The NAC’s Organizational Practices and the Politics of Assisted Reproductive Technologies in Canada

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Introduction

In the 1970s, several observers of Canadian politics saw the creation and development of the National Action Committee on the Status of Women (NAC) as an effective way to improve women’s presence in policy-making processes. The political environment of the 1980s and the 1990s, however, appeared inimical to the NAC’s objectives and therefore seemed to have contributed to a reduction in the group’s capacity to influence policy makers. In this article, we argue that internal conflicts arising from the NAC’s organizational practices should also be part of the explanation for the group’s reduced capacity to participate in policy making. This argument is developed through a careful analysis of policy making in Canada in the area of assisted reproduction.1

Specifically, this article reveals how the NAC’s capacity to influence and participate in the formulation of policy was challenged by its

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inability to resolve the demand of institutional politics for professional advocacy with internal demands for deliberation and participation emanating from its “non-expert” member groups. Like many social movement organizations, the NAC, when interacting with political structures, was faced with the challenge of reconciling its intra-group goals of mobilization and consciousness raising with its efforts to influence the policy process. Like other women’s groups, the NAC continuously struggles with the need to represent diversity and build consensus on issues of concern. However, given the nature of the administrative institutions of the state, the NAC has also delegated decision-making authority to experts when devising positions on complex policy issues. These competing principles and objectives have posed a number of challenges for the NAC, especially in the area of assisted reproductive technologies (ARTs).

Giving voice to different perspectives and recognizing different forms of knowledge eventually harmed the NAC’s capacity to present policy makers with a coherent position on ARTs in Canada. Such discursive principles, adopted by several social movement organizations, are often incompatible with the continued need for advice by state actors mandated to make timely decisions. When social movement organizations are incapable of providing advice, policy makers look for alternative sources. As we show in this article, they often turn to experts, thereby altering the legitimacy basis of policy choices. The case of ARTs reveals how the NAC’s organizational practices undermined its capacity to influence government policy and opened a space for the dominance of individual feminist experts in official deliberations on reproductive technologies.

The discussion begins with an overview of the challenges and dilemmas posed by the organizational practice of “double delegation” for social movement organizations. The article then explores various organizational strategies of groups like the NAC, which struggles to engage in discursive politics with its members while still striving to come up with a uniform, feminist stance on policy issues. This struggle is then explored through a case study of the Canadian policy debate on assisted reproductive technologies. A detailed comparison of the different time periods of this policy debate offers a unique opportunity to assess the internal pressures plaguing the NAC as well as changes to the relationship between advocacy groups and the Canadian state in general. Based on the analysis of government documents and briefs, as well as interviews with public officials and NAC leaders and members conducted between 1999–2005, the case study explores the internal and external challenges confronting the NAC as it sought to influence Canada’s policy on reproductive technologies. In doing so, it also contributes to our understanding of the tensions and dilemmas that face advocacy groups like the NAC as they try to satisfy the action fields of both institutional politics and civil society.
Abstract. As the formal "carriers" of the goals and agendas of social movements, social movement organizations (SMOs) are committed to both institutional and identity politics. Given this dual engagement, SMOs must attempt to reconcile their intraorganizational strategies for representation and mobilization with their intergroup strategies for instrumental action in the policy process. In this article, these tensions are explored in a case study of the National Action Committee on the Status of Women (NAC) and its involvement in the policy debate on reproductive technologies over 15 years. The article reveals how the NAC's capacity to influence and participate in the formulation of policy on reproductive technologies was challenged by its inability to resolve competing demands: those of institutional politics, which called for professional advocacy; and the internal demands emanating from its grassroots member groups, for deliberation and participation. The article also attributes the NAC's diminished effectiveness in the policy process to broader changes in the relations between the Canadian state and social movement organizations.

Résumé. Les organisations qui se situent au cœur des mouvements sociaux se distinguent par leurs préoccupations qui sont à la fois institutionnelles et identitaires. Étant donné cette double préoccupation, ces organisations doivent constamment tenter de concilier leurs stratégies internes de représentation et de mobilisation et leurs stratégies externes d’action dans le processus de production des politiques publiques. Ces tensions sont examinées dans cet article grâce à une étude de cas qui porte sur le Comité canadien d’action sur le statut de la femme et son rôle dans le débat sur la procédure assistée au cours des 15 dernières années. L’article révèle que la capacité du Comité à participer à la conception des politiques canadiennes en matière de procréation et à l’influencer a été mise à l’épreuve par le tiraillage d’exigences divergentes : les exigences institutionnelles d’intervention professionnelle et les demandes internes de délibération et de participation émanant de la base du mouvement. L’article attribue aussi la réduction de l’efficacité du comité dans le processus de production des politiques à des changements dans les rapports qu’entretient l’État canadien avec les mouvements sociaux.

The Challenge of Social Movement Organizations

The literature on social movement organizations (SMOs) highlights their distinctiveness vis-à-vis traditional interest groups in the policy process. As the formal organizations and “carriers” of the preferences and goals of social movements (McCarthy and Zald, 1977), SMOs are active both in civil society and state-sanctioned institutional politics. While conventional interest groups are primarily focused on strategic, instrumental action aimed at influencing specific government policy, social movement organizations are simultaneously engaged in both the politics of interest and the politics of identity (Jenson, 1996). Similar to interest groups, social movement organizations use a number of conventional strategies, such as lobbying and education, in their efforts to influence government decision makers. However, as identity-based organizations, these groups are also engaged in “symbolic” politics, which entails the articulation of a collective identity and the building of solidarity and loyalty within one’s group. Phillips (1992) describes the competing values and agendas that social movement organizations must contend with when attempting to influence policy makers. She argues that social movement organizations are engaged in two action fields, instrumental action and
expressive action. Instrumental action is dedicated to achieving strategic, policy-oriented ends while expressive action is directed towards the more emotional task of shaping a collective identity through solidarity building and consciousness raising. Reconciling these two types of activities poses a challenge for these organizations as they struggle to influence government action while still adhering to democratic principles. As Phillips writes, SMOs confront an “optimizing problem” when trying to balance between the action fields of the state and of civil society (Phillips, 1992: 259).

When choosing between the fields of expressive and instrumental action, a dilemma emerges between a group’s intraorganizational strategies for representation and mobilization versus its intergroup strategies for successful influence in the policy-making process (Sapiro, 1998). On the one hand, SMOs’ commitment to grassroots activism and diversity requires, as Yeatman argues, “an inclusive politics of voice and representation” (1993: 231). This places a high premium on dialogue and deliberation among members of a group. On the other hand, SMOs exist within political institutional structures that typically do not provide the necessary time and space for such dialogue. In order to be effective in the realm of policy making, for example, women’s groups often delegate decision-making authority to special committees, experts or professional representatives when devising official positions on public issues (Vickers et al., 1993). This is symptomatic of what McCarthy and Zald (1987) regard as the professionalization of contemporary social movement organizations, which leads to greater hierarchical structures and a greater reliance on a small elite group of full-time leaders and experts who have the requisite skills to participate in institutional politics.

The transfer of authority to experts and professional representatives contradicts the inclusive politics of voice and representation that advocacy groups strive to attain. As Phillips (1992) contends, increased reliance on expertise and strategic action places a higher premium on bureaucracy rather than member participation in the affairs of the organization. Moreover, the incorporation of policy experts in social movement organizations leads to internal divisions between the leaders of the group and its grassroots members. “When policy experts are adopted into or created as a cadre within a social movement organization—particularly when this expertise is concentrated in the hands of the elected leadership—there tends to be a gradual isolation of the expert elite from the rank and file, so that often members become suspicious of the power of this information elite” (Phillips, 1992: 261).

The dilemma between professional expertise and democratic practices that emerges within social movement organizations and within the state is a product of what Callon et al. conceive as “double delegation” (2001: 169–70). A prominent feature of all industrialized society, double delegation denotes the transfer of decision-making authority and
responsibility across two societal divides: lay people to specialists, on the one hand, and citizens to professional representatives on the other hand. First, often through the professional bureaucracy, lay people delegate to experts the responsibility to deliberate on public issues and devise a plan of action on their behalf. Second, through elections and membership in organizations, citizens delegate to representatives the responsibility to articulate a common stance on a policy issue on behalf of their group. This double delegation can be problematic if experts and professional representatives become increasingly isolated from the constituencies they are supposed to be representing. Issues of process, representation and delegation become especially contentious when deliberating on highly complex and technical issues, such as reproductive technologies. Ownership of policy issues in the area of science and technology by a knowledgeable elite has implications for deliberative democracy, for it marginalizes the non-expert knowledge of citizens’ groups and laypersons in official deliberations (Fischer, 1990; Ingram and Schneider, 1997). It tends to exclude from policy making any form of knowledge that cannot claim scientific validity (Young, 2000).

The issue of delegation often leads to bitter and acrimonious debates within social movement organizations. Many groups, through a committee system, delegate decision-making authority to experts and professional representatives in order to develop plans of action, position papers and briefs on emerging policy issues. Members accustomed to operating within conventional institutions will favour delegating to experts to preserve their strategic advantages for those moments that require timely action and decision making. Some members, however, question the logic of delegation and assign greater importance to direct deliberation and participation within the organization (Phillips, 1992). They are more concerned with the process by which decisions are made rather than political expediency. The competing principles of delegation and deliberation often lead to internal tensions and, at times, even stalemates. Gradually the organization’s collective voice weakens as multiple voices emerge. When this occurs, a gap between an internally fragmented organization and conventional government institutions appears, greatly reducing the influence of the organization at decisive moments in a policy debate.

The challenges posed by “double delegation” for social movement organizations are further aggravated by the preference of state administrators for technical and/or expert advice. Professional bureaucrats and elected officials normally seek external advice on policy matters, often from organizations and individuals that possess “policy relevant” knowledge and conform to the norms of professional advocacy behaviour. As Vickers et al. write, “As the Canadian political system became more centralized and more bureaucratized, the policy processes of the state became more professionalized and were purported to draw more extensively on
the knowledge elite of experts” (1993: 209). Social movement organizations therefore have to rely on a cadre of experts in order to contribute effectively to the formulation of policy and to avoid “telling policymakers what they feel, not what they know as fact based on research” (Phillips, 1992: 261).

This dynamic has greatly encouraged the specialization of representative organizations because the modern state itself is specialized and therefore seeks specialized knowledge. As Schmitter and Streek (1981) argue, advocacy organizations structure themselves along the architectural lines of the state when they abide by a logic of influence. Several states even provide funding to civil society groups to help them become, from a statist perspective, better advisors (Jenson and Phillips, 1996; Pross, 1995). If a representative organization rejects the idea of delegation and becomes more fragmented, the state is likely to turn to professional experts who, while possessing specialized knowledge and technical expertise, are not accountable to a particular constituency. Paradoxically, these professional representatives are likely to be actors who enjoyed close ties with state officials in the past and who lost the battle of preserving some form of delegation within their own organization. In other words, attempts at circumventing delegation by trying to accommodate the multiplicity of voices can lead to greater fragmentation within organizations. Under such circumstances, organizational strategies to influence policy become difficult to carry out, leaving individual experts as the only legitimate purveyors of policy-relevant knowledge.

As a social movement organization, the NAC encountered similar challenges when devising its position on Canada’s policy on assisted reproductive technologies over the past 15 years. As Canada’s largest women’s organization, the NAC struggled to reconcile its commitment to diversity with the need to protect and represent the collective interests of all women. An internal schism emerged between members who supported the delegation of authority to committees and policy experts versus those who called for a more direct and participatory dialogue on the issue of reproductive technologies. The internal struggle would play itself out during 15 years of consultations with the federal government on the matter. Ultimately, this struggle would paradoxically give greater voice to professional experts whose legitimacy solely rested with an expertise that they had acquired while engaging with the state. It would also leave the NAC with a reduced capacity to effectively participate in policy making.

**Democratic Representation and Women’s Organizations:**
**The Case of the NAC**

Women’s groups have grappled with the challenges of incorporating democratic practices and principles within their organizations. Cultural
feminism, which emerged in the 1970s, refuses to assign a privileged status to expert knowledge and instead affirms the value of women’s practical experiences and knowledge. Some feminist factions, according to Vickers et al., have sought to eradicate the privileged status of experts and the dominance of “ego-tripping leaders” within women’s organizations (1993: 173). The principles of delegation and leadership—the mainstays of conventional organizations—are rejected in favour of capacity-building practices, non-hierarchical structures and consensual processes. More insistent on representation, postmodern feminists are also critical of a political project grounded on an essentialist notion of gender identity (Nicholson, 1989; Yeatman, 1993). Instead, they call for a greater recognition of difference in all its multiplicity within the women’s movement and grassroots activism. This emphasis on plurality and diversity in the contemporary women’s movement, however, can contribute to the internal fragmentation of women’s groups. Representation based on race, ethnicity, class and sexual orientation can undermine an organization’s ability to develop a united, common front on policy issues. This, in turn, can hinder the organization’s lobbying efforts within the institutional structures of government.

Women’s organizations in Canada have faced similar challenges in their efforts to accommodate diversity. In 1972, the NAC was created to press for the implementation of the recommendations of the Royal Commission on the Status of Women, tabled in 1970. Since its inception, the NAC has subscribed to liberal feminism’s equality-seeking agenda. By 1988, the NAC had grown from an umbrella organization of 30 groups to one of over 575 groups (Vickers et al., 1993). Seeking maximum influence in federal policy making, delegation was a central feature of the organization. Over the years, the NAC has taken on a hierarchical and bureaucratic organizational form, with delegates electing a formal leadership, according to the NAC’s constitution, during its annual general meetings (Vickers et al., 1993; Chappell, 2002). The NAC also relies on an internal structure of policy committees composed of experts and activists who are responsible for developing the organization’s official positions on policy issues (Vickers et al., 1993).

By the 1990s, the NAC’s status as the centre of the women’s movement would be contested by feminists within the movement and by an increasingly hostile state. Increasingly, the organization faced internal demands from member groups that wanted more “feminist” structures and processes, such as the adoption of a consensus model of decision making, greater attention to consciousness-raising activities and less formal, hierarchical structures (Chappell, 2002). Moreover, divisions within the organization emerged between radical members who favoured more confrontational tactics when dealing with the state and moderates who wanted to continue working within the conventional arena of institu-
tional politics (Bashevkin, 1996). This began to pose a significant chal-
lenge to the representational capacity of the organization and to the
women’s movement as a whole, as it struggled to recognize women’s dis-
tinctive identities while still mobilizing along a collective identity (Phil-
lips, 1996).

The NAC’s diminished legitimacy as the official voice of women in
Canada was influenced by the changing nature of the Canadian state in
the mid-1980s to the early 1990s. In the late 1980s, the Mulroney gov-
ernment reduced funding to the Secretary of State Women’s Program,
the funding agency of the NAC and other women’s groups, by 30 per
cent. The financial situation of advocacy-oriented organizations became
even more precarious, as they struggled to summon resources to fund
their research and advocacy work. As Dobrowolsky explains, during this
time “it became much more difficult to prepare interventions that con-
sidered politically complicated issues in detail, for the resources required
for such undertakings were drying up” (2002: 161). As the federal gov-
ernment gradually reduced its financial contributions to the group, the
NAC’s capacity to develop expertise on policy issues significantly dimin-
ished. The group became largely self-financed in the second half of the
1990s (Bashevkin, 1996).

The delegitimization and reduced funding of citizens’ groups as well
as the retrenchment of social programs in the 1990s changed the relation-
ship between the Canadian government and the women’s movement. As
Jenson and Phillips (1996) argue, the reduction of funding to advocacy
groups in the late 1980s and early 1990s, coupled with changes to the
federal government’s funding strategy (which stresses the role of groups
as service providers rather than advocates), undermined the legitimacy
of groups like the NAC. According to Jenson and Phillips, “the current
approach is creating a hierarchy of groups, with those focussed exclu-
sively on service delivery at the top, and those focussed on advocacy

These general observations closely match our case study on assisted
reproductive technologies (ARTs). This case study reveals the conun-
drum that social movement organizations face when attempting to del-
egate the task of developing policy recommendations to individual experts
and activists while respecting the principle of deliberation valued by grass-
roots member groups. The case study is divided into three sections, each
closely corresponding to the main phases of policy development for ARTs
in Canada. The first phase (1989–1993) corresponds to the appointment
and published final report of the 1989 Royal Commission on New Repro-
ductive Technologies (RCNRT). During this period, the NAC relied exclu-
sively on a feminist expert working in the area of women’s health and
reproductive technologies when developing its position on the issue. The
second phase (1993–1997) represents the period in which the federal gov-
Government held several consultations with stakeholders to ascertain their views on prospective legislation in the area. During this time, the NAC’s policy position, which was much more moderate than its previous one, was debated and approved by member groups during the annual general meeting. The third phase (1997–2003), which is still underway, involves the preparation of the latest government bill on ARTs.

Who’s Steering the Policy Agenda? The NAC and the Royal Commission On New Reproductive Technologies

Up until the mid-1980s, the issue of reproductive technologies did not receive much public or government attention. Decisions regarding research guidelines and standard practices of care were arrived at by the scientific community and the medical establishment. By the late 1980s, however, legal battles involving such practices as surrogacy and assisted insemination garnered media attention and brought to bear some of the legal and social implications of these technologies, including ownership rights over embryos and parental rights of gamete donors and surrogates. Moreover, feminist academics and activists, most notably Genoa Corea (1986) and Janice Raymond (1993), along with organizations like the Feminist International Network of Resistance to the new Reproductive Technologies and Genetic Engineering (FINNRAge), sounded alarm bells concerning the impact of these technologies on women’s health and reproductive rights. These political actors were instrumental in underscoring the ways in which these technologies were redefining prevailing social practices and values, such as reproduction, parenthood and notions of the family (Stanworth, 1987).

In Canada, a number of feminist academics and activists, led by Margrit Eichler at the Ontario Institute for Studies in Education (OISE), formed a coalition to lobby the federal government to appoint a public inquiry to investigate the social consequences and health-related risks of these technologies (in-person interview with Margrit Eichler, Toronto, September 10, 1999). Formed in 1987, the Canadian Coalition for a Royal Commission on New Reproductive Technologies regarded a public inquiry as an effective investigative tool as well as a useful mechanism for increasing public awareness on this newly emerging and complex issue. NAC, along with several other women’s organizations, became a member of the coalition and took part in its intensive lobbying efforts (Eichler, 1995; Scala, 1997).

In response to the coalition’s lobbying efforts, the Conservative government appointed the Royal Commission on New Reproductive Technologies in 1989. The commission was asked to examine a wide range of technologies, including assisted insemination, in vitro fertilization, embryo
research, prenatal diagnosis techniques and surrogacy. One of the commission’s goals was to investigate the impact of these technologies on different segments of Canadian society, in particular women (RCNRTs, 1993). From September 11, 1990 to November 29, 1990, commissioners held public hearings in 17 cities across Canada and heard from a broad range of societal actors and groups, including women’s organizations and feminist academics, infertile women and couples, aboriginal groups, representatives from the anti-abortion movement, legal experts, and the scientific and medical communities.

The NAC was among several women’s organizations that participated at the commission’s hearings. Its brief, titled *NRTs: A Technological Handmaid’s Tale*, contained one of the most critical accounts of reproductive technologies heard by the commissioners. Depicting science as a site of social relations and power, the NAC argued that the development and practice of reproductive technologies were driven by the interests of scientists and the biotechnology industry and not by the needs of ordinary women. It stated: “The push for NRTs appears to come much more from the interests of researchers and the process of creating new markets for drugs and technologies” (NAC, 1990: 2). The NAC contended that little data existed on the success rates of expensive infertility treatments, such as *in vitro* fertilization or on the long-term ramifications of fertility drugs for women’s health. Moreover, the group argued that these technologies, in particular surrogacy and prenatal genetic diagnosis, created new opportunities for the exploitation of the most vulnerable women in society, in particular disabled and economically disadvantaged women. For example, the NAC argued that prenatal genetic screening, which is used to detect whether an individual embryo or foetus is affected by a specific disorder, contributes to negative social attitudes and biases towards the disabled. Ultimately the NAC called for the federal government to impose a moratorium on a number of technologies and practices, including surrogacy and *in vitro* fertilization. While the group recognized that infertile women had the right to search for ways to overcome their infertility, their right to do so was limited by the broader, collective needs and rights of women in general. “Even if many individual women are willing to put their personal health on the line to achieve pregnancy, as Canada’s largest unitary women’s organisation, the NAC has a special responsibility to argue for women’s collective health interests” (NAC, 1990: 15).

The NAC’s policy position on reproductive technologies articulated during the commissions’ hearings was influenced by a number of intra-organizational practices and tensions that typically plague social movement organizations. First, consistent with its practice of creating special committees to investigate particular policy issues, the NAC, on the urging of feminist researchers and activists in the area of reproductive health,
established a committee to develop a policy agenda on reproductive technologies. In the past, annual general meetings were the primary vehicle for debating policy issues among the NAC’s member groups. However, as the NAC’s membership grew and the number of delegates increased, the usefulness of annual general meetings as a forum for policy deliberation declined (Vickers et al., 1993). Ideological stalemates prevented these meetings from directing policy decisions, thus undermining the NAC’s ability to engage in the pragmatic world of institutional politics. Policy committees, according to Vickers et al., constituted the primary mechanism for recruiting experts into the organization, thus “allowing NAC to develop a policy agenda that went beyond the recommendations of the annual general meetings ...” (1993: 214).

In the case of reproductive technologies, the NAC’s policy agenda was determined by the views of expert members on the policy committee who had approached the organization in an effort to put the issue on the political agenda. This, according to former leader Judy Rebick, was a common practice within the NAC (phone interview, January 28, 2004). One such member was Varda Burstyn, a social activist in the area of women’s health, who, as the principal author of the NAC’s submission to the Royal Commission, was able to imbue the NAC’s policy position with her critical knowledge of the issue. Consequently, experts rather than the views of member groups would steer the NAC’s policy agenda during initial deliberations on reproductive technologies in Canada.

The second organizational practice which contributed to the NAC’s critical stance was its newly adopted representational practice of assessing policy issues on the basis of their impact on the most disadvantaged women in society, including poor and minority women (Dobrowolsky, 2000). This practice was part of the NAC’s broader efforts to recognize and represent diversity among women within its organization, such as reserving positions on the executive for particular identity groups (Chappell, 2002).

Practical considerations also prevented the NAC from consulting with its member groups on the content of its position. First, the deadline imposed by the Royal Commission for submissions of briefs was scheduled before the NAC’s annual general meeting. As Burstyn recalls, “It happened very fast. The date was set [by the Commission]. We had to submit the brief on time” (phone interview, March 1, 2004). The time constraints imposed by the Royal Commission effectively left little room for the NAC’s executive and policy committee to consult and deliberate with member groups on the issue. Second, according to several interviewees, the issue of reproductive technologies was not regarded as a pressing matter for member groups. These groups had little knowledge of the issue, given the complex and highly technical nature of the subject matter. According to Rebick, it was “not a grassroots issue but one that
[still] needed national attention and feminist analysis” (phone interview, January 28, 2004).

The NAC’s anti-technology position, however, was not supported by other women’s groups or by individual women, who regarded the issue of reproductive technologies in terms of individual choice and accessibility. For example, groups and activists that were involved in the abortion rights movement did not accept any restrictions on women’s reproductive right to choose in the area of infertility treatments (phone interview with Carolyn Egan, March 9, 2004). Several member groups that appeared before the commission contested the NAC’s call for a moratorium and questioned the organization’s role as the official “voice” of Canadian women. Women experiencing infertility, for example, rejected the NAC’s position and instead maintained that decisions regarding the use of reproductive technologies be left to individual women. Lesbian and single women argued that societal norms regarding the traditional heterosexual marriage have effectively limited their opportunities to have children (RCNRTs, Public Hearings Transcripts, 1990). Appealing to “family values” sentiments, they argued that access to reproductive technologies would provide an alternative route to parenthood and “... promote family life by extending the joys of parenting to infertile or homosexual couples and single people” (RCNRTs, 1992: 23).

Several of the NAC’s member organizations, such as the Canadian Research Institute for the Advancement of Women’s (CRIAW) and the Canadian Abortion Rights Action League (CARAL), also broke away from the NAC’s position. For example, while the CRIAW acknowledged the potential harm of ARTs for women, it nevertheless upheld the principle of individual choice in its position. The group stated:

Even if we believe and subscribe to the view that motherhood is socially constructed and even if we believe that women’s bodies are threatened by new reproductive technologies, we recognize also that it’s up to individual women to exercise their proper choice and no one can talk in a theoretical fashion in the name of all women like they are a homogenous and monolithic group. (RCNRTs Public Hearings Transcripts, 1990)

This criticism against the NAC, launched by individual interveners and member organizations, was indicative of the general backlash against community and public interest groups during the late 1980s and early 1990s. Jenson and Phillips (1996) explain how the advocacy and representational components of identity-based organizations have been delegitimized, both within the state and among the general public. The authors argue that the politics of the neoconservative agenda redefined basic principles of economic and social citizenship in Canada. Cutbacks in social spending, reductions in group funding, and the elimination of intermediary organizations of representation within the state contributed to a shift
in citizenship regimes, from one based on social justice and equity to one that centres on a new “marketized” and “individualized” citizenship. The authors argue that under this new citizenship regime, the representational role of advocacy groups is suspect. As the authors explain, “A common statement is that ‘group X doesn’t represent me/all women/all Canadians.’ Thus, even if a group is self-supporting, it may still be branded a ‘special interest.’ Failure to represent only some [sic], and not everyone, makes a group ‘special’ and therefore lacking legitimacy” (1996: 27).

The credibility of the NAC and other advocacy groups was also questioned by several commissioners, whose tendency was to give greater weight to the views of “ordinary citizens” and the expert advice of professional associations. As former commissioner Bartha Knoppers explained, “We had people saying that they represented a certain group with over 3000 members. Then [when] we asked how they consulted all these members, it became clear they didn’t.... We couldn’t presume that just because they were the presidents of these groups that they had actually consulted their members in a systematic way” (in-person interview with Bartha Knoppers, Montreal, July 24, 2001). Knoppers did recognize that many of these advocacy groups, because of the nature of their work, encountered systemic obstacles, such as time constraints and finite resources, which prevented them from consulting with their members on every policy issue.

In the end, the NAC’s policy agenda on reproductive technologies, developed by a committee of experts and advocates, was criticized both internally by some member organizations and externally by state officials and commissioners for not being representative of women’s diverse interests. Because of this, the group would later reconsider its organizational strategies in the following rounds of consultations with the federal government.

**Changing its Strategy: The NAC and Bill C-47**

After four years of deliberation, the Royal Commission published its final report, *Proceed with Care*, in 1993. The report recommended that the federal government introduce a regulatory agency to licence and monitor fertility clinics and research institutes working in the area of biotechnology. It also recommended that the federal government prohibit and criminalize some of the most controversial aspects of reproductive technologies, including human cloning, creating human-animal hybrids, commercial surrogacy, and the commercialization of human gametes. The federal government responded in June 1995 by calling for a voluntary moratorium on several of these practices. In June 1996, the Human Reproductive and Genetic Technologies Bill (Bill C-47) was tabled in
Parliament. At the same time, Health Canada invited public comment on the bill with the publication of *Setting Boundaries, Enhancing Health* (1997), which outlined the federal government’s proposed regulatory framework for assisted human reproduction. Stakeholders were once again allowed the opportunity to weigh in on the proposed legislation via Health Canada’s cross-country consultations and the hearings held by the sub-committee on C-47 of the Standing Committee on Health.4

During this round of deliberations, the NAC’s policy committee on reproductive technologies once again began work on developing the organization’s position on C-47. However, by 1995, the policy committee on reproductive technologies and genetic engineering was “floundering,” as original members such as Burstyn departed and other issues related to the economy were prioritized (phone interview with Varda Burstyn, March 1, 2004; phone interview with Joan Grant-Cummings, March 5, 2004). This time around, grassroots member groups took a more active part in deliberating on the issue and informing the NAC’s policy agenda on reproductive technologies during its annual general meeting. A representative of an abortion rights organization who attended the meeting recalled that the NAC’s policy recommendations directly emanated from the input of member groups. She argues that this was reflective of a broader shift towards “an organization that began to rely more on grass-root member groups for policy proposals” (phone interview with Carolyn Egan, March 9, 2004). This time around, the organization’s leadership adopted a more participatory approach in its deliberation on reproductive technologies in order to better represent the diversity of women’s views on this issue (phone interview with Joan Grant-Cummings, March 5, 2004; phone interview with Carolyn Egan, March 9, 2004).

The NAC’s decision to allow member groups greater input to its policy agenda was a result of a number of factors. In the late 1980s and early 1990s, the NAC was increasingly criticized for the lack of representation of minority and disabled women on its executive. The appointment of a prominent visible minority woman such as Sunera Thobani to NAC’s Executive Committee, and the allocation of executive positions to members of particular identity groups reflected a growing commitment to “be more inclusive of women of colour, lesbians, women with disabilities, and poor women” (NAC, 1994: 4). Moreover, in an effort to become more accessible to marginalized women in local communities, the NAC began to show greater concern for regional voices (NAC, 1994; Chappell, 2002).

The NAC’s recognition of diversity entailed greater participation on the part of member groups in the direction of policy agendas. In the case of reproductive technologies, the greater involvement of member groups in the development of NAC’s policy agenda would significantly alter the organization’s position, which it presented during the bill C-47 hearings. While the organization’s expert-written brief to the royal commission
contained a scathing critique of these technologies and characterized them as “anti-woman,” its stance on C-47 during the committee hearings was more favourable. Abandoning its previous oppositional stance against ARTs, the NAC’s brief on C-47 emphasized women’s reproductive autonomy and appealed to the principle of “equality of result” (NAC, 1997). Equality of results is intended to eliminate or reduce the effects of discrimination so that members of traditionally underprivileged groups enjoy the same societal benefits as members of advantaged groups. Rather than demonizing reproductive technologies, the equality of results principle entailed recognizing their contradictory benefits and potential dangers for different groups of women. For example, single, lesbian and infertile women could attain the reproductive goals of other women by accessing infertility treatments, such as assisted insemination and in vitro fertilization. Policy on reproductive technologies, however, would also have to recognize the detrimental impact of practices like prenatal genetic screening for the social standing of women with disabilities.

While the group’s previous anti-science position rejected reproductive technologies altogether, the equality of result principle opened a space for the use of some technologies. The organization recognized the broader social and ethical concerns of these technologies, but it ultimately chose to base its position on women’s rights, especially in the area of reproduction. As the NAC spokesperson stated, “In terms of equality rights for women, this does not mean just equality of access or equality of treatment; it means equality of the results. By this we mean there should be no judicial intervention into pregnancy and birth and that we as an organization must have full support for women’s reproductive autonomy” (Standing Committee on Health, April 9, 1997). The NAC’s policy agenda during the C-47 debate constituted a compromise among the plurality and multiplicity of perspectives held by members groups. “It was a more thoughtful position, more reflective of the needs of the women [the NAC] was trying to represent” (phone interview with Carolyn Egan, March 9, 2004).

However, the group failed to achieve consensus on a number of issues, including the appropriate mechanism for attaining “equality of results” and the use of criminal sanctions to regulate the development and practice of reproductive technologies, a central feature of C-47 (NAC, 1997). While some member groups wanted to criminalize certain practices, others, in particular abortion rights organizations, rejected the use of any criminal sanctions, fearing judicial interference in pregnancy and births. Ultimately, the NAC failed to find agreement on a position concerning C-47. While the NAC’s brief expressed the group’s agreement with the general tenor of Bill C-47, it stopped short of endorsing its ratification into law. Instead, the organization emphasized the importance of open debate and deliberation on these issues and criticized the federal
government for “the very limited nature of the consultative process ... in the development of the legislation” (NAC, 1997: 8). In the end, the inability to achieve a consensus on the means needed to achieve equality of results prevented the NAC from developing a coherent and unified position on reproductive technologies that could help inform government policy.

The NAC’s decision to deliberate with its member groups when developing its stance on reproductive technologies was consistent with democratic principles and practices espoused by social movement organizations. It also reflected the NAC’s objective, as an organization, to be more inclusive of the diverse needs and identities of women. The pursuit of these organizational goals, however, undermined the NAC’s ability to effectively engage in government deliberations on reproductive technologies, which were increasingly becoming dominated by professional experts and medical-scientific discourses (Scala, 2003). As the federal government got closer to devising and implementing its legislation on reproductive technologies, there was a greater need for expertise on the subject matter. For instance, members of the parliamentary committee were unfamiliar with the issue of reproductive technologies and therefore required legal and medical expertise to bring them up to speed (confidential, in-person interview, Ottawa, April 7, 2000). The advice provided by representatives from the Canadian Bar Association and the Canadian Medical Association was regarded as more “useful” than the NAC’s ambiguous discourse on democracy and “equality of result.” Legislators were more receptive to the input provided by groups like the National Association of Women and the Law (NAWL), which provided a concise and legally grounded argument opposing the use of criminal law in the area of reproductive technologies (see NAWL, 1997). The privileged status of professional associations during the consultations is reflective of the broader professionalization of the policy process and the delegitimization of interest-based advocacy groups in the current political discourse (Phillips, 1992; Jenson and Phillips, 1996).

In the end, the NAC’s attempt to represent the diversity of its membership in its deliberation on reproductive technologies hindered its ability to devise a coherent model of regulation that was deemed “useable” by policy makers. Given the lack of consensus on the interpretation of “equality of results” and the appropriate use of criminal sanctions, the NAC resorted to the lowest common denominator in its members’ diverse views, that is, their agreement on the importance of open and democratic discussions on the issue of reproductive technologies. The greater involvement of grassroots organizations in the drafting of policy proposals and the diminished influence of policy committees would also affect the role of women experts and advocates within the group. Increasing calls for high-profile feminists to be more accountable to the women’s movement (Vickers, 1997) provided a challenge for feminist activists who
wanted to maintain their influential status in Ottawa. The next phase of ART policy making would reveal the greater involvement of feminist experts and the marginalization of the NAC during official deliberations with government officials.

**Pushed to the Margins: The NAC and the Draft Bill on ARTs**

A great deal of criticism was directed against Bill C-47 from a number of groups, including the Canadian Medical Association, the Canadian Bar Association and the National Association of Women and the Law. There emerged a consensus among these organizations that criminal sanctions were not the best mechanism to use in this context, given that they could stymie useful genetic and reproductive research. A regulatory regime was regarded as a more appropriate approach, since it afforded government officials some flexibility. In response to this criticism, the newly re-elected Liberal government asked Health Canada to prepare a new bill in 1997. Health Canada transferred the preparation of the bill from the Health Policy Division to a Special Project Division primarily staffed with “fresh faces” (confidential, in-person interview, Ottawa, April 7, 2000). Another round of consultations was held with interest groups and provincial governments across the country. Given the federal-provincial jurisdictional issues involved, consultations were held with provincial agencies, such as health and justice departments, as well as regional offices of the Status of Women.

Many interveners who appeared during the consultations were experts in the field or individuals who had intimate experience with one of the technologies involved. Social scientists, infertility and family planning counsellors and public health advocates highlighted the impact of reproductive technologies on prevailing social relations and on institutions such as the family. Individuals and couples shared their personal experiences as consumers and children born with the assistance of reproductive technologies. The personal narratives of individuals born as a result of ARTs highlighted the hardships of not knowing one’s genetic and familial background. Women and couples whose children were born through donor-assisted insemination told of their own struggles for social legitimacy and the difficulty of accessing their child’s medical history in the current system of donor anonymity. As before, the consultations revealed the diversity of experiences and the range of expertise that surrounds the issue of ARTs. More importantly, however, the consultations reflected the growing emphasis placed on hearing from individuals rather than representatives from advocacy groups.

The continuing lack of consensus among stakeholders as well as among members of the governing Liberal party prompted the federal gov-
ernment to introduce a draft bill in the House of Commons. In the spring of 2001, the Standing Committee on Health was asked to report on the draft bill. Once again, the committee invited a number of experts in the field to provide it with the necessary knowledge to effectively deliberate on the issue. While Health Canada’s Special Project Division was staffed by people with extensive expertise on ARTs, the Standing Committee on Health has a fluctuating membership. For the most part, those members of Parliament who gained knowledge of ARTs during the C-47 process were no longer members of the Standing Committee. Consequently, as was the case with the C-47 committee, experts were perceived as having more policy-relevant knowledge than women’s groups and other social movement organizations (confidential, in-person interview, Ottawa, March 18, 2003).

Three sources were used to develop the list of witnesses invited to appear before the committee: first, each political party represented on the committee drew a list of groups or persons it wanted to hear from; second, the Library of Parliament devised a list of experts; and third, Health Canada’s experts were made available to the committee by the minister. The list of briefs presented to the committee on the draft bill is strikingly different from the list of briefs presented to the same committee on C-47. While most briefs on C-47 came from advocacy groups, the majority of briefs presented on the draft bill were from individual experts and academics representing different disciplinary backgrounds. During the consultation process for C-47, seven women’s organizations submitted formal briefs, including the NAC and several of its affiliated groups, such as the Feminist Alliance on New Reproductive Technology and the National Association of Women and the Law. In 2001, only four women’s organizations presented formal briefs on the draft bill. They included REAL Women of Canada, generally recognized as an anti-feminist organization, and the Canadian Women’s Health Network (CWHN), a service delivery organization. The NAC was not among the list of invited groups and it did not send a brief to the committee.

Committee members attributed the lack of participation on the part of the NAC and other national women’s organizations to their move away from lobbying and other forms of strategic politics to service delivery and grassroots activism (confidential, in-person interview, Ottawa, April 7, 2000). Moreover, some committee members believed that the views of women’s groups had already been captured by the Royal Commission’s 1993 final report. As one interviewee explained, “When the Royal Commission concluded with its recommendations, most women’s groups in the country agreed. So essentially, one can say that the feminist community in Canada had a position: it was the position of the Royal Commission. So we didn’t hear from women’s groups per se. We heard from the Royal Commissioners” (confidential, in-person interview, Ottawa, March 18, 2003).
Former leaders and members of the NAC point to the funding issues that undermined the group’s advocacy work. For example, former leader Joan Grant-Cummings cites government cutbacks to funding and the general shift from core funding to project funding as a main factor in the NAC’s lack of involvement in the recent phase of the policy debate (phone interview with Joan Grant-Cummings, March 5, 2004). The lack of core funding undermined the NAC’s instrumental and strategic activities, such as lobbying, expert research and so forth. The shift from core funding to project funding also influenced the priorities of the NAC. For example, in 1998, the top issue on the NAC’s agenda was linked to the project funding it received from the federal government to address the topic of economic globalization and its impact on women (phone interview with Joan Grant-Cummings, March 5, 2004).

While the NAC and other national women’s organizations were not present during consultations on the draft bill, several high-profile activists once affiliated with these groups were invited to participate in the deliberations as policy experts and not as representatives of specific constituencies. For example, Abby Lippman, a professor of epidemiology with the CWHN, stated during the hearings that she was taking on the dual role of spokesperson of her organization and individual expert in the field. “I am here in an ‘official’ and a personal capacity. Officially, representing CWHN, personally to speak for myself, and I will let you know which hat I am wearing as I proceed.... I was asked to represent the organization perhaps less because I am co-chair of the Board, than because I am familiar with many of the issues the draft bill addresses” (Lippman, 2001).

The absence of groups like the NAC, the Feminist Alliance on New Reproductive and Genetic Technologies and the National Association of Women and the Law left women as a collective group without representation in the later stages of the ART policy debate. Women who once claimed to fulfil a representative function were now acting as individual experts capable of educating policy makers on a complex issue. As such, they were not constrained by the procedural processes of organizations. As one interviewee explained, “I am too busy and impatient to sit down at meetings, suggest things, set the parameters of the problem and in the end see everything die on the order paper. Therefore I decided that it was better for me, personally, to work outside [of the NAC] because inside I would have to follow organizational procedures and processes. It is better for me to stay where I can open my mouth anytime and say anything I want” (confidential, in-person interview, Ottawa, April 4, 2003). Former NAC president Judy Rebick attributes the direct participation of feminist researchers in policy deliberations to the changing relationship between the state and advocacy groups. “Experts no longer find it effective to work with groups like NAC. The state has effectively shut out
advocacy groups. For this reason, there is a greater reliance on academ- ics and experts in policy discussions’’ (phone interview, January 28, 2004).

In short, the NAC’s attempts to be more inclusive of diversity and its inability to reach a consensus on reproductive technologies inadvert- ently opened a space for professional experts to dominate policy delib- erations on ARTs. This, in turn, had an important impact on the type of issues that would inform the committee’s report. The overriding con- cerns of the report submitted by the Standing Committee on Health in 2001 were the interests of children born of ARTs as well as the interests of the scientific community and biotechnology industry. The central rec- ommendation of the report in fact concerned the right of children con- ceived through in vitro fertilization or artificial insemination to know the identity of donors (Standing Committee on Health, 2001). In the end, women’s health and well being, the issue that had first galvanized the NAC and the women’s movement to launch a public debate on reproduc- tive technologies, largely disappeared in the latest round of deliberations on ARTs.

Conclusion

This analysis of the NAC’s involvement in the policy deliberations on reproductive technologies demonstrates the tensions and challenges that advocacy groups encounter when attempting to influence policy deci- sions. Like other social movement organizations, the NAC struggled to reconcile its commitment to representation and participatory politics with the need to influence government policy by way of expertise. An empirical analysis of the NAC’s role in the development of Canada’s policy on ARTs provided an ideal case for examining the dilemmas faced by advoca- cacy groups when reconciling their intra-organizational goals of repre- sentation with their inter-group strategies for influencing policy. The paper argued that when adhering to principles of deliberation and participation during the second phase of ART policy development, the NAC’s success in instrumental-strategic action was significantly reduced. Greater reliance on the input of grassroots members rather than experts undermined its ability to develop a coherent and unified position on the issue of reproductive technologies. However, the NAC’s expert-driven policy rec- ommendations, submitted to the Royal Commission, were criticized by several member groups and individual women for not being reflective of their interests and needs. The organization’s struggle to engage in both consciousness-raising activities and instrumental-strategic behaviour led to internal conflicts and divisions. On the one hand, members who in the past acted as professional advocates or as the organization’s experts viewed delegation as a necessary strategy to preserve women’s strategic
position in policy-making processes. On the other hand, members who most faithfully adhered to the principles of deliberation and participation tried to hold their representatives and experts accountable through extensive consultations and consensus-building practices. This tension contributed to the exodus of feminist activists and experts from the NAC, who then acted as individual advisors in policy deliberations. The administrative state, in turn, encouraged this desertion by undermining the legitimacy of social movement organizations and marginalizing them in the policy process.

The internal conflicts created by the NAC’s representational practices were evident during the development of a Canadian policy for ARTs. First, the group suffered serious criticism after adopting, without consultation with member groups, a strong stance against ARTs during the Royal Commission process. Second, drawing lessons from these criticisms, during the consultations on C-47 the NAC attempted to reduce the exclusionary effect of delegation by emphasizing broader participation and consensus building in the development of its policy agenda. This alternative approach, however, caused much frustration among individual feminists who were concerned with the NAC’s declining influence in Ottawa. Third, the frustration of feminist activists and experts within the NAC culminated with their departure to continue their advocacy in Ottawa, but often on an individual basis or on behalf of service-oriented organizations. As a consequence, women experts, no longer accountable to representative women organizations, are increasingly dominant in ART policy making within the federal government. Of course, participatory ideas do not bear all the responsibility for this paradoxical situation; women who left representative organizations simply responded to a demand for expertise by the administrative state. The logic of delegation is embedded in these structures, encouraging the transfer of authority from laypersons to experts. This latter point is important as it illustrates the difficulty of reconciling participatory practices with government institutions that continue to value expertise and efficiency.

Notes

1 The term “assisted reproductive technologies” is used to identify a category of biomedical practices and procedures used to assist conception and pregnancy. It includes in vitro fertilization, surrogacy, egg donation, therapeutic donor insemination, and embryo freezing and transfer.

2 Bill C-6, the Assisted Human Reproduction Act received royal assent and became law on May 29, 2004.

3 The “family values” discourse of single and lesbian women was in striking contrast to the position taken by conservative groups, which argued that the sanctity and stability of the family unit are endangered rather than protected by these technologies.
4 The *Human Reproductive and Genetic Technologies Act* (C-47), was introduced in the House of Commons in 1996 but subsequently died on the order paper in 1997 after the federal election was called.

5 Unlike a regular bill, a draft bill is immediately sent to the relevant standing committee mandated to prepare a report on possible amendments that a minister should consider before introducing a regular bill. The draft bill procedure allows members of Parliament to closely examine the legislative measures devised and proposed by a department and its minister.

6 The other three were the Women’s Health Clinic, the Winnipeg Women’s Health Clinic and REAL Women of Canada.

7 The other two were the Canadian Council of Muslim Women and Lesbian Mothers Association of Quebec, a provincial group.

References


