

## Appendix A: Anne Donchin's intended additional work on her manuscript

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### Chapter 1: Chapter 1 (draft): The Pronatalist Imperative: Medicine, Money, and Markets

On infertility rates in 25 countries the World Health Organization found a possible male cause alone in up to one third of the cases, and the female partner alone in 25%. Abnormalities in both partners were found in 20% of the couples and no cause could be found in the remaining 15% (1992, 104).

03/12/10 NYTimes on Jones at p. 13 along with Edwards.

Published 1 June 2009, doi:10.1136/bmj.b2208.

Cite this as: BMJ 2009; 338:b2208 Number of babies born by assisted reproduction rises by 12%.

Roger Dobson <sup>1</sup> Abergavenny .

More than 200 000 babies worldwide are born each year as a result of assisted reproduction technology (ART).

A report estimates that 219 000 to 246 000 babies were born in 2002, an increase of 12% compared with 2000, from an estimated 911 000 to 1 025 000 cycles (*Human Reproduction* 2009 May 27, doi:10.1093/humrep/dep098).

But the report shows wide geographical differences in the availability of assisted reproduction technology, from two cycles per million population in Ecuador to 3688 cycles per million population in Israel. "There are wide variations between countries in the availability and quality of ART," says Jacques de Mouzon, who led the International Committee for Monitoring Assisted Reproductive Technology, which compiled the report. "There are several reasons for this, such as fertility rates, women's age, insurance cover, the national economy, but the most important is certainly inequity in access to health care and ART. Children Born after Cryopreservation of Embryos or Oocytes: A systematic Review of Outcome Data." B. Wennerhol et al *Human Reproduction*, published online 05/20/09.

Most recent IVF stats see ASRM cite and SART in medline; on revenue in US, see Spar Ch. 3.

Preconceptive sex selection (see Julie Zilberberg's dissertation, AJOB Vol. 1, No. 1, 2001 and Steinbock and McMillan in HCR 2001; also ch. 7. Also, mention that issue involves limits on personal autonomy.

Discuss issue of property rights—see Spar 198ff and use Dickenson.

Discuss problems about surplus embryos after IVF. About 400,000 are in the deep freeze in the US. Some favor "embryo adoption" but as was pointed out by Senator Arlen Specter recently, only 128 of them have been adopted (Frank Rich, NY Times 7/23/06, WK12

It has recently been discovered that some chance rearrangements (or mutations) of chromosomes actually increase fertility. A large inverted segment carried on a chromosome found in some Northern Europeans boosts fertility of women who carry it. (Carl Zimmer "the History of Chromosomes May Shape the Future of Diseases," NY Times 08/30/05, F2.)

On amnio see Rapp's 1999 book. Pp. 27-28,183-184, and 321, n. 15.

On PGD and critiques of liberal individualistic model see Shanley 2001 and Ryan 2001 (note review in HCR, Sep-Oct. 2002).

Egg sharing programs:

Women in them are likely to be in treatment longer because there are fewer eggs to work with (see Carolyn McLeod 2007 FEAST presentation).

Half price offers may offer an undue inducement to undergo IVF.

Find Donna Dickenson article on unregulated trade and exploitation: on gap between compensation for eggs and compensation in other circumstances. In NY women get more than \$7,000 per cycle; in Eastern Europe they get 250 pounds. This disparity provides an incentive to collect eggs from disadvantaged women.

See Institute of Medicine Report which minimizes the risk of egg retrieval, etc.

See also Centers for Disease Control data.

See also European Society of Reproductive Medicine Report on deaths from hyperovulation and GeneWatch Fall 2010 on deaths from IVF.

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#### **Chapter 4: Recasting Reproductive Freedom: Individual, Group, and Global Perspectives**

**Bukky: ignore to next highlight Cut from choice discussion:** But there is need for caution since the right to choose brings no guarantee that the choices one actually exercises really advance one's goals or further one's well-being. The exercise of choice carries an opportunity cost. Acting on some precludes others. Some of the goals we seek may depend on our own efforts as agents; others might be realized independently of our interest in them so the act of choosing may be a comparatively minor consideration in reaching our goals. But even where our own intervention is required, there may be too few or too many options to afford effective choice. If options are too impoverished, no available alternative brings one significantly closer to realizing one's aims. At the other extreme, too much freedom can bemuse and befuddle, make one less happy and less fulfilled, and generate conflict between one's pursuit of well-being and opportunities to exercise agency.<sup>1</sup> For to advance long range goals it's important to have some order in one's life and reasonably stable habits. Then too, one might occasionally be better off if others decided for us instead. Even choosing our own spouse may not insure a more compatible partnership than the arranged marriage customs of some other cultures. In matters of health care and financial management too, there may be persuasive reasons for delegating decision-making authority to others. Robin West points to people's tendencies to form choices out of masochistic motives or a desire to surrender control (1993). Sandra Bartky presses this point further. Speaking of the right to choose, she

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<sup>1</sup> For further develop of this point see Thomas Schelling, *Choice and Consequence* (Harvard University Press, 1984); Jon Elster, *Ulysses and the Sirens*, (Cambridge University Press, 1979); Gerald Dworkin, "Is More Choice Better than Less," *Midwest Studies in Philosophy* 7,1982; and Harry Frankfurt "Equality as a Moral Ideal," *Ethics*, 98,1987.

cautions that "women would be better off if we learned when to refrain from the exercise of that right...by removing from our minds the internalized forms of oppression that make us easier to control" (1990,51). An infertile woman, for instance, might advance her goals more effectively by delegating her choice-making options and selecting a trusted friend or medical provider to decide when to end the struggle to have a biological child. Occasionally, one's choices may have greater impact on other's life prospects than one's own. Some that seem to enhance individual autonomy may actually harm others--a spouse or a future child, for instance.<sup>2</sup> I take up discussion of this issue again within the context of decision-making about genetic testing in chapter 9.. Within a market-driven economy, the expansion of available choices may only convey the illusion of genuine choice as a goad to stimulate consumer appetites--like the myriad cereal brands on the supermarket shelf or the proliferation of automobile models all emanating from the same corporate institution. The history of the automobile illustrates how new opportunities often end by circumscribing actual freedoms.<sup>3</sup> Offered originally as an additional mode of transport, the auto quickly came to displace most public transport. As rail travel in the U.S. diminished, people became increasingly dependent on automobiles and those industries catering to the needs of motorists. Public funding was diverted from public transport to road construction, and powerful lobbies sprang up to advance the interests of the automotive industry. Thereby new technologies transformed the initial situation prior to development of the automobile, constricting options and eliminating alternatives to automobile transport. Nondrivers were driven into dependency on the newly privileged class of drivers!

Case involves notions of parenthood: biological, social: could his say be limited to engagement as a full parent? Note that each of the senses of being a parent involves a different set of parental responsibilities (review Frankfurt and O'Neill articles in *Having Children*).

Note that Onora O'Neill argues that rep. autonomy is only negative right; see her 2002 book 65ff. Relate it to Robinson and Sperling article 2011.

### **Weave in at start of child rearing**

#### **Human dependency**

We all start life as wholly dependent creatures and most end theirs in dependency too. In between efforts to forge discrete identities are at best fragmentary and risk coming undone whenever we drive a car or cross a busy intersection. Most of us, Westerners anyway, pursue autonomous identities and raise our children to have "open futures," but our efforts seldom turn out quite as we intended.<sup>4</sup> A sudden act of violence, unforeseen illness, the loss of a job, or the death of someone we care about--any of these life events may jolt us into recognizing that the boundaries dividing us from surrounding others are permeable and unstable. Recovering our moorings after such a jolt is not like finding the place you left off reading a book before you fell asleep. You are bound to resume in a different place and it may summon you to

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<sup>2</sup> West cites an example where individuals lobbied against public policy reforms that would contribute to their well-being but narrow their choice-making options: the decision to keep the San Francisco bathhouses open during the AIDS epidemic (1993,76).

<sup>3</sup> I borrow this example from Gerald Dworkin, *op.cit.* 1982.

<sup>4</sup> The phrase is from Joel Feinberg: "The Child's Right to an Open Future" in *Whose Child? Children's Rights, Parental Authority, and State Power*, eds. William Aiken and Hugh LaFollette. Totowa, NJ: Littlefield Adams, pp. 124-153.

reconfigure your future and your past as well. Child rearing seldom conforms to script either. Striking the right balance between “hands off.”

Use Nyer article from 3/30/09 issue on solitary confinement –existence as normal human.

Use Shelly Tremain 2006 paper in *Hypatia*.

Also Jackie Scully’s article in the first issue of Bioethics I edited, particularly the page where she discusses Diana Meyers, etc.

To weave in somewhere: A colleague in our Anthropology Department once related to me the bureaucratic tangles that enmeshed her during a research project among Greek villagers. She needed the approval of the university’s Institutional Research Board. Their reviewers insisted that she obtain the informed consent of each of her research subjects. On her return to Greece she initiated this process but hadn’t fully expected the befuddlement that greeted her when she asked their permission of her research subjects to be interviewed and presented formal consent forms for their signature. It soon became clear to her that they had no way to make sense of her request. This realization brought home to her the complex conceptual apparatus underlying informed consent procedures and practices and the confusion this practice is likely to engender in other cultures—and among some ethnic groups in our own. Yet my colleague’s concern may have more to do with the packaging of institutional informed consent regulations and the conceptual baggage accompanying it than the requirement itself.

WHEN PRO-CHOICE IS ANTI-WOMEN: SEX-SELECTIVE ABORTION AND FEMINIST POLITICS IN INDIA include this title somewhere. -

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## **Chapter 6: With Child: The Meeting of Nature and Culture**

See *Nation* “Protect pregnant women: Free Bei Bei Shuai” 03/07/2012 (*in basket*)...Or with surrogacy case, either Baby M case or Anna Johnson v. Calvert case or

Ms. Cochran gave birth to her daughter Cheyenne on December 29, 2005. Both she and her daughter, who was born otherwise healthy, tested positive for cocaine. Ms. Cochran was charged with endangerment of a child, and her attorney filed for a motion to dismiss, citing *Commonwealth v. Welch*, a case where the Supreme Court of Kentucky held that child endangerment statutes do not apply to the context of a woman's relationship to the fetus she carries. Cochran's motion to dismiss was granted, but the State appealed. The appellate court held, that despite binding state supreme court precedent and Kentucky law that requires issues of drug use and pregnancy to be dealt with solely in the public health sphere, that in light of feticide laws and unborn victims of violence laws meant to punish a third party's acts against a pregnant woman, the state's child endangerment statute can now apply to the pregnant woman herself. Not only does that appellate court decision effectively overrule *Welch*, based on highly faulty reasoning, it also undermines Kentucky's Maternal Health Act of 1992, which states "the General Assembly finds it is necessary to treat the problem of alcohol and drug use during pregnancy solely as a public health problem by seeking expanded access to prenatal care and to alcohol and substance abuse education and treatment programs." The Maternal Health Act's enlightened approach, which is in line with the position statements of practically all medical and public health organizations promoting treatment over incarceration in order to improve maternal and fetal health, is under attack by the Cochran appellate decision. Furthermore, by blurring the line between third party acts and a pregnant woman's

experiences during her pregnancy, this case focuses squarely on whether the state can view a pregnant woman in relationship to the life she carries as no different from a stranger, or a batterer, a drunk driver, or a man who brutally kills a pregnant woman. The Supreme Court of Kentucky has agreed to review the appellate court's decision in Cochran. Larry Nelson and Mary Faith Marshall, in cooperation with NAPW and numerous other allies, will file a bioethics amicus brief to educate the court about these issues. We hope to have your crucial support as this case risks overturning good precedent from the highest court of the state as well as vitiating statutory code has been highly effective in promoting maternal and fetal health within the public health sphere for over a decade.

Blurring the line between third party acts and a pregnant woman's experiences during her pregnancy, this case focuses squarely on whether the state can view a pregnant woman in relationship to the life she carries as no different from a stranger, or a batterer, a drunk driver, or a man who brutally kills a pregnant woman."

Would the mother also be criminally responsible for consenting to implantation of, say, multiple embryos? She would meet the criteria for culpability for a "damaged" baby or babies as the law is interpreted currently by some in Kentucky?

Use "Choosing Surgical Birth: Desire and the Nature of Bioethical Advice" in *Naturalized Bioethics: Toward Responsible Knowing and Practice* (Cambridge University Press: New York), 2009, 42-64.

Note Rothman remark at 2008 conference that best predictor of a happy child is the mother's zip code!

Use Pat Smith article on postmenopausal pregnancy in Callahan, ed. 1993. Also, Mahowald on fetuses in Callahan ed. 1995.

Use Amy Mullin 2005 on maternal work (pregnancy and childrearing) (reviewed in *Hypatia* Summer 2007) to complement Ruddick.

See Caplan et al in HCR 37:3, 2007, pp. 18-20 "Moving the Womb" on womb transplantation.

Tribe on right to be a mother in *Abortion and the Clash of Absolutes*.

Discuss inseparability between gestation and power relations. Discuss advocacy of separate female sphere of nurturance (Chodorow, Gilligan) and argue that gestation is inevitably bound up with politics. The degree to which pregnancy is increasingly a public concern (note also Ferguson's point about differences between public patriarchy and *laissez faire* liberalism)--for the infertile who seek out medical remedies, for indigent women who must use public facilities for prenatal care and birth. Quandary: regulation increases public intervention but also protects women from abuse. The inseparability of reproductive issues from workplace issues: "Fetal protectionism" as successor to protectionist legislation limiting women's role in the workplace; see citation from Ruddick book to study of jobs held by women and refer to wage-hours legislation) seldom applies to jobs traditionally occupied by women, e.g. nursing, secretarial work--low wage jobs. See *Double Exposure* (Chafkin, 1984: 182). Also on exclusionary policies see Bertin's Humana Press article, p. 10 and her *Women and Work* article, p. 112 (most are in Rutgers vol. on *Rep. Laws for the '90s*).

As some companies convinced women to be sterilized before working in a hazardous setting, someday companies may require women to have their ova retrieved and stored before they are eligible for

employment. Instead of making the work environment safe they could guard themselves against potential lawsuits from women deprived of their fertility and children born with defects.

See *Hypatia* issue on maternal bodies 21:1, 2006 esp. article by Lyerly: "Shame, Gender, Birth," 101-118.

Also see Fausto-Sterling 2000 esp. on intersexuality.

Cite Vassey 2006, 2047 on making genetic testing a routine part of prenatal care<sup>5</sup>

On Irigary: see Jaarema article in *Hypatia* 2001 issue on problem of evil and discuss it's tendency to romanticize mother/child relationship. See Kukla book.

Focus on pregnant body but consider paid surrogacy (see Nov. 2008 article in NYT Mag.. Kukla says that lots of jobs are more demanding.

Emphasize embodied subjectivity "bearing the burden of being titled mother."

On "maternal instinct" see Whitbeck in Trebilcot 1983.

See AJOB 2(1), p.65 Ashby Sharpe review of Cynthia Daniels book .

On pregnant body see Young and Grosz on visibility/invisibility distinction in pregnant body.

Look for other stuff I've published on pregnancy.

Start with my own pregnancy.

## **Chapter 7: Symbolic Struggles and Personal Identity: Desiring Children**

Note Claudia Card's "Against Marriage and Motherhood: in *Hypatia* 11, 1996. 1-23 (or use for Desire Ch.)

Start with my paper on Diane Blood case or ovum donation to 70 year old.

21<sup>st</sup> century motherhood .is the ultimate expression of a primal desire...infertile couples very rarely let go. This seems to happen only when egg or sperm and money run out.<sup>6</sup>

The American fertility industry is fast supplanting the traditional link between biology and parenthood with the conviction that the desire for a child should be the defining criterion of

<sup>5</sup> Vassey, Carine. 2006. "From a Genetic Innovation to Mass Health Programmes: The Diffusion of Down's Syndrome Prenatal Screening and Diagnostic Techniques in France." *Social Science and Medicine* 63: 2041-2051.

<sup>6</sup> Sammy Lee, MD (organizer of a 2009 London Conference on 21<sup>st</sup> Century Motherhood)

parenthood. Admittedly, there are huge gaps in their adherence to this ideology (ICSI and egg harvesting among them) but their enthusiasts have never been noted for consistency ... (See Rebecca Mead in Nyer 8/09/99 56-65) Discussion of “savior siblings”: tissue donor babies and Ch. 7

On IVF as an industry see Spar x. Note her definition of “baby business”: providing children to those who desire them 207-08

Judith Butler insists that in order to understand the connection between desire and will we need to turn to psychoanalysis (see Amy Allen 2007 for cite). For Jessica Benjamin despite immersion in power relations moments of mutual recognition are still possible.

Also, note Allen’s discussion of internalization of moral authority that leans on Freud’s conception of internalization. Allen also believes that gender is deeply rooted in the self—more so than many others acknowledge.

Note Frankfurt and Charles Taylor on “incomplete desires.” (In their works on autonomy) Refer back to woman who gave birth to octuplets 2008 from Ch. 2.

See Bartky paper in Bar On anthology 1998 and at discussion of antipathy to psychodynamic explanations note her observation that desire is implicated in the construction of our subjectivity. Identity is not unitary. It is fed from many streams. The family romance is inevitably included where nuclear family norms dominate.

Note Irigary *To Be Two* and *I Love You Too* Also Alison Martin article 1998, 114

R. Alta Charo, noted that people have mixed reasons for having children, not all of which have to do with the welfare of the child, such as having a baby because they want an existing child to have a playmate, or to please grandparents. "It's not that you can't use people as a means to an end, it's that you can't use them merely as a means to an end. There has to be some regard for them as people," she said. Quoted in The Associated Press, Journal Sentinel Posted: May 4, 2004 article on savior siblings.

Weave in discussion of lack of conformity between people’s choices and their preferences, especially longer term ones (Sen’s criticism of rational choice theory hinges on this distinction). The fact that a person makes a specific choice has little bearing on the satisfaction of her preferences. She may be acting impulsively or under a variety of constraints (see also O’Neill 2000 for context, 16-17).

See Juliet Mitchell in Browne anthology 2007.

On “maternal instinct” see Whitbeck in Trebilcot 1983.

On the politics of desire check in Marilyn Frye

See Alpern 1992 “On the Meaning and Significance of Having Children”

Contrast fertility industry view (represented by Robertson) with FINNRAGE view and then defend a third position.

I do not mean to suggest that being happy and having one’s desires satisfied are not valuable but, unlike the utilitarian, I doubt that they should be taken as the measure of value (see Sen in Nussbaum and Sen

volume on this). But does Robertson and others who argue on these grounds? If they are of supreme value then why limit satisfaction to those who possess the economic means, why not extend it to everyone?

For critique of the “voluntarism” that has shaped the view of radical feminists who expect other feminists to reject their desire to mother see Bartky 1990. Ch 4 which was motivated by her reaction to the lesbian feminists in Midwest SWIP.

On the FINRRAGE feminists’ claim that desire for a child reflects “distorted,” “diseased” or adaptive preferences see Meyers in Hypatia 2005, p. 202 on desire for baby. Also her earlier article on baby making, “Rush to Motherhood” 2002. Also in alph file. See MacKinnon’s *Feminism Unmodified* and Andrea Dworkin on social construction of desire and preferences in Nussbaum (1999, 77) and her 1999 book, also MacKinnon’s *Toward a Feminist Theory of the State*, particularly Ch. 7 on Sexuality for development of her view that “feminism exposes desire as socially relational, internally necessary to unequal social orders but historically contingent.” and the ref’s she cites on p. 251 including Cixous and others in *New French Feminisms* who, she claims, use the term abstractly—not problematizing desire or seeing that its determinants are gendered (however, Benjamin does!)

Also, Laura Purdy’s “Babystrike,” and articles in Trebilcot *Mothering* volume.

See Anita Superson and Ann Levey (Hypatia 2005), and Uma Narayan (Anthony and Witt 2002) controversy. Also see Sen in Nussbaum and Glover 1995, Bartky 2002 on “Unplanned Obsolescence,” Meyers 2004, Ch. 4, Young 1990, 130 ff. Note that desires are a sub-species of preferences which have been much discussed by economic theorists and development scholars. Argue that all preferences are to one degree or another “adaptive.” Also see Di Leonardo and Lancaster article in Holmstrom anthology on “bent” desires; But what criterion is/should be used to decide which preferences should be overridden, by whom and why (for some social good it conflicts with or for personal wellbeing or... Most scholars take the comparatively easy cases (genital mutilation, veiling) but the desire for children is much harder to wrap your wits around.

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See Meyers “Narrative and Moral Life” in Calhoun 2004.

Also, note the lack of awareness of cultural differences in the kind of social constructionism manifested in the work of Gilligan and Chodorow. Each felt free to generalize about all women’s experience from their limited perspectives.-- In Gilligan’s case the young women in the community surrounding Harvard whom she interviewed; in Chodorow’s the experience of a group of middle class, heterosexual American white women (see my other work on Chodorow and integrate a brief summary wherever?).

See Calhoun “Standing for Something,” particularly distinction between psychol. identification and endorsement on p. 244. Note also her inclusion of autonomy within integrity and attach to having desires of one’s own. Also, relocate cash history discussion on influence of the media (Ch. 1?) And put there.

See Flax on Dinnerstein in *Signs* 2003.

**Major change Consider** concept of recognition: use for women's desire. Might not the desire for a child be yet another manifestation of the desire for recognition? Include Benjamin on it from *Shadow of the Other* and Judith Butler essay in *Undoing Gender*. Note Aristotle's concept of *Anagnorisis* "the change from ignorance to knowledge" (from Jessica Waldoff's *Recognition in Mozart Operas*. In Don Giovanni the moment of recognition is withheld and Don remains "unflinching," unreflecting.")

**In the Poetics Anagnorisis** is the recognition by the tragic hero of some truth about his or her identity or actions that accompanies the reversal of the situation in the plot, the peripeteia. Oedipus's realization that he is, in fact, his father's murderer and his mother's lover is an example of Anagnorisis.

Strange bedfellows: fertility industry and right-wing evangelicals. Both applaud the desire for children. Of course, unlike the industry the evangelicals claim that only sexual desire that's open to reproduction is morally permissible.

Note Kalabian in *Bioethics* 19(2), 2005, 93-111. (She cites my 1995 paper in JMP).

See Bordo: Women and the Body.

Note Dickenson's paper for FAB vol. And tie to Benjamin: Butler and Irigaray destabilize the subject hence (in D's view) making it impossible to develop a feminist politics. However, Whitford (1991, 83) points out how Irigaray has drawn attention to the need to create a subjectivity women can actually own rather than one drawn from male psychological development.

Present psychodynamic account as one possible way of explaining how deeply men's eroticized domination is etched into women's psyches and how resistant it is to rational dissuasion (e.g. S&M lesbians). Consider the complementary account (to Benjamin's—see also her 1997 book) offered by feminist film theorists; discuss social constructionist accounts such as MacKinnon's (see above) and Dworkin's. See examples cited by Nussbaum (1999) from Rousseau (p. 78), Marc and Sartre on anti-Semitism.

In present society children are considered just like any other consumption item—merely a matter of individual preference and responsibility. However, preference for a child differs from other desires for commodities since children contribute to a social good (Martha Fineman).

On resistance (Foucault) and exercises of *biopower* (note Dreyfus on this, initial section of *History of Sexuality* ... and critique of his views in Bartky's book *Sympathy and Solidarity*). Bartky says that *Discipline and Punish* on the microsystems of power was F.'s best book. She critiques his radical relativism and denial that biology plays any role in determination of subject. (See p. 60 of H of S on this)

Also note Bartky's Ch. 2 and 3 on psychoanalytic theory, critique of Foucault's repressive hypothesis, and how sex has been produced in the modern period—the marketing of sex as natural and good which conceals its social constructedness and leaves no room for moral critique of uses of power ("power makes people") and construction of identity. Creation of identity is more complex than Foucault's repressive hypothesis allows for (see Hist. Of Sexuality 60). It also involves marketing industry, media, social stereotypes, etc. On identity see Kittay and Feder anthology, particularly Oliver, Spelman and Mann articles.

"An ontological framework allows us to focus upon the division of being into dualities, for example, into the Self and the not-Self. The Self, in central position (Descartes' "I think, therefore I am") defines the

not-Self as Other, often in opposition to the Self. Knowledge of the Self comes through opposition or through a Self-versus-Other epistemology of difference. This ontological othering has perpetuated particular forms of social relations by subscribing to and reinforcing hierarchical ordering of dualities that favor the male, the white, and the rational. Following upon past work --such as, Iris Marion Young's which points to the possibility of "permeable borders between one's self and others' -- a feminist ontology recognizes the need to investigate the barriers between forms of being. Raising questions about the interrelationships of previously perceived dichotomies, we move toward claiming the status of Self for the traditionally Othered." Tracing "Parallel Oppressions: A Feminist Ontology of Women and Animals" *Feminista* by Jerah Coviello, University of Rhode Island and Janet Borgerson, Brown University.-

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## Chapter 8: Family Politics and Personal Autonomy: At the Junction of Biological and Social Connection

Compare with other version of family

(Include parts of NY SWIP version)

1. Changing family norms
2. The preservation of patriarchal prerogatives: the family as a bastion of privacy
3. Family burdens and the new genetics
4. Family tensions generated by external conditions
5. How genetic-related decision-making affects significant social relationships     Discuss defense of genetic enhancement in *From Chance to Choice* (Buchanan, Brock, Daniels and Wikler 2000) See Groenhout 2004 on that book.
6. Effects of genetic information and counseling on one's self-conception and relations between self-understanding and autonomy

Check Purdy criticism of genetic conception of identity in *Loving Future People, Reproducing Persons* 69-71.

Include discussion of Miles SH, August A. Courts, Gender and the "Right to Die." *Law, Med, and Health Care*. 1990; 18:85-95.) To show other ways in which women's autonomy fails to be respected. Bring in relevant stuff from PAS paper.

7. How a relational conception illumines these Issues
7. How access to knowledge bearing on future plans and conceptions of relations with others can impede or promote autonomy
8. Conclusion

Donaldson on "Morally Privileged Relationships" in Meyers, ed. 1993.

2. Harvey, Jean: paper on connection between personal morality and social justice (cited in Margaret Crouch paper on connections between private morality and public policy); say, in much of the Middle East, Israel, etc. where there is little or no distinction between public morality and family honor (see also Mohanty book on this).

2. Also check out Judith Stacey's *Brave New Families* and her article in Nancy Holmstrom's *Socialist Feminist Reader* (90-101 esp. 91-93. Stress, particularly her discussion of the comparatively recent historic development of "family" and their ever-changing configurations.

2. See also Nancy Hartsock's *Money, Sex and Power* on distinction between public and private.

2. Tie together stuff on privacy with remarks in beginning of Ch. 10 on family traditions as bastions of privacy that conceal oppressive practices from public scrutiny, practices that often have repercussions that extend into what is generally regarded as public life. This is nowhere more evident than in fundamentalist cultures, etc.

Feminists have pointed out that women have been deprived of their human rights, particularly their right to self-determination by separating public and private spheres and assigning activities to one or the other. Such maneuvers serve political purposes which are often only incidentally related to the activities themselves. For instance, by relegating an activity to the private sphere, thereby disguising its political character, states are able to disclaim responsibility for that activity. The assignment of most religious and many cultural practices to private status illustrates a common use of this tactic that shields violations of women's human rights from scrutiny. Appeal to the privacy of family life can trump women's rights to education, healthcare, employment and freedom to marry. Invocation of "family" often glosses over the widespread extortion of non-voluntary labor from women.<sup>7</sup> Through such conceptual and linguistic devices women are deprived of the right to self-determination that men in so many cultures and traditions take for granted, and society is denied the contribution these women could make. For where women's participation in public life is not accepted, society is deprived of half its resources.<sup>8</sup>

Maura Ryan in *The Argument for Unlimited Procreative Liberty: A Feminist Critique*" (HCR, V.20 No. 4, 1990) stresses the importance of viewing the conceiving, carrying and nurturing as elements of the same experience even where they have been separated by deliberate decision. For together they ground parental entitlements. On additional reasons: see Mackenzie 1992 and tie to my quarrel with Ruddick and Nelson, particularly p. 152 on reason for abortion: not wanting there to be this future child (rather than not wanting to be pregnant.). Considering the burdens of parenting and the magnitude of the commitment to parent a child this kind of protection is needed if children are to have stable homes. In a previous chapter I cited her succinct summation of the irony of collaborative reproduction: "it is precisely the value of this biological connection, which must be open for renunciation on the part of the donor or gestator that drives the search for new methods and justifies the infertile party's right to assistance (p. 10).

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<sup>8</sup> In countries where women are included in public life their worth may only count for half the man's in determining compensation for injury or loss of life. In court testimony two women may be required for every one man (Nafisi 2003).

On file: Bartlett, Holbrook, Smart, Zipper, Fineman, Lahey; ADD DISCUSSION FROM MORGAN AND LEE ON "MANUFACTURING DIFFICULTIES" ESPECIALLY pp 157, 160 ON ILLEGITIMACY; quote Glover, p. 19

On individual autonomy model vs. family model, e.g. genetic disorders, etc. See med. gen. clinic notes, papers challenging individual autonomy model and Rothenberg and North in bioethics text on third party interests. Discuss family participation in medical decision making.

On commodification of children: tendency to see children as property of parents particularly pronounced in U.S. where it is manifested by denial of social resources for children. Contrast to European countries where children are viewed as everyone's responsibility and resources of state are made available for health care, preschool education, etc.

On dual parenting: see Tong 1989 on Raymond (p. 159) also discussion of Benjamin and Firestone (Tong, 145); also Meyers 1992 critique of Chodorow for replicating existing gender dichotomies in her conception of dual parenting (note Hartsock's critique (p. 304 in Harding and Hintikka): dual parenting could not achieve the aims C. envisages for it unless institutionalized gender differences were also abolished.

On alternative conceptions of the family see Mahowald book (247) and references to lesbian parenting in it.

See Okin's *Gender, Justice, and the Family* esp. her critique of traditional theories of equality (p.10) and see Kymlicka review in PPA

## 2. START WITH DISCUSSION OF MYTHIC IDEALIZATION OF THE FAMILY

Organize chapter around feminist ambivalence about the family: do away with it/ preserve it as a sanctuary from social oppression/ transform it.

1) Family as an intimate affective realm of natural relations contrasting with the impersonal realm of the state and work world. Kinship ties--between mothers, children and female kin (see Elshtain (1981).

2) Family as the site of gender struggle and the reproduction of persons (a miniature political economy, women's labor as the source of supply and children, the future workers, as the product (from Flax 1990, see Ferguson (in Trebilcot) and Kuhn (1978) as representatives of this view). DISCUSSION OF THEORIES OF REPRODUCTION, e.g. socialist view (see Ferguson in Trebilcot), Rubin's view (sex/gender system) and Lacanian views--all life is a text, lack of attention to concrete social relations (see Kuhn and Flax, p. 47 in Nicolson 1990) feminist psychoanalytic view and ...

3) Third alternative: develop new family norms. See Bunch (1988) on communities of women. Also, NY Times Mag. article: "Does She Speak for Today's Women?" by Jane Gross (3/1/92) on Patricia Ireland, new president of NOW. Her personal life has caused rumblings--she has both a husband in Florida and a woman companion in Washington, D.C. Ireland has refused to say whether either of her relationships is sexual. Many of those close to her assume the marriage isn't. "What I have described is who my family is, not my sexuality," she says (p.38). To acquaintances who are dismayed by why she stays married she points out that her husband (a

painter) worked as a block mason while she was in law school to pay the bills and when her mother's marriage ended in divorce after 45 years he showed great kindness to her. "Why should I have to untwine from someone who has been my family since I was barely an adult?" she responds (p. 54).

Review essays in Elshtain (1981) and in her anthology The Family in Political Thought (1982) particularly Jane Flax article.

2. Beginning: The ways in which women are generally understood in many cultures requires placing them in conventional family settings. It may longer be quite so common to begin conversation with a man by asking about his work and with a woman by asking about her husband's and her children, but American society has not yet drifted far from that norm.

2. Focus around family as a social institution that mediates between biological males and females and the sex/gender system imposed by society, that system of prohibitions and permissions through which masculine and feminine identities are constructed as discrete and hierarchized genders. Every culture aims to reproduce itself and relies on some sort of family structures to accomplish the job--not just in the sense of biological reproduction but the reproduction of gendered identities. Use Rubin and Butler, also draw on Simone's stuff about prohibition within CECOS of IVF for lesbians. In order to win respectability for new reproductive techniques the physicians who regulate practices within CECOS exclude innovations that would threaten traditional family arrangements. Consider also physician's identification with the father role manifested in the selectivity they exercise over the choice of a "fit" woman to inseminate, thereby perpetuating and extending the authority tradition invests in actual fathers.

"I felt a profound shock of recognition when I finally understood that society relies on the nuclear family and the dependence of women on men to maintain the division of labour." (Judith Barrington in Dowrick and Grundberg 1980: 149) From the biography of a women who had left her husband and her career, became involved in feminist politics, begun to accept herself as a lesbian and finally understand why homosexuality is such a taboo. 2. As Veronica Beechey has so succinctly noted, when the domestic economy was primarily a producing unit the family had a very different significance. But as the economy shifted to the marketplace, women who had been under the control of husbands in the household came also to be under the control of capitalists as wage laborers (Beechey 1987:115). (Beechey wants to find a way to utilize a materialist method of analysis in a way that integrates production and reproduction as part of a single process showing that gender differentiations are inseparable from the organization of the class structure: Schwartzenbach in Hanen and Nielsen on exclusion of reproductive labor in Rawl's analysis.)

Should some of the criticism of essentialism and social constructionism go here (see Rose and Harding--how to relate them to Ruddick)? Through contextualist analysis: mothering practices may have very different significance in different social contexts--tie to Pfeffer 1987 and Dewar 1989 on AID focusing on the degree to which legal changes in rights of women and children have continued to serve interests of fathers (esp. 115).

2. Include Golombok 2000 on Parenting.

2. Joan Tronto in *Women and Welfare* 2001. Nancy Fraser on prevailing interpretation of "maternity" and the "family" in the U.S. social welfare system: Carol Stack in All our Kin points out how race- and culture-specific their interpretations are. What ideologues characterize as the disorganization of the black family can be alternatively interpreted as complex, highly organized kinship structures that enable those

in the direst poverty to survive economically and communally through the sharing and exchange of meals, food stamps, cooking, shopping, furniture, sleeping space, transportation, clothing, child care, etc. Such mutual arrangements span physically distinct households and transcend the administrative categories that organize relief programs within the welfare system. From "Women, Welfare and the Politics of Need Interpretation" (1989).

2. On the religious right's denial that families should be allowed to make decisions on behalf of their children and incompetent elderly: note remark of Keizer that "it is "ironic that a movement that locates society's best hope in the nuclear family should at the same time be so consistently cynical about a family's likelihood of ever acting in the best interests of its members. (59) Garret Keizer's "Life Everlasting: The Religious Right and the Right to Die" *Harper's* 310: 1857, Feb. 2005.

Consider starting with Robertson and then moving on to feminist critiques, positions, etc. Add human rights stuff near end as an additional feminist posture that reflects feminism's increasing concern for the conditions of women's lives in developing areas of the world. Note the failure to extend to women many of the human rights protections enjoyed by men. Violations of women's human rights, e.g. violence against women, often take place under the cloak of privacy where they are shielded from public scrutiny. Emphasize importance of rights discourse to supplant consumer oriented choice discourse. Compare and contrast with reproductive health discourse (which may be less inflammatory). Bring in critique of liberal individualistic approach incorporating Shanley and Ryan books (2001), also Sperling 2011 and consider Ryan's conception of distributive justice. Cite Ignatieff, p. 5 on how Univ. Decl. Of HR represents return of European natural law tradition granting to individuals (not just states) recognition of natural law.

Also critique religious right approach citing Garret Keizer's "Life Everlasting: The Religious Right and the Right to Die" *Harper's* 310: 1857, Feb. 2005. On how playing God operates on only one side of the medical "playground." To help a patient end his or her life "prematurely" is playing God while extending it in ways and under conditions no God lacking horns and a cloven hoof could ever have intended is the mandate of "our Judeo-Christian heritage" and the Hippocratic Oath." (55) "The woman who seeks an abortion is roundly condemned for escaping from "responsibility" but truly feared for her escape from the jurisdiction of the powers who conceive of justice only as a system of punishments and rewards. When Margaret Sanger began her campaign for birth control she was accused of permitting women to escape their God-ordained sorrow in bearing children (56). Also, Cite Ruth Macklin's article in Jan. 2006 HCR.

See Nussbaum (1999, Ch. 5) on economic man and preferences.

See Mahowald (1999) pp. 236-237 and 71 on maximizing liberty and equality—never at odds with one another?

See Susan Bordo's *Unbearable Weight* on choice

Also O'Neill (2002)

12/15/98: Robertson on quality control: right to procreate as right to have healthy children. Also see Robertson and others in *AJOB* Vol. I, No. 1, 2001 on sex selection.

On equality and lib. fem., see Callahan p. 7 and note 16.

For a favorable treatment of **rights based** views in contrast to **contract based** views see Minow and Shanley in *Hypatia*, 1996, p. 20 also Sperling.

Use point made by Nelson's on causal chain (Ch. 6, 1995) against Robertson.

See extracts from Oakley's Man and Wife in ch. file.

See Callahan anthology, p. 165 on Powledge.

On **feminist fundamentalism**: its sectarian quality and constraining dogmatism. Note the anti-intellectual quality of their writing in contrast to other sectarian writing (such as post-structuralist accounts); it denies that there are any significant biological differences between women and men--any inborn talent for baby-making. But way out of the strong cultural determinism that the FINRRAGE position locks you into is not just a matter of insisting on the **materiality of women's bodies** but restoring women's sense of **agency** by emphasizing subjectively felt nature of experience--but insist it is not a given but is historically situated (see Joan Scott art. on "Experience" on file; in connection with it see Epstein paper pp. 95-98 and eye-witness accounts of women's experience as basic to feminist consciousness.

Alternative strategy for juxtaposing liberal (Robertson's) analysis with radical (FINRRAGE) one: take several examples of situations where women consider assisted procreation and evaluate risks/benefits. Problem with this approach: Confront issue of responsibilities of these women. Robertson implies they have none beyond themselves; FINRAGGERS talk of their "obligations" to all women who have a common interest in retaining control over their procreative powers. ee Wendy Brown on Rep.Fr. in num. file; also Ryan, etc. **Feminists distrustful of autonomy** (cite Sherwin) because it has so often been used to justify huge disparities in the distribution of basic goods.

Include Purdy's 2006 article on "Women's Reproductive Autonomy" in Chptr.5 File. Adopt her language contrasting medical paternalism with a contractual model of Pp relationships.

Chapter 9: The Global Baby Business: Reproductive Tourism and the Quest for Global Gender Justice used to be Social Struggle and Group Identity: Situating Collective Interests

Rep. Tourism and global health care: see Nyer for 04/16/2012

or Relational Autonomy, Agency, and Advocacy: Who Speaks for (the subaltern) Women? (See my 2012 notes on Spivak's revised view)

Use Iris Young's "Asymmetrical Reciprocity" 1997 on putting oneself in the place of others and Mackenzie and Scully "Moral Imagination" 2007 (see below at p.37 on speaking for others).

On Young's def. of oppression see 1990. On speaking for others see Sherwin and Baylis 2003 (in alpha file).

On illustrations of groups and their influence: if one homeowner loses her home the economy as a whole is not affected but if many do the effect is systemic and sends ripples through the entire economy.

Reorganize around group identity vs. autonomy using Linda Alcoff's book on identity--see notes on inside back cover.

See Karla F.C. Holloway, "Accidental Communities: Race, Emergency Medicine, and The Problem of PolyHeme" *AJOB* 6:3, 2006, 1-11.

Include Sen's criticism of contractarian transcendental justice in *Identity and Violence*. The assumption of a single identity can lead to violent confrontations by putting people in "little boxes" which miniaturize them and deny them the freedom to choose their identities (2006).

On collective identity: how identification with Israeli Jews leads some American Jews to bypass power relations and sanction a degree of violence that would otherwise be anathema to them.

On history of construction of groups and critique of ahistorical intersectionality see Naomi Zack's book: *Inclusive Feminism* (2005)

Note comments by Ferguson on Schutte, Friedman in Held anthology, and Kittay (ed. *Subject of Care*) on transitional identity.

On Alcoff's "Problem of Speaking for Others" what about groups who are not in a position to speak for themselves such as the lace workers Mohanty discusses (p. 51). See Alcoff's 2005 book.

Find place where I discussed the veil controversy in France and put here discussing Nyer article "Taking the Veil" by Jane Kramer 11/22/04. Also, book from SWIP discussion)

Use Calhoun's "Standing for Something" and distinctions she introduces there.

Also, Mohanty's *Feminism Without Borders* particularly how intersections of race, class, etc. shift with location; also on internalization of exploitation p. 151.

On autonomy see Calhoun pp. 255 and 260.

Cite Sen's *Identity and Violence* (2006) on how the assumption of a single identity puts people in little boxes which miniaturizes them, denies their freedom to choose their identities, and can lead to violent confrontations

**Rewrite around Iris Young's distinction between external and internal group differences and Mohanty**

**External inequalities are structural**

**Internal inequalities are societal and cultural. Groups are defined internally in terms of a shared culture (but underlying shared cultures are often externally imposed identities).**

Note Appiah at 2005 APA Eastern and Said on "the reductive conflicts that herd people under falsely unifying rubrics like "America," "the West," or "Islam" and invent collective identities for large numbers of individuals who are actually quite diverse" (Said 2003, xxviii). Also cite Cleaver's *Soul on Ice* "To All Black Women, from All Black Men." see Appiah notes.

Argue that Friedman's distinction between found and chosen communities poses a false dichotomy--we all participate in communities that are not of our own choosing and many find deep fulfillment in them. Considering the conditions under which our identities are shaped and the networks we are bound to even in adult life, communities are simultaneously both found and chosen.

Use Gould 2004 esp. Ch. 5 on group rights, etc. and her criticism of Friedman-like individualism.

Use Seyla Benhabib's 1999 *Signs paper (in alphabetical file)* note particularly p. 347 on one's shifting commitments and changing attachments.

See also Ulla Holm "Community, Autonomy or Both" (in alpha. file)

Incorporate Meyers (2001?): is Young a "voluntarist"? What about Friedman?

Young implies in 1990 that individuals are free to leave groups at will—which I challenge in my Australian essay.

Use Iris Young's *Inclusion and Democracy* esp. p. 195 cited by Jaggar in IAPh paper (in Group file)

Note Ruth Chadwick remarks on controlling one's own identity particularly in terms of an individual's identification with a group (tie to external groups).

Consider Debora Zion's remarks on how collective action might enhance autonomy by increasing the options available to individuals, etc. Note Elizabeth Anderson on "egalitarian justice" **imported from Ch. 3** In some respects the position of some women who populate fertility clinics resembles the caged creatures in Marilyn Frye's metaphor who are unable to see the bars blocking escape (1983). Restraints only come into view once the captives press out and confront resistance. This metaphor captures the stance that lends plausibility to the radical critique, but it privileges an observer's perspective and bypasses the contribution subjective experience can make to self-knowledge. Admittedly, observers may notice features of another's situation that are not apparent to the subject, herself. The marginalized black maid working for a privileged middle class white woman may understand the configuration of power that binds wife to husband far more clearly than her employer.<sup>9</sup> The maid's insight is born of an awareness that comes only to those who have experienced analogous constraints. Similarly, lesbian women are likely to recognize constraints on heterosexual women's freedoms that are invisible to them. But no woman is so ideally situated that she can be the final arbiter of whether other women have made genuinely "free" choices. To think otherwise betrays the kind of arrogance that Hilary Rose (1994) terms "feminist fundamentalism," a tendency to rule out the possibility that a rival set of goals and aspirations may be valid.<sup>10</sup>

The view that all women share a common culture is closely linked with biological resemblances among women. Such resemblances are commonly exploited by patriarchal cultures to women's disadvantage. Consequently, much feminist scholarship has sought to undo the link between women and nature. Some have voiced fears that women could again be bound to nature if it were constructed as a territory on which to stake claims to motherhood (Stanworth 1990). Sawicki (1991) points out, too, the tendency of the anti-technology stance to collapse into a utopian romantic appeal to a pre-modern era when pregnancy and childbirth were presumed to lay within an exclusively private realm beyond the reach of power relations. Her characterization of feminists who "demonize the technologies and the men who design and

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<sup>9</sup> I take this example from Patricia Hill Collins (1991).

<sup>10</sup> For a lucid formulation of fundamentalism in its many guises see Ian Hacking's review of Amartya Sen's "Inequality Reexamined," *New York Review of Books*, XLIII, 14, 9/19/96, 40-43.

implement them" (70) points to another facet of "feminist fundamentalism:" a dichotomous opposition between good and evil.

Evidence indicates that members of oppressed groups may understand their position within the workings of power more effectively than the scholars who observe them. Historians have unearthed data showing that even goals explicitly intended to exact conformity with the policies of a ruling group have sometimes been subverted to further the interests of the marginalized.<sup>11</sup>

On whether individuals are free to leave groups see Peter Singer: *Pushing Time Away: My Grandfather and the Tragedy of Jewish Vienna*. HarperCollins: New York, 2003. An artfully crafted and sometimes moving reconstruction of Singer's grandfather's life and work. Particularly noteworthy is his elucidation of similarities between himself and his grandfather particularly their common commitment to universalism and disavowal of the "tribal" features of Judaism. Curiously, his grandparents continued to adhere to many features of Judaism. Before the war they lived (or were compelled to live) in the Jewish quarter of Vienna, the grandmother kept the dietary laws, their friends were predominantly Jewish, etc. It would seem that both from their own perspective as well as the observer's they were bound to the Jewish community despite universalist avowals. Perhaps this is true of Singer too?

See Appiah's comment on human rights and groups on p. 111 of Gutmann/Ignatieff anthology and Ignatieff on p. 167. Also my human rights paper. Integrate group stuff here.

From Dickenson paper for FAB vol.: see Shachar on reconciling universalism and difference through concepts of "embedded citizenship" and "joint governance." Women belong to the community of their gender as well as to their ethnic and religious communities. Also, Kathy Ferguson (1983, 14) whose view enhances women's status as subjects by stressing their uniqueness and voice (I should look at Meyers, too). "Without a unified category of "woman" there can be no political impetus towards the ending of women's oppression." (Dickenson). Butler and Irigaray destabilize the subject hence (in D's view) making it impossible to develop a feminist politics. However, Whitford (1991, 83) points out how Irigaray has drawn attention to the need to create a subjectivity women can actually own rather than one drawn from male psychological development.

Also, Dickenson's emphasis on reconstructing ethical universals such as theories of the state (MacKinnon), political obligation (Nancy Hirschmann, property (Dickenson 1997a), democracy (Phillips 1991), justice Young) and authority (Kathleen Jones 1993) in ways that are compatible with a modified feminist deconstructionism.

Consider Chadwick on *biobanks* (China Conf. P. 157) and WHO report 2001 on genetic databases and need to balance individual and collective interests. Also, on how conception of groups with which an individual identifies feeds back and affects the individual's identity.

See Linda Alcoff on a "strategic realist" account of identity as an alternative to a post-ethnic future (cosmopolitanism), a rational individualism, or an anti-realist account that assumes identities are wholly constructed. . Hers sees ethnicities as arising from need and desire and depending on realities of social conditions. The social constitution of identities doesn't preclude derivation of identities from actual

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<sup>11</sup> Linda Gordon offers an interesting example of this phenomenon in her study of child welfare policies in the late nineteenth century. She observes how social workers administering an early child welfare agency in Boston were diverted by the children's mothers to advocacy that strengthened their own stand against abusive husbands.

historic conditions. Social construction alone is anti-realist. Needed is an account that sees individualized identities as exclamatory as well as descriptive. My subjectivity shares commonalities with other women of my class, etc.' it describes my identity but it also explains (it?)... On choosing which narrative to identify with. See Mohanty. Alcoff follows James Clipper's reinterpretation of Benedict Anderson which eroded the distinction between culture and tradition.

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## Chapter 10: Repositioning Procreative Politics: Reproductive Rights as Human Rights

Take into account the UNDP Human Development Index.

Start with the Natalie Evans case (discussed in Ch. 4) involves issues about how human rights are to be conceived. As legal instruments that are definitive? Or as approximations that call for comparison to natural rights envisaged as moral rules for measuring the adequacy of a legal system. Use Annas 2005 on Katz case and his conclusion that contracts should be binding; note his objections to Ulysses contracts though (p. 147) and his defense of human rights in connection with enhancement technologies and cloning.

On where human rights approach fits in and supplements Young's social connection model of responsibility see Gould article in 2009 book on Young's work.

On genetic enhancement and human rights see E. Fenton in *Bioethics* 22:1, 2008, 1-7.

On collective social movement: According to Amy Allen they generate new possibilities for reconfiguring power relations and shaping new forms of recognition of individuals by others (see also Jane Mansbridge) so though we can never know for sure that our actions are actually progressive, our intervention may nonetheless advance things.

On microcredit see Narayan paper (below) then my Bioethics paper, then new IJFAB paper, ff. By Signs paper and Iris Young on justice.

Reject contract theory (see Pateman and Mills) for a theory that sees human rights as the cornerstone (see Gewirth, also Gould) See also Young's ref. To contract theory in her social connection paper.

Cite my *Signs* paper particularly criticism of Nussbaum and end with Young's article on Responsibility and Global Injustice on social connection model of responsibility for justice; note her criticism of cosmopolitanism on its view of power relationships, and recognition (2007, Pt. III). Compare to Pogge's conception. The agents of structural injustices include all organizations that participate in a situation, not just those who are causally responsible.

Also recheck Tronto's Ethics of Care on the "global care regime"

Note Habermas on deliberation from Dodds and Ankeny at FAB 2008 (published in IJFAB? And see Tong on Habermas in her 1997 book)

Emphasize how the baby business is international and, like the financial markets, it is interwoven with multiple national policies that both reflect and impact the treatment of women.

Note Uma Narayan's paper at fall 2008 Columbia conf. She sees enthusiasm for microcredit as intended to show that capitalism works at multiple social levels. But when women work in business they do double duty at home. Men seldom pick up the domestic chores. Also disproportionate focus on microcredit can imperil economic security since credit is another word for debt. In Bangladesh microcredit movement has led to debt recycling: women take on more debt to pay off the old debt.

On reproductive rights: from paper at 2008 FAB conference (see IJFAB) Note phenomenon of forced virginity exams: opposed by most MDs in countries where they are done. Gynecologists won't do them. And GPs don't have ready access to reliable data. There's no such thing as a virginity test. It's all conjecture. They hymen (which has no biological function) is not always present or has previously been ruptured by running, masturbation, or tampons. Some sexually active women have intact hymens. Such exams violate patient privacy and fall outside the province of MDs who should, instead, have a discussion with the girl's family—though in cultures where they are done families have a stake in a girl's virginity.

What is the cash value of the supposed "right to found a family" if there is no public support for the treatment of infertility (see details in Ch. 2).

Florencia Luna at FAB 2008: In developing countries 186 million couples have fertility problems excluding China (is this right?) Inter-American Commission on Human Rights opposes Costa Rica presidential decree of 1995 declaring that all embryos must be transferred back to the woman and forbidding AI. It claims that destruction of embryos violates "the right to human rights." This bias toward embryo disregards rights of the woman.

BMJ 2007; 335:1014 (17 November), doi:10.1136/bmj.39395.449514.DB

Website tracks progress towards UN millennium goals

Janice Hopkins



A website ([www.mdgmonitor.org](http://www.mdgmonitor.org)) will monitor how well nations around the world are meeting the United Nations millennium development goals for 2015, which were established at a UN summit in 2000. It will allow countries to compare themselves with others.

The millennium goals are to decrease global poverty and hunger, to increase primary school education, to promote sexual equality, to reduce child mortality, to improve maternal health, to combat HIV/AIDS and malaria and other diseases, to ensure environmental sustainability, and to develop a global partnership for development.

The website will provide information for policy makers and development experts, who can learn from each other's successes and setbacks. It will also increase public access and attention to whether the goals are being met.

The website tracks progress toward the goals in a number of categories in almost every country. The UN says that the site gives the most current data.

See Iris Young's *Global Challenges* on extending relational selves to relational peoples and other notes in back of book. Last Ch. Especially

Note also stuff in email files

Note Held 2006

### **Assisted reproduction in context**

The Western context that frames discussion of assisted reproductive technologies (ART) has seldom been doubted. Even feminist commentators who are particularly sensitive to social context have tended to frame their critiques of ART through a predominantly Western lens. (See paper submitted for Signs that I reviewed in Nov. 2007 on neglect to monitor infertility in non-western countries where rates are as high as in the west, True, pressures from the fertility industry, infertile male partners, and national governments eager to boost their birthrates often push women to undergo intrusive bodily procedures that are arguably contrary to their interests. But circumstances tend to be very different for most of the infertile women in impoverished areas of the world. Yet apart from a few "hot-button" issues, such as female circumcision and sex, few Western feminists have been responsive to the contexts within which infertility is experienced in regions where "barren" women pay a much higher price than in the West. Commercial purveyors of ART equipment and services have been more responsive. They have exploited opportunities to market their wares in the global South where the incidence of infertility is comparable to rates in the North, sometimes even higher. Of course, the individualized approach they provide is even less likely to have a substantial impact on infertility statistics than in the North. But that is not my point here. What I wish to call attention to is the limited range of conditions feminists in advanced industrialized countries are likely to consider in their deliberations about infertility experiences. The tendency is to focus on individual alternatives to involuntary childlessness such as use of donor gametes, adoption, or distractions, say, immersing one's energies in other life goals. We seldom move beyond such individualized alternatives to consider background conditions, even such basics as access to prenatal care, nutrition, and infectious disease control.

Turning to sex selective abortion a comparable shortsightedness prevails. Strategies need to be devised and implemented that are appropriate for the particular circumstances prevailing in specific regions of the globe. As Farhat Moazam has argued forcefully: a liberal sex-selective abortion policy designed to maximize the liberty of individual women may not be appropriate, say, in regions of India where women cannot effectively refuse such abortion (2004). Government policies are needed to reduce the staggering rate of selection that has led to a dearth of girl children.

It is not that only the particulars that are critical here but also a habit of mind that focuses on “quick fixes” for specific problems. Like discussion about the Natalie Evans case, the individual woman and her partner occupy center stage and the context is relegated to the periphery.

From 2007 FEAST conference: on special rights of a group vs. universal rights. The latter conceptualization is more likely to gain widespread support and is used in France and Germany where the US formulation is considered puritanical. So might refer to “interpersonal violence” instead of sex discrimination. Rather than formulating sex harassment as violence against women speak of “workers’ rights” Note also Walker talk referring to International Criminal Court and Carnegie Commission Report on civilian deaths: women and children are the vast majority of those affected by armed conflict. See also Amnesty Int. 2003 report and Cynthia Coburn on link between violent passions and structural violence during international warfare. See also human rights report on Sierra Leone “We’ll Kill you if you Cry.”

Integrate material from 2006 NASSP conference.

Alison Jaggar points to relations between the increasing dominance of the global market and the loss of opportunity to meet family needs through local markets.<sup>12</sup> This is a problem not only for developing areas of the world but for advanced industrialized economies too. In virtually all countries women suffer disproportionately. Persistent male-bias in the workforce contributes to the exploitation of women’s comparatively cheap labor power. Increasing privatization of national economies diminishes access to social benefits for both women and children. In poorer countries women are often conscripted to work overseas as domestics or sex workers breaking up their family units and intensifying the gulf between the affluent and the impoverished. Alison Jaggar points to relations between the increasing dominance of the global market and the loss of opportunity to meet family needs through local markets.<sup>13</sup> This is a problem not only for developing areas of the world but for advanced industrialized economies too. In virtually all countries women suffer disproportionately. Persistent male-bias in the workforce contributes to the exploitation of women’s comparatively cheap labor power.

On consensus: see Friele 2003; also Butler 2001.

Incorporate NASSP 2006 paper, also parts of my UNESCO paper, SIGNS paper, and post-FAB human rights paper. Use Jing-Bao paper in same issue of DWB on using cultural differences to generate more adequate universal norms.

Use Iris Young’s shared responsibility conception of justice which addresses all oppressions.

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<sup>12</sup> I owe this point to Alison Jaggar’s 2006 paper at Feminist Ethics and Social Theory conference. She cites Thomas Pogge’s 2002 book which illustrates the dominant emphasis on family as a local institution. See also Jaggar’s “Globalizing Feminist Ethics” 2004.

<sup>13</sup> I owe this point to Alison Jaggar’s invigorating paper at the 2006 Feminist Ethics and Social Theory conference. She cites Thomas Pogge’s 2002 book which illustrates the dominant emphasis on family as a local institution. See also Jaggar’s “Globalizing Feminist Ethics” 2004.

Return to conditions for concerted action among women. Argue that it is not based on common experience but on common interests and goals-- which may not be self-serving but often involve ideals, goals etc. (Mohanty 143).

On vital importance of reproductive Rights see BMA Handbook esp. p. 333 and notes inserted in book.

Use chapter in Amy Mazur's book on reproductive rights policy

On poverty in US see Jason DeParle "American Dream."

Revisit positions of both liberal and radical feminists discussed in Ch. 3 and mention push toward a global feminist culture by early second wave radical feminists. Then discuss opposition by post-colonial feminists and their critique of feminist complicity in past colonialization (see Mohanty). Nussbaum and Okin provide new liberal feminist arguments against post-colonialist feminists (women in third world may suffer from *adaptive preferences*, etc.)

Use Ruth Macklin's ency. article on "Rights" in alpha file.

Discuss relations between relational autonomy and rights: how this way of viewing autonomy need not press us to relinquish rights; we need not exercise them but might choose to when relationships become abusive, etc. as in example used in family ch.

Jaggar (APA Apr. 2004 and article in *Philosophy Now*) on feminist critiques of practices in the global South:

1. Controversy between interference and indifference to situation of women in developing countries. Jaggar claims that liberals line up with radicals. James Flack criticizes Okin's essentialist generalizations and Mohanty challenges essentialist construct of gender used to contrast Western and nonWestern women.
2. Cosmopolitanism vs. relativism--see Katha Pollit in the *Nation*
3. Justifications for intervention in other countries, such as, genital cutting See ch. 9 and ??? Take into account the spread of the practice to non-traditional countries through recent immigration. See "Female Genital Mutilation: the Ethical Impact of the new Italian Law" by E. Turillazzi and V. Fineschi in *JME* 2007, 33: 98-101.

Being a "feminist missionary" vs. an "avenger"

Note Jaggar IAPh 2004 paper particularly p. 18 on indispensability and inadequacies of civil societies-- need to supplement civil society with resources controlled by the state.

### **Responses of empowerment theorists**

Critique both development theorists and indigenous regimes (see Narayan on cliterodectomy in India and ? on use of cliterodectomy issue in Kenya in 1920s struggle between nationalists and colonial powers, also head scarves, and other issues. *Adaptive preference* language has been used to justify intervention. Present Iraqi government council that represses women set up by US; incorporates most reactionary elements of Iraqi society. Consider also UK support of Saudi regime and US support of Taliban.

Empowerment theorists have also critiqued expansion of export agriculture that undermines subsistence farming and pointed out how women in the global south are becoming a new industrial proletariat. They

have also discussed problems associated with sexualization, militarism, culture-blaming and structural violence.

**What's to be done?** Jaggar notes that possibility of non-intervention never existed. US is an influential part of the global south and we need to make our interventions more supportive. And critique repressive religious institutions and debt practices in first world as well as third. We can't resign our power but need to use it more responsibly rather than perpetuating injustices toward women. Need to develop conception of human rights that is respectful of differences. And consider context of religious institutions and debt practices in first world.

**Also consider** Gewirth's *Human Rights*, particularly the principle of generic consistency as the ground for human rights. Note also that human rights can be grounded in the Muslim tradition (see Sen on this).

Over the past generation the focus of reproductive rights has shifted from emphasis on demographic targets for population control to a new paradigm for population policies and reproductive health. Since the United Nations Conference on Population and Development in Cairo in 1994 reproductive rights has come to be conceived broadly to include a cluster of rights including the right to health, bodily integrity, privacy, information, education, and equal rights in marriage and divorce. It's been recognized that their realization or violation plays a major role in determining reproductive health. Whether women can make realizable and informed choices about reproduction depends on the recognition of these human rights (Mann 2001, 446).

Discuss family planning policies—widespread tendency to hijack them to limit population growth and Programme of Action at the 1994 Cairo Conference on Population and Development that makes a significant departure in policy emphasizing protection and enhancement of women's reproductive rights (Lori S. Ashford "New Population Policies: Advancing Women's Health and Rights" in *Population Bulletin* 56 (1): 3-43), 2001 and Baird paper. The program of Action developed there has been recognized by over 180 countries (U.N. 1994) It incorporates a new emphasis on the advancement of women. (Include WHO 1998 from Baird). Social development that extends beyond family planning, and provision of family planning and contraception within a larger context of reproductive health care. This expanded framework includes safe pregnancy and delivery, abortion where legal, prevention and treatment of sexually transmitted infections including HIV/AIDS and counseling on sexuality. Human development is now recognized as the focus of family planning efforts and the means to curb population growth (Baird 2004).

On women's rights as human rights see Peters, Julie and Andrea Wolper: *Women's Rights, Human Rights* (New York: Routledge, 1995). Related changes affecting transformation in conception of family planning. Growing body of data gathered from many countries showed that reduction in childbirth correlated with the relative status of women (Barroso, Carment and Jodi L. Jacobson "Population Policy and Women's Empowerment: Challenges and Opportunities" in *Women's Empowerment and Demographic Processes*, eds. Harriet B. Presser and Gita Sen (New York: Oxford, 2000). Also, international women's rights activists emphasized the unequal power relations between men and women and the need to apply fundamental human rights specifically to conditions governing women's lives. Women argued that it is no longer sufficient merely extend existing human rights mechanisms to women, but women's rights needed to be understood explicitly as human rights and the most vital of the human rights is the right to control over one's body (Peters and Wolper).

Update discussion of difference (a '90s issue); talk about "intersectionality" and its limitations and focus on reproductive rights within a context of human rights (importing much of *Signs* paper). Analyze intersectionality as intersections of systems (e.g. socialist, capitalist) and/or intersection of identities which focus on individuals (see Wood in *Socialist Fem. Project*, p.282).

Consult: Material listed by Harvard Global Rep. Health Forum (see file).

Saba Bahar: "Human Rights are Women's Rights: Amnesty International and the Family." *Hypatia* 11(1) Winter 1996, 105-134.

Also, Peters, Julia and Andrea Wolpher. *Women's Rights, Human Rights: International Feminist Perspectives*. NY, Routledge, 1995 (esp. Charlotte Bunch art.)

Note Baird paper for our anthology particularly her cite from Sen, Gita and Srilantha Batliwala 2000. "Empowering Women for Reproductive Rights" In *Women's Empowerment and Demographic Processes*, ed. Harriet B. Presser and Gita Sen, NY: Oxford, 24: "The control of women's and girls' sexuality and reproduction is at the heart of unequal gender relations, and is central to the denial of equality and self-determination to women."

Refer to Ruth Macklin's book (*Against Moral Relativism*)

British conference on sex selection techniques. Distinguish it as a legal issue and a moral one. Argue against legal coercion because of authority conferred on the state. But argue that moral qualms should be give weight.

Also, note that despite easing of restrictions on legal abortion, there is still strong and powerful resistance to granting women the full complement of reproductive rights. The sexual exploitation of women has become a global not just a local phenomenon.

Note the end of Nancy Holmstrom's intro. In *Socialist Feminist Project* and the Wood article.

Return again to issue discussed in Ch. 3: Firestone recognized the sexual exploitation and proposed changing the social relations of reproduction so women would no longer be reproducers.