <http://www.wakemag.org/archive/20050125.pdf>

40. Sarah Kershaw, *Shaking Off the Shame*, N.Y.T., November 26, 2009, <http://www.nytimes.com/2009/11/26/garden/26cousins.html?pagewanted=all>.

41. *Id.*

their historical retrospective on cousin marriage that U.S. distaste for cousin marriage may have its roots in an association of the practice with immigrants and the rural poor.<sup>42</sup>

Similarly, in other parts of the Global North, the stigmatisation of cousin couples relies explicitly on racialisation and anti-immigrant sentiment, along with familiar disablist assumptions regarding the purportedly undesirable bodily differences produced by such unions. In 2008, the *Sunday Times* of Great Britain published an article with the sensationalist title “Minister warns of ‘inbred’ Muslims,” which reported the views of Phil Woolas, then the Minister of the Environment, on cousin marriage.<sup>43</sup> He stated: “If you talk to any primary care worker they will tell you that levels of disability among the [...] Pakistani population are higher than the general population. And everybody knows it is caused by first cousin marriage.”<sup>44</sup> Another member of Parliament at the time, Ann Cryer, supported Woolas’ stance, stating: “This is to do with a medieval culture where you keep wealth within the family.”<sup>45</sup> While implying that such a practice is backward and inappropriate by British standards, she further supported Woolas’ disablist ideology with anecdotal evidence:

I have encountered cases of blindness and deafness. There was one poor girl who had to have an oxygen tank on her back and breathe from a hole in the front of her neck [...] The parents were warned they should not have any more children. But when the husband returned again from Pakistan, within months they had another child with exactly the same condition.<sup>46</sup>

Cryer’s condemnatory account not only accuses Pakistanis of perpetuating antiquated notions of family, but also of defying British medical authority with their audacious procreative habits that seem to reject compulsory able-bodiedness.

Although Cryer and Woolas stopped short of introducing a bill to prohibit cousin marriage, such a ban has been considered in the Netherlands. During a parliamentary speech in 2009, Jan Peter Balkenende, then the Dutch Prime Minister, advanced a proposal to forbid the practice of cousin marriage for future couples.<sup>47</sup> Unlike the

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42. Paul DB & Spencer HG, “It’s Ok, We’re Not Cousins by Blood”: *The Cousin Marriage Controversy in Historical Perspective*, 6 (12) PLOSBIOL (December 2008).

43. See also, *Minister: Muslim ‘inbreeding’ in Britain is causing massive surge in birth defects*, MAIL ONLINE, (Feb. 10, 2008), <http://www.dailymail.co.uk/news/article-513388/Minister-Muslim-inbreeding-Britain-causing-massive-surge-birth-defects.html>.

44. *Id.*

45. *Id.*

46. *Id.*

47. Julian Isherwood, *Can cousin marriages be banned?*, POLITIKEN, Sep. 23, 2009, <http://politiken.dk/newsinenglish/ECE794315/can-cousin-marriages-be-banned/Offentliggjort>.

British parliamentarians, however, he apparently did not put genetic risk to offspring forward as the main justification for condemning such unions. According to *Radio Netherlands Worldwide*, the primary goal of the intended prohibition would be to stem the immigration of what the former Prime Minister pejoratively referred to as ‘import brides’. Although the ban would apply to marriages between Dutch citizens and between Dutch and foreign spouses, it was aimed primarily at two minority populations associated with transnational marriages: those with Turkish and Moroccan backgrounds.<sup>48</sup> As Willem Schinkel has argued in his recent analysis of Dutch discourse on ‘import brides’, such a practice is perceived as interfering with the successful assimilation of these immigrant populations and violating the integrity of Dutch society.<sup>49</sup> Interestingly, the media article explains that there was no statistical information on the number of transnational marriages that involve cousins; nonetheless, the two practices were evidently conflated in the moral panic regarding ‘non-integrated’ populations.

This construction of the unruly and unassimilable immigrant who engages in cousin marriages has been further explored in Sherene Razak’s book, *Casting Out: The Eviction of Muslims from Western Law and Politics*.<sup>50</sup> In her analysis of *Human Visas*, a publication by a Norwegian right wing think tank, Razak delineates how the document positions cousin marriage as an obstacle to the proper integration of Muslims into British society and further charges that these Muslims use the practice to violate immigration laws. While these allegations cast Muslims in England as insular and criminal, Razack also describes how the Norwegian document represents its mandate as one focused on the rights of women and children. From this claimed perspective, *Human Visas* further conflates cousin marriage, forced marriage and domestic violence and, unsurprisingly, also advances a scientific claim that such unions cause birth defects in children. Thus by synchronising the anxiety about primitive and disobedient immigrants with a concern for the well-being of women and children, the document portrays Muslims as both fraudulent and in need of rescue by enlightened Europeans.

The claim that cousin couples will *likely* produce children with congenital challenges needs to be unpacked. First, as previously mentioned, basing marriage on procreative concerns entrenches repronormativity and treats

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48. Jennifer Evans, *Dutch Prime Minister Jan Peter Balkenende wants to forbid marriages between first cousins*, RADIO NETHERLANDS WORLDWIDE, (Sep. 18, 2009), <http://www.rnw.nl/africa/article/dutch-pm-wants-forbid-marriages-between-cousins>.

49. Willem Schinkel, *The nationalization of desire: Transnational marriage in Dutch culturist Integration Discourse*, 59 FOCAL: J. GLOBAL & HIST. ANTHROPOLOGY 99–110 (2011).

50. SHERENE RAZAK, *CASTING OUT: THE EVICTION OF MUSLIMS FROM WESTERN LAW AND POLITICS* 115–117 (2008).

marriage-bound couples who do not wish to have children as aberrant, insignificant or violators of the true purpose of matrimony. Second, absent in all of the examined anti-cousin marriage arguments is the fact that same-sex cousin couples who want children will not be reproducing in a way that is relevant to consanguineous genetic risk. Indeed the states of Iowa and New Hampshire recognise same-sex marriage but forbid cousin marriage. Thus same-sex cousin couples who wish to marry in these states will be denied this right based on procreative genetic claims that likely do not concern them. Third, even if we accept the disablist assumption that scientific studies should have an impact on who can access marriage or procreate, the increased risk of congenital challenges has been exaggerated in many of the legal arguments. According to the National Society of Genetic Counselors, the increased risk has been estimated to be 1.7%-2.8 % higher than the general population.<sup>51</sup> The 2010 *Oxford Handbook of Genetics* estimates the risk that a child will develop “serious and congenital disorders” by her first birthday at 2.0-2.5% for non-related parents, and 4.0-4.5% for first cousin parents.<sup>52</sup> Furthermore, as Paul and Spencer point out, the fact that a disproportionate number of South Asian children in England are born with a genetic anomaly as compared to the general population can be due to multiple causes: socio-economic factors, including systemic barriers to prenatal care, can all contribute to the child’s condition at birth.<sup>53</sup>

The Centre for the Study of Society and Medicine has further interrogated the social and health consequences of linking a particular ethnicity to genetic disease, suggesting that such an approach may not only assume a genetic uniqueness to an ethnic group, it may also reinforce it.<sup>54</sup> But as Shaw argues in her study of the genetic debates with regard to British Pakistanis, regardless of how science may taxonomise ‘birth defects’, we also need to consider “how social and cultural processes determine why some genetic risks are highlighted for attention rather than others [...]”<sup>55</sup> In this regard, the overlapping discourse of Woolas, Cryer and *Human Visa* spotlights Pakistani immigrants as an unwieldy risk group by constructing children with disabilities as suboptimal and

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51. Robin Bennett et al., *Genetic counseling and screening of consanguineous couples and their offspring: recommendations of the National Society of Genetic Counselors*, 11 (2) J. OF GENETIC COUNSELING 97-119 (April 2002).

52. GUY BRADLEY-SMITH ET. AL., OXFORD HANDBOOK OF GENETICS (2009).

53. DB & HG, *supra* note 42.

54. See Genetic Research: Race/Ethnicity and Disease, CENTER FOR THE STUDY OF SOCIETY AND MEDICINE, [http://www.societyandmedicine.columbia.edu/genetics\\_red.shtml](http://www.societyandmedicine.columbia.edu/genetics_red.shtml) (last visited July 10, 2013); SI Brandt-Rauf, et al., *Ashkenazi Jews and breast cancer: the consequences of linking ethnic identity to genetic disease*, 96 (11) AM. J. PUB. HEALTH 1986 (2006).

55. ALISON SHAW, NEGOTIATING RISK: BRITISH PAKISTANI EXPERIENCES OF GENETICS 5 (2009).

unwanted. Just as anti-miscegenation and anti-gay marriage advocates advanced their discriminatory agenda through a purported concern for children's physical and psychological health, those who oppose cousin marriage effectively employ disablist and heterosexist assumptions to deny reproductive freedom to Pakistani-originated immigrants and citizens, purportedly for their own good.

### III. THE STRANGE MARRIAGE OF RACISM AND DISABLISM

#### *Cousin Couples.com*

The opportunistic use of racialised subjectivities and reliance on the hegemony of disablism is not confined, unfortunately, to opponents of cousin couples. An examination of the website of the on-line advocacy group CC shows how racialised subjects and practices can be appropriated to normalise cousin couples while the marginalisation of people living with disabilities can be further entrenched. Additionally, as with much of the discourse around cousin marriages – both oppositional and supportive – same-sex unions are absent from the editorial information, either as analogy or as another type of cousin couple.

The website explains that its mandate is to “[...] provide information and support to cousins who find themselves involved in romantic relationships.” The information addresses issues like marriage laws in the U.S. and other countries, religious stances on cousin marriage, famous cousin couples and genetic information. To demonstrate the commonality of cousin couples, the website provides statistics to establish its global prevalence: “It is estimated that 20 percent of all couples worldwide are first cousins.” Under the tab ‘Final Thoughts’, the website draws a comparison with historical anti-miscegenation laws to demonstrate the bigotry of cousin marriage prohibitions. Speaking in the first person, the editorial comment states:

I must liken cousin marriages to interracial marriages here. These types of marriage restrictions were born out of the Eugenics Movement [...] Interracial marriages are still considered odd, and is another cultural taboo (in the US anyway). The good news is that laws rooted in bigotry and ignorance can and must be changed! Perhaps laws banning cousin marriages are one of the laws that must be challenged as in the Loving v. Virginia case.<sup>56</sup>

Such an argument uses the race analogy while ignoring the intersectional stakes at play. Absent from the website is any information

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56. Final Thoughts, COUSIN COUPLES, <http://www.cousincouples.com/?page=final> (last visited Oct. 10, 2013).



about the specific challenges that racialised and immigrant communities may face in the U.S. states that ban cousin marriage. Indeed, when House Representative Phyllis Kahn introduced the bill to repeal such laws in Minnesota, she was motivated in part by the disproportionate detrimental impact of the prohibition on the Hmong and Somalian communities, in which cousin marriage is apparently ~~a frequent~~ not an uncommon practice.<sup>57</sup> Yet unlike Kahn, CC does not address such impacts and instead simply appropriates the political impact of the race analogy and the frequency of cousin marriages on a global scale to establish statistical normalcy.

While the race analogy provides a compelling rhetorical argument, the editorial content of CC conspicuously overlooks the concurrent political struggles for same-sex marriage rights in the U.S. and the unique position of same-sex cousin couples. CC might have a particular interest in reaching out to same sex advocates since, as Courtney Cahill argues “incest has been used to define a normative vision of sexuality and the family and to trigger disgust toward otherwise consensual intimate relationships, most notably same-sex relations.”<sup>58</sup> In other words, those who oppose same-sex marriage use the taboo of incest, including inter-cousin relations, as a way to posit a slippery slope from the former to the latter *and* to incite disgust towards gays and lesbians.

But nowhere on the main website tabs that provide information on cousin unions could I find an analysis of the intersecting stigmatisation of same-sex and inter-cousin intimacies nor any argument that advanced an ethical or legal analogy to same-sex marriage advocacy, in the way the *Loving* analogy is deployed to establish the ‘ignorance’ and ‘bigotry’ of cousin marriage prohibitions. In fact, instead of reaching out to same-sex marriage advocates, the website seems more interested in dialogue with those who might have religious concerns about inter-cousin marriage. This religious defence comes at the expense of other types of unions, most significantly, same-sex ones. On a webpage entitled ‘Christianity’, the CC website insists that the Bible supports cousin unions with its many examples of such couples in its text.<sup>59</sup> The webpage further points out that in *Leviticus*, Chapter 18, which lists those with whom one must not have sexual relations, there is no mention of

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57. Kershaw, *supra* note 40.

58. Courtney Megan Cahill, *Same-Sex Marriage, Slippery Slope Rhetoric, and the Politics of Disgust: A Critical Perspective on Contemporary Family Discourse and the Incest Taboo*, 99 (4) N. W. UNIV. L. REV. 1546 (2005).

59. *Christianity & Cousin Marriages*, COUSIN COUPLES, <http://www.cousincouples.com/?page=religion> (last visited Oct. 10, 2013).

cousins.<sup>60</sup> After quoting a number of prohibited categories from *Leviticus* which include sexual relations with one's parent, child or neighbour's wife, CC cites the following: "with a member of the same sex, the Bible says 'that is detestable'."<sup>61</sup> CC strategy for sanctifying inter-cousin unions is achieved, in part, by displacing stigmatisation through the use of homophobic Biblical hermeneutics.

[put a ] "The"  
[in front of "CC"  
here]

However, if one searches the message board, the relationship between inter-cousin and same-sex couple rights has come up and been debated.<sup>62</sup> Some CC members support the analogy, finding that an umbrella right to marry whomever one loves should include both cousin and same-sex choices. Others objected to the analogy on religious grounds, arguing that while the Bible does not forbid cousin unions, it does forbid homosexuality. Quite a few posts expressed frustration that the same-sex marriage struggle was making much more headway than that of cousin marriage. Some accused 'lefties' of being hypocrites for supporting same-sex marriage but condemning cousin marriage. In response, another post suggested that the same-sex marriage struggle is an easier sell because the association with birth defects is not at issue. In addition to these analogy posts, there are also a few intersectional ones: gay and bisexual members who are attracted to, or have begun a relationship with, a same-sex cousin seek advice and support from other members. The message board thus allows for a wide range of opinion on the overlap and analogy between cousin and same-sex unions while the editorial content of CC relies on the privileging of heteronormativity in its bid for acceptability.

The site also participates in rhetoric that stigmatises people with disabilities. Clicking a tab labelled 'Genetics' takes one to a page entitled 'Will our Children be Normal?', which states: "Perhaps the most pervasive, and unmerited, argument regarding cousin marriages is that the children born to such couples will have mental or physical disabilities, which become a burden on society in terms of tax dollars."<sup>63</sup> In subsequent paragraphs, CC does not challenge the de-humanising ideology that constructs people with disabilities as abnormal and a liability on the state but instead attempts to rebut the reproductive arguments by emphasising that the increased risk of birth defects is low. In this regard, CC suggests that cousins who wish to have a child should

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60. *Id.*

61. It should be noted that some scholars have advanced gay-positive interpretations of *Leviticus*. See, e.g., JAY MICHAELSON, *GOD VS. GAY?: THE RELIGIOUS CASE FOR EQUALITY* (2011).

62. Forum, COUSIN COUPLES, <http://www.cousincouples.com/forum> (last visited Oct. 10, 2013).

63. Overview - Will Our Children Be Normal?, COUSIN COUPLES, <http://www.cousincouples.com/?page=overview> (Oct. 10, 2013).

be encouraged to seek assistance from a genetic counsellor in order for them to have ‘the freedom to make an informed decision’. Yet as Deborah Lynn Steinberg suggests, in the context of genetic screening, “the language of risk assumes the natural negativity of disability.”<sup>64</sup> CC’s perpetuation of this negativity is clinched in its closing statement under the tab ‘Final Thoughts’: “Everyone reading this has first-cousins in their family tree. If there were any truth to the myth of cousins and birth defects, we would all be in wheelchairs – if we could figure out how to make them.”<sup>65</sup>

In this concluding paragraph, CC performs an ambivalent double move. On the one hand, the organisation wants to include all readers within its ambit with the proposition that everyone has cousin couple ancestors. On the other hand, this inclusivity is simultaneously articulated through ridicule and a stigmatising discourse towards people who use wheelchairs, as well as those with cognitive disabilities. As McCruer points out, projects that seek to normalise a marginalised community can often hinge on identifying, containing and disciplining disability.<sup>66</sup> In this way, the CC website demonstrates how the defensive tactics of a marginalised intimacy can not only fail to consider the racialised and anti-immigrant implications of anti-cousin couple discourse, but can also actively support oppressive disablist ideologies in its courting of mainstream acceptance.

[please add “,”  
after “discourse”]

#### IV. *KISSING COUSINS*

I want to conclude this paper with a consideration of popular cultural renditions of cousin intimacy by focusing on the film *Kissing Cousins* (2008), another complex cultural text that both challenges the taboo and retreats into assimilationist politics. Before we get into this deconstruction, however, it is worth mentioning a few other popular texts that feature inter-cousin attraction in contemporary times. In the episode, “The Lemon of Troy,” of the hit television cartoon *The Simpsons*, we learn that Shelbyville, the rival city of the Simpsons’ home town of Springfield, was established by a faction of settlers who wanted to engage in inter-cousin marriage.<sup>67</sup> While this motivation is portrayed

64. DEBORAH LYNN STEINBERG, *BODIES IN GLASS: GENETICS, EUGENICS, AND EMBRYO ETHICS* 98 (1997).

65. *COUSIN COUPLES*, *supra* note 57.

66. MCCRUER, *supra* note 11, at 176.

67. See *THE SIMPSONS ON FOX - OFFICIAL SITE*, <http://www.thesimpsons.com/#/about> (last visited Sep. 22, 2013). Created by Matt Groening, *The Simpsons* is an American animated thirty-minute sitcom that began in 1989 and has entered into its 24<sup>th</sup> season in 2012. The show centres on a small-town family and much of its humour satirises U.S. American culture; *The Simpsons: Lemon of Troy* (TV Episode 1995), IMDb, <http://www.imdb.com/title/tt0757018/>

as self-evidently and comically absurd, there is little engagement with the specifics of the taboo. The television comedy *Arrested Development* dramatises a romance between two teenage characters who believe they are first cousins and go as far as ‘second base’ towards the end of the series. However, almost immediately after they engage in their forbidden intimacy, they learn that they are not, in fact, blood relatives.<sup>68</sup> This twist, of course, retroactively cleanses their physical interaction of its **taboo features**. Finally, an episode in the seventh season of the popular television sitcom *Friends* has one of its main characters, Ross (David Schwimmer), struggling against his attraction to his cousin Cassie (Denise Richards).<sup>69</sup> An excerpt of the comic dialogue demonstrates the repressive impact of the incest taboo while further insinuating an association between inter-cousin procreation and disability:

*Cassie*: The last time we were together was in that cabin our parents rented. Remember that?

*Ross*: Yeah. I tickled you until you cried... We’re probably too old for that.

*Cassie*: Yeah. I’ll never forget that summer. That’s when I got these freckles.

[reveals a part of her shoulder, showing her bra strap]

*Ross*: Whoa. Yeah. I’ll never forget that summer either. That’s the summer I, uh, figured out that we’re related.

*Cassie*: It took you that long to figure it out?

*Ross*: Yeah, I’m a little slow. [softly so she does not hear] Just like our children would be...

The punch line of this dialogue recalls the joke on the ‘Final Thoughts’ page of the *Cousin Couples* website, banking on a disablist ideology to mock people with cognitive disabilities. But while CC deployed this strategy to displace abjection from cousin relationships onto people with disabilities, in *Friends* it is used to strengthen the cousin taboo.

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(last visited Sep. 22, 2013).

68. See *Arrested Development* (TV Series 2003-2013), IMDb, <http://www.imdb.com/title/tt0367279/> (last visited Sep. 22, 2013). Created by Mitchell Hurwitz, *Arrested Development* was a thirty-minute U.S. sitcom that ran from 2003-2006 and has now been picked up by Netflix, to produce a fourth season beginning in 2013. The show centres on a wealthy but comically dysfunctional family, and as with *The Simpsons*, much of its humour satirises American culture; *Development Arrested*, WIKIPEDIA, [http://en.wikipedia.org/wiki/Development\\_Arrested](http://en.wikipedia.org/wiki/Development_Arrested) (last updated June 19, 2013).

69. “Friends”: The One with Ross and Monica’s Cousin (TV Episode 2001), IMDb, <http://www.imdb.com/title/tt0583556/> (last visited Sep. 22, 2013); For a video highlight of the relevant scene, see Denise Richards in *Friends - Ross and Monica’s Cousin*, YOUTUBE, <http://www.youtube.com/watch?v=ZdcfCz6IYbU> (last visited Sep. 22, 2013). Created by David Crane and Marta Kauffman, *Friends* was a thirty-minute U.S. sitcom that ran from 1994-2004. The show centred on six close friends living in New York City trying to find love and establish their careers.

[start a new paragraph after “taboo features.” Instead of “Finally” The new sentence should begin: “Also in a comic vein,...”]

Nonetheless, the show pushes the boundaries, as the audience is privy to Ross' internal struggle with his forbidden attraction. For example, as the two are watching a film in his living room, we hear Ross' thoughts as he keeps repeating the mantra "She's your cousin" – as if this should kill his desire – and then hypothesises "If she knew what was going on in your head, she'd think you were sick." But this self-contempt fails to dampen Ross' libido and after misinterpreting Cassie's body language, he tries to kiss her. She pulls away in horror. Thus, while Ross was clearly willing to defy societal disapproval, the normative message of the show is that such intimacy is both humorous and perverse.

ADD paragraph on Wolf of Wall street here.

~~The film *Kissing Cousins* also concludes that a cousin romance is not sustainable and ultimately wrong but it allows for a much richer exploration of the attraction.~~ The 2008 U.S. film has gained a reasonable amount of exposure for an independent production, having won the 'Narrative Feature Audience Award' at the *Asian American International Film Festival* and been screened in Los Angeles and Dubai.<sup>70</sup> The CC website endorses the film for its attention to cousin attraction and provides a link to *Amazon.com* for its purchase. The film is listed in the top 100 free movies available on Youtube and according to Youtube's video statistics, it has been viewed over one million times.<sup>71</sup>

The story of *Kissing Cousins* centres on Amir (Samrat Chakrabarti), a professional heart-breaker, literally. Dissatisfied lovers hire Amir to dump their partners so they can avoid the unpleasantness of a break up. This job has hardened Amir's heart and he appears to feel no sympathy when the rejected lovers fall apart in front of him as he delivers the painful news. At the start of the film, Amir's bachelor status is juxtaposed to two different sets of friends. On the one side are Tucker and Charlie, two white men in committed romantic partnerships, one married, the other newly engaged and both adamant about the joys of couplehood.

On the other side are Griller and McChatty, two racialised men who

70. See Jonathan Landreth, *Kaderali puckers up for 'Kissing Cousins'*, HOLLYWOOD REPORTER, December 13, 2008, <http://www.hollywoodreporter.com/news/kaderali-puckers-up-kissing-cousins-124365>; Maria Esteves, *Narrative Feature Audience Award winner director Amyr Kaderali, "Kissing Cousins"*, AVIVA PRESS, July 21, 2008, [http://www.filmfestivals.com/video/aaiffo8\\_narrative\\_feature\\_audience\\_award\\_winner\\_director\\_amyr\\_kaderali\\_kissing\\_cousins](http://www.filmfestivals.com/video/aaiffo8_narrative_feature_audience_award_winner_director_amyr_kaderali_kissing_cousins); *Kissing Cousins*, INDIAN FILM FESTIVAL OF LOS ANGELES, <http://www.indianfilmfestival.org/archive/2008/movies08/kissingcousins.html> (last visited Sep. 22, 2013); *Kissing Cousins*, 10TH DUBAI INTERNATIONAL FILM FESTIVAL, <http://dubaifilmfest.com/en/films/detail/kissing-cousins/1276/2008> (last visited Sep. 22, 2013).

71. *Kissing Cousins*, YOUTUBE, <http://www.youtube.com/watch?v=Z3-Ry8iJ1jE&feature=watch-now-button&wide=1> (last visited Sep. 22, 2013); *Listed in the top free movie category at YoutubeMoviesCA*, YOUTUBE, [http://www.youtube.com/user/YouTubeMoviesCA/videos?sort=dd&view=26&live\\_view=500](http://www.youtube.com/user/YouTubeMoviesCA/videos?sort=dd&view=26&live_view=500) (last visited Sep. 22, 2013).

are committed to casual sex in theory but appear to spend most of their time drinking beer, looking at pornography and discussing which celebrities they'd like to 'screw' in reality.

The first plot point begins when Amir goes to his parents' house and meets his cousin Zara, who happens to be visiting from England. The last time the cousins were together had been a dramatic and violent episode. Two decades ago, Zara had smashed Amir's head with a shovel, necessitating nine stitches, because he had kissed her during a pretend wedding scene. But despite this rocky past when they were seven and ten years old, the two quickly develop camaraderie when Zara hitches a ride with Amir back to Los Angeles for a visit. The cousins particularly bond over their resentment towards self-righteous romantic couples who discriminate against their single friends. When Amir brings Zara to meet his couple friends, the two decide on a whim to pretend to be a couple as an inside joke. As the film progresses, the attraction evolves from role playing to reality but in the end the two part and find the promise of new love with other people.

While the film denies our kissing cousins a 'happily ever after', much of the film eroticises the cousin taboo as we see Amir and Zara frequently engaged in physical contact, as she teaches him to dance, or they role-play as infatuated lovers to fool his friends. The film also builds romantic tension as the audience watches Amir and Zara develop a close bond, particularly after Amir shares his own story of being dumped in college and Zara teaches him to show compassion to the heartbroken victims of his ruthless job. A key moment that further increases viewer interest in this faux couple takes place during a musical montage where we see Zara and Amir engage in romantic activities to the accompaniment of a British pop song that includes the lyrics "Got myself a brand new girlfriend."<sup>72</sup>

Significantly, their romantic activities not only involve physical intimacy and playfulness, as when Amir doubles Zara on his bike, but also consist of numerous consumer activities, as when Zara tosses Amir's bachelor clothes into the trash and teaches him to shop and dress in a more fashionable (read: upper class) manner. In this way, the taboo nature of their evidently growing attraction is justified, in part, by Zara's consumer influence.

As Brenda Cossman and David Eng have respectively argued, 'queer' liberal subjects can access sexual citizenship through participation in the capitalist market. In this vein, Zara seeks to improve her cousin not

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72. Art Brut, Good Weekend, UK Singles Chart No. 56, September 2005.

only by teaching him to open his heart but also by indoctrinating him into the norms of class-conscious consumer capitalism.<sup>73</sup> Their budding romance, Amir's emotional development and his ability to shop for and dress in designer clothing are all discursively tied in the narrative.

All of this build-up finally leads to the explicit transgression of the cousin taboo, when Tucker peer-pressures Zara and Amir to publicly kiss under a branch of mistletoe at a Christmas party. After this coerced intimacy, our 'kissing cousins' get very drunk. When they arrive back at Amir's house, a play wrestling match segues into a passionate kiss and they wind up spending the night together.

But just as the movie explicitly dramatises the viability of romantic desire between first cousins, it quickly moves to undermine its own subversive message. When Zara wakes up in Amir's bed, she's furious and horrified at the thought they might have had drunken sex. She shoves Amir out of the bed, causing him to gash his forehead and states "I'm going to be sick." When Amir later declares, "I think I'm in love with you," Zara laughingly replies "Amir, I'm your cousin," as if this should close the issue. But when Amir persists saying "It's acceptable in some cultures," her various responses include: "Are you completely mad?"; "That's disgusting!"; "We're family!" and "This isn't a relationship, this is a joke.' She thus relies on four strategies to refute the viability of their romantic relationship: she suggests that such an attraction indicates mental illness, expresses visceral repugnance, assumes that the category 'family' creates a definitional stop to their couplehood and finally constructs the idea as comical.

Interestingly, although the film never makes any references to the issue of genetic challenges for children born of cousin parents as the politico-legal discourse did and as the CC website refuted, the plot includes a birthing scene that occurs at a significant moment. After Zara has flat-out rejected Amir's professions of love and he seems resigned that she will likely reunite with an ex-boyfriend, both are back at his parents' house on Christmas morning. But their newly platonic status gets put into question when the two decide to watch a home video that captured their childhood kiss and subsequent fight. Laughing at the 'family crisis' that had ensued when they were kids, Amir and Zara are teasing and jostling one another when Amir's sister goes into labour. I want to suggest that this procreative interruption of their flirtatious moment conveys a subtle normative warning that the cousins need to repress

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73. BRENDA COSSMAN, *SEXUAL CITIZENS: THE LEGAL AND CULTURAL REGULATION OF SEX AND BELONGING* (2007); DAVID ENG, *THE FEELING OF KINSHIP: QUEER LIBERALISM AND THE RACIALIZATION OF INTIMACY* (2010).

their romantic/sexual feelings for the sake of the next generation. If they repeat their childhood games as adults, it is suggested, another family crisis might occur.

The final defence of the cousin taboo comes through Amir's friends at the end of the film. When Zara and Amir disclose their cousin status at Charlie's wedding, the guests express shock and repulsion. The collective feeling is summed up by Charlie's blunt pronouncement: "Dude, that's gross!" It is not surprising then that by the end of the film, both cousins have transferred their attraction to more acceptable love objects.

This denouement and the normative arc of the story can be read as an allegory of assimilation through a deconstruction of the ways racialisation and whiteness are expressed. Amir's family, although South Asian in origin, appears to be properly integrated into U.S. culture. Amir's father loves football while his mother loves the theatre and the family celebrates U.S. holidays like Thanksgiving and Christmas. To further demonstrate that the family is not culturally insular, Amir's father is mentoring a Latino youth, the family is renting a bedroom to a Japanese woman and Amir's sister is married to an African-American man who serves in the U.S. Navy. His sister's choice of spouse is particularly relevant as mixed marriages for immigrant populations have been recognised as the surest sign of proper assimilation, both in Schinkel's arguments in classic sociological discourse and in current-day politics in the Netherlands.<sup>74</sup> Although the names 'Amir' and 'Zara' are Arabic in origin, suggesting that their family's origin has Muslim connections, there is no reference to a specific religion. From the normative perspective of the European political discourse we have examined, Amir's family exemplifies ideal racialised citizenship in the Global North, having acculturated to 'Western' values and practices.

Bearing in mind all of these signifiers of assimilation and the absence of virtually any references to South Asian culture, the cousin attraction that flares up is not explicitly attributed to Amir and Zara's ethnic or religious backgrounds. Indeed, the foreignness of this idea is underscored when Amir pleads to Zara that "it's acceptable in some cultures," thereby implying that *their* culture is not among those that would tolerate such an attraction. But if we interpret Amir and Zara's names as indicators of South Asian, Muslim heritage, as I believe most viewers would (regardless of directorial intent), Amir's attempt to justify this forbidden love by referencing unspecified *other* cultures reflects the extent to which he has become alienated from his ancestral customs

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74. RAZAK, *supra* note 50, at 100-1.



which would view inter-cousin marriage as ‘acceptable’.<sup>75</sup> Paradoxically, the strength of his attraction and his willingness to transgress the cousin taboo indicate a danger that he might be experiencing atavistic romantic tendencies.

In this way, Amir simultaneously represents an idealised, racialised citizen who understands himself within the context of U.S. values and the threat that the assimilation process is never quite complete, that constant vigilance is required to prevent the Other from succumbing to cultural regression. But Zara’s unequivocal rejection of Amir, along with his white friends’ disgusted reaction, repositions Amir onto the path of cultural-sexual normativity.

Amir’s capitulation to these normative pressures is also justified through his interactions with his racialised bachelor friends. In the last scene in the film that features Griller and McChatty, Amir has just come home dejected after seeing Zara kiss another man to find his buddies watching a corpse being taken away by paramedics. Amir discovers that the departed was his promiscuous neighbour, Hal, who was apparently in the middle of a ‘booty call’ when he died. His salacious friends make the crack ‘Maybe he OD-ed on pussy,’ and are thrilled to appropriate Hal’s ‘little black book’, filled presumably with the contact information of sexually available women. The scene thus links licentious sexuality to death as well as to racialised subjectivity. Although the scene plays comically, Amir’s dumbfounded reaction to his friends’ crude behaviour conveys his growing distance from their world.

In contrast, in the final scene of the film at Charlie’s wedding, the audience witnesses Amir’s explicit alliance with his white friends’ world. But what is ironic is that it was only through his transgressive interactions with Zara, his South Asian British cousin, that he was able to finally and fully assimilate into couple-normative behaviour, coded culturally as white. As he explains in his wedding speech, he used to be in the heart-breaking business, but after role playing as Zara’s boyfriend, he is now ready to ‘take the plunge’ and find true romance. If we consider Amir’s speech from a psychoanalytic perspective, we can easily interpret this character development through an Oedipal lens. Zara represents a maternal figure not just because she is the object of forbidden desire or because they are related, but also in all the ways she helps Amir to ‘grow up’, emotionally and aesthetically through market consumption. But when Zara’s ex-boyfriend, a white man from England, comes to reclaim her heart, Amir works through the Oedipal crisis. At the

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75. DHAVENDRA KUMAR, *GENETIC DISORDERS OF THE INDIAN SUBCONTINENT* 127 (2004).

conclusion of the film, he sublimates his incestuous desires for Zara to a more appropriate love object, Tucker's sister, a white woman. What is significant here is that Amir's resolution of the Oedipal crisis is signalled through his assimilation into a white, coupled and upper class culture.

## V. CONCLUSION

This article has considered three arenas where the contestation of cousin couples is taking place: the politico-legal realm, the on-line support group CC and ~~the film *Kissing Cousins*~~. Read in relation to one another, we can note that whether cousin couples are queered or normalised, issues of nationhood, race, disability, reproduction and affective disgust are negotiated as much as are issues of desire and sexuality. Indeed, as Puar suggests, we need to de-exceptionalise sexuality to recognise how supposedly separate identity markers, measures of belonging and emotional states, merge, conflict and echo through disparate genres, truth regimes and time periods.<sup>76</sup>

In U.S. jurisprudence and legislation, the prohibition of cousin marriage continues in the repronormative vein found in case law that has demeaned the offspring of inter-racial couples and same-sex couples. Using a discourse of civilised sexuality, scientific claims of unwarranted risk and disablist arguments about the self-evident undesirability of producing children with disabilities, cousin unions are rendered not just taboo but into examples of irresponsible citizenship. In places like England and the Netherlands, cousin marriages are explicitly attributed to Muslim immigrants who are constructed as threats to the nation's identity through their unruly procreative activity and their 'import brides'. Cousin couples are thus rendered an ethnicised perversity which then justifies xenophobic immigration policies.

Although the CC website has the opposite normative agenda, in that it attempts to legitimise cousin unions, it also engages with issues of racialisation, disability and sexuality in ways that deserve scrutiny. While the advocacy group seeks to rely on the race analogy to argue that cousin marriage prohibitions have an invidious impact and use global statistics to demonstrate the commonality of cousin marriage, there is little engagement with the ways consanguineous prohibitions may have a disproportionate impact on racialised communities. Also problematic is the group's recourse to disablist ideology. Instead of challenging the hegemonic discourse that constructs disability as unfortunate, inferior and a liability, 'Cousin Couples' disputes the extent of risk that is posed

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76. PUAR, *supra* note 10.

to the offspring of cousin unions and uses disablist humour to transfer stigmatisation. Finally, in the content authored by the site editors, heteronormativity is perpetuated by the failure to consider same-sex cousin unions or the overlapping agendas between same-sex and inter-cousin marriage advocacy.

*Kissing Cousins* offers a creative intervention into the debate. While the film dramatises cousin romance, it ultimately renders such attraction as the source of disgust and a sign of immaturity, something that must be outgrown. What is particularly poignant is that the romance takes place between two people of South Asian origin with names most closely associated with Muslim identity. Although this association is ignored in the film, when Amir gives up his cousin attraction and transfers it to his white friend's sister, there is a sense that he has now properly entered into sexual-cultural normativity.

On the other hand, reading against the normative grain of the film allows for recognition of a stubborn persistence to inter-cousin desire. Consider that when Amir and Zara were children, they role-played getting married and kissed, immediately after which Zara physically assaulted her older cousin with a shovel. Fast forward twenty years later and history repeats itself. The cousins spend the night together and Zara immediately has morning-after regrets. Once again she assaults Amir, shoving him out of the bed and causing him to bang his head in the same spot that was cut open during their childhood kissing episode. Each moment of intimacy is followed by an intense burst of violence, as if Zara needed to channel her excess desire into the more appropriate expression of outrage and punish the lover who has tempted her to go astray.

While the film may have an assimilationist agenda with the apparent parting of our cousin lovers at the end, it nonetheless suggests that racialised citizens cannot be totally trusted to have completely surrendered their atavistic desires, even if they appear acculturated. For those of us who want to cultivate resistance to white supremacist discourses of civilisation and progress, such an interpretation is heartening.

As I began this essay by disclosing my parents' cousin status, indulge me for a little longer while we return to this family saga. As it turned out, my father was originally engaged to a white woman from Quebec and his side of the family was fine with this. But when he fell in love with his cousin during a homecoming visit to India and broke off the engagement to his French Canadian fiancée, a scandal ensued. My paternal aunt, my *phua*, objected vehemently to the union. But it wasn't because they were cousins, it was because of money. While *phua* had

married into an upper-class family, my mother's parents lived a simpler life with fewer resources and less status. Despite the fact that my father and mother were from the same larger family, *phua* thought my father was marrying beneath him. She had no objections when her brother intended to marry a white French Canadian, a stranger to the family. Such a sister-in-law would be from 'abroad' and for this reason alone was presumed to have class status.

But it gets even more complicated. Apparently *phua*, who was popular, charismatic and the life of every party, was nonetheless also prone to jealousy. She maintained a one-sided rivalry with both my mother (her cousin), as well as my mother's mother (her aunt). She did not want this part of the family to marry *up* either! When my father pleaded with her that my mother was a kind and generous young lady, *phua* responded that "the daughter of a snake will inevitably be a snake herself." Ouch! In a last-ditch effort to stop the wedding, *phua* boycotted it, thinking my father would not proceed in her absence. She was wrong. While relations were of course strained for a few years after this, all was eventually forgiven and my family and *phua's* family enjoyed some pleasant visits when I was young.

Being a bit of a die-hard romantic as a child, I delighted in regaling friends with my parents' love story and the scandal that ensued. I cannot pinpoint the exact moment when I realised my parents' inter-cousin status was problematic. I do know that I began to euphemise when recounting my parents' courtship by referring to their connection as one between 'distant relatives'. To avoid embarrassment and racialised stigmatisation, their inter-cousin connection was a skeleton that I needed to keep in the closet. To draw on a gay rights trope, this paper, among other things, is my way of 'coming out' of the inter-cousin closet.

I wanted to share this biographical tidbit not just for 'coming out' reasons, however, but also because it reveals the complexity and idiosyncratic human drama involved in cousin unions. When judges, politicians and media reports in the Global North treat cousin intimacies as an object of truth to be parsed out by experts, they speak in a deadening language. They flatten reality to fit preconceived notions of racialised difference, while relying on procreative and disablist hegemonies among other oppressive ideologies. My story, both the personal and the analytical, has sought to resist this violent project of reductionism by restoring dimensionality to the question of kissing cousins.

