PART 2
Philosophical, Ethical, and Legal Perspectives
The first three chapters in this part set forth the philosophical foundations and complex ethical questions raised by reproductive genetic testing. Mary Mahowald examines the concept of gender justice and relates this to different versions of feminism and a care-based ethic. She presents alternative theoretical approaches not only to the use of gender-neutral language but to the entire range of issues in reproductive genetic testing considered in this book. Is it possible to neutralize gender issues when dealing with reproduction, since women, out of necessity (at least in part due to biology) will be more involved in the benefits and the burdens associated with reproductive genetic testing? Mahowald proposes a strategy for promoting the goal of gender justice in this area.

Ruth Faden examines whether and to what extent women are morally obliged to seek reproductive genetic testing. Should prospective mothers (and fathers) seek or accept testing? Should prospective mothers seek or accept therapeutic interventions based on the results of testing? What in the absence of therapy should prospective mothers do when a fetus is identified as having "a problem"? She concludes that, with rare exceptions, there is no requirement in mothering (or parenting) to seek or accept testing if the only actions facilitated by such testing are abortion, selective conception, or remaining childless. Patricia King’s commentary suggests that such questions remain diffi-
cult to resolve because there is a lack of adequate theoretical basis for understanding the structure and functioning of the family, especially the parent-child relationship. She concludes that a revised framework for understanding this relationship is needed to acknowledge the diversity of women and their families so that ethical decisions are made in context, rather than in abstraction.

The next two chapters bridge the gap between ethics and legal issues. Alta Charo and Karen Rothenberg raise the legal implications of creating the standard of the "good mother" in the context of reproductive genetic testing. They pose the question that even if there is support for moral accountability, is it ever appropriate to hold a woman legally accountable for her reproductive genetic testing decisions? They argue that legal accountability adds little to the already significant emotional and financial forces constraining reproductive choices. They further reject the notion that there are objective legal standards to measure those lives worth living and those not. An analysis of the political, legal, and ethical underpinnings of individual rights and community interests leads to the conclusion that justifications to manipulate women's reproductive decisions are fatally flawed.

Following this analysis, Ellen Wright Clayton describes the present state of the law on the provision of genetic services, access to abortion services, wrongful birth and wrongful life actions, and the governmental response to reproductive genetic testing. While some social forces have increased access to testing, others have attempted to limit testing by failing to provide funds, by forbidding lawsuits, and by limiting access to abortion. What are the underlying forces that are resulting in conflicting public policy and law and how can these differences be resolved? In the light of these legal ambiguities and inconsistencies, Clayton encourages a more coherent approach to respond to such issues in the future.