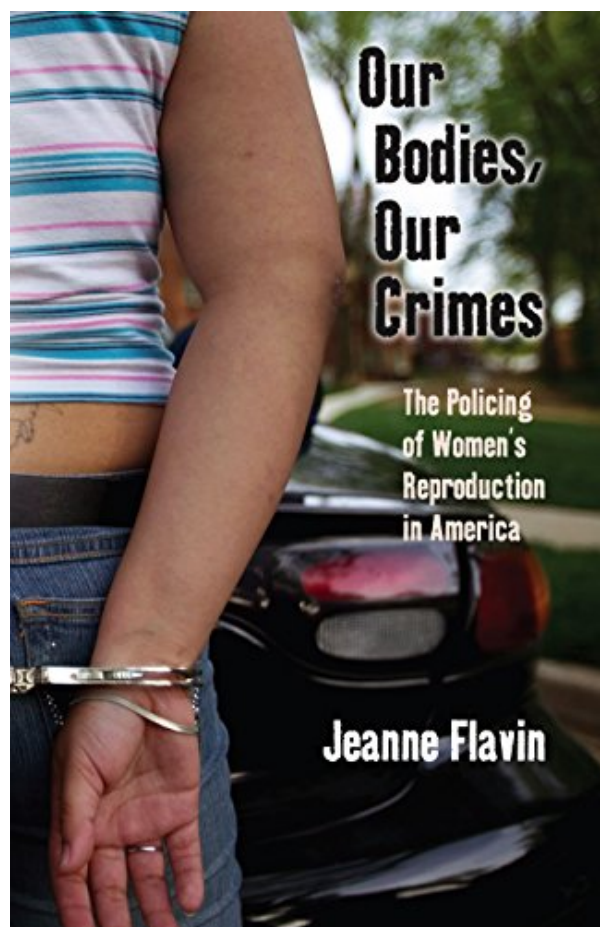
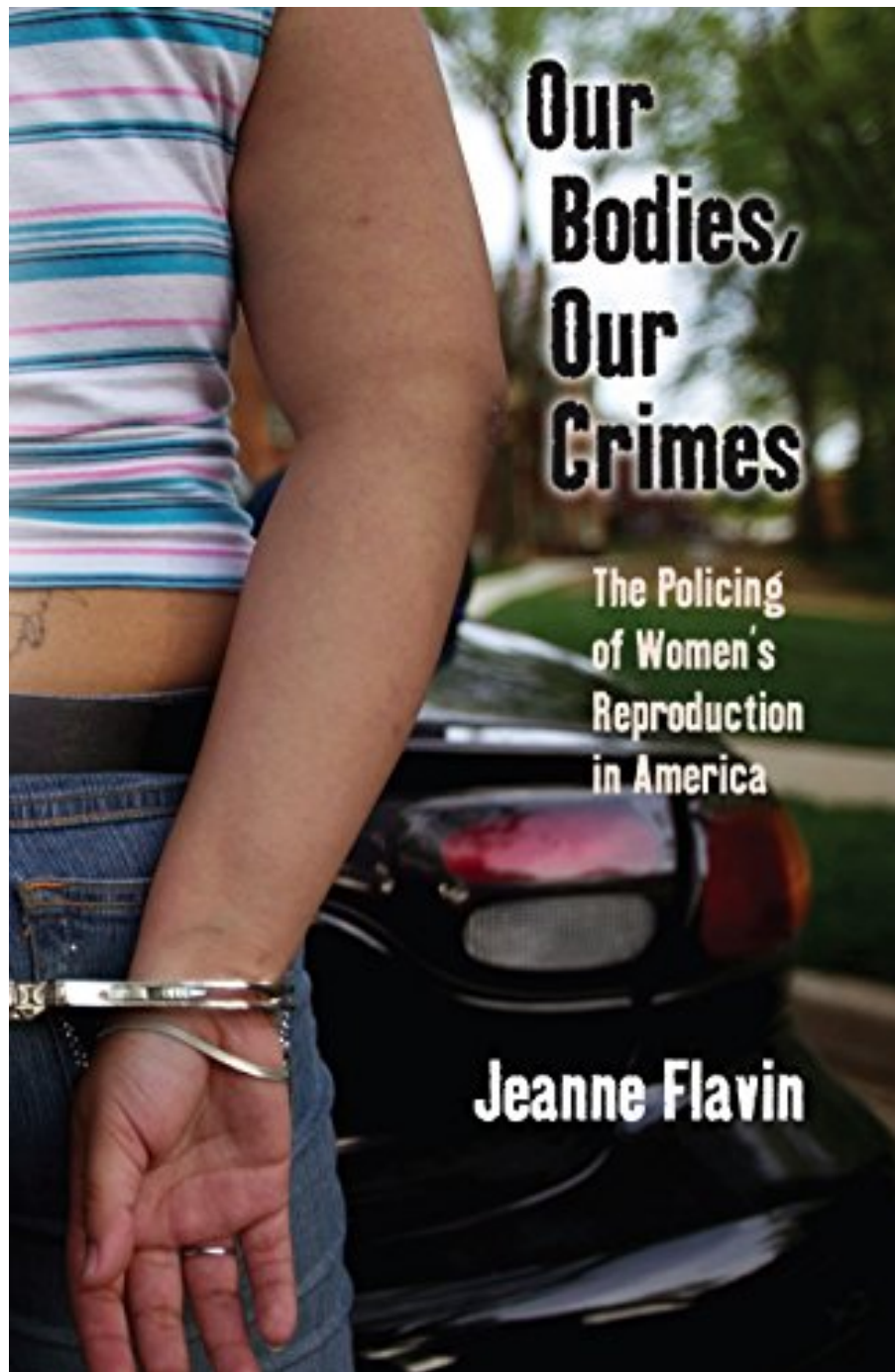


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OF WOMEN'S REPRODUCTION IN  
AMERICA (ALTERNATIVE CRIMINOLOGY)  
BY JEANNE FLAVIN**



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## Opinion

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Winner of the 2010 Distinguished Book Award from the American Sociological Association; Sex and Gender Section

The Real Issue behind the Abortion Debate  
An op-ed by Jeanne Flavin in the San Francisco Chronicle

2009 Choice Outstanding Academic Title

The intense policing of women's reproductive capacity places women's health and human rights in great peril. Poor women are pressured to undergo sterilization. Women addicted to illicit drugs risk arrest for carrying their pregnancies to term. Courts, child welfare, and law enforcement agencies fail to recognize the efforts of battered and incarcerated women to care for their children. Pregnant inmates are subject to inhumane practices such as shackling during labor and poor prenatal care. And decades after Roe, the criminalization of certain procedures and regulation of abortion providers still obstruct women's access to safe and private abortions.

In this important work, Jeanne Flavin looks beyond abortion to document how the law and the criminal justice system police women's rights to conceive, to be pregnant, and to raise their children. Through vivid and disturbing case studies, Flavin shows how the state seeks to establish what a "good woman" and "fit mother" should look like and whose reproduction is valued. With a stirring conclusion that calls for broad-based measures that strengthen women's economic position, choice-making, autonomy, sexual freedom, and health care, *Our Bodies, Our Crimes* is a battle cry for all women in their fight to be fully recognized as human beings. At its heart, this book is about the right of a woman to be a healthy and valued member of society independent of how or whether she reproduces.

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Book Review used for MSCJ Class

By Tara R. Bishop

Jeanne Flavin addresses the issue of women's inequality through by through the lens of the criminal justice system in *Our Bodies, Our Crimes: The Policing of Women's Reproduction in America*. Flavin argues that women's rights as citizens are threatened by a patriarchal society that subjugates women to increasing surveillance and controlling methods of regulation. Women's choices are narrowed by the sanctions associated with intimate partner violence, access to quality gynecological care, laws of fetal protectionism, and antiquated sterilization policies. *Our Bodies, Our Crimes* examines structural injustices associated with capitalistic, morally charged policies that systematically perpetuate myths and stereotypes of women's inability to make informed decisions about herself, children, and family.

#### Beginning

Flavin is a postmodern feminist who explores the layered effects of ethnicity, age, gender, and class on the life chances and choices of women. She prompts the reader to consider the unique elements of American women's history and rights as inextricably linked to their reproductive rights. Flavin argues that women's role as mother and caregiver are generationally regulated through en vogue policies that never really expire but progressively build upon themselves. For example, she demonstrates that late eighteenth century eugenics policies never disappeared with elimination of criminal sterilization policies in 1974.

Flavin cites the transition of sterilization and segregationist policies to economic and sentence reducing incentives for poor minority women to utilize permanent or long term birth control measures. The court system offers substantially reduced jail and prison sentences to female offenders who voluntarily undergo Medicaid sponsored sterilization. Organizations such as Project Prevention offer \$300 for addicted women to utilize permanent or long term birth control measures.

The wars on poverty, crime, and drugs are uniquely targeted at women. Men are not offered these "incentives." Why? Paternalistic and chivarristic theories cite women need guidance and protection from themselves. Rationalizations of promoting responsibility, economic justification, and child protection create a moral shield that the state and other organizations use to deflect from the true issues at hand. It is not just the right to procreate that is questioned but the fundamental issues to privacy, to bodily integrity, and to basic human rights.

#### Begetting

*Our Bodies, Our Crimes* analyzes the process of women's choice to become pregnant. The discouragement of abortion through inaccessibility (financial costs, location of clinic, etc.), unnecessary waiting periods, parental notification and consent laws, misinformation on the safety of first trimester termination, and 2003 Partial-Birth Abortion Ban Act demonstrates the structural barriers in a woman's choice over her body, future, and life. The control over the most private and profound choice a woman can make is red taped by governmental protocols and organizational pressures to subtly push a pro-life agenda.

Public school and faith-based sex education programs that advocate abstinence contribute to the high teenage pregnancy rate. The morally and religiously instituted practices of ignorance force young women to fit within society's unrealistic image of the nonsexual female adolescent angel. The reality that young women are sexual beings and will explore their sexuality is not allowed. Thus, society forces harsh consequences. Lack of access to evidenced-base sexual education programs, to contraception devices, and to termination techniques leads to poor minority females continually cycling in poverty with little hope of escape.

Flavin argues red tape policies and ignorance of sex can explain infant abandonment and neonaticide. Some young women, unable to deal with the reality of pregnancy wrap themselves in fantasy worlds of denial that extend past the birth of the baby. Instead of trying to understand this abnormal behavior, society demonizes

the young woman and processes her through the criminal justice system. Save Haven Laws are used to neutralize societal responsibility but the lack of information about their existence, fear of being found out, and the above mentioned are rarely explored by the general public.

#### Bearing

The war on drugs has extended as a war on women through the development of the fetal rights or fetal personhood movement. Officially, fetal homicide bills are used to increase the severity of punishment for those women who are pregnant and murdered during a domestic violence dispute. The increased severity of the sanction is mistakenly thought to deter crime. Flavin contends that the fetal homicide laws value the life of the embryo or fetus over that of the woman.

In reality, these laws are used to circumvent the rights of women. For example, Samuel B. Casey, executive director of the Christian Legal Society, stated he supported fetal homicide laws because they can be applied to supporting pro-life agenda. Additionally, pregnant alcohol and drug addicts who miscarry/have a stillbirth can be charged with murder. Flavin points out that drug and alcohol use during pregnancy is overestimated in early childhood outcomes. Furthermore, miscarriage and stillbirth due to alcohol and drug use is not scientifically established or well understood. The woman is nothing more than a carrier of potential risk to a fetus or embryo. Her rights are no longer important. The state does not recognize the lack of availability and access to well funded and effective drug treatment programs. Instead, addicted women are criminalized and condemned.

During incarceration, women have substandard health care. Their gynecologic needs are often neglected. Sexually transmitted infections go untreated or undertreated. During pregnancy, women do not receive adequate prenatal care, nutrition, and vitamins. Additionally, laws allow women in labor to be physically restrained to prevent escape. This unnecessary restriction and lack of medical care demonstrate America's condemnation of the "undeserving poor."

Women have special needs that are different from men. Their states that women's unrecognized needs are tantamount to cruel and unusual punishment. The benefit of keeping all segments of society healthy are negated in the public refusal to fund medical care to the most needy and least likely to receive it.

#### Mothering

Most women who are incarcerated are mothers. Their ability to maintain relationships with their children are compromised due to such factors as exorbitant telephone services, visiting issues due to the distance to women's prisons, and pressures to relinquish parental rights to other family members or the state. Unable to emotionally, physically, and financially support their children, these criminalized women are labeled 'bad mothers.' Upon release, women have difficulty finding employment, housing, and supports to prevent recidivism (such as drug rehabilitation and counseling). How are women to combat this stereotype when structural policies prevent them from reintegrating into society?

Mothering abilities are considered compromised when women are in relationships with violent domestic partners. Those women who stay with violent domestic partners are viewed as "asking for it." Issues of deportation, economic dependence, fear of being exposed as homosexual, retaliation, or other legal problems that might come into play are ignored. Women who do not leave their abusive husbands risk being tracked by child protections services. The answer to 'just leave' the relationship is more complex than simply walking out a door. The label of bad mother is more destructive than mere words can describe.

#### Conclusion

Our Bodies, Our Crimes applies questions the subordination of women via the control of their bodies through the microcosm of the criminal justice system. The book delves into the special biological differences between men and women and goes further to explore double and triple marginalization practices that further divides the nation. Concepts of paternalism and chivalry are explored as justification techniques for the subordination of women, minorities, and youth. A myriad of women's issues are explored with current, well researched supports and contemporary case studies that highlight the darker side of the criminalized woman.

1 of 1 people found the following review helpful.

For All Who Know a Woman

By N. Curtis

The breadth and depth of the research and writing in this book took my breath away at times. I thought I was well-versed in recent and current matters regarding women and issues regarding reproduction. I was wrong. I was woefully underinformed and had never been aware of the forest, just a few saplings here and there. Every professional in counseling, ministry, law enforcement and medicine who deals with women of childbearing age should read this book. That said, I am amazed that while right-wing, poorly researched books on very limited reproductive issues have far reduced prices, this book remains priced so high at Amazon and even more elsewhere. Curious discrepancy, since this book is by far the must-read factual research on the subject.

1 of 1 people found the following review helpful.

Amazingly well researched

By Megan

This intelligent, well researched book is unafraid of being passionate, and brings the reader into the difficult, multifaceted topics it covers. An important read for anyone interested in feminist criminology, sociology, social work or public health. Wonderful book!

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