

## Intertwined Colonial Pasts and the Present in Global Fertility Chains

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### Abstract

The growth of global fertility chains asserts the central role of reproduction, both social and biological, to the endurance of racial capital's extraction of value from bodies and labor. This commentary highlights issues of histories of race and labor as they track with calls for reproductive justice across borders.

### Keywords

Transnational surrogacy, critical race and ethnic studies, postcolonial studies, assisted reproductive technology, social reproduction

As a collection, this special section on the colonial lineages of global fertility chains reasserts the central role of reproduction, both social and biological, to the endurance of racial capital's extraction of value from bodies and labor. This extraction continues to be borne most heavily by those populations that Black feminist philosopher Sylvia Wynter refers to as "archipelagos of otherness," legacies of the failure to decolonize the modern world (2003, 321). Transnational practices and markets in assisted reproductive technologies (ARTs) and fertility therapies have grown and spread since the liberalization of many postcolonial economies through coercive structural readjustments demanded by international loans from the International Monetary Fund and World Bank in the 1990s. As this special section demonstrates, the impact on women around the world today has precipitated a return to earlier feminist and critical race studies theorizations of reproduction at the nexus of slavery, settler colonialism, and extractive

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colonialism. Contributors pursue the analytical traction of approaching colonial legacies in global fertility chains in conversation with feminist science and technology studies. As is apparent in the spectrum of scholarship herein, different disciplinary formations have engaged the reassertion of the reproductive in distinctive terms, tracking separately or together the ongoing histories of colonialism and racial capitalism. Intertwined cross-border “intimacies,” in Lisa Lowe’s (2015) terms, from both the colonial past and present assert themselves at the scale of the global. At the same time, attending to the grounded immediate struggles that get abstracted at the scale of the global is essential, and is taken on by many contributions. The pieces share a determination to demand responsibility to these ongoing histories. Together, they complicate the analysis of citizenship, race, class, and gender and demand new analytics for both the global nature of social relations and markets associated with ART and their materialization of the ongoing coloniality of modernity.

In the wake of a globe dominated by formal imperial governmentality, there is a failure of a corresponding sense of social responsibility across borders that comes through this collection. Though she is not often referred to as a theorist of social reproduction, bell hook’s work speaks strongly to this failure. We lost hooks during the final phase of producing this special section, and though her work focuses specifically on the United States, her contribution to the discussion of interconnected legacies of coloniality, racial capitalism, and slavery in the lives of women is helpful:

At the end of the day the threat of class warfare, of class struggle, is just too dangerous to face....They cannot see the changing face of global labor—the faces of the women and children whom transnational white supremacist capitalist patriarchy exploits at home and abroad to do dirty work for little pay. They do not speak the languages of the immigrants, male and female, who work here in the meat industry, in clothing sweat-shops, as farmworkers, as cooks and busboys, as nannies and domestic workers....

Class is still often kept separate from race. And while race is often linked with gender, we still lack an ongoing collective public discourse that puts the three together in ways that illuminate for everyone how our nation is organized and what our class politics really are. Women of all races and black people of both genders are fast filling up the ranks of the poor and disenfranchised. It is in our interest to face the issue of class, to become more conscious, to know better so that we can know how best to struggle for economic justice (hooks 2000, 8).

To illustrate hooks’s point, already in 2003, anthropologist Marcia Inhorn observed that the globalization of reproductive medicine was banking on the growing number of cases of infertility caused by preventable secondary causes

such as malnutrition and unsafe routine gynecological surgeries (Inhorn 2003). These cases of preventable infertility were then used to justify the expansion and legal protection of ART interventions. One result was the expansion of the population of people who cannot procreate without the intervention of ARTs. Bronwyn Parry's analysis of "perverse markets" in this section offers a depiction of an industry whose growth and profitability depend on bad medicine, where Indian elites promote ART interventions that have no motive to cure. Instead, these interventions perpetuate infertility at the expense of patients whose deeply placed subjective desire for a biological child drives them to submit to the perverse medical practice of purchasing treatments and interventions because their knowledge, economic standing, and lesser social privilege leave them vulnerable to predation by ART elites. Parry's analysis illustrates the purchase of a transnational analytics that brings together class, race, gender, and nationality for understanding the web of imperial legacies knitting together markets and subjects across borders. It tracks the growth of a group of "IVF elites," Indian-based global actors who, acting on a colonizing impulse, and by observing the franchising and expansion of European IVF consortiums that entered India in the early 1990s and expanded into UAE and Africa, have gained holdings in those markets.

However, the need for cross-border social responsibility evoked by putting hook's work in conversation with Parry's is not met by international ART regulation, as Sonja van Wichelen's contribution makes clear. To the contrary, she argues that because Euro-American legal thought makes a core distinction between persons and things, international law effectively "thingifies" surrogates. States and elite actors empowered by the state are then able to assert an imperially derived modern legal form that "de-kins" surrogates. This is accomplished by erasing local forms of kinship and replacing them with Euro-American forms asserted by law as modern and universal—an ongoing civilizing mission, as Van Wichelen claims. One result is that regulations of ART at the nation-state level shape where practices grow or fail to grow, rewarding states and regions that have lower regulation with higher profitability. This work contributes to the body of scholarship that has shown how colonial legacies live on in laws governing kinship and reproduction derived from colonial rule (Arondekar 2009; Ghosh 2008; Tambe 2009; Foster 2017).

Transnational surrogacy arrangements in India, as they presented in the first decade of the 2000s, figure prominently in my first book (2015a), a study of how contemporary outsourced labor to India is a practice conditioned by the materialization of freedom (and unfreedom) as produced in the crucible of British colonial racial/labor allocations. Engaging Lowe's work on the intimacies forged between Asia, Europe, Africa, and North America during the period dominated by the European territorial colonialism and the Atlantic slave trade, I argue that the discussion of transnational gestational surrogacy in India is contextualized by the

co-constitution of colonial racial categorizations and an international division of labor as they arose together following the abolition of the slave trade within the British Empire in 1807. Drawing on Lowe's work, the discussion of transnational surrogacy arrangements argues that the practice extends a "humanism" in the law and in the market where "the social inequalities of our time are a legacy of this [liberal] definition of 'the human' and subsequent discourses that have placed particular subjects, practices, and geographies at a distance from 'the human'" (Lowe 2015, 2). As I explain in *Life Support*, the relationship between contemporary surrogacy contracts in India and the history of slavery and indenture as they continue to have impact in India is crucial in understanding present day transnational surrogacy:

The distinction between enslaved and free labor that became a concern as part of the abolitionist movement functioned to generate a category of mobile workers that complemented an imperial labor reallocation strategy connecting imperial subjects all over the world as "labor" while elaborating their hierarchical relationship and separation through emerging categories of race and gender attached to their labor. In turn, the nature of freedom and free labor became invested with assumptions about gender, race, and class, as these were also embroiled in the instrumental distinction between free labor and slavery that justified the practice of indenture (Kale 1998, 3). This instrumentality wrote over the coercive nature of indenture because it was described as contractual by mutual consent and understanding, even in the face of evidence of the lack of understanding or choice on the part of those signing themselves into indenture. Women were recruited under the same contractual conditions not as free labor but rather for the purpose of providing the reproductive labor that made male workers viable, a practice and problem Madhavi Kale says is embedded in the material origins of the category of free labor as an instrument in imperial labor reallocation. This reallocation was in effect the superimposition of a constructed dichotomy of slavery and free labor on the proliferation of less-than-free labor and conditions as part of empire building, whereby "the post-abolitionist fiction of equal status and equal protection for all imperial subjects regardless of race or nation could be maintained by erasing women as political agents"—what Lowe calls a "modern racial governmentality" (2015, 174). Like the fiction of noncoercion underpinning Indian indenture, in the larger colonial context of the British Empire, a number of gendered, sexual, and reproductive relations existed under the umbrella of "consensual" that did not even figure as labor (194).

In her study of the recruitment and resettlement of bonded or indentured laborers from India to the Caribbean, Kale argues that empire was the invisible pretext for the constitution of labor as an identity and ultimately as a category of analysis in historiography

(1998, 4). Abstract notions of “consent,” “freedom,” “choice,” and “contract” have been produced and unequally distributed by modern liberalism and have been affirmed selectively for some through the disavowal of colonized and enslaved labor (4). [As Lakshmidar Mishra’s work on contemporary bonded labor in South Asia shows], [t]he category of labor continues to function to write over contemporary conditions of force under other names (2011, 43). These histories, together with the history of the category of free labor itself, mandate attention be paid not only to the particular nature of the work being performed under contract in emerging affective and biological production but also to the particular forms of dependency in operation, because contractual arrangements may contain incomplete or absent information. Consent and, therefore, autonomy are incomplete despite being arranged through a freely entered agreement (Vora 2015a, 27–28).

Building on Angela Davis’s critiques of the Wages for Housework movement in particular, and of (white) Marxist feminism in general, *Life Support* argues that the destruction of the family unit and its domestic roles, as this appears in outsourcing logics and particularly in surrogacy law, has also been essential to capitalist growth. Davis pointed to the centrality of how the abolition of the international slave trade created dependence among slave owners and the slave-based economy on women’s reproduction to increase the domestic population of slaves, and the separation of women unrecognized as mothers and their infants was a regular practice (Vora 2015a, 160n17). Tying this to Grace Hong’s analysis of how ongoing dispossession of property, a technology developed through the US legal state’s forging under slavery, indicates the origin of both dispossession or property ownership in slavery, protecting property rights in the US as intended for the white middle-class (Vora 2015a, 160n18). As van Wichelen’s piece points out, the legal distinction between property and personhood continues to be used as “de-kinning” in international laws governing surrogacy and other ART practices across borders.

As feminist STS scholarship has shown, technology has played an important role in separating the pregnant body as a productive machine from the subject, and in freeing gestation and nurture to be treated as alienable commodities. However, as detailed in *Life Support*, examination of the history of slavery and indenture in India itself and as part of British colonial labor allocation in the colonies adds an additional and important layer for considering the content of labor that is understood to be produced by a free, liberal subject: “Already in the early stages of the transnational surrogacy market was evidence that the history of slavery and indenture means that any study of reproduction and labor is likely to fail to fully accommodate the incorporation of partial rather than whole subjects, or the maintenance of permanent exclusion not just as surplus labor but as what Hong

calls existential surplus (2012): being excluded from full subjecthood to maintain the valorization of protected spheres of life" (Vora 2015a, 142).

In the first decade of the 2000s, the emergence of a transnational market for surrogacy made clear that "the antecedents of contemporary bioeconomies, relying on the patentability of innovative knowledge and the exploitation of the undervalued and often invisible reproductivity of humans and other organisms and of their parts, such as tissues and cells, were present in the economies of colonialism and slavery in which dehumanized and unfree workers were also self-reproducing capital (Vora 2015a, 7). My own discussion of the colonial legacies of race and labor as articulated in India's side of the story of US and European outsourcing drew on US-based women of color and Black feminist theories to reflect briefly on how the then-emerging discourse of "biocapitalism" might be canted to include these intertwined histories.

It is therefore surprising when this work, grouped loosely with a set of very different projects, varying from sociologist Arlie Hochschild's (1985) study of the emotional labor of US flight attendants in the 1990s to Sharmila Rudrappa's 2015 ethnography of Indian surrogates as a new kind of gendered reproductive worker, is framed as uniformly neglecting the role of slavery in establishing the episteme of racialized reproduction in the present. As grounds for her own re-theorization of biocapital, Alys Weinbaum stages the body of work on surrogacy in India, and surrogacy across borders, as a monolith of failed theories of racialized labor and biocapital. However, none of that cited work on Indian surrogacy asserts an overarching theorization of contemporary biocapital. Instead, each work seeks to show, through the details of surrogate women's lives in an important and revealing variety of contexts, the enmeshment of past and present local forms of exploitation in a way that no singular theory of biocapitalism could. For example, specific to India alone are examples that include the gendering of indentured tea plantation labor in colonial India to create a supply of new workers for the necessary but undervalued labor of cultivating, picking, and processing tea leaves to fuel the growth of the international trade in tea (Chatterjee 2001) and the trafficking of indentured labor from India for plantation work in other British colonies (Kale 1998), which was accompanied by a similar reliance within the overlapping economy of Atlantic chattel slavery (Morgan 2004; Kaplan 2007).

Weinbaum's contribution is otherwise a helpful intervention, offering a critique of Marxist feminism and labor that extends Davis's foundational critique, joining together Jennifer Morgan's (2004) work on reproductive labor, as well as Hortense Spiller's (1987) theorization of the ungendering that was part of the obliteration of personhood structured into chattel slavery. Though missing engagement with closely related work such as Sara Clarke Kaplan's (2021) work on "the Black reproductive," the framework of "the slave episteme" is useful in combination with studies that center and are accountable to surrogate women's lives,

narratives and assertions of their own political will and analyses. This collection curated by special section editors Sigrid Vertommen, Bronwyn Parry, and Michal Nahman demonstrates that it is possible to address the scale of the global without erasing or diminishing the specificity purveyed in ethnographies of surrogate women and other context-specific experiences of the global, and to attend to “new political forms of social life, reminders of the political importance of the fact that ‘we are not the subjects of or the subject formations of the capitalist world-system. Is it merely one condition of our being’” (Gordon 2001, cited in Vora 2015a, 14). This is how Avery Gordon introduces the work of Cedric Robinson, theorist of racial capitalism, in the preface to the precursor to *Black Marxism* (1983) titled *An Anthropology of Marxism* (2001).

As the special section editors point out, one of the themes that draws together several of the contributions is the operation of both necropolitical and biopolitical logics simultaneously in the arena of fertility chains and reproductive technology. For example, the contribution from Johanna Gondouin and Suruchi Thapar-Björkert examines the violence of colonial modernity by looking at how the “choice” to birth children for giving away is shaped by connected colonial legacies in India and Korea. Extensively reviewing the contemporary scholarship on surrogacy in India and transnational adoption in Korea, and situating this scholarship in the respective histories of concubinage under the British, and camptown women in US Korean bases, they identify both contemporary neoliberal states as transforming devalued populations, seen as “waste,” into profit. This is achieved primarily through limiting women’s reproductive choices. Transnational adoptions in Korea and surrogacy arrangements in India are conditioned by these histories, they argue, articulating a compelling example of what Parry calls in this issue “a neocolonist mode of reproduction.”

The haunting of contemporary gynecology, and more generally reproductive science and its reformist critiques, by what John Gillespie names “ontologically dead beings” intervenes in the foundation of the science of reproductive medicine itself. Gillespie’s piece reminds us that undergirding the discussion of the globalizing of reproductive bodies, subjects, and labor in this issue is the necropolitical use of captive, unfree women under slavery for research. Using Bruno Latour and Steve Woolgar’s *Laboratory Life* and Sandra Harding’s work on “strong objectivity” in the 1990s as the key examples of the failures of STS to acknowledge the reliance of science of its historical exploitation of objectified Black women’s bodies under slavery, Gillespie’s contribution brings together scholarship by philosopher of race Denise Ferreira da Silva, Black feminist philosopher Sylvia Wynter, and historian Jennifer Morgan to argue that, “in the case of Anarcha, Lucy, and Betsy [who were captive as slaves by, and subject to experimental fistula surgeries by the later revered Marion Sims], their wombs were not harnessed for simply the capital accumulation of another; rather, they were harnessed for the scientific accumulation of scientific accreditation.” It joins

work in contemporary feminist STS reading da Silva (2007), Wynter (2003), McKittrick (2021), and other Black feminists and philosophers as a Black-feminism-derived critique of the history of science.<sup>1</sup>

As the pieces by Xan Sarah Chacko examining seeds, Deboleena Roy examining the molecule methyl isocyanate (MIC), and Silvia Possoco connecting forensics and ARTs demonstrate, the simultaneity of biopolitical and necropolitical colonial logics extends across the natural environment. Like the gametes and embryos cryo-preserved and moved around the globe to support ART practices, the seeds observed by Chacko are extracted from their native environment and transported and preserved in vaults using similar and sometimes the same technologies. Chacko's argument that the decision by conservationists to let seeds saved in vaults die from neglect arises from logics of racial necropolitics and settler colonialist violence against Indigenous people, from whose land the seeds continue to be extracted, illustrates how the botanical stakes in settler colonies expand the conversation about biopolitics, biocapital, and fertility chains. We see that the neglect of the epistemologies, lifeworlds, plants, lands, and people under settler colonialism are tied together. As Chacko says, "even contemporary forms of political redress and reconciliation fail to imagine liveliness outside the Western paradigm." This recalls van Wichelen's point that "un-kinning" is part of the logic of imperial governmentality preserved in international law today, and as with the forms of kin recognized in that law, so with forms of life that are selective allowed to fail to thrive.

Tracking the chemical MIC at the molecular level, Roy argues that the same colonial legacy behind India's "Green Revolution," in which companies such as the US's Union Carbide fertilizer plant were invited to set up operations, is behind India's sourcing of *in vivo* labor for global ART markets. As a provocation to continue to think about colonial legacies at the molecular level, Roy points out that the phenomenon of fetal cell microchimerism, in which cells and therefore DNA are shown to be capable of crossing the placental blood barrier, mean that surrogate women and the fetuses they gestate in the Bhopal area are not only exchanging cells but, through MIC, the imprint of the Union Carbide disaster's colonial legacy.<sup>2</sup> This legacy is then carried to wherever infants born in Bhopal travel.

The connections between reproductive medicine and forensic science presented in Posocco's contribution offer additional insights about the "bio/necropolitics" of extraction in Guatemala. Posocco shows how the labor of extracting biological material and genetic information necessary for both reproductive and forensic practice share a reliance on racialized bodies. These bodies are "mined" as a resource, foreclosing the futures of peoples and lifeworlds in Guatemala already living with sustained damage from prior colonial and imperial extractive regimes. As in Chacko's identification of the necropolitics of seed vaults, the "ongoing



colonial violence and neglect endured by Indigenous people” is sustained in ongoing practices of extraction and neglect.

Together, the contributions in this special section well illustrate the timeliness (and timelessness) of the movement for which, twenty-five years ago, US Black feminist activists coined the term “reproductive justice.” SisterSong used the term to explain the needs of underresourced women of color that were not being addressed in the mainstream women’s rights movement. Reproductive justice, as expanded by other Asian, Latina, and Indigenous feminist scholarship, focuses not only on the choice to have or not have children but also the right to parent children in safe and sustainable communities. As a framework, it supports analysis of the intersection of race, gender, class, and contexts including reproductive choice, environmental justice, incarceration, and healthcare, among others. Inherent in the framing of reproductive justice is the recognition of the necro/biopolitics of ongoing oppression and the remedy: sustained and organized social responsibility following the specific intimacies in the histories of the given community, the given oppression.

## Notes

<sup>1</sup> See, for example, in the inaugural issue of *Catalyst* Atanasoski and Vora’s (2015) reading of Wynter’s theorization of modern “man” as fundamentally constructed through racial-scientific notions of the biological and economic; and Lindsey Andrew’s (2015) assertion of a Black feminist empiricism.

<sup>2</sup> Fetal cell microchimerism in gestational surrogacy also invites us to think about the social and legal structures built to depend on the genetic separation between the surrogate and the commissioned infant, undermining the very idea of independent biosocial selves (Vora 2015b).

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