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Imagining Reproductive Liberation: Holistic Justice in a Post-*Dobbs* World

A just future is one in which every person has full bodily autonomy, the ability to have children or not, and the right to raise their families in safe, sustainable communities.

Reproductive justice, as a human right, extends beyond the legality of abortion—it is about access, equity, and dismantling systemic barriers that disproportionately harm marginalized communities. In the wake of *Dobbs v. Jackson Women's Health Organization* (2022), reproductive rights in the U.S. have fractured along state lines, deepening racial and economic disparities. Low-income individuals, people of color, and transgender communities now face greater obstacles to care, from abortion bans to criminalization of pregnancy outcomes. A future rooted in justice demands systemic solutions that go beyond legal protections. To achieve this, there are three concrete pathways toward reproductive liberation: federal and state policies that ensure universal healthcare access, abolitionist models of reproductive care beyond the carceral system, and environmental and anti-colonial justice approaches that uphold reproductive autonomy.

In the post-*Dobbs* landscape, abortion access in the U.S. is no longer a fundamental right but a privilege dictated by geography and financial means. While some states have enacted strong protections, 12 states have enacted full bans on abortion as of December 2024 (*Abortion in the United States Dashboard*, 2025), forcing individuals to travel across state lines for

care—mirroring the journeys Irish women once made across the Irish Sea before the repeal of the Eighth Amendment that is illustrated in Rachel Fallon’s *Raising the Apron of Power* (2018) series. To address these disparities, our federal government must codify abortion rights through legislation like the Women’s Health Protection Act, which would override state-level bans and ensure nationwide access (*Women’s Health Protection Act (WHPA)*, 2023). However, legal protection alone is not enough, as Fallon’s posing of her aprons further proves. The act of raising the apron symbolizes reclaiming power over one’s body—a direct contrast to policies that force people to remain pregnant against their will. It aligns with the reproductive justice principle that access, not just legality, determines true choice. This translates to the point that policies must not only protect abortion rights but also fund abortion care, expand Medicaid, and eliminate restrictions like the Hyde Amendment, which disproportionately impacts low-income communities and people of color. Without comprehensive federal and state action, reproductive autonomy will remain out of reach for those who need it most.

In addition to restricting abortion, the post-*Dobbs* landscape has intensified the criminalization of pregnancy outcomes through fetal personhood laws. In the year following the *Dobbs v. Jackson Women’s Health Organization* decision, at least 210 pregnant individuals faced criminal charges related to their pregnancies—the highest recorded number in a single year (*New Pregnancy Justice Report Shows High Number of Pregnancy-Related Prosecutions in the Year After Dobbs*, 2024). This expansion of carceral control disproportionately affects Black women and other marginalized groups, who already endure heightened surveillance and bias within medical and legal systems (Human Rights & Gender Justice Clinic, 2023). The cash bail system further entrenches these injustices, as many pregnant individuals and caregivers are jailed pretrial simply because they cannot afford bail, leading to denied prenatal care, forced births in custody,

and family separation (Sawyer, 2018). Abolitionist reproductive justice models address these harms directly, exemplified by community-driven initiatives like the Mama's Day Bail Out campaign which features Mary Tremonte's poster (n.d.), which frees incarcerated caregivers and emphasizes kinship and solidarity over punishment. However, abolitionist solutions must extend beyond immediate relief, demanding systemic reforms such as repealing fetal personhood laws, prohibiting digital surveillance of pregnancy, and ending pretrial detention for pregnant individuals. As Tremonte's artwork declares, "I stand up for incarcerated women because I am her/she is me"—a statement that embodies the interconnectedness of reproductive oppression and carceral violence. The fight for reproductive justice is not just about individual rights but about collective liberation, kinship, and shared responsibility. Ultimately, reproductive justice cannot coexist with criminalization; collective liberation requires dismantling punitive systems and investing in community-based care and support.

Finally, the fight for reproductive justice cannot be separated from the fight for environmental and anti-colonial justice. Even with federal protections for abortion and an end to the criminalization of pregnancy, reproductive autonomy remains incomplete if individuals cannot safely conceive, give birth, and raise children in sustainable environments. Climate change disproportionately affects Black, Indigenous, and low-income communities, where exposure to pollution, extreme heat, and environmental toxins increases risks of miscarriage, premature birth, and infant mortality (Segal & Giudice, 2022). Eliza Evans' *Time Machine* (2019) viscerally demonstrates this crisis—by subjecting herself to extreme heat inside a greenhouse, she forces participants to confront the bodily toll of climate inaction. This mirrors the reality faced by marginalized communities, where rising global temperatures and industrial pollution make safe pregnancies and parenting increasingly difficult. Policies addressing

reproductive justice must include stronger environmental regulations on pollutants linked to reproductive harm, investment in clean air and water infrastructure, and heat protection laws for pregnant individuals. Additionally, Indigenous land sovereignty must be recognized as a critical reproductive justice issue, as extractive industries disproportionately harm Native communities (Squires et al., 2020), further restricting their ability to raise families in safe conditions. Without these structural interventions, reproductive autonomy will continue to be dictated not just by policy, but by an environment that is rapidly becoming unlivable.

A just future demands more than legal protections—it requires universal access to reproductive healthcare, abolitionist policies that dismantle carceral control over pregnancy, and environmental justice that ensures safe and sustainable communities. Federal protections like the WHPA must be paired with an end to the criminalization of pregnancy and investment in community-based care. Likewise, reproductive justice cannot exist without climate action and Indigenous land sovereignty. True liberation is possible through policy reform, grassroots activism, and collective resistance—because justice is not granted, it is built.

Works Cited

- Abortion in the United States Dashboard*. (2025). KFF Health News. <https://www.kff.org/womens-health-policy/dashboard/abortion-in-the-u-s-dashboard/>
- Dobbs v. Jackson Women's Health Organization. (2022). *Oyez*. <https://www.oyez.org/cases/2021/19-1392>.
- Evans, E. (2019). *Time Machine* [performance]. Art in the Park in Miller Park, Chautauqua, NY. <https://eevans.net/#/time-machine/>
- Fallon, R. (2018). *The Aprons of Power* [performance]. Collection of the Arts Council, Dublin, IE. <https://www.rachelfallon.com/aprons-of-power-and-the-artists-campaign-to-repeal-the-eighth-amendment>.
- Human Rights & Gender Justice Clinic. (2023). Criminalization and Punishment for Abortion, Stillbirth, Miscarriage, and Adverse Pregnancy Outcomes: Shadow Report to the UN Human Rights Committee for the Fifth Periodic Review of the United States. *CUNY School of Law*. https://www.law.cuny.edu/academics/clinical-programs/hrgj/projects/report-u-s-criminalization-of-abortion-and-pregnancy-outcomes/#_ftn1
- New Pregnancy Justice Report Shows High Number of Pregnancy-Related Prosecutions in the Year After Dobbs*. (2024). Pregnancy Justice. <https://www.pregnancyjusticeus.org/press/new-pregnancy-justice-report-shows-high-number-of-pregnancy-related-prosecutions-in-the-year-after-dobbs/>
- Sawyer, W. (2018). How does unaffordable money bail affect families? *Prison Policy Initiative*. <https://www.prisonpolicy.org/blog/2018/08/15/pretrial/>
- Segal, R. & Giudice, L. (2022). Systematic review of climate change effects on reproductive

health. *Fertility and Sterility*. <https://doi.org/10.1016/j.fertnstert.2022.06.005>

Squires, C., Landau, K., Lewis, R. (2020). Uncommon ground: The impact of natural resource corruption on indigenous peoples. *The Brookings Institution*. <https://www.brookings.edu/articles/uncommon-ground-the-impact-of-natural-resource-corruption-on-indigenous-peoples/>

Tremonte, M. ["I Stand Up for Incarcerated Women because I am Her/She is Me"]. The People's Paper Co-Op, Philadelphia, USA. <https://peoplespaperco-op.weebly.com/freeourmothers.html>

Women's Health Protection Act (WHPA). (2023). Center for Reproductive Rights. <https://reproductiverights.org/the-womens-health-protection-act-federal-legislation-to-protect-the-right-to-access-abortion-care/>