

Gender and Reproductive Justice

Course Description

Access to reproductive health services, including abortion, is one of the most contested political, social, cultural, and religious issues today. This course will explore the social, legal, and economic barriers to accessing reproductive health care domestically and internationally. The course will draw on various theoretical and analytic tools including critical race theory, critical legal theory, sociology of science, human rights, feminist theory, and a range of public health methods. We will cover domestic, regional, and international legal and regulatory frameworks on SRH.

Goals and Objectives

Students will

- Learn the history of the Reproductive Justice (RJ) movement and the anti-choice movement.
- Understand the major legal battles surrounding the access to reproductive health care.
- Have a clear sense of how theory and practice inform one another in the feminist women's health movement.

Requirements

- Class Participation
- Class Assignments
- Final Project
- Assigned Discussion Leadership

Class Participation

Students must participate in classroom discussions. To do so students must be present. Students can miss two classes without penalty. Students must submit in writing their reason for being absent before it occurs and must still turn in assignments. Any absences beyond two will result in a percentage decrease from your class participation grade. Tardiness is unacceptable. Excessive tardiness will result in a percentage decrease from your class participation grade. Please bring hard copies of readings to class. If you use a computer during class, you are required to send your notes to me immediately following our class session.

Readings

Historicizing the Reproductive Rights Movement

Class 1

Kimala Price, What is Reproductive Justice?: How Women of Color Activists are Redefining the Pro-Choice Paradigm, available at, https://www.law.berkeley.edu/php-programs/centers/crrj/zotero/loadfile.php?entity_key=36SG3SDI

Kristen Luker, ABORTION AND THE POLITICS OF MOTHERHOOD (1985) Read: Chapter 6, "The Emergence of the "Right-to-Life" movement

The Big Ideas

Class 2

Dorothy Roberts, Killing the Black Body (Excerpts)

Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, STANFORD L. REV. available at, http://socialdifference.columbia.edu/files/socialdiff/projects/Article_Mapping_the_Margins_by_Kimblere_Crenshaw.pdf

Class 3

Catherine MacKinnon, Feminism, Marxism, and the State, *Signs: Journal of Women in Culture and Society* (Excerpts)

Janet Halley, Split Decisions: How and Why to Take a Break from Feminism (2006) (Excerpts)

Key Moments: Eugenics

Class 4

Dorothy Roberts, FATAL INVENTION (2011) (Excerpts)

Buck v. Bell, 274 U.S. 200 (1927)

Key Moments: The Rise of the Feminist Women's Health Movement

Class 5

Jennifer Neilson, *More than Medicine: A History of the Feminist Women's Health Movement* (2015) (Excerpts)

Key Moments: Legalizing Family Planning

Class 6

Griswold v. Connecticut, 381 U.S. 479 (1965)

Key Moments: Legalizing Abortion

Class 7

Marlene Fried. *From abortion to reproductive freedom: Transforming a movement*. South End Press, 1990. (Excerpts)

Key Moments: The 2000s – The Battles Over Late Term Abortions

Class 8

Hughes, Korey L. "The Politics of Court Driven Morality Policy: A Comparative Analysis of Abortion and Same-Sex Marriage 1971-2015." (2016).

Gonzales v. Carhart, 550 U.S. 124 (2007)

Contemporary Battles Over Abortion Access: Informed Consent

Class 9

Texas Medical Providers Performing Abortion Services v. Lakey, 667 F.3d 570 (2012)

Rachel Gold and Elizabeth Nash. "TRAP laws gain political traction while abortion clinics—and the women they serve—pay the price." *Guttmacher Policy Review* 16.2 (2013): 7-12.

Contemporary Battles Over Abortion Access: Targeted Regulation of Abortion Providers

Class 10

Whole Woman's Health v. Kirk Cole, Commissioner of the Texas Department of State Health Services:

Petition for Writ of Cert, available at, <http://www.scotusblog.com/wp-content/uploads/2015/09/2015-09-02-Cert-Petition.pdf>

Brief for the Opposition, available at, <http://www.scotusblog.com/wp-content/uploads/2015/10/15-274-Brief-in-Opposition.pdf>

Contemporary Battles Over Abortion Access: Crisis Pregnancy Centers

Class 11

Amy Bryant. et al., Abortion misinformation from crisis pregnancy centers in North Carolina, *Contraception* (2012)

NARAL, Crisis Pregnancy Centers, available at, <http://www.prochoiceamerica.org/what-is-choice/abortion/abortion-crisis-pregnancy-centers.html>

Punishing Pregnant Women

Class 12

Peter J. Cohen, *Crack Babies” and the Constitution – Testing Pregnant Women for Illegal Drugs*, in *DRUGS, ADDICTION, AND THE LAW: POLICY, POLITICS, AND PUBLIC HEALTH* (2004)

Dorothy Roberts, *KILLING THE BLACK BODY* (1998)
Read: Chapter 4 [BB]

Class 13

Lynn Paltrow. "How Indiana is making it possible to jail women for having abortions." *The Public Eye* (2015).

Emily Bazelon. "Purvi Patel Could Be Just the Beginning", available at, http://www.nytimes.com/2015/04/01/magazine/purvi-patel-could-be-just-the-beginning.html?_r=0

Nicholas Kristof. "At Risk From the Womb", available at, <http://www.nytimes.com/2010/10/03/opinion/03kristof.html>

The Global Reproductive Justice Movement

Class 14

International Conference on Population and Development Programme of Action (Read Excerpts)

Michael Reich, *The Political Limits of the UN in REPRODUCTIVE HEALTH AND HUMAN RIGHTS: THE WAY FORWARD* (Laura Reichenbach and Mindy Roseman, eds) (2009).

Rosalind P. Petchesky, *Human Rights, Reproductive Health and Economic Justice: Why They Are Indivisible*, REPRODUCTIVE HEALTH MATTERS

Class 15

Barbara B Crane, Jennifer Dusenberry, Power and Politics in International Funding for Reproductive Health: the US Global Gag Rule, Reproductive Health Matters (2004)

Betsy Hartmann. *Reproductive rights and wrongs: the global politics of population control*. South End Press, 1995.

HIV/AIDS

Class 16

Paula Treichler, How to Have a Theory in an Epidemic (2012) (Read Excerpts)

World Health Organization, WHO: People most at risk of HIV are not getting the health services they need, available at, <http://www.who.int/mediacentre/news/releases/2014/key-populations-to-hiv/en/>

Class 17

Zita Lazzerini. et al. "Criminalization of HIV transmission and exposure: research and policy agenda." *American journal of public health* 103.8 (2013): 1350-1353.

Nancy Roth and Katie Hogan. *Gendered epidemic: Representations of women in the age of AIDS*. Routledge, 2013.

R v. Mabior, 2012 SCC 47, [2012] 2 S.C.R. 584, <http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/10008/index.do>

NPR, New Guidelines for Gay Men: A Daily Anti-HIV Pill, available at, <http://www.npr.org/blogs/goatsandsoda/2014/07/11/330747023/new-guidelines-for-gay-men-a-daily-anti-hiv-pill>

Trafficking and Sex Work

Class 18

Jessica Pliley. *Policing Sexuality: The Mann Act and the Making of the FBI*. Harvard University Press, 2014.

Ronald Weitzer. "New directions in research on human trafficking." *The ANNALS of the American Academy of Political and Social Science* 653.1 (2014): 6-24.

Class 19

Palermo Protocol. "UN Protocol to Prevent." *Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (United Nations: A/RES/55/25, Annex II, 2000)*. 2000.

Jo Doezeema. "Who gets to choose? Coercion, consent, and the UN Trafficking Protocol." *Gender & Development* 10.1 (2002): 20-27.

Class 20

Kathryn Abrams. "Sex wars redux: Agency and coercion in feminist legal theory." *Columbia Law Review* 95.2 (1995): 304-376.

Class 21

Joanna Busza. "Having the rug pulled from under your feet: one project's experience of the US policy reversal on sex work." *Health Policy and Planning* 21.4 (2006): 329-332.

Kate Shannon et al. "Global epidemiology of HIV among female sex workers: influence of structural determinants." *The Lancet* 385.9962 (2015): 55-71.

Violence Against Women

Class 22

Jonathan Simon, *GOVERNING THROUGH CRIME, Governing Domestic Relations Through Crime* (Read Excerpts)

Class 23

Mimi Kim, *Challenging the Pursuit of Criminalisation in an Era of Mass Incarceration: The Limitations of Social Work Responses to Domestic Violence in the USA*, *British Journal of Social Work* (2013) [BB]

Donna Coker, *Roll Back Prison Nation*, available at, <http://www.cunylawreview.org/vawa-20-roll-back-prison-nation/>

Class 24

Janet Halley, *Rape in Berlin, Reconsidering the Criminalization of Rape in the International Law of Armed Conflict*, *MELBOURNE J. OF INT'L L.* (2008).

Catharine Mackinnon, *Women's September 11th* (2006). Read Excerpts [BB]

U.S. Department of State, *Sexual and Gender Based Violence*, available at, <http://www.state.gov/s/gwi/programs/policy/gbv/>

Reproductive Technologies

Class 25

Kara Swanson, *Banking on the Body* (2014)(Excerpts)

Class 26

Jessica Bennett, *Company Paid Egg-Freezing Will Be the Great Equalizer*, available at, <http://time.com/3509930/company-paid-egg-freezing-will-be-the-great-equalizer/>

Naomi Cahn and June Carbone. "The Gender/Class Divide: Reproduction, Privilege and the Workplace." (2013).

Class 27

Stu Marvel, "Tony Danza is My Sperm Donor?": Queer Kinship and the Impact of Canadian Regulations around Sperm Donation, *Canadian Journal of Women and the Law*, Vol 25, No 2, 2013 (2014)

Della Wolf is B.C.'s 1st child with 3 parents on birth certificate – CBC News (Feb 6, 2014)

<http://www.cbc.ca/news/canada/british-columbia/della-wolf-is-b-c-s-1st-child-with-3-parents-on-birth-certificate-1.2526584>

Vancouver baby becomes first person to have three parents named on birth certificate in B.C. – National Post (Feb 10, 2014) -

<http://news.nationalpost.com/news/canada/vancouver-baby-becomes-first-person-to-have-three-parents-named-on-birth-certificate-in-b-c>