

THE CARR CENTER FOR
REPRODUCTIVE JUSTICE PRESENTS

Reproductive Rights Law: Where is the Woman?



CARR CENTER
for Reproductive Justice
at NYU School of Law



NYU | LAW

9:15 a.m. | Keynote Address

Looking Back to Look Forward: Revisiting in a Different Voice
Carol Gilligan, University Professor, New York University

10:30 a.m. | Presentation

Making women's personhood central: Ensuring that upon becoming pregnant and through all stages of labor and delivery, pregnant women retain their civil and human rights.

Lynn Paltrow '83, Lawyer and Executive Director,
National Advocates for Pregnant Women

11:30 a.m. | Presentation

Women and Unequal Rights in Healthcare Decisions

R. Alta Charo, Warren P. Knowles Professor of Law and
Bioethics, University of Wisconsin at Madison

12:30–1:30 p.m. | Lunch

1:30 p.m. | Presentation

Reproductive Rights as Aspects of Constitutional Personhood

Peggy Cooper Davis, John S. R. Shad Professor of Lawyering
and Ethics, NYU School of Law

2:30 p.m. | Panel

**A Unified Pro-Choice Strategy: Connecting Practitioners,
Providers, Scholars and the Media**

Lori Adelman, communications and advocacy expert
Irin Carmon, journalist and commentator
Jill Filipovic '08, lawyer and journalist
Jessica Mason Pieklo, lawyer and journalist

4:00 p.m. | Presentation

Women of Color and the Future of Reproductive Justice

Dorothy Roberts, George A. Weiss University Professor
of Law and Sociology at the University of Pennsylvania

THE FIRST ANNUAL
CONFERENCE OF THE
CARR CENTER FOR
REPRODUCTIVE
JUSTICE AT NYU
SCHOOL OF LAW,
ESTABLISHED 2013.

Reproductive Rights Law: Where is the Woman?

Historically women have been the subjects and objects of law – not its makers, interpreters and enforcers. The voices of “woman” – in all her different origins, richly diverse, manifold manifestations and life experiences – are still largely unheard in the law. It is therefore not surprising that advocates and scholars examining US Reproductive Rights Law for its impact on women are struck by its unawareness of and insensitivity to the woman and to the humanity and humane experience that women centrally represent in our struggles over reproduction and its regulation. **To achieve justice, we must change that.** We have, therefore, taken “Where is the Woman?” as the theme for our first ever conference of the Carr Center for Reproductive Justice.

9:15 a.m. | Keynote Address

Looking Back to Look Forward: Revisiting in a Different Voice

Carol Gilligan, University Professor, New York University

The voices of pregnant women considering abortion were key to reframing psychological theory and the terms of ethical and legal debate.

In 1996, **Carol Gilligan** was named by *Time* as one of the 25 most influential Americans; Harvard University Press describes her 1982 book *In a Different Voice: Psychological Theory and Women's Development* as “the little book that started a revolution.” At its center, Gilligan presented her study with pregnant women considering abortion in the years immediately following *Roe v. Wade* and showed how listening to women reframed the conversation. Her subsequent research on girls’ development along with a study of young boys and work with couples in crisis highlighted the affinity between the requisites for love and the requisites for democratic citizenship. The *Times Literary Supplement* acclaimed her 2002 book *The Birth of Pleasure* as “a thrilling new paradigm.” More recent books include *Kyra: A Novel* (2008), *The Deepening Darkness: Patriarchy, Resistance and Democracy's Future* (with NYU law professor David A. J. Richards, 2009), and *Joining the Resistance* (2011), where she joins her current thinking about the major themes of her work with an account of her personal journey into research and advocacy. Before coming to NYU, Gilligan held Harvard University’s first chair in gender studies; she has received a Senior Research Scholar’s award from the Spencer Foundation, a Grawemeyer award for her contributions to education, and a Heinz award for her contributions to understanding the human condition.

10:30 a.m. | Presentation

Making women’s personhood central: Ensuring that upon becoming pregnant and through all stages of labor and delivery, pregnant women retain their civil and human rights.

Lynn Paltrow '83, Lawyer and Executive Director, National Advocates for Pregnant Women

A wide variety of “pro-life” measures including feticide laws, discriminatory advance directive laws, and judicially created law are recognizing separate legal rights for fertilized eggs, embryos, and fetuses. These measures have broad and devastating implications for all pregnant women, whether they seek to have an abortion, experience a pregnancy loss, or go to term.

Lynn Paltrow is known for her vision, her commitment to ensuring that women’s voices are clearly heard, and that their actual lived experience informs advocacy and activism to advance reproductive justice. She is founder and executive director of National Advocates for Pregnant Women (NAPW). NAPW combines legal advocacy, organizing, and public education to secure the human and civil rights, health, and welfare of all women. NAPW places particular emphasis on the rights of pregnant and parenting women, focusing especially on those women who are most vulnerable to state control and punishment, namely low income women, women of color, and women who use criminalized drugs. Paltrow has also worked with the ACLU Reproductive Freedom Project, the Center for Reproductive Law and Policy (now the Center for Reproductive Rights), and Planned Parenthood of New York City. She is a frequent guest lecturer and writer for popular press, law reviews, and peer reviewed journals including “*Roe v. Wade* and the New Jane Crow: Reproductive Rights in the Age of Mass Incarceration,” *American Journal of Public Health*.

11:30 a.m. | Presentation

Women and Unequal Rights in Healthcare Decisions

R. Alta Charo, Warren P. Knowles Professor of Law and Bioethics, University of Wisconsin at Madison

While legislatures and voters are being asked to declare fertilized eggs “persons” with equal rights under the law, few have thought to treat grown women as persons with equal rights. Whether it is coercive measures during pregnancy, exclusion from medical research, or disregard for end-of-life wishes, women have routinely been denied the rights of personal autonomy and bodily integrity in health care that are enjoyed by men.

R. Alta Charo teaches health law, bioethics and biotechnology law, food and drug law, medical ethics, reproductive rights, torts, and legislative drafting. Charo previously served on President Obama’s transition team, where she was a member of the Health and Human Services review team. She also served as a senior policy advisor on emerging technology issues in the Office of the Commissioner at the US Food and Drug Administration, and has served on numerous advisory committees for the federal government, including the National Bioethics Advisory Committee under President Clinton. She has also served as a member of the boards of the Alan Guttmacher Institute and the Foundation for Genetic Medicine, the National Medical Advisory Committee of the Planned Parenthood Federation of America, and the program board of amFAR, the Foundation for AIDS Research, among other organizations. Charo is the author of nearly 100 articles, book chapters, and government reports on law and policy related to environmental protection, reproductive health, new reproductive technologies, medical genetics, stem cell research, science funding, and research ethics.

1:30 p.m. | Presentation

Reproductive Rights as Aspects of Constitutional Personhood

Peggy Cooper Davis, John S. R. Shad Professor of Lawyering and Ethics, NYU School of Law

Women, like formerly enslaved people, are in a continuing quest to move from the status of constitutional property to a status that people in African-American social justice movements increasingly describe as “constitutional personhood.” This is not simply a quest to assume an elevated civic status; it is a quest to define a civic status that is owed to us all as a matter of human right. It is important to understand the struggle for reproductive justice as part of this larger struggle for dignitary status.

Peggy Cooper Davis is an influential legal scholar in the areas of child welfare, constitutional rights of family liberty, and interdisciplinary analysis of legal pedagogy and process. Davis’s book, *Neglected Stories: The Constitution and Family Values*, illuminates the importance of anti-slavery traditions as interpretive guides to the meaning of the Fourteenth Amendment. Her recent book, *Enacting Pleasure*, is a collection of essays exploring the social, cultural, psychological, and political implications of Carol Gilligan’s relational psychology. For more than 10 years, Davis directed the NYU Law’s Lawyering Program, a widely acclaimed course of experiential learning that distinguishes the Law School’s first-year curriculum. She now directs the Experiential Learning Lab, through which she works to develop and test progressive learning strategies and to develop professional education courses that systematically address the interpretive, interactive, ethical, and social dimensions of practice. Davis has served as chair of the board of the Russell Sage Foundation and as a director of numerous not-for-profit, for-profit, and government entities. Prior to joining the faculty of NYU Law in 1983, Davis served for three years as a judge of the Family Court of the State of New York after 10 years in practice.

2:30 p.m. | Panel

A Unified Pro-Choice Strategy: Connecting Practitioners, Providers, Scholars and the Media

Lori Adelman, communications and advocacy expert

Irin Carmon, journalist and commentator

Jill Filipovic '08, lawyer and journalist

Jessica Mason Pieklo, lawyer and journalist

Lori Adelman is a communications and advocacy officer in the Global Division of Planned Parenthood Federation of America, providing support to partners promoting sexual and reproductive rights and health in Latin America and Africa. She has previously worked at the United Nations Foundation on the Secretary-General's Every Woman Every Child initiative, at the International Women's Health Coalition. Lori is an executive director of *Feministing* in charge of Partnerships and Outreach. Lori has been with *Feministing* since 2009, and covers a range of topics including reproductive justice, race, gender, global health and the media. In addition to *Feministing*, she has written for outlets including *The Grio*, *Rookie Magazine*, *On the Issues*, *Salon*, *RH Reality Check*, and *Jezebel*, and has appeared on NPR and WBAI radio. She received her BA from Harvard College in 2008.

Irin Carmon is a journalist and commentator. She's a national reporter at MSNBC.com, covering women, politics, and culture for the website and on air. She is a visiting fellow in the Program for the Study of Reproductive Justice at Yale Law School. In 2011, she was named one of *Forbes'* 30 under 30 in media and featured in *New York* magazine as a face of young feminism. She received the November 2011 Sidney award from the Sidney Hillman foundation recognizing her reporting on the Mississippi Personhood Initiative for Salon. In 2013, she was honored by NARAL-NY with the Irwin Schneiderman Pioneer Award and by the New York Abortion Access Fund with the Champion for Choice Award.

Jill Filipovic '08, is a lawyer and writer. Well known as a blogger at the popular website *Feministe*, Filipovic is also a weekly columnist for the *Guardian*. She has written for *Yale Journal of Law and Feminism*, the *Huffington Post*, *AlterNet*, and the *Nation*, among other publications. Filipovic served as an editor for *AlterNet's* Reproductive Justice and Gender section, and while at NYU Law, she was an editor for the *New York University Review of Law and Social Change*. She is a contributor to the feminist anthology, *Yes Means Yes: Visions of Female Sexual Power and a World Without Rape*. Jill will lead a panel of new media journalists who offer an overview of reproductive justice issues and challenges in the US.

Jessica Mason Pieklo is a senior legal analyst at *RH Reality Check* and the former assistant director of the Health Law Institute at Hamline University School of Law in St. Paul, Minnesota. Pieklo is a former litigator with a background in patients' rights, medical malpractice, and constitutional law. Pieklo is currently an adjunct professor at Hamline University School of Law where she teaches courses in ethics, business law and health law. At *RH Reality Check* Pieklo's work tracks reproductive rights and justice litigation and the politics of the courts. Pieklo has also written on reproductive rights issues for *Rolling Stone* and *AlterNet*.

4:00 p.m. | Presentation

Women of Color and the Future of Reproductive Justice

Dorothy Roberts, George A. Weiss University Professor of Law and Sociology at the University of Pennsylvania

The voices and experiences of women of color were historically excluded from constitutional jurisprudence and mainstream organizing on reproductive rights. In recent decades, women of color have led a struggle to replace reproductive choice with a reproductive justice framework that advocates for the equal rights of all women and liberates them from interlocking systems of oppression. This struggle makes connections between laws governing abortion, birth control, high tech reproduction, pregnancy, and parenting.

Dorothy Roberts is the author of the award-winning books *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty* and *Shattered Bonds: The Color of Child Welfare* as well as co-editor of six books on constitutional law and gender. She has also published more than 80 articles and essays in books and scholarly journals, including *Harvard Law Review*, *Yale Law Journal*, and *Stanford Law Review*. Her latest book, *Fatal Invention: How Science, Politics, and Big Business Re-create Race in the Twenty-First Century*, was published in July 2011. Roberts serves as chair of the board of directors of the Black Women's Health Imperative, on the board of directors of the National Coalition for Child Protection Reform, and on the advisory boards of the Center for Genetics and Society and Family Defense Center. She also serves on a panel of five national experts that is overseeing foster care reform in Washington State and on the Standards Working Group of the California Institute for Regenerative Medicine. She recently received awards from the National Science Foundation, the Robert Wood Johnson Foundation, and the 2010 Dorothy Ann and Clarence L. Ver Steeg Distinguished Research Fellowship.



The Carr Center for Reproductive Justice at NYU Law (CCRJ) was established in 2013 to conduct innovative research, provide legal services, promote dialogue and expand the academic discipline on reproductive justice issues. CCRJ's goal is to ensure justice and democracy for all. Current activities include clinical legal work, funding fellowships, and sponsoring an annual conference in the field.

The advisory board of the center includes Beth Nash, a motivating force in the center's formation; Professor Sarah Burns, Faculty Director; Weil, Gotschal & Manges Partner Todd Lang; University Professor Carol Gilligan; Dean and Eric M. and Laurie B. Roth Professor of Law Trevor Morrison; and Lawrence King Professor of Law and Dean Emeritus Richard Revesz.

ON THE COVER

Alicia Beltran, pictured at just over five months pregnant, was forced into in-patient rehab when 12 weeks pregnant after a medical provider reported her prior use of pain medication to the government. She brought suit in federal habeas in the Eastern District of Wisconsin.