

University of California, Berkeley
Department of Sociology
Sociology 190: Reproduction, Law, & Society
Fall 2022 | 4 Units

Instructor:

Jennifer Templeton Dunn
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Office Hours by Appointment:

Wednesdays 2:30-3:15pm
Fridays 12:30-1:30pm

Class Hours & Location:

Social Sciences Building, Room 402
Fridays 10am-Noon

COURSE DESCRIPTION

In this seminar, we will examine how social and political forces use laws and legal institutions to promote or restrict bodily autonomy and access to reproductive health care in the United States. Readings will be sourced from sociology, law, public health, and related disciplines so that we can delve deeply into the following topics: abortion access and regulation; contraception, sterilization, and eugenics policies; and pregnancy and respectful maternity care. Depending upon student interest, this course will also cover one or more of the following subjects: reproductive justice in prisons and jails; the Affordable Care Act and the role of contraception access and abortion politics in health reform; LGBTQ health justice; adoption, foster care, and family separation; international law and the right to health framework; or access to reproductive health services in colleges and universities. Throughout the course, we will examine how race, ethnicity, gender, and economics influence access, rights, and justice. For information on the instructor visit www.jennifertempletondunn.com.

SHORT ASSIGNMENTS

Please submit assignments by email to jennifer.dunn@ucsf.edu. Remember to title your documents with your name, assignment name or number, and corresponding week (if applicable). For example, Dunn_Assignment 1; Dunn_Assignment 4_Week 3; or Dunn_Response Paper_Week 3. These short assignments will be graded based on completion.

Assignment 1: Case Brief Assignment

Prepare a law school style case brief (identifying relevant facts, legal issue or question, legal rule, rationale/reasoning, and holding) for a case. This can be any case assigned or recommended for this class. We will go over how to read and summarize a case in class, and I will provide samples before you undertake the assignment. ***This assignment is 1-2 pages (single spaced, Times New Roman, 12 point font) and due on September 15th.***

Assignment 2: Sociological Analysis

For this assignment, students will think sociologically as they analyze the case that they read and briefed for Assignment 1. You should consider the following questions as you prepare for this assignment: What social, cultural, or historical factors are relevant to the legal issue? How was social science research relied on or considered? What are the potential or actual impacts of the legal decision on society? How do social groups influence the courts and other legal institutions? These are prompts to get you started thinking about the relationships between reproduction, law, and society. You do not have to answer all – or even any – of them. You may use internet searches or similar to prepare this assignment, but outside sources are not required or expected. If you use other resources, remember to identify your sources and use ASA citation format. ***This assignment is 2-3 pages double spaced (500-750 words) and will be due on September 29th.***

Assignments 3 & 4: Response Papers

Write and submit 2 response papers during the semester (for 2 different weeks of your choosing). These will be short, approximately 1-3 pages double spaced (250-750 words). These mini-papers are an opportunity to register some of your initial reactions to the reading prior to class discussion. You should not use the response papers to summarize the reading; the point is to respond to the reading. This might include identifying the relationship between the week's topic and current or historical events, drawing connections between the reading and class discussions from previous weeks, or noting divergences between the ideas of different authors. Given the subject matter and timing of this class, you may also use these papers as a space for personal reflection on the reading or subject matter. Response papers should be emailed to me ***no later than 5PM on the Thursday before the relevant class*** to allow me time to review before the class session.

Assignment 5: Media Memo

Once during the semester (on a week of your choosing), you will write a 1-3 page double spaced memo (approximately 250-750 words) analyzing an article or entry from the popular media (news or social media) which discusses or relates to a reproductive health topic covered in an upcoming class. You do not have to share your memo with the rest of the class, but please be prepared to discuss. This should be submitted on a week when you have not prepared a response paper. ***Please submit your memo by 5PM on the day before the relevant class.***

FINAL PAPER: DUE DECEMBER 14TH

Your final paper for this course will be a 15-20 page paper (double spaced, 3,750-5,000 words) that analyzes a topic related to this class that you will select (in consultation with the instructor). This research paper is the centerpiece of this course, and as such it is intended to be both challenging and rewarding. It is also an opportunity for you to investigate and write about a topic you care about and to draw on what you have learned in this course and throughout your experience as a sociology major. As with your other assignments, please title your final paper with your name and assignment (For example, Dunn_Final Paper).

To help you develop your paper, you will complete the following assignments:

- Friday, October 6th: Provide a 250-750 word summary of your paper topic. This should include the question or argument you are pursuing and why this topic is important.
- Friday, October 28th: I recommend scheduling an individual appointment in person or over zoom to discuss your paper topic and outline on or before October 28th (optional, but highly recommended).
- Friday, November 12th: submit your outline, abstract, or draft for feedback no later than Friday, November 12th (optional, but strongly encouraged).
- Wednesday, December 14th: Final paper due.

GRADING AND ATTENDANCE

Your final grade will be based on your final paper (70%), class participation and attendance (20%), and 5 short assignments (10%). The short assignments are ungraded but must be completed by the deadlines to receive credit (5 assignments at 2% each).

To receive credit for the seminar, you must attend class, actively participate in class discussion, turn in required assignments on time, and complete a final paper. Please let me know if you will miss more than one class session. Students who consistently miss class without good cause may be withdrawn from the class.

COURSE MATERIALS

I recommend that you purchase the course reader *Reproduction, Law, & Society* from Copy Central. You can pick it up at 2411 Telegraph Avenue or order it [online](#). The reader is \$30 and includes all required readings for Weeks 1-10. Legal decisions and some of the longer articles assigned in the reader have been edited and reduced in length from the original version. All readings will also be available on the bCourses site as links or pdf. If you rely on PDFs from bCourses, you should print them out so that you can annotate the assigned pages.

I have included additional resources in the reader, and I will post links to recommended reading and resources in bCourses for students interested in learning more about a particular topic or subject matter covered in the class. ***Please note that you are only required to read the materials listed as “Assigned Reading” in the Syllabus.***

COURSE SCHEDULE

WEEK 1: AUGUST 26TH

First Class and Introductions

In our first class, we will engage in introductions and review the syllabus and assignments.

Your first class assignment is to find an article, abstract, or image on a current issue or event related to reproductive health. Please submit to me by email (it can be an attachment, link, or in text) by 5PM on Thursday, August 25th so that I can review submissions before class. We will share and discuss these submissions on the first day of class. This initial assignment will not count toward your final grade.

Recommended:

[“Reproductive Justice.”](#) Sister Song: Women of Color Reproductive Justice Collective

WEEK 2: SEPTEMBER 2ND

Historical Perspectives on Pregnancy, Childbirth, and Abortion

Assigned Reading:

*Kristin Luker. 1985. “Medicine and Morality in the Nineteenth Century.” Pp. 69-76 in *The Reproductive Rights Reader: Law, Medicine, and the Construction of Motherhood*, edited by Nancy Ehrenreich.

Leslie J. Reagan. 1998. “When Abortion Was a Crime: Women, Medicine, and the Law in the United States, 1867-1973.” Pp. 79-85 in *The Reproductive Rights Reader: Law, Medicine, and the Construction of Motherhood*, edited by Nancy Ehrenreich.

Ehrenreich, Barbara, and Deirdre English. 1979/2013. “Exorcising the Midwives” Pp. 103-108 from *For Her Own Good: Two Centuries of the Experts’ Advice to Women*.

WEEKS 3: SEPTEMBER 9TH

Contraception and the Foundations of the Right to Privacy How to Read a Case

Assigned Reading:

**Griswold v. Connecticut* (1965).

**Eisenstadt v. Baird* (1972)

WEEK 4: SEPTEMBER 16TH

Roe v. Wade and the Right to Abortion

Assigned Reading:

**Roe v. Wade* (1973)

Harris v. McRae (1980)

*Angela Davis. 1990. “Racism, Birth Control, and Reproductive Rights.” Excerpt from *Abortion to Reproductive Freedom: Transforming a Movement*, edited by Marlene Gerber Fried.

WEEK 5: SEPTEMBER 23RD

Challenging Roe

Guest Speaker, Katrina Kimport, PhD, UCSF ANSIRH and author of *No Real Choice: How Culture and Politics Matter for Reproductive Autonomy* (2022).

Assigned Reading:

Planned Parenthood of Southern Pennsylvania v. Casey (1992)

*Foster, D.G., 2020. Chapter 3. *The turnaway study: ten years, a thousand women, and the consequences of having—or being denied—an abortion*. Simon and Schuster.

Harris, L.H., 2008. "Second trimester abortion provision: breaking the silence and changing the discourse." *Reproductive health matters*, 16(31), pp.74-81.

Analysis of *Whole Women's Health*. "Abortion rights reemerge strongly." 2016. Scotus Blog.

WEEK 6: SEPTEMBER 30TH

Overturing Roe Dobbs v. Jackson Women's Health

Assigned Reading:

**Dobbs v Jackson Women's Health* (2022).

Recommended Reading:

U.S. Attorney General's [response](#) to the *Dobbs* Decision:

Historian's [response](#) to *Dobbs* Decision

WEEK 7: OCTOBER 7TH

Eugenics Policy in the U.S.

Note: This week's reading assignment is slightly longer and will continue into next week.

Assigned Reading:

**Buck v. Bell*, 274 U.S. 200 (1927) (holding state law permitting sterilization of the "feeble-minded" did not violate the U.S. Constitution).

Skinner v. Oklahoma, 316 U.S. 535 (1942) (holding sterilization of habitual criminals violated Equal Protection Clause).

*Paul A. Lombardo, *Facing Carrie Buck* (2003)

*"Race, Poverty & Sterilization" from Murray, Melissa and Kristin Luker. 2015. *Cases on Reproductive Rights and Justice*. Foundation Press. Focus on *Relf v. Weinberger* (forced sterilization of two young girls in Alabama) and *Madrigal v. Quilligan* (routine sterilization of Latinas in Los Angeles).

WEEK 8: OCTOBER 14TH

Eugenics Policy (continue discussion from last week)

We will continue our discussion of forced sterilization and eugenics during the first half of the class. I will then introduce theorists and theoretical frameworks commonly used in medical sociology and feminist theory and that will be referenced in the readings assigned in Weeks 9-12. These include Biopower and the clinical gaze (Foucault), the sick role (Parsons), medicalization theory (Conrad), and the forms of capital (Bourdieu).

Assigned Reading:

Gomez, Anu Manchikanti, and Mikaela Wapman. 2017. "Under (implicit) pressure: young black and Latina women's perceptions of contraceptive care." *Contraception* 96, no.4: 221-226.
Dehlendorf, Christine and Kelsey Holt. 2019. "The Dangerous Rise of the IUD as Poverty Cure." New York Times.

Recommended Reading:

Villarosa, Linda. 2022. "[The long shadow of eugenics in America](#)." New York Times.
"California to Compensate Survivors of State Sanctioned Forced Sterilization." 2021. [Press Release](#) from [California Latinas for Reproductive Justice](#).

WRITING AND DISCUSSION PROMPTS FOR WEEKS 9-13

1. How does sociological theory help us understand and explain a phenomenon, situation, or social condition?
2. How do sociological theories and frameworks help us understand the relationship between law and society?
3. How does theory help us understand or grapple with reproductive health access, control, and policy making?
4. Does sociological theory help you understand your research topic or interests? Can you see ways that theory could help you think through a situation or social condition?
5. How does science and the scientific method help us understand and explain the topics we have studied in this class?
6. Looking back at the previously assigned reading, what role does research and science play in health policy and law? How do social groups utilize science? How do the courts? Legislators and other policy makers?
7. How do sociologists contribute to and engage in social and political discourse?

WEEK 9: OCTOBER 21ST

Forced Obstetrical Intervention: Medical Authority, Expertise, and the "Sick Role"

Assigned Reading:

*Read about [Rinat Dray](#) and National Advocates for Pregnant Women.

*Morris, Theresa, and Joan H. Robinson. 2017. "Forced and coerced cesarean sections in the United States." *Contexts* 16(2):24-29.

Parsons, Talcott. 1951. *The Social System*. New York: The Free Press. Pp. 433-454. **[Focus on "the sick role"]**

SKIM: Ehrenreich, Barbara, and John Ehrenreich. 1978. "Medicine and Social Control." Pp. 39-42, 48-52 in *The Cultural Crisis of Modern Medicine*, edited by John Ehrenreich. New York: Monthly Review Press.

WEEK 10: OCTOBER 28TH

Biopower, Risk, and Surveillance: Prenatal Care in the Safety Net

Assigned Reading:

- *Bridges, Khiara M. 2011. *Reproducing Race: An Ethnography of Pregnancy as a Site of Racialization*. Berkeley, CA: University of California Press. Pp. 1-14, 41-73.
- Foucault, Michel. 1976/1978. *The History of Sexuality: An Introduction, Volume I*. Trans. by Robert Hurley. New York: Vintage. Pp. 135-147. [Focus on the description of “biopower”]

WEEK 11: NOVEMBER 4TH

Prenatal care in the safety net (discussion cont. from last class)

Assigned Reading:

- *Sufirin, Carolyn. 2017. *JailCare: Finding the Safety Net for Women Behind Bars*. Univ of California Press. Pp. 1-24, 35-37, 140-152, 185-193. [Focus on discussions of “care” and “caring.” How does Sufirin’s account or perspective of prenatal care in the safety net differ from Bridges? In what ways are they similar?]

NOVEMBER 11TH - NO CLASS VETERAN’S DAY HOLIDAY

WEEK 12: NOVEMBER 18TH

Medicine, Social Control, and the Medicaid Paradox

Assigned Reading:

- *Vinekar, Kavita. 2021. “[Pathology of Racism — A Call to Desegregate Teaching Hospitals.](#)” *New England Journal of Medicine* 385(13):e40. doi: 10.1056/NEJMp2113508.
- *Bridges, Khiara M. 2017. *The Poverty of Privacy Rights*. Pp. 1-10; 34-36.
- SKIM: Ray, Victor. 2019. “A Theory of Racialized Organizations.” *American Sociological Review* 84(1):26–53. doi: 10.1177/0003122418822335.

Recommended Reading:

- Pearson, Cindy. 2019. “[Protecting and Expanding Medicaid Means Confronting Racism Baked into the Program.](#)” National Women’s Health Network.
- Sarah Somers & Perkins, Jane. 2022. “[The Ongoing Racial Paradox of the Medicaid Program](#), 16 *J. Health and Life Sci.* L. 96.

NOVEMBER 25TH - NO CLASS THANKSGIVING HOLIDAY

WEEK 13: DECEMBER 2ND

Applying a Human Rights Framework to Reproductive Health, Rights and Justice

Assigned Reading:

- Dunn, Jennifer, Katie Lesyna-Mlaponi, & Anna Zaret. 2017. “The Role of Human Rights Litigation in Improving Access to Reproductive Health Care and Achieving Reductions in Maternal Mortality.” *BMC Pregnancy and Childbirth*.

United Nations Human Rights High Commissioner. 2022. Joint statement by UN Human Rights experts on Supreme Court decision to strike down Roe v. Wade. Accessible [here](#).

Recommended Reading:

Zakiya Luna. 2020. Reproductive Rights as Human Rights.

DECEMBER 14th FINAL PAPER DUE

COURSE DEADLINES

ASSIGNMENT	DEADLINE
Bring an Article or Image on Current Event	Submit by email on Thursday, August 25 th @ 5pm (not graded). Bring to first class.
Assignment #1	Thursday, September 15 ^h
Assignment #2	Thursday, September 29 th
Assignments #3 & 4	5pm on Thursday before relevant class
Assignment #5	5pm on Thursday before relevant class
Paper Topic & Summary	Friday, October 7 th
Individual Appointment	Before October 28 th (Optional Assignment)
Paper Outline, Summary, Abstract, or Draft	Before November 12 th (Optional Assignment)
Final Paper Due	Wednesday, December 14 th