

## Book Review

Goodwin, M. (2020). [\*Policing the womb: Invisible women and the criminalization of motherhood.\*](#) Cambridge University Press.

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*Journal of Social Work Values and Ethics*, Volume 18, Number 1 (2021)  
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Michele Goodwin, chancellor's professor of law at the University of California, Irvine, has written a powerful and salient text on the creeping criminalization of women's bodies, in particular, through fetal protection laws. She reviews how old laws designed to protect children are applied to unborn fetuses and how new laws that prioritize fetal well-being over that of the mother are created.

Professor Goodwin "...weighs the social, economic, and health costs associated with punitive state policies that effectively harm all pregnant women and their interests" (p. xi). The book is an excellent, thoroughly researched text, particularly in respect to case law and case histories. This text does better than just presenting the law, it also provides the personal vignettes and stories of the women impacted by these laws. These personal stories are most often missing in discussion of law, its enforcement, and its impact.

The issue is not just about abortion rights, although the book presents an excellent summary of the history and case law surrounding them. Abortion rights are just one facet of laws that ostensibly are about protecting women's health, but these laws often actually endanger women's health when followed to their logical conclusions if fetal health takes priority over the mother's health. The case is made and the history is presented to explain how politicization of women's reproductive health has influenced law, disproportionately impacting poor and minority populations. Professor Goodwin argues that these initial low SES and minority

victims were just the metaphorical "canaries in the coal mine" and that these overreaching laws can also impact all women, regardless of SES and race.

The book proposes that political pressure prioritizes fetal health over the mother's health, which criminalizes much of the behavior of gravid women. These restrictive laws create the potential for not allowing for proper medical care for the mother and criminalize natural outcomes such as accidents, still births, and behaviors. Professor Goodwin suggests that these harsh and punitive laws destroy the fiduciary relationship between women, their physicians, and the medical system. The laws are such that medical personnel become reporting parties, some even working with law enforcement, violating doctor-patient trust in ways that attorney-client privilege would never allow. The reason: "For the most part, male legislators control women's reproductive health care access in the United States" (p. 76). The book also points out how the politicization of control of women's bodies extends beyond our national borders. Decisions to provide economic aid are politically driven; provision of such aid can be tied to how the aid is used for women's reproductive rights in those countries.

After a concise review of the history of states' attempts to regulate women's bodies, Professor Goodwin provides future directions with a Reproductive Justice New Deal or Bill of Rights. The extensive research and exhaustive citations and a rich bibliography make this a perfect text for courses and a fantastic reference for the study of issues involving

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law and women's rights. The author points out that women are almost always left out of discussions of incarceration and criminality. This book adds to these discussions by detailing how women, and pregnant women in particular, can be made and labeled criminals through state policy making when women's health care is informed by politics.

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