

**Domesticating Human Rights: Possibilities and Ambiguities in the Emerging  
Reproductive Justice Movement**

by

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I dedicate this dissertation to my mother, Toya Robinson, whose name I chose to be my own before fully realizing/accepting the many ways we were alike. Thank you for taking us to protests and getting Lina the coolest babysitter.

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## ABSTRACT

Reproductive rights have been a controversial issue for decades due to the legal battles surrounding abortion. Yet, activists in the emerging reproductive justice movement often use a human rights analysis to challenge the women's movement's emphasis on "law on the books." As such, reproductive justice activists consider how lack of economic and social human rights limit people's rights to have a child (e.g., for low-income women) and the right to parent (e.g., for incarcerated parents). A human rights frame is an unusual choice given its history in the US. In the 1940s, African American leaders unsuccessfully attempted to challenge racism through engaging human rights. However, their successful movement for limited *civil* rights became the model for successive US movements. Why, despite the dominance and success of a civil rights frame, did the later reproductive justice movement choose the human rights frame? In addition, what have been the consequences of this adoption on the wider women's movement? To answer these questions, I analyze SisterSong, a national reproductive justice coalition, and its engagement with human rights.

This dissertation draws on interviews, archival documents, and participant observation. I explore the confluence of domestic and international events that led to this choice of mobilizing around human rights. Then, I examine specific ways activists leverage human rights through the concept of reproductive justice. I further demonstrate how women of color and their allies work to move narrow definitions of reproductive rights from a limited concept of "choice" toward a more inclusive reproductive justice.

Finally, I examine the contradictory articulations of human rights consciousness exhibited by activists, and what their varying consciousness suggests for a possible domestic human rights movement. Many reproductive justice activists perceive that engaging with the human rights-based reproductive justice frame allows them to bring their “whole selves” into a movement, rather than requiring alignment with competing movements that fail to address their complex (reproductive) realities. Even if human rights do not become institutionalized in the US legal system, we can expect increased deployment of human rights by marginalized communities that are increasingly demanding systemic justice not only limited legal reform.

## CHAPTER 1

### Introduction

“The Cold War identified in stark, pejorative terms entire categories of rights as antithetical to basic American freedoms. It punished mercilessly those who advocated a more expansive definition and a more concrete commitment to those rights....The resulting inability to articulate the struggle for Black equality as a human rights issue doomed the subsequent Civil Rights movement....the African American leadership was simply incapable of embracing the now-tainted human rights platform. ”

-Carol Anderson, *Eyes off the Prize: the United Nations and the African American Struggle for Human Rights, 1944–1955*, page 276.

“By promoting the more inclusive human rights framework in reproductive justice organizing, SisterSong also helps the mainstream movement recognize the limits of the ‘choice’ rhetoric, and truly build a movement to transform women’s lives. This human rights-based framework is based on the early recognition among women of color organizers that we have the right to control our own bodies simply because we are human, and as social justice activists we have the obligation to ensure that those rights be protected.”

-SisterSong Women of Color Reproductive Justice Collective, *Collective Voices* newsletter, Volume 1-Issue 1, 2004, page 12.

These two quotes suggest two very different views on the possibilities for social movements using human rights in the US: a doomed movement choice or an empowering movement choice. To read Anderson’s conclusion about the failed Cold War-era attempt by the National Association for the Advancement of Colored People (NAACP) to develop a human rights movement, we would conclude that a modern human rights-based movement would not emerge in the US because of the “tainted” legacy of human rights there. Yet, when we fast forward almost fifty years, we see the taking up of human rights again with the 1997 founding of SisterSong Women of Color Health Project (SisterSong)

by a group of women of color representing four racial/ethnic minority groups.<sup>1, 2</sup> Their coalition focused on advocating for reproductive rights using a human rights frame and analysis to build a movement they called “reproductive justice” (RJ).

This presents a puzzle, which this project aims to solve: SisterSong founders were attempting to use the same expansive human rights framework that had previously proved unsuccessful in addressing racial injustice—why? Why, despite the dominance and success of a civil rights frame, would the reproductive justice movement choose the human rights frame? To answer this primary question, I first demonstrate why the movement shifted from reproductive rights to reproductive justice, and then I explore the (sometimes-ambivalent) relationship between reproductive justice and human rights. This leads into the second main dissertation question: what, if any, have been the consequences of the adoption of this human rights frame for the wider women’s movement? Each of this dissertation’s four empirical chapters (Chapters 3 to 6) contributes a different facet of understanding in order to answer these two overarching questions. In the conclusion, I return to these broader questions and synthesize the contributions of this research.

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<sup>1</sup> In 2002, SisterSong changed its name to SisterSong Women of Color Reproductive Health Collective. In 2010, SisterSong again changed its name, this time to SisterSong Women of Color Reproductive Justice Collective.

<sup>2</sup> “Women of color” refers to both an identity and a political stance that, together, assume that women of marginalized racial/ethnic groups experience inequality due to both their race and gender. The term “women of color” has been attributed to activists themselves, with early texts such as Moraga’s (1981) *This Bridge Called my Back: Radical Writing by Women of Color* providing a foundation for the recognition of a particular history that is composed of, but also larger than that of any individual racial group. The term has generally included Black women, Chicana/Latina women, Asian/Pacific Islander women and Native American women. More recently, Arab American women have also come to be included in the category. Women do not necessarily agree within or across these groups, just as White women do not agree on all social issues. Yet, the term suggests that while diverse histories of racial marginalization in the US produce particular experiences, they also share commonalities around which these groups of women can engage and seek social change.

This study aims to understand the reproductive justice movement, the reproductive justice frame, and the relationship of both to human rights. I purposely use the word “domesticating” in my dissertation title in order to highlight three interrelated aspects of my dissertation: 1) attempts by activists to bring human rights from the international political arena into the domestic US political arena, 2) the historical practice and consequences of the US government trying to control the reach of human rights by restricting their meaning to align with its own narrower civil rights framework (equality under the law), and 3) the private/public distinction that paradoxically places discussions of reproduction in the private (i.e., domestic) realm, although, in practice, reproduction has long been a *public* political and cultural concern.

I explore these aspects through a study of one coalition, SisterSong. SisterSong’s longevity and visibility make it a useful research site through which to study the reproductive justice movement. Below, I briefly discuss the influence of the Civil Rights movement on subsequent social movement politics, which leads into an overview of the SisterSong coalition. This is followed by a discussion of the literatures with which I am engaging, the broader arguments in my dissertation, and the layout of the remaining chapters.

### ***The Historical and Organizational Context of this Study***

The roots of my investigation begin in the 1940s when the NAACP tried to develop a human rights platform, but was unsuccessful due to the US government’s Cold War stance toward human rights. US government officials saw civil and political rights as American, while social and economic rights, which were promoted by the Soviet Union

and smaller countries, were considered un-American (Anderson 2004).<sup>3</sup> Despite this setback, the NAACP became central in the Civil Rights movement that would eventually transform US and, some would argue, international, politics forever. Many people, Black and White alike, were inspired to join the Civil Rights movement after witnessing the persistence of groups like the NAACP and, later, the Student Nonviolence Coordinating Committee (SNCC). In these settings, movement participants realized the power—and cost—of collective action. Additionally, many White youth gained first-hand experience in community organizing and challenging racial inequality, an experience that encouraged them to develop their own organizations, such as Students for a Democratic Society (SDS).

Some White women in these organization concluded that the sexism they personally experienced (or that they perceived Black women as experiencing) as indicative of a need to revitalize the movement for women’s rights. Two young White SNCC activists anonymously wrote a document entitled “SNCC Position Paper (Women in the Movement),” which was then presented by a Black woman at a 1964 SNCC staff retreat. The position paper cited various incidents of sexism and claimed that, among other problems in SNCC, women were not given the same opportunities as men (Evans 1980). When the paper began to circulate, some Black women who were garnering increasingly important roles in the movement and felt “respected and admired for their strength and endurance” expressed skepticism at the document’s claims (Evans 1980:

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<sup>3</sup> Refer to Appendix I for the text of Universal Declaration of Human Rights as adopted by the United Nations General Assembly in 1948. Civil and political rights are often referred to as “first generation” rights. These include the right to life, property, and freedom of speech. Social and economic rights are often referred to as “second generation” rights. These rights include the right to free elementary education.

238).<sup>4</sup> For many activists, the Civil Rights movement was still the movement to emulate, despite the problems within it. Scholars refer to the feminist activism of this time as the second wave of feminism to distinguish it from the women's movement of the early 20<sup>th</sup> century that focused on women's suffrage, although this wave metaphor has also been critiqued.<sup>5</sup> Second wave activists hoped they could produce a "civil rights movement for women" (Friedan 1963). As such, this women's movement offered a space to talk about sexism in other movements and confirm that being a woman produced a different experience due to structural arrangements that privileged men. Yet, in some wings of that movement, racism was not understood as a "women's issue," a surprise to women of color who, as I discuss in more detail throughout the dissertation, argued they could not separate their race from their gender or vice versa.

Yet, at the same time, there *were* problems with sexism in the movements for racial justice that considered themselves more radical than the earlier Civil Rights movement. Black women involved in the later Black Liberation movement faced sexism in the form of claims that contraception was tantamount to genocide, and that feminism was/is a "White women's" concern—a claim that Black women challenged (Bambara 1970; Randolph 2009). Even women in leadership roles continually had to prove their

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<sup>4</sup> Robnett (2000) documents how there were, indeed, problems with sexism in the Civil Rights movement. She suggests that African American women played many different roles in the movement, but their essential leadership was downplayed. Due to the US' patriarchal structure, however, for the movement to be taken seriously by power holders (men), African American men had to be understood as the leaders.

<sup>5</sup> Women of color and many White feminists have been challenging how feminism is "done" since the second wave movement began. The use of the "wave" metaphor to describe feminist activism has been criticized for demarcating women's activism based on the activities of White feminists who privileged sexism in their analysis of social problems (Bailey 1997; Thompson 2002).

capabilities within their organizations and some left these organizations disillusioned.<sup>6</sup> Chicanas found that supporting the advancement of “La Raza” (the Mexican-American community) often meant ignoring the culturally-inflected sexism expressed through hyper-masculine “machismo.” Thus, Black and Chicana women developed movements in response to challenges they faced in both movements for racial/ethnic equality and in interaction with other movements, leading to multiple movements, not a unified “second wave” (Roth 2004).

Other groups of women of color were organizing as well. Even though women were involved with the New York branch of the Puerto Rican nationalist organization, the Young Lord Party, they had to form a women’s caucus to challenge the “sexual fascism” women experienced therein (Clemserud quoted in Fernández 2009). Indigenous/Native American women in organizations like Women of All Red Nations were involved in their people’s sovereignty struggles, yet also faced gender inequality in their communities (Allen 1986 ). Asian/Pacific Islanders were developing the Yellow Power movement based on the model of the Black Liberation movement; but the footing they gained was contested as some people believed such a movement was unnecessary and that “the” Asian/Pacific Islander community was a model story of successful assimilation (Ogbar 2001; Prashad 2002). Asian American women sensed that despite their own activism, “people are still looking right through and around us, assuming we are simply tagging along [with other movements],” so they focused instead on challenging stereotypes of submissiveness that suggested they should not speak out on race and gender inequality (Yamada 1981:40).

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<sup>6</sup> For one example, see Elaine Brown’s (1992) account of being the first Black woman to lead the Black Panther Party.

Meanwhile, much of the women's activism that gained media and scholarly attention during this time was led by highly-visible national groups such as the National Organization for Women. These organizations have received continual criticism (both internal and external) for appearing to focus only on the needs of middle-class White women (Barakso 2004). As I discuss throughout the dissertation, many women of color (and some White women) felt that mainstream, resource-rich organizations like these failed to engage in activism around a broader range of issues concerning women, including reproductive health concerns other than abortion (Nelson 2003).

The Civil Rights movement inspired many other movements and led to major legal and social changes. Nevertheless, as discussed earlier, we know that leaders of the Civil Rights movement had to choose to limit their own vision because otherwise, they would have risked even small gains toward racial equity—hence the decision not to use a human rights frame. But apparently, leaders of SisterSong did not take away the same message after seeing the success of the Civil Rights movement—namely, that in order to be a successful movement in the US, you have to frame movement concerns in terms of civil rights, not human rights.

Instead, when we look at early SisterSong material, the phrase “human rights” is present and their meeting agendas regularly included training about the relevance of human rights to reproductive justice. Even though an exact definition of “reproductive justice” was and is still a point of movement discussion, as I discuss throughout the dissertation, founders (and, later, members more broadly) understood “reproductive justice” as more than “reproductive health” or “reproductive rights.” They hoped the reproductive justice movement would focus on the right to have a child, and the right to

parent that child/children. Moreover, many key organizations in the reproductive justice movement would talk about these issues in the context of human rights or even the Universal Declaration of Human Rights (UDHR).

The case of SisterSong and the broader reproductive justice movement raises many interesting questions about social movements, law, and reproduction. Additional themes of identity, knowledge production in movements, and movement “ownership” also become important. Nonetheless, for this study, the puzzle of SisterSong’s human rights framework and its consequences remain the central concern.

### *Background of SisterSong*

The SisterSong Women of Color Health Project was founded in 1997 by 16 organizations “to fulfil a need for a national movement by women of color to organize our voices to represent ourselves and our communities” (SisterSong “Matrix”). Four organizations from four ethnic/racial “mini-communities” formed the core: African American/Black, Asian/Pacific Islander, Chicana/Latina, Middle Eastern, and Native American/Indigenous. As I briefly discuss in Chapter 3, there had previously been coalitions of women of color working on reproductive issues and some of SisterSong’s founders were involved with those coalitions. But this attempt was different in many ways, including the increased financial resources to which SisterSong would have access. With the guidance of a like-minded Ford Foundation program officer, the coalition secured a \$2 million grant from the Ford Foundation.<sup>7</sup> The three-year grant began in 1998 with one “anchor” organization from each of the four mini-communities acting as a

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<sup>7</sup> In 2011 dollars, this would be \$2,784,635, or approximately \$174, 000 for each organization. Calculated April 21, 2011 using the Bureau of Labor Statistics’ CPI Inflation Calculator, at <http://data.bls.gov/cgi-bin/cpicalc.pl>, last accessed April 21, 2011.

fiscal sponsor for that community. However, this influx of financial resources did not provide sudden stability in operations, in part because the anchor organizations all had different capacities and SisterSong was still determining its goals and strategy.

SisterSong has consistently described its mission as being “to amplify and strengthen the collective voices of Indigenous women and women of color to ensure reproductive justice through securing human rights.”<sup>8</sup> As I explore in later chapters, even though there are continual references to human rights in SisterSong’s material, for some participants in SisterSong and the wider the reproductive justice movement, human rights is an integral part of the movement, but for others it is not.

Since 2002, a Management Circle, composed primarily of representatives from founding organizations, has served as a Board of Directors for SisterSong.<sup>9</sup> Over a decade later, some of the original founding organizations continue to be represented on the Management Circle. At points, there have been working groups to focus on areas such as organizing. Loretta Ross has served as the National Coordinator since 2005. The national office in Atlanta was in Ross’ garage until 2007, when SisterSong moved to what staff members refer to as the “Mother House.” The Black Women’s Health Imperative, a “foremother” organization, occupied the Mother House in the 1980s before

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<sup>8</sup> SisterSong, “Our Story,” [http://www.sistersong.net/index.php?option=com\\_content&view=article&id=25&Itemid=66](http://www.sistersong.net/index.php?option=com_content&view=article&id=25&Itemid=66), last accessed May 31, 2011.

<sup>9</sup> Representatives of founding organizations invited representatives of other organization to serve on the Management Circle. Individuals unaffiliated with a particular organization (e.g., professors) can also be invited serve on the Management Circle.

moving its national office to Washington, D.C.<sup>10</sup> SisterSong purchased the home through a combination of foundation support, fundraising, and loans. The SisterSong office is on the first level of the house; SisterLove, an HIV/AIDS prevention organization, occupies the second level of the house.<sup>11</sup>

Since its inception, SisterSong focused on capacity building for its 16 member organizations, a focus the founders considered essential since many of them had seen women of color organizations, including previous coalition efforts, initially form with enthusiasm, only to disintegrate later.<sup>12</sup> The capacity building eventually expanded to organizations outside the core: organizations could join the SisterSong coalition as either a “member” organization (if focused on and/or led by women of color, such as Black Women for Reproductive Justice) or an “affiliate” organization (if not focused on and/or led by women of color, such as the National Women’s Health Network). Approximately eighty organizations are now part of the coalition. Starting in 2000, individuals could join SisterSong as members (women of color) or allies (White women and men of color).<sup>13</sup> That year, SisterSong also added an Arab American/Middle Eastern mini-community.

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<sup>10</sup> The Black Women’s Health Initiative was renamed the National Black Women’s Health Project in 1984. That same year, it purchased Phoebe House, which is now known as the Mother House. See <http://www.blackwomenshealth.org/about-us/our-story/>, last accessed May 31, 2011 .

<sup>11</sup> SisterLove’s founder Dázon Dixon Diallo was a founding member of SisterSong and continues to serve on the Management Circle.

<sup>12</sup> In a personal interview with a SisterSong founder, Luz Rodriguez, I referred to the previous coalitions as “failed” attempts. She responded, “Outta respect to the women whose shoulders we stand on, I feel that it's not necessarily failures, you know, that perhaps we would not have achieved what we did had they not tried three times....it's like, you know, you had a short marriage and you're divorced, but it might not have been a failed marriage, it was just a short one.” Personal interview conducted November 9, 2009.

<sup>13</sup> Based on archival documents, the question of who is a member of SisterSong has been a subject of discussion since the coalition’s beginnings. In 2011, the term “affiliate” was replaced with “ally” for both individuals and organizations.

SisterSong has gained visibility in multiple ways. In 2003, SisterSong held its first national conference in Atlanta, which it estimates had over 600 participants. Again, due to SisterSong's longevity, many of the founders have built relationships with women's organization such as the National Organization for Women. These organizations sometimes help sponsor events by SisterSong and other reproductive justice organizations. SisterSong's involvement with the 2004 March for Women's Lives exposed various progressive movements and a national audience to the coalition, a process which I discuss further in Chapter 4. Each SisterSong membership meeting or conference has had hundreds of attendees.<sup>14</sup>

The role that policy advocacy should play in SisterSong has been a persistent source of discussion. Leaders have considered what the process would be for SisterSong to take a stance on a policy issue (considering the size of the membership), what the financial and personal risks of policy work are (because getting policy enacted often requires compromises that marginalize disadvantaged groups—the very issue SisterSong founders struggled against with mainstream women's organizations), and whether there is the capacity for policy advocacy (when newer women of color organizations continue to need assistance in building their organizational capacity). Still, SisterSong's visibility with policy makers has increased through multiple intentional efforts, for example, through strategizing with its policy-oriented ally organizations. In 2008, Ross and another founder/Management Circle member were invited to participate in a White House

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<sup>14</sup> Membership meetings such as the one in 2008 are usually held over two days, offer approximately 30 workshops, and have hundreds of attendees. By comparison, national conferences are usually held over three to four days, offer over 100 workshops, and have over 1000 attendees. The 2011 national conference Let's Talk About Sex II will be held in Miami over four days and the organizers expect attendance to exceed 1300.

discussion with Michelle Obama about health care reform, which suggests the organization has achieved a high degree of visibility *and* legitimacy.

SisterSong has slowly increased its media profile as well. For example, when SisterSong coordinated protests to the 2010 Endangered Species billboard campaign, discussed more in Chapter 7, various staff were interviewed in outlets such as *The New York Times*, *The Laura Ingraham Show*, and National Public Radio.<sup>15</sup> The success of SisterSong and the reproductive justice movement suggests a human rights frame is working. But, as I discuss below, this remains a puzzle, for the literature would not have predicted this reproductive movement's emergence, frame choice, or success.

### ***The Puzzle of a Human Rights Frame from Three Literatures***

The focus of my study is at the intersection of multiple areas of sociological scholarship on human rights, sociolegal studies, social movements, identity, and reproduction. Each body of literature raises different questions about the reproductive justice movement and its human rights framework. The puzzle my dissertation aims to solve is deepened when we combine the approaches of social movement theorists with those in human rights and sociolegal studies, none of which would predict the choice of a human rights-based frame.

#### *Human Rights: What Are They and Do They Matter in The US?*

Because sociologists generally do not engage in the same moral or practical projects as academics in other disciplines (e.g., public policy, social work), a sociology of

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<sup>15</sup> In February 2010, a pro-life organization placed billboards throughout Atlanta. The initial billboards read, "Black Children are an Endangered Species."

human rights is only beginning to emerge as an area of inquiry. Pearce (2001) argues that the discipline's foundational theorists' emphasis on the dichotomy between tradition and modernity shaped perceptions of progress, and of core debates about human rights as a solely modern concept toward which "traditional" communities must strive. Somers and Roberts (2008) note that US social scientists' *purposeful* lack of theoretical engagement with human rights contributed to the idea that human rights were only of importance elsewhere. While sociologists have conducted studies on human rights violations (e.g., genocide), they have failed to use their unique perspective on social aspects of moral ideas to contribute to the debates about human rights. Sjoberg et.al. (2001) suggest that sociological insights into the form and function of formal organizations, the site of much social activity including human rights violations, would benefit the study of human rights. In particular, sociologists are uniquely qualified to illuminate the relationship between individual violators and the organizational contexts that encourage violation through implicit or explicit norms. As such, studying organizations that encourage human rights protection also seems a project to which sociologists could contribute. However, recent debates among sociologists of human rights question the possibilities for remaining academically neutral when talking about human rights.<sup>16</sup>

The scope and significance of "human rights" remains highly contested across the varying scholarly and activist literatures on human rights. I take "human rights" to

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<sup>16</sup> For example, a July 2011 discussion on a listserv about the sociology of human rights concerned the content distributed on a listserv. One scholar noted, "I am interested in scholarship and research on human rights, in the sociology of human rights. I am concerned that this listserv is mainly concerned with self-promotion, activism, and political organizing" (emphasis in original). Another scholar said "I suspect that the vast majority of the members believe the academic field known as the 'sociology of human rights' presupposes a normative judgment--an immanent critique of how the world actually is and a vision of how the world 'ought' to be."

mean “equal and inalienable entitlements of all individuals that may be exercised against the state and society... a distinctive way to seek to realize social values such as justice and human flourishing” (Donnelly 2007:284). As more groups claim human rights, the boundaries of “human rights” are expanded, as are the potential categories of people protected under them (Bunch 1995). Human rights have gone from a set of proposals supported by a select group of countries (and opposed by a few) to a set of norms, institutions, and laws with which governments must engage to some degree in order to appear legitimate.

Nation-states are increasingly expected to support human rights to demonstrate their legitimate membership in the club of “good” states that promote democracy (Risse and Sikkink 1999). The language of human rights is important not only because it represents a larger accountability system supported by the internationally-recognized United Nations, but also because this language produces expectations about activities in people’s own countries (Klug 2005). Still, “international human rights undermines the exclusive authority of the state over its nationals” by changing a state’s relationship to its people (Sassen 1998: 22). Ironically, the gap between nation-states’ statements of support and their policy practice provides space for advocacy organizations to demand that states live up to their promises, as “empty” as those promises may have been initially (Hafner-Burton and Tsutsui 2005).

After World War II, multiple nations debated how to ensure the atrocities of the Holocaust could not happen again, and proposed developing the United Nations. Through a combination of scholar-activist W.E.B. DuBois’ lobbying and the US government needing good publicity around this new body, representatives of non-governmental

organizations (NGOs) such as the NAACP were added as “consultants” to the 1945 United Nations Conference on International Organization. At this conference, member states discussed the UN’s foundational texts. The US and Britain dominated the debates aiming to emphasize the superiority of their democratic political system over that of communist China and the Soviet Union. China suggested adding a proposal on human right to sections beyond the Economic and Social Council section to which it had been relegated. Secure in their control over the process, British and the US representatives “decided that it was important to let the ‘Chinese save face’ and agreed to incorporate into the draft UN Charter three ‘harmless’ proposals on cultural cooperation and international law” (37). Despite this concession, inclusion of proposals on colonialism and racial equality were resisted as the US and British representatives wanted to maintain the current social/global order (including their status as colonial powers), or at least, avoid having such issues publicly scrutinized in their own countries. They faced a dilemma in that they were encouraging democratic ideals in theory, but wanted to remain unfettered in practice. Therefore, a deeper commitment to human rights posed a major threat to maintaining the US’ social hierarchy that benefited political elites.

Shortly thereafter, a treaty was proposed to move forward the ideals contained in the UDHR. Again, different countries held different priorities regarding what such a treaty should contain. In the end, agreement on one treaty could not be reached. In 1966, after almost two decades of discussion and revision, two separate Covenants were adopted: one on civil and political rights and the other on economic and social rights (Clapham 2007; Office of the High Commissioner on Human Rights 1996). However, even with this solution, the Covenants did not go into effect until ten years later.

A contemporary criticism of the United Nations is that enforcement remains in the hands of states who are often the violators of the rights the UN seeks to protect. This criticism stems from what Anderson identifies as a decisive moment in drafting the UN Declaration—the addition of the domestic jurisdiction clause. Fearful that NGO consultants and Southern government officials would leave unhappy if either side received too many concessions, a high-ranking US policy advisor added a clause that prohibited “intervention in matters which are essentially within the domestic jurisdiction of the State concerned” (Anderson 2003: 48). Consequently, a major critique of human rights is that US leaders unduly influenced the shaping of early human rights documents such as the UDHR and successive Covenants in a way that privileged their nation’s priorities and continues to do so today. Some critics question whether the initial promotion of human rights was “a dream of the final phase of imperialism, the post-war West’s attempt to cling to an idea of the world remade in its own image” (Peters and Wolper 1995: 5). However, criticism that contemporary promotion of human rights is an ongoing colonizing effort downplays the role of less powerful nations in the development of these documents. There is evidence that representatives from countries such as Cuba, India, and Panama actively engaged in the process through developing a range of proposals for inclusion and even reducing the gender-bias of the language in the UDHR (Waltz 2001:58). Competing ideals were built into the main human rights documents we see today, which leads to irresolvable contradictions in their implementation (Roberts 2010).

While US representatives were key in developing language that restricted the possibilities for enforcement of the UDHR, we cannot assume that countries interested in

promoting economic and social rights simply looked on passively as the US promoted its interests in civil and political rights. To view the promotion of human rights as merely a project of imposing US (or broadly Western) values on “other” cultures fails to capture the diversity of opinions that existed about the potential for the new international space of accountability that the UN aimed to provide. Further, some suggest that contemporary academic criticisms about the utility of human rights to non-Western cultures present a shallow picture of these cultures, with little consideration of the nuances within them or how a range of groups in those cultures have, in practice, utilized human rights discourse for advocacy efforts on their own terms (Merry 2006; Preis 1996). Sjoberg et al. (2001) argue that human rights becoming even partially legally institutionalized could lead to increased democracy due to the inclusion of social and economic rights in human rights and specific attention to the rights of minority groups. That said, efforts to institutionalize human rights might constitute precisely the limitation of such rights, because—as in the case of other rights—the process of institutionalization can reinforce the very power structures social movements are seeking to change (Stammers 2003).

Anderson’s examination of how the NAACP attempted to leverage human rights in the initial development of the UN and UDHR show how a human rights analysis was particularly important to African Americans who were trying to dismantle institutionalized racism. In fact, “It was clear to most in the NAACP leadership that without economic rights, civil liberties rested, at best, on quicksand” (Anderson 2004: 273). However, in a racially hostile climate, arguments for civil rights had to be fought for strenuously, even with the Constitutional claim of liberty for all to back these claims. Full human rights, with the criticism of being un-

American, seemed an almost impossible fantasy. Cold War politics kept the NAACP and others from being able to embrace human rights discourse.

Whereas Anderson interprets the NAACP's early campaign for human rights as a genuine attempt by African American leaders to engage with human rights, Moyn (2010) argues that the brief flirtation with human rights rhetoric by African American leaders such as W.E.B. DuBois was merely strategic. A human rights frame was a "second-best strategy" at most (Moyn 2010: 106). Specifically, their engagement with human rights ended once the anti-colonialist campaigns, for which they had invoked human rights in the first place, were thwarted. Considering the contentious history of human rights in the US, the opportunity to promote broader economic and social rights may, indeed, have passed for US social movements, as Moyn suggests.

The United States' belief in its exceptionalism makes it a particularly troublesome case in the historical and contemporary efforts to promote human rights. Historically, the US government has emphasized civil and political rights (first generation rights) over social and economic rights (second generation rights). Consequently, in this context, "human rights" comes to refer only to specific rights listed in the UDHR, not the range internationally agreed upon by many nations. With many people assuming that human rights violations only occur outside democratic countries like the US, gaining support for human rights work within the US seems difficult at best. Zoelle (2000) suggests the tension between civil rights and more expansive human rights results from the fact that the initial goal of civil rights legislation was, primarily, to protect African Americans and women from active

discrimination. This important difference between civil rights and human rights is that civil rights do not go as far as human rights because civil rights “are merely adjustments to a systemic structure that is otherwise entirely acceptable,” whereas human rights suggest the necessity of a supportive social structure even if that means systemic change (Zoelle 2000: 12). Even if, and perhaps especially if, Moyn’s conclusion that the possibility for pushing the US government to broaden its view of human rights to include social and economic rights has passed, this still does not answer the question of why, then, some women of color are invoking human rights now. We can imagine that if earlier attempts had been successful, then we would have seen a proliferation of human rights discourse and framing. Instead, the human rights frame has been dormant as an organizing frame to deal with *domestic* social problems in the US, until relatively recently.

The cases in which movements are expected to be able to leverage human rights are those in which there is an expected “boomerang effect”—that is, when domestic social movements can go to international bodies to push their governments and gain concessions in their home country (Keck and Sikkink 1998). This theory assumes that the relationship between national and international political arenas can create opportunities where they did not previously exist, particularly in the realm of human rights. However, the opportunities for pressure are limited when the offending state (the US) is one of the most powerful and has positioned itself beyond those pressures.

Research shows that many US policy makers equate human rights primarily with US values and practices, rather than with the broader view of human rights as understood internationally. When US policy makers talk about human rights, they often do so with a “vision of human rights [that] accommodates double standards” in which the US does not have to meet the same standards it insists upon for other countries (Mertus 2008: 2). This leads to the US government holding what many criticize as a hypocritical rhetoric, championing civil and political rights for its citizens, while generally ignoring other rights (e.g., economic and social), and also criticizing other nations for their failures to protect certain human rights (Blau et.al. 2008). This emphasis on certain rights is then used to criticize how “human rights” are deployed in practice by other nations. For example, a recent *Wall Street Journal* editorial argued the “cause of human rights has been systematically corrupted” and that the US government submitting to a United Nations Universal Periodic Review of its human rights record legitimizes the abuses perpetrated by other member states of the United Nations (“Human Rights Kowtow” 2010). Criticisms like this do not address that the US has been accused of perpetrating human rights abuses and thus contributed to the “corruption” of the efforts to make human rights possible worldwide.

Human rights discourse has been invoked by US organizations subsequent to the early attempt by the NAACP, but only as a way to talk about human rights violations perpetrated by non-US states or by the US in other countries (as I discuss more in Chapter 6). The pervasive emphasis on individual freedom in the US and the unwillingness by many people to analyze the limits of the US’s current social order poses a continuing problem for groups interested in furthering human rights domestically.

Further, in the US, framing reproductive rights in terms of human rights actually seems more likely to be used by pro-life activists to counter the pro-choice movement.<sup>17</sup>

Specifically, pro-life activists can argue that life begins at conception, thus allowing for the full range of reproductive options including abortion would violate the human rights of a fetus.<sup>18</sup> So, once again, the question arises: why choose a human rights frame?

### *Sociolegal Studies: Legal mobilization and Consciousness*

The gap in this literature most relevant to this dissertation is lack of attention to human rights mobilization. McCann (1996) suggests the necessity of understanding “the increasing power of human rights norms around the world, within polities and transnational or international arenas where authoritative legal institutions are often underdeveloped or contested” (6). While McCann makes an interesting point, he focuses on the importance of human rights to *other* countries, assuming that legal mobilization utilizing human rights would not be necessary in the US (i.e., a “developed” context with relatively authoritative legal institutions).

Sociolegal scholars have identified four critical stages for social movements leveraging the law (legal mobilization): movement building, creating formal policy

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<sup>17</sup> There is little language to talk about activism around reproduction outside of the “pro-choice”/“pro-life” dichotomy. As I discuss later, activists’ frustrations with this dichotomy are partially responsible for the development of the reproductive justice movement. “Pro-reproductive justice” is not as fluid or initially understood as “pro-choice.” However, it offers a more accurate description of the coalition’s aims and emphasizes that part of the novelty of the emerging movements is its explicit grounding in an argument for a broader concept of reproductive justice, not just reproductive choice, which is associated primarily with abortion access.

<sup>18</sup> This is a point made by Kiyoteru Tsutsui. As I discuss elsewhere (Luna 2009), during the 2008 presidential election, an independent funding organization released a television advertisement criticizing Democratic nominee Senator Barack Obama’s refusal to sign the Illinois Born Alive Infants Protection Act. In the advertisement, images of babies from diverse racial backgrounds fill the screen, followed by a woman who asks the viewer: “Can you imagine not giving babies their basic human rights, no matter how they entered our world?” The Act required a doctor to provide medical care in the rare case a fetus was deemed viable after an abortion. Obama and the Illinois State Medical Society Association argued the Act was redundant with federal law.

changes, attempting to control the policy implementation, and the transformative legacy of legal action (McCann 1994: 11). Rights hold symbolic power, so contemporary US social movements have looked toward the courts to institutionalize their social change efforts.

The politics of rights, in other words, points toward a conception of rights as political resources. The further implication is that the value of rights lies less in the political power that backs them than in their close association with social justice in the minds of Americans.  
(Scheingold 1974 [1994]: 84)

The general idea of rights can motivate people to seek justice individually or collectively, but a line of research suggests that the belief in rights is misguided. Focusing on gaining and maintaining rights through courts incurs many costs for social movements. Litigation requires substantial financial investments, thereby directing attention away from other movement activities such as organizing (McCann 2006). Rights claims can be effective but rights must be sustained through political/legislative action and not just through the courts' protection of legal rights (Tushnet 1989).

Some have suggested the cost of a legal strategy extends beyond financial outlay because "symbolic victories may be mistaken for substantive ones, covering a reality that is distasteful. Rather than working to change that reality, reformers relying on a litigation strategy for reform may be misled (or content?) to celebrate the illusion of change" (Rosenberg 1991: 340). Once rights are "won," movement supporters may feel a reduced sense of urgency to support the ostensibly successful movement, whereas counter-movements can gain strength or develop where previously there have not been organized counter efforts (McCann 2006).

Movements that inspired the reproductive justice movement such as the women's movement have had varying levels of success leveraging the law.<sup>19</sup> For example, a social movement organization can file a lawsuit against a company believed to be discriminating based on race or sex, in violation of the Civil Rights Act of 1964. Court decisions may shift the political opportunity structure by creating openings in the legal system for subsequent lawsuits or reducing the possibility of them. A movement can appeal an unfavorable ruling, possibly reaching as far as the Supreme Court to set a national precedent. Despite the financial costs and long commitment required of this strategy, legal mobilization can produce tangible, sometimes immediate, changes in people lives.

A potential limitation of legal mobilization theory becomes apparent when we consider that the stages all depend on formal legal structures around which movements can organize their activity. Even though scholars recognize that law is dynamic, they continue to emphasize how legal mobilization is based “in response to *existing* law, or through legality, or with the legal power that imbues most existing social practices as a backdrop” (Barclay, Jones, and Marshall 2011: 3, emphasis added). A social movement's ability to leverage the law is largely dependent on movement lawyers interpreting existing law in a way that the courts recognize as legitimate enough to amend the law or create a new one. Many of the rights recognized in the UDHR are not recognized in the US courts, where the definitive document through which cases are interpreted is the US Constitution.

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<sup>19</sup> McCann uses the example of the pay equity movement to develop his theory.

The organizing that happens to bring the case to court can help build a movement by raising people's legal (or rights) consciousness, understood as "the ongoing, dynamic process of constructing one's understanding of, and relationship to, the social world through use of legal conventions and discourses" (McCann 1994: 7). Legal consciousness can refer to individual understanding of law as procedure or "communities of meaning" with particular values and attitudes around law (Engel 1998: 139). However, the concept of legal consciousness still emphasizes formal legal proceedings. For example, it is described as being "expressed *by the act of going to court* as well as by talk about rights and entitlements" (Merry 1990: 5, emphasis added). It appears that legal consciousness is predicated on a relationship with formal legal institutions, which the US does not have in relation to human rights. Therefore, individuals or movements cannot direct themselves to them to attempt to protect a range of human rights. To the degree that legal consciousness is a product of structural positions and relationships to legal institutions, we would expect human rights consciousness to be similarly produced. Therefore, we expect human rights consciousness to be low in the US, where human rights do not have the same status as in other countries, where human rights documents are the foundation of their legal system and can be used to argue cases (e.g., Canada).

Some aspects of this body of literature would suggest that an organization trying to build a US movement emphasizing human rights would seem to be dooming itself to remain mired in the first stage of movement building, since the other stages depend on a movement mobilizing around established legal institutions and traditions. Further, developing consciousness around human rights would appear to be hampered by not

having the formal human rights institutions with which to engage issues *as* human rights issues specifically. Therefore, we are again left to wonder: why human rights?

### *Social movements*

Framing theory provides a useful tool to analyze the relationship between an organization's membership and its interpretations of a problem, both of which are influenced by its own history and its members' identities. Snow et al.'s (1986) extension of Goffman's (1974) frame analysis provides the basis for this dissertation. Frames matter deeply to movement participants and potential participants because they condense meaning about the world. Thus, framing is a contested process through which "frame sponsors argue, debate, and negotiate via interactive discursive processes" (Croteau and Hicks 2003: 254). Frames diagnose a social problem (diagnostic framing) and provide a solution to that problem (prognostic framing), in a way that intends to elicit support from constituencies that can be called into action to support the social movement organization and the broader social movement in which the organization is embedded (Snow et al. 1986).

Frame alignment is the "linkage of individual and SMO interpretive orientations, such that some set of individual interests, values and beliefs and SMO activities, goals, and ideology are congruent and complementary" (Snow et al. 1986: 464). Frame alignment is achieved through four processes: frame amplification, frame bridging, frame extension, and frame transformation. Of particular interest here is how frame amplification draws in participants through clarifying the connection between a frame and (potential) participants' lives. Frame amplification occurs through value amplification and belief amplification. While the former describes focusing on what

people think is important, the latter focuses on the perceived relationships between ideas or events, such as the belief about the cause or solution to a particular social problem.

The more a frame resonates, the greater the frame's potential to mobilize people (Benford and Snow 1992). For a frame to resonate, it has to appear to be based on evidence (empirical credibility), to speak to a problem that is part of potential constituent's lives (experiential commensurability), and to draw on the common culture of the intended audience (centrality/narrative fidelity). Focusing on the values of a group and using the language to which they are accustomed increases the potential for successful alignment. The framing literature would predict that movement leaders would choose frames that resonate widely with power-holders, in order to increase the likelihood of movement success—but this was not the case with the reproductive justice movement. Combining insights from the literatures on social movements and sociolegal studies, we would predict a choice of a civil rights frame. Instead, the reproductive justice movement developed contrary to expectations, in part, by choosing a human rights frame.

### *Dissertation argument*

Literature on social movements assumes elite leaders build movements, in part, by choosing frames that draw on culturally dominant, widely resonant frames (Einwohner 2000; Ferree 2003). Yet, resonance is not every social movement's goal, as one of the very goals of a movement may be to seek a radical shift in how the problem is understood (Ferree 2003). My hypothesis is that marginalized social movements' participants build movements, in part, by making "non-strategic" framing choices that resonate with their experience, not necessarily with the dominant culture. In the case analyzed here, part of the desire for a shift in framing was not only about how the public understood

reproductive issues, but also about how women's movement insiders defined the problem. Thus, the process of constructing and confronting frames happened through intentionally building a movement that would allow women of color to be their whole selves. This "wholeness" was partially about recognition of how identities of gender, race, and class intersect to produce differing reproductive experiences for different groups of women. Further, they contextualized reproductive experiences through a critique of structural inequalities that suggested that achievement of justice was not possible without addressing the non-reproductive aspects of women's lives. Namely, without human rights such as economic rights, poorer women could have theoretical rights to reproductive health services, but no way to practically this right due to their (lack of) economic status.

The sociolegal studies literature notes that rights provide a political resource. Some areas of the literature, however, emphasize that this resource will be mobilized around established legal institutions such as the courts, and that legal consciousness develops through engagement with these legal processes. My findings suggest that legal mobilization also occurs through drawing on non-established legal ideas. While many human rights had no formal place in US legal institutions, a human rights frame appealed to movement founders, nonetheless, and continues to do so because the theoretical expansiveness of human rights provides a unifying frame across issues of marginalized populations. In the next section and in the empirical chapters that follow, I discuss the evidence to substantiate this claim.

### *Intersectionality*

Throughout the dissertation I attend to intersectionality, a feminist approach to research that considers how people experiences are constituted through multiple identities. In this case, a lack of intersectional analysis (vis-à-vis a range of issues, but particularly reproduction) was one of the sources of discontent with the domestic social movements such as the women's movement.

New social movement theory demonstrates that identity concerns are central to those social movements that do not focus solely on state-based change (Melucci 1994). Identification with a movement often requires some sense of a shared identity group, concerns about injustice faced by that identity group, and commitment to working on behalf of that identity (Mansbridge and Morris 2001). There is increasing recognition that framing processes and identity construction processes are interrelated in many movements (Bernstein 2005; Hunt, Benford and Snow 1994; Polletta and Jasper 2001). Previous research has suggested that collective identity is constructed primarily in response to challenges of dominant groups external to the membership (Taylor and Whittier 1992). While it may seem obvious to say that frames and (collective) identity matter to movements, in a society that some people believe is "post-racial" and "post-feminist," this observation bears repeating.

Women of color's analyses have challenged the liberal strains of feminist theory and activism, which has tended to assume that the shared position of women *as* women, on the basis of gender only, should (or even could) take precedence over organizing against racism, classism, homophobia, or their simultaneous manifestations. Dissatisfied with mainstream feminists' lack of attention to a range of issues, women of color have produced alternative frameworks to analyze inequality and to accommodate perspectives

not addressed in mainstream US feminist theory and activism. The women of color making these critiques have been supported by some White women in their efforts:

The women of color and White militant women who supported a race, class, and gender analysis in the late 1960s and 1970s often found themselves trying to explain their politics in mixed gender settings (at home, at work, and in their activism), sometimes alienated from the men (and some women) who did not get it, while simultaneously alienated from White feminists whose politics they considered narrow at best and frivolous at worst (Thompson 2000: 342).

The public/private distinction that White feminists had argued relegated them to the devalued private sphere was not what women of color who worked outside the home experienced. Furthermore, women of color's experiences relating to welfare and the criminal justice system meant that they experienced how "the public is *personally* political," necessitating different solutions to political concerns (e.g., feminist therapy vs. challenging power structures) (Hurtado 1989: 849, emphasis in original).

For example, the Boston-based Combahee River Collective articulated the difficult position in which many Black women found themselves when fighting for social justice: "We...often find it difficult to separate race from class from sex oppression because in our lives they are most often experienced simultaneously" (Combahee River Collective 1983: 275). While the collective explicitly identified itself as lesbian, it rejected separatism, which was deemed an unrealistic and regressive proposition for Black women; "community" necessarily included Black men as brothers, children, and friends. Even though, legally, race and gender discrimination could not be argued for separately, in practice, different groups of women articulated a sense of multiple "jeopardy" that led to multiple experiences of discrimination that no one identity could explain (Crenshaw 1993; King 1988) .

Being a woman of a racial/ethnic minority requires multiple levels of consciousness: understanding oneself as part of the collectivity of women who are in a structurally subordinate position vis-à-vis men, while simultaneously understanding oneself as part of an individual racial/ethnic group that is positioned in a structurally subordinate position vis-à-vis White people. Furthermore, there is another layer of consciousness that goes beyond understanding the need for rights for specific groups such as Asian/Pacific Islander women, Latinas, and so on: perceiving that membership in one subordinated racial/ethnic group provides a point of connection with other subordinated racial/ethnic groups.

For activists, this feeling of solidarity can result not only from early experiences with people from other groups, but also from imagined connections with other oppressed people (Cole and Luna 2010). Effective coalition thus requires increased analysis of one's own investments and position within global politics (Rudy 2000). Even with their emphasis on acknowledging inequality, women of color “generally do not subscribe to a picture of total oppression, insisting rather on the possibility and necessity of transformatory agency” (Eschle 2001: 134). The questions of representation posed by women of color to women who only challenged gender inequality helped redefine feminism as a broader social justice project. Therefore, as discussed in other texts and in this dissertation, for many contemporary activists, the influence of second wave feminism *and* the criticisms of second wave feminists who foregrounded concerns about gender inequality over other forms of inequality affects their current organizing. Part of the appeal of human rights for marginalized groups is the opportunity that these ideas provide to restructure society, while also allowing for recognition of multiple identities.

## *Reproduction*

Reproduction is both a biological and political project. It is biological in the sense that physical bodies reproduce. It is political in the sense that why and how people reproduce (or not) is not solely or even primarily a private matter. Rather, reproduction is subject to public support and critique in the form of cultural images and, perhaps more importantly, state intervention, in the form of policy and legislation. Reproductive and sexual health rights within the US context remain an area of rights that the relatively recent reflections on human rights in the US have not explored adequately, even when addressing health more generally (Blau, Brunsma, Moncada, and Zimmer 2008; Blau and Moncada 2006; Hertel and Libal 2011).

Reproduction is an important area of inquiry when analyzing human rights debates because “the physical territory of this political struggle over what constitutes women's human rights is women's bodies” (Bunch 1990: 491). Turner (2006) proposes that debates over women’s human rights emerge due to changing economic conditions in which (some) women gained more economic and social power. Changing social contracts have provided more people the possibility of choosing partners without family and state interference, but this freedom has led to heated contests around rights (Turner 2006: 70). As people’s anxiety about their vulnerability increases, social groups attempt to control private aspects of other people’s lives. The link between sexuality and morality has led to many societies seeking to limit women’s reproductive options, making reproduction an increasingly common, yet controversial site of intervention (Cook 1995: 256).

This brings us to the problem with the continued approach of mainstream women's organizations to fighting reproductive limits. In discussing the cultural resources available for social movement frame development, Zald (1996) notes:

“A woman's body is her own” frames a problem and suggests a policy direction for women in relation to abortion policy and the medical establishment. But it makes sense only in a cultural discourse that highlights notions of individual autonomy and equality of citizenship rights: autonomy because it focuses upon individual choice, equality because it presumes women are equal citizens (267).

While the language of reproductive rights has cultural resonance with women who feel that but for their gender, they could participate fully in society, an intersectional analysis of inequality points to the limits of emphasizing rights and autonomy. An individual focus around reproduction highlights the feminist principle of women needing to be able to control their own bodies to control their lives. Yet, this focus on the denial of a legal choice to have an abortion fails to address how marginalized communities have historically been denied the choice to *have* children.

In the case of reproductive politics, abortion does not encapsulate the entirety of women's reproductive experiences, but protection of legal abortion has been the most visible activity attributed to reproductive rights organizations. In a few decades, abortion has gone from an issue not addressed on presidential platforms, to a divisive moral issue that determines how many constituents vote (Daynes and Tatalovich 1992). The 1973 *Roe v. Wade* ruling that decriminalized abortion was the result of decades of activism by “uneasy allies”: feminist activists and the medical community (Joffe, Weitz, and Stacey 2004).

Since the ruling, mainstream pro-choice organizations have remained in lockstep battle with the pro-life movement. The *Roe* ruling led to an almost overnight shift in consciousness for many pro-life advocates, who quickly committed themselves to developing a cohesive counter-movement to repeal this gain for what pro-life advocates viewed as the “abortion rights” movement (Luker 1984). After the 1989 *Webster v. Reproductive Health Services* decision, the National Right to Life Committee began a concerted campaign to restrict abortion through enacting laws limiting access (Tribe 1990: 177).<sup>20</sup> In response, powerful reproductive rights groups narrowed their focus to maintenance of *Roe v. Wade*, while battling for territory against the pro-life movement, which continues to gain an increasing share of the “hearts and minds” of the US public according to recent polls and media reports (Bazelon 2010).

Consequently, with abortion remaining one of the most contentious issues in contemporary politics, many other reproductive concerns remain peripheral to the mainstream movement agenda—a situation increasingly critiqued by women of color. However, the limitations of a movement focused on abortion and protecting the “choice” to access abortion have been a concern not just for women of color, as demonstrated by

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<sup>20</sup> Pro-life advocates have arguably made more gains through the courts and legislature than their pro-choice counterparts. In 1976, the Hyde Amendment restricting federal funds for abortion was passed. Medicaid recipients and incarcerated women (who are disproportionately Black and Latina), Native American women on reservations where health care is provided by Bureau of Indian Affairs, and federal employees and military personnel are some of the groups that cannot not obtain abortion through health care due to Hyde. The amendment, which was challenged and upheld in *Harris v. McRae*, is attached to the federal budget and renewed each year. Various rulings have imposed further limits on who can obtain an abortion and when. For example, the 1992 Supreme Court ruling on *Planned Parenthood of Southeastern Pennsylvania v. Casey* upheld the 24-hour waiting period between counseling on abortion and obtaining the abortion and parental consent (or judicial bypass) for a minor seeking an abortion. Thirty-four states now have a combination of counseling/waiting periods and some require fetal imaging as part of the pre-abortion counseling. See Guttmacher Institute, [http://www.guttmacher.org/statecenter/spibs/spib\\_MWPA.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MWPA.pdf) (last accessed July 19, 2011).

critical analyses provided by White allies. One long-time reproductive activist-scholar, Marlene Gerber Fried, observed:

In trying to hold on to past gains, the pro-choice movement has failed to pursue new ones, either by solidifying its own membership or speaking out to the public. *Roe v. Wade* was not the first step of a feminist agenda for reproductive control; it turned out to be the *only* step, defended by appeals to the right to privacy—the importance of keeping the government out of our personal lives—and to religious tolerance.” (1990: 6, emphasis in original)

Abortion was (and is) emphasized by mainstream organizations as a matter of *individual* choice, whereas alternative organizations have focused on a range of reproductive needs that are dependent on structural supports that human rights emphasize. “Choice” became the dominant way to talk about women’s reproductive possibilities because it “evoked women shoppers selecting among options in the marketplace—[and] would be an easier sell; it offered ‘rights lite,’ a package less threatening or disturbing than unadulterated rights” (Solinger 2001: 5). This emphasis fit with how many Americans felt and continue to feel is the ideal way for government to interact with its citizens: with limited government interference (negative freedom). However, “interference” has different meanings for different groups of women and, therefore, some proposed solutions around reproductive health that benefit some women more than others (Ehrenreich 2008; Roberts 1997).

As such, one of the most pressing questions contemporary reproductive justice activists foreground is the myriad ways in which “non-interference” encourages some women’s childbearing, while discouraging others. Many scholars do not address the ways in which women of racial minority backgrounds and poor women have historically faced disproportionately negative consequences resulting from attempts to control

reproduction. As such, activism by women of color around reproductive-related issues may not look like the efforts by women who face discrimination based on only one oppressed status. In practice, the organizing of women of color is likely to address multiple aspects of their identities simultaneously. Thus, their efforts might include campaigns around racial justice (e.g., activism around rising rates of incarceration) or environmental issues (e.g., protesting toxic dumping in poorer communities, which creates an unhealthy neighborhood for children), instead of focusing exclusively on traditional reproductive activism.

### *Layout of the Dissertation*

After the introduction and research design chapters (Chapters 1 and 2), this dissertation includes four empirical chapters. Chapter 3 addresses my first research question of why SisterSong chose a human rights frame. I describe some of the domestic and international factors that led the “refugees of the mainstream” (as one interviewee described them) to consider other frames such as human rights through which to move their claims forward. Here, we see the initial shift from reproductive rights to reproductive justice. First, I show how domestic discontent with the women’s movement provided a “push” for some women of color to embrace human rights, or at least an analysis of reproduction that would allow for explicit acknowledgement of differential impacts of identity and the structural transformations necessary to eliminate those impacts. Second, I show how international conferences had a “pull” effect drawing activists towards a human rights frame, because the women who attended gained exposure to working internationally within a human rights frame. These encounters set the stage for an analysis of reproduction that would more fully accommodate a

multiplicity of experiences that women of color had long discussed as their reality. This chapter is based on documents, interviews I conducted with founders and early participants and archival interviews.

In the fourth chapter, I discuss the second part of the question about the relationship between human rights and reproductive justice. I then begin to explore my second main dissertation research question of what, if any, consequences have followed the adoption of a human rights frame by the wider women's movement. I focus on how individual reproductive justice activists and SisterSong as an organization are understanding human rights. I show that while human rights do matter to contemporary activists, the role of human rights in building a reproductive justice movement remains contested among reproductive justice activists. I use this observation to make larger claims about the possibilities for a human rights-based movement. This chapter is based on interviews I conducted with people active in the reproductive justice movement.

In Chapter 5, I further examine whether there have been any consequences of the adoption of a human rights frame, this time focusing more specifically at the level of the broader women's movement. I analyze the role of SisterSong and reproductive justice groups in the 2004 March for Women's Lives, in order to demonstrate the "value added" of the human rights-based reproductive justice frame. I argue that the March for Women's Lives is an example of the visible consequences of reproductive justice at the movement level—consequences that can be seen as movement success. Specifically, the March was a pivotal moment for the reproductive justice movement for two reasons: it demonstrated the power of expanding a movement frame through human rights, and it reinforced that analysis by women of color could benefit the larger women's

movement—leading, in turn, to an increased sense of political efficacy for women of color within the women’s movement. This chapter draws on both textual and interview data.

In the sixth chapter, I continue with my analysis of the emergence of the reproductive justice movement and move a discussion of meaning-making in the movement. I focus on variations in how contemporary activists conceptualize “reproductive justice,” including their emphasis (or lack thereof) on human rights. Then, I discuss the tensions over which groups get to “claim” reproductive justice, based on the contested relationship between reproductive justice and identity. Specifically, I consider how activists’ concept of reproductive justice as an identity project raises conflicting feelings about working with mainstream women’s organizations and the success of the reproductive justice movement. Data for this chapter come from interviews I conducted.

In the conclusion, I begin with a vignette that highlights many of the issues raised in this dissertation, and that highlights the possibilities for a human rights-based reproductive justice framework given the explicit politics of race in recent contemporary abortion debates. We see that the continued deployment of a human rights frame suggests the frame continues to be relevant. I also consider the implications of my findings and review avenues for future research.

## CHAPTER 2

### Research Methods

My dissertation includes multiple stages and types of data collection and analysis. Below, I describe my recruitment process and methods of data collection, and discuss some methodological considerations.

#### *Pilot Study*

I learned about SisterSong in 2006 through the Global Feminisms Project. In this University of Michigan-based project, partner organizations in four sites—China, India, Poland, and the US—interviewed ten feminist scholars/activists for eventual public archiving and distribution (<http://www.umich.edu/~glblfem/>). The US interviews occurred in a UM television studio and many were taped in front of a live audience. I initially worked as a Research Assistant on the US site, which Elizabeth Cole directed. I helped coordinate the logistics of the two remaining interviews for the US site and was provided the opportunity to interview one of the interviewees, Loretta Ross, the National Coordinator of SisterSong.

In summer 2007, I began a pilot study of SisterSong through two simultaneous projects: document analysis of the 2004 March for Women's Lives, and an exploratory study of SisterSong. That study included attending SisterSong's 10<sup>th</sup> anniversary conference in Chicago, Let's Talk about Sex (LTAS), and interviewing 11 people about

their involvement with SisterSong and the reproductive justice movement. Interviewees were public figures whom I initially met at LTAS or conference attendees who responded to my recruitment flier. Those interviews ranged from someone who was on the SisterSong listserv but worked in the area of housing, to the new Executive Director of Choice USA, an affiliate (now ally) organization. Across those interviews, many questions remained the same: How did you get to the work that you are doing now? What is your relationship to SisterSong? How do you define reproductive justice? If an interviewee mentioned the March for Women's Lives, I asked follow up questions about that experience, but that was not an explicit question at that time. Although I still used SisterSong as my research site, my later data collection expanded to a broader exploration of the reproductive justice movement.

### *Interviews*

I conducted the remaining dissertation interviews from 2008- 2010 with an interview protocol that was informed by my earlier findings. These interviewees were offered a \$20 gift card. Some additional sample demographics and organizational affiliations can be found in Appendix 2. Approximately 80% of interviewees identified as members of a racial/ethnic minority. Age at time of interview ranged from 20 to 60 years old.

These interviews included the above questions, as well as how interviewees understood/defined human rights and the relationship between reproductive justice and human rights. The future of the reproductive justice movement emerged as a recurring theme in later interviews, so the latter third of the interviews also included a discussion

about where the movement was headed. The penultimate question in the interview was whether there was anything the interviewee wanted to add about SisterSong, the reproductive justice movement, or anything else that would be important for me to know. The responses ranged from a concise “No” to one interviewee explaining that her motivation for doing women’s health work stemmed from her own background: she had been a sexually uninformed youth, which led to her unintended pregnancy and abortion. After those experiences, she committed herself to ensuring that no one else would experience the same situation. I ended the interview by asking interviewees if they had any questions for me, which usually led to them asking me about my timeline, although in a few cases this led to more extensive questioning of my project.

Later interviews were solicited through similar means, as well as through an announcement in on SisterSong’s listserv and print newsletter, *Collective Voices*, and an on-line survey. After the interview, interviewees were sent a recruitment e-mail that they could distribute as well. Interviews occurred both over the phone and in-person, depending upon the availability of interviewee and myself. Having made initial contact with many interviewees at events helped me to develop rapport for phone interviews. However, even without previous personal contact with phone interviewees, many interviewees shared personal experiences. The vast majority of interviewees approved the use of their real name and organization. I supplemented the interviews I conducted with founders of the movement (or people at early meetings) with other interviews available through the Sophia Smith Voices of Feminism Oral History Project (<http://www.smith.edu/libraries/libs/ssc/vof/vof-intro.html>)

## *Documents*

The documents I use as data came from five sources: the Sophia Smith Collection Women's History Archive at Smith College, SisterSong's national office where I was given access to the server and the physical file cabinets while I was volunteering there, publicly available documents on the websites of SisterSong (the website changed over the years of my research), and similar documents from reproductive justice organizations.<sup>1</sup> The fifth source was the Internet. Using search terms that I generated, my research assistant conducted multiple searches for organizations, blogs, and news stories that referenced "reproductive justice."

The number of documents collected (over 1000) made detailed analysis almost physically impossible. I read each document at least once. My close reading of documents was limited to those from the 1980s and 1990s that showed the discussions that were happening about the need for a different type of organization/movement. I also closely read contemporary documents such as the SisterSong newsletter and listserv.

## *Participant observation<sup>2</sup>*

Participant observation provided another critical data source that enriched my understanding of SisterSong and the broader reproductive justice movement. Participant

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<sup>1</sup> Some researchers (Lofland 1996) differentiate between those types of documents available in a formal archive (archival documents) and those produced by a movement (movement publications). Other researchers (Yin 2003) do not differentiate because the biases of such types of documents are so similar—namely, that they can be produced with a specific audience in mind, which can reflect an ideal rather than an "objective" reality.

<sup>2</sup> I also participated in two other important activities that were not formal data collection. The first was a year-long internship at a local Planned Parenthood office from 2008-2009. The second was participation in the United Nations 53<sup>rd</sup> Commission on the Status of Women in 2009 in New York.

observation has a long history in sociological research. Whereas observation suggests a researcher who, like a lab scientist, sits outside the phenomenon under study, *participant* observation means the researcher is “not merely a passive observer” and may take a role in the organization, movement or setting under study (Yin 2003: 93). This more active role is also what many critics (and even supporters) consider the main dilemma of this type of data collection: the ability of the researcher to affect the research site or be affected by it (Emerson, Fretz, and Shaw 1995; Lofland 1996; Lofland 2005; Yin 2003).

Concerns about affecting the research site can be especially salient when studying social movements and social movement organizations because social movement participants are “in the business of trying to convince people of the wisdom or folly of a given social or personal reality” (Lofland 1996: 43). It is important to note that in some settings, access is not allowed *without* participation.<sup>3</sup> As mentioned earlier, during participant observation, I often met interviewees, or, as my project progressed, reconnected with previous interviewees. At points in the research, movement participants (not all necessarily interviewees) made comments that suggested that participant observation had given me sustained visibility, thus increasing my legitimacy as a researcher and giving me more access than I would have gained solely through conducting interviews or document analysis.

Starting in 2007, I conducted over 200 hours of observation at SisterSong events, at the SisterSong national office and other reproductive justice events. The May 2007

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<sup>3</sup> For example, at the October 2007 training I attended, Laura Jimenez, SisterSong’s Deputy Coordinator opened the door to the Mother House. In the entryway, we talked about my trip and the status of my research. I asked what my role should be at the training since I was conducting research. Jimenez directed me to the room where the training would be happening. She then laughed and told me to be involved “because you know we’re interactive here.”

national conference in Chicago was both a celebration of SisterSong's 10<sup>th</sup> anniversary and an opportunity for people to see what type of work member organizations were doing. SisterSong estimates there were 1,000 participants at the event, which was held over four days (SisterSong "Let's Talk"). I also observed a two-part workshop that SisterSong presented at the first US Social Forum in Atlanta in June 2007 (for which SisterSong was a member of the host committee). The two-part workshop at the US Social Forum introduced the audience to the development of SisterSong and included a panel discussion about current issues in reproduction such as genetic testing. I also participated in a one-day Reproductive Justice 101 training in October 2007 that SisterSong conducted at the newly-purchased Mother House. The training included an introduction to SisterSong, the development of the term "reproductive justice" and an introduction to eight categories of human rights. The November 2008 membership meeting in Atlanta also had a few hundred members but offered fewer workshops than the national conference. The November 2009 membership meeting in Washington, D.C., included a policy advocacy component on Capitol Hill. I volunteered at the 2009 meeting and was asked to assist SisterSong's Communications Coordinator with a pre-conference workshop for leaders of non-profit organization on applying for media grants through a program SisterSong had utilized. This included talking with a staff member about the workshop beforehand and facilitating a portion of the workshop. Immediately after the workshop, I was asked to take notes at a Management Circle meeting. In February and March 2010 and May 2011, I also volunteered at the SisterSong office, conducting research, answering phones, and assisting with activities as needed.<sup>4</sup>

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<sup>4</sup> The time between these observations provided me with the "average" member experience. Due to the

In April 2011, I also attended the Civil Liberties Public Policy Program's 30th annual "From Abortion Rights to Social Justice" conference at Hampshire College (the conference is referred to as CLPP). Marlene Gerber Fried, a professor at Hampshire, who is mentioned at various points in this dissertation, has coordinated the conference from its inception.<sup>5</sup> While the emphasis of this annual conference is on "reproductive freedom" and a couple of my interviewees had attended it, CLPP attracts a different audience (students activists) than does SisterSong (women of color broadly). There is some overlap between the target audiences and organizations represented at these conferences, but CLPP provided a useful point through which to compare how identity is discussed and the degree to which human rights is discussed as necessary to achieving the related idea of reproductive freedom.

Whenever possible, I identified myself as a researcher, for example, during the introductions at specific workshops. When the setting allowed, I took notes on a computer. At other times, I took notes via cell phone by text messaging myself or taking notes on the phone. I placed direct quotes in quotation marks to distinguish them from paraphrasing or my own analysis. Some settings in which I did not take personal notes included when I was asked to take notes at an impromptu Management Circle meeting.<sup>6</sup>

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geographic diversity in SisterSong, the majority of SisterSong's individual members/allies, and individuals whose organizations are members/allies, have limited interaction with the larger collective experience. Most people are likely only to experience SisterSong through the listserv, newsletter and, for some, national events.

<sup>5</sup> Fried is referenced as an ally in multiple contexts. For example, she was interviewed for a 2005 piece in the SisterSong newsletter, "Helpful Tips on How White Allies Can Support Women of Color Organizations" (*Collective Voices*, Volume 1, Issue 2).

<sup>6</sup> After the meeting, Ross specifically told me that she had felt the meeting would be an opportunity for me "to see that SisterSong is not all peaches and cream."

During participant observation, I also gathered materials (e.g., brochures, stickers, etc) that I treated as movement artifacts rather than documents.<sup>7</sup> As such, I did not attempt to code them, in part because some were difficult to physically scan, such as the condoms that were often included in registration folders at SisterSong conferences. These items are, indeed, significant but not central to the dissertation as presented here.<sup>8</sup>

### ***Data Analysis***

I used HyperResearch and AtlasTi for data management. Once data is transformed into a manageable form (i.e., a transcript), it can be analyzed for meaning. The starting point is often coding, the process that allows a researcher “to organize and group similarly coded data into categories or ‘families’ because they share some characteristic—the beginning of a pattern” (Saldaña 2009:8). In my initial interviews, I conducted *provisional coding*, looking for instances of themes emergent from the literature (e.g., intersectionality) and from my initial reading of organizational material. Since I was hand coding at that stage, I generated approximately 15 codes. I conducted limited *open coding*, as Charmaz (2006) and others refer to it. This involved sentence-by-sentence and, more often, paragraph-by-paragraph coding. Also using Charmaz’s suggestion, I used *process coding* to identify processes that interviewees discussed (“feeling excluded”). Some codes seemed particularly obvious after I developed them

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<sup>7</sup> Social movement organizations produce a wealth of artifacts, but analysis of artifacts is more common in anthropology (Yin 2003).

<sup>8</sup> The November 2009 membership meeting in Washington, D.C., was the first time lobbying was formally incorporated into a SisterSong event. There were conflicts leading up to this activity that are partially indicative of the larger questions with which the reproductive justice movement grapples about the role of policy advocacy. For a “centerpiece,” each table had a pile of Planned Parenthood condoms and lip balm. Registration folders also included items from the event sponsors such as a ceramic pin with a pink “woman” symbol surrounding the White House. These items indicate the type of image that reproductive justice and allied organizations want to project of their work.

(e.g., motherhood), but their late appearance in my coding is likely a combination of the focus of my questions and the (lack of) salience of a particular topic for interviewees.

As mentioned previously, there were some particular questions (and corresponding responses) in I was particularly interested, thus I conducted *structural coding*, the “analytic cousin to holistic coding” (Saldaña 2009: 68). This is the process of coding answers to set questions specifically asked of participants. For the interviews where I had not asked the specific question in the pilot interview, I went back to the interview to see if the answer was present in the interview, nonetheless. *In vivo* codes were also developed when an interviewee’s words better captured the idea than I could. Some discussions reappeared in interviews, which made *versus coding* useful, as this is ideal when identifying conflict, particularly with dichotomous concepts. For example, people talked about grassroots organizations *versus* policy organization, White women *versus* women of color. The number of documents made in-depth analysis of each one difficult, but I made note of interesting quotes from documents as I read them. I would return to confirm the quote, a process that sometimes led to other useful quotes from the document.

To delve into relationships within and between codes, memos were developed in various ways. Sometimes I would take quotes from an initial code and write about their meaning. I also took notes on the interviews during the interview and after the interview. I used exercises from qualitative books to spark my thinking. I presented my ideas to colleagues throughout the process. I also conducted member checks, providing interviewees with their transcript after the interview. Further, when interviewees were to be quoted, I provided them a draft of the article (without any interviewee names

included) to confirm they wanted to be identified by name and to gain their perspective on my argument. The most common request I received was to remove “uhm” and other common conversational phrases.

*Outlier cases* helped to deepen my analysis. For example, the majority of the time when I asked about human rights, interviewees provided an overall supportive response, with more than one interviewee asking, “Who would disagree with human rights?” In three of my later interviews, however, this was not the case. These interviewees articulated different levels of skepticism about human rights. This led me to review interviewee responses around human rights and begin to develop a typology that I explore more in Chapter 5. Outlier cases did not drastically shift my analysis, but they did illuminate the complexity of the topic and movement.

To summarize, this dissertation draws on multiple forms of data that were collected with the aim of understanding why the reproductive justice movement made an unusual frame choice and what the consequences of that choice have been on movement participants and the wider women’s movement.

## CHAPTER 3

### “Refugees of the Mainstream”: Emergence of the Reproductive Justice Movement<sup>1</sup>

This chapter highlights the simultaneous influences on the development of the reproductive justice movement, answering my first dissertation question of why the reproductive justice movement turned toward human rights.<sup>2</sup> On the domestic US front, the problems faced in the mainstream women’s movement by women of color were pushing some of these women away from those organizations. On the international front, women of color were attending international conferences, which were pulling some women of color toward a human rights analysis. These simultaneous processes set the stage for a different type of analysis that would more fully accommodate the multiplicity of experiences that women of color had long discussed as their reality.

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<sup>1</sup> Many of my interviewees mentioned specific national organizations that have state and local affiliates when referring to “mainstream” (e.g., Feminist Majority Foundation, NARAL, NOW and Planned Parenthood). Organizations such as these have had endured internal struggles about (racial) diversity and how mainstream or radical they are or should be. for example in Barakso’s 2004 account of NOW). When probed about *who* composed the “mainstream” the most common description provided by interviewees was White and middle class. Almost a quarter of interviewees had volunteered or done paid work for one of the four aforementioned organizations. Others had come into contact with local, state, or national affiliates when working in other capacities.

<sup>2</sup> This chapter provides a brief overview of some of the issues happening in the 1980s and 1990 relevant to my study. There are many texts that document concerns in the overall women’s movement, such as Rosen’s *The World Split Wide Open: How the Modern Women’s Movement Changed America* (2000). For texts on women of color’s experiences during this time, see texts such as Davis’ *Women, Race and Class* (1981) and Moraga and Anzaldua’s *This Bridge Called My Back: Writings by radical Women of Color* (1981). Further analysis of women of color and reproductive rights can be found in Nelson’s (2003) *Women of Color and the Reproductive Rights Movement*.

### *Moving Away From the Mainstream*

In this section, I demonstrate that women of color's dissatisfaction with the larger women's movement was the result of feeling marginalized within it, distrusting its "mainstream" organizations (whether or not women of racial/ethnic minority groups were in them), and desiring to develop analyses of reproduction that moved beyond the binaries of "pro-choice" versus "pro-life" that had become the standard discourse around abortion.

Differing approaches to issues such as forcible sterilization offer one example of the splits in the women's movement about what constituted a valid issue around which to focus organizational and movement attention. Sterilization was a controversial issue that sometimes placed women on different sides of the debate. Record-keeping on state-sponsored sterilization varied, but some statistics show that upwards of 150,000 women were forcibly sterilized with the support of the federal government as late as the 1970s (Roberts 1997).<sup>3</sup> In the 1970s, some particularly egregious cases of forced sterilization made national headlines, such as that of the 12- and 14-year old Relf sisters (*Relf v. Weinberger*). Medical personnel administered birth control to the sisters, who had mental disabilities. The two were eventually sterilized with the "consent" of their illiterate

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<sup>3</sup> In 2009, the North Carolina government revealed that during that , its now-defunct state eugenics board approved petitions from doctors, social workers and other authorities that resulted in the sterilization of 7,600 people. Those sterilized were primarily women, people of color, poor people, and people with disabilities (North Carolina Department of Administration 2010). The state is considering how to compensate these victims . See National Public Radio , "Why US Continued Eugenics Program Post-Holocaust" <http://www.npr.org/2011/06/23/137369279/why-us-continued-eugenics-programs-post-holocaust> (last accessed July 2, 2011).

mother, who was told her daughters were receiving additional birth control (Southern Poverty Law Center 1973).

The response to the details of this case and to forced sterilization in general have varied among women along lines of race and class, demonstrating the complexity of the underlying implications of these procedures. Working together, African American women, Latina women, and poor White women have fought for explicit informed consent procedures. They wanted mandatory waiting periods because many of the women who had been sterilized were coerced through financial inducements (e.g., requiring sterilization to obtain welfare benefits) or had the decision made for them (e.g., as in the case of Relf sisters or of women who were sterilized by doctors immediately after childbirth) (Gutiérrez 2008; Schoen 2005). Middle-class White women, on the other hand, found that when they actually requested to be sterilized, paternalistic doctors doubted their decision and would often make the process more difficult, leading these women to want fewer restrictions on sterilization (Davis 1981; Roberts 1997).

A letter from the newly-founded Committee for Abortion Rights and Against Sterilization Abuse (CARASA) to Eleanor Smeal, president of the National Organization for Women (NOW), reveals that the differing perspectives on this issue were a major issue of public debate among “sisters.”<sup>4</sup> CARASA acknowledged that increased regulation of sterilization could curtail individual women’s reproductive rights. CARASA and many women of color argued that, nevertheless, increased regulation would protect economically disadvantaged women in the US and possibly internationally. The letter

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<sup>4</sup> Depending upon the document, the first letter of CARASA sometimes refers to “Committee” and other times to “Coalition.”

differentiated between the theoretical opposition and practical implications of government non-interference around some reproductive options:

Sterilization abuse...occurs because population control advocates, individual doctors, social welfare agencies, teaching hospitals and others believe that they have the right to determine which women will limit the number of children which they will have and the method by which this will occur. Far from being patronizing to a particular group of women, strong sterilization guidelines protect the rights of all women against these anti-choice forces. This means that a woman's choice to be sterilized is made with full information and with no coercion.

While sterilization has the same medical consequence for these diverse groups of women—termination of the possibility of future childbearing—the challenges women of different statuses face vary due to complex racial and class stereotypes that impact public health policy.

Event fliers and organization newsletters from the late 1970s/early 1980s further illustrate the different approaches to reproductive politics by mainstream organizations and organizations that considered themselves radical challengers to this mainstream. Organizations like the National Organization for Women challenged normative cultural expectations of domesticity by insisting that women should only become mothers “by choice.” The membership brochure of one NOW chapter included a drawing of a woman holding a smiling baby surrounded with the words “Motherhood By Choice...Not By Chance. NOW is the time when *you* can make the difference.”<sup>5</sup> Conversely, organizations like CARASA suggested that women of color were having the choice to become mothers taken away from them due to forced sterilization. One CARASA flier advertising a talk

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<sup>5</sup> People of Washington County United for Choice/Wisconsin National Organization for Women, 1981-1983, Reproductive Rights National Network papers, Sophia Smith Collection, Smith College, Northampton, Massachusetts.

began with a statistic: “25% of Native American Women Have Been Sterilized.” The flier went on to note that the speakers would be “speaking on forced sterilization and radiation effects on reproductive health, followed by a discussion of U.S. genocidal policies toward Native American and other people of color.”<sup>6</sup> The flier specifically linked reproduction and environmental hazards (“radiation effects”), while invoking a shared history of government mistreatment toward communities of color. CARASA’s event was held in conjunction with the national Long Walk for Survival to bring awareness to Native Americans’ disadvantaged status in the US. The reference to genocide on CARASA’s flier highlights how, for these women, forced sterilization was not just an issue of the disruption of an individual woman’s ability to reproduce; rather, forced sterilization was a larger issue that put a whole community’s future (“survival”) in jeopardy

For these activists outside the mainstream, addressing individual women’s reproductive experiences required understanding reproduction in the context of inequalities of class and race that produce significant variation in whose reproduction was/is controlled through such measures. Thus, reproduction was framed as a community concern, not only a concern of autonomous women. These are but a few of the examples of women of color and poorer women advocating for more nuanced analysis of reproductive health. These efforts provided the basis for the reproductive justice movement that I analyze in the remainder of the chapter.

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<sup>6</sup> Buffalo CARASA-Coalition for Abortion Rights and Against Sterilization Abuse, 1980, Reproductive Rights National Network papers, Sophia Smith Collection, Smith College, Northampton, Massachusetts.

*Persistent Invisibility Within and Distrust of Mainstream Organizations*

As discussed above and in other parts of this dissertation, before the founding of SisterSong, women of color activists had for years participated in other movements including the mainstream women's movement and nationalist movements. Some participated in special caucuses in mainstream organizations created for them or women's caucuses within racial justice organizations. Some mainstream women's organizations created special posts to address the issues of women of color. Some women of color chose to develop independent organizations that sometimes included radical White anti-racist feminists (Thompson 2002). Still, many women of color consistently felt that, ultimately, their issues were given lower priority.

Women who were specifically tasked with addressing this issue in mainstream organizations experienced this lack of support. In 1987, Loretta Ross organized the first Women of Color and Reproductive Rights conference when she was working as Director of Women of Color Programs at NOW. This conference, advertised as "for and about women of color," would provide the first national forum in which women of color could discuss their feelings of marginalization, share experiences of working on these sometimes-controversial issues, and strategize for the future.<sup>7</sup> Some of the advertised workshops focused on racism in the pro-choice movement, Medicaid funding for poor women, and new genetic technology. The NOW letter sent to event co-sponsors noted how women of color in the reproductive rights movement had been marginalized, so one

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<sup>7</sup> National Organization for Women Women of Color and Reproductive Rights conference flier, 1987, Loretta Ross papers, Sophia Smith Collection, Smith College, Northampton, Massachusetts.

of the conference aims was “to place the concerns of women of color in the forefront of the pro-choice debate.”<sup>8</sup>

Documents provide evidence that, despite promotion of this event, women of color were not, in fact, at the forefront of NOW’s efforts. Three months before the conference, internal memos mention the need for support in the form of interns because Ross was “quite desperate for some assistance on this conference” because she was “swamped with hundreds of details.” Additionally, she had “no idea” of the budget within which she had to work.<sup>9</sup> Ross noted that one potential woman of color intern decided not to participate due to the costs incurred by an unpaid internship.<sup>10</sup> Further, Ross suggested that NOW chapters should more aggressively publicize the conference and provide scholarships for women of color to pay the \$25 conference fee.<sup>11</sup> Attendance surpassed expectations with 400 attendees converging at Howard University, a historically Black college. Over 30 workshops were presented. Shirley Chisholm, an outspoken Black feminist and one of NOW’s founders, was a plenary speaker and made a surprise appearance at another part of the conference. This event appeared to be a success by various measures. However, the full extent of NOW’s resources do not appear to have been made available to support it.

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<sup>8</sup> Eleanor Smeal of the National Organization for Women in a letter dated January 30, 1987, Loretta Ross papers, Sophia Smith Collection, Smith College, Northampton, Massachusetts.

<sup>9</sup> Loretta Ross of the National Organization for Women to Sheri O’Dell and Ellie Smeal, February 11, 1987, Loretta Ross papers, Sophia Smith Collection, Smith College, Northampton, Massachusetts.

<sup>10</sup> When we consider that internships in organizations can expand network and lead to more access to opportunities within a social movement, lower-income women, who are disproportionately women of color, may be systematically excluded from these initial types of opportunities simply due to their inability to forego being paid.

<sup>11</sup> Calculated on October 21, 2010 using Bureau of Labor Statistics calculator, the equivalent amount is \$48.07 <http://data.bls.gov/cgi-bin/cpicalc.pl>.

Even after publicly supporting such a landmark event or creating special positions for women of color such as the one filled by Ross, NOW was met with skepticism from some women of color. In early July 1988, Ross wrote to organizations that were part of a women of color coalition around Title X (federal family planning funding), to suggest a retreat to discuss the issues faced by women of color organizing around reproductive rights and to discuss developing a network. A few weeks later, Sharon Parker, the chair of the National Women of Color Institute, responded. Parker raised objections to duplicating efforts and working with mainstream organizations. Parker wrote:

I received your July 7 memo to members of the Title X coalition and, after reading and re-reading it, am quite disturbed... although I think that you intended to facilitate the progress of the Coalition with your memo, to me it signals strife. And with my experience with NOW, I see real and perceived co-optation of a true women of color issue by the organization. Let me explain why: (1) simply sending your memo on NOW stationary implies more officiality than you probably intended; (2) the content of the memo implies that no women of color reproductive rights project exists...and (3) given past experiences such as the Women of Color and Reproductive Rights conference last year (earlier this year??), I see little support for the RCAR [Religious Coalition for Abortion Rights, now Religious Coalition for Reproductive Choice] and lots of visible organizing [by] your NOW office in this arena ...<sup>12</sup>

Parker could have been responding to Ross individually, but her statements about NOW suggest a deeper concern about working with this mainstream organization. Parker suggests that NOW could be organizing around the issues, but she remained concerned that the women of color coalition could be “co-opted” by a national organization. Further, Parker suggests that some issues are “true” women of color issues. Implicit in Parker’s letter is the assumption that NOW is not a women of color organization. NOW may have

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<sup>12</sup> Sharon Parker of the National Institute for Women of Color to Loretta Ross, July 25, 1988, Loretta Ross papers, Sophia Smith Collection, Smith College, Northampton, Massachusetts, 01063; emphasis in original.

had women of color involved in its founding (such as the aforementioned Chisholm and in members such as Ross in its ranks), but this did not mean it could effectively advocate for women of color—at least not from Parker’s perspective. Here, we see evidence of a continuing tension which emerges throughout this dissertation concerning women of color’s organizing efforts: wanting and needing the support of mainstream organizations, yet simultaneously distrusting the motives of those organizations.

Concerns about marginalization in other organizations were raised in many of my interviews. One Latina interviewee, “Barbara,” worked for Planned Parenthood for a decade starting in 1990. During that time, she also created an informal group for Latina women to discuss sexual health issues. In our interview, she recalled the difference between how she felt among that group of Latinas and how she felt about the mainstream “family planning” movement:

*It didn't really resonate with me because there was a whole cultural piece and spiritual piece that was missing for me. And so when I, when I was around the table with all of these [Latina] women ... it wasn't missing. It was there....there was no hit and miss there. And there were no questions asked. We just, we were a collection of women who were determined and compassionate and didn't have to make assumptions. And so that's what I was really thinking about we have our own voice. And let us stand for who we are. Please don't open the door and ask us not to come in, so to speak, you know what I mean? (Barbara, Latina, emphasis added)*

Barbara went on to discuss the importance of “culture” and how, for the decade that she worked at Planned Parenthood, she had tried to integrate cultural competency into its educational programs with varying levels of success. Barbara's comment echoed those found in multiple data sources: women of color often felt they were invited into mainstream spaces to add visible racial diversity, but when they wanted to raise issues of concern to them, their perspectives were not considered.

Conversely, it is important to avoid romanticizing the spaces that women of color created for themselves. Those spaces, like the mainstream ones from which they sometimes sought refuge, also rested on assumptions about identity that some women of color argued could be as limiting as those made in spaces , which assumed “women” were all the same.<sup>13</sup> Still, as Barbara described, in settings that women of color did create for themselves, many felt they could finally bring up how identities other than gender influenced reproductive health, without worrying that their ideas would be dismissed. In these spaces, the “door” was physically *and* conceptually “open” to women of color.

Evidence of domestic discontent can be found in SisterSong founders’ reflections on experiences with other mainstream organizations that appeared to exhibit varying levels of resistance to changing what women of color felt were exclusionary practices. In an archival interview, SisterSong founder Luz Martinez recalled her tumultuous experience with the National Abortion Rights Action League (NARAL). She described her initial enthusiasm about becoming a board member:

A White woman that was a strong factor as an ally wanted to nominate me to the NARAL board, and I didn’t know NARAL, I didn’t know the organization. But she said, “There are very few women of color.” I think there were a couple and she wanted to try and change that. So, I said, “Sure. Let’s try to do something.” Because I also was interested in mainstream diversifying and broadening their agenda and I’ll do the work I can. So, [I was] thinking I could make a change, and this woman who worked in communications, [an] African American woman.... She is great, and she had actually arranged the [media] training for women of color working in reproductive health...it was excellent. I told her about getting on the board and this is what I’m going to do and it’s going to happen. It felt like she was patting me on the head—OK, you can go try that—because she knew NARAL. She had worked with NARAL before.<sup>14</sup>

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<sup>13</sup> This was particularly evident around sexuality.

<sup>14</sup> Luz Alvarez Martinez, interview by Loretta Ross, transcript of video recording, December 6-7, 2004, Voices of Feminism Oral History Project, Sophia Smith Collection, p. 69.

Martinez's description of her involvement with NARAL begins with the encouragement of a White ally. She faces what could be perceived as a patronizing attitude from another woman of color skeptical about the possible results of Martinez' optimism about working with NARAL. Martinez, however, then described the difficulty she and allies faced when they would try to bring concerns of women of color into NARAL's planning:

So for months, years, the time that I was there, I would keep pushing. My first meeting, I thought the [African American] pediatrician would be there. I met with her. She was going to support me, but for family reasons, she wasn't at this first meeting that I was at. And I looked around the room and something came up and I thought, "Oh, shit, she's not here and I guess I have to bring it up." They were talking about some media thing that they were working on, or some research they were doing, and I didn't see where they were including women of color. So I had to speak up. So I talked about that, the importance of it, and having women of color interviewed as well, and bringing all the different issues in. I know they didn't pay attention to me but I said it. But that was the beginning. And there were other White women on that board that were also wanting to make some changes. So everybody speaking out, everybody speaking up. And I remember the meeting where the board finally made the change. Not the commitment but the change...but we were all there, three or four women of color, and all these White women. There might have been a couple of men, too. But the issue came up. We need to do something about diversifying the board. We need to put something in the bylaws about this. Oh my god, that discussion was crazy. People were crying and screaming and the board chair said, "If you do that, that will be the worst thing that can happen to NARAL." Wow.<sup>15,16</sup>

Martinez's "years" with NARAL "pushing" the leadership suggests her own personal commitment to reproductive issues. Yet, her experience also highlights some of the issues women of color consistently faced when working with mainstream organizations—issues

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<sup>15</sup> According to a later e-mail exchange, the requirement about the board composition had been suggested by one of NARAL's funders. Loretta Ross to Jael Silliman et al. 2002, SisterSong papers, Sophia Smith Collection, Smith College, Northampton, Massachusetts.

<sup>16</sup> Luz Alvarez Martinez, interview by Loretta Ross, transcript of video recording, December 6-7, 2004, Voices of Feminism Oral History Project, Sophia Smith Collection, pp. 69-70.

that my interviewees said they continue to face. First, there was the issue of visibility—if women of color were not in the room or were there but chose not to voice their opinions, an issue was not addressed. Second, mainstream leaders were willing to say they were interested in diversity, but they were not necessarily willing to commit to making long-term structural changes. Nevertheless, even though some women of color felt they were not being heard, there was a collective effort to change this that included some White and male allies interested in changing how mainstream organizations operated.

While not all leaders in mainstream organizations felt that diversifying their boards would be the “worst thing” to happen to their organization, the fact that these types of comments were made indicates that increasing the racial diversity of organizations was not an easy task. NARAL was not the only mainstream organization that women of color criticized. A piece in the Black Women’s Health Initiative’s newsletter pointed to continuing problems with the National Organization for Women. The Initiative’s frustrations over attempts to talk with NOW’s leadership about an upcoming national march were explained:

Somehow, the national N.O.W. leadership failed to understand, even after three face to face meetings, beginning first week of December 1992, the need to seriously consider and address the concerns and criteria we presented regarding our participation in the march. *Quite simply, we demand they move beyond rhetoric, start practicing what they preach concerning inclusions of women of color.*<sup>17</sup>

Here, the Initiative emphasizes what it saw as a gap between the claim of a mainstream organization to want to diversify racially, and the organization’s practices that kept that diversification from becoming a reality. While there are examples of women of color

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<sup>17</sup> Black Women’s Health Initiative, *Vital Signs*, Winter 1990, “Legislative Update-April 5<sup>th</sup> March for Reproductive Freedom Update,” Special Supplement, p. 3, emphasis added.

working with mainstream organizations, integrating diverse perspectives in mainstream organizations was a persistent problem that I discuss in later chapters.

*Moving Beyond “Pro-choice” and “Pro-life”*

Some women of color working on these issues imagined “the door” would be open to different ideas and groups that had been dismissed by the pro-choice movement. Notes from the 1987 NOW conference indicate that other groups were included that had not traditionally been included in mainstream “choice” conversations. For example, a group of pro-life African American women picketed outside the conference. The women were invited in for discussion and conference notes include some of the discussion items, such as whether abortion was racist. Even though conference attendees were generally in support of reproductive rights, their willingness to engage in dialogue with the “opposition” suggests they were unwilling to stay on one side of the “pro-choice debate.” Even though conversations about reproduction often pointed to a male-dominated society as the problem, conference notes suggest men were also brought in as allies. One conference assessment noted that there was “lots of praise for the inclusion of men working on reproductive rights.”<sup>18, 19</sup>

Women of color did discuss abortion and organize in support of access to it. Yet, they also wanted to broaden the discussion of reproduction beyond abortion. As

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<sup>18</sup> National Organization for Women, Conference Vignettes, May 27 1987, Loretta Ross papers, Sophia Smith Collection, Smith College, Northampton, Massachusetts.

<sup>19</sup> SisterSong newsletters and conferences include the perspectives of women who explicitly identify as pro-life. One column in a newsletter was written by a Management Circle member who discussed her opposition to abortion as stated in the title: “An Anti-Abortionist Surviving in the Pro-Choice Movement” (Skenandore 2004). While SisterSong is formally in support of reproductive options including abortion, it still aims to create a space where ambivalence around these issues can be discussed. SisterSong eventually created a men’s caucus and a caucus for White allies

discussed in the Introduction, the reproduction of particular groups of women has systematically been discouraged, as demonstrated through the historic state-supported practice of forced sterilization for women of color, or the more recent criminalization of birth by drug users. Yet, the mainstream reproductive rights movement during this period largely failed to take up issues surrounding right *to* parent.

Instead, the reproductive rights movement had been focused on protecting legal access to abortion. One way interviewees conceptualize reproductive justice as different from reproductive rights is that reproductive justice is seen as having the potential to address the needs of a range of pregnant and mothering women, not just women who did not want to have children. The pro-choice movement's seeming lack of support for motherhood was a concern raised in my interview with "Barbara" and multiple other interviewees, who still felt the pro-choice movement had not and was not doing enough to advocate for mothers.

Even though many examples of historical misunderstandings and frustrations between women of color and White women exist, White women have been important allies in creating the opening for a new analysis to bring together different movements. Marlene Fried of Hampshire College's Civil Liberties and Public Policy Program discussed details of Ross' "consultation" with the program that would include attending an April conference, writing a letter for the newsletter, and helping to arrange internship for Hampshire students. Fried wrote:

1. We are interested in connecting with students at southern colleges and are interested in connecting with students of color. Certainly use your judgment in findings students to attend the conference. The criteria of commitment to reproductive rights and anti-racist work

makes sense.....7. One more thought: Betsy [Hartmann] and I have been talking with Judy Norsigian and Norma Swenson [co-founders of the Boston Women's Health Collective, which published *Our Bodies, Our Selves*] about a collaborative project between us on women/feminism, environmentalism and population control. In a nutshell it seems that some environmental groups putting out that overpopulation is the cause of environmental destruction—their solution population control. We would like to: talk with feminists; research environmental groups to find out more about what they are saying, thinking, doing in this area; bring feminists together to deal politically with these groups.<sup>20</sup>

Here, we see connections between issues being proposed: reproduction and anti-racism (ostensibly at the behest of Ross) and the environmental movement and reproductive movement (per Fried). Concerns about population growth led to the creation of organizations like Zero Population Growth (ZPG). National women's organizations including NOW and the National Women's Health Network had allied with these organization in order to secure the passage of *Roe v. Wade* (Staggenborg 1989). Some organizations criticized ZPG and similar organizations' support for abortion access, which was premised on the belief that overpopulation was the cause of resource depletion. Further, ZPG and similar organizations encouraged the use of permanent birth control to curb the birth rates of "hyperfertile" communities in the US and the "Third World" (Committee on Women, Population and the Environment 1999; Gutierrez 2008; Hartmann 1995).

Women of color working in the area of reproduction continued to attempt to develop regional and national networks. For example, the Southeast Women's Health Network aimed "to get more Southern women involved in *national and international*

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<sup>20</sup> Marlene Fried to Loretta Ross, Feb 27, 1991, Loretta Ross papers, Sophia Smith Collection, Smith College, Northampton, Massachusetts.

*activities* that affect women's health.”<sup>21</sup> The network members included individuals and both women of color and general women's organizations: SisterLove Women and AIDS Project (a founding organization of SisterSong), the National Black Women's Health Project, the National Women's Health Network, the Feminist Women's Health Center, the YWCA, and the National Organization for Women.

An example of a previous national network was the Women of Color Coalition for Reproductive Health Rights. This coalition included groups such as the National Asian Women's Health Organization, the National Black Women's Health Project,<sup>22</sup> the Latina Roundtable on Health and Reproductive Rights (which became the grant agent for the initial SisterSong project grant), and Women of All Red Nations, an established Native American women's organization. One document noted that this multiracial coalition aimed to “design and implement a common agenda that influences policy, research, and education for reproductive health rights issues *as broadly defined by women of color, for women of color, from our perspective and on our terms.*”<sup>23</sup> This reproductive health coalition influenced not only women of color's reproductive health and rights activism, but also women of color in other movements engaging in human rights activism.

In sum, there were many examples of the persistent challenges faced by women of color working in and with mainstream women's organizations. These challenges

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<sup>21</sup> Loretta Ross to Southeast Women's Health Network, 1991, Loretta Ross papers, Sophia Smith Collection, Smith College, Northampton, Massachusetts; emphasis added.

<sup>22</sup> Founded as the Black Women's Health Imperative.

<sup>23</sup> United States Women of Color Delegation to the United Nations Fourth World Conference on Women (USWOCD), US Women of Color Statement on the Status of Women, August 1995.

motivated the initial interest in different organizations and a new movement that could put forward a different analysis of reproduction. Specifically, this analysis would need to more fully reflect the experiences of women whose lower socio-economic status and racial marginalization resulted in a reduced ability to make the same choices afforded to other women.

### *The Pull of Human Rights*

Women of color who were dissatisfied with the limits of domestic reproductive rights activism were seeking other forums in which to advance their perspectives. As I will discuss in this section, the international arena provided just such a forum and site of inspiration.

The newsletter of the Black Women's Health Initiative, *Vital Signs*, featured an article that pointed to an interest in the global aspects of health. In "Reproductive Health Is a Global Concern," the author suggested, "[r]eproductive freedom is a fundamental human right that not only includes the freedom to have or not have children but the right to have the means that would enable women to make these choices."<sup>24</sup> This phrasing is similar to SisterSong's current language around reproductive justice, which can be found in its literature and trainings. Some of the international events at which SisterSong founders exchanged ideas were the United Nations conferences, such as the Conference on Women in Nairobi (1985), the Conference on Population and Development in Cairo (1994), and the Fourth World Conference on Women in Beijing (1995). In preparation

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<sup>24</sup>Trumpet, Dianne Forte. *Vital Signs*, Winter 1990, p.5.

for Nairobi, there were multiple meetings to familiarize potential participants with the process of UN meetings. These meetings included women like NKenge Toure, who later became involved with SisterSong, and who continues to serve on the Management Circle. In preparation for the Cairo and Beijing conferences, women of color were active in the creation of formal and informal delegations. The overlap in participants at events like these and other reproductive health-related events suggests the importance of information-sharing within and across networks of women of color and their allies.

Luz Martinez, a SisterSong founder, reflected on her Cairo experience for women of color. The Ford Foundation, which would later provide crucial start-up funding for the SisterSong collective, sponsored a delegation to attend this conference specifically aimed at discussion of population concerns.<sup>25</sup> When delegates reviewed the initial documents circulating in preparation for the meeting, they realized the documents did not mention women of color in the US. Martinez suggested that this exclusion prompted the women of color delegation to develop their own proposals:

And I remember asking a White woman that did international work and saying, “Well, what about women of color in the US?” And she said, “Oh, no, no. This is about women in developing countries.” And I couldn’t understand why.... We took it [their document] to all of the delegates, especially the American delegates, and we had excellent support from some of the delegates, the American delegates .... So, what we said to them—because everybody else was taking care of abortion, all kinds of stuff was going on—we said to them, “We want the inclusion of ‘women of color in developed countries.’” They took that on, even a couple of White women that supported us and what we were doing, so they took it and pushed it through and we got it.... Simple. Simple. But that was historical.<sup>26</sup>

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<sup>25</sup> The Ford Foundation provided funding for some women to attend. Of the 23 official women of color delegates to Cairo, four were also involved in the meetings developing SisterSong.

<sup>26</sup> Luz Alvarez Martinez, interview by Loretta Ross, transcript of video recording, December 6-7, 2004, Voices of Feminism Oral History Project, Sophia Smith Collection, pp. 71-73.

These women of color had found themselves in a familiar situation: in a setting that was supposedly open to all women, specific groups of women had already been excluded from the conversation. With “everybody else taking care of abortion,” many other issues were not being addressed. This situation points to a paradoxical situation experienced by women of color in the US: the United Nations documents were being envisioned to address human rights violations occurring outside of “developed” nations; yet, since the late 1960s, women of color in the US had argued that their multiply oppressed status made them the “Third World Within.” In short, they argued that their social status produced experiences and outcomes that were similar, despite being located in the First World, to those of people living in “undeveloped” nations in the Third World.”<sup>27</sup> Inclusion of US women of color in these documents acknowledged their unique status in the US, while also making the documents relevant for future organizing with women of color in the US.

In Martinez’s recollection, the energy that had been built by these women of color quickly dissipated. There is evidence, however, that women of different racial groups continued to work on reproductive health issues when they returned home. That year, 1994, the Black women’s caucus of the Illinois Pro-Choice Alliance Conference developed the term “reproductive justice.” At the time, they defined “reproductive justice” as “reproductive health integrated into social justice” (Asian Communities for Reproductive Justice 2005; SisterSong 2006). In February 1995, a “pro-choice coalition” used the new phrase in their name: Women of African Descent for Reproductive Justice.

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<sup>27</sup> A Black Women’s Caucus was formed in SNCC in 1968. In 1970, after the Caucus had become an independent organization and Puerto Rican women had joined it, the group became the Third World Women’s Alliance (see Women of Color Resource Center’s Third World Women’s Alliance Archive: <http://coloredgirls.live.radicaldesigns.org/article.php?id=241>, last accessed \_\_\_\_\_).

The coalition wrote President Clinton in support of Henry Foster's nomination for Surgeon General.<sup>28</sup> One of the signatories, Toni Bond, would go on to found African American Women Evolving, one of SisterSong's founding organizations. Indeed, Bond would eventually become the SisterSong Management Circle president, a position she continues in today. Another signatory, Loretta Ross, discussed above, would go on to work with the National Center for Human Rights Education and then become SisterSong's National Coordinator, a position she also continues in today.

Long-time activists in multiple movements have discussed how the 1995 UN Beijing conference increased their understanding of how global issues were and are relevant for their organizing. In one article that featured interviews with women of color who attended the Beijing conference, the women "described the sense of global solidarity, pride, and affirmation that they experienced in Beijing. This sense of affirmation had greater resonance, because of the sense of siege that pervades the political environment in the United States" (Dutt 1996: 520). This "affirmation" was also critical to recognizing the implications of the US's role in the conditions faced by women (and men) in other countries. This conference played a pivotal role in helping US women of color to understand how marginalized groups could effectively use a human rights analysis in their work to challenge the fundamental organization of society.

In preparation for Beijing, the US Women of Color Delegation to the United Nations Fourth World Conference on Women (USWOCD) produced its own document,

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<sup>28</sup> Women of African Descent for Reproductive Justice to President Clinton, February 21 1995, SisterSong papers, Sophia Smith Collection, Smith College, Northampton, Massachusetts

the “US Women of Color Statement on the Status of Women,” which explained their interest in the United Nations conferences:

The USWOCD is dedicated to educating the public about the legislative and governmental mistreatment of the poor, and to giving voice to women and underrepresented communities of color. Without such input, the gender and racial bias will continue in domestic policies and will continue to extend into US international policies of population, development, and human rights, which most affect the so-called “Third World,” whose population are people of color. This document reflects a women of color perspective on the status of women, that *takes into consideration the complex intersections of other forms of discrimination such as racism and classism, that affect the human rights of women.*<sup>29</sup>

The delegates highlighted the necessity of the visibility of US women of color in these discussions because the US policy affected them uniquely. Additionally, the Statement highlighted the need for the involvement of US women of color because US policies determined its policies elsewhere, which would also affect women elsewhere. Most importantly, their document would consider women’s experiences through a perspective that considered “the complex intersections of other forms of discrimination.”

The Statement criticized the Beijing Platform for multiple reasons. The language of the document constructed women as problems, primarily defined women in relation to other people rather than as autonomous subjects, and placed women and “the girl child” in the same category. The authors of the Statement also criticized the language of the Platform because it distinguished between “women” and “women of color.” The USWOCD also noted that it wanted “women” to be redefined to include all women because it was “important as we advocate for ‘women’s’ rights, and for women rights to be considered in the larger context as ‘human rights,’ to stress that we are doing this for

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<sup>29</sup> USWOCD, US Women of Color Statement on the Status of Women, August 1995, p.2; emphasis added.

all women.”<sup>30</sup> Considering Martinez’s earlier description of the efforts of the Cairo delegates to have “women of color” placed in UN documents, the USWOCD’s criticisms of that language in the Platform are noteworthy because they highlight that “women of color” were not a monolithic group with the same views on the role of identity and the naming of marginalized groups in making social change.

Some US activists felt that after Beijing and the development of the Platform for Action in relation to women’s rights, the US government “did not take it too seriously,” limiting the possibilities for activism around the Platform.<sup>31</sup> This frustration made sense considering the political climate in the US. Even though a Democratic president, Bill Clinton, was in office when SisterSong was founded, the political opportunity structure within the US was not necessarily that different than it had been under Republican administrations. Clinton had promised to “change welfare as we know it” and, indeed, in 1996—one year after Beijing and a year before the founding of SisterSong—he did. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) drastically reduced one of the largest economic support programs for low-income women and children.<sup>32</sup> Even though the formal administration had changed, the history of the US government’s relationship to human rights generally, and to economic rights specifically, had been forged decades earlier, limiting political opportunities.

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<sup>30</sup> USWOCD, US Women of Color Statement on the Status of Women, August 1995, p.4; emphasis in original.

<sup>31</sup> Linda Burnham, Center for Education of Women, 2008 visiting social activist. Burnham organized delegations to the UN conference in Nairobi and Beijing and later founded the Women of Color Resource Center. Burnham has also presented at SisterSong events.

<sup>32</sup> In preparation for a Beijing + 5 follow up conference, the Women of Color Resource Center produced a report that argued that PRWORA violated multiple points of the Beijing Platform for Action. The report intersperses portions of the Universal Declaration of Human Rights and strategic objectives from the Beijing Platform to suggested how the policy was detrimental to women and violated their human rights.

Despite these limitations, the organizing that occurred leading up to the conference built networks that lasted after the conference. A SisterSong founder, Mary Chung Hayashi, reflected on the importance of the Beijing conference:

Just being around tens of thousands of women from all over the world. And it didn't matter that I was from California because there were so many Asians and there were so many African women, it just didn't matter. We just all are just one and just feeling like, Oh, I'm not a minority here. We're just all there because we care about women's issues.<sup>33</sup>

Like many women, Hayashi felt the conference reduced her feelings of isolation as she interacted with women of different countries and found that national borders did not keep them from finding common cause.

SisterSong founders viewed attending international conferences as a way both to increase the visibility of women of color internationally, and to gain new strategies for domestic activism. This was not limited to UN conferences. At an October 1997 SisterSong meeting, the role of delegates to the Fourth International Congress on AIDS was specified. Delegates had specific instructions:

Let other people of color know—our struggle is the same...bring back materials distributed by pharmaceutical companies, [e]xplain the invisibility of Asian [s] and Native Americans in the USA...[t]ake notes of how many women speakers versus the number of men speakers, [s]pot and [o]utreach to other women of color to build networks, [and] [r]eturn with information about how other groups are doing effective work."<sup>34</sup>

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<sup>33</sup> Mary Chung Hayashi, interview by Loretta Ross, transcript of video recording, December 15, 2006, Voices of Feminism Oral History Project, Sophia Smith Collection, p. 21. In 1993, Hayashi founded the National Asian Women's Health Organization. Hayashi was elected to the California State Assembly in 2006.

<sup>34</sup> Latina Roundtable on Health Reproductive Rights: Exploratory Symposium on Reproductive Health in Women of Color 1997 agenda, Luz Rodriguez papers, Sophia Smith Collection, Smith College, Northampton, Massachusetts; emphasis added.

The role of the delegates was the first item on the agenda, which suggests SisterSong foregrounded the international networking in which the group was engaging.

SisterSong founders supported the goals of multiple movements, but did not find any one movement sufficiently addressed their range of concerns. Reflecting on attempts to find a space at that time, Ross (2006: 6) has noted that:

Women of color felt closest to the progressive wing of the women's movement that did articulate demands for abortion access who shared our class analysis, and even closer to the radical feminists who demanded an end to sterilization abuse who shared our critique of population control. Yet we lacked a framework that aligned reproductive rights with social justice in an intersectional way, bridging the multiple domestic and global movements to which we belonged.... We found the answer in the global women's health movement through the voices of women from the Global South.

Interactions with women working internationally influenced the perspectives of some SisterSong founders and thus the reproductive justice movement.

Even though some founders wanted to develop a movement for reproductive justice based around human rights, there were still issues to resolve, such as the founders' own lack of understanding of human rights. At the Collective's first training in 1998, one of the three topics for discussion was human rights. The agenda for the Monday session, a three-hour session titled "Human Rights Education," listed three objectives:

Objective 1-Learn the basics about human rights including the Universal Declaration of Human Rights and other international documents/instruments that can be used effectively in the integration of RTIs [Reproductive Tract Infections] and Self-Help into the Collective.

Objective 2- Determine *the universality, indivisiveness, and interconnectedness* of political, economic, social and cultural rights within the context of their influence on RTIs and women's reproductive health needs.

Objective 3-Develop and adopt a SisterSong collective statement on women's rights as human rights with particular emphasis on reproductive health and RTIs.<sup>35</sup>

One of the founders felt that the portion of the training on human rights “was too brief to thoughtfully make the connections as I may be one of those women who doesn't know all of her rights yet.”<sup>36</sup> This seemed like an aggressive agenda when founding members were still learning about human rights themselves.

In discussion about the evaluations for that October meeting, SisterSong's Program Officer at the Ford Foundation, Reena Marcelo, responded optimistically about the possibilities of the SisterSong network bringing together these different perspectives:

[T]he more I think about the potentials of this aggrupation,<sup>37</sup> the more excited I get. Like for example the exchange of resources and expertise across cultural groupings for skills and knowledge building in research, advocacy, service provision, community outreach and education.... it would also help to demonstrate that work amongst different cultural groups can be beneficial to all, exciting, that differences can be assets as well in women's empowerment and community and development. Am I dreaming too much?!!! :] knock me on the head if it seems that I am!<sup>38</sup>

The excitement about the collective was palpable. According to Ross, “the answer” for US women of color seeking another analysis of reproductive issues could be found in the “Global South.” A human rights analysis, however, was not a perfect solution to the reproductive issues faced in the US, because social movements still have to operate within a particular political context. Women in other countries used the official

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<sup>35</sup> SisterSong Women of Color Reproductive Health Collective First Collective Training agenda, SisterSong files, Atlanta, Georgia; emphasis added.

<sup>36</sup> Luz Rodriguez evaluation, 1997, SisterSong papers, Sophia Smith Collection, Smith College, Northampton, Massachusetts; emphasis in original.

<sup>37</sup> A word for “group” in the Philippines.

<sup>38</sup> E-mail exchange, SisterSong files, Atlanta, Georgia; all wording, punctuation and emphasis in the original.

documents produced from United Nations' conferences such as Cairo and Beijing as a organizing basis for a national women's movement. In those countries, however, some of those respective governments signed later Conventions, such as the Convention for the Elimination of Discrimination Against Women. Women's organizations in those countries could then try to use human rights documents as leverage, as they provide a standard against which to hold their governments accountable through institutionalized mechanisms such as gender audits. The US government, however, has yet to sign this Convention and, thus, has not even made the official claim that it will attempt to uphold CEDAW.<sup>39</sup>

This brings us back to the initial puzzle of why SisterSong founders embraced human rights as something to organize around in the US context. In a personal interview, Luz Rodriguez explained that the power of a human rights framing can bring:

[T]he common thread that every woman from all these different nations and ethnic backgrounds found was that we all had a history of sterilization abuse, and we all had a history of human rights violation. So it wasn't just Puerto Rican women...[but also] Black women from their history, Native women from their history, Asian women from their history, and that fueled SisterSong [clasps hands together at palms, interlaces fingers and laughs]. That bonded, that was like doing a glue gun."<sup>40</sup>

These women's common histories and experiences of reproductive violation were only understandable through a human rights frame. These experiences were impossible to understand through the civil rights frame. The women's movement's emphasis on gender equality under the law was not enough to address the consequences of racial and

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<sup>39</sup> The United States is one of seven countries that has yet to ratify CEDAW. See Zoelle (2000) on how gender bias in the US political system makes ratification unlikely. See CEDAW 2011 for contemporary activism around ratification of CEDAW: <http://www.cedaw2010.org/index.php> (last accessed July 1, 2011).

<sup>40</sup> Personal interview with Luz Rodriguez, November 9, 2009, Washington, D.C.

economic inequality for many women of color's (and poorer White women's) reproductive options. Through human rights, however, an experience like forced sterilization can be understood as a violation of the "inherent dignity" of humans, which the first sentences of the UDHR have identified as in need of protection. Achievement of civil rights would not stop the systematic violations that these women of color and other marginalized members of society faced, but the achievement of human rights could. Or so many of them hoped.

Yet, as I demonstrate in the remaining chapters, the initial hope felt by some movement leaders and participants about the possibilities for using human rights to achieve a range of reproductive rights is not universally shared, and its success far from a foregone conclusion. Instead, there is misunderstanding about human rights and some ambivalence about their role in the future of the reproductive justice movement.

## CHAPTER 4

### **“Puppies and Rainbows” or Pragmatic Politics?: Human Rights Consciousness in the Reproductive Justice Movement**

In this chapter, I address my second research question about consequences of the reproductive justice movement’s turn toward human rights. I use interviews to examine some of the obstacles and possibilities for a broad-based human rights movement.<sup>1</sup> In both activist and scholarly formulations on the creation of a human rights culture, the opposition to creating such a culture is assumed to come from governments, businesses, and conservative elements of society. Progressive activists are not assumed to be one of the barriers to creating a broader movement for domestic human rights. I challenge this assumption, however, and argue that because “human rights” can mean many different things among assumed proponents, mobilizing using a human rights-based frame requires balancing these various and sometimes competing meanings. These differences also mean that activists’ understandings and receptivity toward “human rights” vary, as I will explore in this chapter.

In the first section, I explore how SisterSong materials discuss human rights. Then I move from the movement level to examine how human rights remain “out there” for many activists—that is, seen as disconnected from the practical realities of their lives.

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<sup>1</sup> During interviews, I asked interviewees how they defined “human rights” and what, if any, was the relationship between human rights and reproductive justice. If an interviewee’s answer to a previous question included “human rights,” I followed up by asking what was meant by the phrase. If human rights had not been mentioned in the first half of the interview, I raised the question directly.

Finally, I develop the beginnings of a typology that would allow us to better imagine possibilities for a human rights culture that begins with activists. I categorize activists into two main categories based on their perception of human rights: skeptics and supporters. Supporters are further categorized into two sub-groups: surface supporters and integrators. Finally, I draw on these findings to discuss how a more nuanced view of human rights consciousness would aid both scholars and activists interested in better understanding activism for domestic human rights.

### *Change and Hope for Human Rights in the US?*

A range of groups, both in support of and opposition to Barack Obama's election in 2008, felt confident that his election signaled a change in the US approach to foreign and domestic social policy. Around human rights, there were signs of hope for progressive activists that he would engage with the United Nations in earnest. For example, in 2009 for the first time in years, the United States sent a delegation to the United Nations 53rd Commission on the Status of Women (CSW), a two-week meeting in New York with thousands of government delegations and NGOs gathered to discuss progress on women's right. For the first time ever, the US CSW delegation held multiple informal briefings for NGOs from the US. At these sessions, the US delegates discussed their commitment to women's rights, fielded questions about the Obama administration's stance on issues such as ratification of the Convention on the Elimination of Discrimination against Women, and attempted to reassure the audience that human rights would be taken seriously by this administration.<sup>2</sup> Starting in 2010, the US government

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<sup>2</sup> I participated in the 53rd CSW as a member of the Women's International League for Peace and Freedom /National Women's Studies Association/Suffolk University Practicum at the United Nations. While attending one of these informal briefings, we invited one of the US delegates to speak to our group. She

submitted to its first Universal Periodic Review, a months-long process that involved reporting on and being reviewed on its own human rights record, consulting with NGOs, and responding to recommendations from reviewers. These actions seem to be but a few signs that the US government is moving towards fostering a supportive human rights culture, in which people understand human rights and expect the government to uphold human rights in the US.

Both scholars (Mertus 2008; Roskos 2004; Wronka 2008) and social movement organizations (e.g., Amnesty International, US Human Rights Network) have advocated for creation of a human rights culture:

The idea is that once well-trenched in local culture, human rights will be part of the ethical lens through which the problems in society are refracted. While scholars are at odds over the exact process through which human rights are inculcated into local culture, they generally agree that a human rights culture will not exist unless human rights norms are accepted on a local level as legitimate. To put it plainly, the general public must “buy into” the values promoted by human rights and agree to support the mechanisms designed to advance those values. (Mertus 2008: 230)

We find a small but growing literature by social scientists and legal scholars examining human rights activism in the US (Blau and Moncada 2006; Fujiwara 2005; Merry 2006; Merry et al. 2010; Mertus 2007; Soohoo, Albisa and Davis 2008). A common assumption among those who call for such change is that progressive activists from various progressive movements will play a central role in creating this human rights culture. Yet, because human rights are “alternatively approached as a philosophical idea, a legal concept, or a political project” (Waltz 2001: 44), “human rights” can actually be understood in multiple ways, even amongst people who are assumed to support them

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agreed and the next morning over breakfast fielded questions from our group on concerns such as rape as a weapon of war and inconsistencies between US global and domestic reproductive health policy.

wholeheartedly. This chapter points to how these different perspectives seem to be at work when defining human rights.

### *How US Social Movements Attempt to Engage with Human Rights*

The US government's focus on first-generation human rights has influenced states' and social movements' deployment of human rights discourse. When "human rights" is used in the United States, it is often used as a synonym for civil rights protected by US law. For example, 22 US states have state agencies with "human rights" in their title (e.g., the New York State Division of Human Rights). These agencies focus on discrimination in public arenas (such as employment and housing) based on statuses protected in the Civil Rights Act of 1964, such as race and sex.<sup>3</sup> Thus, even though these agencies address civil rights violations, a subset of the range of human rights violations understood as such in *international* discourse, they substitute "civil rights" for "human rights."

Additionally, few US organizations engage with human-rights discourse in the domestic political arena, even if they have human rights in their title. One example is Human Rights Campaign, an organization that dedicates itself to equality for gay, lesbian, bisexual, and transgender people (Human Rights Campaign 2008). Its website makes no mention of the origin of the phrase "human rights," provides no explanation of the Universal Declaration of Human Rights, and contains no discussion of human rights organizing for gay and lesbian rights at the international level. Further, the organization's

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<sup>3</sup> Some also addressed sexuality or single-parent status. I conducted a brief analysis in 2007 using a list of state civil rights agencies (<http://public.findlaw.com/civil-rights/civil-rights-resources/state-civil-rights-offices.html>) (last accessed May 31, 2011). Such agencies in twenty-one states and Washington, D.C., had the phrase "human rights" in their title. I then selected one agency from each of the four US census regions and analyzed their website, to see what focus areas and protected statuses were listed, and their mission statements were. I also looked at other relevant pages such as "Frequently Asked Questions."

logo—the “equal” sign—speaks more to civil rights equality under the law, which fails to recognize that people could be in equally poor conditions under the law, but still not have human rights. While the work that the Human Rights Campaign and similar organizations do helps to build equality under the current social order, by not linking their work to a history of human rights activism, they miss opportunities to create a more supportive human rights culture. In the next section, I discuss how SisterSong attempts to educate its members about the relevance of human rights. I then move to the actual perceptions of human rights within that same membership, which leads into a discussion about implications of these perceptions for movement activity broadly.

### **Educating on the Relevance of Human Rights in the US**

Like other social movement organizations, part of the function of SisterSong public materials such as newsletters is to educate its membership about issues deemed relevant to the organization, including human rights. With civil rights and women’s rights being dominant and somewhat successful separate movements, trying to combine these efforts into one movement that then also integrates human rights is a challenge, both financially and strategically. Reflecting on its history of confronting resistance from funding agencies, a SisterSong founder writes:

[A] decade ago the concept of funding human rights work in the United States was novel to the foundation world because human rights meant only international funding, while “civil rights” was stretched to cover human rights abuses in the U.S.... A sizable number of foundations are raising more than \$10 million to support U.S.-focused human rights work, an idea scorned a mere decade ago.<sup>4</sup>

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<sup>4</sup> Diallo, 2005, “Surviving Grant Writing with A Smile,” *Collective Voices* 1(3), p.11.

Non-profit organizations, which often rely on foundation funding, have to convince funding bodies their projects are valid and viable. This quote educates members less familiar with the history of human rights in the US on how human rights was a stigmatized discourse even in the early 1990s, years after the failures documented by Carol Anderson (2004). From SisterSong’s perspective, human rights discourse was not unknown but, rather, “scorned” and thus perceived negatively.

SisterSong seems to acknowledge that there are potential strategic drawbacks connected to its constituents’ marginalized positions in the United States. An article in SisterSong’s newsletter illuminates the logic of focusing on human rights, despite the hostile climate faced by reproductive justice activists:

A human rights framework both speaks to the need to demand rights, not ask for privileges and the need to connect with other women and struggles worldwide through using a universal, internationally agreed upon framework.... Limitations on ratification and when the U.S. government fails to ratify human rights treaties (as it has failed to do so on most treaties) prevent individuals in the United States from securing these human rights through legal claims. Nonetheless, as activists we continue to use the human rights framework as our standard which should hold governments accountable.<sup>5</sup>

Since members are likely to be unfamiliar with the politics of human rights in the US, stories such as this provide a context for the concept (international recognition), how the US government limits human rights within the US (failure to ratify treaties) and, most importantly, why SisterSong continues to use this framework, despite what appears to be a futile battle. Alternatively, members may only think of human rights as a synonym for civil rights—completely understandable given that this is how the US government has traditionally engaged with human rights. Additionally, the piece in the newsletter

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<sup>5</sup> Levi, 2006, “Reproductive Justice for Women in Prison,” *Collective Voices* 1(5), p.10.

suggests these rights are to be understood as entitlements, rather than privileges. Texts such as this emphasize how human rights fit into the work of activists in the US and, perhaps just as importantly, women throughout the world.

As part of SisterSong's efforts to emphasize that reproductive justice requires an analysis of women's memberships to multiple communities, the organization overtly links reproduction to multiple movements, rather than framing it as only a "women's issue." Some ways in which it does this are by having member organizations write updates on their own work that might, at first glance, seem unrelated but which connect with reproduction—just not in ways that are obvious in a traditional sense. Additionally, in each issue of the collective's newsletter, there are updates on women's reproductive rights in other countries. Still, since the organization is based in the US, one of its common activities is simply educating readers about how to apply a human rights lens to domestic social problems.

The following excerpt from a SisterSong newsletter provides an example of how SisterSong's inclusion of human rights in its analysis of reproduction is used to examine different social issues than are found in materials from organizations focused on legal access to abortion services. A piece that analyzes the feminist implications of Hurricane Katrina also connects Katrina to global problems. Specifically, one column links what many people still see as a natural disaster to the conflict between Palestine and Israel:

We also witnessed the incredible violations of the human rights of the Katrina survivors. Not only was their right to survive threatened by the painfully slow response of local, state and federal governments, but their right to stay united as families, their right to adequate and safe shelter, their right to social services, their right to accurate information, their right to health care and freedom from violence. All of these are human rights violations but the one that brings the Middle East most forcefully to mind is the violation of

the right to return to one's home. For those of us with short-term memories, keep in mind that the Supreme Court ruled this year that governments have expanded powers of eminent domain that may be used to prevent some survivors from ever returning to their communities as land is turned over to corporate developers.<sup>6</sup>

At first glance, Katrina appears unrelated to the Palestinian-Israeli conflict, but this piece highlights the role of powerful governments in both the US and Israel, in order to underscore the similarities between a “natural” situation and a situation that people understand as a product of human relations. The quote above demonstrates how SisterSong links familiar contemporary issues (such as Katrina) to specific articles of human rights documents, and then relates them to the US legal system's role in the violation of the human rights of its own citizens. Since the government's handling of Katrina continues to frustrate many people (particularly people of color), readers may then be able to empathize with people across the world from whom they would otherwise feel disconnected.

Further, SisterSong highlights how human rights documents can be used explain to readers the gaps in the US legal system that produce human rights violations. Starting with the title, “Reproductive Rights are Human Rights,” one 2005 piece from the *Collective Voices* newsletter clearly links reproductive rights to international human rights. This piece discusses how various concepts and articles in the UDHR apply to reproductive issues, and emphasizes how structural conditions readers may perceive as “normal” actually limit people's ability to achieve reproductive rights. The author(s) begins by claiming, “Women have the right to challenge disabling *conditions like poverty, environmental pollution, government policies, and corporate practices that*

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<sup>6</sup>Ross, 2005, “A Feminist Perspective on Katrina,” *Collective Voices* 1(3), p.2.

*violate their human rights. This holistic approach also recognizes the need to oppose race- and class-based population control strategies, and other human rights violations.”*<sup>7</sup>

Then it discusses the US’ position on multiple UN treaties:

Presently there is an important set of treaties the United States has failed to ratify which include the Convention on the Elimination of All Forms of Discrimination Against Women (better known as the Women’s Human Rights Treaty or CEDAW), and the Convention on Violence Against Women. *Since the United States has not ratified either of these treaties, an important goal of the U.S. reproductive justice movement should be to pressure Congress to ratify these treaties, bringing the United States into compliance with the rest of the industrialized world.*<sup>8</sup>

Despite the limits of the rights system in the US, SisterSong encourages its members (and readers) to pressure Congress for human rights, despite that political entity’s role in producing some of the problems faced by communities of color (e.g., prison policies or punitive welfare laws that disproportionately impact women of color). Since leaders understand themselves as specifically engaged in a human rights project, they focus on shifting the institutions that make up our society.

Despite the existence of individual and collective human rights violations, activists retain a belief in the possibility of rectifying past wrongs and preventing future ones by using existing legal institutions (e.g., courts, formal complaint processes), even as they simultaneously challenge in other ways the very society and nation within which those institutions are embedded. However, many interviewees did not understand or engage with human rights in exactly the same way or to the same degree as movement leaders and authors of the aforementioned texts. This creates a potential barrier in moving

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<sup>7</sup> SisterSong. 2005, “Reproductive Rights are Human Rights,” *Collective Voices* 1(3), p.16.

<sup>8</sup> SisterSong, 2005, “Reproductive Rights are Human Rights,” *Collective Voices* 1(3), p.17, emphasis added.

the reproductive justice movement closer towards a human rights frame, which could, in turn, affect the possibilities for a broader US human rights movement.

### ***Human Rights: “Out There” Yet Nowhere***

Many interviewees reported initially viewing human rights as something “out there” that appeared disconnected from their own lives. When I asked interviewees about human rights, many began their answer by referring to examples outside the US or even using the word “international.” Considering how few had learned about human rights and their relevance in the US context, this was an expected finding. One interviewee explained that the phrase “human rights” had been mentioned to her in the K-12 educational system, but that its specific meaning had not been explained. She was, however, able to understand human rights eventually through legal training:

I was never taught about human rights anywhere in my public education, upbringing, all the way through high school. Rarely heard it in college and had to physically seek it out in law school. And, you know, like I attended the human rights academy at my law school and that was my first immersion into it. (Jamie, Biracial, Center for Genetics and Society)

Jaime was only able to learn about human rights when she was enrolled in a specialized law course. While these types of education efforts expose a new audience to human rights, law is only one aspect of human rights. In fact, the formal legal aspect of human rights is most similar to how civil rights are leveraged in the US—one litigates for them (or against their violation). Thus, this specialized education covering one aspect of human rights does not necessarily lead to a broader understanding of the multiple facets of human rights. Rather, it encourages people to view human rights as an extension of US legal culture, even though they are not currently viewed that way by policy makers or courts and cannot be litigated for as such since they are not in the Constitution. Further,

since only a select number of people will ever attend law school, this option represents a narrow opportunity for people to learn about human rights. It also reinforces the idea that the power of human rights is something that only lawyers can leverage, not everyday people.

Because “human rights” can refer to international human rights laws, however, this increased the legitimacy of human rights for some interviewees. For others, the international aspect means there is the potential for a higher power above the US to provide accountability. Meanwhile, for others, the current anchoring of human rights in international law signals the potential for these rights to be just as useless as US laws are in advancing the causes of oppressed peoples.

The very thing that some human right proponents find appealing about human rights—their association with the UN, a body that transcends national borders—is exactly what turned off some interviewees initially. As one interviewee explained:

The human rights framework? No.... So I hadn't really had too much exposure to much of anything. I knew about the UN and it wasn't really resonating with me as this huge bureaucratic process and entity...it wasn't a space that I felt connected to.... (Taja, Black, SisterSong policy working group)

Perceiving human rights as “out there” presupposes that human rights are not the same as civil rights—for, if they were seen as the same or even similar, human rights would have appeared more familiar to interviewees when they first encountered the concept. Again, this is somewhat expected as human rights, unlike civil rights, are not included in the formal education of most US children. By contrast, even when people in the US do not know specific details of the US Civil Rights Act, for example, they can still usually point to some of the Civil Rights movement’s key leaders (e.g., Martin Luther King Junior)

and/or key moments (e.g., Rosa Parks refusing to give up her seat on a segregated bus). Civil rights are emphasized in schools and in the media through special months designated to recognize them, documentaries on activists from the US Civil Rights movement, and TV programs that show the inner workings of US courts, where people actually make civil rights claims.<sup>9</sup> There is no equivalent socialization around human rights; few people see how the UN works or learn about human rights campaigns waged on their own soil. In fact, learning about human rights during early education was only mentioned by one interviewee, Lucie, who was raised in Europe.

### *Constructing Human Rights*

In this section, I discuss the two primary ways in which interviewees articulated their understanding of human rights and their relevance to interviewees' lives.

#### *Skeptics: Questioning Human Rights*

One interviewee, a founder of SisterSong, noted that the idea of human rights was new to the many women starting the collective in the mid-1990s:

But part of the problem of that whole language [of human rights] was that it was really a language of estrangement, and it was an academic sort of foreign language... In a domestic level, we're dealing more with like civil rights language. (Haydee, Latina, reproductive health organization)

Here, Haydee highlights a few problems with trying to promote the concept, specifically that the language can appear foreign, both because it is inaccessible (academic) and international (hence, seen as irrelevant). Human rights' appearance as "academic" also makes human rights seem impractical. This brings us to a larger challenge of promoting

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<sup>9</sup> It is useful to note that the activities of the Civil Rights movement are often presented today as necessary actions to confront a *previously* unjust society, which has since been corrected as a result of these efforts.

human rights broadly. Since many discussions that focus on human rights are philosophical discussions waged by people with advanced degrees or elites working in international governmental organizations, human rights can appear out of reach or even irrelevant to people in the US focused on grassroots work in communities removed from these discussions.

Skeptics such as Haydee were only a handful of my interview sample, but they constitute an important group for multiple reasons. Indeed, some were aware of the role of the US and Europe in constructing current global understandings of human rights and, precisely for this reason, they questioned the universality of human rights. Many skeptics also specifically questioned the deployment of the discourse in practice (e.g., its use to justify military interventions). One might assume that moving people from skepticism to a fuller embrace of human rights could be achieved through a process of human rights education. However, we should not assume, first, that skeptics are necessarily uneducated about the topic, and second, that skeptics would change their minds if they only had enough information. In my research, skeptics were sometimes even more knowledgeable about human rights than other interviewees. This makes skeptics' concerns about deploying human rights discourse perhaps even more considered than the sometimes relatively non-reflective acceptance of human rights by other interviewees. Unlike Thomas' (2008) "loyal opponents" of human rights, skeptics' reservations are not necessarily based on concerns about potential backlash that could be experienced by a human rights-based movement. Rather, skeptics do not believe that human rights could be a complete solution to the social inequalities faced in the US.

*Surface: Basic Support for Human Rights*

One of the consequences of human rights appearing as “foreign” (read: non-US) is the difficulty of “translating” the concept to people’s lived experiences in the US. As previously discussed, there is evidence that human rights organizations are becoming more focused on expertise and engagement with the technicalities of human rights law. One interviewee’s reflection on human rights suggests that this trend does influence some people’s nascent understanding of human rights:

Ok, so “human rights” I think I always saw as international and “social justice” I think I saw as like tangible ways that people are making a difference about human rights....I feel like the jargon of human rights in ...kind of a corporate-y like White non-profit [terms] I guess. [laughs] But then the more I thought about it I was like...somebody else has taken this term [human rights] and made it kind of like sterile and kind of not...really political...when they do it. There's no justice about it, it's just like “Yeah, people shouldn't be hungry and people shouldn't live with violence and the state shouldn't be oppressive to them.” But not like...“these are people and it's really important.” So it just never really spoke to me in the same way. (“Mehra,” Asian/Pacific Islander/White, reproductive health organization )

This comment by shows that, ironically, human rights can be unappealing because they can come to be associated with (seemingly) privileged people (due to education) advocating on behalf of others, rather than with the marginalized people who actually experience the violations. The association of human rights with elites reduces the potential power of human rights to be used to mobilize more people on the ground. But as Mehra’s quote demonstrates, even those who associate human rights in this way, are still actively engaging with the ideas of human rights. A few of the interviewees in this “surface supporter” group had even been connected to human rights organizations at some time, thus they came into the interview having previously thought about these issues. However, not everyone who fit into this category had this experience. Thus,

formal human rights organizations are not the only way for people to access information about human rights that could lead them become supporters in a more active sense.

In addition to lack of exposure to the range of human rights, interviewees also noted the limited understanding of rights in general within the US. An organizational member of SisterSong noted that her organization, which works with youth, is cautious about invoking “rights” of any kind:

You know, like one of the reasons “reproductive rights” as a term doesn't resonate with a lot of people is 'cause people assume they have rights. So like, there's nothing to really fight for or get all, you know, worked up about because...there's this sense that rights are settled, you don't have to keep fighting for them, they're there when I want them. And that's part of our history coming from a sort of traditional pro-choice movement.... I think that what we've taken from the human rights framework is really this sense that as human beings, we have—and this is the way we use “the rights”— if you will, is we have *the right to live healthy lives within our families, within our communities, you know, within ourselves*. And so we've sort of tried to demystify it and use really plain language to kind of talk about some of the issues we face, and to talk about the interconnectedness of them. (Aimee, Latina, Pro-Choice Public Education Project, emphasis added)

In practice, rights are precarious and highly contested. Aimee’s comment, however, points to peoples’ understanding of rights as being just the opposite, which makes discussion of them even more difficult when organizing.

At the institutional level, the inability for organizations to translate their ideas into concrete policy language all-too-often means their ideas will gain little mainstream support. In the case of human rights, this means the idea of human rights generally holds little value for legislators who have the power to propose policies that could advance the cause of human rights. One interviewee reflected on the role of human rights on Capitol Hill:

Right now we are in a pragmatist environment politically. So whatever works. And so it's kind of a “know your audience.” And so if we're

talking to a very liberal member who's super, super lefty and all of that, and you wanna talk puppies and rainbows and human rights and whatever ...it's very sad that human rights is puppies and rainbows [laughs]... [but] we're thinking, you know, in very much more practical terms. ("Karin," African American/Latino, national reproduction health organization)

Karin's comments suggest that when working on getting legislation passed, persuading people with a human rights argument is unlikely because it is an impractical, idealistic argument. According to this logic, discussing human rights in a policy context is only useful with people who are already somewhat knowledgeable or at least supportive of human rights. Yet, this creates a tautological situation: if people who are already knowledgeable about human rights are the only ones activists talk to about human rights, these same people will continue to be the only ones supporting human rights.

Looked at from the other angle, creating a social system that supports human rights requires the support and action of people in power. But the assumption that power holders are unreceptive to talking about policy using a human rights framework becomes a self-fulfilling prophecy (they are unreceptive because no one talks to them about it, and no one talks to them about it because they're assumed to be unreceptive). Thus, the achievement of human rights through a human rights-based movement remains stalled. This does not suggest the transformative, empowering vision that some scholars and activists associate with human rights education. Rather, it suggests that "human rights" has become another catchphrase conveniently deployed by progressive activists within their circles.

Despite the many barriers to talking about human rights, let alone achieving them in the US, some interviewees were more hopeful. Specifically, some felt that a human

rights framework had the potential to reinvigorate the movement after increasingly waning levels of success yielded by focusing so exclusively on the US courts:

You know, I think that the movement needs to step back and say what are our 1 to 15 year goals and...because it is more difficult to bring litigation...*Roe* has been sort of eviscerated. What we're fighting over has become less meaningful...we need to take a real step back and have some real movement building. And some of that might be redefining what...how reproductive rights are thought about and maybe that is from a human rights perspective. (Katherine, Biracial, Center for Reproductive Rights)

Katherine suggests that human rights can provide a new way to organize since *Roe v. Wade*, the landmark abortion ruling of 1973 that legalized abortion in the US, has been "eviscerated" by conservative groups skillfully navigating the US courts to institutionalize their opposition to abortion. The pro-life counter-movement has had many successes using a strategy of taking down progressive laws through the very constitutionally-focused court system on which the pro-choice movement has relied on for its successes. Thus, from this perspective, taking human rights analysis seriously could be helpful not only because people are morally committed to achieving human rights, but also because other approaches are simply failing. At the time of our interview, Katherine worked for the Center for Reproductive Rights, which works on reproductive issues in various countries including the US.<sup>10</sup>

Multiple interviewees suggested that the most appealing part of a human rights framework is its ability to explain how individual concerns are embedded in larger structural inequalities. This was particularly important as they felt that their personal experiences were not easily categorized when analyzed through the singular lenses of

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<sup>10</sup> Since this interview, the Center has talked more explicitly about reproductive rights as human rights. SisterSong staff played a role in this and helped the Center "host a meeting of 30 RJ leaders to discuss the use of the HR framework in dealing with abortion rights and Reproductive Justice" (from SisterSong organizational files).

race, gender, class, or sexuality. Rather, their experiences had to be understood through an analysis that brought together all of these aspects of their identity. In the specific case of reproductive politics, one interviewee reflected on how bringing human rights into discussion moved people beyond the binary debates around abortion. She noted:

The conversation around human rights allows us to, to go broader...it allows to be specific about humanity and not make it about somebody's womb, [laughter] you know what I mean? I think it allows for us to, to really bring the whole person into the conversation.

(Kierra, Black, Choice USA)

Here, Kierra suggests that human rights help to move people beyond “wombism,”<sup>11</sup> the emphasis placed on women’s reproductive capabilities, by both pro-life and pro-choice organizations, at the expense of discussion of the broader context of pregnant women’s lives. As another interviewee put it:

I just always, in my mind, figured that issues surrounding reproduction and reproductive freedom [were] definitely dictated on like rights that like every woman, essentially every person, is entitled to. So I guess in retrospect I was framing it under a human rights umbrella, but not knowingly. And it really wasn't until I started working here and networking amongst other organizations in SisterSong that I was able to make that connection in a concrete, tangible way.

(Janel, African American, national women’s organization)

Janel’s comments point to the production of human rights consciousness as a collective process of educating and interpreting experiences *as* human rights issues.

Human rights provide an alternative vision to more limiting views of women’s experiences by acknowledging a “whole person.” Interviewee’s comments highlight how previous frameworks deployed by movements did not provide space to discuss this wholeness. Rather, participants had to choose which issues on which to work or which

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<sup>11</sup> I thank Margaret Somers for this term.

marginalized status or identity to mobilize around—all of which assumes that the experiences of participants can, indeed, be parsed and attributed to race, gender, class, or sexuality individually, rather than in combination. A human rights framework could represent a possible way to move out of this restrictive interpretation. Yet, this hope of broadening discussion is in tension with how human rights are initially understood and experienced by many people as irrelevant.

*Integrators: Practical Supporters of Human Rights*

On the far end of the spectrum were integrators who, contrary to some interviewees' perception of human rights as abstract or "out there," felt a human rights analysis is critical because it provides a concrete way to interpret social problems. Integrators represented a small number of interviews. Once again, this is understandable given the many barriers to people understanding human rights at a basic level. For integrators, human rights provide a goal toward which to work and actually help to provide motivation to continue to perform emotionally draining work:

...recently my wife and I bought a poster from the Syracuse Cultural Workers with the International Declaration of Human Rights [on it]...we have an 8-year-old, and that's what we read before we eat dinner now [laughs]... I'll be at a birth that's really traumatic and where a woman is not treated well, or I feel like it's a lot of trauma from it myself, and I need to know that there's some kinda concrete something that, at the end of the day, defines where my values are and what I'm trying to achieve. 'Cause sometimes it seems so impossible....That's like our blessing for dinner, that this is what we're going for in the household and beyond. ("Inez," Latino, doula)

Rather than viewing human rights as an abstract theory, Inez feels that human rights and their importance are reinforced for her every day. The impossibility of achieving human rights may be what discourages some activists from embracing them, but as demonstrated

above, the overwhelming number of social problems is what draws others to a vision of human rights that can provide a solution to a range of problems.

Another integrator, Lucie, felt that human rights are a basic way to interpret the world. However, the strength of her viewpoint was a rarity and stems from her relatively unusual exposure to human rights principles. She described how she quickly recognized the difference between US and European education around human rights while attending a SisterSong training to which her employer had sent her:

And they were going through the whole training and they spent a huge amount of time going over human rights and what they are and they were specifically saying “we appreciate that the majority of people haven’t even heard of these things” ... not like I was fresh off the airplane but like “What? This is very different” [laughs]. That [human rights] was sort of the basic concept of social studies in high school for me and almost before. It was not an alien concept, the concept of human rights, as it was sort of presented in that training as something new that we needed to be introduced to. (“Lucie,” White, international women’s health organization)

Lucie’s experience highlights some of the national differences in human rights education. She learned about human rights as “a basic concept” and a core curriculum topic from an early age. Thus, she did not understand the degree to which US-raised peers lacked such exposure. Her observation that the workshop presenters assumed the concept was “alien” to attendees was surprising to her. And it is worth reiterating that even for the participants in the session who were learning about human rights, they were doing so through specialized training—this was not something to which most Americans would be exposed. Lucie later explained how she felt a human rights analysis was compatible with many of the concerns in the US, and she suggested that if human rights were part of how people understood their lives, some of the debates around particularly controversial issues such as abortion could be alleviated.

Integrators differed from surface supporters in that integrators incorporated human rights into their life and daily practice. They understood human rights as highly relevant to their daily life and used them as guidelines for how to operate in the world. Inez, quoted above, is an example of this kind of integrator. First, she discusses interpreting the experience of another person as a human rights violation. Then, she uses a human rights lens to transform the experience into a source of inspiration that reminds her why human rights are needed. Finally, Inez also discusses how she and her family “consume” human rights by putting a human rights poster in a location they will see regularly, so they can envision what a world with human rights would look like. Other human rights supporters may integrate socially-just practices into their life, but unlike integrators, they do not consciously associate human rights as the origin of these practices.

### *Summary and Implications*

Critics of human rights discourse could argue that due to the level of change that would be required to create a supportive human rights culture in the US, feeling hopeful about human rights is futile and leads activists to expend precious resources on a doomed project. In a society with a comparatively high level of economic prosperity and civil rights protections, a nonchalant attitude towards rights (“I have them”) poses a continual challenge to groups advocating human rights. While this attitude also poses an obstacle in other countries (Bradshaw 2008), the consequences in the US are partly the result of other movements committing to a constitutional strategy that, at its core, emphasizes individuality.

Many interviewees were human rights *supporters* who endorsed human rights at a basic level and could provide examples of human rights violations. Generally, supporters were not too concerned with specific of human rights documents or language. However, their understanding of human rights often suggested an international ideal connected to the United Nations. This does not make their support of human rights “false.” Rather, their support remained relatively abstract, since for most of them, their social change activities were based in the US and thus did not include or accord significance to international activities.

Interviewees’ optimism about human rights was predicated on the possibility of creating a movement that could achieve something many rarely saw in their lives: justice. Civil rights, while important, are only a part of human rights. The appeal of fighting *for* something, rather than simply *against* something will only increase in importance. Anecdotal evidence suggests that progressive activists do not want to remain mired in a tug of war with conservatives, reliant on the whims of political leaders’ willingness to pass legislation that proves limited and unsatisfactory. Thus, the larger question for movements is whether expending energy on old strategies that many movement participants feel are not working makes more sense, or whether new strategies should be adopted—even those that may seem unlikely to work.

Simply recognizing the need for a more accommodating human rights culture only underscores the difficult work of actually creating one. Human rights framing in the US faces an uphill battle, due to the US government’s own arguably hypocritical stance on human rights policy, and to internal movement barriers.

Still, this chapter also suggests that some of the potential problems with mobilizing activists within social movements around human rights may stem from a lack of consciousness of human rights—a problem that scholars often assume emerges only when trying to organize people *outside* of progressive social movements. We need to consider that even with education about the concept of human rights and what human rights violations look like, activists themselves are not uniformly supportive of human rights. A lack of understanding is not the only factor, and some activists, like some academics, perceive human rights as part of a colonizing project. Further, understanding human rights as simply another set of “legal conventions and discourses” can be just as limiting as the exclusive focus on civil rights has been for many subordinated groups in the United States. The danger is that groups could fixate on the eternal quest for the perfect language to represent all marginalized groups and afford them protection through legal conventions. This language quest leaves actually fighting for the achievement of specific human rights in the hands of specialized professionals like lawyers and human rights advocates in international arenas, rather than enlisting community members to work domestically to realize human rights.

In summary, mobilizing around human rights poses a challenge for movements due to the US government’s historically low support for human rights beyond civil and political rights, and active resistance to a human rights frame by the government and the public. However, resistance comes not only from policy makers who believe that only civil and political rights are necessary for effective democracy. Activists themselves continually debate the meaning and implications of human rights for their own movement and may have an even larger role in deciding the fate of human rights than those who

oppose them. Having discussed the consequences of a human rights frame at the individual level of movement participants, I shift in the next chapter to considering consequences for the women's movement more broadly.

## CHAPTER 5

### **Marching toward Reproductive Justice: Coalitional (Re) Framing of the March for Women's Lives**

In this chapter, I address my second dissertation question about consequences of the reproductive justice movement's turn toward human rights. However, I focus at the movement level by analyzing the frame shift around the 2004 March for Women's Lives (referred to hereafter as March). The process through which movements develop their framing contested and the cooperation of competing organizations in a coalition can be fraught with tension. I explore how different frames were brought together and I show that positive consequences can become a part of the social movement field even after a formal coalition ends. This contributes to the answer about the visible impacts of this human rights-based coalition frame on the women's movement. This chapter suggests that even subtle deployment of a human rights frame can result in large movement gains.

Over one million women and men made the April 2004 March for Women's Lives one of the largest marches in US history. Even some sociologists of the women's movement (Staggenborg and Taylor 2005) suggest that the March specifically showed that "the American women's movement remains capable of highly visible, large-scale, newsworthy collective actions" (45-46). The summer before the March, a coalition of four well-established national women's organizations had announced the March then named the Save Women's Lives March for Freedom of Choice. Months later, the coalition changed the name to the March for Women's Lives. While similar to the

original name, the new name actually indicated a framing shift, which represented a new organizing strategy that emphasized increasing the diversity of the March participants. The 2004 March differed from other national women's marches because of its emphasis on diversity, social justice, and social issues beyond traditional "women's issues." One Black woman, who had initially felt reluctant to organize a delegation from Pittsburgh as part of a coalition with White women from local organizations, recalled a disagreement about the publicity materials those local groups wanted to distribute after the name had already changed nationally:

They had...the old name of the March on them. And I was like "Un-uh, we need the new card that says March for Women's Lives." And that was significant but they didn't even know! They didn't know 'cause "freedom of choice" sounded perfect [to them]. Obviously, that doesn't resonate with women of color, and it hasn't and they ask the question "Why don't women of color participate?" I'm like "Well, obviously, it doesn't resonate with them or their experiences." (La'Tasha, Black, New Voices Pittsburgh and SisterSong Management Circle)

This quote highlights the importance to social movement participants of choosing the appropriate language to talk about issues, particularly as it relates to participants' historical experiences in movements. This framing shift came after years of tense interactions as described in earlier chapters. It is also illustrative of the continuing issue in the women's movement of representing diverse groups of women. The 2004 March framing dispute was part of a larger discussion that continues among feminists: Who are the women represented by the women's movement? The March coalition framing demonstrated an attempt to answer this question on a national scale. The coalition

framing was significant because the innovative aspects of the frame included human rights, which continues to have a presence in continued feminist activism.

The Feminist Majority Foundation, NARAL Pro-Choice America (NARAL), the National Organization for Women, and Planned Parenthood Federation of America (Planned Parenthood) conceived of the March, but midway through planning, SisterSong joined the coalition, changing the tenor of the March and subsequent organizing. The March's success through broadening of a frame exemplifies the short-term resolution of a debate over how to emphasize gendered inequality without eliding the some women's experienced of inequality that are further complicated by race and/or class. Even now, half a decade after the March, mainstream groups continue to use some of the language of reproductive justice, suggesting a continued impact on the women's movement.

### *Developing Coalition Frames*

Social movements are comprised of organization (SMOs) and individuals that are interested in the same problems but often have different ideas and tactics for advancing their concerns (Benford 1993; Meyer and Corrigall-Brown 2005). Coalitions are often responsible for social movement wins yet remain remarkably understudied in comparison to other social movement topics. Thus, researchers have called for more studies on coalitions (Jones et.al. 2001; Meyer and Corrigall-Brown 2005). Coalitions are difficult to sustain and are more likely to emerge when organizations are facing a threat (McCammon and Campbell 2002; Staggenborg 1986; Van Dyke 2003). Within coalitions, tension arises as organizations need the benefits of coalition but remain wary of losing organizational identity (Croteau and Hicks 2003; Meyer and Corrigall-Brown

2005). Some research (McCammon and Campbell 2002; Meyer and Corrigan-Brown 2005; Van Dyke 2003) focuses on political contexts, arguing that external political threats such as impending policy changes facilitate coalition even when groups have individual concerns about the proposed coalition.

Coalitions pose many problems for social movement organization. Joining a coalition is often a complex decision with high risks. While individual movement actors often move to other organizations or movements (Meyer and Whittier 1994), an organization leaving a coalition may damage its reputation among other SMOs or endanger future possibilities of working together. Additionally, coalitions are often short-term since concerns around “resources and ideological disputes among organizations make it difficult to maintain a coalition once the exceptional environmental conditions which make coalition work attractive return to normal” (Staggenborg 1986: 375). The risks of diverting financial and human resources to what could be a failed effort only heighten the pressure and potential for disappointment.

Frames convey meaning and thus attempts to align them often lead to conflicts (Benford 1993). A consonant frame pyramid, as proposed by Croteau and Hicks (2003), is considered successful if individuals’ frames align with organization frames, which are aligned for the purposes of the coalition. Frame resonance is especially important for a coalition because if the framing appeals then organizations overcoming their differences to work together to create the frame will have been worth the effort.

While framing is a necessary step for movements gaining supporters and increasing political power, a framing shift is not enough to guarantee lasting changes.

While organizations with a social movement have an interest in how other organization frame the issues (Benford 1993), not all will participate in coalitions. Organizations cooperating to develop a frame can be a powerful experience, but it can give individual organizations a false idea that their combined efforts will result in lasting change for all their partners. Yet, as I show, the discontent that can arise after a coalition dissolves can catalyze future organizing.

### *How the 2004 March Frame Shifted*

The focus on intersecting identities and the emphasis on the relationship between women's reproduction and human rights are critical to understanding the increased resonance of the March's new coalition frame that led to the successful consonant frame pyramid (the alignment described in the brief literature section of this chapter). Starting in the late 1960s, some Asian/Pacific Islander, Black, and Latina women developed autonomous women's organizations rather than engage with White feminists who privileged gender over other forms of oppression (or men of their racial communities who refused to address sexism). These divergent experiences result in a different collective identity and subsequent framing looks different. White (1999), for example, identifies how in protesting the responses to Mike Tyson's highly publicized rape trial, a group of Black women invoked a Black feminist frame that placed social problems in the context of complex experiences of oppression (rather than analyzing influence of singular identities of gender or race).

The March initially focused on established ideas around which NOW and the three other major cosponsors traditionally organized, including access to abortion and

contraception. However, after SisterSong joined the coalition planning, official March material reflected a shift in framing. While multiple organizations supported the March, I focus on SisterSong in relation to one mainstream organization, NOW.

Even though abortion and reproductive choice remained focal points, NOW's later material produced for the March also highlighted social justice and the variety of issues around which different groups involved with the March supported. SisterSong's involvement in the March was pivotal and foregrounded an organizing strategy and new language that continues to change the tenor of contemporary organizing, from reproductive rights emphasizing abortion rights to reproductive justice emphasizing a range of reproductive health needs. As such, the resulting march provided visible proof that the contemporary movement could represent women of many backgrounds, not just the White, middle-class women it has traditionally been associated with in popular media and the academic press. With the inclusion of SisterSong in the March planning, the language used to promote it took a noticeable turn, increasing its ability to gain enough support to be noteworthy through aforementioned scholarly and media attention.

Initially, the framing of the March relied on a feminist analysis of reproduction. Historically, this has included a focus on women's unequal status in relation to men, the unfair treatment of women, and the need for women to control their own bodies. While these foci were elements of the frame both before and after SisterSong joined the coalition, the frame eventually emphasized broader concepts related to human rights, which has increased its usage among some organizations as I discuss in the rest of this chapter. Since the focus of organizations that invoke human rights is often to demand the structural conditions in which the rights can be exercised, the language of human rights

also appeals to organizations challenging structural inequality. Their integration of human rights discourse emerges from the recognition that irrespective of their presence in the law, rights do little to ensure that people with said rights (such as the right to abortion) can practically exercise them.

### *The organizations*

In the remainder of the chapter, I analyze SisterSong and one march cosponsor to demonstrate the consequences of the march and usage of concept of “reproductive justice” and inclusion of human rights in subsequent organizing. Initially, four organizations cosponsored the March—Feminist Majority Foundation, National Organization for Women, NARAL Pro-Choice America, and Planned Parenthood Federation of America. Planned Parenthood has education and public advocacy programs, but is primarily a direct reproductive health care provider, which made it too narrow a comparison point to SisterSong. NARAL had up until the past decade explicitly defined itself as focused on abortion rights, thus we would expect it to focus on abortion in its continued framing. Ostensibly, NOW, with its broader platform would have been the most open to adjusting its rhetoric and practice to that of reproductive justice. Additionally, NOW had previously reached out to women of color, which suggested it understood its historically limited appeal to women of color as discussed in previous chapters. For example, during the 1980s, SisterSong National Coordinator Loretta Ross served as NOW’s Director of Women of Color Programs under then president Eleanor Smeal. NOW had also been the primary sponsor of similar national marches.

Founded in 1966, the National Organization for Women claims to be the largest feminist organization in the country with a half million members, and chapters in all states (National Organization for Women “Advertising Kit”). Structurally, NOW is composed of local chapters, state organizations, and a national board of directors, a Political Action Committee, and an affiliated legal defense fund. NOW is frequently cited as a textbook example of a liberal, reformist feminist organization that seeks to make social change through bureaucratic structures (e.g., Taylor and Whittier 1997).

NOW lists “Promoting Diversity /Ending Racism” as one of its six main issues but tensions between fighting for women’s rights and acknowledging diversity within the category of “women” continues. In 1995, Los Angeles NOW president Tammy Bruce was quoted in national media sources such as *Time* and the *Los Angeles Times* saying that the discussion around the O.J. Simpson trial should focus on domestic violence and not on racism. NOW board members called on Bruce to retract her statements because they violated NOW’s commitment to ending racism (National Organization for Women “Statement”). Bruce’s response that “[P]eople don’t join NOW to work on a host of social injustice issues. They join to work on women’s issues” pointed to what many women saw as a limitation of NOW (Gleick 1996). In the 2008 presidential election, Shelly Mandell, the president of Los Angeles NOW supported Republican Vice-presidential nominee Sarah Palin, declaring her “what a feminist looks like” (ABC News 2008). National NOW leaders did not support Bruce or Mandell. Still, public statements like these confirm some critics’ suspicions that mainstream organizations can never serve the needs of women of diverse backgrounds because underneath their veneer of diversity,

they are only concerned with women whose experiences most closely match that of elite White women.

NOW has historically framed its activism around women gaining gender-based equality with men through legal means, such as the creation of non-discriminatory employment laws and the protection of abortion laws. This approach has been successful as evidenced by NOW's membership numbers and continued national presence. Still, as discussed earlier, while NOW's activities have been critical for dramatic change for women as a group, critics contend that until other inequalities such as racism and homophobia are more actively addressed by the group, only some women will ever reap the full benefits of NOW's activities.

Founded decades apart, NOW and SisterSong differ in history, capacity, and goals. However, their interest in women's health led to working together on what some estimate was the largest March in US history.

### ***Protecting Choice: Initial Mainstream Framing of the March***

NOW has organized many national marches, including the April 1989 March for Women's Lives, which occurred during the George H.W. Bush administration to "let the Court know what would happen if *Roe* were overturned" (NOW "Celebrating Our Presidents"). NOW described the April 1992 March for Women's Lives as having "leadership and delegations from every *pro-choice* organization" (NOW "March for Women's Lives 1992," emphasis added). While these are not the only national marches NOW has organized, NOW referred to both as "record-breaking" in the amount of support garnered, as demonstrated by the estimated numbers of participants: 600,000 in

1989 and 750,000 in 1992 (NOW “History of Marches”). NOW notes that both “these mass marches forced *the issue of abortion rights* into the forefront of political debate” (NOW “History of Marches,” emphasis added). The framing of these marches relied on a reproductive rights frame that emphasizes protection of abortion and “choice” as the central goal of these demonstrations.

Previous accounts of NOW marches show that participation by women of color was documented as startlingly low. In the 1986 March, approximately 2,000 of women of color marched (Ross/Smeal NOW memo 1987). In reflecting on the 1992 March, a newsletter from the National Black Women’s Health Project noted that approximately 1,000 people of color participated, despite their increased activism in the movement. The article described repeated attempts to meet with NOW’s leadership to include women of color in the planning. On a special conference call in which they were to discuss these problems, Smeal left the conversation before the women could confront her with their complaints. While more women of color were eventually included in the speaker’s lineup for that March, the initial exclusion of these women increased frustration to the point that some women refused to attend that March. Many who did attend wore green armbands in visual protest against their initial exclusion.

A decade later, the 2004 March was initially framed as a response to an “attack” on reproductive choice, specifically abortion, by Republicans including President George W. Bush. In this case, the external threat derived from the possible reelection of President George W. Bush. Organizers perceived the March as an opportunity to energize people through grassroots organizing around abortion rights that would defeat Bush come

November 2004. The simultaneous threat *and* opportunity led to an unprecedented coalition by mainstream groups that sometimes competed on the national stage.

This initial diagnostic framing that explained the problem relied heavily on language of reproductive choice and emphasized threats to abortion access. In June 2003, the four organizations announced the upcoming 2004 March, which was at the time named “Save Women’s Lives March for Freedom of Choice” (Enda 2003). While more than abortion was on the agenda, rights and privacy were still central in the diagnostic and prognostic framing, which proposed the solution to the problems.

NOW’s earliest article about the March in the Fall 2003 *National NOW Times* begins by discussing how “abortion opponents dominating two branches of government, infiltrating the nation’s courts, influencing state policy and threatening to topple the landmark *Roe v. Wade* decision, the right to safe, legal and accessible abortion and birth control is in grave danger” marked the need for the March (Cherrin 2003). Here, the March represented collaboration by four major women’s organizations to move forward the “abortion rights” movement (Cherrin 2003). With continual references to “abortion” (eight times), *Roe v. Wade* (four times), and “choice” (two times), NOW primarily focused on the March as a step in defending the right to abortion as guaranteed through the courts. Yet, as discussed in chapter three, some women of color had been criticizing the “choice” analysis that made abortion and *Roe v. Wade* the most central reproductive rights issue. At the time NOW had support of some unlikely partners such as the United Farm Workers (Enda 2003), which indicates some diverse groups supported the March even when the co-sponsors were using the traditional choice framing. This March eventually expanded its base due to the presence of SisterSong at pivotal planning stages.

One interviewee who worked for one of the mainstream cosponsors recalled that those organization's leaders had discussions that included how they felt that they were doing smaller organizations a favor by doing the majority of the work up front then asking for endorsements. SisterSong was partially created to provide a space for women of color to repair what they felt were the negative impacts mainstream groups have had on the organizing power of women of color (e.g. draining of economic and psychological resources). Thus, some members considered the mainstream groups initially co-sponsoring the March as "tainted allies" (Meyer and Corrigan-Brown 2005: 331). Some of the younger members who knew this history explained initial feelings about the 2004 March in a film produced by women of color about the March. Malika Redmond, a National March Coordinator explained, "We marched with you in '92, we marched with you in '89 and it's the same thing we've been hearing over and over again. And we're tired of it because we've been saying that the struggle for marginalized voices are more than just 'choice'" (Redmond quoted in Danavall 2005). These previous conflicts created interest by women of color in demanding more control when another march was proposed.

In November 2003, hundreds of women of color convened for SisterSong's first major conference. At the time, SisterSong focused on four ethnic/racial groups: African-American, Asian/Pacific Islander, Chicanas/Latinas, and Native American/Indigenous. NOW had already announced the April 2004 March, so at this fall conference representatives from each of the cosponsoring organization—Feminist Majority Foundation, NARAL, NOW, and Planned Parenthood—asked SisterSong to endorse the

March. As discussed in chapter three, SisterSong's National Coordinator Loretta Ross had previously worked for NOW. Ross reflected on the endorsement request:

I thought it was particularly telling that of the four organizations... they didn't even all have women of color to send to represent them at our conference. ... I have worked with you all 20, 25 years ago over this same question. You don't even have women of color in senior management?" (Loretta Ross, Global Feminisms Project interview by author).

NOW appeared to have the same problems since earlier critiques of its limited diversity. Eboni Barley, who became a March Coordinator with NARAL remembered, "So in the beginning when we were not included in the planning process I was not only annoyed but I felt betrayed ...The SisterSong network really pushed for that envelope to be opened and we sort of opened Pandora's box with this March for Women's Lives" (Barley quoted in Danavall 2005). After a plenary session at which attendees discussed the proposal, SisterSong agreed to endorse the March. Ross noted that younger women, who were more optimistic, were instrumental in making this decision.<sup>1</sup>

### *Making the Frame Shift Visible*

SisterSong's endorsement came with certain stipulations. The first stipulation was to change the name of the March to broaden the emphasis beyond "freedom of choice," which reproductive justice advocates argue is often synonymous with choice to have an abortion. A major part of SisterSong supporters' experiences was that their choices as mothers were represented as irresponsible and pathological, as seen in debates around welfare reform and other controversial issues. This dispute is about the reality of certain

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<sup>1</sup> There is conflicting evidence about the degree to which the SisterSong leaders (i.e., Management Circle) had already supported endorsement. Prior to the conference, there was a public conference call for women of color to discuss possibilities for endorsement.

reproductive experiences, what should be done to improve the reality of those experiences, and how this reality should be presented. Of the names proposed by Ross—The March for Women’s Human Rights and the March for Women’s Lives—the latter was chosen. While the name ended up the same as a previous March, the sense of progress persisted because the name change would require significant financial investment.

The name change was part of a package of requested changes, some of which are described below. A new organizing campaign, New Voices for Reproductive Justice, was created to bring in women of color in particular but also other groups that had not been traditionally been advocated for reproductive issues. As such this campaign would include:

New Voices includes not only the many unseen organizations and advocates of color who have historically fought for reproductive justice in communities of color, but dozens of organizations who are not widely perceived as being associated with the reproductive rights movement. Such advocates come from the anti-poverty and anti-racist movements, as well as those who work on HIV/AIDS, environmental justice, immigrants’ rights, violence against women, and criminal justice issues.

The goal was explicitly to diversify the March at all levels: participants, leadership, publicity, and ideologically.

A month after SisterSong’s endorsement, NOW announced the change via the first e-mail to the March updated listserv. The e-mail, which NOW duplicated verbatim in the Winter 2003/2004 issue of *National NOW Times*, noted that the original name was too cumbersome, suggesting that the change was primarily for practical reason. However, the notice did incorporate some of SisterSong’s language. More importantly, this e-mail is the first public document from NOW

that used the phrase “reproductive justice.”<sup>2</sup> Already, the framing was changing. The e-mail then describes the broader aim of achieving reproductive justice:

This March is about demanding political and social justice for women and girls regardless of their race, economic, religious, ethnic or cultural circumstances. This March is for young and older women, straight women and lesbians, sons and fathers, able and disabled, rich and poor to stand side by side in a show of unity and determination to "never go back" and in fact, move forward with full equality and reproductive justice for all. The excitement is building! (March News December 16, 2003)

The announcement explicitly acknowledged the diversity in the category of “women” by referencing race, class, ability status, and sexuality while also including men in the effort. Further, the solution to the “attack” was not only protecting the Supreme Court to protect *Roe v. Wade* but also working toward “full equality and reproductive justice for all.” The new name represented an underlying move from a traditional reproductive frame focused on choice to a broader reproductive justice frame.

*Increasing Diversity—and Tensions—Within the March Coalition.*

An article in the *National NOW Times* (Ward, Winter 2003/2004) explicitly focused on women of color’s role in the March and emphasizing diversity. The author noted that “fighters of all ethnicities, classes, ages, and sexualities” would be needed to stop President Bush, who was further identified as “violating human rights indiscriminately.” This language indicates NOW was trying to link the problems

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<sup>2</sup> NOW’s website is archived starting in 1995, including its newsletters. This is the first instance of the phrase.

protecting reproductive choice to protecting human rights. Previous marches had not done this but SisterSong explicitly incorporates these ideas into its materials.

Even after organizations have agreed to work on an issue together, they continually renegotiate the terms of their collaboration. Other conditions besides the name change included space on the planning committee (Ross agreed to become a March co-director), so that women of color were guaranteed to be included in the decision-making. Ross hired Malika Redmond, who worked with Ross' at the National Center for Human Rights Education, as a national March organizer. Her specific responsibilities included coordinating involvement of women of color and other marginalized groups through activities such as identifying potential delegation leaders throughout the country.<sup>3</sup>

SisterSong leaders were wary of investing a high amount of resources when they felt historically the smaller organizations gave up more to be involved with coalitions due to their limited staffing and resources (Silliman et.al 2004). They also demanded that spots be provided to some of the collective's organizations on the steering committee without the requisite \$250,000 each of the other four organizations had provided as major cosponsors (Global Feminisms Project 2007). Thus, Black Women's Health Imperative, National Asian Pacific Women's Forum (NAPAWF), and the National Latina Institute for Reproductive Health, and SisterSong were eventually members of the steering committee. After the organizers had changed the March name and more women of color

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<sup>3</sup> La' Tasha Mayes, quoted at the beginning of the chapter, discussed how she was skeptical about organizing a Pittsburg delegation when Redmond first contacted her. Mayes became more interested as Redmond explained there was a specific effort to bring in "new voices" which Mayes felt was "so cool [and] so necessary."

were involved in the coalition, problems continued to emerge. A SisterSong member who was interning with NAPAWF when the March occurred remembers her experience:

I got to sit in on those meetings that were...extremely tense. You know, sitting there essentially with the old guard ... you know 60, 70, 80 years old, White women who had been in the movement and felt that they had... defined the movement and that the movement was all about choice and all about abortion. And um this woman of color contingent being represented by various you know Latinas, African Americans, multi-racial, Asians, API, and then just down the list of people that were like “This is not our issue.” (Jamie, Biracial, Center for Genetics and Society)

Jamie described complex tensions that arose around both age and race, which other women also identified as creating tensions. An organizer for NOW, reflecting on her interactions in the field, felt that “many of the feminist[s], especially the older feminist[s] seem to take offense...that it was insulting to tell them that ‘choice’ was not inclusive of many women of color, low-income, and gay and lesbian communities” (Ward/Ross e-mail 2004). Earlier feminists had defined abortion and its legal protection as the appropriate focus for the feminist movement’s energy, hence the resistance to change the frame as represented in even a small name change.

Even though some of NOW’s promotion of the March still used language consistent with a reproductive rights frame, NOW emphasized the diversity of the March. The listserv announcements highlighted the breadth of partners, emphasizing the support of “nearly 1,000 cosponsors, including the NAACP” (March News March 4, 2004). Endorsements by major organizations like the NAACP, which had previously avoided taking a stance on controversial issues such as reproduction, did not come by accident. In an interview two days before the March, Ellie Smeal, now with the Feminist Majority

Foundation, credited Ross and other women of color with increasing the support of the March:

The civil rights movement will be there, students from colleges and high schools will be there, women of color will be there. The environmental movement is coming—the Sierra Club has endorsed the March for the first time. We have more celebrities than I've seen before. We just have much more depth in so many communities (Smeal quoted in Otis 2004).

The increased “depth” that Smeal describes demonstrates the increased success of the frame pyramid, which led to higher resonance with the March’s adjusted framing, improving organizing efforts with women of color.

Beyond the name change, the extension of the feminist framing of reproductive rights was visible in other ways. SisterSong produced 5,000 large signs it distributed at the March. The front side of the sign read “Reproductive Social Justice for All Women.” Since then “reproductive social justice” has been shortened to “reproductive justice” but SisterSong still describes it as the merging of reproductive rights and social justice through human rights (SisterSong Reproductive Justice 101 training). The flip side said “Women of Color Taking Steps” which can be interpreted as both the literal marching and the process of moving toward a new analysis and movement strategy through which to consider women’s reproduction.<sup>4</sup> Through the invoking of an intersectional analysis that linked reproduction to social justice and human rights, SisterSong also attempted to engage in frame transformation. They sought to move constituents to interpret

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<sup>4</sup> Pictures from the March including those on the websites of organizations like SisterSong and NOW show many women holding the signs. One interviewee explained that there had been a dispute about the text of the signs. This flip side text had been added after women of color leaders had approved the final design. Some felt the addition was infantilizing. In a 2007 RJ 101 training, Ross noted that there were not enough signs for all the women who wanted them. Further, there had been at least one physical altercation due to a disagreements about whether White allies should be allowed to hold the signs. SisterSong continues to use these signs at events.

reproduction not just as a matter of an individual's access to make a private decision, but also as connected to the conditions of whole communities, which are protected by universally recognized human rights.

### *After the March: Mainstream Moves Back to Choice?*

In this section, I discuss how, after the March, SisterSong continued to emphasize human rights in its work whereas NOW was less consistent in its use although “reproductive justice” was emphasized. The first issue of *Collective Voices* published after the March featured member testimonials about experiences at the March and SisterSong's role in the March. Another piece gave a short history of the organization and highlighted how SisterSong's analysis differed from other organizations: “The human rights framework shows that most people are denied many human rights entitlements. It addresses the right to healthcare, adequate housing, childcare, education, and social services. *SisterSong's mission is to connect reproductive rights to human rights.*”<sup>5</sup> This is but one example of the continued discussion of human rights in the emerging reproductive justice movement.

The initial e-mail from December 2003 announcing the change in the March name is NOW's first use of the phrase “reproductive justice” to describe its own work. The social justice and human rights that are central to the concept as SisterSong promoted it are not consistently mentioned. Some movement participants felt that an attempt to engage with the human rights-based reproductive justice frame showed concrete steps toward changing mainstream organization (and therefore movement) practices, but was

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<sup>5</sup> SisterSong, *Collective Voices* 1: 1, p.2, emphasis added).

not enough progress for many of those who were involved with advocating for reproductive justice:

The sad part is though, despite the success of the March, the four mainstream organizations that started all of this mess, I think they saw diversifying the organizing as a great way to mobilize for the March, but I don't think they saw it as a great way to transform the movement into the future. Because immediately after the March, they went back to business as usual. Which is, you know, something SisterSong could have predicted that they'd do. They figured [it] out but they didn't. And...they somewhat lost the potential for using the women's human rights framework as a way of building the new movement. But that's what SisterSong is doing. (Global Feminisms Project interview with Loretta Ross)

Ross made this comment two years after the March. Nevertheless, I would argue the mainstream organizations' failure to effectively capitalize on the success of the March continues to help SisterSong.

Did NOW not "figure out" the possibilities of this adjusted frame? On the contrary, NOW, like other SMOs, did figure out that a change in language could benefit the organization. For example, NOW's Abortion Rights/ Reproductive Issues page introduction states:

NOW affirms that reproductive rights are issues of life and death for women, not mere matters of choice. NOW fully supports access to safe and legal abortion, to effective birth control and emergency contraception, to reproductive health services and education for all women. We oppose attempts to restrict these rights through legislation, regulation, or Constitutional amendment.

This paragraph is also duplicated on NOW's "Young Feminism" webpage under the section "Advancing Reproductive Justice-Because My Body Is My Own" (NOW "Young Feminism"). While NOW argued that reproductive rights were not just about

choices, the first two components that the list focused on are two issues that are traditionally associated with organizing around reproductive “choice”: abortion and birth control. NOW’s affirmation relied on a rights-based approach: women have the right to abortion and other clinical services and therefore that right should not be taken away. Readers were encouraged to donate to “support NOW’s work on abortion rights,” which emphasized the need to protect abortion over the range of issues it purports to support. The site linked to “related issues” NOW works on are Contraception and the Supreme Court, focusing on birth control and how laws explicitly afford or deny women access to abortion. Thus, NOW literally linked reproductive justice to abortion rights. If NOW was attempting to make a deeper integration of reproductive justice into the debate on abortion, one way to make this obvious would have been by linking this issue page to its other issues page, such as Economic Justice.

The Abortion Rights/Reproductive Issues page linked to another page “We Want Reproductive Justice NOW!” The language on this page subtly reinforced the idea that abortion was the central concern regarding women’s reproduction. Visually, the site attempted to show that NOW did address the concerns of women of color, or at least that the organization appealed to a larger audience than White middle-class women. The page’s introduction about the need for women’s decision making to be “free from government interference” did not address how, as discussed earlier, some form of government intervention may be needed for some women to achieve reproductive justice.

Of the five main photos on the page, the first photo is of three women of color holding signs with “Keep Abortion Legal.” The next photo of a smiling African-American woman holding a sign proclaiming “Women of Color Taking Steps,” an image

from the March for Women's Lives. The next photo is of an African-American woman with a short testimonial next to it. The page includes a photo of farm worker advocate Dolores Huerta. Her testimonial says, "I have 11 children. People criticized me, and doctors recommended sterilization. NOW understands that reproductive freedom includes having all choices available to us—including having children and being able to raise them." Huerta's quote contributes to NOW's newer framing of its activities as broader than abortion rights. Huerta's reference to sterilization invokes the history of coerced sterilization of poor women and women of color by doctors, many of whom had the support of state agencies (Schoen 2005). Her quote also echoes SisterSong's emphasis in its literature "the right to not have children, to have children and parent the ones we have," which suggests NOW was adjusting its framing. However, abortion was still made the focus on this webpage due to by the number of times abortion is mentioned (fifteen) along with other common phrases common in mainstream feminist framing of reproductive rights such as choice (four), controlling own body/life (four). Concepts such as justice (three) are only briefly mentioned on this page. The page does not reference human rights, which for organization like SisterSong, is an integral part of the reproductive justice frame.

In fall 2006, the *National NOW Times* featured an article on the difference between reproductive health, reproductive rights, and reproductive justice analysis of women's health and the reproductive justice movement Mendez (2006). Even though the organization is aware of the difference these analyses of reproduction, NOW had not implemented it systematically. These webpages provide an example of how a mainstream organization uses the rhetoric of human rights-based women of color organization but

does not incorporate it into its deeper analysis, which is indicative of limited frame extension. This illuminates a perspective voiced at SisterSong events and by my interviewees: “reproductive justice” is not interchangeable with “reproductive choice” or “abortion rights.” Rather, reproductive justice demands a comprehensive reformulation of an organization’s analysis and organizing around reproductive issues.

While Ross was skeptical of the changes the March had on the mainstream organizations as a whole, others identify the process as a turning point in the movement. One member of the SisterSong Management Circle observed:

One of the reasons that there was so many people in attendance and participating in that march was because there was organizing where people were...conscious efforts being made to link the various issues that organizations had with reproductive rights. (NKenge, Black, SisterSong Management Circle)

Others see a lasting impact on shifting the framing strategies within the movement:

I don’t think reproductive justice was new back when the March happened but I think people started to understand that there—there’s a difference [between reproductive rights and reproductive justice], they’re not synonymous and that you know this is gonna be a movement about women’s health...At the end of the day that there are many issues that have to be brought to the table and considered and...just because something is legal or, you know accessible, doesn’t mean it’s necessarily affordable for people. I think all of that really started to resonate with...women of *any* color.... (Jamie, Biracial Center for Genetics and Society, emphasis in original)

Another interviewee identified the new language as indicative of “a shift in consciousness” that “put the knowledge production that was coming from women of color on the front stage” (Malika Redmond, formerly of Center for Human Rights Education). With this analysis “on the front stage,” SisterSong led women of color (and their supportive allies) to have a major influence on the framing of a national protest

initiated by mainstream women's organizations. This solidified the importance of SisterSong. Mainstream organizations benefitted from increased visibility due to increased supporters, increased legitimacy for the attempt to become more diverse, and a new language to appeal to a wider audience when desired.

### *Summary and implications*

Before the 2004 March for Women's Lives, NOW had consistently talked about abortion rights and a woman's choice to have an abortion. NOW intended to frame the 2004 March in the same way and, as this analysis demonstrates, would have continued to do so if SisterSong organizations had not joined the planning and required changes in exchange for endorsements. Leaders from NOW acknowledged that SisterSong's broader framework of reproductive justice helped the March develop into the largest and most diverse March in its history. SisterSong's success at shifting the framing of the March is the proof of its tagline "doing collectively what we cannot do individually." The story of SisterSong's role in the 2004 March was repeated at multiple SisterSong events and publications reaching hundred of women of color (and allies), producing a particular narrative of credit in which a social movement claims influence over the outcome of activity around a particular issue (Meyer 2006). The story both demonstrates why an organization like SisterSong exists and provides evidence that its reproductive justice analysis can be deployed successfully on a national scale.

In this case, the consonant frame pyramid aligned successfully because the organizations contained some similar elements. The initial cosponsors first used some of the same master feminist frame that highlights gender inequality. Individual ideas of what

the movement should be were incorporated into the pyramid. SisterSong analyzed reproductive issues considering multiple histories of racial inequality, even attempting to link their concerns to that of a larger human community. The implications for using the language and analysis of reproductive justice are not just a matter of being able to bring more people together in the short-term mobilizations. Rather, the analysis has the potential to bring multiple movements together to find new ways to address social problems beyond the common legal resolutions that in some cases hang in continual threat of being overturned and thus show they are not a resolution to structural inequalities but short-term solutions to symptoms of those inequalities.

As demonstrated in the opening quote, many members of different communities have felt the language of reproductive rights frame does not resonate. Since the approach of reproductive justice resonates more with their experiences many moved toward reproductive justice organizations rather than ones using exclusive reproductive rights framing. Thus, it makes sense for mainstream organizations to take it on as their own language in at least minimal ways.

Points of contention can benefit participating coalition organizations in future activities no matter the outcome. Scholars should not assume that dissolution of a coalition necessarily signals failure for a movement or the organizations involved. The dissolution can actually help propel movements forward. Previous research (Benford 1993) has suggested this progress happens due to failed organizations transferring their resources to the remaining organizations, but there are other ways. NOW and other mainstream groups could embrace reproductive justice without using the terminology. However, the critique posed of mainstream groups like NOW is two-fold: (1) they do not

embrace reproductive justice analysis and (2) some now use the terminology of “reproductive justice” to describe what appears to be the same reproductive rights analysis as before.

NOW and other mainstream organizations’ limited engagement provides additional proof of the concerns raised by SisterSong that mainstream organizations claim to represent all women but in practice do not fully address women of color’s full life experiences including the violation of their human rights. Whether mainstream organizations will more fully integrate this analysis remains to be seen. However, even if they do not, mainstream organizations’ use of the term “reproductive justice” without integration of the analysis central to the frame furthers the reproductive justice movement.

In the final empirical chapter, I discuss continued tension within the reproductive justice movement, tensions between mainstream organizations, and reproductive justice activists and the role of human rights in the reproductive justice movement.

## CHAPTER 6

### **“The Phrase of the Day”: Examining Contexts and Co-optation of Reproductive Justice Activism in the Women’s Movement**

In this chapter, I address my second dissertation question about consequences of the reproductive justice movement’s turn toward human rights. I begin putting the reproductive justice movement in context, demonstrating how contemporary interviewees’ feelings of exclusion and marginality echo concerns raised during founding remain relevant. Then I move to intramovement concerns after the March about who gets to claim ownership over the movement and what are the internal and external movement consequences of the success of the movement. Based on my findings, I develop three arguments. First, “reproductive justice” signals a new, more resonant frame in the women’s movement that emerged due to the reproductive rights movement’s exclusion of experiences of women disadvantaged due to race and/or economic status. Second, the boundaries of the frame and movement are simultaneously broader and more specific in meaning than “reproductive rights.” Finally, due to these boundaries, the use of “reproductive justice” by reproductive rights and health organizations results in perceptions of co-optation by marginalized women, which increase tensions in the women’s movement. These tensions have the potential to weaken the ability of the reproductive justice to reinvigorate activism around reproductive issues and the broader women’s movement.

Constant changes in political, social, and cultural conditions require social movements to focus continually on maintaining and gaining supporters while remaining relevant. This challenge is particularly salient in the US women's movement, which appears to be constantly declining according to mass media and scholars who analyze social movements through the lens of contentious politics (Staggenborg and Taylor 2005). Yet, when we look at the claims of leaders of long-standing mainstream women's rights organizations, we see that scholars and media outlets are not the only ones responsible for this particular claim. For example, a recent *Newsweek* piece that sought to answer why "young voters are lukewarm on abortion rights" featured the president of NARAL, Nancy Keenan, who insinuated that young women not actively supporting abortion rights will lead to the repeal of *Roe v. Wade*. In the same piece, the author observes, "Keenan considers herself part of the 'postmenopausal militia,' a generation of baby-boomer activists now well into their 50s who grew up in an era of backroom abortions and fought passionately for legalization. Today they still run the major abortion-rights groups, including NARAL, Planned Parenthood, and the National Organization for Women" (Kliff 2010). While generational tensions have certainly been a contentious issue in the women's movement (Bailey 1997, Reger 2005), in this popular press article, a feminist leader of a mainstream organization (Keenan) describes herself as part of an older generation of feminists militant about abortion rights *specifically*.

Perhaps high-profile groups such as these that are currently (and often in the past) led by middle class White women are facing reduced support that translates into reduction of staff or closing of state offices in some cases.<sup>1</sup> If, however, we shift the lens

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<sup>1</sup> For example, NARAL closed its Georgia state office in 2003.

through which we view reproductive activism, it reveals vibrant and growing activism elsewhere. Specifically, different types of organizations are coalescing around the frame of “reproductive justice” in a movement that, as I discussed earlier, emerged to challenge the personal and political limits of other movements.

***“You’re sort of invisible”: Exclusion and the re-claiming of reproductive rights work***

As discussed in earlier chapters, feelings of exclusion helped motivate the creation of the reproductive justice movement that would turn toward human rights. Like many people who become involved in movements, like-mindedness was a key factor in interviewees’ interest in reproductive justice activities. Thus, the question of whose voices are (not) heard in reproductive rights activism is a major concern to reproductive justice activists. Many interviewees emphasized that the reproductive justice movement attracted them in part because it appeared to be composed of people “like me,” whose experiences more closely mirrored their own than mainstream group members’ did:

And I think for a long time the reproductive health and rights movement has made people feel that if your story doesn't match mine exactly the way I want it to, then you don't have a place here... if you don't vote certain ways... engage in certain activities, like, again, you're sort of invisible. (Aimee, Latina, Pro-Choice Public Education Project)

Multiple interviewees were aware of what they felt was the common story about becoming engaged in mainstream reproductive rights work; they felt this narrative was so dominant that during the interview when explaining their path to reproductive justice, they prefaced it by saying theirs was *not* the typical story.

Many interviewees felt that experiences similar to theirs had not been effectively integrated into the reproductive rights movement, thus their experiences were not reflected in the legislation fought for by the movement. There have been visible women of color participating in mainstream women's organizations and specifically reproductive rights work for decades. For example, in 1978 when Faye Wattleton was elected president of Planned Parenthood, the election was significant because she was the first woman to serve as president since Margaret Sanger had led decades prior. Moreover, she was the first (and only) African American to lead the organization and at 34 years old, the youngest. At the time, Wattleton felt the organization needed to "return to its original purpose and activist roots," which she attempted to do in various ways (Wattleton 1996:178-9).<sup>2</sup> Stories like Wattleton's demonstrate that women of diverse racial backgrounds have influenced large mainstream reproductive rights and health organizations. Still, these historical examples do not appear to counteract the contemporary experiences movement participants have of continued exclusions from or isolation within reproductive rights and health organizations.

While initially focused on building capacity of its member organizations, SisterSong expanded its focus to other organizations and movement building. Its first conference in 2003 brought together hundreds of women of color in what "Jayne," an Asian Pacific Islander interviewee, described as a "homecoming event." At this

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<sup>2</sup> Wattleton felt Planned Parenthood should prioritize access to abortion along with other programs such as sex education. She also wanted to challenge the Hyde Amendment. However, within Planned Parenthood, there was vocal opposition to engaging in politics. Planned Parenthood later moved toward electoral work, Wattleton argued that Planned Parenthood faced an increasingly hostile political and social environment because the board took years to take the advice of a consultant that the organization focus on elections (as the pro-life movement was doing) not only the initial Supreme Court decision.

conference, the many individual women of color from throughout the country working on reproductive rights issues used analyses that often challenged the underlying assumptions of mainstream reproductive rights groups. For women of color feeling excluded from other spaces, this conference, and others like it provided an opportunity to strategize on their own terms.

Exclusion from mainstream organizations partially stems from the unintended consequences of strategic decisions made by mainstream women's organizations. In her work comparing frame resonance in US and Germany, Ferree (2003) interviewed leaders of Feminist Majority Foundation, NARAL, and NOW. Their responses revealed how many of their strategic decisions resulted in consistent marginalization of women of color. A consultant for the organizations "detailed efforts to address women of color and specifically acknowledged that 'the things that the groups decide not to go after are those things that affect poor women, a disproportionate number of whom are women of color'" (Ferree 2003: 331). Thus, even though mainstream organization leaders may intend to diversify the types of issues they address, practically they may not take steps to do so consistently.

Recent research in political science (Strolovitch 2006) has demonstrated that a range of national advocacy groups representing marginalized populations (e.g. women, racial minorities) focused on issues that they *interpreted* as affecting the majority of their membership base. In the case of women's organizations, leaders were significantly more likely to say that issues that affected advantaged subgroups (e.g., affirmative action, which women with professional jobs have rallied around) affected all of their members

than they were to say the same about issues that affected disadvantaged subgroups (e.g., welfare reform, which affects low-income women). Thus, those organization's activities were more likely to be concentrated on the issues facing their relatively advantaged members.

Multiple interviewees working in reproductive rights organizations saw historical marginalization of their "subgroup" issues as having continued consequences in the women's movement. Katherine, a lawyer by training who was a State Program Director at a reproductive rights organization, explained:

[T]he reason the reproductive justice movement has come about and why it's so important is it recognizes that, for those folks that are in the margin, they're not always protected by the law...the US constitution doesn't recognize poverty as a protected class. And there are concessions that the reproductive rights movement has made at the detriment of poor women and who are disproportionately women of color. (Katherine, Biracial, Center for Reproductive Rights)

Katherine mentions poverty specifically as a reason some people may not receive the benefits of laws. The law can protect on certain categories of people. Thus, a more inclusive reproductive justice analysis is not constrained by the narrowness of a legal strategy aimed at protecting abortion rights, a strategy that cannot include everyone because the law does not allow for those considerations. The movement provided space for multiple stories (i.e., experiences) excluded by the mainstream narrow focus. In the next section, I discuss how my interviewees conceptualized the nuances of reproductive justice as a frame and movement.

***“With reproductive justice, it's the entire person”:* Differentiating reproductive justice**

Many of the activists I interviewed, including those who identified as White

and/or were affiliated with organizations that defined their work as reproductive rights, understood reproductive *rights* as based on the experiences of White, middle-class women. They also defined reproductive rights work as “mainstream.” This contrasted with reproductive *justice*, which most interviewees described as related to but distinct from reproductive rights. While interviewees constructed reproductive justice in many ways, common themes emerged from the descriptions. First, reproductive justice extends beyond reproductive rights and “choice” due to the analysis of how social identities determine access to rights:

[I]t's more about intersectionality of issues that affect women and reproduction than just about the laws that affect reproduction. So all the other parts that come into our decisions or our lack of decisions around reproduction, so class stuff, race stuff, disability stuff, ethnicity stuff, language, access, I mean all these things that have effects on how we have children and don't have children and how we make those decisions, I think. And also understanding that like laws only mean so much and that there's a lot more to life than if something is legal or not legal.

(Dessa, White, formerly with a state Planned Parenthood)

Interviewees perceived the reproductive justice movement as more diverse due to the movement being composed of and led by visible women of color, youth, queer people, people with disabilities, and immigrants (who at events often vocally identified themselves as members of more than one of these groups). Following from that, interviewees understood a focus on marginalized people as another core principle of reproductive justice as both a frame and movement. As described by Gabriel, a transgender African American man with a Southern reproductive justice organization, reproductive justice organizing is “doing the like sexy action work...at the same time you're doing the long-term like relationship building, community building, policy

building...[while] people at the margins...are actually doing that work.” Others echoed the importance moving marginal voices to the center of movement strategy.

When I describe RJ [Reproductive Justice], I talk about it as a framework or an analysis where I'm looking at the multiple realities of women, and women of color in particular...making sure that...the ones who are most affected by an issue are also the ones who are leading the solution to that... I think it's important to note it's a movement that's also rooted in a human rights and social justice frameworks...you start building from the community level.

(“Lin,” Asian/Pacific Islander, formerly with a national minority women’s organization)

According to Gabriel and Lin, reproductive justice should focus on the people most affected by policy decisions, often people with intersecting subordinated identities, should be engaging in the work to create social change. Interviewees regularly contrasted this approach to that of mainstream organizations’ focus on current legislative targets. Electoral work is important but leaves out populations that cannot vote, such as minors and undocumented immigrants, and is of limited appeal to people disillusioned with the ability of short-term electoral politics to create tangible changes that reduce the discrimination faced by people marginalized due to their race, class, or even sexuality.

SisterSong’s emphasis on US communities linked to a global community beyond the US poses a challenge to women’s movement activists who largely rely on ideas of individual autonomy when discussing women’s rights. One of the newsletter articles describes SisterSong’s impact on a coalition of mainstream pro-choice organizers, explains the organization’s approach:

By promoting the more inclusive human rights framework in reproductive justice organizing, SisterSong also helps the mainstream movement recognize the limits of the “choice” rhetoric, and truly build a movement to transform women’s lives. This human rights-based framework is based

on the early recognition among women of color organizers that we have the right to control our own bodies simply because we are human, and as social justice activists we have the obligation to ensure that those rights be protected.<sup>3</sup>

Here, the article's author observes that the US women's movement is critiqued for having narrow focus that does not benefit all women. Human rights, by contrast, brings the possibility of building a "true" women's movement in which all women are included. This excerpt demonstrates recognition of the importance of the rights gained by the second wave of feminism, but also the limits of solely focusing on the legal right to abortion. As Tushnet (1999) notes, rights framed in such individualistic terms do not reflect the complex interrelationships between groups. A critique of choice does just that by pointing out that a right to abortion does not change the reasons why many women obtain abortions, why some women's reproduction is encouraged and others discouraged, or the other rights women do not have that could make accessing this right easier—a right to economic stability, for example.

Thus, reproductive justice activists questions mainstream organizations' choices that they feel can lead to short-term political gain but marginalizing some communities or leaving their issues off mainstream agendas entirely. The many issues on which reproductive justice activists organize that have not traditionally been on the agenda of the mainstream reproductive rights and health groups exemplify this. For example, groups such as Rebecca Project for Human Rights, National Advocates for Pregnant Women and SPARK Reproductive Justice NOW have worked on anti-shackling

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<sup>3</sup> SisterSong 2004. p.12

legislation that would prohibit the use of restraints on incarcerated women giving birth. These types of campaigns provide activists opportunities to connect reproductive issues to other forms of inequality besides that of gender inequality (e.g. racial and economic inequality that leads to a higher incarceration rates of African Americans and Latinos). Practically, an argument against shackling can be made by considering it a civil rights violation. However, both incarcerated women and men experience shackling, so to make a gendered discrimination argument there would need to be evidence of specific gender bias in the practice, which there is not. There are differential gendered consequences since only women will experience pregnancy whether incarcerated or not. Yet, even when stopping this practice happens through working through formal legal institutions (or the legislature), it is framed as a human rights violation.<sup>4</sup>

*Expansive lives: Identity and continued constraints in the women's movement*

When reflecting on the roots of reproductive justice, interviewee's comments highlight the interplay between identities in the reproductive justice movement. "Inez," a Latina/Native American/White woman who worked as a community doula suggested, "Reproductive justice work has to come from a place of having a frank recognition of oppression that exists and doing that assessment on many lines of oppression." She went on to note that reproductive justice work also focused on conditions of mothering in a way that reproductive rights work, which focused on abortion rights, did not. Another

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<sup>4</sup> A Fall 2009 issue of *Collective Voices* story from National Advocates for Pregnant Women titled "Shackling as Human Rights Violations for Pregnant Women." The story describes a case in which an African American plaintiff argued that the shackling she experienced while in labor was cruel and unusual punishment that violated the 8<sup>th</sup> Amendment.

interviewee felt that the reproductive justice movement's emphasis on multiple aspects of a person's life was more congruent with her life experience:

This movement allows me to be like one hundred percent. And also I feel like it prepares me to do that cross-movement building work that we need to do. ...And for some people that really means like "Oh, it's so broad." And I think that's something that's so funny. It's like our lives are so broad...how could you think about working in a movement that wasn't so expansive when your own life is so expansive?

(Paris, African American, Interim Executive Director, SPARK  
Reproductive Justice NOW)

Even though women of color developed the reproductive justice movement, multiple White interviewees also noted that reproductive justice encouraged them to reflect on their multiple identities including race. This simultaneous engagement of identities is actively worked toward (e.g., through discussing intersectionality in newsletters and trainings, inclusion of different cultural traditions such as blessings at conferences). The discussion is explicitly integrated rather than held as an ideal to achieve once the work of keeping abortion legal is done (and it never is).

In the next section, I discuss increasing concerns by reproductive justice activists that mainstream groups claim to want to integrate reproductive justice concerns, but they are actually "co-opting" the reproductive justice frame and movement to appear more diverse than they are. A discussion of implications for the women's movement follows.

***"I'm scared that it's gonna be co-opted": Co-optation of reproductive justice by the mainstream?***

Interviewees expressed concern over what they perceived as co-optation by other women's groups, particularly mainstream groups that were founded by White women and continue to be led by them or their successors. Mainstream reproductive rights

organizations' use of "reproductive justice" is likely not intended to demobilize the reproductive justice movement, as social movement scholars understand co-optation in relation to the state. Interviewees from a range of organizations, however, echoed each other in expressing anxieties about co-optation.

One interviewee shared her observations of reproductive rights organizations developing relationships with questionable political allies:

[A] lot of the other pro-choice organizations were co-opting the term reproductive justice ... switching it in and out for "pro-choice" and just saying, "Oh, yeah, we do reproductive justice work," but still being led by these like 50-year-old, 60-year-old White women who really just want to wine and dine conservative...or liberal Republicans and thinking that that's reproductive justice work. and not reflecting any type of like diversity in their staff ...and just kind of having a revolving door of, you know, tokens.

(Mia, Asian/Pacific Islander, Georgians for Choice - now SPARK)

Another interviewee saw mainstream groups' use of "reproductive justice" creating ill will between organizations:

Reproductive justice is the phrase of the day....And I think it's quite, actually, to be honest, offensive when many of the national rights and health organizations in the reproductive spaces say that they're RJ when they're not. And I think that that's created a lot of tensions within the community when the RJ term is co-opted.

("Karin," African American/Latino, national reproduction health organization)

Some reproductive justice activists may find what they see as nonchalant use of "reproductive justice" particularly frustrating in light of to their own organizational deliberations about the term. A couple of interviewees discussed how their organization had significant conversations reflecting on whether their work was "real" reproductive justice work and being cautious about using the term if they were doing work that looked

more like that of a reproductive rights group (e.g., legal advocacy). One interviewee whose organization was having this conversation observed:

And I think the future of reproductive justice can look any way we want it to be, which has its pros and cons. You know, I'm scared that it's gonna be co-opted by radical, privileged White women, as they are starting to use the language a lot more, when the language was created because ...women of color weren't at those tables, and our full identities weren't considered when at those tables.

(Zahra, Black, Associate Director, Illinois Caucus for Adolescent Health)

There are visible concerns about who is doing work that is labeled reproductive justice, which remains a point of tension within the movement. The invocation of fear of co-optation is a reminder that frames are embedded with emotions, as are disputes about them. These tensions have the potential to derail efforts at coalition building within the women's movement.

While there are explicit concerns about the ideas of women of color being co-opted by mainstream organization, there were White allies who consciously reflected on their status in the reproductive justice movement:

I think there's definitely an acknowledgment on my part that the reproductive justice movement is a women of color-led movement and that my role in the larger movement is as an ally... I think it's pretty much necessary, I think, you know, to have this exposure and experience working on issues that are particularly important to the API women, to immigrant women, to women of color broadly. So I think that there, you know, there's definitely an acknowledgment on my part that, and that why I was also, I think, so careful to, that's why I'm so careful to say like I wanted to [work in]reproductive rights prior to understanding what reproductive justice mean[t]. And that, implicit in that understanding is that the reproductive justice movement is a movement led by women of color. (Amanda, White, national minority women's organization)

In this quote, Amanda first provides her understanding of reproductive justice as an identity-based movement. Then she suggests that having the experience of working in an organization focused on women of color has provided her the necessary tools to be a

productive ally in the movement. This contrasts with Zahra's concern about White women who understand themselves as radical but co-opt the idea of reproductive justice. Amanda's then reflects on our own interview process in which she purposely answered questioned using different phrases to indicate her different understanding of reproductive issues (i.e., she described explicitly referring to her understanding of reproductive issues prior to learning about the history of reproductive justice as "reproductive rights").

Due to the leaders' purposeful inclusion of many voices and linkages with other movements, the reproductive justice movement has to some degree shifted away from binary representations of reproductive issues. However, a potential consequence of co-optation by other wings of the women's movement is the dilution of the meaning of reproductive justice, as in flux as this meaning may be. Specifically, external audiences such as pro-life groups can come to believe the concept refers to the same established reproductive *rights* movement they have been fighting for decades. For example, a Lifenews.com article titled "Hey Feminists, Reproductive Justice means Supporting Women, Not Abortion" (Polak 2010) criticized NOW's emphasis on abortion on its aforementioned Reproductive Justice webpage. Reproductive justice advocates agree there should be more support for mothers albeit often from different ideological bases than pro-life advocates. Yet, when reproductive justice appears to be defined just as narrowly as "reproductive rights" due to usage by groups that focus on a narrow set of reproductive concerns, the terms of the debate become once again about abortion, which has for decades proven irresolvable.

### *Summary and Implications*

As Oliver (1989) has reminded us, the different wings of movements influence but do not control each other. Others have noted that the organizations working within the same movement develop niches yet draw on some of the same resources, while remaining structurally interdependent (Levitsky 2007). That said, reproductive justice activists are increasingly unwilling to accept those organizations in the other niches that operate without integrating some aspects of reproductive justice into their practice. Multiple interviewees, including those currently employed in mainstream organizations, provided unprompted descriptions of these practices and either unsuccessful attempts to disrupt these practices or unwillingness to attempt to disrupt them because they were so ingrained in the organizational history.

Practically, women and men from a range of social groups can benefit from legal victories of NOW or the health care services offered by Planned Parenthood. In addition, some of the tensions are likely a consequence of the power hierarchies in all bureaucracies that are less about different views on the women's movement and instead reflect the dissatisfaction that comes with occupying a lower status in an organization (Beechey 2004). However, interviewees in lower status positions within organizations were not the only ones to raise these concerns, so position within an organization does not explain all the concerns that arose.

A concern for many interviewees was not about members of marginal populations being clients of organizations (although some interviewees raised this concern). Rather, they questioned how these marginal populations could influence these organizations: Are

women of color consistently working in positions of power by serving on boards and guiding overall vision and strategy? Or, do they remain in positions with little influence on the organization such as receptionists and interns? Do queer people feel welcome in the space? Can young people contribute ideas beyond one meeting set aside for “the” youth perspective? Until that is the case, priorities of the mainstream organizations will not address the concerns of these groups.

Scholars have become increasingly interested in the how social ties determine movement participation (Cable 1993; Diani and McAdam 2003). Particular participants are recruited into movements, reproducing that movement’s perspectives and practices. Part of what appealed to interviewees was the feeling that they were finally at the center of a movement, something the reproductive rights movement did not provide. Individuals within reproductive rights and reproductive health organizations can be sympathetic to a reproductive justice approach and be inspired to use elements of it in their work. But some interviewees comments suggested that the foundation upon which mainstream organizations appear to rest, however, would likely have to change to embody the reproductive justice principles many interviewees valued. Such change is difficult when organizational tactics and strategies stem from assumptions about the political world and have seeped into organizational practice.<sup>5</sup>

The gap between ideals and practice documented in other movements poses a challenge in the reproductive justice movement as well. Yet, in many ways reproductive justice organizations occupy a better position to move the women’s movement forward

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<sup>5</sup> For example, one interview noted frustration that Planned Parenthood continued to bestow “Maggie” awards name for Margaret Sanger despite internal and external discussion that her association with the eugenics movement makes her an inappropriate hero.

than do reproductive rights and health groups that have historically been at the helm of the women's movement. In the experience of interviewees, mainstream women's organizations have yet to address successfully issues of racism that women of color had raised decades ago.

In reproductive justice organizations, which are addressing race as it intersects with gender and class, there is less intramovement conflict around these particularly salient identities although conflicts do exist around areas such as sexuality, disability, and immigration status. However, for many people coming into reproductive justice work, these appear to be newer areas of exploration of personal identity, particularly if they experience advantage due to these identities (e.g., higher socioeconomic status, member of the dominant racial group). Since participants are actively learning about new ways to understand these issues *in* reproductive justice spaces, newer participants perceive the reproductive justice movements as a safer space to grow personally and contribute to a movement in their own way rather than having to fit into a movement based on another group's relatively privileged experience.

In this chapter, I began by demonstrating how grassroots movement participants understand the concept of "reproductive justice." Most understood the concept as referring to work developed and led by socially marginalized communities of color, commitment to long-term organizing, not only short-term mobilization, and focused on a range of issues, not just abortion. For these interviewees, mainstream organizations using the phrase "reproductive justice" to refer to "reproductive rights" or "reproductive health" was not a matter of misnaming but a lack of recognition of the troubled history of

reproductive rights and health activism that led marginalized women to a move toward reproductive justice.

The reproductive justice movement has grown in part because the legal strategy of the reproductive rights movement has been of limited use in addressing an array of issues beyond protection of *Roe v. Wade*. A legal right to not have children does not seem like a victory when someone wants to have children but cannot because they do not have the economic stability to do so.

With the emphasis on the right to *not* have children, reproductive rights groups leave unaddressed an array of concerns that reproductive justice activists have taken up under the right to have children (e.g., for low-income women, for queer people) and the right to parent children one already has (e.g., for incarcerated people). Since each organization has its own niche to fill by drawing on its strengths, reproductive rights and health groups do not need to rush to re-name their work “reproductive justice” and risk further alienating (marginalized) women. ). For some, organizing around reproductive rights fails to provide enough gratification because in a politically hostile climate in which the pro-life movement has made visible gains, pro-choice wins are often closer to re-establishment of the prior conditions as opposed to tangible gains (e.g., prohibiting protesters from blocking clinic doors.) The costs to the reproductive rights movement have been both financial in continued litigation, and loss of on the ground support. When movements are no longer providing enough gratification to participants, commitment declines so participants are more likely to leave a movement (Klandermans 2004).

Co-optation of movement frames is perhaps inevitable as frames align successfully enough to garner attention of proximate movements. However, as I demonstrate in this chapter, the co-optation can mean different things depending upon the source of the co-optation. In this case, data from interviewee (and participant observation) suggests that when identities are integral to framing and strategic choices, co-optation can be perceived by movement participants as attempts to re-marginalize the very people who developed the ideas because of the frame. This then, has the potential to increase tension and foster continued negative feelings.

This chapter perhaps also demonstrates the ambivalence around human rights in the reproductive justice movement. For movement participants, reproductive justice is sometimes about human rights, but at other times, human rights are almost peripheral. As I discuss in the conclusion, this ambivalence may not be resolved soon and is perhaps a benefit to the movement.

## CHAPTER 7

### Conclusion

Black children are an endangered species. Or so the 80 billboards that began to appear in Atlanta in February 2010 proclaimed. The billboards were placed throughout the city, the majority in low-income neighborhoods, though some were placed in downtown areas. The billboards all displayed the same image—the face of a Black child. At the top of the billboard, in pastel lettering, was the message: “Black children are an ENDANGERED SPECIES.” The bottom of the billboard listed a website, [toomanyaborted.com](http://toomanyaborted.com) (Figure 1). The billboards sparked months of discussion about the causes and consequences of abortions among Black women in Georgia, and among women more broadly. The heated debates over abortion have become almost mundane. Yet, it is precisely for this reason that we should pay particular attention when the discussion receives renewed national attention, as it did in the case of the 2010 Endangered Species anti-abortion billboard controversy.<sup>1</sup> In this chapter, I use this controversy to highlight many of the issues raised in this dissertation, such as the centrality of abortion in reproductive politics, the role of identity in framing reproductive concerns, and how a human rights-based frame of reproductive justice can link different movement issues and lead to broader mobilization. Then, I summarize my findings from each chapter, review the implications and limitations of my study, and discuss directions for future research.

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<sup>1</sup> Media sources in which the controversy was covered include the *New York Times*, *Los Angeles Times*, National Public Radio, and various television news programs.

Georgia Right to Life (GRTL) provided the Radiance Foundation (Radiance) with funding for the Endangered Species billboard campaign. SisterSong coordinated the efforts to counter this campaign, eventually creating the Trust Black Women (TBW) coalition. Radiance's campaign revived an old claim: women from minority communities who obtain abortions are contributing to racial genocide. Radiance claimed that the disproportionately high abortion rate among Black women was the fault of Planned Parenthood. Radiance argued that, given its history, Planned Parenthood targeted Black women for abortion services. In the early 20<sup>th</sup> century, Margaret Sanger promoted contraception, then illegal, and founded the two organizations that eventually merged to become Planned Parenthood. Sanger, however, was also a supporter of the eugenics movement, which sought to encourage reproduction of socially desirable groups and to discourage the reproduction of "unfit" groups.<sup>2</sup>

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<sup>2</sup> The ideology reached far and in the 1927 *Buck v. Bell* ruling, Supreme Court Justice Holmes declared legal the sterilization of 18 year-old mother Carrie Buck, whom the state claimed was mentally retarded and promiscuous, like her mother. In the judge's opinion, Buck's sterilization was justified because "We have seen more than once that the public welfare may call upon the best citizens for their lives. It would be strange if it could not call upon those who already sap the strength of the State for these lesser sacrifices, often not felt to be such by those concerned, in order to prevent our being swamped with incompetence. It is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind.... Three generations of imbeciles are enough" (*Buck v. Bell*, <http://laws.findlaw.com/us/274/200.html>, last accessed May 23, 2011). The case legitimated the widespread, government-funded sterilizations for members of supposedly unfit groups.



**Figure 1: Endangered Species billboard in an Atlanta parking lot (February 2010)**

As discussed in the introduction, social movements in the US often look to the US Civil Rights movement for inspiration in terms of argument, strategy, and tactics. The pro-life movement is no exception, but this case was distinct as these were pro-life *African Americans* who were invoking the Civil Rights movement as a way to demonstrate their racial authenticity. Radiance noted that its work was “endorsed by national civil rights leaders.”<sup>3</sup> Alveda King’s presence lent this campaign legitimacy in the eyes of some community members, due to their incorrect assumption that her uncle, civil rights leader Martin Luther King Junior, did not support reproductive rights.<sup>4</sup>

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<sup>3</sup> Radiance Foundation, “About Us,” [http://www.toomanyaborted.com/?page\\_id=346](http://www.toomanyaborted.com/?page_id=346) (last accessed July 1, 2011).

<sup>4</sup> In 1966, Planned Parenthood presented Martin Luther King Junior with a Margaret Sanger award, its highest honor. His wife, Coretta Scott King, accepted on his behalf and read his acceptance speech. See

On its website, Radiance argued that attempts to achieve “reproductive freedom” have resulted in a host of social problems: “There is no freedom in the mass exodus of fathers. There is no freedom in a community inflicted with rampant STDs, HIV, and HPV. There is no freedom in a cycle of poverty that is unbroken and even intensified by abortion.”<sup>5</sup> Radiance suggested that women having control over the sexual activity creates poverty from one generation to the next.

SisterSong’s initial material focused on contextualizing the data on which Radiance was drawing to make its argument regarding genocide:

The high rates of abortions in Georgia reflect the reality of lack of human rights protections that exist for Black women in Georgia. The lack of access to services, lack of contraception, sexual violence within the community, lack of comprehensive sex education, and lack of pregnancy prevention programs increasingly impact reproductive health outcomes for women of color in general, and Black women in particular.<sup>6</sup>

SisterSong placed not just abortion, but the whole range of Black women’s “reproductive health outcomes” in relation to the experience of other women of minority ethnic/racial backgrounds. Most importantly, these outcomes were attributed to the “lack of human rights protections” and argued to reflect the social problems that can result without these protections.

Weeks later, SisterSong held a press conference to protest the billboards and the Prenatal Non Discrimination Act that Georgia Right to Life supported.<sup>7</sup> The press

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<http://www.plannedparenthood.org/about-us/who-we-are/reverend-martin-luther-king-jr-4728.htm> (last accessed May 23, 2011).

<sup>5</sup> Radiance Foundation, “Abortion’s National Impact,” [http://www.toomanyaborted.com/?page\\_id=644](http://www.toomanyaborted.com/?page_id=644) (last accessed May 10, 2011).

<sup>6</sup> SisterSong, 2010, “SisterSong Opposes HB 1155.”

<sup>7</sup> SisterSong and others opposed to HB 1155 also referred to it as the Sex and Race Selection Bill.

conference was held in conjunction with SPARK Reproductive Justice’s previously planned press conference to oppose the use of restraints on incarcerated pregnant women during birth. The range of speakers who participated in the press conference points to the wider support that can be gained when using a human rights-based platform—these speakers included representatives from SPARK, SisterSong staff, the Feminist Women’s Health Center, a Planned Parenthood representative, and Raksha, an organization that serves Atlanta’s South Asian community. Other featured speakers included a community member who lived in a neighborhood where Radiance had placed a billboard, and a legislator who read a statement from thirteen legislators in support of the reproductive justice advocates

Trust Black Women proposed an alternative framing of the issue—namely, that Black women are highly aware of the structural constraints that make having children economically and socially unfeasible in many cases:

TBW 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*. We don’t judge women -- we leave that to our opponents. We demand that everyone trust Black women to be able to *make important moral decisions for ourselves, our families and our communities*. It’s a matter of Reproductive Justice.<sup>8</sup>

TBW’s statement placed the decision to have a child in the context of “complicated experiences” that influence women’s reproductive decisions. Black women make decisions about abortion in the context of community relationships. Furthermore, making these decisions is linked to human rights, a connection that TBW continually emphasized.

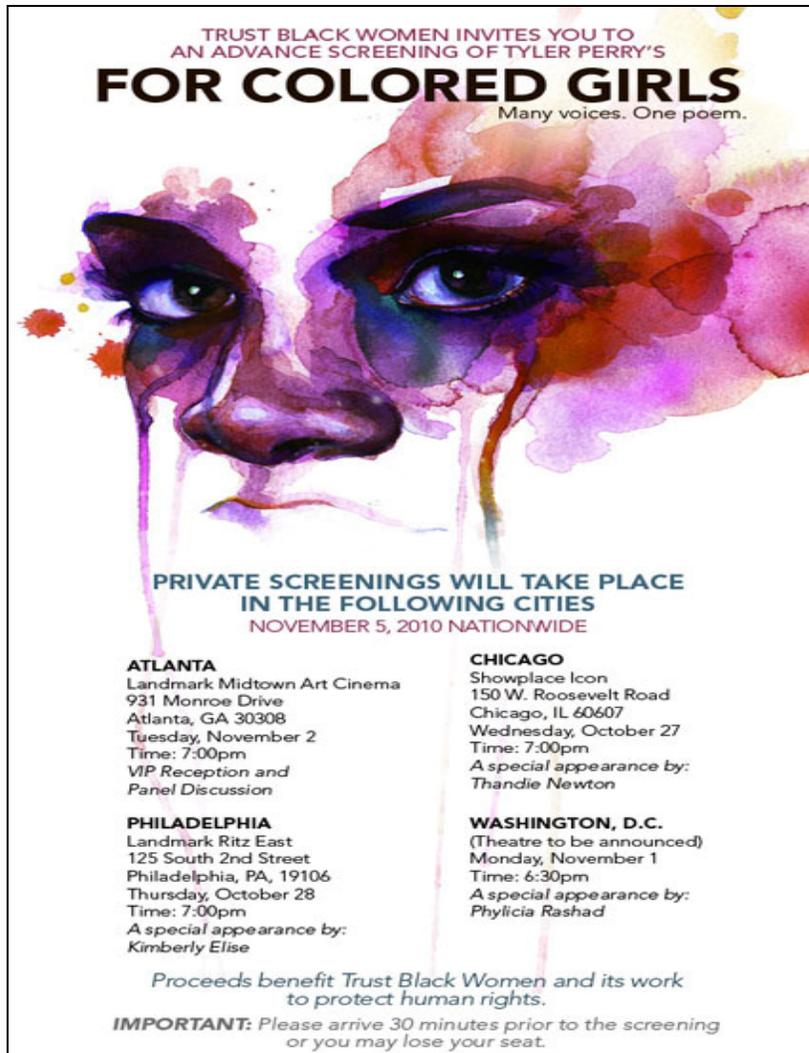
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<sup>8</sup> SisterSong, “Trust Black Women,” [http://www.sistersong.net/index.php?option=com\\_content&view=article&id=41&Itemid=78](http://www.sistersong.net/index.php?option=com_content&view=article&id=41&Itemid=78) (last access January 10, 2011) emphasis added.

In July 2010, Radiance Foundation more explicitly invoked the Civil Rights movement by organizing a “Pro-Life Freedom Ride” to the Martin Luther King Junior memorial in Atlanta. The exterior of the Freedom Ride bus was emblazoned with enlarged images of African Americans holding hands and an African American woman at a podium with a sign in front of it stating, “I regret my abortion.” A silhouette of the Statue of Liberty also decorated the side of the bus, and the Freedom Ride logo included the profile of an eagle, hinting at the idea that civil rights are an American value.

TBW’s response emphasized how the Freedom Ride was an appropriation of the spirit behind the Civil Rights movement. A SisterSong press release that announced TBW’s counter-rally referred to the Pro-life Freedom Ride as a “hijacking of the Civil Rights Movement” (SisterSong, press release, July 22 2010). The signs TBW supporters held showed linkages between issues: the purple signs from the 2004 March for Women’s Lives advocating for “reproductive social justice,” a handmade sign proclaimed, “You can’t steal Civil Rights” and another that referenced human rights with the equation “Women’s Rights=Human Rights.”

After the Freedom Ride, Radiance’s billboard campaign expanded in various states through similar collaborations with state pro-life organizations. The TBW coalition also expanded and continued to invoke human rights. In fall 2010, select preview screenings of Tyler Perry’s film adaptation of Ntozake Shange’s choreopoem “For Colored Girls” were put on as fundraisers for TBW’s “work to protect human rights” (Figure 2).



**Figure 2: Trust Black Women fundraiser e-mail announcement (October 2010)**

Radiance’s campaign is an example of the conservative invocation of a narrowly-construed civil rights frame for regressive, rather than progressive purposes. The idea of civil rights has become so widely accepted and incorporated into the legal system that its initial edge has softened due to co-optation. The idea of civil rights was radical when they were first conceived as objects of political struggle, as demonstrated by the intense state and social resistance to those ideas historically. Since then, however, the Civil Rights movement has become a model for many other movements, including conservative ones.

In this instance, Radiance used the Civil Rights movement's tactics and language so as to make an argument that pitted gender concerns (reproduction) and racial concerns (survival of the Black community) against one another.

Abortion was the starting point of the controversy, but SisterSong/TBW pushed for an analysis that would recognize (Black) women as raced, gendered, classed actors who make decisions while embedded in communities that do not have the protection of human rights. The human rights-based reproductive justice frame was used to bring together different types of issues (e.g., reproductive health, treatment of inmates in the criminal justice system). Further, elites did support the broader reproductive justice frame (e.g., legislators, Hollywood directors), but its use started with marginal people whose human rights have been and still are consistently violated. In sum, a human-rights based frame can be deployed to counter the narrow emphasis on abortion by recognizing the importance of intersecting identities and social issues in determining reproductive experiences.

### *Dissertation Summary*

The purpose of this dissertation has been to examine why the reproductive justice movement—examined through the SisterSong Women of Color Reproductive Justice Collective—chose a human rights frame for its discourse and actions, and what consequences this has had on the women's movement more generally. To explore these questions, I collected multiple forms of data: archival documents, interviews, and participant observation. The first two chapters of the dissertation laid out the theoretical rationale and supplied background information about the development of SisterSong and the reproductive justice movement

Considering the history of human rights in the US, a human rights frame was an unlikely choice. In the 1940s, previous US social movements attempted to create a national human rights movement but failed. At that time and now, the US government has emphasized civil and political rights over other types of human rights. Based on this literature, we would assume that because human rights framing does not resonate broadly in the US context, it would not be a successful frame here. The sociolegal studies literature suggests that social movements mobilize around law. Based on this literature, we would assume that mobilization would happen around existing law and legal institutions. Again, we would not expect an attempt to leverage international legal ideas for a domestic movement. Framing literature demonstrates that social movement frames highlight social problems and solutions to them. Frames need to resonate to draw in participants and this resonance is sought through frame alignment. Based on this literature, we would expect that movement leaders would choose frames that resonate widely to increase the likelihood of movement success. This dissertation suggests otherwise.

In the third chapter, I used archival documents and interviews to explore *choosing human rights*. I discussed the dual processes that led to the emergence of the reproductive justice movement—factions of which have chosen to organize using a human rights frame. I began my study by exploring how, in the 1980s, some women of color in the US were dissatisfied with the mainstream women’s movement in general, and with its framing of issues in the domestic sphere in particular. Many women of color felt marginalized within the broader women’s movement, which they felt focused primarily on the concerns of White, middle-class heterosexual women. These feelings led some

women of color to distrust organizations within the women's movement, even as they continued to participate in them.

More specifically, women of color (and some White women) voiced concern that the abortion-focused approach of reproductive rights and choice activists elided other issues concerning reproduction, such as the right to have children and the right to parent, rights disproportionately inaccessible by many women of color due to their low socio-economic status. This led women of color to seek out and create spaces for expanded discussions around reproduction. In the international sphere, they located their concerns within a global context through various international exchanges and conferences. In preparation for these events, women of color organized their own delegations and developed networks that were later activated for other efforts. For some, using a human rights frame to develop an expanded movement for reproductive justice was seen as the only way to understand and address the various reproductive violations their communities experienced.

In the fourth chapter, I discussed *constructing human rights*. I used documents and interviews to highlight the various understandings of and receptivity toward human rights in the reproductive justice movement. In the first section, I examined how human rights remain “out there” for many activists, limiting understanding and interest in human rights. Then I explored the various benefits that activists perceive human rights as adding to movement politics. Finally, I drew on these findings to propose a more nuanced view of human rights consciousness.

In the fifth chapter, I discussed *leveraging human rights* through an analysis of the process and consequences of reproductive justice activists shifting the frame of the

2004 national March for Women's Lives. By incorporating a human rights-based reproductive justice frame into March organizing, SisterSong supporters were able to broaden the scope of the march to reproductive concerns beyond abortion. This led to the recruitment of a more diverse group of participants, and the inclusion of movements other than traditional supporters of reproductive rights issues.

In the sixth chapter, I provided an overview of the reproductive justice movement. I drew on interviews to provide additional background on the reproductive justice movement and to consider the movement's future. I suggested that "reproductive justice" was an increasingly resonant frame in the women's movement—a frame that emerged due to the earlier reproductive rights movement's exclusion of the experiences of marginalized women. I then discussed the various ways in which contemporary reproductive justice activists define reproductive justice. Based on this data, I argued that the boundaries of the frame and movement are both broader, yet also more specific in meaning than "reproductive rights." This section included exploring the *linkage between reproductive justice and human rights*. However, compared to organizational material, this linkage was not as initially visible in interviewees' articulations of reproductive justice. Finally, I demonstrated how identity concerns have increased tensions in the women's movement, while weakening the potential of the reproductive justice frame to reinvigorate activism around reproductive issues and within the broader women's movement.

Before I move on to discussing contributions, I want to note several important limitations of this dissertation. First, this is a qualitative study of an anomalous case and cannot be assumed indicative of all movements. Second, the scope of this study is limited

insofar as I had to exclude particular topics that could have added to the analysis. For example, I did not include results from a small on-line survey I distributed via the SisterSong list serve. However, these limitations can be rectified in future research through a comparative study and purposeful inclusion of additional data collection methods. Despite these limitations, the dissertation offers multiple contributions.

### *Dissertation Contributions*

As the first sociological study of the reproductive justice movement, this dissertation's contributions are multiple. First, I discuss broad disciplinary contributions, then move to the specific theoretical contributions.

Women's studies emerged from a movement that, as I discussed in earlier parts of the dissertation, has been grappling with identity concerns for decades. When women's studies became institutionalized, there were already discussions happening about the necessity of analyzing social problems through a consideration of multiple oppressions (often named as such to denote the active process of creation of power differentials). The concept of "intersectionality" was developed by feminists whose texts appear in many introductory women's studies classes. At its core, women's studies assumes that there are power differentials between women and men that must be changed. Thus, the project of women's studies is to produce research that not only explains those differentials (or changes in them), but also makes claims about continued ways to contribute to that change.

In sociology, however, the general project is one of explaining differentials, not changing them. Intersectional studies that hint at some type of interest in change is

actively expressed in research by gender scholars. However, considering the field of sociology as a whole, making normative claims about any topic is the exception. Settling of such a debate is beyond the scope of this project. However, these interviews raise the question of whether it is possible (or desirable) to remain neutral when particular groups in society have difficulty achieving a basic level of human dignity because they do not have human rights. A study such as this, that is interested in how different groups of women have contended with power differentials, can contribute to both areas .

### *Identity politics and the “New” Reproductive Politics*

This study contributes to a long line of social movements studies that ask the question of why movements make the choices they do. Movement participants are increasingly savvy but this does not mean their choices are purely strategic. Movement choices can often appear contradictory both to participants within the movement and to scholars examining it. I have argued that the framing choice of human rights has been about context: human rights seemed appealing both due to the limited advances in working on this particular issue in the US legal context and due to concerns about identity.

Idealized constructions of motherhood have historically relegated White, middle-class women to the private sphere. Mainstream women’s groups were dominating movement choices and their dominance led to a continual focus on abortion when discussing reproduction. Women of color, however, wanted to address reproductive experiences beyond abortion that women in their communities faced, such as environmental racism. In the cases of women with lower socio-economic status and/or within racially subordinate groups, achievement of specific rights around reproduction

cannot be realized, it is argued, until human rights such as economic rights are achieved. This advocacy gap has led some women to turn away from the mainstream women's movement and toward the emerging movement for reproductive justice.

Women of color coined the term "reproductive justice" to describe reproductive experiences that they felt mainstream women's organizations were not addressing. A different frame offers a way to integrate more issues and, thus, increase recruitment. Further, reproductive justice describes an analysis that addresses how various identities and social institutions affect people's experiences of reproduction simultaneously. Activists contend that reproductive justice has opened up possibilities for "going beyond the womb," thus departing from both pro-choice and pro-life activists' exclusive focus on abortion. Simultaneously, activists conceptualize reproductive justice as different from reproductive rights, in part to address the needs of a range of pregnant and mothering women, including those not held up as the ideal subjects of the reproductive rights movement (e.g., teens, undocumented immigrants, incarcerated women).

The politics of abortion continue to dominate US politics in many ways. For example, the most contentious discussion in the 2009 health care reform debate, besides the reform itself, concerned whether any plans could provide coverage for abortion in light of the aforementioned Hyde Amendment that prohibits federal funding for abortion. This dissertation has demonstrated that even though abortion remains a primary concern for some movements (and politicians), there has been organized resistance within the women's movement to this dominance of abortion as an issue. Further, that resistance has more recently coalesced in a movement for reproductive justice that focuses its analysis on how structural inequalities manifest in women's lives, thereby limiting their many

reproductive “choices.” As such, for women to be able to have real choices—whether to have children or not—they must have the resources to make both choices a practical option.

The reproductive justice movement’s explicit recognition that movement participants’ reproductive experiences are not only the result of *gendered* aspects of one abortion ruling validates other historical reproductive experiences of women of color and poor White women. For example, increased criminalization of communities of color results in overrepresentation of mothers of color in the criminal justice system. Challenging the criminal justice system is not on the agenda of most (mainstream) women’s organizations. However, challenging the criminal justice system becomes a site of activism when considering how inequalities of gender, race, and class make some mothers more likely to be represented in the system and, therefore, unable to have the right to parent.

While women in theory have civil rights that include equality before the courts and political rights such as voting, these rights do not help all women equally to address the combined economic, racial and gender disparities that can make exercising these rights difficult. For example, for women of lower socio-economic status, without government intervention to create economic stability, they do not have the same range of options as women of higher socio-economic status. Further, the co-constitutive relationship between class and race are such that the women with fewer choices are disproportionately of racial minority groups. And sociological and public health research show that, despite progress, these groups continue to fare worse than Whites on a range of measures, including educational attainment, health status, and occupational

opportunities. These women's reproductive choices are limited in practice and slight legal reforms to an intrinsically unequal social structure cannot change that. Thus, recognition of human rights has become all the more important to integrate into society. At the most basic level, this would mean people analyzing social issues through a lens of human rights. At a higher level, this would mean governments making policy decisions based on a more inclusive vision the goals set forth by the Universal Declaration of Human Rights for "social progress and better standards of life." However, such change at both these levels would require major shifts in worldviews and, essentially, a complete restructuring of society.

Even if fully adopted, however, the discourse and framework of human rights is not without its own issues and areas in need of improvement. A human rights analysis *could* intrinsically contain an intersectional analysis that takes into consideration the complex ways that social identities co-constitute each other (Thomas 2000). However, identity politics is still a contentious topic in the US women's movement and other progressive movements (Ryan 2001). Some go so far as to suggest that the human rights framework offers a new strategy for the women's movement because it has the potential to "transcend" identity politics (Roskos 2004: 131). This study challenges such an assertion because, depending upon how human rights are conceptualized, this framework can allow or encourage an embrace of identity. As I have discussed, some movement leaders and on-the-ground activists do envision ways that a human rights analysis aligns with an intersectional analysis. This vision is not an effort to transcend identity politics, but instead, it uses identity as a point for acknowledging a contemporary social

movement context in which identities continue to matter in the patterns of distribution of resources and inequalities.

The ideas of “bringing in the whole person” and wholeness emerged as critical concerns in this study. The attractiveness of the reproductive justice movement is that movement participants are conceptualized holistically, and in some instances, human rights rhetoric is used to reinforce that wholeness. Reproductive justice activists reported feeling that they could not be their whole selves in other social spaces and movements. Their feelings of exclusion stemmed from a consistent sense that, in many social movements and organizations, what people can *do* is appreciated, but who they *are* is not—in short, “you can only bring part of yourself.” But in reality, people’s choices can be very much informed by a desire to remain loyal to a slighted identity group. As one of my interviewees suggested, it is irrational for people to commit to movements that do not allow them to be “one hundred percent.” Historically, there were fewer ways to find out about other options, so finding the “right” movement in which to invest was harder: people gained information about movements through documents produced by the movement or through stories from people within the movement or in other movements.

The reproductive justice movement is predicated on the assumption that women of color have knowledge that is valuable within and beyond their communities. Reproductive justice is, in part, about women of color getting to receive and produce movement knowledge that speaks to them. The knowledge, therefore, is closer to being complete because it includes them. Thus, there is a link between this knowledge production and identity politics because women of color are producing knowledge they

interpret as resisting negative stereotypes and narratives (e.g., women of color as bad mothers) suggested by dominant culture.

Nonetheless, tensions around knowledge production remain. One common narrative within the movement is that SisterSong brought human rights to US organizing and reproductive justice took off from there. The international arena figures prominently in the narrative, in part, because SisterSong received funding from a foundation that does international work. In addition, SisterSong itself is the most visible organization in the narrative due to its longevity and national convenings, so the story is told most often from its perspective.

Concerns about “claiming” reproductive justice are partially about who gets credit for movement activities, who can apply for funding for movement activities, and who *should* do these things. Even before the March for Women’s Lives in 2004/, a SisterSong document noted the following: “In the three years since our 2003 national conference, the phrase ‘Reproductive Justice’ has undergone instant proliferation, like an unchecked virus.” Some considered these concerns valid but anathema to movement progress because “you don’t build a movement by copywriting it.” Successful framing is not just about taking up key words, but also about more subtle ways of reinforcing the authenticity of a movement. For example, when an organization makes a point of mentioning diverse identities and integrates issues of human rights and social justice into its language and materials, this sends a different message than simply mentioning identity and providing different statistics about how an issue affects different demographic groups.

As I have discussed throughout the dissertation, these ideas were voiced in many movement spaces without qualm when they concerned conflicts between White women and women of color. However, the issues become more complex when there are conflicts among women of color. The advent of the Internet, while a boon to many social movements, brings up these questions in other ways. In a meeting for one organization, another organization's purchase of an online domain name prompted a movement participant to wonder aloud how one organization could "own" reproductive justice. Ownership of an analysis is impossible, but who gets to claim parts of the movement has longer-term consequences on movement direction since some organizations in the reproductive justice movement explicitly frame their work around human rights, while others avoid it—in part, due to ambivalence towards human rights that I have discussed.

#### *Implications of and for Human Rights*

Whereas the previous (limited) sociological research on human rights has necessarily been based on cases outside the US, this study makes an important contribution by examining the domestication of human rights in the US context. As civil rights operate in the US, they are limited because they do not require protection in the areas that other citizens do not have rights explicitly protected either. In addition, those rights can be on the books but not achieved in practice. For example, due to civil rights protections, racial minorities have the same legal right to vote as Whites and can sue a state if prevented from exercising this right. On the other hand, because no US citizens (of any racial group) have economic human rights protected (or even mentioned) in the Constitution, minorities cannot legally claim they are being denied economic rights due to their racial discrimination. In the cases of the women with fewer class and/or racial

privileges, achievement of specific rights around reproduction cannot be achieved until other human rights (such as economic rights) are achieved. Some of those women argue that the pro-choice movement fighting for reproductive *rights* has not advocated for these concerns, which are matters of reproductive *justice* when analyzed through a human rights lens. Similarly, immigration is not a traditional “women’s issue” if gender is the only lens used to analyze this contentious issue. Yet, it becomes a concern for reproductive justice advocates who consider how the specific social location and experience of immigrant women leads to particular experiences, in which their reproductive rights are violated in ways that go beyond the inability to obtain an abortion.

The consequences of the US government’s domestication of human rights (i.e., the restriction of their meaning to civil rights) are visible in the differing levels of human rights consciousness in my study. SisterSong leadership is pushing the reproductive justice movement toward a human rights frame (through organizational material, trainings, conferences, etc), but there is a pull away from human rights in other parts of the movement due to some of the aforementioned issues around knowledge production and disagreement over which narratives about the movement are perceived as legitimate. Furthermore, and perhaps more importantly, activists’ varying relationships to the formal processes of human rights deployment/protection can have contradictory effects: distance from the procedures can make people dismissive or optimistic and romanticizing. For some, the “how” of human rights feels too far removed in arenas such as the United Nations, thus making the relevance of human rights in the US easier to dismiss. Yet, for others, distance from the formality of human rights protection allows for the optimism

that is present in some interviews. Likewise, closeness can have these same contradictory effects because seeing how human rights protections do or do not play out in practice disillusioned some, while motivating others.

Therefore, contradictions have also emerged around human rights as a frame and practice. On one hand, there was support and hope around the possibilities for human rights to move US activism, not just reproductive activism, in new directions. On the other hand, there was ambivalence around the role of human rights in mobilizing people in the US. Part of this was due to the fact that much of the human rights advocacy that has emerged in the US often takes place at the international level (e.g., Amnesty International). Because few of my participants were engaged with international human rights, human rights advocacy appeared “out there” and untenable in the US.

Unlike civil rights-framed movements, few models exist on which to base a human rights movement, so moving toward this analysis does not seem to make sense to many participants. For some SisterSong founders, leaders, and supporters, however, human rights framing does not represent a “second-best” strategy toward which to turn when a civil rights approach to seeking individual legal equality has failed. This was and is too difficult a path for a movement to take in pursuit of political expediency. Rather, these participants view human rights as a strategy that is so threatening to the power structure of the US that the government tried to domesticate it—just as it attempted to domesticate women’s bodies (e.g., through programs such as forced sterilization), entire communities (e.g., through incarceration), and other social movements (e.g., the Civil Rights movement).

Cases such as the one under study may fall outside the line of vision of many scholars (and activists), but deeper analysis can contribute to our growing understanding of how the language of human rights is deployed in different local settings. This explains why an organization like SisterSong, which is focused on a long-term strategy of organizing a new movement for reproductive justice rather than specific, short-term legislative gains, could still perceive going *against* mainstream movement convention as a logical move. Because the rights for which SisterSong advocates do not currently exist within the US legal system, SisterSong advocates for a new system. Problems with relying on the state for protection notwithstanding, rights codified into law remain conceptually important. Evidence of flaws in the Constitutionally-based rights regime surround people daily; and eventually, even if adopted in full, we may find that human rights may not fare better in the US context. But doing away with social movement organizing for rights (as some sociolegal studies scholars have suggested) cannot address the concrete problems oppressed groups face on a day-to-day basis. Thus, rights will retain their inspirational quality, and activists will continue to find ways to ensure individuals and states begin to take human rights seriously, creating the revolution for which earlier activists could only begin to hope.

Emphasizing the importance of human rights for achieving social justice in the US is not an all-or-nothing strategy for activists. In the case of SisterSong, the organization acknowledges the previous gains achieved through the narrower civil rights approaches of other movements, but also integrates a human rights analysis while balancing the rhetoric that both individual and group identities are in need of protection. This helps address the limits of earlier movements that focused on racial justice at the

expense of recognizing of women on color's gender identities, or that focused on gender at the expense of recognizing women of color's racial identities. To do this, the organization must also educate its members about those limitations and the relevance of human rights. Doing so moves the larger social movement sector toward creating the conditions of possibility that may allow for progress in human rights standards within the US.

The powerful movement for civil rights challenged the US government by raising consciousness of the gap between law on the books that claimed equality for all (men) and the racially oppressive social practices that highlighted the limitations of that law. The US government begrudgingly accepted civil rights and incorporated these ideas into its promise of "equal protection." Yet, in the past half-century, people have become less concerned about the continued gap because the "settling" of these rights provides a comfortable cushion on which to rest their discontent. Whereas the domestic legal system is easily assumed to be oppressive, human rights do not have legal force in the US. Therefore, the absence of human rights discourse and institutions in the U.S. legal system could provide an opening for legal mobilization. Specifically, the US government's own ambivalence toward human rights and the incomplete co-optation of this language allows human rights to retain the hope of legal opportunity.

After decades of activists seeing civil rights protections not enforced and the language of civil rights appropriated for conservative purposes (e.g., dismantling affirmative action programs designed to redress long-standing racial inequality), civil rights has become a questionable goal when basic human are not being met for an increasing number of people who are economically unstable in a society with increasing,

not decreasing, inequality. Therefore, perhaps the power of human rights will actually come not from human rights being formal instituted as law in the US, but from human rights remaining primarily in the realm of aspiration. Only time will tell how true that is for SisterSong and the reproductive justice movement. Future research will analyze the role of women of color's activism in human rights organizations, of which there are an increasing number. That research, and comparison with other anomalous social movement framing choices, will aid in determining whether issues of identity and sites of activism play as large of a role in movement emergence and the framing choices of other movements.

## **APPENDIX 1**

### **Universal Declaration of Human Rights**

#### **PREAMBLE**

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly

proclaims

This Universal Declaration of Human Rights

as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article I

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

#### Article 3

Everyone has the right to life, liberty and security of person.

#### Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

#### Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

#### Article 6

Everyone has the right to recognition everywhere as a person before the law.

#### Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

#### Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

#### Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

#### Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

#### Article 11

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time

when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

#### Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

#### Article 13

(1) Everyone has the right to freedom of movement and residence within the borders of each State.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

#### Article 14

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

#### Article 15

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

#### Article 16

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

#### Article 17

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

#### Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with

others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

#### Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

#### Article 20

- (1) Everyone has the right to freedom of peaceful assembly and association.
- (2) No one may be compelled to belong to an association.

#### Article 21

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right to equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

#### Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

#### Article 23

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

#### Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

#### Article 25

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and

necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

#### Article 26

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

#### Article 27

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

#### Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

#### Article 29

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

#### Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

<http://www.un.org/en/documents/udhr/index.shtml>

## APPENDIX 2

### Interviewee description<sup>1</sup>

Gender	
Woman	55
Transman	1
Ethnic/Racial identification	
African-American/Black	26
Chicana/Latina	10
White	10
Asian/Pacific Islander	8
Native American	2
Highest Education level	
High school/GED	1
Some college	5
College degree	27
Masters degree	14
JD or PhD	9

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<sup>1</sup> A first name only indicates a pseudonym. Missing information was not provided or the interviewee did not want the information publicly shared. Organizations are listed to indicate range of experiences in reproductive rights, health and justice activity. The interviewee's quotes thus do not indicate endorsement by the organization unless noted in the text. The interviewee was affiliated with this organization in some capacity (e.g., volunteer or staff) at the time of the interview. Some interviewees have moved positions in the organization or have since left the organization altogether. Since some interviewees were individual members of SisterSong, these organizations are not all members or allies of SisterSong.

<b>First</b>	<b>Last</b>	<b>Organization</b>	<b>State</b>	<b>Age at interview</b>	<b>Ethnic/Racial identification</b>
Aimee	Thorne-Thomsen	Pro-choice Public Education Project	New York	34	Chicano/Latino
Ajeenah	Shariff	Unaffiliated	Kentucky	32	African-American/Black
Alisha	Wilkins	Planned Parenthood-San Diego/Riverside County	California	32	African-American/Black
Amanda	Allen	National Asian Pacific American Women's Forum	District of Columbia		White
Angelique			Michigan	33	African-American/Black
Ashley	Slupski		Illinois	20	White
Barbara			Colorado	46	Chicano/Latino
Cara	Page	Committee on Women, Population and the Environment	Georgia	37	Multiracial
Cathy			New York	34	White
Dera	Baskin	Black Women for Wellness	California	29	African-American/Black
Dessa	Cosma	Planned Parenthood	Michigan	28	White
Fabiola	Sandoval	Esperanza Community Housing Cooperative	California	26	Chicano/Latino

Gabriel	Foster		Georgia	31	African-American/Black
Haydée	Morales		New York	45	Chicano/Latino
Heidi	Williamson	SisterSong	Georgia	33	African-American/Black
Holly	Mitchell	Crystal Stairs	California	45	African-American/Black
Inez			East Coast	28	Latino/Native American/White
Jamie	Brooks	Center for Genetics and Society	California	30	African-American/Black
Janel	Quarless-Cole	Feminist Majority Foundation	Virginia	22	African-American/Black
Jayne			California		Asian/Pacific Islander
Jean			New York	37	African-American/Black
Jeanette	Monsalve	Unaffiliated/Mamas of Color Rising	Texas	30	Chicano/Latino
Julia	Bennett	Third Root Community Health Center	New York	60	African-American/Black

Julia	Fedor	Illinois Caucus for Adolescent Health	Illinois	24	White
Karin			District of Columbia	31	African-American/Latino
Katherine	Grainger	Center for Reproductive Rights	New York	33	African-American/Black
Kendra	Malone		Iowa		African-American/Black
Kierra	Johnson	Choice USA	District of Columbia	31	African-American/Black
<i>La'Tasha</i>	<i>Mayes</i>	<i>New Voices Pittsburg</i>	<i>Pennsylvania</i>	<i>26</i>	<i>African-American/Black</i>
Latonya	Slack	James Irvine Foundation	California	42	African-American/Black
Laura	Jimenez	SisterSong	Georgia	37	Chicano/Latino
Lin			District of Columbia	32	Asian/Pacific Islander
Loretta	Ross	SisterSong	Georgia		African-American/Black
Louisa	Baca	Tewa Women United	New Mexico		Native American
Lucie			South		White

<i>Luz</i>	<i>Rodriguez</i>	<i>Foundation Center</i>	<i>New York</i>		Chicano/Latino
Maame-Mensima	Horne	SisterSong	Georgia	23	African-American/Black
Maeve	McKean		District of Columbia	30	White
Malika	Redmond	National Women's Health Network	Georgia	31	African-American/Black
Mehra			California	25	Asian/Pacific Islander/White
Mia	Mingus	Georgians for Choice (became SPARK RJ)	Georgia	27	Asian/Pacific Islander
<i>Michelle</i>	<i>Peixinho</i>		<i>New Mexico</i>	<i>41</i>	Asian/Pacific Islander
Moira	Bowman	Asian Communities for Reproductive Justice	Oregon	40	White
<i>Nkenge</i>	<i>Toure</i>	<i>KPFA</i>	<i>District of Columbia</i>	<i>56</i>	African-American/Black
Nondace	Garrett	Pro-choice Public Education Project	Florida	24	White
Paris	Hatcher	SPARK RJ	Georgia	30	African-American/Black

Rae	Wright	Illinois Coalition for Adolescent Health (formerly)	Illinois	25	African-American/Black
Serena	Garcia	SisterSong	Georgia	40	African-American/Black
Shanti			Michigan		Asian/Pacific Islander
Taja	Lindley	Black Women for Reproductive Justice(NY)/SisterSong	New York	24	African-American/Black
Thalia	Rodriguez	Feminist Women's Health Center	Georgia	37	Chicano/Latino
Tonya	Williams	SPARK RJ	Georgia	34	African-American/Black
Trish			Illinois	30	Asian/Pacific Islander
Wendy			District of Columbia	39	African-American/Black
Zahra	Alabanz	Illinois Coalition for Adolescent Health	Illinois	29	African-American/Black
Zimryah	Barnes		Washington	29	African-American/Black

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