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Redefining Reproductive Justice: Interrelation of Reproductive Rights and Intersectionality of Gender

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ABSTRACT

Living at the advent of a technology era with the #MeToo moment, Roe v. Wade overturning, and the 'Black Lives Matter movement, we often see different types of oppression against marginalized communities across the globe. With patriarchal legislatures in so many countries and an ongoing issue of global population rise, how undermined is the basic human right of bodily autonomy hampered? This paper seeks to analyze how the intersectionality of various issues such as gender, class, caste, and creed have an impact on women and their reproductive rights and how issues such as politicization, colonization, and economic disparities affect access to reproductive rights.

Keywords: *Intersectionality, Reproductive Rights, Conventional Legislature, Bodily Autonomy, Reproductive Healthcare, Surrogacy, Abortion, Puerto Rico, Reproductive Justice, Pro-Choice.*

I. INTRODUCTION

Audre Lorde once said, “There is no such thing as a single-issue struggle because we do not live single-issue lives” (“A Quote by Audre Lorde”). Ever since the overturning of the landmark Roe v. Wade 1973 abortion-legalizing judgment, the question of reproductive justice has again come to light with multiple sociologists analyzing this arbitrary mindset in light of different impacts and causes affecting the behest of these very rights (Medoff 481). Questions such as politicization, economic impacts, and most importantly, the ongoing debate on bodily autonomy overpowering conventional legislation have garnered widespread attention across the world.

The sociological concept of intersectionality has gained significant attention in recent years as a way to understand the complex ways in which various social identities intersect and interact to create unique experiences of oppression and privilege. This paper seeks to analyze how varied spectrums of identities among women impact their reproductive rights, which at the very behest of understanding, is a human right.

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II. HISTORY OF INTERSECTIONALITY AND REPRODUCTIVE JUSTICE

Kimberlé Crenshaw who coined the term intersectionality in 1989, described the multiple types of oppression that Black women in America experience. She said, "*Intersectionality is not just a theory, it's a lived experience.*" Intersectionality demonstrates how various social inequalities intersect and interact to create a distinct experience of oppression or privilege. The concept of intersectionality developed in response to the issues within feminist movements in the late 20th century, which centered around the experiences of 'White', cisgender, middle-class women.

"The Racist and Sexist History of Keeping Birth Control Side Effects Secret," by Emanuella Grinberg highlights how women of color have been disproportionately impacted by the lack of transparency around the side effects of birth control, which has been linked to forced sterilization and other forms of reproductive coercion. The push for birth control is often tied to eugenic ideologies that seek to limit the reproductive rights of marginalized communities. For example, it can be seen that Black and Latina women are more likely to experience unintended pregnancies and face barriers to accessing reproductive healthcare, due in part to systemic racism and poverty. The question of reproductive justice has always been viewed through the patriarchal lens of the one-dimensional role of women in motherhood, often justifying systemic oppressions in other spheres of work by biological differences.

III. POLITICIZATION AND CONVENTIONAL LEGISLATION

The most popular question concerning the politicization associated with the question of reproductive rights often comes down to the lawmakers representing the demography proportions, considering an ever-increasing fantasy for democracy today. A substantial body of literature suggests that there is a link between public policies and constituents' ideological predispositions. This appears to be especially likely in the event of a divisive social issue such as abortion. On average, liberals favor a woman's right to choose more, whilst conservatives are more likely to support anti-abortion legislation. The ability of a state legislature to adopt legislation is determined by the degree of competition between its two political parties. Female state legislators have been traditionally seen placing a higher priority on family and social issues than their male counterparts. A survey by the Rutgers Center for American Women and Politics found female legislators to favor pro-choice politics while the democratic party in general has been seen strongly supporting pro-choice moments (Medoff 486). The politicization has been a matter of question for women activists, especially after the overturning of the *Roe v. Wade* judgment, which poses questions of women losing bodily autonomy which are being contended as a breach of their fundamental human rights against the conventional lawmakers and

oppressive institutions of patriarchal mindsets.

IV. PUERTO RICO CASE STUDY

One interesting case study is of the colonial status of Puerto Rico being directly connected to the management and control of reproduction. Womack's paper "US Colonialism in Puerto Rico: Why Intersectionality Must be Addressed in Reproductive Rights" delves into the repercussions of colonialism on Puerto Rico's reproductive healthcare system. She argues that the multifaceted challenges faced by women in Puerto Rico necessitate an intersectional approach to their resolution. The study contextualizes Puerto Rico's status as a US colony, impacting the island's economy, infrastructure, and political system. She then zeroes in on the issue of reproductive rights, revealing that Puerto Rico struggles with high rates of unintended pregnancies, inadequate access to contraception and abortion, and limited reproductive health resources (Womack 76). Colonialists utilized eugenics ideologies to describe the Island's poverty as due to overpopulation; insisting that Puerto Rican women refrain from sexual acts; and 'justify' dangerous birth control trials on Puerto Rican women and coerced sterilization of Puerto Rican men (Womack 75).

In 1937, neo-Malthusian and eugenic ideology facilitated an amendment to the Puerto Rican penal code, effectively legalizing abortion in the archipelago. The same population control policies and measures that aimed to stop Puerto Ricans from reproducing also encouraged White women in the United States to seek abortion services there because of the San Juan Vacation theory where white women traveled to evade the criminalization of abortion in the USA ("Coloniality and Reproductive ...Wade). Eugenics idealizes racial cleansing to produce an idealized homogeneous white race to 'better' human quality-inspired population control in Puerto Rico (Womack 77). To tackle the disparities in reproductive healthcare, there is a need for an intersectional approach that recognizes how race, class, gender, and other factors intersect to shape women's experiences of reproductive healthcare. Women in Puerto Rico may face added challenges in accessing reproductive healthcare due to their colonized status, low income levels, and racial and ethnic identities. The science of eugenics was a cultural construct that read and framed scientific evidence via racist and sexist perspectives, arguing that population quality may be improved through selective breeding. Science was therefore used as a tool of oppression.

V. INTERSECTIONALITY AFFECTING COMMERCIAL SURROGACY

Another famous widely debated reproductive right other than that of abortion is surrogacy. In the advent of legalizing commercial surrogacy, Serene Khader's research on Intersectionality

and Ethics of Transnational Commercial Surrogacy examines the complex ethical issues that arise from the intersection of transnational commercial surrogacy and intersectionality. She proposes the intensification thesis which supposes that gender oppression subjects all women to qualitatively similar harms and that race and class oppression increase the severity of those harms. Intersectionality is a framework that recognizes how multiple identities intersect and interact to shape a person's unique experiences (Khader 71). It can be seen that commercial surrogacy is often marketed as a way for infertile couples to have children, but the reality is that it is mostly wealthy couples from developed countries, who can afford to pay for surrogacy services.

This means that poor women in developing countries are often the ones who become surrogates, and they may face a range of ethical issues related to exploitation, coercion, and lack of access to healthcare. For example, Indian surrogates are not economically independent and also have issues of caste interlocking which poses stereotypes such as “impurity of blood”. It is always the women of color, lower income categories, and other marginals who end up becoming the surrogates (Khader 69). Commercial surrogacy is fraught with ethical complexities because it involves the commodification of women's bodies, the exploitation of marginalized women, and the potential for harm to the children produced through surrogacy. Excellent section

(A) Economic Inequality:

Economic disparity, usually prevalent between men and women across nations due to inherent discrimination against women in the workforce, education, wage gaps, etc also ends up impacting their human right to healthcare. As of 2020, the average woman in the United States earned \$0.83 for every \$1 made by a White, nonHispanic man. Factually, in the United States, Black and Indigenous women are 3.5 times more likely than White women to die after childbirth while Disabled persons are three times more likely than non-disabled people to be sexually attacked, and their assaults are less likely to be reported (Bernstein et al.).

Hypothetically in some places, where abortion is strictly forbidden, two pregnant women may wish to end their pregnancies. The first person is physically fit, has a car and a spouse who supports them in having an abortion, does not have any children, and has adequate financial resources. They can travel to a city abortion clinic for a safe and legal abortion. The second person, on the other hand, is disabled, uses public transport, has several children, and cannot afford travel or procedures. These two individuals reflect the systemic poor healthcare access based on the consequences of being from marginalized identities which makes a difference in the range of reproductive rights both of these people can access. This highlights the need for

change in gender roles to create economic independence.

VI. WAY FORWARD: REDEFINING REPRODUCTIVE JUSTICE

The concept of reproductive justice is a framework developed by women of color activists that seeks to address the struggle for reproductive rights. According to the reproductive justice framework, reproductive rights are not just about the right to access abortion or contraception, but also about the right to have children, the right to parent in safe and healthy environments, and the right to healthcare that is affordable and accessible. Reproductive justice is about recognizing the intersections of race, class, and gender in the struggle for reproductive rights. It is about acknowledging that reproductive rights are not just about access to abortion or contraception, but also about the right to have children, the right to parent in safe and healthy environments, and the right to healthcare that is affordable and accessible (Womack 82).

Focus on legalizing abortion, has historically been led by white women and has not always taken into account the unique experiences of women of color. The reproductive justice movement, on the other hand, emerged in the 1990s and is led by women of color who seek to expand the conversation beyond abortion to include issues such as access to contraception, maternal health, and economic justice. One of the key insights of the reproductive justice framework is the idea of "intersectionality." Sociologists today are frustrated by this individualist approach of pro-choice framework and seek to broaden the scope of reproductive rights to include the three core questions, that is, the right to have an abortion, the right to have children, and the right to parent those children.

It is time to look beyond the question of motherhood being the only identity of women, and also not undermining the very biological bias of the same. The very basic step of companies giving the same duration of paternal and maternal leave can lead to a gender-neutral approach to work roles. A good step towards achieving this identity-inclusive right can be to make women more representative among the lawmakers and also ensure that a basic human right like bodily autonomy cannot be undermined at the cost of state policies like population control or oppression through the lens of colonialism as seen in the Puerto Rico case study. As Hillary Clinton once said, "Human rights are women's rights and women's rights are human rights" (quote Hillary Clinton), it is time we make deliberations and policies gender-neutral by changing our conscience.

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