

# Natural Governance and the Governance of Nature:

## The Hazards of Natural Law Feminism

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### Abstract

This article examines the precepts of natural law feminism, and in exploring the writings of two Canadian feminists, Maureen McTeer and Louise Vandeliac, examines how natural law feminism is deployed in debates about how to theorize reproduction. I contend that the natural law perspective obscures many issues worthy of feminist inquiry, and, perhaps more critically, eschews a discourse that emphasizes reproductive freedom in favour of one which has at its centre a largely unproblematized view of reproduction that follows a biologically driven script of conception, gestation, childbirth and mothering as inherently and necessarily connected.

I argue that this stance is particularly evident in natural law feminist analyses of ecology and the regulation of new reproductive and genetic technologies. In both these areas, natural law feminism poses the central problem as one in which feminists must zealously protect the natural association between women and reproduction; in so doing, natural law feminists gloss over the nature of this association. I suggest a reframing of the focus of debates on reproduction from what is natural and what is socially constructed to how we demarcate the two.

### Keywords

Nature; new reproductive and genetic technologies; natural law; ecofeminism; Canada; reproduction

### Introduction

Feminist stances towards reproduction have undergone a dramatic change from the liberal, 'rights-talk' dominated discourses of the second-wave, with their focus (particularly among white middle-class feminists) on reproductive rights (Petchesky, 1984: 7) to a perspective that seeks to celebrate maternity and offer a critique of efforts to control fertility. Increasingly, the view that reproductive freedom demands a more sensitive understanding of both the body as property (Petchesky, 1995) and of women's reproductive rights, has given way to a critique of the perceived

emphasis in western feminism on control over biological processes. In a recent book, feminist Irene Diamond ‘questions a tenet of the contemporary feminist movement so pervasive that to scrutinize it is to seemingly question feminism itself: the assumption that a woman’s freedom lies in the right to gain control over her body and sexuality’ (Diamond, 1994: 3).

The perspectives offered by liberal or rights-based feminist defences of reproductive freedom have serious flaws; nevertheless, it is the argument of this article that a revival of natural law arguments to explain or theorize pregnancy are likewise flawed. Natural law arguments, feminist or otherwise, postulate the existence of a binding ‘law’ derived from either the natural world or the nature of human beings, independent of convention or human-created systems of law. Natural law theories thus tend to unreflexively adopt ‘the natural’ as a social and moral imperative; this tendency is evident in the resistance presented by natural law feminists towards New Reproductive and Genetic Technologies (NRGTs) on the grounds that these technologies are ‘unnatural’ (Weir and Habib, 1997).<sup>1</sup>

The arguments of natural law feminists are not yet mainstream arguments; they represent oppositional discourses to the predominantly liberal feminist approach to questions of childbearing and rearing, which attempts to maintain a mythology of ‘equality as sameness’.<sup>2</sup> Contemporary disenchantment with liberalism has been most cogently expressed by feminists who dispute the liberal position regarding access to NRGTs, which is essentially a market approach, and focuses on access to reproductive techniques, including abortion. Feminists discontented with liberalism are more inclined to argue in favour of the wholesale restriction of these technologies (although most would still support access to abortion), usually on the grounds that these technologies violate a natural association between women and gestation. A liberal model of reproduction minimizes the very tangible biological differences between women and men that differently affect their social activities; it fundamentally presupposes a lack of adult investment in children. This is most apparent in liberalism’s self-interested, abstract and ahistorical conception of personhood.<sup>3</sup> The natural law theorists explored here do not disrupt this liberal paradigm of subjectivity; rather, they reiterate it, only naturalizing women’s relationship and responsibilities to children.

Liberalism differentiates between those activities which are designated social and those which fall under the rubric of the natural with significant consequences for how each sphere is to be governed. The processes of conception, pregnancy and birth are established in the realm of the natural; as such they are perceived to pre-exist political arrangements and be subject to a different mode of governance, the law of nature rather than

the 'artificial' laws of society. Within liberal theory, the drawing of the line between the natural and the social is a subject of some controversy (Latour, 1993). The addition of some processes of reproduction to the realm of the social – for instance, in the regulation of certain aspects of NRGTs – illustrates the method and tone of these debates. Recognizing that conception and pregnancy are substantially mediated by the social, liberalism must also contend with a mode of regulating these activities that is suitable to their social character. For liberals, the move to de-naturalize conception, pregnancy and birth (even just to the extent of making these processes contingent, rather than necessary, features of femaleness) also serves to undercut the two-sex model of sexuality, by which male and female are defined incommensurably by their physiology.

Natural law feminists dispute this move to include processes of reproduction in the realm of the social and to undermine the two-sex, 'difference' model of human sexuality. Their reasons for doing so are complex, but hinge on two crucial factors. First, they see human reproduction in highly naturalized terms; that is, they dispute the very mutability of biological 'facts' which Laqueur (1990) and, in a different sense, Butler (1990) and Franklin (1997), present. Second, they see the natural connection between women and reproduction as a source of women's strength and authority and therefore see efforts to de-naturalize the connection between women and reproduction, or women and children, as threatening the very source of feminist power – and female identity. However, by maintaining the 'naturalness' of the tie between reproduction and women, natural law feminists inadvertently invoke the very discourse against which they claim to be writing: liberalism.

While natural law feminists claim to reject liberalism's individualist and market orientation, then, they nevertheless maintain another characteristic feature of liberal thinking: the nature/social split. In the case of natural law feminists, the scope of the natural is enlarged to defend women's reproductive capacities – in essence, to defend the 'natural' processes of conception, pregnancy and birth. These processes are defended against undue 'regulation' by the liberal state on the grounds of their natural status; it is implicitly argued that the liberal state has no place in regulating processes which are already governed by nature. However, natural law feminists do request a specific type of regulation of reproduction from the liberal state; that is, they expect the state to enforce a ban on activities that are seen to run counter to natural reproduction, to threaten these natural processes. The perceived threats to conception, pregnancy and birth are usually technological; thus a great deal of natural law feminist writing focuses on the proliferation of NRGTs.

Natural law feminists connect NRGs to liberalism in two ways: first, the development of these techniques are seen to reflect a characteristic liberal defence of *laissez-faire* attitudes towards the regulation of markets; and second, these techniques are perceived to reinforce liberalism's devaluation of women and of biological processes associated with women, notably reproductive processes.

Ironically, given its critical orientation, natural law feminism does not disrupt a liberal paradigm of reproduction. Liberalism itself has posed the terms of the debate in which natural law feminism engages by segregating the world into the spheres of the social or the natural – a separation which natural law feminism affirms. Feminists who attempt to argue the relative position of certain aspects of life (such as reproduction) thus do not escape the liberal paradigm, but rather recapitulate it on different terms. Natural law feminism, for instance, neglects to consider the ways in which the control of reproduction is systemically rooted in conceptions of liberal subjectivity, and it is unhelpful in exploring how the liberal governance of reproductive processes is managed and maintained. Equally significantly, the natural law feminist accounts described here do not enquire into the proper regulation of 'the natural'. This is particularly troubling, because historically the naturalization of pregnancy and childbearing as women's natural (because biological) destiny tended to result in the pathologization of any woman who failed to meet these natural standards of womanhood.

This is not to underrate the extent of the problem. Responses to liberal articulations of subjectivity are slippery to negotiate, often wavering between the Scylla of ignoring relevant differences between women and men, and the Charybdis of naturalizing biological functions into ontological foundations. As Wendy Brown observes:

One question often posed within feminist political and legal theory is whether justice for women should be sought in the masculinist terms of liberal 'sameness' or in the terms of some feminist version of 'difference'. But if the masculinist terms of liberal discourse contain within and thereby construct a feminized other, and if 'difference' is how that other is named, this ostensible dilemma would appear to be largely internal to liberalism, not disruptive of it. It is not a dilemma *between* liberalism and alternative discourses of political life, but a dilemma whose terms emerge from and reiterate liberal masculinism and thus contain few possibilities for subversive resolution.

(Brown, 1995: 165)

In confronting liberalism on its own terms, feminists have but two alternatives: they can either embrace a discourse of sameness, leaving the specific needs of women unmet and unaddressed, or they can endorse a discourse of difference, which itself always references and privileges the masculine

self against which claims of difference are made. Neither alternative escapes the dialectic imposed by liberalism, both terms are well captured by liberal discourse.<sup>4</sup> Natural law feminism presents an implicitly non-liberal argument, but as Brown states, avowals of difference do not disrupt liberal formulations of gender difference. That is to say, in posing the contemporary ‘problem’ surrounding NRGTs as one in which feminists must zealously protect the natural association between women and conception, or childbearing, or birth, or mothering, feminists gloss over the character of this association. Refocusing feminist energy away from debates about the ‘naturalness’ or otherwise of specific procedures and methods of childbearing and rearing is essential if feminists are to make real headway in the difficult negotiation of reproduction in the era of NRGTs. Instead of trying to determine the boundaries of the natural, it is perhaps more useful to enquire into the placement of the boundaries of the natural, how these boundaries appear where they do, and why.

Furthermore, feminist work in the area of reproduction must keep a commitment to reproductive *freedom* at the forefront – a position that in liberal feminism is occupied by reproductive ‘choice’, not necessarily the same thing; and in natural law feminism is occupied by ‘the natural’, an unquestioned and problematic lodestone. Feminist work organized in support of reproductive freedom can accommodate varied views of what is ‘really’ the central issue in women’s experience of reproduction, as well as maintaining a critical stance towards science, liberalism, ‘nature’ and capitalism, often simultaneously.

However, we must resist the temptation to generalize a singular position representative of natural law feminism. The guiding characteristic of this discourse is not its radical or conventional orientation, but rather the way in which it draws the line between the natural and the social to include most reproductive processes under the rubric of the natural.

### **Mapping the boundaries of the nature/culture divide**

Essentially, maternal and liberal feminism share a presumption about women’s reproductive work, despite some apparently incompatible views. Both assume that reproductive work is appropriately placed in the private sphere and is largely (though not exclusively) women’s concern: maternal feminists argue that women’s reproductive work uniquely suits them for some roles in public life and gives women (and caregivers of young children more broadly) a unique insight into social issues; liberal feminists, on the other hand, in response to liberalism’s ongoing discomfort with issues of difference, defend (usually using rights-talk) women’s capacity and the right to be ‘just like’ men *in spite of* their reproductive work. Both these

ways of theorizing reproduction *naturalize* the biological script of reproductive work, placing women at the centre of the reproductive story because of women's biological role in the bearing of children. Thus these two very different perspectives on the impact of childbearing and rearing on women's lives accept and endorse a view of reproduction which extrapolates the socially desirable from the biologically necessary – without any reflection on the way in which we derive the social consequences from the biological foundations.

A third feminist way of talking about reproduction eschews both rights talk (since it has a sceptical stance towards liberalism and its claims to freedom and liberation) and the elevation of women's childbearing capacity and talks instead about reproductive freedom. Feminist writings on reproduction which emphasize reproductive freedom do not naturalize a particular biological script of childbearing and rearing; thus this approach permits a wider and more textured discussion of issues like assisted reproduction and surrogacy, as well as the varied ways that pregnancy and childbearing may affect women in particular historical and cultural contexts. There is no invariant biology which forms the bedrock of feminist work in the area of reproductive freedom; rather, there is a sensitivity to the interrelationship between culture and technology, the social and the natural. The language of reproductive freedom avoids the problematic discourse surrounding 'choice', and provides a critical perspective from which to view both liberal feminism and maternal feminism. In addition, and most significantly for the subject of this article, feminist defences of reproductive freedom interrogate the delineation of some practices as natural and others as unnatural and therefore dangerous to women (Gordon, 1974; Katz Rothman, 1987, 1989; Ginsburg and Rapp, 1995; Franklin, 1997; Haraway, 1997a and b).

In maintaining a modified version of the public/private split, maternal feminism is not necessarily antagonistic to the aims of liberal feminism, the other influential feminist mode of theorizing reproduction.<sup>5</sup> The public/private split in liberalism, as in other modern social philosophies, mirrors a deeper belief in the distinction between the natural and the social.<sup>6</sup> Where reproduction is concerned, most feminists regard the biological processes of reproduction (pregnancy, conception, birth) as definitively natural, though possibly, socially mediated. The notion of social mediation has assumed increased prominence with the emergence of new reproductive technologies that emphasize human intervention in what is generally perceived as a purely natural process.

The unique flavour of maternal feminism is that despite its acceptance of a world divided between public and private, maternal feminists

nevertheless use women's identification with the private sphere (the domestic economy, the welfare and rearing of children, and the household) to bolster claims for women in the public sphere. Maternal feminists thus support the liberal idea of separate spheres even as they seek to moderate liberalism's emphasis on the individual. Significantly, maternal feminism's rejection of the liberal fetishization of the individual is based on a reification of the nature/social split. Maternal feminists argue that community ties are much more relevant to the 'natural', domestic, sphere and that in traditional liberal theory these ties are undervalued.

Maternal feminism, the dominant form of feminist thinking in first-wave feminism, is much less influential in second-wave feminism, which has focused more on questions of equality than on questions of difference. In this, the liberal orientation of second-wave feminism is readily apparent. The willingness of many contemporary feminists to use liberalism to frame their demands for reform extends to narrower issues of reproduction. Indeed, the principal contemporary feminist discourse regarding reproduction centres around women's right to choose; a right which is rooted in her status as a citizen, which is in turn rooted in her rationality, and which stems from every liberal citizen's right to bodily integrity. This perspective is reflected in such mainstream organizations as CARAL (Canadian Abortion Rights Action League), and in such popular feminist media as *Ms.* magazine and *Chatelaine*.<sup>7</sup> This perspective has determined the way that we discuss matters of reproduction and is particularly evident in discourses of family planning, access to abortion and NRTs, and the rhetoric of responsibility which steers prenatal care today.

The grounding of pregnancy, birth and mothering in nature is in many ways complementary with the feminist project to socialize gender. As gender, the social expression of sexuality, is increasingly seen as the result of socialization, sex itself is entrenched as a natural category. This view of the sex/gender divide is undermined by some feminists, most notably Judith Butler; however, the natural law feminist response to NRTs is determined to maintain the biological origin and foundational nature of sex.<sup>8</sup>

Significantly, this response to NRTs is *not* a liberal response; NRTs generate a different political discourse than that provoked by the abortion debate. Mainstream feminists eagerly embraced liberal rhetoric to lobby for increased abortion rights; indeed, the argument to extend the rights of access to abortion rested on the fundamental liberal principle of the right to physical integrity and autonomy. There are only incidental signs of liberal discourse emerging in the furor surrounding NRTs. When liberal rhetoric is mobilized, it is often used to support fetal rights rather than to

extend the rights of women. Again, this is in sharp contrast to the abortion debate.

Thus in many ways, the feminist discontent with liberalism is expressed by a determination to resist the positioning of reproductive processes such as pregnancy and birth in the realm of the social. By maintaining that these are quintessentially *natural* processes, feminists critical of liberalism can discredit liberal attempts to regulate NRGTs on the grounds that such regulation is inappropriate to natural relationships. The core of the disagreement between the liberal position on NRGTs and the positions of natural law feminists is not about privacy, or the public/private boundary. Natural law feminists do not argue that reproduction is a private matter, and thus not suitable for regulation, but rather that reproduction is *natural* and *therefore* requires a special kind of regulation.

Characteristically, natural law feminism maintains that ‘reproduction’ broadly speaking belongs to the sphere of the natural. In many ways, natural law feminists reinvent ‘natural law’ to bolster their critiques of liberalism; though, again, the ‘natural law’ in each case is idiosyncratic and none invoke, for instance, Catholic interpretations of natural law, in which natural law is synonymous with ‘God’s law’ and is deployed against the law of states. Natural law feminists see procreation as the end result of a long, biologically mandated chain of events. In this script, children are conceived in heterosexual sexual intercourse, gestated and birthed by the natural (that is to say, the biological) mother who intends to rear the child. Departures from this script are implicitly suspect because of their ‘unnatural’ character.

Reproduction, as well as being naturalized, is depicted by natural law feminists as women’s province, the unique domain of women. The reproductive sphere must be protected against masculine incursion, both individual (protecting women from husbands’ attempts to wrest control of children after divorce, supporting the irreplaceable bond between mother and infant) and collective (protesting laws that discriminate against women and give men equal rights to children, objecting to the valourization of ‘the public’ over the private). Faced with the alarming proliferation of NRGTs, the most attractive response, according to a very significant number of feminists, is to invoke the nature/culture division regarding sex, conception, pregnancy and birth – a tendency which overlooks the myriad ways in which these ‘natural’ processes are already highly medicalized and otherwise socially mediated.

Natural law feminism is only one possible feminist response to liberalism’s weaknesses. There is tremendous conflict within feminist communities



about the extent to which women's childbearing determines her attitudes to family and career, and just as many different opinions about the meaning and significance of families in feminist circles as in the public at large. Thus it should not surprise us to find what is potentially a highly conservative and reductionist argument embedded in a supposedly feminist discourse. What is surprising, and troubling, is the tremendous success this discourse is enjoying, and how little critical inspection its claims receive from the larger feminist community.

### **Natural law feminist responses to NRTs**

To exemplify the borderland between the natural and the social in contemporary feminism, I will look at two Canadian feminists: Maureen McTeer and Louise Vandelac. Both feminists have been prominent in Canadian discussions about the regulation of new reproductive and genetic technologies; both in fact were members of the Canadian Royal Commission on New Reproductive Technologies. McTeer is a prominent lawyer and Vandelac a sociologist.

Maureen McTeer provides a useful bridge from the typical liberal position to the 'natural law feminist' position, since her own work straddles this divide. Occasionally she speaks with a very liberal voice, exemplified particularly in her faith in law to alleviate the worst excesses of medical and commercial appropriations of NRTs:

the law has a major role to play in setting the contexts and establishing the sanctions for the use of all reproductive technologies and related genetic-engineering practices in ways that threaten the well-being, security and significant interests of Canadian society and its citizens.

(McTeer, 1992: 18)

For the liberal McTeer, the law is the proper agent of regulation regarding NRTs; having established that NRTs are not suitably regulated by market forces, law is what remains. Her views are consistent with the mainstream liberal feminist tendency to regard market regulations, in combination with the self-restraint and internal regulation of the medical community, as sufficient to control for excesses in the use of NRTs. As a typical liberal, particularly in the tradition of Mill, McTeer establishes a compelling social interest in regulating NRTs:

human reproductive technologies are not without serious legal, societal, moral and economic impact. All of these affect interests significant enough to society to warrant and justify a role for law in the regulation and control of the use and development of technology in the field of human reproduction and of certain practices of genetic engineering.

(1992: 17)

However, unlike typical liberals, McTeer eschews ‘rights talk’ as the most useful way to talk about NRGTs: ‘we must avoid a narrow focus on individual rights, and a piecemeal response involving mere tinkering with existing legislation in the area of family, tort, contract and commercial law’ (1992: 23). Interestingly, McTeer chooses to focus instead on the *obligations* entailed in reproduction; a correlate to the rights-talk so common in liberal theory is the concept of obligation. For McTeer, it is inappropriate to talk about ‘rights’ to procreation; instead, ‘procreation is an individual responsibility, and one that impacts on both the individual and the community within which she/he lives’ (1992: 23). In keeping with this emphasis on responsibility (which, as we see, seems to have displaced rights), McTeer tacitly endorses the ‘planned parenthood’ liberal paradigm of reproduction in talking of ‘[t]he decision to deliberately create a child’ (1992: 23). This is a historically specific way to view conception and pregnancy; clearly at odds with the Catholic view of reproduction in which conception is random, willed by God not humans. Often overlooked in contemporary feminist debates surrounding reproduction is the contradiction implied in a (liberal) notion of reproduction which implicitly holds that pregnancy is usually willed, but nevertheless maintains that reproduction in general is wholly ‘natural’ and therefore *beyond* the purview of human will.

Another contradiction is revealed in McTeer’s analysis. That is the conflict that is generated when feminists attempt to argue both that reproduction is naturally women’s lot, women’s special privilege or women’s responsibility *and* that society (men individually and collectively) must nevertheless share this responsibility. Part of the feminist agenda has been to generalize responsibilities for children beyond the individual woman, thus to ensure both equality to women (for instance, employment equity to pregnant women) and to children:

As long as reproduction is seen as an individual ‘right’ involving only the parties to the act of sexual intercourse rather than an individual ‘responsibility’ requiring other societal considerations, then governments will continue to narrowly define their obligations to women and children, and the community will continue to limit its part in the social and societal contract that is the raising of children.

(1992: 24)

This is a tricky claim, since it attempts to secure a privileged status for women (in which reproductive decisions, because naturally women’s, are legally and formally defended) and to share the burden of responsibility for children among men and women more or less equally. Clearly what is being required of men as individual fathers and as policy makers, politicians and financial leaders is not merely financial support, as the

traditional liberal script would mandate. More is being demanded; men must actively participate in gestation and childrearing, but in a supportive role, deferring to the natural authority of women. Having undercut the natural authority of men within the family, and the natural suitability of men (compared to women) to act in public, feminists attempt to argue the existence of the natural authority of women regarding children.

At the root of this contradiction is the dichotomy between nature and society. In the discourse of NRGs, society is usually represented by science, depicted as the incarnation of human will. The antagonism between nature and science is continually affirmed: 'the assumptions underlying all these technologies are the same: through the use of science and technology, we will be able to dominate and control Nature' (1992: 26). Or, again, 'the purpose of science is to help society overcome, or at least tame, the vicissitudes of Nature' (1992: 30). If a major threat to the natural is generated by science, then clearly science must be accountable. This is one possible way to demand the regulation of NRGs – the expectation that the scientific community, as a liberal profession (and therefore rational and capable of self-regulation) must discipline itself:

If society cannot be protected, if its institutions cannot control or overcome real dangers, then science, as a responsible agent of change, must agree to limit its activities, to forgo work in these areas and focus itself elsewhere. And society has the responsibility of ensuring that happens. That is the price we must all pay for the guarantee of our liberty and the survival of our human integrity. (1992: 31)

McTeer's faith in the scientific community's commitment to self-regulate is all the more intriguing given that this pamphlet was written in 1992, in the aftermath of McTeer's firing (along with three other Commissioners) from the Canadian Royal Commission on New Reproductive Technologies.<sup>9</sup>

Perhaps the most revealing element of McTeer's discussion of NRTs, given the significance I want to place on the nature/social divide, is her lengthy description of the origins of many NRTs in animal husbandry. The implicit argument in delineating this lineage is to emphasize that NRTs are inappropriately applied to human populations; they were, after all, designed for animals. Somehow the use of NRTs in animal populations is proof that these technologies are not appropriate for humans. More explicitly, McTeer articulates a cogent critique of the motivating force behind the development of NRTs in agribusiness – the overweening concern with commercial 'bottom lines' and profit margins, or '[t]he race to achieve and ensure quality control and supply in animals by technically improving upon what Nature has offered (1992: 12). Again, the emphasis is upon nature tampered with by science:

No longer need anyone wait for Nature to throw up a special animal. Now, through genetic engineering, again used in concert with other reproductive technologies and practices, agribusiness can either create its own breeds or merely genetically alter existing ones at the early embryonic stage.

(1992: 12)

A more direct expression of the discomfort felt by many feminists concerned about perceived scientific incursion into areas properly left to nature is provided by McTeer's fellow ex-Commissioner, Louise Vandelac:

Collectively, we are slipping from the privacy of the bedroom to the chill of the laboratory, from the play of mingled bodies to the games that science plays with our bodies. We are shifting from the chance whims of love to the rigid grasp of techno-science. Our conception of human beings – both in the sense of bringing them into the world and into thought – is being shattered. We are sliding away from procreation and down a 'slippery slope' leading to the industrialisation of life.

(Vandelac, 1994: 101)

This quotation illustrates the way in which conception is naturalized in natural law feminism and how this naturalized and highly sentimental version of conception is then normalized. Also of note is the heterosexism of Vandelac's version of conception. She sees procreation as necessarily involving a two-sex couple; thus overlooking the many lesbian and single women who conceive with and without NRGTs. For Vandelac, there is no halfway once one starts down the 'slippery slope' of NRGTs. This all or nothing attitude is also reflected in McTeer: 'these various technologies and practices are interrelated and build upon each other. Generally speaking, use of one technique or practice often allows, or leads to, the development and use of another' (1992: 14). On this analysis, there is no way that technologies can be mediated, controlled, or limited by women, or anyone else using them. This interpretation of NRGTs unduly generalizes a current tendency in the use of NRGTs (the way that alternative insemination, for instance, tends to lead to the application of powerful fertility drugs designed to regulate a woman's menstrual cycle and lead to hyperovulation to ensure the 'success' of the procedure in a limited number of attempts) to a necessary consequence of technological incursion into conception. Similarly, Vandelac assumes that NRGTs are always going to be driven by market forces, as we see now. Given that NRGTs are governed by profit motives, by 'industrial goals of programming, performance, selection, profitability and effectiveness, they are ushering in an era of conception-on-demand with reproduction parcelled out, parents pre-selected, pregnancies fragmented, and the body being submitted to the economic and technical requirements of specialised centres' (Vandelac, 1994: 109).

Vandelac conflates the needs and interests of science with the needs and interests of capitalist industry. This is also typical of McTeer (recall her assertion that NRGTs had their genesis in agribusiness's drive for ever-increasing profits). Yet this is not representative of all feminist thinking on the question of NRGTs or of science in general. The view represented by Vandelac and McTeer places science and capitalism in the sphere of the social, which is then opposed to the natural. In this way, science and capitalist industry are both portrayed as violating the sanctity of natural relationships, such as those represented by conception, pregnancy and birth.

### **Back to nature?**

By emphasizing the continuity of conception and gestation, and reifying these processes as 'natural', feminists run the risk of overlooking the fact that 'the concept of reproduction is far from static; it must be understood as embroiled in struggles for meaning in both popular and scholarly discourses' (Ginsburg and Rapp, 1995: 15). Feminists make a dangerous strategic decision when they invoke a language of 'nature' to defend women's reproductive rights; furthermore, such a discourse underestimates the way in which contemporary views of what is 'natural' in reproduction are historically local:

What established the naturalness of family life in the industrial world was the naturalness of the biological functions it was seen to carry out. . . . Euro-Americans came to know the procreative process as a biological fact, and they came to know that procreation creates a kinship that was founded first and foremost in biogenetic relationships. Go back to the nonfamilial kin 'connections' of the eighteenth century and you have gone back to a different and pre-Darwinian apprehension of nature itself.

(Strathern, 1995: 353)

What is often overlooked in the accounts of feminists determined to uphold a biologically grounded definition of what is 'natural' in conception, pregnancy and birth, is precisely this element of historical mutability. It is true that we are currently enmeshed in a period of flux regarding fundamental processes of reproduction; it is also true that this uncertainty provokes fear that the model which will succeed a biologically based two-sex model will significantly undermine women's relatively new autonomy regarding their treatment while pregnant. Our perception of men and women is rooted in perceived biological differences, chief of which is an absolute division of labour in reproduction. The fact that this perception is historically conditioned makes it no less powerful.<sup>10</sup> However, it is also

true that the two-sex model as a way of understanding differences between the sexes is increasingly outmoded, replaced by a new one-sex model. NRGTs make it possible to see pregnancy as a *contingent* condition of woman-ness; the fragmentation of maternal functions – conception (which may occur in another woman’s body, in a glass dish or in the body of the gestating woman) and pregnancy (which may or may not be linked to social maternity) – reinforces the separation of reproduction from women’s bodies.

What is obscured by the anxiety surrounding the disruption of continuity between reproduction and women’s bodies is the way in which this relationship has been disrupted before, with similar cries of violations of nature.<sup>11</sup> Clearly feminists want to support some restrictions on the sanctity of the natural; this is the uneasy marriage of natural law feminism’s protection of the relationship between reproduction and women’s bodies and liberal feminism’s tradition of upholding women’s rights – especially reproductive rights of access to birth control and abortion – based on arguments of the basic liberal human right to bodily integrity. Yet the natural law feminist critique of NRGTs comes close to demanding that women everywhere uphold a ‘natural’ script regarding means of conception, and gestation – means that do not include alternative insemination, prenatal screening, IVF or access to selective abortion.

There are many reasons to be wary of a return to a one-sex model of human biology, not the least of which is the very investment of much contemporary feminist thinking in establishing a measure of respect for the difference that female bodies represent in the two-sex model. It is hard to imagine a feminist politics of the body which does not implicitly maintain and even strengthen the two-sex model of biological difference. Yet this model is already being challenged:

whereas older versions of conception tended to emphasize the ‘journeys’ of the gametes, culminating in fertilization, and the subsequent trajectory of fetal growth, the newer versions emphasize the importance of genetic processes of replication, recombination, and expression. . . . As ‘natural facts’, genetic processes are both hierarchically dominant and sequentially prior to the events of fertilization and conception; they are thus established as both ontologically and teleologically determining.

(Franklin, 1997: 331)

Opening up the supposedly self-evident biological differences between men and women to questioning suggests a radical mutability to our conceptions of sexual difference. A reconsideration of the bedrock of our assumptions about sexual difference suggests that bodies, and therefore nature, are never transparently knowable but always interpreted through a complex

overlay of cultural expectations and assumptions. Thomas Laqueur's historical analysis of conceptions of sex and sexual difference illustrates that our notions of the foundation on which social organization is based, sexual difference, is actually much less secure than we might think:

Two sexes are not the necessary, natural consequence of corporeal difference. Nor, for that matter, is one sex. The ways in which sexual difference have been imagined in the past are largely unconstrained by what was actually known about this or that bit of anatomy, this or that physiological process, and derive instead from the rhetorical exigencies of the moment.

(Laqueur, 1990: 243)

The implications of this for natural law feminism are potentially catastrophic, since natural law feminism posits a basic incommensurability between male and female experiences of reproduction.

However, it is apparent that NRGTs and the increased research into conception and pregnancy which NRGTs promote *are* effecting a significant change in how bodies are viewed. Most obviously, NRGTs disengage the processes of conception, pregnancy and birth from biological attachment to one woman: these processes no longer necessarily occur within the body of the birth mother. Women are thus only contingently linked to conception, pregnancy and birth. This is a transformation which began long before the contemporary proliferation of NRGTs, however. It might be seen as a logical consequence of the capacity of women to regulate and space the birth of their children. When maternity is seen as voluntary, it corresponds more easily to our conceptions of paternity, and women are not so easily cast as hapless victims of their biological imperatives. Nevertheless, as is evident in Laqueur's discussion of the one-sex model of sexual difference of classical and Renaissance society, the passing-away of the two-sex model does not necessarily herald a more progressive view of female sexuality or of women's role in social life. Thus feminists must exercise caution in embracing new conceptions of sexual difference.

There is potentially much to be gained by feminists in coopting the emerging one-sex model of bodies; not the least of these potential gains is a generalization of responsibility for children. Historically, men have been contingently responsible for children; liberalism has intruded on the father/child relationship only insofar as to ensure fathers' financial support of children with whom they are biologically linked. The new one-sex model might be used to entrench the masculine role in conception and rationalize male responsibilities during gestation and childrearing such that *both* men and women are perceived as enmeshed in the lives of children they parent. Men do have a connection to children; historically liberalism has occluded this connection and reduced it to a purely

economic relationship, just as liberalism has historically limited women's relationship to children to one rooted in 'mere' biology. The perspectival shift required to displace the two-sex, biologically grounded model of sex difference seems unlikely, true; however, it is a goal worthy of feminist lobbying.

Relinquishing notions of a 'natural' and therefore moral process of reproduction permits a much more original and challenging analysis of the realities of late twentieth-century reproductive practices. In many of these practices, science and nature blur together in mutual reinforcement, as Sarah Franklin observes in her study of IVF recipients in Britain:

Just as IVF clinicians 'learn' from nature how to improve their techniques, so 'nature' can be improved by scientific and technological assistance. Much as the domains of science and nature have been positioned in historic opposition, it is equally true that the development of science depended upon the invocation of nature as a separate, lawlike, mechanical realm of phenomena *which was compatible with scientific representation and intervention*. In this sense, they became the same thing.

(Franklin, 1997: 209)

### **Conclusion: natural law feminism and ecofeminism**

Another location of natural law feminist thinking about reproduction occurs in ecofeminist literature. In this literature (Ortner, 1974; Merchant, 1982; Shiva, 1989) reproduction is portrayed as a naturally feminine sphere that is overtaken by patriarchal interests, inevitably construed as negative and often violent or demeaning. Women are seen to have a biologically mandated authority over reproduction and interference in this authority (whether through birth control, the application of reproductive and genetic technologies or as evidenced by a medical model of pregnancy and birth) is seen as inherently misogynistic and dangerous. Such a view is neatly captured by theorist Irene Diamond:

The most recent 'advances' in family planning techniques, from injectable contraceptives and vaccines against pregnancy to a range of hormonal implants, often banned in Western nations as unsafe, reduce women of the South to mindless objects and continue to imperialistically exploit native cultures 'for their own good'. That poor and often illiterate women are typically paid sums equal to the monthly wages of an agricultural worker when they become 'acceptors of' either long-term contraceptives or sterilization . . . reveals that these women's contraceptive decision have little to do with newfound freedom and are in fact the product of coerced choice.

(Diamond, 1994: 56)

The misuse of reproductive technologies including contraceptive



techniques in the South is certainly of concern to feminists and other theorists anxious to bring an informed critique to populationist discourses of all kinds (Correa, 1994). Many ecofeminists offer criticisms of the mainstream ecological movement on the grounds that it overemphasizes the role of women as reproducers and therefore contributors to the overpopulation of the planet (Cuomo, 1994: esp. 91). A view of ecological preservation which posits women as enemies of the environment because of their reproductive capacities is deeply troubling, as is the linking of reproductive choice and eugenics. However, these concerns may be voiced in a variety of ways. In natural law discourse, issues of eugenics (including the perceived misuse of reproductive technologies such as prenatal sex screening of foetuses, coercively applied birth control or legislation aimed at punishing women who get pregnant while on welfare) are attacked insofar as they undermine or threaten women's *natural* authority over reproduction.<sup>12</sup>

This approach is not without precedent. It is much the same argument used by nineteenth-century maternal feminists to defend women's increased role in the public sphere. Maternal feminists argued that women ought to have a public voice *because of* their authority in the private realm. Natural law feminism seeks to reaffirm women's authority over 'private' matters, particularly reproduction. They defend this position on the grounds that women's biological capacity to reproduce gives them the right and capacity to authority over reproduction. I would argue that this view is inherently flawed; furthermore, that it is dangerous and reactionary. This does not mean that I think that women already experience reproductive freedom; far from it. However, the grounds on which I would defend women's rights to self-determination are quite different from natural law grounds.

Rather than basing women's authority over reproductive decisions on a posited innate connection between women (all women everywhere) and childbearing and rearing, it seems more useful and more consistent with feminist goals to maintain that decisions about conception and birth should defer to women rather than men because women are agents of the process of birth. Defending women's right to reproductive decisions on the basis of biology is dubious; as illustrated earlier, biological explanations are mutable and highly variable, infused with distinctly untheorized sociology and psychology (Martin, 1991: 489). Characteristic of ecofeminist accounts of the links between women and nature is a willingness to conflate biology and social roles. This is evidenced in the work of Vandana Shiva, a highly influential ecofeminist, who asserts that colonialism and 'maldevelopment' combine to oppress women and ravage the environment. On her analysis, women are natural ecologists, presumably based on a shared set of attributes: women and nature both create and nurture life, are subjugated by men and by colonialism (Jackson, 1993: 395-6;

Shiva, 1997). Rooting women's 'innate' respect for nature in her biological capacity to reproduce is problematic, not least because it simplifies a process (childbearing) which is inevitably marked by its social context. As Cecilia Jackson notes, 'women have no inherent or definitive closeness to nature, but socially constructed relations to natural resources which vary for different groups of women, and for individual women during the course of a lifetime' (Jackson, 1993: 405).

Nature provides us with few givens, and it seems unnecessarily precarious to base women's reproductive freedom on perceived connections between women and nature. Not incidentally, this approach inadvertently excuses men (and patriarchal society more broadly) from concerns about children and makes the management of reproduction and, subsequently, child rearing, women's responsibility, thus giving the powerless responsibility for an extremely taxing and complex job. Given the critiques levelled at capitalist industrialized countries for their systemic and institutional neglect of the needs of children and families (McTeer, 1992; Leach, 1994), the efforts of natural law feminists to place boundaries around reproduction and ward off incursions, especially male incursion, is noteworthy.

Finally, it is worth remembering that natural law arguments have not historically served women's interests well. They have far more often been used to curtail women's freedom than to protect it. It is indeed risky to surrender women's traditional power base in reproduction, especially when efforts to achieve equality between men and women in the public sphere have met with so little resounding success. However, natural law arguments about the naturalness of women's connection to the world of children and childbearing have not served women well either. Rather than squabbling over the placement of the boundaries of the 'natural,' our feminist energies are better spent clarifying the political nature of the conflict itself.<sup>13</sup>

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## Notes

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Her interest in reproductive politics extends to exploring regulatory practices during pregnancy. She is currently interested in exploring the configurations of paternity in political theory.

- 1 The term 'natural law feminist' is not a designation adopted by the feminists I represent here (though it is not necessarily true that the term is used – or would be taken – in a derogatory sense). It should not be suggested that the feminists under discussion are in any sense self-consciously adopting a 'natural law' stance; the term in this application is taken from Weir and Habib (1997).
- 2 The divide between liberal and natural law feminist discourses was made particularly apparent in the Canadian context during the recent Royal Commission on New Reproductive Technologies. The Commission's final document, *Proceed with Care: The Final Report of the Royal Commission on New Reproductive Technologies*, as well as the debate surrounding the Commission's internal politics highlighted the disagreements between liberal and natural law perspectives on reproduction. For elaboration on the Commission and the final report, see Weir and Habib (1997) and Valverde and Weir (1997).
- 3 Thus men as much as women are stunted in liberal conceptions of subjectivity *not* as theorist Carole Pateman would have it, because of the idiosyncrasies of contract (Pateman, 1988), but 'in the *terms* of liberal discourse that configure and organise liberal jurisprudence, public policy and popular consciousness' (Brown, 1995: 138).
- 4 Liberal discourses tend to emphasize the voluntarist aspects of pregnancy and parenthood; thus the two terms of liberal discourse on reproduction: either women can be 'just like men' in exercising control over our reproductive processes, including the 'choices' represented by NRGTs suitably regulated by liberal governance (as is appropriate to activities in the social realm); or we can declare our innate and natural difference from men, and declare reproductive processes off limits to liberal governance entirely, due to their rightful place in the sphere of nature.
- 5 Indeed, one can discern the origins of maternal feminism in nineteenth-century ideas about the complementarity of the sexes. See, particularly, J.S. Mill (1984).
- 6 For a more complete account of the connections between modern social theory and the dichotomy between the natural and the social, see Bruno Latour (1993).
- 7 *Ms.* magazine is a US mainstream liberal feminist publication; *Chatelaine* is a Canadian women's magazine marketed primarily to middle-class white women.
- 8 While my particular interest and discussion centres on the Canadian discussion of the regulation of NRGTs, natural law feminism is not an exclusively Canadian domain. In the UK, see Pfeffer (1993); in the US, Merchant (1982), Spallone (1989), Diamond (1994); in the South world, Merchant (1982), Shiva (1989) and (1997).
- 9 The disharmony in the Commission was significantly due to the perceived bias on the part of the Chair, Dr Patricia Baird, a geneticist, to science, and Baird's

willingness to accept a scientific paradigm as the definitive perspective on NRTs (Valverde and Weir, 1997; Weir and Habib, 1997).

- 10 For an elaboration on the development of the two-sex model, see Thomas Laqueur, (1990).
- 11 For instance, one may look at the recurrent debates over Catholic doctrines on birth control for evidence about how discussion of the ‘sanctity’ of biological processes coexists awkwardly with human efforts to control fertility. The difference between Catholic discourses and natural law feminist accounts is that the Catholic version of natural law includes birth control techniques as unnatural manipulations of nature (or God’s will).
- 12 For purposes of comparison, a non-natural law critique of the same practices might use a discourse of reproductive freedom and self-determination. This very vocabulary is often critiqued by natural law feminists for its perceived fetishization of control and choice: ‘What is particularly troublesome from a feminist perspective is, again, how the feminist goal of controlling our bodies, embedded as it is in the language of rights and choice, is inscribed within the discourse of family planning’ Diamond (1994: 81).
- 13 See, for example, Haraway (1997a: esp. 89).

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