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The Concept of a Feminist Bioethics

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ABSTRACT

Feminist bioethics poses a challenge to bioethics by exposing the masculine marking of its supposedly generic human subject, as well as the fact that the tradition does not view women's rights as human rights. This essay traces the way in which this invisible gendering of the universal renders the other gender invisible and silent. It shows how this attenuation of the human in 'man' is a source of sickness, both cultural and individual. Finally, it suggests several ways in which images drawn from women's experience and women's bodies might contribute to a constructive rethinking of basic ethical concepts.

Key words: concept, feminism, health, subjectivity

I. INTRODUCTION

> "A *feminist* ethics would always be a *partial* ethics." — anonymous reviewer of this issue

From the point of view of the history of ethics and moral philosophy the concept of a feminist bioethics seems strange, even oxymoronic. After all, the essential criterion of moral philosophy is that it must articulate general principles appropriate to any rational agent. The introduction into its subject of an empirical difference such as gender seems to confuse objective determinations with transcendental principles.

At the same time the idea of a *bio*ethics, an ethics founded in and reflective of life, is not itself altogether consistent with the tradition of moral philosophy. Life has often been approached as the domain of deployment for reason's

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regulatory and disciplinary powers, while rendered irrelevant to the validity of moral judgments. To the extent that contemporary ethics derive from Kant they bear the trace of this alienation of life and reason, locating the validity of judgments in principles derived analytically from an abstract idea of freedom or self-determination, while absorbing the specificity of any situation in the generality of a rule.[1]

Both in terms of its feminism and its invocation of *bios*, a feminist bioethics seems to violate essential conditions for thinking ethically and morally. In fact, have not 'woman' and the body always been interlaced in the history of Western philosophy, so that putting the body out of play and silencing 'woman' often come to the same gesture? Though Plato eliminates the political significance of sexual difference in the ideal state by abolishing the family wherein gender is constituted, in fact the family is not abolished. Since Aristotle, 'woman' has been thought as the 'other' to 'man', as his property, as the place of his creation or his muse, and as the guardian of the body and blood from which he detaches himself in his transcendental pursuits.

Theoretical descriptions in Aristotle or Hegel of 'woman's' subjection to natural forces, her irrationality or diminished rational capacity, the inappropriateness of her participation in science and politics, and most importantly, her inability to universalize or to think of herself as an image of a general form, do not merely describe. These theoretical descriptions also operate to explain and justify concrete material practices deployed on the actual bodies of living individuals. The exchange of women and ancillary property can be the basis of society only if 'woman' is excluded from the position of the subject in philosophy and political theory, and rendered an object to be dispersed and regulated (Levvi-Strauss, 1969, pp. 483–489; Rubin, 1975, pp. 157–210). Denied their own names, insecure in the legal right to their own bodies and the children borne of them, mediated by men in their relations with other women, limited in their movements either formally or by the threat of rape, and regulated by a medicine that has historically viewed them as inherently defective or sick, women find in the philosophy and political theory of this tradition a justification of their plight.[2]

The idea of a feminist bioethics exposes the fact that the tradition does not view women's rights as *human* rights; thus, a "feminist ethic would always be only a partial ethics." The idea that women's experience could be exemplary of the human and inform men and women of significant ethical principles or general images of the good contradicts the claims of philosophy's historical subject, 'man', to an absolute voice.

The supposedly generic human subject of western philosophy has always been marked masculine, and the 'we' of the social contract has always been comprised of a band of men, bound together by the formalities of exchanging property, paradigmatically women. 'Man' asserts himself as if he were the whole story. 'Woman' is a variation, an object within the story, or a supporting character. This invisible gendering of the universal renders the other gender invisible and silent.

Luce Irigaray, with whom I conspire in explicating the concept of a feminist bioethics, identifies this masculine marking of the supposedly generic human subject as a source of sickness, both cultural and individual. The gravity of this sickness warrants, in Irigaray's analysis, an apocalyptic tone. A feminist bioethics investigates the links between this invisible gendering of the universal and the actual experience of real human bodies. What forms of life are cultivated and sustained by this masculine marking of the universal? Are certain forms of illness systematically produced by it? What difference would it make to our health if we were to rethink the universal departing from the experience of women?

II. RETHINKING THE "WE"

"... we, philosophical consciousness ..." — G.W.F. Hegel,
Phenomenology of Spirit

"How can we speak so as to escape from their compartments, their schemas, their distinctions and oppositions: virginal/deflowered, pure/impure, innocent/experienced... How can we shake off the chains of these terms, free ourselves from their categories, rid ourselves of their names? Disengage ourselves, *alive*, from their concepts?"
Luce Irigaray, *An Ethics of Sexual Difference*

Hegel presents the 'we' of philosophical consciousness as an artifact, produced through a long history of social formation. In this formation the confinement of 'woman' in the domestic sphere, where she tends the body both living and dead, is an essential condition for 'man's' participation in the discursive domains of science, politics, and philosophy. Freed from the hindrances of the body, 'man' engages in the rational associations of the citizen, while 'woman' remains determined by the factical claims of blood.

What is expressed in the 'we' of philosophical consciousness is the brotherhood of citizens, scientists, and philosophers, who have superceded the claims of life by identifying themselves as an instance of a general principle. Thus, the 'we' is governed by a logic of the same, the idea that subjective differences reduce to a universal form of rationality. It embodies a mutual recognition in which the other is like myself and returns my own gaze to me in a circuit that is fundamentally narcissistic. Man sees himself in the other, and it is the sameness of his being and the other's that is confirmed in the 'we'. In the substitutability of one rational agent for another, one citizen for another, one scientist for another, each one only an instance of the same universal form, 'man' finds his authoritative voice. In this logic of the same, 'woman' always appears as exceptional, abnormal, or degenerate. She is explicitly excluded from the universal voice of the 'we' (Hegel, 1991, sections 164–166; 1979, sections 458–459).

Contrary to this Hegelian logic of the same, wherein difference is always reduced and the 'we' refers to a homogenous band of instances, Irigaray argues that each sex exceeds its natural immediacy only through the generality of its gender. "Each man and each woman is a particular individual, but universal through their gender" (Irigaray, 1996, p. 51).[3] As a figure of the universal, 'man' is not absolute, nor is his companion 'woman' the only possible figuration of women's experience. There are other possibilities of transcendence implicit in human experience besides those actualized in 'man'. The form of generality is specificity. 'Man's' story of the human requires the supplementation of others.

This absolutizing of the masculine gender via the concept 'man' effects an elision of the difference of gender in the fundamental concepts of philosophy and politics. The gesture yields a double result, at once conceptual and practical. First, the human relation to the universal, the possibility of taking oneself or one's experience as a figure of the universal, is limited to the logic of the same. Transcendence occurs only in virtue of an absolute figure, any rational agent, wherein all difference is always already reduced. This figure of the generic subject implies that I can know the other or recognize the other only insofar as he is the same as I am. It assumes that our judgments are based on and our exchanges occur in virtue of something *common* to us and that respect is properly accorded to an other in whom I see myself. 'Man' prefigures every particular as an instance and determines difference to be derivative with respect to its own self-asserted universality.

At the same time, the figure of 'man' authorizes the reproduction of the same in the deployment of normalizing practices upon the real bodies of actual individuals. What marks 'our time' for Irigaray, as for Hegel, is the material triumph of those generalizing forces that operate in the name of 'man': the supercession of the particular consciousness by corporate agencies of massive proportions and immense regulatory powers, more or less hostile or indifferent to individual life, a bureaucracy of normalization by which the economy of the same is reproduced indefinitely in virtually all domains of life. "Today," Irigaray remarks, the discourse of the same "lays down the law" and "legislates on everything" (1985, p. 85). On the one hand, all the registers of actual life, the domain of the blood, are subject to scientific study and to the regulations and regulatory practices inevitably produced by it. On the other, the material registers, as fields of particulars, can be and are replaced by their symbolic representatives, so that the multiplicity of bodies may be grasped as one or the same for purposes of manipulation and distribution.

Not only have male models of development and relationship been made normative for the species, but women's lack of any relation of their own to the universal has left them largely dependent or alienated, as well as inarticulate. Men and women are doubly differentiated – by their bodies and by their cultural formations. The story of the band of brothers founds politics and society at least since Hobbes. The rhetorical tropes and metaphors in which citizenship and civil life are described are drawn by analogy from the male body and reflect male anxieties and desires.[5] No correlative language articulates the primary relations and bodily experience of women. Women speak as citizens only by speaking through the figure 'man', and participate as citizens only by analogy, only by taking the position of the brother.

In an essay entitled "Your Health," Irigaray explores the intertwining of these conceptual determinations with concrete forms of life and the experiences of actual bodies (1990). She links the absolutizing of the male gender in the concept 'man' and the correlative exclusion of women from the position of the subject in politics, science, and philosophy to a variety of ills, including the ill health and impoverishment of millions of actual women and children, the rendering of nature as a fund of resources to be exploited, the commodification of personal relations, the hostility of our fabricated environments to the needs of our body, and the threat of nuclear catastrophe. The attenuation of the human in 'man's' absolute claim to transcendence negatively marks the bodies, not only of women, but also of men, and of the culture or place that they share.

III. 'MAN'S' ILLNESSES

> "It's profoundly pathological and pathogenic for subjective and objective rights to be so unequally distributed." — Luce Irigaray, *Your Health*

This double elision of sexual difference – in our philosophical descriptions and in those cultural practices that produce and position the subject – issues in at least three kinds of ill health. First, Irigaray demonstrates the link between the objectification of 'woman' and the emergence of possibilities of nuclear annihilation and environmental disaster. In the conceptual history of philosophy 'woman' is consistently identified with the body and with nature, in contrast to man's rational transcendence. She is "... the 'matter' from which the speaking substance draws nourishment in order to produce itself, to reproduce itself"(1985, p. 75). Alienated from the domain of the body, the sphere of 'woman', the rational observer of science brings us to a point where the very matter of science itself is at stake. The "fundamental dereliction of our time," according to Irigaray, is not only that natural science may produce the destruction of the very matter that it studies, but also that virtually every natural science is shaped by a technological or economic interest and treats nature like a commodity. The appropriation of 'woman's' body as property and nutritive medium for 'man's' creative activity is reflected in 'man's' appropriation of nature. Like woman, nature is man's property, or properly his to use. Irigaray links the threats of nuclear catastrophe and environmental disaster to the exclusion of women from the universal, because 'man's' attitude of mastery over nature requires both the absolute voice of a generic subject and a suppression of the mortality of the body and the earth. Not war, but Chernobyl, a technological disaster vastly amplified by the forces of nature, is the image of destruction that provokes Irigaray's apocalyptic tone. 'Man's' failure to recognize the subjectivity of the body produces policies and technologies that do not take into account the corporeal integrity of the subject.

> ... the development of technology is subjecting our bodies to such trials that we are threatened with physical and mental annihilation, that our living conditions leave us no time to rest or think, whatever real leisure time we may have, and that we are continually overwhelmed, forgetful, distracted. Men's science is less concerned with prevention or the present than with curing. For objective reasons of accumulation of property, for reasons of the subjective economy of the male subject, it allows disorder and pollution

> to grow, while funding various types of curative medicine. Men's science helps to destroy, then attempts to fix things up (Irigaray, 1994, p. 7).

Chernobyl proves emblematic for Irigaray because it demonstrates so well the self-deception involved in the belief that we can "fix things up." The role of speed and machines in our everyday lives, as well as the lack in our physical environment of a scale appropriate to the human body, already undermine our health, even as we wait for catastrophe.

The second type of negative effects on human health results from the material reflection of the logic of the same, viz., money, that common coin to which any value can be reduced.

> Patriarchy has been organized with an emphasis on wealth rather than respect for life and the intersubjectivity between people necessary for this respect to exist. In our day, we are fascinated by infinite subtleties involved in the manufacture, commerce, and ownership of property. Yet we know practically nothing about commerce among people. We are so alienated by goods, money, economic exchanges in the narrow sense, that we are losing our most basic physical and moral health (Irigaray, 1994, p. 71).

Irigaray remarks the vast differential between our investment in war and physical incarceration, on the one hand, and our investment in the infrastructure or body of our culture and the welfare and education of its people, on the other. Moreover, her analysis suggests that the only civil mediator in our culture, the only medium wherein our differences are expressed and resolved, is money. As a result, social relations are "incessantly conflictual and made hierarchical by powers associated with property ownership rather than people's qualities and experience" (Irigaray, 1994, p. 86). In ethics the reduction of all values to a common unit of exchange appears in the method of cost-benefit analysis, a methodology that embodies the futile attempt to transform a value judgment into an objective measurement. Increasingly, health care is governed by a cost-effectiveness calculus in which the patient, like the physician, is a mere unit.[6] Concerns about patient autonomy, the doctor-patient relation, or the patient's personhood belong to another era of medical ethics.

Finally, women's health suffers from their lack of a "discursive duplication." Not only are women subject to the normalizing practices of patriarchy and cast as the other in a civil culture marked male, but also women are tied to natural immediacy through the absence of any language in which they might

recognize and reconstitute the experience of their bodies and their gender as something universal. Aristotle's politics, Hobbes' analysis of the transference of right, and Hegel's account of the dialectic of mastery and slavery or mutual recognition are cultural artifacts wherein the male constitutes himself as friend, citizen, and as 'man', the generic emblem of the human. Through these discourses he secures his participation in the 'we' of the social contract. Women's experience, conversely, is not recognized as threshold or opening upon transcendence. Because the universality of women's experience is not realized in a history of discourses and practices,

> . . . women's health suffers above all from their lack of self-affirmation and from the impossibility of or denial of a definition of women as subjects and objects by and for themselves. They are deprived of a subjective order by which they can unify their corporeal vitality (Irigaray, 1990, p. 105).

The only relief from this suffering is to be found in the development of a conceptual language that reflects women's bodies and women's experience. Moreover, an ethics and politics that recognized sexual difference and offered to women a conceptual language in which to articulate the universality of their experience, would relieve not only *female* suffering. It would provide also a new fund of images embodying a new set of opportunities for relations among men and women in general, an alternative to the competition and commodification that Irigaray links to our current ills.

IV. REFIGURING SUBJECTS

> "It is quite simply a matter of social justice to balance out the power one sex or gender has over the other by giving or giving back subjective and objective rights to women." — Luce Irigaray, *The Right to Life*

To grasp new possibilities of transcendence that address the current conceptual undermining of our practical life, 'man' would need to hear himself in the 'she' in the way women long ago learned to hear themselves in the 'he'. He would need to see women's experience as a threshold through which he might pass into universality. He would need to see those principles and forms drawn from women's experience as comprising not a "partial ethic," but a *human*

ethics. Feminist bioethics, in its variety, is defined by this project of beginning from women's experiences and bodies in formulating the problems, principles, and concepts of ethics.

In closing, let me suggest, following Irigaray, three ways in which images drawn from women's bodies and women's experience might contribute to a constructive rethinking of basic ethical concepts. First, pregnancy, understood as the "toleration of the other within," provides an example of alterity as a relation to the other not based on sameness. The woman's body nourishes the child without regard to its sex or race. Moreover, it is a relation which has as its aim neither mastery, nor reduction of the other to the same. The mother, rather, cultivates the difference of the other and delivers the other into its own independence. Most ethically problematic situations – between doctor and patient, parent and child, teacher and student, boss and employee – involve a relation of inequality. The Western tradition of ethics and moral philosophy, however, locates moral decision making among equals and interprets it as the resolution of a conflict of rights, all measured on the same scale. The figure of pregnancy captures the inequalities that so often qualify moments of ethical urgency, and suggest that a calculus of earning and deserving may not be altogether adequate to moral life. A feminist bioethics, deriving its metaphors neither from a mythical state of war, nor from the economy of the phallus, might begin from this image of the pregnant body and its acceptance of the other who is not the same.

Secondly, in the essay "When Our Lips Speak Together," Irigaray sugests an alternative account of intersubjectivity by taking the lips of the female body as a guiding image. Contrasting with the self-constitution or auto-affection attributed to 'man', the mutual touching of the lips is never an act. Neither subject, nor object, both touching and touched, these lips express a subjectivity both open to the interruptions of the other and double in itself. In place of the self-sameness of the phallic 'I' and the recognition of the other as the same, the female body's lips figure the subject as a portal or passage, at once a threshold onto the universal and the site of transactions and exchanges with an alien other. These lips, two that belong together, suggest that

> . . . man and woman respect each other as those two halves of the universe that they represent . . . by recognizing the other they overcome their immediate drives and instincts. . . . They are spiritual humans from the fact of recognizing that they do not represent the whole of the person and that the other cannot belong to them as their own property (Irigaray, 1996, p. 51).

The lips represent the fundamental twoness of the human, and provide a point of departure for analogies and metaphors that express the way in which each gender gives to the universal a singular face.

Finally, this analysis suggests that ultimately only the development of a discursive language and practical institutions adequate to embody a civil identity for women will address the illness, suffering, and catastrophe that threaten in "our time." This requires, as Irigaray argues, that civil and criminal codes invest women with legal authority over their own bodies and subjectivities. The legal recognition of a woman's right to decide whether or not to be pregnant installs women as citizens. It not only serves as the fundamental recognition of their subjectivity or self-determination, but also invests them with the authority of a competent and responsible decision-maker. By including such a fundamental right in its code, a state embodies respect for women as moral agents.[7] This "right to life" understood as the right to the integrity of one's own body might supply a general figure, applicable to other situations in which the state and normalizing force intervene.

A feminist bioethics, then, paying attention to sexual difference, the body, and material forms of life, advances a political and ethical program that focuses, not on the equality of rights, but on *women's* rights. Rather than assuming that the rights articulated in the name of 'man' are adequate to describe human rights, a feminist bioethics analyzes women's experience and women's bodies to articulate those civil rights discovered through this other access to universality. It seeks to produce new figures of subjectivity and intersubjectivity and new ways of thinking universality based on analogies and metaphors drawn from women's experience and bodies. It requires all those cultural practices in which we represent and realize ourselves to begin again from this other body, thinking it not as an aberration or exception, but as another way to approach *human* rights. Feminist bioethics seeks to address the attenuation of the human in 'man', as well as the very real illness and suffering that attends it.

NOTES

1. Utilitarianism, especially Mill himself, often offers a subtle analysis of the goods of life and their relative value. To the extent, however, that utilitarianism reduces decision-making to a calculus, however subtle, it does not draw its logic from life, where we always have to do with *incommensurate* values, values that do not fall on the same scales. When I have to decide whether or not to give a physician what amounts to permission to facilitate my deeply debilitated mother's death, it is not just a matter of comparing relative values on a

homogeneous scale, but of making commitments or, as Merleau-Ponty remarks, "espousing the situation." Shall I stay by my dying mother's beside or spend time with my young child? Are not both of these demands 'absolute'? Action resolves the situation, but not without violence, not without resisting a moral claim, and by *making a decision,* not according to a calculus of goods, any more than by the application of a formal rule.

2. In fact, this description evokes the experience of relatively emancipated women of Western capitalist democracies, not the more narrowly confined and violently imposed experiences of Muslim women in Bosnia or Afghanistan or even, in those very Western democracies, the disproportionately large numbers of women who are poor or violently abused.
3. See also Derrida's critique of the "we" of metaphysics in "The Ends of Man" (1982) where gender is not thematized, and "Choreographies" (1982) where it is.
4. The project, begun by Nietzsche, of demonstrating both the role of concepts in authorizing and justifying material practices, and the production of those concepts by material as well as conceptual force, has been carried forth most effectively by Michel Foucault. Not until *The Care of the Self*, however, does Foucault directly address the production of gender, of 'man' and 'woman', and its embodiment in concrete practices, institutions, and forms of life. See *The Care of the Self* (1986), parts three and five.
5. Freud, for example, identifies the origin of civilization with the control over fire, but this control turns out to be a matter of self-control or self-mastery. Freud focuses not on the discovery of fire, but on "primal man's" development of sufficient self-control to resist extinguishing fire by his own micturation. "The first person to renounce this desire and spare the fire was able to carry it off with him and subdue it to his own use. By damping down the fire of his own sexual excitation, he had tamed the natural force of fire. This great cultural conquest was thus the reward for his renunciation of instinct" (Freud, 1961, p. 90, fn. 1). Later on in the same essay, in discussing "our Western European civilization" as a "high-watermark of human development," Freud identifies civilization as the "business of men" carried on in "associations of men." Women are paradigms of property and of the taboo against touching another man's property (pp. 102–107).
6. Recently, "drive-by childbirth" and "drive-by mastectomies" have served as emblems of the effect of economic interests on quality of care.
7. Irigaray goes further, arguing that it is not only necessary for the state to recognize women's authority in her reproductive life, but also that "it is necessary to give mothers a preferential right with regard to the children they have borne" (1994, pp. 61, 77). Irigaray cites three reasons for this: (1) the fact that women carry, bear, breastfeed, and, overwhelmingly, rear children, (2) the need to develop a political economy that begins from the needs of mothers and children, rather than competition and commodification, and (3) the necessity of redressing materially the imbalance of power that exists between men and women. If the state were required to recognize formally its reliance on women in relation to children, if it were to grant to women both the authority and the responsibility of the parent, it would at once invoke a new respect for women and require men to negotiate with them in new ways.

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