

**Death Before Birth: Theorizing Pregnant Embodiment, Reproductive Autonomy, and the
Politics of Abortion**

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ABSTRACT

Although feminist theorists increasingly conceptualize identity and autonomy in relational terms, the most common arguments for abortion rights in public discourse rely on appeals to individual rights. In this dissertation, I seek to develop a theory of reproductive autonomy that defends abortion rights from a relational perspective. I argue for a conception of reproductive autonomy that entails the authority of pregnant subjects in interpreting, constructing, and making decisions about their bodies; the support of their communities, which provides the material and symbolic resources that enables pregnant subjects' agency; and efforts to transform communities through critical reflection and political action. Because "the" pregnant body is actually many different pregnant bodies with diverse experiences, and because pregnancy complicates distinctions between mind/body, self/other, and individual/community, I suggest that pregnant embodiment should be understood as ontologically multiple and fundamentally ambiguous. The substantive chapters then move thematically from the United States to the U.S.-Mexico border to transnational feminist networks. In Chapter 2, I explore the meaning of reproductive autonomy in the context of fetal remains disposal regulations by tracing the role of abjection and mourning in public debates over these laws. In Chapter 3, I juxtapose systemic medical neglect of pregnant women in U.S. immigration prisons with *Garza v. Hargan*, a court case in which undocumented minor Jane Doe sought to exercise her right to have an abortion, in order to show how the techniques of debilitation and paralegality smooth the potential tensions between pro-life and anti-immigrant discourses on the question of fetal citizenship. In Chapter 4, I seek alternatives which instantiate reproductive autonomy in highly oppressive contexts by reflecting on the feminist communities enacted by three guerilla abortion networks – the Jane Collective in Chicago, the *consultoris autogestiti* in Italy, and misoprostol abortion hotlines in Latin America – that provide safe illegal abortions where legal abortions are unavailable or inaccessible. By developing an account of reproductive autonomy and pregnant embodiment that embraces the ambiguity of boundaries between self/other and inside/outside the body and the body politic, I aim to provide a defense of abortion rights as freedom with others rather than freedom from others.

INTRODUCTION – FEMINIST THEORY AND PREGNANT EMBODIMENT

During debates over a bill that would ban abortion after twenty weeks of pregnancy, a Texas state legislator mounted a plaque outside his office in anticipation of the impending arrival of Planned Parenthood activists. The plaque read, “Representative Jonathan Strickland, Former Fetus, District 92.”¹ Representative Strickland is not alone in identifying as a former fetus. Similar slogans connecting pro-life activists’ fetal pasts to their anti-abortion stance — “as a former fetus, I oppose abortion!” — are ubiquitous within the pro-life movement, appearing on protest signs, social media posts, and an array of memorabilia. By evoking our fetal origins in this way, pro-life activists draw on the fear that you or I might have been aborted in order to lend emotional weight to their campaign against reproductive rights. Yet, at least for women, this argument has a self-defeating quality. If we deny our mothers reproductive autonomy in order to assuage the uncomfortable thought that our existence is contingent upon the will of another, we do so at the expense of our own reproductive autonomy. Is there another way of imagining fetal origins that would not be haunted by fears of maternal agency and imaginary filicide? How can feminists challenge pro-life imagery in a way that soothes the fear of death or loss of self, reframing abortion as merely one of many scenarios which might have precluded the self’s existence? How might feminist theorists re-imagine reproductive autonomy and pregnant embodiment from a perspective that begins with the inescapable entanglement of embodied subjects, while preserving or even strengthening their defense of abortion rights?

My dissertation offers a critical and normative analysis of two concepts: pregnant embodiment and reproductive autonomy. At the simplest level, “pregnant embodiment” refers to the condition of having a pregnant body and experiencing the world as a pregnant person. Behind this straightforward definition, however, lurk further questions: What is the relationship between

the body and the person associated with that body? Do pregnant bodies involve one person, or two people, or something in between? How do we draw the boundaries between self and other in the context of pregnancy? Is it possible to construct an abstract philosophical conception of the pregnant body, or are people's reproductive experiences too diverse to represent in that way?

In my view, these questions are important for political theory because of the apparent tension between common arguments for abortion rights and relational feminist theories of identity and freedom. Relational theories of identity hold that one's self is formed through relationships with others, and thus our identities are not pure reflections of a true inner self but rather are influenced by power relations, social relationships, and culture. Likewise, relational theories of freedom view interdependence as an inescapable feature of the human condition and argue that the idea of freedom as freedom *from* others is destructive because this conception of freedom conceals the ways in which independence can only be realized in the context of relationships. Such theories appear to conflict with liberal arguments for abortion rights that assume a clear and stable boundary between self and other even during pregnancy (e.g. "her body, her choice" assumes that the body in question belongs to the pregnant woman and no one else). I resolve this conflict by arguing that there is no such thing as *the* pregnant body, in the abstract; there are only a myriad of actually-existing pregnant *bodies*. Because pregnant bodies are ambiguous (in the sense that the material reality of pregnancy blurs the boundaries between the categories of self and other), and because there are multiple ways to interpret this ambiguity, I argue that there are multiple ontologies (or realities) of pregnant embodiment. From this perspective, I defend abortion rights by defending the authority of each pregnant person to shape the construction of her lived body.

This account relieves some of the tension between arguments for abortion rights and relational feminist theories of identity and freedom, by showing that pregnant selves and bodies can be relationally constructed without erasing women's agency or surrendering authority over our bodies. However, there is one further wrinkle. Relational feminist theory assumes that no person's account of their body or self is formed in a vacuum. Intersubjective agreement is a crucial aspect of social construction. But if this is true, what about women who live in communities that are hostile to abortion? Does living in a patriarchal community make reproductive autonomy impossible? This is where my second argument, about reproductive autonomy, becomes relevant. I conceptualize reproductive autonomy as freedom with others rather than freedom from others. This conception is distinctive in a few ways. First, it rejects the traditional distinction between freedom (understood as collective, external, or intersubjective) and autonomy (understood as individual, internal, or subjective). According to this distinction, autonomy is the ability to exercise one's free will in order to arrive at a self-reflective judgment, while freedom is the absence of external constraints. However, this distinction depends on a false opposition between mind and body, self and other, or the inner self and one's external environment. These distinctions are false because the self is shaped by power, social relationships, cultural discourses and practices, and material conditions (e.g., biological features of one's body, medical interventions, or the availability of economic resources). Yet this need not mean that freedom is impossible or that one cannot act to resist or reshape the external forces to which one is subjected. Instead, I contend that freedom and autonomy are two facets of the same normative ideal. The capacity for free and critical thought and the capacity to act on these thoughts are mutually reinforcing. Second, I argue that reproductive justice – that is, a broad vision of reproductive rights articulated primarily by black feminist thinkers and activists – is

necessary for the full realization of reproductive freedom/autonomy, because reproductive freedom can only be fully realized with social and economic support from one's community. Finally, because I view individual and collective liberation as intertwined, I conclude that the formation of feminist communities is necessary to go beyond resistance to achieve fully-fledged reproductive freedom.

In this introduction, I will begin by reviewing feminist critiques of the modern Western canon's omission or devaluation of bodies and feminist theories of embodiment, focusing especially on pregnant bodies. Specifically, I argue against mind/body dualism and in favor of biocultural understandings of embodied subjectivity. Next, I will consider the relationship between the body and the body politic. In particular, I argue that the racialization of the body politic in right-wing discourse is connected to gendered regimes of reproductive control. I also contend that biocultural feminist theories of the body suggest alternate metaphors for thinking about democratic communities. Finally, I will conclude with a dissertation overview, including a discussion of contributions, methodology, and chapter summaries.

I. Feminist Critique & Theories of Embodiment

Feminists have long criticized the modern Western canon of political thought for erasing or devaluing the body, forgetting sexual difference, or assuming a masculine form of embodiment as the norm.² For instance, Carole Pateman and Susan Moller Okin show how social contract thinkers such as John Locke, Robert Nozick, and John Rawls either forget women or implicitly reinforce their subordination.³ Approaching these issues from a different angle, Luce Irigaray re-reads canonical figures like Plato, Nietzsche, and Heidegger from the perspective of sexual difference, which she views as a suppressed possibility within canonical texts which is either omitted, dichotomized, or reduced to complementarity.⁴ Susan Bordo traces the history of

representations of the body in Western thought and culture, arguing that bodies are typically portrayed negatively in this tradition, represented as “animal, as appetite, as deceiver, as prison of the soul and confounder of its projects” and associated with women.⁵ Likewise, Moira Gatens seeks the “unacknowledged philosophical underpinnings of dominant representations of sexual difference” in Western culture, arguing that both the body and the body politic are gendered as masculine in the history of Western thought.⁶ For Elizabeth Grosz, the recent shift towards viewing the subject as embodied brings to the fore previously overlooked questions about the sexually differentiated body, undercutting the notion of the neutral abstract subject which underpins humanism.⁷ For all of these feminist thinkers, then, bodies are vital to political theorizing yet often treated as an afterthought. In this section, I will explore the significance of sexed bodies, particularly pregnant bodies, for political theory. In particular, I will argue that an adequate theory of reproductive autonomy must go beyond mind/body dualism and the essentialism vs. constructivism debate in feminist theory, instead tracing the complex interactions of materiality and culture which weave through contestation over abortion.

From Mary Wollstonecraft to John Stuart Mill to Simone de Beauvoir, feminists have long argued that women’s roles arose not from an inherent nature but rather from gendered cultural norms enforced through socialization, education, political exclusion, and biased legal structures.⁸ With the rise of feminist criticism in the 1970s and 1980s, many scholars sought to de-naturalize women’s social roles by challenging essentialist accounts of womanhood that reduced women to the biological function of reproduction. Yet, as the social constructivist project proceeded, other feminists began to worry that too little consideration of sexually differentiated bodies might reinforce facially neutral but *de facto* discriminatory understandings of equality which did little to alleviate the burdens of pregnancy, child-rearing, and domestic

labor. Constructivists, in turn, resisted what they saw as a return towards patriarchal essentialism. The resulting debate, often described as constructivism vs. essentialism or equality vs. difference, reached its zenith in the late 1980s and 1990s. Representing the strongly constructivist pole of the spectrum, Judith Butler argued that sex was itself a gendered concept, not a natural category that exists prior to language.⁹ On the more essentialist side, scholars such as Carole Gilligan and Mary Daly sought to defend traditionally feminine values and habits of thought, while Catharine MacKinnon argued that the oppression of women was deeply rooted in exploitation of the sexual and reproductive functions of women's bodies.¹⁰ In between, thinkers such as Linda Alcoff, and Pheng Cheah sought to balance the aims of de-naturalizing gender and accounting for sexual difference, while others such as Linda Zerilli argued that the entire debate over the subject of woman was misguided.¹¹ Though the constructivists largely won the day, these debates generated rich and varied perspectives on gender, sexual difference, and the interactions between nature and culture.¹²

More recently, feminists have begun to re-examine biology, nature, and science in a shift known as the "new materialist" turn.¹³ Importantly, as Sara Ahmed notes, the perception that feminist theory was ever purely constructivist or anti-materialist is not only incorrect, but dismissive, in the sense that it ignores the complexity of the feminist tradition and consequently may lead younger feminist scholars to neglect important resources for thinking about complex interactions between mind and body, or nature and culture, which could be found in the work of earlier feminists like de Beauvoir.¹⁴ Even Butler, who is often presented¹⁵ as overly constructivist due to her prioritization of language over raw materiality, does not argue that the material world does not exist; rather, she contends that it is impossible to perceive any such raw materiality without filters imposed by language.¹⁶ Yet, though Ahmed raises some important

points, the feminist scholarship associated with this new materialist turn nonetheless provides valuable tools for analyzing the mutual imbrication of the biological and social dimensions of human experience. For instance, Samantha Frost suggests that feminists might view the natural sciences not simply as sources of facts or objects of critique, but as a “figural resource” that expands the feminist imagination by enriching it with new metaphors, images, terminology, models, patterns of thinking, frameworks of analysis, sites for interdisciplinary or transdisciplinary dialogue, and details that complicate or challenge settled assumptions and representations.¹⁷ From this perspective, biology appears to unleash theoretical possibilities by expanding the points of contestation and repertoires of representation with which feminists engage, instead of imposing limits on critical theory by furnishing empirical information to which politics must be tailored.

One of the most significant contributions to emerge from these debates is the feminist critique of mind/body dualism.¹⁸ This dualistic conception of the self maps onto the gender binary and gendered dichotomies such as emotion/reason and nature/culture, which have historically been used to justify paternalism, subordination, or exclusion of women and other marginalized people from equal status in public life.¹⁹ Moreover, mind/body dualism makes it difficult to theorize interactions between the biological and social dimensions of the human – interactions which are central to contestation over reproductive rights and reproductive health policy – because it installs an artificial gap between the self as an abstract thinking subject and the body, understood as merely a container or vehicle for this abstract self. As Gatens argues, theorists who subscribe to mind/body dualism tend to posit either that the human subject is primarily determined by biology, or primarily by social forces. Yet, as she observes, “both these positions posit a naïve causal relation between either the body and the mind or the environment

and the mind which commits both viewpoints, as two sides of the same coin, to an *a priori* neutral and passive conception of the subject,” disagreeing only over whether the inert and passive element of the human is the body or the mind.²⁰ Instead of adopting one of these reductionist positions, Gatens urges feminists to examine the complexities of embodied subjectivity by examining the body as lived and situated within social contexts, to trace the interactions between historically specific imaginary bodies (e.g. the body as imagined in medical textbooks), the body as phenomenologically perceived by subjects, the body as a site of material difference embedded in a network of other bodies, the body as metaphor and corporeality and self-image.

Similarly, Elizabeth Grosz argues that mind/body dualism must be refused or transgressed because “the body is a cultural interweaving and production of nature.”²¹ In her view, feminists should theorize the body from a perspective that affirms both the “notion of the fundamental and irreducible” material differences between bodies, including sexual difference, and critical analysis of the social forms of recognition and representation that mediate our understandings and experiences of embodiment.²² Crucially, Grosz notes that “there is no body as such: there are only bodies” with specific physiological characteristics that interlock with social categories.²³ For Grosz, then, to speak of bodies is to speak of concrete, specific bodies with particular social and biological features, situated within “a multiplicity, a field of differences, of other kinds of bodies and subjectivities.”²⁴ This focus on particular bodies as sites of contestation over the interactions of nature and culture pushes past the debates over essentialism and constructivism, to see how both approaches reveal important facets of embodied subjectivity. Consequently, by focusing on pregnant bodies as a particular instance of the

entanglement between gendered structures of domination and the body as lived,²⁵ I hope to shed light on embodied subjectivity more broadly.

My own view lies somewhere in between Gatens and Butler. I concur with Gatens that bodies are sites of innumerable differences (morphological, genetic, hormonal, etc.) which are then selectively imbued with social meaning, coded, and grouped according to cultural categories. However, where Gatens seems to accept human sexual dimorphism as a natural fact, I am convinced by Butler's argument that gender is performative and sex itself is to some extent socially constructed.²⁶ Conversely, I think Butler underestimates the capacity of materiality and bodies to belie or transgress social or subjective perceptions of them. That is, I would emphasize (along with Gatens) that there are certain moments when bodies surprise or impose on subjects in ways that cannot be dispelled through shifts in language or thought or volition, such as an unexpected pregnancy or a serious illness. Thus, I would suggest that materiality is both more susceptible to cultural interpretation than Gatens acknowledges, yet less than Butler contends.

To understand sexual difference and its relationship to gender, I would begin with Gatens's assumption that bodies differ from one another in a variety of ways. One difference that is selected as especially salient in Western culture is the fact that some bodies have ovaries and other bodies have testes. This is coded as an instance of sexual difference, and consequently grouped together with other bodily features that are coded as sexual differences, such as XX or XY genotype, hormone levels, external genital appearance, the presence or absence of facial hair, and so on. This assemblage of differences which are categorized as sexual difference are then associated with gender as a social grouping, identity, set of norms, structure of power, and genre of performance. Other differences which could be associated with sexual difference but which might challenge the binary categorization of sex, such as XXX or X or XXY genotypes,

might be omitted from common discourses about sex/gender.²⁷ Moreover, as Foucault and Butler observe, cultural practices such as exercise, punishment, and surgery can change bodily morphology, movements, and posture – each of which are gendered. In my view, then, bodily features have a material facticity that is independent from language and which may defy cultural categories of understanding; yet, the body is mediated and contoured by culture, because discourses and practices select, group, and modify both material differences and the subjective experience of one's own body in comparison with other bodies.

One instance of sexual difference which has particular salience in feminist theoretical debates and in Western culture is the capacity to become pregnant. Feminist scholars have argued that pregnancy and birth are embodied dimensions of human life that are as important to understanding power and human ontology as death and finitude, yet this reproductive dimension of human life has received far less attention than our mortality.²⁸ For instance, Adrienne Rich argues that “the one unifying, incontrovertible experience shared by all women and men is that months-long period we spent unfolding inside a woman's body... We carry the imprint of this experience for life, even into our dying. Yet there has been a strange lack of material to help us understand and use it.”²⁹ Penelope Deutscher makes a similar point, arguing that theories of biopolitics have until recently neglected to theorize reproductive politics and that the figure of the fetus complicates the common assumption among critics of humanism that it is desirable to expand the boundaries of human subjectivity to include ambiguous figures at its margins, because humanizing the fetus risks furthering biopolitical control over women's bodies.³⁰ Likewise, according to Christine Battersby, philosophers have wrongly treated pregnant embodiment as an exceptional state which has little bearing on human ontology writ large, despite its importance for social and material reproduction of human society. As Battersby

explains, this oversight has important implications for theorizing autonomy and power. She argues that the failure of philosophers “to address the ontological significance of the fact that selves are born” and the “more general inability to imaginatively grasp that the self/other relationship needs to be reworked from the perspective of birth” sustains the misleading and idealized conception of the autonomous individual, which obscures the fact that all humans enter the world as dependent infants as well as masking inequalities of power related to bodily differences.³¹ For each of these thinkers, pregnancy and birth unmask the fundamental interdependence of self and other, undermining the picture of the atomized individual that is assumed by traditional conceptions of autonomy.³²

One of the first political theorists to scrutinize pregnant embodiment was Iris Marion Young, who reflected on the experience of philosophizing while pregnant from the point of view of the pregnant subject.³³ She carefully documents her phenomenological experience, identifying the changes in her body and habits, as well as illuminating the seeming disjuncture between herself as a philosopher and herself as a pregnant body. For Young, the experience of her body changing in ways that marked her as sexually differentiated from the masculine norm highlighted the gap between her self-image as a reasoning mind and her inescapable tethering to materiality.³⁴ She argues that pregnancy challenges the distinctions between mind and body, and between self and other. “The integrity of my body is undermined in pregnancy not only by this externality of the inside, but also by the fact that the boundaries of my body are themselves in flux,” she writes, “In pregnancy, I literally do not have a firm sense of where my body ends and the world begins.”³⁵ Seeking to integrate her fragmented self, she argues for replacing the dualistic mind/body framework with a view of the body “as a fullness rather than as a lack.”³⁶

Thinking with and against Young's text, Imogen Tyler³⁷ argues that, despite Young's attempt to deconstruct the boundary between mind and body, Young's description of her subjectivity as "split" suggests that the fissure between philosopher and pregnant body has not yet been fully filled in. Tyler argues that there is still more work to be done in order to transform the pregnant body from object to subject in philosophical discourse, turning to Irigaray and Kristeva to begin this work.³⁸ Experiencing her body as otherized within not only philosophical discourse but the spaces of the academy within which she works, Tyler adopts a stream-of-consciousness style of writing that intermingles bodily perception and subjective experience with vivid metaphors and a storm of philosophical references:

Leaky vessel, I might split apart any moment, pour myself onto the floor in bits. I am not metaphor, but real alien becoming, perpetually modified. My body, my massive pregnant body, wants to stand up, to go to the front of the room, to present itself as a question. The dichotomy of subject and object is called into question by this question, as it is already posed by this body, presented, here and now. It dawns on me, that my pregnant embodiment is a topology which remains unmapped, unthought, indeed unthinkable, within a philosophical landscape of stable forms. Look: 'She is neither one nor two. Rigorously speaking, she cannot be identified either as one person, or as two. She resists all adequate definition' (Irigaray 1985b: 26, emphasis mine). I am, philosophically, a freak. I embody the loss of self which has always bewitched you, which you have continually romanticised. But I am here, present in the flesh and I represent 'the ever-present possibility of sliding back into the corporeal abyss from which [you] were formed' (Grosz 1992: 198). Look, look away, quick, there is a knee, an elbow, poking through my skin as you speak. I am fascinating. I want to laugh and laugh as I face the sheer abyss that divides my-self, pregnantly embodied and the paradigms of self available for me to speak from in the scene of representation in which I find myself and in which I am not for I am not one. I remain silent, busy trying to hold a semblance of self together. Am (I) inappropriate? monstrous? Am (I) obscene? Am I representable as an 'I'? Am I? 'Producing chaos and confusion in a culture of individuals, the pregnant woman has disturbed the conventional categories of subject and object, of self and other' (Stacey 1997: 87).³⁹

This passage highlights several important themes that emerge from the feminist literature on pregnant embodiment, including the rejection of binary distinctions between subject/object, self/other, mind/body, and equality/difference. Tyler portrays herself as falling between subject

and object, performing a self that is multiple, divided, unbounded yet struggling to contain herself within a coherent “I.” In her telling, she is simultaneously fascinating as an object of philosophical inquiry and unrecognizable as a participant in philosophical discourse, a thinking agent reduced to her “massive” body in the eyes of others. She conjures the image of a fetal body “poking out” of her skin, describing the other growing within her and breaking through the boundaries of her embodied self.

These themes are echoed by other scholars such as Myra Hird and Maria Fannin,⁴⁰ who seek to translate the experience of pregnant embodied subjects into feminist ethics. Hird examines how “pregnancy, birth and breastfeeding...challeng[e] cultural notions of the separation between self and other, nurture and nature, human and nonhuman, foreign and familiar,” which “historically anchor liberal notions of autonomy that direct political debates such as abortion.”⁴¹ Drawing on Rosalyn Diprose’s notion of “corporeal generosity,”⁴² Hird emphasizes that pregnant bodies are not unique in their entanglement with others, but rather that they are an exemplary case which reveals the embodied interdependence of human beings more generally. For Hird, the blurring of self and other exemplified by pregnant bodies carries the possibility of new modes of relating to others and new ways of understanding autonomy as compatible with interconnectedness, as well as the possibility that the integrity of women’s bodies may be threatened or undone, because reproduction imposes changes to bodies that may be unpredictable or experienced as intrusive.⁴³ Building on this, Fannin looks to pregnant and post-partum bodies for alternative metaphors for ethics that embrace both autonomy and interdependence. Re-reading Irigaray’s use of placenta metaphors, which figure the placenta as an “enveloping space of enclosure,” Fannin suggests that placentas might alternately be interpreted as an interstice which both separates and connects the maternal body and the fetal

body.⁴⁴ From this perspective, placental relations as a metaphor for ethics presents an image of self and other as distinct yet blurring at the edges, neither collapsing self and other together entirely nor denying that they are bound up with one another.

Yet, while such metaphors are promising, a metaphor is not yet a theory. Furthermore, as Hird notes, there is a danger that embracing the entanglement and blurred boundaries of bodies could undermine feminist defenses of reproductive rights. In this dissertation, I aim to develop an account of autonomy that affirms the interconnectedness of subjects and the unstable boundaries of bodies, while continuing to defend reproductive autonomy and abortion rights as normative values. In part, this means embracing biocultural theories of embodied subjectivity that draw on biology as a figural resource while avoiding essentialism.

III. The Body and the Body Politic

My approach to pregnant embodiment and reproductive autonomy inevitably raises questions about the metaphor of the body politic, for a few reasons. First, because my account of these concepts foregrounds material and social interdependence, the relationship between individual bodies and communal bodies is a central theme in my analysis. Second, my focus on bodily difference in the context of reproductive politics raises the issue of how bodies are marked and hierarchically ordered based on the perceived desirability of their fertility. Especially in Chapter 3, where I examine reproductive injustices against pregnant immigrant detainees, visions of preserving the contemporary body politic or aspirations of achieving an ideal body politic in the future shape policies towards pregnant or potentially pregnant people. Finally, given the historical and philosophical connections between the self-governance of individuals and democratic self-governance, theories of bodily autonomy suggest corresponding ways of imagining the autonomy of democratic peoples. In this section, I explore some of the links

between the body and the body politic, focusing especially on reproduction, racialization, and representations of the boundaries of bodies and communities. Specifically, I argue that the body politic remains a useful category for analyzing reproductive politics, so long as feminists push for a democratic understanding of political community that embraces the diversity and interdependence of embodied subjects.

Although some have argued that the notion of “the body politic” is counterproductive or a dying metaphor,⁴⁵ others have shown that this concept has continuing resonance in popular discourse.⁴⁶ Moreover, the concept of the body politic remains important not only for understanding how modern and pre-modern political thinkers represented sovereignty and political community through body metaphors,⁴⁷ but also for understanding contemporary racial and reproductive politics.⁴⁸ For instance, documenting a number of instances in which the image of the “body politic” appears in contemporary Western public discourse, Claire Rasmussen and Michael Brown argue that this metaphor influences the way we map political space and our understandings of the relationship between nature and culture, the ideal and material worlds, and the internal structures of both the individual body and the national community.⁴⁹ Andreas Musolff likewise documents an array of references to the body politic in public discourse and shows how this metaphor continues to perform epistemological, conceptual, and diagnostic functions.⁵⁰ Of particular relevance to my argument, Musolff contends that representations of the body politic as stricken by disease or injury enable solutions to political problems to be presented as therapeutic. This diagnostic framing often takes the form of representing foreigners or internal enemies as diseases or degeneration of the body politic, and as Mulsoff and others note, this framing is historically associated with fascism, ethnic cleansing, and other forms of racist or xenophobic violence.⁵¹ Thinking through the intersection of ethno-nationalist images of the body

politic and reproductive politics, Athena Athanasiou interrogates biopolitical discourses of “demographic decline” which represent Greece’s low birth rate and aging population as portending imminent doom through the use of bodily metaphors such as hemorrhage.⁵² She argues that such discourses serve to reproduce an imagined future population, enabling the biopolitical management of the “gendered and racialized subjects whose physical bodies perform the national body politic” in order to secure a more “desirable” demographic future.⁵³

This work illustrates why the notion of the body politic is relevant to my project, namely because control over the reproduction of individuals or groups often functions as a means of controlling the reproduction of the collective body. In other words, disciplining pregnant or potentially pregnant bodies is a means of controlling the future composition – socially, materially, demographically – of the nation. Because pregnant (or potentially pregnant) bodies are both racialized and gendered, so too is the body politic. For example, Dorothy Roberts documents the long history – from slavery to forcible or coercive eugenic sterilization to the welfare “family cap” to the invention of fetal child abuse and fetal homicide charges – of policies aimed at controlling the reproductive capacities of black women in order to control poor people and people of color more generally.⁵⁴

Yet, these gendered and racialized representations of bodies and the body politic in public discourse are curiously at odds with their facially neutral representations in political philosophy.⁵⁵ Why do facially neutral theories of the body and the body politic result, in practice, in gendered and racialized forms of domination? In my view, the apparent neutrality of philosophical representations of the body and political community, combined with the *de facto* masculinity and whiteness of these representations, in fact ensures the failure of such theories to adequately address domination on the basis of race and gender. In other words, it is precisely

because bodily difference is philosophically unrepresentable or unrepresented that theories of autonomy which assume a neutral image of the body or the political community provide few resources for combatting threats to autonomy which target gendered and racialized bodies. As Gatens argues, the reason that man in social contract theory must give birth to himself or spring up like a mushroom is because it is necessary for him to give birth to the body politic.⁵⁶ If man's origins as a helpless infant dependent upon the maternal body were acknowledged, it would reveal the artificiality of locating the origins of human society in the creative act of man.⁵⁷ Moreover, to acknowledge that there is not a unitary human body but rather a sexually differentiated body would undermine the figuration of the body politic as a unitary whole rather than a plurality of different bodies which cannot be reduced to a single, abstract image.⁵⁸ Re-discovering bodily difference, then, requires a corresponding re-imagination of political community.

Despite the deeply troubling uses of the body politic metaphor as a justification for reproductive control or violence against racialized groups, some theorists have sought to re-figure the body politic in ways that embrace rather than suppress difference, recovering the democratic sense of the metaphor. For instance, Mark Neocleous argues that the apparent irrelevance of the notion of the body politic is a product of neoliberal individualist thinking, which undermines our ability to understand the distinct conceptions of the body politic which underpin both democracy and fascism.⁵⁹ Against fascist understandings of the body politic in ethnic or national terms, Neocleous contrasts democratic understandings of the body politic as the people, the whole of the social body, or the common good.⁶⁰ Both reviving and transforming historical democratic conceptions of the body politic, Judith Butler argues that the meaning of the body is not exhausted by language (as some have read her earlier work as suggesting) but

also enacted in the performative practice of bodies assembling.⁶¹ She suggests that the body politic need not be understood as a unified entity in order to speak of the ways in which the people is collectively embodied. For instance, she argues that the struggle of bodies to appear in political space – often through collective assembly in the streets – enacts political claims about community and public space as well as the legibility of individual bodies (as potentially members of this community with a claim on public space). Similarly, Elizabeth Povinelli argues that understanding the people as embodied constrains and gives content to rhetorical constructions of the body politic.⁶² Because bodies are materially as well as rhetorically situated, embodied subjects present a rough surface that tears the fabric of universal discourses, conglomerates into sedimented forms that resist modification, and converges in movements that propel transformation. In other words, she rejects Ernesto Laclau's understanding of the people as (only) an empty signifier, instead suggesting that it is composed of embodied subjects who enable and constrain the rhetorical possibilities for imagining the political community, even if the relationship between the signifier and the signified is indirect, non-representational, or fluid.

Pursuing this democratic line of thinking while taking the diversity of bodies and subjects seriously requires building difference into the concept of the body politic. Here, feminist theories of the body as plural or multiple can provide alternative models for imagining political community. For instance, Donna Haraway presents the figure of the cyborg as a way of complicating the nature/culture binary and re-imagining the human as situated within or integrated with ecologies and technologies.⁶³ This figure of the cyborg, projected onto political communities, suggests an image of the body politic as situated at the nexus of nature and culture, neither simply natural nor simply the product of human efforts. Such an account of the body politic both de-naturalizes political community (as it is not simply a natural affinity with one's

race or nation or kin) and avoids an anti-materialist constructivism (because community is constructed, but within ecological networks of human and non-human bodies which are not infinitely malleable). More specifically to reproductive politics, Aryn Martin examines the use of border and migration metaphors in the academic literature on microchimerism, which refers to a common biological phenomenon in which fetal cells circulate within the maternal body, often persisting even long after the pregnancy has ended.⁶⁴ Reversing this relationship, Martin imagines how the metaphor of microchimerism might inform conceptions of the nation, international borders, and human migration. Challenging the self/other distinction in the context of both pregnant bodies and national bodies, Martin argues that “microchimerism entails that borders of bodies (like nations) are blurry and change over time, and that individuals (like nations) are not discrete but constitutively intermingled.”⁶⁵

In sum, unlike Grosz, I do not reject the notion of the body politic out of hand. Rather, I use it as a point of entry for thinking about the relationship between individual and collective bodies. Yet, in doing so, it is necessary to re-imagine political community in ways that are democratic without demanding homogeneity, perfect unity, or clear boundaries as a precondition for democracy. Instead, feminists should craft metaphors for political community that embrace an array of differences amongst embodied selves. That is, a feminist understanding of the body politic should be based on an account of bodies that blurs the boundaries between self/other, nature/culture, mind/body, and inside/outside. From this perspective, the body politic is always already entangled in global relationships; its boundaries are porous and its population is dynamic. It contains foreign others within itself, regularly loses parts of itself, and engages in so many different kinds of exchange and collaboration that it becomes difficult to discern meaningful boundaries between self and other or inside and outside.⁶⁶ On this view, political

community is not an inert popular body ruled by the reasoning head at the top, but a complex biocultural system in which every part and sensation impacts the emergent property of governance. This is, to be sure, merely a sketch of the kinds of images of community that could emerge from feminist theories of embodiment. For now, my point is simply that my conceptions of pregnant embodiment and reproductive autonomy necessarily bear on and are implicated by discourses about the body politic.

IV. Dissertation Overview and Chapter Summaries

Through this dissertation, I hope to make three primary contributions. First, I provide substance to the oft-stated but rarely argued claim that complicating our account of the embodied subject need not undermine abortion rights, a claim that is commonly invoked without further explanation in interdisciplinary feminist accounts of embodiment, which tend to emphasize description over normative evaluation. Previous scholars have explored the ways that pregnant embodiment challenges Western conceptions of the individual self,⁶⁷ the connections between biopolitical management of reproductive bodies and ethno-nationalism,⁶⁸ the cultural effects of reproductive technologies that render fetuses visible to the scientific gaze while still within the womb,⁶⁹ historical and cross-cultural variation in conceptions of fetuses and pregnant bodies,⁷⁰ the constitution of fetal personhood in public discourse and social relations,⁷¹ the ethical significance of fetal-maternal relations,⁷² and the framing of women as always potentially pregnant in public health discourse.⁷³ This research is invaluable for understanding pregnant bodies as they are lived, managed, and discursively constructed. However, the *political* questions provoked by these advances in conceptions of pregnant embodiment have not yet received sufficient attention. Specifically, while previous scholarship has illuminated the widely varying ways that pregnant bodies *can be* understood and materialized, there has been much less

discussion about how pregnant embodiment *ought* to be constructed or how different accounts of the body might be reconciled with a normative defense of reproductive freedom. Political theorists are especially well-equipped to respond to this question, because evaluating competing ontological, ethical, cultural, and legal conceptions of the embodied self requires the exercise of political judgment.

Second, I seek to participate in the emerging wave of feminist scholarship in political theory⁷⁴ by helping to update the field's now dated account of reproductive politics. Though political theorists wrote extensively on reproductive politics from the 1970s through the 1990s, relatively little has been written on this topic within the field during the past two decades, despite important theoretical advances in interdisciplinary feminist scholarship which chart a path between pure social constructivism and biological determinism. Within the interdisciplinary literature on feminist theories of embodiment, many scholars have converged on biocultural conceptions of human experience as the product of complex interactions between material and cultural forces. From this perspective, human-made discourses, practices, and power relations interact with biology, the material distribution of resources, and the physical environment to produce human bodies and selves in particular ways. Pregnancy is a particularly rich site for mapping the entanglements between sexual difference and gender, the individual body and the body politic, and the lived body in relation to structures of power and resources. Yet, scholarship outside the field of political theory⁷⁵ has focused primarily on understanding the construction and regulation of pregnant embodiment rather than developing a normative account of reproductive freedom that could guide feminist political action. Even historical scholarship⁷⁶ which revisits past debates among feminist activists over strategies for realizing reproductive freedom tends to focus on mapping rather than adjudicating these disputes. While some scholars offer policy

recommendations or gesture to the normative implications of their work,⁷⁷ both the political ramifications of representations of pregnant bodies and the case for reproductive autonomy as a political value merit more sustained scrutiny. Bridging the dated political theory literature on reproductive politics and the less normatively-inclined interdisciplinary feminist literature on reproductive bodies, I seek to revisit the question of how feminists ought to conceptualize pregnant embodiment and reproductive autonomy as part of a political struggle for freedom, justice, and equality.

Third, by exploring the political implications of feminist approaches to ethics that are grounded in the affirmation of difference and vulnerability, I aim to enrich the ethical, affective, and aesthetic resources of public discourses about reproductive freedom. The relationship between the individual and the community is a longstanding matter of debate in ethical philosophy. In recent years, feminists and other critical theorists have sought to intervene in these debates by complicating the boundaries between self and other. This body of thought pursues what might be called an “ethics of difference,” which advocates a disposition of responsiveness towards others and receptivity to differences of varying types. In Simone de Beauvoir’s ethics of ambiguity, ethics arises only in the moment of encounter with the other, which makes it possible to view oneself as both the subject of one’s own life and the object of another’s gaze. In Luce Irigaray’s formulation, cultivating an ethical relationship towards otherness requires surpassing the categories of Western thought which reduce women to the opposite, complement, or same as the masculine subject. Rather, ethical relations can only be made possible by developing a distinct feminine subject with the capacity to define her own destiny and relationships with others. As Emily Parker argues, Judith Butler’s ethics of precarity generalizes and expands Irigaray’s account of difference by attending to the ways in which loss

and vulnerability are both universal and unevenly distributed across axes of privilege. Finally, in attempting to develop new metaphors which can guide ethical thinking, many feminist theorists have explored images and experiences of pregnancy. From a perspective which views human agency as shaped by complex interactions between material and social forces, pregnancy is a particularly rich site for mapping the entanglements between sexual difference and gender, the individual body and the body politic, and the lived body in relation to structures of power and resources. Both materially and symbolically, pregnant embodiment is a site of entanglement between self and other. Thinking about pregnancy and birth as metaphors for ethics opens up the possibility of developing an ethics of difference which blurs but does not erase the boundary between self and other. I explore the political ramifications of these developments in feminist ethics for reproductive politics.

Methodologically, this project is a work of critical, normative, and conceptual feminist theory. Because my objective is to clarify concepts, develop a persuasive account of reproductive freedom, and provoke new visions of feminist futures – but *not* to provide a basis for generalizable descriptive or causal inference – the empirical materials in each of the substantive chapters were chosen because they expose the ambiguities of pregnant embodiment and their implications for reproductive autonomy. Consequently, I emphasize the mutual imbrication of theory and practice, the interactions between systems of oppression, and the interrelatedness of global and local politics. My project is intersectional in the sense that it interrogates the connections between patriarchy, the racialized nation-state, and capitalism. To provincialize my American perspective,⁷⁸ my substantive chapters move from the American case to the U.S./Mexico border to transnational feminist networks. My empirical examples are drawn primarily from public discourse (e.g. news media, lobbying organizations, activist writings) and

secondary social scientific research. Each chapter explores how political contestation over abortion blurs traditional dichotomies in modern Western political thought, such as the boundaries between self and other, between nation-states, and between individualist and collectivist understandings of freedom. Embracing this ambiguity, each chapter attempts to think from within the gaps or overlaps of these artificial conceptual borders.

The structure of my dissertation is as follows. In Chapter 1, I present and defend my conception of reproductive autonomy as the authority of pregnant subjects to interpret, construct, and make decisions about their bodies, within the context of social and material support from communities that enable the pregnant subject's agency. In Chapter 2, I examine debates over fetal remains disposal regulations in the United States. Finding that neither the pro-life nor mainstream pro-choice views⁷⁹ adequately account for the ambiguity of pregnant embodiment, I seek to show how a more nuanced account of pregnant embodiment can strengthen the case for reproductive autonomy by creating space for diverse reproductive experiences and addressing the affective dimension of politics. I argue that reproductive autonomy should be understood as the pregnant subject's authority not to only interpret but construct her lived body, including the fetus. However, because the embodied self is constituted through relationships with others, realizing reproductive autonomy requires cultivating communities that affirm and resource the agency of pregnant people. This chapter shows how patriarchal discourses mobilize women's experiences and use ambiguity strategically to encode reproductive control in law and culture, and connects defenses of bodily boundaries to conceptions of the bounded self that undermine efforts to realize reproductive autonomy.

In Chapter 3, I juxtapose two cases: the spectacularized controversy about a pregnant minor immigrant who sought judicial permission to abort her pregnancy, and the ongoing

mistreatment and denial of care to pregnant immigrants by U.S. immigration enforcement officials. Viewed together, I argue, these cases reveal the biopolitics of reproduction at work in U.S. immigration policy. On one hand, the refusal of abortion rights is a prohibition on killing fetal citizens. On the other hand, the exposure of pregnant immigrants to increased risk of miscarriage and attacks on birthright citizenship show that the effect of U.S. immigration policy is not to preserve potential life but to allow or even facilitate fetal, maternal, and infant mortality among disposable populations. The result is to create the appearance of concern for potential unborn citizens while justifying the violent policing of the border and preserving the whiteness of the American body politic. This chapter highlights the role of state violence and racism in undermining reproductive autonomy, and connects control over the reproduction of the body to control over the reproduction of the body politic.

In Chapter 4, I analyze three guerilla abortion networks that provide safe illegal abortions where legal abortion is unavailable or inaccessible. While illegal abortion is often associated with danger, the same marginality that exposes women who abort illegally to greater risk of both health complications and police repression *also* opens up space for feminists to create communities outside of hegemonic legal, economic, and medical institutions. I find that guerilla abortion networks engage in practices of freedom that help realize reproductive autonomy by providing information and services that make safe abortions available when they would otherwise be unsafe or nonexistent (expanding range of available choices); cultivating individual and group consciousness through counseling and collective direct action; and producing forms of knowledge that synthesize medical expertise with practical experience. I argue that self-managed abortions may be empowering if they allow women to seize back autonomy over their bodies, particularly if these individual acts of self-abortion are situated within feminist relationships of

solidarity. This chapter explores the possibilities for enacting reproductive autonomy or at least resisting reproductive control, and situates these alternatives within grassroots feminist activism that connects local organizing to transnational networks.

Because I assume the deep entanglement of material, psychic, and social dimensions of embodied experience, I argue that realizing reproductive autonomy demands a political insurrection at the level of ontology, subjectivity, and the cultural imaginary. Realizing reproductive autonomy requires simultaneous resistance to patriarchal understandings of pregnant embodiment in Western cultures and philosophical traditions; racism, capitalism, and other forms of domination which mark certain bodies as reproductively undesirable; and state control over pregnant bodies and the boundaries of the body politic. Moreover, it requires the mobilization of movements which build coalitions and enact reproductive autonomy even in contexts where it seems impossible. Bringing this demanding account of reproductive autonomy into contact with the actual forms of resistance that are available to advocates of reproductive rights raises the question of whether the collapse of liberalism might bring with it the silver lining of clearing space for radically rethinking autonomy and transforming our collective ways of life in ways that are not yet fully imaginable.

Endnotes (Introduction)

¹ Svitek, Patrick and Edgar Walters. 2015. “‘Former Fetus’ Signs Cause Stir at Capitol,” *Texas Tribune*, <https://www.texastribune.org/2015/03/11/former-fetus-signs-cause-stir-capitol/> (accessed 01/22/18).

² See for instance: Delphy, Christine, 1984, *Close to Home: A Materialist Analysis of Women's Oppression*, Amherst: University of Massachusetts Press; Firestone, Shulamith, 1970, *The Dialectic of Sex: The Case for Feminist Revolution*, New York: Farrar, Strauss, and Giroux; Rowbotham, Sheila, [1973] 2005, *Women's Consciousness, Man's World*, Verso; Brown, Wendy, 1998, *Manhood and Politics: A Feminist Reading in Political Theory*, New York: Rowman & Littlefield Publishers; Okin, Susan Moller, 2013, *Women in Western Political Thought*, Princeton: Princeton University Press; Alaimo, Stacy, and Susan Hekman (Eds.), 2008, *Material Feminisms*, Indiana University Press; Ahmed, Sara. 2008. “Open Forum, Imaginary Prohibitions: Some Preliminary Remarks on the Founding Gestures of the ‘New Materialism.’” *European Journal of Women's Studies* 15(1): 23–39.

³ For instance, Carole Pateman argues that the neglect of sexual difference in social contract theory masks the gendered power dynamics that underwrite men's freedom in the public sphere with the domination of women within

the family, a dynamic she describes as “the sexual contract.” See Pateman, Carole, 1988, *The Sexual Contract*, Stanford: Stanford University Press. Similarly, Susan Moeller Okin humorously exposes and challenges Nozick’s implicit assumption that the body of the abstract individual is a masculine one. As she contends, applying Nozick’s criteria for just acquisition of property consistently in the face of sexual difference would not result in the libertarian paradise he desired but rather a “bizarre form of matriarchal slavery,” particularly in light of his permissive account of acceptable contractual terms and consent. See Okin, Susan Moller, 1989, *Justice, Gender, and the Family*, Basic Books.

⁴ Irigaray, Luce. 1993 [1984]. *An Ethics of Sexual Difference*. Trans. Carolyn Burke and Gillian C. Gill. Ithaca: Cornell University Press; Irigaray, Luce. 1985 [1977]. *This Sex Which Is Not One*. Trans. Catherine Porter. Ithaca: Cornell University Press.

⁵ pgs. 3 & 5, Bordo, Susan. 2003. *Unbearable Weight: Feminism, Western Culture, and the Body*. Berkeley: University of California Press.

⁶ pgs. vii and x, Gatens, Moira. 1996. *Imaginary Bodies: Ethics, Power, and Corporeality*. Routledge: New York, NY.

⁷ pg. ix, Grosz, Elizabeth. 1994. *Volatile Bodies: Toward a Corporeal Feminism*. Indiana University Press.

⁸ Wollstonecraft, Mary. 2009 [1792]. *A Vindication of the Rights of Woman*. Third Edition, Norton Critical Editions, Deidre Shauna Lynch (Ed.) W. W. Norton & Company; Mill, John Stuart. 2015. “The Subjection of Women.” In *On Liberty and other writings*, Stefan Collini (Ed.). Cambridge: Cambridge University Press; de Beauvoir, Simone. 2011. *The Second Sex*. Translated by Constance Borde and Shiela Malovany-Chevallier. Vintage: New York, NY.

⁹ Butler, Judith, 1999 [1990], *Gender Trouble: Feminism and the Subversion of Identity* (10th Anniversary Edition), Routledge; Butler, Judith, 1993, *Bodies That Matter: On the Discursive Limits of “Sex,”* Routledge. Hereafter, GT and BTM respectively.

¹⁰ Gilligan, Carol. 1982. *In a Different Voice: Psychological Theory and Women’s Development*. Cambridge: Harvard University Press; Daly, Mary. 1990 [1978]. *Gyn/Ecology: The Metaethics of Radical Feminism*. Boston: Beacon Press; MacKinnon, Catharine A. 1989. *Toward a Feminist Theory of the State*. Harvard University Press. Arguably, Phyllis Schlafly represents the polar opposite of Butler, because Schlafly seems to suggest that femininity results (at least in part) from natural differences, though it’s at best debateable whether she counts as a feminist.

¹¹ Alcoff, Linda, 1988, “Cultural Feminism versus Post-Structuralism: The Identity Crisis in Feminist Theory,” *Signs* 13(3): 405-436; Cheah, Pheng, 1996, “Mattering: Review of *Bodies That Matter: On the Discursive Limits of “Sex”* by Judith Butler; *Volatile Bodies: Toward a Corporeal Feminism* by Elizabeth Grosz,” *Diacritics* 26(1): 108-139; Zerilli, Linda, 1998, “Doing without Knowing: Feminism’s Politics of the Ordinary,” *Political Theory* 26(4): 435-458.

¹² Ahmed 2008 (n2)

¹³ On new materialism as a genre, see: Ahmed 2008 (n2); Alaimo & Hekman 2008 (n1); Fraser, Mariam. 2002. “What is the matter of feminist criticism?” *Economy and Society*, 31(4): 606-625; Fraser, Mariam. 2001. “Visceral Futures: Bodies of Feminist Criticism.” *Social Epistemology* 15(2): 91-111; Coole, Diana and Samantha Frost (Eds.) 2010. *New Materialisms: Ontology, Agency, and Politics*. Durham: Duke University Press. For an example of new materialist scholarship, see Frost, Samantha. 2001. “Faking it: Hobbes’s thinking-bodies and the ethics of dissimulation.” *Political Theory* 29(1): 30-57.

¹⁴ Ahmed 2008 (n2)

¹⁵ See for instance: Nussbaum, Martha, 1999, “The Professor of Parody: The hip defeatism of Judith Butler,” *The New Republic*, <https://newrepublic.com/article/150687/professor-parody> (accessed 03/15/2020).

¹⁶ Butler, GT & BTM (n9)

¹⁷ Frost, Samantha. 2014. “Re-considering the turn to biology in feminist theory.” *Feminist Theory* 15(3) 307–326.

¹⁸ These challenges to mind-body dualism can be traced back at least as far as Princess Elisabeth of Bohemia’s letters to Descartes. See Descartes, René. 2007. *The correspondence between princess Elisabeth of Bohemia and René Descartes*. University of Chicago Press.

¹⁹ Denbow, Jennifer M. 2015. *Governed Through Choice: Autonomy, Technology, and the Politics of Reproduction*. New York University Press; McWhorter, Ladelle, 2009, *Racism and Sexual Oppression in Anglo-America: A Genealogy*, Bloomington: Indiana University Press; Ben-Ishai, Elizabeth. 2012. “The new paternalism: An analysis of power, state intervention, and autonomy.” *Political Research Quarterly* 65(1): 151-165; Nussbaum, Martha, 2004. “Emotions as Judgments of Value and Importance.” In R. C. Solomon (Ed.), *Thinking about feeling: Contemporary philosophers on emotions* (p. 183–199). Oxford University Press. See also Bordo 2003, Pateman 1988.

²⁰ Gatens 1996, pg. 8 (n6)

²¹ Grosz 1994, pg. 18. (n7)

²² Ibid

²³ Ibid, pg. 19

²⁴ Ibid

²⁵ This distinction is suggested by Iris Marion Young as a way of parsing the disjuncture between the body as experienced by subjects, who may resist normalizing structures, and the body as marked for a certain positioning within social, political, and economic structures, which tend to homogenize such differences. See Young, Iris Marion, 2005, "Lived Body vs. Gender: Reflections on social structure and subjectivity," In *On Female Body Experience: "Throwing Like A Girl" and Other Essays*. Oxford: Oxford University Press.

²⁶ Butler, GT & BTM (n9); Foucault, Michel. 1995 [1977]. *Discipline and Punish: The Birth of the Prison*. 2nd Edition, Alan Sheridan (Transl.) Vintage Books. I am also persuaded by Anne Fausto-Sterling's argument that biological science suggests the possibility of more than two (perhaps as many as five or seven) sexes. See: Fausto-Sterling, Anne. 1993. "The five sexes: why male and female are not enough." *The Sciences* 33(2): 20-26; and Fausto-Sterling, Anne. 2000. *Sexing the body: Gender Politics and the Construction of Sexuality*. Basic Books.

²⁷ As Fausto-Sterling (1993 and 2000; n26) observes, the differences between bodies could just as well be categorized into five or seven sexes.

²⁸ Deutscher, Penelope, 2008, "The Inversion of Exceptionality: Foucault, Agamben, and "Reproductive Rights," *South Atlantic Quarterly* 107(1); Deutscher, Penelope. 2010. "Reproductive Politics, Biopolitics and Auto-immunity: From Foucault to Esposito." *Bioethical Inquiry* 7: 217–226; Oliver, Kelly. 2010. "Motherhood, Sexuality, and Pregnant Embodiment: Twenty-Five Years of Gestation." *Hypatia* 25(4): 760-777.

²⁹ pg. 11, Rich, Adrienne. 1995 [1985]. *Of Woman Born: Motherhood as Experience and Institution*. Norton: New York, NY.

³⁰ Deutscher 2008 & 2010 (n28); see also Deutscher, Penelope, 2017, *Foucault's Futures: A Critique of Reproductive Reason*, Columbia University Press.

³¹ pg. 3, Battersby, Christine. 1998. *The Phenomenal Woman: Feminist Metaphysics and Patterns of Identity*. Routledge: New York, NY.

³² For more on this, see Chapter 1.

³³ Young, Iris Marion. 2005. "Pregnant Embodiment: Subjectivity and Alienation." In *On Female Body Experience: "Throwing Like A Girl" and Other Essays*. Oxford University Press: Oxford, UK.

³⁴ Ibid, pg. 46-47

³⁵ Ibid, pg. 50

³⁶ Ibid, pg. 51

³⁷ Tyler, Imogen. 2001. "Reframing Pregnant Embodiment." In *Transformations: Thinking Through Feminism*, Sarah Ahmed, Jane Kilby, Celia Lury, Maureen McNeil, Maureen Mcneil, Beverley Skeggs (eds). Routledge: New York, NY.

³⁸ Ibid

³⁹ Ibid

⁴⁰ Fannin, Maria. 2014. "Placental Relations." *Feminist Theory* 15(3): 289–306; Hird, Myra J. 2007. "The Corporeal Generosity of Maternity." *Body & Society*. 23(1).

⁴¹ Hird 2007, pg. 2 (n40)

⁴² Diprose, Rosalyn. 2013. "Corporeal Interdependence: From Vulnerability to Dwelling in Ethical Community." *SubStance* 42(3): 185-204.

⁴³ Ibid

⁴⁴ Fannin 2014, pg. 290 (n40)

⁴⁵ For instance, Elizabeth Grosz argues that the analogy between bodies and cities on the grounds that the metaphor of the body politic is rooted in a phallocentrism, mind/body dualism, and the artificial separation of culture and nature. My analysis avoids these problematic assumptions. (See: Grosz, Elizabeth. 1998. In *Places Through the Body*, Heidi J. Nast and Steve Pile (Eds), pgs. 42-51. Psychology Press.). On the "death" of the body politic, see Buchan, Bruce. 2011. "Duo pezzi in su la piazza: The Death of the Body Politic in Western Political Thought." *South Atlantic Quarterly* 110(4).

⁴⁶ See for instance, Rasmussen, Claire and Michael Brown, 2005, "The Body Politic as Spatial Metaphor," *Citizenship Studies* 9(5): 469-484; Musolff, Andreas. 2010. "Political Metaphor and Bodies Politic." In *Perspectives in Politics and Discourse*, Urszula Okulska and Piotr Cap (Eds), pgs. 23-41. John Benjamins Publishing.

⁴⁷ On the body politic in early modern and pre-modern political thought, see: Frost 2001 (n13); Buchan 2011 (n45); Musolff 2010 (n46); Smith, Sophie. 2018. "Democracy and the Body Politic from Aristotle to Hobbes." *Political Theory* 46(2): 167-196; Attie, Katherine Bootle. 2008. "Re-membering the body politic: Hobbes and the

construction of civic immortality.” *ELH* 75(3): 497-530; Kantorowicz, Ernst. 2016. *The King’s Two Bodies: A Study in Medieval Political Theology*. Princeton: Princeton University Press.

⁴⁸ Rasmussen and Brown 2005 (n46); Musolff 2010; Deutscher 2017; Athanasiou, Athena. 2006. “Bloodlines: Performing the Body of the “Demos,” Reckoning the Time of the “Ethnos,”” *Journal of Modern Greek Studies* 24: 229–256. Neocleous, Mark. 2001. “The fate of the body politic.” *Radical Philosophy* 108: 29-38.

⁴⁹ Rasmussen and Brown 2005 (n46)

⁵⁰ Musolff 2010 (n46)

⁵¹ Ibid; see also Neocleous 2001 (n48) and Musolff, Andreas, 2011, “How (not) to resurrect the body politic: the racist bias in Carl Schmitt’s theory of sovereignty,” *Patterns of Prejudice* 45(5); Mills, Charles W. 2011. “Body Politic, Bodies Impolitic.” *Social Research: An International Quarterly* 78(2): 583-606.

⁵² Athanasiou 2006, pg. 230 (n48)

⁵³ Ibid

⁵⁴ Roberts, Dorothy, 1999, *Killing the Black Body*, New York: Vintage.

⁵⁵ As discussed above with regard to social contract theory.

⁵⁶ Gatens 1996 (n6)

⁵⁷ See also Pateman 1988 on this point (n2)

⁵⁸ Additionally, this fantasy conceals the fact that unlike man, woman in early modern social contract theory does not make the transition from the state of nature to civil society. She remains entrapped within nature, relegated to the private sphere, reduced to her bodily existence which cannot be represented in public. See Pateman 1988 (n2).

⁵⁹ If this metaphor seems to have lost some of its force, he contends, this is not because it no longer shapes political philosophy but rather because liberalism’s commitment to individualism obscures the importance of political community. Nonetheless, he argues, looking at the underlying conceptions of the body politic can help us distinguish more clearly between democracy and other ways of arranging political authority. See Neocleous 2001 (n48).

⁶⁰ Ibid

⁶¹ Butler, Judith. 2015. *Notes Toward a Performative Theory of Assembly*. Cambridge: Harvard University Press.

⁶² Povinelli, Elizabeth A. 2012. “Beyond the Names of the People: Disinterring the body politic.” *Cultural Studies* 26(2-3): 370-390.

⁶³ Haraway, Donna. 2013. *Simians, Cyborgs, and Women: The Reinvention of Nature*. Routledge.

⁶⁴ Martin, Aryn. 2010. “Microchimerism in the Mother(land): Blurring the Borders of Body and Nation.” *Body & Society* 16(3): 23–50.

⁶⁵ Ibid, pg. 26.

⁶⁶ Regarding how to think about the loss of parts of the self, see the discussion of abjection in Chapter 2.

⁶⁷ Battersby 1998 (n31); Young 2005 (n33); Tyler 2001 (n37); Morgan, Lynn M. 1996. “Fetal Relationality in Feminist Philosophy: An Anthropological Critique.” *Hypatia*, 11(3): 47-70.

⁶⁸ Deutscher 2008 & 2010 (n28), 2017 (n30); Athanasiou 2006 (n48)

⁶⁹ See for instance: Palmer, Julie. 2009. “Seeing and knowing: Ultrasound images in the contemporary abortion debate.” *Feminist Theory* 10(2): 173-189; and Ariss, Rachel. 2003. “Theorizing Waste in Abortion and Fetal Ovarian Tissue Use.” 15 *Can. J. Women & L.* 255, 281.

⁷⁰ Ariss 2003 (n69); Morgan 1996 (n67); Morgan, Lynne M, 2002, ““Properly Disposed of”: A history of embryo disposal and the changing claims on fetal remains,” *Medical Anthropology*, 21(3-4): 247-274; Kent, Julie. 2008. “The fetal tissue economy: From the abortion clinic to the stem cell laboratory.” *Social Science & Medicine* 67:1747–1756.

⁷¹ Taylor, Janelle S. 1992. “The public fetus and the family car: From abortion politics to a Volvo advertisement.”

Public Culture 4(2): 67-80; Lupton, Deborah. 2013. *The Social Worlds of the Unborn*. New York: Palgrave-

Macmillan.; Hockney, Jenny, and Janet Draper. 2005. “Beyond the Womb and the Tomb: Identity, (Dis)embodiment and the Life.” *Body and Society* 11(2); Keane, Helene. 2009. “Foetal personhood and representations of the absent child in pregnancy loss memorialization.” *Feminist Theory* 10(2): 153–171; Browne, Victoria. 2016. “Feminist Philosophy and Prenatal Death: Relationality and the Ethics of Intimacy.” *Signs: Journal of Women in Culture and Society* 41 (2).

⁷² Fannin 2014 (n40); Hird 2007 (n40); Bollinger, Laurel. 2007. “Placental Economy: Octavia Butler, Luce Irigaray, and Speculative Subjectivity,” *Lit: Literature Interpretation Theory*, 18(4): 325-352; Colls, Rachel and Maria Fannin. 2013. “Placental surfaces and the geographies of bodily interiors.” *Environment and Planning A*, 45: 1087 – 1104

⁷³ Waggoner, Miranda. 2016. "Cultivating the Maternal Future: Public Health and the Prepregnant Self." *Signs: Journal of Women in Culture and Society* 40(4); Waggoner, Miranda. 2017. *The Zero Trimester: Pre-Pregnancy Care and the Politics of Reproductive Risk*. University of California Press.

⁷⁴ See for instance: Denbow 2015 (n19); Menzel, Annie, 2013, "Birthright Citizenship and the Racial Contract: The United States' Jus Soli Rule against the Global Regime of Citizenship," *Du Bois Review* 10(1): 29–58; Threadcraft, Shatema. 2016. *Intimate Justice: The Black Female Body and the Body Politic*. Oxford University Press; Zivi, Karen. 2005. "Contesting Motherhood in the Age of AIDS: Maternal Ideology in the Debate Over Mandatory HIV Testing." *Feminist Studies* 31(2): 347-3714; McKinney, Claire. 2016. "Selective Abortion as Moral Failure? Revaluation of the Feminist Case for Reproductive Rights in a Disability Context." *Disability Studies Quarterly* 36(1).

⁷⁵ e.g. Browne 2016 (n71), Morgan 1996 (n67), Morgan 2002 (n70)

⁷⁶ e.g. Bracke, Maud Anne. 2017. "Feminism, the state, and the centrality of reproduction: abortion struggles in 1970s Italy." *Social History* 42(4): 524-546; Hanafin, Patrick. 2009. "Refusing disembodiment: Abortion and the paradox of reproductive rights in contemporary Italy." *Feminist Theory* 10(2).

⁷⁷ e.g. McReynolds- Pérez, Julia. 2017a. "No Doctors Required: Lay Activist Expertise and Pharmaceutical Abortion in Argentina." *Signs* 42(2): 349-375.

⁷⁸ I borrow the language of "provincializing" loosely from Dipesh Chakrabarty. See Chakrabarty, Dipesh. 2007. *Provincializing Europe: Postcolonial Thought and Historical Difference*. Princeton: Princeton University Press. For further discussion of how to think about comparison in political theory, see Idris, Murad. 2016. "Political Theory and the Politics of Comparison." *Political Theory* <https://journals.sagepub.com/doi/full/10.1177/0090591716659812> (accessed 04/09/2020).

⁷⁹ I use the terms "pro-life" and "pro-choice" to refer broadly to the two sides of the debate over abortion rights in American public discourse, as represented by prominent advocacy groups. Thus, "pro-life" discourse refers to the discourse of anti-abortion activists who seek to restrict or ban the procedure, as articulated by major advocacy groups that describe themselves using this term (e.g. Americans United for Life). Conversely, "pro-choice" refers to activists who defend abortion rights and the prominent discourse about abortion rights articulated by mainstream advocacy organizations (e.g. Planned Parenthood, NARAL, and the Center for Reproductive Rights) who tend to describe themselves using this term (although that is beginning to change as reproductive justice has become increasingly influential as a framework for understanding reproductive politics). Of course, these terms simplify potentially complicated experiences, feelings, policy positions, and intra-movement tensions. Particularly on the pro-choice side, leaderless campaigns like #shoutyourabortion and radical activist groups like SisterSong reflect somewhat different viewpoints than mainstream groups like NARAL. Nonetheless, I continue to use these labels when speaking about public contestation, because I think the public conversation about abortion rights is still largely framed in terms of "pro-life" vs. "pro-choice." For instance, mainstream media outlets such as the New York Times and CNN, as well as advocacy groups like AUL, NARAL, and Emily's List, tend to use these terms to describe politicians and political controversies. See for example: Camosy, Charles C. 2019. "I Am Pro-Life. Don't Call Me Anti-Abortion." *The New York Times* <https://www.nytimes.com/2019/01/09/opinion/abortion-pro-life.html> (accessed 04/08/2020); Martin, Jonathan. 2019. "Canceled Fund-Raiser Prompts Question: Can a Democrat Oppose Abortion?" *The New York Times* <https://www.nytimes.com/2019/05/22/us/politics/dan-lipinski-abortion-cheri-bustos.html> (accessed 04/08/2020); Lockhart, Joe. 2019. "Male politicians who oppose abortion rights are going to face some uncomfortable questions," CNN <https://www.cnn.com/2019/05/20/opinions/male-politicians-who-oppose-abortion-rights-face-uncomfortable-questions-lockhart/index.html> (accessed 04/08/2020); Slevin, Peter. 2020. "A Narrow Win for Progressives in the Chicago Suburbs." *The New Yorker* <https://www.newyorker.com/news/campaign-chronicles/a-narrow-win-for-progressives-in-the-chicago-suburbs> (accessed 04/08/2020); Thomhave, Kalena. 2018. "Could Pro-Choice Advocacy Sway Susan Collins?" *The American Prospect* <https://prospect.org/justice/pro-choice-advocacy-sway-susan-collins/> (accessed 04/08/2020); Derysh, Igor. 2019. "'Pro-choice' Susan Collins has voted to confirm 32 anti-abortion Trump judges." *Salon*. <https://www.salon.com/2019/06/06/pro-choice-susan-collins-has-voted-to-confirm-32-anti-abortion-trump-judges/> (accessed 04/08/2020); NARAL Pro-Choice America. 2020. "2019 Congressional Record on Choice." https://www.prochoiceamerica.org/wp-content/uploads/2020/04/2019-NARAL-CongrRecordOnChoice_web.pdf (accessed 04/08/2020); Emily's List, N.D. "Mission & Vision." <https://www.emilyslist.org/pages/entry/our-mission> (accessed 04/08/2020); AUL, N.D. "History." <https://aul.org/about/history/> (accessed 04/01/2020). For further discussion of pro-life and pro-choice discourse, see Chapter 2.

CHAPTER 1 – THEORIZING REPRODUCTIVE AUTONOMY

I. Introduction

Despite compelling critiques of the concept of autonomy by feminist scholars, reproductive rights activists and other grassroots leftists continue to use the language of autonomy to articulate their demands. The Women’s March, for instance, organized an event entitled “My Human Right to Bodily Autonomy.” The event description declared that “abortion bans and laws that restrict a woman’s access to safe and legal abortions are a violation of women’s human right to bodily autonomy.”¹ Similarly, SisterSong defines reproductive justice as “the human right to maintain *personal bodily autonomy*, have children, not have children, and parent the children we have in safe and sustainable communities” [emphasis added].² While writing this chapter, I discovered that the local branch of the Democratic Socialists of America (DSA) aims to develop a “socialist theory of bodily autonomy” as one of their educational goals for 2020.³ The notion of autonomy to which these activists appeal does not appear to refer to a sovereign individual rationally reflecting upon his interests and making decisions independently of any social context. Rather, the autonomy they are demanding is intimately linked to collective action (e.g. the Women’s March), transforming cultural imaginaries about reproductive rights (e.g. SisterSong), and a sense of feminist or socialist solidarity (e.g. DSA). Given this continued interest in autonomy among reproductive rights activists and the broader Left, how should feminists reconceive the notion of autonomy to avoid the pitfalls of liberal individualism and address the particular concerns about autonomy that arise in the context of reproduction? How should a feminist conception of reproductive autonomy understand the relationship between reflective thought, social context, embodiment, and collective action? If bodies and selves are entangled, what does it mean for pregnant subjects be autonomous?

In this chapter, I explore the implications of blurring distinctions between self/other and mind/body for thinking about autonomy, freedom, and agency. I argue that understanding the self as an embodied subject entangled with others undermines traditional distinctions between freedom and autonomy, where *autonomy* is understood as a feature of reflective minds that rule over bounded bodies or as faithfulness to a true inner self that decides independently of coercive social forces, and *freedom* is understood as the absence of external barriers to acting according to our autonomous wills.⁴ This distinction assumes that it is possible to isolate the subject engaged in critical reflection from their bodies, cultural imaginaries, and relationships. If we instead understand the subject as constituted through embodied experience and social relations, the distinction collapses. Thus, I suggest that *autonomy and freedom are two facets of the same normative value* rather than distinct concepts.

Following from this, I conceptualize *reproductive autonomy* as *the individual and collective authority of subjects to interpret, construct, and make decisions about their bodies, within the context of social and material support from communities that enable their critical agency*. This entails affirming the pregnant subject's authority over her lived body, while critically reflecting on how these bodies are situated within power relations (i.e. discourse and social structures); creating cultural imaginaries which provide symbolic resources for varied interpretations and ontologies of pregnant embodiment; and engaging in practices of reproductive freedom that seek to transform collective ways of life in order to promote the realization of reproductive autonomy on just and egalitarian terms. Because this conception pairs individual and collective autonomy, it demands equal freedom for others. Moreover, though autonomy requires the capacity to reflect, critique, and interpret, I suggest that it cannot exist

solely in thought but rather must be linked to action that transforms relationships, discourses, or material conditions. Thus, autonomy as I understand it implies intervention in the shared world.

Autonomy, then, is distinct from agency. I understand agency in minimalist terms, defining it as *embodied subjects' capacity to choose and act*. While agency refers descriptively to choice and action *simpliciter* – regardless of the actor's motives, the situation in which the actor exercises agency, the extent of the actor's critical reflection, judgments about whether the actions in question resist or reinforce oppression – autonomy is a normative concept designating a particularly demanding form of agency that is directed towards freedom and rooted in critique and action in solidarity with others. While almost all human beings have some level of agency, all people do not necessarily seek or even desire autonomy. For example, consider the situation of women who belong to a religious community whose leaders oppose the use of birth control. To have agency in this context would mean simply having the ability to choose to comply with this prohibition, secretly subvert it, or openly defy it and to decide whether to circulate this doctrine, affirm its righteousness, encourage its reform, or vigorously denounce it. But such choices may or may not be made after careful theological and political reflection, and some options may be more or less viable depending on the extent of control exerted over women's lives in this religious community, and the agents in question need not question or challenge the standards of their community in order to count as agents. In contrast, autonomy as I understand it means more than the ability to make choices or act. Reproductive autonomy in this example would mean critically reflecting upon the religious teachings in question and seeking to open the religious community to a broader array of perspectives on contraception, for instance by contesting the views of religious leaders, encouraging reform, or defying the prohibition on birth control.⁵

II. Internal Autonomy, External Freedom: Traditional Conceptions & Their Critics

Linguistically, the term “autonomy” links the self (*auto*) to the law (*nomos*); interpreted literally, it means to give the law to oneself. It is associated with self-governing, both in the collective sense of democratic or republican forms of government and in the individual sense of self-mastery. Traditional accounts of autonomy tend to stress the independence of the individual from society, and often rely upon a distinction between one’s inner sense of self and the external influences or circumstances which may limit individual liberty. Among modern political thinkers, the predominant view was that individual autonomy was opposed to society, understood as potentially threatening to freedom due to its capacity to coerce individuals or interfere in their private lives.⁶ Moreover, as other feminist scholars have shown, modern political thinkers rarely considered reproductive autonomy to be an important dimension of freedom and attending to reproductive freedom may undermine traditional conceptions of autonomy.⁷ In this section, I argue that traditional conceptions of autonomy are rooted in a distinction between internal and external forms of freedom which reinforces self/other dichotomies. Furthermore, because pregnant bodies defy the model of the individual upon which these internal/external and self/other distinctions are based,⁸ theorizing reproductive autonomy requires thinking about freedom in ways that go beyond these dichotomies.

One of the earliest distinctions between the internal and external dimensions of freedom can be found in the thought of Thomas Hobbes, who famously found no conflict between freedom and coercive authority because he conceptualized freedom solely as the absence of external impediments or barriers.⁹ For Hobbes, the will of the individual is causally determined by the interplay of appetites and aversions.¹⁰ Because he views the will as the product of a train of prior sensations, desires, and actions, it can never be truly independent or autonomous; there is

no “free will” in the metaphysical sense.¹¹ Since the content of an individual’s will is thus pre-ordained, Hobbes finds no conflict between liberty and either fear or necessity, because external causes of the will are no more or less voluntary than internal causes. Therefore, he concludes, the only meaningful sense of freedom is the absence of “externall impediments” to acting (so far as one is able to) upon one’s will, however this will may have been formed.¹² In this way, Hobbes reconciles the obligation to obey political authority with the individual’s freedom to act according to their will or self-interest.¹³ On this interpretation, Hobbes does not distinguish coerced consent to authority from genuine consent because the will is always causally determined and thus the particular cause of a specific motivation is less important than the fact that one is so motivated. In Hobbes’s view, then, the only meaningful domain of freedom is external, and the internal dimension of autonomy is illusory.

Even critics of Hobbes have often carried forward this distinction between internal and external forms of freedom. For instance, John Locke takes pains to demonstrate (contra Hobbes) that the consent of the governed must be freely given rather than coerced, that is, that our internal freedom of will and conscience must align with our external freedom to self-govern (at least in the limited sense of accepting or rejecting the legitimacy of political authority).¹⁴ Although Locke offers a more robust account of consent than Hobbes, his formulation nonetheless conceptualizes autonomy in terms that distinguish between internal/external spheres of liberty and understand the independence of the self from others as an essential component of freedom. In the 2nd *Treatise*, Locke describes the state of nature as “a state of perfect freedom to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or *depending upon the will of any other man*” [emphasis added].¹⁵ He contrasts this expansive natural liberty with “the liberty of man in society,” which

“is to be under no other legislative power, but that established by consent.”¹⁶ In Locke’s formulation, then, freedom is independence from the will of others except insofar as one has consented to a neutral structure of authority in order to better secure individual liberty. Notably, the individual freedoms Locke defends are rooted in a conception of each person’s body as their own property, a formulation that reinforces mind/body dualism.¹⁷ Locke’s account of toleration likewise relies upon a distinction between the internal liberty of conscience and the external freedom of action. He argues that because coercive force can only compel obedient action and not conformity of thought, it is the suppression of religious rituals rather than the mere existence of religious pluralism that provokes disorder.¹⁸ In this way, his defense of religious toleration also relies on the internal/external distinction.

For Jean-Jacques Rousseau, the alignment of internal and external freedom in civil society cannot be assumed (as it is for Locke) but rather must be engineered. Rousseau offers two accounts of freedom, one which appeared in the state of nature yet has been lost to us, and another that he views as attainable and appropriate for civil society. As Rousseau states, “In the state of nature where everything is commonly held, I owe nothing to those to whom I have promised nothing...It is not this way in the civil state where all rights are fixed by law.”¹⁹ In the state of nature, freedom was the absolute independence of solitary man wandering in the wilderness without language or social bonds.²⁰ Without influence from language, art, or science, the individual’s desires remain simple and uncorrupted.²¹ Without social relationships, the individual is neither shaped by external influences nor limited by obligations to others. Despite the implausibility of this radically unencumbered account of human beings, Rousseau’s willingness to throw out language itself demonstrates an understanding of how deeply individuals are constituted by others in the modern context. In contrast, in civil society, Rousseau

sees freedom as achieved through participation in and submission to the general will, i.e. the common good as understood by the democratic collective. To ensure governance according to this general will, citizens must be “forced to be free,” or shaped into proper citizens by shared institutions.²² For Rousseau, then, alignment between the internal and external dimensions of freedom must be cultivated, because our private wills must be forged into a public-minded general will and in some cases citizens’ private desires or wills must be compelled to conform to the requirements of the external domain of freedom governed by this general will.

Yet, however problematic Rousseau’s account of freedom may be, I am indebted to him because he is one of the first thinkers to try to understand autonomy in terms that align the individual with the collective. Indeed, I do not think Rousseau’s notion of the general will relies on the standard paternalistic argument that individuals have misappraised their own private wills or interests. Rather, he observes that, “by its nature the private will tends toward giving advantages to some and not to others, and the general will tends toward equality.”²³ As I read him, Rousseau argues that individuals might be wrong about the democratic will of the people and the collective understanding of the common good. His famous statement that citizens must be “forced to be free,” then, is not about subordinating individuals determined to be incapable of self-governance to some elite class or superior individual (though he does seem to prescribe such a condition for women, in *Emile*²⁴). Rather, it is an egalitarian (albeit coercive) demand for the submission of all individuals to the well-being of society as a whole, as expressed through the democratic process.

Even so, I depart from Rousseau’s understanding of freedom as conformity with the general will because I do not think the alignment of individual and collective autonomy requires the level of homogeneity and consensus that his theory demands. One of the primary reasons I

conceptualize embodiment as ontologically multiple is to preserve space for difference and disagreement. Likewise, one of my motivations for distinguishing autonomy from agency is to accord respect to actors who disagree with the normative values I advocate, while nonetheless preserving the space to engage in critique and advocate for reproductive autonomy.

Moreover, I seek to promote my vision of reproductive autonomy not by forcing others to be free but rather through persuasion and the creation of experimental lifeworlds that demonstrate the desirability of alternative models of community. In this respect, I concur with Stephen White, who maintains that deliberation reflects important democratic values even as he recognizes the importance of agonism, critique, disruption, and no-saying.²⁵ In engaging seriously with pro-life viewpoints, creating space for different women to constitute their pregnancies differently, and considering how pro-life women might be persuaded to value reproductive autonomy, I am searching for a route that does not force but rather entices others to pursue freedom, even as I defend activists who reject abortion bans (and perhaps the state's authority to control reproduction) by engaging in disruptive direct action to ensure safe illegal abortions. Indeed, as Simone de Beauvoir argues, both the difficulties and the beauties of freedom lie in its ambiguous relation to subjects, who can turn towards freedom or away from it.²⁶ Like Beauvoir, and unlike Rousseau, I think that meaningful freedom cannot be compelled but rather must arise from the subject's embrace of the open-endedness of human values and endeavors.

Kant's account of autonomy has had perhaps the greatest influence on contemporary theory. To maintain the autonomy of the will against the causal determinism of thinkers like Hobbes, Kant offers a distinction between the noumenal and the phenomenal, arguing that the noumenal world of consciousness is independent of the phenomenal realm of causality.²⁷

Because the will is properly guided by reason (understood as a universal logic accessible through

conscious thought), the rational will can operate according to a logic that is independent from phenomenal causation. Though reason is governed by universal principles or laws, it is not simply caused by sense impressions or socialization or other external forces. Rather, the rational will is self-grounding because it emerges from the subject's fundamentally human ability to reason and legislates universally through its own maxims.²⁸ Autonomy, for Kant, refers to this capacity of "every rational being" to "consider itself as giving universal law through all the maxims of its will in order to judge itself and its actions from this point of view."²⁹ Thus, Kant's vision of autonomy is deeply rooted in both the distinction between the metaphysical realm of abstract reason and the embodied realm of causation, as well as the independence of the mind from the external influence of sense impressions.

The internal/external distinction is likewise central to Isaiah Berlin's distinction between positive and negative liberty. For Berlin, negative liberty concerns the parameters within which the subject "is or should be left to do or be what he is able to do or be, without interference by other persons" while positive liberty concerns "the source of control or interference that can determine someone to do, or be, this rather than that."³⁰ In other words, negative liberty concerns external impediments to acting according to one's will, while positive liberty concerns the extent to which one's inner self – one's desires, will, or identity – is independent or illegitimately shaped by external forces. This internal/external distinction is linked to the self/other distinction. Berlin argues that the complaint that one is unfree, coerced, or oppressed is specifically a complaint about "the deliberate interference of other human beings within the area in which I could otherwise act."³¹ In his view, as in Hobbes's, one "lack[s] political liberty or freedom only if you are prevented from attaining a goal by human beings" rather than one's own natural

inability or circumstances beyond human control.³² From the perspective of negative liberty, freedom refers to the self's efforts to realize one's desires without interference from others.

In contrast, Berlin views positive liberty as concerning the internal dimension of freedom. On one hand, he sees positive liberty as derived from the desire for autonomy, the desire to be one's "own master," to live according to decisions that "depend on" oneself rather than "external forces of whatever kind," to be an "instrument of [one's] own, not of other men's acts of will," to be "moved by reasons, by conscious purposes, which are my own, not by causes which affect me...from outside."³³ On the other hand, he is wary of others who claim to compel conformity with a certain way of life by claiming that subordinating one's "empirical" or "heteronomous" or "lower" self is necessary to realize one's "true" or "autonomous" or "higher" self, as defined by service to collective aims such as religion or the state.³⁴ Berlin is thus skeptical of those who, like Rousseau or Kant, claim that a person is only "free because, and in so far as, I am autonomous" and that autonomy implies the internalization of moral or political laws set by reason or other people.³⁵ In his view, the problems with positive conceptions of liberty arise when the notion of autonomy is used as a cudgel against our "empirical selves" who will always fall short of this true independence from the will of others, especially when this effort to realize our "true" selves includes not just the inner self but also the organization of society.³⁶

The distinction between the internal domain of autonomy and the external domain of freedom has been maintained in contemporary philosophy and political theory. For instance, Berlin's framing of positive and negative liberty shapes the arguments of republican political theorists like Quentin Skinner and Phillip Pettit, who criticize Hobbes's purely external conception of freedom as non-interference and argue that this Hobbesian thinking persists in contemporary liberalism.³⁷ Gerald MacCallum even more explicitly distinguishes autonomy –

which concerns the nature of the person, their motivations, and their process of reasoning within their “inner citadel” of self – from the outer freedom of a given agent to do or not do a particular action or type of action.³⁸ Even critics of autonomy often seem to accept this definition of autonomy as the independence of an inner self. For example, Mark Bevir favors Foucault’s language of agency and rejects autonomy on the grounds that “no individual could possibly could constitute himself as an autonomous agent free from all regimes of power.”³⁹ In sum, I concur with Jennifer Nedelsky’s observation that “many theorists make a distinction between freedom and autonomy, and often that distinction places more emphasis on the *external* dimension of freedom than on the internal dimensions of autonomy.”⁴⁰

In line with other feminist critics, I think this distinction between internal autonomy and external freedom is misguided because it oversells the independence of the inner self from external forces. Moreover, this traditional view of autonomy functionally excludes pregnant people, for whom the boundaries of self and body are not so clearly defined.⁴¹ For instance, Rousseau’s image of the free individual who appears in the state of nature, wandering alone without language, family, friendship, or cooperation, appears utterly preposterous in light of the fact that any such individual would have to be born of an other’s body and require assistance to reach an age where they could survive independently. It is difficult to imagine that women would undergo the difficult work of bearing and raising children without forming any meaningful social bonds with them, that siblings raised together would never form friendships or long-term cooperative relationships to ensure mutual survival, or that adult daughters would not seek support or aid from their mothers or grandmothers or sisters during pregnancy or breastfeeding or caring for infants.⁴² Rather than attempting to square independence with interconnectedness, I

begin with the assumption that embodied subjects are interdependent and co-constituted, aiming to develop a conception of autonomy as freedom with others rather than freedom from others.

Rejecting the atomized view of the self, I assume that the self is not merely *influenced* by one's environment and social relationships, but actually *constituted* through them. On this view, there is no inner citadel; there is no self outside of social relations. Thus, the internal/external distinction does not hold. Judith Butler argues persuasively that "it is a significant theoretical mistake to take the 'internality' of the psychic world for granted" because "certain features of the world, including people we know and lose, do become 'internal' features of the self, but they are transformed through that interiorization, and that inner world...is constituted precisely as a consequence of the interiorizations that a psyche performs."⁴³ For Butler, then, there can be no neat separation between the self and the cultural imaginaries, discourses, and relationships that enable the creation of the self.⁴⁴ Importantly, however, the co-constitution of the self does not imply that individuals are *determined* by others. Socially constituted subjects retain the ability to engage in critique and resistance from within the social contexts that form them. From this perspective, the distinction between internal and external domains of freedom falls apart. If the individual is always already embedded in society, if the mind and the body are inextricably intertwined, if there is no pure reason or noumenal self, then autonomy cannot refer to freedom *from* social relations but rather must refer to a particular arrangement *of* social life that enables certain forms of agency.

The internal/external distinction also reinforces epistemologies that rely on abstract and rationalistic forms of knowledge, at the expense of situated knowledges. As Lorraine Code argues, the traditional conception of autonomy in Western thought "permeates and legitimates the discourses of impersonal mastery that trade on an image of autonomous man as a ubiquitous,

invisible expert-authority, who stands above the fray to view ‘from nowhere’ the truths the world reveals to a mind prepared.”⁴⁵ In her view, these related conceptions of autonomy and knowledge as forms of mastery underpin the capitalist ideological construction of human beings as fundamentally self-interested rational actors as well as imperialist views of otherness that position the oppressed as subordinate to experts.⁴⁶ Moreover, understanding autonomy and knowledge in terms of mastery reifies mind/body dualism. According to Code, conceptions of autonomy as the absence of external influence on the inner self paint a portrait of “the autonomous knower” as someone who “escapes the governance of the body, transcends reliance on the senses to cultivate reason freed from every distracting influence,” positioning the body as a threat to knowledge rather than a source of it.⁴⁷ For all of these reasons, she suggests, viewing “epistemic self-reliance” as a precondition for autonomy “legitimizes mastery over the ‘external’ world, generating structures of authority and expertise, as the power to predict, manipulate, and control objects of knowledge – both human and non-human – informs and guides inquiry.”⁴⁸ In this way, internal/external distinctions align with mind/body and self/other distinctions in ways that promote discourses of mastery rather than equality, cooperation, or situated knowledge.

Nedelsky also rejects the internal/external distinction in order to avoid a forced choice between a strictly procedural or strictly substantive conception of autonomy. Where other theorists distinguish between procedural theories that are neutral with respect to the content of individuals’ desires, and substantive theories which embed the notion of autonomy within a larger conception of the good,⁴⁹ Nedelsky argues that this substance/process distinction draws an overly sharp “line between what is internal and what is external to people’s minds.”⁵⁰ Instead, she suggests that individuals’ desires and choices are often influenced by a combination of factors that are not easily separated into “internal” or “external” categories. In her view, “if

autonomy is fundamentally a matter of relations of autonomy among people, then it cannot be a strictly internal matter,” yet neither is autonomy purely an external matter, because it also concerns “self-consciousness,” “reflecting on the perspectives of others,” and awareness of one’s body.⁵¹ In her view, reducing autonomy to either the internal or external domain makes it more difficult to analyze the relationships between the self’s capacity for critical reflection and the social relations which enable this capacity. Abandoning the distinctions between internal and external influences enables relational theorists of autonomy to redirect our attention from the question of *whether* we are influenced by social relationships to the question of *how* we are influenced by *different types* of relationships.

III. Relational Autonomy

For feminists and other critical theorists, the atomized conception of the individual that is implicitly or explicitly central to traditional understandings of autonomy betrays a failure to understand the primary importance of social relationships in forming the self. Moreover, the association of autonomy with reason rather than emotion and with thought rather than embodiment reinforces mind/body dualism and hierarchies of power which treat some people as capable of rational self-governance and others as less than fully capable.⁵² In particular, as Denbow and others show, judgments of marginalized people as less than fully capable of autonomy contribute to reproductive coercion.⁵³ However, despite these criticisms, many feminist scholars have sought to reconceptualize autonomy in ways that avoid these pitfalls while providing resources for critiquing oppressive social, economic, and political structures. In this section, I examine relational theories of autonomy, which offer important insights into the meaning of freedom for the socially embedded self. Even so, I argue that analytic theories of relational autonomy are limited by their tendency to abstract personal autonomy from political

autonomy and by their understanding of critical reflection as a fundamentally individual activity rather than a collective process of liberation. As a result, I suggest that they inadvertently replicate in slightly different form the features of traditional conceptions of autonomy that I view as barriers to thinking about reproductive freedom, including individualism, the internal/external and substantive/procedural distinctions, and the idea of freedom as independence rather than interdependence. Instead, I contend that a conception of relational autonomy that can meaningfully address abortion rights and other issues of reproductive justice must be grounded in critique and political transformation.

A) Analytic Approaches to Relational Autonomy

As summarized by Catriona MacKenzie and Natalie Stoljar, feminist critiques of autonomy argue that “the concept of autonomy is inherently masculinist, that it is inextricably bound up with masculine character ideals, with assumptions about selfhood and agency that are metaphysically, epistemologically, and ethically problematic from a feminist perspective, and with political traditions that historically have been hostile to women’s interests and freedom.”⁵⁴ Central to these critiques, they argue, “is the conviction that the notion of individual autonomy is fundamentally individualistic and rationalistic.”⁵⁵ Yet they nonetheless contend that, properly understood, “the notion of autonomy is vital to feminist attempts to understand oppression, subjection, and agency.”⁵⁶ MacKenzie and Stoljar, among others, have thus sought to reconceptualize autonomy in ways that are less individualist and more relationship-centered. Towards this end, they identify relational approaches to autonomy as a set of conceptions “premised on a shared conviction...that persons are socially embedded and that agents’ identities are formed within the context of social relationships and shaped by a complex of intersecting social determinants, such as race, class, gender, and ethnicity” and focused on “analyz[ing] the

implications of the intersubjective and social dimensions of selfhood and identity for conceptions of individual autonomy and moral and political agency.”⁵⁷ In other words, though the details may vary, relational approaches conceptualize autonomy in ways that are compatible with understanding the self as fundamentally social and contextual.⁵⁸

One problem with this literature on relational autonomy is that it tends to de-politicize or domesticate intersectionality. For instance, MacKenzie and Stoljar address intersectionality under the heading of “Diversity Critiques,” which they describe as critiques of autonomy which “challeng[e] the assumption that agents are cohesive and unified” by claiming that “each individual has a ‘multiple identity,’ which reflects the multiple groups to which the individual belongs.”⁵⁹ They cite Kimberlé Crenshaw’s work as an example, summarizing her argument as holding that “the identities of individual women are ‘intersectional’ in that they combine the group affiliations unique to that woman.”⁶⁰ Yet, as I read her, Crenshaw is not suggesting that each *individual* woman is defined by a *unique* constellation of group identities, but rather that black women *as a group* have *shared* problems or interests that cannot be adequately represented under existing legal approaches which require black women to challenge discrimination or harassment either on the basis of sex or on the basis of race, disallowing black women from bringing the totality of their unequal circumstances into the courtroom.⁶¹ If my reading is correct, Crenshaw is not arguing that black women’s identities are ontologically fragmented by virtue of their membership in multiple groups, but that black women’s holistic experiences are artificially fragmented by laws or legal theories which preclude articulating those experiences in terms of both gender and race simultaneously. Though she emphasizes differences within groups, she does so in order to make the case that the law is systematically biased against black women and other multiply-marginalized groups. From this perspective, Crenshaw’s argument is not an

individualist claim about the constitution of personal identity through unique constellations of group affiliations, but rather a fundamentally political critique that analyzes intra- and inter-group inequalities in order to demand legal change. MacKenzie and Stoljar's individualist reading of intersectionality thus diminishes the political force of Crenshaw's efforts to construct a legal theory that addresses the problems black women collectively face.

MacKenzie and Stoljar's reading of Crenshaw shows how methodologically individualist assumptions can persist even in relational theories of autonomy. After showing that relational autonomy is compatible with rejecting individualist descriptions of the self and social life, MacKenzie and Stoljar argue that metaphysical individualism is obviously, even "trivially" true and that "no theory of individual autonomy" could dispense with this assumption.⁶² In their view, persons are fundamentally and indisputably separate individuals – no matter how causally interdependent they may be with other agents, however much their sense of self is shaped by social relationships, and even if their "essential properties" are in whole or in part socially and historically constituted.⁶³

To the contrary, I think the assumption that individuals are ontologically or metaphysically separate *is* contestable, because I think it is possible both theoretically and practically synchronize the autonomy of particular embodied subjects with the autonomy of the collectives to which they belong. Indeed, the heart of my project is to construct an account of reproductive autonomy that does not require this assumption that embodied subjects are always clearly ontologically separable from other persons, bodies, or collectivities. Rejecting this assumption is vital for defending reproductive freedom, in my view, because pregnancy blurs the ontological separateness of bodies. As I argue more fully in the Introduction and Chapter 2, the notion that persons are fundamentally separate is premised on a masculine ontology of the body

that disregards or exceptionalizes pregnancy, a form of embodiment that is both specific to bodies with certain reproductive capacities and universal in the sense that all people are born, beginning as part of another's body.⁶⁴ Thus, any account of autonomy which relies on metaphysical individualism is counter-productive for defending abortion rights as a fundamental form of freedom for embodied subjects because it fails to grapple with the ambiguity of the self/other relation in the context of pregnancy.⁶⁵ Indeed, the failure to appreciate the ways in which our bodies exceed our control and the complicated emotions and socio-economic contexts in which reproductive decisions are often made leads Stoljar to offer a deeply problematic critique of other women's haphazard use of birth control and conflicted feelings about their reproductive choices.⁶⁶ In my view, to declare other women lacking in autonomy on the basis of their purportedly irrational reproductive choices or to assume that their conflicting feelings result *only* from patriarchal structures positions the critic as the arbiter of rationality and fails to appreciate the complex interplay of social forces, bodily conditions, and subjective experiences.

A more promising account of the relationship between intersectionality and relational autonomy can be found in the work of Diana Meyers,⁶⁷ who rejects the prevailing view that intersectionality is incompatible with autonomy because the former implies a fragmented self while the latter implies an integrated self. For Meyers, fragmentation is not necessarily contrary to autonomy because experiencing inner conflict does not preclude knowing the difference between coercion and acting according to one's own desires, concerns, or beliefs. Moreover, she claims that fragmentation can actually facilitate autonomy, because autonomy requires an awareness of domination. The fragmented selves of the oppressed can thus be seen as especially well-positioned to develop the capacity for critique, whereas privilege can blind the privileged to the forces which constitute their selves. I largely agree with Meyers's argument that, although

oppression does not automatically provoke the development of critical thinking skills, the oppressed may be paradoxically well-positioned to develop their capacities to identify and critique domination, especially through political struggles against oppression.

However, while Meyers's insights into the complex and at times paradoxical relationship between autonomy and oppression are valuable, her argument nonetheless assumes that intersectionality implies a fragmented self. Maintaining this assumption obscures the radical implications of the connection Meyers identifies between autonomy and action. When Meyers notes that, "to the extent that intersectional identity prevents one from translating one's identity into action, it thwarts self-direction and hence autonomy," she presents this as a qualification of her argument.⁶⁸ Yet this claim could alternately be read as suggesting that autonomy must be realized in action, that one's desire for liberation must be realized through struggle, in order for one's desire for autonomy to manifest as actual autonomy. On this interpretation, the claim that autonomy must be realized through action to be meaningful amplifies Meyers's argument that the autonomy of the oppressed is forged through struggles against domination. Theorizing autonomy as intimately linked to action synchronizes the individual and collective dimensions of freedom and helps theorists parse the paradoxical emergence of autonomy in the midst of oppressive circumstances.⁶⁹

The de-politicization of autonomy is also evident in analytic relational theorists' accounts of social disruption. One of the strongest defenses of the virtues of disruption is found in Marilyn Friedman's work, yet even she falls short of defending a radical transformation of the social. In Friedman's conceptualization, autonomy is "the capacity for dialogical engagement."⁷⁰ Because dialogue is central to what it means to be autonomous, and because "our reflective capacities and our very identities are always partly constituted by communal traditions and norms," she holds

that social interactions give rise to the capacity for autonomy.⁷¹ Moving away from atomistic conceptions of the individual as “radically socially unencumbered, defined merely by the capacity to choose, or to be able to exercise reason prior to any...social engagements,” she instead views autonomy as emerging from relations with others and community resources such as “languages, activities, practices, projects, traditions, histories, goals, views, values, and mutual attractions – not to mention common enemies and shared injustices and disasters.”⁷² For Friedman, then, autonomy refers to an ability to question and respond in various ways to one’s relationships and circumstances. This critical distance “does not require self-creation or the creation of law *ex nihilo*” but rather relies upon the socially constituted ability to reflect on standards, norms, and principles “in a language that one did not create.”⁷³

Although her conception of autonomy is a relational one, Friedman contends that autonomy poses a greater threat to interpersonal relationships and community norms than relational theorists typically acknowledge. While she concedes that autonomy may strengthen existing relationships and that disrupted relationships may be replaced with new ones, Friedman maintains that relational theories underestimate the likelihood and extent of social disruption that often follows from increasing autonomy, particularly among women and other oppressed groups. Moreover, she contends that the destabilization of social bonds has a disproportionate impact on women (and other oppressed groups), who have the most to gain by extricating themselves from harmful social relationships yet also bear greater risks (e.g. financial insecurity and loss of status in the community).

Friedman sounds an important cautionary note against sentimentalizing relationality. However, I would stress different notes within her argumentative composition. First, the contingent association between autonomy and social disruption that Friedman observes seems to

arise specifically from the expansion of autonomy (particularly, its extension to historically oppressed groups) *in profoundly unjust, unequal, unfree situations*.⁷⁴ Friedman's conclusion that the autonomy of the oppressed is disruptive should be no surprise given this context, even for theorists who contend that autonomy can and should be understood as compatible with or conducive to community, interpersonal relationships, and other social ties. Attending to this context, I would place even more emphasis on the necessity of disrupting existing social relations and the magnitude of the changes needed to achieve meaningful autonomy for all or even most individuals and groups.⁷⁵ Moreover, by framing this upheaval as social *disruption* rather than social *transformation*, I think Friedman imputes an overly negative connotation to social change even as she states that this destabilization of existing social relationships is at least as good as it is bad, especially for women and others who are oppressed. Moreover, she rightly notes that lost relationships can be replaced with new ones and that individuals' pursuit of autonomy may well be prompted by their community.⁷⁶ Reframing Friedman's account in terms of social transformation rather than disruption suggests that she may underemphasize the potential for more just and autonomous communities to emerge from the ashes of social relations challenged by the pursuit of autonomy by oppressed individuals and groups.⁷⁷ If severed social bonds can be replaced and relationships may propel individuals towards greater autonomy, and if I am right that the full realization of autonomy would require sustained and widespread agitation, the implication is that the struggle for autonomy *itself* provides the opportunity for creating new forms of community. If individual autonomy depends on the community's support (and vice versa) and the aim of achieving greater autonomy on a broad scale requires collective action, then the pursuit of autonomy requires solidarity.⁷⁸

Nedelsky's account of relational autonomy is extremely thorough, nuanced, and more overtly political than the theories discussed above. For Nedelsky, autonomy does not imply independence but rather is a capacity that is "made possible by constructive relationships – including intimate, cultural, institutional, national, global, and ecological forms of relationship – all of which interact."⁷⁹ Her basic point is that all people are situated within relations of some kind at all times, and thus the question of autonomy should not be how to extricate oneself from these relations but rather how to develop relations that foster autonomy. She thus defines autonomy as "the core of a capacity to engage in the ongoing, interactive creation of our selves – our relational selves, our selves that are constituted, yet not determined, by the web of nested relations within which we live," a "capacity to interact creatively, that is, in an undetermined way, with all the relationships that shape us – and thus to reshape, re-create, both the relationships and ourselves."⁸⁰ On her conception, autonomy does not assume a bounded or sovereign self; rather, it assumes a relational self that is always already embedded in a nested network of relations that constitute but do not determine the self. This does not mean she views all relationships as good; relations of *autonomy* must be constructive – that is, they must enable the development of individuals' capacity for creative interaction, rather than constraining or oppressing the individual. Consequently, she argues that dependency is not inherently bad, so long as it is arranged in a manner that is autonomy-enhancing. Nedelsky links individual autonomy to collective self-government, arguing that participatory democracy relies upon and encourages autonomy by enabling the people to give the laws to themselves and fostering the ability to engage creatively with government, politics, and the structures of society. She views the self as constituted by others and rejects false dichotomies between internal and external freedom, as well as between mind and body.

Though I agree with the majority of Nedelsky's arguments and find her defense of relational autonomy persuasive, I think we may disagree about the relationship between autonomy and capitalism. On one hand, Nedelsky criticizes images of autonomy that are rooted in a bounded conception of the self that in turn arises from property rights and possessive individualism. She argues that American political institutions were designed based on the misguided assumption that liberty and equality are necessarily opposed, resulting in a legal system that too rigidly protects property rights.⁸¹ Likewise, she critiques the figure of the "self-made man" on the grounds that this image obscures the reality that every person's success depends on a network of social, economic, and political relations.⁸² Yet, on the other hand, Nedelsky repeatedly emphasizes that her approach does not intrinsically lead to increased regulation of markets; it might merely result in different (rather than more) regulations. Moreover, her discussion of welfare suggests that her approach does not compel a dramatic redistribution of wealth, though it does require more autonomy-enhancing conditions for welfare recipients, including due process and other rights, reduction of stigma, and less surveillance.⁸³ Similarly, in her critique of the self-made man, she uses the example of a "corporate executive who attributes his success to his intelligence, hard work, and ambition, blind to the facilitating role of class, race, and gender privilege as well as a system of laws that constructs not only his power but the existence of the corporation as well," including "the unpaid labor and attention" of his wife.⁸⁴ She is not wrong that class and other forms of privilege ease the ascent of the privileged into the boardroom, but this framing obscures the oppositional and hierarchal relationship with exploited workers which constructs the position of the corporate executive in the first place. Thus, I read Nedelsky's theory of relational autonomy as fully compatible with a regulated free market economy with a generous welfare state.

However, I think a relational account of reproductive autonomy raises greater problems for capitalist economies. As noted by republican theorists⁸⁵ and advocates of workplace democracy,⁸⁶ the undemocratic power structure of the workplace gives workers little voice in scheduling, the procedures for performing tasks, or other decisions and policies. Likewise, Marx's observation that workers are alienated from the products of their labor, the process of laboring, their fellow workers, and their humanity or species-being, remains true in most workplaces today.⁸⁷ This lack of autonomy in the workplace is particularly damaging to women, who bear the brunt of social reproductive labor and whose reproductive choices are constrained by neoliberal discourses, economic incentives, and the demands of their employers⁸⁸ – sometimes quite directly, as in the *Hobby Lobby* case, in which the Supreme Court affirmed corporate control over workers' access to birth control.⁸⁹ Likewise, the surveillance, control, and stigmatization of welfare recipients that Nedelsky decries seems inherent to a gendered, racialized, neoliberal ideology which individualizes responsibility for social problems.⁹⁰ Indeed, many feminists have persuasively argued that economic injustices are deeply interwoven with racist, misogynist, and colonial power dynamics that undermine the freedom and equality of women, people of color, and other oppressed groups.⁹¹ For instance, ample research on welfare and the criminal justice system suggests that neoliberal capitalism reinforces misogyny and racism.⁹² The depth and intersecting nature of these injustices suggests to me that the present economic order significantly undermines autonomy and that developing alternative economies is an important component of realizing reproductive autonomy.⁹³

With the possible exception of Nedelsky – who complicates self/other and mind/body distinctions to a significant extent, though she cautions against subsuming the individual to the collective – analytic theories of relational autonomy maintain the liberal assumption that

individuals are fundamentally, metaphysically separate. As a result, they often fail to see the possibility that freedom can emerge from experiences that momentarily dissolve the individual into a larger collectivity or shared endeavor. While I agree with Nedelsky that respecting the uniqueness and worth of individuals is important, and though I am highly skeptical of any claim that the disposability of some individuals or groups is necessary for the well-being of the whole, I do think the experience of merging with others to constitute a collectivity can be profoundly enriching, joyous, or freeing. If Foucault and Butler are right that the subject can be a trap as well as a precondition for agency, then the ability to momentarily shed individual subjectivity could be seen as enabling a critical distance from the self and its attachments or desires. From this perspective, experiences where the self seems to melt away, where one's individuality is dissolved into an oceanic feeling of oneness with others and the universe, might enable critical reflection and self-transformation. This feeling that one's individual self has been subsumed into a greater unity may arise during collective religious rituals, at mass protests, while dancing at a rave or music festival, or during an artistic performance as part of an orchestra or theater company. In such situations, the "I" and the "we" may appear to overlap perfectly, if only temporarily, and the dissolution of one's ordinary sense of self may be experienced as the fulfillment of a higher or more complete self.

Importantly, this loss of self does not necessarily imply the devaluation of individual members of the collective whole. To take the example of theater, when I was an actor, I regularly participated in group-building exercises that were designed to produce a deep mental and physical sense of connection among the cast, to turn us from individual actors into the unified whole of the acting company. One such activity involved walking randomly but purposefully around a room, without verbally communicating our intended direction, to cultivate an awareness

of one another's bodies and movements. Once this exercise became an established part of our practice routine, magical moments would occur, in which we were all moving in complicated patterns but never running into one another, weaving through each other instinctively like a shoal of fish. Though each individual had distinct trajectories, these trajectories assembled a group dynamic that led me to feel less like an individual body moving around other separate bodies, and more like a part within a subconsciously choreographed collective body. This example shows how shared practices can cultivate an embodied collective subject and I think the feeling of oneness it illustrates is similar to what Arendt is invoking when she refers to the experience of participating in a collective endeavor like the French resistance as a "treasure" that was lost when the republic was restored,⁹⁴ or what Butler is trying to capture when she describes the democratic people as an emergent property of collective assembly in the streets.⁹⁵

If political activities such as mass protest or resistance movements against oppressive governments can create a form of freedom that emerges from the momentary loss of self, this is significant for theorizing autonomy, because this sentiment of embodied collectivity presents both opportunities and dangers. The sense of absorption within a collective can be dangerous if it is directed towards harmful ends or if it solidifies into fundamentalism which opposes a firmly-bounded and permanent "us" against an external, demonized "them."⁹⁶ As Butler argues, intimacy presupposes vulnerability; the exposure of the self to encounters with others can mean being enfolded within the safety and warmth of community, but by virtue of this very possibility of connection, exposure to others can likewise mean being subjected to domination, rejection, or violence.⁹⁷ Simone de Beauvoir likewise suggests that the encounter with others is both the condition of possibility for ethics and a potential occasion for rejection or violence.⁹⁸ From this perspective, the experience of becoming part of a collective subject both opens participants up to

intimacy and renders them vulnerable to manipulation or loss. A fleeting eclipse of the self can foster autonomy by dislodging oneself from one's identity, beliefs, and circumstances, enabling critical reflection, self-transformation, and the formation of new relationships of solidarity. Failure to recognize the power of such experiences makes it more difficult to see how collective and individual autonomy can align.

Despite conceding that the self is constituted by others in some shallower sense, analytic theorists of relational autonomy often miss this deeper sense in which we are constituted, undone, and re-made through relationships with others, which contradicts the assumption that individuals are ontologically or metaphysically separate. Recognizing the freedom that can arise from the loss or merging of subjectivity can enable political theorists to see how deeply the self is constituted by others as well as highlighting an affectively powerful tool for provoking personal and political change. In my view, an adequate theory of relational autonomy must be attentive to this deeper sense of the mutual constitution of self and other, in order to address the ways in which our vulnerability to being undone or remade by others can occur in ways that are either liberating or oppressive. Moreover, because this facet of autonomy is rooted in embodied experiences, it is particularly important for thinking about reproductive autonomy. As I argue in Chapter 4, the collective action of guerilla abortion networks has the potential not only to ensure individual access to abortion in contexts where abortion is illegal or heavily restricted, but also to create feminist lifeworlds which re-imagine community as supporting rather than undermining reproductive autonomy.

B) Critical/Continental Perspectives on Autonomy and Agency

Feminists influenced by Continental thinkers like Foucault, Butler, or Habermas, tend to understand autonomy in terms of critique and counterpractices. Critique, in this sense, entails not

only a certain mode of thought but also suspicion towards dominant norms, subjectivities, and power dynamics. Acts of resistance, or counterpractices, occur when subjects defy the expected standards of behavior or deviate from the forms of subjectivity imposed on them. As Jennifer Denbow argues, although understanding autonomy as proper self-governance reinforces paternalistic rationales for controlling the reproduction of women and other oppressed groups, understanding autonomy as grounded in critique provides tools for resisting reproductive control.⁹⁹ Autonomy as critique and counterpractice illuminates how neoliberal discourses about “choice” and personal responsibility govern reproduction, and how women’s deviance from reproductive norms can contribute to the cultivation of alternative models of subjectivity that unmask and resist neoliberal governance of reproduction.¹⁰⁰ Importantly, for Denbow, such counterpractices are not purely individual; they also contribute to the development of new cultural imaginaries about reproduction.¹⁰¹ Yet, despite these valuable resources for rethinking autonomy, critical theorists often prefer the language of agency rather than autonomy. In this section, I defend a minimalist conception of agency as the mere capacity to choose and act within contexts saturated by power and a conception of autonomy as a particularly rich form of agency that involves counterpractices, which flow from and encourage critical reflection. While agency can mean conforming to dominant norms or resisting them or something in between, I argue that reproductive autonomy entails transforming the norms, discourses, or subject positions that govern reproduction.

As noted above, Bevir distinguishes agency from autonomy, describing the former as the capacity to act within situations saturated by power and the latter as the independence of a sovereign self from all external influences.¹⁰² He argues that Foucault criticizes autonomy for presenting an image of the subject abstracted from the context which constitutes it, while

allowing for a more limited conception of agency that accounts for subjectification without erasing the possibility of resistance. In his words, “Autonomous subjects would be able, at least in principle, to have experiences, to reason, to adopt beliefs, and to act, outside all social contexts. They could avoid the influence of any norms and techniques prescribed by a regime of power/knowledge....autonomous subjects, at least in principle, could found and rule themselves uninfluenced by others.”¹⁰³ Agents, on the other hand, “exist only in specific social contexts, but these contexts never determine how they try to construct themselves. Although agents necessarily exist within regimes of power/knowledge, these regimes do not determine the experiences they can have, the ways they can exercise their reason, the beliefs they can adopt, or the actions they can attempt to perform.” To reject autonomy, he argues, “need not entail a rejection of agency” because “we can say the subject always sets off against a social background that influences him, and still insist he then can reason and act in creative, novel ways so as to modify this background.” Because he thinks the concept of agency relies upon more convincing assumptions about the self, providing a more nuanced account of subject-formation and the ability of subjects to act politically, he prefers the language of agency rather than autonomy.

Though I agree with Bevir’s conception of agency, the conception of autonomy he refers to is the traditional one I criticized above. As the relational theorists of autonomy in the preceding section prove, autonomy need not be conceptualized as total independence from power dynamics or social relations. Thus, while Bevir’s distinction between agency and autonomy provides a useful starting point, I concur with other scholars who have argued that Foucault’s critique of traditional conceptions of autonomy does not preclude a relational conception of autonomy, which assumes a socially constituted and embedded self rather than a sovereign one. For instance, Amy Allen combines aspects of both Foucault and Habermas’s thought to develop

an account of autonomy that addresses the constitution of the self by power and facilitates analysis, critique, and transformation of domination.¹⁰⁴ Unlike Bevir, Allen views autonomy as compatible, albeit sometimes in tension, with a Foucaultian understanding of subjectivity as formed through and permeated by power relations. By asking how autonomy is possible if the self is constituted by power, she opens up the possibility of reconceptualizing autonomy not as independence from social relationships or power dynamics, but rather as practices of critique, self-transformation, and structural transformation undertaken by subjects from their positions amidst power relations. On this view, agency and autonomy are not opposing terms as Bevir suggests. Rather, according to Allen's interpretation, Foucault's later work "insists that he never argued for a rejection of subjectivity *per se*" but rather sought to historicize subjectivity.¹⁰⁵ On this reading, Foucault excavated the historically specific processes which produce particular modes of subjectivity in order to challenge universal, transcendental conceptions of subjectivity that abstract agents from the contexts in which they are embedded.¹⁰⁶ Interpreted in this way, Foucault's work does not suggest that social change or critique are impossible, but rather that the power relations within which a subject is embedded are the condition of possibility for both subordination and agency.

I share Allen's goal of developing an account of autonomy that grapples with the deep constitution of subjects by power relations, which takes the problem of power seriously yet does not conclude that critical reflection or large-scale transformation are impossible. However, I think Allen is too quick to reject Butler's ambivalent answer to the dilemma of how resistance is possible given the imbrication of subjects within power and discourse. In her critique of Butler, Allen seems to waver between the strong claim that painless, non-subordinating relationships of mutual recognition are possible, and the weaker claim that some relationships involve relatively

less pain, subordination, or misrecognition than others. While I am quite willing to accept the weaker version of Allen's argument, I think the strong version is not only mistaken as a description of contemporary social relations but also a misunderstanding or disagreement about the assumptions which underpin Butler's ambivalence towards recognition.

For Butler, recognition necessarily entails risks and constraints, because intimacy makes us vulnerable to loss and because recognition is always recognition within a specific framework of intelligibility, and thus, to refuse the constraints which make recognition possible is to court unintelligibility. That intimacy makes us vulnerable to loss does not mean that significant others (romantic or otherwise) will necessarily betray or harm us; even if they do not hurt us or leave us or reveal that they fundamentally misunderstand us, mortality means that all people who have close ties with others will experience loss in the form of death (either our own or the other's). In at least this minimal sense, mutual recognition is necessarily troubled by loss. This does not mean, of course, that recognition is therefore normatively bad. However, it does mean that even ideal relationships of mutual recognition entail the potential for loss and pain, if only because human lives are finite. Moreover, because to be recognized is to be recognized *as* someone or something, every instance of recognition depends on a particular framework of intelligibility that imposes constraints on the subject being recognized. Thus, recognition is inherently conditional, and resisting these conditions entails the risk of becoming unintelligible and unrecognizable to others. Allen would surely be quick to point out that the conditions in question may not be objectionable, and I agree. However, precisely because the terms of intelligibility may be more or less well-justified, acceptable, or liberating, it is important to examine the actual terms of intelligibility imposed on modern subjects. It is in this context that Butler quite plausibly concludes that subjectivation, understood as a precondition for recognition, entails subordination.

Because the existing and historical terms of recognition have been subordinating, Butler is understandably skeptical about whether the conditions imposed by recognition could *ever* be non-subordinating, unless there is some fundamental shift in human nature (or at least our understanding of it).

Allen's response to this line of argument is that, even if all current relationships of recognition entail subordination, it is possible that we might develop subjectivities that are not bound up with subordination in the future. I mostly agree on this point, at least insofar as Allen means that we should attempt to reconfigure subjectivity in ways that are less subordinating and more conducive to collective struggles for liberation. Yet, there are important reasons why Butler remains skeptical about recognition, even as a regulative ideal. First, some of Butler's skepticism is empirical. At least in her early work, Butler (like Foucault) seems to doubt that it is possible for agents to successfully instigate structural change, though her more recent work on democratic assembly suggests that she may be moving in a less cynical direction.¹⁰⁷ Second, Butler views recognition as extending not only visibility and legitimacy to certain subjects (and not others) but also as demanding normalization.¹⁰⁸ Consequently, she argues that recognition has an ambivalent relationship to emancipation, because recognition implies not only the positive experience of belonging but also the expectation of conforming to a set of intelligible possibilities, the exclusion of abject selves which remain unintelligible, and the risk of naturalizing the categories through which the boundaries of intelligibility are drawn.¹⁰⁹ Third, this skepticism towards recognition is rooted in her Lacanian understanding of language, which posits an unbridgeable gap between the real and the symbolic order.¹¹⁰ In other words, if subjects have no pre-linguistic access to reality, and both the self and its perceptions of the world are profoundly shaped by language and culture, perfect understanding of others is impossible. Thus, recognition is always,

to some extent, misrecognition. This means that there is no pure mutual recognition, only better and worse forms of misrecognition. Finally, because Butler's approach to ethics is shaped by Derrida and Levinas, she understands justice as indefinitely deferred into an imaginary future and as imposing an infinite obligation.¹¹¹ From this perspective, even when one advocates for some normative principle or end, one must also disavow it or distance oneself from it, to avoid (presumably, falsely) implying that one's ideals can ever be fully satisfied.¹¹² Where Allen reads Butler as contradictory or equivocal,¹¹³ I interpret this ambivalence and perpetual self-questioning as efforts to identify and navigate between paradoxes. In my reading, this work of negotiation and unrelenting critique is inherent to Butler's understanding of ethics.

At any rate, while I share Allen's hope that non-dominating relationships and subjectivities might someday be made possible, I do not think it is necessary to reject Butler's ambivalence in order to theorize autonomy as compatible with structural transformation. Denbow's insightful reading of Butler suggests that there is a version of autonomy that Butler does seem to endorse. Denbow criticizes the idea of autonomy as proper self-government, tracing how rationales rooted in this understanding of autonomy have contributed to justifications for reproductive oppression, including anti-abortion policies, forced sterilization, and denial of requests for voluntary sterilization.¹¹⁴ However, rather than abandoning the idea of autonomy, she identifies an alternative tradition (associated with thinkers like Foucault and Butler) which grounds autonomy in critique, counterpractice, political resistance, and self-transformation.¹¹⁵ In Denbow's reading, "Although Butler generally favors the notion of agency over autonomy, she has employed the notion of autonomy favorably in some of her more recent work."¹¹⁶ Moreover, Denbow identifies two distinct conceptions of autonomy in Butler's writings, one of which is "a radically individualistic autonomy that she dismisses and

differentiates from agency, while the other is a socially embedded autonomy that she at times aligns with agency.”¹¹⁷ As Denbow contends:

Butler differentiates this sovereign autonomy from a socially constituted one on which she looks more approvingly. She writes of ‘the concrete limits to any notion of autonomy that establishes the individual as alone, free of social conditions, without dependency on social institutions of various kinds. Autonomy is a socially conditioned way of living in the world.’ In the same book she discusses bodily autonomy in the context of reproductive rights, noting that ‘we are referring to forms of autonomy that require social (and legal) support and protection, and that exercise a transformation on the norms that govern how agency itself is differentially allocated among genders.’ Butler, then, has more recently written positively of an always socially constituted autonomy that nonetheless holds out the possibility for social transformation. Indeed, the possibility for this transformation relies on her understanding of social constitution not as antithetical to agency but as a precondition of agency. That is, her view of the subject’s constitution is compatible with a view of autonomy as involving critique and transformation of cultural forms.¹¹⁸

On this reading, then, Butler is not arguing that autonomy is an irrelevant category for the Left or that a shift towards less dominating social relations is impossible. Rather, like Foucault, she is offering an account of the myriad forces of power that constitute subjectivity, including traditional discourses about autonomy, without abandoning the possibility of critique or resistance. In the context of reproductive politics, this alternative conception of autonomy turns from the analytic questions about whether pregnant subjects’ choices and decision-making processes demonstrate that they possess autonomy, towards broader questions about how specific discourses, power relations, and modes of subjectification constrain agency, as well as how these constraints might be resisted or transformed.¹¹⁹

Yet, even on this more generous reading, my analysis departs from Butler’s in two important ways. First, I agree with Allen that Butler (like Foucault) tends to focus too much on microresistance at the expense of theorizing pathways to structural transformation, at least in her earlier work.¹²⁰ Second, and more importantly, I am convinced by Saba Mahmood’s argument that Butler’s equation of agency with resistance wrongly assumes that all subjects desire freedom

and thus that no one could choose, with full agency, to collaborate in reinforcing oppressive systems which limit their own freedom.¹²¹

Through an ethnographic study of the women's piety movement in Egypt, Mahmood shows how conservative religious women may challenge societal norms in order to ultimately deepen their submission to God and gendered hierarchies of authority. Mahmood seeks to make sense of these women's beliefs and practices, interpreting their cultivation of modesty through embodied practices such as veiling as reflecting a coherent underlying ethical philosophy similar to Aristotle's virtue ethics.¹²² Based on this observation, Mahmood argues that the women in the piety movement were acting with agency, but that this agency was directed towards reinforcing rather than resisting gendered forms of domination. Because the piety movement deviated from previous ways of practicing religion in daily life and adopted a distinctive perspective on religious ethics, Mahmood contends that it would be misleading and unfair to erase participants' agency; yet she also argues that this agency should not be equated with resistance, because participants did not seek to liberate themselves but rather sought to enhance their capacity to comply with gendered forms of unfreedom. For Mahmood, this form of agency is unintelligible from perspectives like Foucault's and Butler's, which interpret deviance as necessarily resistance.¹²³

Because I agree that Mahmood's case suggests that non-feminist or anti-feminist forms of women's agency are possible, I distinguish agency from autonomy, conceptualizing the former as a minimalist capacity to decide and act, and the latter as a more expansive form of individual and collective agency committed to critiquing and dismantling oppressive structures in order to pursue freedom on just and egalitarian terms. While Mahmood is right that *equating* agency with resistance inhibits the critic's ability to see the agency of those who collaborate with oppression

or who disagree with Western values such as freedom, I do not read her as saying that critics should avoid talking about resistance at all. Because my conception of autonomy refers to a specific type of agency, it does not assume that resistance is the only form of agency. Moreover, because my conception of reproductive autonomy is explicitly a normative one, I am not smuggling my values into an otherwise descriptive concept but rather overtly defending the value of reproductive freedom.

Sometimes, the question of how to understand those who seemingly collaborate in their own oppression is framed in terms of false consciousness.¹²⁴ I take a moderate position on this issue, recognizing that it is possible to be mistaken about one's interests or misguided by ideological discourses yet refusing to take a stance on the consciousness of any given individual or category of people. In my view, to say that the women in Mahmood's case or in the American pro-life movement are undermining their own autonomy is not to say that they do not exercise agency or that their rejection of freedom could not be reached through self-conscious, reflective intentionality. On one hand, I interpret pro-life activism as undermining reproductive autonomy, because I view freedom as bound up with social transformation. On the other hand, I acknowledge that pro-life activists may genuinely disagree about whether reproductive autonomy is good or about its relative weight vis-à-vis other values. While it is possible that some pro-life activists are misled or indoctrinated, and some former pro-life activists have indeed retroactively interpreted themselves in this way,¹²⁵ others may simply hold different ethical or political views than those held by advocates of reproductive freedom. I want to suggest that, while it *is* possible for others to understand our motivations or situations better than ourselves, only the person whose views are in question can ultimately judge whether this is the case in a given instance. I think error and deception are real problems – and indeed, the practice of

consciousness-raising (discussed in Chapter 4) is premised on this assumption that oppressed people can sometimes fail to understand themselves, their interests, or the world around them – but false consciousness can only be identified in retrospect by someone who has experienced aspect-dawning, or a sudden shift in which one comes to see something in a new way.¹²⁶ Thus, while I might suggest that pro-life women may be misled by patriarchal cultural imaginaries, I am unwilling to judge any particular woman as suffering from false consciousness unless she herself makes this attribution.

To show how this might work in practice, let me offer two examples. The first example captures how others can transform the subject's self-understanding by revealing something about our motivations, experiences, or behaviors that were previously invisible to the subject. However, because this example is non-political, it does not quite capture the sense of critique or social transformation that is built into my conception of reproductive autonomy. During a visit to the optometrist, my eye doctor asked me why I repeatedly slept in my contact lenses. I did not know why I kept doing something that I knew was bad for my eyes and which caused them to feel dry and sore in the mornings, but I felt obliged to offer some explanation, so I said that I was sometimes just too tired and lazy to take them out before I went to bed. He challenged my explanation, suggesting that it was not exhaustion or laziness that drove my behavior, because I had daily-use contacts that could simply be plucked out of my eyes and tossed onto the floor while I lay in bed. Rather, he argued, my choice was driven by the joy of waking up with the ability to see from the moment I opened my eyes. As he spoke, it dawned on me that he was right. My real motivation *was* the pleasure of seeing clearly in the morning, without having to get out of bed to put in my contacts first, and subconsciously I was willing to endure burning eyes and nebulous long-term consequences in order to experience this pleasure of seeing. With this

self-knowledge, my doctor's detailed explanation of how leaving my contacts in could sacrifice my ability to see *at all* in the future carried more weight. Together we were able to find a solution that addressed my real motives, and actually worked as a result: that I would keep a pair of glasses on my nightstand. Because my doctor had witnessed many patients with the same bad habit, he was able to offer a better explanation of my motives and behavior than the one I had crafted. His words disrupted and reframed my account of myself in a way that enhanced my (non-political) autonomy by transforming my self-understanding and empowering me to stop acting in accordance with a habit I did not truly want to continue.

I think many people have had this experience of believing something about ourselves, hearing someone else offer a different account of our motivations or behavior, and realizing that there was something in the other person's account that was unknown to us yet which rings true once brought to our attention. The upshot of the eye doctor example is that, even if each person is in the best position to judge what is in their own mind, this self-understanding is never perfect and sometimes others can perceive an aspect of the self that is not visible to the subject. Only I was in a position to perceive that the doctor's explanation had opened the door to greater self-understanding, but I could not have had this realization unless he was able to observe and communicate something about me that I did not already know. I would describe a situation like the eye doctor example as an instance of (not particularly political) consciousness-raising. However, if the doctor's explanation had not provoked this aspect-dawning within me – if instead I had felt misunderstood – I would describe that as disagreement. We might have continued the back-and-forth, with him offering other explanations or possible solutions, until we arrived at agreement. Alternately, we might have parted without reaching intersubjective consensus about why I was sleeping in my contacts and whether I should change my behavior.

The second example concerns reproductive autonomy and feminist consciousness-raising more directly. As a child, I was taught that abortion was immoral and tantamount to murdering a baby. I carried this vague, unquestioned belief for many years. The first inkling that I was misguided arose when I was in middle school. One of my friends mentioned that she had just read a hard-hitting article about abortion in *Seventeen Magazine*, and she was shocked to discover that I was pro-life. She started asking me questions about whether I would still be against abortion in various circumstances. “What if the woman was raped?” she asked me. “What if her health was in danger? What if it wasn’t a woman, but a girl our age who is too young to have a baby?” I had not considered these possibilities, but I found myself agreeing that it would surely be okay to have an abortion in such circumstances, because I could not imagine going through the suffering my friend was describing. Seeing that I was open to her perspective, she recommended that I read the article, which was about girls who had abortions and why they made that choice. After reading about the circumstances, emotions, and thoughts of young women who had abortions, I was completely convinced that even if abortion was generally bad, sometimes it was the right choice. I began to think that a fetus was not quite the same as a baby. It took many more years of thinking to fully dismantle my faulty assumptions and arrive at the strongly pro-abortion rights position I hold today, but it was that initial conversation with my middle-school friend that provoked the realization that I had not thought carefully about the issue and that the received wisdom of my community might be wrong. This example shows the political dimension of reproductive autonomy, and how social relations can either inhibit it or foster it through critique and the social transformation it provokes. My views were initially given to me by my family and church, but I started down the path towards feminist consciousness thanks to my friend’s critical questioning and an article in a glossy teen magazine (perhaps

written by a journalist hoping to persuade readers like us, who may never know how profoundly she succeeded).

In the same way, if I were to present a pro-life woman with arguments about why it was in her interests to support reproductive autonomy (as I have defined it) and suggest that her anti-abortion views might be based on inaccurate information or clouded by patriarchal ideology, she could either experience a spark of realization (like I did) or continue to disagree with abortion rights. It would be disrespectful of her agency to continue to insist that, if she did not come to agree with me, our disagreement must result from her false consciousness. While that might be true, it is also possible that I am wrong or that we simply do not share enough ontological and ethical assumptions to arrive at agreement. By saying that the pro-life movement undermines women's autonomy, then, I do not mean to imply that pro-life women *necessarily* have false consciousness; some of them probably do, but only they could perceive that, and only upon experiencing aspect-dawning. Rather, I would say that either they disagree that reproductive autonomy is normatively desirable, or they have an incomplete understanding of what reproductive autonomy (properly understood) entails. In this way, my understanding of reproductive autonomy allows critical analysis of cultural ideologies and even psychoanalytic analysis of cultural discourses, without falling prey to Denbow's critique of the notion of proper self-government.

IV. Conclusion

As I have conceptualized it, reproductive autonomy refers to the authority of subjects to interpret, construct, and make decisions about their bodies, with the symbolic and material support of their communities. In the dissertation, I focus in particular on the reproductive autonomy of pregnant subjects, because pregnant bodies disrupt conventional theories of

autonomy which assume the independence of the self and the boundedness of the body. Pregnant bodies thus complicate the dichotomies between mind and body, self and other, and internal autonomy and external freedom. By avoiding these false dichotomies, I hope to show that the reproductive autonomy of individuals and collectives can be mutually reinforcing rather than conflicting. Because I view autonomy as fundamentally linked to critique and transformative politics, my dissertation examines pregnant subjects in different political contexts in order to situate the right to abortion within collective struggles for reproductive freedom and justice. I distinguish this expansive understanding of autonomy from agency, which I define more narrowly as embodied subjects' capacity to think, decide, and act in ways that may reinforce or resist oppressive power dynamics. This allows me to show how the pro-life movement undermines reproductive autonomy and critique the limitations imposed on feminist imaginaries by hegemonic and right-wing cultural discourses about reproduction, without automatically attributing false consciousness to pro-life activists or discrediting consciousness-raising as a feminist tactic. By developing a political account of reproductive autonomy, I aim to resolve the tensions between common arguments for abortion rights and relational conceptions of freedom and the subject. In doing so, I hope to defend the continued importance of reproductive autonomy as a feminist value.

Endnotes (Chapter 1)

¹ Women's March Global. 2019. "Women's March ACTION: My Human Right To Bodily Autonomy." <https://womensmarchglobal.org/events/539/> (accessed 01/09/2020).

² Sistersong. N.D. "Reproductive Justice." SisterSong: Women of Color Reproductive Justice Collective. <https://www.sistersong.net/reproductive-justice> (accessed 01/10/2020).

³ January 2020 Monthly Membership Meeting, Democratic Socialists of America – State College, PA Chapter.

⁴ On such distinctions, see Nedelsky, Jennifer, 2011, *Law's Relations*. Oxford: Oxford University Press. pgs. 60-64; Hirschmann, Nancy, 2009, *The Subject of Liberty: Toward a Feminist Theory of Freedom*, Princeton University Press, pg. 39.

⁵ This is not to say that a woman who supports the doctrine necessarily does so because she has not engaged in critical reflection; as I discuss later in the chapter, she might simply disagree that reproductive autonomy is normatively good.

⁶ Even someone like John Stuart Mill, who argues that protecting individual autonomy enriches society as a whole, saw the tyranny of public opinion as a potential danger to individual freedom and contended that the sphere of individual freedom should be limited to self-regarding rather than other-regarding conduct. See Mill, John Stuart. 2015. "On Liberty." In *On Liberty and other writings*, Stefan Collini (Ed.). Cambridge: Cambridge University Press.

⁷ For instance, Carole Pateman argues that contracts are a form of domination rather than freedom, and that the modern social contract depends upon a prior "sexual contract" which naturalizes patriarchal control over women by appealing to their role in biological reproduction. See Pateman, Carole. 1988. *The Sexual Contract*. Stanford: Stanford University Press. See also Jennifer Denbow's critique of paternalistic conceptions of autonomy in the modern canon of political thought, particularly with respect to Kant and Rousseau. Denbow, Jennifer M., 2015, *Governed through choice: Autonomy, technology, and the politics of reproduction*, New York University Press. However, I say "rarely" rather than "never" because Mill may be an exception here. See Denbow 2015 and Mill, John Stuart. 2015. "The Subjection of Women." In *On Liberty and other writings*, Stefan Collini (Ed.). Cambridge: Cambridge University Press.

⁸ For more on this point, see the introduction.

⁹ Hobbes, Thomas, 2011, *Leviathan* (Cambridge Texts in the History of Political Thought, Revised Student Edition), (Ed. Richard Tuck), Cambridge University Press, pg. 146-147; see also Berlin and Skinner.

¹⁰ Hobbes 2011, pgs. 44-45. See also Barnouw, Jeffrey, 1980, "Hobbes's Causal Account of Sensation," *Journal of the History of Philosophy* 18(2): 115-130.

¹¹ Hobbes 2011, pgs. 44-45 (n9)

¹² Ibid; see also Pettit, Philip, 2012, *On the People's Terms: A Republican Theory and Model of Democracy*, Cambridge University Press.

¹³ Nagel, Thomas, 1959, "Hobbes's Concept of Obligation" *The Philosophical Review*, 68(1): 68-83.

¹⁴ Locke, John, 1980, *Second Treatise of Government* (Ed. C. B. Macpherson), Hackett, pgs. 63-65.

¹⁵ Ibid, pg. 8

¹⁶ Ibid, pg.17

¹⁷ Ibid, pg. 19; see also Phillips, Anne, 2011, "It's my body and I'll do what I like with it: Bodies as objects and property," *Political Theory*, 39(6): 724-748.

¹⁸ Locke, John, 1990, *A Letter Concerning Toleration*, Prometheus Books.

¹⁹ Rousseau, Jean-Jacques, 2011a, "On the Social Contract," In *The Basic Political Writings (2nd Ed)*, (Ed. And Transl. by Donald Cress; Introduction and Annotation by David Wootton), Hackett Books, pg. 178. Hereafter, SC.

²⁰ Rousseau, Jean-Jacques, 2011b, "Discourse on the Origins of Inequality," In *The Basic Political Writings (2nd Ed)*, (Ed. And Transl. by Donald Cress; Introduction and Annotation by David Wootton), Hackett Books. Hereafter, DOI.

²¹ Rousseau, Jean-Jacques, 2011c, "Discourse on the Sciences and the Arts," In *The Basic Political Writings (2nd Ed)*, (Ed. And Transl. by Donald Cress; Introduction and Annotation by David Wootton), Hackett Books. Hereafter, DS&A.

²² Rousseau, SC, pg. 167 (n19).

²³ Ibid

²⁴ Rousseau, Jean-Jacques. 1979. *Emile: Or On Education*. Allan Bloom (Transl.). Basic Books.

²⁵ See especially Chapters 5, 6, & 7 in White, Stephen K. 2017. *A democratic bearing: Admirable citizens, uneven injustice, and critical theory*. Cambridge University Press. See also: White, Stephen K., and Evan Robert Farr. 2012. "'No-saying' in Habermas." *Political Theory* 40(1): 32-57.

²⁶ Beauvoir, Simone de, 2015 [1948], *The Ethics of Ambiguity*, New York: Open Road.

²⁷ Denbow 2015, pg. 32 (n6); see also Kant, Immanuel, 2002, *Groundwork for the Metaphysics of Morals*, (Ed. and transl. by Allen W. Wood) Yale University Press.

²⁸ Kant 2002, pg. 50-51 (n27)

²⁹ Ibid, pg. 51

³⁰ Pg. 2, Berlin, Isaiah, 1969, "Two Concepts of Liberty" in *Four Essays on Liberty*, Oxford: Oxford University Press.

³¹ Ibid, pg. 3.

³² Ibid

³³ Ibid, pg. 8

³⁴ Ibid, pg. 9

³⁵ Ibid, pgs. 11-12. From the perspective of positive liberty, Berlin argues, one must be an abstract and isolated being characterized only by “autonomy, not heteronomy: to act and not to be acted upon.”

³⁶ Ibid, pgs. 8-10.

³⁷ Skinner, Quentin, 2002, “A third concept of liberty,” In *Proceedings of the British Academy* (Vol. 117, pp. 237-268); Pettit 2012 (n12). Pettit proposes an alternative account of freedom as non-domination, which also addresses the internal psychological limitations imposed by the knowledge that another has the power to interfere (whether or not they choose to do so).

³⁸ MacCallum, Gerald. 1967. “Negative and Positive Freedom,” *The Philosophical Review* 76(3): 324-325.

³⁹ Bevir, Mark, 1999, “Foucault and Critique: Deploying Agency against Autonomy,” *Political Theory* 27(1), pg. 66.

⁴⁰ Nedelsky 2011, pg. 60 (n4). She adds that “this is true even of theorists like Nancy Hirschmann, who insist on both the internal and external dimensions of freedom.”

⁴¹ For more on this, see the Introduction and Chapter 2. See also Denbow 2015 (n6) and Roberts, Dorothy, 1999, *Killing the Black Body*, New York: Vintage.

⁴² My point here echoes Luce Irigaray’s contention that philosophers tend to ignore relationships between women, and that theorizing these relationships are crucial to developing a non-patriarchal form of ethics. See 1985 [1977]. *This Sex Which Is Not One*. Trans. Catherine Porter. Ithaca: Cornell University Press. Also, I am not suggesting that women would always have positive relationships with their children or that siblings could not be enemies instead of friends; rather, I am simply suggesting that it is implausible to expect that there could be any period in which social relationships are entirely absent, because at least some families might form long-term bonds. Furthermore, there are many other possibilities left out of this picture of the natural family, including heterosexual romantic partnerships, queer sexual/romantic partnerships, friendships, and so on. Likewise, I would acknowledge the possibility that women might simply reject offspring in Rousseau’s state of nature, abandoning rather than raising children or using abortifacient herbs; but if all women did this, the masculine individual wandering the wilderness could not exist.

⁴³ Butler, Judith, 1999 [1990], *Gender Trouble* (10th Anniversary Edition), Routledge, pg. xv. Hereafter, [GT].

⁴⁴ This insight is central to her critique of the sex/gender distinction in *Gender Trouble* and *Bodies That Matter*, as well as her account of loss, vulnerability, and the entanglement of self and other in *Precarious Life* and elsewhere. On sex/gender, see the Introduction. On the rest, see the next section. Butler, Judith, 1993, *Bodies That Matter: On the Discursive Limits of “Sex”* Routledge, [BTM]; Butler, Judith, 2006 [2004], *Precarious Life: The Powers of Mourning and Violence* [PL], Verso.

⁴⁵ Code, Lorraine, 2000, “The Perversion of Autonomy and the Subjection of Women: Discourses of Social Advocacy at Century’s End,” In *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self* (Catriona MacKenzie and Natalie Stoljar, Eds.), Oxford University Press, pg. 185.

⁴⁶ Ibid, pg. 184

⁴⁷ Ibid, pg. 185

⁴⁸ Ibid, pg. 186

⁴⁹ See for instance MacKenzie, Catriona and Natalie Stoljar, 2000, “Introduction: Autonomy Reconfigured,” In *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self* (Catriona MacKenzie and Natalie Stoljar, Eds.), Oxford University Press, pg. 185.

⁵⁰ Nedelsky 2011, pg. 59 (n4). Like Nedelsky, Marilyn Friedman and Jennifer Denbow object to a strict division between substance and process, arguing that such distinctions are based on flawed understandings of how the self and its desires are formed, and that these distinctions emphasize judging whether others are capable of autonomy rather than analyzing the political conditions which strengthen or diminish autonomy. See Denbow 2015, pg. 36 (n6) and Friedman, Marilyn, 2003, *Autonomy, gender, politics*, Oxford University Press.

⁵¹ Nedelsky 2011, pgs. 59-60 (n4).

⁵² Denbow 2015 (n6)

⁵³ Ibid; see also Roberts 1999 (n40) and Ross, Loretta and Rickie Solinger. 2017. *Reproductive Justice: An Introduction*. Oakland: University of California Press.

⁵⁴ MacKenzie and Stoljar 2000, pg. 3. (n49)

⁵⁵ Ibid

⁵⁶ Ibid

⁵⁷ Ibid, pg. 4

⁵⁸ Though sharing certain assumptions about the socially embedded nature of the self, the relational approach encompasses different perspectives on how to interpret this shared assumption, what conclusions to draw from it, and how to re-conceptualize autonomy. For instance, while relational theorists tend to reject the idea that there is a pre-existing, authentic self awaiting discovery through critical reflection, some avoid invoking authenticity while

others re-frame it. Marilyn Friedman defends a procedural conception, defining autonomy as “choosing and living according to standards or values” that are “one’s own,” in the sense that these standards or values are the product of one’s critical reflection in the absence of coercion. Similarly, Linda Barclay conceptualizes autonomy as the capacity to fashion varied responses to socialization and argues that the “authentic” self is not a pre-existing inner core that waiting to be found but rather the product of a process of self-discovery, self-creation, and negotiation of the relationships that constitute the self. Conversely, Stoljar defends a substantive view of autonomy, arguing that some preferences are so profoundly shaped by oppressive socialization and some choices are so obviously irrational that they indicate impaired autonomy. According to Stoljar, “preferences shaped by oppressive norms of femininity cannot be autonomous.” In contrast, Diana Meyers suggests that oppression may paradoxically provide the opportunity to develop autonomy. Moreover, Meyers challenges accounts of autonomy that demand an internally coherent self, arguing that some degree of fragmentation can spur the process of critical reflection and that authenticity is an emergent property that arises from the tumultuous process of self-interrogation, self-creation, and advocacy. Thus, according to her conceptualization, autonomy is the dynamic process of constituting one’s authentic self. Finally, for MacKenzie, autonomy is the ability to imagine ourselves otherwise, and one of the ways that oppressive socialization can undermine autonomy is by inhibiting the range of possible selves and worlds we can envision. See: Friedman, Marilyn, 2000, “Autonomy, Social Disruption, and Women,” pg. 37; Barclay, Linda, 2000, “Autonomy and the Social Self”; Meyers, Diana Tietjens, 2000, “Intersectional Identity and the Authentic Self?: Opposites Attract; Stoljar, Natalie, 2000, “Autonomy and the Feminist Intuition,” pg. 95. (All in *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self*, Catriona MacKenzie and Natalie Stoljar, Eds., Oxford University Press.)

⁵⁹ MacKenzie & Stoljar 2000, pg. 11. (n49)

⁶⁰ Ibid

⁶¹ Crenshaw, Kimberlé. "Mapping the margins: Intersectionality, identity politics, and violence against women of color." *Stan. L. Rev.* 43 (1990): 1241. See also Crenshaw, Kimberlé. 1989. "Demarginalizing the intersection of race and sex: A black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics." *University of Chicago Legal Forum* 139; Cho, Sumi, Kimberlé Williams Crenshaw, and Leslie McCall. 2013. "Toward a field of intersectionality studies: Theory, applications, and praxis." *Signs: Journal of Women in Culture and Society* 38(4): 785-810.

⁶² MacKenzie and Stoljar 2000, pgs. 7-8. (n49) They identify four claims that are often grouped together under the rubric of individualism: “first, that agents are causally isolated from other agents; second, that agents’ sense of themselves is independent of the family and community relationships in which they participate; third, that agents’ essential properties (that is, their natures, or metaphysical identities) are all intrinsic and are not comprised, even in part, by the social relations in which they stand; and fourth, that agents are metaphysically separate individuals.” They argue that relational autonomy is compatible with rejecting the first three, but endorse the fourth.

⁶³ Ibid, pg. 7

⁶⁴ The entanglement of bodies is, in this sense, ontologically prior to the separateness of persons in the human lifecycle. Moreover, as Christine Battersby argues, natality is not just a founding moment that can be hived off from the rest of human life, but an ongoing condition or potentiality that is as essential to human ontology as our finitude. For women and others with the actual or presumed capacity to become pregnant at some point during our lives, our embodied selves may again become fundamentally intertwined with the (nascent, emergent) body of a (future, potential) other. Furthermore, Battersby argues that pregnancy should not be exceptionalized as a unique instance of deep bodily interconnectedness, but rather treated as an exemplary case which reveals the broader entanglement (rather than separateness) of persons. Finally, as Judith Butler argues, our selves are not merely shaped but constituted by our lifelong, mutual, social and material entanglement with others, to the extent that the loss of a loved one is often experienced as the undoing of the self. See Battersby, Christine. 1998. *The Phenomenal Woman*. New York: Routledge; Butler, PL and BTM (n44).

⁶⁵ I am not alone in theorizing autonomy as having both individual and collective dimensions while rejecting the analytic and phenomenological separability of these dimensions. For instance, Jennifer Denbow’s (2015) (n6) conception of autonomy as critique understands individual acts of nonconformity as contributions to expanding the repertoire of possibilities available in shared discourses or ways of life, thus treating the individual and shared aspects of autonomy as coextensive.

⁶⁶ Stoljar 2000 (n58). Contra Stoljar, I do not think experiencing internal conflict constitutes a lack of autonomy. Moreover, while I am sympathetic to the view that patriarchal social relations constrain women’s autonomy, I would not individualize responsibility for undoing patriarchal cultural imaginaries.

⁶⁷ Meyers 2000 (n54)

⁶⁸ Ibid, pg 158.

⁶⁹ For more on this, see Chapter 4.

⁷⁰ Friedman 2000, pg. 41 (n58)

⁷¹ Ibid, pgs. 40-41

⁷² Ibid, pg. 41

⁷³ Ibid

⁷⁴ Individuals and groups presently pursuing greater autonomy are not embarking on this journey of self-reflection and critique in a vacuum, as Friedman acknowledges. Rather, their point of embarkation is situated within global, long-duration historical processes characterized by social, economic, and political structures that constituted by and constitutive of multiple intersecting hierarchies, manifold injustices, and pervasive unfreedom.

⁷⁵ Given our unenviable structural conditions, the full realization of autonomy would require a diligent multi-generational world-historical struggle to purposefully reconfigure nearly every aspect of human life. Succeeding at this monumental task would entail a myriad of changes, radical as well as subtle, that would surely reverberate across our psychic, interpersonal, familial, cultural, political, economic, and ecological relations in unexpected ways.

⁷⁶ For example, new friendships or exposure to different cultural discourses may provoke questioning and expand one's horizon of possibility.

⁷⁷ In chapter 4, I try to imagine a politics of transformation that is rooted in experimental lifeworlds that enact meaningful forms of autonomy in the present while also prefiguring possible futures where individual and collective autonomy are aligned, where the embodied self's autonomy is enriched and supported rather than threatened or undercut by the communities in which they are embedded.

⁷⁸ Indeed, as I argue in Chapter 3 and Chapter 4, fully realizing autonomy presupposes deepening solidarity and forming new feminist or left coalitions.

⁷⁹ Nedelsky 2011, pg. 118 (n4)

⁸⁰ Ibid, pg. 45

⁸¹ Ibid, pg. 94-97. She argues that the American Founding Fathers designed the constitution to protect the property rights of the wealthy few against the redistributive desires of the many, contending that their anti-democratic tendencies rest on a misguided opposition between liberty and equality, resulting in a legal system that too rigidly protects property rights.

⁸² Ibid, pg. 138. Specifically, she argues that the self-made man's success depends on "the infrastructure of society and the market that have made his economic ventures possible."

⁸³ Ibid, pgs. 66-67 and 139-140

⁸⁴ Ibid, pgs. 138

⁸⁵ See especially: Gourevitch, Alex, 2013, "Labor republicanism and the transformation of work," *Political Theory* 41(4): 591-617; Gourevitch, Alex, 2014, *From slavery to the cooperative commonwealth: labor and republican liberty in the nineteenth century*, Cambridge University Press; See also, Pettit 2012 (n12).

⁸⁶ See for instance: Anderson, Elizabeth. 2015. "Equality and freedom in the workplace: Recovering republican insights." *Social Philosophy and Policy* 31(2): 48-69; Landemore, Hélène and Isabelle Ferreras. 2016. "In Defense of Workplace Democracy: Towards a Justification of the Firm-State Analogy." *Political Theory* 44(1): 53-81.

⁸⁷ Indeed, from a Marxian perspective, alienation and exploitation are inherent to wage-labor under capitalism. Marx, Karl and Friedrich Engels, 1978. *The Marx-Engels Reader*. 2nd Edition (Robert Tucker, Ed.). W. W. Norton & Company. See especially "Economic and Philosophic Manuscripts of 1844" (pgs. 70-81). Additionally, as Allan Megill notes, although Marx's labor theory of value fails to account for the value of non-labor inputs into the production process, which means the labor theory of value only proves literally true in contexts where resources are so scarce as to be irrelevant or not scarce at all, this does not undercut Marx's fundamental insight that workers must be paid less than the value they produce in order to generate profits. Megill, Allan. 2001. *Karl Marx: the Burden of Reason*. Rowman & Littlefield. Indeed, as Thomas Piketty argues, the disjuncture between rising productivity and stagnant wages suggests that exploitation has become an increasingly significant problem since the 1970s. Piketty, Thomas. 2017. *Capital in the 21st Century* (Transl. Arthur Goldhammer). Belknap Press. Moreover, Piketty and others (e.g. Jeffrey Winter) demonstrate, the massive inequalities of wealth characteristic of financial capitalism tend to translate into inequalities of political power. Winters, Jeffrey A. 2011. *Oligarchy*. Cambridge University Press.

⁸⁸ See Fraser, Nancy. 2009. "Contradictions of Capital and Care." *New Left Review* 100(July/August); Rottenberg, Catherine. 2014. "Happiness and the Liberal Imagination: How Superwoman Became Balanced." *Feminist Studies* 40(1):144-68; Denbow 2015 (n6).

⁸⁹ *Burwell v. Hobby Lobby Stores, Inc.* 2014. 134 S. Ct. 2751, 573 U.S. 682, 189 L. Ed. 2d 675.

⁹⁰ Fraser, Nancy. 1993. "Clintonism, Welfare, and the Anti-Social Wage: the Emergence of a Neoliberal Political Imaginary." *Rethinking Marxism* 6(1):9-23; Roberts 1999, Chapter 5; Cooper, Melinda. 2017. *Family values:*

Between neoliberalism and the new social conservatism. MIT Press; Rottenberg, Catherine. 2017. "Neoliberal Feminism and the Future of Human Capital." *Signs: Journal of Women in Culture and Society* 42(2): 329-346.

⁹¹ Taylor, Keeanga-Yamhata. 2017. "Combahee River Collective Statement." In *How We Get Free: Black Feminism and the Combahee River Collective*. Haymarket Books; Arruzza, Cinzia, Tithi Bhattacharya, and Nancy Fraser. 2019. *Feminism for the 99 Percent: A Manifesto*. Verso (Kindle); Fraser, Nancy. 2013. *Fortunes of Feminism*, Verso.

⁹² On welfare, see note 90. On the intersection of racism, patriarchy, and capitalism, see: Ross and Solinger 2017; Roberts 1999; Combahee, in Taylor, Keeanga-Yamhata 2017; Ocen, Priscilla, 2012, "Punishing Pregnancy: Race, Incarceration, and the Shackling of Pregnant Prisoners," *California Law Review* 100(5); Alexander, Michelle, 2010, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, The New Press.

⁹³ As I argue in Chapters 3 and 4. On alternatives to capitalism, see also Gibson-Graham, J. K. 1996. *The End of Capitalism (As We Knew It)*. Minneapolis: University of Minnesota Press; and Gibson-Graham, J. K. 2006. *A Postcapitalist Politics*. Minneapolis: University of Minnesota Press.

⁹⁴ Arendt, Hannah. 1980. *Between Past and Future*. Penguin Books, pgs. 1-6.

⁹⁵ Butler, Judith, 2015, *Notes Toward a Performative Theory of Assembly* [NPTA], Cambridge: Harvard University Press.

⁹⁶ Connolly, William, 2017, *Aspirational Fascism: The Struggle for Multifaceted Democracy Under Trumpism*, Minneapolis: University of Minnesota Press; White, Stephen K., 2000, *Sustaining affirmation: The strengths of weak ontology in political theory*. Princeton University Press; White, Stephen K., 2009, *The ethos of a late-modern citizen*. Harvard University Press.

⁹⁷ Butler, Judith, 2014, *Parting Ways: Jewishness and the Critique of Zionism* [PW], Columbia University Press.

⁹⁸ Marso, Lori. 2017. *Politics with Beauvoir*. Durham: Duke University Press. See also Beauvoir, Simone de, 2015 [1948] (n26)

⁹⁹ Denbow 2015 (n6)

¹⁰⁰ Ibid

¹⁰¹ Ibid

¹⁰² Bevir 1999, pg. 67 (n39)

¹⁰³ Bevir 1999, pg 67 (n39)

¹⁰⁴ Allen, Amy, 2013, *The Politics of Our Selves: Power, Autonomy, and Gender in Contemporary Critical Theory*, Columbia University Press, pg. 19.

¹⁰⁵ Allen 2013, pg. 23 (n104)

¹⁰⁶ Ibid

¹⁰⁷ Butler, NPTA (n95)

¹⁰⁸ Butler, GT, pgs. 3-4 (n43)

¹⁰⁹ Butler, GT, pg. 5 (n42) and BTM (n43). For more on debates over recognition, see also Coulthard, Glen, 2014, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*, Minneapolis: University of Minnesota Press; Brown, Wendy, 1995, *States of Injury: Power and Freedom in Late Modernity*, Zone Books; Balfour, Lawrie. 2005. "Reparations After Identity Politics." *Political Theory* 33(6).

¹¹⁰ Butler BTM (n43)

¹¹¹ Butler PW (n97)

¹¹² White 2000 (n96)

¹¹³ Allen 2013, Chapter 4, especially pgs. 74-75 ("ambivalence" and failure "to distinguish adequately between dependency and subordination" makes her account of resistance "limited in its usefulness"), pgs. 82-83 ("fundamental ambiguity in Butler's theory of subjection"), and pg. 86 ("conflicting tendencies" in Butler's work). (n104)

¹¹⁴ Denbow 2015 (n6)

¹¹⁵ Ibid

¹¹⁶ Ibid, pg. 47-48

¹¹⁷ Ibid

¹¹⁸ Ibid

¹¹⁹ Compare Stoljar 2000 (n58) and Denbow 2015 (n6).

¹²⁰ To Butler's credit, however, her recent work (e.g. NPTA) on assembly has begun to think through collective action and its relationship to large-scale political and social change.

¹²¹ Mahmood, Saba, 2005, *Politics of Piety: The Islamic Revival and the Feminist Subject*, Princeton University Press.

¹²² Ibid

¹²³ Ibid

¹²⁴ Some theorists of relational autonomy defend a substantive conception of autonomy in which certain aims cannot be chosen autonomously. See for instance Stoljar 2000 (n58). Conversely, some relational theorists maintain a strictly proceduralist view that casts no suspicion on the content of actors' preferences, even when they appear to be harmful to the actor's own interests. See for instance Friedman 2000 (n58). Others fall somewhere in between. See for instance Denbow 2015 (n6) and Nedelsky 2011 (n58).

¹²⁵ See for instance: Garrison, Vyckie, 2012, "How I Lost Faith in the "Pro-Life" Movement," Rewire, <https://rewire.news/article/2012/10/30/how-i-lost-faith-in-%E2%80%9Cpro-life%E2%80%9D-movement-1/> (accessed 03/01/2020); FitzGerald, Tucker, 2017, "How I Moved From Being A Pro-life Evangelical to Become a Pro-choice Feminist," Medium <https://medium.com/@tuckerfitzgerald/how-i-moved-from-being-a-pro-life-evangelical-to-become-a-pro-choice-feminist-e211a2d3c4b0> (accessed 03/01/2020).

¹²⁶ On Wittgenstein's notion of aspect-dawning, see: Norval, Aletta J. 2006. "Democratic Identification: A Wittgensteinian Approach." *Political Theory* 34(2): 229-255; Norval, Aletta J. 2012. "'Writing a Name in the Sky': Rancière, Cavell, and the possibility of egalitarian inscription." *American Political Science Review* 106(4): 810-826; Havercroft, Jonathan, and David Owen. 2016. "Soul-Blindness, Police Orders and Black Lives Matter: Wittgenstein, Cavell, and Rancière." *Political Theory*, 44(6), 739-763; Zerilli, Linda. 1998a. "Doing without Knowing: Feminism's Politics of the Ordinary," *Political Theory* 26(4): 435-458.

CHAPTER 2 – “FETUS FUNERALS” OR “DIGNIFIED FINAL DISPOSITION FOR UNBORN INFANTS”? ABJECTION, MOURNING, AND PREGNANT EMBODIMENT IN THE STRUGGLE OVER FETAL REMAINS

I. Introduction

Ulrich Klopfer provided abortions for forty-three years before his death in 2019. When his family arrived to clean out his home, they discovered the preserved remains of approximately 2,246 fetuses.¹ The local newspaper reported that although “people on both sides of the abortion debate were shocked...pro-choice supporters are saying it’s too early to rush to judgment, while pro-life advocates say the discovery is more proof stricter regulations are needed or for abortion to be outlawed altogether.”² A local abortion rights advocate described his fetus collection as “puzzling” but cautioned that “we should not jump to horrible, negative conclusions” because more information is needed to determine whether Klopfer’s actions were legally, ethically, or medically wrong.³ Pro-life advocates, in contrast, forcefully condemned Klopfer. U.S. Rep. Jackie Wolorski (R-IN) called the fetus collection “sickening beyond words,” expressed sorrow over the number of abortions Klopfer had performed, and said his “careless treatment of human remains is an outrage.”⁴ St. Joseph County Right to Life promised to ensure dignified burials for each deceased fetus.⁵

This incident raises many questions. How should supporters of abortion rights think and feel about Klopfer’s fetus collection, and dead fetuses more generally? Are they “deceased unborn infants” deserving of respectful burial, as Americans United for Life urges?⁶ Or are they mere biological tissue, most appropriately governed by long-standing legal “standards for the sanitary disposal of medical waste,” because adding a “non-medical ritual” undermines reproductive autonomy, as NARAL contends?⁷ What are the implications of different conceptions of fetal remains for feminist theories of the body and reproductive autonomy?

Finally, how might fetal remains controversies illuminate the role of emotions and clashing views of reality in broader debates about abortion?

To answer these questions, I critique the discourse of the globally and nationally influential pro-life advocacy group *Americans United for Life* (AUL). Founded in 1971, AUL has filed amicus briefs challenging abortion rights “in *Roe* and every other abortion-related case considered by the U.S. Supreme Court” and successfully lobbied for hundreds of state-level abortion restrictions.⁸ I focus on AUL because they are the primary advocates for regulating fetal remains, and because they produce both public-facing materials and strategy guides for their fellow pro-life activists, providing a window into the movement’s overarching strategy and shifting rhetoric when addressing different audiences. AUL’s discourse has transnational relevance due to their efforts to shape policy in Latin America and Europe⁹ and because the Canadian pro-life movement has adopted their woman-protective framing and idealized images of fetal-maternal relations.¹⁰

Dead fetuses can be variously understood as discarded body parts, human remains, or medical specimens; they are discomfiting because they trouble the categories of self, other, and object. My reading of AUL’s discourse shows how pro-life discourse both confronts and denies this ambiguity, using strategic vagueness alongside state-mandated mourning rituals to demarcate fetal bodies and construct fetal personhood. This discourse is effective because it evokes powerful sentiments, including parental grief, joyful anticipation of new life, visceral horror or disgust, and the fear of death or loss of the self. Pro-life activists amplify these sentiments and direct them towards anti-abortion policies such as fetal remains disposal regulations. In contrast, pro-choice discourse often fails to speak in the same affective or ontological registers and seems to lack a substantive response to questions about fetal remains.

For instance, pro-choice advocates reacted to the Klopfer incident by reserving judgment and distancing the practice of reproductive healthcare from his fetus collection. Whatever the merits of this response, its emotionally neutral language fell short of addressing the public's horror or articulating a countervailing view of fetal remains.

Many scholars provide accounts of pregnant embodiment that complicate bodily boundaries while endorsing abortion rights.¹¹ Yet, in such accounts, justifications for abortion rights are often left implicit or articulated primarily in legal terms. By neglecting the normative question, they leave unresolved an apparent tension between relational feminist theories of the body and autonomy, and arguments for abortion rights which assume that individual boundaries are clear and stable even during pregnancy. My contribution is to trace the effects of abjection in discourses about fetal remains, in order to connect feminist theories of the body to relational theories of autonomy, adding depth to the assumption that nuanced accounts of pregnant bodies can strengthen normative defenses of reproductive freedom. This intervention in feminist theory engages broader themes, including the relationships between individuals/communities and social/material aspects of ontology. Moreover, I extend the turns towards affect, agonism, and embodiment in democratic theory by examining the infrequently theorized but highly emotional, conflictual, and visceral issue of abortion. Finally, by critically analyzing pro-life discourse and sketching an alternative view of fetal remains, I hope to aid abortion rights activists in developing more theoretically rich and persuasive counter-narratives.

I argue that the capacity of pregnancy to complicate the boundaries of embodied subjects is not a difficulty feminists must overcome, but a valuable political and philosophical resource for disrupting pro-life accounts of pregnancy and fetal personhood. Moreover, apparent tensions between abortion rights and relational feminist theories can be resolved by understanding

pregnancy as ontologically multiple and reproductive autonomy as encompassing agency over the construction of one's body. Because "the" pregnant body is actually pregnant *bodies*, the ontological status of the fetus is not fixed by biology, society, or even the law, but fundamentally shaped by pregnant subjects' self-conceptions. Feminists need not deny the possibility of forming social bonds with imagined future children, but rather should affirm pregnant subjects' agency to construct fetal ontologies consistent with their accounts of their lived bodies. However, pregnant people's constructions of their embodied selves are inseparable from cultural, economic, and legal context. Because of these intersubjective constraints, fully realizing reproductive autonomy also requires communities to provide material and symbolic resources that support multiple interpretations and ontologies of pregnancy. From this perspective, embracing diverse and ambiguous reproductive experiences expands reproductive autonomy rather than diminishing it.

II. Feminist Theory and Pregnant Embodiment

While scholarly descriptions of pregnant and fetal bodies account for diverse experiences, emotions, and cultural discourses surrounding pregnancy, they raise the following question. If there are many ways to understand the fetal-maternal assemblage – a term coined by Deborah Lupton to designate the relations within pregnant bodies and between pregnant people and fetuses¹² – and none are conclusively more true or real than others, how should feminists judge which constructions are preferable and how can we defend abortion rights against pro-life notions of fetal personhood? I argue that the ontological ambiguity of fetuses does not undermine the case for abortion rights but actually strengthens it, because ontological plurality is antithetical to the pro-life movement's foundationalist view of fetal life and because the absence of single truth or reality does not imply the impossibility of normative arguments about which conceptions

better reflect diverse experiences of pregnancy. In this section, I situate my argument within the literature and show how Julia Kristeva's theory of abjection can help feminists make sense of otherwise opaque aspects of pro-life discourse, identify the affective stakes of fetal remains disposal regulations, and connect these regulations with pro-life attempts to construct fetal personhood.

Many feminists have noted the powerful symbolic resonance of fetuses, especially dead fetuses. As Penelope Deutscher argues, "the fetus represents the zone of contested and intensified political stakes around the threshold between what some would consider 'prelife' and what is to be identified as nascent human life, meaningful human life, and/or rights-bearing life."¹³ Moreover, Rachel Ariss notes in her analysis of fetal tissue donation discourse that images of aborted fetuses may signify death and the squandering of human potential.¹⁴ Victoria Browne adds that the image of "death before birth upsets our established categories and the usual or expected order of things."¹⁵ Because of this symbolic resonance, fetal remains have become an important locus of contestation over the meaning and reality of the fetal-maternal assemblage. Though debates over fetal remains are superficially about deceased fetuses, judgments about the ontology and signification of fetuses outside the womb shape understandings of the same entity while inside the womb, especially in the context of pro-life discourses that collapse distinctions between fetuses inside the womb, dead fetuses outside the womb, and infants born alive.

To make sense of pregnancy's varied meanings and troubling of Western thought, feminists increasingly highlight how social relationships and discourses inflect the fetal-maternal assemblage. Iris Marion Young describes pregnancy as entailing a splitting, decentering, or doubling of the subject and the sense that one's body is simultaneously self and not-self.¹⁶ Pregnant people, she notes, experience "inner movements [that] belong to another being, yet they

are not other,” because one’s “body boundaries shift” and the imagined location of the self disperses from the head alone into the whole flesh.¹⁷ Lupton argues that fetal and pregnant bodies are “anomalies according to accepted norms of ‘proper’ individuated and contained embodiment” because the pregnant body “contains within it another human body that eventually must be expelled to split the two-in-one body – the unborn–maternal assemblage – and render it two separate bodies” which “challenges the notion of the liberal human subject as individuated from others, and of the ‘proper’ body as separate from other bodies, tightly contained, its borders rigorously policed.”¹⁸ Similarly, Susan Bordo contends that pregnant bodies disrupt implicitly masculine bodily norms in Western society, because pregnancy is a “unique configuration of embodiment” which entails “the having of an other within oneself, simultaneously both part of oneself and separate from oneself.”¹⁹ As Christine Battersby puts it, the pregnant body “bleeds with the potentiality of new selves,” disrupting essentialist conceptions of the individual as a discrete entity.²⁰

This complexity also extends to fetuses.²¹ Through cross-cultural comparison, Lynn Morgan provincializes conceptions of fetal-maternal relationality that presume neat boundaries between fetuses and pregnant persons, arguing for a deeper and more reflexive view of relationality that attends to how personhood itself is culturally produced.²² Julie Kent demonstrates that fetal remains can be “materialized as a baby, mother’s tissue, waste tissue, a cadaver, an organ donor, a scientific object and a source of stem cells,” depending on their relation to the maternal body and its discursive contexts.²³ Several scholars have shown how advances in ultrasound imagery have participated in the shift towards forming social bonds with fetuses or interpreting them as unborn persons.²⁴ Indeed, AUL-backed mandatory ultrasound and

“informed consent” policies require women to view such images before obtaining an abortion precisely in order to encourage them to view fetuses as persons.²⁵

Though critical of pro-life views of fetal personhood, scholars increasingly treat women’s experiences of attachment to the unborn as legitimate. For instance, Browne argues that recognizing the emergence of protean bonds between pregnant people, their loved ones, and expected children while they are still *in utero* helps explain feelings of loss spurred by miscarriages or stillbirths.²⁶ Even Helene Keane,²⁷ who criticizes idealized or biologized representations of fetuses in pregnancy loss memorials as implicitly promoting pro-life ideology, emphatically defends the importance of publicly sharing grief after miscarriage or stillbirth. Though pregnancy loss and pregnancy termination are not the same, and while it is important to note that the pro-life movement exaggerates the prevalence of post-abortion regret or depression, scholars like Keane and Browne nonetheless provide insights into common narratives and experiences related to fetal death. Indeed, viewing miscarriage and abortion as two possible outcomes on a spectrum of reproductive experiences not only de-centers abortion in scholarship about reproduction, as reproductive justice scholars²⁸ advocate; it is also crucial for analyzing fetus funeral laws, many of which regulate the remains of miscarried and aborted fetuses alike.

Morgan historicizes the fetus funerals controversy by examining how present-day understandings of fetal remains emerged.²⁹ Until recently, she explains, dead fetuses were viewed as research materials or medical waste and treated as the province of experts rather than a matter of public contestation. This understanding of dead fetuses emerged in the early 20th century through an alliance between embryologists seeking specimens and public officials seeking to burnish the legitimacy of the state’s expanding sphere of governance. Morgan reads collections of preserved fetuses as artifacts of their construction as scientific objects, produced

by and reproducing medical authority over fetal and embryonic tissue. Contesting both the common pro-choice narrative that the classification of fetal remains as medical waste is obvious and based on neutral scientific fact and pro-life presentations of fetal personhood as ahistorical truth, Morgan complicates public debates about fetal remains in the U.S. and cross-nationally.³⁰ In doing so, she opens up broader questions about the meaning of dead fetuses and who ought to have the authority to decide what happens to them.

Finally, Julia Kristeva's theory of abjection helps explain why the ambiguity of the fetal-maternal assemblage is inescapable and shows how this instability of boundaries undercuts discourses that assign a fixed meaning to the fetal-maternal assemblage or its composite parts. Kristeva defines the abject as "something rejected from which one does not part," as that which is radically excluded but not negated.³¹ Abjection describes a state of being that falls in the borderlands between subject and object, an entity that is "not 'I' but not nothing, either."³² That is, abjection refers to a relation in which a part of the self is ejected or repudiated, without totally negating subjects' affective investment in the object which was formerly encompassed within the self. The abject is thus the "in-between, the ambiguous, the composite."³³ It is linked to the visceral corporeality of blood, excrement, and corpses, which represent loss, expulsion, or rupture for the embodied subject. As Kristeva puts it, "it is no longer 'I' who expel, but 'I' who am expelled and who becomes an object to myself, just as others are."³⁴ The abject is associated with the unclean and the improper because of its capacity to disrupt the boundaries of embodied subjects by transgressing distinctions between self, other, and object.

Because pregnancy exposes the instability of bodily boundaries, pregnant bodies may evoke fear, disgust, bewilderment, or the desire to simplify and control. As Kristeva argues, subjects simultaneously experience attraction and revulsion upon encountering anything that has

been expelled from the body yet cannot be fully extricated from the self. Subjects may attempt to dispel this unease by trying to identify the expelled object as a part of the self, attempting to completely sever ties with the excluded object, or seeking to obliterate all boundaries between the self and the world. However, neither incorporation nor separation nor annihilation can completely eradicate abjection as long as visceral materiality exceeds the simplified (often binary) linguistic categories of the symbolic order. Abjection will thus persist despite efforts to sublimate it, as long as the fundamental categories of Western philosophy – such as self and other, subject and object, life and death, inside and outside – continue to bleed into one another in ways that belie their neat opposition. For these reasons, attempts to purge ambiguity from pregnant embodiment by reducing pregnant subjects to incubators or fetuses to body parts cannot succeed.

Moreover, the pursuit of unambiguous boundaries drives desires to control reproduction. Kristeva specifically cites the fetus as a site of abjection, during pregnancy as well as after birth, miscarriage, or abortion. She presents birth as the watershed of abjection, because it is “the moment of hesitation between bloodshed and life, inside and outside, self and other, horror and beauty, sexuality and its negation.”³⁵ Like death, birth shows corporeal and social interdependence to be inescapable features of human life. As Adrienne Rich argues, fear of the mother’s control over whether and how new human subjects emerge motivates regimes of reproductive control which seek to restrict abortion.³⁶ Conversely, the desire to secure women’s subjectivity by minimizing the fetus can also be read as erasing abjection. The ambiguity of pregnant embodiment thus potentially unsettles both advocates and opponents of reproductive freedom because pregnancy momentarily reveals humans’ corporeal and psychic entanglement,

exposing as untenable the fiction that the self exists prior to and independently of social relations.

Viewed through Kristeva's psychoanalytic lens, pro-life fears of maternal agency and pro-choice advocates' fear that ceding any ground to the idea of fetal personhood will crush women's agency can both be read as aversive reactions to the possibility of the subject's un-making. Though the latter fear is well-founded given proliferating and increasingly severe anti-abortion legislation, I argue that reinforcing the boundedness of women's bodies is not the only or best way to prevent its realization. Aversion to the dependence of the self upon others, especially potentially threatening ones, underpins regimes of reproductive control aimed at securing the life and sovereignty of the individual against the threat of penetration or unravelling.³⁷ Attempts to protect reproductive autonomy that feed fears of subjects' undoing may inadvertently reinforce fantasies of the secure self that pro-life discourse mobilizes to promote reproductive control. To avoid reinscribing a pro-life worldview's ontological assumptions, feminist defenses of abortion rights should instead challenge the idea that any body or self is unambiguously bounded or independent of social relations.

Both infants and deceased fetuses begin within the maternal body, then move outside it through birth, miscarriage, or abortion, in the process becoming something else. The dual image of dead fetus and infant is unsettling because it illuminates the alchemical process by which pregnancy tissue either does or does not become a new self. Pregnant embodiment entails ambiguous relations between a pregnant person who is the subject of their own life and a potential person who may or may not come to be. Acknowledging the indeterminacy of encounters between pregnant subjects and fetuses, which contain the potential to become either an object or a new other, is vital for re-imagining reproductive autonomy in ways that resonate

more expansively with women's reproductive experiences. Embracing abjection re-frames reproductive autonomy not as a defense of women's bodily sovereignty but as pregnant subjects' freedom to respond to abject potential others by cultivating or terminating relations with the fetus. On this view, the encounter with abjection is a necessary condition for reproductive autonomy, not a threat to it.

III. Pro-Life Discourse: Fetal Remains and AUL's "Mother-Child Strategy"

At least thirteen states (AK, AL, CA, GA, IN, ID, LA, MI, MN, NC, SD, TN, TX) currently require the cremation or burial of aborted and/or miscarried fetuses, effectively prohibiting previously standard practices of discarding fetal remains in sanitary landfills or incinerating them in medical facilities.³⁸ Nearly all were adopted after AUL released the first edition of their "Unborn Infants' Dignity Act" (UIDA) model legislation, upon which many states laws' are explicitly based.³⁹ Though there is cross-state variation (e.g. whether regulations apply only to aborted or also miscarried fetuses), these same variations appear across different iterations of the UIDA. Similar laws have been proposed or suggested in Ireland and Poland.⁴⁰ To understand how these laws construct fetal personhood and undermine women's agency, why many find the pro-life position on fetal remains persuasive, and how feminists should respond, I analyze AUL's fetal remains discourse by examining all publicly-available documents pertaining to the UIDA, including nine years of the *Defending Life* strategy guide.⁴¹

AUL's "Mother-Child Strategy" comprises an "Infants' Protection Project" (including the UIDA) and a "Women's Protection Project." On one hand, the "Infants' Protection Project" constructs fetuses as social and legal persons by constituting fetal remains as corpses through fetal death certificates and dignified treatment requirements. By encoding public rituals of mourning into the law, AUL legitimates their construction of fetal personhood. On the other, the

“Women’s Protection Project” masks the patriarchal implications of fetal personhood by idealizing fetal-maternal relations. As Reva Siegel and others have shown,⁴² ostensibly woman-protective or pro-family framings are products of a long history of paternalistic restrictions on women’s reproductive freedom and since the 1990s have been crucial to the pro-life strategy of incrementally undermining abortion rights. Fetal remains regulations continue this erosion of reproductive freedom, gradually assembling fetal personhood. Crucially, I argue, AUL’s fetal remains discourse uses ambiguity tactically as part of a strategy to demarcate fetuses as separate individuals. Wading into visceral bodily matter in order to adjudicate the legal and ontological boundaries of the fetal subject, AUL constructs the very boundaries between fetal corpses and medical waste they proclaim as fixed and indisputable. Yet, this discourse resonates in large part *because* it simultaneously creates and reveals the truth of pregnant embodiment.

Ostensibly, the purpose of regulating the disposal of fetal remains is to ensure the dignified treatment of all human remains, and to “give mothers closure and the opportunity to grieve.”⁴³ However, reading fetal remains laws in light of AUL’s commitment to fetal personhood suggests that the purpose of these laws is not merely to *permit* ceremonial commemoration of lost fetal life, but rather to validate fetuses as grievable life by legally enshrining this practice of mourning. For instance, in the public factsheet “Myths & Facts,”⁴⁴ AUL labels the claim that the purpose of the legislation is to “establish in fact and law that a fetus can die and is a distinct, living being” a myth. Yet, they explain that this statement is false because fetal personhood is *already* recognized by science and law. Even more revealing is AUL’s statement in *Defending Life 2017* that the mother-child strategy aims to provide “immediate legal protection” for fetal life “while also laying the groundwork for the day when

women reject the fraudulent promises of the abortion industry and see abortion – not as a false panacea – but as a real threat to both their welfare and to their unborn children.”⁴⁵

Moreover, there is a troubling contradiction at work in state recognition of fetal grievability. If abortion remains legal but fetal tissue is treated as human remains rather than medical waste, this means that the law dictates that fetuses are not people, and so they can be aborted; but after they are aborted, they retroactively become people. In AUL’s recursive logic, fetal remains are corpses, and therefore fetuses are persons. In this way, fetus funeral laws — like fetal homicide laws — contribute to the creation of a contradictory legal status for fetuses. Because this means that the law simultaneously recognizes and rejects fetuses’ legal personhood, the conflicting premises of abortion rights and fetal rights or dignity could provide a rationale for overruling *Roe v. Wade*.

Depending on the audience, this intention of reversing *Roe v. Wade* is more or less explicitly stated. In public-facing documents like “Myths and Facts,” AUL presents the dream of a culturally and legally pro-life future as a vague possibility they are powerless to instantiate, stating that “in a perfect world, every deceased person would be mourned” but “unfortunately, the best that a state can require is for the body of every human being, regardless of age or development, to receive a respectful disposition after death.”⁴⁶ Likewise, their “Statement on Constitutionality”⁴⁷ emphasizes that the UIDA is fully consistent with abortion rights, as regulating the disposal of fetal remains does not impose any financial or psychological burden on women seeking abortions. Rather, the UIDA merely “recognizes the humanity of the aborted infant by requiring that his or her bodily remains receive dignified treatment after an abortion is completed.”⁴⁸

Conversely, in the annual *Defending Life* guide, AUL more explicitly commits to establishing fetal personhood as a legal and cultural reality. A letter from then-president Clarke Forsythe in the 2017 version states that AUL's objective is to "strengthen our nation's commitment to a fundamental principle: respect for human life from conception to natural death," leading ultimately "toward a more pro-life America, despite a hostile media, agenda-driven judges, and a well-funded and tenacious opposition."⁴⁹ As the reference to a "hostile media" suggests, AUL is seeking not only legal but cultural transformation. In the 2018 edition, current President Catharine Glenn Foster describes the mother-child strategy as laying "the groundwork for overturning *Roe v. Wade*."⁵⁰ She encourages the reader to maintain hope that Roe can be overturned because "AUL's fight in the legislatures, the courts, and the culture, the courtroom of public opinion" is succeeding because it recognizes the equal dignity of all human beings.⁵¹ AUL's mission, she says, is ensuring that fetuses are "cherished in life and protected in law" by providing "a comprehensive legal foundation for the protection of human life from conception onward" and "advancing a culture of life in America."⁵² Glenn Foster dreams of a day when abortion is "not merely illegal, but unthinkable."⁵³ Their aim is to create future in which abortion is not only prohibited, but no longer even *desired* because the pro-life movement's views of pregnancy and motherhood have become hegemonic. AUL's legal strategy is thus also a campaign to remake the social imaginary to realize this future.

In the pro-life movement, fetal personhood is crafted by interweaving legal, cultural, interpersonal, philosophical, and religious understandings of personhood. However, fetus funeral laws are distinctive because they go beyond remaking the social imaginary, encoding the ritual of mourning fetal loss into the law. To understand how public mourning works to distinguish disposable lives from those that matter, I turn to Judith Butler. Butler argues that, while all

humans are finite and thus exposed to death, not all deaths are considered meaningful or equally worthy of public mourning.⁵⁴ Because some lives are treated as more valuable than others, the loss of lives designated as disposable become unspeakable and unrecognizable as genuine loss. Public rituals such as obituaries and memorials inscribe grievability by distinguishing deaths that compel mourning from deaths that are inappropriate to mourn. Because only those designated familiar and valuable to the community qualify for such rituals, inscriptions of grievability (or lack thereof) also constitute the boundaries of community. Openly mourning losses of purportedly disposable lives alone cannot alter the terms of grievability because transforming our collective sensibilities requires more than mere “entry of the excluded into an established ontology” — it requires “an insurrection at the level of ontology” which re-opens questions such as “What is real? Whose lives are real? How might reality be unmade?”⁵⁵

Despite insisting that they are merely recognizing a universal truth and not a project of social construction, pro-life activists stage precisely the kind of ontological insurrection Butler describes. Through public mourning rituals, humanizing representations of fetuses, and circulating narratives that signify fetal death as a tragic loss of valuable human potential, the pro-life movement enacts the grievability of fetal life. Going beyond personal grief over fetal death by legally requiring practices of mourning by clinics and funeral parlors, AUL marshals the state’s cultural influence to recognize fetal lives as “real” and thus grievable. By mandating mourning of fetal death, these regulations ontologically re-make pregnant embodiment, erasing ambiguities within the fetal-maternal assemblage and constituting pregnant bodies as a single body shared by two people.

AUL’s sharp distinction between “cremation” and “incineration” is instructive, especially because it appears in multiple iterations of the UIDA as well as public-facing documents. The

UIDA model legislation requires “burial, interment, [or] cremation” but explicitly prohibits incineration, defined as “the combined burning of bodily remains with medical waste.”⁵⁶ “Myths & Facts” maintains this distinction and adds that group disposal of fetal remains is permissible if it involves “individually packing and storing the remains, then boxing the remains *en masse* for cremation by a local cemetery.”⁵⁷ AUL views mass cremation and mass graves as meeting the crucial requirements of dignity, e.g. prohibiting methods of disposal...not associated with the notion of burial” and ensuring “the remains of unborn infants are not treated the same as ‘discarded biologic product such as blood, tissue, or body parts...as well as bedding, bandages, syringes, and similar materials.’”⁵⁸ By allowing cremation within a funerary setting because it expresses dignity, while banning the same physical act of burning when it occurs within a sanitation setting, such regulations require clinics and funeral parlors to participate in rituals of mourning.

The UIDA repudiates abjection by mandating the differentiation and separation of fetal remains from other pregnancy tissue or medical waste. Both cremation and incineration involve burning fetal remains until they become ash, but there what is signified by this action radically changes when performed as a funerary custom rather than as a waste disposal method. Likewise, mass burials in cemeteries resemble disposal in sanitary landfills, except for the salient difference that mass graves only intermingle fetal remains with other fetal tissue instead of various human tissues and non-human waste. Consequently, AUL’s claims that their model legislation does not force any individual woman to attend a literal funeral service⁵⁹ that the regulations apply only “*after* an abortion is completed”⁶⁰ are beside the point. By permitting cremation within a funerary setting because it expresses “dignity,” while banning the same

procedure when it occurs within a sanitation setting, this legislation requires public practices of mourning.

Though the Supreme Court recently upheld dignified disposition requirements in *Box v. Planned Parenthood of Indiana and Kentucky*,⁶¹ the most theoretically rich ruling on fetal remains is *Planned Parenthood v. Minnesota*,⁶² which upheld the constitutionality of requiring clinics to physically sort pregnancy tissue into fetal parts and maternal tissue. Like AUL's model legislation, Minnesota's statute defines fetal remains in part by the presence of "cartilaginous structures, fetal or skeletal parts."⁶³ Despite acknowledging this definition's ambiguity in first-trimester abortions, and although the plaintiff only performed first-trimester abortions, the judge found it possible and reasonable to require medical professionals to sort expelled pregnancy tissue into a fetal corpse box and a medical waste box, even if doing so required microscopic examination. Here, the blurry boundaries of early pregnancy are the norm, yet the ruling nonetheless treats first-trimester abortions as exceptional, maintaining the fiction that boundaries between fetal and maternal bodies are easily determined. Seen from a Kristevan perspective, this ruling endeavors to dispel abjection by imposing rigid distinctions between self and other onto ambiguous pregnancy tissue. This case thus directly links anti-abortion regulations, refusing encounters with abjection, and neatly delineating bodies and legal personhood despite ambiguity.

Examining fetus funeral laws in light of the mother-child strategy's second prong illuminate connections between regulating fetal remains and regulating pregnant bodies. Like the "Infants Protection Project," the "Women's Protection Project" assumes a simplified ontology of the pregnant body that prioritizes the fetus. This is re-coded as protecting women by presuming the needs, interests, desires, and health of pregnant women and fetuses necessarily align. Repeating almost the same wording across multiple documents, they claim the two projects "are

naturally complementary” because both are “designed to protect unborn children and their mothers, exposing the lies propagated by the abortion industry that abortion is beneficial to women and that a woman’s interests are at odds with those of her unborn child.”⁶⁴ Among other false premises, this claim ignores the possibility of serious complications as well as mundane situations where women must decide whether to enjoy activities that may endanger fetuses. AUL’s harmonic image of fetal-maternal relations erases women’s agency.

AUL conflates fetal and maternal interests by denying the ontological significance of birth as the moment of separation and differentiation, equating fetuses with infants and pregnancy with motherhood. The documents refer to the “mothers” of fetuses and blur distinctions between stillbirth (death followed by birth), abortion or miscarriage (termination or accidental death instead of birth), and infanticide (birth followed by death). This is evident in their slippage between terms like unborn infant, fetus, deceased unborn infant, fetal tissue, fetal remains, fetal body parts, and “dismembered” or “broken” bodies of aborted fetuses. In these ways, AUL paradoxically *uses* ambiguity to *dispel* ambiguity, eliding distinctions that might prevent the establishment of clear boundaries within the fetal-maternal assemblage. Even when abjection is rejected, it reappears.

Fetal remains laws undermine women’s agency by mandating fetal grievability, reinforcing the contradictory legal status of fetuses, representing the fetal-maternal assemblage as free of conflicting interests, and using the ambiguity of pregnant embodiment to paper over abjection. In pro-life discourse, the pregnant subject’s agency is omitted, minimized (e.g. she’s deceived/uninformed), subordinated to a collective subject (e.g. the family), or demonized (e.g. as a murderer). Although these laws do not compel attendance at a literal funeral service and

only regulate what happens after an abortion, they undermine women's agency by enacting fetal personhood as a legal and cultural truth.

IV. Pro-Choice Discourse: Medical Waste, Research Specimens, & Body Parts

Although pro-choice activists tirelessly defend reproductive rights, including the right to safe and legal abortions, they have not yet developed effective counter-strategies or detailed alternative views of fetal remains. Indeed, few have devoted sustained attention to the issue. Mainstream pro-choice advocacy groups – such as NARAL Pro-Choice America, the Center for Reproductive Rights (CRR), the American Civil Liberties Union (ACLU), and Planned Parenthood – have challenged fetal remains laws in court but offered only brief, generic public statements about them. Even for more radical and intersectional pro-choice groups – such as ReproAction, the National Network of Abortion Funds (NNAF), the SisterSong Women of Color Reproductive Justice Collective, and the Self-Induced Abortion (SIA) Legal Team – I was unable to find any public statements or organized actions focused on fetal remains specifically. When these groups' representatives do mention fetal remains, they do so only in passing. For instance, in a recent roundtable on reproductive justice featuring Yamani Hernandez (NNAF), Monica Raye Simpson (SisterSong), and Jill Adams (SIA Legal Team), only Hernandez mentioned fetal remains.⁶⁵ While listing recent anti-abortion legislation, Hernandez mentions “the fetal remains bill that was passed [in Texas], which requires fetal tissue to be buried or cremated.”⁶⁶ As she later observes, reproductive rights activists currently face “a lot of questions and waiting and watching to see what nonsense is coming down the pike.”⁶⁷ I read this silence on fetal remains as indicative of a failure or gap in feminist theory. Adding to important critiques of liberal pro-choice discourse by other scholars, I argue that feminists should conceptualize

abortion rights in terms of autonomy rather than integrity, in order to allow multiple interpretations and ontologies of pregnancy and fetal remains.

Due to collective uncertainty among pro-choice activists about how to respond to fetal remains laws, there are no comparable organizations to AUL or comprehensive texts like *Defending Life* to analyze. Consequently, to identify weak points in current responses and show how an account of ontological pluralism could reinforce them, I discuss examples of public pro-choice discourse in relation to scholarly work that shares common understandings of fetuses as pregnancy tissue, body parts, or medical waste. I focus on established advocacy groups in order to maintain the parallel between AUL and similar groups on the pro-choice side. Furthermore, though there are promising counter-hegemonic currents emerging from spontaneous feminist interventions in public discourses about abortion, doing justice to the complexity of leaderless movements like #shoutyourabortion is beyond the scope of my analysis in this chapter, which focuses specifically on debates about fetal remains.

When pro-choice groups do respond to fetal remains regulations, their responses tend to be superficial, narrow, over-reliant on expertise, or limited to standard objections that apply to most anti-abortion measures. To give one illustrative example, pro-choice think tank the Guttmacher Institute lists fetal remains disposal regulations as a type of Targeted Regulation of Abortion Providers (TRAP) law but does not collect comprehensive data or produce detailed reports as they do for other TRAP laws such as hospital admitting privileges requirements.⁶⁸ Similarly, the CRR's 2018 press release about their lawsuit challenging fetal remains laws is primarily descriptive, noting that these laws impose funerary requirements "regardless of...patients' personal wishes or beliefs."⁶⁹ CRR's normative points are fairly general, presenting the regulations as "medically unnecessary," stigmatizing, and intrusive into doctor-patient

relationships. NARAL Pro-Choice Texas's 2016 response is the most prolific, offering three (albeit brief and nearly identical) public statements positioning fetal remains regulations as unnecessary for public health, interfering with beneficial medical tests, and undermining patient autonomy by adding a "non-medical ritual" to a medical procedure.⁷⁰

Even the best pro-choice responses favor sterile technical language that inadequately addresses affective, cultural, and ontological dimensions of fetal remains controversies. The most substantive pro-choice critique of fetal remains regulations is that they undermine or prohibit valuable medical research using aborted fetuses. For instance, the Guttmacher report most relevant to fetal remains laws extolls the usefulness of fetal tissue research.⁷¹ Whatever the benefits of such research, building the case against fetus funeral laws primarily on scientific grounds reinforces cultural narratives that justify abortion by appealing to social utility or economic productivity rather than treating women's lives and desires as sufficient justification for reproductive freedom. By analyzing medical and scientific research articles, textbooks, and government health agencies' reports, Ariss finds that scientific discourses which transform dead fetuses into productive research materials depend on cultural judgments of women's bodies as either reproductive or wasteful.⁷² Because they contrast useful research specimens with medical waste, they present the former as salvaging utility from the otherwise pointless exertion of bodily effort to produce a fetus that will be aborted and then simply discarded. This characterization of abortion as essentially wasteful elides the most important outcomes of abortion from patients' perspectives: the impacts of ending an unwanted pregnancy on patients' bodies and life circumstances. Furthermore, binary characterizations of dead fetuses as either wasteful or productive oversimplify the ambiguous meanings of fetal remains as well as women's lived experiences of abortion, miscarriage, or stillbirth.

Drawing on Kristeva and Drucilla Cornell, Ariss offers an alternative view of fetal remains as ambiguous and polysemic, suggesting women should decide what happens to their fetal remains. Ariss reasons that if pregnancy is a liminal state that troubles boundaries, and if “the fetal corpse continues to hover on the borders of selfhood, then a woman’s decision-making power over this abject(ed) part of herself cannot stop once the fetus has physically left her body.”⁷³ From this women-centered perspective, rebutting fetal remains regulations primarily by arguing they forestall medical progress suppresses abjection and reinforces experts’ authority over pregnant bodies. Ariss’s skepticism towards understanding fetal remains through medical or scientific lenses seems well-founded in light of Morgan’s⁷⁴ history of the use of fetal remains by embryologists and state officials to solidify their authority over women’s health and reproduction. Reproductive justice scholars likewise caution against entrusting scientists and doctors with too much authority to adjudicate the ethics or politics of reproductive health due to their historical complicity with eugenic sterilization and continued violations of pregnant women’s rights to refuse treatment.⁷⁵ Though many doctors and scientists act to support reproductive rights, the pro-choice movement should guard against ceding too much terrain to medical professionals.

One reason the pro-choice movement struggles to respond to the fetal remains issue may be that activists increasingly question liberal theories of rights despite not yet finding or fully internalizing an alternative approach. As Ross and Solinger note, framing reproductive rights through the narrow lens of currently established legal rights limits political vision.⁷⁶ Insofar as pro-choice discourse defends women’s rights by seeking inclusion within liberal legal frameworks, the political possibilities for defending reproductive freedom will be constrained by the assumption of clear boundaries between self and other. Such strategies require pro-choice

activists to articulate a woman's body as "opaque and bordered" and "her womb [as] only a part of herself"⁷⁷ regardless of whether she is pregnant, because liberal legal subjectivity presupposes the separateness of persons and bodies, rather than a relational constitution and interdependence of embodied selves.⁷⁸ As argued in Section II, such assumptions implicitly suppress abjection because they avoid addressing the challenges pregnancy poses to liberalism and Western thought. From this view, pregnant bodies can only be rights-bearing if the fetus is either exclusively part of, or an object outside, the self; any aspect of reproductive experience that complicates self/other or inside/outside distinctions must be trimmed away. Pro-choice discourses that construct fetuses as entirely assimilated to the maternal body (if gestating) or entirely separate from it (if aborted or miscarried) thus limit interpretations and ontologies of the fetal-maternal assemblage.

Though Ariss hopes to resolve the conflict between embracing ambiguity and constituting women as equal legal subjects, she notes the tension between relational conceptions of identity and defenses of abortion rights premised on asserting the boundaries of embodied subjects. She argues that abortion rights are crucial to the law's ability to recognize pregnant women as legal subjects and hence to women's equality under the law.⁷⁹ Yet, she questions whether abjection and relational models of the self can be reconciled with the law's assumption that bodies and selves are necessarily bounded and separable. The challenge, she observes, is how to construct a "vision of legal subjecthood" that views "recognition of the importance of individual women's bodily borders as compatible with the recognition of others in creating personhood."⁸⁰ I would state the problem somewhat differently. In my view, the question is how to defend abortion rights and reproductive autonomy without re-asserting bodily borders as absolute or denying the relational constitution of identity.

Unsurprisingly, activists have not yet developed an account of fetal remains that resolves this question, as even legal theories designed to correct liberalism's flaws continue to present fetuses as pregnancy tissue or body parts. Consider Drucilla Cornell's nuanced and insightful defense of abortion rights.⁸¹ She assumes that the wholeness and coherence of the embodied self is illusory but nonetheless finds it valuable, even necessary, to imagine ourselves this way. Cornell conceptualizes equality as equal protection of the minimum conditions of individuation, i.e. rights to bodily integrity, symbolic resources, and the "imaginary domain." The imaginary domain is a psychic space where individuals struggle to constitute themselves as persons, as whole selves which shine through each of their masks or personas, even if one "can never truly succeed in becoming whole or in conceptually differentiating between the 'mask' and the 'self.'"⁸² Banning abortion thus consigns women to unequal citizenship and non-personhood by infringing our rights to bodily integrity, an independent imaginary domain, and a symbolic order with a non-degrading account of sexual difference.⁸³ Treating women's embodied selves as divisible and violable, denying access to abortion, or inscribing legal abortion with alienating meanings constitutes physical and psychic dismemberment.⁸⁴ State-imposed interpretations deny women the "narrative power" to maintain a consistent "imagined projection of one's self as whole," foreclosing opportunities to "become a person."⁸⁵ Though Cornell concedes our bodies "are never really our own" because selves are shaped by relationships with others and thus "the idea that we own our bodies is a fantasy," she views preserving this fantasy as essential to women's inclusion within legal subjectivity.⁸⁶

I agree with Cornell that "it is the woman, not the state, that should have the narrative power over her decision" and that legally-imposed interpretations of reproductive experience subject women to patriarchal imaginaries that devalue sexual difference.⁸⁷ However, despite

Cornell's intentions to expand the range of meanings available for women's self-narration and to avoid dictating a particular narrative about abortion, this goal conflicts with her conception of pregnant embodiment; she constitutes fetuses as part of women's bodies, allowing little if any room for women to constitute their fetuses as others or potential others.⁸⁸ For instance, Cornell criticizes the pro-life movement's "vision of the pregnant mother and her fetus that artificially separates the two," arguing that without this artificial separation, "it would be obvious that the 'life' of the fetus was inseparable from the physical and mental well-being of the woman of whose body *it is a part*" (emphasis original).⁸⁹ Though Cornell rightly objects to pro-life assumptions about the separability of pregnant persons and fetuses, I think she goes too far in insisting that fetuses are obviously or only parts of women's bodies. Even if this is the best way to understand fetuses during pregnancy, it is less obvious that fetal remains should still be seen as body parts post-expulsion or removal. Moreover, Cornell contends that "any analogy of a fetus to an already autonomous being rests on the erasure of the woman; it reduces her to a mere environment for the fetus. This vision of the woman is connected necessarily to one's view of the fetus, because the fetus can only be seen as a person if the woman is erased or reduced to an environment."⁹⁰ Yet, to say that *any* account of the fetus as a person depends on erasing women's subjectivity suggests that women who view their fetuses as persons inevitably undermine their own personhood. This reading of Cornell is underlined by her claim that "we cannot assume as a given that a human creature is by definition a free person" because personhood is an achievement, the imaginary endpoint of an asymptotic and perpetual struggle to form oneself as independent and self-reflective.⁹¹ If personhood is contingent upon individuation, and if fetal personhood necessarily occludes women's personhood, it becomes

difficult to avoid the conclusion that viewing one's fetus as an unborn child implies self-erasure or false consciousness.

Narratives of psychic coherence and bodily integrity risk ontologizing fetuses in ways that deny symbolic resources to women who wish to constitute their fetuses as grievable life. To the extent that openly grieving miscarriage or abortion is still perceived as inappropriate or unspeakable, women grieving fetal death (perhaps even viewing fetuses as persons) may feel silenced, contributing to the feelings of shame and isolation some women experience after miscarriages, stillbirths, or even abortions of wanted pregnancies (e.g. due to medical complications or other unfortunate circumstances). As Keane shows, those who experience such shame or isolation often find solace in memorials that create public spaces for mourning pregnancy loss.⁹² If community support is important for (some) women who mourn fetal death, then despite the potential dangers, a feminist imaginary which affirms (some) fetal deaths as real and meaningful losses is crucial to providing these women with an "opportunity to grieve." Furthermore, if embodiment is understood as ontologically multiple, affirming some women's mourning does not preclude affirming other women's neutral or positive reactions to the same reproductive experiences. In this way, plural ontologies of pregnancy – particularly when paired with relational conceptions of reproductive autonomy that attend to the contexts in which pregnancies unfold – may better address the issue of fetal remains as well as women's diverse and sometimes complicated reproductive experiences.

Like mainstream pro-choice discourse, Cornell creates space for multiple *interpretations* of pregnant embodiment, but depends on a fixed *ontology* of pregnancy. Despite clearly intending to avoid determining how women should understand their reproductive experiences, Cornell nonetheless bases abortion rights on women's equal right to bodily and psychic

coherence, constraining the range of true or legitimate interpretations of the fetal-maternal assemblage to those that view the fetus as part of women's bodies. As the next section argues, re-framing Cornell's vivid account of the harms of banning abortion in terms of bodily *autonomy* rather than bodily *integrity* better enables feminists to fulfill the goal of leaving the meaning of abortion open while defending it as a fundamental right, hopefully providing the theoretical groundwork for activists to develop new discourses about fetal remains.

V. Re-Conceiving Pregnant Embodiment and Reproductive Autonomy

In response to the pro-life movement's paradoxical and selective engagement with abjection, I suggest that feminists should embrace abjection by accepting the complex entanglement between self, other, and object exhibited by pregnant bodies. I argue that we do not need to dispel abjection or reconstruct the liberal subject in order to defend reproductive autonomy. In fact, imagining all bodies as coherently bounded undermines our ability to envision reproductive freedom more expansively. Understanding reproductive autonomy as pregnant subjects' authority to constitute their lived bodies, supported by relationships that provide the symbolic and material resources necessary for their ontological and interpretive agency, renders defending abortion rights fully consistent with viewing the embodied self as relationally constructed and fundamentally interdependent. Moreover, "the" pregnant body is actually *many* pregnant bodies that differ in their positioning within systems of power and their idiosyncratic personal experiences. Conceptualizing pregnant bodies as ontologically multiple enables some pregnant subjects to constitute fetuses as grievable, while enabling others to constitute fetuses as body parts. From this perspective, some fetuses are persons or potential persons, while others are not. This approach offers meaningful opportunities to grieve, without inscribing grief as the only valid response to fetal death or cementing a particular ontology of the fetal-maternal assemblage.

If, as Kristeva argues, the abject can never be fully suppressed, attempts to imagine women as unambiguously bounded will necessarily fail. More concretely, because both pro-life and pro-choice discourses seek to dispel abjection, each can only speak to reproductive experiences which align with their respective fetal ontologies. Reducing the fetus to an object erases the very real feelings of attachment or loss that some women may feel towards fetuses, regardless of the outcome of their pregnancies. Insofar as this reductionist account clashes with some women's experiences of pregnancy, it cedes affective ground to pro-life discourses that romanticize fetal-maternal relations. If some women feel excluded or affronted by narratives which preclude viewing fetuses as potential children, this creates an opening for pro-life discourses to persuade these women by offering narratives that better represent experiences minimized by pro-choice discourses about pregnancy and abortion.

Moreover, if pregnant bodies exceed or belie conceptions of the individual as bounded and separable from others, then guaranteeing their equal freedom requires re-conceiving embodied subjects as interdependent. Rather than reinforcing boundary fantasies, a relational approach to reproductive autonomy assumes that embodied subjects are deeply entangled.⁹³ In place of Cornell's notion of bodily integrity, understood as freedom *from* others, I conceptualize abortion rights in terms of relational autonomy, understood as freedom *with* others.⁹⁴ If cultural discourses mediate individuals' necessarily interpenetrating imaginary domains, then feminists should invent new models of subjectivity that are compatible with entanglement, rather than trying to squeeze pregnant bodies into ill-fitting models of subjectivity. Acknowledging others' partial mediation of pregnant subject's self-determination does not render reproductive autonomy impossible or require feminists to resign ourselves to the limited range of meanings from which women are presently able to select.⁹⁵ Rather, recognizing the centrality of the community to

realizing reproductive autonomy can motivate abortion rights supporters to rearrange collective life in ways that preserve the legality of abortion, while also cultivating socio-economic relations that make abortions available to all and proliferate a myriad of meanings for interpreting reproductive experiences.

Pluralizing *interpretations* of pregnant embodiment, while important, does not quite address the root of the problem; the ambiguity of pregnant embodiment goes deeper than interpretation because the *reality* of pregnancy varies depending on social context, material difference, and pregnant subjects' accounts of their lived bodies. In other words, if the reality of pregnant embodiment is produced through intertwining materiality and culture,⁹⁶ then different conceptions of pregnant embodiment actually enact different ontologies of pregnancy. To envision this, consider Elizabeth Grosz's visual metaphor of the mobius strip, which imagines the social and material dimensions of reality as twisted together like two sides of a mobius strip.⁹⁷ While the inside and outside of the loop can be visually distinguished from certain perspectives, attempts to physically trace the contours of the loop will demonstrate that the inside and outside curve into one another and cannot be separated without destroying the object itself. Understood through this metaphor, social and material reality can be conceptually distinguished but in practice are inextricably twined together. Ontology appears open to radical reshaping by social forces without lapsing into pure social constructivism. Materiality limits the possibilities for social construction, even as ambiguity ensures these possibilities compose a vast array. The abstract entity philosophers describe as *the* pregnant body⁹⁸ becomes a multitude of actual pregnant *bodies*, because each pregnancy generates distinct experiences of pregnant embodiment's psychic, social, and material realities. One's account of the fetal-maternal

assemblage may even shift over the course of a pregnancy or from one pregnancy to another. Consequently, I advocate conceptualizing pregnant embodiment as ontologically multiple.

This idea of pluralizing ontology itself, and not merely our interpretations of it, is not as strange as it might sound. Annemarie Mol argues that the same human body or body part can constituted as different ontological subjects or objects within different contexts.⁹⁹ For example, she argues that one's arteries not only *mean* different things but actually *are* different things depending on whether they are inside a patient's legs as they enjoy a stroll, or whether they are the object of the patient's discourse in a diagnostic meeting with a physician, or whether they are extracted as a sample analyzed in the hospital's laboratory. In the same way, fetal-maternal assemblages are literally different kinds of ontological entities depending on the discourses, practices, and intersubjective conditions within which they are embedded. This explains why the pro-life movement sees cremation as so different from incineration, and also why supporters of abortion rights need not treat dead fetuses interchangeably. It is thus entirely appropriate for feminists to refer to stillborn or miscarried children, while in the same breath describing aborted fetuses as medical waste or pregnancy tissue. Granting pregnant subjects the authority to materialize the fetal-maternal assemblage according to their desires is no more absurd than granting embryologists or bureaucrats that same power. Indeed, it is far *more* presumptuous for the state or experts to impose a single ontology than to allow each pregnant subject to construct the reality of her own lived body.

This understanding of pregnant embodiment opens up more expansive ways of imagining reproductive autonomy, because it allows feminists to say that fetal personhood exists only when actively created by the pregnant person and her community. We can say, then, that *some* fetuses have begun the process of becoming persons and are therefore rightly described as unborn

children, while others have not and will not begin this process. In this sense, the ontology of pregnant bodies is plural and dependent on the pregnant subject's will. Yet, centering pregnant subjects' wills does not require pretending that individuals are bounded, whole, or sovereign; it could instead mean that reproductive autonomy is fully realized only when the pregnant subject's community endorses and resources her agency.

VI. Conclusion

Pro-life discourse acquires affective force by mobilizing and then repressing abjection through anti-abortion policies that impose rigid distinctions on ambiguous materiality. Fetus funeral laws construct fetal personhood and undermine reproductive autonomy by inscribing fetal grievability into the law. However, feminist responses to these laws are inadequate insofar as they fail to engage the affective or ontological aspects of pro-life discourse, re-assert embodied selves' boundaries, or disallow constituting fetuses as persons. If some pregnant people experience fetuses as something other or more than parts of their bodies, feminists should not deny them the symbolic resources to so constitute themselves. This does not imply weakening abortion rights or accepting that all fetuses are persons, because different fetuses might be different kinds of entities. Taking complex and diverse reproductive experiences seriously suggests that fetal potential is contingent upon relations with others, especially the pregnant subject. Affirming abjection, relational autonomy, and multiple ontologies resolves conflicting experiences by distinguishing fetuses whose birth is anticipated from fetuses who have no future. Returning to the Klopfer example, my approach suggests the problem was not his collection *per se* but his failure to obtain patients' consent. Feminists should respond by unapologetically defending abortion rights and asserting pregnant subjects' authority to decide what their dead fetuses are and mean, while nevertheless acknowledging the abject horror of

discovering thousands of fetuses-in-formaldehyde inside a relative's home. While simplifying pregnant bodies is conducive to pro-life claims, feminism is at its most powerful when built on the bedrock of women's diverse experiences. Although pro-life discourse creates space for mourning, this space is not a refuge but a trap that severely limits women's agency. In contrast, if feminists validate grief alongside other possible responses to fetal death, we can provide a refuge without a locked door.

Endnotes (Chapter 2)

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- ¹ Wright, Lincoln. 2019. "Pro-choice and anti-abortion advocates express shock at the discovery of fetal remains at Dr. Ulrich 'George' Klopfer's home." *South Bend Tribune*, https://www.southbendtribune.com/news/local/pro-choice-and-anti-abortion-advocates-express-shock-at-the/article_a55e5864-5d12-5840-888a-20b7180c4d32.html (accessed 12/01/2019); Associated Press. 2019. "More than 2,000 foetal remains found at home of former Indiana abortion doctor." *The Guardian* <https://www.theguardian.com/us-news/2019/sep/15/more-than-2000-foetal-remains-found-at-home-of-former-indiana-abortion-doctor> (accessed 11/16/2019); McCammon, Sarah and Tanya Ballard Brown. 2019. "Fate Of Fetal Remains Unclear As Investigation Continues In Indiana." *NPR*. <https://www.npr.org/2019/09/19/762364993/fate-of-fetal-remains-unclear-as-investigation-continues-in-indiana> (accessed 12/01/2019).
- ² Associated Press 2019
- ³ Ibid
- ⁴ Ibid
- ⁵ Ibid
- ⁶ Americans United for Life (AUL), 2015a. "Dignified Final Disposition Act: Model Legislation & Policy Guide 2015," <https://aul.org/downloads/2015-Legislative-Guides/Legal-Recognition-of-the-Unborn/Dignified-Final-Disposition-Act-2015-LG.pdf> (accessed 11/01/2017).
- ⁷ NARAL Pro-Choice Texas. 2016. "ACT NOW Against Rules Requiring Embryonic & Fetal Tissue Burial." <https://prochoicetexas.org/blog/2016/11/act-now-rules-requiring-embryonic-fetal-tissue-burial/> (accessed 03/31/2020) See also similar statements on fetal tissue available here: <http://prochoicetexas.org/blog/tag/fetal-tissue/> (accessed 03/31/2020).
- ⁸ AUL, N.D. "History." <https://aul.org/about/history/> (accessed 04/01/2020).
- ⁹ AUL, 2012. *Defending the Human Right to Life in Latin America*. AUL: Washington, D.C.; Americans United for Life, 2019, "Latin America." <https://aul.org/latin-america/> (accessed 10/22/2019); Roache, Madeline. 2019. "Poland Is Trying to Make Abortion Dangerous, Illegal, and Impossible." *Foreign Policy* <https://foreignpolicy.com/2019/01/08/poland-is-trying-to-make-abortion-dangerous-illegal-and-impossible/> (accessed 12/01/2019); Enright, Mairead. 2018. "The American origins of proposed amendments to the Health (Regulation of Termination of Pregnancy) Bill 2018." *Lawyers4Choice* <https://lawyers4choice.ie/2018/11/05/the-american-origins-of-proposed-amendments-to-the-health-regulation-of-termination-of-pregnancy-bill-2018/>
- ¹⁰ On the Canadian pro-life movement, see Saurette, Paul and Kelly Gordon, 2013, "Arguing Abortion: The New Anti-Abortion Discourse in Canada," *Canadian Journal of Political Science* 46(1): 157-185. On AUL's framing, see Leach, Brittany, 2020, "Who's Backlashing Against Whom? Feminism, Backlash, and the American Pro-Life Movement's 'Mother-Child Strategy,'" *Signs: Journal of Women in Culture and Society* 45(2): 319-328.
- ¹¹ Oliver, Kelly. 2010. "Motherhood, Sexuality, and Pregnant Embodiment: Twenty-Five Years of Gestation." *Hypatia* 25(4): 760-777; Browne, Victoria. 2016. "Feminist Philosophy and Prenatal Death: Relationality and the Ethics of Intimacy," *Signs: Journal of Women in Culture and Society* 41 (2); Morgan, Lynn M. 1996. "Fetal Relationality in Feminist Philosophy: An Anthropological Critique," *Hypatia*, 11(3): 47-70; Morgan, Lynne M, 2002, "'Properly Disposed of': A history of embryo disposal and the changing claims on fetal remains," *Medical Anthropology*, 21(3-4): 247-274.
- ¹² Lupton, Deborah. 2013. *The Social Worlds of the Unborn*. New York: Palgrave-Macmillan.
- ¹³ Pg. 58, Deutscher, Penelope. 2008. "The Inversion of Exceptionality: Foucault, Agamben, and 'Reproductive Rights.'" *South Atlantic Quarterly* 107(1).
- ¹⁴ Ariss, Rachel. 2003. "Theorizing Waste in Abortion and Fetal Ovarian Tissue Use." 15 *Can. J. Women & L.* 255, 281. On fetal death, see also Hockney, Jenny, and Janet Draper. 2005. "Beyond the Womb and the Tomb: Identity, (Dis)embodiment and the Life." *Body and Society* 11(2).
- ¹⁵ Browne 2016, pg. 385 (n11)
- ¹⁶ Pg. 46, Young, Iris Marion. 2005. *On Female Body Experience: "Throwing Like A Girl" and Other Essays*. Oxford: Oxford University Press.
- ¹⁷ Ibid
- ¹⁸ Lupton 2013, pg. 54 (n12)
- ¹⁹ Pg. 36, Bordo, Susan. 2003. *Unbearable Weight: Feminism, Western Culture, and the Body*. Berkeley: University of California Press.

- ²⁰ Pg. 17, Battersby, Christine. 1998. *The Phenomenal Woman: Feminist Metaphysics and Patterns of Identity*. New York: Routledge.
- ²¹ See for instance, Lupton 2013 (n12); Berlant, Lauren, 1993, "The theory of infantile citizenship," *Public Culture* 5: 395–410; Taylor, Janelle S. 1992. "The Public Fetus and the Family Car: From Abortion Politics to a Volvo Advertisement." *Public Culture* 4(2).
- ²² Morgan 1996 (n11)
- ²³ Pg. 1748, Kent, Julie. 2008. "The fetal tissue economy: From the abortion clinic to the stem cell laboratory." *Social Science & Medicine* 67:1747–1756.
- ²⁴ See for instance: Palmer, Julie. 2009. "Seeing and knowing: Ultrasound images in the contemporary abortion debate." *Feminist Theory* 10(2): 173–189; Stormer, Nathan. 2000. "Prenatal Space." *Signs: Journal of Women in Culture and Society* 26(1): 109–144; Roberts, Julie, 2016, *The visualised foetus: A cultural and political analysis of ultrasound imagery*, Routledge.
- ²⁵ AUL, 2013, *The Women's Protection Project*. Americans United for Life: Arlington, VA. <http://www.aul.org/wp-content/uploads/2014/01/WWP-full.pdf> (accessed 11/01/2017); Daniels, Cynthia R., Janna Ferguson, Grace Howard, and Amanda Roberti, 2016, "Informed or misinformed consent? Abortion policy in the United States," *Journal of Health Politics, Policy and Law*, 41(2): 181–209; Laufer-Ukelest, Pamela, 2011, "Reproductive Choices and Informed Consent: Fetal Interests, Women's Identity, and Relational Autonomy," *American Journal of Law & Medicine*, 37: 567–623; Denbow, Jennifer M., 2015, *Governed through choice: Autonomy, technology, and the politics of reproduction*, New York University Press.
- ²⁶ Browne 2016, pg. 385 (n11).
- ²⁷ Keane, Helene. 2009. "Foetal personhood and representations of the absent child in pregnancy loss memorialization." *Feminist Theory* 10(2): 153–171.
- ²⁸ See for instance: Roberts, Dorothy. 1999. *Killing the Black Body*. New York: Vintage; and Ross, Loretta and Rickie Solinger. 2017. *Reproductive Justice: An Introduction*. Oakland: University of California Press.
- ²⁹ Morgan 2002 (n11)
- ³⁰ Morgan 1996 & 2002 (n11)
- ³¹ Pg. 3, Kristeva, Julia. 1982. *Powers of Horror: An Essay on Abjection*. New York: Columbia University Press.
- ³² Ibid, pg. 2.
- ³³ Ibid
- ³⁴ Ibid
- ³⁵ Ibid, pg. 155.
- ³⁶ Rich, Adrienne. 1995. *Of Woman Born: Motherhood as Experience and Institution*. New York: Norton.
- ³⁷ Battersby 1998 (n20)
- ³⁸ Collette, Ashley. 2019. "Concern or Calculation: An Examination of State Law Mandating the Burial or Cremation of a Fetus." 9 Wake Forest L. Rev. Online 1 <http://wakeforestlawreview.com/2019/01/concern-or-calculation-an-examination-of-state-law-mandating-the-burial-or-cremation-of-a-fetus/> (accessed 12/01/2019); Rewire. 2019. Legislative Tracker Database. <https://rewire.news/legislative-tracker/laws/?s-keyword=&s-law-num=&s-topic=fetal-tissue> (accessed 11/18/2019).
- ³⁹ Collette 2019 (n38); AUL 2015a (n6); Americans United for Life, 2016, "Unborn Infants Dignity Act Sample Legislation." <https://aul.org/wp-content/uploads/2015/08/AUL-Unborn-Infants-Dignity-Act-2016-LG-FINAL-8-05-16.pdf> (accessed 11/01/2017).
- ⁴⁰ On Ireland, see Enright 2019 (n9); On Poland, see Roache 2019 (n9).
- ⁴¹ An Appendix listing all of the documents I examined is available upon request. These documents include nine volumes of the Defending Life strategy guide from the years 2009, 2010, 2012, 2013, 2014, 2015, 2017, 2018, and 2019.
- ⁴² Siegel, Reva. 2014. "Abortion and the "Woman Question": Forty Years of Debate." 89 *Ind. L.J.* 1365. See also: Denbow 2015 (n25), Saurette and Gordon 2013 (n10), Leach 2020 (n10).
- ⁴³ AUL 2015a (n6); See also: AUL, 2015b. "Statement on the Constitutionality of the Unborn Infants Dignity Act," <https://aul.org/wp-content/uploads/2015/12/UIDA-Constitutionality.pdf> (accessed 11/01/2017).
- ⁴⁴ Americans United for Life. 2018b. "Unborn Infants Dignity Act: Myths & Facts." <https://aul.org/2018/03/16/the-unborn-infants-dignity-act-myths-and-facts/> (accessed 11/18/2019).
- ⁴⁵ Americans United for Life. 2017. *Defending Life 2017*. Americans United For Life: Arlington, VA. <http://www.aul.org/wp-content/uploads/2017/03/DefendingLife2017.pdf> (accessed 09/06/2018)
- ⁴⁶ AUL 2018b (n44)
- ⁴⁷ AUL 2015b (n43)
- ⁴⁸ Ibid

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- ⁴⁹ AUL 2017 (n45)
- ⁵⁰ AUL. 2018a. *Defending Life 2018*. AUL: Arlington, VA. <https://aul.org/wp-content/uploads/2018/10/Defending-Life-2018.pdf> (accessed 09/06/2018).
- ⁵¹ Ibid
- ⁵² Ibid
- ⁵³ Ibid
- ⁵⁴ Butler, Judith. 2006. *Precarious Life: The Powers of Mourning and Violence*. New York: Verso.
- ⁵⁵ Ibid, pg. 33.
- ⁵⁶ AUL 2016 (n39)
- ⁵⁷ AUL 2018b (n44)
- ⁵⁸ Ibid
- ⁵⁹ AUL 2018b (n44)
- ⁶⁰ AUL 2015b, emphasis original (n43)
- ⁶¹ *Box v. Planned Parenthood of Indiana and Kentucky, Inc.* 2019. No. 18-483, 587 U.S. ___, 139 S.Ct. 1780.
- ⁶² *Planned Parenthood v. Minnesota*. 1989. D. Minn, No. 4-87-676.
- ⁶³ Ibid
- ⁶⁴ AUL 2017 (n45), see also 2013 (n25), 2015a (n6), and 2016 (n39).
- ⁶⁵ Rankin, Lauren. 2016. “‘We Have to Shift the Table of Power’: A Q&A With Reproductive Rights and Justice Leaders,” *Rewire News* <https://rewire.news/article/2016/12/21/shift-power-qa-reproductive-rights-justice/> (accessed 11/18/2019).
- ⁶⁶ Ibid
- ⁶⁷ Ibid
- ⁶⁸ Guttmacher Institute. 2016. “Fetal Tissue Research: A Weapon and a Casualty in the War Against Abortion.” <https://www.guttmacher.org/gpr/2016/fetal-tissue-research-weapon-and-casualty-war-against-abortion> (accessed 10/24/2019); Guttmacher Institute, 2018, “Targeted Regulation of Abortion Providers (TRAP) Laws,” <https://www.guttmacher.org/evidence-you-can-use/targeted-regulation-abortion-providers-trap-laws> (accessed 01/31/2019).
- ⁶⁹ Center for Reproductive Rights, 2018, “Trial Concludes in Challenge to Unconstitutional Texas Abortion Restrictions” <https://reproductiverights.org/Trial-Concludes-Challenge-to-Unconstitutional-Texas-Abortion-Restrictions> (accessed 03/14/2020).
- ⁷⁰ NARAL Pro-Choice Texas 2016 (n7)
- ⁷¹ Guttmacher Institute 2016 (n68)
- ⁷² Ariss 2003 (n14)
- ⁷³ Ibid, pg. 270-271
- ⁷⁴ Morgan 2002 (n11)
- ⁷⁵ Ross and Solinger 2017 (n28)
- ⁷⁶ Ibid
- ⁷⁷ Ariss 2003, pg. 267 (n14)
- ⁷⁸ See also Bordo 2003 (n19) and Nedelsky, Jennifer. 2011. *Law’s Relations: A Relational Theory of Self, Autonomy, and Law*. Oxford: Oxford University Press, on this point.
- ⁷⁹ Ariss 2003, pg. 272-273 (n14)
- ⁸⁰ Ibid, pg. 273
- ⁸¹ Cornell, Drucilla. 1995. *The Imaginary Domain: Abortion, Pornography and Sexual Harassment*. New York: Routledge.
- ⁸² Ibid, pgs. 4-9
- ⁸³ Ibid, pgs. 33-35
- ⁸⁴ Ibid, pg. 32
- ⁸⁵ Ibid, pg. 34
- ⁸⁶ Ibid, pgs. 33 & 40
- ⁸⁷ Ibid, pgs. 35 & 47
- ⁸⁸ Ibid, pgs. 32 & 37-38
- ⁸⁹ Ibid, pg. 32
- ⁹⁰ Ibid, pg. 48
- ⁹¹ Ibid, pg. 5
- ⁹² Keane 2009 (n27)
- ⁹³ Nedelsky 2011 (n78)

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- ⁹⁴ Nedelsky 2011 (n78); Marso, Lori. 2017. *Politics with Beauvoir: Freedom in the Encounter*. Durham: Duke University Press; Zerilli, Linda. 2005. *Feminism and the Abyss of Freedom*. Chicago: University of Chicago Press.
- ⁹⁵ Allen, Amy. 2008. *The Politics of Our Selves*. New York: Columbia University Press.
- ⁹⁶ For more on this, see the introduction. See also Gatens, Moira, 1996, *Imaginary Bodies: Ethics, Power, and Corporeality*, New York: Routledge and Grosz, Elizabeth, 1994, *Volatile Bodies: Toward a Corporeal Feminism*, Bloomington: Indiana University Press.
- ⁹⁷ Grosz 1994 (n96)
- ⁹⁸ Battersby 1998 (n20)
- ⁹⁹ Mol, Annemarie. 2002. *The Body Multiple: Ontology in Medical Practice*. Durham: Duke University Press.

CHAPTER 3 – AT THE BORDERS OF THE BODY POLITIC: FETAL CITIZENSHIP, SOVEREIGNTY, AND THE DEBILITATION OF PREGNANT MIGRANTS IN U.S. IMMIGRATION PRISONS

I. Introduction

In September 2017, seventeen-year-old “Jane Doe” was apprehended attempting to cross the border into the United States without legal authorization. She was immediately detained and held in federal custody as an unaccompanied undocumented minor. Shortly thereafter, she discovered that she was pregnant and decided to abort the pregnancy. Because she lacked a legal guardian, Doe sought and obtained a judicial bypass exempting her from Texas’s parental consent requirement for minors seeking abortions. Although Doe had already made arrangements to obtain the procedure without any logistical or financial support from the government, Doe’s request for permission to receive an abortion was denied. Upon appealing this initial administrative decision, a three-judge panel again denied her request and rejected Doe’s claim to have abortion rights under the U.S. Constitution. Only after the case was reheard by the District Court *en banc* was Doe’s right to have an abortion finally upheld in late October, enabling her to undergo the procedure after more than seven weeks of bureaucratic delay and legal contestation.¹ The Doe case illustrates the contradictions and potential convergences of pro-life and anti-immigrant discourses on the American Right, as well as the complex relationships between neoliberalism, feminism, and sovereignty.

Though the Doe case reveals that at least some U.S. administrative and judicial officials believe the state has an interest in preventing undocumented immigrants from aborting their pregnancies, concern for the well-being of immigrant women and their fetuses does not seem to extend far beyond this case. Even as Doe’s abortion rights were being obstructed, other pregnant women detained for immigration violations continued to face high miscarriage rates, inadequate reproductive healthcare, and other forms of mistreatment in immigration prisons.² Reports of

abuses abound.³ One woman, who was over five months into her pregnancy at the time of the incident, claimed that Immigration and Customs Enforcement (ICE) officials denied her access to the hypertension medication in her purse, even though untreated hypertension during pregnancy can result in deadly complications for the mother and fetus, including heart problems, strokes, pre-eclampsia, “fetal growth restrictions,” and placental abruption.⁴ In another case, Nancy Gonzalez Hidalgo was denied adequate medical care for an incomplete miscarriage for nearly a year. While travelling on vacation with her husband and children, Hidalgo was arrested after a fellow restaurant customer heard her speaking Spanish with her husband and reported the couple to the police for alleged marijuana smuggling, an allegation she flatly denies. Hidalgo was separated from her family and incarcerated in a private immigration prison, where she suffered a miscarriage. Despite concerning symptoms, her request for medical treatment was repeatedly refused. According to the Southern Poverty Law Center (SPLC), prison officials offered Hidalgo only over-the-counter painkillers, and diapers and towels to staunch the bleeding.⁵ She waited for months, “alone, grieving the loss of her third child and in constant pain from a severe lack of proper medical treatment.”⁶ The SPLC reports:

At first, she was prescribed Advil, but she knew she needed to see a gynecologist. Prison staff said they couldn’t provide one, because Hidalgo wasn’t pregnant. When she eventually saw a doctor, he diagnosed her with an infection and prescribed antibiotics. However, the prison did not give Hidalgo her first round of medicine, therefore worsening the infection caused by her miscarriage. By November 2018, the pain was so excruciating, she said, it would radiate into her legs and wake her during the night. But she was afraid to see that same doctor again. He didn’t speak Spanish, and during her procedures, no interpreter had been present to ensure that she understood her diagnosis and follow-up procedures. ‘They don’t explain anything,’ she said. ‘They do no more than putting you in bed.’ She didn’t know if the doctor was racist, but she did know he hurt her. This was a common complaint from many of the women who were sent to the same doctor, and because Hidalgo – like the other women – didn’t want to see him, the officials at Irwin forced her to sign a form declaring that she was refusing medical treatment. But that was not actually the case. It had been 10 months since her miscarriage, and it was urgent that she see a provider she could trust. The delays

associated with her medical mistreatment were increasing her risk of future complications, including infertility.⁷

The treatment of Hidalgo belies the concerns expressed for Doe and the fetus she carried. Pregnant migrants and their fetuses are often exposed to conditions that heighten risks of miscarriage, infertility, and infant and maternal mortality⁸ – outcomes which appear to be at odds with the discourse of fetal citizenship and the aims of protecting fetal life espoused by the pro-life movement. What is the purpose of prohibiting or discouraging abortion among a population that is otherwise marked as disposable and targeted for exposure to reproductive risk? Why adopt policies preventing fetal death through abortion only to adopt other policies which result in fetal death through negligence? Doe's case, together with that of Hidalgo and others denied adequate perinatal care in immigration prisons, indicates that migrant women's fetuses may be neither killed nor born alive and healthy. In this chapter, I seek to untangle the knotted biopolitical logic at work in the regulation of reproduction in immigration prisons, suggesting that the state's seemingly confused policy towards pregnant migrants results from a clash between competing discourses that regulate the relationship between individual reproductive bodies and the reproduction of the American body politic.

I argue that the seemingly contradictory web of policies in which pregnant migrants are caught are produced by the state apparatus, encompassing an array of policymaking actors in multiple levels and branches of government, negotiating between pro-life and anti-immigrant discourses. These discourses converge in reinforcing the legitimacy of the state's authority to police national borders and pregnant bodies. However, they diverge over how to read the citizenship status of immigrant women's fetuses. Anti-abortion discourse posits that fetuses are not just potential citizens, but *already* unborn citizens towards which the state has an obligation and over which it has a right to govern. Though they employ racist and sexist stereotypes as well

as promoting policies that are detrimental to women of color, the pro-life movement represents itself as at least superficially anti-racist, explicitly proclaiming that the lives of non-white fetuses are valuable and using targeted messaging to discourage black and Latina women from having abortions.⁹ Anti-immigrant discourse constructs a narrow, racialized account of citizenship that excludes not only immigrant women's fetuses but also their children born on U.S. soil, marking immigrants (pregnant or not, born or unborn) and racialized citizens for exposure to violence and deprivation on the grounds that they are not (true) citizens. I read the Doe case as a relay point between anti-abortion discourses, which legitimate the state's authority to govern pregnant bodies and potential life, and anti-immigrant discourses, which legitimate border enforcement as a security aim by presenting undocumented immigrants as a threat to the (white) body politic. I thus contribute to the literature on fetal citizenship and immigration by showing that pro-life discourses of fetal citizenship sometimes conflict with racist, nativist conceptions of citizenship that exclude immigrant mothers and their children. I also contribute to the feminist theoretical literature on anti-abortion discourse by identifying tensions which emerge from the pro-life movement's shift from a discourse aimed at conciliation or co-optation of liberalism towards a more overtly racist, misogynist, and authoritarian discourse.

In doing so, I show how the tensions between pro-life and anti-immigrant discourses are quelled through two techniques. The first is debilitation, theorized by Jasbir Puar as a form of willful state neglect that subjects vulnerable populations to systematically greater risk of injury while avoiding spectacular deaths that could mobilize opposition.¹⁰ The second is paralegality, which Inés Valdez, Mat Coleman, and Amna Akbar define as extra-legal or ambiguously legal policymaking by immigration enforcement officials.¹¹ These techniques confirm the state's sovereign authority to regulate borders and enable the continued operation of the border security

apparatus, while shielding elected officials from accountability and mystifying immigration policy. I argue that debilitation and paralegality enable a delicate compromise between Right-wing discourses that allows the state to simultaneously re-assert its sovereign authority while obscuring responsibility for the neglect and abuse of pregnant migrants. Sovereignty, here, refers to both nation-state sovereignty (the ultimate authority of a state to govern a territory and its corresponding national population) and biosovereignty (the state's right to kill, exercised through biopolitical means). By tracing how these techniques reinforce sovereignty and smooth tensions between discourses, I aim to show how pregnant migrants are subordinated at the intersection of patriarchal, racist, nationalist, and neoliberal capitalist forms of power that regulate and hierarchically order the reproduction of bodies and the body politic. To challenge these intersecting forms of domination, I suggest that defending the reproductive autonomy of immigrant women should be central to feminist coalitional organizing.¹²

In Section II, I trace attempts at articulating anti-immigrant and anti-abortion discourse in the Doe case, *Garza v. Hargan*. In Section III, I show how this reading illuminates the discursive functions of fetal citizenship and how it interfaces with injustices against pregnant immigrants. In Section IV, I argue that the state adopts a strategy of debilitation in order to resolve the ambiguous legal status of immigrant women's fetuses. In Section V, I link reproductive injustices against pregnant migrants to sovereignty. In doing so, I aim to contribute to theorizing the contemporary Right-wing resonance machine – or configuration of interlocking or overlapping discourses that amplify one another¹³ – in the United States and illuminate the complicated relationship between neoliberalism, feminism, and sovereignty.

II. Pro-Life and Anti-Immigrant Discourses in *Garza v. Hargan*

The dissenting opinions of then-Judge (now Justice) Brett Kavanaugh and circuit court judge Karen LeCraft Henderson in *Garza v. Hargan* illustrate two ways that anti-immigration discourse might be articulated with anti-abortion discourse. As described above, *Garza v. Hargan* concerned the abortion rights of pregnant undocumented minor Jane Doe. Kavanaugh and Henderson both sought to delay or thwart Doe's abortion, but they arrived at this conclusion via different routes. Kavanaugh's ruling emphasizes fetal life and the supposed dangers of abortion, while Henderson's emphasizes border security and the supposed threat of illegal immigration. Yet, though they differ in tone and emphasis, both rulings conclude against Doe's abortion rights claim and use her immigration status to undermine her reproductive rights. These twin decisions illustrate the tensions between anti-abortion and anti-immigrant discourses as well as how they might be brought into alignment. Kavanaugh's paternalistic compassion dovetails with Henderson's xenophobia to place undocumented minors in an impossible situation.

Kavanaugh argues for further delaying Doe's abortion on the grounds that it is in her own best interests. He describes Doe as isolated, explaining that unaccompanied immigrant minors lack "a support network of friends and family to rely on...to support them through the decision and its aftermath."¹⁴ Kavanaugh explains that he is "not forcing the minor to talk to the sponsor about the decision, or to obtain consent" but "merely seeking to place the minor in a better place when deciding whether to have an abortion."¹⁵ He urges consideration of Doe's circumstances, noting that she is a teenager, "alone" in a "government detention facility in a country that is foreign to her," confronted with a pregnancy and a "major life decision."¹⁶ Under such circumstances, he asks, "Is it really absurd for the United States to think that the minor should be transferred to her immigration sponsor – ordinarily a family member, relative, or friend – before she makes that decision?"¹⁷ He concludes that it is indeed "reasonable... to think that transfer to

a sponsor would be better than forcing the minor to make the decision in an isolated detention camp with no support network available.”¹⁸ Thus, Kavanaugh finds that continuing to delay Doe’s abortion furthers the state’s legitimate interest in protecting Doe’s well-being.

This reasoning ignores the fact that waiting for a guardian to be assigned entails an indeterminate but likely lengthy delay,¹⁹ which could mean that Doe would not be able to obtain a sponsor during the early stages of pregnancy in which elective abortion is legal. Moreover, delay could increase dangers to Doe’s physical health, even if an abortion is eventually permitted. Kavanaugh’s worry about the circumstances in which Doe must make her decision to abort or carry to term is likewise problematic because he presumes that Doe has not yet made a decision, despite her expressed intention to abort and significant efforts to realize this intention. He also overlooks the Texas court’s finding that Doe possessed sufficient maturity to judge her own best interests, employed a reasonable decision-making process, and expressed a firm commitment to aborting her pregnancy. Kavanaugh’s decision also elides the fact that it is *the U.S. government* which has chosen to keep Doe confined in “an isolated detention camp,” thus creating the conditions of imprisonment about which he expresses so much concern.

Nonetheless, Kavanaugh’s apparent concern for Doe’s best interests is noteworthy because it is characteristic of the softer, more pro-woman language widely adopted by North American pro-life activists (at least until quite recently).²⁰ Kavanaugh seems to view his care for Doe as consistent with his anti-abortion leanings, as he claims to be upholding the state’s “permissible interests in favoring fetal life, protecting the best interests of a minor, and refraining from facilitating abortion.”²¹ This framing of anti-abortion policies as good for women *and* fetuses is a core element of the pro-life movement’s mother-child strategy, a legislative and judicial approach that aims to expand abortion restrictions on the grounds that such restrictions

benefit women's health and protect fetal life.²² As many feminist scholars have argued, such attempts to protect women constitute a gendered form of social control that often provides little meaningful benefit to those who are ostensibly being protected.²³ Moreover, this protection typically leaves the most marginalized women vulnerable while obscuring the role of state action or inaction in subjecting women to dangerous circumstances.²⁴

Judge Henderson's decision, by contrast, employs vehemently anti-immigrant rhetoric to discount Doe's interests in favor of the state's interest in border enforcement. In Henderson's view, allowing Doe to claim constitutional abortion rights "rewards lawlessness and erases the fundamental difference between citizenship and illegal presence in our country."²⁵ Because abortion is illegal in Doe's home country and Doe was likely pregnant when she arrived at the U.S. border, Henderson argues that upholding Doe's right to have an abortion would signal to "pregnant alien minors the world around seeking elective abortions...that they should make the trip" to the United States.²⁶ Framing her argument primarily in terms of border security, she also imputes motives to Doe by virtue of her legal status and pregnancy. "Border authorities, immigration officials and HHS itself," she writes, "would be well served to know *ex ante* whether pregnant alien minors *who come to the United States in search of an abortion* are constitutionally entitled to one" (emphasis added).²⁷ For Henderson, then, Doe represents a potential flood of women attempting to immigrate to the U.S. through unauthorized channels in pursuit of reproductive freedom.

In Henderson's narration, Doe's pregnancy does not entitle her to exceptional compassion or consideration, but instead impugns her reasons for attempting to enter the country. Doe's reproductive and legal status are reiterated in conjunction throughout Henderson's account, creating the impression that her pregnancy was the reason for her

unauthorized border crossing.²⁸ Writing that “it is highly likely [Doe] knew when she attempted to enter the United States that she was pregnant, as she was at least eight weeks pregnant at the time. Notably, elective abortion is illegal in J.D.’s home country,”²⁹ Henderson uses Doe’s pregnancy to cast suspicion on her reasons for attempting to immigrate, even though it would hardly be necessary to *move* to the U.S. to obtain a procedure that would be perfectly legal had Doe entered the country on a tourist visa. As justification, Henderson highlights the absence of testimony by Doe about exactly when she discovered that she was pregnant, implausibly interpreting an immigration official’s testimony that Doe was examined and informed of her pregnancy after she was detained as “not rul[ing] out” the possibility “that J.D. knew she was pregnant even before the examination.”³⁰ By presenting abortion as Doe’s *motive* for border-crossing, Henderson links Doe’s pregnancy and desire for an abortion to her “illegal” actions, representing her as fundamentally criminal and responsible for her own predicament.

To establish that Doe is not entitled to constitutional rights, Henderson appeals to Doe’s foreignness and lack of standing as a citizen, legal resident, informal member of the national community, or even as a *person*. “J.D. is not a U.S. citizen,” Henderson states, “she is not a permanent resident, legal or otherwise. According to the record, she has no connection to the United States, let alone ‘substantial’ connections. Despite her physical presence in the United States, J.D. has never entered the United States as a matter of law and cannot avail herself of the constitutional rights afforded those legally within our borders.”³¹ Though stressing the illegality of the entry, Henderson cites multiple cases that extend legal protections to undocumented residents in support of her claim that Doe, because she was apprehended before crossing the threshold of America’s borders, has minimal – if any – claim to rights under the law.³² She also cites cases which affirm the legitimacy of the state’s power to police the border and exclude

foreigners, explaining that “the Supreme Court ‘without exception has sustained’ the Congress’s power to exclude aliens, a power ‘inherent in sovereignty,’ and consistent with ‘ancient principles’ of international law.”³³ This power, she argues, “applies with all the more force here, where a substantive due process right is asserted not by a U.S. citizen, nor by a lawful-permanent-resident alien, nor even by an illegally resident alien, but by an alien minor apprehended attempting to cross the border illegally and thereafter detained by the federal government.” If Doe’s rights can legally be violated in numerous ways – Henderson mentions indefinite detention, selective deportation based on political speech, and deportation with only cursory notice as examples – because of her immigrant status, “then she cannot successfully assert a due process right to an elective abortion.”³⁴ Henderson even goes so far as to deny that Doe counts as a *person* under the U.S. Constitution. “Although the panel dissent found ‘deeply troubling’ the argument ‘that J.D. is not a person in the eyes of our Constitution,’ the argument is nevertheless correct,” she states.³⁵ For Henderson, denying Constitutional protections to Doe is supremely important (“The stakes, both in the short run and the long, could scarcely be higher”)³⁶ for the rule of law and the legitimacy of the government’s border enforcement powers.

Despite these differences, there are also points of convergence between the two rulings. For instance, though Kavanaugh is not as overtly hostile towards unauthorized immigrants as Henderson, he nonetheless repeatedly refers to Doe as an “unlawful immigrant minor” and characterizes her actions as “illegally” attempting to cross the border.³⁷ Likewise, despite her focus on border control, Henderson echoes pro-life attacks on women who have abortions by impugning Doe’s character and blaming her for her circumstances. Additionally, both Kavanaugh and Henderson briefly register their disapproval of *Roe v. Wade* without explicitly calling for it to be overturned. Kavanaugh notes that “some disagree with cases holding that the

U.S. Constitution provides a right to an abortion,”³⁸ but concedes that this is not a matter for a lower court to decide. Henderson emphasizes that Doe’s request is for an “elective abortion,” defends the state’s legitimate interest in protecting fetal life, and presents it as absurd to claim that abortion is more fundamental than other rights denied to unauthorized immigrants, including freedom of speech and due process.³⁹ She describes the *en banc* ruling permitting Doe’s abortion as yet another entry into “the pantheon of abortion-exceptionalism cases” which engage in a “maximalist application of some of the most controverted case law in American jurisprudence... over the well-founded objections of an Executive authorized to pursue its legitimate interest in protecting fetal life.”⁴⁰ Though strongly worded, this is the only reference to fetal life in Henderson’s decision.

Finally, both decisions selectively ignore the materiality and inexorable temporality of pregnant bodies. Though Kavanaugh concedes that delaying Doe’s abortion until it would no longer be legal would impose an undue burden, he remains silent about the health risks of delaying the procedure until the last minute. Henderson mentions the timeline of Doe’s pregnancy only in the context of arguing that Doe must have known she was pregnant before attempting to cross the border. Both ignore the fact that, if Doe remains in custody but is denied access to abortion, she will eventually (barring complications) give birth to a child, who will be a U.S. citizen. This selective elision of the materiality of pregnancy not only discounts the bodily consequences of forcing Doe to continue her pregnancy against her will; it also sidesteps the complications that arise from the citizenship status of Doe’s fetus or hypothetical future child. As I will argue in the next section, avoiding these complicated questions about citizenship is crucial for grafting together anti-abortion and anti-immigrant discourses.

In sum, the two decisions illustrate the potential overlaps and contradictions that arise from the confluence of anti-immigrant and anti-abortion discourses. Kavanaugh's decision presents his deferral of Doe's abortion rights as an act of humanitarian compassion, even as Henderson's paints the same outcome as a security measure needed to protect the body politic from threatening foreign others. Without genuine concern for the fetus, it is difficult to sustain the argument that there is anything wrong with Doe aborting her pregnancy; yet, sincere compassion would seem to require a similar concern for pregnant immigrants mistreated in U.S. custody. This is the puzzle that Henderson and Kavanaugh expose: how can the state express concern for the fetal life carried by immigrant women in the context of abortion, while remaining unconcerned about the health and well-being of pregnant immigrants detained in state custody?

III. "Alien Mothers," "Fetal Citizens," and "Anchor Babies"

The paradoxical treatment of pregnant migrants arises from the clash between pro-life accounts of citizenship as encompassing fetuses and anti-immigrant accounts of citizenship that exclude immigrants and sometimes their children, or which position immigrants (and their children) within multifaceted hierarchies according to race, gender, religion, national origin, legal status, economic class, and so on. On the one hand, the pro-life movement has sought to construct fetuses as citizens⁴¹ or even, to use Lauren Berlant's terminology, as "super-citizens" with rights that make claims upon the maternal body that no other human beings are granted over the bodies of others.⁴² Understanding fetuses as citizens not only grants them rights, but also makes them subjects over which the state has authority and objects of care which the state may legitimately manage. On the other hand, some scholars have noted that otherwise pro-life legislators who oppose immigration often appear unconcerned about abortion rates among undocumented immigrants and may support policies that *de facto* encourage abortion by

excluding immigrants from public health programs.⁴³ Moreover, opponents of immigration often portray the fetuses and children of immigrants as threats rather than potential citizens.⁴⁴ Recently, some on the Right have even called for the reversal of birthright citizenship and the stripping of citizenship from naturalized immigrants.⁴⁵ The expansive pro-life conception of citizenship as extending to potential future citizens thus conflicts with the highly restrictive interpretation of citizenship in anti-immigrant discourse.

According to Monica Casper and Lynn Morgan, the pro-life movement began to shift from a discourse of fetal personhood to fetal citizenship in the early 2000s.⁴⁶ One example they cite is an immigration court ruling that halted a pregnant woman's deportation on the grounds that her fetus was an American citizen who could not be deported. While Casper and Morgan are rightly troubled by the prioritization of fetuses at the expense of women, I think this case is more complicated than their interpretation suggests. On one hand, it exemplifies the pro-life logic which elevates fetuses over women and the anti-immigrant logic which elevates citizens over foreigners. On the other hand, if deportability is a form of violence, as some scholars argue,⁴⁷ this may be a rare instance in which protecting fetal rights actually protected the pregnant person. At a minimum, this example shows (in contrast to the Doe case) how a pro-life logic *can* cut against strict enforcement of immigration policies. Moreover, this example is not unique: similar tensions appeared in debates over Arizona's law banning sex- and race-selective abortions. As Jennifer Musial notes, Arizona state legislators raised questions about whether the bill protected undocumented people's fetuses, whether "fetal citizenship supercede[ed] migrant status," and whether "fetuses have citizenship rights (like the right to contest discriminatory abortions) while their pregnant carriers remain 'illegal immigrants' trying to have 'anchor babies' within this anti-immigrant rhetoric," though these questions were dismissed as "irrelevant" by the bill's sponsors.⁴⁸

Sean Wang offers a more nuanced perspective on the ramifications of fetal citizenship for immigrant women. Examining the figure of the fetal citizen in the ongoing panic over Chinese birth tourism, Wang shows how anti-Asian racist narratives about birth tourism (like anti-Latinx narratives about so-called “anchor babies”) are used to attack birthright citizenship, maintain racialized constructions of U.S. citizenship, and project a racialized vision of the body politic into the future. He argues that “the figure of the fetal citizen emerges as the defining site of struggle between preserving, or exposing, the fantasy of a national future”⁴⁹ and over *jus soli* citizenship rights “because birthright citizenship provides the legal mechanism through which reproductive futurism functions, manipulating state policies governing women’s reproduction becomes a tactic through which the desired national population for the future could be engineered.”⁵⁰ In Wang’s view, this contestation illustrates “how pregnant migrants are doubly abjected, but also how *jus soli* and their unborn American fetus-as-citizen become a desperate line of last defense against anti-immigration assaults, desperate because in invoking that defense, we again de-humanize migrant women as merely ‘containers of citizens’ and never citizens in their own right.”⁵¹ Yet, although immigrants and their advocates may appeal to fetal citizenship in order to defend pregnant immigrants’ rights and interests, such appeals have only “limited transgressive potentials” because they condition women’s access to healthcare, rights, and other benefits of citizenship on their pregnancies. Wang’s analysis highlights the tensions between the pro-life idea of fetal citizenship and anti-immigrant understandings of citizenship.

Furthermore, these tensions are not merely incidental but logically entailed by the clash between different conceptions of citizenship. If fetuses are unborn citizens, then the immigrant fetal-maternal assemblage contains a (potential) fetal citizen and a maternal non-citizen. Even if the mother is not a citizen or legal resident, the fetus (expected to be born in the U.S.) is *already*

a citizen from the pro-life perspective. It is thus subject to state authority *and* entitled to state protection. But this citizenship claim is speculative because it is contingent upon a future birth on U.S. soil. If the pregnant migrant is deported and gives birth elsewhere, the future child is not an American citizen and the fetus retroactively has never been a citizen either. Conversely, if one adopts a more restrictive conception of citizenship which disregards the possibility that the fetus might be born on American soil, then it may be treated as foreign, and thus subjected to violence and exclusion. But if the fetus is a legitimate target of violence that has no claim to state protection, then there is no reason to prevent immigrant detainees from obtaining abortions. Moreover, adopting the view that immigrant women's fetuses are not citizens unless and until they are born in the U.S. seems to call into question the conceptual coherence of extending citizenship to the unborn. Indeed, the notion of "potential citizens" carries quite different meanings in the context of migration than it does in the context of reproductive politics. In light of migration, almost *anyone* could be construed as a potential citizen, insofar as they could immigrate and become naturalized. Yet if any aspiring immigrant is (in theory, if not in practice⁵²) a potential citizen in this sense, and the state has authority over and responsibility for potential citizens, the boundaries of the body politic would become so expansive and blurry that it would be difficult to distinguish those who have rights and duties in a polity from those who do not. The task of governing would become extremely unwieldy, perhaps impossible. The upshot is that strict control over immigration is incompatible with granting the state the right and responsibility to govern potential citizens. These logical knots suggest that the pro-life notion of fetal citizenship does not mesh well with the idea of national sovereignty; combining the two seems to undo one or both.

A common strategy for dispelling these tensions is victim-blaming. Victim-blaming resonates with the biopolitical expectation that individuals take responsibility for managing their own health risks, an expectation that Deborah Lupton identifies as characteristic of neoliberal citizenship and essential to the construction of fetal subjectivity.⁵³ Neoliberalism, she argues, produces a form of reproductive citizenship that individualizes responsibility for reproductive risk and pregnancy outcomes.⁵⁴ Thus, pregnant or post-partum people are held responsible not only for their own health but also for their fetus' or infants' health. In the context of immigration detention, this responsabilization enables pregnant immigrants to be blamed for the state's neglect, representing their actions of overstaying a visa or crossing the border as evidence of their essential criminality and bad motherhood. By invoking gendered and racialized images of immigrant criminality to blame Doe for her circumstances, for example, Henderson absolves the state of responsibility for the harms that may befall Doe or her fetus during her detention or following deportation, while reinforcing the state's authority to regulate Doe's body and the country's borders. Yet, victim-blaming only goes so far, given the pro-life movement's portrayal of fetuses as innocent of their parents' crimes and moral failings.

The racialization of immigrants strengthens victim-blaming narratives and weakens birthright citizenship through the circulation of negative images of immigrants and their children. As many scholars have shown, negative representations of immigrants have a deep historical entanglement with racializing discourses that code foreignness as non-white and as threatening to the white body politic.⁵⁵ For instance, P.J. Brendese and others have noted that narratives about "illegal" immigrants echo racist metaphors depicting foreign and ethnic others as vermin, pestilence, criminals, or terrorists, metaphors that have often appeared as a prelude to genocide and other forms of violence.⁵⁶ In the context of U.S. immigration politics, otherizing

representations of foreigners often take the form of racialized depictions of Mexicans (and other Latinx communities). For example, Nicholas De Genova's painstaking account of the discursive and legal history of U.S. immigration policy demonstrates that the present-day association of Mexicans with "illegal" immigration extends racist rationales that have been used for at least a century to justify a series of policies systematically biased against legal immigration from Mexico. As he argues, the pejorative use of terms like "illegals" in immigration discourse reinforces racist representations of Mexicans as inherently criminal while obscuring the historical responsibility of the United States in creating the conditions for illegal (but not legal) immigration from Mexico. Moreover, De Genova and others⁵⁷ contend that the discursive equation of Mexican nationality and Hispanic ethnicity with "illegality" or criminality also harms Latinx and Hispanic American citizens by constructing them as a racialized underclass of "perpetual foreigners" or "not real Americans," thus legitimating discrimination against them.

Attacks on birthright citizenship integrate fetal citizenship into anti-immigrant discourse by reinforcing the notion of fetal personhood while seeking to exclude undocumented immigrants' fetuses and children from American citizenship. In her analysis of discussions about so-called "anchor babies," Natalie Cisneros illuminates the links between the denigration of immigrant mothers and attacks on birthright citizenship.⁵⁸ She argues that representations of "alien maternity" demonize (especially undocumented) immigrant women's sexuality and motherhood. Cisneros explains that "alien mothers" are excluded from discourses of civic motherhood because women must "already be full and unquestionable citizens" in order for their motherhood to count as a virtuous contribution to the polity.⁵⁹ The very act of giving birth on American soil while one's "citizenship status is in question," she argues, is interpreted as evidence that immigrant mothers not only *lack* civic virtues but actively "'contaminate' the

social body and render vulnerable the boundaries of citizenship.”⁶⁰ By crossing a border without authorization while pregnant, undocumented fetal-maternal assemblages destabilize the boundaries between citizen and non-citizen, because they carry a potential citizen inside a body coded as “alien,” perverse, criminal, and dangerous to the health of the body politic.

Cisneros shows how racialized depictions of “‘alien’ reproduction” as an “invasion” or “infestation” which threatens the (implicitly white) nation feed attacks on birthright citizenship.⁶¹ In these discourses, “the maternal body contaminates the fetus so that its citizenship status when it becomes a born baby is questionable,” revealing the “always-already racialized nature of both ‘citizen’ and ‘illegal alien’ subjectivities.”⁶² Coding immigrant bodies as nonwhite and rendering the purported criminality of undocumented mothers heritable marks their offspring as threatening and unassimilable. From this perspective, extending “‘birthright citizenship’ to children of illegal ‘aliens’ constitutes an immoral and dangerous act of giving the rights and privileges of citizenship to always-already alien bodies” because “‘alienness’” is understood as “both inheritable and essential” in spite of the legal rights guaranteed by the Fourteenth Amendment.⁶³ Because this heritable “alienness” is portrayed as threatening to the nation, pregnant immigrants and their fetuses are constructed as “‘anticitizen’ bodies against which citizenship is constituted” and whose deviance must be managed in the interest of national security.⁶⁴ Cisneros coins the term “backwards uncitizenship” to describe calls for retroactively stripping citizenship rights from the children of undocumented immigrants because their mothers violated “a prior boundary of citizenship,” which is essentialized as having inherent and enduring meaning even as opponents of birthright citizenship seek to renegotiate it.⁶⁵ From this perspective, the children (or fetuses) of undocumented immigrants cannot be considered real citizens, regardless of what the law dictates.

Unexpectedly, Cisneros does not think these representations of “alien maternity” or “alien reproduction” necessarily disrupt discourses of fetal citizenship.⁶⁶ Rather, she contends, “the construction of the fetus as a virtuous citizen makes possible (and is made possible by) the discourse that refers to some fetuses as ‘anchor babies’ and ‘multiplying rats.’”⁶⁷ Drawing on Berlant’s argument that fetal citizenship negates pregnant women’s subjectivity,⁶⁸ Cisneros reads fetal citizenship as both an abstract ideal that enables the imaginary unification of the nation as an intimate community and as a “concretely racialized” conception of citizenship that excludes the fetuses of undocumented immigrants from the de-historicized, universal “history” of the nation.⁶⁹ The figure of the “anchor baby” thus emerges as the underside of the fetal citizen. As Cisneros puts it, like “upper-middle-class white maternal bodies, ‘alien’ women’s always-already racialized bodies are disciplined and regulated by discourses” that subordinate pregnant women to the fetuses they carry, “but instead of constituting ‘alien’ fetuses as ‘fetal citizens’ deserving of protection, these fetuses (and the children they sometimes become) are constituted as racialized, anticitizen ‘anchor babies.’”⁷⁰ According to Cisneros, then, pregnant immigrants’ fetuses are racialized and excluded along with their mothers. Moreover, anti-abortion laws position pregnant immigrants and their fetuses in a hierarchal relationship with each other.

Cisneros’s analysis provides some insight into the Doe case. For instance, the discursive link between national security and controlling “alien” reproduction provides a more convincing explanation for Henderson’s conviction that recognizing Doe’s abortion rights would undermine national security than her stated rationale that ruling in Doe’s favor would increase unauthorized immigration by women from countries where abortion is illegal. However, the Doe case does not quite fit Cisneros’s reading of immigrant women’s fetuses as only or necessarily excluded from the protections promised to fetal citizens. Kavanaugh and, to a lesser extent, Henderson purport

to rescue Doe's fetus from her intention to abort it, a rhetorical move precluded by Cisneros's reading of fetal citizenship discourse.

Two differences between the Doe case and the figure of the "anchor baby" may help explain this disjuncture. First, unlike undocumented mothers who give birth while living in American communities, Doe was caught at the border prior to her due date and thus could be perceived as receiving the state's corrective punishment.⁷¹ In Kavanaugh's account, Doe's punishment could be read as a kind of antidote to her purportedly criminal motherhood, administered in time to prevent the clandestine birth of a racialized fetus "anchoring" her to the U.S. body politic, potentially enabling her fetus to be redeemed as an abstract citizen. In Henderson's account, Doe's apprehension means that she can be deported prior to giving birth, preventing her fetus from claiming citizenship in the *American* body politic. Henderson's many references to the illegality of abortion in Doe's country suggest not only that Doe's foreignness is grounds for restricting her rights while in U.S. custody but also that the fetus she carries belongs to *some other nation-state* which has already decided that their fetal citizen may not be aborted. Henderson thus secures not only U.S. sovereignty by protecting Doe's fetus and inflicting suffering on Doe in order to deter future "alien mothers" from seeking refuge in the United States; she also reaffirms the sovereignty of Doe's home country over its fetal citizens. A second difference is that Doe herself is a minor, which is central to the state's legal justification for intervening in her pregnancy as well as the opinions by Kavanaugh and Henderson. For Kavanaugh, Doe's age may signify a greater potential efficacy of the state's corrective punishment; for Henderson, it may signify greater scope for subordination.

Janine Holc's analysis of fetal citizenship and its relationship to national sovereignty provides an important point of comparison and contrast with the Doe case, because it shows the

transnational continuities and disjunctures in discourses of fetal citizenship.⁷² Holc analyzes a Polish supreme court ruling which rejected abortion rights as unconstitutional. On her interpretation of this ruling, the Polish court not only assumed fetal personhood but articulated fetuses as citizens and subjects. According to her conceptualization, fetal personhood becomes fetal citizenship when the fetus is treated as a person *with legal rights and political agency*.⁷³ Constructing fetuses in this way, she argues, expands the state's authority to regulate reproduction and the legitimacy of prioritizing the (perceived) interests of the nation over women's agency and interests. In the Polish case, fetal citizenship reinforced reproductive governance by aligning pro-life and nationalist discourses which aspired to unify a fragmented population, protect "authentic" traditions (including Catholicism), and differentiate the newly democratic and capitalist Poland from its communist past. Similarly, in the Doe case, the Kavanaugh and Henderson rulings brought pro-life and nationalist discourses together by reaffirming the state's authority to regulate reproduction and national borders. Both cases linked pronatalism with nationalism, regulating individual bodies in order to secure the state's authority over the body politic.

However, unlike in Holc's case, the citizenship status of Doe's fetus is ambiguous and cannot be clarified without undermining either nationalism or pro-life ideology. The "others" against whom Doe's fetus was defined included not just Doe, but also fetal-maternal assemblages where the woman is an American citizen and the future membership of the fetus in the American nation is not in doubt. While the Polish ruling "situates 'unborn' citizens as privileged markers of the health of both democratic processes and the integrity of the nation," Doe's fetus cannot serve the function of representing "the 'purest' citizen" who "can be inscribed with the (yet to be actualized) practices, intentions, and rationality of the ideal liberal and

democrat” because the citizenship of Doe’s fetus is questionable *even if* it is understood as a person, since its membership in the American nation depends on the location of its birth.⁷⁴ Because Doe’s fetus is a potential foreigner as well as a potential citizen, the significance of birth as the moment when legal personhood and citizenship are established cannot be as easily erased. Thus, while fetal personhood *may* serve to align pro-life and nationalist aims in exclusively domestic contexts, in the context of migration, the leap from fetal person to fetal citizen risks foregrounding the tensions between these two discourses. The task of securing state authority over the body politic is complicated by the necessity of legitimating the state’s authority to regulate both reproduction and human migration across national borders.⁷⁵

Finally, Allison Hartry shows how ICE policy towards pregnant immigrants of color reflects racist, misogynist, ethnonationalist discourses about an impending “invasion via birth canal” that allegedly threatens the (white, native-born) American body politic.⁷⁶ Though her focus is tracing the intersectional oppression of pregnant immigrants of color perpetrated by ICE, Hartry’s account supports the claim that there is tension between pro-life and anti-immigrant arguments. As she notes, “the desire to limit birthright citizenship and the desire to limit access to abortion, viewpoints often held by the same conservative politicians and activists, appear to be mutually exclusive,” because “it is difficult to understand how an anti-immigrant, anti-abortion activist or politician can argue that fetal life is sacred and that birth control and abortion access should be restricted while simultaneously advocating anti-immigrant policies that make the decision to raise a child virtually impossible.”⁷⁷ Like Cisneros, Hartry argues that narratives about “anchor babies” smooth over these contradictions. Though she identifies three distinct strategies for accomplishing this – one that prioritizes preventing abortion, another that prioritizes preventing immigration, and a final strategy that aligns both goals through anti-

“anchor babies” policies – she views them as united in their aim of controlling the reproduction of (especially undocumented) immigrant women of color and their sentiment of contempt towards the children of these women.⁷⁸

Hartry also documents abuses against pregnant people in ICE facilities, substantiating the claim that the citizenship status of detained immigrant women’s fetuses is perceived as ambiguous and legally complicated. Even under the more lenient detention policies of the Obama administration, Hartry shows that the coding of pregnant migrants as threats to the (white) body politic and the legal complications posed by fetal potential citizens incentivized state officials to deport pregnant women quickly. She demonstrates that pregnant migrants are often subjected to violence, abuse, and medical neglect while in U.S. custody, in part because ICE officials’ treatment of detainees is inadequately monitored and their facilities are not equipped to provide reproductive healthcare.⁷⁹ She reports numerous instances where post-miscarriage treatment was denied or prenatal care was withheld despite the known existence of health problems likely to cause miscarriage. For instance, Hartry describes the case of “Ana, an immigrant from Mexico who came to the U.S. as an infant,” got engaged to a U.S. citizen at the age of seventeen, became pregnant, and then was convicted of a minor property crime.⁸⁰ Due to her conviction and undocumented status, about six months into her pregnancy, she was detained in an immigration facility. While detained, she was kept in shackles and denied access to medical care for an ovarian cyst, despite her doctor’s and lawyer’s repeated attempts to communicate to immigration officials that the cyst could endanger both Ana and her fetus. Although there is little transparency about ICE policies on reproductive health and some of the enforcement agency’s statements are contradictory, Hartry assembles the following evidence that detainees are routinely denied access to emergency contraception and abortion:

ICE spokesperson Cod Bassett reports that during fiscal years 2008 and 2009, ‘no detainee has had a pregnancy terminated while in ICE custody’... Medical policy for the detention centers says that funding for abortions is ‘not covered but can be requested in the event of an emergency situation,’ with ‘emergency situation[s]’ presumably defined by ICE and not the woman in question...Bassett says that if abortion is not necessary to save the life of the woman, ‘a woman can request to terminate her pregnancy. Requests are reviewed on a case-by-case basis...ICE will not restrict women's access to terminate the pregnancy...and will provide transportation to and from the facility.’ However, immigration attorneys and local abortion providers [and (noted elsewhere) sexual assault counselors] say that the policy is not put into practice and that abortion is essentially unavailable to pregnant detainees.⁸¹

Nor do these abuses end with the birth of a U.S. citizen child. Hartry also reports that women who do give birth in detention facilities are routinely “separated from their newborns” and may be denied breast pumps, interfering with breastfeeding if they are reunited with their infants.⁸² In sum, she makes a strong case that U.S. policy towards detained pregnant migrants inflicts numerous reproductive injustices, during and after pregnancy.

In this section, I have sought to demonstrate enduring tensions between anti-immigrant and anti-abortion discourses. The Doe case highlights the dilemmas posed by the clash between the figures of the “fetal citizen” and the “anchor baby.” From the perspective of the American Right, pregnant immigrant detainees pose the problem of how to accord citizenship to some fetuses (those with citizen mothers) while excluding other fetuses (those with immigrant mothers) from citizenship. If both anti-abortion and anti-immigrant discourses aim to ensure the projection of the (white, native-born) American body politic into the future, how can (white, citizen) American women be compelled to carry to term in order to counter the alleged demographic threat, without inadvertently extending state protection to undocumented immigrant women of color via their (potential) citizen fetuses? In Section IV, I argue that debilitation and paralegality provide a way out of this dilemma by enabling the state to provide token protection

to immigrant women's fetuses by restricting abortion, while creating conditions that undermine the health, fecundity, and well-being of immigrant women and their families.

IV. Debilitation and Paralegality

Puar conceptualizes debilitation as “the slow wearing down” of disposable populations through exposure to biopolitical risks such as injury, ill health, and infrastructural breakdown.⁸³ Debilitated populations are not necessarily marked for death, but nor are they enabled to live; their well-being is systematically foreclosed and gradually eroded, yet they are not allowed to die, at least not quickly, in great numbers, or in spectacular ways. In this section, I argue that debilitation helps join together pro-life and anti-immigrant discourses by enabling the state to prohibit spectacular⁸⁴ fetal death in the form of abortion while exposing pregnant migrants (and their fetuses) to the dangers of slow death, injury, miscarriage, ill-health, and future infertility. I also show how paralegality smooths over the tensions between the discourses which constitute the Right-wing resonance machine and enables policymakers to evade responsibility for the debilitating effects of immigration policy. In doing so, I illustrate how anti-immigrant policies are articulated with both pro-life discourse and with an authoritarian strand of neoliberalism, while rubbing uncomfortably against other strands of neoliberalism, including neoliberal feminism and neoliberal globalization.

As theorized by Puar, debilitation entails both the targeting *of* disabled people for exclusion or marginalization on the basis of their disabilities, and the targeting of others for disproportionate risk of *becoming* disabled as a result of structural violence. This dual targeting is evident in the Trump administration's reversal of the Obama-era policy discouraging the detention of pregnant undocumented women who do not pose a security risk.⁸⁵ On one hand, pregnant migrants are targeted for harassment and abuse (e.g. by prison guards or prison

doctors⁸⁶) *because of* pregnancy. On the other hand, pregnant migrants are targeted *for debilitation* through medical neglect and deliberately under-developed infrastructure.

Central to Puar's account of debilitation is "the right to maim," a corollary to Foucault's account of sovereign power and biopower that refers to the sovereign's right to mark certain populations for disablement while refusing to let them die.⁸⁷ Whereas sovereign power operates through the right to kill or let live, and biopower operates according to a logic of make live or let die, debilitation operates through a logic of "will not let/make die." From within Puar's frame, to let live is not an act of mercy, but a means of circumventing or co-opting the resistance that follows from spectacular forms of death. The right to maim establishes a field of debilitation that is neither normalized nor exceptionalized but endemic, an expected consequence of the ordinary functioning of government policy and the economy. For example, the violence of deportation and immigration detention is to some degree inherent to enforcing state control over human migration across international borders; reforms such as improving the medical care provided to detainees would not eliminate but only ameliorate this violence.

Although it might seem that the social devaluation and de-capacitation entailed by debilitation would diminish the economic use-value of marginalized populations, Puar argues that debilitation may actually be profitable or otherwise productive within a capitalist framework. Debilitated populations may be profitable as objects of care, as in the case of care homes or private prisons. Alternately, the opportunity for rehabilitation may function as both a source of profits and a disciplinary incentive to conform to models of subjectivity that allow one to be designated as a good candidate for rehabilitation. Debilitation may also be ideologically productive, strengthening political support among those who hate or fear the debilitated

population or reinforcing narratives of humane law enforcement by replacing spectacular deaths with less visible slow deaths or acts of maiming.

According to Puar, profit is also derived from debility through the “dismemberment of [social] reproduction.”⁸⁸ What she means by this is that, where “earlier colonial and occupation regimes” required the reproduction of worker-consumers in the metropole while displacing deprivation onto workers in the periphery, where the replenishment of the workforce could be disregarded, migrant labor now allows capitalists to simultaneously profit off the debilitation of foreign populations (which creates managerial projects that employ first-world workers) as well as the ruthless exploitation of (citizen and migrant) workers in the metropole, even to the extent that they become incapable of performing basic domestic and reproductive labor.⁸⁹ Neoliberal economies thus profit off of debilitation on multiple fronts because the debilitation of foreign populations ensures the continual inflow of migrant labor to replenish the domestic population or perform social reproductive labor for low wages, while also creating imperial managerial work for privileged workers from the metropole. Yet, this move towards debilitation and exploitation generates profit at the cost of creating a crisis within neoliberal capitalism. Though the dual-track system of profiting off of debility in the periphery and exploitation in the metropole is not unique to the contemporary era,⁹⁰ the return to this system of ruthless value extraction at home and abroad after a brief period of respite for certain workers in advanced industrial economies is creating a multifaceted crisis similar to those that arose with the first wave of industrialization and capitalist accumulation.⁹¹ The increasing incorporation of women into the paid labor force in advanced industrial economies, when combined with the neoliberal politics of austerity which dismantle the welfare state, produces a crisis of care in which working women struggle to perform the social and biological reproductive labor required to maintain the workforce.⁹²

The possible solutions to this crisis – compelling women to reproduce, providing women accommodations to enable them to balance their paid and unpaid labor, importing immigrant populations, and so on – highlight the contradictions between different strands of neoliberalism. One strand aligns with economic globalization and a limited version of feminism. Advocates of neoliberal globalization favor increasing immigration, which is broadly compatible with the accommodations (such as subsidies for the purchase of care labor from others or employment benefits which include technological solutions such as egg-freezing) endorsed by neoliberal feminists.⁹³ As Catherine Rottenberg observes, the neoliberal feminist ideal of work/life balance presupposes the exploitation of low-wage care workers (many of whom are immigrants and women of color) by high-wage professional women.⁹⁴ Notably, as Angela Davis demonstrates, the division of social reproductive labor among high-status and low-status women is not new,⁹⁵ but the need for this labor has expanded with relatively privileged women's increasing access to education and professional careers and the corresponding crisis of care.⁹⁶

Conversely, the solutions proposed by this strand of neoliberal thinking contradict the ethno-nationalist project of promoting birth rates specifically among women with the appropriate ethnic and citizenship characteristics.⁹⁷ It is also in tension with the pro-life movement's efforts to undermine reproductive choice. Yet, this tension is not a straightforward one, because there are versions of both authoritarian nationalism and pro-life discourse that are seemingly compatible with neoliberalism. As Aihwa Ong argues, neoliberalism's relationship to state sovereignty and individual rights varies in different parts of the world, due in part to the differential demands of capital in the developing as opposed to the developed world.⁹⁸ In contrast to the negative state of exception that arises in the West, where individual rights are suspended in particular circumstances, she argues that neoliberalism in the East has tended to rely on a

positive exception, in which certain groups are granted the special privilege of individual rights. This “positive exception” version of neoliberalism enables free markets to coexist with authoritarian governments. Likewise, as I have argued elsewhere, the Kavanaugh-style pro-life discourse which claims to have compassion for both women and fetuses (now seemingly in decline) suggest that ending reproductive choice is compatible with preserving women’s choices to pursue education and careers.⁹⁹

Though I will expand on the issue of sovereignty and its relationship to both neoliberalism and various forms of nationalism in the next section, for now I want to focus on the question of how the debilitation of pregnant migrants both enables and resists different versions of neoliberalism. Read from the perspective of the strand of neoliberalism that aligns with globalization and corporate-friendly feminism, current policies towards undocumented pregnant migrants can be interpreted as a dismemberment of the social reproductive capacities of immigrant women to contribute to their own families, which in turn frees up their labor for exploitation as domestic workers. As Rottenberg argues, this dismembering of reproductive labor is part of the neoliberal capitalist process of accumulating women as human capital.¹⁰⁰ In this process, skilled and professional women workers are integrated into the workforce while poor women, immigrant women, and women of color are burdened with the social reproductive tasks previously performed by stay-at-home wives and mothers in middle class white families. Debilitation is thus profitable insofar as it furthers the commodification of social reproduction, the accumulation of women as human capital, and the stratification of women’s labor.

Moreover, the biological as well as social labor of reproduction may be placed on the shoulders of migrant women, either through reproductive technology (e.g. gestational surrogacy)¹⁰¹ or the policy of family separation at the U.S. border.¹⁰² Family separation serves

both the aim of debilitation, in the case of children that have been confined in appalling conditions at detention camps,¹⁰³ lost by ICE,¹⁰⁴ or placed with traffickers due to the lack of proper vetting or home visits,¹⁰⁵ as well as the aim of rehabilitation by creating a supply of adoptable children.¹⁰⁶ Viewed from a reproductive justice perspective, the rupturing of family relationships and endangerment of children is a violation of the reproductive right to parent and raise children in a safe, healthy, secure environment, echoing a long history of reproductive violence against women of color.¹⁰⁷ Moreover, the combined effects of medical neglect and family separation create a situation in which the children of undocumented immigrants can be treated either as “anchor babies” slated for debilitation or as potential adoptees slated for rehabilitation, rendering them non-threatening by diminishing their capacities or by incorporating them into American families. Either way, undocumented immigrants’ children are not permitted to be simultaneously alive, healthy, embedded in loving nonwhite kinship networks, and present inside U.S. borders.¹⁰⁸ In this way, the debilitation of pregnant migrants and the debilitation/rehabilitation of their children further the integration of pro-life and anti-immigrant discourses. Together, they provide examples of rehabilitation that satisfy the “saving children” narrative of the pro-life movement, invisibilizing violence against other children, and neutralizing the threat to the body politic that the children of undocumented immigrants are imagined as posing in anti-immigrant narratives.

The debilitation of pregnant immigrant detainees also aligns neoliberalism with opposition to immigration because it maximizes the negative effects of the regime of deportability and thus heightens the exploitability of labor. As De Genova argues, deportability is a central feature of “illegality” as lived by undocumented people; it entails precarity, fear, oppression, rightlessness, subjection to militarized policing, exclusion, and vulnerability to

incarceration in immigration prisons.¹⁰⁹ Jill Harrison and Sarah Lloyd add that the experience of deportability enhances the exploitability of both undocumented and legal workers.¹¹⁰ As they contend, the fear of deportation may deter migrant workers from demanding fair wages, safe working conditions, etc., thus making them easier to exploit and shoring up the right to maim them without consequences.¹¹¹ This fear increases the controllability and exploitability of immigrant workers, who may be too afraid to report workplace injury and are thus available for maiming.¹¹² Furthermore, this creation of a terrified bottom tier of workers may function as an implicit warning to legal workers not to make trouble, by illustrating how much worse their own conditions could become if they are no longer sufficiently obedient and grateful to be employable as part of the legal workforce.¹¹³

Providing a point of articulation between Henderson-style pro-life discourse and anti-immigrant discourse, the debilitation of pregnant migrant detainees is also ideologically productive because it strengthens racist representations of “alien” maternity as deviant, “anchor babies” as fraudulent citizens, and “illegal” immigrants as inherently criminal. The mistreatment of pregnant detainees reflects the cultural construction of immigration detention as punishment that “illegal” immigrants invite by crossing a border or overstaying a visa. As Daniel Kanstroom argues, although immigration violations are officially classified as a civil rather than criminal matter, deportation often functions as a punishment because it is routinely added to official penalties under the criminal law following conviction for a crime (even a minor one), as in Ana’s case.¹¹⁴ Using deportation in this way, as a tool for purging criminality from the body politic, exacerbates its negative effects on undocumented populations. These effects are both gendered and racialized, as Anna Sampaio argues.¹¹⁵ For instance, if arrest necessarily results in deportation, this may discourage undocumented victims of domestic violence from reporting

their abusers, especially if the victims fear racialized violence from the police or find communicating with law enforcement difficult due to language barriers. Likewise, the association of deportation with criminal punishment strengthens racialized cultural narratives linking undocumented status to criminality (discussed in Section III).

Furthermore, when adopted as a cost-saving measure, the dismal conditions in immigration detention facilities directly produce profit for private immigration prisons and achieve the neoliberal aim of efficient government when adopted by under-resourced public immigration prisons. Reducing access to medical treatment or even basic supplies such as soap and toothbrushes saves money for private prisons and allows public ones to stretch their resources farther.¹¹⁶ The policy of increasing immigration arrests, deportations, and detention has overwhelmed the carceral system.¹¹⁷ Due to continued escalation of enforcement efforts in the absence of further funding for facilities and supplies, conditions are deteriorating.¹¹⁸ Especially since many immigration prisons are privately owned and operated, the debilitation of migrants serves the interest of minimizing costs and maximizing profit for the private prison industry. Moreover, heightened enforcement and detention materially benefits any industry that profits from costly border policing. In this way, detention facilities and the militarized border generate profit despite detainees inability to participate meaningfully in the economy; that is, incarcerated migrants are profitable as custodial objects, not as worker-subjects.¹¹⁹ Yet, the fit between neoliberalism, pro-life discourse, and anti-immigrant discourse is not a perfect one, as I will discuss below.

Paralegality provides a strategy for managing the tensions that cannot quite be resolved within the Right-wing resonance machine. The concept of paralegality developed by Valdez, Coleman, and Akbar helps explain why situational, disjointed enforcement is not just permitted

but central to U.S. immigration policy.¹²⁰ It refers to a relationship between immigration law and immigration enforcement in practice, in which law is made through “actions undertaken by someone (or a collective) charged with implementing the law, but who is not charged with writing law, whether court decisions or legislative text.”¹²¹ It is a form of “lawmaking which is not officially captured in, nor necessarily guided by, legislative documents and/or legal text” but through the decisions of enforcement officials which “takes place alongside the law, sometimes in contradiction of it, and sometimes in ways that end up being constitutive of future iterations of the law... but which circulates without a precise or settled textual legal anchor and/or author.”¹²² In relation to pregnant migrants, paralegal decisions are made by border enforcement officials, immigration prison employees, and private prison contractors.

Paralegality performs several crucial functions. First, the state’s conferral of decision-making power upon lower-level government employees and private actors confirms its sovereign authority to regulate the life, death, and health of the body politic, while abdicating responsibility for how this power is allowed to be used by its agents. Second, delegation and discretion enable different interpretations and applications of policy, such that the meaning and treatment of pregnant immigrants and their fetuses can vary from one instance to another. This allows the state to appear as the protector of fetuses at the level of abstract policy, even as these policies effectuate debilitation at the level of concrete practice. Third, the decentralization of decision-making and enforcement powers enables the state (through its various agents, delegates, and partners) to authorize contradictory decisions, statements, outcomes, and actions while maintaining the appearance of coherent policy. In these ways, paralegality allows space for multiple conflicting agendas to be pursued at once under the auspices of enforcing the law.

Governance through paralegality distances policymakers from the negative effects of policies while preserving the state's ultimate right to judge the specific practices, decisions, and outcomes enacted by others acting in its name. The severity of the mistreatment faced by pregnant migrants is left open to these actors' discretion, so long as it does not implicate policymakers by inciting damaging public opposition. By deferring the question of whether pregnant migrants should be debilitated or let die or killed, policymakers maintain plausible deniability while reinforcing the state's sovereign authority over who lives, who dies, and who is debilitated. If the purpose of immigration policy is to reinforce state control over the borders or even to (re)produce a white body politic, then delegating the right to maim achieves these goals by debilitating immigrant populations while keeping the official death toll low. In Puar's language, this evasion of eventful killing nonetheless achieves depopulation through attrition.¹²³ Paralegality thus allows the biopolitical logic of policies regulating pregnant migrant detainees to remain open; that is, it allows low-level enforcement officials and private contractors to determine whether to apply the logic of "to make live" or "to let die" or "to make die" or "to maim" to pregnant immigrants (and their fetuses) in any given instance.

Debilitation and paralegality help resolve the tensions between the differing biopolitical logics articulated by anti-abortion and anti-immigrant discourses, in several ways. First, debilitation enables the state to appear concerned with the well-being of the fetus while providing an alibi for the dangers to which immigrant women and their fetuses are subjected. With one hand, the state protects immigrant fetuses from abortion, while with the other hand, it subjects pregnant migrants to dangerous conditions. In this way, current policy satisfies the pro-life demand to protect the fetus while satisfying the anti-immigrant demand to punish

unauthorized migrants and neutralize the demographic threat they supposedly pose to the (white) American body politic.

Second, debilitation and paralegality allow policymakers to waffle between treating pregnant immigrants according to different biopolitical (e.g. “make/let die,” “will not let/make die”) and sovereign logics (e.g. “kill/let live,” the right to maim) by delegating this decision to ICE officials and private prison companies, without forsaking their right to render a decision should they choose to exercise it. Paralegality thus enables delegation and discretionary enforcement, which absolve the state from responsibility while reinforcing its ultimate authority to decide which bodies and populations will be allowed or compelled to live, die, and/or reproduce. Para-legal enforcement powers and the profitability of debilitation both play important roles in instituting, rationalizing, and perpetuating the dangerous and degrading conditions to which pregnant migrants are subjected. Third and consequently, debilitation and paralegality allow the state to treat unauthorized migrants’ unborn children as a kind of Schrodinger’s-citizen – that is, as simultaneously a citizen and not a citizen. Because immigrant women’s fetuses are always potential citizens as well as potential non-citizens, the state and its delegates have the ability to switch between treating these fetuses as persons or non-persons and as citizens or non-citizens depending on the requirements of a given circumstance.

Debilitation and paralegality thus allow migrant women’s fetuses to be marked for neglect while maintaining the pretense of protecting them, forging a bridge between pro-life and anti-immigrant discourses. Restricting abortion for immigrant detainees satisfies the pro-life demands to protect fetuses and control women’s reproduction. It also aligns with anti-immigrant discourse because it involves enhanced border enforcement, punishing pregnant migrants, and debilitating migrant communities. The neglect and abuse of pregnant migrants enables the

extension of anti-abortion policies to migrant women to function not as a mechanism to increase their production of new citizens but rather as a component of a broader field of debilitation that degrades “alien” mothers through the ruse of protecting fetal life, while countering the supposed demographic threat posed by “alien” reproduction by undermining the life and health of pregnant migrants and their potential children. The prohibition of abortion also serves as an alibi for the *de facto* violence against pregnant migrants, their families, and immigrant communities. Moreover, to the extent that the tensions between pro-life and anti-immigrant conceptions of citizenship cannot be fully resolved in the abstract, paralegal enforcement decisions create room to maneuver, allowing the compromise between pro-life and anti-immigrant discourses to tip in either direction in particular instances. Immigrant women’s fetuses can thus be protected or even treated as citizens, but only so long as the supposed demographic threat to the white American body politic is mitigated and the borders of the territorial nation-state are vigorously policed.

Yet, for all these points of convergence, there are other points at which the two strands of neoliberalism come apart from one another. Most obviously, on any reasonable conception (liberal or radical, capitalist or socialist), the feminist value of reproductive freedom directly conflicts with both ethnonationalist and pro-life values. Neoliberal feminism – however paltry its understanding of reproductive freedom might appear from an intersectional anti-capitalist feminist perspective which demands a richer sense of reproductive autonomy or reproductive justice – is firmly committed to the individual right to choose whether to have an abortion.

Indeed, in the Doe case, the *en banc* majority ultimately affirmed Doe’s right to have an abortion. Concurring with this majority ruling, Circuit Judge Patricia Millett passionately defended Doe’s right to have an abortion, stating that “Surely the mere act of entry into the United States without documentation does not mean that an immigrant’s body is no longer her or

his own. Nor can the sanction for unlawful entry be forcing a child to have a baby.”¹²⁴

Responding to Kavanaugh, she writes, “Abortion on demand? Hardly. Here is what this case holds: a pregnant minor who (i) has an unquestioned constitutional right to choose a pre-viability abortion, and (ii) has satisfied every requirement of state law to obtain an abortion, need not wait additional weeks just because she—in the government’s inimitably ironic phrasing—‘refuses to leave’ its custody.”¹²⁵ Though the Doe case illustrates the potential for alignment between some version of neoliberalism, pro-life conservatism, and anti-immigrant ethnonationalism, Doe’s rights were upheld even in the face of this powerful Right-wing resonance machine.

Another point of conflict arises from the clash between neoliberal globalization and ethnonationalism. Though debilitation may be profitable for companies in the border policing industry, and though it may render (migrant and citizen) workers more vulnerable to exploitation, this profitability ultimately depends on the continued flow of immigrants across the border, which fundamentally conflicts with the ethnonationalist aim of ensuring a white native-born body politic. In the next section, I examine this relationship between state sovereignty, ethnonationalist biopolitics, and neoliberal capitalism.

V. Reproductive Futurism, the Nation-State, and Biosovereignty

As discussed in the Introduction to the dissertation, both bodies and the body politic are often coded in racialized terms, and the management of women’s reproduction is a crucial mechanism through which the Right seeks to control the future composition of the body politic. Anti-immigrant discourses which justify managing the reproduction of individual bodies in order to ensure the perpetuation of a body politic composed primarily of native-born, presumptively white bodies are a form of reproductive futurism. In other words, the idea of the nation as static and biologically reproduced – rather than changing over time due to not only birth and death but

also migration – requires the regulation of pregnant bodies to ensure the fertility of some populations while debilitating others, in order to project the nation into the future. Control over reproduction reifies the spatial and temporal boundaries of the nation-state, showing how the reassertion of the state’s territorial sovereignty and biosovereignty not only excludes demonized foreign others but also hierarchically orders bodies within the nation-state. I argue that the exclusion of foreign others and the hierarchal ordering of citizens together performatively maintain the sovereignty of the nation-state while actualizing the sovereignty of capital. Finally, I suggest countering these intersecting oppressions with feminist coalitions that embrace reproductive autonomy as well as the permeability of state and national borders.

Paulina Ochoa Espejo shows how the passage of time and changes in the composition of the people trouble sovereignty in democratic contexts.¹²⁶ She argues that although traditional conceptions of sovereignty and the people assume that a “unified popular will legitimizes the foundation of the state,” it is impossible to identify “any instance of this unification because the populace changes constantly” and so “every time you try to frame an actual populace according to the traditional conception of a unified people, the populace has already changed.”¹²⁷ Even if one could resolve the problem of the founding and identify a set of criteria for inclusion and exclusion from the *demos* that is well-justified and determinate, time still poses insurmountable challenges. Migration is only one element of this temporal instability of the body politic. Knowledge of who is entering or exiting the *demos* does not ensure that one will be able to keep popular opinion from changing with this influx or exodus of citizens. Regardless, preventing migration does not ensure a stable consensus either; people change their minds, sometimes quickly or often.¹²⁸ A momentary consensus could dissipate before it can be expressed or incorporated into policy.¹²⁹ Assuming that long-lasting consensus could be identified and

implemented, the problem of predicting and accounting for the interests and preferences of future generations would still be nearly insurmountable.¹³⁰ Thus, even if migration could be completely controlled – and that is a fantasy, as I will discuss below – this does little to guarantee that birth, death, changing opinions, and failed predictions will not unravel the imagined people that any given politics of reproductive futurism seeks to underwrite.

Perfect control over the territorial space of the nation is likewise impossible.¹³¹ Wendy Brown argues that the theatrical enforcement of borders, particularly but not exclusively through border walls, is not so much a re-assertion of nation-state sovereignty as a symptom of its decline.¹³² Because walls – or dramatically increased immigration enforcement raids, deportations, and detention – do little to actually stop the flow of bodies across borders, these performances of the boundedness of the body politic appear to Brown as futile gestures aimed at maintaining the appearance of sovereignty in a globalizing world where power is dispersing to non-state institutions, including corporations. As she notes, discourses of border or national security no longer promise “defenses against *international* invasions by other state powers” but rather against “*transnational* economic, social, and religious flows that do not have the force of political sovereignty behind them.”¹³³ Policing the border, then, is no longer (if it ever was) about protecting a clearly-defined population “inside” the state against an organized “outside” actor threatening to make war.

Instead, she interprets border policing as a way of maintaining the fantasy that there *is* a clear inside and outside in a context where “‘inside’ and ‘outside’ do not necessarily correspond to nation-state identity or fealty, that is, where otherness and difference are detached from jurisdiction and membership.”¹³⁴ The state continues to distinguish insiders and outsiders on the basis of citizenship categories even though or rather *because* these distinctions have eroded to

bare legal status rather than tracking shared culture, beliefs, or ways of life. In short, as Brown puts it, highly visible and vigorous policing of borders does not “emanat[e] from the sovereignty of the nation-state” but rather “signal[s] the loss of nation-state sovereignty’s *a priori* status and easy link with legal authority, unity, and settled jurisdiction...codify[ing] the conflicts to which they respond as permanent and unwinnable.”¹³⁵ Continuing to fight this unwinnable struggle to maintain borders and sovereignty, in Brown’s view, creates a long-term, generalized state of exception.¹³⁶ Because “the nation ceases to correspond to the border between friend and enemy,” she argues, “sovereignty instead declares permanent emergency powers to suspend the law and face down enemies everywhere.”¹³⁷

For Brown, the performance of sovereignty does not simply rely on racism, nationalism, gendered domination, or neoliberal capitalism, but deepens, mobilizes, and reproduces them.¹³⁸ She notes that discourses portraying migration as a threat to democracy or law rely on the homology of individual and nation-state sovereignty, in which the violability of national territorial boundaries is articulated to citizens’ fears of bodily vulnerability and personal loss of control.¹³⁹ Performing sovereignty through border enforcement mobilizes the subject’s fears of precarity amidst capitalist globalization and deterritorialized violence to promote psychic identification with the nation-state.¹⁴⁰ Locating the threat in the body of foreign others rather than the global systems which produce precarity and violence enables the fantasy that the nation-state can provide safety by containing these alien threats and preserving national values even as traditional ways of life are threatened by capitalist globalization.¹⁴¹ Portraying the threat as outside the body politic also acts as an alibi for citizens of nations like the U.S. that engage in imperial violence abroad.¹⁴² Moreover, this inside/outside distinction has a gendered component. Because sovereignty is represented as capable of withstanding attack but not penetration, it

“appears as a supremely masculine political fantasy (or fallacy) of mastery: penetration, pluralization, or interruption are its literal undoing,” Brown argues.¹⁴³

Like Puar, Brown also views control over the “flow of labor, capital, goods, and services” across borders as necessary to maintain global capitalism.¹⁴⁴ Embracing the porousness of borders, thus granting free movement not just to capital but also to labor, would imperil the tools employers’ use to control undocumented workers and threaten workers in the global North with outsourcing. The production of borders as “permanent zones of violent conflict and lawlessness,” moreover, incites xenophobic sentiment and ensures the continuation of illicit economies staffed by unprotected, frightened, economically desperate workers.¹⁴⁵ Brown’s account of the relationship between capitalism and border policing aligns with my argument in Section III and suggests that the increased detention of pregnant migrants can (like walls) be read as an attempt to maintain a sense of national identity and state sovereignty in the face of globalization.¹⁴⁶ Yet, like the wall, increasingly harsh detention policies do little if anything to address the economic forces which drive human migration and capital mobility. Unlike a wall built from wire or stone, however, this performance of sovereignty is carved onto the bodies of pregnant migrants.

The decoupling of friend/enemy from citizen/foreigner helps explain the link between the policing of racialized bodies at the borders and the oppression of racialized bodies within the body politic. If, as argued above, racialized populations (including immigrants and their children) are commonly represented as criminals or vermin or enemies within the body politic, then the debilitation of “alien” pregnant bodies – who represent the demographic threat confabulated by ethnonationalists – must be brought into alignment with the anti-abortion policies which pressure or compel the reproduction of women who are counted as part of the American “us.” In other words, ethnonationalist reproductive futurism provides the impetus for

seeking a compromise between anti-immigrant and pro-life discourses. That is, the future realization of a “desirable” (white, native-born) body politic depends on interweaving the attack on racialized and non-citizen women’s right *to* reproduce with the attack on (white, native-born) American women’s right *not* to reproduce. The effect is that no women are permitted genuine reproductive autonomy, though some women are granted relatively more tolerable choices while others are denied livable lives. As the site of articulation between pro-life and anti-immigrant discourse, pregnant immigrant bodies are punished for abortion and motherhood alike. On one hand, pro-life policies that coerce (white) American women into reproducing are extended to immigrant fetuses in ways that undermine immigrant women’s right to abort; on the other, opposition to immigration deters the provision of meaningful reproductive healthcare to migrant women, undermining their right to have children without facing risk, violence, or deprivation.

Annie Menzel’s account of the increasing racialization of citizenship and nationhood globally provides support for reading the American Right’s vision of the body politic as implicitly white and fundamentally connected to reproductive control. Menzel identifies a transnational trend towards “targeting the reproductive bodies of nonwhite immigrant women in immigrant-receiving countries” as part of an effort to further restrict immigration from less-developed, predominantly non-white countries into highly-developed, historically predominantly white countries.¹⁴⁷ Though attacks on the 14th amendment’s guarantee of birthright citizenship to all people born on U.S. soil have not (yet) succeeded, she argues that the American Right’s “figuration of immigrant mothers as unfit for inclusion in the American polity, and their children’s citizenship as illegitimate” mirrors successful justifications for restricting birthright citizenship to descendants of citizens or legal immigrants in countries such as the UK, Ireland, Australia, and New Zealand. In Menzel’s view, degrading representations of immigrant mothers

and their children contribute not only to the U.S.'s "draconian deportation regime" characterized by policies like family separation, but also participate in constructing citizenship in ways that re-entrench "the historically constituted global divide between affluent spaces of whiteness and impoverished spaces of nonwhiteness...perpetuating the deprivation of people of color."¹⁴⁸

Drawing on Charles Mills's theory of the racial contract, Menzel theorizes the constellation of regulations and agreements regulating migration as a racialized "global regime of citizenship" which constructs immigrants of color and their children as "constitutive outsiders to the political, moral, and epistemological norms that structure the White social world."¹⁴⁹

As argued above, such efforts to engineer a specific future body politic are both spatially and temporally impossible. Yet, while Brown's analysis explains the drive to perform border security in the face of this impossibility, it does not fully explain the relationship between sovereign power and biopower in regulating the reproduction of pregnant immigrant bodies. Why not rely instead on disciplinary power, as in the domestic context? Why try to legally enjoin Doe's abortion rather than merely discouraging it by charging high fees, or blaming her for it by circulating discourses of responsabilization? Conversely, if pregnant migrants are demonized as a threat to the body politic, why continue to imprison women like Hidalgo, who begged to be deported, rather than expediting their deportation, as was common practice during the Obama administration?¹⁵⁰ More ominously, what prevents a turn from the slow death of debilitation to the pure violence of sovereign power¹⁵¹ or necropolitics¹⁵²?

To answer these questions and explain the state's interest in maintaining its authority over the reproduction of bodies and the body politic, I look to Banu Bargu's theory of biosovereignty.¹⁵³ Developed through an analysis of hunger strikes by Turkish prisoners, biosovereignty refers to the "contradictory amalgamation of sovereignty and biopolitics" into a

“biosovereign assemblage” in which the sovereign “power to command life and death...refounds and installs itself in new, albeit contingent, configurations based on the fertilization and mutual interpenetration of sovereign tactics with biopolitical tools of government.”¹⁵⁴ Far from the disappearance of sovereignty, Bargu argues, we are facing “recalcitrant, seasoned, and self-invigorating” sovereignty that “grows and augments itself by increased control and governance over life.”¹⁵⁵ Against the “individualizing and totalizing domination” of the biosovereign state, Bargu positions “necroresistance,” which refuses this domination “by wrenching the power of life and death away from the apparatuses of the modern state in which this power is conventionally vested.”¹⁵⁶ At issue for Bargu, then, is the state’s authority to control the terms of life and death through biopolitical and disciplinary techniques of management and domination.

To be clear, the sovereignty Bargu references is quite different from sovereignty as understood by Ochoa Espejo and related but not coextensive with sovereignty as discussed by Brown. Ochoa Espejo focuses specifically on *popular* sovereignty, conceptualizing the people as a process and sovereignty as dispersed, plural, and fluid. Her account of popular sovereignty is intentionally incompatible with authoritarian Right *populism* exemplified by Trump and Erdogan. Brown is attentive to the Foucaultian meaning of sovereign power, but her focus is on sovereignty in the context of international relations. She conceptualizes sovereignty as “a power that is not only foundational and unimpeachable, but enduring and indivisible, magisterial and awe-inducing, decisive and suprallegal.”¹⁵⁷ Yet, like Bargu’s, Brown’s sovereign aims to retain ultimate power to govern the body politic by controlling the life, death, and health of its subjects. While Brown suggests that sovereignty is increasingly located in corporations rather than governments, Bargu suggests that there is a very real reassertion of sovereignty upon the bodies of subjects. I think these accounts are ultimately compatible; Brown accurately describes the

relative decline of nation-state sovereignty in the context of global structures of power, and Bargu rightly emphasizes that this performative re-assertion of sovereign power has serious consequences domestically, particularly when combined with ethnonationalist, authoritarian Right-populism. The increasing dominance of the state over the lives of prisoners and detainees in Bargu's account could be read from Brown's perspective as a desperate performance of sovereignty in the face of global capital flows which increasingly determine state policy and the conditions in which people live, without undercutting Bargu's point that such performances effectuate very real forms of domination and violence. From this perspective, the reassertion of sovereignty reflected in the debilitation of pregnant migrants is a meaningful exercise of power with devastating effects on those who are subject to it, even as it fails to ensure the security of borders towards which it aims and by which it is justified.

I would add to Bargu's account that biosovereignty, as it operates at the nexus of reproductive politics and immigration policy in the U.S., regulates not only the terms of life and death but also the terms of reproduction. Reproduction is regulated at the level of individual bodies and at the level of the body politic. It thus entails an inward-looking dimension where bodies are hierarchically ordered according to the desirability of their (potential) motherhood and an outward-facing dimension where borders are policed against purportedly threatening foreign bodies. These two dimensions converge on pregnant immigrant bodies, who are prohibited from abortion *and* motherhood. From the perspective of biosovereignty, abortion rights – unless strictly controlled through biopolitical, disciplinary, and sovereign power – undermine the state's authority by granting *women* control over the life or death of the fetus, thus granting them agency in determining not only their own reproductive futures but the reproductive future of the body politic. In this way, reproductive autonomy challenges the logic of biosovereignty.

Extending reproductive freedom to pregnant immigrant detainees – whose bodies are inscribed as “alien” and “threatening,” whose incarceration renders them maximally subject to state authority – would challenge biosovereignty widely and deeply by pushing back against gendered, racialized, ethnonationalist, and capitalist structures of power simultaneously. Allowing immigrant detainees to render autonomous decisions about their own pregnancies implicitly grants them the authority to decide whether fetal citizens live or die, and thus agency in determining the composition of the body politic. Moreover, it would empower them to defy state authority in the sphere of border security, that is, in precisely the realm where it claims the broadest and most fundamental powers. Affirming the reproductive autonomy of detained pregnant migrants is perceived as threatening the legitimacy and power of the state to maintain the integrity of its territorial boundaries and regulate the flow of embodied subjects into and out of the body politic. The state’s commitment to maintaining biosovereignty, understood as encompassing reproduction, explains why it continues to regulate the bodies of detained pregnant migrants even at the risk of highlighting tensions between two discourses that are essential to legitimating its authority to regulate reproduction and borders respectively. If the bodies of pregnant “illegal” immigrant detainees are the lynchpin of several axes of power relations upon which biosovereignty depends, and if regulating their reproduction too directly risks provoking public opposition and exacerbating tensions between pro-life and anti-immigrant discourses, debilitation and paralegality become indispensable techniques.

The comparison between the situation of pregnant migrant detainees and the Turkish prisoners examined by Bargu has disturbing implications. One implication is that a mode of resistance which remains open to pregnant migrants detained in U.S. immigration prisons is necroresistance, which exposes the state to opposition by creating the spectacular forms of death

that debilitation aims to circumvent. Only slightly less disturbing than an exact parallel with the tactics adopted by the Turkish prisoners, one could imagine pregnant detainees desperately attempting self-abortions, seizing reproductive autonomy and wrenching away the state's biosovereignty at great cost to themselves. Less horrifically, feminists might imagine the possibilities for resistance that solidarity between pregnant migrant detainees and those of us on the outside of immigration prisons might open up. An intersectional coalition could push for acceptance of the permeability of our borders as a permanent condition, embrace the ambiguity of a body politic that moves and changes over time, and demand reproductive autonomy for all people. Indeed, Brown argues that the decline of sovereignty creates the opportunity to build more radically democratic arrangements which do not assume a stable and bounded *demos*.¹⁵⁸ In addition to addressing the immediate abuses of pregnant migrants, feminists might craft new images of the body politic. For instance, Aryn Martin draws on the common biological phenomenon of microchimerism, in which fetal DNA lingers permanently in the maternal bloodstream, to develop alternative geopolitical metaphors that recognize the permeability of borders and the entanglement between national bodies.¹⁵⁹ In the next chapter, I examine transnational guerilla abortion networks in order to envision such alternatives in more detail.

VI. Conclusion

Examining the Doe case in relation to the other reproductive injustices to which pregnant migrants are subjected, I have argued that pregnant bodies in immigration detention foreground tensions between anti-abortion and anti-immigration discourses. In my view, the state's simultaneous prohibition on abortion and willingness to let the fetus and/or mother die or suffer ill-health reflect a fragile compromise between these two discourses, achieved through debilitation and paralegality. These contradictory policies serve the state's interest in maintaining

control over the life, death, and reproduction of embodied subjects and the body politic. Though debilitation and paralegality might seem to cut against this interest in biosovereignty, in fact, they confirm it by reserving ultimate decision-making authority for the sovereign nation-state while allowing policymakers to selectively claim or abdicate responsibility for the outcomes wrought in their name and by their authority. Through debilitation, paralegality, and partnerships with private prison companies, the neoliberal state quietly facilitates structural violence against pregnant migrants, obscuring responsibility for this violence while performatively reinforcing its sovereignty. Restricting abortion positions the state as the apparent protector of fetal citizens even as lower-level enforcement officials and contractors undermine the health and life of pregnant migrants and their fetuses, thereby bringing together pro-life and anti-immigrant discourses. Granting reproductive autonomy to migrant women exposes the tensions between these two discourses, thus threatening the state's biosovereignty and foregrounding the tensions between competing variants of neoliberalism.

The upshot is that, while the available avenues of resistance for detained migrant women struggling alone are few and ugly, an intersectional feminist coalition that prioritizes the oppression of undocumented women as part of a broader struggle for reproductive autonomy could open up pathways towards the future liberation of all women from reproductive oppression as well as racism, nationalism, and capitalism. The same racist and ableist logics which discourage the reproduction of women whose motherhood is perceived as undesirable also discourage (often in highly coercive ways) abortions by women whose maternity is designated as desirable, while the accommodations which enable the accumulation of women as human capital rely on the right to have an abortion and use birth control to manage one's fertility responsibly. This could create an opportunity for the radicalization of white middle-class women who

consider themselves feminists but who are not committed to economic redistribution, on the basis of a shared interest in reproductive autonomy between marginalized women targeted by eugenic policies and otherwise privileged women who experience reproductive oppression in the form of coerced or forced birth. In the U.S., pro-natalist policies directed towards white women's bodies is braided with the debilitation of racialized women's bodies and the disabling of healthcare infrastructure. White women are made to reproduce while women of color are abandoned to a multifaceted process of debilitation, precarization, and exploitation. Although the extent and techniques vary, white and racialized women alike are subjected to reproductive control, suggesting the possibility of forming intersectional coalitions against the Right-wing resonance machine I have sought to analyze in this chapter.

Endnotes (Chapter 3)

¹ *Garza v. Hargan*, No. 1:17-cv-02122 (D.D.C. Oct. 18, 2017); vacated in part, D.C. Cir., Oct. 19, 2017; vacated and remanded, 874 F. 3d 735 (D.C. Cir. 2017) (en banc)

² I use the term "immigration prison" rather than "immigration detention center" because, despite its legal status as a form of civil rather than criminal confinement, the intent, effects, and history of immigration-related imprisonment suggests that it is more punitive than regulatory. See for instance García Hernández, César Cuauhtémoc 2014, "Immigration Detention as Punishment," 61 *UCLA L. REV.* 1346.

³ American Civil Liberties Union (ACLU), American Immigration Council (Council), American Immigration Lawyers Association (AILA), Center for Gender and Refugee Studies (CGRS), Northwest Immigrant Rights Project (NWIRP), Refugee and Immigrant Center for Education and Legal Services (RAICES) and Women's Refugee Commission (WRC). 2017. "Joint Complaint against ICE Re: Treatment of Pregnant Women."

<https://www.womensrefugeecommission.org/images/zdocs/Joint-Complaint-CRCL-ICE-Detention-of-Pregnant-Women-Sep2017.pdf> (accessed 04/13/2019).

⁴ Megas, Natalia. 2019. ICE Jailed Pregnant Woman and Could've Killed Her Unborn Child." Daily Beast. <https://www.thedailybeast.com/ice-jailed-pregnant-woman-and-couldve-killed-her-unborn-child> (accessed 04/13/2019).

⁵ Southern Poverty Law Center. 2019a. "Trapped, with no end in sight: A detained mother's struggle to get home." <https://www.splcenter.org/attention-on-detention/trapped-no-end-sight-detained-mother%E2%80%99s-struggle-get-home> (accessed 04/13/2019).

⁶ Ibid

⁷ Ibid

⁸ ACLU et. al. 2017 (n3)

⁹ As Jennifer Denbow notes, several states have passed bans on sex- or race-selective abortions, and pro-life advocacy materials routinely make claims such as "The number one killer of black Americans is Planned Parenthood and the abortion mills that target us" or "The most dangerous place for a Latino is in the womb." Yet, as Denbow argues, these purportedly anti-racist policies and arguments are not only unfounded but based on racist and sexist stereotypes. See Denbow, Jennifer. 2016. "Abortion as Genocide: Race, Agency, and Nation in Prenatal

- Nondiscrimination Bans.” *Signs: Journal of Women in Culture and Society* 41(3): 603-626. See also Guenther, Lisa. 2012. “The Most Dangerous Place: Pro-Life Politics and the Rhetoric of Slavery.” *Postmodern Culture* 22(2). Indeed, Clarence Thomas promoted this line of argument in his dissent in *Box v. Planned Parenthood of Indiana and Kentucky, Inc.*, 2019. No. 18-483, 587 U.S. ___, 139 S.Ct. 1780. https://www.supremecourt.gov/opinions/18pdf/18-483_3d9g.pdf (accessed 03/26/2020). For a response to Thomas’s dissent which argues that he misrepresents the history of eugenics, see: Cohen, Adam. 2019. “Clarence Thomas Knows Nothing of My Work.” *The Atlantic* <https://www.theatlantic.com/ideas/archive/2019/05/clarence-thomas-used-my-book-argue-against-abortion/590455/> (accessed 03/26/2020). Similar prohibitions on aborting disabled fetuses have also been passed in some states. On the normative debate over such laws, see for instance McKinney, Claire. 2016. “Selective Abortion as Moral Failure? Revaluation of the Feminist Case for Reproductive Rights in a Disability Context.” *Disability Studies Quarterly* 36(1).
- ¹⁰ Puar, Jasbir. 2017. *The Right to Maim: Debility, Capacity, Disability*. Duke University Press.
- ¹¹ Valdez, Inés, Mat Coleman & Amna Akbar. 2017. “Missing in action: practice, paralegality, and the nature of immigration enforcement,” *Citizenship Studies*, 21:5, 547-569. For a similar understanding of paralegality, see also Chatterjee, Partha. 2004. *The Politics of the Governed: Reflections on Popular Politics in Most of the World*. Columbia University Press.
- ¹² Indeed, some activists are already moving in this direction. See for instance Olivera, Katherine. 2018. “Immigration Is a Reproductive Justice Issue.” *International Women’s Health Coalition* <https://iwhc.org/2018/08/immigration-is-a-reproductive-justice-issue/> (accessed 03/27/2020).
- ¹³ See pg. 139 and Chapter 5 in Connolly, William. 2011. *A World of Becoming*. Durham: Duke University Press; see also Connolly, William E. 2005. “The evangelical-capitalist resonance machine.” *Political Theory* 33(6): 869-886.
- ¹⁴ Kavanaugh decision, *Garza v. Hargan*, pgs. 6-7. Hereafter, “Kavanaugh 2017” (n1)
- ¹⁵ Ibid, pg. 6
- ¹⁶ Ibid
- ¹⁷ Ibid
- ¹⁸ Ibid
- ¹⁹ The court has little power to avoid such a delay, because the process of assigning a guardian is similar to the process of assigning a foster parent (in that available guardians are matched to specific children, over whom they assume custody) except complicated further by conflicting jurisdictions and other problems. For a minor like Doe, who is nearly an adult and lacks any relatives who are U.S. citizens or legal residents, there is no guarantee that she will receive a guardian before aging out of the system. See Byrne, Olga. 2008. “Unaccompanied Children in the United States: A Literature Review.” Vera Institute of Justice. https://law.loyno.edu/sites/law.loyno.edu/files/images/Vera%20Institute_%20Unaccompanied%20Children%20in%20the%20US.pdf (accessed 03/26/2020) and Ataiants, Janna, Chari Cohen, Amy Henderson Riley, Jamile Tellez Lieberman, Mary Clare Reidy, and Mariana Chilton. 2018. “Unaccompanied children at the United States border, a human rights crisis that can be addressed with policy change.” *Journal of Immigrant and Minority Health* 20(4): 1000-1010.
- ²⁰ Saurette, Paul and Kelly Gordon. 2013. “Arguing Abortion: The New Anti-Abortion Discourse in Canada.” *Canadian Journal of Political Science* 46(1): 157-185; Leach, Brittany R. 2020. “Who’s Backlashing Against Whom? Feminism, Backlash, and the American Pro-Life Movement’s ‘Mother-Child Strategy.’” *Signs: Journal of Women in Culture and Society* 45(2): 319-328.
- ²¹ Kavanaugh 2017, pg. 1 (n1 & n14)
- ²² Leach 2020 (n20). See also Chapter 2 on Fetus Funerals.
- ²³ Siegel, Reva. 2014. “Abortion and the ‘Woman Question’: Forty Years of Debate.” 89 Ind. L.J. 1365; Denow, Jennifer, 2015, *Governed Through Choice: Autonomy, Technology, and the Politics of Reproduction*, NYU University Press; Young, Iris Marion. 2003. “The logic of masculinist protection: Reflections on the current security state.” *Signs: Journal of Women in Culture and Society* 29(1): 1-25; Brown, Wendy, 1995, *States of Injury: Power and Freedom in Late Modernity*, Princeton University Press.
- ²⁴ Crenshaw, Kimberlé. 1989. “Demarginalizing the intersection of race and sex: A black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics.” *University of Chicago Legal Forum* 139; Ben-Ishai, Elizabeth. 2012. “The new paternalism: An analysis of power, state intervention, and autonomy.” *Political Research Quarterly* 65(1): 151-165.
- ²⁵ Henderson decision, *Garza v. Hargan*, pg. 1. Hereafter, “Henderson 2017” (n1)
- ²⁶ Ibid, pg. 6
- ²⁷ Ibid, pg. 6

²⁸ Ibid, pgs. 1-2

²⁹ Ibid, pgs. 2-3. See also pg. 6, and pg. 1: “By virtue of my colleagues’ decision, a pregnant alien minor who attempts to enter the United States illegally is entitled to an abortion, assuming she complies with state abortion restrictions once she is here... Under my colleagues’ decision, it is difficult to imagine an alien minor anywhere in the world who will not have a constitutional right to an abortion in this country” as well as pg. 5. Of course, since anyone who can afford to travel to the U.S. could simply have an abortion during a legally authorized visit, and illegal abortions are not uncommonly available even in countries where the procedure is illegal, it seems specious to suggest that anyone would choose to illegally immigrate to the U.S. solely to access abortion rights.

³⁰ Ibid, pg. 8

³¹ Ibid, pg. 8

³² See for instance pg. 9: “Aliens who have entered the United States—even if illegally—enjoy ‘additional rights and privileges not extended to those . . . who are merely ‘on the threshold of initial entry.’” *Id.* at 187 (quoting *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 212 (1953)). “[A]liens receive constitutional protections when they have come within the territory of the United States and developed substantial connections with this country.” *United States v. Verdugo-Urquidez*, 494 U.S. 259, 271 (1990). Until then—before developing the ‘substantial connections’ that constitute ‘entry’ for an illegally present alien—[t]he Bill of Rights is a futile authority for the alien seeking admission for the first time to these shores.” *Bridges v. Wixon*, 326 U.S. 135, 161 (1945) (Murphy, J., concurring). ”

³³ Quoted from *Kleindienst v. Mandel*, in Henderson 2017, pg. 11-12 (n1 & n25)

³⁴ Ibid, pgs. 13-14

³⁵ Ibid, pg. 16. She continues: “The panel dissent’s contrary conclusion is based on a misunderstanding of the Supreme Court’s immigration due process decisions, including a mistaken reliance on the dissent in *Jean v. Nelson*, 472 U.S. 846, 875 (1985) (Marshall, J., dissenting). Writing for the Court in *Jean*, then-Justice Rehnquist expressly declined to opine on the alien plaintiffs’ due process rights, *see id.* at 857 (majority opinion), much less to hold—as Justice Marshall would have done—that “regardless of immigration status, aliens within the territorial jurisdiction of the United States are ‘persons’ entitled to due process under the Constitution.” The Supreme Court has never so held. *Contra Panel Dissent 9.*”

³⁶ Ibid, pg. 8

³⁷ Kavanaugh 2017, e.g. pg. 2-3, pg. 5 (n1 & n14)

³⁸ Ibid

³⁹ Henderson 2017, pg. 14 & 18 (n1 & n25)

⁴⁰ Ibid, pgs. 17-18

⁴¹ On fetal citizenship, see Casper, Monica and Lynn Morgan, 2004, “Constructing Fetal Citizens,” *Anthropology News* 45(9): 17-18; Lupton, Deborah. 2012. “‘Precious Cargo’: Foetal Subjects, Risk and Reproductive Citizenship.” *Critical Public Health* 22(3): 329-340; McCulloch, Alison, 2012, “The rise of the fetal citizen,” *Women’s Studies Journal*, 26(2): 17-25.; Holc, Janine. 2004. “The Purest Democrat: Fetal Citizenship and Subjectivity in the Construction of Democracy in Poland.” *Signs* 29(3): 755-782.

⁴² Berlant, Lauren. 1994. “America, ‘Fat,’ the Fetus.” *Boundary 2*, 21(3): 145-195.

⁴³ Musial, Jennifer. 2015. “Fetal citizenship in the borderlands: Arizona’s house bill 2443 and state logics of racism and orientalism.” *Social Identities* 20(4–5): 262–278.

⁴⁴ For an overview, see Cobain, Jessica, 2019, “The Anti-Immigrant Extremists in Charge of the U.S. Immigration System,” *The Center for American Progress*, <https://www.americanprogress.org/issues/immigration/news/2019/06/24/471398/anti-immigrant-extremists-charge-u-s-immigration-system/> (accessed 12/02/2019). See also n39.

⁴⁵ On opposition to birthright citizenship, see: Hirschfield Davis, Julie, 2018, “President Wants to Use Executive Order to End Birthright Citizenship,” <https://www.nytimes.com/2018/10/30/us/politics/trump-birthright-citizenship.html> (accessed 12/02/2019); Southern Poverty Law Center, 2018, “Buoyed by Trump’s SCOTUS pick, the anti-immigrant movement renews its attacks on the 14th Amendment” <https://www.splcenter.org/hatewatch/2018/08/09/buoyed-trump%E2%80%99s-scotus-pick-anti-immigrant-movement-renews-its-attacks-14th-amendment> (accessed 12/02/2019). On stripping naturalized citizens of their citizenship status, see: Frost, Amanda, 2019, “The New War on Naturalized Citizens,” *The American Prospect* <https://prospect.org/justice/the-new-war-on-naturalized-citizens/> (accessed 12/02/2019) and Higgins, Eoin, 2018, “How ICE Works to Strip Citizenship From Naturalized Americans,” *The Intercept*, <https://theintercept.com/2018/02/14/ice-denaturalization-naturalized-citizen-immigration/> (accessed 12/02/2019).

⁴⁶ Casper and Morgan 2004 (n41)

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- ⁴⁷ García Hernández 2014 (n2); Valdez, Inés, 2016, “Punishment, Race, and the Organization of U.S. Immigration Exclusion,” *Political Research Quarterly* 69(4) 640–654; Kanstroom, Daniel. 2000. “Deportation, Social Control, and Punishment: Some Thoughts about Why Hard Laws Make Bad Cases.” *Harvard Law Review* 11: 1889-1935; Harrison, Jill Lindsey and Sarah E. Lloyd. 2012. “Illegality at Work: Deportability and the Productive New Era of Immigration Enforcement.” *Antipode* 44(2): 365–385.
- ⁴⁸ Musial 2015, pg. 274 (n43)
- ⁴⁹ Wang, Sean H. 2017. “Fetal citizens? Birthright citizenship, reproductive futurism, and the ‘panic’ over Chinese birth tourism in southern California.” *Environment and Planning D: Society and Space* 35(2): 263–280, abstract
- ⁵⁰ Ibid, pg. 270
- ⁵¹ Ibid, pg. 272
- ⁵² Of course, in practice, legal immigration to the United States is very difficult and subject to restrictions on the basis of national origin, employment, family ties to the U.S, criminal history, and so on. Nonetheless, there is a vast set of people who are potential future U.S. citizens, in that they could immigrate and naturalize given favorable circumstances and the desire to do so.
- ⁵³ Lupton 2012 (n41)
- ⁵⁴ Lupton 2012 (n41); see also Salmon, Amy, 2011, “Aboriginal mothering, FASD prevention and the contestations of neoliberal citizenship,” *Critical Public Health*, 21(2): 165—78.
- ⁵⁵ Valdez 2016 (n47); De Genova, Nicholas, 2004, “The Legal Production of Mexican/Migrant ‘Illegality,’” *Latino Studies* (2): 160–185; Brendese, P. J. 2014. “Borderline epidemics: Latino immigration and racial biopolitics,” *Politics, Groups, and Identities*, 2(2), 168-187; Menzel, Annie, 2013, “Birthright Citizenship and the Racial Contract: The United States’ *Jus Soli* Rule against the Global Regime of Citizenship,” *Du Bois Review* 10(1): 29–58; Sampaio, Anna, 2014, “Racing and gendering immigration politics: analyzing contemporary immigration enforcement using intersectional analysis,” *Politics, Groups, and Identities*, 2(2): 202-221; see also Wang 2017 (n49).
- ⁵⁶ Brendese 2014 (n55); see also Sontag, Susan, 1978, *Illness as Metaphor*, Farrar Strauss & Giroux; and Confino, Alon, 2015, *A World Without Jews: The Nazi Imagination from Persecution to Genocide*, Yale University Press.
- ⁵⁷ De Genova 2004 (n55); Bonilla-Silva, Eduardo, 2002, “We are all Americans!: the Latin Americanization of racial stratification in the USA,” *Race & Society* 5: 3–16.
- ⁵⁸ Cisneros, Natalie. 2013. “‘Alien’ Sexuality: Race, Maternity, and Citizenship.” *Hypatia* (28(2)). On “anchor babies” discourse, see also Ignatow, Gabe and Alexander Williams, 2011, “New media and the ‘anchor baby’ boom,” *Journal of Computer-Mediated Communication* 17(1): 60–76 and Lederer, Jenny, 2013, “‘Anchor baby’: A conceptual explanation for pejoration,” *Journal of Pragmatics* 57: 248–266.
- ⁵⁹ Cisneros 2013, pg. 296 (n58)
- ⁶⁰ Ibid
- ⁶¹ Ibid, pg. 301
- ⁶² Ibid, pg. 301
- ⁶³ Ibid
- ⁶⁴ Ibid, pg. 302
- ⁶⁵ Ibid, pg. 303
- ⁶⁶ Ibid
- ⁶⁷ Ibid
- ⁶⁸ See Berlant, Lauren, 1993, “The theory of infantile citizenship,” *Public Culture* 5: 395–410 and Berlant 1994 (n42).
- ⁶⁹ Cisneros 2013 (n58)
- ⁷⁰ Ibid, pg. 297
- ⁷¹ On the turn towards “corrective” approaches to punishment, see Foucault, Michel, 1995, *Discipline & Punish: The Birth of the Prison*, Vintage Books.
- ⁷² Holc 2004 (n41)
- ⁷³ Ibid, pg. 757
- ⁷⁴ Ibid, pg. 758
- ⁷⁵ As Holc herself notes but does not explore in-depth, see for instance pg. 760
- ⁷⁶ Hartry, Allison. 2012. “Birthright Justice: The Attack on Birthright Citizenship and Immigrant Women of Color.” *NYU Review of Law & Social Change* 36(5).
- ⁷⁷ Ibid, pg. 84-85
- ⁷⁸ Ibid, pg. 85
- ⁷⁹ Ibid

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- ⁸⁰ Ibid, pg. 91
- ⁸¹ Ibid, pgs. 92-93
- ⁸² Ibid, pg. 91
- ⁸³ Puar 2017, pg. xiv & xvi (n10)
- ⁸⁴ Although abortion is a private medical procedure, it is rendered public and constructed as a spectacular form of death by the pro-life movement, which dramatizes abortion by circulating of pictures of bloody fetal parts, videos of abortion procedures, describing abortion as a “genocide,” representing Roe as leading to the murder of millions of babies, etc. See note 9.
- ⁸⁵ Reuters, 2018, “Trump officials end policy exempting pregnant immigrants from detention,” *The Guardian* <https://www.theguardian.com/us-news/2018/mar/29/trump-immigration-pregnant-immigrants-detention> (accessed 01/28/19)
- ⁸⁶ See Harty 2012 (n76) and SPLC 2019a (n5)
- ⁸⁷ Puar 2017 (n10); see also Foucault 1995 (n71) and Foucault, Michel, 1988, *The History of Sexuality Vol. 1*, Random House.
- ⁸⁸ Puar 2017 (n10), pg. 146
- ⁸⁹ By “reproductive” here, I mean both socially reproductive and biologically reproductive. As Nancy Fraser and Catherine Rottenberg argue, neoliberalism faces a crisis of care resulting from the inclusion of women in the developed world into the workforce, particularly in the U.S., which lacks universal healthcare and mandatory paid leave. This crisis is only exacerbated if ethno-nationalists succeed in taking immigration off the table as a way to replenish the nation and its workforce. While reproductive technology provides some patchwork solutions – egg-freezing as an employment benefit, gestational surrogacy (which allows immigrant women to bear the biological children of white parents), and so on – the underlying crisis has not been resolved. See Fraser, Nancy. 2009. “Contradictions of Capital and Care.” *New Left Review* 100(July/August); Rottenberg, Catherine. 2014. “Happiness and the Liberal Imagination: How Superwoman Became Balanced.” *Feminist Studies* 40(1):144-68. And Rottenberg, Catherine, 2017, “Neoliberal Feminism and the Future of Human Capital.” *Signs* 42(2):329-48; Denbow, Jennifer M. 2015. *Governed Through Choice: Autonomy, Technology, and the Politics of Reproduction*. New York University Press.
- ⁹⁰ Cinzia Arruzza, Tithi Bhattacharya, and Nancy Fraser. 2019. *Feminism for the 99 Percent: A Manifesto*. Verso.
- ⁹¹ Fraser 2009
- ⁹² Ibid
- ⁹³ Arruzza, Battacharya, and Fraser 2019 (n90); Rottenberg 2014 & 2017 (n89); Denbow 2015 (n89); Fraser 2009 (n89).
- ⁹⁴ Rottenberg 2014 & 2017 (n89)
- ⁹⁵ Davis, Angela. 2011. *Women, Race & Class*. Vintage.
- ⁹⁶ On the crisis of care, see Fraser 2009 (n89)
- ⁹⁷ For instance, the pro-natalist policies in Israel described by Puar 2017 (n10), or the American Right’s opposition to “anchor babies” discussed in the previous section.
- ⁹⁸ Ong
- ⁹⁹ See Leach 2020 (n20)
- ¹⁰⁰ Rottenberg 2014 & 2017 (n89); See also Aruzza, Fraser, & Battacharya 2019 (n90).
- ¹⁰¹ See Denbow 2015 (n89). She argues that reproductive technologies have the potential to further reproductive autonomy, but are presently governed by neoliberal logics of personal responsibility and investment in human capital that serve the interests of corporations rather than women, effectively limiting choice rather than expanding it.
- ¹⁰² Southern Poverty Law Center, 2019b, “Family separation under the Trump administration – a timeline,” <https://www.splcenter.org/news/2019/09/24/family-separation-under-trump-administration-timeline> (accessed 12/02/2019); Aguilera, Jasmine, 2019, “Here’s What to Know About the Status of Family Separation at the U.S. Border, Which Isn’t Nearly Over” *Time* <https://time.com/5678313/trump-administration-family-separation-lawsuits/> (accessed 12/02/2019).
- ¹⁰³ Dickerson, Caitlin, 2019, “‘There Is a Stench’: Soiled Clothes and No Baths for Migrant Children at a Texas Center,” *New York Times* <https://www.nytimes.com/2019/06/21/us/migrant-children-border-soap.html> (accessed 12/02/2019).
- ¹⁰⁴ Wang, Amy, 2018, “The U.S. lost track of 1,475 immigrant children last year. Here’s why people are outraged now,” *Washington Post* <https://www.washingtonpost.com/news/post-nation/wp/2018/05/27/the-u-s-lost-track-of-1500-immigrant-children-last-year-heres-why-people-are-outraged-now/> (accessed 12/02/2019).

¹⁰⁵ Huetteman, Emmarie, 2016, “U.S. Placed Immigrant Children With Traffickers, Report Says” New York Times <https://www.nytimes.com/2016/01/29/us/politics/us-placed-immigrant-children-with-traffickers-report-says.html> (accessed 12/02/2019) and the U.S. Senate Staff Report for the Committee on Homeland Security and Governmental Affairs, Permanent Subcommittee on Investigations, “Protecting Unaccompanied Alien Children from Trafficking and Other Abuses: The Role of the Office of Refugee Resettlement,” <https://www.hsgac.senate.gov/imo/media/doc/Majority%20&%20Minority%20Staff%20Report%20-%20Protecting%20Unaccompanied%20Alien%20Children%20from%20Trafficking%20and%20Other%20Abuses%202016-01-282.pdf> (accessed 12/02/2019).

¹⁰⁶ Children who are “lost,” stolen, or adopted are either rendered (a) disposable and invisibilized, e.g. when they’re given to traffickers, preventing them from polluting the body politic by debilitating them or letting them die; or (b) non-threatening, e.g. by remaking them into members of white American families. Whether the result is (a) or (b), unauthorized immigrants’ children are not allowed to be simultaneously alive, healthy, embedded in loving nonwhite kinship networks, and present inside U.S. borders. The treatment of immigrant children by the U.S. is similar to the debilitation of Palestinian children described by Puar 2017 (pg. 150-151) (n10) in that the specific outcome of each child’s life may be uncertain, but only within a narrow spectrum of possibility that precludes their well-being. Whether targeted for debilitation (trafficking) or rehabilitation (adoption), the supposed threat racialized migrant children pose to the white body politic is resolved; debilitation neutralizes the threat by rendering the exploitable and incapable of resistance, rehabilitation by incorporating them into whiteness. See notes 103 and 104.

¹⁰⁷ Ross, Loretta and Rickie Solinger. 2017. *Reproductive Justice: An Introduction*. Oakland: University of California Press.

¹⁰⁸ See note 105.

¹⁰⁹ De Genova 2004 (n55)

¹¹⁰ Harrison & Lloyd 2012 (n47)

¹¹¹ Ibid; see also De Genova 2004 (n55)

¹¹² On the right to maim, see Puar 2017 pg. 64 (n10)

¹¹³ Harrison & Lloyd 2012 (n47); De Genova 2004 (n55)

¹¹⁴ Kanstroom 2000 (n47).

¹¹⁵ Sampaio 2014 (n58)

¹¹⁶ On reproductive healthcare and cost-cutting, see Hartry 2012 and Human Rights Watch, 2019, “Detained and Dismissed: Women’s Struggles to Obtain Health Care in United States Immigration Detention,” <https://www.hrw.org/report/2009/03/17/detained-and-dismissed/womens-struggles-obtain-health-care-united-states> (accessed 01/15/2019). On denial of basic hygiene, see Dickerson 2019 (n102) and Goodkind, Nicole. 2019. “Trump Administration Argues Detained Migrant Children Don’t Need Toothbrushes, Soap.” *Newsweek* <https://www.newsweek.com/migrant-children-border-trump-administration-1445090> (accessed 12/02/2019).

¹¹⁷ Burnett, John, 2018, “Funding The Immigration Crackdown At An ‘Unsustainable Rate’” *NPR* <https://www.npr.org/2018/09/26/651524569/funding-the-immigration-crackdown-at-an-unsustainable-rate> (accessed 12/02/2019).

¹¹⁸ Ibid

¹¹⁹ Analogous to Puar’s (2017, n10) account on pg. 46 of the profitability of the occupation of Gaza and the West Bank as profitable, despite the inability of Palestinian residents of these territories to participate in many economic activities.

¹²⁰ Valdez, Coleman, & Akbar 2017 (n11)

¹²¹ Ibid, pg. 552

¹²² Ibid

¹²³ Puar 2017 pg. 144 (n10)

¹²⁴ Patricia Millett, Concurring Opinion in *Garza v. Hargan*, pg. 3 (n1)

¹²⁵ Ibid

¹²⁶ Ochoa Espejo, Paulina. 2011. *The Time of Popular Sovereignty*. University Park, PA: The Pennsylvania State University Press.

¹²⁷ Ibid, pg. 2

¹²⁸ Ibid, pgs. 44-45

¹²⁹ Ibid

¹³⁰ Ibid

¹³¹ See also the discussion of the body politic in the introduction

¹³² Pg. 24. Brown, Wendy. 2010. *Walled States, Waning Sovereignty*. Zone Books.

¹³³ Ibid pg. 81

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- ¹³⁴ Ibid, pg. 82
¹³⁵ Ibid, pg. 84
¹³⁶ Ibid, pg. 85
¹³⁷ Ibid, pg. 86
¹³⁸ Ibid, pg. 93
¹³⁹ Ibid, pgs. 78-79
¹⁴⁰ Ibid, pg. 108
¹⁴¹ Ibid, pgs. 115-119
¹⁴² Ibid, pg. 121
¹⁴³ Ibid, pgs. 119-120
¹⁴⁴ Ibid, pg. 95
¹⁴⁵ Ibid, pg. 113
¹⁴⁶ Indeed, this reading seems to fit with Trump's extensive slate of anti-immigrant, anti-trade, and anti-multinationalist policies, from border walls and the Muslim ban to trade war with China to the refusal to recertify Obama's Iran deal and the assassination of Soleimani.
¹⁴⁷ Brown, pg. 30 (n132)
¹⁴⁸ Ibid
¹⁴⁹ Ibid
¹⁵⁰ SPLC 2019a (n5) and Hartry 2012 (n76).
¹⁵¹ Agamben, Giorgio. 2005. *State of Exception*. Translated by Kevin Attell. University of Chicago Press.
¹⁵² Mbembe, Achille. 2019. *Necropolitics*. Duke University Press.
¹⁵³ Bargu, Banu. 2014. *Starve and Immolate: The Politics of Human Weapons*. New York: Columbia University Press.
¹⁵⁴ Ibid, pg. 26
¹⁵⁵ Ibid
¹⁵⁶ Ibid, pg. 27
¹⁵⁷ Brown 2010, pg. 49 (n131)
¹⁵⁸ Ibid
¹⁵⁹ Martin, Aryn, 2010, "Microchimerism in the Mother(land): Blurring the Borders of Body and Nation," *Body & Society* 16(3). See also Hird, Myra, 2007, "The Corporeal Generosity of Maternity," *Body & Society* 13(1): 1–20 and Frost, Samantha, 2014, "Re-considering the turn to biology in feminist theory," *Feminist Theory* 15(3) 307–326.

CHAPTER 4 – GUERRILLA ABORTION NETWORKS IN TRANSNATIONAL PERSPECTIVE: ENACTING REPRODUCTIVE AUTONOMY, PREFIGURING FEMINIST FUTURES

I. Introduction

Shortly after the Supreme Court decision in *Roe v. Wade* legalized abortion in the United States, the underground abortion clinic and counseling service known as Jane shut down its phone line and dissolved, even though the group's members agreed that "abortions provided by medical professionals would not measure up to Jane's standards" of empowering patient care.¹ Several former participants in the guerilla abortion service went on to work at legal clinics, which only confirmed their disheartening suspicions. One former Jane member decided to quit her job at a legal abortion clinic after a patient "called her over and said in a whisper, 'You don't remember me, do you? You assisted at my illegal abortion years ago. I don't see how you can work here after what you did. You guys spent a lot of time with people and the counseling was so different. It must be hard for you to work here.'"² Another former member known pseudonymously as "Kris" continued to work in clinics that provided legal abortions, hoping her experience with the underground women's health movement could transform the aboveground practice of reproductive healthcare. One way Kris sought to bring about this change was by writing a new training manual and overseeing its implementation. When her efforts proved fruitless, she realized the immense difficulty of transforming the culture of professionalized medicine. As Laura Kaplan recounts from her interview with Kris:

[Kris said,] 'I realized that there was something very different about the service, which was not just providing illegal abortions. That had obscured the very important experience women had – that it was done by other women in a situation where they were not objects. They were forced to be accomplices and, because they were forced to join in, they had to take responsibility for what they did. It made them autonomous. Legalizing abortion allowed women to have a service provided. They gave up their power, the way you always do in a medical situation.' ... No matter how much she and the other counselors tried to change the atmosphere by painting the walls bright colors and even counseling in groups, they could not lessen women's isolation and powerlessness. For Kris, that was a

product of standard medical attitudes: ‘In that concept somehow you separate yourself from the disease and do battle with it. That notion of separateness is what the male model is. It’s not just medicine. It pervades the culture. When women are forced into that environment, they lose the base of caring, of providing a transformational service where the people come out of it better than when they came in. We can train all the women doctors we want, but, in that context, it’s all going to be the same.’³

In Italy, a similar shift from transformative women’s self-help clinics to aboveground medical and legal advocacy work unfolded after parliament passed Law 194 in 1979, legalizing abortion in some cases, but with numerous restrictions and a conscience exception that rendered abortion functionally unavailable to women outside major cities. This legislation pre-empted the nearly successful feminist effort to legalize abortion without any restrictions via referendum. Infuriated, the *Movimento di Liberazione della Donna* (Movement for the Liberation of Women or MLD), one of the feminist groups which had been pushing for the legalization of abortion, shifted their focus to full-time efforts to reform the law. As a result of this new focus, they declared that they had “decided temporarily to suspend the practice of self-help abortions and to intervene to hammer the state structure until it provides women with at least the service required of it by law [without the conscience exception]. Until this minimal objective has been achieved, the so-called ‘freedom of choice’ is merely a ‘false choice.’”⁴ To date, the conscience exemption has not been lifted and the self-help clinics remain closed.

In Argentina, abortion laws mask a complex reality that is similar to the situations in Italy and the United States prior to the legalization of abortion. Since the 1920s, the procedure has remained illegal in nearly all cases and carries criminal penalties of up to 15 years for anyone who participates in an abortion, including women who self-abort and doctors who perform abortions.⁵ Despite vigorous agitation by pro-choice activists, the Argentine Senate narrowly rejected a bill that would legalize abortion during the first trimester in 2018.⁶ There has been some recent liberalization, as the Argentine Supreme Court ruled in 2012 that exceptions to the

abortion ban must be granted if the pregnant person's life or health is at risk or if the pregnancy was a result of rape. However, the ability of women to access abortion through the public healthcare system is still limited, even in cases where it is legal. In one recent case, an 11-year-old girl was forced to undergo a C-section after her abortion was delayed by legal complications and the refusal of doctors in her area to perform the procedure even with legal approval.⁷ Yet, abortion rights activists have developed relatively successful strategies for providing access to safe abortions outside or at the margins of the law, often through collaboration between feminist activists and medical professionals. As Julia McReynolds-Perez explains, "starting in the 2000s both feminist activists and health professionals began to offer women information about inducing abortion safely at home using misoprostol."⁸ Likewise, in a few cases, McReynolds-Perez reports that "activist health professionals" in primary care clinics run by the government began to provide free and ostensibly legal abortions to any woman who sought one, justifying their actions by arguing that "forcing a woman to continue an undesired pregnancy to term had the potential to severely disrupt elements of her bio-psycho-social health and so denying the pregnancy termination inherently constituted a health risk. Effectively, these activist medical professionals argued that essentially all abortions are legal under the current law as they are medically necessary to protect women's health."⁹

As safe and legal abortion in the United States is threatened by proliferating state-level restrictions and the looming possibility that *Roe* might be overturned, as legal abortion clinics continue to close, and as increasing numbers of American women turn to illegal or questionably-legal self-abortion methods,¹⁰ there is a pressing need for feminists to re-examine the politics of illegal abortion and strategies for maintaining access to safe abortions where legal abortion is banned or heavily restricted. What does reproductive autonomy mean in situations where

abortion is illegal in all or nearly all cases? What forms of feminist resistance or even transformative practices of freedom are still possible in contexts of severe reproductive oppression? What kinds of subjects are produced by the discourses and practices of feminist abortion undergrounds? What alternative trajectories might feminist theoretical reflection on illegal abortion reveal or re-open? To explore these questions, I examine feminist theories of freedom and autonomy in relation to guerilla abortion networks that provide safe illegal or quasi-legal abortions in contexts where legal abortion is unavailable or inaccessible. Specifically, I consider the Jane Collective, in the United States; the *consultoris autogestiti*, in Italy; and abortion hotlines in Latin American countries like Chile, Ecuador, and Argentina.

Reflecting on these examples, I find that the illegality or heavy restriction of abortion imposes reproductive oppression *and* opens up space not only for feminist resistance but also for invention, even as it renders patients and activists vulnerable to state repression. This suggests three challenges for feminist theories of freedom/autonomy.¹¹ First, guerilla abortion networks arise from women's desperate unmet need for an abortion in circumstances where the procedure is legally restricted and socially stigmatized. Yet, guerilla abortion networks enable some women to seize reproductive autonomy despite these highly constrained circumstances and the distress which may motivate them to defy legal and social prohibitions on abortion. If guerilla abortion networks transform necessity and constraint into freedom, these networks challenge conceptions of freedom which assume a simple opposition or neat reconciliation between freedom and necessity. For these groups, necessity is both a genuine constraint on women's reproductive freedom and a catalyst for the invention of new practices of freedom that escape these constraints. Second, guerilla abortion networks challenge conceptions of freedom/autonomy that rely on distinctions – e.g. public vs. private, personal or moral autonomy vs. political autonomy,

state/society/economy¹² – that divide human life into separate spheres or domains of freedom. They challenge such conceptions because these underground abortion services weave together social, political, and economic cooperation in a space that is at least semi-autonomous from the state, capitalist markets, and patriarchal society. Finally, guerilla abortion networks highlight the possibility of producing new forms of individual and collective subjectivity through consciousness-raising, collective action, and the production of new forms of knowledge. The inextricability of individual and collective liberation in guerilla abortion networks suggests the need for theories that explain this mutual imbrication, rather than separating autonomy (understood as individual, internal, or subjective) from freedom (understood as collective, external, or intersubjective).¹³

I respond to these challenges by articulating a conception of reproductive autonomy rooted in interconnectedness and ambiguity. In my view, reproductive autonomy requires both the ability to refuse the imperatives of biological and social reproduction *and* the capacity to remake the conditions under which these tasks are imposed or undertaken. That is, the process of realizing reproductive autonomy entails the simultaneous remaking of the “I,” the “we,” and the world. Because the self is composed of both mind and body,¹⁴ and the self is formed through relationships with others (though not reducible to them),¹⁵ distinctions between autonomy as an internal state of mind and freedom as an external condition fall apart. Instead, I suggest that freedom is autonomy in action, while autonomy is the process of thought which leads to and emerges from political action. The actions undertaken by guerilla abortion networks involved not only resistance but transformation through world-building, or the creation of experimental feminist lifeworlds. These lifeworlds were organized around what I describe as an “abortion commons,” or a non-capitalist form of cooperation to provide abortions outside or at the margins

of public services and private markets. To challenge a constellation of power composed of patriarchal social relations, capitalist economies, and neoliberal states, I suggest that feminists might take inspiration from guerilla abortion networks by experimenting with practices of freedom that link egalitarian social relations, cooperative non-capitalist economies, and radical democracy.¹⁶

II. Feminist Laws and Outlaws: On Power, Resistance, and Transformative Politics

The illegality or functional unavailability of abortion is a condition of possibility for the formation of guerilla abortion networks and the practices of freedom they invent. From a Foucaultian perspective, this paradoxical relationship between oppression and freedom may seem unsurprising, as Foucault observes that every exercise of power is also an opportunity for resistance.¹⁷ Yet, Foucault's notion of resistance only goes so far in explaining guerilla abortion networks. As Amy Allen argues, mere resistance at the point where power is applied to subjects is insufficient to provide a roadmap to either the transformation of individual consciousnesses or radical structural change.¹⁸ Where Allen turns to Habermas for such an account, I follow up on another line of inquiry that she recommends but does not pursue: examining feminist social movements to understand how radical transformation might be imagined and enacted. In this section, I argue that accounts of radical change should focus on re-making collective ways of life and that guerilla abortion networks provide an example of this approach. Operating in contradiction to the law, outside markets, and beyond hegemonic medical institutions, guerilla abortion services are less beholden to existing legal requirements, institutional rules, or professional norms. Seeking to complicate simple evaluations of legal abortion as safe and good, and illegal abortion as unsafe and bad, I argue that the looser regulation of illegal abortion

providers does not solely open up possible dangers but also avenues for liberation, and that legalization of abortion is not without costs, compromises, or dilemmas.

Wendy Brown's critical yet sympathetic account of the relationship between identity politics and the law provides a useful lens for thinking about the ambiguities of guerilla abortion networks. In *States of Injury*, Brown attempts to navigate between twin dangers.¹⁹ On the one hand, she worries that feminist reforms might inadvertently reinforce rather than transform the gendered forms of subordination they seek to challenge. On the other hand, she aims to avoid too hastily rejecting potentially useful political strategies for improving the conditions of members of subordinated groups within the current political order, for fear that forgoing reformism entirely might provoke either nihilism or a false and exclusionary universalism which is blind to difference. In particular, Brown argues that the extension of rights or other forms of legal protection to marginalized groups, including women, is always also a way of disciplining marginalized subjects that risks codifying contemporary constellations of power, projecting them into the future and undermining efforts to further unravel or remake power and subjectivity. Yet, she does not deny that such reforms often carry real benefits for the oppressed.

In my account of guerilla abortion networks, I adopt a similar position of ambivalence. The legalization of abortion in both the United States and Italy was achieved through legal means that involved compromises between the universal accessibility of abortion sought by feminists and more conservative forces which sought to liberalize abortion law while limiting the extent of the concessions made to the feminist movement. That is, *Roe* and Law 194 do seem to have been relatively successful at forestalling additional feminist gains by projecting the political balance of power from the 1970s into the future, as Brown suggests is often the case with liberal reforms. By contrast, in countries like Argentina, where abortion remains illegal in almost all

cases, the repressive legal environment coexists with thriving feminist efforts to maintain the functional availability of safe illegal abortions. Yet, women still die from lack of access to safe abortions. This illustrates the other prong of the dilemma Brown outlines. The generally successful efforts of Latin American feminists to promote the safe but illegal off-label use of the abortion-inducing drug misoprostol have generated new understandings of the relationship between women's experiences and medical expertise, thus enabling the transformation of subjectivity in ways that are more difficult to enact from underneath the weight of professionalized medical institutions. However, this has come at great cost for women who are not aware of this option, who cannot access it, or who try to take advantage of their legal options rather than resorting immediately to breaking the law.

The illegality or dubious legality of the services provided by guerilla abortion networks is thus paradoxically linked to both freedom and unfreedom. On one hand, illegal abortion providers risk criminal charges and may not provide the same standard of care one would expect from a legal, well-regulated clinic. Depending on local laws and the extent to which they are tolerated by law enforcement, activists who participate in guerilla abortion networks and perhaps their patients could face significant penalties, including lengthy prison sentences. The need to conceal the group's activities from law enforcement may have deleterious effects on their ability to maintain a democratic structure of authority and on the group's ability to be accountable to the larger community. Unregulated abortion providers may be liable to make dangerous medical errors due to poorly trained medical practitioners, substandard facilities, or even malicious abuse of patients. For example, some abortionists before *Roe* used the illegality of the procedure to coerce patients into submitting to sexual harassment or assault.²⁰ Likewise, Kermitt Gosnell – an abortion doctor whose license to practice medicine was revoked and whose clinic was shut down

after his procedures killed two women and it was discovered that he was aborting nearly full-term pregnancies as well as violating numerous safety regulations – exemplifies the dangers that abortion regulations are designed to prevent.²¹ While there is some evidence which casts doubt on whether illegal abortions are necessarily more dangerous than legal ones, such as Jane’s excellent record of patient care²² and recent research showing that the abortion pill can be safely used even without professional in-person medical supervision,²³ the worry that illegal abortions are more likely to be unsafe is a legitimate concern. Yet, legal abortion is perversely vulnerable to endless incremental regulations which constrict and eventually obstruct access.

On the other hand, this very isolation from structures of power and the absence of supervision by legal and medical authorities provides an opportunity for transforming medical practice by loosening constraints on political imagination. Guerilla abortion networks exist in a prohibited yet often tolerated gray zone that goes beyond or outside the state, the medical-industrial complex, and patriarchal society. Because these services are provided within a feminist underground governed by its own rules and norms, guerilla abortion providers are at least semi-autonomous from hegemonic reproductive governance.²⁴ The very illegality that makes these services potentially dangerous also grants them some degree of freedom to create new modes of reproductive governance that enhance the autonomy of pregnant embodied subjects. These groups’ subsistence within an exceptional space that is only indirectly policed enables them to develop what Foucault calls subjugated knowledges, or arrangements of discourse and practice that diverge from the official knowledges or dominant social and legal rules.²⁵ Unearthing the subjugated knowledges of guerilla abortion networks allows feminists to interrogate whether there is any way to pursue the possible futures that are rendered visible by these networks,

without accepting the conditions of illegality that limit these possibilities to small pockets of feminist resistance which sit alongside abusive and exploitative illegal abortion providers.

In hopes of finding a third path which avoids both the dangers of illegal abortion and the medically unnecessary restrictions imposed on legal abortion which undermine women's autonomy, I revisit the practices and political debates of advocates of abortion rights during the 1970s, and put them in conversation with contemporary feminist activism in Latin America. To make sense of these examples, I emphasize the importance of the collective ways of life which underpin political discourse and the role of feminist social experimentation in developing new ways of doing and thinking about reproduction. As Suzanne O'Donnell noted in her study of evolving feminist narratives about the Jane Collective, "pro-choice women come back to Jane particularly in those heated political moments when the cracks in the ice become visible, and we are reminded of the fragility of abortion rights."²⁶ Though references to Jane can perform a variety of rhetorical functions in feminist discourse, from symbolizing radical feminism contra liberal feminism to indicating anxiety about the precarity of abortion rights, O'Donnell argues that "above all else," Jane is "a reminder of women's resilience and the power of collective action" and "a lesson that even in the darkest of hours, with the most unjust of laws restricting their right to self-determination, women can and do act—by coming together to help other women."²⁷ As O'Donnell shows, not only do guerilla abortion networks meet women's immediate needs to terminate unwanted pregnancies, but in doing so they enrich the imaginative resources of feminism.

There are many examples of how experimental ways of life can have transformative implications, but one that may be of particular interest for understanding the work of guerilla abortion networks is the flurry of feminist social innovation and political activism in the late 19th

and early 20th centuries. According to Sheila Rowbotham, feminist “thought interacted with action in a whirl of speculation, proposals, policies, and utopian visions” from the 1880s to 1930s.²⁸ During this period of overflowing feminist imagination, liberal, socialist, and anarchist feminists were imbricated in webs of collaboration, debate, and dialogue. From this roiling cauldron of radical thought and practice, new ideas wafted through activist communities and eventually into society at large. As Rowbotham puts it, “though many of the political proposals and social policies they devised were not to be realized during their lifetimes, fragments of their utopias would later percolate into the mainstream.”²⁹ She notes that their “personal rebellions...helped shift attitudes about how women could be and live,” while “their galvanizing conviction that things could be better” incited widespread change.³⁰ This was especially true with regard to the movements for voluntary motherhood and free love, which demanded the right for reproductive and sexual self-determination for women, including the legalization of contraception and abortion. By offering women new possibilities, delineated not only by radical theory but also by alternative lifeworlds, turn-of-the-century feminist radicals awakened new desires and created counter-cultural communities which sought to nurture new subjectivities. Though feminists’ dreams never quite materialized in precisely the manner they had hoped, Rowbotham argues that it was their “contradictory experiments” that gave rise to new ways of life and new ways of being-in-the-world as women.

Along similar lines, Kathy Ferguson’s account of Emma Goldman’s “thinking in the streets” holds that Goldman’s ideas were deeply informed by her experiences of political collective action and the creation of anarchist ways of life, both in the form of widely-dispersed intellectual networks and geographically co-located community spaces such as beer halls.³¹ These spaces, Ferguson argues, were crucial to Goldman’s “anarchist world-making,” or the

practice of attempting to transform collective life, to reconfigure the political space in which we think and act, to conceive and gestate a different future so that it is ready to be born when the conditions are ripe for its flourishing. World-making is “sustained and compromised” by its unfolding within fugitive political spaces such as the intellectual space created by the publication and circulation of anarchist magazines or newsletters or the physical spaces in which anarchists gathered to socialize and organize.³² Such spaces were “compromised because anarchists served as the constitutive Other of proper social order; they marked the needed outside whose exclusion allowed other elements to be properly included” and “sustained because it was exactly that fracture between legitimate space and the space of the Other which anarchists utilized to articulate their critique and to draw suffering, indignant, or visionary individuals into their circulation of words” and through which they “made the unseen visible, turned noise into speech, and ‘lodged one world in another.’”³³ Ferguson’s account of anarchist lifeworlds parallels the account I am trying to construct of guerilla abortion networks as feminist lifeworlds, because guerilla abortion networks create both intellectual and material spaces in which radicals can nurture alternative ways of life in hopes that they might spill over to transform the broader world. Though guerilla abortion networks are necessarily compromised because their exclusion from aboveground medical institutions is constitutive of the legal prohibition on abortion that feminist illegal abortion groups seek to subvert, these networks are also sustaining because the split between feminist undergrounds and the legally regulated medical institutions above renders critique and experimentation possible.

III. Conceptualizing Reproductive Freedom and Reproductive Autonomy

Guerilla abortion networks challenge conceptions of freedom premised on the assumption that necessity inhibits rather than spurs freedom or the assumption that the social dimension of

life is separable from the political or economic dimensions. Specifically, guerilla abortion networks reverse the relationship between freedom and necessity posited by liberalism by taking necessity as an impetus for freedom rather than a constraint or limit upon freedom. In this way, it undoes the opposition between the individual (associated with negative freedom) and the community (associated with tyranny, or at best, positive freedom). Moreover, the networked structure of guerilla abortion services challenges the conception of social, political, and economic life as separate spheres by revealing that these dimensions of human life are interwoven. To capture the distinctive form of reproductive autonomy that is enacted when feminists provide safe illegal or quasi-legal abortions that are neither fully public because they are not provided through the state, nor fully private because they are not marketized or confined to the home, I advocate viewing guerilla abortion networks as a type of commons. Drawing from socialist feminist, Arendtian feminist, and black feminist theories of freedom,³⁴ I find that each offer important insights but also require some adaptations in light of the blurred boundaries between the separate spheres of public/private and state/society/economy.

In liberal political thought, freedom is usually understood as either negative freedom from interference or positive freedom to effectually realize some particular end or set of ends.³⁵ Negative freedom is associated with individual rights, while positive freedom is associated with entitlements or resources that make negative rights practically meaningful. One of the most powerful critiques of reproductive freedom as negative liberty is presented by Dorothy Roberts, who argues that “the negative view of reproductive liberty not only disregards ‘private’ obstacles to reproductive decisionmaking, such as social prejudices, racist business practices, and the maldistribution of wealth, but it also disregards certain instances of state interference in poor people’s reproductive decisions.”³⁶ When reproductive rights are conceptualized narrowly as the

right to have an abortion without government interference, she argues, the result is the protection of a narrow formal right at the expense of ignoring the practical inequality of access to that right as well as obscuring forms of reproductive oppression that are predominantly faced by poor women and women of color, including forced sterilization, restrictions on procreation for women receiving welfare or subject to the criminal justice system, and inability to obtain adequate healthcare. Moreover, framing abortion as a negative liberty or privacy right creates an apparent tradeoff between the values of freedom and equality because “this notion of liberty rests on the assumption that privileging individual autonomy over social justice is essential to human freedom.”³⁷ When Roberts speaks of autonomy here, she is referring to the classic liberal conception of the rational, independent subject acting on his own free will that theories of relational autonomy (including mine) seek to challenge and transform.

In contrast to this impoverished conception of reproductive rights which ostensibly prioritizes non-intervention of the state even while the state continues to intervene in the reproductive life of poor women and black women,³⁸ Roberts suggests re-framing reproductive rights in terms of a positive conception of freedom and demanding legal recognition of the relationship between reproductive autonomy and racial equality. As she explains, the conception of freedom she proposes “includes not only the negative proscription against government coercion, but also the affirmative duty of government to protect the individual’s personhood from degradation and to facilitate the processes of choice and self-determination” which “shifts the focus of liberty theory from state nonintervention to an affirmative guarantee of personhood and autonomy.”³⁹ Autonomy in this sense is not an attribute of an atomized individual but rather an affirmative right to a flourishing and meaningful life that is free from economic, racialized, or gendered forms of oppression that undermine one’s ability to effectually utilize one’s formal

rights.⁴⁰ In addition to this rich conception of autonomy and positive rights, Roberts argues that legal recognition of the connection between equality and freedom is essential to ensuring reproductive rights for all women. Recognizing this connection, she contends, justifies state action “to address private conduct and to transform social circumstances that preclude Black women’s reproductive autonomy.”⁴¹

I broadly agree with Roberts’s vision of reproductive autonomy and with her account of why equality is an essential component of reproductive freedom rather than a conflicting value which must be balanced against it. However, I think that there are drawbacks to couching this vision in the language of positive liberty. The distinction between positive and negative freedom is based on assumptions about the individual as independent from social context that Roberts herself rejects. Moreover, conceptualizing freedom as a binary choice between non-interference and positive state obligations obscures other important elements of freedom, such as the freedom that is realized in the collective act of political struggle. The idea of freedom as an emergent property of collective struggle is central to many feminist theories of freedom, especially in the black socialist feminist tradition. Indeed, while Roberts’s defense of positive liberty as a way of rethinking reproductive rights and freedom has influenced reproductive justice scholarship, Roberts’s views may not be representative of black feminist thought in general.⁴² For instance, Angela Davis contends that freedom is an ideal which is rendered increasingly visible as a result of historical and present-day struggles against oppression.⁴³ In her view, freedom is both enabled and limited by the historical moment. Though it is possible to gain some sense of the contours of freedom by examining the present from the perspective of historical movements and attempting to view the future from the perspective of youth who can see further into what could be, Davis suggests that our vision of freedom and justice is necessarily partial because it is a collective

project that cannot be accomplished all at once but only through generations of struggle whose end we cannot yet see. Insofar as reproductive freedom is something that is enacted by those who are struggling for reproductive justice, conceptions of positive freedom that are reducible to state action or inaction are too limited to express reproductive autonomy as it appears in political action by non-state actors. Because I concur with Davis that freedom is achieved through political struggle and with Brown's skepticism towards state action, I seek to address the social and economic context that is neglected by liberal negative rights by turning to the commons rather than positive liberty.

Like Davis, Arendtian feminists like Linda Zerilli argue that freedom arises from collective action in the midst of historical processes whose ultimate outcomes are unknowable. Zerilli defines freedom as "world-building practices based on plurality and non-sovereignty."⁴⁴ Plurality here refers to the inescapability of difference in a world that is shared with others, while non-sovereignty means the agency to act in democratic political contexts in which we lack the ability to control the ramifications or even the process of collective action.⁴⁵ That is, freedom for Zerilli is the capacity to participate in collective political action to re-make our shared world, without knowing in advance who will (or will not) join us or what the ultimate effects of our actions will be.⁴⁶ The indeterminacy of political action is part of what makes it a sphere of freedom.⁴⁷ To act politically in this sense is to seek to shape the commons, or that in-between space which is partially but not fully shared with others. The commons, in Zerilli's formulation, is always an object of contention because disagreement is inescapable under conditions of plurality, because non-sovereignty means that even well-intentioned efforts to shape the commons can have unintended consequences, and because politics both relates and separates us from others in our community.⁴⁸ Moreover, politics as Zerilli uses the term is broader than

competition within formalized democratic institutions. As she puts it, “the common world as space of freedom is not exhausted by existing institutions or the citizen as the subject of law, but comes into being whenever...[people] come together politically.”⁴⁹

This idea of politics as contestation over the commons marks something of a departure between Zerilli and Arendt, insofar as Arendt’s notion of the space of appearance makes a sharper distinction between the social and the political than Zerilli’s interpretation of politics as the process by which certain issues are brought into (or out of) the commons or the public and consequently politicized (or, presumably, privatized and de-politicized).⁵⁰ Thus, in Zerilli’s formulation, there is no determinate set of issues or objects that properly belongs to the political; rather, there is only a partially shared and contested sense of what is common and thus a matter of political concern, and what is private and thus consigned to the de-politicized social sphere.⁵¹ Yet, in maintaining this distinction between public and private, and between the subject question (understood as social) and the world question (understood as political), Zerilli perpetuates (albeit in a more diluted form) Arendt’s separation of human life into distinct spheres.⁵² Such distinctions are problematic because the social and the political are intimately interrelated in people’s everyday lives, as social and cultural conditions shape and are shaped by interactions with the law, governmental agencies, and political conflict. Furthermore, even if one agrees with Zerilli (as I do) that political subjects are produced through collective action, this does not imply that political subjects are produced only in the moment where political action becomes a world-transforming event, because no one arrives to political struggle as a blank slate and no movement creates its own collective subject or discourse *ex nihilo* but rather does so in conversation with the surrounding culture.⁵³ Zerilli does acknowledge that there is no reason why one cannot address both the subject question and the world question, and she is right to caution feminists

about the diminishing returns of navel-gazing analyses of subjectivity in the absence of any reflection on the world or participation in collective struggle.⁵⁴ However, in seeking to redirect feminist attention away from subjectivity and towards political action, she understates the extent to which these are inextricable from one another.

Emphasizing the Wittgensteinian aspect of Zerilli's thought,⁵⁵ rather than the Arendtian strand, provides a way into thinking about the relationship between politics as contestation over the commons and the creation of experimental lifeworlds that a strict Arendtian might describe as merely social. According to Zerilli's reading of Wittgenstein, political change requires not just changing discourses or abstract ideas about subjectivity, but also changes in the ways of life that ground these discourses.⁵⁶ Without lapsing into a simplistic representational account of language in which words directly and unambiguously refer to discrete things in the world, Zerilli's Wittgensteinian approach to feminism nonetheless ties political discourse to the world, by linking our language games to our ways of life.⁵⁷ This would seem to suggest that social experiments are a potential source of political imagination insofar as they reconfigure the common world that political language games engage.

Arendt helps contribute to our understanding of what is distinctively important about political action, especially when read through Zerilli's interpretive lens. For instance, consider Arendt's account in *Between Past and Future* of the French Resistance as a moment when individuals were temporarily bound up into a collective endeavor that was greater than the sum of the individuals who composed it, as a moment in which freedom temporarily appeared, only to be lost once the resisters returned to the petty concerns of their individual interests and daily lives.⁵⁸ This sense of the public as a subsumption of the individual into a greater whole engaged in a task of paramount importance and rich meaning does identify something essential about

participation in world-shifting political events. What Arendt is identifying is the kind of freedom that derives from deep solidarity, and this is an important insight because it counters the common assumption⁵⁹ that the loss of individuality can only be experienced as subordination or coercion and never as uplifting or empowering. Yet, to consign the everyday practice of living to a realm that is by definition bereft of this sense of collective belonging is too stark. Juxtapose Arendt's dejected former resisters with Silvia Federici and George Caffentzis's list of examples of grassroots demands for the "creation of new forms of sociality organized according to the principle of social cooperation and the defence of the already existing forms of communalism," which show how people (often women) can make the everyday task of reproducing life into a collective and perhaps even political project:

Grassroots women's initiatives...have multiplied since the 1970s when in response to the combined effects of austerity plans and political repressions in several countries (e.g. Chile, Argentina) women have come together to create communal forms of reproduction, enabling them to both stretch their budget and at the same time break the sense of paralysis that isolation and defeat produced. In Chile, after the Pinochet coup, women set up popular kitchens – *comedores populares* – cooking collectively in their neighbourhoods, providing meals for their families as well as for people in the community who could not afford to feed themselves. So powerful was the experience of the popular kitchens in breaking the curtain of fear that had descended over the country after the coup, that the government forbid them, sent the police to smash the cooking pots and accused the women setting up the *comedores* of communism (Fisher 1993). In different ways, this is an experience that throughout the 1980s and 1990s has been repeated in many parts of Latin America. As Zibechi (2012) reports, thousands of popular organizations, cooperatives and community spaces, dealing with food, land, water, health, culture, mostly organized by women have sprung up also in Peru and Venezuela, laying the foundation of a cooperative system of reproduction, based on use values and operating autonomously from both state and market. In Argentina as well, faced with the near economic collapse of the country in 2001, women stepped forward 'commoning' the highways as well as the barrios, bringing their cooking pots to the *piquetes*, ensuring the continuity of the roadblocks, also organizing popular assemblies and city councils (Rauber 2002).⁶⁰

Comparing the temporary public spirit of the resistance to the persistent forms of autonomy created in Federici and Caffentzis's examples suggests that Arendt's theory of

freedom is limited by her distinction between politics, understood as the domain of freedom, and social life, understood as the realm of necessity. In the examples cited by Federici and Caffentzis, social reproduction is not a private or individual endeavor but a way of supporting, regenerating, or laying the foundations for political action. Indeed, the sharp distinction between social and political is what led Arendt, despite her support for racial equality under the law,⁶¹ to fail to see politics in the photograph of Elizabeth Eckford striding into the Little Rock schoolhouse.⁶² Although Arendt (and especially Zerilli's reading of Arendt) is helpful for understanding the distinctive form of freedom that arises from participation in collective struggle and thus exposing the limits of Roberts's positive liberty framework, Arendt's theory of freedom misses the interconnectedness of the social and the political.

Black feminist theory (especially its socialist strand) provides an alternative approach that integrates the analysis of power in different areas of human life. As Keeanga-Yamahtta Taylor explains, a defining feature of black feminist thought from Anna Julia Cooper to Kimberlé Crenshaw is the idea that "multiple oppressions reinforce each other to create new categories of suffering." For the Combahee River Collective (CRC), interlocking systems of oppression meant that freedom required a "reorganization of society based on the collective needs of the most oppressed" because "if you could free the most oppressed people in society, then you would have to free everyone."⁶³ The reorganization of society in this sense is a profoundly political or even revolutionary demand because it can be achieved only through participation in political struggle and coalition-building.⁶⁴ The CRC's call to social transformation is political because their vision of social change involves political organizing, the redistribution of material resources, the transformation of work, and ultimately "the destruction of the political-economic systems of capitalism and imperialism as well as patriarchy."⁶⁵ From

this perspective, there is no clear distinction between the social and the political, because the “private” life of black women and other oppressed groups is bound up intimately with the political and economic organization of society. Genuine social transformation thus requires political and economic transformation as well. The concept of social transformation articulated by the CRC shows how guerilla abortion networks can be engaged in Zerilli’s “feminist practices of freedom” even though these networks are not political in the Arendtian sense that Zerilli implicitly relies upon. From the perspective of the CRC, the creation of alternative social worlds can be a practice of political freedom even if it does not involve attempting to change the law or political leadership, as long as these alternate worlds reconfigure power dynamics and/or redistributes resources to the oppressed.

It is here that Marxist or socialist feminist theories of social reproduction are helpful in further refining the relationship between the social, the political, and the economic. Socialist feminists like Federici and Nancy Fraser critique the idea that the household is a private sphere which is unrelated to public life.⁶⁶ Where Arendt sees the household as properly outside the political sphere because, in Bernasconi’s words, “the household realm was governed by necessity; it was directed to the task of the maintenance of life through labor,”⁶⁷ socialist feminists attempt to politicize the household by situating the work of social reproduction within larger political and economic structures. Cinzia Arruzza, Tithi Bhattacharya, and Fraser define social reproduction as the people-making work that is necessary “to create and sustain life in the biological sense” as well as to maintain the labor power that capitalism requires to function, by manufacturing the material, social, and cultural preconditions of “human society in general and for capitalist production in particular.”⁶⁸ By demanding that freedom extend to social reproductive labor, socialist feminism subtly reworks the logic of necessity. Rather than taking

the necessity of the worker's survival as a constraint on the worker's liberty, they take the worker's needs as a limitation on the extent of exploitation that is sustainable given capital's dependence on the continual availability of a labor force, and thus the social reproductive needs of workers can be a roadblock or at least speed bump which impedes capitalist accumulation, thus contributing to multilayered crises of capitalism. According to Fraser, the contradictions of social reproduction under financialized capitalism are provoking a "crisis of care" which can be understood as "one aspect of a 'general crisis' that also encompasses economic, ecological and political strands, all of which intersect with and exacerbate one another." As she explains, contemporary capitalism provokes a crisis of care by:

...squeezing a key set of social capacities: those available for birthing and raising children, caring for friends and family members, maintaining households and broader communities, and sustaining connections more generally.² Historically, these processes of 'social reproduction' have been cast as women's work, although men have always done some of it too. Comprising both affective and material labour, and often performed without pay, it is indispensable to society. Without it there could be no culture, no economy, no political organization. No society that systematically undermines social reproduction can endure for long. Today, however, a new form of capitalist society is doing just that. The result is a major crisis, not simply of care, but of social reproduction in this broader sense.⁶⁹

In response to feminists of color and post-colonial critics, the literature on social reproduction has begun to move in a more intersectional direction. For instance, Melinda Cooper argues that there is a convergence between social conservatism and neoliberalism insofar as both aim to responsibilize individuals and families, privatizing the debt burden that the welfare state previously shouldered for white families in response to the demand for inclusion by black families and the welfare rights movement which sought to give welfare recipients greater autonomy.⁷⁰ Arruzza, Bhattacharya, and Fraser note that the "racial division of reproductive labor" through slavery, imperialism, or apartheid has compelled racialized women to provide free or low-cost labor for more privileged women.⁷¹ Moreover, because social reproduction also

involves the production of subjects, it is linked to the construction of binary gender roles, heteronormativity, nationality, ethnicity, and class identity. Precisely because “social reproduction is deeply entangled with domination,” it must also be a central component of the struggle against all form of oppression, which they view as interlocking.⁷² Fraser also explicitly links social reproduction to imperialism, noting that under a colonial division of labor, the “family wage” in the metropole depended on the exploitation of disposable populations in the third world.⁷³ According to Jaime Acosta Gonzalez, Jess Issacharoff, and Jacob Soule, migration is both a product of the crises Fraser identifies and a neoliberal solution to the problem of social reproduction insofar as immigrants supply cheap and disposable labor in the Global North, “supplement the withdrawal of the social guarantees that once defined the post-war welfare state,” and enable the baseline survival of their families back home through remittances.⁷⁴ Similarly, Catherine Rottenberg contends that the accumulation of women’s labor depends on a stratified system which enables the appropriation of mostly white professional women’s labor by commodifying housework performed by highly exploited, poor, mostly non-white and often immigrant women.⁷⁵

To fight back against this globalized system of interlocking oppressions, some social reproduction theorists have focused on the commons as a crucial tool for resistance and transformation. The anti-capitalist feminist commons, according to Federici and Caffenzitis “should be conceived as both autonomous spaces from which to reclaim control over the conditions of our reproduction, and as bases from which to counter the processes of enclosure and increasingly disentangle our lives from the market and the state.”⁷⁶ This idea of the commons is rooted in the examples discussed above, such as the *cucinas populares*. Because the commons is neither reducible to the public (i.e. the state) or the private (i.e. capitalist markets), it

entails carving out space for human living that is ungovernable and uncommodified, or at least less subject to governance and commodification. The strategy of commoning, or creating commons which produce the means of survival and transformation within hidden corners of the hegemonic system, is also linked to a post-capitalist or libertarian socialist intuition that piloting alternative ways of life is strategically important because it combines material reconfiguration of (re)production with fuel for the imagination. According to J-K Gibson-Graham, even if non-capitalist alternatives are not entirely outside the existing system, reading all attempts at creating economic difference as necessarily co-opted by capitalism contributes to the sense that there are no viable alternatives.⁷⁷ Instead, mirroring the strategies for dislodging traditional conceptions of gender pioneered by feminist thinkers like Luce Irigaray, Gibson-Graham suggest examining cooperative economies in detail to render economic difference visible and thinkable.⁷⁸ If capitalism is “free-riding on the lifeworld” as Fraser puts it, then transforming the lifeworld may be the only way to force deep structural changes necessary to transform our political, economic, and environmental structures. Reading this in Zerilli’s terms, one could see the commons as form of action that reconfigures collective ways of life, thus enabling a shift in our language games and our sense of political possibilities.

The logic of the commons reverses the relationship between freedom and necessity posited by many liberals⁷⁹ by taking necessity as an impetus for freedom rather than a constraint or limit upon freedom. In this way, it undoes the opposition between the individual (associated with negative freedom) and the community (associated with tyranny or at best positive freedom).⁸⁰ It also breaks down the public/private binary by revealing the commons as an occluded third term which is neither state nor market. In turn, this idea of the commons breaks down the artificial separation of state, society, and economy into separate spheres. Instead, I

view the relationship between the political, the social, and the economic as a network of relations— if organized according to a logic of commoning rather than (neo)liberalism – views freedom and necessity as co-productive because necessity reveals the inescapable entanglement of individual and community, and thus the importance of developing networks that link economic, social, and political freedom together. From this perspective, the commons, democracy, and social equality can only be realized in conjunction with one another, because freedom and equality are not opposed but mutually constitutive.

Curiously, although the concepts of social reproduction and the commons are extremely useful for analyzing reproductive politics, this body of theory has focused more on childcare and housework than abortion. As a result, theorists of social reproduction tend to characterize abortion as a bourgeois feminist right (albeit an important one) or rely on the same positive versus negative freedom framing articulated by Roberts. For instance, Aruzza, Bhattacharya, and Fraser state that “by itself, legal abortion does little for poor and working-class women who have neither the means to pay for it nor access to clinics that provide it. Rather, reproductive justice requires free, universal, not-for-profit health care, as well as the end of racist, eugenicist practices in the medical profession.”⁸¹ This is not wrong, as far as it goes, but neither does it fully explore the ramifications of applying the lens of social reproduction to the issue of abortion. Following social reproduction theory to its logical conclusion suggests a different reading of abortion – especially illegal abortion – as a refusal to comply with the demand to shoulder the burden of biological and social reproduction in the midst of a crisis of care, an eco-crisis, oppressive labor conditions, eroding democracy, and general conditions of precarity which render a flourishing life functionally impossible for many. If the “key move” of capitalism “was to separate the making of people from the making of profit, to assign the first job to women, and

to subordinate it to the second,”⁸² then abortion can be understood (at least in some cases) as an act of refusal against this capitalist imperative to reproduce the workforce and the nation on meager wages and without adequate social support.

Furthermore, because guerilla abortion networks do more than simply provide abortions, I argue that they are examples not only of refusal but also a resource for developing alternatives to the hegemonic system, in two respects. First, I contend that guerilla abortion networks are an example of feminist practices of freedom as described by Zerilli, because they involve participation in forms of collective action that build alternative worlds, transform individual subjects through consciousness-raising and feminist abortion counseling, and produce new collective subjects through political struggle and the creation of subordinated knowledges. Despite the problems with the Arendtian paradigm, Zerilli’s account of feminist freedom and feminist collective subjects as a product of collective action is helpful for understanding the affective ramifications and political significance of becoming part of a common struggle. Like Arendt’s French resistance, the former Jane members mentioned in the introduction felt that they had lost their treasure when the service ended. This interpretation opens up the possibility of asking, along with Arendt, whether it is possible to sustain this sense of collectivity and extend it into new models of democracy. I suspect that it may indeed be possible, and I look to guerilla abortion networks as a potential instance or at least pathway towards that end.

Second, I argue that these feminist guerilla groups effectively create an abortion commons, or a cooperative means of providing abortion services outside the auspices of both the state and the market. Creating spaces outside the state and market is necessary to combat neoliberalism’s commodification of life and the colonization of the lifeworld, insofar as neoliberalism is a mode of increasingly authoritarian governance that turns all human

relationships into entrepreneurial transactions or sources of debt-rents, as Brown and Tadiar have argued.⁸³ The idea of an abortion commons designates this space, which is neither properly public nor private, and crosses the boundaries between the political, the social, and the economic. Like commons more generally, the abortion commons is a site of (re)production of feminist struggles against oppression through the cultivation of solidarity among women and the crafting of alternative lifeworlds. For this reason, in my view, the abortion commons created by guerilla abortion networks deserves a place in the pantheon of social reproductive experiments alongside the *cucinas populares*, housecleaning collaboratives, childcare cooperatives, and so on, because all of these examples involve efforts to survive through solidaristic socio-economic endeavors that contain the seeds of alternative ways of life. In short, one could say that these experimental lifeworlds begin to assemble the means of social (re)production for a new kind of society that is cooperative, egalitarian, and radically democratic.

In short, then, the collective dimension of reproductive autonomy appears when it is enacted as part of a project of creating the abortion commons that converts necessity into freedom. Though the dissolution of the individual into larger collective projects can be a form of unfreedom and subordination, there is also the possibility that the willing dispersal of the self into a collective defined by relations of solidarity and mutual aid can paradoxically protect and fulfill individuals' needs and desires. Indeed, the loss of self that is achieved through belonging to a collective project does not entirely dissolve the individual, because it is experienced by each as an individual feeling and this sense of acting together does not obviate conflict or difference the apparent whole. The result is a conception of reproductive autonomy which requires: the material resources to ensure the availability of abortions to those who want them, particularly in the form of feminist anti-capitalist commons; the social resources to develop individual feminist

consciousness and to produce feminist collective subjects through cooperation and struggle; and the political practice freedom enacted by participating in feminist world-building projects that reorganize collective life in more just, egalitarian, and democratic ways.

IV. Guerilla Abortion Networks

1) JANE COLLECTIVE – CHICAGO, 1960S

Officially known as “The Abortion Counseling Service of Women’s Liberation,” but more commonly known as Jane, the guerilla abortion network that arose in Chicago during the late 1960s began as a hotline that connected women to safe illegal abortion providers as well as counselling them about their options, the nature of the procedure, and how to prevent future unwanted pregnancies. Over time, the members of Jane became increasingly knowledgeable about reproductive medicine and increasingly involved in the abortion procedures. According to Laura Kaplan, a former member who wrote an in-depth history of the group based on her recollections and extensive interviews with other participants, “Jane taught me about more than abortion or women’s liberation” – it also taught her “what happens when people organize to do something and how they are changed by the actions they take.”⁸⁴ She describes her experiences with Jane as a continuing source of personal empowerment and as an unforgettable lesson about the transformative ramifications of “creat[ing] a project that met an immediate, critical need, and, at the same time, put[ting] into practice our vision of how the world should be.”⁸⁵ In short, she says, “We transformed an illegal abortion from a dangerous, sordid experience into one that was life-affirming and powerful” and “in the process we ourselves were transformed.”⁸⁶ This link between meeting the needs of one’s community, self-transformation, and world-building is at the heart of my conception of reproductive autonomy. Jane illustrates how circumstances characterized by desperate needs and extreme unfreedom can give rise to collective action that

creates different social and economic relationships as a part of an overarching feminist political project. Even so, Jane's work is not without complications or drawbacks.

The evolution of Jane from a hotline to a fully-fledged illegal abortion clinic unfolded slowly, in response to changing circumstances and relationships. As the service became more well-known, the numbers of women asking Jane for help continued to increase. Consequently, Jane members were continually seeking out new physicians. One of the abortionists with whom Jane worked, known pseudonymously as Nick, presented himself as a doctor and performed abortions for the group on a regular basis without any problems.⁸⁷ The relationship between Nick and the women of Jane grew closer as he performed increasing numbers of procedures on their behalf, agreed to Jane's demands that he provide a bulk pricing discount given the number of referrals he received from the group, and even began to allow Jane members into the room as he performed procedures. However, Nick was not really a doctor, and the women he worked with eventually discovered that he did not have a medical degree. When confronted, he explained that he had learned how to perform abortions through an apprenticeship with a doctor who performed illegal abortions on the side. Deciding that their fellow activists and their patients had a right to know, the organizers who had discovered that Nick's medical credentials were fake passed this information along to the others. After a heated debate over whether to continue using Nick's services, the group eventually arrived at the decision to continue working with Nick. Between a handful and half the group quit in protest, but those who remained began the process of learning to perform abortions themselves. By the time the group was disbanded, several members of Jane had become trained, experienced illegal abortionists.

Though the transition to performing abortions on their own was in many ways a response to circumstances outside Jane's control, this development also aligned with the group's

underlying political principles. Since the members of Jane viewed control over one's own reproduction to be central to women's liberation, they viewed the women they helped as collaborators in the project of women's liberation, rather than as patients passively receiving treatment. The members of Jane believed that, if they were to empower women to make and act upon informed decisions about how to "take control of their lives" and their bodies, they must not only provide information and counseling, but also control the whole process of providing abortion services from initial contact to counseling to moral support during and after the procedure. After witnessing abortion after abortion, and beginning to assist with non-medical aspects of the procedure, it was not such a great leap to begin learning how to actually perform an abortion.⁸⁸ Despite their lack of formal medical credentials, Jane had an unblemished safety record for years, with one tragic exception shortly before the group dissolved.⁸⁹ Few women suffered negative side effects from the procedure, but in the event that complications did occur, they were advised to go to the hospital and claim they had had a miscarriage.

Jane's praxis was rooted in a feminist analysis that attributed the reproductive oppression of women to gendered inequalities in power.⁹⁰ According to Kaplan, the women's liberationist philosophy that influenced Jane understood abortion "not in terms of privacy in sexual relations, and not in the neutral language of choice, but in terms of a woman's freedom to define her own destiny as she defined it, not as others defined it...If she did not have the right to control her own body, which included freedom from forced sterilizations and unnecessary hysterectomies, gains in other areas were meaningless."⁹¹ This philosophy grew slowly, out of personal experiences and discussion in consciousness-raising groups which preceded the decision to form Jane. One distinctive idea that shaped Jane's praxis was the belief that women were moral agents who should be considered free to make their own judgments about the morality of abortion and the

status of the fetus, *and* that this freedom entailed a responsibility for one's actions. Jane did not see the affirmation of women's choices or moral judgments as part of their mission.⁹² Rather, they sought to provide the means by which women could become morally autonomous with respect to reproduction. In Kaplan's words, the core message all of Jane's members were trained to communicate in their counseling sessions was, "It's up to you to take charge of your life. You have to make your own decisions. You control your body, no one else does."⁹³ In this way, Jane counselors encouraged "every woman who called them to see herself as an active participant, to take responsibility for her decisions," to see herself as part of the collective project of fighting for the liberation of women.⁹⁴

From the beginning, Jane's approach was guided by awareness of the economic dimensions of reproductive politics. The group's founder, known pseudonymously as Claire, had arrived at her understanding of the intersections of gender and class through her consciousness-raising group. Among the topics they discussed was the contradiction between the supposed respect for mothers that was commonly expressed in American culture and the actual conditions of mothers, who were "offered no help, such as day care or flexible work hours" by the society that "supposedly honored" them.⁹⁵ For poor women, it was even worse. For them, "society offered only a punitive welfare system; demeaned women for needing assistance; blamed them for getting pregnant and labeled them immoral."⁹⁶ Claire made her opinion that economic issues were feminist issues clear to the other founding members of Jane.⁹⁷ This commitment to class-conscious feminism was expressed in the group's refusal to turn anyone away due to their inability to pay. Those who could afford to pay at least something for the procedure were offered suggested donations on a sliding scale, with better-off women paying some of the cost for those who could only afford a small donation. However, paying for one's abortion procedure was

framed in decidedly uncommodified terms. Because Jane's purpose was neither to provide charity nor a commercial service, they conceptualized payments as a way of taking responsibility for one's body and for liberating women.⁹⁸ As they gained leverage and built relationships with the abortion providers, Jane negotiated lower rates whenever possible. Over time, as the cost of the procedures declined and as wealthy women were able to travel to states that had recently legalized abortion, Jane began to serve almost exclusively poor women. Many of the abortions provided by Jane, especially later on, were provided entirely free of charge.

The goals Claire had in mind when she began to organize Jane were both practical and political.⁹⁹ Practically, she wanted to make sure that women could access safe abortions, and that they would not have to suffer from the fear and lack of knowledge that Claire herself experienced when she obtained an abortion. Politically, she wanted to build solidarity among women by taking action on an issue that was specifically a women's issue rather than an offshoot of another movement. In both respects, Jane surely exceeded Claire's expectations. Kapan relates many stories from former Jane participants who found the group out of their individual need for an abortion or a desire to meet the immediate needs of their communities, but whose worldview was transformed through their interactions with the group, leading them to become active participants in the underground abortion service.¹⁰⁰ This is important because it vindicates Zerilli's and Davis's argument that collective political subjects are in large part born *from* political action rather than articulated in advance.¹⁰¹ The case of Jane, at least, suggests that one need not wait to act until after feminist consciousness and theories have been fully developed. Rather, such an outcome can only be brought into being through the enrichment of consciousness that occurs as a byproduct of striving meet people's needs without replicating hierarchal forms of organization characteristic of hegemonic institutions.

Another crucial aspect of Jane's underlying philosophy was a strong commitment to reproductive autonomy, as articulated by the women's health movement. They rejected the medical model as objectifying and de-contextualized from social life, and the Jane counselors saw one of the most important aspects of their work as demystifying women's bodies by providing them with information about reproduction that they had been denied. As Kaplan reports, "Most women they counseled lacked basic knowledge of reproduction or even their own physiology" because "the general public was insulated from medical knowledge" and medical knowledge about women's bodies was particularly esoteric because "it was as if there were something inappropriate, if not indecent, about a woman wanting to understand her body."¹⁰² Indeed, even for Jane's abortion counselors, finding reliable information that they could provide to other women was difficult, especially at first. In addition to their own experiences, they sought out medical textbooks and studies from countries like Sweden, where abortion was legal. Most American doctors knew little about abortion, Kaplan explains, and "the group suspected the accuracy of what they read in American [medical] journals, since those were likely to be tainted by lack of experience and the authors' biases." Because medical research was difficult to obtain, the group quickly realized that they would need "other, possibly unofficial sources," especially the anecdotal reports of other women who had previously had abortions.¹⁰³

In addition to providing basic information about women's bodies, reproductive biology, and the abortion procedure, Jane's counselors also sought to raise women's consciousness. They sought to reveal the social structures in which women were embedded, and to alert their patients to questionable beliefs that they had internalized from the patriarchal culture surrounding them. Sometimes this took a relatively mild form, such as suggesting that women re-examine their feelings of shame over their sexual behavior in light of the feminist critique of sexual double-

standards. Indeed, according to Kaplan, the central goal of consciousness-raising counseling was to “try to life the guilt, validate each woman’s decision, and put the entire experience in the context of women’s liberation.” However, some counselors emphasized the feminist dimension of counseling, while others de-emphasized it. Describing the approach of one of the group’s founding members, known pseudonymously as Jenny, Kaplan explains:

Jenny always came on strong, ‘You wouldn’t be in this situation if you weren’t being exploited. Facing this situation is one of the ways you are oppressed and, in this case, oppression is really physical.’ For some women, as she remembers, the response was: ‘Yeah, that’s fine, let’s get on with it.’ But with others she could almost see a bulb light up.¹⁰⁴

Over time, however, the group grew more ideologically diverse and more attentive to individuals’ life circumstances. As each counselor gained experience, they learned how to adjust their communication style to the personality and background of the patient, and the implicit leaders of Jane gained a better sense of which counselor’s style would suit different patients. When possible, they sought to pair patients with counselors who lived in their neighborhood or came from similar racial, ethnic, religious, or economic backgrounds. Jane’s members also began to gain new language for speaking about reproductive autonomy, as more resources began to circulate during the early days of the women’s health movement. For instance, Kaplan quotes one book written by another feminist collective, which stated: “It was exciting to learn new facts about our bodies, but it was even more exciting to talk about ourselves, how we could become more autonomous human beings, how we could act together on our collective knowledge to change the health care system for women and all people.”¹⁰⁵

Though Jane was built on democratic and anti-hierarchal principles, it was not fully successful in dissolving all hierarchies amongst members of the collective or between the members and the recipients of their assistance. One of Kaplan’s most important contributions is

reconsidering the extent to which Jane failed to live up to its ideals and inadvertently reproduced the oppressive power dynamics that they sought to challenge.¹⁰⁶ Kaplan describes how a *de facto* leadership emerged within Jane as the members who had been with the organization for the longest time, those who were most involved, and those who were most charismatic or friendly with the other leaders began to take on greater decision-making power.¹⁰⁷ In part, this *de facto* leadership's authority came from their special knowledge, such as their personal contacts with the abortionists or later their own knowledge about how to perform abortions. Once established, this leadership clique could prove hard to break into, and some members expressed resentment about the core group making the most important decisions amongst themselves.¹⁰⁸

On one hand, Kaplan's critique of anti-democratic knowledge hierarchies within Jane raises important issues. In particular, I agree with her call for greater transparency about the role of the core members in the decision-making process, more extensive opportunities for participation by the rank-and-file members, better efforts to counter oppressive racial and class dynamics, and democratization of the distribution of medical knowledge to Jane's members, patients, and the public at large. Because the *de facto* leadership of Jane obscured their own leadership roles, maintaining discursively that all members were equal while implicitly restricting access to knowledge, there was no opportunity to create checks that would hold the leaders accountable to the rest of the members or provide clear routes to gaining responsibilities and thus power within the group.

Yet, even Kaplan concedes that the decentralized collective structure was an important manifestation of Jane's feminist commitment to radical democracy, and this commitment was far from wholly illusory in practice.¹⁰⁹ Pauline Bart contends that Jane followed the principle that "Authority Resides in the Collectivity as a Whole."¹¹⁰ As she explains, "The Jane women, by and

large, espoused the philosophy of feminist anarchism and collective decision making. In collective organizations authority is delegated only temporarily, if at all, and is subject to recall. Individuals comply with the consensus of the collective, which is always fluid and open to negotiation. Jane's commitment to consensus meant that although they sometimes had to spend more time than they would have liked hammering out the lines of their agreement, their eventual agreement allowed them to work smoothly under pressure."¹¹¹ Though Kaplan challenges Bart's depiction as somewhat romanticized and though she makes important points about the aspects of Jane which did not live up to this principle, she agrees with Bart that Jane was generally organized in a non-hierarchical fashion that reflected feminist principles of sharing power and knowledge.

Kaplan emphasizes that Jane democratized and politicized the relationship between patient and medical practitioner. Jane viewed their patients as fellow participants in the abortion service rather than as pitiable subjects in need of charitable aid. The collective developed an extensive counseling process to help each woman who sought Jane's services achieve clarity in her decision about what to do about her unwanted pregnancy, but they viewed this counseling not just as individualized mental healthcare but also as a form of consciousness-raising. While each counselor had their own approach, with some adopting a more overtly politicized perspective than others, Jane's counselors routinely sought to link women's need for an abortion at a particular moment to the larger structures and power relations which shaped their lives over the longer-term. They encouraged women to think critically about abusive partners, repressive laws restricting abortion and birth control, women's roles in society and the family, the connections between economic deprivation and the oppression of women, and the cultural and familial influences that have shaped their beliefs, desires, and choices. Unlike the third wave

neoliberal feminist practice of support through unconditional affirmation of women's choices,¹¹² Jane offered a sympathetic ear without trivializing or displacing the moral agency of the women making the decision to abort or not to abort. To the contrary, Jane sought to enhance the patient's sense of her own agency. In their view, the responsibility for morally and politically laden choices about reproduction could not be lain anywhere but upon the shoulders of pregnant embodied subject, but once she made the choice to use Jane's abortion services, she became a co-conspirator in Jane's eyes.

Furthermore, while Jane may have created knowledge hierarchies of their own, they also undid traditional knowledge hierarchies between medical professionals and laypeople through their commitment to dispersing knowledge about reproduction, female bodies, birth control, and abortion. A core dimension of Jane's mission was to provide women with information about their own bodies in order to empower them to control their own reproduction. Many of the women Jane helped had very little access to information about reproductive biology, contraception, or abortion. Communicating medical knowledge in an accessible manner was vital to Jane's project of ensuring that all of their abortions were performed only with full informed consent and also their goal of making sure that women were equipped with the tools they needed to prevent further unwanted pregnancies. The members of Jane sought to seize medical knowledge about reproduction from the rarified domain of almost exclusively male doctors, use this knowledge to empower themselves, and share this knowledge to empower other women. In this way, even as they respected the knowledge and skills possessed by medical practitioners, Jane sought to dismantle the sharp division between experts and the people.

In part, the formation of internal power imbalances within Jane could be seen as an effect of the illegality of their activities, which both provide the condition of possibility for radical

invention and expose them to potential state repression. There is a seemingly unavoidable tension between clandestine operations and the desire for greater transparency, participatory involvement of all members, and the recruitment of participants from vulnerable socio-economic groups. As I argued above, working outside the law creates opportunities and dangers. The illegality of abortion was a necessary precondition for Jane's emergence, but also prevented Jane from developing a fully democratic system of decision-making. Bart observes that the illegality of abortion was a crucial motivation for the formation of Jane and quotes a Jane member who stated in an interview that the legal prohibition of abortion was "the crux of it – the fact that it was illegal overrode all the other political discrepancies [between members] – swept all of us together."¹¹³ Though Bart and Kaplan both note that the members of Jane had varied feelings and opinions about the illegality of their work, Bart reports that this belief that operating outside the law increased the unity of the group was a common sentiment among the Jane members she interviewed. The necessity of abortions in conjunction with the absence of safe and legal options led to a unity of purpose among liberal and radical feminists because they all shared a commitment to providing safe abortions in the face of what they viewed as a fundamentally unjust legal prohibition. Even so, this outlaw feminism should not be overly romanticized; many of the women who participated in Jane were reportedly deeply concerned about potential legal consequences, a fear that proved well-founded when several Jane members were eventually arrested and avoided prison sentences only because *Roe v. Wade* rendered the charges moot.¹¹⁴

In O'Donnell's words, the illegality of the group's activities paradoxically created an opening for reflection "about the deeply personal subject of abortion unbound by its uneasy and ever-shifting political context" by "open[ing] up the imaginative possibilities of women's ability to make choices about their bodies, whatever the constraints."¹¹⁵ In this way, Jane enacted

reproductive autonomy even in the midst of extreme unfreedom, providing a repository of feminist experimentation that continues to inspire activists today.

2) CONSULTORI AUTOGESTITI (SELF-MANAGED WOMEN'S CLINICS) – ITALY, 1970S

Unlike the members of Jane, who largely saw their work as a stop-gap until abortion could be legalized, some participants in the Italian feminist movement during the 1970s explicitly rejected the incorporation of abortion into hegemonic medical institutions or legal regulatory frameworks. Although their radical vision did not carry the day, as the Italian parliament ultimately passed Law 194, which legalized but heavily regulated abortion, Italian feminist critiques of reformism and their favored alternatives point towards a different strategy, one that may be of particular interest to present-day American feminists who are skeptical of legal change in light of the long slow curtailment of the protections granted in *Roe*. Because the Italian feminist debate that unfolded alongside the practice of guerilla abortion networks considered questions and positions that were not a part of the American debate, it can help expand the horizons of (American) feminist understandings of reproductive autonomy.

The Italian feminist movement that rose to prominence in the 1970s emerged against the backdrop of a flourishing labor movement that had a conflictual yet mutually influential relationship with Italian feminism. Two of the more radical tendencies within the labor movement, *operaismo* (workerism) and *autonomia* (autonomism), were especially important interlocutors for feminists. According to Steve Wright, what distinguished workerists from other Italian communists was their emphasis on the “relationship between the material structure of the working class, and its behavior as a subject autonomous from the dictates of both the labor movement and capital.”¹¹⁶ Instead of seeking answers to a changing economy by pouring over the words of Marx in order to arrive at a correct theory of the factory as an abstract construct,

workerists did as Marx had once done, studying “the *real* factory” where real workers toiled.¹¹⁷ Autonomism was a radical offshoot of the workerist movement that favored a more libertarian socialist or anarcho-communist politics of self-organization than rival factions, which continued to support party politics and sought to seize state power.¹¹⁸ Though workerism was primarily “a tendency within trade unionism and the parties of the Institutional Left,” Patrick Cuninghame explains, the nascent feminist movement’s objections to workerism’s hierarchal structure and privileging of the industrial worker as the revolutionary subject gave rise to “*autonomia*, a radically anti-capitalist social movement, influenced by feminist organizational critique, but in which relatively few feminists participated.”¹¹⁹ Feminists likewise borrowed theoretically from autonomism, appropriating and redeploying concepts like “autonomy” in different contexts, including *Lotta Femminista*’s “wages for housework” campaign as well as anti-domestic violence activism and resistance to Italy’s abortion ban.¹²⁰

The notion of autonomy, as understood by radical Italian feminists, referred to both the autonomy of individual women as conscious subjects and the autonomy of the feminist movement from patriarchal institutions. An important dimension of autonomy in this sense was *autocoscienza*, which means self-consciousness or consciousness-raising. *Autocoscienza* entailed the realization that women have independent desires that are not reducible to their relationships with others or to their domestic and reproductive roles. This notion was also deeply intertwined with efforts to develop an autonomous women’s movement that was not subject to men’s political authority. At an individual level, women’s autonomy meant developing one’s knowledge of oneself and one’s own desires through self-reflection or discussion with other women. At the micropolitical level of the grassroots feminist collective, it meant engaging in study and collective action in solidarity with other women and apart from men, in order to

develop a distinctively feminist political analysis that was rooted in women's experiences. The goal was to transform the political theories of the Left by articulating a feminist political analysis that offered more than the mere extension of masculine philosophies like Marxism to women's situation.¹²¹ At the level of the mass movement, autonomous feminism meant the creation of an independent women's movement which sometimes sought support from or solidarity with other leftist movements and institutions, but which abjured domination by them.¹²²

Though feminists shared a commitment to women's autonomy, interpretations of this concept varied across factions within the women's movement, and different feminist organizations cultivated different relationships to the broader Left. For feminists whose advocacy occurred within large and well-established women's groups like the *Unione Donne Italiane* (Union of Italian Women, or UDI) that traced their history back to the revolution against fascism, or through women's groups that were tied to masculine institutions like the Catholic Church or political parties, autonomy meant flexibility and "a degree of separateness" that would allow them to launch their own initiatives with the support of the umbrella organization but without requiring their permission.¹²³

For grassroots feminist collectives such as *Lotta Femminista* (Feminist Struggle/LF), *Rivolta Femminile* (Feminine Revolt/RF), and the Milan Women's Bookstore Collective, women's autonomy required a more radical separation from existing institutions. They argued that feminists must remain outside the state, the party, the church, and even the labor union. To replace these traditionally masculine institutions, autonomist feminists sought to build autonomous women's institutions outside all traditional structures of politics and society. The separation between autonomist feminism and autonomist labor was neither complete nor necessarily intended to continue permanently. According to Cuninghame, "Feminist

mobilizations on issues like education and childcare “were self-organized with the participation of Autonomia, the New Left groups, particularly *Lotta Continua* (LC/Unceasing Struggle) in the South, as well as some of the unions, but were otherwise characterized by their autonomy from and hostility towards political parties.”¹²⁴ Rather, organizing autonomist feminist collectives separately from the male-dominated affinity groups of *autonomia* was often viewed as a condition of possibility for achieving true leftist unity in the future. The position of most autonomous feminist collectives was that women must organize separately in order to articulate themselves and their politics on their own terms, and only *then* could the autonomist left reconcile on genuinely equal basis. Without the intermediate step of *autocoscienza*, many radical feminists feared that calls for leftist unity would continue to be used to shut down feminist criticism or sideline women’s issues, including abortion. The autonomist feminist argument here closely parallels that of the Combahee River Collective, who coined the term “identity politics” to refer to their process of articulating their own political analysis as women of color, from their personal experiences and social location. Like *autocoscienza*, Combahee’s identity politics was intended to enrich solidarity with the broader left, not to construct a permanent segmentation of the left into increasingly fragmented, internally homogenous groups demarcated by ascriptive identity.¹²⁵

Contestation over abortion in Italy during the 1970s was characterized by widely varying positions articulated by numerous groups on all sides of the issue. As a result, changes to abortion law during this period involved a complex political struggle and an ambiguous outcome. The ultimate result of efforts to legalize abortion was the passage of Law 194, which legalized some abortions while criminalizing others and “strengthen[ing] the state’s regulatory role and discursive power.”¹²⁶ Rather than attempting to do justice to the this complexity in its entirety, I

will focus only on the aspects of the political struggle over abortion that are most relevant to the illegal clinics and the question of the relationship between the law and reproductive autonomy. One of the most important feminist groups in the conflict over abortion rights was the *Movimento di Liberazione della donna* (Movement for the Liberation of Women, or MLD), which was established in 1971 as the women's section within the *Partito Radicale* (Radical Party, or PR). As Maud Ann Bracke explains, though the MLD was "often seen as the moderate wing of the feminist movement, increasingly influenced by the radical-feminist collectives, [and] broke its ties with the [PR] in 1978."¹²⁷ Moreover, the MLD helped establish feminist guerilla abortion networks to aid women with unwanted pregnancies, who could not wait indefinitely for legislation legalizing abortion. According to Pojmann, the MLD adopted a "two-tiered strategy" in which the MLD both "provided information such as how to contact midwives who performed illegal abortions and how to seek abortion in countries, such as England, where the practice was legal" and sought to heighten the pressure for legal reform through media campaigns designed to increase "public awareness of the gravity of illegal abortion, generating enough publicity so that the parties would have no choice but to enter into a reexamination of existing laws."¹²⁸ Many have argued that their influence was absolutely critical to the passage of Law 194.¹²⁹

The MLD's position, in many respects, coincides with my account of reproductive autonomy. In their 1978/1979 Manifesto, MLD articulates the following vision of the relationship between the practices of their "self-help" abortion clinics and their conception of reproductive autonomy:

Our point of departure is the practice of our self-help groups, taking control of our own bodies and our own health, in order to demand full self-determination within the institutions, and the collective control of these institutions; that is, a collaborative management...the practice of self-help groups [has] been a continual thorn in the side of the institutions, working to make them listen and acknowledge our demands; they are also an example of a structure which is not part of the state, but which is public,

collective, without being institutional. From the fusion of two different forms of structure, the state structure which is liable to the control and management of its users, and consequently loses its bureaucratic and centralist elements, and self-management, which operates from and for the collectivity a new way of conceiving the public and the private emerges, and with it our own position on the recent politic about 'state abortion' and 'private abortion.' We are against both these positions as long as they define situations which are seen to be crystallized and unchangeable. We refuse to be party to the sinister and profiteering abortion industry, and we similarly refuse to offer hostages to fortune in the form of a centralized and bureaucratic power.¹³⁰

In this passage, the authors of the MLD manifesto express their desires for a form of reproductive autonomy that can only be created outside of the profiteering of capitalist markets and state domination, and for a reproductive healthcare system that is organized according to fluid, de-centralized, radically democratic structures. They are rightly concerned that neither the state, patriarchal society, nor profit-focused industry will be able to provide the autonomy realized through the self-help clinics.

To ensure women's access to abortion in the interim, as they waited for their public and legislative advocacy to bear fruits, the "MLD supported an organization called *Centro d'informazione sulla sterilizzazione e sull' aborto* (CISA), which from 1974 set up neighbourhood clinics providing abortion and contraception (both illegally), and offering information on what we now call family planning, including sterilization."¹³¹ However, they were far from the only feminists engaged in such work. Smaller, local clinics began to emerge from consciousness-raising groups and radical grassroots feminist collectives. These self-managed women's health clinics, known as *consultori autogestiti*, emerged from a more radical feminist theory and developed quite different practices as a result. Indeed, the feminists involved in the *consultori autogestiti* openly criticized CISA and the MLD, arguing that the MLD failed to understand the dangers of relying on legal reforms and that they prioritized their lobbying goals over the well-being of their patients. Furthermore, many radical feminists objected to the MLD's

neo-Malthusian rhetoric of population control, which portrayed poor women as a threat to the body politic. Instead of deferring to this quasi-eugenic narrative, the grassroots collectives agitated for abortion and contraception by articulating a “new politics of the body” rooted in the practice of reproductive healthcare, participation in consciousness-raising and political action, and the idea of reproductive autonomy. Unlike the MLD and CISA clinics, Bracke argues that the *consultori autogestiti* developed a “new, gendered language was developed with which to speak of one’s body, one’s sexuality, one’s pain and alienation” and began to ask “difficult questions” about “whether and how to build mass campaigning, and relate to the state and the law.”¹³²

While the self-managed clinics in Italy and the grassroots feminist collectives who organized them reflected a political commitment to reproductive autonomy that was similar to Jane’s, the MLD’s approach sought to achieve the legalization of abortion by any means necessary and they were quite effective at accomplishing this goal. As Bracke notes, “Despite the controversies, CISA was instrumental in disseminating information and creating expertise on matters of reproduction,” including the incorporation of new abortion techniques into Italian healthcare practice.¹³³ Moreover, the MLD’s publicity stunts and tireless legislative advocacy *did* result in a mass mobilization in favor of a referendum abolishing existing laws against abortion, which in turn forced the legislature’s hand, eventually resulting in the (partial) legalization of abortion with Law 194.

Yet, despite these incredible accomplishments, the MLD’s strategy was also deeply problematic, in several respects. The first is the MLD’s use of population control rhetoric. Mirroring the critique of the reproductive justice movement in the United States¹³⁴ and similar arguments by feminists in the developing world,¹³⁵ Italian radical feminist collectives argued that

the MLD's approach to abortion implicitly catered to privileged women and underestimated the danger that reproductive healthcare could be used coercively against less privileged women. As *LF* and other autonomist feminist collectives argued, the struggle for reproductive autonomy must be linked to the struggle for the autonomy of the working class. Without a class-conscious lens, "LF and other Marxist-feminist groups saw a danger lying not only in working-class women not having access to safe abortion, but also in contraception, sterilization and abortion being forced upon them by economic circumstance or by policies of social engineering."¹³⁶ In short, if the goal of liberalizing abortion law is not realizing reproductive autonomy but rather managing the population, the eventual result could be state policies which produce the desired population characteristics through reproductive coercion instead, most likely at the disproportionate expense of the lower classes, racialized others, and other marginalized groups. Indeed, this possibility is particularly troubling given Italy's history of eugenic policies under fascism. According to Patrick Hanafin, "Mussolini's eugenic plan for Italy...found favour with the Roman Catholic hierarchy as its social teaching agreed on the moral un-acceptability of practices which did not promote the so-called 'purity of the Italian race'."¹³⁷ Moreover, he argues, both the Italian Constitution and Law 194 preserve traces of this eugenic ideology and the patriarchal nationalist mentality that underwrote it and which Hanafin argues is a persistent feature of Italian public discourse and law to this day. To adopt population control rhetoric in this context is, at best, reckless.

Second, the CISA clinics that the MLD worked with at times adopted unethical tactics which were at odds with the goal of ensuring women's autonomy, reproductive or otherwise. In particular, the MLD's allies reportedly sacrificed the privacy and freedom of some of their

patients by calling the police and journalists, for the sake of creating show trials that would increase the pressure on legislators to reform abortion laws. As Bracke explains:

Another thorny issue involved the illegal abortion work of the *consultori*. CISA and the PR occasionally adopted the tactic of provoking police intervention at their clinics, in order to create situations of high-profile arrests and orchestrate media attention. They themselves would tip off the police attempting to get arrested, or were keen to speak to journalists. A much-publicized example was the case of Dr Conciani of the Florentine CISA clinic, who in 1975 was arrested along with his assistants and PR leading figures Adele Faccio and Gianfranco Spadaccia. The calculation was that the media and public opinion would largely side with those offering safe and free abortions, and that this would strengthen the referendum campaign. CISA and the PR were largely correct in anticipating such sympathy. However, as many feminists argued, the price to be paid for such media attention was too high: women's abortion experiences were personal and often traumatic, and they ought not to be instrumentalized for wider political goals, however important. At the feminist *consultori*, therefore, no such tactics were adopted, and interaction with the media was usually shunned. Instead, those performing abortions at such clinics did so quietly and in respect of the women's privacy.¹³⁸

This courting of publicity without the explicit consent of the patients who could be subjected to state repression as a result of the tips to the police instrumentalizes the women who are sacrificed by this policy.

Finally, the MLD's emphasis on reforming the law was subject to extensive critique by radical feminists such as RF, who rejected the state and even left-wing parties on the grounds that hierarchal forms of authority and traditional institutions were too deeply patriarchal to be used for feminist purposes. While many radical feminists did accept the legitimacy of using the state to *repeal* existing abortion laws, they criticized the liberal feminist position that the referendum decriminalizing abortion should be followed by legislation establishing a regulatory framework for legal abortions. As Hanafin explains, "the autonomous women's groups did not believe that the institutionalization of women's health could solve the structural problem of the subordination of women within a patriarchal society."¹³⁹ For instance, the Milanese women's collective *Col di Lana* "denounced a solution to the issue of abortion based on a legislative

framework of partial decriminalization” on the grounds that “reproductive autonomy within the confines of abortion legislation was an ambiguous political objective” that “confused mere emancipation with freedom” and would “further alienate women from their bodies rather than liberate them” because “women [would] remain trapped within a masculine political symbolic and within a political community which does not allow them to be free.”¹⁴⁰ Rather, they contended that the only path to reproductive autonomy was to confront sexual difference and transform patriarchal culture through *autocoscienza*, through self-knowledge that unfolded through personal reflection and sharing experiences with other women in consciousness-raising groups. This is, indeed, precisely what my conception of reproductive autonomy is attempting to capture: the psychic and bodily self-determination of each woman and of women collectively.

Yet, this radical dream of repealing all abortion laws and turning the practice of abortions over to self-managed feminist *consultori* engaged in individual and collective practices of *autoconciencia* never came to pass. Instead, the Italian government passed a strict regulatory framework that incorporated women’s health clinics into existing medical institutions while allowing doctors to refuse to provide abortion or contraception through a “conscientious objections” exception that dramatically reduced the availability of women’s healthcare services. In Bracke’s words, “the fate of the *consultori* in 1970s Italy can be read as a textbook example of (rapid) institutionalization of initially grassroots, and to some degree state-antagonistic, social movement initiatives.” The result was the loss of feminist power over reproductive healthcare and the shuttering of the self-managed clinic movement. Bracke continues:

Self-management was more than a strategic choice: for many in the feminist movement, especially those with a background in the radical left or other forms of grassroots activism, self-management was their acquired collective culture, a way of life. The term referred to the fact that activists and social movements would, without the interference of others, autonomously make decisions as to what spaces to use and how to use them, what activities to develop and according to which principles, and how to reach decisions.

Furthermore, it was a discourse denoting the distance between social movements and (state) institutions, and between the ‘old’ politics of the traditional left and parliamentary democracy and the ‘new’ politics of 1968. The legalization of the *consultori* allowed for social movements to be involved in co-management with local councils and healthcare authorities.¹⁴¹

In this way, a possible route to reproductive autonomy was covered over. Yet, by returning to the example of the *consultori* as an imaginative example, contemporary feminists can clear this road and perhaps begin to walk down it yet again. Towards that end, the Italian experience is important for a few reasons. First, it highlights the convergences and conflicts between the decentralized autonomist Marxist movement and the feminist movement, at least as this relationship unfolded in Italy during the 1970s. This shows that libertarian or autonomist forms of communism are often potential coalition partners for feminist movements, but this potential alignment is not guaranteed and tends to carry disadvantages as well as advantages.

Second, Italian feminists articulate the meaning of autonomy in a way that is very similar to my conception of reproductive autonomy. From their perspective, autonomy requires not just the freedom of individuals but also the freedom of self-governing collectives and in some sense the necessary material or structural conditions for enacting this individual and collective autonomy. Moreover, the interactions between *autonomia* and radical feminism illustrate that the modern Western understanding of autonomy as requiring distance from others still has *some* validity, at least in certain contexts, despite the need to fundamentally rethink the actors and relations involved in such a move of distancing. Specifically, the Italian feminists demand for temporary or partial separation to articulate their own perspective qua women within the radical left was an important step in figuring out how to create the conditions of possibility for deep coalition-building. Italian feminists needed time and space to develop their own analysis of

gendered oppression, but this was understood as a precursor to repairing or deepening coalitional work rather than as a substitute for it or an excuse to dismiss out-group members.

Critiques of autonomy that represent it as a fundamentally and irredeemably masculine concept thus somewhat miss the mark, for several reasons. First, just as representations of the hegemony of the state and capitalism risk reproducing that hegemony, representations of philosophy or theory as pervasively masculine can inadvertently reproduce the hegemony of masculinity within theorizing about autonomy or other concepts that are dismissed as masculine. If one were instead to claim the terrain designated by the notion of autonomy, beginning one's analysis from the perspective of sexual difference and feminist theory as a full and legitimate tradition of thought, it becomes possible to think autonomy differently, in ways that might potentially escape or de-center masculine conceptions of autonomy as independence from others. This is precisely what I am attempting to do, by beginning my project of conceptualizing autonomy from the perspective of reproductive autonomy specifically, routing my analysis through feminist theories of pregnant embodiment and the praxis of autonomous feminist collectives. Rather than viewing autonomy as independence from others, I propose conceptualizing autonomy as independence with others. That is, rather than seeing the freedom of others as infringing on the freedom and independence of the self, I follow Angela Davis in seeing the freedom of others as essential to the freedom of the self. If no one can be free until everyone is free, then reproductive autonomy – understood as the freedom of pregnant embodied subjects to self-determine, enabled by independent feminist communities and institutions – can only be fully realized for oneself by ensuring its realization for others.

Finally, the Italian feminist experience on the issue of abortion highlights the dangers of relying on the state and presents an opportunity to reflect on an alternate path that was not taken.

Specifically, some Italian feminists argued that it might be better not to legalize abortion if it meant heavy regulation, instead advocating for feminists to accept the thriving practice of abortion despite its dubious legal status until a future time when all abortion laws could be abolished or rendered irrelevant by the revolution. Unlike the crudely economistic Marxist argument that women's concerns are not important enough to be addressed before the revolution, this Italian feminist argument is premised on a logic that recognizes the importance of repealing abortion laws while also recognizing that the full sense of reproductive autonomy is something that cannot be obtained within existing social and political structures. Italian feminists from various sects asked difficult questions about whether the state could ever be trusted to regulate abortion on non-patriarchal terms, about whether centralized or decentralized regulatory structures were better for women's autonomy, about the social circumstances which rendered abortion necessary, and even about whether it might be better to allow abortion to remain illegal until it could be fully legalized without restriction by a mass feminist movement rather than accepting a legal compromise. The Italian feminist example thus invites us to think carefully about the goals and strategies of movements for reproductive freedom.

3) HOTLINES – PRESENT, LATIN AMERICA

McReynolds-Perez explores the creation of abortion hotlines “that provide information on misoprostol in Argentina, Chile, Ecuador, Peru, Uruguay, and Venezuela,” and other practices adopted by Latin American feminists to render abortion available in countries where abortion is illegal or severely restricted. In her account, local activists connected by transnational networks have developed innovative strategies which have in turn “reconfigured the networks of expertise through which women access information about abortion, increasing access to safer practices.”¹⁴² Based on extensive ethnographic field research, McReynolds-Perez offers the case of the

Argentinian misoprostol activist group *Lesbianas y Feministas por la Descriminalizacio'n del Aborto* (Lesbians and Feminists for the Decriminalization of Abortion, or LFDA) as an example of activist creativity at the nexus between their local conditions and global feminist movements, as well as the example discussed in the introduction, in which state-run clinics in Argentina re-interpreted the law to stretch the meaning of the exceptional circumstances in which abortion is permitted to a point that renders all abortions effectively legal. These groups are links in a long chain of borrowed ideas and practices that stretches from Jane in the United States to the self-managed clinics in Italy to the abortion hotlines in Latin America and then back to the U.S. Each node in this transnational network of guerilla abortion groups contributes local knowledge and inventions to feminist conceptions and practices of reproductive autonomy. What is distinct about the Latin American examples compared to the previous two is that feminist activists in Latin American have worked with feminist medical professionals in ways that were not possible in the U.S. or Italy during the 1970s due to barriers to women's advancement in the medical profession. In Latin American guerilla abortion networks, rich cooperation between activists inside and outside the official healthcare system has produced hybrid knowledges and subjectivities that combine political activism with official medical expertise.

The LFDA seeks to subvert hierarchies of knowledge which reserve medical expertise for professionals only. McReynolds-Perez describes their epistemic approach as “deploying expertise while subverting authority.”¹⁴³ In her account, the LFDA consults with medical professionals to enrich the activist group's knowledge and ensure that the advice given on the hotline is medically accurate, but they also de-center professionalized expertise by gathering experiential knowledge from the hotline callers, who are credited in the LFDA's freely available handbook on using misoprostol. Among the information gathered by LFDA activists are the best

ways to obtain misoprostol from a pharmacy without a prescription, including which pharmacies are sympathetic and will dispense the medication without questions, who to send to the pharmacy to avoid arousing suspicion, and how to construct a plausible story about why the medication is needed for purposes other than abortion. As McReynolds-Perez puts it, “The activists saw themselves not as merely replacing the doctor, providing technical information to women who need it, but also as creating a mechanism for the circulation of pragmatic, socially situated knowledge about how abortion fits into real women’s daily lives,” such as how to trick unsympathetic pharmacists into dispensing the needed medicines despite the lack of a prescription. “In this way,” she continues, “activists attempted to subvert the power dynamic that typically exists between medical experts who provide technical information from a position of power and the women who seek their advice from a position of vulnerability and subordination.”¹⁴⁴ This approach, she contends, created an alternative form of expertise that blends technical medical knowledge with pragmatic, socially situated knowledge.

James Scott refers to the locally-situated unofficial knowledge reflected in the LFDA’s practical advice as “*métis*,” or the practical skills, know-how, common sense, or local insight that arise from actually engaging in the ordinary activities of human life while responding to a fluid social and physical environment.¹⁴⁵ He captures the fragmentary, imprecise, ungovernable social order to which this practical knowledge belongs as “the vernacular order.” He argues, at length and with many examples, that it is *métis* and the vernacular order – not state-certified expertise or the official order – upon which social cooperation fundamentally depends.¹⁴⁶ Far from improving upon the vernacular order by rendering fragmentary local knowledge unitary, legible, and efficient, Scott argues, the state project tends to suppress or even destroy the very fabric of *métis* upon which complex forms of social cooperation depend. Scott argues that the official

knowledge of the state creates “narrowing of vision” that “brings into sharp focus certain limited aspects of an otherwise far more complex and unwieldy reality” and that “this very simplification, in turn, makes the phenomenon at the center of the field of vision more legible and hence more susceptible to careful measurement and calculation.” With this ability to construct an “aggregate, synoptic view of a selective reality,” the state makes possible “a high degree of schematic knowledge, control, and manipulation” from the center, but at the same time obscures the very information that is essential to effectively rather than destructively manage the complex reality of human activity.¹⁴⁷ In short, Scott argues, it is the practical knowledge of *métis*, derived from lived experience, that is most essential to creating and sustaining institutions of social cooperation.

Much of the knowledge that is compiled and distributed by the LFDA fits Scott’s description of *métis*, consisting of imprecise guidelines derived from the accumulated wisdom of women actually obtaining and using misoprostol in order to aid hotline callers’ judgments about how to respond to their actual circumstances. Yet, there is also a clever integration of this *métis* with more systematic forms of scientific knowledge that goes beyond what Scott describes. Rather than returning medicine to pre-scientific practical wisdom, the LFDA actually weaves together official knowledge and *métis*, elaborating a different kind of vernacular order that weaves science with know-how. Rather than evading the state’s gaze by avoiding its expert knowledge-collectors, the LFDA meets the experts on equal terms and recruits them as participants in the production of a different kind of knowledge and social order.

The LFDA not only synthesizes practical and medical knowledges, but also claims this new form of knowledge as belonging to the expertise of the feminist commons rather than the official medical profession. Over time, the LFDA accumulated a national and international

network of doctors, researchers, and pharmacists that operated within yet underneath existing medical institutions and circuits of knowledge production and distribution. By recruiting patients and medical professionals into a web of radical feminist organizing, rather than seeking to integrate into existing institutions to instigate change through internal reform, the LFDA radicalized the experts instead of diluting their own radicalism. Bolstered by their participation in feminist encuentros which sought to foster solidarity among Latin American feminist activists, the LFDA retained their commitment to direct action and continued to critique hierarchal medical institutions which sought to direct patients' care rather than collaborating with them, even as they radicalized the experts and pilfered expert knowledge for their own purposes. In doing so, they created a transnational undercommons of people who affirm and enact reproductive autonomy within and outside hegemonic institutions.¹⁴⁸

A crucial technique for creating this misoprostol abortion network is the use of direct action in combination with communications technology, which opens space for feminist activists to both act locally to meet needs in their community and to expand their sphere of social interaction beyond their local communities. In this way, like the in-person guerilla abortion networks in the previous two sections, the hotlines address an immediate problem in a way that prefigures a different way of living together. The Latin American abortion hotlines directly improve women's access to safe abortion procedures and offer the opportunity for consciousness-raising counseling that connects patients to a supportive listener and the accumulated wisdom of other women who have sought to obtain and use misoprostol to terminate a pregnancy. By soliciting callers' experiential knowledge to add to the common pool of metis, the LFDA (like Jane) positions their patients as co-conspirators. Moreover, by recruiting medical professionals into their guerilla abortion network and exploiting their

knowledge to aid hotline callers, the LFDA goes further towards the goal of synthesizing official and vernacular knowledge than even Jane. While Jane's members were initially afraid of experts and mostly cut off from fonts of official knowledge, the LFDA swims in currents that flow through both the official and vernacular orders. As McReynolds-Perez recounts, many of the activist groups she contacted already included their own activist-scholars that made their way through the university by peddling the social capital obtained through their access to the activist group's activities but who did so in service to interests other than those of state, university, or medical authorities.

The hybrid expert/experiential knowledges developed by these activists also suggest the possibility of combining local knowledge with transnational knowledge-sharing. The idea of the commons may be difficult to translate into the transnational context, as the most commonly cited examples are extremely small-scale, so examples of movements for reproductive autonomy that combine both a local and a global dimension are important for continuing to develop commoning as a feminist anti-capitalist strategy. According to Andrew Cumbers, "Community and commons are conceived in open and trans-local terms, escaping other forms of non-capitalist enclosure and older forms of hierarchical power relations around patriarchy, race, nation and empire. It follows from all this that the "global" aspect of the commons is critical to the discourse in signifying a movement that is relational and not territorially bounded but links local resistances and alternatives to a broader anti-capitalist imaginary."¹⁴⁹ Linking local commons to one another is especially important in an era of globalizing financial capitalism, in which the problems people around the world face – from resource extraction, exploitative labor conditions, the crisis of care, global climate change, and so on – are large-scale problems that will require thinking creatively

about how to synchronize local efforts to transform social relationships and the material distribution of resources.

V. Conclusion

In previous chapters, I have argued that reproductive autonomy is the authority of pregnant subjects to interpret, construct, and make decisions about their bodies, with the social and material support of their communities. Because embodied subjects are constituted and sustained through relationships with others, the full realization of reproductive autonomy requires not only individual but also collective self-governance. The authority of pregnant subjects over their bodies depends significantly on the community's willingness to affirm this authority, the creation of cultural imaginaries which create symbolic resources for fashioning one's body and self, and collective practices (such as direct action or political advocacy or provision of economic support) that enable the realization of the pregnant subject's will. Understood as freedom *with* rather than *against* others, reproductive autonomy thus entails the creation of feminist communities which affirm diverse reproductive experiences and decisions, elaborating heterogeneous meanings from which individuals might draw in crafting their lived bodies. In this chapter, I turn to the collective dimension of reproductive autonomy, reading guerilla abortion networks as feminist practices of freedom that create an abortion commons.

These examples reveal the ways in which feminist direct action can involve both resistance and transformative politics. I read guerilla abortion networks as forms of collective action that refuse social and biological reproductive, create new knowledges and subjectivities, and assemble a feminist abortion commons. Understood in this way, guerilla abortion networks pose challenges to liberal feminist, Arendtian feminist, black feminist, and socialist feminist conceptions of freedom. First, insofar as guerilla abortion networks turn necessity and oppression

into forms of reproductive freedom that were not available from contemporaneous medical institutions or even the reproductive health clinics that immediately followed legalization of abortion, they fundamentally challenge the relationship between freedom and necessity posited by liberalism. In liberal theories of freedom, necessity is understood as a constraint on individuals' liberty. For guerilla abortion activists, by contrast, necessity provoked creativity and brought forth new forms of freedom. Additionally, guerilla abortion networks illustrate the strengths and weaknesses of Arendtian conceptions of freedom. On the one hand, the transformative collective action undertaken by guerilla abortion activists exemplifies Linda Zerilli's Arendtian conception of feminist world-building and practices of freedom. On the other hand, guerilla abortion networks blur the boundaries between the political and the social in ways that undermine Arendt's problematic exclusion of social transformation from the category of political action. Likewise, while black feminists such as Dorothy Roberts offer important insights into the ways in which black women's reproductive freedom has not been well-represented in (white) feminist discourse, I suggest that the framework of positive versus negative freedom is limited by its origins in liberal political thought, which draws overly stark distinctions between public and private. This closeness to liberal legalism is, as Heath Fogg Davis argues, emblematic of the failure of early Critical Race Theory/Critical Race Feminism to move beyond reformism.¹⁵⁰ Similarly, socialist feminist conceptions of the commons and social reproduction can help identify what is distinctive about guerilla abortion networks. However, these theories have not yet been fully explored in the context of abortion, which is still framed according to either liberal feminist models or the positive/negative freedom frame I criticize.

Combining the insights of each of these approaches, it becomes clear that reproductive autonomy as it is enacted by guerilla abortion networks operates simultaneously in the political,

social, and economic realms. Guerilla abortion networks simultaneously foster reproductive autonomy through collective action, the creation of abortion commons, transformation of consciousness and subjectivity, and the production of hybrid knowledges that can link expertise to experience and the local to the transnational. Focusing on social reproduction draws attention to the interconnectedness between abortion and related issues such as prenatal care, maternal and infant mortality, birth justice, universal healthcare, childcare, elder care, and assistance for people with disabilities or chronic illnesses. It likewise illustrates connections between reproductive justice, economic justice, and environmental justice. The collective dimension of reproductive autonomy is thus vitally important to rethinking feminist struggles against transnational systems of interlocking oppression.

Endnotes (Chapter 4)

¹ pg. 279. Kaplan, Laura. 1995. *The Story of Jane: The Legendary Underground Feminist Abortion Service*. New York: Pantheon.

² Ibid, pg. 285

³ Ibid, pgs. 285-286. Kris's formulation of "forced to become accomplices" formulation carries echoes of Rousseau's "forced to be free" (discussed in Chapter 1). I think what she means here is that, because abortion was illegal, even seeking abortion made one a participant in an illegal abortion network and thus an "accomplice" to the crime of abortion. This imposed complicity, Kris seems to believe, created a sense of solidarity. It is precisely this paradoxical relationship between external coercion and autonomy that I seek to examine in this chapter.

⁴ Pg. 228. Bono, Paola, and Sandra Kemp (Eds.). 1991. *Italian Feminist Thought: A Reader*. Blackwell Publishing. From the "Manifesto and document of the MLD, Movimento di Liberazione della Donna, 1978/1979."

⁵ McReynolds-Perez, Julia. 2017a. "No Doctors Required: Lay Activist Expertise and Pharmaceutical Abortion in Argentina." *Signs* 42(2): 349-375.

⁶ BBC News (no author). 2018. "Argentina abortion: Senate defeats bill after polarising debate." <https://www.bbc.com/news/world-latin-america-45125687> (accessed 03/24/2020).

⁷ BBC News (no author). 2019. "Argentine 11-year-old's C-section sparks abortion debate." <https://www.bbc.com/news/world-latin-america-47400819> (accessed 03/24/2020).

⁸ pg. 96. McReynolds-Perez, Julia. 2017b. "Abortion as empowerment: reproductive rights activism in a legally restricted context." *BMC Pregnancy and Childbirth* 17(Suppl 2):350.

⁹ Ibid

¹⁰ Hayden, Tiana Bakić. 2011. "Private Bleeding: Self-Induced Abortion in the Twenty-First Century United States." *Gender Issues* 28(4), 209-225. Jerman, Jenna, Tsuyoshi Onda, and Rachel K. Jones. 2018. "What are people looking for when they Google "self-abortion"?" *Contraception* 97(6): 510-514; Visser, Staci. 2011. "Prosecuting Women for Participating in Illegal Abortions: Undermining Gender Equality and the Effectiveness of State Police Power." *JL & Fam. Stud.* 13: 171. See also the Texas Policy Evaluation Project by researchers at Ibis Reproductive Health, which has generated several policy briefs and numerous academic publications on the issue of self-abortion (including the Jerman et al article referenced above), available here:

<https://www.ibisreproductivehealth.org/projects/texas-policy-evaluation-project-txpep> (accessed 03/24/2020).

¹¹ I reject the distinction between internal autonomy (as the individual subject's independent capacity for critical thought and self-reflection) and external freedom (as the individual's external relationships with others and the world) because it depends on mind/body dualism and an atomized conception of the self. I favor a relational approach that views the psyche and the body as dynamically interacting and the self as constituted through relationships with others. See Chapter 1.

¹² The importance of the distinction between public and private for defining the boundaries of individual freedom goes back at least to Locke and Mill. See Locke, John, 1980, *Second Treatise of Government* (Ed. C. B. Macpherson), Hackett; Mill 2015 (n5). In philosophy, contemporary liberal theories of autonomy carry these distinctions through, often in the form of a distinction between autonomy (internal) and freedom (external) or between personal or moral autonomy (private, individual) and political autonomy (public, collective). For example, see: Taylor, Robert. 2005. "Kantian Personal Autonomy." *Political Theory* 33(5): 602-628; Dworkin, Gerald. 2015. "The nature of autonomy." *Nordic Journal of Studies in Educational Policy* 2: 284-279; Dworkin, Gerald. 1988. *The theory and practice of autonomy*. New York: Cambridge University Press; Christman, John. 1987. Autonomy: A defense of the Split-Level Self." *Southern Journal of Philosophy* 25 (3): 281-93; Christman, John. 2004. "Relational autonomy, liberal individualism, and the social constitution of selves." *Philosophical Studies* 117 (1-2): 143-64; Christman, John, and Joel Anderson, (Eds). 2005. *Autonomy and the Challenges to Liberalism: New essays*. Cambridge: Cambridge University Press. For a feminist critique of such distinctions, see Oshana, Marina A. L. 1998. "Personal Autonomy and Society." *Journal of Social Philosophy* 29(1): 81-102; and Westlund, Andrea. 2009. "Rethinking Relational Autonomy." *Hypatia* 24(4). For a countervailing feminist view (defending the distinction between public and private), see Walsh, Mary B. 1995. "Locke and Feminism on Private and Public Realms of Activities." *The Review of Politics* 57(2): 251-277. In political theory or political science more broadly, the central concept is more likely to be framed as freedom rather than autonomy, and the relevant distinction is the Weberian division between state/society/economy (or similar iterations of this distinction by Wolin, Polanyi, or Foucault). That said, political theorists are often more attuned to the interactions between these spheres, rather than treating them as wholly separable, though there are exceptions, e.g. Wiley, James. 2006. "Sheldon Wolin on Theory and the Political." *Polity* 38(2). See for example: Dryzek, John S. 1992. "The good society versus the state: Freedom and necessity in political innovation." *The Journal of Politics* 54(2): 518-540; Brown, Wendy. 2015. *Undoing the Demos: Neoliberalism's Stealth Revolution*. MIT Press; Fraser, Nancy. 1996. "Social Justice in the Age of Identity Politics: Redistribution, Recognition, and Participation." Tanner Lectures, Stanford University. See also Weber, Max. 2012. *The Theory of Social and Economic Organization*. Talcott Parsons (Ed. & Transl.), A. M. Henderson (Transl.). Martino Fine Books; Polanyi, Karl. 1957. *The Great Transformation*. Beacon Press; Foucault, Michel, 2010 [1979]. *The Birth of Biopolitics: Lectures at the Collège de France, 1978--1979 (Lectures at the College de France)*. Michel Senellart (Ed.), Graham Burchell (Transl.) Picador.; Wolin, Sheldon S. 2016. *Politics and Vision: Continuity and Innovation in Western Political Thought-Expanded Edition*. Princeton: Princeton University Press.

¹³ For more on this, see note 11 and Chapter 1.

¹⁴ For more on why I reject mind/body dualism in favor of the view that mind and body interact to produce an embodied self, see the Introduction and Chapter 2.

¹⁵ For more on this, see Chapter 1.

¹⁶ Indeed, the project of radical democracy as articulated by Chantal Mouffe and Ernesto Laclau aimed to align the critique of capitalism with social critiques (e.g. feminist, anti-racist, ecological, etc.) See Laclau, Ernesto, and Chantal Mouffe. 2014. *Hegemony and socialist strategy: Towards a radical democratic politics*. Verso; Mouffe, Chantal. 2000. *The Democratic Paradox*. Verso. If they did not fully achieve this aim, sympathetic critics have sought to reformulate radical democracy in ways that address their oversights. See for instance: Singh, Jakeet. 2019. "Decolonizing radical democracy." *Contemporary Political Theory* 18(3): 331-356; McKean, Benjamin L. 2016. "Toward an inclusive populism? On the role of race and difference in Laclau's politics." *Political Theory* 44(6): 797-820.

¹⁷ Foucault, Michel. 1980. *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*. Colin Gordon (Ed. & Transl); Leo Marshall, John Mepham, and Kate Soper (Transl). New York: Pantheon Books.

¹⁸ Allen, Amy. 2007. *The Politics of Ourselves: Power, Autonomy, and Gender in Contemporary Critical Theory*. New York: Columbia University Press.

¹⁹ Brown, Wendy. 1995. *States of Injury: Power and Freedom in Late Modernity*. Zone Books.

²⁰ Kaplan 1995 (n1)

²¹ Pollitt, Katha. 2011. "Dr. Kermit Gosnell's Horror Show." *The Nation* <https://www.thenation.com/article/archive/dr-kermit-gosnells-horror-show/> (accessed 03/24/2020); Friedersdorf, Conor. 2013. "Why Dr. Kermit Gosnell's Trial Should Be a Front-Page Story." *The Atlantic*

<https://www.theatlantic.com/national/archive/2013/04/why-dr-kermit-gosnells-trial-should-be-a-front-page-story/274944/> (accessed 03/24/2020).

²² Kaplan 1995 (n1); Bart, Pauline. 1987. "Seizing the Means of Reproduction: An Illegal Feminist Abortion Collective – How and Why it Worked." *Qualitative Sociology* 10(4): 339-357.

²³ Grossman, Daniel, Kelsey Holt, Melanie Peña, Diana Lara, Maggie Veatch, Denisse Córdova, Marji Gold, Beverly Winikoff, and Kelly Blanchard. 2010. "Self-induction of abortion among women in the United States." *Reproductive Health Matters*, 18(36): 136-146; Grossman, Daniel, Kate Grindlay, Todd Buchacker, and Kathleen Lane. 2011. "Effectiveness and acceptability of medical abortion provided through telemedicine." *Obstetrics & Gynecology* 118(2): 296-303; Grossman, Daniel, and Kate Grindlay. 2017. "Safety of medical abortion provided through telemedicine compared with in person." *Obstetrics & Gynecology* 130(4): 778-782; Whaley, Natalie S., and Sarah J. Betstadt. 2016. "Update on Medical Abortion: Expanding Safe and Equitable, Patient-Centered Care." *Current Obstetrics and Gynecology Reports* 5(1): 48-54.

²⁴ Reproductive governance is defined as "the mechanisms through which different historical configurations of actors – such as state, religious, and international financial institutions, NGOs, and social movements – use legislative controls, economic inducements, moral injunctions, direct coercion, and ethical incitements to produce, monitor, and control reproductive behaviours and population practices." See Morgan, Lynne, and Elizabeth F. S. Roberts. 2012. "Reproductive governance in Latin America." *Anthropology & Medicine* 19(2)

²⁵ Foucault 1980 (n17)

²⁶ pg. 79. O'Donnell, Kelley Suzanne. 2017. "Reproducing Jane: Abortion Stories and Women's Political Histories." *Signs* 43(1): 77-96.

²⁷ Ibid, pg. 80

²⁸ Rowbotham, Sheila. 2011. *Dreamers of a New Day: Women Who Invented the Twentieth Century*. Verso.

²⁹ Ibid

³⁰ Ibid

³¹ Ferguson, Kathy. 2011. *Emma Goldman: Political Thinking in the Streets*. New York: Rowman & Littlefield.

³² Ibid

³³ Ibid

³⁴ Note that these categories are overlapping, particularly socialist feminism and black feminism; Davis, Taylor, and the members of the Combahee River Collective all explicitly identify with the socialist tradition as well as feminism and African American political thought. See Davis, Angela. 2016. *Freedom is a Constant Struggle: Ferguson, Palestine, and the Foundations of a Movement*. Chicago, IL: Haymarket Books and Taylor, Keeanga-Yamhata. 2017. *How We Get Free: Black Feminism and the Combahee River Collective*. Haymarket Books.

³⁵ Berlin, Isaiah, 1969, "Two Concepts of Liberty" in *Four Essays on Liberty*, Oxford: Oxford University Press. For further discussion of negative and positive liberty, see also Skinner, Quentin. 2002. "A third concept of liberty." In *Proceedings of the British Academy* (Vol. 117, pp. 237-268) and MacCallum, Gerald. 1967. "Negative and Positive Freedom." *The Philosophical Review* 76(3): 324-325.

³⁶ pg. 297. Roberts, Dorothy. 1997. *Killing The Black Body*. Vintage.

³⁷ Ibid, pg. 298

³⁸ Ibid, see especially Chapter 4 (on criminal justice)

³⁹ Ibid, pg. 309

⁴⁰ Ibid, pg. 310; see also Robin West, "Progressive and Conservative Constitutionalism," *Michigan Law Review* 87 (1989), pp. 641, 707.

⁴¹ Roberts 1997, pg. 311 (n36)

⁴² For an example of reproductive justice scholars who take up Roberts's emphasis on positive liberty, see Ross, Loretta and Rickie Solinger. 2017. *Reproductive Justice: An Introduction*. Oakland: University of California Press. For instance, on page 10, they explain that they view positive liberty as a crucial feature of their human rights framework, defining positive rights as the "government's obligation to ensure that people can exercise their freedoms and enjoy the benefits of society." On the black feminist tradition as a whole, see Hill Collins, Patricia. 2000. *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (2nd Edition). New York: Routledge. Notably, positive liberty does not figure in Hill Collins's account of black feminism. In Chapter 2, she identifies the distinctive features of black feminist thought as (1) linking individual black women's experiences to the experiences of black women as a group; (2) connecting experience with ideas and struggle; (3) intra-group dialogue as a mode of knowledge production; (4) centering black women intellectuals; (5) emphasis on change; (6) commitment to solidarity with other struggles. (See Chapter 2 in Hill Collins.)

⁴³ Davis 2016 (n34). See also Davis, Angela, 2012. *The meaning of freedom: And other difficult dialogues*. City Lights Publishers.

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- ⁴⁴ Pg. 20, Zerilli, Linda. 2005. *Feminism and the Abyss of Freedom*. Chicago: University of Chicago Press.
- ⁴⁵ Ibid, pg. 13 & pgs. 16-17; see also 145-147.
- ⁴⁶ Ibid, especially Chapter 4 and pgs. 85-86, pgs. 142-148, and pg. 159; see also Zerilli, Linda. 1998a. "Doing without Knowing: Feminism's Politics of the Ordinary," *Political Theory* 26(4): 435-458.
- ⁴⁷ Zerilli 2005, especially pgs. 23-24. (n44)
- ⁴⁸ Ibid, pgs. 16-22; on community, see also pg. 159.
- ⁴⁹ Ibid, pg. 20
- ⁵⁰ Ibid, see especially the Introduction on her reading of Arendt on the social question; see also Zerilli 1998a (n46).
- ⁵¹ Zerilli 2005, pg. 23 and Chapters 3 and 4 (n44); see also Zerilli, Linda M. G. 1992. "A Process without a Subject: Simone de Beauvoir and Julia Kristeva on Maternity." *Signs* 18(1): 111-135.
- ⁵² Zerilli 2005, pgs. 9-25. (n44)
- ⁵³ Ibid, Chapter 4
- ⁵⁴ Ibid, pgs. 10-11; see also Zerilli 1998a (n46)
- ⁵⁵ Zerilli 2005, see especially Chapter 1 (n44). See also Zerilli 1998a (n46) and Zerilli, Linda, 1998b. "This Universalism Which is Not One." *Diacritics* 28(2): 2-20.
- ⁵⁶ Zerilli 1998a (n46), though also present in Zerilli 2005 (n44)
- ⁵⁷ Ibid
- ⁵⁸ Pgs. 1-6. Arendt, Hannah. 1980. *Between Past and Future*. Penguin Books; see also Zerilli 2005 pgs. 25-26 (n44).
- ⁵⁹ Nedelsky, Jennifer, 2011, *Law's Relations*. Oxford: Oxford University Press.
- ⁶⁰ Pg. i95-i96. Federici, Silvia and George Caffentzis. 2014. "Commons against and beyond Capitalism." *Community Development Journal* 49(S1): i92-i105.
- ⁶¹ Morey, Maribel. 2014. "Reassessing Hannah Arendt's "Reflections on Little Rock" (1959)." *Law, Culture and the Humanities*, 10(1): 88-110.
- ⁶² Bernasconi, Robert. 1996. "The Double Face of the Political and Social: Hannah Arendt and America's Racial Divisions." *Research in Phenomenology* 26:3-24; Gines, Kathryn T. 2014. *Hannah Arendt and the Negro Question*. Bloomington: Indiana University Press; Gines, Kathryn T. 2009. "Hannah Arendt, Liberalism, and Racism: Controversies Concerning Violence, Segregation, and Education." *The Southern Journal of Philosophy* 47:53-76.
- ⁶³ pgs. 4-5. Taylor 2017 (n34)
- ⁶⁴ Ibid, pg. 7
- ⁶⁵ Combahee River Collective Statement, reprinted in Taylor 2017 (n34), pgs. 15-20. Hereafter, CRC.
- ⁶⁶ Fraser 1996 (n12); Federici, Silvia. 2012. *Revolution at Point Zero: Housework, Reproduction, and Feminist Struggle*. Verso Books; Fraser, Nancy. 2013. *Fortunes of Feminism: From State-Managed Capitalism to Neoliberal Crisis*. Verso.
- ⁶⁷ Bernasconi 1996, pg. 5
- ⁶⁸ Location 214-227. Arruzza, Cinzia, Tithi Bhattacharya, and Nancy Fraser. 2019. *Feminism for the 99 Percent: A Manifesto*. Verso (Kindle).
- ⁶⁹ Pg. 99. Fraser, Nancy. 2009. "Contradictions of Capital and Care." *New Left Review* 100(July/August).
- ⁷⁰ Cooper, Melinda. 2017. *Family values: Between neoliberalism and the new social conservatism*. MIT Press.
- ⁷¹ Arruzza, Bhattacharya, and Fraser 2019 (n68)
- ⁷² Ibid
- ⁷³ Ibid
- ⁷⁴ Gonzalez, Jaime Acosta Jess Issacharoff, and Jacob Soule. 2019. "Introduction." In the Issue on Neoliberalism and Social Reproduction, Polygraph Open Access Journal, Union for Radical Political Economics. <https://urpe.org/2019/02/28/neoliberalism-and-social-reproduction-polygraph-journal-open-access/> (accessed 03/24/2020).
- ⁷⁵ Rottenberg, Catherine. 2017. "Neoliberal Feminism and the Future of Human Capital." *Signs: Journal of Women in Culture and Society* 42(2): 329-346; see also Rottenberg, Catherine. 2014. "Happiness and the Liberal Imagination: How Superwoman Became Balanced." *Feminist Studies* 40(1): 144-168.
- ⁷⁶ Pg. i101, Federici and Caffentzis (n60)
- ⁷⁷ Gibson-Graham, J. K. 1996. *The End of Capitalism (As We Knew It)*. Minneapolis: University of Minnesota Press; and Gibson-Graham, J. K. 2006. *A Postcapitalist Politics*. Minneapolis: University of Minnesota Press.
- ⁷⁸ Ibid
- ⁷⁹ See for instance, Kant 2002 (n20), Mill 2015 (n12), Berlin 1969 (n35), Locke 1980 (n12); Nussbaum, Martha C. 1999. *Sex and social justice*. Oxford: Oxford University Press; Dworkin 2015 (n12); Christman, John. 1991. "Liberalism and individual positive freedom." *Ethics* 101(2): 343-359. For more on this, see note 12 and Chapter 1.

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- ⁸⁰ Berlin 1969 (n35)
- ⁸¹ Locations 159-161. Arruzza, Bhattacharya, and Fraser 2019 (n68)
- ⁸² Locations 222-224, *ibid*
- ⁸³ Brown 2015 (n12); Tadiar, Neferti XM. 2013. "Life-times of disposability within global neoliberalism." *Social Text* 31.2 (115): 19-48.
- ⁸⁴ Kaplan 1995, pg. xvii
- ⁸⁵ *Ibid*
- ⁸⁶ *Ibid*, pg. xx
- ⁸⁷ *Ibid*, Chapters 10 & 11
- ⁸⁸ *Ibid*, pg. x
- ⁸⁹ In one case, the procedure went terribly wrong and led to a woman's death. This case is an important reminder that when the law prohibits abortion, even under the best of circumstances, women die. Kaplan explains this outcome as a consequence of the patient providing incorrect information about the length of her pregnancy because she was afraid that Jane would not perform the procedure if she told the truth, and then refusing to go to the hospital when she experienced complications, due to fear that her illegal abortion would be discovered. Despite believing that they had done everything possible to prevent this outcome, Jane's members grieved this loss and considered ending the service entirely, and many members quit. The remaining members resumed providing abortions only because would-be patients continued to call and beg for help. See Kaplan 1995 (n1), Chapter 17 and Chapter 18 for further details.
- ⁹⁰ *Ibid*, pg. xi
- ⁹¹ *Ibid*, pg xiii
- ⁹² Unlike choice feminism. On choice feminism, see for instance: Kirkpatrick, Jennet (Ed), Michael L. Ferguson, R. Claire Snyder-Hall, Lori J. Marso, and Nancy J. Hirschmann. 2010. "Symposium: Women's Choices and the Future of Feminism." *Perspectives on Politics* 8(1); Rottenberg 2014 (n75)
- ⁹³ Kaplan 1995, pg 36 (n1)
- ⁹⁴ *Ibid*
- ⁹⁵ *Ibid*, pg 21
- ⁹⁶ *Ibid*
- ⁹⁷ *Ibid*, pg. 22
- ⁹⁸ *Ibid*, pg 36
- ⁹⁹ *Ibid*, pg 15-16
- ¹⁰⁰ *Ibid* (The whole book is a set of stories; Kaplan calls it a "collective memoir" on pg. XIX)
- ¹⁰¹ Zerilli 2005 (n44) and Davis 2016 (n34)
- ¹⁰² Kaplan 1995, pg 33 (n1)
- ¹⁰³ *Ibid*, pg 26
- ¹⁰⁴ *Ibid*, pg 37
- ¹⁰⁵ *Ibid*, pgs 139-140
- ¹⁰⁶ *Ibid*, Chapter 20
- ¹⁰⁷ *Ibid*, pg. XI and Chapter 20
- ¹⁰⁸ *Ibid*, see for instance pgs. 209 and 215
- ¹⁰⁹ *Ibid*, see for instance the Introduction, Conclusion, Chapter 2, and Chapter 7
- ¹¹⁰ Bart 1987 (n22)
- ¹¹¹ *Ibid*, pg. 349
- ¹¹² Kirkpatrick et. al. 2010 (n92); Rottenberg 2014 (n75)
- ¹¹³ Bart 1987, pg. 345 (n22)
- ¹¹⁴ Kaplan 1995 (n1)
- ¹¹⁵ O'Donnell 2017, pg. 81 (n26)
- ¹¹⁶ pg. 3, Wright, Steve. 2002. *Storming Heaven: Class Composition and Struggle in Italian Autonomist Marxism*. London: Pluto Press.
- ¹¹⁷ *Ibid*
- ¹¹⁸ Cuninghame, Patrick. 2008 "Italian feminism, workerism, and autonomy in the 1970s: The Struggle Against Unpaid Reproductive Labor and Violence." *Amnis: Revue de civilisation contemporaine Europe/Amériques* 8; Wright 2002 (n116)
- ¹¹⁹ Cuninghame 2008, paragraphs 1-2. (n118)

- ¹²⁰ Cuninghame 2008 (n118); Pojmann, Wendy. 2005. "Emancipation or liberation?: Women's associations and the Italian movement." *The Historian* 67(1): 73-96; Bracke, Maud Anne. 2017. "Feminism, the state, and the centrality of reproduction: abortion struggles in 1970s Italy." *Social History* 42(4): 524-546.
- ¹²¹ Bono and Kemp 1991, "Introduction" (n4)
- ¹²² Pojmann 2005, pg. 79 (n120)
- ¹²³ Ibid
- ¹²⁴ paragraph 12, Cuninghame 2008 (n118)
- ¹²⁵ CRC, in Taylor 2017 (n34 & n65)
- ¹²⁶ pg. 525, Bracke 2018. (n120)
- ¹²⁷ Ibid, pg. 532
- ¹²⁸ Pojmann 2005, pg. 90 (n120)
- ¹²⁹ Pojmann 2005 (n120), Bracke 2017 (n120)
- ¹³⁰ Bono and Kemp 1991, pg. 227 (n4)
- ¹³¹ Bracke 2017, pg. 533 (n120)
- ¹³² Ibid
- ¹³³ Ibid
- ¹³⁴ Roberts 1997 (n36); Davis, Angela, 1983, *Women, Race, and Class*, Vintage; Silliman, Jael, Marlene Gerber Fried, Loretta Ross, Elena Gutierrez. 2016. *Undivided Rights: Women of Color Organizing for Reproductive Justice*. Haymarket Books; Gurr, Barbara, 2015, *Reproductive Justice: The Politics of Healthcare for Native American Women*, New Brunswick: Rutgers University Press; Smith, Andrea, 2005, "Beyond Pro-Choice versus Pro-Life: Women of Color and Reproductive Justice," *National Women's Studies Association Journal* 19 (Spring): 131-133; Reproductive Health and Technologies Project. 2015. "Two Sides of the Same Coin: Integrating Economic and Reproductive Justice" <http://rhttp.org/wp-content/uploads/2016/08/Two-Sides-of-the-Same-Coin-Integrating-Economic-and-Reproductive-Justice.pdf> (accessed 10/01/2019); Asian Communities for Reproductive Justice (ACRJ). 2005. "A New Vision for Advancing Our Movement." <http://strongfamiliesmovement.org/assets/docs/ACRJ-A-New-Vision.pdf> (accessed 10/01/2019).
- ¹³⁵ Morgan and Roberts 2012 (n24); Corrêa, Sonia, and Rebecca Reichmann. 1994. *Population and Reproductive Rights: Feminist Perspectives from the South*. Zed Books; Chatterjee, Nilanjana and Nancy E. Riley. 2001. "Planning an Indian Modernity: The Gendered Politics of Fertility Control," *Signs: Journal of Women in Culture and Society* 26(3): 811-845; Hartmann, Betsy. 2016. *Reproductive Rights and Wrongs: The Global Politics of Population Control*. Chicago: Haymarket Books.
- ¹³⁶ Bracke 2017, pg. 535 (n120)
- ¹³⁷ pg. 228-229. Hanafin, Patrick. 2009. "Refusing disembodiment: Abortion and the paradox of reproductive rights in contemporary Italy." *Feminist Theory* 10(2).
- ¹³⁸ Bracke 2017, pg. 537 (n120)
- ¹³⁹ Hanafin 2009, pg. 229 (n137)
- ¹⁴⁰ Ibid, pg. 230
- ¹⁴¹ Bracke 2017, 537-540 (n120)
- ¹⁴² McReynolds-Perez 2017a, pg. 350-351 (n5)
- ¹⁴³ Ibid, pg. 365
- ¹⁴⁴ Ibid, pg. 367
- ¹⁴⁵ pg. 313. Scott, James. 1998. *Seeing like a State: How certain schemes to improve the human condition have failed*. New Haven: Yale University Press.
- ¹⁴⁶ Ibid, pg. 11 & 311
- ¹⁴⁷ Ibid, pg. 11 & 311, pg. 34-36, Scott, James. 2014. *Two cheers for anarchism: Six easy pieces on autonomy, dignity, and meaningful work and play*. Princeton: Princeton University Press.
- ¹⁴⁸ As theorized by Fred Moten and Stefano Harney, the undercommons is a fugitive commons, a relay of social interactions that moves through institutions only to steal their secrets and redeploy them as part of a strategy for surviving late modernity as it begins to crumble, corrupting the state's experts and welcoming them into a covert lifeworld that has not yet arrived. See Moten, Fred and Stefano Harney. 2013. *The Undercommons: Fugitive Planning & Black Study*. Brooklyn: Minor Compositions/Autonomedia.
- ¹⁴⁹ pg 64, Cumbers, Andrew. 2015. "Constructing a global commons in, against and beyond the state," *Space and Polity*, 19(1): 62-75.
- ¹⁵⁰ Davis, Heath Fogg. 2016. "An argument for reviving the pragmatism of early critical race feminist theory." In the Critical Exchange on Bodies in Politics. *Contemporary Political Theory* 15(1): 80-118.

CONCLUSION

In *De Cive*, Hobbes invites the reader to “consider men as if but even now sprung out of the earth, and suddenly, like mushrooms, come to full maturity, without all kind of engagement to each other.”¹ Though stylized,² this classic image of the liberal individual as an atomized subject who exists prior to and apart from social relations reflects methodological assumptions that remain hegemonic within political science, as well as widely-shared intuitions about the inviolability of the individual and the separateness of persons that ground liberal political theory. This individualist picture of political life relies upon the implicit assumption that the individual is an able-bodied adult man, whose body is inviolable and who is unencumbered by responsibility for biological or social reproduction. This image of the subject undergirds conceptions of autonomy that prioritize independence rather than interdependence in order to protect the subject’s right to give the law to himself by acting according to his own will and reasoning. With the exception of Hobbes, liberal thinkers commonly understand this individual right to self-determination as the basis for self-government and the civil rights which place limits on government authority. For Locke, each man’s sole ownership of his body and labor gives rise to private property, and commerce as well as legitimate government are founded on each man’s freely willed consent.³ For Mill, as long as one does not infringe the freedom of others, the freedom of the individual is absolute. “Over himself,” Mill says, “over his own body and mind, the individual is sovereign.”⁴ Like many liberals, Mill views the freedom of the self as bounded by the freedoms of others, and sees others as the source of potential threats to the self’s liberty. He thus warns of a new danger to freedom, in which the prevailing opinion, ruling majority, or collective whole of society becomes tyrannical and oppresses individuals or minorities within a society.⁵

A number of feminist scholars have criticized this image of the subject and his body for ignoring sexual difference and bodily differences more generally;⁶ for envisioning society as only a threat to (and never a precondition for) freedom;⁷ and for minimizing the centrality of dependency in the story of any individual's life.⁸ In part, this feminist critique is derived from attentiveness to the role of biological and social reproduction.⁹ Modern and contemporary liberalism's neglect of pregnant embodiment and shallow consideration of care labor has tended to obscure or naturalize – and thus depoliticize – the social relations which precede and sustain the self.¹⁰ Instead, feminist theorists such as Judith Butler have argued that our selves are constituted by others.¹¹ Likewise, the separateness of bodies is complicated not only by everyone's fetal origins and the potential for some bodies to become pregnant, but also by each embodied subject's situatedness within broader economies, ecologies, institutions, and networks.¹² On this view, the body is not understood as the property of a sovereign self or the dwelling-place of a pre-social mind or soul. Rather, materiality is seen as coextensive with the self and the social world, a condition of possibility for the subject, and a medium through which our interactions with the world unfold. This feminist critique has produced a picture of the human that looks quite different from the atomized individual. In this feminist imaginary, humans are biocultural beings who are deeply mutually imbricated with others and the world.

Rejecting the notion of the isolated and disembodied self, I have argued for a conception of autonomy that assumes the primacy of social relations and which complicates the narrow account of embodiment assumed in the canonical accounts discussed above. By refusing dichotomies between mind and body, self and other, autonomy and freedom, and so on, I have sought to show that autonomy is compatible with imagining embodied subjects as entangled and mutually dependent. In particular, I have focused on pregnant embodied subjects, because they

present the clearest challenge to the separateness of persons and bodies, because they foreground questions of bodily difference and gender as they pertain to autonomy, and because I view reproductive autonomy as a vital dimension of freedom. Yet, pregnancy is not a unique instance of entanglement between bodies and subjects; it merely reveals, in a particularly obvious fashion, the ways in which all people's social and bodily existence is intertwined with that of other embodied subjects. For instance, infants depend on the care of others (indeed, sometimes even the bodies of others) in order to survive to maturity, and many elderly and disabled people may likewise require assistance. More ominously, pandemics reveal the social, economic, and bodily interdependence of embodied subjects, not only by heightening awareness of each body's vulnerability to pathogens carried by the bodies of others who breathe the same air and touch the same doorknobs, but also by rendering visible our often-forgotten reliance upon the protections of herd immunity, the ways in which the personal bodily habits of others (such as handwashing) can affect others for good or ill, and the extent to which the supposedly isolated individual-as-consumer depends on shared resources and the labor of others (from doctors to truck drivers to grocery store checkout clerks).

At first glance, this emphasis on interdependence and biocultural complexity may seem to undercut the basis for abortion rights, which are commonly defended on the basis of the liberal self's sovereignty over the body or the demand that the inviolability of the liberal individual be extended to include women as well. Does rejecting individual sovereignty or complicating the boundaries of the embodied self necessarily undermine reproductive rights? Is there still room for reproductive autonomy in this picture of embodied subjects as socially constituted, materially interdependent, and born into webs of biocultural interaction that they did not make and cannot be extricated from? In particular, does challenging the separateness of persons or blurring

intercorporeal and intersubjective boundaries endanger abortion rights? If our identities are formed in the crucible of social and material relationships with others, if our bodies are not entirely given by nature but also contoured by practices and discourses, if individuals are born into communities with established ways of life, if we can lose sight of where I end and you begin, then what does it mean to have reproductive autonomy? If pregnant bodies challenge the boundaries between mind and body, self and other, or individual and community, how might we understand pregnant embodiment in a way that would do justice to the complexity and diversity of women's reproductive experiences, without abandoning or diminishing reproductive rights? In short, *how should feminists who subscribe to biocultural and relational theories of subjectivity conceptualize pregnant embodiment and reproductive autonomy*, such that our ontological account of reproduction and our normative defense of reproductive freedom are mutually reinforcing rather than conflicting?

To answer this question, my dissertation develops two interrelated lines of argument. The first concerns embodiment. I argue that embodiment, particularly pregnant embodiment, should be understood as a product of interactions between (a) the personal and cultural *meanings* through which one's body is understood, and (b) the visceral experience and biological *materiality* of a given body. That is, the reality of a body encompasses social and material dimensions, and both of these dimensions are inflected by the subjective account of the person whose body is in question as well as the intersubjective discourses and practices of collectives with which the person interacts. If this is the case, then each body has its own reality, which is shaped but not determined by its relations with others. Moreover, the reality of each body necessarily changes over time, due to shifts in meaning as well as biological or physiological processes. Obviously, the reality one's body changes in response to material forces such as aging

or conception or injury or illness. If shifts in meaning also reshape reality, then one's body also changes when you select different narratives or images to think and talk about your body, or when you have new experiences or make new observations about your body, or when the cultural imaginaries and contexts through which your body is understood are expanded or contracted or altered. Because each body has its own reality and materializes differently in different contexts or in response to change, I argue that the body should be understood as ontologically multiple. In sum, I contend that "the" body is actually many bodies, each of which contains multitudes. Bodies materialize in different ways in different contexts and change over time in ways that ambiguate binary distinctions between mind/body, social/material, and individual/collective.

Applying this conception of embodiment to pregnant bodies reveals how attending to the complexity, ambiguity, multiplicity, and fluidity of bodies challenges the political categories which underpin liberal defenses of abortion rights. Yet, rather than taking this as a reason to dismiss or undermine reproductive autonomy, I seek to show how a richer account of the body can foster a richer account of reproductive freedom. If pregnant bodies are shaped by social as well as material forces, and if lived experiences of pregnancy are diverse and dependent on both physiological and psycho-social factors, and if each pregnancy is in some sense unique, then pregnant embodiment is an ambiguous and plural condition. Moreover, it is not just interpretations of pregnant and fetal bodies that are multiple and varied; the lived realities of pregnancy and fetal life are equally heterogenous and fluid, because the frameworks through which bodies are understood also shape the way those bodies are experienced and the practices to which those bodies are subjected.¹³ For instance, whether hegemonic discourse presents pregnancy as an inherently conflictual or an inherently harmonious relationship between mother and fetus will affect not only the way women feel about their pregnancies, but also how others

respond to pregnant women's decisions, which medical interventions are funded or permitted or prohibited, and how pregnant bodies are governed by law enforcement and the criminal justice system.

This brings me to the second line of argument, which concerns reproductive autonomy. Because there is a symbolic dimension to the constitution of reality, reproductive autonomy must include the pregnant subject's authority to not only interpret but also ontologically construct their body. Because I begin with the assumption of entanglement, I adopt a relational view of autonomy not as freedom *from* others but as freedom *with* others. Thus, reproductive autonomy requires more than mere choice or non-intervention. While authority over the medical procedures that do or do not intervene on one's body is important, so is the authority to determine whether the fetus inside one's body is a person or not, and the authority to narrate one's experiences of abortion or miscarriage or birth. Moreover, because individuals cannot be separated from the webs of relations in which they are embedded, reproductive autonomy also means that pregnant people must have the power to challenge and re-organize the social and material constellations that affect their reproductive experiences. That is, reproductive autonomy must include the power to defy or transform the cultural, economic, and governance structures to which one is subjected.

I lay out these two lines of argument in the Introduction and Chapter 1. In Chapter 2, I analyze how pro-life discourse constructs pregnant women and fetuses, arguing that they both use the ambiguity of pregnant bodies to create their own version of reality and obscure this ambiguity in order to naturalize their constructions. I then sketch a pro-choice alternative that challenges the pro-life account on an ontological and emotional level, in addition to challenging their legal theories. My alternative, rooted in a plural ontology of the body and a relational vision

of reproductive autonomy, centers the authority of pregnant women to interpret and construct their bodies while acknowledging that support or opposition from their communities can reinforce or undercut reproductive freedom.

In Chapter 3, I extend my argument about the relationship between self and other in the context of individual bodies to the context of the body politic. Specifically, I argue that the debilitation (or systematic exposure to degradation and risk of injury that avoids spectacular deaths) of pregnant migrants enables the American right to smooth over potential conflicts between pro-life ideology and anti-immigrant sentiment. Brooking a compromise between the pro-life demand to save the lives of potential fetal citizens, and the anti-immigrant desire to punish illegal immigration by subjecting migrants to horrific conditions, debilitation allows the state to avoid spectacular fetal deaths by restricting access to abortion while engaging in malign neglect of pregnant migrants' health that may result in miscarriage or future infertility. Through delegation, the state is able to displace responsibility for the resulting injustices even as it reinforces its sovereign authority to draw and police the boundaries of the body politic. I also suggest that feminist political opposition to these reproductive injustices should go beyond civil rights lawsuits to contest sovereignty and racist conceptions of the body politic in public discourse, as even successful legal cases may not challenge the underlying logic which drives reproductive injustice.

Finally, in Chapter Four, I look to feminist activists who provide safe illegal abortions as a resource for imagining feminist communities that foster reproductive autonomy. Using examples of these guerilla abortion networks to illustrate my argument, I critiqued liberal conceptions of freedom which oppose necessity and freedom. Instead, I suggest that constraint or necessity can paradoxically create space for experimental feminist lifeworlds. Precisely because

illegal abortions are against the law and performed outside medical institutions, they are free to reimagine the practice of medicine. I argue that this space for feminist creativity contains utopian possibilities as well as the familiar dangers of unsafe practices and liability to criminal prosecution.

Yet, some important underlying issues remain less than fully resolved as I write these final words. The first concerns the relationship between reproductive justice and reproductive autonomy. In the Introduction, I suggested that reproductive justice is essential for fully realizing reproductive freedom. In many respects, my work traces an alternative theoretical pathway – one rooted in the concepts of freedom and autonomy – towards the same ends advocated by reproductive justice scholars and activists. I share their understanding of reproductive rights as encompassing the rights to have children and to parent in safe and healthy environments, in addition to the right not to have children, as well as access the economic and healthcare resources necessary to make these rights meaningful to all women. Moreover, I seek to understand reproductive rights in terms that align freedom with justice and equality, highlighting the intersections of gendered inequalities with racial, economic, and environmental injustices. Yet, despite this substantial overlap between reproductive justice and reproductive autonomy, are there also disjunctures between these two conceptual frameworks that merit attention? Notably, I remain skeptical of the positive liberty framework advocated by Roberts and uncertain about the human rights framework favored by Ross and Solinger.¹⁴ Given the checkered history of human rights law and human rights discourses – for instance, the use of human rights frames to further cultural imperialism or launder Western violence through humanitarianism¹⁵ – is a human rights framework the best approach for defending reproductive freedom or justice? Likewise, given my efforts to blur the boundaries of embodied subjects and the often-individualist understanding of

rights in the Western tradition of political thought, does the concept of rights adequately capture the meaning of reproductive autonomy as I have sought to conceptualize it? What, precisely, is at stake in using the language of freedom rather than justice or equality? These are questions I have only begun to answer.

A second and related difficulty concerns the relationship between feminism and the law or the state. Though I am critical of legal reformism, in part because it alone cannot achieve fully-fledged reproductive autonomy and in part because it tends to preserve the subject positions and power relations from which it emerges, I have not entirely resolved the question of whether (or how much) effort feminists should expend seeking legal change. On one hand, I am hesitant to turn away from legislative reform or judicial relief entirely, because there are real benefits to women's freedom when abortion restrictions are repealed or overturned and when new policies expand the economic resources or array of choices available to women. For instance, repealing the Hyde amendment to allow public funds to cover abortions would materially benefit low-income women, among whom women of color are overrepresented. Likewise, permitting and expanding access to telemedicine abortions and loosening restrictions on the abortion pill would give women more options and control over the circumstances of their abortion care, particularly in situations where obtaining an abortion would otherwise require expensive and time-consuming travel. Yet, I remain concerned that the pro-choice movement is too reliant upon legal change at the expense of broader efforts to create alternatives and reshape cultural imaginaries. If the bulk of the financial resources and efforts of feminist activists are channeled through non-profits or legal and political advocacy groups, this seems to undermine rather than empower autonomous feminist movements that do not depend on existing economic and political structures. Likewise, I have lingering questions about the extent to which the state apparatus is

inherently flawed and about what alternative structures of political authority might replace it. In future research, I plan to engage anarchist feminist thought as a way of thinking through these persistent uncertainties.

Even with these limitations in mind, my argument about reproductive autonomy may have broader implications for thinking about issues such as adoption, surrogacy, children's rights, and care labor (especially childcare and elder care). For example, future research could examine what authority over the construction and interpretation of one's body means for gestational surrogates, or what reproductive autonomy entails for donors of genetic materials such as eggs or sperm, or how to configure relationships between biological parents, adoptive parents, and adoptees in ways that promote freedom with others rather than freedom from others. Likewise, my analysis of guerilla abortion networks as a form of commons may have implications for thinking about other forms of mutual aid, such as cooperative disaster relief efforts or grassroots resistance to immigration enforcement. It may also raise questions about the viability of building feminist institutions outside the state and the market in other areas besides healthcare, such as education. For instance, future work could address the hollowing of public education through charter schools and the use of homeschooling to inculcate extreme, often patriarchal religious views, as well as the possibility that public magnet schools or progressive homeschooling networks or other alternatives to existing public and private school systems might create opportunities for enriching children's educational autonomy and crafting feminist community.

In developing an account of pregnant bodies that does not require the ontological separateness of embodied subjects, and a conception of reproductive autonomy that bridges individual and collective as well as internal and external forms of freedom, I hope to provide a

defense of abortion rights that is compatible with relational feminist ethics and a broader Left politics of solidarity. My wager is that complicating the boundaries of self and other need not mean abandoning reproductive freedom. If so, my hope is that a more nuanced account of embodiment and a relational understanding of reproductive autonomy can open up new possibilities for building feminist communities and coalitions with other movements seeking justice and freedom for the oppressed.

Endnotes (Conclusion)

¹ Pg. 203, Hobbes, Thomas. 1991 [1651]. "De Cive," In *Man and Citizen: (De Homine and De Cive)*, Bernard Gert (Ed.). Indianapolis: Hackett Classics.

² Indeed, even for Hobbes, this image of the individual is a simplified hypothetical adopted to show that starting with the assumption that one could be born free, equal, and entirely independent of social ties does not change the ultimate result that the many will end up in subjection to a sovereign lord. Actual human beings living outside of civil government, he contends, are born into subjection to the natural authority of the mother (*De Cive*, Chp. 9). (See n1).

³ Locke, John. 1980. *Second Treatise of Government* (Ed. C. B. Macpherson). Hackett.

⁴ Pg. 13, Mill, J. S. 2015. "On Liberty," In *On Liberty and other writings*, Stefan Collini (Ed.). Cambridge: Cambridge University Press. Note that he includes women but excludes colonized peoples, children, and people with (what we would describe as) cognitive disabilities or mental illnesses.

⁵ Ibid, pg. 8.

⁶ See for instance Grosz, Elizabeth. 1994. *Volatile Bodies: Toward a Corporeal Feminism*. Bloomington: Indiana University Press; Irigaray, Luce, 1985 [1977]. *This Sex Which Is Not One*. Trans. Catherine Porter. Ithaca: Cornell University Press; Gatens, Moira. 1996. *Imaginary Bodies: Ethics, Power, and Corporeality*. New York: Routledge.

⁷ See for instance Nedelsky, Jennifer. 2011. *Law's Relations: A Relational Theory of Self, Autonomy, and Law*. Oxford: Oxford University Press.

⁸ Ibid; see also MacKenzie, Catriona and Natalie Stoljar (Eds.), 2000, *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self*. Oxford: Oxford University Press.

⁹ See for instance Federici, Silvia. 2012. *Revolution at Point Zero: Housework, Reproduction, and Feminist Struggle*. Verso Books; Fraser, Nancy. 2013. *Fortunes of Feminism: From State-Managed Capitalism to Neoliberal Crisis*. Verso; Tronto, Joan C. 2013. *Caring democracy: Markets, equality, and justice*. New York: NYU Press; Tronto, Joan C. 2015. *Moral boundaries: A political argument for an ethic of care*. Routledge.

¹⁰ Battersby, Christine. 1998. *The Phenomenal Woman: Feminist Metaphysics and Patterns of Identity*. New York: Routledge; Pateman, Carole. 1988. *The Sexual Contract*. Stanford: Stanford University Press.

¹¹ Butler, Judith. 1999 [1990]. *Gender Trouble: Feminism and the Subversion of Identity* (10th Anniversary Edition), Routledge; Butler, Judith. 1993. *Bodies That Matter: On the Discursive Limits of "Sex."* Routledge; Butler, Judith. 2006. *Precarious Life: The Powers of Mourning and Violence*. New York: Verso. Hereafter, GT, BTM, and PL respectively.

¹² On ecologies, see Federici 2012 (n9); Fraser 2013 (n9); Irigaray 1985 (n6); Gibson-Graham, J. K. 2006. *A Postcapitalist Politics*. Minneapolis: University of Minnesota Press. On ecologies, see Bennett, Jane. 2010. *Vibrant matter: A political ecology of things*. Durham: Duke University Press; Erev, Stephanie. 2019. "Feeling the Vibrations: On the Micropolitics of Climate Change." *Political Theory* 47(6): 836-863; Maxwell, Lida. 2017. "Queer/Love/Bird Extinction: Rachel Carson's Silent Spring as a Work of Love." *Political Theory* 45(5): 682-704; Daly, Mary. 1990 [1978]. *Gyn/Ecology: The Metaethics of Radical Feminism*. Boston: Beacon Press. On

institutions, see Tronto, Joan C. 2010. "Creating caring institutions: Politics, plurality, and purpose." *Ethics and social welfare* 4(2): 158-171; Walsh, Denise M. 2010. *Women's Rights in Democratizing States: Just Debate and Gender Justice in the Public Sphere*. Cambridge: Cambridge University Press; and Hyde, Cheryl A. 2018. "Charisma, collectives, and commitment: hybrid authority in radical feminist social movement organizations," *Social Movement Studies*, 17(4): 424-436. On new materialist feminism, see also: Alaimo, Stacy, and Susan Hekman (Eds.) 2008. *Material Feminisms*. Indiana University Press; and Coole, Diana and Samantha Frost (Eds.) 2010. *New Materialisms: Ontology, Agency, and Politics*. Durham: Duke University Press.

¹³ Grosz 1998 (n6); Butler, BTM (n11); Young, Iris Marion. 2005. *On Female Body Experience: "Throwing Like A Girl" and Other Essays*. Oxford: Oxford University Press.

¹⁴ Roberts, Dorothy, 1999, *Killing the Black Body*, New York: Vintage; Ross, Loretta and Rickie Solinger. 2017. *Reproductive Justice: An Introduction*. Oakland: University of California Press.

¹⁵ Regarding imperialism, human rights, and humanitarianism, see for instance: Puar, Jasbir. 2018. *Terrorist assemblages: Homonationalism in Queer Times*. Durham: Duke University Press; Fassin, Didier. 2011. *Humanitarian Reason: a Moral History of the Present*. University of California Press; Narayan, Uma. 2013. *Dislocating Cultures: Identities, Traditions, and Third World Feminism*. Routledge; Khoja-Moolji, Shenila S. 2017. "The making of humans and their others in and through transnational human rights advocacy: Exploring the cases of Mukhtar Mai and Malala Yousafzai." *Signs: Journal of Women in Culture and Society* 42(2): 377-402. For suspicion towards rights more generally, see Brown, Wendy. 1995. *States of Injury: Power and Freedom in Late Modernity*. Zone Books.

REFERENCES

- Agamben, Giorgio. 2005. *State of Exception*. Kevin Attell (Transl.). Chicago: University of Chicago Press.
- Aguilera, Jasmine. 2019. "Here's What to Know About the Status of Family Separation at the U.S. Border, Which Isn't Nearly Over," *Time Magazine* <https://time.com/5678313/trump-administration-family-separation-lawsuits/> (accessed 12/02/2019).
- Ahmed, Sara. 2008. "Open Forum, Imaginary Prohibitions: Some Preliminary Remarks on the Founding Gestures of the 'New Materialism.'" *European Journal of Women's Studies* 15(1): 23–39.
- Alaimo, Stacy, and Susan Hekman (Eds.) 2008. *Material Feminisms*. Indiana University Press.
- Alcoff, Linda. 1988. "Cultural Feminism versus Post-Structuralism: The Identity Crisis in Feminist Theory," *Signs: Journal of Women in Culture and Society* 13(3): 405-436.
- Alexander, Michelle. 2010. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. The New Press.
- Allen, Amy. 2008. *The Politics of Our Selves: Power, Autonomy, and Gender in Contemporary Critical Theory*. New York: Columbia University Press.
- American Civil Liberties Union (ACLU), American Immigration Council (Council), American Immigration Lawyers Association (AILA), Center for Gender and Refugee Studies (CGRS), Northwest Immigrant Rights Project (NWIRP), Refugee and Immigrant Center for Education and Legal Services (RAICES) and Women's Refugee Commission (WRC). 2017. "Joint Complaint against ICE Re: Treatment of Pregnant Women." <https://www.womensrefugeecommission.org/images/zdocs/Joint-Complaint-CRCL-ICE-Detention-of-Pregnant-Women-Sep2017.pdf> (accessed 04/13/2019).

Americans United for Life (AUL). 2012. *Defending the Human Right to Life in Latin America*.

AUL: Washington, D.C.

---. 2013. *The Women's Protection Project*. Americans United for Life: Arlington, VA.

<http://www.aul.org/wp-content/uploads/2014/01/WWP-full.pdf> (accessed 11/01/2017).

---. 2015a. "Dignified Final Disposition Act: Model Legislation & Policy Guide 2015,"

https://aul.org/downloads/2015-Legislative-Guides/Legal-Recognition-of-the-Unborn/Dignified_Final_Disposition_Act_-_2015_LG.pdf (accessed 11/01/2017).

---. 2015b. "Statement on the Constitutionality of the Unborn Infants Dignity Act,"

<https://aul.org/wp-content/uploads/2015/12/UIDA-Constitutionality.pdf> (accessed 11/01/2017).

---. 2016. "Unborn Infants Dignity Act Sample Legislation." [https://aul.org/wp-](https://aul.org/wp-content/uploads/2015/08/AUL-Unborn-Infants-Dignity-Act-2016-LG-FINAL-8-05-16.pdf)

[content/uploads/2015/08/AUL-Unborn-Infants-Dignity-Act-2016-LG-FINAL-8-05-16.pdf](https://aul.org/wp-content/uploads/2015/08/AUL-Unborn-Infants-Dignity-Act-2016-LG-FINAL-8-05-16.pdf) (accessed 11/01/2017).

---. 2017. *Defending Life 2017*. Americans United For Life: Arlington, VA.

<http://www.aul.org/wp-content/uploads/2017/03/DefendingLife2017.pdf> (accessed 09/06/2018)

---. 2018a. *Defending Life 2018*. AUL: Arlington, VA. [https://aul.org/wp-](https://aul.org/wp-content/uploads/2018/10/Defending-Life-2018.pdf)

[content/uploads/2018/10/Defending-Life-2018.pdf](https://aul.org/wp-content/uploads/2018/10/Defending-Life-2018.pdf) (accessed 09/06/2018).

---. 2018b. "Unborn Infants Dignity Act: Myths & Facts." [https://aul.org/2018/03/16/the-unborn-](https://aul.org/2018/03/16/the-unborn-infants-dignity-act-myths-and-facts/)

[infants-dignity-act-myths-and-facts/](https://aul.org/2018/03/16/the-unborn-infants-dignity-act-myths-and-facts/) (accessed 11/18/2019).

---. 2019. "Latin America." <https://aul.org/latin-america/> (accessed 10/22/2019).

---. N.D. "History." <https://aul.org/about/history/> (accessed 04/01/2020).

- Anderson, Elizabeth. 2015. "Equality and freedom in the workplace: Recovering republican insights." *Social Philosophy and Policy* 31(2): 48-69.
- Arendt, Hannah. 1980. *Between Past and Future*. Penguin Books.
- Ariss, Rachel. 2003. "Theorizing Waste in Abortion and Fetal Ovarian Tissue Use." 15 *Can. J. Women & L.* 255, 281.
- Arruzza, Cinzia, Tithi Bhattacharya, and Nancy Fraser. 2019. *Feminism for the 99 Percent: A Manifesto*. Verso (Kindle).
- Asian Communities for Reproductive Justice (ACRJ). 2005. "A New Vision for Advancing Our Movement." <http://strongfamiliesmovement.org/assets/docs/ACRJ-A-New-Vision.pdf> (accessed 10/01/2019).
- Associated Press. 2019. "More than 2,000 foetal remains found at home of former Indiana abortion doctor." The Guardian <https://www.theguardian.com/us-news/2019/sep/15/more-than-2000-foetal-remains-found-at-home-of-former-indiana-abortion-doctor> (accessed 11/16/2019).
- Athanasiou, Athena. 2006. "Bloodlines: Performing the Body of the "Demos," Reckoning the Time of the "Ethnos,"" *Journal of Modern Greek Studies* 24: 229–256.
- Ataiants, Janna, Chari Cohen, Amy Henderson Riley, Jamile Tellez Lieberman, Mary Clare Reidy, and Mariana Chilton. 2018. "Unaccompanied children at the United States border, a human rights crisis that can be addressed with policy change." *Journal of Immigrant and Minority Health* 20(4): 1000-1010.
- Attie, Katherine Bootle. 2008. "Re-membering the body politic: Hobbes and the construction of civic immortality." *ELH* 75(3): 497-530.
- Balfour, Lawrie. 2005. "Reparations After Identity Politics." *Political Theory* 33(6).

- Barclay, Linda. 2000. "Autonomy and the Social Self." In *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self* (Catriona MacKenzie and Natalie Stoljar, Eds.). Oxford: Oxford University Press.
- Bargu, Banu. 2014. *Starve and Immolate: The Politics of Human Weapons*. New York: Columbia University Press.
- Barnouw, Jeffrey. 1980. "Hobbes's Causal Account of Sensation." *Journal of the History of Philosophy* 18(2): 115-130.
- Bart, Pauline. 1987. "Seizing the Means of Reproduction: An Illegal Feminist Abortion Collective – How and Why it Worked." *Qualitative Sociology* 10(4): 339-357.
- Battersby, Christine. 1998. *The Phenomenal Woman: Feminist Metaphysics and Patterns of Identity*. New York: Routledge.
- BBC News (no author). 2018. "Argentina abortion: Senate defeats bill after polarising debate." <https://www.bbc.com/news/world-latin-america-45125687> (accessed 03/24/2020).
- . BBC News (no author). 2019. "Argentine 11-year-old's C-section sparks abortion debate." <https://www.bbc.com/news/world-latin-america-47400819> (accessed 03/24/2020).
- de Beauvoir, Simone. 2011. *The Second Sex*. Translated by Constance Borde and Shiela Malovany-Chevallier. Vintage: New York, NY.
- . 2015 [1948]. *The Ethics of Ambiguity*. New York: Open Road.
- Ben-Ishai, Elizabeth. 2012. "The new paternalism: An analysis of power, state intervention, and autonomy." *Political Research Quarterly* 65(1): 151-165.
- Bennett, Jane. 2010. *Vibrant matter: A political Ecology of Things*. Durham: Duke University Press.
- Berlant, Lauren. 1993. "The theory of infantile citizenship," *Public Culture* 5: 395–410.

- . 1994. "America, 'Fat,' the Fetus." *Boundary 2*, 21(3): 145-195.
- Berlin, Isaiah. 1969. *Four Essays on Liberty*. Oxford: Oxford University Press.
- Bernasconi, Robert. 1996. "The Double Face of the Political and Social: Hannah Arendt and America's Racial Divisions." *Research in Phenomenology* 26:3-24.
- Bevir, Mark. 1999. "Foucault and Critique: Deploying Agency against Autonomy." *Political Theory* 27(1).
- Bollinger, Laurel. 2007. "Placental Economy: Octavia Butler, Luce Irigaray, and Speculative Subjectivity," *Lit: Literature Interpretation Theory*, 18(4): 325-352.
- Bonilla-Silva, Eduardo. 2002. "We are all Americans!: the Latin Americanization of racial stratification in the USA," *Race & Society* 5: 3-16.
- Bordo, Susan. 2003. *Unbearable Weight: Feminism, Western Culture, and the Body*. Berkeley: University of California Press.
- Box v. Planned Parenthood of Indiana and Kentucky, Inc.*, 2019. No. 18-483, 587 U.S. ___, 139 S.Ct. 1780. https://www.supremecourt.gov/opinions/18pdf/18-483_3d9g.pdf (accessed 03/26/2020).
- Bracke, Maud Anne. 2017. "Feminism, the state, and the centrality of reproduction: abortion struggles in 1970s Italy." *Social History* 42(4): 524-546.
- Brendese, P. J. 2014. "Borderline epidemics: Latino immigration and racial biopolitics," *Politics, Groups, and Identities* 2(2): 168-187.
- Brown, Wendy. 1995. *States of Injury: Power and Freedom in Late Modernity*. Zone Books.
- . 1998. *Manhood and Politics: A Feminist Reading in Political Theory*. New York: Rowman & Littlefield.
- . 2010. *Walled States, Waning Sovereignty*. Zone Books.

- . 2015. *Undoing the Demos: Neoliberalism's Stealth Revolution*. MIT Press.
- Browne, Victoria. 2016. "Feminist Philosophy and Prenatal Death: Relationality and the Ethics of Intimacy." *Signs: Journal of Women in Culture and Society* 41 (2).
- Buchan, Bruce. 2011. "Duo pezzi in su la piazza: The Death of the Body Politic in Western Political Thought." *South Atlantic Quarterly* 110(4).
- Burnett, John. 2018. "Funding The Immigration Crackdown At An 'Unsustainable Rate.'" *NPR* <https://www.npr.org/2018/09/26/651524569/funding-the-immigration-crackdown-at-an-unsustainable-rate> (accessed 12/02/2019).
- Burwell v. Hobby Lobby Stores, Inc.* 2014. 134 S. Ct. 2751, 573 U.S. 682, 189 L. Ed. 2d 675.
- Butler, Judith. 1999 [1990]. *Gender Trouble: Feminism and the Subversion of Identity* (10th Anniversary Edition), Routledge.
- . 1993. *Bodies That Matter: On the Discursive Limits of "Sex."* Routledge.
- . 2006. *Precarious Life: The Powers of Mourning and Violence*. New York: Verso.
- . 2014. *Parting Ways: Jewishness and the Critique of Zionism*. New York: Columbia University Press.
- . 2015. *Notes Toward a Performative Theory of Assembly*. Cambridge: Harvard University Press.
- Byrne, Olga. 2008. "Unaccompanied Children in the United States: A Literature Review." Vera Institute of Justice. https://law.loyno.edu/sites/law.loyno.edu/files/images/Vera%20Institute_%20Unaccompanied%20Children%20in%20the%20US.pdf (accessed 03/26/2020).

- Camosy, Charles C. 2019. "I Am Pro-Life. Don't Call Me Anti-Abortion." *The New York Times*
<https://www.nytimes.com/2019/01/09/opinion/abortion-pro-life.html> (accessed
 04/08/2020)
- Casper, Monica and Lynn Morgan. 2004. "Constructing Fetal Citizens," *Anthropology News*
 45(9): 17-18.
- Carroll, David. 2017. "Hacking the Voters: Why a British company has America's voter data and
 how British law can help us get it back." *Medium*
<https://medium.com/@profcarroll/takebackourvoterdata-21768a756672> (accessed
 03/01/2020).
- Center for Reproductive Rights. 2018. "Trial Concludes in Challenge to Unconstitutional Texas
 Abortion Restrictions." [https://reproductiverights.org/Trial-Concludes-Challenge-to-
 Unconstitutional-Texas-Abortion-Restrictions](https://reproductiverights.org/Trial-Concludes-Challenge-to-Unconstitutional-Texas-Abortion-Restrictions) (accessed 03/14/2020).
- Chakrabarty, Dipesh. 2007. *Provincializing Europe: Postcolonial Thought and Historical
 Difference*. Princeton: Princeton University Press.
- Chatterjee, Nilanjana and Nancy E. Riley. 2001. "Planning an Indian Modernity: The Gendered
 Politics of Fertility Control," *Signs: Journal of Women in Culture and Society* 26(3): 811-
 845.
- Chatterjee, Partha. 2004. *The Politics of the Governed: Reflections on Popular Politics in Most
 of the World*. Columbia University Press.
- Cheah, Pheng. 1996. "Mattering: Review of Bodies That Matter: On the Discursive Limits of
 'Sex' by Judith Butler; Volatile Bodies: Toward a Corporeal Feminism by Elizabeth
 Grosz," *Diacritics* 26(1): 108-139.

- Cho, Sumi, Kimberlé Williams Crenshaw, and Leslie McCall. 2013. "Toward a field of intersectionality studies: Theory, applications, and praxis." *Signs: Journal of Women in Culture and Society* 38(4): 785-810.
- Christman, John. 1987. "Autonomy: A defense of the Split-Level Self." *Southern Journal of Philosophy* 25 (3): 281-93
- . 1991. "Liberalism and individual positive freedom." *Ethics* 101(2): 343-359.
- . 2004. "Relational autonomy, liberal individualism, and the social constitution of selves." *Philosophical Studies* 117 (1-2): 143-64.
- Christman, John, and Joel Anderson, (Eds). 2005. *Autonomy and the Challenges to Liberalism: New essays*. Cambridge: Cambridge University Press.
- Cisneros, Natalie. 2013. "'Alien' Sexuality: Race, Maternity, and Citizenship." *Hypatia* 28(2).
- Cobain, Jessica. 2019. "The Anti-Immigrant Extremists in Charge of the U.S. Immigration System," The Center for American Progress,
<https://www.americanprogress.org/issues/immigration/news/2019/06/24/471398/anti-immigrant-extremists-charge-u-s-immigration-system/> (accessed 12/02/2019).
- Code, Lorraine. 2000. "The Perversion of Autonomy and the Subjection of Women: Discourses of Social Advocacy at Century's End," In *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self* (Catriona MacKenzie and Natalie Stoljar, Eds.). Oxford: Oxford University Press.
- Cohen, Adam. 2019. "Clarence Thomas Knows Nothing of My Work." *The Atlantic*
<https://www.theatlantic.com/ideas/archive/2019/05/clarence-thomas-used-my-book-argue-against-abortion/590455/> (accessed 03/26/2020).

- Collette, Ashley. 2019. "Concern or Calculation: An Examination of State Law Mandating the Burial or Cremation of a Fetus." 9 Wake Forest L. Rev. Online 1
<http://wakeforestlawreview.com/2019/01/concern-or-calculation-an-examination-of-state-law-mandating-the-burial-or-cremation-of-a-fetus/>
- Colls, Rachel and Maria Fannin. 2013. "Placental surfaces and the geographies of bodily interiors." *Environment and Planning A*, 45: 1087 – 1104.
- Confino, Alon. 2015. *A World Without Jews: The Nazi Imagination from Persecution to Genocide*. New Haven: Yale University Press.
- Connolly, William E. 2005. "The evangelical-capitalist resonance machine." *Political Theory* 33(6): 869-886.
- . 2011. *A World of Becoming*. Durham: Duke University Press.
- . 2017. *Aspirational Fascism: The Struggle for Multifaceted Democracy Under Trumpism*. Minneapolis: University of Minnesota Press.
- Coole, Diana and Samantha Frost (Eds.) 2010. *New Materialisms: Ontology, Agency, and Politics*. Durham: Duke University Press.
- Cooper, Melinda. 2017. *Family values: Between neoliberalism and the new social conservatism*. MIT Press.
- Cornell, Drucilla. 1995. *The Imaginary Domain: Abortion, Pornography and Sexual Harassment*. New York: Routledge.
- Corrêa, Sonia, and Rebecca Reichmann. 1994. *Population and Reproductive Rights: Feminist Perspectives from the South*. Zed Books.
- Coulthard, Glen. 2014. *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*. Minneapolis: University of Minnesota Press.

- Crenshaw, Kimberlé. 1989. "Demarginalizing the intersection of race and sex: A black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics." *University of Chicago Legal Forum* 139.
- . 1990. "Mapping the margins: Intersectionality, identity politics, and violence against women of color." *Stan. L. Rev.* 43: 1241.
- Cunningham, Patrick. 2008 "Italian feminism, workerism, and autonomy in the 1970s: The Struggle Against Unpaid Reproductive Labor and Violence." *Amnis: Revue de civilisation contemporaine Europes/Amériques* 8.
- Cumbers, Andrew. 2015. "Constructing a global commons in, against and beyond the state," *Space and Polity*, 19(1): 62-75.
- Daly, Mary. 1990 [1978]. *Gyn/Ecology: The Metaethics of Radical Feminism*. Boston: Beacon Press.
- Daniels, Cynthia R., Janna Ferguson, Grace Howard, and Amanda Roberti. 2016. "Informed or misinformed consent? Abortion policy in the United States," *Journal of Health Politics, Policy and Law*, 41(2): 181-209.
- Davis, Angela Y. 1983. *Women, Race, and Class*. Vintage Books.
- . 2012. *The meaning of freedom: And other difficult dialogues*. City Lights Publishers.
- . 2016. *Freedom is a Constant Struggle: Ferguson, Palestine, and the Foundations of a Movement*. Chicago, IL: Haymarket Books.
- Davis, Heath Fogg. 2016. "An argument for reviving the pragmatism of early critical race feminist theory." In the Critical Exchange on Bodies in Politics. *Contemporary Political Theory* 15(1): 80–118.

- De Genova, Nicholas. 2004. "The Legal Production of Mexican/Migrant 'Illegality,'" *Latino Studies* (2): 160–185.
- Delphy, Christine. 1984. *Close to Home: A Materialist Analysis of Women's Oppression*. Amherst: University of Massachusetts Press.
- Denbow, Jennifer M. 2015. *Governed Through Choice: Autonomy, Technology, and the Politics of Reproduction*. New York University Press.
- . 2016. "Abortion as Genocide: Race, Agency, and Nation in Prenatal Nondiscrimination Bans." *Signs: Journal of Women in Culture and Society* 41(3): 603-626.
- Derysh, Igor. 2019. "'Pro-choice' Susan Collins has voted to confirm 32 anti-abortion Trump judges." *Salon*. <https://www.salon.com/2019/06/06/pro-choice-susan-collins-has-voted-to-confirm-32-anti-abortion-trump-judges/> (accessed 04/08/2020).
- Descartes, René. 2007. *The correspondence between princess Elisabeth of Bohemia and René Descartes*. Chicago: University of Chicago Press.
- Deutscher, Penelope. 2008. "The Inversion of Exceptionality: Foucault, Agamben, and 'Reproductive Rights.'" *South Atlantic Quarterly* 107(1).
- . 2010. "Reproductive Politics, Biopolitics and Auto-immunity: From Foucault to Esposito." *Bioethical Inquiry* 7: 217–226.
- . 2017. *Foucault's Futures: A Critique of Reproductive Reason*. New York: Columbia University Press.
- Dickerson, Caitlin. 2019. "'There Is a Stench': Soiled Clothes and No Baths for Migrant Children at a Texas Center," *The New York Times*

- <https://www.nytimes.com/2019/06/21/us/migrant-children-border-soap.html> (accessed 12/02/2019).
- Diprose, Rosalyn. 2013. "Corporeal Interdependence: From Vulnerability to Dwelling in Ethical Community." *SubStance* 42(3): 185-204.
- Dryzek, John S. 1992. "The good society versus the state: Freedom and necessity in political innovation." *The Journal of Politics* 54(2): 518-540.
- Dworkin, Gerald. 1988. *The theory and practice of autonomy*. New York: Cambridge University Press.
- . 2015. "The nature of autonomy." *Nordic Journal of Studies in Educational Policy* 2: 284-279.
- Emily's List. N.D. "Mission & Vision." <https://www.emilyslist.org/pages/entry/our-mission> (accessed 04/08/2020).
- Enright, Mairead. 2018. "The American origins of proposed amendments to the Health (Regulation of Termination of Pregnancy) Bill 2018." *Lawyers4Choice* <https://lawyers4choice.ie/2018/11/05/the-american-origins-of-proposed-amendments-to-the-health-regulation-of-termination-of-pregnancy-bill-2018/>
- Erev, Stephanie. 2019. "Feeling the Vibrations: On the Micropolitics of Climate Change." *Political Theory* 47(6): 836-863.
- Fannin, Maria. 2014. "Placental Relations." *Feminist Theory* 15(3): 289–306.
- Fassin, Didier. 2011. *Humanitarian Reason: A Moral History of the Present*. University of California Press.
- Fausto-Sterling, Anne. 1993. "The five sexes: why male and female are not enough." *The Sciences* 33(2): 20-26.

- . 2000. *Sexing the body: Gender Politics and the Construction of Sexuality*. Basic Books.
- Federici, Silvia. 2012. *Revolution at Point Zero: Housework, Reproduction, and Feminist Struggle*. Verso Books.
- Federici, Silvia and George Caffentzis. 2014. "Commons against and beyond Capitalism." *Community Development Journal* 49(S1): i92–i105.
- Ferguson, Kathy. 2011. *Emma Goldman: Political Thinking in the Streets*. New York: Rowman & Littlefield.
- Firestone, Shulamith. 1970. *The Dialectic of Sex: The Case for Feminist Revolution*. New York: Farrar, Strauss, and Giroux.
- FitzGerald, Tucker. 2017. "How I Moved From Being A Pro-life Evangelical to Become a Pro-choice Feminist," *Medium* <https://medium.com/@tuckerfitzgerald/how-i-moved-from-being-a-pro-life-evangelical-to-become-a-pro-choice-feminist-e211a2d3c4b0> (accessed 03/01/2020).
- Foucault, Michel. 1995 [1977]. *Discipline and Punish: The Birth of the Prison*. 2nd Edition, Alan Sheridan (Transl.) Vintage Books.
- . 1980. *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*. Colin Gordon (Ed. & Transl.); Leo Marshall, John Mepham, and Kate Soper (Transl.). New York: Pantheon Books.
- . 1988. *The History of Sexuality, Vol. 1: An Introduction*. Random House.
- . 2010 [1979]. *The Birth of Biopolitics: Lectures at the Collège de France, 1978--1979 (Lectures at the College de France)*. Michel Senellart (Ed.), Graham Burchell (Transl.) Picador.

- Fraser, Mariam. 2002. "What is the matter of feminist criticism?" *Economy and Society*, 31(4): 606-625.
- . 2001. "Visceral Futures: Bodies of Feminist Criticism." *Social Epistemology* 15(2): 91-111.
- Fraser, Nancy. 1993. "Clintonism, Welfare, and the Anti-Social Wage: the Emergence of a Neoliberal Political Imaginary." *Rethinking Marxism* 6(1):9-23.
- . 1996. "Social Justice in the Age of Identity Politics: Redistribution, Recognition, and Participation." *Tanner Lectures*, Stanford University.
- . 2009. "Contradictions of Capital and Care." *New Left Review* 100(July/August).
- . 2013. *Fortunes of Feminism: From State-Managed Capitalism to Neoliberal Crisis*. Verso.
- Friedman, Marilyn. 2003. *Autonomy, Gender, Politics*. Oxford: Oxford University Press.
- . 2000. "Autonomy, Social Disruption, and Women." In *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self* (Catriona MacKenzie and Natalie Stoljar, Eds.). Oxford: Oxford University Press.
- Friedersdorf, Conor. 2013. "Why Dr. Kermit Gosnell's Trial Should Be a Front-Page Story." *The Atlantic* <https://www.theatlantic.com/national/archive/2013/04/why-dr-kermit-gosnells-trial-should-be-a-front-page-story/274944/> (accessed 03/24/2020).
- Frost, Amanda. 2019. "The New War on Naturalized Citizens," *The American Prospect* <https://prospect.org/justice/the-new-war-on-naturalized-citizens/> (accessed 12/02/2019).
- Frost, Samantha. 2001. "Faking it: Hobbes's thinking-bodies and the ethics of dissimulation." *Political Theory* 29(1): 30-57.
- . 2014. "Re-considering the turn to biology in feminist theory." *Feminist Theory* 15(3): 307–326.

- García Hernández, César Cuauhtémoc 2014, “Immigration Detention as Punishment,” 61 *UCLA L. REV.* 1346.
- Garrison, Vyckie. 2012. “How I Lost Faith in the “Pro-Life” Movement.” *Rewire* <https://rewire.news/article/2012/10/30/how-i-lost-faith-in-%E2%80%9Cpro-life%E2%80%9D-movement-1/> (accessed 03/01/2020).
- Garza v. Hargan*, No. 1:17-cv-02122 (D.D.C. Oct. 18, 2017); vacated in part, D.C. Cir., Oct. 19, 2017; vacated and remanded, 874 F. 3d 735 (D.C. Cir. 2017) (en banc).
- Gatens, Moira. 1996. *Imaginary Bodies: Ethics, Power, and Corporeality*. New York: Routledge.
- Gibson-Graham, J. K. 1996. *The End of Capitalism (As We Knew It)*. Minneapolis: University of Minnesota Press.
- . 2006. *A Postcapitalist Politics*. Minneapolis: University of Minnesota Press.
- Gilligan, Carol. 1982. *In a Different Voice: Psychological Theory and Women’s Development*. Cambridge: Harvard University Press.
- Gines, Kathryn T. 2009. “Hannah Arendt, Liberalism, and Racism: Controversies Concerning Violence, Segregation, and Education.” *The Southern Journal of Philosophy* 47:53–76.
- . 2014. *Hannah Arendt and the Negro Question*. Bloomington: Indiana University Press.
- Gonzalez, Jaime Acosta Jess Issacharoff, and Jacob Soule. 2019. “Introduction.” In the Issue on Neoliberalism and Social Reproduction, *Polygraph Open Access Journal*, Published by the Union for Radical Political Economics. <https://urpe.org/2019/02/28/neoliberalism-and-social-reproduction-polygraph-journal-open-access/> (accessed 03/24/2020).

- Goodkind, Nicole. 2019. "Trump Administration Argues Detained Migrant Children Don't Need Toothbrushes, Soap." *Newsweek* <https://www.newsweek.com/migrant-children-border-trump-administration-1445090> (accessed 12/02/2019).
- Gourevitch, Alex. 2013. "Labor republicanism and the transformation of work." *Political Theory* 41(4): 591-617.
- . 2014. *From Slavery to the Cooperative Commonwealth: Labor and Republican Liberty in the Nineteenth Century*. Cambridge: Cambridge University Press.
- Grossman, Daniel, and Kate Grindlay. 2017. "Safety of medical abortion provided through telemedicine compared with in person." *Obstetrics & Gynecology* 130(4): 778-782.
- Grossman, Daniel, Kate Grindlay, Todd Buchacker, and Kathleen Lane. 2011. "Effectiveness and acceptability of medical abortion provided through telemedicine." *Obstetrics & Gynecology* 118(2): 296-303.
- Grossman, Daniel, Kelsey Holt, Melanie Peña, Diana Lara, Maggie Veatch, Denisse Córdova, Marji Gold, Beverly Winikoff, and Kelly Blanchard. 2010. "Self-induction of abortion among women in the United States." *Reproductive Health Matters*, 18(36): 136-146.
- Grosz, Elizabeth. 1994. *Volatile Bodies: Toward a Corporeal Feminism*. Bloomington: Indiana University Press.
- . 1998. In *Places Through the Body*, Heidi J. Nast and Steve Pile (Eds), pgs. 42-51. Psychology Press.
- Guenther, Lisa. 2012. "The Most Dangerous Place: Pro-Life Politics and the Rhetoric of Slavery." *Postmodern Culture* 22(2).
- Gurr, Barbara. 2015. *Reproductive Justice: The Politics of Healthcare for Native American Women*. New Brunswick: Rutgers University Press.

- Guttmacher Institute. 2016. "Fetal Tissue Research: A Weapon and a Casualty in the War Against Abortion." <https://www.guttmacher.org/gpr/2016/fetal-tissue-research-weapon-and-casualty-war-against-abortion> (accessed 10/24/2019).
- . 2018, "Targeted Regulation of Abortion Providers (TRAP) Laws," <https://www.guttmacher.org/evidence-you-can-use/targeted-regulation-abortion-providers-trap-laws> (accessed 01/31/2019).
- . 2019. "Targeted Regulation of Abortion Providers," <https://www.guttmacher.org/state-policy/explore/targeted-regulation-abortion-providers> (accessed 01/31/2019).
- Hanafin, Patrick. 2009. "Refusing disembodiment: Abortion and the paradox of reproductive rights in contemporary Italy." *Feminist Theory* 10(2).
- Haraway, Donna. 2013. *Simians, Cyborgs, and Women: The Reinvention of Nature*. Routledge.
- Harrison, Jill Lindsey and Sarah E. Lloyd. 2012. "Illegality at Work: Deportability and the Productive New Era of Immigration Enforcement." *Antipode* 44(2): 365–385.
- Hartmann, Betsy. 2016. *Reproductive Rights and Wrongs: The Global Politics of Population Control*. Chicago: Haymarket Books.
- Hartry, Allison. 2012. "Birthright Justice: The Attack on Birthright Citizenship and Immigrant Women of Color." *NYU Review of Law & Social Change* 36(5).
- Havercroft, Jonathan, and David Owen. 2016. "Soul-Blindness, Police Orders and Black Lives Matter: Wittgenstein, Cavell, and Rancière." *Political Theory*, 44(6), 739-763.
- Hayden, Tiana Bakić. 2011. "Private Bleeding: Self-Induced Abortion in the Twenty-First Century United States." *Gender Issues* 28(4), 209-225.

- Higgins, Eoin. 2018. "How ICE Works to Strip Citizenship From Naturalized Americans," *The Intercept* <https://theintercept.com/2018/02/14/ice-denaturalization-naturalized-citizen-immigration/> (accessed 12/02/2019).
- Hill Collins, Patricia. 2000. *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (2nd Edition). New York: Routledge.
- Hirschfield Davis, Julie. 2018. "President Wants to Use Executive Order to End Birthright Citizenship," *The New York Times* <https://www.nytimes.com/2018/10/30/us/politics/trump-birthright-citizenship.html> (accessed 12/02/2019).
- Hirschmann, Nancy. 2009. *The Subject of Liberty: Toward a Feminist Theory of Freedom*. Princeton: Princeton University Press
- Hird, Myra J. 2007. "The Corporeal Generosity of Maternity." *Body & Society*. 23(1).
- Hobbes, Thomas. 2011. *Leviathan*. Cambridge Texts in the History of Political Thought, Revised Student Edition (Ed. Richard Tuck). Cambridge: Cambridge University Press.
- Hockney, Jenny, and Janet Draper. 2005. "Beyond the Womb and the Tomb: Identity, (Dis)embodiment and the Life." *Body and Society* 11(2).
- Holc, Janine. 2004. "The Purest Democrat: Fetal Citizenship and Subjectivity in the Construction of Democracy in Poland." *Signs* 29(3): 755-782.
- Huetteman, Emmarie. 2016. "U.S. Placed Immigrant Children With Traffickers, Report Says" *The New York Times* <https://www.nytimes.com/2016/01/29/us/politics/us-placed-immigrant-children-with-traffickers-report-says.html> (accessed 12/02/2019).
- Human Rights Watch. 2019. "Detained and Dismissed: Women's Struggles to Obtain Health Care in United States Immigration Detention,"

- <https://www.hrw.org/report/2009/03/17/detained-and-dismissed/womens-struggles-obtain-health-care-united-states> (accessed 01/15/2019).
- Hyde, Cheryl A. 2018. "Charisma, collectives, and commitment: hybrid authority in radical feminist social movement organizations," *Social Movement Studies* 17(4): 424-436.
- Ibis Reproductive Health. ND. "Texas Policy Evaluation Project (TxPEP)." <https://www.ibisreproductivehealth.org/projects/texas-policy-evaluation-project-txpep> (accessed 03/24/2020).
- Idris, Murad. 2016. "Political Theory and the Politics of Comparison." *Political Theory* <https://journals.sagepub.com/doi/full/10.1177/0090591716659812> (accessed 04/09/2020).
- Ignatow, Gabe and Alexander Williams. 2011. "New media and the 'anchor baby' boom," *Journal of Computer-Mediated Communication* 17(1): 60–76.
- Irigaray, Luce. 1993 [1984]. *An Ethics of Sexual Difference*. Trans. Carolyn Burke and Gillian C. Gill. Ithaca: Cornell University Press.
- . 1985 [1977]. *This Sex Which Is Not One*. Trans. Catherine Porter. Ithaca: Cornell University Press.
- Jerman, Jenna, Tsuyoshi Onda, and Rachel K. Jones. 2018. "What are people looking for when they Google "self-abortion"?" *Contraception* 97(6): 510-514
- Kaplan, Laura. 1995. *The Story of Jane: The Legendary Underground Feminist Abortion Service*. New York: Pantheon.
- Kant, Immanuel. 2002. *Groundwork for the Metaphysics of Morals* (Ed. and transl. by Allen W. Wood). New Haven: Yale University Press.
- Kanstroom, Daniel. 2000. "Deportation, Social Control, and Punishment: Some Thoughts about Why Hard Laws Make Bad Cases." *Harvard Law Review* 11: 1889-1935.

- Kantorowicz, Ernst. 2016. *The King's Two Bodies: A Study in Medieval Political Theology*. Princeton: Princeton University Press.
- Keane, Helene. 2009. "Foetal personhood and representations of the absent child in pregnancy loss memorialization." *Feminist Theory* 10(2): 153–171.
- Kent, Julie. 2008. "The fetal tissue economy: From the abortion clinic to the stem cell laboratory." *Social Science & Medicine* 67:1747–1756.
- Khoja-Moolji, Shenila S. 2017. "The making of humans and their others in and through transnational human rights advocacy: Exploring the cases of Mukhtar Mai and Malala Yousafzai." *Signs: Journal of Women in Culture and Society* 42(2): 377-402.
- Kirkpatrick, Jenet (Ed), Michael L. Ferguson, R. Claire Snyder-Hall, Lori J. Marso, and Nancy J. Hirschmann. 2010. "Symposium: Women's Choices and the Future of Feminism." *Perspectives on Politics* 8(1).
- Kristeva, Julia. 1982. *Powers of Horror: An Essay on Abjection*. New York: Columbia University Press.
- Laclau, Ernesto, and Chantal Mouffe. 2014. *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*. Verso.
- Landemore, Hélène and Isabelle Ferreras. 2016. "In Defense of Workplace Democracy: Towards a Justification of the Firm–State Analogy." *Political Theory* 44(1): 53-81.
- Laufer-Ukelest, Pamela. 2011. "Reproductive Choices and Informed Consent: Fetal Interests, Women's Identity, and Relational Autonomy," *American Journal of Law & Medicine*, 37: 567-623.

- Leach, Brittany R. 2020. "Who's Backlashing Against Whom? Feminism, Backlash, and the American Pro-Life Movement's 'Mother-Child Strategy,'" *Signs: Journal of Women in Culture and Society* 45(2): 319-328.
- Lederer, Jenny. 2013. "'Anchor baby': A conceptual explanation for pejoration," *Journal of Pragmatics* 57: 248–266.
- Locke, John. 1980. *Second Treatise of Government* (Ed. C. B. Macpherson). Hackett.
- . 1990. *A Letter Concerning Toleration*. Prometheus Books.
- Lockhart, Joe. 2019. "Male politicians who oppose abortion rights are going to face some uncomfortable questions," *CNN* <https://www.cnn.com/2019/05/20/opinions/male-politicians-who-oppose-abortion-rights-face-uncomfortable-questions-lockhart/index.html> (accessed 04/08/2020).
- Lupton, Deborah. 2012. "'Precious Cargo': Foetal Subjects, Risk and Reproductive Citizenship." *Critical Public Health* 22(3): 329-340.
- . 2013. *The Social Worlds of the Unborn*. New York: Palgrave-Macmillan.
- MacCallum, Gerald. 1967. "Negative and Positive Freedom." *The Philosophical Review* 76(3): 324-325.
- MacKenzie, Catriona and Natalie Stoljar, 2000, "Introduction: Autonomy Reconfigured," In *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self* (Catriona MacKenzie and Natalie Stoljar, Eds.). Oxford: Oxford University Press.
- MacKinnon, Catharine A. 1989. *Toward a Feminist Theory of the State*. Harvard University Press.
- Mahmood, Saba. 2005. *Politics of Piety: The Islamic Revival and the Feminist Subject*. Princeton: Princeton University Press.

- Marso, Lori. 2017. *Politics with Beauvoir: Freedom in the Encounter*. Durham: Duke University Press.
- Martin, Aryn. 2010. "Microchimerism in the Mother(land): Blurring the Borders of Body and Nation." *Body & Society* 16(3): 23–50.
- Martin, Jonathan. 2019. "Canceled Fund-Raiser Prompts Question: Can a Democrat Oppose Abortion?" *The New York Times* <https://www.nytimes.com/2019/05/22/us/politics/dan-lipinski-abortion-cheri-bustos.html> (accessed 04/08/2020).
- Marx, Karl and Friedrich Engels. 1978. *The Marx-Engels Reader*. 2nd Edition (Robert Tucker, Ed.). W. W. Norton & Company.
- Maxwell, Lida. 2017. "Queer/Love/Bird Extinction: Rachel Carson's Silent Spring as a Work of Love." *Political Theory* 45(5): 682-704.
- Mbembe, Achille. 2019. *Necropolitics*. Durham: Duke University Press.
- McCammon, Sarah and Tanya Ballard Brown. 2019. "Fate Of Fetal Remains Unclear As Investigation Continues In Indiana." *NPR*. <https://www.npr.org/2019/09/19/762364993/fate-of-fetal-remains-unclear-as-investigation-continues-in-indiana> (accessed 12/01/2019).
- McCulloch, Alison. 2012. "The rise of the fetal citizen," *Women's Studies Journal*, 26(2): 17-25.
- McKean, Benjamin L. 2016. "Toward an inclusive populism? On the role of race and difference in Laclau's politics." *Political Theory* 44(6): 797-820.
- McKinney, Claire. 2016. "Selective Abortion as Moral Failure? Revaluation of the Feminist Case for Reproductive Rights in a Disability Context." *Disability Studies Quarterly* 36(1).

- McReynolds- Pérez, Julia. 2017a. "No Doctors Required: Lay Activist Expertise and Pharmaceutical Abortion in Argentina." *Signs: Journal of Women in Culture and Society* 42(2): 349-375.
- . 2017b. "Abortion as empowerment: reproductive rights activism in a legally restricted context." *BMC Pregnancy and Childbirth* 17(Suppl 2):350.
- McWhorter, Ladelle. 2009. *Racism and Sexual Oppression in Anglo-America: A Genealogy*. Bloomington: Indiana University Press.
- Megas, Natalia. 2019. ICE Jailed Pregnant Woman and Could've Killed Her Unborn Child." *The Daily Beast*. <https://www.thedailybeast.com/ice-jailed-pregnant-woman-and-couldve-killed-her-unborn-child> (accessed 04/13/2019).
- Megill, Allan. 2001. *Karl Marx: The Burden of Reason*. Rowman & Littlefield.
- Menzel, Annie. 2013. "Birthright Citizenship and the Racial Contract: The United States' Jus Soli Rule against the Global Regime of Citizenship," *Du Bois Review* 10(1): 29–58.
- Meyers, Diana Tietjens. 2000. "Intersectional Identity and the Authentic Self?: Opposites Attract." In *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self* (Catriona MacKenzie and Natalie Stoljar, Eds.). Oxford: Oxford University Press.
- Mill, John Stuart. 2015. "The Subjection of Women." In *On Liberty and other writings*, Stefan Collini (Ed.). Cambridge: Cambridge University Press.
- . 2015. "On Liberty." In *On Liberty and other writings*, Stefan Collini (Ed.). Cambridge: Cambridge University Press.
- Mills, Charles W. 2011. "Body Politic, Bodies Impolitic." *Social Research: An International Quarterly* 78(2): 583-606.

- Mol, Annemarie. 2002. *The Body Multiple: Ontology in Medical Practice*. Durham: Duke University Press.
- Morey, Maribel. 2014. "Reassessing Hannah Arendt's 'Reflections on Little Rock' (1959)." *Law, Culture and the Humanities*, 10(1): 88–110.
- Morgan, Lynn M. 1996. "Fetal Relationality in Feminist Philosophy: An Anthropological Critique." *Hypatia*, 11(3): 47-70.
- . 2002. "'Properly Disposed of': A history of embryo disposal and the changing claims on fetal remains." *Medical Anthropology*, 21(3-4): 247-274.
- Morgan, Lynne, and Elizabeth F. S. Roberts. 2012. "Reproductive governance in Latin America." *Anthropology & Medicine* 19(2).
- Moten, Fred and Stefano Harney. 2013. *The Undercommons: Fugitive Planning & Black Study*. Brooklyn: Minor Compositions/Autonometia.
- Mouffe, Chantal. 2000. *The Democratic Paradox*. Verso.
- Musial, Jennifer. 2015. "Fetal citizenship in the borderlands: Arizona's house bill 2443 and state logics of racism and orientalism." *Social Identities* 20(4–5): 262–278.
- Musolff, Andreas. 2010. "Political Metaphor and Bodies Politic." In *Perspectives in Politics and Discourse*, Urszula Okulska and Piotr Cap (Eds), pgs. 23-41. John Benjamins Publishing.
- . 2011. "How (not) to resurrect the body politic: the racist bias in Carl Schmitt's theory of sovereignty." *Patterns of Prejudice* 45(5).
- Nagel, Thomas. 1959. "Hobbes's Concept of Obligation." *The Philosophical Review* 68(1): 68-83.

NARAL Pro-Choice America. 2020. "2019 Congressional Record on Choice."

https://www.prochoiceamerica.org/wp-content/uploads/2020/04/2019-NARAL-CongrRecordOnChoice_web.pdf (accessed 04/08/2020).

NARAL Pro-Choice Texas. 2016. "ACT NOW Against Rules Requiring Embryonic & Fetal Tissue Burial." <https://prochoicetexas.org/blog/2016/11/act-now-rules-requiring-embryonic-fetal-tissue-burial/> (accessed 03/31/2020).

---. N.D. "Archive: 'fetal tissue' tag." <http://prochoicetexas.org/blog/tag/fetal-tissue/> (accessed 03/31/2020).

Narayan, Uma. 2013. *Dislocating Cultures: Identities, Traditions, and Third World Feminism*. Routledge.

Nedelsky, Jennifer. 2011. *Law's Relations: A Relational Theory of Self, Autonomy, and Law*. Oxford: Oxford University Press.

Neocleous, Mark. 2001. "The fate of the body politic." *Radical Philosophy* 108: 29-38.

Norval, Aletta J. 2006. "Democratic Identification: A Wittgensteinian Approach." *Political Theory* 34(2): 229-255.

---. 2012. "'Writing a Name in the Sky': Rancière, Cavell, and the possibility of egalitarian inscription." *American Political Science Review* 106(4): 810-826

Nussbaum, Martha C. 1999. *Sex and Social Justice*. Oxford: Oxford University Press

---. 1999. "The Professor of Parody: The hip defeatism of Judith Butler," *The New Republic*, <https://newrepublic.com/article/150687/professor-parody> (accessed 03/15/2020).

---. 2004. "Emotions as Judgments of Value and Importance." In R. C. Solomon (Ed.), *Thinking about feeling: Contemporary philosophers on emotions* (p. 183–199). Oxford: Oxford University Press.

- Ocen, Priscilla, 2012, "Punishing Pregnancy: Race, Incarceration, and the Shackling of Pregnant Prisoners." *California Law Review* 100(5).
- Ochoa Espejo, Paulina. 2011. *The Time of Popular Sovereignty*. University Park, PA: The Pennsylvania State University Press.
- O'Donnell, Kelley Suzanne. 2017. "Reproducing Jane: Abortion Stories and Women's Political Histories." *Signs* 43(1): 77-96.
- Okin, Susan Moller. 1989. *Justice, Gender, and the Family*. Basic Books.
- . 2013. *Women in Western Political Thought*. Princeton: Princeton University Press.
- Oliver, Kelly. 2010. "Motherhood, Sexuality, and Pregnant Embodiment: Twenty-Five Years of Gestation." *Hypatia* 25(4): 760-777.
- Olivera, Katherine. 2018. "Immigration Is a Reproductive Justice Issue." *International Women's Health Coalition* <https://iwhc.org/2018/08/immigration-is-a-reproductive-justice-issue/> (accessed 03/27/2020).
- Oshana, Marina A. L. 1998. "Personal Autonomy and Society." *Journal of Social Philosophy* 29(1): 81-102.
- Palmer, Julie. 2009. "Seeing and knowing: Ultrasound images in the contemporary abortion debate." *Feminist Theory* 10(2): 173-189.
- Pateman, Carole. 1988. *The Sexual Contract*. Stanford: Stanford University Press.
- Pettit, Philip. 2012. *On the People's Terms: A Republican Theory and Model of Democracy*. Cambridge: Cambridge University Press.
- Phillips, Anne. 2011. "It's my body and I'll do what I like with it: Bodies as objects and property." *Political Theory* 39(6): 724-748.

- Piketty, Thomas. 2017. *Capital in the 21st Century* (Transl. Arthur Goldhammer). Belknap Press.
- Pojmann, Wendy. 2005. "Emancipation or liberation?: Women's associations and the Italian movement." *The Historian* 67(1): 73-96.
- Polanyi, Karl. 1957. *The Great Transformation*. Beacon Press.
- Pollitt, Katha. 2011. "Dr. Kermit Gosnell's Horror Show." *The Nation* <https://www.thenation.com/article/archive/dr-kermit-gosnells-horror-show/> (accessed 03/24/2020).
- Povinelli, Elizabeth A. 2012. "Beyond the Names of the People: Disinterring the body politic." *Cultural Studies* 26(2-3): 370-390.
- Planned Parenthood v. Minnesota*. 1989. D. Minn, No. 4-87-676.
- Puar, Jasbir. 2018. *Terrorist Assemblages: Homonationalism in Queer Times*. Durham: Duke University Press.
- . 2017. *The Right to Maim: Debility, Capacity, Disability*. Duke University Press.
- Rankin, Lauren. 2016. "'We Have to Shift the Table of Power': A Q&A With Reproductive Rights and Justice Leaders," *Rewire News* <https://rewire.news/article/2016/12/21/shift-power-qa-reproductive-rights-justice/> (accessed 11/18/2019).
- Rasmussen, Claire and Michael Brown. 2005. "The Body Politic as Spatial Metaphor." *Citizenship Studies* 9(5): 469-484.
- Reproductive Health and Technologies Project. 2015. "Two Sides of the Same Coin: Integrating Economic and Reproductive Justice." <http://rhtp.org/wp-content/uploads/2016/08/Two-Sides-of-the-Same-Coin-Integrating-Economic-and-Reproductive-Justice.pdf> (accessed 10/01/2019).

- Reuters. 2018. "Trump officials end policy exempting pregnant immigrants from detention," *The Guardian* <https://www.theguardian.com/us-news/2018/mar/29/trump-immigration-pregnant-immigrants-detention> (accessed 01/28/19).
- Rewire. 2019. Legislative Tracker Database. <https://rewire.news/legislative-tracker/laws/?s-keyword=&s-law-num=&s-topic=fetal-tissue> (accessed 11/18/2019).
- Rich, Adrienne. 1995. *Of Woman Born: Motherhood as Experience and Institution*. New York: Norton.
- Roache, Madeline. 2019. "Poland Is Trying to Make Abortion Dangerous, Illegal, and Impossible." *Foreign Policy* <https://foreignpolicy.com/2019/01/08/poland-is-trying-to-make-abortion-dangerous-illegal-and-impossible/> (accessed 12/01/2019).
- Roberts, Dorothy. 1999. *Killing the Black Body*. New York: Vintage.
- Roberts, Julie. 2016. *The Visualised Foetus: A Cultural and Political Analysis of Ultrasound Imagery*. Routledge.
- Ross, Loretta and Rickie Solinger. 2017. *Reproductive Justice: An Introduction*. Oakland: University of California Press.
- Rottenberg, Catherine. 2017. "Neoliberal Feminism and the Future of Human Capital." *Signs: Journal of Women in Culture and Society* 42(2): 329-346.
- . 2014. "Happiness and the Liberal Imagination: How Superwoman Became Balanced." *Feminist Studies* 40(1): 144-168.
- Rousseau, Jean-Jacques. 1979. *Emile: Or On Education*. Allan Bloom (Transl.). Basic Books.
- . 2011a. "On the Social Contract," In *The Basic Political Writings* (2nd Ed), (Ed. And Transl. by Donald Cress; Introduction and Annotation by David Wootton). Hackett Books.

- . 2011b. "Discourse on the Origins of Inequality." In *The Basic Political Writings* (2nd Ed), (Ed. And Transl. by Donald Cress; Introduction and Annotation by David Wootton). Hackett Books.
- . 2011c. "Discourse on the Sciences and the Arts." In *The Basic Political Writings* (2nd Ed), (Ed. And Transl. by Donald Cress; Introduction and Annotation by David Wootton). Hackett Books.
- Rowbotham, Sheila. [1973] 2005. *Women's Consciousness, Man's World*. Verso.
- . 2011. *Dreamers of a New Day: Women Who Invented the Twentieth Century*. Verso.
- Salmon, Amy. 2011. "Aboriginal mothering, FASD prevention and the contestations of neoliberal citizenship," *Critical Public Health*, 21(2): 165—78.
- Sampaio, Anna. 2014. "Racing and gendering immigration politics: analyzing contemporary immigration enforcement using intersectional analysis," *Politics, Groups, and Identities*, 2(2): 202-221.
- Saurette, Paul and Kelly Gordon. 2013. "Arguing Abortion: The New Anti-Abortion Discourse in Canada." *Canadian Journal of Political Science* 46(1): 157-185.
- Scott, James. 1998. *Seeing like a State: How certain schemes to improve the human condition have failed*. New Haven: Yale University Press.
- . 2014. *Two cheers for anarchism: Six easy pieces on autonomy, dignity, and meaningful work and play*. Princeton: Princeton University Press.
- Siegel, Reva. 2014. "Abortion and the "Woman Question": Forty Years of Debate." 89 Ind. L.J. 1365.
- Silliman, Jael, Marlene Gerber Fried, Loretta Ross, Elena Gutierrez. 2016. *Undivided Rights: Women of Color Organizing for Reproductive Justice*. Haymarket Books.

- Singh, Jakeet. 2019. "Decolonizing radical democracy." *Contemporary Political Theory* 18(3): 331-356.
- Sistersong. N.D. "Reproductive Justice." *SisterSong: Women of Color Reproductive Justice Collective*. <https://www.sistersong.net/reproductive-justice> (accessed 01/10/2020).
- Skinner, Quentin. 2002. "A third concept of liberty." In *Proceedings of the British Academy* (Vol. 117, pp. 237-268).
- Slevin, Peter. 2020. "A Narrow Win for Progressives in the Chicago Suburbs." *The New Yorker* <https://www.newyorker.com/news/campaign-chronicles/a-narrow-win-for-progressives-in-the-chicago-suburbs> (accessed 04/08/2020).
- Smith, Andrea, 2005. "Beyond Pro-Choice versus Pro-Life: Women of Color and Reproductive Justice," *National Women's Studies Association Journal* 19 (Spring): 131-133.
- Smith, Sophie. 2018. "Democracy and the Body Politic from Aristotle to Hobbes." *Political Theory* 46(2): 167-196.
- Sontag, Susan. 1978. *Illness as Metaphor*. Farrar Strauss & Giroux.
- Southern Poverty Law Center. 2018. "Buoyed by Trump's SCOTUS pick, the anti-immigrant movement renews its attacks on the 14th Amendment," <https://www.splcenter.org/hatewatch/2018/08/09/buoyed-trump%E2%80%99s-scotus-pick-anti-immigrant-movement-renews-its-attacks-14th-amendment> (accessed 12/02/2019).
- . 2019a. "Trapped, with no end in sight: A detained mother's struggle to get home." <https://www.splcenter.org/attention-on-detention/trapped-no-end-sight-detained-mother%E2%80%99s-struggle-get-home> (accessed 04/13/2019).

- . 2019b. "Family separation under the Trump administration – a timeline," <https://www.splcenter.org/news/2019/09/24/family-separation-under-trump-administration-timeline> (accessed 12/02/2019)
- Stoljar, Natalie. 2000. "Autonomy and the Feminist Intuition." In *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self* (Catriona MacKenzie and Natalie Stoljar, Eds.). Oxford: Oxford University Press.
- Stormer, Nathan. 2000. "Prenatal Space." *Signs: Journal of Women in Culture and Society* 26(1): 109-144.
- Svitek, Patrick and Edgar Walters. 2015. "'Former Fetus' Signs Cause Stir at Capitol," *Texas Tribune*, <https://www.texastribune.org/2015/03/11/former-fetus-signs-cause-stir-capitol/> (accessed 01/22/2018).
- Tadiar, Neferti XM. 2013. "Life-times of disposability within global neoliberalism." *Social Text* 31.2 (115): 19-48.
- Taylor, Janelle S. 1992. "The public fetus and the family car: From abortion politics to a Volvo advertisement." *Public Culture* 4(2): 67-80.
- Taylor, Keeanga-Yamhatta. 2017. *How We Get Free: Black Feminism and the Combahee River Collective*. Haymarket Books.
- Taylor, Robert. 2005. "Kantian Personal Autonomy." *Political Theory* 33(5): 602-628.
- Thomhave, Kalena. 2018. "Could Pro-Choice Advocacy Sway Susan Collins?" *The American Prospect* <https://prospect.org/justice/pro-choice-advocacy-sway-susan-collins/> (accessed 04/08/2020).
- Threadcraft, Shatema. 2016. *Intimate Justice: The Black Female Body and the Body Politic*. Oxford: Oxford University Press.

- Tronto, Joan C. 2013. *Caring democracy: Markets, equality, and justice*. New York: NYU Press.
- . 2015. *Moral boundaries: A political argument for an ethic of care*. Routledge.
- . 2010. "Creating Caring Institutions: Politics, Plurality, and Purpose." *Ethics and Social Welfare* 4(2): 158-171.
- Tyler, Imogen. 2001. "Reframing Pregnant Embodiment." In *Transformations: Thinking Through Feminism*, Sarah Ahmed, Jane Kilby, Celia Lury, Maureen McNeil, Maureen Mcneil, and Beverley Skeggs (eds). New York: Routledge.
- United States Senate Staff Report for the Committee on Homeland Security and Governmental Affairs (Permanent Subcommittee on Investigations). 2016. "Protecting Unaccompanied Alien Children from Trafficking and Other Abuses: The Role of the Office of Refugee Resettlement," <https://www.hsgac.senate.gov/imo/media/doc/Majority%20&%20Minority%20Staff%20Report%20-%20Protecting%20Unaccompanied%20Alien%20Children%20from%20Trafficking%20and%20Other%20Abuses%202016-01-282.pdf> (accessed 12/02/2019).
- Valdez, Inés. 2016. "Punishment, Race, and the Organization of U.S. Immigration Exclusion," *Political Research Quarterly* 69(4) 640–654.
- Valdez, Inés, Mat Coleman & Amna Akbar. 2017. "Missing in action: practice, paralegality, and the nature of immigration enforcement," *Citizenship Studies*, 21:5, 547-569.
- Visser, Staci. 2011. "Prosecuting Women for Participating in Illegal Abortions: Undermining Gender Equality and the Effectiveness of State Police Power." *JL & Fam. Stud.* 13: 171.
- Waggoner, Miranda R. 2016. "Cultivating the Maternal Future: Public Health and the Prepregnant Self." *Signs: Journal of Women in Culture and Society* 40(4).

- . 2017. *The Zero Trimester: Pre-Pregnancy Care and the Politics of Reproductive Risk*. University of California Press.
- Walsh, Denise M. 2010. *Women's Rights in Democratizing States: Just Debate and Gender Justice in the Public Sphere*. Cambridge: Cambridge University Press.
- Walsh, Mary B. 1995. "Locke and Feminism on Private and Public Realms of Activities." *The Review of Politics* 57(2): 251-277.
- Wang, Amy. 2018. "The U.S. lost track of 1,475 immigrant children last year. Here's why people are outraged now," *The Washington Post*
<https://www.washingtonpost.com/news/post-nation/wp/2018/05/27/the-u-s-lost-track-of-1500-immigrant-children-last-year-heres-why-people-are-outraged-now/> (accessed 12/02/2019).
- Wang, Sean H. 2017. "Fetal citizens? Birthright citizenship, reproductive futurism, and the 'panic' over Chinese birth tourism in southern California." *Environment and Planning D: Society and Space* 35(2): 263–280.
- Weber, Max. 2012. *The Theory of Social and Economic Organization*. Talcott Parsons (Ed. & Transl.), A. M. Henderson (Transl.). Martino Fine Books.
- West, Robin. 1989. "Progressive and Conservative Constitutionalism," *Michigan Law Review* 87: 641-707.
- Westlund, Andrea. 2009. "Rethinking Relational Autonomy." *Hypatia* 24(4).
- Whaley, Natalie S., and Sarah J. Betstadt. 2016. "Update on Medical Abortion: Expanding Safe and Equitable, Patient-Centered Care." *Current Obstetrics and Gynecology Reports* 5(1): 48-54.

- White, Stephen K. 2000. *Sustaining Affirmation: The Strengths of Weak Ontology in Political Theory*. Princeton: Princeton University Press.
- . 2009. *The Ethos of a Late-Modern Citizen*. Cambridge: Harvard University Press.
- . 2017. *A democratic bearing: Admirable citizens, uneven injustice, and critical theory*. Cambridge University Press.
- White, Stephen K., and Evan Robert Farr. 2012. "'No-saying' in Habermas." *Political Theory* 40(1): 32-57.
- Wiley, James. 2006. "Sheldon Wolin on Theory and the Political." *Polity* 38(2).
- Winters, Jeffrey A. 2011. *Oligarchy*. Cambridge: Cambridge University Press.
- Wolin, Sheldon S. 2016. *Politics and Vision: Continuity and Innovation in Western Political Thought-Expanded Edition*. Princeton: Princeton University Press.
- Wollstonecraft, Mary. 2009 [1792]. *A Vindication of the Rights of Woman*. Third Edition (Norton Critical Editions), Deidre Shauna Lynch (Ed.) W. W. Norton & Company.
- Women's March Global. 2019. "Women's March ACTION: My Human Right To Bodily Autonomy." <https://womensmarchglobal.org/events/539/> (accessed 01/09/2020).
- Wright, Lincoln. 2019. "Pro-choice and anti-abortion advocates express shock at the discovery of fetal remains at Dr. Ulrich 'George' Klopfer's home." *South Bend Tribune*, https://www.southbendtribune.com/news/local/pro-choice-and-anti-abortion-advocates-express-shock-at-the/article_a55e5864-5d12-5840-888a-20b7180c4d32.html
- Wright, Steve. 2002. *Storming Heaven: Class Composition and Struggle in Italian Autonomist Marxism*. London: Pluto Press.
- Young, Iris Marion. 2003. "The logic of masculinist protection: Reflections on the current security state." *Signs: Journal of Women in Culture and Society* 29(1): 1-25.

---. 2005. *On Female Body Experience: "Throwing Like A Girl" and Other Essays*. Oxford: Oxford University Press.

Zerilli, Linda M. G. 1992. "A Process without a Subject: Simone de Beauvoir and Julia Kristeva on Maternity." *Signs* 18(1): 111-135.

---. 1998a. "Doing without Knowing: Feminism's Politics of the Ordinary," *Political Theory* 26(4): 435-458.

---. 1998b. "This Universalism Which is Not One." *Diacritics* 28(2): 2-20.

---. 2005. *Feminism and the Abyss of Freedom*. Chicago: University of Chicago Press.

Zivi, Karen. 2005. "Contesting Motherhood in the Age of AIDS: Maternal Ideology in the Debate Over Mandatory HIV Testing." *Feminist Studies* 31(2): 347-3714.