

REAGAN VAN COUTREN MPP DEFENSE

Reproductive Criminalization: Understanding an Increasingly Wicked Problem



Abstract

Pregnant people have been criminalized for their pregnancy outcomes even after Roe v Wade established some rights to reproductive autonomy. Fetal personhood theory, changing societal conceptions of motherhood, and existing racial and class-based biases have fueled an increasing and complex patchwork of punitive policies and interpretations. This study analyzed 35 well-documented cases of modern pregnancy criminalization to categorize this complicated phenomenon, seeking to clarify potential policy areas that may help address this issue more broadly. In addition, this study investigated several common societal-level factors in pregnancy criminalization- such as racial inequality, poverty rates, etc- to determine risk factors and potential high-risk states.

WEDNESDAY, SEPTEMBER 20, 3:00PM

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