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Jenny M. James

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JENNY M. JAMES

# Turning to a Reproductive Justice Framework for Inclusive Dialogue Across Differences



In the spring of 2022, I developed a special topics course on Reproductive Justice, which I offered as part of Pacific Lutheran University's online summer curriculum in the momentous month of June. It was a prescient choice, as half-way through our month-long

term our work together was dramatically punctuated by the June 24th *Dobbs v. Jackson* Supreme Court decision overturning the 1973 *Roe v. Wade* ruling that had shaped reproductive healthcare in the U.S. for half a century. The *Dobbs* decision catapulted our country into a frighteningly uneven legal terrain—a balkanized landscape where fifty states have now either banned, vastly limited, or in some exceptional cases expanded access to reproductive care. In many ways the 2022 decision set in relief the inherent vulnerabilities of a liberal rights-based legal framework for protecting people's access to contraception, abortion and reproductive healthcare more broadly.

This article makes the case for the value of utilizing a reproductive justice framework, or RJ framework, for

teaching reproductive rights in the post-*Dobbs* era. By expanding the conversation to attend to not only reproductive self-determination but also the social structures that shape equitable distribution of life chances for fertile and pregnant people, parents and children, the use of a reproductive justice framework gives us tools to overhaul current conversations about abortion. As Loretta Ross and Ricki Solinger write: "At the heart of reproductive justice is this claim: all fertile persons and persons who reproduce and become parents require a safe and dignified context for these most fundamental human experiences."<sup>1</sup> The reproductive justice framework helps us understand reproductive life as a global human right—thereby opening a path for dialogue across differences of race, sexuality, gender identity and faith.

Often when the topics of abortion and contraception arise, dialogue grinds to a halt, both in public forums and private interpersonal conversations. This is in many ways because our contemporary conversation is constrained by a political binary of pro-life vs. pro-choice, a false dichotomy that silences the experiences of indigenous communities and communities of color and defuses the radical potential of reproductive social movement. Andrea Smith's 2005 article "Beyond Pro-Choice and Pro-Life:

**Jenny M. James, PhD**, is Associate Professor of English and Chair of the Gender, Sexuality and Race Studies Program at Pacific Lutheran University in Tacoma, WA. Her research explores new paths of kinship, community and repair by engaging in literary and cultural studies as well as gender, critical race and queer studies.

Women of Color and Reproductive Justice” articulates what is lost in the gaps of this dichotomy, stating “The pro-life versus pro-choice paradigm reifies and masks the structures of white supremacy and capitalism that undergird the reproductive choices that women make, and it also narrows the focus of our political goals to the question of criminalization of abortion.”<sup>2</sup> Here, Smith illuminates how the rhetoric and tactics inherent to the pro-choice vs. pro-life debate dangerously obscure the real harm that white supremacy, capitalism and the criminal justice system enact on black, brown and indigenous families and birthing people.

Interestingly, Smith’s critique of this political dichotomy echoes the call for inclusive dialogue made in the ECLA’s 1991 Social Statement on Abortion. Incorporating a similar critique, albeit from a very different position, the Statement’s authors write, in the section “Talking about our Differences,” that “A developing life in the womb does not have an absolute right to be born, nor does a pregnant woman have an absolute right to terminate a pregnancy. The concern for both the life of the woman and the developing life in her womb expresses a common commitment to life. This requires that we move beyond the usual ‘pro-life’ versus ‘pro-choice’ language in discussing abortion.”<sup>3</sup> While this passage ostensibly lays the groundwork for an argument against a woman’s right to choose, the authors also paradoxically gesture towards an expansive vision of “life,” including a consideration of what counts as a liveable life, and how life chances are inequitably distributed. The 1991 Social Statement goes on to take a position against

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abortion, with exceptions for maternal health, fetal abnormality and sexual assault; nevertheless, the attention to dialogue and diversity in its opening echoes the central tenets of reproductive justice. By tabling the polarizing

conversation of discerning the moral standing of fetal life and development, about which many individuals have mixed personal and political beliefs, the work of cultivating dialogues across differences of faith might allow us to come together across political divides to imagine a world where our social institutions adequately support and demonstrate a high, rather than “low regard” for the lives of indigenous peoples, people of color, and LGBTQIA+ people.<sup>4</sup>

The pedagogical landscape of interdisciplinary teaching on reproduction, pregnancy and parenthood has changed dramatically since 1991, and this is especially true for ELCA colleges and universities like Pacific Lutheran that have witnessed an increasingly diverse student population in terms of race and ethnicity, gender identity, sexuality and religious affiliation. A turn to a capacious model for discussing reproductive politics better serves our transformed student bodies—opening up new avenues for learning, personal discernment and community engagement. As RJ activists have known for decades, a right to terminate a pregnancy is only one facet of a larger movement that fights for all humans to have the right of bodily autonomy and kin-making. Ross and Solinger define reproductive justice according to four major principles:

“(1) the right not to have a child; (2) the right to have a child; and (3) the right to parent children in safe and healthy environments. In addition, reproductive justice demands sexual autonomy and gender freedom for every human being.”<sup>5</sup>

In my decade-long experience teaching reproductive justice units in gender studies courses, which led to my development of a 2022 stand-alone course, I have found that students are often energized by Ross and Solinger’s model, connecting in particular with the second and third principles; many students have never considered the political contexts of people’s individual paths to pregnancy and parenthood, nor are they knowledgeable about the long history of our white supremacist institutions foreclosing the reproductive freedoms of women of color. When designing units on reproductive justice, I foreground this history, incorporating a range of disciplinary perspectives on the intersections of race, ethnicity, reproduction and parenthood.

In my 2022 special topics course, content on the history of racism and reproduction included an array of oral, written, video and web-based sources that bridged the academic textual conversation with the digital world in which our students are immersed. An important early lesson focused on the history of forced sterilization, where students read excerpts from Dorothy Roberts' canonical study *Killing the Black Body: Race, Reproduction and the Meaning of Liberty* alongside Elena Gutiérrez's research on the systemic forced sterilization of Mexican-American women in Los Angeles in the early 1970s. Gutiérrez illuminates the intersecting forms of oppression that led to an epidemic in involuntary surgical procedures, demonstrating how federal "anti-poverty" funds facilitated racist practices of prenatal and postpartum care at the Women's Hospital of the Los Angeles County Medical Center.<sup>6</sup> We drew connections between these historical accounts and recent reporting on systemic forced hysterectomies occurring in carceral spaces, including the 2020 documentary *Belly of the Beast*, which chronicles abuses within the California Corrections Department, and journalistic accounts of the wave of forced hysterectomies that migrant birthing people recently experienced while imprisoned in the Irwin County Detention Center in Ocilla, Georgia.<sup>7</sup> This history illuminates the racialized terms of reproductive self-determination and the painful unfreedom experienced within communities of color—a history that reveals that the heteropatriarchal demand to protect the life of the unborn is also a project to sustain and increase *white* life.

As white evangelical Christian women are burdened by a cultural injunction to reproduce, as documented in recent writings by author Merritt Tierce,<sup>8</sup> black maternal and infant death rates remain devastatingly high. Since the early 2000s, feminist and anti-racist research in the fields of public health, obstetrics and gynecology has demonstrated the persistent racial disparities in the quality of care available for black and brown birthing people, including statistical data showing increased rates of unnecessary cesarean sections and inadequate labor pain management for black birth patients in particular.<sup>9</sup> Today, the black/white gaps in the mortality of birthing people and birthing outcomes remain dramatic, including maternal and infant losses that were most often preventable, even after decades of hard-fought advancements in

medical care. Analyzing administrative data such as hospitalization records alongside income data in California, a recent January 2023 study published by the National Bureau of Economic Research found that black families are more likely to face infant loss in the first year of life than white families, regardless of income.<sup>10</sup> These studies demonstrate that racism within reproductive healthcare is not a thing of the past, but rather an urgent contemporary reality that has moral and mortal consequences.

The transformative potential of a pedagogy rooted in the principles of reproductive justice resides not simply in the acquisition of knowledge from a multiplicity of sources, but also in the equitable application and dissemination of this knowledge to communities beyond the borders of higher education. In my course we designed a collaborative community-engaged final project that drew on an ethics of feminist praxis, an ethics grounded in respecting the evidence of experience that catalyzed the 1994 development of the RJ framework by 12 black feminists organizing at a Chicago pro-choice political conference, including MacArthur Fellow Loretta Ross. My students applied their learning to the development of a public-facing virtual map of reproductive and perinatal support resources for the Parkland, Washington community in which PLU resides. Parkland is an unincorporated suburb of Tacoma located in Pierce County, and statistically has a higher population of people of color than the county overall, as well as a higher rate of people living under the poverty line. Parkland also has a very diverse immigrant community with more than 40 languages spoken by students enrolled in the local public school system. After analyzing Parkland-specific census data alongside the county-by-county [Maternal Vulnerability Index](#), students discovered that pregnant and birthing people as well as new parents were particularly at risk for postpartum mental health challenges, among other vulnerabilities. To address this, we worked together to identify and map community-based resources that would be both helpful and easily accessed via public transportation, such as the [Parent Resilience Program](#), a culturally-matched peer-based mental health support network for new parents organized by Perinatal Support Washington.

My passion for teaching reproductive justice arises from my scholarly curiosity, my political commitments, and also my personal experiences as a white, queer gestational

parent. My partner and I were privileged to have access to quality care and experienced relatively few obstacles to determining our own queer reproductive paths. We had the financial means necessary to pursue assisted reproductive technologies in order to conceive, as well as to purchase donor sperm. And yet my experiences during pregnancy, labor and the perinatal period were not free from hardship, as most birthing people can attest. I had an early “missed” miscarriage in the spring of 2018, which required me to jump through a number of emotional and logistical hoops to self-advocate for a medically managed miscarriage through the oral administration of misoprostol, a medication now limited in almost half of states for its role in medical abortions. Sixteen months later, after a lengthy and painful postpartum healing process caused in part by a challenging delivery, I had become radicalized to the ways that our reproductive, birthing and postpartum healthcare systems undoubtedly fail to support the health and well-being of birthing people.

As the cited history of racist forms of inequity in care attests, my white queer maternal difficulties with pregnancy loss and postpartum medical complications are small when set against the larger forms of medical discrimination, malpractice, and substandard care that families of color endure—a healthcare system that is wounding parents and children rather than embracing them in the loving care needed for this sacred time of transition. I tell this story to remind readers that researching, writing about and teaching reproductive rights arise from our intellectual curiosity, our political commitments, and also our rich and complicated personal experiences. To do ethical work in the field of reproductive justice we must therefore stay grounded in an awareness of our own positionality, as well as in the forms of embodied memory and various wounds that we may carry.

In building inclusive community, co-learners in the reproductive justice classroom can draw on the feminist, queer and anti-racist values that foster heart-centered conversations about politics, faith, identity and power. Some of the pedagogical principles I’ve drawn on include:

- The creation of a welcoming space for story-telling and the sharing of personal experience as well as culturally-specific knowledges. As Loretta Ross and Vickie

Solinger write, “To embrace the vision of reproductive justice, one must embrace polyvocality—many voices telling their stories that together may be woven into a unified movement for human rights.”<sup>11</sup>

- Incorporating a discussion of bodily autonomy as a way to link contemporary calls for equitable access to quality reproductive healthcare nationwide with concurrent battles to protect gender-affirming care for all people, regardless of income or state of residence. As Ross and Solinger remind us, “sexual autonomy and gender freedom for every human being” are foundational human rights at the core of reproductive justice.
- The incorporation of a variety of examples, case studies and texts that show the true diversity of human reproduction and family, including those that center experiences of BIPOC and LGBTQIA+ persons and families.
- The use of gender-inclusive language including the terms “birthing people” and “pregnant people” in course material and discussions as a means to foster an inclusive learning environment for all students regardless of gender identity.

The reproductive justice framework is essential to a feminist and anti-racist undergraduate curriculum as it uniquely illustrates the ways that social systems shape individual experiences and intersecting structures of power mark bodies, intimate relationships, and families. As students and faculty, we must remain mindful of the reality of social differences shaping our reproductive lives. In doing so, we can foster the skill of being present to each other when entering into difficult dialogues across differences—bearing witness to the complexities and contradictions that shape our individual reproductive journeys.

## Endnotes

1. Ross, Loretta and Rickie Solinger. *Reproductive Justice: An Introduction*. Berkeley, CA: University of California Press, 2017. 9.
2. Smith, Andrea. “Beyond Pro-Choice and Pro-Life: Women of Color and Reproductive Justice”
3. “A Social Statement on: Abortion”
4. “A Social Statement on: Abortion”
5. Ross and Solinger, 9.

6. Gutiérrez, Elena. *Fertile Matters: The Politics of Mexican-Origin Women's Reproduction*. Austin, TX: University of Texas Press, 2008. 37.
7. <https://msmagazine.com/2021/12/09/immigrants-ice-detention-center-georgia-irwin-women-reparations-sexual-violence/>
8. <https://www.nytimes.com/2021/12/02/magazine/abortion-parent-mother-child.html?action&amp%3B>
9. Add citations
10. <https://www2.census.gov/ces/wp/2022/CES-WP-22-55.pdf>
11. Ross and Solinger, 59.

## CALL FOR CONTRIBUTIONS

### Fall 2023 “Vocation and the Flourishing of Educators”\*

We invite pieces on how educators,\* broadly construed to mean all who work at colleges and universities, might care for ourselves and “neighbor” one another, even as we care for students experiencing their own stresses and anxieties. What Lutheran theological roots and institutional practices empower educators not simply to survive our overlapping crises, but to become fully alive—to flourish—in mind, body and spirit? Perspectives from all areas of Higher Education at Lutheran colleges and universities are welcome, including students. We publish both short reflections of 500-600 words and features of 1000-2500 words. Contributions are due **September 1, 2023**. If you would like to be in conversation about an idea that is brewing, please be in touch with the editor, Colleen Windham-Hughes: [windhamh@callutheran.edu](mailto:windhamh@callutheran.edu)

