

Bridging the Gap: Reconciling Feminist and Disability Perspectives on Prenatal Screening

Francesca Nardi



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Established in September 2005, the Centre for Human Rights and Legal Pluralism (CHRLP) was formed to provide students, professors and the larger community with a locus of intellectual and physical resources for engaging critically with the ways in which law affects some of the most compelling social problems of our modern era, most notably human rights issues. Since then, the Centre has distinguished itself by its innovative legal and interdisciplinary approach, and its diverse and vibrant community of scholars, students and practitioners working at the intersection of human rights and legal pluralism.

CHRLP is a focal point for innovative legal and interdisciplinary research, dialogue and outreach on issues of human rights and legal pluralism. The Centre's mission is to provide students, professors and the wider community with a locus of intellectual and physical resources for engaging critically with how law impacts upon some of the compelling social problems of our modern era.

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This paper recognizes that in the human rights landscape, there will inevitably be conflicting rights that may never be able to be fully reconciled, or satisfactorily respected in all instances, and considers the ever-expanding body of human rights that are envisioned to be absolute. The case of prenatal genetic screening is used to illustrate this challenge of conflicting rights, and as a case where we can work on finding common ground and bridging the gap between the feminist and disability groups who are sitting in opposing camps on this issue. While we accept that rights cannot always be absolute, this paper seeks to find the common concerns and interests of these groups to work towards a practical solution that reduces the threat of rights infringements for both groups. Prenatal screening and selective abortion are viewed by feminist scholars as essential tools to facilitate free and informed reproductive choice. The disability community, however, views these technologies as a threat to their very existence, by failing to embrace the social model of disability, and a tool that serves a problematic underlying social purpose of eliminating persons with disabilities. This has fueled concerns that these technologies will reinforce existing social prejudices and stereotypes that

Introduction

As technology has evolved, and access to more information during pregnancy through prenatal screening has become widespread standard practice, this paper seeks to examine the human rights implications for two communities heavily invested in the outcomes of these technologies. The feminist community is heavily focused on these technologies that have implications for reproductive choice, while the disability community views these technologies as a threat to their very existence. Because of these competing interests, the feminist and disability activist communities take strong and opposing stances on these technologies. This paper will seek to use this example of competing rights and competing interests to demonstrate the challenges faced by the

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