

BREEDER REACTIONARIES

The "feminist" war on reproductive technologies

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"59-Year-Old Woman Gives Birth to Twins on Christmas Day!"

Although it reads like one, that's not a headline from the *National Enquirer*. Earlier this year, reputable newspapers around the globe rushed to report that a 59-year-old British businesswoman had produced two healthy children from donated eggs which had been implanted in her uterus. She was soon overshadowed by a pregnant 62-year-old Italian woman, who wanted a baby to replace her only child, a son who had died in an accident.

Then a black woman gave birth to a white baby and the world confronted a host of new questions: Should parents be allowed to choose the race of their children? Or the sex? Should "designer" babies be encouraged? Or should the new reproductive technologies that allow such possibilities be banned, as several European nations are now attempting to do?

The controversial procedures causing such a flap encompass a number of fully achieved technologies as well as some still in the development stages. They include: sperm donation, by which a woman is impregnated with sperm from someone other than her partner; egg donation, by which one woman conceives with an egg donated by another; sperm and egg freezing; embryo adoption, by which a donated egg and sperm are cultured into an embryo; embryo freezing; and embryo screening. The world has certainly come a long way since Louise Brown became the first test-tube baby in 1978.

The main appeal of reproductive technologies is that they give people more choices and more flexibility in a domain previously ruled by biological chance and limits. And, sensational headlines notwithstanding, the typical beneficiaries of reproductive technologies are individuals in their child-bearing years. Still, the proliferation of new options means that the social implications of the new reproductive technologies are staggering. By the year 2000, for instance, more than 2 million children will have been born as a result of artificial insemination, estimates Roxanne Felshuch of IDANT Laboratories. Essentially, women can reset their biological clocks at will. Instead of having children during their peak career years, women can wait until retirement to raise a family. A single infant can now have more than two parents, all of whom might die of old age before he or she begins to teethe. If recent experiments on mice are an indication of things to come, a woman could abort a female fetus and, using its ovaries and eggs, later give birth to her own grandchild.

The prospect of such a reproduction revolution raises important and vexing ethical questions. For example, with two possible sets of "parents," how should the courts adjudicate custody claims? What will prevent governments from commandeering this science to produce "better" citizens? Will women be pressured to abort "defective" fetuses? Who will define a defect?

And, because they often utilize donors and surrogates, the new reproductive technologies also raise many serious questions about individual rights and contract law. Does a donor or a surrogate have any rights beyond sharply delimited contractual obligations? Is it possible to contract out motherhood--or fatherhood-- itself? Congress and the courts have begun to address these questions and, if 1987's "Baby M" case is any indication, the final answers are certain to be long and hard in coming.

These are the sort of questions that will alter the reproduction debate in the next decade. Indeed, they promise to alter reproduction itself. Women can now choose to have children when, where, and with whomever they want.

Such fundamental change inevitably inspires champions and detractors and, in the cacophony surrounding the new reproductive technologies, you would think feminists would be among the staunchest advocates for freeing a woman's body from the restrictions of nature. This, after all, has been one of the main goals of the feminist movement since its inception. As Shulamith Firestone wrote in the 1970 feminist classic, *The Dialectic of Sex: The Case For Feminist Revolution*, "The first demand for any alternative system must be...The freeing of women from the tyranny of their reproductive biology by every means available ... "

The new reproductive technologies, like effective contraception and access to legal abortion, seem to provide women with the "choice" central to virtually all brands of feminism. So aren't they part and parcel of the "reproductive freedom" that was so hotly contested at the United Nations' International Conference on Population and Development held in Cairo? You would think only the pope and other reproductive traditionalists could be critical of such technologies. And you would think feminists would shout with joy now that their long-time rallying cry--"A woman's body, a woman's right" --is on the verge of fulfillment.

But you would be wrong. When high-profile feminists have commented on the topic at all, they have been outspoken in their attacks on new reproductive technologies ranging from innovations in birth-control methods to refinements of in vitro techniques. Consider the words of Janice Raymond, professor of women's studies at the University of Massachusetts and author of *Women as Wombs*. Raymond disparages the technologies as "reproductive abuse," a product of the "spermatic economy of sex and breeding" or "spermocracy," and "medicalized pornography."

This rejection has nothing to do with the ethical questions posed above. Critics such as Raymond are radical feminists who consider men and women separate political classes, with interests that dramatically-- and necessarily--conflict. Within the radical feminist ideological belief system, anything developed within the "patriarchy"--the "seamless web of male oppression" that radical feminists say characterizes our world-- must be condemned, regardless of the apparent benefits for women.

The radical feminists sometimes call themselves "post-Marxists," but it is not clear just how far they've moved past Marx--or Engels, for that matter. Like Marx, they tend to single out capitalism as a particularly exploitive system and, like Engels, they see it as the root of all gender injustice. More important, radical feminists rely on a Marxist "base/superstructure model" of analysis. In traditional Marxist analysis, a particular economic base (i.e., capitalism) creates a particular superstructure or culture which simultaneously camouflages and perpetuates the economic base. The process is subtle enough that people within the system don't even understand they are part of it, much less being exploited by it. That's why workers need to be organized; "class consciousness" is suppressed by the superstructure. And because the superstructure is determined by the base, any attempt to alter the superstructure without fundamentally changing the base is meaningless. Hence, raises in wages and benefits may seem progressive but, because they placate workers, actually work to shore up an evil system.

Radical feminists have taken this basic argument and substituted gender relations for economic ones. In place of capitalism, there is patriarchy (of which, it should be noted, capitalism is a manifestation); in place of class exploitation, there is gender exploitation. Developments

apparently benefiting women--such as longer lifespans, birth-control pills, increased access to property, wealth, and education--actually maintain the patriarchal status quo.

Patriarchy, say the radical feminists, is a cancer rooted so deeply in our culture that even the language with which we speak and think reinforces male dominance: The word *history* rather than *herstory* is merely one obvious example among many. For radical feminists, then, the new reproductive technologies are particularly abhorrent for two reasons. First, they are a creation of a "male science" which seeks to dominate nature rather than remain open to it. Already convinced that the medical establishment is out to control women, radical feminists insist that the new, ostensibly liberating procedures are actually another attempt to exploit female reproductive functions and turn women into baby factories under male management. Second, the legal grounds on which the new reproductive technologies will be implemented stand on notions of individual rights, enlightened self-interest, and contract law--all of which radical feminists see as extensions of an inherently exploitive capitalist system.

The above arguments may sound absurd and contradictory--just how absurd and contradictory we will see shortly. But because radical feminists are almost the only women in the feminist movement discussing the implications of the new reproductive technologies, they enjoy tremendous influence over the terms of debate. At the university level, they often chair women's studies programs and occupy administrative positions. Radical feminists are also defining the terms of the reproductive debate outside the academy. The shelves of libraries and bookstores are stocked with radical feminist works from major publishers, all of which argue against new reproductive technologies. These include: *Living Laboratories*, by Robyn Rowland; *The Mother Machine*, by Gena Corea; *The Politics of Reproduction*, by Mary O'Brien; and such anthologies as *Made to Order: The Myth of Reproductive and Genetic Progress*; *Man-Made Women: How the New Reproductive Technologies Affect Women*; and *Test Tube Women*.

Radical feminists are even shaping the political process that will monitor and regulate access to and information about the new reproductive technologies, as well. Janice Raymond, for instance, testified against surrogacy contracts before the House Judiciary Committee of Michigan in 1987. The Sixth International Women's Health Congress, held in 1990, drafted a resolution opposing, among other things, the development of anti-pregnancy vaccines. In Canada, groups such as the National Action Committee on the Status of Women have been preparing studies and statistics in hope of restricting fertility clinics.

The critics opposing the radical feminist position tend to be far removed from the world of "gender studies"; as a result, they are often dismissed as uninformed or irrelevant by radical feminists. For instance, John Robertson, professor of law at the University of Texas, has argued that, because the right to reproduce follows from the constitutional guarantees to privacy that underwrite *Roe v. Wade* and *Griswold v. Connecticut*, access to the new reproductive technologies should be similarly protected. But since radical feminists dismiss the U.S. Constitution as a document written by and for white slave-owning males, they reject any appeal to privacy because it places reproductive rights beyond considerations of the "female" values of social justice and social ethics. "Privacy rights," say the radical feminists, are just another attempt to tie reproduction to the male-dominated tradition of property rights.

It is worthwhile, then, to examine and refute the radical feminist rejection of the new reproductive technologies on its own terms. By looking at the misinformation and the illogic of their attacks on science and individual--as opposed to group--rights, the implications of the radical feminist mindset become clear. It calls for nothing short of a "gender revolution" that will overturn individual rights, private property, and any other institution tainted by "patriarchy." "In order to stop...systematic abuses against [women]," writes Andrea Dworkin in her 1976 book *Our Blood*, "We must destroy the very structure of culture as we know it, its art, its churches, its laws."

And, of course, its science. The radical feminist objections to the technological aspects of the new reproductive technologies are actually a specific application of a larger anti-scientific argument. "Science" seeks "objective" knowledge; hence, it's the opposite of radical feminism, which seeks to

articulate "subjective" voices. Where the scientific method stresses evidence and replicable results, feminists "privilege" personal experience. In a paper delivered at the 2nd Annual Women's Studies Association Conference in 1980, researcher Judith Dilorio described feminist methodology thusly: "Researchers will utilize first-hand, immediate and intimate contact with their subjects through direct observation and reflective analysis, drawing upon her or his own experiential observations of what others say and do in order to relate subjective and objective dimensions." This form of research, which has been called "experiential analysis," can be seen in feminism's approach to sexual harassment. A woman's feelings about the alleged harassment (e.g., she *felt* threatened) are taken as proof it occurred.

For radical feminists, "scientific truth," like any other kind of truth, is nothing more than what scientists declare it to be. Science is just one more "discourse" among competing alternatives; its claim to rationality, disinterested inquiry, and predictive value are merely "male" rhetorical conceits designed to make it seem more authoritative. Contrary to the way science is usually discussed, say the radical feminists, science is not value-free. By seeking to analyze and control nature, it embodies the very ethos of patriarchy.

Since technology is an outgrowth--indeed, a handmaiden--of science it is by definition anti-woman, even when apparently providing women more options. Hence, in the essay "How the New Reproductive Technologies Will Affect All Women," journalist Gena Corea writes, "[T]he technologies will be used by physicians for seemingly benevolent purposes. These kindly looking physicians may even speak with a feminist or a liberal rhetoric, passionately defending a woman's right to choose these technologies and 'control' her own body."

Elsewhere, Corea has stated, "The new reproductive technologies represent an escalation of violence against women, a violence camouflaged behind medical terms." Her derisive attitude is summed up by her comments on embryo flushing, a key procedure in artificial insemination by which an embryo is separated from the womb: "That's done in cows," she writes. The implication is clear--men view women and cows alike as domesticated animals.

Corea is hardly alone in linking technology to patriarchy. The ironically titled anthology *Healing Technologies: Feminist Perspectives*, for instance, dismisses electronic fetal monitors--which have been heralded as a lifesaver for mother and child alike--as the result of "males and male values" and of the merger of "business and health care systems...another male alliance."

Even birth control, once sacrosanct to feminists, is being redefined as oppression. In the essay "In His Image: Science and Technology," in the 1992 anthology *Twist and Shout*, Heather Menzies explains how female contraceptives are actually tools of patriarchy: "I didn't immediately see the pill or the IUD as sinister in themselves; I began to see them, though, in context, as part of a larger system...they are a part of a particular phrasing of the role of reproduction in society geared to production and consumption, and a particular phrasing of the problem of women's bondage to their own bodies."

As long as the "context" is patriarchy (and for radical feminists, the context is *always* patriarchy), reproductive technologies of any sort are inherently oppressive. What's more, they "marginalize" the role of women in the birth process. Through the "medicalization" of childbirth, women are said to be losing the monopoly of power they once enjoyed over giving life. (History, it should be noted, does not smile upon this interpretation. In 17th- and 18th-century Europe, for instance, when technological intervention in childbirth was virtually unknown, children had only a 50 percent chance of living until their first birthday. Women had a 10 percent chance of dying in labor and a 20 percent chance of being permanently injured by midwives, who commonly punctured the amniotic sac with dirty fingernails.)

But the radical feminist dismissal of science has seriously flawed foundations. Radical feminists invalidate science on the grounds that it, like all other forms of human knowledge, is necessarily selective and provisional. Which is to say, in order to process the vast amount of data bombarding us at every turn, individuals select out what they consider to be important. This, however, is not

evidence of bias (patriarchal or otherwise), but merely a description of how the human brain functions. Actual bias occurs only when human beings refuse to reconsider or alter their conclusions in the light of reasonable doubt.

If anything, scientific research methods consciously acknowledge the limits of human knowledge: That's why theories are continually revised, updated, and changed to better account for countervailing phenomena. The search for truth is the process of selecting and integrating data and experience. Precisely what is distinctive about scientific discourse is its willingness to test its hypotheses in such a way that impartial observers can verify or refute results.

To invalidate an area of study because it selects and revises its knowledge--because it decides what data are relevant to its concerns--is to preclude the possibility of human beings ever achieving knowledge in any area, including feminism. It is curious to note, however, that despite their rejection of objectivity and the possibility of truth, radical feminists seem able to claim absolute knowledge when it comes to condemning patriarchy and technology. If they are not being consciously mendacious, the radical feminists are at least ensnared in a major contradiction: Their own position refutes their claim.

Radical feminists fall into a similar contradiction when it comes to discussing their second major objection to the new reproductive technologies: the legal context in which they will be selected. They must deal with the moral question wrapped up in the feminist ethos of "a woman's body, a woman's right." Specifically, they must deal with the issue of choice, the right of every woman to decide for herself what medical procedures she wishes to undergo.

What do radical feminists tell women who choose to "medicalize" the birth process by using such devices as electronic fetal monitors? Or the many women who seek out new technologies in order to have a child? Or the women who choose to be surrogate mothers? Would radical feminists deny these women the right to exercise medical choice over their own bodies?

In a word: Yes.

In *Women as Wombs*, Janice Raymond writes, "Feminists must go beyond choice and consent as a standard for women's freedom. Before consent, there must be self-determination so that consent does not simply amount to acquiescing to the available options." Here, radical feminists are trying to establish a conflict between choice and self-determination. They concede that some women *appear* to choose procedures such as in vitro fertilization. But they deny that these women are actually choosing, or even capable of doing so, because their options are all delimited by the twin male evils of technology and the free market. Only when women are freed from oppression, say the radical feminists, will true choice be possible for them.

Thus, the grounds of debate are shifted from choice to self-determination, from sexual or reproductive freedom to gender liberation. This shift must be ideologically uncomfortable for many radical feminists who once championed "choice" in unfettered terms, but it offers a distinct advantage. They can dismiss women who choose the new reproductive technologies as lacking self-determination. They can also cancel out the possibility of such embarrassing choices cropping up in the future by simply banning them. This ideological two-step allows them to gloss over the incredible tension inherent in their competing claims: 1) Women must control their reproductive functions and 2) Certain reproductive choices are unacceptable. The radical feminist position is not simply a rejection of bad choices. It amounts to a denial of women's ability to choose anything at all.

Just as the specific rejection of technology stems from a general anti-science argument, the denial of female choice is part of a larger case against patriarchy. Consider these two inescapable verities: First, every choice is made under the influence of a culture (or cultures). Second, the very notion of choice--of selecting one thing instead of another--implies limited options. This is true of women today and would be true of women in some future feminist utopia. To claim that such influences somehow negate a woman's free will--and the right to control her own body--is to

deny that anyone, male or female, ever truly chooses anything. It strips women of the only defense they really have against destructive influences: the ability to act freely in their own self-interest.

To this, radical feminists reply that patriarchal technology and the free market are not mere influences; they are forms of violent coercion, like guns pressed against the temples of women. Indeed, technology and capitalism exert such compelling pressure that direct force is unnecessary to confuse obviously weak-minded, weak-willed women. Gena Corea illustrates how this works in "How the New Reproductive Technologies Will Affect Women." Weak-willed women will find themselves overwhelmed by the cultural pressures to use reproductive technologies. "No force will be required to get us to accept the donor eggs-- that is, to prohibit us from reproducing ourselves," predicts Corea. "Control of consciousness will do quite well." This passage lays bare the inability of radical feminism to deal with dissent. Women who disagree with us, imply the radical feminists, are merely dupes of patriarchy.

The irony is staggering. For centuries, men have declared that women don't know their own minds, that they can't be trusted with important decisions. Now, radical feminists mouth the same old patriarchal line. Since they define women as an oppressed "class" that is denied choice, they must attack the very concept of individual choice because it threatens class solidarity.

The most dramatic expression of radical feminists' contempt for individual choice is their passionate rejection of surrogate motherhood, by which one woman agrees to bear a child for another. In essence, they call for the prohibition of surrogacy contracts, because such an arrangement is said to convert women into breeding stock against their will.

In testifying before the House Judiciary Committee of Michigan in October 1987, Janice Raymond railed against surrogacy contracts: "[They] should be made unenforceable as a matter of public policy...they reinforce the subordination of women by making women into reproductive objects and reproductive commodities." Notice that Raymond characterizes women as passive objects and contracts as active agents. Although the woman in fact makes the contract, Raymond speaks as if it the situation were the reverse.

The radical feminist case against surrogacy contracts has been spelled out in detail by Phyllis Chesler in her 1990 essay "Mothers on Trial: Custody and the 'Baby M' Case," published in the collection *The Sexual Liberals and the Attack on Feminism*. This was the custody battle which took place in 1987 before the New Jersey Superior Court. The surrogate mother sought custody of the child conceived with sperm provided by a couple who had contracted her services.

"Some feminists," wrote Chesler, "said, 'We must have a right to make contracts. It's very important. If a woman can change her mind about this contract--if it isn't enforced--we'll lose that right!'...They didn't consider that a contract that is both immoral and illegal isn't and shouldn't be enforceable. They didn't consider that businessmen make and break contracts every second ... Only a woman who, like all women, is seen as nothing but a surrogate uterus, is supposed to live up to--or be held down for--the most punitive, most dehumanizing of contracts. No one else. Certainly no man."

The radical feminist objections against surrogacy contracts rest on two basic points, which are commonly raised against all forms of reproductive technology. First, the woman is selling herself into a form of slavery; and second, the woman cannot possibly give informed consent because she does not know how she will feel later toward the child she is bearing.

As to the first objection, it can be easily argued that there is nothing different, in kind, from a surrogate renting out her womb and other women who routinely rent out other aspects of their bodies in employment contracts: doctors, computer programmers, secretaries. The real question at issue is, What constitutes slavery?

The essence of slavery is what has been called "alienation of the will"--that is, you transfer over to another person not merely the limited use of your body, but all moral and legal jurisdiction over it. In effect, you transfer title to yourself as a human being. But if you signed such a contract, you would instantly lose all responsibility for living up to its terms, because you would no longer be a legal entity capable of being bound by contracts. In this way, a "slavery contract" is a contradiction in terms. All that can be contracted out are services.

The second objection to surrogacy contracts--that a woman cannot give informed consent--similarly raises general questions of contract law. And on this point, the legal system at times seems to agree with the feminists. Although in the Baby M case, Judge Sorkow found in favor of the biological father and against the surrogate mother, his ruling implicitly criticized surrogacy contracts: "[The surrogate mother] never makes a totally voluntary, informed decision, for quite clearly any decision prior to the baby's birth is, in the most important sense, uninformed, and any decision after that, compelled by a pre-existing contractual commitment, the threat of a lawsuit, and the inducement of a \$10,000 payment is less than totally voluntary. Her interests are of little concern to those who controlled this transaction."

But this ruling does not so much invalidate surrogacy contracts as it invalidates the possibility of any contract whatsoever between human beings. The court wrongly identifies contractual obligations, voluntarily entered into, as somehow coercive. Consider what the court views as a lack of informed consent.

First, the surrogate doesn't know how she will feel about the baby she is carrying until it is born. A similar statement could be made about almost any contract. If I sell my family home, for example, I do not know how much I will miss the memories and associations it contains until the house is gone. If I am commissioned to paint a landscape, I don't know how emotionally attached I might become to the painting until it has been executed. To claim that a woman can change her mind about a contract, with impunity, simply because she has second thoughts, is to say no contract exists at all.

Second, the surrogate is said to be "compelled by a pre-existing agreement" and "the threat of a lawsuit." These two factors are almost the definition of what constitutes a contract: namely, an agreement that binds parties to certain actions and leaves them vulnerable to damages if they fail to follow through. If these factors are inherently coercive, then contracts themselves are coercion.

Third, the interests of the surrogate "are of little concern to those who controlled the transaction." Again, this is true of all contracts, which are binding agreements between people who are pursuing their own perceived best interests. If the surrogate is of age and in her right mind, it is assumed that she's looking out for herself. If the surrogate later discovers that keeping the baby is in her actual self-interest, she can breach the contract and pay the damages involved.

The feminist rejection of surrogacy, then, is just another assault on women's right to make "wrong" choices and on the free market, which is the arena of her choices.

This becomes clear whenever radical feminists waffle on what they call "limited individual situations"-- such as one sister carrying a baby for an infertile sibling. This, some maintain, should be tolerated for compassionate reasons, on the same level as a bone marrow transplant between relatives.

For instance, in the book *New Approaches to Human Reproduction*, editor Linda M. Whiteford makes a distinction between commercial surrogacy and the altruistic kind. "Commercial surrogacy exploits socioeconomic class differences," argues Whiteford, "using financial need and emotional need as currency. The exchange of money transforms surrogacy from an altruistic gift between sisters or friends into baby selling or womb renting...".

But "humanitarian" surrogacy is still the medicalization of childbirth. Here the object of radical feminist condemnation becomes clear: It is not reproductive technology per se, but the free

market that is the true evil. Women may compassionately lend their wombs, but they should never be allowed to materially profit by the process.

Why? Because such profiteering would exploit the wombs of underprivileged women. In other words, if a surrogate truly needs money, her contracts are invalid on the grounds of socioeconomic coercion. But it is precisely those who need money who most need the right to contract for it. To deny a poor woman the right to sell her services--whether as a waitress or a surrogate--deals a death blow to her economic chances. Her services and labor may be the only things she has to leverage herself out of poverty. If anything, she needs the right to contract far more than rich and powerful women do.

The true issue surrounding the new reproductive technologies remains "a woman's body, a woman's right." In essence, radical feminists wish to alter feminism's most famous slogan to read: "A woman's body...sometimes a woman's right."

But however fuzzy radical feminists may be in arguing against the new reproductive technologies, they are crystal clear about their end goal. Remember: Radical feminism is a call for revolution, not for reform. As Gloria Bowles and Renate Duelli Klein put it in their introduction to the anthology *Theories of Women's Studies*, "The present structure of education (and the nature of societal institutions at large) can [n]ever accommodate feminist claims because its very existence depends on the perpetuation of patriarchal assumptions and values ... What we are at is nothing less than an intellectual revolution: we challenge the dominant culture at its source."

Similarly, radical feminists do not seek to regulate reproductive contracts and procedures. Instead, they demand their abolition. They seek to outlaw increasingly widespread practices such as surrogacy, in vitro fertilization, and the implantation of contraceptives. They call for legal sanctions against anyone who sells or provides such services--e.g. doctors and hospitals--and a cessation of research in this area.

While such demands for "technological justice" may indeed be radical, it is difficult to see them as particularly "feminist."