
Article

Abjection and mourning in the struggle over fetal remains

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Abstract Should the remains of aborted fetuses be treated as human corpses or medical waste? How can feminists defend abortion rights without erasing the experiences of women who mourn fetal death or lending support to pro-life constructions of fetal personhood? To answer these questions, I trace the role of abjection and mourning in debates over fetal remains disposal regulations. Critiquing pro-life views of fetal personhood while challenging feminists to develop richer and more compelling accounts of fetal remains, I argue that embracing the ambiguity and diversity of pregnant bodies can strengthen rather than undermine reproductive autonomy. I conceptualize reproductive autonomy relationally, contending that it entails the pregnant subject's authority to construct as well as to interpret her lived body, including the fetus. Additionally, because the embodied self is inextricable from social context, reproductive autonomy also requires community support. To support these claims, I develop an account of pregnant bodies as ontologically multiple and advocate embracing abjection rather than suppressing it. Finally, I object to fetal remains regulations because they inscribe fetal grievability into the law.

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Introduction

After the death of abortion doctor Ulrich Klopfer, his family discovered the preserved remains of 2,246 fetuses inside his home (Wright, 2019). The local newspaper reported that although ‘people on both sides of the abortion debate were shocked...pro-choice supporters are saying it’s too early to rush to judgment, while pro-life advocates say the discovery’ justifies ‘stricter regulations’ or proves abortion should be ‘outlawed altogether’ (Wright, 2019). A local abortion rights advocate described Klopfer’s behavior as ‘puzzling’ but cautioned against



‘jump[ing] to horrible, negative conclusions,’ claiming more information was needed to determine whether his actions were legally, ethically, or medically wrong (Wright, 2019). Pro-life advocates, in contrast, forcefully condemned Klopfer. U.S. Representative Jackie Wolorski (R-IN) decried his ‘careless treatment of human remains’ as ‘an outrage’ and ‘sickening beyond words’ (Guardian, 2019). St. Joseph County Right to Life pledged to provide dignified burials for each deceased fetus (Guardian, 2019).

How should supporters of abortion rights think and feel about Klopfer’s actions and fetal remains more generally? Are they ‘deceased unborn infants’ deserving of respectful burial, as *Americans United for Life* (2015a) urges? Or – as NARAL (2016) contends – are they mere ‘embryonic tissue,’ most appropriately governed by long-standing legal ‘standards for the sanitary disposal of medical waste,’ without ‘non-medical ritual[s]’ that would undermine patient autonomy? What are the implications of different understandings of dead fetuses for feminist theories of the body and reproductive autonomy? Finally, how might controversies over fetal remains illuminate the role of emotions and clashing views of reality in broader debates about abortion?

To answer these questions, I critique the discourse of *Americans United for Life* (AUL), a globally and nationally influential pro-life advocacy group. Founded in 1971, AUL has sought to challenge abortion rights ‘in *Roe* and every other abortion-related case considered by the U.S. Supreme Court’ and successfully lobbied for hundreds of state-level anti-abortion laws, including mandatory ultrasounds, waiting periods, parental consent for minors, misleading ‘informed consent’ procedures, fetal personhood amendments, restrictions on fetal tissue donation and research, and onerous regulations exclusively targeting abortion clinics (AUL, N.D.; AUL, 2019a; Daniels *et al*, 2016; Guttmacher, 2018). I focus on AUL because they are the primary advocates for regulating fetal remains, and because they produce public-facing informational materials as well as strategy guides for their fellow pro-life activists, thus providing a window into the movement’s overarching strategy and shifting rhetoric when addressing different audiences. AUL’s discourse has transnational relevance due to their efforts to shape policy in Latin America and Europe (AUL, 2012; AUL, 2019b; Enright, 2018; Roache, 2019) and because the Canadian pro-life movement has adopted their woman-protective framing and idealized images of fetal–maternal relations (Saurette and Gordon, 2013; Leach, 2020).

Dead fetuses can be understood as discarded body parts, human remains, or medical specimens; they are discomfiting because they trouble the categories of self, other, and object. My analysis of AUL shows how pro-life discourse both confronts and denies this ambiguity, using strategic vagueness alongside state-mandated mourning rituals to demarcate fetal bodies and construct fetal personhood. This discourse is effective because it evokes powerful sentiments, including parental grief, joyful anticipation of new life, visceral horror or disgust, and fears of



death or loss of the self. Pro-life activists amplify these sentiments and direct them towards anti-abortion policies such as fetal remains disposal regulations, also known as fetus funeral laws. In contrast, pro-choice discourse often fails to speak in the same affective and ontological registers or provide alternative conceptualizations of fetal remains. For instance, pro-choice advocates reacted to the Klopfer incident by reserving judgment and distancing the practice of reproductive healthcare from his fetus collection. Whatever the merits of this response, its emotionally neutral language fell short of addressing the public's horror or articulating a countervailing view of fetal remains.

Many scholars provide accounts of pregnant embodiment that complicate bodily boundaries while endorsing abortion rights (Oliver, 2010; Browne, 2016; Morgan, 1996, 2002). Yet, in such accounts, justifications for abortion rights are articulated primarily in legal terms or left implicit. By neglecting the normative question, they leave unresolved an apparent tension between relational feminist theories of the body and autonomy, and arguments for abortion rights which assume that individual boundaries are clear and stable even during pregnancy. I trace the effects of abjection in discourses about fetal remains, in order to connect feminist theories of embodiment to relational theories of autonomy, adding depth to the assumption that nuanced accounts of pregnant bodies can strengthen normative defenses of reproductive freedom. This intervention in feminist theory engages broader themes, including the relationships between individuals/communities and social/material aspects of ontology. Moreover, I extend the turns towards affect, agonism, and embodiment in democratic theory by examining the infrequently theorized but highly emotional, conflictual, and visceral issue of abortion. Finally, by demystifying pro-life discourse and sketching an alternative view of fetal remains, I hope to aid abortion rights activists in developing more theoretically rich and persuasive counter-narratives.

I argue that pregnancy's capacity to complicate the boundaries of embodied subjects is not a problem feminists must overcome, but a valuable political and philosophical resource for disrupting pro-life accounts of pregnancy and fetal personhood. Furthermore, apparent tensions between abortion rights and relational feminist theories can be resolved by understanding pregnancy as ontologically multiple, and reproductive autonomy as encompassing agency over the construction of one's body. Because 'the' pregnant body is actually pregnant *bodies*, the ontological status of the fetus is not fixed by biology, society, or even the law, but fundamentally shaped by pregnant subjects' self-conceptions. Feminists need not deny the possibility of forming social bonds with imagined future children, but rather should affirm pregnant subjects' authority to construct fetal ontologies consistent with their accounts of their lived bodies. However, pregnant people's constructions of their embodied selves are inseparable from cultural, economic, and legal contexts. Because of these intersubjective constraints, fully realizing reproductive autonomy depends on material and symbolic support (e.g., affordable



reproductive healthcare and cultural imaginaries that enable multiple interpretations and ontologies of pregnancy) from the pregnant subject's community. From this perspective, embracing the ambiguity of reproductive experiences expands rather than diminishes reproductive autonomy.

Pregnant Embodiment

While scholarly descriptions of pregnant and fetal bodies account for diverse experiences, emotions, and cultural discourses, they raise the following questions. If there are many ways to understand the fetal–maternal assemblage – a term coined by Deborah Lupton (2013) to designate relations within pregnant bodies and between pregnant people and fetuses – and none are conclusively more true or real than others, how should feminists judge which constructions are preferable, and how can we defend abortion rights against pro-life notions of fetal personhood? I argue that the ontological ambiguity of fetuses does not undermine the case for abortion rights but actually strengthens it, because ontological plurality is antithetical to the pro-life movement's foundationalist view of fetal life, and because the absence of universal truth or unambiguous reality does not imply the impossibility of normative arguments about which conceptions better reflect heterogeneous experiences of pregnancy. In this section, I situate my argument within the feminist theoretical literature and show how Julia Kristeva's (1982) theory of abjection can help feminists make sense of otherwise opaque aspects of pro-life discourse, identify the affective stakes of fetal remains disposal regulations, and connect these regulations to pro-life constructions of fetal personhood.

Many feminists have noted the powerful symbolic resonance of fetuses, especially dead fetuses. As Penelope Deutscher (2008, p. 58) argues, 'the fetus represents the zone of contested and intensified political stakes around the threshold between ... "prelife" and...nascent human life, meaningful human life, and/or rights-bearing life.' Moreover, in her analysis of fetal tissue donation discourse, Rachel Ariss (2003) observes that images of aborted fetuses may signify death and the squandering of human potential. Victoria Browne (2016, p. 385) adds that the image of 'death before birth upsets our established categories and the usual or expected order of things.' Due to this symbolic resonance, fetal remains have become an important locus of contestation over the meaning and reality of the fetal–maternal assemblage. Though debates over fetal remains are superficially about deceased fetuses, judgments about the ontology and signification of fetuses outside the womb shape understandings of the same entity inside the womb, especially in the context of pro-life discourses that collapse distinctions between fetuses inside the womb, dead fetuses outside the womb, and infants born alive.

To make sense of pregnancy's varied meanings and troubling of Western thought, feminists increasingly highlight how social relationships and discourses



inflect the fetal–maternal assemblage. Iris Marion Young (2005, p. 46) describes pregnancy as entailing a splitting, decentering, or doubling of the subject and the sense that one’s body is simultaneously self and not-self. Pregnant people, she notes, experience ‘inner movements [that] belong to another being, yet they are not other,’ because one’s ‘body boundaries shift’ and the imagined location of the self disperses from the head into the whole flesh (2005, p. 46). Lupton (2013, p. 54) argues that fetal and pregnant bodies are ‘anomalies according to accepted norms of “proper” individuated and contained embodiment’ because the pregnant body ‘contains within it another human body that eventually must be expelled to split the two-in-one body – the unborn–maternal assemblage – and render it two separate bodies’ which ‘challenges the notion of the liberal human subject as individuated from others, and of the “proper” body as separate from other bodies, tightly contained, its borders rigorously policed.’ Similarly, Susan Bordo (2003, p. 36) contends that pregnant bodies disrupt implicitly masculine bodily norms in Western societies, because pregnancy is a ‘unique configuration of embodiment’ which entails ‘the having of an other within oneself, simultaneously both part of oneself and separate from oneself.’ As Christine Battersby (1998, p. 17) puts it, the pregnant body ‘bleeds with the potentiality of new selves,’ disrupting essentialist conceptions of the individual as a discrete entity.

This complexity also extends to fetuses. Through cross-cultural comparison, Lynn Morgan (1996) provincializes conceptions of fetal–maternal relationality that presume neat boundaries between fetuses and pregnant persons, arguing for a deeper and more reflexive view of relationality that attends to how personhood itself is culturally produced. Similarly, Julie Kent (2008, p. 1748) demonstrates that fetal remains can be ‘materialized as a baby, mother’s tissue, waste tissue, a cadaver, an organ donor, a scientific object and a source of stem cells,’ depending on its relation to the maternal body and varied discursive contexts. Julie Palmer (2009) and Nathan Stormer (2000) show how advances in ultrasound technology promote forming social bonds with fetuses or interpreting them as unborn persons. Indeed, AUL-backed mandatory ultrasound and ‘informed consent’ policies require women to view such images before obtaining an abortion precisely to encourage them to view fetuses as persons.

Though critical of pro-life views of fetal personhood, scholars increasingly treat women’s experiences of attachment to the unborn as legitimate. For instance, Browne (2016, p. 385) argues that recognizing the emergence of protean bonds between pregnant people, their loved ones, and expected children in utero helps explain feelings of loss after miscarriages or stillbirths. Even Helen Keane (2009), who criticizes idealized or biologized representations of fetuses in pregnancy-loss memorials for implicitly promoting pro-life ideology, emphatically defends the importance of publicly sharing grief after miscarriage or stillbirth. While pregnancy loss and pregnancy termination are not the same, and although the pro-life movement exaggerates the prevalence of post-abortion regret or depression,



scholars like Keane and Browne nonetheless provide insights into common narratives and experiences related to fetal death. Indeed, viewing miscarriage and abortion as two possible outcomes on a spectrum of reproductive experiences not only de-centers abortion in scholarship about reproduction, as reproductive justice scholars (e.g., Roberts, 1999; Ross and Solinger, 2017) advocate; it is also crucial for analyzing fetal remains laws, many of which regulate the remains of miscarried and aborted fetuses alike.

Morgan (2002) historicizes the fetus funerals controversy by examining how present-day understandings of fetal remains emerged. Until recently, she explains, dead fetuses were viewed as research materials or medical waste and treated as the province of experts rather than a matter of public contestation. This understanding of dead fetuses emerged in the early 20th century through an alliance between embryologists seeking specimens and public officials seeking to burnish the legitimacy of the state's expanding sphere of governance. Morgan reads collections of preserved fetuses as artifacts of their construction as scientific objects, produced by and reproducing medical authority over fetal and embryonic tissue. Contesting both the common pro-choice narrative that the classification of fetal remains as medical waste is obvious and based on neutral scientific fact as well as pro-life presentations of fetal personhood as ahistorical truth, Morgan complicates public debates about fetal remains in the U.S. and cross-nationally. In doing so, she opens up broader questions about the meaning of dead fetuses and who ought to have the authority to decide what happens to them.

Finally, Julia Kristeva's theory of abjection explains why pregnant bodies are unavoidably ontologically ambiguous and shows how this instability of boundaries undercuts discourses that assign a fixed meaning to the fetal-maternal assemblage or its composite parts. Kristeva (1982, p. 3) defines the abject as 'something rejected from which one does not part,' as that which is radically excluded but not negated. Abjection describes a state of being that falls in the borderlands between subject and object, an entity that is 'not "I" but not nothing, either' (1982, p. 2). That is, abjection refers to a relation in which a part of the self is ejected or repudiated, without totally negating subjects' affective investment in the object which was formerly encompassed within the self. The abject is thus the 'in-between, the ambiguous, the composite' (1982, p. 2). It is linked to the visceral corporeality of blood, excrement, and corpses, which represent loss, expulsion, or rupture for the embodied subject. As Kristeva puts it, 'it is no longer "I" who expel, but "I" who am expelled and who becomes an object to myself, just as others are' (1982, p. 2). The abject is associated with the unclean or improper because of its capacity to disrupt the boundaries of embodied subjects by transgressing distinctions between self, other, and object.

Because pregnancy exposes the instability of bodily boundaries, pregnant bodies may evoke fear, disgust, bewilderment, or the desire to simplify and control. As Kristeva argues, subjects simultaneously experience attraction and revulsion when



encountering material that has been expelled from the body yet cannot be fully extricated from the self. Subjects may attempt to dispel this unease by trying to identify the expelled object as a part of the self, attempting to completely sever ties with the excluded object, or seeking to obliterate all boundaries between the self and the world. However, neither incorporation nor separation nor annihilation can completely eradicate abjection as long as visceral materiality exceeds the simplified (often binary) linguistic categories of the symbolic order. Abjection will thus persist despite efforts to sublimate it, as long as the fundamental categories of Western philosophy – e.g., self/other, subject/object, life/death, inside/outside – continue to bleed into one another in ways that belie their neat opposition. For these reasons, attempts to purge ambiguity from pregnant embodiment by reducing pregnant subjects to incubators or fetuses to body parts cannot succeed.

Moreover, the pursuit of unambiguous boundaries drives the desire to control reproduction. Kristeva specifically mentions the fetus as a site of abjection, during pregnancy as well as after birth, miscarriage, or abortion. She presents birth as the watershed of abjection, because it is ‘the moment of hesitation between bloodshed and life, inside and outside, self and other, horror and beauty, sexuality and its negation’ (1982, p. 155). Like death, birth shows corporeal and social interdependence to be inescapable features of human life. As Adrienne Rich (1995) argues, fear of the mother’s control over whether and how new human subjects emerge motivates regimes of reproductive control that restrict abortion. Conversely, the desire to secure women’s subjectivity by minimizing the fetus can also be read as erasing abjection. The ambiguity of pregnant embodiment thus potentially unsettles both advocates and opponents of reproductive freedom because pregnancy momentarily reveals humans’ somatic and psychic entanglement, exposing as untenable the fiction that the self exists prior to and independently of social relations.

Viewed through Kristeva’s psychoanalytic lens, pro-life fears of maternal agency, and pro-choice fears that ceding any ground to the idea of fetal personhood will crush women’s agency, can both be read as aversive reactions to the possibility of the subject’s un-making. Though the latter fear is well-founded, given proliferating and increasingly severe anti-abortion legislation, I argue that reinforcing the boundedness of women’s bodies is not the only or the best way to prevent realization of this fear. Aversion to the dependence of the self upon others, especially potentially threatening ones, underpins regimes of reproductive control aimed at securing the life and sovereignty of the individual against the threat of penetration or unraveling (Battersby, 1998). Attempts to protect reproductive autonomy that feed fears of subjects’ undoing may inadvertently reinforce fantasies of the secure self that pro-life discourse mobilizes to promote reproductive control. To avoid reinscribing the pro-life worldview’s ontological assumptions, feminist defenses of abortion rights should instead challenge the idea that any body or self is unambiguously bounded or independent of social relations.



Both infants and deceased fetuses begin within the maternal body, then move outside it through birth, miscarriage, or abortion, in the process becoming something else. The dual image of dead fetus and infant is unsettling because it illuminates the alchemical process by which pregnancy tissue either does or does not become a new self. Pregnant embodiment entails ambiguous relations between a pregnant person who is the subject of their own life and a potential person who may or may not come to be. Acknowledging the indeterminacy of encounters between pregnant subjects and fetuses, which contain the potential to become either an object or a new other, is vital for re-imagining reproductive autonomy in ways that resonate more expansively with women's reproductive experiences. Embracing abjection re-frames reproductive autonomy not as a defense of women's bodily sovereignty but as pregnant subjects' freedom to respond to abject potential others by cultivating or terminating relations with the fetus. On this view, the encounter with abjection is a necessary condition for reproductive autonomy, not a threat to it.

Pro-life Discourse

At least 13 states (AK, AL, CA, GA, IN, ID, LA, MI, MN, NC, SD, TN, TX) currently require the cremation or burial of aborted and/or miscarried fetuses, effectively prohibiting previously standard practices of discarding fetal remains in sanitary landfills or incinerating them in medical facilities (Collette, 2019; Rewire, 2019). Nearly all were adopted after AUL released the first edition of their 'Unborn Infants' Dignity Act' (UIDA) model legislation, upon which many states laws are explicitly based (AUL, 2016; Collette, 2019; Rewire, 2019). Though there is cross-state variation (e.g., whether regulations apply only to aborted or also miscarried fetuses), these same variations appear across different iterations of the UIDA. Similar laws have been proposed or suggested in Ireland and Poland (Enright, 2018; Roache, 2019). To understand how these laws construct fetal personhood and undermine women's agency, why many find the pro-life position on fetal remains persuasive, and how feminists should respond, I analyze AUL's fetal remains discourse by examining all publicly-available documents pertaining to the UIDA.

AUL's 'Mother-Child Strategy' comprises an 'Infants' Protection Project' (including the UIDA) and a 'Women's Protection Project.' On the one hand, the 'Infants' Protection Project' constructs fetuses as social and legal persons, in part by constituting fetal remains as corpses through fetal death certificates and dignified treatment requirements. By encoding public rituals of mourning into the law, AUL legitimates their construction of fetal personhood. On the other hand, the 'Women's Protection Project' masks the patriarchal implications of fetal personhood laws by idealizing fetal-maternal relations. As Reva Siegel (2014) and Jennifer Denbow (2015) have shown, ostensibly woman-protective or pro-family framings draw from a long history of paternalistic restrictions on women's



autonomy, though these frames have become especially salient with the pro-life movement's adoption of an incrementalist approach to dismantling abortion rights beginning in the 1990s. Fetus funeral laws continue this erosion of reproductive freedom. Crucially, I argue, AUL's fetal remains discourse uses ambiguity tactically as part of a strategy to demarcate fetuses as separate individuals. Wading into visceral bodily matter in order to adjudicate the legal and ontological boundaries of the fetal subject, AUL constructs the very boundaries between fetal corpses and medical waste they proclaim as fixed and indisputable. Yet, this discourse resonates in large part *because* it simultaneously creates and reveals the truth of pregnant embodiment.

Ostensibly, the purpose of regulating the disposal of fetal remains is to ensure the dignified treatment of all deceased humans and to 'give mothers closure and the opportunity to grieve' (AUL, 2015a, b). However, reading fetal remains laws in light of AUL's commitment to fetal personhood suggests that the purpose of these laws is not merely to *permit* ceremonial commemoration of fetal death, but rather to validate fetuses as grievable life by legally enshrining this practice of mourning. For instance, in a public factsheet on the UIDA entitled 'Myths & Facts,' AUL (2018b) debunks the claim that the purpose of the legislation is to 'establish in fact and law that a fetus can die and is a distinct, living being.' Yet, they explain that this statement is false because fetal personhood is *already* recognized by science and law. Even more revealing is AUL's (2017) statement in *Defending Life* that the mother-child strategy aims to provide 'immediate legal protection' for fetal life 'while also laying the groundwork for the day when women reject the fraudulent promises of the abortion industry and see abortion – not as a false panacea – but as a real threat to both their welfare and to their unborn children.'

There is a troubling contradiction at work in state recognition of fetal grievability. If abortion remains legal but fetal tissue is treated as human remains rather than medical waste, this means the law dictates that fetuses are not people, and so they can be aborted; but after they are aborted, they retroactively become people. In AUL's recursive logic, fetal remains are corpses, and therefore fetuses are persons. In this way, fetus funeral laws – like fetal homicide laws – contribute to the creation of a contradictory legal status for fetuses. Because this means the law simultaneously recognizes and rejects fetuses' legal personhood, the conflicting premises of abortion rights and fetal rights or dignity could provide a rationale for overruling *Roe v. Wade*.

Depending on the audience, this intention of reversing *Roe v. Wade* is more or less explicitly stated. In public-facing documents like 'Myths & Facts,' AUL (2018b) presents the dream of a culturally and legally pro-life future as a vague possibility they are powerless to instantiate, stating that 'in a perfect world, every deceased person would be mourned' but 'unfortunately, the best that a state can require is for the body of every human being, regardless of age or development, to receive a respectful disposition after death.' Likewise, their 'Statement on



Constitutionality’ (2015b) emphasizes that the UIDA is fully consistent with abortion rights, because regulating the disposal of fetal remains does not impose any financial or psychological burden on women seeking abortions. Rather, the UIDA merely ‘recognizes the humanity of the aborted infant by requiring that his or her bodily remains receive dignified treatment *after* an abortion is completed’ (2015b, emphasis original).

Conversely, in the annual *Defending Life* guide, AUL explicitly commits to establishing fetal personhood as a legal and cultural reality. In the 2017 version, then-President Clarke Forsythe states that AUL’s objective is to ‘strengthen our nation’s commitment to a fundamental principle: respect for human life from conception to natural death,’ leading ultimately ‘toward a more pro-life America, despite a hostile media, agenda-driven judges, and a well-funded and tenacious opposition’ (AUL, 2017). As the reference to ‘a hostile media’ suggests, AUL is seeking to change cultural discourses as well as laws. In the 2018 version, subsequent President Catharine Glenn Foster describes the mother–child strategy as laying ‘the groundwork for overturning *Roe v. Wade*’ (AUL, 2018a). She encourages the reader to maintain hope that *Roe* can be overturned, claiming ‘AUL’s fight in the legislatures, the courts, and the culture, the courtroom of public opinion’ is succeeding because it recognizes the equal dignity of all human beings (2018a). AUL’s mission, she says, is ensuring that fetuses are ‘cherished in life and protected in law’ by providing ‘a comprehensive legal foundation for the protection of human life from conception onward’ and ‘advancing a culture of life in America’ (2018a). Glenn Foster dreams of a day when abortion is ‘not merely illegal, but unthinkable’ (2018a). AUL’s aim is thus to create future in which abortion is not only prohibited, but no longer even *desired* because the pro-life movement’s views of pregnancy and motherhood have become hegemonic. Their legal strategy is therefore also a campaign to remake the social imaginary to realize this future.

In the pro-life movement, fetal personhood is crafted by interweaving legal, cultural, interpersonal, philosophical, and religious understandings of personhood. However, fetus funeral laws are distinctive because they go beyond remaking the social imaginary, encoding the ritual of mourning fetal loss into the law. To understand how public mourning works to distinguish disposable lives from those that matter, I turn to Judith Butler. Butler (2006) argues that, while all humans are finite and thus exposed to death, not all deaths are considered meaningful or equally worthy of public mourning. Because some lives are treated as more valuable than others, the loss of lives designated as disposable become unspeakable and unrecognizable as genuine loss. Public rituals such as obituaries and memorials inscribe grievability by distinguishing deaths that compel mourning from deaths that are inappropriate to mourn. Because only those designated familiar and valuable to the community qualify for such rituals, inscriptions of grievability (or lack thereof) also constitute the boundaries of community. Openly mourning losses



of purportedly disposable lives cannot, alone, alter the terms of grievability, because transforming our collective sensibilities requires more than mere ‘entry of the excluded into an established ontology’ – it requires ‘an insurrection at the level of ontology’ which re-opens questions such as ‘What is real? Whose lives are real? How might reality be unmade?’ (Butler, 2006, p. 33).

Despite insisting that they are merely recognizing a universal truth and not engaging in a project of social construction, pro-life activists stage precisely the kind of ontological insurrection Butler describes. By performing public mourning rituals and circulating humanizing representations of fetuses as well as narratives that signify fetal death as a tragic loss of valuable human potential, the pro-life movement enacts the grievability of fetal life. Going beyond personal grief by legally requiring practices of mourning by clinics and funeral parlors, AUL marshals the state’s cultural influence to confirm fetal lives as ‘real’ and grievable. By mandating mourning of fetal death, these regulations ontologically remake pregnant embodiment, erasing ambiguities within the fetal–maternal assemblage and constituting pregnant bodies as a single body shared by two people.

AUL’s sharp distinction between ‘cremation’ and ‘incineration’ is instructive, especially because it appears in multiple iterations of the UIDA as well as public-facing documents. The UIDA model legislation requires ‘burial, interment, [or] cremation’ but explicitly prohibits incineration, defined as ‘the combined burning of bodily remains with medical waste’ (AUL, 2016). ‘Myths & Facts’ maintains this distinction, adding that group disposal is permissible if it involves ‘individually packing and storing the remains, then boxing the remains *en masse* for cremation by a local cemetery’ (AUL, 2018b). AUL views mass cremation or graves as meeting the crucial requirements of dignity because they avoid ‘methods of disposal...not associated with the notion of burial’ and ensure ‘the remains of unborn infants are not treated the same as “discarded biologic product such as blood, tissue, or body parts...[or] bedding, bandages, syringes, and similar materials” (2018b). The UIDA thus repudiates abjection by mandating the differentiation and separation of fetal remains from other pregnancy tissue and medical waste. Both cremation and incineration involve burning fetal tissue until it becomes ash, but what is signified by this action radically changes when it is performed as a funerary custom rather than a waste disposal method. Likewise, mass burials in cemeteries resemble disposal in sanitary landfills, except for the salient difference that mass graves only intermingle fetal remains with other fetal tissue instead of various human tissues and non-human waste. Consequently, AUL’s claims that the UIDA does not force any woman to attend a literal funeral service (2018b) and that the regulations apply only “*after* an abortion is completed” (2015b, emphasis original) are beside the point. By permitting cremation within a funerary setting because it expresses dignity, while banning the same procedure when it occurs within a sanitation setting, this legislation erases



ambiguity and requires clinics and funeral parlors to participate in rituals of mourning.

Though the Supreme Court recently upheld dignified disposition requirements in *Box v. Planned Parenthood* (2019), the most detailed and theoretically rich ruling on fetal remains is *Planned Parenthood v. Minnesota* (1989), which held that requiring clinics to physically sort pregnancy tissue into fetal parts and maternal tissue is constitutional. Like AUL's model legislation, Minnesota's statute defines fetal remains by the presence of 'cartilaginous structures, fetal or skeletal parts' (1989). The judge conceded that this definition is ambiguous when applied to pregnancy tissue removed during first-trimester abortions (the only type performed by the plaintiff), which might require microscopic examination to determine whether fetal parts are present. Nonetheless, he found it reasonable to require medical professionals to sort pregnancy tissue into a fetal corpse box and a medical waste box, since fetal parts are easily identifiable in later-term pregnancies. That is, despite acknowledging that fetal–maternal boundaries blur in early pregnancy and that early-term abortions are the norm, the ruling treats first-trimester abortions as exceptional in order to maintain the fiction that boundaries between fetal and maternal bodies are typically obvious. From a Kristevan perspective, this suppresses abjection by imposing rigid distinctions between self and other onto ambiguous tissue. This case thus directly links restricting abortion to rejecting encounters with abjection and attempting to neatly delineate bodies and legal persons where materiality is messy.

Examining fetus funeral laws in light of the mother–child strategy's second prong further illuminates connections between regulating fetal remains and regulating pregnant bodies. Like the 'Infants Protection Project,' the 'Women's Protection Project' assumes a simplified ontology of pregnancy that prioritizes the fetus. This is re-coded as protecting women by presuming the needs, interests, desires, and health of pregnant women and fetuses necessarily align. Repeating similar wording across multiple documents, AUL claims the two projects 'are naturally complementary' because both are 'designed to protect unborn children and their mothers, exposing the lies...that abortion is beneficial to women and that a woman's interests are at odds with those of her unborn child' (AUL, 2017; see also AUL, 2015a, 2016). Among other false premises, this claim ignores the possibility of serious complications as well as more mundane conflicts where women must weigh their enjoyment against the likelihood of fetal endangerment. AUL's harmonic image of fetal–maternal relations thus erases women's agency.

AUL further conflates fetal and maternal interests by denying the ontological significance of birth as the moment of separation and differentiation, equating fetuses with infants and pregnancy with motherhood. The documents refer to the 'mothers' of fetuses' and conflate stillbirth (death followed by birth), abortion or miscarriage (termination or accidental death instead of birth), and infanticide (birth followed by death). This is evident in their slippage between terms like unborn



infant, fetus, deceased unborn infant, fetal remains, fetal body parts, and ‘dismembered’ or ‘broken’ bodies of aborted fetuses. In these ways, AUL paradoxically *uses* ambiguity to *dispel* ambiguity, eliding distinctions that might prevent the establishment of clear boundaries within the fetal–maternal assemblage. Even when abjection is rejected, it reappears.

In sum, although fetal remains regulations do not compel attendance at a literal funeral service and only regulate what happens after an abortion, they undermine women’s agency by mandating fetal grievability, enacting fetal personhood as a legal fact and universal cultural truth, representing the fetal–maternal assemblage as unified, and using the ambiguity of pregnant bodies to paper over abjection.

Pro-choice Discourse

Although pro-choice activists tirelessly defend reproductive rights against an ever-expanding onslaught of anti-abortion regulations, the immensity of their task has thus far prevented them from devoting sustained attention to fetal remains or developing effective counter-strategies and substantive alternative visions on this issue. Mainstream pro-choice advocacy groups – such as NARAL Pro-Choice America, the Center for Reproductive Rights (CRR), the American Civil Liberties Union (ACLU), and Planned Parenthood – have challenged fetal remains laws in court but offered only brief, generic public statements about them. Even for more radical and intersectional pro-choice groups – such as ReproAction, the National Network of Abortion Funds (NNAF), SisterSong Women of Color Reproductive Justice Collective, and the Self-Induced Abortion (SIA) Legal Team – I was unable to find any public statements or organized actions focused on fetal remains. When fetal remains are mentioned, it is often only in passing. For instance, in a recent roundtable on reproductive justice featuring Yamani Hernandez (NNAF), Monica Raye Simpson (SisterSong), and Jill Adams (SIA Legal Team), only Hernandez referenced fetal remains (Rankin, 2016). Hernandez mentions ‘the fetal remains bill that was passed [in Texas], which requires fetal tissue to be buried or cremated’ in a list of recent anti-abortion measures, later observing that reproductive rights activists currently face ‘a lot of questions and waiting and watching to see what nonsense is coming down the pike’ (2016). While activists are busy reacting to pro-life attacks, theorists are well-positioned to fill the gap in feminist thinking about fetal remains. Adding to important critiques of pro-choice discourse by other scholars, I argue that feminists should conceptualize abortion rights in terms of autonomy rather than integrity, in order to allow multiple interpretations and ontologies of pregnancy and fetal remains.

Due to collective uncertainty among pro-choice activists about fetus funeral laws, there are no comparable organizations to AUL or comprehensive texts like *Defending Life* to analyze. Consequently, to identify weak points in current



responses and show how an account of ontological pluralism could reinforce them, I discuss examples of public pro-choice discourse in relation to scholarly work that shares common understandings of fetuses as pregnancy tissue, body parts, or medical waste. I focus on established advocacy groups in order to maintain the parallel between AUL and similar groups on the pro-choice side, and because space constraints prevent me from doing justice to the complexity of leaderless campaigns like #shoutyourabortion.

When pro-choice groups do respond to fetal remains regulations, their responses tend to be narrow, over-reliant on medical expertise, or limited to standard objections that apply to most anti-abortion measures. To give one illustrative example, pro-choice think tank the Guttmacher Institute lists fetal remains disposal regulations as a type of Targeted Regulation of Abortion Providers (TRAP) but does not collect comprehensive data or produce detailed reports as they do for other TRAP laws such as hospital admitting privileges requirements (Guttmacher, 2018, 2019). Similarly, the CRR's (2018) press release about their lawsuit challenging fetal remains laws is primarily descriptive, noting that these laws impose funerary requirements 'regardless of...patients' personal wishes or beliefs.' CRR's normative points are fairly general, presenting the regulations as 'medically unnecessary,' stigmatizing, and intrusive. NARAL Pro-Choice Texas's (2016) response is among the most substantial, offering three (albeit brief and highly similar) public statements positioning fetal remains regulations as unnecessary for public health, interfering with beneficial medical tests, and undermining patient autonomy by adding 'non-medical ritual[s]' to a medical procedure.

Even the best pro-choice responses favor sterile technical language that inadequately addresses affective, cultural, and ontological dimensions of fetal remains controversies. The most substantive pro-choice critique of fetal remains regulations is that they undermine or prohibit valuable medical research using aborted fetuses. For instance, the Guttmacher (2016) report most relevant to fetal remains laws extolls the usefulness of fetal tissue research. Whatever the benefits of such research, building the case against fetus funeral laws primarily on scientific grounds reinforces cultural narratives that justify abortion by appealing to social utility or economic productivity rather than treating women's well-being and desires as sufficient justifications for reproductive freedom. By analyzing scientific research articles, medical textbooks, and government health agencies' reports, Ariss (2003) finds that scientific discourses which transform dead fetuses into productive research materials depend on cultural judgments of women's bodies as either reproductive or wasteful. By contrasting useful research specimens with medical waste, these texts present research as salvaging utility from the otherwise pointless exertion of bodily effort entailed in producing a fetus only to abort and discard it. This characterization of abortion as essentially wasteful elides the most important outcomes of the procedure from a patient-centered perspective: the impacts of ending an unwanted pregnancy on patients' bodies and lives.



Furthermore, binary characterizations of dead fetuses as either wasteful or productive oversimplify the ambiguous meanings of fetal remains as well as women's lived experiences of abortion, miscarriage, and stillbirth.

Drawing on Kristeva and Drucilla Cornell, Ariss (2003) offers an alternative view of fetal remains as ambiguous and polysemic, suggesting women should decide what happens to their fetal remains. She reasons that if pregnancy is a liminal state that troubles boundaries, and if 'the fetal corpse continues to hover on the borders of selfhood, then a woman's decision-making power over this abject(ed) part of herself cannot stop once the fetus has physically left her body' (Ariss, 2003, pp. 270–271). From this perspective, rebutting fetal remains regulations primarily by arguing that they forestall medical progress suppresses abjection and reinforces experts' authority over pregnant bodies. Ariss's skepticism towards understanding fetal remains through medical or scientific lenses seems well-founded in light of Morgan's (2002) history of the use of fetal remains by embryologists and state officials to solidify their authority over women's health and reproduction. Reproductive justice scholars likewise caution against entrusting scientists and doctors with too much authority to adjudicate the ethics or politics of reproductive health, due to their historical complicity with eugenic sterilization and continued violations of pregnant women's rights to refuse treatment (Ross and Solinger, 2017). Though many doctors and scientists support reproductive rights, the pro-choice movement should guard against ceding too much terrain to medical professionals.

In addition to the sheer number of anti-abortion policies advanced by groups like AUL, pro-choice activists may also struggle to respond to the fetal remains issue because they increasingly question liberal theories of rights but have yet to articulate or internalize an alternative approach. As Ross and Solinger (2017) note, framing reproductive justice through the narrow lens of currently established legal rights limits political vision. Insofar as pro-choice discourse defends women's rights by seeking inclusion within liberal legal frameworks, the political possibilities for defending reproductive freedom are constrained by the assumption of clear boundaries between self and other. Such strategies require pro-choice activists to articulate a woman's body – whether pregnant or not – as 'opaque and bordered' and 'her womb [as] only a part of herself' (Ariss, 2003, p. 267). This is because liberal legal subjectivity presupposes the separateness of persons and bodies, rather than viewing embodied selves as relational and interdependent (Nedelsky, 2011). As argued above, such assumptions implicitly suppress abjection because they avoid addressing the challenges pregnancy poses to liberalism and the Western tradition of political thought, which tend to assume pregnant subjects can only be rights-bearing if fetuses are part of women's bodies (Battersby, 1998; Bordo, 2003). This view depends on trimming away any dimension of reproductive experience that complicates self/other distinctions. Pro-choice discourses that construct fetuses as entirely assimilated to the maternal body (if gestating) or



entirely separate from it (if aborted or miscarried) therefore limit interpretations and ontologies of the fetal–maternal assemblage.

Though Ariss hopes to resolve the conflict between embracing ambiguity and constituting women as equal legal subjects, she notes the tension between relational conceptions of identity and defenses of abortion rights which assert the boundedness of pregnant embodied subjects. She argues that abortion rights are crucial to recognition of pregnant women as legal subjects and hence to women's equality under the law (Ariss, 2003, pp. 272–273). Yet, she questions whether abjection and relational models of the self can be reconciled with the legal assumption that bodies and selves are inherently bounded and separable. The challenge, she observes, is to construct a 'vision of legal subjecthood' that views 'recognition of the importance of individual women's bodily borders as compatible with the recognition of others in creating personhood' (2003, p. 273). I would state the problem somewhat differently. In my view, the question is how to defend abortion rights and reproductive autonomy without re-asserting bodily borders as absolute or denying the relational constitution of identity.

Harried activists have not yet managed to develop a response to fetal remains that resolves this question – unsurprisingly, since even legal theories designed to correct liberalism's flaws continue to present fetuses as pregnancy tissue or body parts. Consider Cornell's (1995) nuanced and insightful defense of abortion rights. She assumes that the wholeness and coherence of the embodied self is illusory but nonetheless finds it valuable, even necessary to imagine ourselves this way. Cornell conceptualizes equality as equal protection of the minimum conditions of individuation, i.e., rights to bodily integrity, symbolic resources, and the 'imaginary domain.' The imaginary domain is a psychic space where individuals struggle to constitute themselves as persons, as whole selves which shine through each of their masks or personas, even if one 'can never truly succeed in becoming whole or in conceptually differentiating between the "mask" and the "self" ' (1995, pp. 4–9). In Cornell's view, banning abortion consigns women to unequal citizenship and non-personhood by infringing our rights to bodily integrity, an independent imaginary domain, and a symbolic order with a non-degrading account of sexual difference (1995, pp. 33–35). Treating women's embodied selves as divisible and violable, denying access to abortion, or inscribing legal abortion with alienating meanings constitutes physical and psychic dismemberment (1995, p. 32). State-imposed interpretations deny women the 'narrative power' to maintain a consistent 'imagined projection of one's self as whole,' foreclosing opportunities to 'become a person' (1995, p. 35). Though Cornell concedes our bodies 'are never really our own,' because selves are shaped by relationships with others and thus 'the idea that we own our bodies is a fantasy,' she argues that preserving this fantasy is essential to women's inclusion within legal subjectivity (1995, pp. 33, 40).

I agree that state-imposed interpretations of reproductive experiences subject women to patriarchal imaginaries that devalue sexual difference (1995, pp. 35, 47).



However, despite Cornell's intentions to expand women's narrative power and to avoid dictating a particular narrative about abortion, these goals conflict with her conception of pregnant embodiment. By constituting fetuses as part of women's bodies, Cornell allows little if any room for women to constitute their fetuses as others or potential others, or as persons or potential persons (1995, pp. 32, 37–38). For instance, Cornell (1995, p. 32) criticizes the pro-life movement's 'vision of the pregnant mother and her fetus that artificially separates the two,' arguing that without this artificial separation, 'it would be obvious that the "life" of the fetus was inseparable from the physical and mental well-being of the woman of whose body *it is a part*' (emphasis original). Cornell contends that:

Any analogy of a fetus to an already autonomous being rests on the erasure of the woman; it reduces her to a mere environment for the fetus. This vision of the woman is connected necessarily to one's view of the fetus, because the fetus can only be seen as a person if the woman is erased or reduced to an environment (1995, p. 48).

To say that *any* account of the fetus as a person depends on erasing women's subjectivity suggests that women who view their fetuses as persons are necessarily undermining their own personhood. This reading of Cornell (1995, p. 5) is underlined by her claim that 'we cannot assume as a given that a human creature is by definition a free person,' because personhood is an achievement, the imaginary endpoint of an asymptotic and perpetual struggle to individuate. If personhood is contingent upon individuation, or if fetal personhood necessarily occludes women's personhood, it seemingly follows that viewing one's fetus as a person must be a form of self-erasure or false consciousness.

However, it seems to me that women who constitute their fetuses as persons could be exercising agency, yet disagreeing with Cornell about the concept of personhood, ethical obligations towards the unborn, or the meaning and ontology of pregnancy in their own experiences. Though Cornell rightly objects to *legally* treating fetuses as (always) persons, and though she would likewise be right to (presumably) reject state-mandated mourning rituals, I think she goes too far in insisting that fetuses are obviously or only parts of women's bodies, because her position seems to preclude the possibility that any woman (whatever her views on abortion law) could legitimately view her fetus as a person or treat fetal remains as deceased human beings deserving of funerary rituals (which implicitly constitutes fetuses as persons).

To the extent that openly grieving miscarriage or abortion is still perceived as inappropriate or unspeakable, women grieving fetal death (perhaps viewing fetuses as persons) may feel silenced, contributing to the feelings of shame and isolation some women experience after miscarriages, stillbirths, or even abortions of wanted pregnancies (e.g., due to medical complications or other unfortunate circumstances). As Keane (2009) shows, those who experience such shame or isolation



often find solace in memorials that create public spaces for mourning pregnancy loss. If community support is important for (some) women who mourn fetal death, then despite the potential dangers, a feminist imaginary which affirms (some) fetal deaths as real and meaningful losses is crucial to providing these women with an ‘opportunity to grieve.’

Instead, I think feminists should avoid narratives of psychic coherence and bodily integrity, which risk ontologizing fetuses in ways that deny symbolic resources to women who wish to constitute their fetuses as persons or more generally as grievable life. If embodiment is understood as ontologically multiple, affirming some women’s mourning does not preclude affirming other women’s neutral or positive reactions to the same reproductive experiences. In this way, plural ontologies of pregnancy – particularly when paired with relational conceptions of reproductive autonomy that attend to the contexts in which pregnancies unfold – may better address the issue of fetal remains as well as women’s diverse and sometimes emotionally complicated reproductive experiences.

Like mainstream pro-choice discourse, Cornell creates space for multiple *interpretations* of pregnant embodiment, but depends on a fixed *ontology* of pregnancy. Despite clearly intending to avoid determining how women should understand their reproductive experiences, Cornell nonetheless bases abortion rights on women’s equal right to bodily and psychic coherence, constraining the range of true or legitimate interpretations of the fetal–maternal assemblage to those that view fetuses as part of women’s bodies. As the next section argues, re-framing Cornell’s vivid account of the harms of anti-abortion policies in terms of bodily *autonomy* rather than bodily *integrity* better enables feminists to fulfill her goal of leaving the meaning of abortion open while defending it as a fundamental right, hopefully providing the theoretical groundwork for activists to develop new discourses about fetal remains.

Re-conceiving Pregnant Embodiment and Reproductive Autonomy

In response to the pro-life movement’s paradoxical and selective engagement with abjection, I suggest that feminists should embrace abjection by accepting the complex entanglement between self, other, and object exhibited by pregnant bodies. I argue that we do not need to dispel abjection or reconstruct the liberal subject in order to defend reproductive autonomy. In fact, imagining all bodies as coherently bounded undermines our ability to envision reproductive freedom more expansively. Understanding reproductive autonomy as pregnant subjects’ authority to constitute their lived bodies, supported by relationships that provide the symbolic and material resources necessary to enable this ontological and interpretive agency, renders defending abortion rights fully consistent with viewing



the embodied self as relationally constructed and interdependent. Moreover, ‘the’ pregnant body is actually *many* pregnant bodies that differ in their positioning within systems of power and their idiosyncratic personal experiences. Conceptualizing pregnant bodies as ontologically multiple enables some pregnant subjects to constitute fetuses as grievable, while enabling others to constitute fetuses as body parts. From this perspective, some fetuses are persons or potential persons, while others are not. This approach offers meaningful opportunities to grieve, without inscribing grief as the only valid response to fetal death or cementing a particular ontology of the fetal–maternal assemblage.

If, as Kristeva argues, abjection can never be fully eliminated, attempts to imagine women as unambiguously bounded necessarily fail. More concretely, because both pro-life and pro-choice discourses suppress abjection, each can only speak to reproductive experiences which align with their respective fetal ontologies. Reducing the fetus to an object erases the feelings of attachment or loss that some women may feel towards fetuses, regardless of the outcome of their pregnancies. Insofar as this reductionist account clashes with some women’s experiences, it cedes affective ground to pro-life discourses that romanticize fetal–maternal relations. If some women feel excluded or affronted by narratives which preclude viewing fetuses as persons or future children, this creates an opening for pro-life discourses to persuade these women by offering narratives that better represent experiences minimized by pro-choice discourses about pregnancy and abortion.

Moreover, if pregnant bodies exceed or belie conceptions of the individual as bounded and separable from others, then guaranteeing their equal freedom requires re-conceiving autonomy as consistent with interdependence. Rather than reinforcing boundary fantasies, a relational approach to reproductive autonomy assumes that embodied subjects are deeply entangled (Nedelsky, 2011). In place of Cornell’s notion of bodily integrity, understood as freedom *from* others, I conceptualize abortion rights in terms of relational autonomy, understood as freedom *with* others (Nedelsky, 2011; Marso, 2017; Zerilli, 2005). If cultural discourses mediate individuals’ interpenetrating imaginary domains, then feminists should invent new models of subjectivity that are compatible with entanglement, rather than trying to squeeze pregnant bodies into ill-fitting liberal or legal models. Acknowledging others’ partial mediation of pregnant subjects’ self-determination does not render reproductive autonomy impossible or require feminists to resign ourselves to the limited range of meanings from which women are presently able to select. Rather, recognizing the centrality of the community to realizing reproductive autonomy can motivate abortion rights supporters to rearrange collective life in ways that preserve the legality of abortion, while also cultivating socio-economic relations that make abortions available to all and proliferating a myriad of meanings for interpreting reproductive experiences.



Pluralizing *interpretations* of pregnancy, while important, does not quite address the root of the problem; the ambiguity of pregnant embodiment goes deeper than interpretation because the *reality* of pregnancy varies depending on social context, material difference, and pregnant subjects' accounts of their lived bodies. In other words, if the reality of pregnant embodiment is produced through intertwining materiality and culture (Gatens, 1996; Grosz, 1994), then different conceptions of pregnant embodiment enact different ontologies of pregnancy. To envision this, consider Elizabeth Grosz's (1994) visual metaphor of the Möbius strip, which imagines the social and material dimensions of reality as twisted together. While from certain perspectives the inside and outside of the loop can be visually distinguished, attempts to physically trace the contours of the loop demonstrate that the inside and outside curve into one another and cannot be separated without destroying the object itself. Understood through this metaphor, social and material reality can be conceptually distinguished but in practice are inextricably twined together. Ontology appears open to radical reshaping by social forces without lapsing into pure social constructivism. Materiality limits the possibilities for social construction, even as ambiguity ensures these possibilities compose a vast array. The abstract entity philosophers describe as *the* pregnant body (Battersby, 1998) becomes a multitude of actual pregnant *bodies*, because each pregnancy (or even the same pregnancy over time) generates distinct experiences of pregnant embodiment's psycho-social and material realities. Consequently, I advocate conceptualizing pregnant embodiment as ontologically multiple.

This idea of pluralizing ontology itself, and not merely our interpretations of it, is not as strange as it might sound. Annemarie Mol (2002) argues that the same body or body part can be constituted as different ontological entities within different contexts. For example, she argues that one's arteries not only *mean* different things but actually *are* different things depending on whether they are inside a patient's legs as they enjoy a stroll, or whether they are the object of the patient's discourse in a diagnostic meeting with a physician, or whether they are extracted as a sample analyzed in the hospital's laboratory. In the same way, fetal–maternal assemblages can become different kinds of ontological entities depending on the discourses, practices, and intersubjective conditions within which they are embedded. This explains why AUL sees cremation and incineration so divergently, and also why supporters of abortion rights need not treat dead fetuses interchangeably. It is thus entirely appropriate for feminists to refer to stillborn or miscarried children, while in the same breath describing aborted fetuses as medical waste or pregnancy tissue. Granting pregnant subjects the authority to materialize the fetal–maternal assemblage according to their desires is no more absurd than granting embryologists or bureaucrats the same power. Indeed, it is far *more* presumptuous for the state or experts to impose a single ontology than to allow each pregnant subject to construct her own lived body.



This understanding of pregnant embodiment opens up more expansive ways of imagining reproductive autonomy, because it allows feminists to say that fetal personhood exists only when actively created by the pregnant person and her community. We can say, then, that *some* fetuses have begun the process of becoming persons and are therefore rightly described as unborn children, while others have not or will not begin this process. In this sense, the ontology of pregnant bodies is plural and dependent on the pregnant subject's will. Yet, centering pregnant subjects' wills does not require pretending that individuals are bounded, whole, or sovereign; it could instead mean that reproductive autonomy is fully realized only when the pregnant subject's community endorses and resources her agency.

Conclusion

Pro-life discourse acquires affective force by mobilizing and then repressing abjection through anti-abortion policies that impose rigid distinctions on ambiguous materiality. Fetus funeral laws construct fetal personhood and undermine reproductive autonomy by inscribing fetal grievability into the law. However, feminist responses to these laws are inadequate insofar as they fail to engage the affective or ontological aspects of pro-life discourse, re-assert embodied selves' boundaries, or disallow constituting fetuses as persons. If some pregnant people experience fetuses as something other or more than parts of their bodies, feminists should not deny them the symbolic resources to so constitute themselves. This does not imply weakening abortion rights or accepting that all fetuses are persons, because different fetuses can be different kinds of entities. Taking diverse reproductive experiences seriously suggests that fetal potential is contingent upon relations with others, especially the pregnant subject. Affirming abjection, relational autonomy, and multiple ontologies resolves conflicting experiences by distinguishing fetuses whose birth is anticipated from fetuses who have no future. Returning to the Klopfer example, my approach suggests the problem was not his collection per se but his failure to obtain patients' consent. Feminists should respond by unapologetically defending abortion rights and asserting pregnant subjects' authority to decide what their dead fetuses mean and how they are treated, while acknowledging the abject horror of discovering thousands of fetuses-in-formaldehyde inside a relative's home. While simplifying pregnant bodies is conducive to pro-life claims, feminism is most powerful when built on the bedrock of women's varied experiences. Although pro-life discourse creates space for mourning, this space is not a refuge, but a trap that limits women's agency. In contrast, if feminists validate grief alongside other possible responses to fetal death, we can provide a refuge without a locked door.



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