

Advocating from the Margins:
The Reproductive Justice Movement and the Politics of
Oppositional Consciousness

by

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Introduction

This thesis is an evaluation of and (I hope) a contribution to the strategic potential of the movement for Reproductive Justice to undo the racist, sexist, and otherwise oppressive and colonial foundations of the United States. This task, as I have conceived of it, contains three distinct parts: the telling of a history of a movement of women of color to take direct action to name, confront, and eliminate specific obstacles to their liberation; an analysis of the grassroots development of an analytical framework that posits reproduction, bodies, sexuality as a major site of interlocking oppressions that can be made into a target for sweeping social transformation that reaches down to the deep, resilient structures upon which such oppressions are built; and a consideration of the collision and collusion of the movement with changing global economic and political forces that have seriously challenged the movement, both through increasingly insidious and oppressive policies and through appropriations and cooptations of the movement's radical potential.

This analysis begins with the emergence of a network of women of color-led organizations in the mid-1980s focused on attaining access to reproductive health care in a larger social justice context. Therefore I do not examine the earlier but directly related movement for reproductive rights that emerged in the late 1960's and reached a peak in the late 1970s and early 1980s. Chronologically speaking, this thesis picks up where historical work about the reproductive rights movement left off, but because understanding the struggles of this time period are important for understanding the Reproductive Justice movement that almost immediately proceeded from them, I will briefly recount that history here. Jennifer Nelson's book *Women of*

Color and the Reproductive Rights Movement remains the most comprehensive historical examination of the efforts of women of color feminists, Black and Puerto Rican nationalists, and socialist feminists to achieve reproductive freedom in the 1960s and 1970s (Nelson 2003).

Nelson's account of these groups shows how reproductive rights-oriented feminists responded to "arguments made by women of color that legal abortion was not synonymous with reproductive freedom" by coming to maintain "that the right to bear children was as important to reproductive freedom as the legal right to terminate a pregnancy" (Nelson 2003:2). In response to a white-dominated feminist movement that focused almost exclusively on eliminating legal restrictions to abortion access, women of color challenged these feminists to live up to their claim of representing all women by "coupling demands for legal abortion and contraception with demands for an end to forced or coerced sterilization and economic guarantees that even poor women could bear the children they wanted" (Nelson 2003:5). Nelson details the positions and actions the early abortion rights movement organizations (such as Redstockings), women of color feminist groups (such as the Black Women's Liberation Committee), ethnic/racial nationalist organizations (such as the Black Panther Party and the Young Lords Party), and finally, a socialist feminist organization called the Committee for Abortion Rights and Against Sterilization Abuse (CARASA) – all of which were based in New York but which had national influence (Nelson 2003:17). Nelson attributes the coinage of the term "reproductive rights" during this time to CARASA, which incorporated the concerns of the women of color feminist groups, who asserted the need to be able to have children as well as not to, and the nationalist groups, who drew attention to the genocidal implications of

forced or coerced use of (often unsafe) birth control and sterilization on African Americans and Puerto Ricans (both on the island and on the mainland) by medical professionals, pharmaceutical corporations, and the U.S. government (Nelson 2003:19). The major objective of CARASA was “to obtain safe and legal abortion access for all women, particularly poor women, and to end sterilization abuse,” but at times their agenda expanded to include “government support of child-care, general health care and prenatal care for poor women, and work environments free of reproductive hazards” (Nelson 2003:20). Despite success in changing the discourse of the feminist movement to consider this more holistic and economically-informed understanding of reproductive rights, CARASA dissolved in the early 1980s for several reasons: the inability of the group to attract substantial numbers of women of color to be active members of the organization; difficulties in building coalitions with women of color who were confused about the group’s platform; and deep rifts within the membership of the organization between those sticking to a socialist platform demanding government support for an expanded reproductive rights agenda and those who wanted to shift the organization’s focus towards lesbian rights and other issues of sexuality (Nelson 2003:166-177).

The beginnings of the Reproductive Justice movement were different from this earlier reproductive rights-oriented movement in that the organizations that laid the foundations for the movement were explicitly organized for and by women of color along racial and ethnic lines – for example, the National Black Women’s Health Project, the National Latina Health Organization, and the Native American Women’s Health Education and Resource Center – and these organizations, unlike prior women of color feminist organizations, focused specifically on reproductive health in the

broader context of the conditions their communities faced.¹ Today, the Reproductive Justice movement is characterized by opposition to “all political rationales, social theories, and genetic justifications for reproductive oppression against communities of color,” a demand for the “protection of women’s human rights to achieve the physical, mental, spiritual, political, economic and social well being of women and girls,” and a reliance on a strategy of “reproductive rights embedded in a human rights and social justice framework used to counter all forms of population control that deny women’s human rights” (Ross 2006:53)

As a white, middle-class, able-bodied male-assigned person, my personal experience diverges considerably from the major constituency of this movement: poor women and women of color who have faced attacks on their personal agency in controlling how and when they will form families. However, I maintain that my life, like most people’s, is affected by reproductive oppression (albeit in ways incommensurate with the experiences of women). Therefore I stand in solidarity with this movement.² Nevertheless, my interest in this topic and position of authority in writing about it requires justification. In my senior year of high school, I signed up as a volunteer for the political advocacy department of Planned Parenthood of Connecticut in my hometown of New Haven. Soon after I was recruited to participate in PPCT’s peer education group, Students Teaching About Responsible Sexuality. At the time, I was not fully clear about why I felt so drawn to participate in this movement that consists largely of people from unimaginably different backgrounds than myself, that addresses issues that I have been told do not affect me. I knew for

several years at this point that I was different from many of my peers, in that my sexual attractions were almost exclusively towards other males and that my inchoate political views were further to the left and more skeptical of state authority than even my most liberal friends. I saw these themes being echoed in the work of Planned Parenthood, so I decided to get involved in an alienated suburban adolescent effort to become a part a politicized community. After having been involved with Planned Parenthood in some capacity for a few years (which, through its education programs is where I first learned about the Reproductive Justice framework and movement), I was fascinated with the way this idea could apply to me as someone who was so different from the people who created it. With this affinity for Reproductive Justice, as well my exposure to and participation in other movements (such as LGBT rights, anarchism, human rights, anti-war and labor issues), I became frustrated with certain dynamics I witnessed within Planned Parenthood and the reproductive rights movement in general: why were we learning about such transformative ideas about gender, sexuality and state regulation, on the one hand, and being encouraged to actively participate in the electoral process, through allegiance to the Democratic Party, which has excluded and attacked so many people and which perhaps has those exclusions built into its very nature? Why were most of the other high school students in the peer education program young black women while the board of the organization (which I was often presented in front of as an example of a socially- and politically-engaged young man who “cared” about “issues”) composed mostly of middle-aged white folks who did work for the organization, volunteer for its political

² As Indigenous Australian activist, scholar, artist, and feminist Lilla Watson famously said, “If you have come here to help me, you are wasting your time. But if you have come because your liberation is

work nor use its services?³ This thesis is the culmination of several years of thoughts that sought to make sense of the contradictions that arise when oppositional modes of consciousness and activity are located within bureaucratic, quasi-corporate and state-allied organizations, and to imagine potential ways to begin working through these contradictions.

This thesis is animated by a set of broad “theoretical” questions that I believe are actually quite practical to the world of social justice organizing and activism: is there an inherent dichotomy between oppositional and assimilationist political activity? How do social justice movements negotiate this divide? By oppositional, I refer generally to subject positions that desire change which is perceived as antagonistic towards existing arrangements of power in the structure of a society, whose desires for change cannot be reconciled with the existence of the institutions and systems that create oppression. I have in mind “revolutionary” leftist political theories that call for the abolition of capitalism, anarchist political traditions that call for the elimination of the state, and queer theories and politics that call for the dismantling of heteronormativity and all institutions and discourses that make it possible. By assimilationist, I generally refer to subject positions that desire change through modifying and “fixing” existing arrangements of power in the structure of a society, with the belief that such systems are a permanent fixture of human existence and that progress can be made only through playing within the rules of the game and

bound up with mine, then let us work together” (Leonen 2004).

³ I wouldn’t consider Planned Parenthood to be a part of the Reproductive Justice movement per se (and neither would most Reproductive Justice organizations or the Planned Parenthood federation itself), however the affiliate in Connecticut has engaged with the Reproductive Justice Framework in its political and educational work to some extent. Although my initial impetus for this project was born out of my experience with Planned Parenthood, this thesis is not about that organization but instead (at

by acquiescing to the constraints of a legitimate political system. I have in mind liberal political projects in the United States such as the limited social welfare system of the post-New Deal era, feminist and lesbian, gay, bisexual, and transgender demands for equal rights, and the emerging sector of “social entrepreneurship” that seeks to address poverty by spurring innovation and increasing access and opportunity for excluded populations within the capitalist economy.

In order to think through these questions in the context of the Reproductive Justice movement, I draw from the work of Chela Sandoval, who in her study of liberationist movements and discourses in the second half of the twentieth century United States identifies the strategies by which a certain cohort of women of color feminists were able to resist the neocolonizing mode of late capitalist globalization referred to by Frederic Jameson as postmodernism (Sandoval 2000:2). Jameson argues that forms of resistance, oppositional consciousness, and social movements that have been developed throughout modernity are no longer effective in a digital age of high speed information and capital flows, as their formerly challenging messages have been “long absorbed into U.S. advertising culture,” and under “the postmodern neocolonial cultural machine, even new, dissident, and emergent aesthetic formations are continuously made obsolete, cannibalized into the system’s need for novelty” (Sandoval 2000:18).

In contrast to this pessimistic assessment, Sandoval argues that “U.S. third world feminists” in the period between 1968 and 1988 were, in fact, able to resist the assimilationist tendencies of revamped global capitalism from within, through a practice of a differential mode of oppositional consciousness. From this feminist

least partly) about my perception of similar dynamics playing out in the different context of the

literature Sandoval identifies five categories around which she claims all oppositional consciousness is organized, and “which are politically effective means for transforming dominant power relations,” that emerged during this time: equal rights, revolutionary, supremacist, separatist, and differential - this last one a serving as a “theoretical and methodological device for retroactively clarifying and giving new meaning to any other” (Sandoval 2000:44). Sandoval argues that as these first four different frames of oppositional consciousness and social movement developed independently from each other, they came to “divide the movement of resistance from within; for each of these four sites generates its own sets of tactics, strategies, and identity politics that have appeared ... as ‘mutually exclusive’ under previous modernist understandings of resistance” (Sandoval 2000:57).

Practitioners of the equal rights frame of oppositional consciousness argue that human social differences that have been the basis of degradation are merely superficial, and they demand access to assimilation with the dominant society of privileged bodies; examples include the National Organization for Women and the rhetoric of Martin Luther King, Jr. (Sandoval 2000:56). Practitioners of the revolutionary frame of oppositional consciousness believe that the assimilation of differences is impossible within an unjust social order, and that instead the only way that society can “affirm, value, and legitimate these differences” is to fundamentally restructure our society and culture; examples include the Black Panther Party, the American Indian Movement, and Marxist feminists (Sandoval 2000:57). Practitioners of the supremacist mode “not only *claim* their differences, but they also assert that their differences have provided them access to a higher evolutionary level than that

attained by those who hold social power” (emphasis original) (Sandoval 2000:57). Practitioners of the separatist mode of oppositional consciousness organize their resistance by protecting and nurturing the differences that define its practitioners “through their complete separation from the dominant social order” (Sandoval 2000:57).

However, the differential mode of oppositional consciousness, as practiced by U.S. third world feminists, enables movement “between and among” these positions, as phrased by Chicana lesbian feminist Gloria Anzaldúa; Sandoval continues with an illustrative metaphor:

The differential mode of consciousness functions like the clutch of an automobile, the mechanism that permits the driver to select, engage, and disengage gears in a system for the transmission of power. ... When enacted in a dialectical relation to one another and not as separated ideologies, each oppositional mode of consciousness, each ideology-praxis, is transformed into tactical weaponry for intervening in shifting currents of power (Sandoval 2000:58).

Sandoval argues that what Anzaldúa calls *la facultad* (the faculty, the capacity) of oppressed peoples⁴ allows them to engage a mode of differential consciousness through which they can “read the current situation of power” and self-consciously choose and adopt “the ideological stand best suited to push against its configurations” - in other words, the differential mode of oppositional consciousness selectively appropriates from the equal rights, revolutionary, supremacist, and separatist frames

⁴ Deflecting charges of essentialism and fetishization of the oppressed, a note to this section reads says of *la facultad*: “Often dismissed as ‘intuition,’ this kind of ‘perceptiveness,’ ‘sensitivity,’ consciousness, if you will, is not determined by race, sex, or any other genetic status; neither does its activity belong solely to the ‘proletariat,’ the ‘feminist,’ or the oppressed, if the oppressed is considered a unitary category, but it is a learned emotional and intellectual skill that is developed amid hegemonic powers. It is the recognition of *la facultad* that moves [Audre] Lorde to say that it is

of consciousness depending on the specificity of the political situation, deploying them as complementary tactics instead of totalizing strategies (Sandoval 2000:60).

Sandoval explicates that the differential mode of oppositional consciousness and social movement is uniquely poised to stand in solidarity with the other four frames “for the sake of social justice” (Sandoval 2000:63); it is practical in that it “generates grounds for making coalitions with decolonizing movements for emancipation in global affinities and associations.” I use this idea of differential, oppositional consciousness as a way to understand the seemingly dichotomous relationship between oppositionality and assimilation within a Reproductive Justice movement fighting for the liberation of oppressed peoples; all four of the positions that the differential mode draws from are implicit, if not explicit at times, within the discourses and practices of the movement, yet they synergize to produce a flexible framework and organizational form that “permits functioning within, yet beyond, the demands of dominant ideology” (Sandoval 2000:44). The fact that the Reproductive Justice movement descends from a tradition of differential consciousness and exhibits those characteristics today, however, does not mean that it is immune from the assimilating capacities of increasingly vicious and diffuse forces of neocolonial capital accumulation that I refer to in this thesis as neoliberalism; rather, I argue that the possibility for the differential mode of consciousness and social movement exists within this movement that is marginally situated amid hegemonic powers. I hope to point towards ways that differentiability is enabled by the marginalized social position of participants in the movement, as well as the ways it is constrained by coercive

marginality, ‘whatever its nature ... which is also the source of our greatest strength’ ...” (Sandoval 2000:196 n.52).

forces that seek to channel the movement into different mutually exclusive strategic tendencies.

My main methods for this project consist of close readings of printed and digital sources produced by individuals and organizations in the Reproductive Justice movement. In addition, in the summer of 2011 I interviewed four women of color who are involved with the Reproductive Justice movement in New York City. Two of them are paid employees of an organization that explicitly uses the Reproductive Justice framework in their work, one was an unpaid coordinator of a local chapter of a national non-profit organization, and one co-founded an organization in New York and does most of the labor necessary to sustain it, without pay. I spoke to them about three main topics: what their organization does, what their role is within it, and how it fits into the grand scheme of the Reproductive Justice movement; how they (and their organization) make sense of the intersection of different identities in the Reproductive Justice framework; and how their organization is affected by funding, foundations, and legal incorporation status. These interviews are not supposed to be representative of the entire movement; due largely to financial and time constraints, I was not able to contact every individual and organization involved with Reproductive Justice in New York. These people just happened to be the ones most available to me through internet searches and serendipitous personal connections. Consequently, they represent a more professionalized side of the movement, which is helpful for my project as it partly seeks to examine the effects of political and economic changes of the past few decades on social movement professionalization.

Overview of the chapters

Chapter One is an historical trajectory of the movement from its origins in the 1980s to a more detailed look at one part of it today in New York City. I want it to show the broad pattern of assimilation and opposition that appears throughout; to show the resilience of women of color in always resisting coercive controls of their reproductive capacity; to show the practices through which this movement came to know itself as an entity.

Chapter Two is an analysis of the Reproductive Justice framework, its broad intersectional reach and its deep, and its transformative implications. I want it to show the process of grassroots intellectual activity that is central to the movement, its innovative insights into the oppressive foundations of the United States, ways that resistance to that oppression can be united in ways that have not been seen before, and its weak spots, particularly in terms of queerness and social/cultural reproduction, to which I hope to contribute to make the framework even more effective.

Chapter Three is an exploration of the effects of the political/economic/cultural transformations of neoliberalism on the movement. I want to show two related patterns: how neoliberal policies, based on ostensibly progressive ideas about personal liberty, diversity, and tolerance, have posed a renewed threat to the possibility of achieving reproductive justice, and therefore collective liberation for all marginalized peoples; and how neoliberalism, through the same ideas about personal freedom, diversity, and inclusion, has structured the social movement terrain that reproductive justice is a part of, how the movement has collided (resisted) and colluded (reproduced) with the collaborative project between the state and capital to redistribute resources upwards.

Chapter 1: Building Networks, Taking Action: The Trajectory of the Reproductive Justice Movement

In this chapter, I aim to flesh out the historical development of the Reproductive Justice movement since the early 1980s up through the present. In presenting what is basically a chronological overview of the movement and a more detailed look at the work of Reproductive Justice organizations today, I hope to draw out the points of collision and collusion among grassroots organizing, institutionalization of national networks, and identity-based activism. The task of reconstructing an historical trajectory of the Reproductive Justice movement is difficult, because much of the activist work that would serve as the basis for today's movement was carried out during a time when the Reproductive Justice concept was not widely used. Organizing under an explicit Reproductive Justice framework has taken place since the mid-1990s but its roots go back further to a time when the framework was in its earlier stages and organizing efforts were fairly isolated until the formation of SisterSong Women of Color Reproductive Health Collective in 1997.⁵ Even today, many activists and organizations that are organizing for reproductive justice do not use the label to describe their work, even if they are part of coalitions that use the term as an organizing category, are profiled in activist-scholarly work on reproductive justice, or receive funding from foundations as part of a reproductive justice funding initiative.

⁵ "About EMERJ," Asian Communities for Reproductive Justice, accessed 16 March 2012, <http://reproductivejustice.org/about-emerj>

This rather ephemeral characteristic of the Reproductive Justice movement actually applies to most social movements. Sociologists in the prolific field of social movement theory have problematized the concept of a “movement” itself. For example, Alberto Melucci argues that what may have once signified “an entity acting against the political and governmental system” now stands “inadequate as a description of the reality of reticular and diffuse forms of collective action” that actually constitute a “movement”; instead, social movements in recent years more closely resemble “solidarity networks entrusted with potent cultural meanings,” which remain hidden from view of non-participants and researchers until they have some sort of effect on culture or politics, by which point the principal activity that created such effects has already happened (Melucci 1996:4). Elizabeth Armstrong argues that these diffuse networks become institutionalized in the form of organizational fields: culturally and political constructed arenas that crystalize around “institutional logics,” which “define the taken-for-granted rules structuring goals, strategies, and members of the field” (Armstrong 2002:9). Social movements, like Reproductive Justice, are therefore not discrete entities to be taken for granted, but rather represent a process of consolidation and boundary maintenance emerging from networks that work on culture in all forms. Therefore in charting the history of the movement, I will highlight the development of organizations that fit into a nebulous Reproductive Justice field and which set the stage for today’s movement.

This analysis is heavily indebted to the activist-produced organizational history of the reproductive justice, *Undivided Rights: Women of Color Organize for Reproductive Justice* by Marlene Gerber Fried, Loretta Ross, Jael Silliman, and Elena R. Gutiérrez. This text, published in October of 2004 by the nonprofit, independent,

collectively-run radical publisher South End Press, has remained the only book published exclusively on the topic of Reproductive Justice organizing.⁶ As such, its publication is a critical point in the history of the movement in its capacity to bring together under the same category geographically and historically separate organizing efforts, many of whom do not explicitly speak of their work in terms of reproductive justice. However, while this book is organized to show the history of individual organizations that are grouped based on the race or ethnicity of the women involved, my analysis will reorganize these histories into a chronological organization to demonstrate the development of the movement over time.

Further, the book sets up a framework for identifying a reproductive justice field that is useful for analyzing other projects not covered in the book: all of the organizing efforts profiled have the following attributes in common: “(1) redefining reproductive rights to include the needs of their communities; (2) leading the fight against population control and asserting the inextricable link between the right to have children and the right not to; (3) organizing along lines of racial and ethnic identity in order to create the spaces to confront internalized and external oppression; (4) promoting new understandings of political inclusion and movement building that bridge historic divisions and create new alliances” (Silliman et al. 2004:4). All of the activist projects I discuss in this history of the movement are guided to some extent by these characteristics. In addition to drawing from this book and other scattered histories of the movement, I will focus on interviews with participants in four

⁶ “About Us,” South End Press, accessed 16 March 2012, <http://www.southendpress.org/about>. The only other book on the subject of reproductive justice is *Reproductive Justice: A Global Concern*, edited by Joan Chrisler and published in February 2012 by Praeger Publishers; however, this book focuses not on the social justice organizing of the reproductive justice movement but instead focuses on the status of reproductive rights for the world’s women.

organizations in New York City that I interviewed in the summer of 2011 to provide a snapshot of what a portion of the movement looks like today. I will also draw information and representations from the websites of these organizations.

Beginnings

Both the authors of *Undivided Rights* and the authors of other essays on reproductive justice identify the founding the National Black Women's Health Project (NBWHP) as the germinal moment at which today's Reproductive Justice movement was born.⁷ NBWHP was founded by Byllye Avery and Lillie Allen in Atlanta, Georgia in 1984 as the first reproductive health organization run by and for women of color in the United States (Silliman et al. 2004:71). The organization was formed after Avery and Allen coordinated the first National Conference on Black Women's Health Issues at Spelman College, at which participants from across the country demanded the creation of "an independent organization dedicated to black women's health" (Silliman et al. 2004:70). In this same year, NBWHP was incorporated as a non-profit organization after consultations with "nonprofit management experts"; a year later, the NBWHP established a board of directors and over the next few years began implementing a national structure consisting of local chapters, even as the majority of the organization's work remained based in Atlanta (Silliman et al. 2004:72). This organization developed a unique approach to reproductive health, named the Self-Help process, in which participants, all black women, would meet to

⁷ "A New Vision for Advancing Our Movement for Reproductive Health, Reproductive Rights, and Reproductive Justice," Asian Communities for Reproductive Justice, accessed 16 March 2012, <http://reproductivejustice.org/assets/docs/ACRJ-A-New-Vision.pdf>

speak candidly with each other and work together through issues of internalized oppression, self-esteem, empowerment, and sexual health. Sharon Gary-Smith, NBWHP's first Self-Help group developer, described these Self-Help workshops as "a safe, validating environment for us to learn how to come together and share our stories, to be appreciated for the struggles we have participated in, to review our circumstances, and to make decisions designed to change our lives and our health circumstances" (Silliman et al. 2004:71).

The creation of the NBWHP represents a paradox that has animated the Reproductive Justice movement throughout its existence. On the one hand, its formation was an organic outgrowth of the desires of Black women for an organization that directly addressed their unique health needs (which necessarily includes the social and cultural context of their lives), and the main activity of the group was based around a sort of consciousness-raising technique whose power lay in addressing larger, political issues through a very personal process of sharing stories. On the other hand, from the beginning this organization was concerned with establishing legitimacy through incorporation as a non-profit organization, establishment of a board of directors, and implementation of a national organizational structure that necessarily exceeds the capacities and intentions of the original locally-based grassroots organization. The fact that two moments occurred basically simultaneously raises the issue of whether these two different models are in conflict or if they are, in fact, complementary to one another at this moment in time.

The founding of NBWRHP marked the beginning of a period in which many different reproductive health organizations were founded by and for different women of color constituencies. In 1985, the Mother's Milk Project was initiated on the

Akwesasne reservation near the New York-Canada border by Katsi Cook, a member of the native nationalist feminist Women of All Red Nations (WARN), in order to research and advocate around the effects of toxic dumping in the St. Lawrence River on the food supply for the reservation - and consequently, the maternal health and breast milk safety for mothers who have traditionally subsisted upon fish caught from the river (Silliman et al. 2004:132). In 1986, the National Latina Health Organization (NLHO) was founded in the Bay Area of California by four Latina women in order to combine direct service (based on the Self-Help method pioneered by NBWHP) with public policy and health advocacy (Silliman et al. 2004:243). In 1987, NLHO was involved in the formation of the first national coalition of women of color organizations focused on reproductive health, an informal network called the Women of Color Coalition for Reproductive Health Rights (WOCCRHR), which formally incorporated in 1992 (Silliman et al. 2004:252). In 1988, Charon Asetoyer founded the Native American Women's Health Education and Resource Center (NAWHERC) on the Yankton Sioux reservation in South Dakota, which aimed at "retrieving, nurturing, and affirming Native culture and spirituality" through programming such as direct services (also influenced by NBWHP's Self-Help method), research, organizing and advocacy programs, forging coalitions with other Native American women, and lobbying for reproductive rights in the context of Native sovereignty (Silliman et al. 2004:144).

This period in the mid-80s exhibits two distinct trends. For one, women of color increasingly explicated the need for separate organizations - separate from male-dominated nationalist groups and separate from white-dominated women's groups - in which they could build their own solutions to the health disparities they

faced. These health disparities, especially marked with the emergence of two different Native American women's health organizations at this time, were defined as inextricable from the problem of white supremacy and settler colonialism. Under an inchoate Reproductive Justice framework, U.S. government-subsidized corporate pollution of land that legally belongs to an American Indian nation becomes an issue of the health of pregnant women and their children, as does the revival of native traditions and defense of native sovereignty. Second, during this period of proliferating organizations, networks emerged amongst these groups that would facilitate the flow of information, ideas, resources, and the eventual emergence of an established Reproductive Justice movement years later. The reason Latina women from California and Native women from South Dakota both began using the Self-Help method as a tactic for enhancing health and well-being in their own communities was that they had sought the guidance of leaders at NBWHP through attending national conferences that this organization sponsored (Silliman et al. 2004:73).

1989 was a particularly active year for the development of women of color reproductive health organizations. In this year, Asian Pacific Islanders for Choice was founded in the Bay Area as a part of a wave of pro-choice organizing catalyzed by the 1989 Supreme Court decision *Webster v. Reproductive Health Services*, which further restricted access to abortion services (Silliman et al. 2004:176). Also in this year, the Latina Roundtable on Health and Reproductive Rights (LRHHR) was formed in New York City by women of Puerto Rican and Dominican origin, and was the "only visible women of color organization in New York exclusively devoted to advocating for increased access to a full range of quality and affordable health services and

reproductive options for Latinas” (Silliman et al. 2004:229). In Atlanta, Dázon Dixon Diallo and other members of the women of color advisory board of the Women’s AIDS Prevention Project (WAPP) founded SisterLove Women’s AIDS Project, which focused on “educating Atlanta, and especially communities of women, about AIDS prevention, self-help and safer sex techniques,” activities that the founders did not feel were supported by WAPP.⁸ Judging from this incomplete list of new reproductive health organizations led by women of color for their communities, the mid- to late-1980’s were a fertile period for the formation of an organizational network that would prove foundational to the development of the Reproductive Justice movement.

Institutionalization of a nascent movement

The period from the late 1980s to the mid 1990s reflects a pattern of increasing formalization and institutionalization of this emergent grassroots network of organizations. The institutionalization had two main effects: on the one hand, a step away from more grassroots, local community-based, and unorthodox emotional tactics like the Self-Help process, and on the other hand, a laying of the groundwork for the emergence of a movement explicitly oriented around a Reproductive Justice framework.⁹ This process was accompanied, and perhaps facilitated by, more attention to this movement by mainstream feminist funders. In 1989, the Ms.

⁸ “About Us,” SisterLove, Inc., accessed 17 March 2012, <http://sisterlove.org/about-us/>

⁹ It is important to acknowledge that at this time there was not yet a “Reproductive Justice” movement; many of the organizations that formed the basis of a network that would give birth to the Reproductive Justice movement focused more generally on women’s health in communities of color as opposed to reproduction specifically, and used rhetoric about “reproductive health,” “rights” and “choice” - language that the soon-to-emerge social justice-oriented framework would dismiss as unable to capture the lived experience of women of color in a human rights framework (see Chapter 2).

Foundation, founded in 1973 by Gloria Steinem and others to “deliver funding and other strategic resources to organizations that were elevating women’s voices and solutions across race and class in communities nationwide,” began to focus on providing “strategic support to state and local organizations across the U.S. uniquely positioned to advocate for progressive—or against restrictive—reproductive rights policies,” a move that would soon result in the creation of a specific funding program for “Reproductive Health, Rights, and Justice”; Ms. Foundation for Women claims it played a catalytic role in not only funding these women of color-led reproductive health organizations, but also in bringing them together, continuing the process of network building that would prove foundational to the emergence of a “proper” Reproductive Justice movement.¹⁰ Also reflecting more mainstream attention at this time was the publication of *From Abortion to Reproductive Freedom: Transforming a Movement* in 1990, a volume edited by Marlene Gerber Fried featuring many different activist, academic, and legal professional contributors emphasizing the ways that the reproductive rights movement had been transformed through grassroots involvement by women of color and their communities.¹¹

Both a cause and a result of this mainstream attention was that grassroots organizations founded by women of color to work on reproductive health issues also began to take steps towards institutionalization that highlight the tensions among grassroots organizing, professional organizational infrastructure, and mainstream

¹⁰ “Our History,” Ms. Foundation for Women, accessed 17 March 2012, http://ms.foundation.org/about_us/our-history; “Reproductive Rights, Health, and Justice,” Ms. Foundation for Women, accessed 17 March 2012, http://ms.foundation.org/our_work/broad-change-areas/womens-health/reproductive-rights-health-and-justice;

¹¹ See Marlene Gerber Fried, *From Abortion to Reproductive Freedom: Transforming a Movement* (Cambridge: South End Press, 1990).

national political legitimacy. For example, in 1990 the National Black Women's Health Project stopped using its foundational Self-Help consciousness raising process to address reproductive health issues among black women, with many newer leaders in the group declaring that it "did not lend itself to easy measurement or have clear policy outcomes;" in the same year, NBWHP opened up a policy-based office in Washington DC (Silliman et al. 2004:76). Soon after, NBWHP led an unsuccessful campaign to repeal the Hyde Amendment, a 1977 piece of legislation that bans all federal funding for abortion (Silliman et al. 2004:78). In 1992, SisterLove Women's AIDS Project formally incorporated as SisterLove, Inc., a name it maintains today.¹² Also in 1992, Asian Pacific Islanders for Choice hired its first staff person after remaining volunteer-run for three years, changed its name to Asians and Pacific Islanders for Reproductive Health (APIRH), and co-founded Women of Color Coalition for Reproductive Health Rights (WOCRRHR) as a formal entity after having being run as an informal network for five years (Silliman et al. 2004:177). In 1993, the staff person that APIRH had hired, Mary Chung, left her executive director position with this local organization in order to found the National Asian Women's Health Organization (NAWHO), the first national organization of its kind, which was to serve as "a community-based health advocacy organization committed to improving the overall health status of Asian women and girls" (Silliman et al. 2004:198). Paralleling this trend of nationalization was the founding of the National Latina Institute for Reproductive Health (NLIRH) in 1994 by members of the Hispanic Outreach Project of Catholics for a Free Choice; NLIRH thus became the

¹² "About Us," SisterLove, Inc., accessed 17 March 2012, <http://sisterlove.org/about-us/>;

first independent national organization for Latinas on reproductive rights issues (Silliman et al. 2004:230).

Around this time, another organization formed on the periphery of these networks of grassroots women of color organizing that would soon become very influential in funding and shaping the emerging movement for Reproductive Justice. In 1992, Shannon Liss and Rebecca Walker (daughter of author Alice Walker), acting in response to the Rodney King trial and decision, the William Kennedy Smith rape trial, Clarence Thomas's confirmation to the US Supreme Court, and the Supreme Court's decision on Planned Parenthood vs. Casey, founded the Third Wave Direct Action Corporation as a multiracial, multicultural, multi-issue organization to support young activists and "to fill a void in young women's leadership and to mobilize young people to become more involved socially and politically in their communities."¹³ Unlike other organizations that had started earlier as grassroots, locally-based groups of women of color organizing explicitly for their own conceptions of reproductive rights, Third Wave began as a corporate structure committed, perhaps paradoxically, to the grassroots, confrontational tradition of direct action.¹⁴ At this point, Third Wave served as a sort of organizational hybrid not seen before in this movement - it functioned as a sort of activist clearinghouse whose mission was to support diversity in women's activism by providing resources and developing leaders. Although at this point the organization was not a funder, later in the 1990s and up through the present the organizational descendants of the Third

¹³ "History," Third Wave Foundation, accessed 17 March 2012, <http://www.thirdwavefoundation.org/about-us/history/>;

¹⁴ The inclusion of direct action in the same name as corporation is a striking synthesis of seemingly conflicting ideas that is characteristic of women of color-led organizations.

Wave Direct Action Corporation would prove to be foundational in bringing together reproductive justice activists and funding their activities as a foundation.

The crystalization of the Reproductive Justice framework

In this period of increasing nationalization, formalization, and institutionalization of women of color-led reproductive health organizations, an event occurred that would transform the existing activist networks into what would soon become an explicit movement for reproductive justice, as opposed to health, reproductive rights, and choice in the context of communities of color. In 1994, the Women of Color Coalition for Reproductive Health Rights (WOCCRHR), at this time being coordinated by the National Asian Women's Health Organization (NAWHO), sent a group of its member organizations to attend the United Nations International Conference on Population and Development in Cairo, Egypt, and as part of what became called the US Women of Color Delegation Project, authored the "Statement on Poverty, Development, and Population Activities" (Silliman et al. 2004:41). The statement connected the reproductive oppression of poor and marginalized women in the US with that of women in developing countries, stating that "this document reflects a people of color perspective on issues of population as they interact with institutional policies of racism, political oppression, and classism and gender bias to entrench poverty and 'underdevelopment' within our society" (Silliman et al. 2004:42). Immediately subsequent to the UN conference, a black women's caucus at the Illinois Pro-Choice Alliance conference named themselves Women of African Descent for Reproductive Justice, thereby coining the term that names the movement today. Loretta Ross, a participant at both the UN and Illinois conference, explained the processes that led to the creation of this new concept:

We were dissatisfied with the pro-choice language, feeling that it did not adequately encompass our twinned goals: To protect the right to have – and to not have – children. Nor did the language of choice accurately portray the many barriers African American women faced when trying to make reproductive decisions. Perhaps because we were just returning from the International Conference on Population and Development in Cairo, Egypt in 1994, we began exploring the use of the human rights framework in our reproductive rights activism in the United States, as many grassroots activists do globally. We sought a way to partner reproductive rights to social justice and came up with the term “reproductive justice.”¹⁵

The interaction of grassroots women of color-led reproductive health organization, who held their own ideas about social justice, with internationally circulating ideas about human rights through the United Nations, resulted in this synthesis that would soon take hold as an organizing concept for a pre-existing movement. The patterns of increasing formalization, institutionalization, and national network building facilitated the international process by which this cohort of women of color-led reproductive health organizations came to recognize themselves as united under a framework of justice.

Before the idea of reproductive justice was operationalized in the movement, the trend of increasing activity paired with institutionalization and a national political focus on the part of an increasing number of grassroots organizations continued to proliferate. In 1995, APIRH held the first statewide gathering on Asian/Pacific Islander (API) women’s health in California, while NAWHO held the first national conference on the same underrecognized issue (Silliman et al. 2004:181,199). NAWHO also held a series of national policy summits starting in 1995 focusing on

¹⁵ “A New Vision,” Asian Communities for Reproductive Justice, 5.

issues such as breast cancer and depression among API women. Beginning in 1996, the National Latina Institute for Reproductive Health held a series of forums across the country to “bring Latinas interested in working on reproductive and general health issues together and to promote a regional and national platform” (Silliman et al. 2004:231). In this same year, the NBWHP closed down its original grassroots mobilization and Self-Help headquarters, Mother House, in Atlanta due partially to lack of support from funders who prioritized the organizations national policy work based in Washington, DC (Silliman et al. 2004:78).¹⁶ At the same time, a new organization formed in Chicago, called African American Women Evolving (AAWE); founded by women of color involved with mainstream pro-choice organizations like the Chicago Abortion Fund, this organization prioritized “a holistic vision of health” and, in the words of its founder Toni M. Bond, tried to “reconnect women’s health and bodies with the rest of their lives” (Silliman et al. 2004:87). Today, the organization is called Black Women for Reproductive Justice, and according to its website, seeks “to build a grassroots constituency organized to collectively affect changes in the public and private institutions and policies that prevent us from obtaining optimum reproductive and sexual health.”¹⁷

The Reproductive Justice movement takes off

1997 was a pivotal year for the Reproductive Justice movement, including the creation of organizations and initiatives that continue to strongly shape the movement

¹⁶ The authors of *Undivided Rights* contend that the closing of the Mother House was a turning point, and by the early 2000s NBWHP had “evolved from a collectivist, grassroots, radical feminist organization to an ‘inside the Beltway’ organization with policy, research, and education as its primary functions. The organization is more bureaucratic and hierarchical than it was at the outset, but it is more financially secure” (Silliman et al. 80).

today. In this year, the process of nationwide network building that had been taking place since the 1980s crystalized when Loretta Ross founded the SisterSong Women of Color Reproductive Health Collective, a coalition consisting of sixteen women of color organizations across the United States.¹⁸ With funding from the Ford Foundation, the SisterSong collective sought to “educate women of color and policy makers on reproductive and sexual health and rights, and to work towards the access of health services, information and resources that are culturally and linguistically appropriate.”¹⁹ SisterSong was the first national, formally institutionalized (incorporated and foundation-funded) organization to explicitly refer to reproductive justice in their mission; as their mission statement reads today, “the mission of the SisterSong Women of Color Reproductive Justice Collective is to amplify and strengthen the collective voices of Indigenous women and women of color to ensure reproductive justice through securing human rights.”²⁰ SisterSong’s strategy was and is to engage a diversity of tactics, many of which had already been pursued through women of color-led reproductive health rights groups, within a diverse range of fields of contestation - “through the integration of the disciplines of community organizing, Self-Help and human rights education, ... through public policy work, advocacy, service delivery and health education within our communities on the local, national and international levels.”²¹ The formation of the SisterSong collective had the effect of not only bringing together different constituencies of women of color, who had

¹⁷ “About Us,” Black Women for Reproductive Justice, accessed 08 April 2012, <http://bwrj.org/about%20us.html>

¹⁸ “A New Vision,” Asian Communities for Reproductive Justice, 5.

¹⁹ “Our Story,” SisterSong Women of Color Reproductive Health Collective, accessed 18 March 2012, http://sistersong.net/index.php?option=com_content&view=article&id=25&Itemid=66;

²⁰ Ibid.

previously organized separately, to realize their common fight against reproductive oppression and for reproductive justice, but also elevated the presence of this kind of organizing to a more visible level within national political institutions - an accomplishment yet to be seen at this point.

The fact that the establishment of the SisterSong collective was made possible through the funding of the Ford Foundation (a liberal foundation founded by Edsel Ford in 1936, then president of Ford Motor Company and son of the founder, Henry Ford)²² underlines the centrality of corporately structured foundations to the emergence of the contemporary reproductive justice movement. Another sign of this influence in the same year, 1997, is that the Third Wave Direct Action Corporation merged with the Third Wave Fund to become the Third Wave Foundation, which today is a leading funder of Reproductive Justice initiatives.²³ Both of these events in which infusions of corporate capital provided the conditions for the emergence of the Reproductive Justice movement pose a similar conceptual problem as the trend of nationalization, formalization, and institutionalization of the movement in the early 1990s that allowed it to solidify, stabilize, and name itself. The inequality of access, resources, and cultural power that grassroots leaders have identified as the major impediments to reproductive freedom for women of color are the same inequalities that allow corporate foundation funders to exist, yet these corporations indirectly fund the movement. Why would a corporate structure fund Reproductive Justice initiatives

²¹ Ibid.

²² "History / About Us," Ford Foundation, accessed 18 March 2012, <http://www.fordfoundation.org/about-us/history>

²³ "History," Third Wave Foundation, accessed 17 March 2012, <http://www.thirdwavefoundation.org/about-us/history/>

that, if followed to their logical conclusion, would seek to abolish that structure? How does such funding impact the direction of the movement? While these questions will be considered more substantially in Chapter 3, this potential paradox needs to be held in mind when thinking through the development of the movement after this pivotal moment.

Another development in 1997 was the explicit collaboration between Reproductive Justice organizations and the cause of Environmental Justice. Although women of color had previously stressed the inextricability of reproductive oppression and environmental desecration, for example, through the Mother's Milk project at Akwesasne, in 1997 Asian and Pacific Islanders for Reproductive Health launched a formal collaboration with the Asian Pacific Environmental Network in Oakland, California called HOPE, a youth-driven project to "develop the capacity of API young women and girls to take action to improve their lives and their community" through leadership development, popular education, community-based participatory research, and community building" (Silliman et al. 2004:185). This collaborative project "functioned as an environmental justice and reproductive freedom initiative, specifically documenting and organizing against community exposure to toxic emissions," thereby articulating the social situation of reproductive rights within a specific community and environmental context (Silliman et al. 2004:185).

In the years following the formation of the SisterSong collective, reproductive justice organizing accelerated with the creation of even more initiatives, collaborations, new organizations, and increasing institutionalization within mainstream national politics. In 1998, the National Latina Institute for Reproductive Health began to expand its efforts to strengthen and institutionalize state coalitions by

providing funding and technical assistance, with the aim of empowering statewide coalitions to conduct outreach and educational projects and to participate in local and state health policy discussions. This process was deliberately designed to grow the movement by relieving the burden on individual organizations and activists by creating “permanent, staffed, and funded entities designed around a common overall goal - to improve Latinas’ health” (Silliman et al. 2004:231). Perhaps paradoxically, this coalition- and nonprofit infrastructure-building effort ended up spreading NLIRH too thin among too many tasks, and as a result NLIRH was forced to close its doors until its reopening in 2003. Despite this setback, in the same year the Colorado Organization for Latina Opportunity and Reproductive Rights (COLOR) was founded as a chapter of NLIRH, with support from the local affiliate of Planned Parenthood, after several activist reproductive health practitioners met at a 1996 NLIRH forum in Albuquerque, New Mexico and became inspired and empowered to found their own local activist organization (Silliman et al. 2004:267). In addition, the more grassroots National Latina Health Organization became a formal member of the SisterSong collective in this year, thereby endowing it with much more financial flexibility due to SisterSong’s ability to secure long-term funding (Silliman et al. 2004:255). Meanwhile in 1998, the National Asian Women’s Health Organization opened a national advocacy office in Washington DC, crystalizing its focus on lobbying at the national level. However, NAWHO closed down this office two years later in order to refocus its efforts in California where it was based (Silliman et al. 2004:204).

Perhaps because of the level of stability and legitimacy that resulted from the formation of a formal national coalition like SisterSong, organizations utilizing a reproductive justice framework were able to assume a new level of independence in

these years. Several grassroots organizations that had previously been dependent on more mainstream bureaucratic organizations were able to break off from these positions of subordination while maintaining collaborative ties to these structures. For example, in 1999 African American Women Evolving was able to formally separate from its parent organization, the mainstream pro-choice Chicago Abortion Fund, while maintaining a collaborative relationship with this organization (Silliman et al. 2004:93). In the fall of 1999, an activist named Laura Jiménez moved from California to New York City in order to found a branch of the NLHO there, despite reticence on the part of funders (Silliman et al. 2004:257). In December of the same year, COLOR formally separated from both Planned Parenthood and the NLIRH (defunct at this time anyway), maintaining NLIRH as its “organizational abuela” (grandmother) (Silliman et al. 2004:267).

In this time of increasing organizational development, a pattern of contradictions emerges: with the proliferation of bureaucratic organizational infrastructure to coordinate and increasingly nationalizing movement, smaller organizations that are dependent upon these structures gain more leverage, independence, and flexibility, but the organizations coordinating this infrastructure buckle under the pressure of this task. NLIRH’s effort to grow the movement by creating more “permanent, staffed, and funded entities” under its coordination ended up forcing the organization to close down for several years, but at the same time one of its chapters was able to break off from the organization and operate independently as a local, grassroots policy organization. Additionally, SisterSong’s status as a national, foundation-funded coalition allowed smaller groups to come under its jurisdiction and through the stability gained these groups were able to take more risks

by expanding their work and establishing new chapters. Institutionalization and bureaucratization in the Reproductive Justice movement therefore exhibits an ambivalent tension; these processes actually allow for more activist projects to emerge but not without substantial costs for their sponsors.

Both a result and a cause of this proliferation of organizational infrastructure during this time after SisterSong's founding was a flourish of the intellectual activity of reproductive justice organizations. Conferences were convened at universities across the country and detailed reports, Self Help guides, and other literature was published in order to have an impact on policymaking and raise the consciousness of women of color in order to empower them to take action for reproductive health in their communities. In 1998, the National Black Women's Health Project published a book entitled *Our Bodies, Our Voices, Our Choices*, a black women's primer on reproductive health and rights (Silliman et al. 2004:78). In 1999, The National Asian Women's Health Organization released *Sharing Responsibility*, the first ever study on API men's reproductive health attitudes and behaviors, thereby showing that in a reproductive justice framework men as well as women are impacted and implicated (Silliman et al. 2004:203). In April of 1999, the NLHO hosted a youth-focused yet multigenerational reproductive health conference at University of California, Berkeley, with the aim of celebrating learning and talking about Latina reproduction and sexuality with each other, families, and peers (Silliman et al. 2004:256).

The Reproductive Justice movement in the new millennium

In 2001, a new globally-focused organization was founded that would prove significant to the reproductive justice movement. The Committee on Women,

Population, and the Environment (CWPE) was founded as “a multi-racial alliance of feminist community organizers, scholarly activists, and health practitioners committed to promoting the social and economic empowerment of women in a context of global peace and justice; and to eliminating poverty.”²⁴ CWPE’s vision was “the social and economic empowerment of women in a context of global peace and justice and look to a world where human rights are valued above profit-driven consumerism,” and according to this vision, such a world can only be possible through the elimination of “poverty, white supremacy, militarism, religious chauvinism, patriarchy and other oppressive systems that threaten our health, environment and global well-being.”²⁵ The formation of this unique organization, somewhat resembling a “think tank,” represents a remarkable synthesis of different social justice issues and a radically transformative vision that seeks to destroy, not just ameliorate, a number of interlocking systems. Although CWPE has not been active since 2007, like SisterSong it served as a locus for coalition building and the intersection of analyses of disparate issues that affect reproductive justice, and during its existence produced activist-academic literature that circulated throughout the reproductive rights and social justice community in the United States.²⁶ Further, it was one of the first groups to incorporate an explicit critique of white supremacy.

²⁴ “About CWPE,” Committee on Women, Population, and the Environment, accessed 19 March 2012: <http://cwpe.org/about>.

²⁵ Ibid.

²⁶ For example, two essays in the *Reproductive Justice Briefing Book*; one entitled “Sex, Lies and Birth Control: What You Need to Know About Your Birth Control Campaign,” focusing on the dangers of certain birth control products and their coercive use on women of color in service of population control ideology, and the other entitled “Assisted Reproductive Technologies Through a Reproductive Justice Lens.” In *Reproductive Justice Briefing Book*, eds. SisterSong Women of Color Reproductive Health Collective and the Pro-Choice Public Education Project, <http://sitemason.vanderbilt.edu/files/gpgdNu/SisterSong2007RJBriefingBook.pdf>

In 2003, the progressive funding apparatus began to shift in ways that would continue to solidify the orientation of women of color-led reproductive health organizations around the reproductive justice framework. In this year, the Third Wave Foundation rebranded and relaunched its original Reproductive Rights fund and the Reproductive Health and Justice initiative.²⁷ This discursive shift on the part of a foundation funder of women's social movements followed earlier moves of this sort on the grassroots level, as evidenced by the emergence of the SisterSong collective, but its position of power in funding these movements would inevitably serve bring more organizations and projects under the influence of a reproductive justice framework. As a movement-based funder, this transition is pivotal, as the organizations that Third Wave Foundation chose to fund after this point under this initiative would in their search for funding become exposed to the Reproductive Justice framework. Like the Ms. Foundation, TWF represents the crucial contribution of foundation funders to the Reproductive Justice movement that is related to but different from their financial support: foundations are an actor in the practice of network formation and institutionalization that originally led to the emergence of the Reproductive Justice movement, which exposes organizations to each other and to new frameworks for their work.

Around this same time, the SisterSong collective engaged in a series of activities that would profoundly impact the development of the reproductive justice movement. In November of 2003, SisterSong sponsored the first national conference on women of color and reproductive health and sexual rights issues at the historically black all-female Spelman College in Atlanta (Silliman et al. 2004:43). Although

²⁷ "2003," Third Wave Foundation, accessed 19 March 2012:

national conferences on reproductive health issues affecting specific groups of women of color had been held before, this was the first to bring together many different groups of women from across the country who were all fighting reproductive oppression to the same conference. Shortly afterwards, in April of 2004, the March for Women's Lives was organized in Washington DC with the purpose of protecting and advancing access to a "full range of reproductive health care options," with the coordination of an unprecedented coalition of groups who had previously not collaborated in such a way - the mainstream liberal feminist National Organization for Women, the National Black Women's Health Project (which had a year earlier changed its name to Black Women's Health Imperative), the Feminist Majority, the abortion access-focused organization NARAL, the National Latina Institute for Reproductive Health, and Planned Parenthood.²⁸ However, before the women of color organizations (BWHI and NLIRH) were a part of organizing the march, the organizing for the event was subject to controversy and critique by Reproductive Justice organizations and leaders. Originally during the planning for the event in 2003, the event was to be called "March for Freedom of Choice" and was to focus exclusively on abortion restrictions like the Bush Administration-sponsored "Partial Birth Abortion" ban, but when organizers for the march wanted to broaden the appeal of the march to attract more participants, they approached SisterSong and asked their for endorsement of and participation in the march (Ross 2006:64). In response, "SisterSong pushed back, expressing problems with the march title and the then all-white composition of the decision-makers on the steering committee. SisterSong

<http://www.thirdwavefoundation.org/category/history/2003/>

²⁸ "History of Marches and Mass Actions," National Organization for Women, accessed 19 March 2012: <http://www.now.org/history/protests.html#2004>

demanded that women of color organizations be added to the highest decision-making body, and counteroffered with its own ‘reproductive justice’ framework” (Ross 2006:64). The organizers of the march agreed to these demands, renamed the march, included BWHI and NLIRH on the steering committee, and “reached out to women of color, civil rights organizations, labor, youth, antiwar groups, anti-globalization activists, environmentalists, immigrants’ rights organizations, and many, many others” (Ross 2006:65). Despite their absence from this planning committee, SisterSong led the effort to coordinate a women of color contingent in the march, under the banner of “Women of Color for Reproductive Justice” (Silliman et al. 2006:43). This moment of explicit representation on the national stage may be considered as a culmination of two decades of movement building among grassroots groups of women of color focused on organizing their communities for reproductive health and justice.²⁹ Further, the influence of the Reproductive Justice movement on the March for Women’s Lives represents the power of the framework: through its intersectional lens and attention to deep structures of oppression, the Reproductive Justice framework can bring together a wide variety of movements that on the surface have nothing to do with reproductive health and position them to make many kinds of demands.

Immediately after the March for Women’s Lives, several moments contributed to even further solidifying the prominence of the Reproductive Justice framework as an organizing category for the activism, organizing, and movement

²⁹ Although this is how both Reproductive Justice activists and mainstream feminist activists frame it, as a “success” (Ross 65), other commentators have called attention to the lack of effectiveness in ending oppression of national demonstrations in Washington DC, as such demonstrations are structurally permitted, even encouraged, by the federal government perhaps because they are so easily ignored in a city that sees demonstrations like this every day. See Graeber (2009).

building that had been occurring for two decades by this point. In May of 2004, Asian and Pacific Islanders for Reproductive Health changed their name to Asian Communities for Reproductive Justice (ACRJ) - the first formally incorporated organization to include the term in its name (Silliman et al. 2004:189). In 2005, ACRJ published a foundational document entitled “A New Vision for Advancing Our Movement for Reproductive Health, Reproductive Rights, and Reproductive Justice,” which has been a source for much of the information in this historical account and has been described as “revelatory and pivotal to the field” by organizations and funders.³⁰ The ACRJ website states that the response to the publication of this essay, its presentation at a national Planned Parenthood meeting, and its placement on the website was “phenomenal”: “We found ourselves on the road almost non-stop doing trainings and speaking at conferences. People were reading the paper and circulating it to others: over 50,000 people have seen it by this point.”³¹ In this essay, the authors detail the differences between the frameworks of reproductive health, reproductive rights, and reproductive justice, with an emphasis on how the latter is superior for movement building in avoiding the drawbacks of the former two; the historical context of reproductive oppression in America; a brief history of the women of color-led Reproductive Justice movement; and an explication of ACRJ’s particularly grassroots approach to attacking the roots of reproductive oppression, which they define as “the control and exploitation of women and girls through our bodies, sexuality, and reproduction by families, communities, institutions, and society,” all of which is “both a tool and a result of oppression based on the intersections of race,

³⁰ “Tools and Media,” Asian Communities for Reproductive Justice, accessed 19 March 2012: <http://reproductivejustice.org/tools-and-media>

class, gender, sexuality, ability, age, and immigration status.”³² At the time of its publishing and to this day, this document is perhaps the most comprehensive and analytical elaboration of a reproductive justice framework, and its circulation amongst organizations, activists, and funders undoubtedly had a profound impact in spreading this novel framework for understanding the complexity of reproductive health activism among women of color.

Another moment of activist-intellectual production occurred around the same time that had a similar impact as ACRJ’s “New Vision.” A document called the *Reproductive Justice Briefing Book: A Primer on Reproductive Justice and Social Change* was developed by the SisterSong collective and the Pro-Choice Public Education Project and was distributed at the 2007 United States Social Forum in Atlanta.³³ Made possible with funding from the Ms. Foundation for Women, the Third Wave Foundation, and the Civil Liberties and Public Policy program at Hampshire College, the briefing book contains short essays contributed by many different authors writing on behalf of a wide range of organizations about an incredibly diverse array of issues relating to reproductive justice: youth organizing, abstinence-only sex education, birth control access, abortion rights, the Hyde Amendment, women of color organizing in general and as it relates to specific communities of women of color, LGBT liberation, immigrants rights, prison issues, disability rights, pregnant women, men’s organizing, adoption, foster care, assisted reproductive technologies, overpopulation myths, environmental justice, spirituality,

³¹ “About EMERJ,” Asian Communities for Reproductive Justice, accessed 08 April 2012, <http://reproductivejustice.org/about-emerj>

³² “A New Vision,” Asian Communities for Reproductive Justice, 6.

³³ “Reproductive Justice Issues,” the Pro-Choice Public Education Project, accessed 19 March 2012, <http://www.protectchoice.org/section.php?id=17>.

global attacks on women's rights, critiques of the "choice" model, and several other issues.³⁴ Like ACRJ's publicly available essay, the Briefing Book offers an in-depth definition and application of a now highly developed reproductive justice framework to an enormous range of social justice issues that had traditionally been separated from reproductive health, and its distribution at a national social justice gathering literally put this analysis into the hands of thousands of activists from across the country all working on different issues.

Reproductive Justice activism after 2007

Most of the organizations whose histories are chronicled above continue to exist and work according to their original missions, unless otherwise noted. What follows is a closer look at the more recent history of the Reproductive Justice movement in New York City, as told through the stories of participants in four organizations. This closer analysis is necessary for understanding the more specific motivations, tactics, and contexts of Reproductive Justice activists, in a way that the historical overview presented above cannot provide.³⁵ It is important to remember that although the way I discuss these organizations is different from the historical survey above in that what follows is organized thematically rather than chronologically, these more current in-depth thematic analyses are still a part of the historical patterns that have emerged in the Reproductive Justice movement over the past three decades.

³⁴ *The Reproductive Justice Briefing Book*, eds. SisterSong Women of Color Reproductive Health Collective and the Pro-Choice Public Education Project, <http://sitemason.vanderbilt.edu/files/gpgdNu/SisterSong2007RJBriefingBook.pdf>

³⁵ The text that most of the historical overview was produced from offers a much richer, detailed analysis of each organization, much like the analysis I hope to provide below.

Two of the organizations - SisterSong and National Latina Institute for Reproductive Health - were formative in the growth of the movement and continue to be central actors in the movement today. While SisterSong is a national coalition, the person I interviewed coordinates a regional chapter that focuses its efforts locally, while NLIRH does very little actual work with communities in New York. One of the organizations, the Ms. Foundation, has been funding Reproductive Justice initiatives across the country for over twenty years and, like NLIRH, just happens to be based in New York. The fourth organization, Momma's Hip Hop Kitchen, is the only organization I looked at that has strong roots within the place of New York City (the Bronx in particular) and which doesn't take up any form of national coordination. I intend for these accounts of four substantially different organizations to show the ways that the tensions of grassroots oppositionality and bureaucratic assimilation continue to play out in the specific practices of these organizations, as opposed to the broader historical portrait I have sketched above.

* * *

Veronica is a Senior Policy Analyst at the National Latina Institute for Reproductive Health, currently headquartered in the downtown financial district on New York City on one of the top floors of an office building a block away from the New York Stock Exchange. She came to work at NLIRH four years ago as an intern for the practicum portion of her Masters degree, and had been involved with more mainstream women's rights and sexual health organizations before coming to NLIRH. Her job entails producing research and writing meant for legislators and for advocacy purposes, and the two projects she focuses on currently are "changing the discourse about teen motherhood" to be less stigmatizing and more supportive of

young women with children (as opposed to the strictly preventive approach taken by many other reproductive rights organizations), and “making the connections” between queer issues and reproductive health as they affect Latinas. A major aspect of NLIRH’s work, then, is discursive; as a policy analyst, Veronica’s job is to change stigmatizing discourses about the reproduction of women of color and forge links between analytically separate issues by producing texts that are available to legislators, as well as researchers, activists, and anyone else that happens upon the NLIRH, where all the writing that Veronica and others produce are displayed in the form of fact sheets.

Currently, the primary tactic of the NLIRH is advocacy on the federal level - meaning producing research and writing primarily for legislators to educate them on the reproductive health needs facing Latinas and to propose and oppose certain federal policies. NLIRH is allowed to lobby at the federal level but only to a small extent - because of their status as a 501(c)3 non-profit organization under the United States tax code, they can only use a very limited amount of their funding for lobbying and such funding must be meticulously tracked by the organization and reported to the federal government. Veronica notes that the NLIRH has officially decided not to take part in any action involving non-violent civil disobedience (NVCD). Despite requests for collaboration from other women of color organizations seeking to protest the recent wave of attacks on reproductive health access at the federal level, NLIRH decided (and Veronica concurs) that it could not mobilize its activists for this kind of tactic because it would put many of those who are undocumented immigrants at high risk for deportation. Therefore the NLIRH has chosen to forgo a more confrontational

tactic disruptive towards institutional authority, not explicitly due to deference to that authority but rather out of concern for the safety of its activists.

Veronica thinks the biggest accomplishment of the NLIRH within the Reproductive Justice movement over the past eight years it has been continuously active has been “getting immigrant women into the conversation of the reproductive justice movement.” For Veronica, this inclusion of immigrant Latina women’s voices in the general conversation around reproductive health is crucial because “there’s a lot of policy things that if you’re not thinking about immigrant women, you’re actively screwing them over”; for example, as with policies in which federal or state government-issued IDs are required to purchase birth control; or when the HPV vaccine was added to a list of “recommended vaccines” by the CDC, it became required of immigrant women seeking naturalization to pay for the vaccine themselves. NLIRH’s role in the broader Reproductive Justice movement is therefore that of a translator; the organization maintains relationships with women on the margins of U.S. society and acts as a conduit to make sure their otherwise invisible needs are accounted for in a national, bureaucratic movement discourse.

This accomplishment of incorporating immigrant women’s voices into mainstream political organizing around reproductive health is possible because NLIRH is unlike most policy-focused organizations in that it has a “community mobilization arm,” an activist base made up of promotoras de salud (community health promoters), who are often older women, in Latina communities across the country, but especially in rural Mexican communities in the Rio Grande Valley in southern Texas. Promotoras offer basic health services and education to their communities in ways that public health professionals less integrated into these

marginalized communities would be less successful. NLIRH maintains relationships with the promotoras through a formal partnership between NLIRH and a locally-based group called Migrant Health Promotion.³⁶ It is with this base of community health workers that NLIRH regularly consults to make sure the voice of marginalized Latina communities is included in national conversations about reproductive health policies. In addition, through its Latinas Organizing for Leadership and Advocacy (LOLA) training, NLIRH teaches the promotoras how to act as organizers who can use the Reproductive Justice framework within their own communities to engage in a variety of tactics (such as marches and demonstrations) to put pressure on various institutions when reproductive health or immigration policies are being considered; for example, in 2008, promotoras in a marginalized border settlement who participated in the LOLA trainings successfully pressured local transportation authorities to provide free bus service for the otherwise isolated community, and the use of the Reproductive Justice framework empowered the promotoras to connect transportation access to reproductive health. In addition, NLIRH regularly solicits and receives thousands of letters on gathered by the promotoras to be delivered to national representatives, addressing issues of reproductive health, health care access, and immigration policy.

Through this varied work, NLIRH serves as an example of how a “policy advocacy” organization within the Reproductive Justice movement has been able to engage in a diversity of tactics that are contingent upon the specific political situation

³⁶ “Advancing Reproductive Justice in Immigrant Communities: Promotoras/es de Salud as a Model, January 2010,” National Latina Institute for Reproductive Health, accessed 10 April 2012, <http://latinainstitute.org/sites/default/files/publications/special-reports/NLIRH-AdvancingRJ-ImmCommunities-Jan2010.pdf>

in which they are being engaged. Despite the surface appearance as a bureaucratic national organization in the financial district of New York, NLIRH has been able to discursively and politically build relationships with those women on the margins of U.S. society and has served to represent their needs and desires to a broader movement based on an organizing concept of Reproductive Justice that is informed by ethnic, sexual, and cultural identities.

* * *

Ellen is a program officer in the area of Women's Health at the Ms. Foundation for Women, a 501(c)3 public foundation. Within this broad area, the foundation works on three specific initiatives: Reproductive Health, Rights and Justice; Sexuality Education, and Women and AIDS. Ellen came to work at Ms. after having worked at the Open Society Foundation, a progressive private foundation funded by billionaire George Soros, at which she focused on international grantmaking and the human rights implications of epidemics like tuberculosis and HIV/AIDS. In her capacity as program officer at the Ms. Foundation, Ellen works on crafting grantmaking strategies, which means deciding a focus for the program "in terms of expending funding to make an impact and what are the goals we want to achieve." In the area of Reproductive Health, Rights and Justice, the main focus of Ms. Foundation's grantmaking strategy currently is movement building: "enlarging the reproductive health movement to include women of color organizations, immigrants, that are not solely focused on narrow abortion rights or privacy or the right to choose, but really are encapsulating women's right to have a family, to not have a family, and all those Reproductive Justice principles." To accomplish this

goal, Ms. Foundation provides grants and technical assistance to grassroots organizations.

The Ms. Foundation website offers a voluminous amount of information that frames the work it does in supporting grassroots movements, which confirms and greatly expands upon what Ellen told me in our interview. The approach of the Ms. Foundation, simply stated, is that it “builds women’s collective power across race and class to tackle the root causes of injustice and ignite progressive change for all.”³⁷ The emphasis of the website is that the Ms. Foundation is strongly focused on “creating connections”; the grantmaking strategies are designed to link “donors, activists and organizations in common purpose” to “build new and deeper connections ... across issues, constituencies, and organizing levels, and across gender, race and class” by providing support that enables groups to “organize creatively across issues, organizations and movements ...”; “promote solutions that recognize the combined impact of race, class and gender in communities throughout the U.S.”; “connect the wisdom of grassroots solutions to the power of national advocacy campaigns”; “link and leverage strategies to bring new and diverse constituencies into the fold”; and “strengthen relationships with multiple social movements....”³⁸ The emphasis on grassroots-informed strategy, making connections across difference, and the generation of “solutions” suggests Ms. Foundation is highly optimistic about the possibility of accommodating radical challenges to injustice into an institutionalized liberal advocacy model that must elide the antagonisms that such challenges may express. As Ellen frames it, the reliance of the women’s movement

³⁷ “Our Approach,” Ms. Foundation for Women, accessed 02 April 2012, http://ms.foundation.org/our_approach.

³⁸ Ibid.

on *Roe v. Wade* to produce change is an example of the failure of institutional policy strategies that do not integrate the grassroots: “there has to be a top-down *and* a grassroots strategy - and because there was not that alliance of building grassroots capacity and it was more focused on policy levels, we’re seeing an erosion of incremental strategies.”

The website also stresses that the support Ms. Foundation provides for these goals is “more than money”; specifically, Ms. Foundation support comes through three distinct strategies: funding (of “grassroots, Tribal, state and national organizations that are transforming policies and cultural beliefs across the U.S.”), leadership development and capacity building (supporting the development of “skills of our grantees to help them become stable, sustainable organizations”), and communications (by sharing the stories of grantees through the foundation’s blog, email and website “with the media, activists, donors and other funders”).³⁹ This practice of the Ms. Foundation underscores how foundation involvement in the Reproductive Justice movement is not merely financial; foundations have had a sort of pedagogical role in endowing grassroots organizations with skills and technologies that empower them to navigate worlds beyond their immediate communities.

The Ms. Foundation website specifies that its goal is to tackle the root causes of oppression by changing “both policy and culture”: “In fact, the two go hand in hand: shifts in cultural beliefs and values can open the door for progressive policy change, while just policies can be a catalyst for just behavior and ideas.”⁴⁰ Specifically, in terms of policy the foundation aims to support women - especially low-income women and women of color in putting “their priorities and their solutions

³⁹ Ibid.

at the center of the debate” by linking “the voices and solutions of grassroots organizations to state and national advocacy campaigns to maximize their impact across the U.S.,”⁴¹ and in terms of culture, the foundation seeks to “transform language, beliefs and behaviors that perpetuate gender, race and class-based inequities” by supporting “organizations that challenge stereotypes in mainstream culture and use culture-the performing arts, poetry, film, media campaigns, digital storytelling and more-to shift thinking in their communities and beyond.”⁴² However, in the area of Reproductive Health, Rights and Justice, policy change is the clear focus, as this initiative is mentioned on the webpage about policy change but not on the webpage about culture change, and in our interview Ellen focused entirely on the work of this initiative in influencing policy. On the website about policy change, three different “policy wins” by grantees in the area of Reproductive Health, Rights and Justice are highlighted: the 2010 coalition led by SisterSong in Georgia to defeat the state legislation that would criminalize abortions performed allegedly based on the race or sex of the fetus; the success of a coalition led by Colorado Organization for Latina Opportunity and Reproductive Rights (COLOR) in defeating anti-affirmative action and fetal personhood measures at the state level; and a successful partnership between Migrant Health Promotion (a key partner of NLIRH’s community mobilization arm) and a local transit authority to secure bus service from in southern Texas for several small, isolated Mexican American communities, “connecting thousands of women to reproductive and primary care they otherwise

⁴⁰ “Policy and Culture Change,” Ms. Foundation for Women, accessed 04 April 2012, http://ms.foundation.org/our_work/policy-and-culture-change

⁴¹ “Policy Change,” Ms. Foundation for Women, accessed 04 April 2012, http://ms.foundation.org/our_work/policy-and-culture-change/policy-change

⁴² “Culture Change,” Ms. Foundation for Women, accessed 04 April 2012, http://ms.foundation.org/our_work/policy-and-culture-change/culture-change

would have had to forgo.”⁴³ It is important to note that the first two of these “policy wins” were actually defensive measures in reaction to a hostile political environment, and the third actually has less to do with policy than with access to basic infrastructural public services.⁴⁴

One specific way that Ms. Foundation is working to build the movement for Reproductive Justice, Ellen says, is by bringing many different kinds of organizations to enter the “Reproductive Justice arena” by raising the consciousness of grantees who are already doing work that could be considered reproductive justice work: “the opportunity for funding gets groups to think critically on what they do and how they could change the world and I think that’s a great role for funders to shape policy and support the movement in ways that other organizations couldn’t.” The foundation convenes all of its grantees as a “cohort” and engages them in discussions of strategy and skills-building, assists them with messaging and communications, and provides a space for the grantees to network with each other. It is in this function as a movement-based foundation that played a “catalytic role” in recognizing the Reproductive Justice within the funding world that attracts attention and financial support to the Ms. Foundation by larger, private foundations who see a “value-added” stemming from the emphasis on the grassroots movement: “it’s critical for us to fund

⁴³ “Policy Change,” Ms. Foundation for Women.

⁴⁴ The defensive stance of much Reproductive Justice policy work, I argue, is a systemic crisis in the movement stemming from the inevitably weak political position of non-profit organizations (see Chapter Three). As for the bus service, I am not arguing that the attainment of such service by the foundation-supported initiative is a good or bad thing, but rather that it represents a substantively weak “policy win” for Reproductive Justice in that it is relying on a non-profit to ensure access to services that would otherwise be publicly guaranteed.

the movement and to be part of the movement, and that's the value added other foundations see.”

* * *

Jasmine is the founder of the New York City chapter of the SisterSong Women of Color Reproductive Health Collective, a national organization currently “comprised of 80 local, regional and national grassroots organizations in the United States representing five primary ethnic populations/indigenous nations in the United States: Native American/Indigenous, Black/African American, Latina/Puerto Rican, Arab American/Middle Eastern, and Asian/Pacific Islander, as well as white allies and men.”⁴⁵ After attending a national SisterSong conference in 2009, while Congress was debating restricting all funds for any organization that provides abortion services, Jasmine was moved to begin building a local response in New York where she perceived “a void in the women of color Reproductive Justice voice,” so she started SisterSong NYC as a email listserv and also began holding meetings at a Planned Parenthood office (with whom SisterSong has established a partnership) as an “intergenerational local collective” of people she met at the SisterSong national conference.⁴⁶ Her intention in creating this local chapter (which is currently the only member organization of the national collective to use SisterSong in its name) was to translate the national model of SisterSong to a local level: “we have a national agenda, a framework that sets the tone. And we make those strategies a bit more mobile to be adapted to local communities.” The collective decided a first step would be to convene women “to engage in participatory policy through creating holistic

⁴⁵ “Our Story,” SisterSong Women of Color Reproductive Health Collective, accessed 02 April 2012, http://sistersong.net/index.php?option=com_content&view=article&id=25&Itemid=66

⁴⁶ Jasmine Burnett, “SisterSong NYC: Making Impact,” *Collective Voices: SisterSong Women of Color Reproductive Health Collective*, Volume 5 Issue 11, Fall 2010.

wellness spaces for women that provide them with a Reproductive Justice vocabulary, as well as supportive spaces to translate the framework.”⁴⁷ In this way SisterSong NYC drew off of an older tradition of Self-Help within the Reproductive Justice movement and combined this tactic with a form of policy advocacy.

Jasmine emphasises that the main goal of SisterSong NYC’s work is to build the capacity of women of color organizing so that they can better respond to the threats to their freedom that are being made through attacks on reproductive health care. An example of this effort is a recent, nationwide partnership called Trust Black Women, which began in 2010. This partnership is a response to a nationwide anti-abortion campaign that began around the same time, which began with the appearance of sixty-five anti-abortion billboards, placed in predominantly African-American neighborhoods in Atlanta, featuring photos of black male babies and messages such as “Black Children are an Endangered Species,” and culminated with proposed legislation in the Georgia state legislature that would “criminalize abortions provided to women of color allegedly because of the “race or sex” of the fetus.”⁴⁸ Trust Black Women formed as a campaign that claims to be “both pro-choice and pro-life” and “works to ensure that Black women have the human right to make our own decisions about our reproductive lives, and that we should never regret difficult choices based on our complicated experiences.”⁴⁹ The national strategy, which SisterSong in New York adapted to the local level when similar billboards appeared there in February of 2011, consists of six parts: bringing together individual black

⁴⁷ Ibid.

⁴⁸ Loretta Ross, “Fighting the Black Anti-Abortion Campaign: Trusting Black Women,” *On The Issues Magazine*, Winter 2011, accessed 03 April 2012, http://www.ontheissuesmagazine.com/2011winter/2011_winter_Ross.php

⁴⁹ “Trust Black Women,” SisterSong Women of Color Reproductive Health Collective, accessed 03 April 2012, http://sistersong.net/index.php?option=com_content&view=article&id=41&Itemid=78

women; conducting research on barriers to reproductive justice for Black women and girls; implementing media campaigns; advancing public policies to promote reproductive health care access; advocating with health organizations, community-based institutions, faith leaders, and agencies to “create a positive environment” for reproductive health care access; and “build[ing] the capacity and visibility of Black Women’s organizations that advocate for, educate about, or directly provide reproductive health services.”⁵⁰ This six-part strategy demonstrates the significance of identity-based community-building (with a particular investment in the category of black women, despite the organization’s overall focus on women of color) and a diversity of tactical targets that represent many different levels of society.⁵¹

The task of building the capacity and infrastructure of black women’s organizations to respond to racist and sexist attacks on reproductive health care and abortion access was especially emphasized by Jasmine in describing SisterSong’s work. Nationally, SisterSong sponsors leadership trainings which encourage people in local communities to identify needs and organize responses. Building a women of color reproductive justice communication network is also central to the capacity building work of SisterSong, as evidenced by the New York chapter’s formation after a national networking meeting and the creation of a listserv:

The strongest thing about SisterSong is our network, because we have lists of women of color nationally, so when something is happening that impacts women of color, you send out an alert. So a lot of our work happens online. We ask people to sign petitions online. We have the national membership meeting which is a networking event so we can build our capacities. We have

⁵⁰ Ibid.

⁵¹ I assume that the reason for a singular focus on black women for this campaign is that black women have been specifically targeted in this recent anti-abortion campaign. For more on the synthesis of

webinars, online training modules. We develop strategies, which is what Trust Black Women is. We have a national strategy with work groups. We take the national scope and organize in local communities.

As a part of the Trust Black Women partnership, SisterSong NYC used foundation funding to produce a documentary called *We Always Resist: Trust Black Women*, written and narrated by Jasmine, and screened the film throughout the city and the country. Jasmine explicitly frames this film as a tool to both build infrastructure in women of color Reproductive Justice organizing and to “change the hearts and minds of people.” For Jasmine, the importance of this task is distinctly cultural and about “convincing people that you’re a human being and that you’re worth advocating for” by countering stereotypes about black women as feeble-minded dupes of the “abortion industry” and asserting their agency. This cultural labor is central to the task of building an organizing infrastructure of black women for reproductive justice: “Black women aren’t going up to people saying, please help us! It’s more like: okay, fuck you, fuck you - this is what we’re doing for ourselves. We’re creating the speaking points, taking the lead, so you need to stand with us.” Challenging stereotypes of black women as passive is therefore inextricable from the work of building infrastructure and networks for Reproductive Justice activism, because the same racist and sexist images that have been mobilized to deny black women access to reproductive agency are the same ones that prevent a larger women’s movement from trusting black women’s leadership and organizing abilities.

* * *

Kathleen is the co-founder of Momma’s Hip Hop Kitchen: The Soup Kitchen for the Hip Hop Soul, an annual “multifaceted hip hop event” in the Bronx, New

York, “designed to showcase women artists, especially women of color,” and which, according to its website, “serves as a social justice community-organizing platform that educates and empowers women of color on issues that impact their lives, including HIV/AIDS and reproductive justice.”⁵² Kathleen has been involved with the Reproductive Justice movement since she was in high school, when she “didn’t even know it was the Reproductive Justice movement,” through her participation in the 2004 March for Women’s Lives, through assisting a Planned Parenthood affiliate with voter registration in her native northeast Ohio, and through interning with Choice USA, a national organization, at which she first became explicitly exposed to the Reproductive Justice framework. The fact that Kathleen was involved in the movement before she even knew what it was is a reminder of the fact that movements aren’t discrete, bounded, unitary entities but instead are open networks that establish themselves as fields with semi-permeable boundaries, rules, and exclusions over time.

As an undergraduate at Fordham University in the Bronx, Kathleen was “really upset with the high rates of HIV/AIDS in the Black and Latina communities,” so she thought, “how can we use hip hop to lower the rates of HIV/AIDS and talk about Reproductive Justice issues? Because in low income communities of color, it’s really hard to talk about abortion.” For Kathleen, a reproductive justice-themed hip hop event was a way to talk about all of the health issues facing women in the Bronx without a narrow focus on abortion access that doesn’t speak to the full spectrum of Black and Latina women’s experiences. With this vision in mind, Kathleen co-founded Momma’s Hip Hop Kitchen with Lah Tere, a former member of Rebel Diaz, “an internationally known rap group that took a critical and political stance on many

Justice framework that SisterSong uses, see Chapter Two.

social issues from police brutality on the streets of New York to violence against women globally.”⁵³ In addition to concerns about HIV/AIDS, Kathleen and Lah were concerned with the commercialization of hip hop and women’s bodies by “Corporate America,” as their website expresses: “As women of color we believe that women of color are in a state of emergency. Where the face of women in hip hop was a powerful emcee promoting self-respect and esteem, we are now bombarded with provocative, lustful images and we believe it is our responsibility to take this issue by force and re-establish what it means to be a woman in the culture of hip hop.”⁵⁴ MHHK’s message is that the representation of women in hip hop is a target for political intervention in a Reproductive Justice framework, as demeaning images of women in popular culture contribute to the denial of their access to agency over their reproductive health.

The first Momma’s Hip Hop Kitchen, Volume 1, took place in February 2008 at the O. Henry Learning Center in Lower Manhattan, and focused on “the intersections of hip hop, reproductive justice, and HIV/AIDS in communities of color”; the event drew over 500 people and was co-sponsored by the Pro-Choice Public Education Project (a now-defunct reproductive justice organization focusing on youth organizing) and Advocates for Youth (a national non-profit that supports and advocates for comprehensive sexuality education, and continues to be the primary fiscal sponsor of the event).⁵⁵ As Kathleen describes it, Volume 1 featured “female MCs, DJs, graffiti artists, spoken word artists, community organizations tabling, free

⁵² “About Us,” Mama’s Hip Hop Kitchen, accessed 02 April 2012, http://www.mhkh.org/?page_id=941

⁵³ “Lah Tere,” Momma’s Hip Hop Kitchen, accessed 03 April 2012, http://www.mhkh.org/?page_id=252

⁵⁴ “About Us,” Momma’s Hip Hop Kitchen.

⁵⁵ Ibid.

condoms and testing,” and participants “created a mural of the lifecycle of a woman, so from birth to pregnancy to menopause to death, and Reproductive Justice is the lifecycle of a woman. So we wanted to take away the stigma of abortion with that.” The message of the Reproductive Justice framework strongly permeates throughout the event to this day, through “the organizations that are tabling, the messages onstage, press releases, talent we select,” in a way that touched upon issues of abortion access without alienating many of the participants who identified as pro-life: “we have had talent that weren’t pro-choice, but when they understood more about Reproductive Justice, they’re like ‘oh yeah that’s what I agree with.’ You just have to frame it in a different way so it’s actually a learning experience for everyone involved in the process.” The themes for subsequent Momma’s Hip Hop Kitchen events (which have occurred every year since the first in 2008) have been, respectively, Faith, Feminism, and Hip Hop; Back to Our Roots: Environmental Justice and Education Equality; and Let’s Get Active! (focusing on inspiring action in “supporting healthier nutrition, more physical activity, and increased community involvement among women and their families” while maintaining an emphasis on the intersections of HIV/AIDS and Reproductive Justice.⁵⁶ The Reproductive Justice framework allows MHHK to make connections between seemingly disparate issues while also depolarizing the issue of abortion access. It also allows the event to connect broader sociopolitical themes with the everyday life of participants; instead of urging participants and spectators to vote for politicians or pressure them to make policy changes, the Reproductive Justice framework empowers movement

⁵⁶ Ibid.

participants to contest oppressive power relations with skills and interests they already have, specifically through music.

Momma's Hip Hop Kitchen, Volume 5, was held in March of 2012 at Hostos Community College in South Bronx (where it has been held every year since 2009), and was themed "Be the Cure"; the website states that the goal with this theme, like the previous year's, was to inspire action in supporting healthier nutrition, more physical activity, and increased community involvement, with this year's event focusing most heavily on the latter. In seeking to "use hip-hop as a tool to address and build awareness to both reproductive cancers ... and breast cancer which disproportionately affect communities of color," the website states:

WE GET IT!!! We see the *women in our communities dying* of breast and cervical cancer, diabetes, high blood pressure, AIDS and domestic violence. We know and understand that poverty is a human condition marked by substandard housing, low educational attainment, and subsistence-level employment. We understand that the poverty that plagues our communities has enabled high rates of unemployment, exposure to environmental toxins, and poor access to health care. Yes, **WE GET IT!!!** So we, at Momma's Hip Hop Kitchen choose to **BE THE CURE**. We acknowledge that we cannot depend on our government to bring equality to these disparities. We can no longer wait for politicians and government officials to come full circle. Time is running out for our families and communities who are in desperate need of proper healthcare and access to dependable resources. *It is up to US to use preventative measures to lessen the mortality rates. It beings with YOU!*⁵⁷
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⁵⁷ "About Vol. 5: 2012," Momma's Hip Hop Kitchen, accessed 03 April 2012, http://www.mhkh.org/?page_id=1822

Simply put, Volume 5 of Momma's Hip Hop Kitchen in 2012 sought to address explicitly recognized systemic inequalities without appealing to a governmental system whose neglectful and recently outright hostile treatment of women of color makes it an unreliable, illegitimate target for change by these particular representatives of that community; instead, Kathleen and Lah "believe the art of hip-hop is a healing instrument that can be used for mental, emotional, and physical wellness," and encourage participants to "to become a b-girl, deejay, emcee, or graffiti artist who will disseminate positive information and create a more holistic culture."⁵⁸ At the same time, the message of this most recent MHHK event borders on asserting that the systemic issues that create reproductive oppression can be addressed through individual action alone, and that it is the moral imperative of the individual to save their community from these inequalities.

⁵⁸ Ibid.

Chapter 2: The Politics of Reproduction and Justice: Grassroots Social Theory and Intersectionality

Ideas animate social movements. These ideas are cobbled together from received concepts descended from prior social movements and from disparate realms of society like the law and popular culture, but when these foreign ideas enter the insider world of social movement actors, they attain a complex character as they are worked and reworked to clarify the needs of the movement. An account of a social movement, then, is partly a history of ideas as they collide from different cultural locations, losing some meanings, retaining others, and forming new ones in the process. The social movement leaders who work with these ideas, too, are political philosophers and social theorists in their own right, although they are usually not recognized as such by the scholarly apparatus that confers such disciplinary titles. So-called radical social theory, as it has been articulated by people with the experience of privileged bodies and social locations, has missed many of the fundamental aspects of the oppression and resistance of marginalized peoples, but as those who bear the brunt of the conditions critiqued by social theorists have begun to create theories of their own, the entire enterprise of collective theorization is being transformed into an weapon of liberation.⁵⁹

⁵⁹ Chela Sandoval refers to this process as the “racialization of theoretical domains,” or as an “apartheid of academic knowledges,” by which a commitment to a differential, oppositional consciousness has been expressed by many different theorists across feminist, poststructural, postcolonial, queer, postmodern, and globalization studies, but these insights have remained divided

In this chapter I show how reproductive justice is a political philosophy with a distinct intellectual history, not just a name for a social movement that has come to recognition by progressive activists in the past two decades. This chapter will show why understanding reproductive justice as such is fundamental to thinking through the oppositionality-assimilation binary for several reasons. Even as the movement has worked within the genre of social theory and has alluded to concepts descended from the academic sphere, it has made such theory its own and sees this kind of writing as a basic political activist tool. As a political philosophy, reproductive justice is remarkable for both the breadth of its framework and the depth of its targets for change. The theory of Reproductive Justice implicitly posits that the foundation of the American state was constituted through the coercive reproductive regulation of indigenous peoples and communities of color, and that this legacy continues to this day within many institutional spaces. American legacies of reproductive oppression signify a broader shift from a sovereign subject of unitary state power to a more insidious regime of what Michel Foucault calls biopolitics – the ways that the regulation of populations by a multiplicity of agents creates standardized, ideal norms that are enforced through violence. I argue that all marginalized social actors have a stake to claim in controlling their own reproduction, because most have had their reproduction coercively controlled by an agency other than their own. Secondly, a focus on justice expands upon the narrowly-conceived idea of legal rights through which claims to reproductive freedom have been based throughout the past and into the present. The liberal, individual civil rights framework on its own is incapable of addressing the multiple levels of reproductive oppression in American society and is

and therefore debilitated (Sandoval 2000:69). In this chapter I intend to extend the theoretical domain

further incapable of representing the marginalized, multiple, intersecting identities of the communities that have experienced coercive reproductive regulation.

Alternatively, a justice framework posits an infinite horizon of possibility for individual and collective liberation and does not abandon rights, but rather is capable of deploying them tactically according to the political situation at hand. I hope to contribute to a grassroots theory of Reproductive Justice by expanding the terrain of reproductive politics to extend beyond issues of pregnancy and its consequences and into the realms of social and cultural reproduction, through which a justice-based framework can challenge previously unacknowledged forms of population control and can build stronger linkages between the struggles of different communities.

Imagining Reproductive Justice

Leaders in the movement explicitly define Reproductive Justice as both a theoretical, analytical, and practical framework to be applied to political issues, and as an ultimate goal, a utopian vision of a society towards which movements should strive. Loretta Ross, founder of SisterSong Women of Color Reproductive Health Collective, begins a short essay in the *Reproductive Justice Briefing Book* entitled “What is Reproductive Justice?” with a straightforward answer that illustrates the dual nature of the concept as framework and goal:

Reproductive Justice is the complete physical, mental, spiritual, political, social, and economic well-being of women and girls, based on the full achievement and protection of women’s human rights. ... The Reproductive Justice framework analyzes how the ability of any woman to determine her own reproductive destiny is linked directly to the conditions in her community - and these conditions are not just a matter of individual choice and access. (Ross 2007:4)

This conjunction of an analytical framework with a normative vision for society centers primarily on the site of the mother's body; the conception of "reproductive destiny" cited in Ross's definition is at least partly composed of three distinct rights tied to childbearing and rearing: "(1) the right to have a child; (2) the right not to have a child; and (3) the right to parent the children we have, as well as to control our birthing options, such as midwifery" (Ross 2007:4). This assemblage of rights that partially constitutes the analytical and normative vision of Reproductive Justice stands in stark contrast to other conceptual frameworks that have dominated feminist reproductive rights discourses throughout the 20th century - frameworks that have perpetuated an "isolation of abortion from other social justice issues that concern communities of color: issues of economic justice, the environment, immigrants' rights, disability rights, discrimination based on race and sexual orientation, and a host of other community-centered concerns" (Ross 2007:4). Definitions like these show that Reproductive Justice, as conceived by its advocates, is a self-conscious theoretical orientation towards a deeply just future that puts forth an analytical framework and a normative vision focused on the broad implications of women's reproductive capacity. The framework starts with those three core rights - to have a child, to not have a child, and to parent the children we have - and then proceeds to include such a wide range of political issues.

The ways that the framework emerged to include much more than "merely" reproductive rights is tied to two major components of the idea: its focus on the regulation of reproduction that affects all marginalized communities, and its substitution of a rights-based framework with a social justice-based framework. The concept of reproductive justice was first formulated in 1994 by a Black women's

caucus at the Illinois Pro-Choice Alliance Conference. The formation of a movement was therefore predicated upon a certain rhetorical move by these women, as Loretta Ross, a participant at this conference, explains: “We sought a way to partner reproductive rights to social justice and came up with the term ‘reproductive justice.’”⁶⁰ In the rest of this chapter, I ask how exactly Reproductive Justice advocates have been able to partner reproductive rights with social justice, with an emphasis on the significance of why the concepts of reproduction and justice are emphasized and the concepts of the social and rights are downplayed.

* * * * *

A close look at a foundational, comprehensive movement-produced text shows the importance of the synthesis of a politics of reproduction with a politics of justice. In 2005, Asian Communities for Reproductive Justice (formerly Asians and Pacific Islanders for Reproductive Health), based in Oakland, California, published a multimedia document that fundamentally changed the movement for Reproductive Justice. “A New Vision for Advancing Our Movement for Reproductive Health, Reproductive Rights, and Reproductive Justice” has served as a foundational work of grassroots social theory that has articulated a common vocabulary for the movement and has been useful for many different activists and organizations for understanding the broad reach of the idea of Reproductive Justice and its incipient demand for radical changes on all levels of society. Because this document sets up such a comprehensive elaboration of the political philosophical and social theoretical underpinnings of the Reproductive Justice framework, I will use its architecture as a

⁶⁰ “A New Vision,” Asian Communities for Reproductive Justice, 5.

guide for unpacking the broader implications of the framework for challenging the oppressive foundations of United States society.

The first sentence of the document conveys the agenda of the Reproductive Justice framework and situates itself within the history of the movement:

FOUNDED IN 1989, ASIAN COMMUNITIES FOR REPRODUCTIVE JUSTICE [ACRJ] HAS BEEN AT THE FOREFRONT of building a Reproductive Justice Movement that places the reproductive health and rights of Asian women and girls within a social justice framework. We are committed, as part of the Reproductive Justice Movement, to exploring and articulating the intersection of racism, sexism, xenophobia, heterosexism, and class oppression in women's lives. ACRJ is a founding member of the SisterSong Women of Color Reproductive Health Collective, which uses the Reproductive Justice framework as its central organizing strategy in the protection of women's human rights in resistance to reproductive oppression. [formatting original]⁶¹

Intersectionality

In struggling against the reproductive oppression, Reproductive Justice draws heavily on the idea of intersectionality. As “A New Vision” states in a bolded, boxed-off quotation, “Intersectional analysis is the linking of different systems of oppression and power. These intersections can occur at different levels – individual, interpersonal, family, community, and institutional” (ACRJ 2005:7). Invocations of intersecting identities such as race, class, gender, sexuality, age, and immigration status are present throughout the document. In addition, “A New Vision” contains several graphic representations of the intersectionality of the Reproductive Justice framework. Figure 2 illustrates how a variety of social justice issues that correspond to the needs of differently oppressed people come together as spokes on a Reproductive Justice wheel, as demonstrated by specific campaigns that ACRJ has



Figure 2. Intersectionality of ACRJ's Reproductive Justice Work with Social Justice Issues

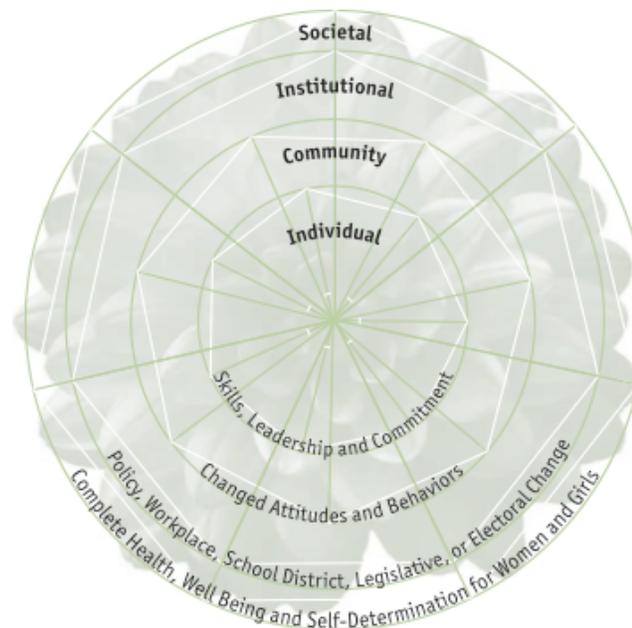


Figure 3. ACRJ's Levels of Social Change

(from "A New Vision for Advancing Our Movement for Reproductive Health, Reproductive Rights, and Reproductive Justice," by Asian Communities for Reproductive Justice (2005), accessed 06 April 2012, <http://reproductivejustice.org/assets/docs/ACRJ-A-New-Vision.pdf>)

⁶¹ "A New Vision," Asian Communities for Reproductive Justice, 1.

worked on, while Figure 3 shows just one of many conceptions of the different levels on which an intersectional analysis of reproductive oppression can occur; Reproductive Health and Rights models have tended to focus on the individual and institutional levels, respectively, while the Reproductive Justice framework promoted by ACRJ sees change as necessary on all levels.

Intersecting identities and forms of power are fundamental aspects of reproductive justice because it is impossible to understand reproductive rights or social justice without an analysis that foregrounds these intersections. Legal scholar Kimberlé Crenshaw writes in relation to violence against Black women that intersectionality denotes “the various ways in which race and gender interact...; that many of the experiences Black women face are not subsumed within the traditional boundaries of race and gender discrimination..., and that the intersection of racism and sexism factors into Black women’s lives in ways that cannot be captured wholly by looking at the race or gender dimensions of those experiences separately” (Crenshaw 1991:1244). Although Crenshaw only discusses racism and sexism, the key contribution of intersectional analysis is the understanding that oppression and resistance are multiply constituted by interlocking vectors of power - including race and gender but also class, sexuality, ability, citizenship, religion, and generation – that can only function through their interdependence. Most often, these intersecting axes of power manifest as what Patricia Hill Collins calls a matrix of domination in which groups of people who fall on multiple unfavored, marginalized ends of the different axes experience oppression in ways that exceed mere addition of itemized oppressions (Collins 2000:23). Intersecting axes of power lead to the formation of

what Audre Lorde has called the mythical norm, usually defined as white, thin, male, young, heterosexual, Christian, and financially secure, “which each of us knows within our hearts ‘that is not me’” (Lorde 1995:285).

Another text that has been foundational to contemporary understandings of intersectionality is “A Black Feminist Statement,” authored by the Combahee River Collective (a Boston chapter of the National Black Feminist Organization) in 1974.⁶² Towards the beginning of this essay, the authors state that the most general statement of their current politics is that “we are actively committed to struggling against racial, sexual, heterosexual, and class oppression and see as our particular task the development of integrated analysis and practice based upon the fact that the major systems of oppression are interlocking. The synthesis of these oppressions creates the conditions of our lives.”⁶³ In claiming that “the most radical politics come directly out of our own identity,” the authors say that as black women they “find it difficult to separate race from class from sex oppression because in our lives they are most often experienced simultaneously.”⁶⁴ As they are committed to a politics of intersecting identities, they claim that “the liberation of all oppressed peoples necessitates the destruction of the political-economic systems of capitalism and imperialism as well as patriarchy,” but they insist that “a socialist revolution that is not also a feminist and antiracist revolution” will not guarantee their liberation.⁶⁵ Most importantly they suggest that the intersection of identities that has had such a strong role in enforcing subordination is also a condition for revolutionary action: “If black women were free,

⁶² The Combahee River Collective, “A Black Feminist Statement,” in *Words of Fire: An Anthology of African-American Feminist Thought*, ed. Beverly Guy-Sheftall (New York: The New Press, 1995), 232.

⁶³ Ibid.

⁶⁴ Combahee River Collective, “A Black Feminist Statement,” 234.

⁶⁵ Combahee River Collective, “A Black Feminist Statement,” 235.

it would mean that everyone else would have to be free since our freedom would necessitate the destruction of all systems of oppression.”⁶⁶ Clearly race and gender do not represent “all systems of oppression,” and the authors have a specific portion of black women in mind; yet their statement that the needs of those facing many different intersecting axes of oppression present a radical structural challenge to American society is an insight that speaks to the power of an intersectional Reproductive Justice framework.

Reproductive oppression and population control

The idea of intersectionality is central to understanding another theme that emerges out of the writings of the Reproductive Justice movement: the history of reproductive oppression and coercive population control in the United States. ACRJ frames the problem of reproductive oppression this way:

The control and exploitation of women and girls through our bodies, sexuality, and reproduction is a strategic pathway to regulating entire populations that is implemented by families, communities, institutions, and society. Thus, the regulation of reproduction and exploitation of women’s bodies and labor is both a tool and a result of systems of oppression based on race, class, gender, sexuality, ability, age and immigration status.

“A New Vision” provides an historical roadmap for tracing this history of population control in the United States. “A New Vision” brings up several moments in United States history in which population control policies have been specifically targeted at women of color and their communities in the service of a colonialist, imperialist

⁶⁶ Combahee River Collective, “A Black Feminist Statement,” 237.

agenda. In discussing the U.S. government's decision to begin funding family planning both domestically and internationally in the 1960s as way to control populations, not to bring about women's empowerment, ACRJ defines population control as those practices that are "externally imposed efforts by governments, corporations or private agencies to control (by increasing or limiting) population growth, usually by controlling women's reproduction and fertility. Other forms of population control include immigration restrictions, selective population movement or dispersal, incarceration, and various forms of discrimination" (ACRJ 3). Examples provided in the text include the control of Black women's fertility under chattel slavery which made women into "breeders" that could reproduce an enslaved workforce, as well as "current welfare reform policies" that impose caps on the number of children women receiving welfare can have; the historical sterilization abuse of Native American women as a part of "a genocidal strategy of decimation"; instances in which women with disabilities "have been targeted for coerced sterilization and fertility control"; campaigns of large scale sterilization of women in Puerto Rico; and the coerced use of long-acting injected and implanted contraceptives like "Depo Provera and Norplant, which are potentially dangerous if used over the long term" and which are "systematically pushed on poor and young women of color in the United States with an eye to limiting poor populations"; and immigrant exclusion laws aimed at Asians in the late nineteenth century (ACRJ 3). In all of these instances, ACRJ claims, "an imperialist agenda to secure land, resources, and women's labor has led to control over the bodies of women of color" (ACRJ 3).

Loretta Ross proposes an even broader definition of population control that both confirms ACRJ's analysis and includes more examples of white supremacist

practices in the United States that she argues should be considered population control. She defines population control to refer to the way that “entire communities can be monitored and regulated by controlling how, when, and how many children a woman can have and keep”:

This is particularly true for women on Native American reservations, incarcerated women, immigrant women, and poor women across the board, whose reproductive behavior is policed by an adroit series of popular racist myths, fierce state regulation, and eugenicist control. ... Fears of being numerically and politically overwhelmed by people of color bleach meaning from any alternative interpretations of the constellation of population control policies that restrict immigration by people of color, encourage sterilization and contraceptive abuse of people of color, and incarcerate upwards of 2 million people, the vast majority of whom are people of color (Ross 2006:61).⁶⁷

In focusing on the ways that the control and exploitation of women’s reproduction has been used as a strategic pathway for regulating entire populations, specifically communities of color and indigenous people, the Reproductive Justice framework alludes to the shift in governmentality that occurred during the transition from the Middle Ages to modernity. As poststructuralist philosopher Michel Foucault shows in his *History of Sexuality, An Introduction: Volume I*, reproduction became a primary vector of governance and power as a part of a larger trend in the changing form of sovereignty. Foucault identifies a fundamental transition that has unfolded throughout modernity from the “ancient right” of the sovereign power (i.e. the king)

⁶⁷ Ross argues in particular that “white supremacy constructs different destinies for each ethnic population of the United States through targeted, yet diffuse, policies of population control” (Ross 2006:53). She employs an expanded, intersectional definition of white supremacy to mean “an interlocking system of racism, patriarchy, homophobia, ultranationalism, xenophobia, anti-Semitism, and religious fundamentalism that creates a complex matrix of oppressions faced by people of color in the United States” (Ross 2006:54).

to “*take life or let live*” through executions and wars, to the right of various and dispersed regulatory apparatuses to “*foster life or disallow it to the point of death*” (Foucault 1990:138). Foucault specifies that two poles of development emerged under this new regime: one centered on the “body as a machine” that can be disciplined, made useful and docile, ensuring its “integration into systems of efficient and economic controls;” the other pole, which I argue forms the basis for reproductive politics, focused on the “species body,” a site of supervision and regulation of biological processes such as “propagation, births and mortality, the level of health, life expectancy and longevity, with all the conditions that cause these to vary ... *a biopolitics of the population*” (Foucault 1990:139). This new form of power, biopolitics, is more insidious than older forms of brutal state violence in that it appears benign, even benevolent, in its focus upon optimizing of a population through administration and regulation, yet exerts an even firmer grip over its subjects by aiming at their biological raw material, setting standards for the material, bodily preconditions for subjectivity and politics.

A major consequence of the rising prominence of biopolitics was, and continues to be, “the growing importance assumed by the action of the norm,” especially at the site of sexuality (Foucault 1990:144). A political regime that focuses not upon killing its transgressors by the sword but instead upon “continuous regulatory and corrective mechanisms” creates ideal biologized norms that serve to “qualify, measure, appraise, and hierarchize,” producing normal and deviant populations (Foucault 1990:144). Sex and sexuality, lying “at the juncture of the ‘body’ and the ‘population’ ... became a crucial target of a power organized around the management of life rather than the menace of death” because it allows for

“interventions aimed at the entire social body or at groups taken as a whole. Sex was means of access both to the life of the body and the life of the species” (Foucault 1990:147). Amidst this discussion of sexuality, Foucault mentions “incitements to or curbs on procreation” as a particularly economic aspect of the normalizing character of this new biopolitical regime of sexuality - populations are disciplined to fall in line with regulatory norms by encouraging the reproduction of favored, normal groups and by discouraging or disallowing the reproduction of unfavored, deviant groups (Foucault 1990:146). Foucault characterizes this “socialization of procreative behavior” as one of four lines of attack for the new biopolitical knowledge aimed at sexuality (along with the hysterization of women’s bodies, the obsession with the sexuality of children, and a psychiatrization of perverse pleasure): incitements and restrictions of procreative behavior encouraged the “‘responsibilization’ of couples with regard to the social body as a whole ... and a medical socialization carried out by attributing a pathogenic value ... to birth control practices” (Foucault 1990:105). In other words, the sexual and reproductive behavior of people came to be policed through multiple institutions in society (such as the state and the medical establishment) in order to conform it to the responsible fortification and optimization of an entire population.

The Reproductive Justice framework is highly attentive to resisting population control, or the ways that a biopolitics of reproduction has been deployed since the founding of the United States to police the fertility of marginalized communities. Therefore knowing the history of population control in North America is foundational to understanding why the Reproductive Justice framework is so significant in naming and disrupting the oppressive deployments of sexual control that animated American

society through the present day, and for understanding why the Reproductive Justice framework necessarily expands far beyond birth control access. To begin with, the transfers of indigenous peoples in North America under settler colonialism, a process without which the United States would not be a nation today, has been able to proceed through techniques of population control that have targeted native women's fertility.⁶⁸ Andrea Smith describes how Native American women's "ability to reproduce continues to stand in the way of the continuing conquest of Native lands, endangering the continued success of colonization" (Smith 2005:79). Native women and children have been "historically targeted for wholesale killing in order to destroy the Indian nations," as shown by the fact that Andrew Jackson, in his wars against the Indians in the southern United States in the early nineteenth century, "recommended that troops systematically kill Indian women and children after massacres in order to complete the extermination" (Smith 2005:80). In the 1970s the Indian Health Services, acting under the direction of the federal Department of Health, Education, and Welfare, initiated a coercive sterilization campaign of Native women; several studies conducted around and after that time have found evidence of a disproportionately high number of sterilizations among Native women (many of which were performed without informed consent), including estimates suggesting that sterilization rates were as high as 80 percent on some reservations (Smith 2005:83). In addition to these reports of coerced sterilization of Native women, in the 1990s

⁶⁸ Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview* (Basingstoke: Palgrave Macmillan, 2010). Veracini argues that the settler colonial situation, such as the one that has taken place in North America, is characterized by a "settler capacity to control the population economy as a marker of a substantive type of sovereignty" (12). As such, settler colonialism is predicated upon a biopolitical management of populations by the settler polity (in this case, the European-derived government of the United States) within an imagined domestic domain that he calls the population economy, in which indigenous and exogenous Others (such as migrants and African slaves) are systematically transferred

long-acting hormonal contraceptives such as Depo Provera and Norplant were “aggressively” promoted by Indian Health Services to Native women, often without being provided informed consent about the effects of the drugs and their potentially dangerous side effects (Smith 2005:94).

Population control was also used to ensure the success of the early American economy that depended on the bonded chattel slavery of Africans. As Dorothy Roberts shows, because Black women’s children from the moment of conception automatically belonged to slaveowners who had an economic investment in the replenishment of the enslaved labor force, Black women were marked as “objects whose decisions about reproduction should be subject to social regulation rather than to their own will” (Roberts 1997:23). Especially after slave importation to the United States was banned in 1808, the slave population maintained itself through reproduction, and therefore there is evidence that “whites placed a premium on slave fertility and took steps to increase it” (Roberts 1997:25). One of these steps was the implementation of breeding schemes, in which slaveowners used incentives such as relief from work in the fields and additions of clothing and food in order to compel “slaves they considered ‘prime stock’ to mate in hopes of producing children especially suited for labor or sale” (Roberts 1997:27). Another technique for ensuring an optimized reproduction of the enslaved labor force was the rape of Black women by slavemasters - a practice that was partly incited by laws that “deemed any child who resulted from the rape to be a slave” and that “failed to recognize the rape of a slave woman as a crime” (Roberts 1997:29). Despite the differences between breeding schemes and sexual assault, Roberts contends that both practices are a part

away, either through assimilation into the righteous settler collective or through degradation into abject

of population control: “both were part and parcel of whites’ general campaign to control slave women’s bodies” (Roberts 1997:30). Roberts importantly reiterates throughout her discussion of the population control of slaves that white interest in Black women’s fertility during this time was purely driven by economic incentives to grow the labor force; instead, these practices allowed for a more general means to control a population: “Domination of reproduction was the most effective means of subjugating enslaved women, of denying them the power to govern their own bodies and to determine the course of their own destiny” (Roberts 1997:55).

A more contemporary form of population control in the United States has been regimes of eugenics, both positive and negative. This idea was first coined by English scientist Francis Galton around the turn of the twentieth century, drawing from Charles Darwin’s emerging theory of evolution to postulate that the process of natural selection that leads “inevitably to the extinction of inferior groups” could be facilitated and expedited through “affirmative state intervention in the evolutionary process” (Roberts 1997:59). Eugenics at this time was articulated with scientific racism, the belief in biologically distinct races that could be ranked hierarchically, that “social characteristics were heritable and deviant behavior was biologically predetermined” (Roberts 1997:61). Although eugenics was conceived of as positive from the start, that is, selective breeding of the “fittest” with each other to produce progressively more fit offspring, it quickly took a negative turn focused on the legal injunctions against procreation or marriage by people considered genetically defective, such as “epileptics, imbeciles, paupers, drunkards, criminals, and the feebleminded;” by 1913, twenty-four states and the District of Columbia had enacted

such laws (Roberts 1997:65). This last category of unfit people, “feeble-mindedness,” has been most subjective and therefore subject to different definitions that all highlight deviance from a mythical norm. For example, during the Progressive Era, as gender roles were undergoing vast transformations, “female sexual delinquency and feeble-mindedness came to be linked. . . . the ‘moron’ category became almost synonymous with the illicit sexual behavior of women adrift” (Flavin 2009:32). The consequence of these categorizations were not only laws banning marriage by these types of people, but also a massive regime of involuntary sterilization; for example, local authorities in “both North Carolina and Virginia performed more than 8,000 eugenic sterilizations between the late 1920’s and the mid-1970’s” by sending social deviants to the hospital and simply diagnosing them as retarded (Flavin 2009:34). The association of feeble-mindedness, criminality, female sexuality, and other embodied deviations from norms of mental ability, social status, and propriety shows how much the state used the intersections of social power order to prevent the reproduction of characteristics that deviate from ideal norms through the policing of reproduction.

Population control also resurfaced in the mid-twentieth century through a distinct disparity concerning whose reproduction was encouraged versus whose reproduction was discouraged, as white women who sought birth control were denied access while women of color were either compelled to forgo motherhood or be coercively sterilized. During this time, birth control was being defined by dominant institutional forces like the legal system, medical establishment, and the corporate media as the solution for poverty, overpopulation, welfare dependence, and revolutionary sentiment among people of color. In the 1950’s and 60’s, a moral panic emerged around overpopulation was explicitly directed towards the so-called

“superfertile” body of the woman of color. Political commentators and demographers warned that the “exploding population . . . , centered in illegitimate Negro births in the slums of the great Northern cities” would “worsen the United States unemployment problem, greatly increase the magnitude of juvenile delinquency, exacerbate already dangerous racial tensions, . . . greatly increase traffic accidents and fatalities, augment urban congestion and further subvert the traditional American governmental system” (Solinger 2005:165). In response to these fears, groups such as Zero Population Growth proposed “putting antifertility agents in the water supply, issuing licenses for potential parents, and sterilizing women who were dependent on welfare” (Solinger 2005:184). In 1961, the city of Newburgh, New York officially disqualified any woman with “illegitimate children” from receiving welfare benefits, while in Louisiana women with out of wedlock babies were barred from voting.

In addition to political commentators and policymakers, doctors directly involved themselves in the war against the imagined threat of overpopulation posed by women of color with children. The lawsuit *Madrigal v. Quilligan* shows that in the early 1970’s Mexican-origin women who had given birth at the Los Angeles County Medical Center were coercively sterilized by doctors who would withhold painkillers if the women in labor would not succumb to sterilization procedures; this forced sterilization was conducted solely by the initiative and agency of doctors who thought they were doing the right thing for the United States, as 94 percent of OB-GYNs surveyed in 1972 “favoured compulsory sterilization or the withholding of welfare support for unwed mothers who already had three children” (Solinger 2005:196). The *Madrigal* case is but one of many instances of coerced or forced sterilization of women of color that occurred during this time at the hands of doctors who had

internalized the racist eugenic ideology of the earlier century.⁶⁹ Discourses and practices such as these further illustrate that dominant reproductive politics is most often about alleviating larger social anxieties about threats to the mythical norm through a fetishization of women's reproductive capacity.

Although the effects of each of these moments of population control throughout U.S. history continue into the present in some way, several population control practices in the U.S. are relatively new forms of reproductive oppression. As Loretta Ross noted in her expanded definition of population control, the mass incarceration of people of color, and increasingly women of color, is a form of reproductive oppression. In general, increasing incarceration rates over the past few decades have been described by sociologists not as a way to control crime (whose rates have remained stable) but instead as a way to control communities of color who have been dislocated by the "social and urban retrenchment of the state and by the imposition of precarious wage labor as a new norm of citizenship for those trapped at the bottom of the polarizing class structure" (Wacquant 2009:xv).⁷⁰ Aside from controlling populations in this way, incarceration and the criminal punishment system that undergirds it have specifically targeted the reproduction of women under its control as a way to manage a larger population. Dorothy Roberts notes that under the

⁶⁹ Other examples include the high rate of sterilization of young black women in the southern U.S. by state-funded clinics intended to lower the black birth rate, beginning in the 1930s (Nelson 2003:4); the state-funded sterilization of a twelve-year-old black girl, Minnie Lee Relf, in Alabama under a state eugenics statute that authorized sterilization of the "mentally incompetent," in violation of federal regulations (Nelson 2003:66); and widespread sterilization of women without informed consent in Puerto Rico and testing of unsafe birth control pills there by medical authorities (Nelson 2003:122).

⁷⁰ For more on the disruptive transformations of the political-economic order over the past several decades (known as neoliberalism), see Chapter Three.

regime of the “War on Drugs” and increasing surveillance of the fertility of women on welfare through family cap policies, the criminal justice system has come to penalize pregnancy in two new, distinct ways: “the prosecution of women for exposing their babies to drugs in the womb and the imposition of birth control as a condition of probation,” both of which depend on the spectacularization of the “crack epidemic” in communities of color (Roberts 1999:152). In addition to facing punishment for the social and health disparities of drug use through incarceration and forced birth control, women who are pregnant and women who are mothers face barriers to health and rights while in prison. Pregnant women in prison are often shackled while giving birth and are subject to substandard medical attention, leading to high rates of miscarriage; women are often denied access to abortion care either for financial reasons or through legal restrictions on the rights of prisoners; felony convictions faced by incarcerated women jeopardize their parental rights once they leave prison, and these convictions also bar women from the social supports necessary to keep their children, such as public housing, food stamps, and loans for school (Roth 2006). Punitive policies such as these serve to coercively regulate the reproductive capacity of women deemed ineligible to control their own fertility, and in so doing exerts a repressive biopolitical force over communities that are disproportionately subject to policing and incarceration.

Beyond “health” and “rights”

Because of the long and ongoing history of population control in the United States that has deeply impacted a wide range of communities in different ways, Reproductive Justice advocates contend that frameworks which merely seek to ameliorate the symptoms of reproductive health disparities cannot possibly address

the underlying causes, nor can strategies that aim to protect the legal right to reproductive choice. ACRJ's "A New Vision" includes a textually dense table spelling out the differences between the frameworks of Reproductive Health, Reproductive Rights, and Reproductive Justice in terms of their analysis of the problem, strategy, constituents, key players, and challenges and limitations in order to show the drawbacks of health and rights approaches. The Reproductive Health framework is a service delivery paradigm whose central theme is "that health disparities and inequalities can be ameliorated by the creation and development of progressive health care clinics and agencies that will ensure women have access to a full range of reproductive health services and are empowered to understand their health care needs" (ACRJ 2005:2). The problem is framed as lack of access to information and services; the strategy focuses on improving and expanding services, research, and access, with an emphasis on prevention (of unintended pregnancy and sexually transmitted infections [STIs]) and cultural competency in communities of color; the constituents are patients in need of services and education; the key players are health service providers, medical professionals, and public health educators (ACRJ 2005:2). The challenges and limitations of the Reproductive Health framework, according to ACRJ, is that the root causes of health disparities remain unaddressed in this resource-intensive model that focuses on individual women (ACRJ 2005:2).

Although "A New Vision" critiques the Reproductive Health framework, there have been few other critiques of this idea from within the Reproductive Justice movement. In practice, many organization who identify with the movement and utilize the Reproductive Justice framework maintain a strong discursive investment in

the Reproductive Health paradigm (for example, the National Latina Institute for Reproductive Health, Black Women's Health Imperative, which was formerly National Black Women's Health Project). The general impetus of ACRJ's critique here is the limitation of focusing only on reproductive health to the exclusion of the structural forces that create disparities. Paul Kivel argues something similar in commenting on the medicalization of the anti-domestic violence movement, in which domestic violence shelters and batterer intervention programs are commonplace while service providers lament that they could continue their work for another hundred years and levels of violence would not change: "*social service work* addresses the needs of individuals reeling from the personal and devastating impact of institutional systems of exploitation and violence. *Social change work* challenges the root causes of exploitation and violence" (Kivel 2007:129). While this seems to be the critique being leveled by ACRJ in "A New Vision," the reproductive health framework has not come under nearly as much criticism by the Reproductive Justice movement as the Reproductive Rights paradigm.

The Reproductive Rights framework, according to ACRJ, "is a legal and advocacy-based model that serves to protect an individual woman's legal right to reproductive health care services with a focus on keeping abortion legal and increasing access to family planning services" (ACRJ 2005:2). This model focuses on legally contesting harmful legislation and advocating for public health policies that protect "reproductive choice" (ACRJ 2005:2). In this framework, the problem is posited as a lack of legal protection for an individual woman's legal right to reproductive health care services; the strategy consists of "legal, legislative, and/or administrative advocacy at the state and federal level; the constituents are women

who are organized to participate in the political process through voting and contacting their legislators; the key players are advocates, legal experts, policymakers and elected officials (ACRJ 2005:2). The challenges and limitations of this framework are twofold: first, at the core of this framework is a (neo)liberal conception of “choice” and individual rights, which “obscures the social context in which individuals make choices, and discounts the ways in which the state regulates populations, disciplines individual bodies, and exercises control over sexuality, gender, and reproduction” (Silliman and Bhattacharjee, qtd in ACRJ 2005:2); and second, the imperative for women affected by reproductive health disparities to engage in the political process under this framework “assumes a level of knowledge, access to elected officials, and belief in the effectiveness of the political system that women who are marginalized by immigration status, age, class, and race often do not have” (ACRJ 2005:2).

Like the case of the Reproductive Health framework, the Reproductive Rights framework is still frequently invoked despite this critique. For example, one of the most commonly cited definitions of Reproductive Justice (in my interviews and elsewhere) is one given by Loretta Ross: “(1) the right to have a child; (2) the right not to have a child; and (3) the right to parent the children we have” (Ross 2007:4). Yet these rights are always posited in the service of a larger framework of social justice, to which Ross’s retelling of the creation of the Reproductive Justice term attests.⁷¹ Advocates have contended that a health or rights-based reproductive politics does not address the systemic inequalities that have shaped the reproductive lives of women in the United States. In critiquing a rights-based approach to reproductive

politics, Reproductive Justice advocates draw from and expand upon the intellectual tradition of Critical Race Theory, a field of legal scholarship that has thoroughly critiqued rights as they function in liberal legal thought (Delgado and Stefancic 2001). This body of work points to the way that most rights in the United States legal system are procedural (for example, the right to a fair trial, the right to vote, and property rights), rather than substantive, positive rights to food, housing, and education to all who need them. Secondly, rights in the United States have never been fully extended to those most vulnerable in society; rights are regularly suspended when they clash with the interests of the powerful. Most damaging to movements fighting for reproductive autonomy for marginalized communities is the tendency of rights to alienate individuals from their community: “they separate people from each other - ‘stay away, I’ve got my rights’ - rather than encouraging them to form close, respectful communities” (Delgado and Stefancic 2001:24).

A reliance on rights by progressive social movements is not a natural outgrowth of these struggles, but rather represents the encroachment of the totalizing framework of the law and the state. As political theorists Janet Halley and Wendy Brown argue, “the classic status of the black civil rights effort has made it seem natural, inevitable to think that rights are central, exemplary, paradigmatic in any understanding of the justice-seeking legal resources of the liberal state” (Brown 2002:9). However, there is no natural relationship between left-leaning social movements and the legalism of rights because “rights cannot be fully saturated with the aims that animate their deployment. For all the content they may be given by their

⁷¹ As quoted earlier, Loretta Ross said that ““We sought a way to partner reproductive rights to social justice and came up with the term ‘reproductive justice’” (Asian Communities for Reproductive Justice

location in liberal orders, they retain a certain formality and emptiness which allow them to be deployed and redeployed by different political contestants” (Brown 2002:9). This critique of entanglements with the legal process by social movements further builds upon the Critical Race Theory critique by warning against the danger of cooptation of a formal civil rights rhetoric by forces inimical to those who have used it.⁷²

Drawing partly from these critical legal traditions, advocates for reproductive justice have explicitly detailed the drawbacks of basing grassroots reproductive politics on rights. Legal scholar Robin West argues that the “individual, negative, constitutional rights” that reproductive rights discourses and strategies have relied on to ensure access to abortion have three main drawbacks from the perspective of a reproductive justice framework: these constitutional rights-based strategies “run the risk of legitimating the injustices we sustain in the insulated privacy so created”; second, “they denigrate the democratic processes that might generate positive law that could better respond to our vulnerabilities and meet our needs”; and third, “they truncate our collective visions of law’s moral responsibilities” (West 2009:1398). Specifically, *Roe v. Wade* has legitimated the inequitable economic burdens placed upon parents by making parenthood a choice; it has given the right of authority over abortion to the inherently and intentionally antidemocratic structure of the courts instead of to more democratic institutions, such as the legislature; and finally, it has been structurally unable to capture the context of the feminist social movement for a

2005:5).

⁷² An example of this dynamic is the Susan B. Anthony and Frederick Douglass Prenatal Non-Discrimination Act of 2011, which seeks to criminalize abortions based on the race or sex of the fetus (see Chapter Three).

wide range of reproductive rights that led the case to reach the Supreme Court, and thereby severs abortion from its social movement origins (West 2009). Even though West naively posits that conditions of Reproductive Justice would be more likely to emerge under a supposedly more “democratic” legislature that has historically been instrumental in instating policies of reproductive oppression, her argument that a rights-based framework is inadequate resonates with the movement-generated texts that propose a reproductive politics based on social justice is more applicable to the lives of those most affected by population control.

The Reproductive Justice framework, in contrast to the respective health and rights frameworks, is rooted in histories of reproductive oppression and uses an organizing model to move affected women and communities to “change structural power inequalities” (ACRJ 2005:2). The central theme of the Reproductive Justice framework, which is reiterated throughout “A New Vision,” is “a focus on the control and exploitation of women’s bodies, sexuality and reproduction as an effective strategy of controlling women and communities, particularly those of color” (ACRJ 2005:2). Because a women’s lack of power is mediated through “oppressions of race, class, gender, sexuality, ability, age and immigration status,” and thus “controlling individual women becomes a strategic pathway to regulating entire communities,” the Reproductive Justice framework as explicated here engages with intersecting struggles like “sex trafficking, youth empowerment, family unification, educational justice, unsafe working conditions, domestic violence, discrimination of queer and transgendered communities, immigrant rights, environmental justice, and globalization” in order to realize a vision of “complete health and well being for all women and girls” (ACRJ 2005:2). In ACRJ’s articulation of the Reproductive Justice

framework, the analysis of the problem is that women's ability to exercise self-determination is shaped by power inequalities "inherent in our society's institutions, environment, economics, and culture" (ACRJ 2005:2). The strategy for addressing this problem is multifaceted, including: supporting the "leadership and power" of the most excluded groups of women and girls; building the social, economic, and political power of low-income women of color "so they can survive and thrive"; "advancing a concrete agenda that wins real individual, community, institutional and societal changes"; integrating grassroots issues and constituencies into the national policy arena; and building networks of "allied social justice and human rights organizations who who integrate a reproductive justice analysis and agenda into their work" (ACRJ 2005:2). The constituents in this framework are women and their communities who are organized to lead struggles against reproductive oppression as well as against the "inseparable injustices present in their lives"; and the key players are community organizers who bring these constituents together and develop leadership capacities (ACRJ 2005:2). Some challenges and limitations of this framework, however, are that the social structural changes demanded by this framework are slow, bringing marginalized actors into risky confrontations with authority, and that the framework "challenges people personally and politically by asking them to adopt a world view that is diametrically opposed to the status quo" (ACRJ 2005:2). Through these articulations of different frameworks, "A New Vision" was instrumental in parsing through the entangled health, rights, and justice frameworks by spelling out the advantages and drawbacks of each, but through the language of this section Reproductive Justice comes out on top as a preferred strategy

that can incorporate the health and rights frameworks through an emphasis on social justice and community organizing.

The explicit reliance upon social justice within the Reproductive Justice framework allows for a broader, more open political imagination that can attend to the effects of intersecting axes of power and stands more capable of recognizing reproduction as an diffuse arena of biopolitics in a way that legalistic rights on their own are unable to. “Instead of focusing on the means - a divisive debate on abortion and birth control that neglects the real life experience of women and girls,” writes Loretta Ross, “the Reproductive Justice analysis focuses on the ends: better lives for women, healthier families, and sustainable communities” (Ross 2007:4). The idea of justice may have negative connotations in relation to social movements of marginalized people because of its association with the criminal justice system, policing, and the prison-industrial complex that all disproportionately target those who deviate from the ideal norm in multiple ways and have been instrumental in perpetuating coercive reproductive regulation. This connotation of justice relies on ideological images of criminality and the neutral arbitrator of the judicial system. Classical political theories of justice, although not explicitly aligned with the statist agenda of policing, support this distorted connotation through their emphasis on possessive distribution as the basis of justice. Political philosophers such as John Rawls and William Galston conceive of justice as “the proper pattern of the allocation of entities among ... antecedently existing individuals” (Young 1989:17).

Feminist reconceptualizations of justice remake it as *social* justice to centralize the institutional context that the distributive paradigm ignores. As Iris Marion Young writes, this expanded conception of social justice concerns not just

distribution of resources but also “any structures or practices, the rules and norms that guide them, and the language and symbols that mediate social interactions within them, in institutions of state, family, and civil society, as well as the workplace” (Young 1989:22). This assemblage of institutions and practices is what constitutes the “social” part of social justice. Justice, through this understanding, therefore becomes more about a process in which people can deliberate “about problems and issues that confront them collectively in their institutions and their actions, under conditions without domination or oppression, with reciprocity and mutual tolerance of difference” (Young 1989:34). Social justice therefore centralizes calls for equitable arrangements of the distribution of labor, decisionmaking, and cultural representation central, in addition to the more material distributive equity prioritized by classical theories of justice.

Social justice as the full actualization of citizenship is largely defined in contrast to what it is not: oppression. The Reproductive Justice framework, too, shifts from reproductive rights discourse to a focus on reproductive oppression. As this definition shows, oppression (unlike health problems and legally-enabled choices) does not happen as much to abstract individuals but rather to members of *groups* of people, like women, girls, and communities of color, that are “not simply collections of people, for they are more fundamentally intertwined with the identities of the people described as belonging to them. ... Members of a group have a specific affinity with one another because of their similar experience or way of life” (Young 1989:43). Oppression goes much further than “control and exploitation,” however, although they are fundamental aspects. Iris Marion Young defines oppression broadly to describe the way that “all oppressed people suffer some inhibition of their ability to

develop and exercise their capacities and express their needs, thoughts, and feelings” (Young 1989:40). The wide variety of meanings that oppression has signified suggests that it represents a whole family of concepts and conditions; specifically, exploitation, marginalization, powerlessness, cultural imperialism, and violence (Young 1989:40). As a fight against oppression, the idea of social justice taken up by the Reproductive Justice framework applies broadly to any group capable of experiencing oppression and deeply to institutions and practices that are not confined to distribution of resources nor a location within the state.

Expanding the Reproductive Justice framework

As the grassroots social theory of the Reproductive Justice movement shows, reproduction is an arena of human activity that has been biopolitically regulated to control marginalized communities along intersecting axes of power, and these same communities can advocate for liberation by seeking to wrest control of reproduction away from white supremacist American society. However, Reproductive Justice as elaborated in these contexts deals primarily with biological reproduction - questions of “who has power over pregnancy and its consequences,” describing “struggles over contraception and abortion, race and sterilization, class and adoption, women and sexuality, and other, related subjects” as Rickie Solinger (2005:2) has framed it. However, reproduction oppression takes place in other registers as well, especially when considering the “right to parent the children we have” promoted by the Reproductive Justice framework. Activists for reproductive justice consider social reproduction to be just as important as biological reproduction in terms of power and resistance. ACRJ’s “A New Vision” states in a boxed, highlighted quotation

separated out from the majority of the text that “reproduction encompasses both the biological and social processes related to conception, birth, nurturing, and raising of children as participants in society. Social reproduction is the reproduction of society, which includes the reproduction of roles such as race, class, gender roles, etc.,” (ACRJ 2005:2). In the remainder of this chapter, I propose that social reproduction can be made into a target for justice claims in a way that deepens the social impact of reproductive politics and builds further intersections amongst the struggles of different identity groups, especially the lesbian, gay, bisexual, transgender, and queer communities. The social theorizing of the movement has begun to consider these issues seriously, but I argue that the analysis needs to be taken further to strengthen the potential of Reproductive Justice to undo the oppressive foundations of U.S. society. To do so, I draw upon the insights of the Reproductive Justice movement (in the form of publications and my interviews), feminist theoretical conceptualizations of social reproduction and reproductive labor, and the activist-academic field of queer theory, all of which shows how the regulation of sexuality and the regulation of reproduction are fundamentally intertwined.

While ACRJ defines social reproduction primarily to refer to the reproduction of roles, earlier genres of Marxist feminist scholarship conceived of the concept in a more expansive form. Barbara Laslett and Johanna Brenner define it to mean “the activities and attitudes, behaviors and emotions, responsibilities and relationships directly involved in the maintenance of life on a daily basis, and intergenerationally,” which includes the ways that food, clothing, and shelter are produced, the ways that “care and socialization of children are provided,” care of the ill and the elderly, and the “social organization of sexuality” (qtd. In Duggan 2009:2) This caretaking labor,

in effect, reproduces society by providing what is often taken for granted in the broader world of work, which is often only conceived of as paid labor and “productive” activity. It is within this kind of care work (which nowadays tends to take place in the privatized home and which is performed primarily without pay and usually by women) that Cindi Katz argues that “the possibilities for rupture are everywhere in the routine. If in the efflorescence of cultural forms and practices that make up *social reproduction* hegemony is secured, so, too, might it stumble” (qtd. In Duggan 2009:2).

It is in this sense that the Reproductive Justice movement has not yet engaged social reproduction. Those burdened with the reproduction of society through caretaking are subject to a sort of oppressive regulation through its compulsory nature and through the devaluation of this labor, both economically and culturally. Anita L. Allen describes this oppression as the “exploitation inherent in family relationships - the sacrifices compelled by ‘marriage, motherhood, housekeeping, dependence’ and women’s ‘own moral ideas of caretaking and belonging’” (qtd. in Fineman 2004:151). This socially reproductive oppression is not just a matter of equalizing the division of labor within households; like other forms of reproductive oppression, it cannot be addressed without attending to underlying causes which have their root in the larger organization of society. As feminist legal scholar Martha Albertson Fineman argues, until institutions other than the family begin to take responsibility for the dependency of caretaking that sustains society - “the dependency of the child, in the first instance, and the dependency of that person assigned responsibility for caretaking,” she specifies - “the costs will continue to be borne primarily by women within the family” (Fineman 2004:174). However, the oppressive division of

reproductive labor has not only taken place within the family nor has it fallen only along gender lines: throughout the history of domestic service work and through the present shift to institutional service work, women of color have been an overrepresented demographic in the (under)paid reproductive labor force that has historically served to relieve middle-class white women of caretaking work and which today sustains the health care industry (particularly nursing homes) and other areas of the non-profit social service sector (Glenn 1992). A Reproductive Justice framework that makes social as well as biological reproduction a target for justice would call for increased responsibility for the institutions in society that benefit from reproductive labor but which do not proportionately subsidize or participate in it. While “the right to parent children we already have” that is promoted by the Reproductive Justice framework may be viewed as including such demands for a just distribution of reproductive labor, this right does not yet include individuals and communities who do not (want to) have children yet who perform such labor in their households or in the paid service work sector.⁷³

Social reproduction also relates to the work of producing a grassroots social theoretical framework, especially when that work involves extending the framework to other issues and movements. The four Reproductive Justice activists I interviewed all stressed how the intellectual work of making connections between different issues and identities is highly embedded in the activist and organizational labor they do

⁷³ An example of a Reproductive Justice campaign that has worked for economic justice for service workers but still relies on the parenting framework is the Planned Parenthood of Southern New England’s active support of the Everybody Benefits coalition, which in 2011 succeeded in passing legislation that made Connecticut the first state in the country to mandate paid sick leave for service workers (Planned Parenthood Votes! Connecticut/Rhode Island).

everyday. Veronica told me that the personal interests, identities, and backgrounds of the people who work at National Latina Institute for Reproductive Health actively shape the way they make connections between issues: “Most people who are here have a very strong foundation in Reproductive Justice and social justice in general and - I’ve never thought of a connection or thought of something I wanted to connect and someones like ‘oh I don’t see how that makes sense.’ I think a lot of us come from a background ... where those things are a little bit more intuitive thankfully.”

When I asked specifically about the connection between Reproductive Justice and LGBTQ issues, Veronica touched upon two distinct themes. The first is that the connections the organization makes between the reproductive health of Latinas and queer issues are contingent upon an intentional “showing up” in queer spaces: by attending LGBTQ conferences, the organization was “very intentional ... in making sure we showed up to the stuff and were always there and listened a lot, and that’s very important for ... bringing the LGBTQ movement folks to know that our organization is willing to put in the time and put in the effort to show up and listen for a long time before we’re like, ‘we’re experts on this!’”

The second point that Veronica emphasized was related to her earlier point about the connections between issues being affectively determined by the personal experiences of NLIRH staff.

When I asked why she thought the connections between Reproductive Justice and LGBTQ issues were “obvious” for her, Veronica said, “Probably because I’m queer and I have reproductive health issues, I don’t know! Personal experience I guess. I’ve just been working in this movement long enough to know so many of us doing this work are queer and a lot of us have had abortions and ... for some reason we aren’t talking about it.” Despite the intuitive clarity of the connections between reproductive

justice and LGBTQ issues, it still remains undertheorized, and Veronica tentatively speculates that the relatively unspoken status of these connections may be due to subconscious efforts to combat stereotypes that “all feminists are lesbians” and due to fears that “it won’t be useful for the movement.”

Jasmine also recognizes a disconnect between LGBTQ issues and Reproductive Justice in practice even as they are intuitively linked for her as a black woman who identifies as a lesbian. She puts quite a bit of the responsibility for this disconnect on white-dominated LGBTQ organizations. She brought up how in 2009, SisterSong NYC was one of many organizations who signed onto the Causes in Common statement, part of an organizing initiative of the Lesbian, Gay, Bisexual, and Transgender Community Center in New York, recognizing the intersections between LGBTQ issues and Reproductive Justice.⁷⁴ Despite this cross-issue partnership, Jasmine claims that “people are territorial about how that looks because there are so many issues with race and gender in the LGBT movement that has to be ironed out.” Based on her experiences founding a black LGBTQ pride organization in her home state of Indiana, in which there was “more of gender focus because more of our members had children and families” compared to the “mainstream pride” organization, Jasmine has identified a major problem blocking further linkages between LGBTQ and Reproductive Justice organizing: “When you think about the pink dollar you think about the white male privileged dollar. We gotta have deeper conversations about the broader view and outlook of the community - thats how we make it more intersectional. Look at who’s in leadership in LGBT organizations, they’re not young or people of color. ... What prevents LGBT from connecting with

Reproductive Justice is that they [the LGBT movement] think it is womb-centric. But LGBT need jobs housing and healthcare, which are all important for Reproductive Justice.”

When I pressed further for more explanation of how these needs of LGBT people connect them with Reproductive Justice, Jasmine brought up the fact that many gay men and lesbians no longer have access to their children, and also brought up a point that much more deeply connects the two struggles: “When you look at the fact that the reason the gay marriage is such an issue is because people are thinking that we’re having sex with each other. And with abortion and birth control, they don’t think you should have sex with someone you’re not married to. Who has that decision, someone who doesn’t exist in your body? To that degree we all connect to Reproductive Justice and how we reproduce. Because we’re queer doesn’t mean we don’t reproduce community and family. It doesn’t have to be a physical child, we give birth to our liberation when we’re together, and Reproductive Justice supports that.” Here, Jasmine has put her finger on a connection that I wish to explore further: that both LGBT organizing and Reproductive Justice concern themselves with confronting coercive controls put upon our bodies that aim to dictate how we reproduce, whether that be biological reproduction of children, or the social and cultural reproduction of family, community, and pleasure.

Social and cultural reproduction have been identified as particularly important to LGBTQ people, who cannot take biological reproduction for granted as a way of

⁷⁴ “Causes in Common: Join Us: FAQ,” The Lesbian, Gay, Bisexual, and Transgender Community Center,” accessed 11 April 2012, <http://www.gaycenter.org/causesincommon/joinus/faq>

ensuring the persistence of their existence as a group.⁷⁵ Historian John D’Emilio argues that this form of reproduction was foundational for the emergence of gay identity in the early twentieth century U.S. in the ways that “gay men and lesbians began to invent ways of meeting each other and sustaining group life” through the creation of bars, literary societies, social clubs, professional associations, newspapers, magazines, and novels that addressed same-sex sexual themes (D’Emilio 1993:470,472). Queer theorists like Lauren Berlant and Michael Warner have actively promoted the formation of what they call counterpublics as vehicles for this queer cultural reproduction. For them, the modes of gay and lesbian social and cultural reproduction described by D’Emilio “allow for the concretization of a queer counterpublic,” defined as “an indefinitely accessible world conscious of its subordinate relation” that allows for the “development of kinds of intimacy that bear no necessary relation to domestic space, to kinship, to the couple form, to property, or to the nation” (Berlant and Warner 1998:558). This aptly named counterpublic, then, is defined in opposition to a heterosexual national public which links intimacy only to the “institutions of personal life” named above, “making them the privileged institutions of social reproduction” (Berlant and Warner 1998:553). Heterosexuality therefore has maintained a near monopoly on the means of social reproduction through its control over the culturally and economically privileged space of the domesticated, propertied, coupled, and patriotic nuclear family. Queer culture has managed to reproduce in limited ways nevertheless; for example, the invention of safer sex by gay men was produced by “promiscuous intimacy” that has been “heavily stigmatized as nonintimate” by the national heterosexual public (Berlant and

⁷⁵ It is important to note, however, that many LGBTQ people do want and have children, and as

Warner 1998:560). But because queer cultural reproduction “has almost no institutional matrix for its counterintimacies,” the object of queer politics for Berlant and Warner must be to “support forms of affective, erotic, and personal living that are public in the sense of accessible, available to memory, and sustained through collective activity” - that is, to build infrastructure that facilitates cultural reproduction of relationships that are excluded from the heteronormative ideal of the private, nuclear family as the privileged site of social and cultural reproduction (Berlant and Warner 1998:562).

Despite the affinity between Reproductive justice and queer politics based on their shared opposition to policies and culture that restrict reproduction that does not conform to mythical norms and a shared demand for an infrastructure that supports the ability to choose how and when one reproduces, the movements remain only superficially connected, as Veronica and Jasmine speak to. I ask why this is the case. Veronica and Jasmine propose that territoriality over movements as well as racial and sexual tensions between the two overlapping activist communities. Yet another barrier to fleshing out the inextricability of LGBTQ issues and Reproductive Justice appears with the ways that funding affects this work of making intellectual connections. On the Ms. Foundation website, a succinct definition of Reproductive Justice is highlighted on the webpage about the foundation’s work in Reproductive Health, Rights, and Justice: “Reproductive justice places reproductive rights and health within a social justice context. It considers the full range of women’s lived experience across race and class and addresses the many social, political and economic issues that prevent millions of women from exercising their rights and

Jasmine pointed out, they are often systematically denied opportunities to have and parent children.

accessing the care they need.”⁷⁶ Despite this integrated vision of Reproductive Justice that is a core value of the foundation, Ellen (a program officer at the foundation) expressed to me that in practice it is difficult to fund work that is by its very nature so intersectional. Because Ms. Foundation structures its work into several “broad change areas” (of which “Women’s Health” is one), and because Reproductive Health, Rights, and Justice is but one “docket” under a broad change area, women’s organizations working on issues of economic justice and ending violence (the other two “broad change areas”) are not eligible for funding under the Reproductive Health, Rights, and Justice category, even though they are allied under an ideal Reproductive Justice framework:

In economic justice work, there is a focused strategy on providing support and capacity building to organizations that are focused on women’s economic justice, pay equity, childcare, etc. So they’re not necessarily integrated into both. It’s not that we would fund the same organizations, but they are a coordinated strategy because we realize that economic justice is also critical to women’s equity and inclusion, Reproductive Justice likewise, and Violence Against Women, likewise. So we have separate strategies but they’re pretty much integrated in that the world we are envisioning is one in which these different pillars are working in concert, advancing the same goal. But we do support different organizations because different organizations do different things. [...] Groups that are involved in two of the three areas would need to kind of specify, determine which is more of a priority. We wouldn’t fund them out of both pillars, funding streams.

Although the three pillars of women’s rights that Ms. Foundation identifies would be “working in concert” in the world they are envisioning, in present practice they remain parallel, and therefore separate strategies that cannot overlap. Although the foundation claims to identify with a Reproductive Justice framework in which these different issues are inseparable, the framework is subordinated to Ms. Foundation’s

⁷⁶ “Reproductive Health, Rights, and Justice,” Ms. Foundation for Women, accessed 10 April 2012, http://ms.foundation.org/our_work/broad-change-areas/womens-health/reproductive-rights-health-and-

overall vision of (as Ellen told me) “advancing justice and equality for all [...] in a just nation of equity and inclusion,” in which women’s health together with the two other pillars of economic justice and ending violence against women all “add up” to a general “women’s rights strategy.” Because of the constraints of the “funding world,” in which different causes still remain relatively siloed due to separate funding streams while still including each other rhetorically, the Reproductive Justice framework has not been fully implemented and instead a more general framework of “equality,” “inclusion,” “women’s rights” is used to create a more perfect nation, in a way that does not retain the same radical critiques of population control as foundational to the United States.

Kathleen, co-founder of Momma’s Hip Hop Kitchen, pointed more explicitly to the barrier posed by the funding world towards a more thorough integration of different issues that is more resonant with the Reproductive Justice framework. When I asked her about how she makes sense of the overlap between LGBTQ issues and Reproductive Justice framework, she responded:

How is it not connected? I’ve never thought of it as being disconnected. Social justice is a wheel, and Reproductive Justice is a spoke on the wheel. LGBT issues are another spoke, and we’re all fighting for social justice, but for Reproductive Justice the focus is on womens health issues and reproductive health care. The LGBT health needs are the same needs. There’s no difference. I think its just a title, a term. Honestly I’ve never thought it to be different. I think the movements want to be different for funding reasons - like there are initiatives that are LGBT, like queer youth organizing, because there’s funding for that, or Reproductive Justice issues you have to think of young people of color and funding for that. Honestly I just think it’s divided because of funding.

In portraying social justice as a wheel in which Reproductive Justice and LGBTQ issues are both spokes, in a way Kathleen switches up a similar spatial metaphor created by ACRJ in “A New Vision,” in which Reproductive Justice is (literally) a wheel and “Queer Rights” is a spoke, along with other social justice-related causes. Despite this discrepancy, Kathleen’s point is that the needs addressed by the Reproductive Justice framework are the same health needs as those faced by LGBTQ people, yet the movements remain divided in contests over terms and funding, due to the separated funding streams that Ellen discussed.

The complications of connections

Informal membership within the movement for Reproductive Justice has been largely contingent upon a shared identification with the Reproductive Justice framework that has been collectively produced by the contributions of many individuals and organizations. This framework, as I have understood it, posits a broad conception of justice as an ideal in reaction to a history of reproductive oppression and population control. The role of such oppression in a diffuse regime of biopolitics means that it has been instrumental in creating ideal, normal populations whose reproduction is encouraged and deviant populations whose reproduction is discouraged or criminalized. Although this reproductive regulation occurs on the social, cultural, and biological level, the Reproductive Justice framework has primarily focused on biological reproduction. My interviews with Reproductive Justice movement participants who engage in the affective, embodied labor of drawing intersectional connections that form the basis for a grassroots social theory indicate to me that LGBTQ populations could be better served by a justice framework

that seeks to address the exploitation and control within social and cultural reproduction. In addition, integrating these fields into a more comprehensive Reproductive Justice framework would subject new institutions such as service labor to a justice-oriented politics. However, interviews indicate that the difficulty of integrating new populations and levels of social organization into the framework extends beyond intellectual connections, because the same foundation funding apparatus that allowed for the emergence of the Reproductive Justice framework also plays a role in hindering its expansion. It is this simultaneously generative and restrictive capacity of flows of capital to affect the movement for Reproductive Justice that forms the subject of Chapter Three.

Chapter 3: Reproducing Neoliberal Justice: Revitalized Reproductive Oppression and the Non-Profit Industrial Complex

This chapter will consider two interrelated challenges facing the movement for Reproductive Justice that have been posed by the massive restructuring of the global economy, politics, and culture over the past forty years - or as scholars and activists have called it, neoliberalism. The first challenge is the spectre of a dramatically increasing number of state-sponsored attacks on access to reproductive health care which have targeted low-income women and women of color, even as policymakers actively deny targeting these people and actually claim to be acting in their service. In contrast to many commentators in the United States (including liberals, Democrats, reproductive health advocates and some actors within the Reproductive Justice movement), I argue these attacks on reproductive health are not as much dramatic aberrations from a normal state of affairs caused by a few woman-hating conservative politicians, as much as they are the extreme, logical conclusion of many years of pro-business activism, as a result of which the state has facilitated an upward redistribution of resources through the particular vector of reproductive politics. The second, structurally related challenge to the achievement of Reproductive Justice in the United States is the emergence of what some activists and scholars have called the non-profit industrial complex. These commentators pose as a problem the possibility that the liberal state and liberal corporate foundation funders have formed a symbiotic relationship through which they have been able to shape political agendas and organizational structures of social movements in order to make them non-threatening to the systemic power differences that have made the existence

of both state authority and corporate capital possible. As the Reproductive Justice framework considers these same systematic inequalities as both a tool and a result of the control and exploitation of women's bodies, a fundamental tension potentially emerges between this framework and the non-profit industrial complex in which it has been developed and applied to political activism. I argue that these two challenges are fundamentally related; the non-profit industrial complex is the "carrot" to the "stick" of attacks on reproductive health, and both potentially draw the Reproductive Justice movement under the umbrella of neoliberalism. However, I hope to question the degree to which the movement has the potential to pursue lines of flight out of this appropriating dynamic.

In order to evaluate the effects of these two problems upon the struggle for Reproductive Justice, I will first review some basic frameworks that academics have articulated to understand what makes neoliberalism different than earlier liberal capitalist formations. I will then draw out moments in contemporary reproductive politics that Reproductive Justice organizations have explicitly targeted for political action, and I will locate these moments within a broader strategy of neoliberalism to show the ways that the mainstream political culture of the past several decades reproduces and intensifies the forms of exploitation and control over reproduction that have animated American history since the beginnings of the colonization of what is now the United States. I will then shift to what may be the evil twin of these repressive neoliberal policies, the non-profit industrial complex. After reviewing some of the problematics that theorists of the non-profit industrial complex offer, I will draw out moments in my interviews and in movement-produced texts that offer examples of the ways these dynamics play out in the movement for Reproductive

Justice, with the aim of illustrating the ways that non-profitization has challenged the struggle for Reproductive Justice and the ways that the movement has identified potential alternatives to this system.

Neoliberalism and revitalized reproductive oppression

The way we are all interacting is new. We used to work in silos with the façade of partnering. But because the shit has hit the fan, as a collective Reproductive Justice movement we need to get our shit together. It means we work on projects together and share resources and networks and people. We're learning to do that because we all stand to lose so much if we don't work this out. Because if we think about what they're talking about, it's a part of a much larger strategy. They don't want any of us to have health care. They want a small percentage of wealthy people and they're working toward having a huge number of people who are just poor. Capitalism is really ugly right now. It has its great points but - I don't wanna wake up in 2012 wearing shackles. I feel like if we look it at that way, we are clear that we are preparing for war next year. We are sitting down at the table thinking of strategies to protect ourselves.

- Jasmine, SisterSong NYC

The “they” that Jasmine is referring to here is the collective of actors who are responsible for the attempted defunding of Planned Parenthood by the U.S. Congress, the attempted exclusion of funding for reproductive health services from the Affordable Care Act (health care reform), the successful provision in the ACA stipulating that any insurance provider participating in federally sponsored health insurance exchanges create a separate payment system for abortion care (making it so that health insurance consumers must fill out two separate checks if they want abortion care covered under their plan), and most poignantly, the bills in state and federal legislatures criminalizing “race and sex selective abortion.” My interview

with Ellen from the Ms. Foundation further confirms the connection between a rapidly receding welfare state and with attacks on “women’s rights”:

[The government has been] looking at budgets in way that is cutting out the social safety net, Medicare being eroded, rolling back on social support systems, basically attacks on all sides on women’s rights. Its a very difficult and challenging environment, more now than ever, in the last year. In 2011 we saw a spike in the number of anti-choice bills in legislatures and a host of new restrictive policies, the defunding of Planned Parenthood, restrictions on abortion providers, waiting periods, crisis pregnancy centers that give misleading information. It’s been very challenging.

These comments speak to the way that Reproductive Justice activists have intuitively identified deep connections between the upward redistribution of wealth of neoliberal policies and increasingly oppressive reproductive politics.

What are these connections between attacks on access to reproductive health and the agenda of increasing transfers of wealth from an increasingly impoverished majority to an increasingly wealthy minority of people? The concept of neoliberalism makes these connections explicit. Theorists of neoliberalism generally characterize it as a gradual shift in world economic policies emanating from the United States beginning in the 1970’s. These changes resulted from pro-business activism that was based on and also helped build a wide-ranging political and cultural project whose aim has been the reconstruction of the everyday life of capitalism “in ways supportive of upward redistribution of a range of resources, and tolerant of widening inequalities of many kinds” (Duggan 2003:xi) In fact, one of the only things that holds the project of neoliberalism together analytically are its “redistributive effects and increasing social inequality” (Harvey 2005:16).

Neoliberalism is both an ideological, utopian project “to realize a theoretical design for the reorganization of international capitalism” based on ideals of individual freedom, and also a political project “to re-establish the conditions for capital accumulation and to restore the power of economic elites,” with the former functioning as a system of justification subordinated to the latter (Harvey 2005:19). Neoliberal theories originated from the statements of the Mount Pelerin Society, founded in 1947 at a Swiss spa by Friedrich von Hayek and other economists, historians, and philosophers who called themselves “liberals” because of their “fundamental commitment to ideals of personal freedom” and deep opposition to “state interventionist theories, such as those of John Maynard Keynes, which rose to prominence in the 1930’s in response to the Great Depression” as policy-makers sought to control the business cycle and recessions (Harvey 2005:20). In theory, neoliberal policies therefore seek to “favour strong individual property rights, the rule of law, and the institutions of freely functioning markets and free trade” through a legal framework consisting of “freely negotiated contractual obligations between juridical individuals in the marketplace. The sanctity of contracts and the individual right to freedom of action, expression and choice must be protected,” especially for businesses and corporations, which are legally regarded as individuals (Harvey 2005:64).

In practice, neoliberal theory has manifested as an upwardly-redistributive political program that has restored power to, and created new classes of, powerful economic and political elites. In terms of political economy, geographer David Harvey characterizes this upward redistribution as “accumulation by dispossession,” through which wealth is not created but rather seized by an elite class through four

main processes: privatization and commodification, financialization, management and manipulation of crises, and state redistributions (Harvey 2005:163). A paradoxical reversal of neoliberal theory has occurred in the practice of neoliberalism through an increase in “intense state interventions and government by elites and experts in a world where the state is supposed not to be interventionist,” especially in response to “social movements that seek collective interventions” (Harvey 2005:69). Labor power and the environment are increasingly treated as commodities by states in an attempt to create a “good business climate,” and states have tended to “favor the integrity of the financial system and the solvency of financial institutions over the well-being of the population or environmental quality” (Harvey 2005:71).

The effects of neoliberal policy have been especially brutal in relation to marginalized populations who deviate from the mythical norm of white heterosexual able-bodied middle/upper-class maleness in the United States. Under neoliberal “non-interventionist” political economic policy, the state withdraws the marginal support it once provided under the New Deal era for the areas of welfare provision, health care, public education, and social services, thereby leaving “larger and larger segments of the populations exposed to impoverishment” as the social safety net is reduced to a bare minimum and “personal failure is generally attributed to personal failings” (Harvey 2005:76). This general pattern does not invent but rather extends and entrenches historical patterns of violent inequality. In the United States, the implementation of this aspect of neoliberalism has been marked by attacks on “New Deal coalition, on progressive unionism, and on popular front political culture,” as well as attacks on “downwardly distributive social movements, especially the Civil Rights and Black Power movements, but including feminism, lesbian and gay

liberation, and countercultural mobilizations during the 60's and 70's" (Duggan 2003:xii).

The fact that marginalized groups have been targeted and disproportionately disadvantaged by neoliberal political and economic policies is not unique to this time period, as these acts of abandonment and violence towards racial, sexual, and colonized Others have existed since the beginnings of the American liberal capitalist system in the nineteenth century through institutions such as universal white male suffrage and black chattel slavery and their unaddressed aftermath (Duggan 2003:5). However, power differentials between different social groups become more pronounced and insidious under neoliberalism precisely because these older forms of inequality have morphed to become less explicit about their identity politics and have masked the very identity categories by which they operate. As Lisa Duggan eloquently frames it:

Despite their overt rhetoric of separation between economic policy on the one hand, and political and cultural life on the other, neoliberal politicians and policymakers have never actually separated these domains in practice. In the real world, class and racial hierarchies, gender and sexual institutions, religious and ethnic boundaries are the channels through which money, political power, cultural resources, and social organization flow. The economy cannot be transparently abstracted from the state or the family, from practices of racial apartheid, gender segmentation, or sexual regulation. (Duggan XIV)

Neoliberal policies therefore “make use of identity politics to obscure redistributive aims, and they use ‘neutral’ economic policy to hide their investments in identity-based hierarchies” (Duggan 2003:15). They mask such investments through the use of coded language such as *privatization* and *personal responsibility*, for example, by promoting “the *privatization* of the costs of social reproduction, along with the care of human dependency needs, through *personal responsibility* exercised in the family and in civil society - thus shifting costs from state agencies to individuals and

households” (Duggan 2003:14). For Duggan, the pair of social policies in the 1990’s United States that best represents this process is the welfare “reform” and the emphasis on “law and order,” prisons, and policing as a solution to social disorder. In both welfare reform and law and order rhetorics and policies, “neoliberals have promoted ‘private’ *competition, self-esteem, and independence* as the roots of *personal responsibility*, and excoriated ‘public’ *entitlement, dependency, and irresponsibility* as the sources of social ills” (Duggan 2003:14, emphasis original).

The increasing number of bills prohibiting “race and sex selection abortion” - which have been passed in several states, repeatedly proposed in others, and are currently working their way through the federal legislature - represent the way that coercive racial and sexual politics have been mobilized in a neoliberal political climate so as to mask their racism and sexism, and most strikingly, have been able to claim to be both anti-racist and anti-sexist. The most recent federal iteration of this legislation, H.R. 3541 The Susan B. Anthony and Frederick Douglass Prenatal Nondiscrimination Act of 2011, was introduced in December 2011 by Congressman Trent Franks of Arizona with fifty-four co-sponsors in order “to prohibit discrimination against the unborn on the basis of sex or race, and for other purposes.”⁷⁷ The bill defines a “sex-selection abortion” as “an abortion undertaken for purposes of eliminating an unborn child of an undesired sex. Sex-selection abortion is barbaric, and described by scholars and civil rights advocates as an act of sex-based or gender-based violence, predicated on sex discrimination” against women.⁷⁸ The bill defines a “race-selection abortion” as “an abortion performed for purposes of eliminating an unborn child because the child or a parent of the child is of an

⁷⁷ “Bill Text - 112th Congress (2011-2012) H.R. 3541 I.H.”, THOMAS (Library of Congress), accessed 05 April 2012, <http://thomas.loc.gov/cgi-bin/query/z?c112:H.R.3541>:

undesired race. Race-selection abortion is barbaric, and described by civil rights advocates as an act of race-based violence, predicated on race discrimination” against African-Americans, the only racial group to be named in the bill.⁷⁹ The legislation decrees that any person who knowingly performs or facilitates the performance of either sex- or race-selection abortions is subject to fines, up to five years in prison, civil action by the woman upon whom the abortion is performed, by the father of the fetus, or by the parents of the woman, and an injunction to prevent an abortion provider from continuing her practice; notably, women who receive such abortions are exempt from any legal action under the bill.⁸⁰ In justifying the criminalization of sex- and race-selection abortions, the language of the legislation invokes a liberal ideology of tolerance and diversity as a fundamental part of American society; the bill states that both women and minorities “are a vital part of American society and culture and possess the same fundamental human rights and civil rights” as “men” and the “majority,” respectively.⁸¹

Reproductive Justice activists have critiqued this kind of legislation as racist and sexist, and have actively and successfully fought against it at the state level. A coalition of women of color-led organizations in Georgia, as well as the local Planned Parenthood affiliate, formed in response to similar legislation and succeeded in defeating the legislation, as well as in removing billboards promoting a similar message - that “Black Children Are an Endangered Species” - by exposing the racist implications of assertions by anti-abortion groups and legislators that black women were either “victims without agency unable to make our own decisions” or were

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Ibid.

“uncaring enemies of our own children, and architects of black genocide.”⁸² The National Latina Institute for Reproductive Health also published a fact sheet about the federal legislation, subtitled “a Wolf in Sheep’s Clothing,” which argued that “PRENDA [the Prenatal Nondiscrimination Act] claims to target a social ill: the continued undervaluing of women and people of color. But in reality, the bill takes aim at a social good: a woman’s access to reproductive healthcare.”⁸³ The factsheet goes on to argue that the bill would limit women’s access to health care providers by strategically ignoring how the “disproportionate need for abortion care within particular communities is driven by lack of comprehensive sex education, barriers to accessing affordable contraception, and persistent health disparities,” and that in enshrining “the insulting assumption that women and people of color’s decisions are determined by racist or sexist views, [the bill] promotes the offensive and misleading idea that women of color are unfit to be mothers.”⁸⁴ The bill, and ones like it, therefore perpetuates reproductive oppression by seeking to control the reproductive health decisions of women, particularly women of color, and despite its anti-racist and anti-sexist rhetoric, ends up harmfully impacting communities in racist and sexist ways.

Reproductive Justice organizations have shown the ways that these purportedly anti-racist, anti-sexist abortion bills are, as Jasmine states, a part of a larger strategy to deny people access to health care and create a larger class of people living in poverty. In this way, I argue that it is an extreme example of the capacity of

⁸² Loretta Ross, “Fighting the Black Anti-Abortion Campaign: Trusting Black Women,” *On The Issues Magazine*, Winter 2011, accessed 05 April 2012, http://www.ontheissuesmagazine.com/2011winter/2011_winter_Ross.php

⁸³ Race and Sex Selection: A Wolf in Sheep’s Clothing,” National Latina Institute for Reproductive Health, accessed 04 April 2012, <http://latinainstitute.org/sites/default/files/publications/factsheets/PRENDA-factsheet-FINAL.pdf>

neoliberal ideology and policy to entrench and expand the already existing inequalities that have been built into the structure of the U.S. society throughout history, especially through the history of reproductive oppression and population control, and that neoliberalism derives this capacity particularly through denial and rhetorical inversion of these existing and historical inequalities.

A less extreme but perhaps more insidious aspect of recent policy initiatives that entrench and expand reproductive oppression has been the health care reform law, the Patient Protection and Affordable Care Act of 2010. A central feature of the bill, which has been celebrated by many on the “left” of mainstream American politics, is the creation of federal government-subsidized “Affordable Insurance Exchanges” as the primary vehicle through which Americans can purchase health insurance. A government website promoting the legislation explains these state-based exchanges in this way: “Because they lack purchasing power and the ability to pool risk, individuals and small businesses too often pay higher insurance rates. The law changes that by providing them with competitive, consumer-centered health insurance marketplaces to compare and buy insurance, increasing their control and choice.”⁸⁵ Aside from the fact that the law enthusiastically maintains the profit-driven nature of the U.S. healthcare system which in itself makes it inaccessible to many marginalized communities, the bill itself contains provisions that directly attack access to reproductive health care. The so-called “Nelson Provisions,” named after the Nebraska senator who added them to the bill at the last minute, expands the restrictions of the 1977 Hyde Amendment which made virtually all federal Medicaid funding for abortion illegal by instituting “strict segregation” of funds for abortion:

⁸⁴ Ibid.

the provisions require “plans offering abortion coverage in state health-insurance exchanges to establish two distinct accounting systems to process premium payments,” and therefore “must create one account solely for the deposit of private premium dollars used to pay for abortion coverage – an account into which no federal dollars may be deposited.”⁸⁶ The law therefore requires private insurance companies - now subject to anti-abortion federal policy due to their incorporation within a federally-subsidized state-created exchange program - to create a separate, costly administrative bureaucracy to ensure compliance with this regulation, thereby creating a disincentive for insurers to cover abortion at all, and also requires consumers to engage in two separate financial transactions - to write two separate checks - if they want abortion coverage included in their insurance plan.⁸⁷

The Affordable Care Act is a neoliberal policy that reproduces and extends the reproductive oppression of low-income women and women of color but systematically masks and rhetorically inverts these investments in racial and sexual hierarchies. On the federal government website promoting this law, one sees photographs of a diversity of people, young and old and of many different colors and genders, that this law will ostensibly help, while the text of the page celebrates the strides that the law will make in providing insurance to more people of color (especially Latinos) than before the law was passed.⁸⁸ Yet, as the National Latina

⁸⁵ “Affordable Insurance Exchanges,” The Center for Consumer Information & Insurance Oversight, accessed 09 April 2012, <http://cciio.cms.gov/programs/exchanges/index.html>

⁸⁶ “Nelson Provisions in Health-Care-Reform Law Could Jeopardize, Stigmatize Women’s Access to Abortion Services,” NARAL Pro-Choice America, accessed 09 April 2012, <http://www.prochoiceamerica.org/media/fact-sheets/abortion-health-care-nelson.pdf>

⁸⁷ Ibid.

⁸⁸ “Home,” U.S. Department of Health and Human Services, accessed 09 April 2012, <http://www.healthcare.gov/>; “Join Us for a Spanish Language Twitter Chat,” U.S. Department of Health and Human Services, accessed 09 April 2012, <http://www.healthcare.gov/blog/2012/04/twitterchat040612.html>

Institute for Reproductive Health points out in a “Q&A” fact sheet available on their website (and co-authored by Veronica), the language of “compromise” and maintaining the “status quo” of the Hyde Amendment in the bill actually erects new barriers to abortion access by Latinas, immigrants, and women of color, and asserts that the NLIRH cannot support the legislation despite superficial increases in the numbers of Latinos covered under the Act:

Latinas, immigrants, and women of color are deeply affected by any language restricting abortion access - because women of color and immigrants are disproportionately poor, they are less likely to be able to pay for reproductive health care out-of-pocket, which puts them at risk for seeking alternative, unsafe abortion methods. Moreover, while HCR might lead to more Latinas being covered, it leaves out a significant portion of the population. By excluding and stigmatizing immigrants and women who need abortions, we are pushing them to the shadows of our health care system and placing unfair burden on the already-strained system of community health care centers and emergency rooms.⁸⁹

An ostensibly progressive piece of legislation therefore ends up exposing already-marginalized people to further abandonment, death, and reproductive oppression by erecting new barriers to reproductive health care access, which disproportionately affect low-income women and women of color. Meanwhile, private insurance companies have been turning record profits due to the fact that the law requires most Americans to purchase coverage.⁹⁰ Even as some pro-choice groups declare that these

⁸⁹ “Q&A: NLIRH’s Position on Health Care Reform,” National Latina Institute for Reproductive Health, accessed 09 April 2012, <http://latinainstitute.org/sites/default/files/publications/position-statements/NLIRH-HCR-QA-FINAL.pdf>

⁹⁰ Reed Abelson, “Health Insurers Making Record Profits as Many Postpone Care,” *New York Times*, 13 May 2011, accessed 09 April 2012, http://www.nytimes.com/2011/05/14/business/14health.html?_r=1. The article states, “The insurers’ recent prosperity — big insurance companies have reported first-quarter earnings that beat analysts expectations by an average of 30 percent — may make it difficult for anyone, politicians and industry executives alike, to argue that the industry has been hurt by the federal health care law.”

policies, as well as others, represent a new, extremist “War on Women,” this bill as well as the Prenatal Non-Discrimination Act fit clearly within the neoliberal political project that has been in creation for decades: a state-sanctioned upward redistribution of resources that depends on racial and sexual hierarchies yet is made to seem progressive, anti-racist, anti-sexist, and/or neutral.⁹¹

Reproductive Justice and the Non-Profit Industrial Complex

Sometimes I feel like its a sham, because I'm having to try and create policy change so that the world is less racist and homophobic and classist and fucked up, but I'm working within a system that's racist and homophobic and classist and fucked up. And I think it comes down even to campaign finance reform stuff. I don't know why any legislator is going to listen to me around creating a world in which we all have access to healthcare when health insurance companies are funding their campaigns. So there's a lot of tension. [...] I definitely think that Reproductive Justice is not an exception in terms of social justice movements being in a particular place in terms of activism and in terms of the non-profit industrial complex, you know, I think that we've been sucked into it just like everyone else.⁹²

- Veronica, National Latina
Institute for Reproductive Health

In our interview, Veronica poignantly gave voice to a set of ambivalent, often unvoiced tensions that have affected the ability of organizations like NLIRH to fight for Reproductive Justice. In this instance, the paradox of the position of many Reproductive Justice organizations is that they have been compelled to focus primarily upon influencing national policy, but they are at a fundamental disadvantage in achieving this goal because of their 501(c)3 tax-exempt status that limits the amount of lobbying they can do, based on their size, and subjects them to a

⁹¹ “Stop the War on Women,” EMILY’s List and MoveOn.org Political Action, accessed 09 April 2012, <http://stopthewaronwomen.com/>. The website urges visitors to sign letters to Congress to “Stop its Attacks on Planned Parenthood.”

regime of state surveillance to ensure compliance with this limit - a restriction not faced by private organizations like health insurance companies, who Veronica identifies as working at odds with Reproductive Justice through their commitment to a profit-driven health care system.

This paradoxical facet of Reproductive Justice organizing (which I will examine in more detail towards the end of this chapter) represents just one way that the same revitalized system of accumulation by dispossession that has created new forms of reproductive oppression has also structured the field of grassroots social movements through a transformation of the idea of civil society. Commentators on the general phenomenon of neoliberalism have pointed out the changed role of this civil society over the past decades. David Harvey writes that “it should not be surprising that the primary collective means of action under neoliberalism are then defined and articulated through non-elected (and in many instances elite-led) advocacy groups for various kinds of rights” (Harvey 2005:78). He notes that non-governmental organizations have proliferated wildly since the beginning of neoliberal policies, “giving rise to the belief that opposition mobilized outside the state apparatus and within some separate entity called ‘civil society’ is the powerhouse of oppositional politics and social transformation” (Harvey 2005:78) For Harvey, this belief in the oppositional power of a civil society composed of non-governmental organizations runs counter to the Marxist conception of this sector as always already under the domination of the ruling class: “The concept of civil society - often cast as an entity in opposition to state power - has become central to the formulation of oppositional politics. The Gramscian idea of the state as a unity of political and civil

⁹² Despite the fact that I had the concept of the non-profit industrial complex in mind while conducting

society gives way to the idea of civil society as a centre of opposition, if not an alternative, to the state” (Harvey 2005:78).

These profound shifts in the global economy and governmentalities over the past few decades of neoliberalism, in addition to and complementary with an upward redistribution of resources, have manifested through a transformation of grassroots social movements of marginalized peoples organizing for justice. Some activists and scholars have identified an emergent network of institutions that reflect this transformation in what they call the non-profit industrial complex. Scholars of social movements have noticed the emergence of these patterns for decades, but only recently have the participants in women of color-led movements themselves put forward an internal critique of this system, most notably through the 2007 publication of a volume edited by members of INCITE! Women of Color Against Violence entitled *The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex*, the contributions to which were drawn from presentations at an historic, international conference of the same name at the University of California, Santa Barbara in 2004, co-sponsored by INCITE! and the Women of Color Collective at UCSB (Smith 2007:15). The concept of the non-profit industrial complex draws critical attention to the ways that social justice movements have been compelled to operate largely within the 501(c)(3) non-profit model “in which donations made to an organization are tax deductible, in order to avail themselves of foundation grants,” in contrast with the legacy of grassroots, mass movement-building of the 1960s and 70s (Smith 2007:2). The existence of the non-profit industrial complex extends far beyond the existence of individual non-profits; like the related concepts of the

military-industrial complex and the prison-industrial complex, the non-profit industrial complex refers to the way that a range of institutions - such as foundations (both elite and movement-based), corporations, social movement organizations, social service agencies, advocacy and lobbying firms, universities, the (rapidly shrinking) welfare state, the Internal Revenue Service - are implicated in the disciplining of oppositional consciousness and social movement.⁹³ More importantly, the history of foundation support for charitable causes and social movements is not a new phenomenon, but the recent manifestations of this practice are profoundly shaped by the operations of neoliberalism. Just as neoliberalism is a more diffuse and effective iteration of the liberalism that led to the foundation of the United States and its constituent regimes of coercive population control,⁹⁴ the non-profit industrial complex represents a shift from occasional foundation influence of social movements towards today's unprecedented hegemony of a model of civil society in which non-profit organizations are considered and experienced as the only viable, legitimate venues for oppositional political activity.

The Reproductive Justice movement is especially implicated in this non-profit industrial complex; throughout the existence of the movement, non-profit

⁹³ By discipline, I refer to Michel Foucault's insight that "punitive measures are not simply 'negative' mechanisms that make it possible to repress, to prevent, to exclude, to eliminate; but that they are linked to a whole series of positive and useful effects which it is their task to support ..." (Foucault 1977:172).

⁹⁴ In implicating liberalism as a project of population control that has been reformed and reinvigorated by neoliberalism, I refer to the ways that the founding Enlightenment ideals (democratic representation, individualism, etc.) of American society were accompanied and enabled by a reliance on American Indian genocide and chattel slavery, which themselves were made possible through coercive control over reproductive capacity; see the section entitled "Reproductive Oppression and Population Control" in Chapter Two.

organizations have been the primary vehicles for its activities, and the establishment of key organizations (like the SisterSong collective) and the publication of foundational documents was made possible through foundation grants. In *Undivided Rights*, the authors (who identify themselves as activists for Reproductive Justice), draw some attention to how the pressures of the non-profit world have manifested in damaging ways for the movement: there is intense pressure from funders to prove measurable success, which is difficult when “working on issues of internalized oppression;” caps on numbers of “women of color groups” that may be funded per foundation put groups in competition with each other; mainstream “single-issue” feminist organizations who receive most funds get charged with organizing women of color, creating a paternalistic dynamic; fundraising from foundations creates an enormous amount of bureaucratic labor; tokenization when working with mainstream organizations; and a “shift from grassroots political work toward more emphasis on policy level and professional organizational style” (Silliman et al 2004:296-301). The authors of *Undivided Rights* propose the following to account for these tensions: “We contend that the lines between what constitutes a radical or a mainstream group are blurred or less meaningful among women of color reproductive rights groups. No matter what the organization’s offices, staff hierarchies, or budget size, advocacy on behalf of women of color, especially low-income women, constitutes a radical agenda” (Silliman et al., 2004:296). In what follows, I question whether or not the fact that an organization that advocates “on behalf of women of color, especially low-income women,” makes it immune to the very real effects of neoliberalism upon an entire grassroots social movement field of which Reproductive Justice is a part. In considering the ways that the non-profit industrial complex has

impacted today's Reproductive Justice movement, I hope to parse the ways that the social movement field from which it emerged in the mid-1980s can be both generative and restrictive of transformative oppositional potential under the neocolonizing globalization of neoliberalism.

Historical foundations of philanthropy

The importance of the non-profit industrial complex to the Reproductive Justice movement cannot be understood without reference to the history of foundation support of social movements in the United States, support that undergirds today's non-profit world. The beginnings of this model can be traced to the creation of the Ford Foundation in 1936, which marked the beginning of an era in which foundations, originally created by industrialists during the Gilded Age as "institutions that would exist in perpetuity and support charitable giving in order to shield their earnings from taxation," began to regain prominence after the Great Depression (Smith 2007:4). Foundations like Ford began as institutions that at first would focus on promoting the interests of U.S.-style democracy abroad through charitable giving, but later, with liberal shifts in the political leanings of their trustees, became actively involved in "trying to engineer social change and shape the development of social justice movements," particularly the Civil Rights Movement of the 1950s and 60s (Smith 2007:5).

Historian Alice O'Connor notes that in the Black Civil Rights struggle, as well as in the second-wave feminist movement of the same time period, "foundations came in with major and explicit support only after these movements had gained a degree of public acceptance and political legitimacy, and, crucially, had built up the activist networks and coalitions to translate years of organizing and advocacy into

concrete legislative gains” (O’Connor 2010:330). O’Connor’s historical research shows that foundations in this era of mass movements for justice claims of many kinds were arbiters of the contradictory project of twentieth-century liberalism, simultaneously tasked with accommodating demands for broad-based political, economic, social, and cultural reforms and with confining more radical, confrontational aspects of movement politics to fit with a “commitment to capitalism, political democracy, cultural pluralism, and a mildly redistributive welfare state;” the result of this role was an agenda that was “more rights- than social justice-oriented,” that positioned liberal foundations as “legitimizers, institution builders, and professionalizers,” and “engaged foundations in indirect efforts to influence values, public discourse, and political culture” (O’Connor 2010:332). As such, foundations “positioned themselves to facilitate the movement’s shift in focus from grassroots organizing and mass protest to legislative politics and policy in a number of ways,” such as supporting various movement-based strategies to work within existing institutions (the law, civil society, the market, the federal legislature and courts) for social change, and by “funding nominally apolitical, consensus-based avenues to empowerment” like social services, job training, and economic development in order to deflect growing militancy (O’Connor 2010:338). Foundations therefore played a significant role in what sociologist Craig Jenkins has called the channelling of social movement energies, by which foundation funding programs “tended to segment the struggle for civil and social rights from that for economic rights, equality, and justice while focusing more heavily on institution building and professionalization than on organizing or other grassroots, rank-and-file movement building strategies,” and in so doing, foundations “sidestepped or ignored the intersecting disparities of status and

power embedded in their own relationships with movement petitioners and grantees” (O’Connor 2010:340).

Two major questions posed by critiques of the non-profit industrial complex, justified by this history of corporate philanthropy, concern the extent to which foundation support has succeeded in channeling oppositional social movements into forms of action that are non-threatening to the exploitative systems of control that allow foundations to exist, and the extent to which such channeling hampers the efforts of such movements to bring about transformative social change. To think through these questions, I draw out the problematics of the non-profit industrial complex that are most relevant to today’s Reproductive Justice movement, and subsequently compare and contrast these with the information on the websites of movement organizations and my interviews with their participants.

Professionalization and bureaucratization

Foundations allegedly shape the structures of the social movement organizations that receive their support. Critics of the non-profit industrial complex claim that the push towards working within state-sanctioned channels effected by foundation support compels organizations to professionalize and bureaucratize themselves in ways that distance these groups from the marginalized constituencies they represent. As a result of neoliberal state expectations of efficiency (read: meager budgets) and accountability (contacts could be pulled if anybody stepped out of line), Ruth Wilson Gilmore writes in the INCITE! anthology that non-profits have become highly professionalized by their relationship with the state in that “they have had to

conform to public rules governing public money” (Gilmore 2007:46).⁹⁵ Furthermore, critics claim that grant money is almost always directed towards isolated “projects” with measurable goals that must be met for funding to continue, rather than money for core operations and idea creation, thereby encouraging a technocratic operation in which paid staff are compelled to specialize and narrow their focus to meet project objectives. (Gilmore 2007:49) Rodriguez raises similar concerns about how grants come with “requirements for stringent, rigid, and quantitatively oriented approaches to planning, evaluation, and monitoring” (Rodriguez 2007:33). This dynamic compels dissenting movements and organizations to “replicate the bureaucratic structures of the small business, large corporation, and state—creating centralized national offices ... and hiring ‘professional activists’ whose salaries depend largely on the effectiveness of professional grant writers” (Rodriguez 2007:33).

Jasmine from SisterSong NYC confirmed that this problematic of professionalization frustrates her organization’s work for Reproductive Justice. In our interview, she expressed frustration with the difficulty of supplying proof of the organization’s effect on policy that foundations often demand in exchange for their support: “what they measure as output, impact is always tricky with an advocacy organization. We said we had X amount of op eds, X amount of people sign this petition, but they’re like, how did that change policy? Foundations are focused on how our work changes policy, I’m finding.” Therefore foundations have directed funding towards discrete, professional projects for that could have an quantifiable effect on policy advocacy; for example, the Ford Foundation gave SisterSong a grant

⁹⁵ As I discuss below in further detail, the tax-exempt funding that non-profit organizations receive from foundations and individual donors is public money because the contributions are state-subsidized

to pay for a consulting firm to conduct a nationwide survey about African-Americans' attitudes about abortion, which Jasmine said would in turn help secure more funding for the Trust Black Women partnership: "Research shows that black people are okay with women making choices. You need proof! ... Historically when black women say something we're not always listened to. We felt that would help us in acquiring funding if we had this professionally-done survey to support why we need Trust Black Women." The fact foundations would fund a survey that could be utilized for policy advocacy and in turn would not provide core operating support for a national, coalitional partnership aimed at changing cultural attitudes illustrates a distinct commitment to a project-oriented professionalism on the part of funders (and consequent disinvestment in less quantifiable support), but these funding priorities did not necessarily translate into professionalizing and bureaucratizing the organizational form of SisterSong - they merely outsourced the task.

Jasmine expressed general suspicion that much of the capacity-building that is central to SisterSong's work isn't valued by funders because it doesn't produce the clear, quantifiable, immediate policy outcomes expected in a corporatized funding world: "Foundations are attached to corporations who answer to shareholders. Shareholders have a very corporate vision about what those outcomes look like, and if they feel like what they're doing is a good investment and how they measure their investment." Precisely because foundations have such rigid expectations about proof of progressive policy victories to vindicate their investments, Jasmine said that SisterSong aims to be "self-sustaining" through less reliance on foundation funds and more reliance on individual donors, even as foundations remain "core to non-profit

through tax returns.

existence”: “you’re gonna always need foundation funding, hopefully no more than 20%. The rest, major donor funding because that offers more flexibility.” Despite the fact that individual (wealthy) donors are a less stable source of funding, Jasmine finds them preferable to foundation grants that impose demands for quantifiable outcomes that are difficult to produce in organizing work.

As Rodriguez notes, the professionalization implicitly demanded of non-profit organizations often translates into the replication of the bureaucratic structures of states and corporations. Bureaucratization of non-profit organizations has been critiqued in virtually every essay in the INCITE! Volume, but additionally has been subject to other forms of explicitly feminist political theorizing. Kathy Ferguson (1984) argues that bureaucracies – whose characteristics include the aspects of professionalism discussed above, but additionally involve the profusion of “claims made by various experts to knowledge about relevant techniques” whose authority is often undemocratically imposed upon subordinates through hierarchical discipline and control (9) – are fundamentally incompatible with feminism as their depersonalization of human relations through rational, efficient techniques of management replicate the structures that subordinate women to men’s authority and devalue women’s positions as caretakers (26).

While this feminist argument against bureaucracy is problematic in its essentializing tendencies, its identification of depersonalized management by experts as a technique of social control is useful when thinking through the actions of foundation funders like the Ms. Foundation with roots in a multi-racial feminist movement. Despite this connection with the grassroots movement that Ms. Foundation prides itself on, when I asked about the process by which the strategic

decisions are made, like the one to focus so heavily on health care reform, Ellen told me that in her experience,

it has been inclusive, looking at not just our own team, but also board members that have been with Ms. for a long time. I've engaged with an extensive number of people who are familiar with the work of the foundation, our partners and allies in the past, organizations from the funders network. So it's a process of taking into account many peoples voices.

The specific impetus for a focus on health care reform came from "a couple of instances, our desire to focus on a specific issue more, and also the opportunity for funding from different sources that wanted to do health care reform work." The Ms. Foundation's choice to focus heavily on health care reform policy was therefore made by "including" a number of voices, but based on who those voices are (board members, loyal grantees, other funders), there is little indication of any direct, accountable, non-hierarchical consultation with the wide variety of grassroots movement organizations who do the actual work and who are outside the foundation's chosen circle - nor could such a democratic process (in which grassroots desires are not merely included but are constitutive of the foundations priorities) actually take place because of the bureaucratic structure of the foundation. Further, it seems that the foundation itself was influenced to choose this strategic goal because of opportunities for funding themselves. The Ms. Foundation is not much different from other foundations in this regard - in fact they may be much more progressive than others - and that similarity with other foundations may be a part of the problem identified by critics of the non-profit industrial complex: an elite bureaucratic managerial tendency that decides priorities without transparent processes of democratic accountability to the movements that foundations aim to support, which ends up guiding these movements in directions that the foundation believes is best.

The interests of foundations and their donors

Critics of the non-profit industrial complex not only draw attention to the ways that foundations shape the work of their grantees, but also the unjust, inequitable processes by which the foundation funds are obtained and distributed. This critique alleges that the inequalities and exploitation that condition the existence of the massive wealth of foundations and their trustees makes them unreliable supporters of oppositional social movements that seek systematic (not voluntary) downward redistributions of resources. Foundations and their trustees have a vested interest in these systems of exploitative capital accumulation and the institutionalized processes by which they are able to maintain control of what organizations their money supports. Christine Ahn, another contributor to the INCITE! volume and board member of the National Committee for Responsible Philanthropy, writes that the “same reliance on the generosity of the wealthy poses grave threats to democracy because it assumes that foundation grants, rather than organizing and political power, will lead to social change,” and insists that social justice organizations “abandon any notion that foundations are not established for a donor’s private gain” (Ahn 2007:64). Specifically, foundations are granting what would otherwise be public funds subject to (at least nominally) democratic control due to the tax-exempt status of non-profit contributions: “Foundations are made partly with dollars which, were it not for charitable deductions allowed by tax laws, would have become public funds to be allocated through the governmental process In fact, it is estimated that at least 45 percent of the \$500 billion foundations hold in their coffers belong to the American public” (Ahn 2007:65). Foundations whose boards are almost entirely composed of

wealthy people and highly paid professionals are not even required by law to dispense even the smallest percentage of their funds, and there are no mechanisms to ensure distribution of these funds to communities most impacted by oppression (Ahn 2007:67). INCITE! Contributors Tiffany Lethabo King and Ewuare Osayande ascribe a particularly white supremacist dynamic that characterizes progressive foundations' willingness to act as appointed "brokers between [white] capital and the oppressed people of color who were exploited to create it" instead of taking any steps towards redistribution and reparations (King and Osayande 2007:81) :

The wealth of most family foundations, not just the obvious culprits of oppression like Rockefeller, Ford, Getty, and other corporate foundations, has come from centuries of oppression and exploitation of African Americans, Native Americans, Mexicans, Chinese migrants and other people of color and the poor in this country. Yet the idea that family foundations should be required as a community to pay reparations has never been a part of the analysis (King and Osayande 2007:87).

While King and Osayande's critique makes sweeping generalizations in characterizing almost all progressive philanthropic dollars as both controlled by white people and derived from the exploited labor of people of color, the idea remains powerful: the foundations that fund oppositional social movements have a vested interest in maintaining the inequalities of wealth that are inextricable from the social injustices their grantees seek to address, because the funds they are in the business of distributing are made possible by those same inequalities, presenting a serious conflict of interest.

The Ms. Foundation, even as a foundation that touts its roots and continuing connections with a multiracial, cross-class feminist movement, is not immune to this dynamic in which wealthy, predominantly white people with their own family

foundations and high paying careers in the financial industry constitute the Board of Directors and are prominently featured on the foundation's website and promotional materials.⁹⁶ Such forms of owning-class privilege do not disqualify a person from being involved or interested in movements like Reproductive Justice. However, they hold a position of power in funding a foundation and sitting on a Board of Directors that makes significant decisions about the direction of the foundation. Because Ms. Foundation supports organizations working for Reproductive Justice who must necessarily confront intersecting vectors of oppression that are intimately connected to the economic inequalities and accumulated wealth that members of the Board benefit from, these donors are either selfless martyrs who know they will suffer a severe decline in status and lifestyle if the conditions of Reproductive Justice are achieved for all (which is unlikely⁹⁷), or they have a vested interest in directing their funds to organizations whose ideas and tactics do not threaten their elite status. When I asked Ellen why individuals and other foundations contribute to the Ms. Foundation, she responded, in explicit reference to members of the Board, that "it's the fact that

⁹⁶ "Our Board," Ms. Foundation for Women, accessed 11 April 2012, http://ms.foundation.org/about_us/our_board. The chair of the Board "helps direct her family's donor advised funds at the Pittsburgh Foundation as well as her own," while other Board members boast careers like Vice President of Global Operations for Verizon Business, Financial Advisor at Morgan Stanley Smith Barney, President and CEO of the Embrey Family Foundation and CEO of Embrey Interests, Ltd., and Managing Director and Head of Economic Strategy at AIG Asset Management, to name just a few.

⁹⁷ If this were the case, they could instead relinquish their donations to taxation that could fund social supports for childrearing that have been decimated partly through the same tax write-offs that subsidize charitable contributions. One could argue that foundations with an explicit feminist ideology would be more likely to fund initiatives promoting the conditions of reproductive justice than would a neoliberal government, but this would be to assume that such foundations are accountable to communities impacted by reproductive oppression, which the point of this chapter is to argue that they are not.

our mission is aligned with the values and principles of our supporters and donors. ... It's the vision that Ms. offers, a vision of a world with more equity in terms of women's rights and inclusion in every aspect of the U.S." Despite the fact that the foundation considers contributions as just one way people with wealth can express their support of a women's rights in general and Reproductive Justice in particular, the fact that they are supporting a "vision" implies a distant future yet to come; meanwhile in the present, it is a racially and sexually skewed upward redistribution of resources that both provides donors with wealth to contribute and also is a cause and effect of reproductive oppression. In addition to the historical role of foundations in steering oppositional social movements towards less confrontational channels, as well as the professionalizing and bureaucratizing effect that foundations have on the Reproductive Justice movement today, it is this "vision" in which wealthy contributors to foundations are not implicated in the reproductive oppression of the present that engenders a political logic that challenges the potential transformative impact of the Reproductive Justice framework.

The political logic of the non-profit industrial complex

The Reproductive Justice movement today is situated in a non-profit industrial complex in which oppositional political activity outside of foundation-funded, state-recognized, tax-exempt organizations is almost unthinkable. Dylan Rodríguez defines this vision of the non-profit industrial complex as "set of symbiotic relationships that link together political and financial technologies of state and owning-class proctorship and surveillance over public political intercourse, including and especially emergent progressive and leftist social movements, since about the mid-

1970s” (Rodriguez 2007:22). For Rodriguez, the non-profit industrial complex names the array of effects of compulsory non-profitization and subsequent reliance on foundation grants that legitimate a conception of a civil society in which unacknowledged, everyday violence that is inherently hostile to marginalized peoples (and their everyday resistance) is rendered invisible; the vision of civil society “is symbiotic with (and not oppositional to) the policing and incarceration of marginalized, racially pathologized communities, as well as the state’s ongoing absorption of organized dissent through the non-profit structure” (Rodriguez 2007:23). The vision of a balanced, futuristic civil society promulgated by foundations, for Rodriguez, is not a neutral democratic ideal but rather represents a severely limited horizon of possibilities for oppositional social movements, consisting of narratives of “reconciliation and societal perfection” that marginalize “radical forms of dissent which voice an *irreconcilable* antagonism to white supremacist patriarchy, neoliberalism, racialized state violence, and other structures of domination” (Rodriguez 2007:28, emphasis original). Although foundation grants may have enabled “left-of-center” campaigns and projects over the past 20 years, Rodriguez is concerned with the way this sponsorship “also exerts a disciplinary or repressive force on contemporary social movement organizations while nurturing a particular ideological and structural allegiance to state authority that preempts political radicalisms” (Rodriguez 2007:29). Rodriguez describes the ways that a reliance on foundation funded, incorporated non-profit organizations create a “dynamic of reduced autonomy” by which the state can “force voluntary groups to plan reactively, in response to new state policies and practices,” instead of proactively (Rodriguez 2007:33) Overall, Rodriguez is concerned with the way that a dense

network of relationship among the state, capital, and the “voluntary sector” of civil society creates and violently represses an unthinkable Other to the legitimized form of weakened political activity represented by non-profit organizations: “the symbiosis between the racist state and white civil society is not simply a relationship of convenience—it is a creative relation of power that forms a restricted institutional space in which ‘dissent’ movements may take place, under penalty of militarized state repression” (Rodriguez 2007:35).

A major thread that emerges out of this picture of the political logic of the non-profit industrial complex is the way foundation support disciplines movements into an allegiance with and dependence upon the state that has been a primary (but of course not the only) agent responsible for controlling the reproductive capacity of women of color in a coercive manner since the original settlement of North America. Two questions emerge from this problematic: has the Reproductive Justice movement been moved by corporate-sponsored foundation support to focus its energies on working within the agendas of a (potentially) white supremacist state and within the vision of civil society it legitimates? If so, does this incentive necessarily work against the interests of fighting reproductive oppression?

Veronica says that most of NLIRH’s money comes from foundations, but she herself doesn’t interact with funders because the organization has a staff person who works specifically on development, and therefore her knowledge of the specific interactions with funders is limited. However, her limited exposure to the funding work of the organization suggests to her that the need for foundation funding does *not* determine the political agenda of the organization: “We decide what we want to work on and we seek funding for that. ... it hasn’t happened to us that a funder is like ‘you

need to talk about this issue and this is all I'm gonna give you money for.” What foundation funding does do, though, is shape the *form* that their advocacy will take: funders nowadays are focused on securing “policy wins,” and their support of policy advocacy comparatively disinvests them in more grassroots strategies like community organizing. “Since the Obama administration,” Veronica told me, “funders really want policy wins, because they thought this was a friendly administration to get some policy wins. ... We've gotten a lot more money to do policy work and our policy team has greatly expanded”; and consequently, she told me that she has “seen less of a commitment from funders for organizing work for example.” Veronica's comments suggest that although foundation funding may not necessarily dictate the political agendas of the organization, funding certainly has recently had the effect of channeling movement activity into forms of action designed to pressure the state to make policy changes, and with this focus comes a distinct disinvestment in working on the community level through organizing Latina women facing reproductive oppression.

My interview with Ellen confirmed the investment of the Ms. Foundation in the tactic of working within the accepted channels of the state through influencing policy that has already been determined in advance. Recently, Ms. Foundation has been focusing on funding work that would incorporate women's health needs into President Obama's health care reform plan, the Patient Protection and Affordable Care Act of 2010. Program officers like Ellen, as well as others at the foundation, decided that making health care reform a primary target of the grantmaking strategy was “critical because of the opportunity that it offered” - that state governments will decide by 2014 how their insurance exchange programs will work, and the

“opportunity” and “potential” in this process is “to make reproductive and sexual health a part of that general health care. “That’s our goal,” Ellen told me, “to support organizations who work on policy, mobilization, and advocacy that will ensure reproductive and sexual health is incorporated into health care reform implementation.” To create this strategy, Ellen and others chose and assessed states it thought would be critical in setting the agenda for other states (large states such as California), and from there formulated criteria for a selection process and issued a limited call for funding applications to select organizations that the foundation thought would be most effective in influencing health care reform implementation: “we know which kinds of organizations we’d like to support - those that are already involved in health care implementation, who are leaders in reproductive and sexual health, who have a foot in the door in health care reform.” This aspect of Ms. Foundation’s work indicates a reticence on the part of the foundations involved in the Reproductive Justice movement to challenge state policies that have created new forms of reproductive oppression; they take the new barriers to abortion access in the health care law that will predominantly affect women of color as a given that cannot be changed because that moment in policy formation has already passed. Instead, the foundation supports technocratic fixes to the legislation’s implementation that will ensure more “equity and inclusion” within the existing framework already set forth by the federal government, in line with their vision of a perfect civil society in which “equity and inclusion are the cornerstones of a true democracy” and in which (as Ellen told me) “voices that are usually left out of debate and policy are included, given opportunity to give voice on what they think would be good public policy for

them.”⁹⁸ What this vision silently excludes through its funding power, as Rodriguez suggests, is the possibility that those in the Reproductive Justice movement may not want to engage with the policymaking process of a government that has supported reproductive oppression as a condition of its existence and shows no signs of stopping.

Of course, many organizations chose on their own accord to focus on influencing state policy, such as the National Latina Institute for Reproductive Health. Yet in making quantifiable policy wins a priority (as my interviews with both Veronica and Jasmine have shown), foundation funders do not necessarily work to support NLIRH’s mission is to create policy change that will create the conditions of reproductive justice for Latinas. As the longer passage from my interview with Veronica that began this section shows, the organization is put in an awkward position when trying to achieve measurable policy victories because of their 501(c)(3) status. As Veronica explains, “we do lobbying work, but we have to track that very carefully because 501(c)(3)s are allowed to do some amount of lobbying but you can’t do a lot. Unlike a (c)(4), with a (c)(3) any donation you make is tax deductible, so the government doesn’t want to be put in the position of funding work that includes a lot of lobbying.”

The contradiction of 501(c)(3) organizations who are compelled by funders to create measurable policy outcomes and yet are severely limited and strictly monitored when engaging in lobbying (perhaps the most effective method for creating such outcomes) is crucial to understanding how the non-profit industrial complex stymies social change and frustrates social movements like the one for Reproductive Justice.

⁹⁸ “Our Approach,” Ms. Foundation for Women, accessed 09 April 2012,

This contradictory relationship has been documented in legal scholarship on the tax regulations that create the 501(c)(3) category. Joseph Klapach writes that non-profit organizations, through the 501(c)(3) incorporation process, “must make a deal with the devil” in a “Faustian bargain” through which they obtain the twin benefits of the legitimacy conferred by federal government recognition and increased donations by contributors who are reimbursed by the federal government in the form of tax returns; but in exchange, the organization must legally agree to restrict the range of activities it will undertake by refraining from “political campaign activities”: “In this way, § 501(c)(3)’s prohibition of political campaign activity effectively silences a charity at a time when it feels most compelled to speak, when its speech might be the most effective in furthering its mission, and when the public debate surrounding issues of concern to it becomes most intense” (Klapach 1999:506). The Internal Revenue Service, courts, and other federal agencies do not clearly specify which kinds of political activities are prohibited for 501(c)(3) organizations, and they have often issued conflicting information, but they say that even the smallest violation will result in the loss of tax-exempt status: for example, both “direct” and “indirect” political campaigning are prohibited, yet activities like voter registration, sponsorship of debates between political candidates, distribution of politicians voting records, and providing facilities for candidates to make campaign speeches have all been permitted under the law (Klapach 1999:507). Therefore the law governing 501(c)(3) organizations has created an environment in which non-profit organizations are unsure of the extent to which they can participate in activities that would have an effect on the political process of policymaking without risking the tax-exempt status

that allows them to remain funded. Further, any lobbying that can be done by 501(c)(3) organizations must be meticulously “tracked” and reported to the federal government to ensure compliance with the tax code - a form of state surveillance of political activity not faced by private organizations who engage in political advocacy, especially in light of the 2010 Supreme Court case *Citizen’s United v. Federal Election Commission*, which allows unlimited spending by corporations on political advocacy and lobbying.⁹⁹

Ellen also stressed the enormous constraints put upon Ms. Foundation in terms of engaging in lobbying themselves or in supporting the lobbying of grantees: “Given that we are a 501(c)(3), we do have foundations that provide funding that stipulates we can’t do advocacy or lobbying, direct or indirect I think that because we’re a foundation, that we provide support and funding, the constraint is how much support we can provide to grantees if lobbying is a big part of their strategy. . . . Depending on the size of the budget usually you can allocate twenty percent of your funding towards lobbying but you have to document it out for tax purposes and its very critical in terms of your legal status.” Despite these constraints and obstacles (which includes not only their legally limitless spending on lobbying but also the immense fortunes of capitalist donors to conservative foundations and advocacy groups), Ellen thinks that foundation funding of policy advocacy is still effective because of the unique advantage of progressive funders in their connection with a grassroots base: “our effect or impact on grassroots communities and our ability to politicize them in a way that corporate interests may not necessarily.”

⁹⁹ “Citizens United v. Federal Election Comm’n - 08-205 (2010),” Justia US Supreme Court Center, accessed 04 April 2012, <http://supreme.justia.com/cases/federal/us/558/08-205/>

Whatever advantage politicized grassroots communities might pose to the money-and-power driven world of lobbying (which I assume from Veronica's comments are negligible), the beliefs of foundation program officers - that measurable impacts upon policy are what the movement needs to focus on more now than ever - appear to disavow the structural disadvantage of the position that non-profit organizations are placed in by tax law; when I asked Ellen if the foundation received any financial support from the government, she said, "No, we don't. And that would compromise our agenda, I think." Yet the Ms. Foundation is a 501(c)(3) non-profit organization, whose funding is ensured through tax reimbursements to donors; so, in a way, the government does financially support the Ms. Foundation, as well as all other public foundations and all of the Reproductive Justice non-profit organizations I considered. The question then becomes: Is Ellen correct in saying that such government support *compromises* the otherwise independent agenda of organizations working for Reproductive Justice? Or does such support perhaps have a role in *producing* the agenda of these groups, by encouraging them to work within the tightly circumscribed boundaries of legitimate political policy advocacy?

It appears that these two possibilities may not be in contradiction. Neoliberal policies and culture have created a social movement field characterized by the salience of the non-profit industrial complex, and the Reproductive Justice movement has been both enabled in its emergence and constrained in its potential through the forces of global capital that have animated it. The proliferation of non-profit organizations and foundation-backed intellectual enterprises over the past three decades are ways that the neoliberal non-profit industrial complex has established the conditions of possibility for the emergence of the Reproductive Justice movement,

perhaps because progressive and feminist foundations saw these activities both as reflections of their vision for an equitable and inclusive future and which were, on their own, non-threatening to upward redistribution of resources and accumulation by their own, non-threatening to upward redistribution of resources and accumulation by dispossession that have made the existence of foundation funders possible. However, the neoliberal non-profit industrial complex has constrained the potential of Reproductive Justice just as much as it has enabled it, particularly through channeling the activity of the movement into forms of policy advocacy, which, regardless of any explicit intentions of foundation funders, have made an effective application of the downwardly redistributive (and therefore threatening) Reproductive Justice framework difficult, if not impossible due to the state surveillance of effective forms of policy advocacy by tax-exempt 501(c)(3) non-profit organizations.

Reproductive Justice outside the NPIC and within neoliberalism

Kathleen, co-founder of Momma’s Hip Hop Kitchen (MHHK), very early on in our interview was telling me about the Pro-Choice Public Education Project (PPEP), a “national reproductive justice organization that works to engage and inform organizations, young women, transgender and gender non-conforming young people, ages 16-25,” at which she used to work as an intern and which was a co-sponsor of the first MHHK event.¹⁰⁰ She was telling me about how this organization no longer exists because of the lack of funding in the wake of the 2008 financial crisis, how it “tanked when we broke off from the Tides Foundation,” how the expenses of the 501(c)(3) administrative bureaucracy became particularly difficult for the smallest

¹⁰⁰ “Index,” The Pro-Choice Public Education Project, accessed 04 April 2012, <http://www.protectchoice.org/>

organizations, and told me something that surprised me: “I for one don’t really believe in non-profits, that’s the thing.” She continued:

The thing is, why get an MPA [Master of Public Administration] when you can get an MBA [Master of Business Administration]. Non-profits need to be run like a for-profit. During these hard times when you’re trying to get people to donate money, it’s hard for someone - why would they - you’re basically funding someone’s salary. Yeah they’re doing good work but we as human beings should be doing good work with our lives. You can have your corporate job and still give back to the community at the same time. It’s hard for nonprofits to stay alive when they have nothing they can sell. [...] I think you can run a non-profit like a for-profit and still have yourself be a non-profit at the same time. It’s just that non-profits are not gonna exist if they don’t have a product. I’m not saying sell t-shirts, but say, consulting for workshops, doing institutional research - because everyone is fighting for the same grant money.

Kathleen’s unique combination of social justice ideas, volunteerism, business-friendly entrepreneurialism, and Do-It-Yourself community empowerment in response to the shrinking public sphere resonates throughout the interview and throughout the culture of MHHK. In describing the theme of MHHK volume 4, “Lets Get Active!”, Kathleen says that they are “talking about finding solutions, instead of waiting for someone else to do them, lets do it ourselves”: “So you know with budget cuts, let’s step away from our computers, get involved in our community. If you’re library’s closed go to your church, your community center, if you have extra books donate those books, organize a program to bring kids in and tutor them.” On the website promoting the most recent MHHK, Volume 5, the text (presumably co-authored by Kathleen and Lah Tere) reads: “We acknowledge that we cannot depend on our government to bring equality to these [racial] disparities [in reproductive health]. We can no longer wait for politicians and government officials to come full circle. Time

is running out for our families and communities who are in desperate need of proper healthcare and access to dependable resources. *It is up to US to use preventative measures to lessen the mortality rates. It begins with YOU!*” [formatting original]

In urging this proactive, community-centered yet individualistic direct action for reproductive health through hip hop, Kathleen claims that MHHK’s incorporation as a limited liability company (LLC), as opposed to a 501(c)(3) non-profit, gives the event more flexibility to this end. An LLC, as defined by the Internal Revenue Service, is a relatively new “business structure allowed by state statute” in which “owners have limited personal liability for the debts and actions of the LLC,” much like a corporation, and provides “management flexibility and the benefit of pass-through taxation” (meaning individuals earnings from the LLC are taxed but not the LLC itself), much like a business partnership.¹⁰¹ For MHHK, this means that they did not have to pay expensive incorporation fees and do not have to comply with the strict monitoring that 501(c)(3) status mandates. However, their primary fiscal sponsor, Advocates for Youth (AFY), is a 501(c)(3) non-profit focusing on lowering the rates of STIs through promoting sex education among youth - a partnership that Kathleen perceives as mutually beneficial:

“We have our own bank account, our own checks, invoices. So if you want to donate money and get a tax write-off, you donate money to Advocates for Youth, and they cut us a full check. ... It’s a good partnership. We get the same grants, and they have grantwriters at Advocates that are funding us. ... we allow them to say that one of their youth participants put on an event with 1000+ people. It’s good publicity for them, for us, they provide us with a lot of assistance, they have really good connections, its a win-win partnership.”

¹⁰¹ “Limited Liability Company (LLC),” Internal Revenue Service, accessed 04 April 2012, <http://www.irs.gov/businesses/small/article/0,,id=98277,00.html>

However, AFY's non-profit status does impose some nebulous restrictions on the political activities of MHHK, but these indirect restrictions (as well as the lack of restrictions on the LLC's political spending) seem to be of little concern (or excitement) to Kathleen because of the fact that the organization does not aim to change government policies, even if it is deeply political:

We can't - we are political but we can't have people sign a petition or like... it doesn't bind us, you can sign a petition in the lobby where the organizations are tabling, but we're not giving you the petition. If another non-profit comes with a petition and has you guys sign it, you guys can sign it. We talk about who we do and do not like, these are the things that this politician has done, but its being neutral and stating the facts.

In addition to their fiscal sponsorship by AFY, MHHK is also supported by the freely donated auditorium at Hostos Community College in the Bronx, and through individual donors that Kathleen recruits: "the first year, I raised like \$1,500 in two weeks because PPEP was our sponsor, and they're like, we can only pay for X amount, so I wrote a letter to family members and friends, and some of the most conservative parents of my friends gave money because they believe in what we're doing."

The organization form and fiscal practices of MHHK reveal a lot about the possibilities and the limits of organizing for Reproductive Justice outside of a 501(c)(3) model. On the one hand, Kathleen's critiques of non-profits resonate with other critiques of the non-profit industrial complex but in a unique way: she points out that service and advocacy-based non-profits are competing for the same, limited funding streams, and cannot garner much support outside of foundations (who have their own agendas, despite what they may think or claim) because they don't have a "product" that compels people to invest in the organization. MHHK's model has been

to provide such non-tangible products (a platform for young artists to express themselves to an audience, political education about reproductive justice, and DIY approaches to health) as an incorporated business that derives no profit and pays no salaries. On the other hand, while this organizational form might not be as embedded in the non-profit industrial complex as other organizations I looked at, MHHK is still thoroughly implicated in neoliberalism, and perhaps more so than non-profits are. Much of MHHK's finances are contingent upon support from AFY, a non-profit organization (which, notably, does not exert the same kinds of discipline as foundations), and much of the (free) labor that makes the event possible is done by Kathleen, who has the free time, resources, and personal connections to make the event happen, all of which are predicated upon certain forms of economic privilege and cultural capital. Finally, the message promoted by MHHK and Kathleen is at once highly attentive to increasing forms of reproductive oppression and health disparities under the social structural transformations of neoliberalism *and at the same time* promotes individual agency and/or responsibility (however socially situated) as the solution to these issues through the adoption of healthy eating and exercise habits and through performing and listening to female-positive hip hop. The LLC status that allows for increased participation in money-driven political engagement is not utilized for this purpose because it wouldn't make sense under the neoliberal logic of personal empowerment as a solution to racial and gendered health disparities that MHHK employs. In this way, Kathleen and Lah's annual event represents an inversion of the non-profit industrial complex that is still subject to the ideological imperatives of neoliberalism.

Conclusion

This thesis began with the question of how the Reproductive Justice movement has managed the tensions between its oppositional framework that seeks to undo the oppressions that have defined the history of the United States through its foundations in population control directed at marginalized communities, on the one hand, and the assimilationist tendencies of the institutional structures of neoliberal colonization out of which it emerged, on the other. What I hope to have shown is how this tension is not an unresolvable contradiction but rather is a force that has always simultaneously enabled and constrained the movement. The Reproductive Justice movement has operated within a framework of differential consciousness that has strategically deployed liberal rights discourses, an ethics of revolutionary solidarity against population control through a reliance on separate, decolonized spaces of racial and sexual affinity, and an investment in the distinctly valued leadership capacities of women of color. In utilizing a differential frame of oppositional consciousness, however, it has not been immune to the forces of neoliberalism, which through the non-profit industrial complex has been partially but not entirely successful in channeling the movement's energies into what risks becoming an exclusive strategy. Despite the movement's subjection to these global economic forces, Reproductive Justice organizations have succeeded in maintaining a focus on what matters to them and to their communities: confronting racist and sexist threats to their reproductive health within a diversity of social locations, ranging from policy to mass media images, from social theory to hip hop culture.

One insight in particular that I hope has become evident from my research is that foundation funding presents a complicated dilemma but one that cannot go unaddressed by those who wish to see the movement succeed in achieving reproductive justice for all people and communities. While progressive and feminist foundations have been, appropriately, foundational to the movement, it seems that they could stand to become subject to a Reproductive Justice analysis themselves. As representatives of massive accumulations of wealth and polarizing inequality, foundations have the potential to disrupt the development of Reproductive Justice analyses as they unfold through activist practice, if these practices do not conform to the hierarchically determined managerial prerogatives of donors, who, despite potentially feminist intentions, do not pay adequate attention to the effect of their privilege in relation to the constituencies their funding is intended to empower.

An avenue for future activist-oriented research into the Reproductive Justice movement is a closer look at smaller, less professional grassroots organizations that organize through a Reproductive Justice framework across the country. My theories and conclusions about the movement have been entirely shaped by the narrowness of the kinds of groups I considered, and activist scholarship that aims to stand in solidarity with these grassroots groups has the potential to identify more ways that the movement can use its differential frame of oppositional consciousness to strategically intervene in increasingly insidious forms of population control that surround us in our everyday lives.

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