Introduction

The Possibility of Reproductive Autonomy

At the very moment when long-standing norms regarding gender, sexuality, and reproduction seem to be breaking down, women in the United States are facing increasingly severe restrictions on and scrutiny of their reproductive decisions. In state after state, legislatures are passing ever more restrictive requirements on abortion and more generally curbing access to reproductive health services. In 2011, states enacted an unprecedented 92 provisions restricting abortions, which overwhelmingly surpassed the previous record of 34 in 2005. From 2011 through 2013, states adopted a total of 205 restrictions. In the previous decade (2001–2010), states passed a total of only 189 restrictions. One recent trend is to require women to undergo ultrasounds and listen to the fetal heartbeat before an abortion. Women also experience heavy surveillance of their decisions in the context of sterilization access. Physicians often turn away childfree women who seek sterilization and question such women’s ability to make reasonable decisions about their futures. At the same time, states have subjected many women in prisons to sterilization procedures without full information or consent.

State actors often appeal to women’s autonomy and rights to justify these restrictive laws and practices, even though the desire to control women’s reproduction seems to motivate them. The ultrasound mandates, for example, purport to provide women with relevant information about abortion and thereby enable informed consent and personal autonomy. However, these mandates also increase surveillance of women and require the use of their bodies to garner the information that will supposedly encourage a more autonomous decision.

One way of understanding recent restrictions is to claim that they disingenuously employ concepts like autonomy and rights in a relatively straightforward effort to control women’s decisions and bodies. I com-
monly receive this reaction when I discuss recent laws and explain their rhetoric. When I mention, for example, the names of laws like Texas’s Woman’s Right to Know Act, which includes a pre-abortion ultrasound mandate, people are usually dismissive of the legislative language and skeptical of its significance. They see such names simply as part of a trend to give laws titles that express the opposite of their intended effect. Dismissing the significance of language implies that the way these laws are framed and the logic behind them are not all that important to consider. They are simply and clearly attempts to restrict women’s rights and intervene in their decision making. Yet if we assume that language is merely being manipulated, the underlying logic and arguments go unexamined, resulting in impoverished assessments of and reactions to reproductive rights discourse.

As I argue in this book, another way of thinking about the framing of recent reproductive restrictions is to see them as employing an understanding of autonomy that has a long and rich tradition. Understanding this helps us understand both the appeal and implications of recent interventions in women’s reproduction. Examining how ideas like autonomy are employed in recent proposals and laws reveals that these restrictions resonate with the tradition of understanding autonomy as proper self-governance. In other words, the capacity for autonomy has often been understood in terms of the ability to reflect on one’s situation and make rational decisions. For Immanuel Kant, for example, autonomy involved analytically separating oneself from one’s desires and impulses in order to legislate rationally for oneself. Such a rational being is free of external determinants of his or her actions and engages in self-reflection to ascertain the rational law. Autonomy involves submitting oneself to this law. While Kant was primarily concerned with moral autonomy, this view has been translated politically to mean that only those who are rational and have the capacity for autonomy are to be granted the right to autonomy. When this idea is used to evaluate individuals, what constitutes rationality tends to depend on prevailing norms and power relations. That is, the rational decision is that which conforms to prevailing norms and consolidates power relations. As Claire Rasmussen demonstrates in her careful study of how autonomy operates in various contemporary contexts, “the way that our perception of autonomy,
who or what constitutes autonomy, is profoundly shaped by context-specific power relationships” (2011, xv).

Employed in contemporary notions of reproductive rights, autonomy as proper or rational self-governance serves a crucial function: it allows for the appearance of respect for women's rights and self-determination, while justifying increased surveillance and management of women's bodies and reproductive decisions. Crucially, race, class, and ability all affect how an individual's conduct is managed. Thus, while the use of ideas like autonomy, choice, and empowerment in recent reproductive regulations seemingly calls on a feminist tradition, those concepts are stripped of their transformative and critical potential. Instead, since autonomy is understood as proper self-governance, existing norms are reinforced.

This phenomenon is part of the rise of, in Rosalind Gill’s words, a postfeminist sensibility “in which notions of autonomy, choice and self-improvement sit side-by-side with surveillance, discipline and the vilification of those who make the ‘wrong’ ‘choices’” (2008, 442). As I argue, a particular understanding of autonomy has been crucial to how this sensibility has operated in reproductive law and politics. I argue that the logic behind many current reproductive policies rests on the idea that making certain choices demonstrates that one is not deciding rationally. Choosing to have an abortion, choosing to have children if you are on welfare, or choosing to get sterilized if you are young, middle-class, and female are all decisions that others, especially experts, often deem irrational and view as indicative of a failure to self-manage properly. Ultrasound mandates, for example, rest on the notion that women who choose to abort cannot be acting autonomously because abortion is never a proper choice. As such, intervention in a woman's decision making can actually promote autonomy.

This book, then, traces the simultaneous rise of the discourse of autonomy and surveillance in recent reproductive regulation. This rise has resulted in increased paternalism. This book's focus on how autonomy as proper self-governance operates in reproductive law and politics enables us to understand more fully the kind of paternalism at work. The paternalism invoked here is presented as a way to promote autonomy by encouraging or mandating a certain decision. Furthermore, as the book
argues, the idea that women have choice and control over their reproductive capacity enables others, such as the state and experts, to judge whether women are making proper or improper reproductive decisions. As Michel Foucault argued in his writing and lectures on governmentality, we can be governed through choice. The possibility of acting in a variety of ways creates the conditions for power, and power presupposes the subject who is free. I show how governmentality operates in contemporary reproductive law and politics in conjunction with autonomy and surveillance.

This book makes three main arguments. The first argument is that recent reproductive regulations often present the capacity for autonomy in terms of proper self-governance or self-management. This book examines the tradition of autonomy as proper self-governance and explores how power dynamics affect judicial and social understandings of what constitutes reproductive autonomy. As I argue with regard to recent legal treatments of reproduction—including the jurisprudence of abortion, ultrasound mandates, and the regulation of sterilization—women are often thought of as improperly self-governing. This judgment then justifies the intervention of medical experts and the state. The way autonomy is used in reproductive discourse in many ways reflects the limitations of understanding autonomy as proper self-governance, which can be traced to Rousseau’s idea that freedom inheres in “obedience to a law one prescribes to oneself” (1968, 65).

This book’s second primary argument is that developments in reproductive technology have altered how reproductive autonomy is conceived and thus how reproduction is regulated. For example, as the ultrasound mandates show, states are using sonograms to surveil women in new ways and to impose the state’s understanding of pregnancy on them. Furthermore, changes in reproductive technology have increased individuals’ ability to control and manage their reproduction, and thus would seem to promote self-governance. However, these changes have also led to increased scrutiny of decisions regarding procreation. Because such decisions are now framed and presumed to be “choices,” it is possible to criticize individuals for not making “better” or “more rational” choices. In this way, and as Foucault explained with the concept of governmentality, we can be governed through choice and not simply emancipated by it.
Third, this book argues that there is another understanding of autonomy that, if taken up in the context of reproductive regulations, would promote resistance to discriminatory and oppressive norms. Although the notion of autonomy is often employed in ways that further marginalize the marginalized, there is an alternative tradition of understanding autonomy in terms of critique and transformation. This tradition offers a promising perspective on reproduction and is found to varying degrees in the work of Foucault, Judith Butler, and John Stuart Mill. Furthermore, some of the very technologies that the state and medical experts often force on women and that enable increased scrutiny of reproductive decisions can also be used as practices of critique and transformation. I argue that childfree and sterilized women, for example, present a radical challenge to understandings of the female body and identity. Voluntary female sterilization can be understood as an autonomous practice that prompts cultural critique and transformation.

In making these arguments, the book makes contributions to the study of both autonomy and reproduction. It also uncovers how ideas like autonomy and motherhood function in American law and politics today. By examining reproductive politics through the lens of autonomy, I illuminate important aspects of how autonomy is often understood and implemented as well as how reproduction is currently regulated. The book thus provides critical feminist insights into the function of reproductive restrictions in the contemporary United States. It carefully examines the legal status of several reproductive practices. In providing an analysis of how autonomy is employed in current reproductive politics, as well as an account of a more transformative version of autonomy, the book also serves as a call to political theorists to consider the critical tradition of autonomy.

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Many feminists and critical theorists have critiqued the notion of autonomy, which would suggest that autonomy should be abandoned for emancipatory projects, especially feminist ones. However, the other tradition of autonomy in which it is understood in terms of critique and transformation may be useful for feminist efforts for reproductive justice. Both Amy Allen (2008) and Rasmussen (2011) have explored this tradition of autonomy as transformation (or, in Rasmussen's terms,
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creativity) and uncovered it in the work of Foucault. This understanding of autonomy does not assume that the self is pre-political. Instead, in many of its forms, it relies on a notion of the self as constituted by social forces. Autonomy in this tradition involves reflecting on and calling into question the very norms and power relations that form us. Questioning and pushing back against such norms creates more possibilities for self-creation. This book explores both the tradition of autonomy as proper self-governance or self-management and the view of autonomy as critique and transformation. I argue both that autonomy as self-management is used in reproductive legal discourse to reinforce existing power relations and that emphasizing autonomy as transformation in current reproductive politics could challenge existing norms and relations of power.

Western political theory has a long tradition of viewing women as unable to govern themselves properly. In much of that tradition, women have been ignored in theories of the origin of the state. As a result, women’s situation outside the political and inside the private, familial realm has been naturalized (Okin 1989). Many political theorists assumed that women lack the requisite natural autonomy to participate in the process of instituting a legitimate state. As Carole Pateman has argued, since freedom in political society originates with the social contract and because women have been excluded from participation in that social contract, women are decidedly unfree in this tradition. Moreover, by being left out of the process and the resulting social contract, women are subordinated to the men who institute the political society (1988). This analysis calls attention to the traditional binding of autonomy to the masculine: political theory has historically produced the autonomous individual as male. Correspondingly, this tradition understands women as lacking self-governance. Women thereby seem to require the rule of men to ensure their proper governance.

The traditional intertwining of autonomy and masculinity has led many feminists not only to critique the concept but also to turn away from it as a useful or emancipatory notion for feminist politics. Such critics argue that Western liberal theorists most often employ a view of autonomy that conceptualizes persons as individuals first. Any view of people as participants in a community or as connected to one another is secondary such that what separates us and what makes us autono-
mous are epistemologically prior to what connects us. Robin West, for example, argues that autonomy relies on an atomistic view of the self that ignores the perspectives of women whose experiences often demonstrate the inherent interconnectedness of individuals (1988). West points in particular to some women’s intimate bodily connections with fetuses to argue that a philosophy that views individuals as inherently separate does not speak to women’s experiences or even to a range of men’s experiences. After all, both men and women are born and often die in a state of dependence on others. An atomistic view of the self results in a derogation of relations of dependency and a masking of social relations. Alison Jaggar says of liberalism generally that it assumes that “individuals could exist outside a social context” (1988, 29). The worry is that this atomistic conceptualization of individuals leads to an assumption that self-sufficiency and independence are bound up with or even constitutive of autonomy in a way that denies social context and relations. Furthermore, since independence connotes maleness, whiteness, affluence, and able-bodiedness, we should be wary of invocations of an autonomy linked with independence.

This strand of feminist thinking signals an academic turn away from the concept of autonomy, which the turn to poststructuralist thought has also fueled. According to common critiques of autonomy emanating from poststructuralism, which emphasizes the deep political and social construction of the subject, autonomy relies on a strict division between self and society. On this view, the autonomous self appears to be self-constituting and outside politics. Butler, for example, often eschews the concept of autonomy and instead employs the notion of agency. She describes agency as “directly counter to any notion of a voluntarist subject who exists quite apart from the regulatory norms which she/he opposes” (1993, 15). Butler’s characterization of autonomy comports with Mark Bevir’s understandings of autonomy and agency. Bevir defines autonomous subjects as those who “would be able, at least in principle, to have experiences, to reason, to adopt beliefs, and to act, outside all social contexts” (1999, 67). Agents are distinct from autonomous subjects in that they “exist only in specific social contexts, but these contexts never determine how they try to construct themselves” (67). In contrast, Carisa Showden acknowledges that autonomy can account for social relations and context, but nonetheless prefers agency. She argues that “agency
is in fact distinct from and broader than autonomy” in that “[a]gency is autonomy plus options” (2011, 1). Showden, then, views autonomy as a less useful tool than agency for analyzing and transforming a social context that limits options. Although the theorists surveyed here have varying understandings of autonomy and agency, they provide examples of the turn toward agency in some feminist thought. Perceived problems with the notion of autonomy, including its tendency toward hyper-individualism and obfuscation of social context, have prompted this turn.

I follow another set of feminist theorists who tend to see accounts of agency as limited in their usefulness. Lois McNay, for example, argues that agency is often conceptualized in a negative way that fails to account for the “subject’s capability to deal with difference or otherness in terms other than exclusion or denial” (2000, 3). She argues further that agency often assumes the “essential passivity of the subject” (3). She calls for turning toward accounts of agency that theorize and allow room for creativity and autonomous action. Although McNay prefers to reconceptualize agency, many feminist thinkers have sought to save and resignify autonomy rather than focus on agency in part because of the potential limitations of agency. One prominent trend is to theorize autonomy in a relational way in order to respond to the critique that autonomy invokes an independent and atomistic individual (Nedelsky 1989, 2011; Mackenzie and Stoljar 2000; Friedman 2003; Ben-Ishai 2012). This work on relational autonomy contends that autonomy is fostered and developed in a social context. Jennifer Nedelsky, for example, argues that autonomy involves “finding our own law,” where that law is “shaped by the society in which one lives and the relationships that are a part of one’s life” (1989, 10).

The conceptualization of autonomy offered in this book both builds on and is distinct from work on relational autonomy. Like these theorists, I retain autonomy, and I agree with their assessment that autonomy is necessarily developed and expressed in a social context. However, in contrast to the trends in relational autonomy theory, I draw on post-structural thinking in providing an account of autonomy as critique and transformation. In doing so, the account I provide is more focused on political and social transformation than most relational accounts, which tend to focus on the development of individual capacities.
My preference for autonomy does not constitute a complete rejection of the concept of agency. In fact, as I conceptualize it, autonomy as critique and transformation incorporates important aspects of Butler’s theorization of agency. Nonetheless, there are good reasons to prefer autonomy to agency. One reason is that agency is often understood broadly such that a wide range of activities are agentic. Agency is often employed precisely in order to show that women are not merely passive victims even when mired in oppressive circumstances. For example, according to how the concept is commonly understood, a woman who goes limp during a beating by her intimate partner in order to mitigate her injuries is exercising agency. While it is important to bring attention to this kind of exercise of agency, this example illustrates that agency is not necessarily transformative or concerned with critiques of social forces.

Another reason I prefer autonomy is that, while its individualistic aspect can indeed operate in a negative way and has been rightly critiqued, it is precisely the focus on the individual in autonomy that is also important to its liberatory potential. Autonomy in its transformative register emphasizes the political and social importance of individual action. As I argue in chapter 1, in the tradition of autonomy as critique and transformation, the individual is valued and stressed precisely because of the potentially dangerous effects of custom and dominant norms. I retain autonomy rather than turn toward agency largely because autonomy brings more attention to the individual and the positive potential of individual conduct and eccentricity. In bringing more attention to the individual in society, autonomy can actually bring awareness to the construction of the self, as well as to the social context in which the individual resides.

Retaining the concept of autonomy rather than turning to a different concept also makes it easier to draw on the anti-paternalistic aspect of earlier autonomy theory. As Dorothy Roberts says in defense of liberty, it “stresses the value of self-definition, and it protects against the totalitarian abuses of government power” (1998, 302). Yet, as commonly employed, autonomy simultaneously operates in a paternalistic and anti-paternalistic way: it justifies both protection from external interference for those who “properly” self-regulate and interference for those who would make “improper” decisions. The autonomy as transformation tradition looks to those anti-paternalistic aspects of earlier
autonomy theories while eschewing the exclusionary function that often accompanies them. Employing the notion of autonomy allows me to make recourse to the aspects of the concept that have given it enduring appeal. I simultaneously draw attention to and question its traditional presuppositions and implications.

Moreover, I am not, strictly speaking, offering a reconceptualization of autonomy. Rather, I show that autonomy as critique and transformation itself has a substantial heritage that is worth engaging. I show, for example, that both Foucault and Butler offer such readings of autonomy. While the concept of autonomy that I defend is clearly related to the concepts of liberty and freedom, I choose to employ and focus on the concept of autonomy in part because a number of thinkers upon whom I draw use this term. I argue that even Butler at times employs the notion of autonomy in a positive manner. Mill, however, favors the notion of liberty. In my discussion of Mill I explain why his understanding of liberty can also be understood as a conceptualization of autonomy. Nonetheless, his use of liberty supports the point that there is conceptual overlap between liberty and autonomy. Despite this, I focus on autonomy, not just because it is employed by a number of thinkers on which I draw, but also because its concern with self-governance can be easily used to draw attention to the context in which the self exists.9

One of the book’s central theoretical arguments is that bringing post-structuralist thinking on the social production of the self to bear on the concept of autonomy necessitates thinking of it in terms of critique and transformation. On this reading, the notion of autonomy becomes about the possibility of what Foucault calls counter-conduct and what Mill calls eccentricity. Through personal actions that challenge dominant, normal ways of thinking, being, and knowing, one creates new possibilities for action for oneself and others. The autonomy as proper self-governance tradition sees autonomy as inhering primarily in a personal realm that should be devoid of improper interference. The alternative version of autonomy recognizes that the personal and political are intertwined. Because the self is constructed and embedded in social relations, society shapes the self at the same time that individual actions shift force relations that construct the self. Autonomy thus involves the shifting
of force relations that themselves constitute the subject. To take part in the creation of alternative cultural conceptions and new ways of life is at once an expression of autonomy and a political act that may prompt reflection and affect the possibilities for others’ conduct.

In this way, this version of autonomy transcends the traditional division between public and private. Individual conduct should be protected, but not because it is conceived of as private. Rather, individual conduct is never divorced from the public and political contexts in which it operates. In other words, individual “private” decisions have political significance, but that does not mean that such decisions should be understood as “public” in a way that would open actors up to coercive paternalism. This understanding of autonomy also complicates the relation between personal and political autonomy. Personal autonomy is thought of as one’s capacity to govern oneself, whereas political autonomy often refers to the use of autonomy to ground and provide limits on political institutions. Full political standing often rests on one’s ability to be autonomous. While the autonomy as proper self-governance tradition, as I will argue, often slips from the personal to the political so that those who are not viewed as personally autonomous are denied full political subjectivity, the critical tradition is not concerned with the ascription of autonomy. Moreover, personal autonomy is political in the critical autonomy tradition in that autonomous acts have ramifications for shared public life.

Theorizing autonomy in a way that accounts for the socially constitutive character of individuals and desires dislodges autonomy from an atomistic or pre-social account of the self. It is precisely this ability for concepts like autonomy—as Butler says in general of “the key terms of modernity”—“to acquire non-ordinary meanings [that] constitutes their continuing political promise” (1997, 145). The use of autonomy in this context creates dissonance precisely because it is often presumed that autonomy is linked with ideas of authenticity and independence of the self. As I argue in chapter 1, this dissonance means that the very reworking of the term can both disturb its common associations and be a way toward “configuring a different future” (Butler 1997, 160). Since the state has often regulated women’s reproduction for the sake of the “social good” and in ways that reinforce discriminatory norms, configuring a different future in which autonomy as transformation
is emphasized is especially important in the context of reproductive regulation. An emphasis on self-governance as critique and transformation may be a means toward a different configuration of gender and reproduction.

On this view of autonomy as critique and transformation, regulatory apparatuses that constitute some individuals as inappropriate or unfit reproducers restrict autonomy, although actions that challenge the ascription of unfit reproducer can prompt critical reflection and transformation. Additionally, cultural, legal, and medical understandings that align female identity with motherhood play a role in producing and reinforcing ideas about the female body and the naturalness and inevitability of procreation. The range of acceptable bodily configurations, as well as reproductive behaviors and desires, is thus delimited. Opening up new cultural understandings of gender and reproduction is important for reproductive autonomy when it is understood in terms of transformation. On the view of autonomy as proper self-governance, the creation of cultural forms is not a concern for autonomy. Instead, acting in nonnormative ways may justify paternalistic intervention. Although autonomy is often understood in this narrow sense of control of oneself, on the interpretation of autonomy as critique and transformation, autonomy is bound to the shifting of force relations.

As this book argues, transgression of cultural norms is an important way of constructing alternative cultural forms. Moreover, transgression is possible not only at the level of discourse, but also at the level of materiality, especially to the extent that the female body is conflated with the maternal body. In the context of reproduction, bodily mutability often happens at the hands of technology. Technological transformations of the body, such as the cutting of the fallopian tubes, can themselves be important sites for the transgression of reproductive norms. This is the case even though reproductive technology is frequently used in a way that reinforces existing power relations, such as when physicians in prisons perform sterilizations on women who have not given their consent. Thus, the context in which technologies are used and how they are understood is of paramount importance in evaluating them. In joining an engagement in theoretical debates and arguments about autonomy with a critical examination of female reproductive autonomy, this book makes a much-needed intervention into contemporary reproductive
politics in the United States. Focusing on autonomy as transformation can help anchor a feminist approach to the politics and law of reproduction and provide some grounds for the evaluation of legal and political interventions.

This book offers a critique of current understandings of autonomy in reproductive rights and regulations as well as an alternative understanding of autonomy that may have promise for critical reproductive politics. The critical autonomy tradition I identify, however, cannot be molded strictly into a law reform strategy, nor does it have an easily identified basis in existing legal doctrine. I do offer some modest recommendations regarding promising legal approaches. I argue that law and legal frameworks could be reoriented such that they stop enforcing the autonomy as proper self-governance tradition and thus open up room for nonnormative practices. However, the promise of autonomy as critique and transformation cannot be subsumed into a law reform strategy, which is one reason why this book is primarily focused on the discourse of autonomy and not rights. As a number of critical legal scholars have shown, an overemphasis on rights and law reform often limits and undermines critical political projects. As Dean Spade explains, “rights mediate emergent social groups, and rights claims often serve as the resistance framework of such groups, yet declarations of universal rights often actually mask and perpetuate the structured conditions of harm and disparity faced by those groups” (2011, 30).

This book considers how autonomy operates in American reproductive law and also looks at how changes in reproductive technology have altered how the female subject, female physiology, and reproductive autonomy are conceived. The book examines the ways technologies are used to promote or hinder autonomy, as well as the ways they redefine what it means to exercise autonomy. While this book takes up the specific issues of abortion, ultrasound, and sterilization, everything from the birth control pill to fetal testing to in vitro fertilization has changed how procreation is now approached. Consequently, one important aspect of the following exploration is a consideration of how technoscientific changes have affected reproduction and reproductive law in the contemporary United States.
Current technology is both continuous with and distinct from earlier birth control methods. A wide variety of birth control methods, ranging from sterilization to intrauterine devices, were used in the preindustrial world. Historical evidence demonstrates that birth control practices were widespread and varied, even dating back to antiquity (Gordon 2007). Linda Gordon argues that, historically, “the burden of involuntary childbearing was not the result of lack of technology but of the suppression of technology” (2007, 21). Nevertheless, contemporary developments are distinct in that they have increased the effectiveness and safety of birth control. Sexually active heterosexual women can now have the expectation that childbirth be almost completely voluntary. Gordon notes that this expectation “was itself produced by its historic possibility. Lacking that kind of effective contraception, women in preindustrial societies did not form such high expectations” (2007, 14).

Technology, therefore, has rendered procreation a voluntary choice in a way that has profound implications for how reproductive outcomes are evaluated. For example, technology informs the discourse of “responsible” procreation, which plays an important role in contemporary reproductive politics and is explored throughout this book. Using the idea of governmentality, I argue that judgments regarding who is and is not making proper reproductive decisions converge with the notion of autonomy as proper self-management to justify interference in procreative decisions that experts deem to result from poor or irrational decision making. Thus, this book examines the ways heightened concerns about and regulation of reproductive decisions have coincided with the increased ability to manage reproduction.

Although technology has opened up possibilities for bodily transformation, the challenge, as Donna Haraway notes, is to understand the technological, especially in its union with the biological, as a potential source of both dominations and fruitful disruptions. In the history of reproductive technology and its regulation, both potentials have been realized. For example, state actors continue to coerce women in prisons, who are disproportionately women of color, into sterilization, while experts often deny sterilization to women they consider fit for reproduction and who do not have children. However, as I argue in chapter 4, voluntary sterilization may usefully disrupt the common link between woman and mother. One of my goals in this book is to keep the possi-
bilities of both domination and emancipation in view as I consider how attention to autonomy as critique and transformation might be able to counter domination and provide potent grounds for challenging discriminatory practices.

Although reproduction has long been a site in which the state (as well as medical and social science experts) has intervened to control bodies and the population, the intensity and character of current reproductive regulations suggest that they are distinctive. One way of understanding the severity of current restrictions on reproductive rights and health services is to view them as reactions to broad transformations in the gender system. Feminism and queer activism have played a crucial role in transforming how gender, sex, and sexuality are socially understood. The increased visibility of lesbian, gay, bisexual, trans, intersex, and gender-queer individuals challenges normative understandings of gender and sexuality. Sexual intercourse has become increasingly decoupled from reproduction. The use of technology to facilitate the reproduction of single cisgender women, gay and lesbian couples, and the infertile may call into question the presumed “naturalness” of reproduction. Thomas Beatie, a transgender man who was pregnant in 2008, became one of the starkest and most visible examples of recent cultural changes regarding gender and reproduction (Halberstam 2012, 31–33).

Anxiety about these transformations in social understandings and practices of gender, sexuality, and reproduction, which extend beyond changes in the relationship between heterosexual sex and procreation, may be fueling the recent rise in reproductive restrictions. However, given this book’s focus on the avoidance of procreation through abortion and sterilization, it is primarily concerned with the construction and regulation of the bodies of women who engage in heterosexual sex. Such sex is generally what necessitates the interventions in question. However, the regulation of abortion and sterilization intimately affects people other than just cisgender women. Although heterosexuality is often taken for granted in discussions of abortion and sterilization, trans men and genderqueers access reproductive health services like abortion and contraception and face serious stigma and obstacles in doing so. Throughout the book, I maintain awareness of this reality while grappling with the rationales behind legal regulations, which often reflect and reinforce normative understandings of cisgender women.
This book focuses on technologies that foreclose reproduction and considers their potential to serve as forms of resistance. While a similar dynamic of governance through choice may mark many assisted reproductive technologies like surrogacy and in vitro fertilization, this book’s emphasis on nonreproductive practices distinguishes this project and fills a gap in existing scholarship on technology and reproduction. Paying attention to nonreproductive technologies is important in part because technologies that enable reproduction often fit more easily within the paradigm of “natural” reproduction. In contrast to much of the existing literature on technology and reproduction, this book brings attention to technology and nonmotherhood. This focus on nonreproductive technologies allows for a more radical questioning of the naturalness of maternity and shows how technology can disrupt ideas of maternal essence and nature. Procreative technologies are often used in contexts in which the nonreproductive female body is presented as dysfunctional. These technologies, then, tend to reinforce the idea of women’s inherent maternal nature. A premise of this book is that we ought to question the identification of woman with mother. Moreover, because this identification is bound up with heteronormativity, calling into question that identity constitutes an important queer project.

Despite this book’s focus on practices primarily used by heterosexual women to disrupt or disable the reproductive function, it builds on and contributes to scholarship in queer theory regarding reproductive norms, futurity, and citizenship. Lee Edelman analyzes how the queer, as a figure of sterile narcissism, stands against the politics of reproductive futurism. Reproductive futurity refers to the inability to conceive of politics without a notion of the future brought about through reproduction and symbolized by the figure of the Child. By “queer,” Edelman means all those who are “stigmatized for failing to comply with heteronormative mandates” (2004, 17) such that we can understand nonreproductive female bodies as queer. In fact, Edelman links abortion politics to the association of the queer with death and the lack of a future. He asks, “Who would, after all, come out for abortion or stand against reproduction, against futurity, and so against life?” (2004, 16). This book consid-
ers what it means for women to refuse reproduction, and thus stand against one of the mandates of heteronormativity.

Noting the importance of futurity and reproduction to politics allows for a better understanding of the current intensity of debates over reproduction. As Lauren Berlant writes in *The Queen of America Goes to Washington City*, intimate issues such as “pornography, abortion, sexuality, and reproduction; marriage, personal morality, and family values” have become “key to debates about what ‘America’ stands for, and are deemed vital to defining how citizens should act” (1997, 1). Berlant refers to this new domain of politics as the “intimate public sphere,” in which the survival of the nation is thought to depend on “personal acts and identities performed in the intimate domains of the quotidian” (4). This public intimacy is especially invested in reproduction. As Edelman explains, that which seemingly stands against reproduction appears as a danger to the social order.14

While Edelman’s work provides a helpful context for understanding the intensity of debates over reproduction, he leaves underexplored the ways race and class complicate the expectations to conform to reproductive norms. This book responds to that lack by examining the complexities of the way reproductive futurism, although functioning as a pervasive political ideal, is also consistently denied to those who are disenfranchised. Some questions with which this book grapples are, What does it mean for those whose reproduction is stigmatized to take a nonprocreative stance? Does it undermine the identification of woman with mother on which the intensive regulation and heightened pressure not to reproduce implicitly rely? Could it be understood as a strategy of resistance, even though the result would seem to conform to a neo-eugenic logic that calls for the nonreproduction of women of color and women in poverty? In investigating these questions, the book combines a critical analysis of reproductive futurity with a hope that a future can be brought about that might escape the pragmatic politics of today that are mired in and thus unwittingly sustain dominant discourses and power relations. This book examines the subversive potential of nonreproductive female bodies and in doing so inquires into how a political future that does not invest female bodies with the compulsion to reproduce and that does not manage the population through the regulation of women’s reproduction might be brought about.
Therefore, although this book examines nonprocreative practices, it does look toward the future. I follow José Esteban Muñoz in taking up a kind of queer utopian thinking to move beyond the pragmatic politics of today. Utopian thinking enables envisioning something other than what is. In doing so, it stands against “a version of reality that naturalizes cultural logics such as capitalism and heteronormativity” (Muñoz 2009, 12), as well as the intertwined logics of patriarchy and racial oppression. Rather than focusing on a logic of autonomy that focuses on who has the proper capacity for autonomy for the purpose of ascribing political subjectivity in the present, autonomy as transformation is forward-looking. Autonomy is to be valued for its ability to show what is possible. By protecting individual conduct, especially when that conduct counters dominant norms and power relations, autonomy may prompt critical inquiry and social transformation. Showing what is possible is critical at this moment in which the logics of capitalism, heteronormativity, patriarchy, and racial oppression often seem unassailable.

The version of autonomy that this book advances, then, rests on the idea that, as Roberts puts it, “[t]he right to reproductive autonomy is . . . linked to the goal of racial equality and the broader pursuit of a just society” (1998, 311). In her influential book, Killing the Black Body, Roberts shows how the state degrades and manages black women’s reproduction. She also shows how a narrow definition of liberty that is disconnected from equality and social context justifies this management. She argues that liberal theory ignores the discriminatory and unequal social context in which people make decisions. By examining the tradition of autonomy as proper self-legislation, this book adds to this critique of how ideas like liberty and autonomy function in reproductive discourse. I show how appealing to the idea of autonomy as proper self-governance justifies paternalistic interference in women’s reproductive lives in a society that is ostensibly committed to autonomy. The book also shows how racial, class, and gender hierarchies inform judgments of what constitutes a proper reproductive decision. In addition, I argue that the critical tradition of autonomy can be used to combat those hierarchies and that the tradition assumes the equal intrinsic value of individuals.
The book begins in chapter 1 with an investigation of different theoretical understandings of autonomy. Western political thought has often appealed to autonomy in separating rational self-governing agents who should be afforded protection against interference from irrational individuals who require guidance and intervention. Historically, women, slaves, and people of color were viewed as lacking the ability to govern themselves and thus not full rights-bearing political subjects. The first chapter traces the tension created by autonomy’s simultaneously liberating and exclusionary potential, as well as the related puzzle of how the socially constituted self can be self-governing. This inquiry begins with an examination of the thinking of Rousseau and Kant, whose understandings of autonomy have been foundational to Western political thinking. I argue that each grapples with the effects of outside forces on autonomy and posits an understanding of autonomy as adherence to self-given law. I then briefly consider how these tensions manifest in contemporary philosophical accounts of autonomy. I argue that such accounts tend to downplay the political effects of being deemed nonautonomous.

After a consideration of these accounts of autonomy, the chapter turns to the poststructuralist thinking of Foucault and Butler, which has surprising implications for autonomy. Foucault and Butler argue that power and force relations constitute the subject, but they nonetheless demonstrate the possibility of the subject’s agency or autonomy. In fact, as I argue, these thinkers show that the construction of the subject, rather than undermining any possibility for agency, actually serves as the condition of possibility for it. Butler’s understanding of the relation between agency and the social constitution of the subject is important for understanding that autonomy and social construction are not necessarily contradictory ideas. The chapter shows that in some of his later work, Foucault articulates an understanding of autonomy as critique and transformation. I also argue that this view of autonomy resonates with the thinking of Mill on the concept of liberty. The chapter concludes with a discussion of why reproductive autonomy should be valued.

Chapter 2 is concerned with how the framing of the right to abortion affects autonomy. In this chapter, I examine legal arguments on the right and left that neglect the larger potential cultural significance of the right to abortion—which would involve the reconstruction of cultural
forms—because of different but sometimes parallel understandings of abortion’s relation to women and motherhood. I investigate, first, the 2007 U.S. Supreme Court case of *Gonzales v. Carhart*\(^{16}\)—which upheld the congressional Partial Birth Abortion Ban Act—and the woman-protective argument it advances. That approach to abortion relies on an understanding of women as victims and as essentially maternal such that it reinforces the discursive mother-woman link and undermines efforts to reconstruct cultural conceptions of women and reproduction. Consistent with the tradition of autonomy as proper self-government, the woman-protective antiabortion argument purports to advance women’s autonomy by encouraging women to make the proper choice.

After examining *Gonzales v. Carhart*, the chapter argues that the defense of the right to abortion based on an antisubordination interpretation of the Fourteenth Amendment of the U.S. Constitution circumscribes the significance of the right to abortion by premising it on a subordinating social structure. The right is presented merely as a necessary escape hatch. Crucially, both the framework in *Carhart* and the antisubordination approach depoliticize abortion by casting it as an act marked indelibly by injury. In focusing on the demonstration of injury, both legal approaches to abortion leave out important aspects of autonomy.

The chapter then examines how the right to abortion operates differently for different individuals. Using Foucault’s notion of governmentality, I argue that the option to abort creates possibilities for governance and changes the way a woman’s actions with regard to pregnancy are evaluated. Given that some women’s reproduction is devalued and encoded as “irresponsible,” this change in moral evaluation could lead to pressure to choose in a “responsible” manner. The chapter concludes with a discussion of an approach to the right to abortion that emphasizes autonomy as critique and transformation. On this account, the right is defended, not just because it protects an individual from interference or domination, but because that protection is crucial in part for the larger political significance that is captured in the Foucaultian notion of counter-conduct.

Chapter 2 thus introduces key developments in abortion jurisprudence that provide a foundation for understanding some of the newest forms of abortion restrictions that are examined in the following chap-
Chapter 3 examines recent state-level informed consent to abortion laws, with a focus on laws that mandate ultrasounds before abortion. In these laws and the legal decisions upholding them, the maternal nature of women is assumed and autonomy is presented in terms of a medicalized and legalized notion of informed consent rather than in a politicized or transformative way. Instead, consistent with the tradition of autonomy as proper self-management, autonomy is presented as a conservative and weak concept. This permits expert and ideologically driven understandings of risk and security to be used to curb autonomy while claiming to enable it. I argue that this legal discourse relies on and reinforces limiting understandings of gender and autonomy.

The chapter begins with an exploration of gender, neoliberalism, and biomedicalization. I argue that neoliberal and postfeminist perspectives, which emphasize the freedom and independence of agents and obscure power relations and social context, are entangled with current debates over reproductive health and services. Feminist ideas of rights and empowerment are thereby perverted and employed to justify calls for individual responsibility and heightened surveillance of women. The chapter argues that in recent reproductive law, neoliberal and postfeminist perspectives converge with the tradition of autonomy as proper self-governance to produce a new understanding of autonomy as risk avoidance. Moreover, the biomedicalization of reproduction, which frames reproductive health as a matter of individual moral responsibility, has facilitated and converged with these frameworks. The frameworks of postfeminism, neoliberalism, and biomedicalization provide context for the examination of recent state-level abortion restrictions and the role of ultrasound within them. I argue that sonograms play a key role in shaping and representing cultural and political understandings of pregnancy and fetuses.

Chapter 3 briefly considers the transformative possibilities of technology, but this discussion is elaborated in chapter 4’s examination of the practice of sterilization. Chapter 4 builds on the discussion of the medicalization of reproduction, as well as the co-constitution of technology and politics, both of which are introduced in earlier chapters. Chapter 4 considers the potential destabilizing effects of voluntary sterilization. I offer an analysis of the practice that relies on a combination of Butler’s notion of performativity and Haraway’s cyborg theory. I consider ster-
ilization as a performance that has the potential to disrupt associations of womanhood with motherhood. Moreover, I argue that the sterilized body might be read as a cyborg figure in which organism and machine are united and intertwined. In this way, the sterilized body subverts not just the idea of women as inevitably maternal, but also widespread binary notions of woman-man, nature-culture, and organism-machine. Relying on cyborg theory, which draws attention to the disruptive potential of contemporary entanglements of organisms and machines, allows for an examination of issues of the body and technology that are often left out of research on nonreproduction. These issues are crucial to consider if, in accordance with a critical view of autonomy, the identification of the female body with reproductive desire is to be challenged. The reading of sterilization offered here leads to an engagement with both the regulative and performative aspects of nonmotherhood, as well as with the materiality of the body. This focus on the body reveals the technological transformation of sterilization as a challenge to the prevailing production of female identity and maternal desire at the level of the body.

In taking up sterilization in chapter 4, this book examines legal regulation, technology, and medical expertise. As opposed to most scholarship on sterilization, the chapter deals with both coerced and voluntary sterilization. The chapter begins with an exploration of the history and contemporary context of voluntary and involuntary female sterilization. It shows how, historically and continuing into the present, women who are deemed unfit are in danger of involuntary sterilization while those who are deemed fit face barriers to accessing sterilization. In both instances, experts presume that the women whose conduct they would regulate lack the ability to govern themselves properly.

This chapter was motivated by a friend who, after some trouble, became one of the childfree and sterilized women who are one of the subjects of chapter 4. Time and again, people—even self-identified feminists and progressives—stood astonished, with mouth agape, at her decision. There seemed to be something deeply troubling to them about a young, white, female, soon-to-be attorney choosing to forgo the possibility of ever bearing children. People assumed that she would regret her decision and that she could not possibly really know her mind about the issue: there was an underlying sense that she was being irrational—that her
decision could be understood as nothing else—even as she articulated sound arguments in her defense. As chapter 4 argues, the judgments my childfree friend encountered and the accompanying difficulty of attaining sterilization have much to do with gender and autonomy. Furthermore, the constructions of the ideal reproducer and of the overly fertile, irresponsible reproducer are deeply entwined. The ideal reproducer could not be imagined without its negation. Chapter 4, then, keeps both compulsory and voluntary sterilization in view as it traverses the medical production of the maternal woman, the legal regulation of sterilization, and the sterilized woman as a cyborg figure that might disrupt the very medical production of woman-mother that undergirds sterilization regulation. I argue that sterilization’s techno-medical intervention in the body holds the potential to subvert dominant notions of maternal desire and its connection to women’s presumed reproductive capacity. In doing so, it could enhance reproductive autonomy understood in terms of critique and transformation.

Chapter 5 revisits many of the themes of the book and investigates their broader import and applicability. This concluding chapter explores how notions of private and public are wielded in reproductive regulations. I argue that women’s bodies are sometimes presented as public spaces and are at other times privatized. I show that these representations are connected to how autonomy is understood. Another topic that is explored in chapter 5 is how autonomy as critique and transformation could be used to promote reproductive justice projects. I argue that the alternative tradition of autonomy shows how a context that emphasizes individual self-direction enables resistance to existing relations of power. Chapter 5 also provides an overview of how each of the policy areas I investigate in the book would benefit from an approach anchored in the autonomy as critique and transformation tradition. I combine this overview with a consideration of the limitations and potential of legal change. Finally, the conclusion examines the links between cyborg theory and autonomy in its transformative register. I argue that cyborg theory has important resonances with the alternative autonomy tradition and also that it can push some of its insights further. In particular, cyborg theory draws needed attention to the critical and transformative possibilities of nonreproductive technologies that I show play a crucial role in the management of reproduction.