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Debra Herrick

What baby safe haven laws reveal about reproductive justice

In the wake of the U.S. Supreme Court's decision to overturn "Roe v. Wade," Laury Oaks began receiving calls from journalists seeking insight into baby safe haven laws. The sudden interest stemmed from Justice Amy Coney Barrett's suggestion that these laws provided an alternative to abortion access. Reporters wanted to know: Were safe haven laws a viable substitute for reproductive choice? Could they, as some suggested, eliminate the need for abortion rights? Oaks, whose research has long focused on reproductive justice, had been studying the topic for years.

"These laws were not originally proposed to replace abortion access," said Oaks, a professor in UC Santa Barbara's Department of Feminist Studies. "Yet, they are now being used explicitly as a rationale to eliminate reproductive choice." Her chapter in the new compendium "Fighting Mad: Resisting the End of Roe v. Wade" (UC Press, 2024) examines how safe haven laws, originally framed as a solution for infant abandonment, have been referenced in discussions of abortion restrictions.

Oaks builds on research published in her book "Giving Up Baby: Safe Haven Laws, Motherhood, and Reproductive Justice" (NYU Press, 2015) which resurfaced in national debates following "Dobbs." "Although when I talk to students and young people, they express utter shock that 'Roe v. Wade' was overturned, those of us tracking this issue since the 1980s anticipated the moment," she said. "That doesn't make it less difficult. However, what they all agree on is that access to abortion care is increasingly unequal and unjust."

The Supreme Court's decision has intensified national conversations around reproductive rights. In response, "Fighting Mad," edited by Krystale E. Littlejohn (University of Oregon) and historian Rickie Solinger, brings together a diverse group of scholars, activists and healthcare professionals to document the fight for reproductive justice in a post-Dobbs era.

First implemented in Texas in 1999, safe haven laws allow people to surrender newborns at designated locations without facing criminal charges. While often portrayed as a compassionate policy, Oaks examines their expansion — such as the introduction of baby boxes — and the broader implications for reproductive rights. "In my book, I show that anti-abortion activists were behind safe haven advocacy and adoption initiatives," she said. "They specifically target teenagers, women of color and immigrants, who often lack access to sex education and reproductive healthcare."

Beyond safe haven laws, Oaks' research examines how "Dobbs" and subsequent abortion bans are part of a broader strategy to regulate reproductive autonomy. "Rather than framing this as just a debate about abortion, we need to talk about the criminalization of reproductive autonomy," she said. "It's not only about abortion care access — it's about emergency and miscarriage care, IVF and the fundamental right to make decisions about one's body."

Reproductive justice, a term coined by Black women activists in 1994, applies a human rights framework to reproductive autonomy. It affirms the right to maintain personal bodily autonomy, to have children, to not have children and to parent in safe and sustainable communities. "At its core, reproductive justice is about self-determination — being able to make decisions about one's reproductive life without coercion," Oaks said. The framework also considers the systemic barriers that disproportionately affect marginalized communities, advocating for access to quality healthcare, education and economic resources.

With the inaugural research cluster grant from the Center for Feminist Futures, doctoral student Bri Reddick and Oaks are co-leading the "Reproductive Futures" research cluster to help extend conversations around reproductive justice to the larger UCSB community.

Reddick, a Racial Justice Fellow at UCSB, has contributed to feminist organizing on campus. Her MA thesis, "Black Blood: Black Menstruation, Disembodiment, and

Erotic Autonomy,” examines the history of Black menstruation through enslavement and its afterlives.

Oaks has spent decades researching and teaching about reproductive politics, health and justice. Most recently, she co-authored “The Salley Gardens: Women, Sex, and Motherhood in Ireland” (Peter Lang Publishers, Reimagining Ireland series, 2022) with Jo Murphy-Lawless, reflecting on women’s experiences with sexuality and motherhood.

“This moment is about more than abortion,” Oaks said. “It’s about rethinking how we support people in making choices about their reproductive lives. And it’s about care — creating communities where people have the resources they need to make those choices freely.”

Media Contact
Debra Herrick
Associate Editorial Director
(805) 893-2191
debraherrick@ucsb.edu

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