

# **SYMPOSIUM**

## **FEMINIST PERSPECTIVES ON MEDICAL BODIES**

**Date: 20 February 2015**

**Time: 9.00am – 5.30pm**

**Location: 24.102**

### **Program**

**8.45 am** Coffee and registration

**9.00 am** Opening Welcome and Welcome to Country

**9.30 am** Keynote Presentation 1

**20<sup>th</sup> Century Oöcytes: Experiment and Experience**

Professor Catherine Waldby,

Professorial Future Fellow, Department of Sociology and Social Policy,

University of Sydney

**10.30 am** Morning tea

**11.00 am** Panel 1 - Transformation

Chair: Dr Nicola Marks

**Making Foetal Persons: Foetal Homicide, Ultrasound, and the Normative  
Significance of Birth**

Associate Professor Catherine Mills,

Centre for Human Bioethics, School of Philosophical, Historical and

International Studies,

Monash University

## **Beautiful Vaginas: Porn, Cosmetic Genital Surgery and the Law**

Dr Macarena Iribarne

Independent Scholar based in Wollongong

## **100% Pure Pigs: New Zealand and the Cultivation of Pure Pigs for Xenotransplantation**

Rachel Carr,

Phd Candidate, Sociology and Social Policy,

University of Sydney

## **Generating the Feminine: Speculating on Tissue**

Dr Nadine Ehlers,

Senior Lecturer, School of Humanities and Social Inquiry,

University of Wollongong

**1.00 pm Lunch**

**2.00 pm Keynote Presentation 2**

### **The Gendering of Disability: Sex Selection for 'Risk Reduction'**

Professor Isabel Karpin,

Faculty of Law,

University of Technology Sydney

**3.00 pm Afternoon tea**

**3.30 pm Panel 2 - Reproduction**

Chair: Dr Nadine Ehlers

### **Exploring the Global IVF Experience**

Professor Vera Mackie,

Associate Professor Sarah Ferber,

Dr Nicola Marks,

School of Humanities and Social Inquiry,  
University of Wollongong

**Abnormal Medical Bodies: Sterilisation of Women and Girls with  
Disability and the Incomprehensibility of Discrimination**

Dr Linda Steele,  
Lecturer, School of Law,  
University of Wollongong

**Medical Bodies and Foetal Genome Sequencing: Unlocking  
Professionals' Discourse**

Zoe Barker,  
PhD candidate, School of Humanities and Social Inquiry,  
University of Wollongong

**Confusion and crisis: The situation for couples undertaking surrogacy in  
and out of Australia**

Associate Professor Andrea Whittaker,  
School of Political and Social Inquiry,  
Monash University

**5.30 pm      Close**

# Abstracts and Biographies

## 20<sup>th</sup> Century Oöcytes: Experiment and Experience

**Professor Catherine Waldby, Professorial Future Fellow, Department of Sociology and Social Policy, University of Sydney**

Over the course of the twentieth century, as the biological sciences extend their knowledge of cellular and molecular life, and become more tightly tied to national medical and industrial priorities, oöcytes (mammalian eggs) are gradually objectified as cell lineages with particular capacities and potential applications. Prior to this historical moment, their capacities cannot be separated out from an integrated experience of reproductive physiology as an everyday bodily gestalt, in which tissues and organs cooperate in the 'coordinated ensemble ... [that] comprise[s] the total organism' (Canguilhem, Marrati and Meyers 2008: 17). While their *cooperation* produces fertility (or its absence) as particular kinds of thematizable experience, marked and organized in virtually all cultures, these elements themselves are not ready to hand as experienced, remaining in their opaque, *in vivo* milieu as a tacit texture.

In this paper, I will explore the historical conditions under which oöcytes became objects of both experience and economy. As we will see, throughout the course of the twentieth century, oöcytes become *experimental* objects, as the reproductive sciences tinker with their functions, capacities and potentials. While experimentation is initially focused on livestock gametes as leverage points in the agricultural sector of national economies, the ethos and knowledge is incrementally transferred to human gametes as the century progresses. Meanwhile, over the course of the twentieth century, but particularly after the 1960s, women adopt an experimental approach to their own bodies, to the constitution of their fertility and to the limits of femininity through the optic of feminism (Murphy 2012). It is when these two domains of experimentation intersect that oöcytes gradually emerge both as discreet objects of desire and as objects with *scarcity* value, amenable to ordering, hierarchy and to transactions of various kinds.

## Bio

Catherine Waldby is Professorial Future Fellow in the Department of Sociology and Social Policy, Sydney University, and Visiting Professor at the Department of Social Science and Medicine at King's College London. She researches and publishes in social studies of biomedicine and the life sciences. Her books include *AIDS and the Body Politic: Biomedicine and Sexual Difference* (1996 Routledge), *The Visible Human Project: Informatic Bodies and Posthuman Medicine* (2000 Routledge), *Tissue Economies: Blood, Organs and Cell Lines in Late Capitalism* (with Robert Mitchell, Duke University Press 2006) *The Global Politics of Human Embryonic Stem Cell Science: Regenerative Medicine in Transition*, (with Herbert Gottweis and Brian Salter, Palgrave 2009) and *Clinical Labour: Tissue donors and Research Subjects in the Global Bioeconomy* (with Melinda Cooper, Duke University Press 2014). With Nikolas Rose and Ilina Singh, she is the co-editor of *BioSocieties: an interdisciplinary journal for the social studies of life sciences*. She is the director of the Biopolitics of Science Research Network [http://sydney.edu.au/arts/biopolitics\\_science](http://sydney.edu.au/arts/biopolitics_science) and a Fellow of the Academy of Social Sciences in Australia. She has received national and international research grants for her work on embryonic stem cells, blood donation and biobanking.

**Making Foetal Persons: Foetal Homicide, Ultrasound, and the Normative Significance of Birth**  
**Associate Professor Catherine Mills, Centre for Human Bioethics, School of Philosophical, Historical and International Studies, Monash University**

Foetal homicide laws are gaining prominence internationally and in Australia. Such laws are controversial since they establish legal personhood for the foetus, and may ultimately be used to limit women's rights to abortion. In this paper, I consider the role that obstetric ultrasound images have played in the constitution of the foetus as person, to open a discussion of the ways that medical technologies are implicated in the legal and social regulation of pregnant women. In focusing on ultrasound images, I begin to develop a performative account of foetal personhood, drawing on the work of J.L. Austin and Judith Butler. This account highlights the social nature of moral status, and strives to recognise the normative significance of the maternal-foetal relationship.

**Bio**

Catherine Mills is Associate Professor of Bioethics and the recipient of an Australian Research Council Future Fellowship in the Centre for Human Bioethics, Monash University. Her research explores issues at the intersection of reproductive ethics, feminist philosophy and Continental philosophy. She is the author of *Futures of Reproduction: Bioethics and Biopolitics*, and *The Philosophy of Agamben*. She is currently working on a book on biopolitics, as well as projects on obstetric ultrasound, and the concept of responsibility in reproductive ethics.

**Beautiful Vaginas: Porn, Cosmetic Genital Surgery and the Law**  
**Dr Macarena Iribarena, Independent Scholar based in Wollongong**

Pornography constitutes a cultural realm that fosters ideals of beauty. These ideals have become increasingly important as access to pornography has become broader and easier. Pornography also embodies a normative model as it advances the promise of a satisfactory sexual life to those who fulfil its aesthetic ideals. Many women have chosen to undertake cosmetic genital surgery in order to transform their own bodies and acquire an ideal porn vagina.

In NSW (as in other Australian jurisdictions), female genital mutilation is explicitly prohibited. The prohibition applies to consenting adult women, and specifically excludes any issues other than 'medical welfare' from consideration when assessing 'health.' The terms 'medical welfare' and 'health' are apparently intended to exclude cultural practices of female genital circumcision and to confer exclusive authority on the medical profession to make judgements as to necessity. This paper will advance a critical feminist assessment of these provisions, as both terms can be referred to the psychological condition of women whose bodily aesthetic ideals are conditioned by pornography. In other words, this paper will analyse the legitimacy and effectiveness of the prohibition of female genital mutilation against the influence of porn ideals of genital beauty among women.

**Bio**

Macarena Iribarne is an independent scholar based in Wollongong. She has a PhD in Human Rights from the Universidad Carlos III de Madrid (Spain). Between 2011 and 2012 she was a research visitor in the Centre for Human Rights and Legal Pluralism at McGill University (Montreal). In 2012 she published a monograph titled *Flora Tristan y la Tradición del Feminismo Socialista (Flora Tristan and the Socialist Feminism Tradition)*.

## **100% pure pigs: New Zealand national identity and the cultivation of pure Auckland Island pigs for xenotransplantation**

**Rachel Carr, Phd candidate, Sociology and Social Policy, University of Sydney**

This paper focuses on the social-material construction of a special breed of pigs, the Auckland Island Pigs. It examines this as it intertwines with the biotechnology company Living Cell Technologies (LCT), an NZ/Australian company who are using Auckland Island pigs in xenotransplantation technologies, and with New Zealand regulatory systems and national imaginaries. New Zealand is a relatively isolated nation characterised by an investment in ideas of the nation's cleanliness and purity – found for example in the 100% pure campaign, and its extreme quarantine restrictions. Although NZ initially banned xenotransplantation, it is now one of the world leaders in clinical trials. By many accounts this has been indebted to the Auckland Island pigs – creatures assured of their purity from being isolated for a hundred years or more on a remote NZ island, and reproduced now under highly specific bio-security conditions.

Using primarily document analysis, and drawing on Haraway's concept of material-semiotic bodies, Jasanoff's notion of co-production, and Foucault's apparatuses of power, this paper seeks to explore how the purity of the pigs is established through narrative and embodied technologies. It explores how the purity of NZ is also (re)mapped through the bodies of these extraordinary pigs, enabling them to be used as a source for xenotransplantation in NZ and internationally. I argue that the construction of pure Nation and pure bodies here are also embedded in particular apparatuses of power that produce lived lives for animals and humans that are often violent in nature.

### **Bio**

Rachel is a PhD candidate at the University of Sydney, in the department of Sociology and Social Policy. Her research interests are at the intersection of Human-Animal studies, Feminist Science and Technology Studies and Biomedicine/Public health. Her phd project focusses on animal-human transplantation, looking at the regulatory and virology discourses/practices. It explores intersections in the ways the 'human' is imagined and produced in the xenotransplantation field, and how this intersects with other national imaginaries of – and ways of administering/regulating – the human population or nation.

## **Generating the Feminine: Speculating on Tissue**

**Dr Nadine Ehlers, Senior Lecturer, School of Humanities and Social Inquiry, UOW**

Individuals are now called on to be more enterprising with their materiality, to exponentially speculate on the potential of their own tissues, and to move beyond simply repairing the body to instead *optimize* and *extend* corporeal capacity. I consider how biotechnological advancements, specifically in stem cell technologies, both enable the possibility to generate 'ideal' female embodiment and intensify the exertion to generate the body itself—in line with neoliberal logics: the 'body work' undertaken via stem cell technologies is highly individualized (stimulating self-generation, self-improvement, and enabling the individual to become self-excessive); and it is more efficient (individuals host their own bodily generation and are the laborers of their own generation). I look at two case studies: First, developments in breast reconstruction techniques, which have moved from re-arranging existing parts of the body to harnessing the generative capacities of fat stem cells in order to create new breasts; and second, the very recent generation of vaginas from vulva cells. Through these two case studies I show that it is the ideal gendered body that is reproduced through these forms of generation, enabling the body to be recognized as 'woman': the generated breast enables women to visually signify feminine corporeality and the generated vagina enables women to acquire bodily utility in the domain of heterosexual penetrative sex. It becomes clear, however, that the marketing of such technologies

converts the liberal subject into the entrepreneurial neoliberal market actor (who can direct and purchase their own restoration or regeneration) and that the body can only be remediated and regenerated by individuals *already privileged* within circuits of capital, demarcations of race, and normalizing judgments regarding embodiment.

## **Bio**

Nadine Ehlers is Senior Lecturer in Cultural Studies at the University of Wollongong, Australia. Her work analyzes the intersections of the body, technology, materiality, and ethics in relation to gendered and racial formation. She is the author of *Racial Imperatives: Discipline, Performativity, and Struggles Against Subjection* (Indiana University Press, 2012). She is currently working on two book projects. The first of these is a co-authored book (with Shiloh Krupar, Georgetown University) titled *Enterprise of Life: Biocultures and the Ethics of Living On*, and the second is an edited collection (co-edited with Leslie Hinkson, Georgetown University) focusing on U.S. debt logics and race-based medicine, titled *Living in the Red: Racial Indebtedness, the American Healthcare System, and Race-based Medicine*.

## **The Gendering of Disability: Sex Selection for 'Risk Reduction'**

### **Professor Isabel Karpin, Faculty of Law, University of Technology Sydney**

In this paper I focus on gendered assumptions around behavioural disabilities in the context of access to preimplantation genetic diagnosis for medical sex selection. While the use of technologies such as preimplantation genetic diagnosis for sex selection are generally prohibited through legislative limits or ethics guidelines, sex selection for "medical reasons" is generally not prohibited. However, in some instances normative gender stereotypes inform how disability is constructed. What is viewed as a disability in one sex is sometimes viewed as a trivial variation, an environmental or context based problem, a psycho-social condition or even a positive trait in the other sex. This paper explores the distinction between medical and non-medical sex selection and the problem of determining what constitutes a normal identity in the absence of gender stereotypes. It explores the implications of medical sex selection technologies in the context of specific behavioural and psychological conditions such as autism, ADHD and anorexia.

## **Bio**

Professor Isabel Karpin is a Professor at the Faculty of Law, University of Technology Sydney. She taught in the Faculty of Law at the University of Sydney from 1994 to 2008. Prior to joining the University of Sydney faculty she worked for a period for the law firm Blake Dawson Waldron Solicitors (as it then was), and then took up a position as legal officer at the Human Rights and Equal Opportunity Commission. In 1991 she completed the Masters of Law program at Harvard University and then moved to New York to undertake a JSD at Columbia University. Her doctoral work entitled 'Embodying Justice: Legal Responses to the Transgressive Body', examined the regulation of marginalised bodies, with a particular focus on the pregnant body. She specialises in feminist legal theory, health law, genetics and the law, disability and law and culture. Her current scholarship is in the area of law that can broadly be described as regulating bodies. This includes laws governing reproductive technologies, biotechnology as well as the legal responses to developments in genetic technologies and the challenges these pose to legal understandings of normality, disability, individuality, and family.

## **Exploring the Global IVF Experience**

**Professor Vera Mackie, School of Humanities and Social Inquiry, UOW**

**Associate Professor Sarah Ferber, School of Humanities and Social Inquiry, UOW**

**Nicola Marks, Senior Lecturer, School of Humanities and Social Inquiry, UOW**

The birth of Louise Brown in 1978, the first baby born after IVF, was made possible by the international movements of doctors, technical practices and scientific publications. Forty years later a host mother in India carried a baby conceived from a Japanese father's sperm and another Indian woman's donated ovum. The baby, known as 'Manji' was left stateless and illegitimate after the commissioning parents divorced, leading to increased scrutiny of surrogacy arrangements in India. Meanwhile, the documentary *Google Baby* follows an Israeli entrepreneur who matches up sperm donors, egg donors, commissioning parents and gestational mothers, each of whom might be located in a different country. These movements of bodies, practices, discourses, products and money highlight that IVF has always been embedded in the complex dynamics of globalisation.

In this paper, we argue that it is essential to further explore these global dimensions of IVF and patterns of reproductive travel. These patterns are often unpredictable and need to be understood in their changing historical, social and cultural contexts. To understand such macro-level processes, we need detailed micro-level case-studies. Indeed, reproductive travel is encouraged and unsettled by the gaps between different regulatory regimes, the materiality of different bodies, different colonial contexts, or different economic arrangements.

### **Bios**

Nicola Marks is Senior Lecturer in Science and Technology Studies at the University of Wollongong. She researches social aspects of health and medicine, in particular stem cell research and reproductive technologies.

Sarah Ferber is Associate Professor in History at the University of Wollongong. She is the author of *Bioethics in Historical Perspective* (Palgrave 2013).

Vera Mackie is Senior Professor of Asian Studies at the University of Wollongong. She is co-editor (with Mark McLelland) of the *Routledge Handbook of Sexuality Studies in East Asia* (2015).

Vera, Sarah and Nicola were recently awarded an ARC Discovery Grant for their project: *IVF and Assisted Reproductive Technologies: The Global Experience*

## **Abnormal Medical Bodies: Sterilisation of Women and Girls with Disability and the Incomprehensibility of Discrimination**

**Dr Linda Steele, Lecturer, School of Law, UOW**

Over the past 20 years Australian disability advocates have lobbied for the introduction of legislation prohibiting sterilisation of women and girls with disability. One of the arguments in support of prohibition is that sterilisation constitutes discrimination against women and girls with disability. Yet the Australian government has resisted introducing legislation to explicitly prohibit sterilisation and has supported the continuation of legal frameworks regulating sterilisation through court authorisation. I draw on critical disability studies and feminist legal theory to examine the arguments against sterilisation as discrimination, focussing on three documents: the leading High Court decision on sterilisation *Marion's Case* (1992) 175 CLR 218, the Full Family Court decision of *Re P* (1995) 126 FLR 245, and the recent 2013 Senate Community Affairs References Committee report *Inquiry into the Involuntary or Coerced Sterilisation of People with Disabilities* in

Australia. I argue that in each of these documents women and girls with disability are considered incomparable to individuals without disability such that discrimination through sterilisation is incomprehensible. Women and girls with disability are constructed as abnormal: as different in kind and the absolute other to individuals without a disability. This construction has three key implications: (1) women and girls with disability can be located in a discrete legal space subject to its own standards of acceptable treatment and violence, (2) these standards are informed by a drive to manage abnormality through medical intervention, and (3) perversely, sterilisation becomes a benevolent medical procedure which can support the realisation of the rights of women and girls with disability.

### **Bio**

Dr Linda Steele is a lecturer at the School of Law, University of Wollongong. Linda's research focuses on the intersections of disability, law and critical theory and focuses on two areas: (1) the treatment by criminal law of alleged offenders with disability, particularly in the context of diversion, and (2) violence against women with disability, particularly in the contexts of sterilisation and policing. Linda has a professional background in the community legal and social justice sector. She is a member of the Executive Committee of the Women in Prison Advocacy Network, Sydney Australia (2008-present) and was a solicitor at the Intellectual Disability Rights Service, Sydney Australia (2006-2008). Linda is a member of University of Wollongong's Legal Intersections Research Centre and the University of Wollongong Feminist Research Network.

### **Medical Bodies and Foetal Genome Sequencing: Unlocking Professionals' Discourse**

**Zoe Barker, PhD candidate, School of Humanities and Social Inquiry, UOW**

In the area of genetics, technological artefacts are of extreme sociological importance, since biological technologies – notably reproductive technologies such as prenatal tests – carry the potential to change how we think about life itself.

Prenatal genetic testing is being rapidly transformed by the development of innovative technologies that can detect foetal genetic information in ways markedly distinct from previous technologies. By analysing a blood sample drawn from a pregnant woman, the entire genome of a foetus can now be sequenced. Some of these applications are still in their experimental stages, but a number have already been integrated into current screening and diagnostic services around the world, including Australia.

In this paper I will explore these new developments and the real and potential impact they have on three particular kinds of bodies: the bodies of women, fetuses and 'disabled' bodies. Through the theoretical framework of social worlds and discourse analysis, I will examine publicly available scientific papers to reveal how these bodies are discursively constructed, endorsed and delegitimised.

### **Bio**

Zoë Barker is a PhD candidate in Science and Technology Studies (STS). Her research interests are in medicine and reproductive technology, drawing on insights from the Sociology of Health and Illness, Anthropology and Linguistics.

Her PhD investigates the practices and experiences of health professionals working in prenatal genetic testing in Australia.

**Confusion and crisis: The situation for couples undertaking surrogacy in and out of Australia**  
**Associate Professor Andrea Whittaker, ARC Future Fellow and Convenor of Anthropology, School of Social Sciences, Monash University**

Associate Professor Andrea Whittaker is ARC Future Fellow and Convenor of Anthropology at the School of Social Sciences, Monash University, Melbourne, Australia. She is a medical anthropologist working primarily in the fields of reproductive health and biotechnologies with a special interest on Thailand and SE Asia. Her Australian Research Council Future Fellowship studies the reproductive travel in Thailand and the region for sex selection and surrogacy. In addition, she is currently undertaking collaborative research on contraceptive use among migrant women in Melbourne through an ARC Linkage project and is part of another ARC Linkage project working on a longitudinal qualitative study of people living with HIV in rural and regional Queensland. She received her PhD from the University of Qld in 1995. Her major publications include *Intimate Knowledge: Women and their Health in Northeast Thailand* (2000), *Women's Health in Mainland South-east Asia* ed. (2002), *Abortion, Sin and the State in Thailand* (2004) and *Abortion in Asia: Local dilemmas, global politics* ed. (2010). She has another book entitled *Thai in vitro: Assisted reproduction in Thailand* forthcoming in 2014 with Berghahn Books.

**Bio**

Australian diverse surrogacy laws pose numerous obstacles for couples seeking surrogacy services. Laws vary from state to state with some states allowing 'altruistic surrogacy', while others ban it. Commercial surrogacy is illegal in all jurisdictions and it is illegal in three states of Australia (NSW, ACT and QLD) for residents to undertake commercial surrogacy overseas. The growth of international surrogacy services has resulted in growing numbers of Australians seeking surrogacy overseas, particularly in India, the US and Thailand. Although Australia recognises the citizenship of the babies produced, very few of these couples have parenting orders. The first part of this paper summarises the legal status of surrogacy in Australia and the resultant circumvention by Australian couples, I then describe recent events in Thailand which have drawn attention to the exploitative possibilities of a largely unregulated trade. These include the trafficking of women for surrogacy, a suspected Japanese baby trafficking operation, the case of 'Baby Gammy', a child with Down's syndrome allegedly abandoned in Thailand by the intended parents into the care of his surrogate mother and a current legal case involving the sexual abuse of twin girls conceived through surrogacy to a convicted paedophile. These highly publicised cases are producing a public debate over the ethics and practices of surrogacy and discussion of potential policy changes. The change in legislation in Thailand is causing considerable uncertainty for a large number of intending parents and their surrogates currently expecting children and may result in a number of stranded children. Despite these tragedies, it is likely that travel to circumvent regulations by Australian couples will continue within an endlessly flexible and innovative capitalist market in surrogacy.