

Birmingham Law School Seminar Thursday 4th December 2014, 3-5pm

Queer Inheritance, Kinship, Law: Abstracts

Gay Care Relations and Inheritance

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Abstract: In which ways do inheritance histories and prospects influence the building and maintenance of gay personal lives and webs of care relations? Queer kinship is about re-imagining and re-innovating personal lives and support networks at the moment of intense accumulation of wealth (and access to care) in the hands of a few. To make money and to advance professionally is what it means to be successful at our day – everything else is deemed as a failure, as Halberstam has noted. Off scene, people do other things for other reasons that are valuable to the world, but formal and informal institutional, cultural and social forces dictate the varying degrees of risk that different types of people encounter when breaking frame. This paper explores the risk experienced and how it is negotiated in a queer 'family' of four gay men and their adopted dog in Helsinki. The talk is connected to my Academy of Finland Fellow research project *Wills and Inheritance in Sexually Marginalised Groups in Finland*, September 2014 - August 2019.

Inheritance families/inheritance friends?

Daniel Monk, Birkbeck College

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Abstract: Friendship has in recent years attracted increasing attention from socio-legal and sociology scholars. The former question extending the boundaries of legal recognition of close personal relationships, the latter often celebrate the alternative potentialities of these connections. And in both contexts the particular significance of friendships for gays and lesbians is frequently highlighted. This paper draws on interviews with lawyers with extensive experience of writing wills for gays and lesbians. It focuses on the place of friends in wills in order to think about the binary between family and friends and to add a new dimension to the existing literature on friends.

Older lesbian and gay constructions of kinship in succession law

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Abstract: Traditional discourse about lesbian and gay 'families of choice' suggests they comprise friendship-centric kinship networks informed by voluntarism and an absence of a sense of duty and responsibility. My research with 60 older lesbians and gay men, and their narratives about Will-writing complicates this discourse in two main ways. Firstly, participants described diverse forms of kinship composition, involving varying combinations of partners, friends, biological/filial/extended family ('family') and significant others. Secondly, with the exception of those individuals leading relatively

separatist lives, narratives about Will-writing distinguished between friends and other relationship forms in two main ways: in the absence of a sense of duty and responsibility towards friends, but the presence of a sense of duty and responsibility towards 'family'; in a demarcation in the disposal of material and financial assets upon death, with a distinct prioritisation of 'family.' This paper considers the implications of these findings for contemporary understandings of lesbian and gay kinship construction, particularly in later life.

Queer(y)ing Statutory Wills: Constructing normative familial relations?

Rosie Harding, University of Birmingham, UK

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Abstract: The Court of Protection in England and Wales has the power to authorise a 'statutory will' on behalf of a person who lacks testamentary capacity. Statutory wills have the same legal status as a person's own will, and can be used to replace previously valid wills drafted and signed when the person was of full mental capacity. This paper provides a critique of statutory wills from a gender/sexuality perspective, exploring the heteronormative limitations of this approach to inheritance planning. Through an exploration of the ways that family relationships and 'deserving inheritance' have been constructed in statutory wills case law to date, I argue that the development of statutory wills requires more careful engagement with and attentiveness to alternative, non-(hetero)normative ways of living and being.