Against Natural and Moral Law?: Reproductive ‘Rights’ (and ‘Wrongs’) in post-1950 Scotland
Interdepartmental Committee on Artificial Insemination (Feversham Committee), 1958

• To enquire into existing practice and its legal consequences; and to consider whether any change in the law is desirable

• Stemmed from MacLennan v. MacLennan (1958) and Lord Wheatley’s controversial ruling that AID was not adulterous, denying a husband divorce on these grounds
Lack of Experience

- 6 doctors known to be practicing artificial insemination in the UK – in Manchester (1), Exeter (1), and London (4)
- 4-5 had dabbled in field but since given up
Significant Feversham themes

- Surprising lack of knowledge and experience, but strong will to discuss and condemn AI
Significant Feversham themes

- Surprising lack of knowledge and experience, but strong will to discuss and condemn AI
- Tendency to pathologise ‘patients’: to label them irrational, obsessional and dishonest
Significant Feversham themes

- Surprising lack of knowledge and experience, but strong will to discuss and condemn AI
- Tendency to pathologise ‘patients’: to label them irrational, obsessional and dishonest
- Similar tendency to pathologise donors: eugenically and ethically dubious
'prepared to give semen to a woman whose mental and physical background is unknown to him, and who is prepared to father children who will be born into a completely unknown environment, so far as he is concerned, is a man whose ethical standards are so unusual as to be of doubtful value from a eugenic point of view.'

[Dr. Hector Maclennan, Verbatim Report of Oral Evidence, 10 February 1959]
Significant Feversham themes

• Surprising lack of knowledge and experience, but strong will to discuss and condemn AI
• Tendency to pathologise ‘patients’: to label them irrational, obsessional and dishonest
• Similar tendency to pathologise donors: eugenically and ethically dubious
• Doctors: dishonest and irrational?
‘Reluctant Medicalisation’

- Physicians could be positively obstructive to AI requests
‘Reluctant Medicalisation’

- Physicians could be positively obstructive to AI requests
- Use of psychiatrist as ‘scapegoat’
‘Reluctant Medicalisation’

- Physicians could be positively obstructive to AI requests
- Use of psychiatrist as ‘scapegoat’
- ‘Abortion Games’ (*Lancet*, 1971)
‘in no way enhanced because of their status as Psychiatrists ... [they] have no peculiar right to make judgement in what is largely a moral field’

[Dr. John McDonald, Memorandum to Feversham Committee, 28 January 1959]
‘Reluctant Medicalisation’

- Physicians could be positively obstructive to AI requests
- Use of psychiatrist as ‘scapegoat’
- ‘Abortion Games’ (*Lancet*, 1971)
- Doctors not trained in reproductive decision-making process AND technologically undemanding