

NEW MOTHERS: MARKET, BODIES, LIFE

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Another Mother. Diotima and the Symbolic Order of Italian Feminist, edited by Cesare Casalino and Andrea Righi, is dedicated to Gender Studies. As is well known, Gender Studies revolutionized the culture and the way of thinking and structuring society, offering new theoretical tools to decode the current world, and new categories to read the distinction between man and woman: starting from a representation of gender as a cultural construction, in opposition with the traditional biological distinctions between male and female. Indeed, those studies led in the eighties to a strong emancipation turn. Starting from the critics to biological determinism, in relation to social expectations, roles and cultural models, Gender Studies aimed to reformulate gender and sexual-orientation-based identities. In a second time this goal was perceived through the deconstruction of a binary vision, homosexuality / heterosexuality, highlighting its performative aspect. As shown by Luisa Muraro, the *performative* structures the relationship between mother and child. It is an exchange of teaching and learning, a pedagogical “give-and-take” which defines and establishes language. With the words of Muraro (2006): “We learn to speak from the mother, and this statement defines both who the mother is and what language is.”

Undoubtedly, feminism has often been on the fringes of general philosophical and juridical reflection, since it is a complex and heterogeneous movement that aims to eliminate any patriarchal order; it evidently brings actions and political claims aimed at tarnishing the neutral and objectifying image which very often follows legal subjectivity. A subjectivity inevitably crossed by an ontological difference of the woman, which coincides in the patriarchy with the very negation of its identity: a subjectivity to be built through the recognition of sexual difference as a productive structural asymmetry, from an autonomous and independent symbolic matrix. In this sense, the

Diotima project – beating heart of this volume – represent a concrete political praxis in support of gender equality and inclusion policies, in opposition to any attempt to erase the asymmetry between man and woman by rereading it in terms of a millennial absence of women from history (Lonzi, 1982) and which focuses on the symbolic relocation of the maternal order.

Obviously, the analysis and critique of the reproductive work's productive dimension represents the spring of Italian feminism thought, in its attack on the patriarchy's symbolic dimension. To rethink the function of the mother inevitably means dwelling in the analysis of the forms in which the primary institution of human reproduction and socialization is practiced and lived (Casalino, Righi, 2015, p. 8).

In today's neoliberalism those issues are very problematic. As has been recently said referring to global bioproducts (Cooper, Walby, 2014), the neoliberal paradigm knows no waste of biological material, becoming a model of glocalization that fades the distinction between production and reproduction.

Indeed, the logic of the *homo oeconomicus* (Foucault, 2008), is widely affirmed in the area of health management, and above all of surrogate maternity practices. Entrepreneur of himself, subject with interests, in advanced liberal societies this subject is completely involved in the management of its business, pursuing his specific purposes and his own security. The individual confirms himself as a “producer” – and not just a recipient – of policies and practices of safety and health: increasingly involved patients, active consumers, product and service managers. In this sense, we are witnessing the effervescence of a set of power-conferring rules, through which flexible and horizontal normative self-regulation methods are enhanced, according to the logic that takes care of bodies, organizing and strengthening them. *Bodies that matter*, taking up the title of a very famous book (Butler, 1993), depending on the function and weight that are attributed to them, with heavy consequences on medicine and law, called each time to deal with specific cases, hard to be traced back to general case studies, but which in any case respond to a logic of continuous and unstoppable subsumption of the biological in the field of law (Giordano, Tucci, 2017).

This tendency leads progressively to the reconfiguration of some classically expressive functions of patriarchy with respect to which the great dichotomies of feminist thought (public / private) and of philosophical-juridical reflection (nature / artifice) are in tension. The latter one shows today an unprecedented relevance, facing the infinite variables progressively created by the technique, which reveal the prismatic *facie* of the “nature”, every day less distinguishable from what is artificial.

Nowadays we are seeing the weakening of highly disciplinary and coercive productive mechanisms and welfare policies for families and, as in a mirror, an increasing centrality of the body. In particular the female body, its self-valorization in a biological and biopolitical sense, as a source of value inseparable from life. In this spatial reconfiguration of Fordist family, in which reproductive labour is no longer far from work dynamics, there is not only a radical restructuring of the market on services previously limited to the private sphere, but also a problematic externalization of work that transfer risk sharing strategies from companies to workers, radicalizing processes of social stratification on the lines of gender and race.

In this reproductive outsourcing surrogate mothers and oocyte sellers follow different paths caused by unequal regulations: from the absolute prohibition, to the logic of the gift or a minimum refund, up to the total absence of legal limits; this fragmented and inhomogeneous framework traces labile and precarious coordinates in the international legality.

Undoubtedly, the primacy of private agreements and the regulatory vacuum are endogenous factors in the growing of cross-border reproduction. This is especially true in countries characterized by a transitional economy, where reproductive outsourcing becomes a form of autocalcapitalization in which the relationship between freedom and equality is strongly unbalanced, causing inequitable dynamics. The risk here is a radicalization of social vulnerability and social, economic and gender discrimination, hidden behind the reassuring image of self-government.

The regulatory discrepancy at the global level shows how hard is to deal with the marketability of the human body – expressly prohibited by the Oviedo Convention – and therefore with the issue of limits on the juridification of bodies.

Do the logic of empowerment – neoliberal expression of individual freedom and autonomy – and the very idea of bodies' fungibility and interchangeability, not show all the ambiguities in the corporeality/subjectivity relation? Do they not expose how body is the place not only of symbolic exchange, but above all of a subjective identity irreducible to "objectifying" categories?

The reference, to the other mother, the surrogate mother, involves the increasingly widespread and complex subject of commodification, which reproduces the dynamics of body objectification playing on fungibility and availability (Mackinnon, 1989). This risky objectification of the *self* operates in the neoliberal idea of body empowerment, based on its instrumentality and fungibility (Nussbaum, 2000). This expansion of the proprietary lexicon to the generative power of bios brings with it the risk of a reduction

of the human being to thing, damaging the Kantian notion of human dignity, the idea that the “recognition of the other is based on the moral value of the person understood as an end-in-itself”.

However, for some feminist – an approach that overcomes the public-private dichotomy, market-family, production-procreation- (Shalev, 1989) – the other mother, the surrogate one, the maximum expression of solidarity, a welfare service which allows a new source of productive activity for women with limited income and the realization of new distributional effects. This perspective assigns the possibility to recover that biological power of control over the procreative activity, to the responsibility and legitimacy of the patrimonial element. Aiming to underline the equality of women in the assumption of responsibilities and contractual commitments as overcoming the barriers of patriarchy and the attribution of a subjectivity free from emotionality and biological destiny, this viewpoint ultimately, tends, to replicate the economic-reproductive obsession, functionalizing it to a purpose. Therefore, we cannot accept a liberalist interpretation which, based on the concept of choice, introduces a dualism between commodification and exercise of self-ownership, to justify the possibility of managing one’s own body, disassembling and isolating portions of it in an incremental function.

On the one hand this reading key allows us to rethink the dispute on commodification-exploitation equation through the reinterpretation of the Kantian notion of dignity referred to a body thought only as a totality. But on the other hand, it hides the conditions of social and political vulnerability, pacifying them in the freedom and meekness of self-government. The meekness and the ambivalence of domesticated bodies, of docile, manipulable bodies, of container bodies that deliver to contingency portions of themselves, of disassembled and objectified bodies.

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