

Accepted Version of Review of *Contraception: A Concise History*, by Donna J. Drucker. MIT Press, 2020. Published in *Metapsychology Online Reviews* 25 (25), by Nicholas M. Danne. 2021. <https://metapsychology.net/index.php/book-review/contraception/>

Contracept just one sexual act, far enough back in time, and no one reading this page would now exist. That's my concise history of contraception. Donna Drucker's is different; more comprehensive, with a lot more pictures. In six chapters, she examines the development and societal applications of contraception—defined as “[any] material technology, chemical, pharmaceutical, or behavior used to prevent the fertilization of an egg by sperm” (p. 183)—to draw insights germane to “reproductive justice and feminist technological studies” (p. 6). Whereas feminist technological studies promotes “equitable gender relations” (p. 6), reproductive justice comprises three more specific tenets: “the right to have a child, the right not to have a child, and the right to parent children safely and healthily” (p. 13). With qualifications, Drucker finds contraception to be an important component of reproductive justice. In Part I of this review, I summarize Drucker's book; in Part II, I object that her definition of contraception is too broad for practical application, and that a narrower more useful definition renders her justice thesis strange and counterintuitive.

Part I: Drucker's Concise History of Contraception

The title of Chapter 1 asks, “Why Contraception?”, and Drucker's answer seems to be contraception's utility, if not indispensability, to a person's life-planning, despite the eugenic overtones that ring loudly through contraception's history, the medical carelessness that harmed consumers as contraceptives were brought to market, and the cultural mores that keep people from contracepting in some or all forms. Drucker anticipates, that is, her method for each chapter, which is to unflinchingly recount the less-than-admirable goals and unfavorable side-effects of pioneering endeavors in contraception, while explaining how the technology, properly applied, supports feminism and reproductive justice.

Chapter 2 surveys “Contraception Before the Pill,” which means diaphragms, cervical caps, pessaries, sponges, condoms, spermicides, suppositories, douches, intra-uterine devices (IUDs), and herbs. Enhancing this chapter are many intriguing photographs from the Smithsonian Institution, mostly of the discrete packaging and branding invented to circumvent the U.S. Comstock Act of 1873, which prohibited commerce in “obscene goods” like contraceptives (p. 19). These photographs lend the book significant pedagogical value, as they would enhance lectures on marketing, communication, history, law, health, art, or philosophy. The chapter also includes a section on sterilizations in the U.S. penal system, and the insight that a luxury as simple as running water can make-or-break the adoption of barrier methods like diaphragms, in rural populations.

Chapter 3 discusses “The Pill and its Successors,” from a standpoint popular in the ethics of science. Namely, Drucker describes the introduction of hormonal contraception as a vast “scientific experiment” (p. 72) performed on society, at the levels of producer, consumer, physician, and government. The reader learns that contraception marketing (and some important political protests in the 1970's) initiated the U.S. requirement of listing dosage and side effects on a medicine's packaging, and that the hormonal experiment extended to various eugenics programs in South Africa and Eastern Bloc communist states. Because “[n]o historical contraceptive disappeared completely after

the pill” (p. 91), however, Drucker revisits in Chapter 4 nonhormonal contraceptives as *alternatives* to the pill, patch, ring, or shot. This complex chapter covers topics ranging from the expansion of IUD development due to thrombosis concerns (p. 92), and the resulting Dalkon Shield saga, to distribution roadblocks for cervical caps and female condoms, to the market dominance of condoms over the pill in Japan (pp. 104-106), and the contrastingly low uptake of condoms in Uganda. Also discussed are herbal and heat treatments, natural family planning (NFP), the fertility awareness method (FAM), and a summary of mobile apps that facilitate contemporary practice of the latter two disciplines.

Reproductive justice proper receives its greatest elaboration in Chapter 5. Although I analyze (what I take to be) the concept in the next section, it helps to consider here Drucker’s quote of Jael Silliman, Marlene Gerber Fried, Loretta Ross, and Elena R. Gutierrez (2016), who describe reproductive justice as “‘a theory, a practice, and a strategy that can provide a common language and broader unity in movements for women’s health and rights’” (Drucker 2020, p. 134, footnote omitted). These rights Drucker grounds in the United Nations’s Universal Declaration of Human Rights (1948), since she sides with other feminists in criticizing the reproduction politics of individual rights and privacy as too narrow—insufficient for surmounting the “structural racism and sexism” (Drucker 2020, p. 149) that renders the exercise of individual rights and privacy impossible in some contexts. Drucker concludes the book by looking to “The Future of Contraception” in Chapter 6, a future that includes silicone sex dolls and sex robots, possibly includes contraceptive vaccines and scrotum switches (pp. 170-171), but that *should* include contraception options for patients of surgical weight loss, and for overweight, obese, transgender, or impoverished persons.

Part II: Defining Contraception, and an Unintuitive Kind of Justice

The strongest elements of *Contraception: A Concise History* are its detail, photographs, and international scope, rendering it a user-friendly handbook. Drucker’s candor and thoroughness about contraception’s ‘dark side’ also enhance the volume’s credibility. While the book’s parsing of moral and theological points from papal documents is somewhat sporadic and largely ineffective, I otherwise found myself in each chapter wanting to look up the appropriately sparing number of references, many of them recent. My only bibliographical complaint is the omission of Morton Mintz’s *At Any Cost: Corporate Greed, Women, and the Dalkon Shield* (New York: Pantheon Books, 1985), since its eighth chapter so vividly details the structural barriers that quality-control supervisor Wayne Crowder faced in trying to warn Robins management about wicking strings. An inside look at contraceptive manufacturing by a pharmaceutical employee would complement Drucker’s overview, and I do not know whether her other sources provide this perspective. As promised, however, I have another objection.

II-A. Distinguishing Contraception from Other Acts

From a philosophical perspective, I object that Drucker’s definition of contraception is too broad, and that a plausibly narrower alternative undermines her reproductive justice thesis. While hers is not a philosophy book, it implies philosophically intriguing positions, and because reproductive justice is a timely concept, the ability of those

positions to support that concept merits examining. Drucker's account implies, for example, that some instances of solitary human sex with a robot are contraceptive (pp. 169-170), since they are behaviors used to prevent fertilization. Offhand (literally!), it is hard to see how such a practice differs from masturbation. While some theorists might readily subsume masturbation to a species of contraception, the conceptual problem with Drucker's definition—that contraception is a material or behavior "used to prevent" fertilization, in abstraction from the context of that behavior (p. 183)—is yet farther-reaching. Thwarting an attempted or actual rape by brandishing or firing a handgun, for example, is not contracepting; it is self-defense, alter-ego defense (helping another), or even a voluntary homicide. Not only are the action categories of self-defense and voluntary homicide important to preserve, but those who endorse a strongly first-personal account of act specification will insist that the perspective of the acting person be considered, not merely in determining what is moral, but in determining *what factually happened*.

Returning to the masturbation act-type, and an example by Janet Smith (1991, pp. 223-224), is it possible to wash one's genitals in the shower without masturbating? The agent intends to touch her sensitive regions, she knows that some amount of pleasure will result, and she performs the act freely; is every shower therefore a masturbation (much less a contraception)? Arguably no, because *intention* is supposed to partially inform the "object" of the act, to use an ancient and still-debated term, and Drucker's locution "used to prevent" (p. 183) is ambiguous about this intention. The rape victim, for example, might fire the handgun not to "prevent fertilization," but to avoid being touched, since sperm is a body part and so is an egg. On what grounds do we third-person observers (much less the second-person rapist) say otherwise? Drucker's definition of contraception allows for none of these distinctions, since someone could reduce "used to" to a statistical or legal regularity, rather than to the actual goals of the "using" agent herself.

For dialectical completeness, then, I propose a more category-preserving definition of contraception than Drucker's. That definition is Germain Grisez's (1965):

a directly willed intervention of any positive kind to prevent the realization of the procreative good when it otherwise might follow from an act of sexual intercourse in which one has chosen to engage. (Grisez 1965, p. 91)

This definition shuffles thwarted rapes and timed abstinence (NFP) out of the deck as non-contraceptive (*pace* Drucker who controversially calls NFP a "method of contraception" on p. 13), and it keeps the agent's will in perspective. I propose this definition, however, not to *defend* Grisez's account as the *right* one (since any such argument would require a whole paper or book). I instead argue for the rest of this review that while "the right not to have a child" may entail the *political* right to contracept, since Drucker interprets the UN Declaration in terms of bodily autonomy (p. 139), Grisez's more category-preserving definition of contraception renders it a practice that few would recognize as a *morally* desirable kind of justice.

II-B. Prising Contraception and Justice Apart

Reformulating my objection as a question, justice means giving to someone their due, or what they are owed, but is contraception the kind of score-settling that many would extoll as praiseworthy? Grisez's (1965) definition suggests not, because it brings into consideration the human "good" that makes contraception *intelligible* at all. Specifically, the "procreative good" is the conception of a zygote, which is the coming-to-be of a human life. Human life is one of what Grisez calls "basic" goods—others being health, knowledge, self-integrity, recreation, religion, and living in community—because they are terminating "ideals" (Grisez 1965, p. 82) about what is to-be-done in a chain of practical reasoning. Human health is a basic good, for example, because while I might want to be healthy *in order to* survive my job interview and land a great job, it turns out that I still want to be healthy when I have the job, and hence that being healthy is a goal desirable for its own sake. Because basic goods are desirable for their own sakes, and so constitute the ground of intelligible action, intentional attacks upon or opposition to basic goods are always irrational, and hence immoral, in Grisez's account. Arguably, contraception is intelligible only as just such an opposition.

Why, for example, did I buy a gym membership? Possibly for some superficial reason like wearing the free tee-shirt to impress others, but when my chain of practical reasoning is analyzed, I probably bought the membership to promote the basic good of my health, recreation, or community. Why did I put on a condom before sex? Concerns about sexually transmitted infections aside, that action of mine is only intelligible as a judgment against and opposition to the coming-to-be of a possible person (i.e., human life). Remove the possibility of a zygote (and of infection, increased sexual stamina, etc.), and donning the condom appears random and meaningless, and an honest agent would not call it contracepting.

Granted, I am not expecting Drucker or anyone else to accept uncritically Grisez's neo-Thomistic and neo-Kantian basic goods theory, but it bears considering how Drucker already advocates looking down the chain of reasoning, in whatever metaphorical sense, to bring about what are arguably basic human goods. She describes reproductive justice as "an ideal, inspirational vision of a healthy human society to work toward" (p. 135, cf. p. 156), notably promoting (the basic good of) health; but if one assumes Grisez's category-preserving definition of contraception, then Drucker's healthy human society is 'envisioned' only *via* the prior envisioning and subsequent rejection of the possible person whose coming-to-be makes contraception an intelligible act at all.

Thus, Drucker is only telling half of the story. It seems that she envisions two sets of people: those who are to be healthy, and those who are to be contracepted. The moral problem, on Grisez's view, is not that any possible, non-existent people are *wronged* by being contracepted; they do not exist, and so are not treated unjustly; the problem is that we have no rational basis to judge whether or not a possible person deserves to come-to-be. Before it can promote the justice that Drucker envisions, contraception, to be carried out, requires the contraceptor to first make a hubristic, discriminatory, and groundless judgment: that someone's coming-to-be should be *opposed* in abstraction from all of its

qualities, or for its own sake. Alternative discriminations exclude persons because of their skin color, religion, or gender; contraception excludes because of *possible existence*. Thus, contraception differs from other acts of discrimination by wronging only the judged, and not the judger. (Disclaimer: I have not seen Grisez or his sympathizers argue the “hubris” angle, it is my own development.)

II-C. Closing Caveats

To be plausible, my extrapolation from Grisez’s account needs a robust distinction between choosing-besides and choosing-against. For NFP is not contraception, my argument goes, if taking temperatures and abstaining during fertile periods is a choice for something *besides* the procreative good—such as health, recreation, education, self-integrity, or community bonding—rather than *against* the procreative good. I will not be able to develop that distinction here (but to start, see Finnis 1991). Of course, one of Drucker’s main themes is that it would be heartless to call a contraceptor “hubristic” when his or her circumstances are desperate, or abuse is rife and NFP is impossible; but the moral evaluation of people under duress is not my thesis. I instead deny Drucker’s claim that “tracing access to, research and development of, and use of contraceptive technologies is an outward measure of how a society values human selfhood and autonomy” (p. 6), since contraception is only intelligible as intentional opposition to the coming-to-be of possible selves. I also deny that “access to effective contraceptive services is crucial to the dignity of women of all races” (p. 153), since in the sizeable percentage of contraceptive events that are not performed under duress, the people contracepting are over-dignifying themselves.

I close by denying a litany of non-sequiturs against my position. I am not arguing that contraceptors are selfish or cowardly (although they might be), or that contraception is antithetical to the bodily self-giving of Christian marriage (although I believe that contraception is so antithetical), or that sperm are sacred, or that eggs are sacred, or that contraception is a species of lust (Anscombe 1976), or that people morally need the intention to reproduce every time they have sex, or that people morally need to want a lot of kids, or any kids, or that women have no place outside the home, or that pleasure is a necessary evil, or as Drucker interprets some anti-contraception arguments, “that any method of obstructing sperm’s path to an egg is a form of abortion” (p. 180, footnote omitted). I instead opine that contracepting requires an unfounded judgment against the coming-to-be of a possible person, and so is not justice in any typical sense. Otherwise, I recommend the book.

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Reviewer Bio

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