



PID and PNGD between Bio- und Necropolitics The Case of Austria

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Outline

- I. Legal Framework of PID und PNGD
- II. Theoretical Background
 - a. Biopolitics
 - b. Necropolitics
- III. Discussion: PID and PNGD as Bio-/Necropolitics

I. Legal Framework of PID and PNGD

PID	PNGD
§§ 1 (4), 2a Reproductive Medicine Act (since 2015 with cross-reference to the Genetic Engineering Act)	§ 69 Genetic Engineering Act (since 1994)
	§ 97 (1) 2. Criminal Act (since 1974)
Art 8 ECHR	

II. Theoretical Background: Bio-Politics (Foucault)

- » all rational modes of governance that relate to the **population** as a whole
- » focuses on the **vitality or life** of the population
- » associated with **empirical knowledge** about the population: e.g. birth rates, sexualities, life expectancies, mortality rates, health and hygiene, migration rates
- » administers, organises, manages, controls, creates incentives, monitors, increases and organises the population on the basis of knowledge gained through empirical as well as political economist research
- » aims at **improving the life and health of the population**
- » **pro- and anti-natalistic regulatory frameworks**

II. Theoretical Background: Necro-Politics (Mbembe)

- » focuses on **dying** and **death** of certain people/groups of people/under or in certain circumstances or locations (e.g. plantations, camps, occupied territories, terror)
- » some people appear as **the living dead** - or as **homines sacri** (Agamben)
- » wants to show that some people live well because of other peoples' dying
- » **anti-natalistic regulatory frameworks**

III. Discussion: PID and PNGD as Bio-/Necro-Politics

- » PID and PNGD: knowledge as prerequisite for the decision to (non-)transplant the embryo/ or maintain/terminating the pregnancy
- » biopolitics „ [...] delegates to the individual most directly concerned the task of using his or her body *sensibly*.” *Memmi*, *Social Research* 2003, 652
- » termination due to a possible severe disability til beginning of child-birth-pain vs three months after becoming pregnant → what is sensible for a pregnant person within the concrete society/context?
- » non-inclusive and non-barrier-free society + individualistic liberal career-oriented biography → national authorities are not pressured to establish an inclusive society as demanded by the UN-Convention on the Rights of persons with disabilities

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