

GOVERNED THROUGH CHOICE: AUTONOMY, TECHNOLOGY AND THE POLITICS OF REPRODUCTION by Jennifer M. Denbow. New York and London: New York University Press, 2015. 240 pp. \$28 paperback.

INTRODUCTION

Despite the weakening of long-standing gender and sexual norms over the past decade, women in the United States face increasingly severe government regulation of their reproductive choices. In 2015 alone, lawmakers considered almost 400 bills restricting abortion. Fifty-seven of these became law, even as public opinion in favor of abortion increased.¹ Since the 2010 midterm elections, states enacted a whopping 231 abortion restriction laws.² One Texas law, House Bill 2 (H.B. 2), required clinics to have hospital-grade facilities and admitting privileges at a local hospital; it led to the closing of nearly half of the state's abortion clinics.³ In 2016 the Supreme Court found that H.B. 2 was an unconstitutional burden on a woman's right to abortion.⁴ However, other restrictions have been allowed to stand, such as mandatory counseling and waiting periods.⁵

Supporters of abortion restrictions often frame their arguments in terms of protecting women and promoting their ability to act independently. For example, Texas Attorney General Ken Paxton defended H.B. 2 by stating that it was "put in place to elevate the standard of care and protect the health of Texas women."⁶ These types of arguments, in fact, reflect the view that women need government intervention in order to make proper decisions.

In her book *Governed Through Choice*, Jennifer M. Denbow argues that far from disingenuous, restrictions on reproductive decisions reflect a "long and rich tradition" of autonomy as proper self-governance (p. 2). Denbow examines how

1. Run Chusid, "Support for Abortion Rights Increases as Republicans Enact More Restrictions," *The Moderate Voice*, 4 Jan. 2016, last accessed at 21 Nov. 2016, available at <https://perma.cc/GRJ5-88JL>.
2. Elizabeth Nash & Rachel Gold, *In Just the Last Four Years, States Have Enacted 231 Restrictions*, Guttmacher Institute, 5 Jan. 2015, available at <https://perma.cc/VQC6-2A33>.
3. Adam Liptak, *Supreme Court to Hear Texas Abortion Law Case*, *New York Times*, 14 Nov. 2015, available at <https://perma.cc/8VQQ-YR49>.
4. *Whole Women's Health v. Hellerstedt*, No. 15-274, 2 (U.S. 27 June 2016), available at <https://perma.cc/L64D-BQZX>.
5. See Guttmacher Institute, *Counseling and Waiting Period for Abortion* (2015) available at <https://perma.cc/D6W9-QNZB>.
6. "Attorney General Paxton: HB 2 Elevates the Standard of Care for Women in Texas," *Texas Attorney General*, 13 Nov. 2015, last accessed 21 Nov. 2016, available at <https://perma.cc/HZG9-ECRL>.

this tradition of autonomy underpins the way governments regulate the reproductive lives of women through technology (p. 4). She examines the political discourse around abortion and sterilization and focuses on how autonomy as proper self-governance has impacted policy (p. 4). Denbow then offers a new vision of autonomy as critique and transformation, arguing that it has the power to advance reproductive justice by subverting dominant norms and existing power relations (p. 4). Aside from suggesting that individual acts of abortion and sterilization may serve as subversive acts of reproductive autonomy, however, she offers little insight into how autonomy as critique might affect tangible change in the arena of reproductive justice.

This review will begin by explaining Denbow's position on the tradition of autonomy as proper self-governance and her vision of an alternative concept of autonomy as transformation and critique. It will next examine how Denbow connects the tradition of autonomy to recent abortion restrictions and the history of coerced sterilization in the United States. Finally, this review will question Denbow's proposition, rooted in her view of autonomy, that a radical political practice of sterilization and abortion is a more promising avenue for transformation than legal reform (p. 5).

TRADITIONS OF AUTONOMY

Denbow illustrates how traditions of autonomy reflect hierarchies that exclude certain actors from enjoying autonomy in their reproductive choices. She then offers a new vision of autonomy that values non-normative behavior as a way to critique and challenge societal norms. Denbow's discussion is abstract and focuses on how the discourse of autonomy impacts what it means to exercise reproductive choice rather than on practical ways a new vision might be used to advance reproductive rights. While autonomy as proper self-governance is used in reproductive legal discourse to reinforce existing power relations, her new view of autonomy as transformation has the power to challenge existing norms and power relations by focusing on the inherent equal value of each individual's choice. Ultimately, her theory of autonomy as critique serves as a call to action, rather than as a roadmap for changing the discourse surrounding women's autonomy in the sphere of reproductive politics.

Denbow begins by tracing the tradition of autonomy as rational self-governance to Kant and Rousseau (p. 32). Both scholars defined autonomy as obedience to self-prescribed law, and used race and gender hierarchies to categorize people as either capable or incapable of proper self-governance (p. 35). Denbow highlights the contradiction between Western notions of autonomy as liberation and the exclusion of women and people of color from exercising autonomy (p. 33). "The assignment of non-autonomy to individuals justified paternalistic intervention," whereas the attribution of autonomy protected the subject from state regulation (p. 38). Denbow argues that the contemporary legal discourse around reproduction makes use of the tradition of autonomy as proper self-governance to

reinforce existing power relations (p. 38). She buttresses this point by connecting this idea of autonomy to the debate around recent abortion restrictions and coerced sterilization.

Though some feminists and critical theorists have argued that the notion of autonomy should be abandoned for emancipatory projects, Denbow proposes an alternative tradition of autonomy as transformation and critique (p. 5). She contrasts the tradition of autonomy as proper self-governance with poststructuralist ideas of autonomy, agency, and power relations (p. 53). Basing her discussion on the work of Foucault, Mill, and Butler, Denbow argues that individual autonomy should be valued because of its potential to call into question broader social norms and power relations outside of individual decisions (p. 58). Because women and marginalized groups are often deemed non-autonomous when their behavior does not conform to expected norms, reframing the idea of autonomy based on critique and transformation is a crucial step in incorporating social context into the discourse of autonomy (p. 39). Counter-majoritarian conduct is thus “crucial in order to avoid the equation of the customary with the natural” (p. 51). Denbow concludes her discussion of autonomy by insisting on the importance of recognizing the equal intrinsic value of each individual (p. 59). She sees this recognition as elevating individual decisions in a way that challenges the ideas that some subjects are non-autonomous and in need of state intervention (p. 59). Ultimately, autonomy as critique would present a way to reconfigure the discourse around individual nonconformist decisions in a way that breaks down accepted force relations (p. 59).

Denbow’s book serves as a call to feminists and political theorists to rethink the notion of autonomy and consider its emancipatory potential within the context of reproductive politics. She sees her proposition for a view of autonomy as critique and transformation as setting the grounding and nuance for subsequent discussions (p. 28). However, Denbow leaves out how this new view of autonomy might be tangibly enacted. She points to the individual practices of abortion and sterilization as political statements that can prompt social transformation. These acts might be seen as “subversive gestures,”⁷ but they do not support material change or address the situation of the most oppressed. Denbow’s proposition that individual acts propped up by a new theory of autonomy can transform the politics of reproductive choice seems detached from the actual mechanisms whereby women might mobilize to ensure access to abortion and sterilization while fighting against the abuses of coerced and forced sterilization of marginalized women.

ABORTION, STERILIZATION, AND AUTONOMY

Denbow’s engagement with technology hinges on how it constitutes ideas about reproduction and what it means to exercise reproductive autonomy (p. 135).

7. Martha Nussbaum, *The Professor of Parody*, *The New Republic*, 28 Nov. 2000, available at <https://perma.cc/C3S9-WFRC>.

Using Thomas Kuhn's paradigm theory, Denbow traces how medical understandings essentially reduced women's bodies to their reproductive capacity beginning in the 18th century (pp. 149-52). She then explores how governments have used developing technologies to control women's reproductive choices through the practice of forced or coerced sterilization and restrictions on abortion. Her analysis successfully recognizes how this tradition has affected women differently along lines of race, class, and disability, and how it aligns with the neoliberal emphasis on personal responsibility (p. 137-40).

Denbow's timely discussion of abortion restrictions hones in on state laws limiting access to abortion through mandatory sonograms, informed consent laws, and required advisories. She connects these laws to our society's perception of women's autonomy by highlighting the language of *Gonzales v. Carhart*.⁸ In *Gonzales*, the Supreme Court justified a federal ban on intact dilations and extractions by claiming that "severe depression and loss of esteem" can follow the decision to abort (p. 69). The decision framed the ban as an effort to protect women from potential regret rather than privilege their ability to make decisions for themselves (p. 70). Denbow convincingly argues that this decision and other recent abortion restrictions embrace a neoliberal view of autonomy as based in rational decision-making (p. 66-72). She then ties that view to her argument that technological advances in the field have led to greater surveillance of women's decision to abort and reinforced the dominant discourse that women are essentially maternal (p. 65; p. 99). Denbow identifies the importance of intersectionality in her analysis of abortion by acknowledging how some women's reproduction is vilified due to disability, race, or poverty because they are perceived as irresponsible and hence less autonomous (p. 82).

Denbow spends the bulk of her analysis looking at how sonograms, required advisories, and informed consent laws reconfigure the decision to abort in a neoliberal framework of properly weighed and calculated risks. Her analysis of the latter two types of abortion restrictions, however, often seems detached from the larger theme of technology. She is most successful in connecting technology and autonomy in her exploration of how sonograms have allowed fetuses to be conceptually disconnected from the female body, as is evident in the 2011 "testimony" presented by two fetuses before the Ohio House of Representatives (p. 110). While mandated sonograms are justified as championing women's autonomy by protecting them from the pressure to abort or unfounded medical risks, Denbow argues that they threaten bodily autonomy by privileging the state's right to interfere in individual decisions (p. 126).

Denbow similarly explores how the tradition of autonomy as proper self-governance draws on racist and ableist narratives to justify coerced and forced sterilization of marginalized women, particularly in the criminal justice system. With the advent of the Model Eugenic Sterilization Law in 1922, courts began,

8. 550 U.S. 124 (2007).

“for the greater public good,” to mandate the sterilization of women deemed unable to exercise proper self-governance (p. 137). Women of color, in particular, were targeted for non-consensual sterilization throughout the 20th century in an attempt to curb welfare rolls. Particularly shocking is the estimate that as many as 25% of Native American women were sterilized without their consent in the mid-1970s (p. 140). More than 150 women in California prisons have been sterilized during labor since 2006 when the state’s Gender Responsive Strategies Commission recommended sterilizations be categorized as “medically necessary” rather than “elective” (p. 141). This gave medical professionals greater freedom in sterilizing women while providing little information about the procedure (p. 141). Additionally, prosecutors and judges sometimes pressure women to accept sterilization in exchange for a lighter sentence. This was the case in 2005, when a Georgia woman consented to sterilization to avoid prison time in connection with the death of her infant daughter (p. 142). Finally, Denbow highlights efforts to distribute Norplant, a five-year hormonal contraceptive implanted into the skin under the upper arm, to black women and the offering of cash incentives to drug-addicted women who use Norplant as examples of temporary sterilization technologies that leave the removal of the device to the judgment of medical professionals (p. 143). As with abortion, medical professionals are often cast as the gatekeepers of women’s individual reproductive decisions, though Denbow does not offer any suggestion of how doctors might be limited in this role.

ABORTION AND STERILIZATION AS ECCENTRIC ACTS

Denbow views personal conduct as political because it can call into question that which is assumed to be natural (p. 156). She views the individual acts of abortion and sterilization as disrupting the view that the female body is essentially maternal (p. 158). As examined in this section, Denbow views these practices as transformational on a societal level when seen through the lens of autonomy as critique, with special focus on voluntary sterilization as a disruptive act. However, she spends less time illustrating how effective this type of individual, private practice might be in creating meaningful advances in the protection of reproductive choice for all women.

Denbow contrasts her description of the forced sterilization of women at the margins with the denial of sterilization to more affluent women, both of which threaten women’s autonomy and perpetuate the deeply racialized fit/unfit dichotomy (p. 147). Denbow is careful to explain that, in her view, the problem is not motherhood itself, but rather the fact that “maternity and maternal desire have been naturalized and rendered unquestionable” (p. 175). She explains that while women who choose to remain child-free are often called on to explain their choice, women who have children are presumed to be following their default desire and are not asked to justify their choice (p. 146). Denbow says that some doctors refuse to perform sterilizations on child-free women under thirty, but offers only anecdotal evidence of women being denied the procedure (p. 145).

A 2010 survey of gynecologists found that physicians responded differently to hypothetical women's request for sterilization depending on their age, number of children, and spousal agreement.⁹ For example, 70% of physicians were somewhat likely to discourage a woman under twenty-six years of age with a disagreeing husband from undergoing sterilization, though over 90% said they would provide the service if the patient insisted.¹⁰ Despite the plethora of anecdotal evidence of young women being denied access to permanent sterilizations, the 2010 survey suggests that access to sterilization may not be quite as restricted as Denbow suggests.¹¹ An official policy of the American College of Obstetricians and Gynecologists states that a woman's age is irrelevant if she is well-informed and requests sterilization and also recommends that physicians provide in-depth, individualized counseling on the effects of sterilization and other options.¹² Of course, neither an official policy or survey is conclusive evidence that sterilization is available to women who seek it; more research is needed in this area.

Denbow connects autonomy and voluntary sterilization by arguing that the sterilization of women is viewed differently than that of men. While men are presumed to know their minds when requesting the operation, women are seen as violating their nature and likely to experience regret and a crisis of identity as a result of the procedure (p. 151). She offers a 1985 study on sterilization finding that men are treated less paternalistically than women seeking sterilization (p. 153). Similarly, a British medical ethics article questioned the morality of sterilizing young women who decide not to have children (pp. 153-54). Denbow further points to the dearth of research on post-vasectomy or post-pregnancy regret to bolster her point (p. 151). However, there is some support for the contention that women experience greater post-sterilization regret the younger they undergo a sterilization.¹³ Additionally, post-sterilization regret has been found to be a potential side-effect of the procedure that disproportionately affects women, with a 2008 study finding that up to 26% of female patients reported later regretting the procedure compared to less than 5% of men who undergo a vasectomy.¹⁴

Denbow utilizes Donna Haraway's cyborg theory to suggest that voluntary sterilization is a form of performance that challenges the distinction between natural life and man-made machines (p. 159-61). Haraway presents the cyborg as a hybrid of organism and machine, a creature of a post-gender world where the distinction between social reality and fiction is an illusion. She uses this figure as the

9. J. Bryan Lowder, "Sterilize Me, Please," 9 July 2012, last visited 29 Nov. 2016, hosted by Slate.com, available at <https://perma.cc/6ZMJ-LSD4>.

10. *Id.*

11. See Catherine Pearson, "Meet the 20-Somethings Who Want to be Sterilized," The Huffington Post, 28 Oct. 2014, last accessed 21 Nov. 2016, available at <https://perma.cc/Y9EC-JTR4>.

12. See *Practice Bulletin No. 133: Benefits and Risks of Sterilization*, 121 *Obstetrics and Gynecology* 392, 392 (Feb. 2013), available at <https://perma.cc/BXJ8-3ZCV>.

13. Lowder, "Sterilize Me, Please."

14. Deborah Bartz & James A. Greenberg, *Sterilization in the United States*, 1 *Review of Obstetrics & Gynecology* 23, 23-32 (Winter 2008), available at <https://perma.cc/A9BM-W89E>.

foundation of her critique of mainstream feminism.¹⁵ Haraway argues that the imagery of the cyborg is in fact ubiquitous in our society, and rather than posing a threat, provides a more useful way to escape the “maze of dualisms” that have shaped how we view our bodies, tools, communities, and family structure.¹⁶ Denbow sees the cyborg as a character that subverts the meaning of nature and is thus an “embodied form of eccentricity and subversion” (p. 160).

Denbow successfully incorporates Haraway’s theory into her work by positioning voluntary sterilization as a means by which women can subvert the “natural” connection between women and their reproductive capacities (p. 174). Denbow uses cyborg theory to explore how technology and culture work together to change society, ultimately calling the examination of sterilization through the lens of cyborg theory as a tool for “thinking imaginatively” (p. 161). She also points out that viewing sterilization through the lens of cyborg theory might invite examination of how other reproductive technologies hold the potential to be politically disruptive as new sites of resistance (p. 174).

Again, in calling for a reimagination of the mutability of the body and gender identity, Denbow does not take her analysis past the theoretical. For example, while Haraway concedes that gender identity has had profound historical depth and breadth, she ultimately rejects it as a global identity.¹⁷ Denbow does not address how Haraway’s rejection of identity politics might conflict with the lived experience of women who have undergone forced sterilization.

Denbow sees the potential for subversion through sterilization in its marking of the body, the extent to which the sterilized individual makes the act known, and the opportunity to visualize non-reproduction in the form of female bodies without the capacity to reproduce (p. 164). However, it is unclear how politically disruptive voluntary sterilization is in a practical sense. For example, the marking of the body is only apparent to the doctor who performs the procedure, and an individual woman’s sterilization will not be apparent to those around her except in her declining to reproduce. Denbow offers an anecdote about a friend’s decision to publicize her sterilization through a “no baby shower” where her friend passed around pictures of her cauterized fallopian tubes to mimic the traditions of display around pregnancy (p. 164). Yet aside from this one example, it remains unclear how the private act of sterilization alone might render the individual a part of the cyborg imagery and thus tangibly affect gender norms.

The opportunity for alternative images of women’s bodies as non-reproductive is promising. For example, Denbow might have addressed how transgender bodies disrupt political, social, and legal notions of gender and sexuality. The whirlwind of controversy surrounding the recent North Carolina law prohibiting discrimination against transgender people who want to use the bathroom that corresponds with their gender identity serves as a useful example of an individual

15. Dona Haraway, *Simians, Cyborgs and Women*, 149 (1991).

16. *Id.* at 181.

17. *Id.* at 180.

practice that has disrupted the political arena.¹⁸ Instead of merely suggesting that technology has the power to create new sites of resistance, Denbow might have expanded her analysis to include other, perhaps more powerful, examples of individual practices that more publicly disrupt norms surrounding gender and sexuality.

Denbow argues that voluntary sterilization has the potential to subvert dominant understandings of women as naturally maternal and lead to greater reproductive autonomy. However, she offers no non-anecdotal evidence of the prevalence of voluntary sterilization or its denial to women. Considering that sterilization is now the most common contraceptive method used by couples in the United States, with 10.3 million (27%) of women relying on sterilization for birth control, one wonders how disruptive this practice has actually been in challenging dominant norms and power relations.¹⁹ Of course, the growing prevalence of sterilization has only become widely available in the past few decades, so perhaps the politically disruptive effects of the practice have yet to be seen. Though voluntary sterilization certainly has the potential to be a politically disruptive act, Denbow does not describe how this is so outside of the doctor-patient relationship and the extent to which women remain childless or refrain from having more children.

CONCLUSION

Overall, Denbow presents a fascinating analysis of how the understanding of autonomy as proper self-governance is employed to justify the state's imposition of reproductive restrictions on women. Denbow presents abortion and sterilization as subversive acts in themselves that challenge societal views of women as essentially maternal. She offers a new framework of autonomy as transformation as a way to give women more room to maneuver.

While Denbow's analysis highlights the ways women's autonomy has been limited by reproductive technologies, she deals less successfully with how to use technology to elevate and empower women in making reproductive choices. For example, Denbow does not elucidate how organizers, advocates, and individuals might use her theory of autonomy as transformation to challenge dominant norms and subvert existing power relations outside of an academic context. She offers the individual acts of abortion and sterilization as subversive in themselves when viewed through the lens of autonomy as critique, but does not address how the individual reproductive decisions of the most marginalized might be tangibly elevated in day-to-day life.

Nonetheless, *Governed Through Choice* offers an important analysis of reproductive politics that would benefit anyone interested in political theory and gender politics. By reconfiguring the discourse around women's autonomy and

18. See Jeannie Suk, *The Transgender Bathroom Debate and the Looming Title IX Crisis*, *The New Yorker*, 24 May 2016, available at <https://perma.cc/QDT9-G5BQ>.

19. Bartz & Greenberg, *Sterilization in the United States*.

BOOK REVIEWS

185

reproduction, Denbow's theory of autonomy presents a salient theoretical underpinning from which to bolster reproductive rights. Ultimately, Denbow's book serves as a powerful call to action for practitioners to reimagine women's autonomy in order to protect and advance reproductive rights.

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