The Rules of Maternity

Dara E. Purvis Pennsylvania State University The Dickinson School of Law

Modern regulation of femininity as maternity increasingly creates a gauntlet of social and legal buffers channeling women into a narrow vision of motherhood. This paper traces these rules of maternity and demonstrates the insidious danger of embedded and powerful expectations of proper female behavior. Women are told over and over: Women want to be mothers. Mothers sacrifice for their children. Mothers provide for their children.

Rules of maternity first come into play before a woman is a mother, even before she is pregnant. Recent debate over health insurance coverage of contraceptive methods has revealed a strict policing of any action taken that might terminate a woman's perceived maternal status. Once pregnancy is commenced, pregnant women who seek treatment for drug addiction have been prosecuted for endangering the life and health of their fetus. Methods of birth are regulated and punished, removing the agency of the laboring mother. Finally, once a woman becomes a mother, she is expected to simultaneously provide financially and emotionally for her child through selection of an appropriate partner, rather than through her own labor.

The rules of maternity thus tightly constrain the choices of today's women. Women want to be mothers: they should never do anything to terminate their status as a potential mother, including even the earliest chance of pregnancy. Mothers sacrifice for their children: they defer to the judgment of a patriarchal medical establishment telling them how to be pregnant and how to give birth. Mothers provide for their children: through proper life choices such as marrying a financially successful male partner, they may devote their time to nurturing their child. None of these rules are new, but they have strengthened and multiplied in recent years. In order to push back against encroaching regulation of female choices, the rules of maternity must be uncovered and systematically dismantled.