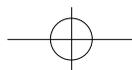
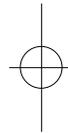
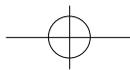
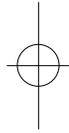
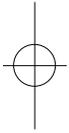




From Witches to Crack Moms





From Witches to Crack Moms

Women, Drug Law, and Policy

Susan C. Boyd

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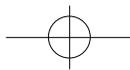
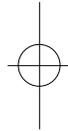
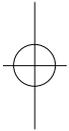
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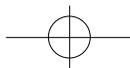
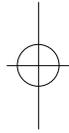
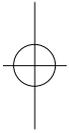
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For my parents
Catherine and Andrew Boyd





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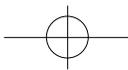
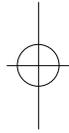
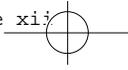
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Foreword

The Gender and Justice series responds to two of the most profound changes in criminal justice over the last quarter-century, one well-known, the other almost unrecognized.

The well-known change is the introduction of gender into the study of crime and its consequences. In the early 1970s, scholars and practitioners began to realize that gender, the social effects of being men and women, has an enormous impact on both the kinds of crimes men and women commit and the ways in which social systems respond to those offenses. Studying the effects of gender is necessarily an ongoing project, partly because gender roles themselves are in a constant state of flux and partly because scholars are constantly uncovering new facets of gendered existence—new historical meanings of gender and previously overlooked variations in gender by age, ethnicity and nationality, sexuality, and social class. Consequently, one of the primary goals of this series is to explore the ramifications of gender in the arena of crime and justice.

The second change, which is barely recognized but equally profound, involves the conceptualization of *justice*. Citizens of democracies like to think that the concept of justice is unchangeable, that justice has always meant equal treatment under the law. Unfortunately, this is not the case. Ideas of justice, like ideas of gender, change over time. In the 1970s, many criminal justice officials assumed that black and Hispanic prisoners should be segregated and provided fewer resources than white prisoners; similarly, nearly everyone assumed that women prisoners should be treated differently than their male counterparts. While differential treatment by race has been rejected, many people continue to advocate differential treatment by gender, at least during some stages of the criminal justice process. If

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we aim to treat men and women the same, it is essential that we acknowledge our reliance on a masculine model of prisoner policy. The dominance of this model, which draws on assumptions developed in reaction to men, is logically rooted in the fact that men have always outnumbered women as offenders and convicts. The debate over whether treatment should be dependent on gender is ever-changing and continuous. Therefore, the second objective of this series is to explore the evolving meanings of justice as it relates to gender—to investigate ways in which people try to achieve gender equity in an unfair world.

Susan C. Boyd's *From Witches to Crack Moms* addresses these issues in the context of drug use, an arena in which ideas of what constitutes crime and justice have changed radically in recent years. For much of the twentieth century, the use and abuse of addictive substances was defined—at least in part—as a treatment issue. The close of the twentieth century, however, brought an increasingly punitive approach to bear on the use of certain drugs. Harsh mandatory sentencing laws that left little room for judicial discretion or treatment alternatives filled the prison system with, not “kingpin” distributors, but small-time users and even non-users who had the misfortune to live with sellers and users. These laws reversed earlier beliefs about what constitutes “justice” in drug cases.

This dramatic reversal affected men and women differently. As Boyd skillfully documents, seemingly even-handed laws can have different consequences for males and females. Boyd traces gender differences in definitions and results of substance use back to the persecution of witches in the Middle Ages, taking a longer historical view of her subject than most scholars. In addition, Boyd pays close attention to ways in which the consequences of what is defined as substance abuse vary by race, class, and ethnicity, as well as gender, to produce a whole spectrum of drug problems, from the alcoholic suburbanite to the titular “crack mom”

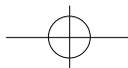
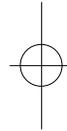
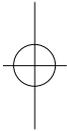
At the most fundamental level, Boyd's analysis is concerned with the regulation of women—our health, reproduction, and daily activities. She casts a broad net geographically, covering the drug laws of three countries (Britain, Canada, and the United States) in depth, and devotes an entire chapter to the impact of U.S. drug policies on

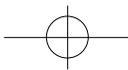
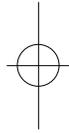
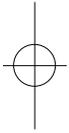
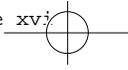


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women in Colombia. She covers the full procedure of the criminal justice system, from the impulses that generate drug laws in the beginning, all the way through imprisonment. Her analysis is decidedly feminist, but everything she says has implications for men as well as women. Boyd draws on years of experience as a community activist to question the arbitrary nature of current drug policies and to recommend more effective means of achieving social justice. *From Witches to Crack Moms* provides forceful, closely reasoned, and in-depth coverage of one of the foremost issues in gender and justice today.

Nicole Hahn Rafter
Northeastern University





Preface

This book grew out of my own need to understand the efforts to persecute women suspected of illegal drug use. I wanted to provide a comprehensive study of how drug law and policy affect women in the United States, and illuminate similarities and differences in Britain and Canada. The impact of the war on drugs on women and indigenous peoples in Columbia is also discussed in order to reveal the connections between the regulation of drug use in Western liberal states and non-Western states.

For twenty-five years I have worked with women and youth in my community. My positions have ranged from counselor to front-line and outreach worker. Every day I have been reminded how all women, but especially poor women (both white women and women of color) and women who use illegal drugs, are regulated. My community work and earlier research on mothers who use illegal drugs have brought me face to face with women's daily struggles. However, my interest in the regulation of illegal drug users also derives from my earlier history. In the late 1960s and 1970s, I along with millions of other youth in Britain, Canada, and the United States, experimented with a wide range of drugs that were criminalized by the state. The state and a host of "authorities" responded. It was not immediately evident how quickly the prison industrial-complex and the drug treatment industry would expand in the United States and elsewhere. The conservative policy of Margaret Thatcher in Britain, Ronald Reagan and George Bush Sr. in the United States, and Brian Mulroney in Canada paved the way for a narrower view of family values and a new depiction of those threatening it. Illegal drug users, especially if they were single-parent mothers, were increasingly depicted

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as deviant and immoral and the cause of social, economic, and family breakdown. However, this view is in sharp contrast to my own view of myself, or of other women I knew who then used, or currently use, illegal drugs.

In 1990, I spent ten weeks in the hospital in Canada while I was pregnant. Early labor contractions signaled concern and I was confined to bed rest. During my stay at the hospital I was offered an array of legal drugs including narcotics, sleeping pills, muscle relaxers, and over-the-counter drugs to counter nausea. I have to admit that I was shocked by the array of legal drugs offered to me to “save” my unborn child and to make me more comfortable. During my first pregnancy in the mid-1970s, I had little contact with the medical profession and maternity wards because I received care from a lay midwife and delivered my daughter at home. I mistakenly believed that the midwifery and natural-birth movement had influenced the practices of medical professionals in relation to pregnancy and birth, and to a certain extent they have. However, women’s quest to take back control of their reproduction takes place against the medical profession’s persistent reliance on a variety of legal drugs and technology to manage pregnancy in order to “protect and save” the fetus.

I had just begun my graduate studies a few months before landing up in the hospital. My thesis topic was about the regulation of mothers who used illegal drugs. I could not help but compare my situation in the hospital with women in the United States who were being demonized and later prosecuted for maternal drug use and child abuse. How was their drug use different from mine? The pharmacology of the drugs were often the same. Not knowing the specific circumstances or the reasons for women’s illegal drug use during pregnancy led me to question my own situation. Women are prescribed legal drugs to alleviate physical and emotional pain and distress, to lessen anxiety and depression, and to cure illness and disease. Women are also prescribed a host of legal drugs to manage their reproduction and pregnancies. Women who use illegal drugs and legal drugs in ways not recommended by their doctors are also managing anxiety, depression, and pain. Sometimes, they too, are trying to feel better, whether their drug of choice is marijuana, heroin, or cocaine. How-

ever, when women self-medicate they are constructed as irresponsible, immoral, capable of damaging the fetus, and incapable of parenting. When women take prescribed drugs they are constructed as compliant for following medical advice and their drug use is viewed as therapeutic. Women who follow medical advice while they are pregnant are viewed as maternal and responsible, those who do not are seen as irresponsible and unfit.

Growing up in a working-class family in the United States, I experienced and witnessed the coercive power of the state. Nor was I protected from the regulation of the “helping” professions. These experiences have contributed to my lack of faith in the criminal justice system and in various “expert” opinions about regulating the poor and those who are labeled as deviant. Although drugs like marijuana, cocaine, and heroin and the people associated with them have been constructed as dangerous, it is difficult for me to understand what all the fuss is about. Nothing I have witnessed or read leads me to believe that these drugs in themselves, or the people who use them, are inherently evil. Nevertheless, in Britain, Canada, and the United States, women who use these drugs are constructed as being even more deviant than their male counterparts. Theoretically we can point to conventional beliefs about the sanctity of the home, mothering, sobriety, and morality culminating into negative views about women who are suspected of using illegal drugs. In this book I explore how these beliefs and race, class and gender inequalities inform drug law and policy and how they affect women’s daily lives. I was at a public forum a few years ago where a woman in the audience asked the speakers how they could separate illegal drug use from race. I wonder about this question, too. I believe it is important to recognize that illegal drug use is racialized, just as it is gendered and class-based. However, racial categories are also essentialist and social constructions. By examining the history of the regulation of altered states of consciousness, we can see how women’s drug use has become racialized, sexualized, pathologized, and criminalized. We can also see how women conform or resist.

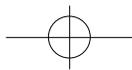
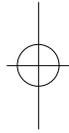
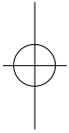
Why This Book?

Since the late 1950s and 1960s, critical writers have been writing about drug law and policy. Sociohistorical studies by researchers in the U.S., such as Howard Becker's *Outsiders: Studies in the Sociology of Deviance*; Alfred Lindesmith's *The Addict and the Law*; Brecher and associates' *Licit & Illicit Drugs*; and David Musto's edition of *The American Disease*, provided a framework for many critical drug researchers. Since these groundbreaking studies emerged, a number of critical books and articles have followed that criticize drug law and policy in Britain, Canada, and the U.S. Many of these studies highlight the experiences of illegal drug users while others analyze both law and policy. However, until the 1980s, few studies examined the lives of women who use illegal drugs.

In 1981, Marsha Rosenbaum's ethnographic study of women in California who used heroin, *Women and Heroin*, broke the impasse, and a number of feminist ethnographies and qualitative studies written by sociologists and criminologists have followed her lead. These works include, but are not limited to Avril Taylor's study on injection drug users in Glasgow, *Women Drug Users*; Lisa Maher's study of marginalized users in, *Sexed Work: Gender, Race and Resistance in a Brooklyn Drug Market*; Claire Sterk's study *Fast Lives: Women Who Use Crack Cocaine*; and Sheigla Murphy and Marsha Rosenbaum's study which provides insight into the experience of pregnant women, *Pregnant Women on Drugs*. My own book, *Mothers and Illicit drugs: Transcending the Myths* provides in-depth interviews with mothers who used drugs in Western Canada and analyzes the social construction of neonatal abstinence syndrome (NAS); and British researchers Hilary Klee, Marcia Jackson, and Suzan Lewis also examine the lives of mothers who use illegal drugs in their book *Drug Misuses and Motherhood*. All of these works highlight the experiences of the women interviewed. In addition, Nancy Campbell's *Using Women: Gender, Drug Policy, and Social Justice* explores the historical regulation of drugs and women in the U.S. and the ideological underpinnings of policy.

Other feminist books on women and drugs focus on drug treatment and recovery models and the female drug user, drug use and pregnancy, and the pharmaceutical industry and its impact on women.¹ There are many critical studies about illegal drug use that offer insight into the lives of illegal drug users. This book would not be possible without their collective wisdom, and I draw on them throughout this study. However, there are no theoretical critical feminist books that compare how women are regulated by drug law and criminal justice, social service, and medical policy in Britain, Canada, and the U.S. Consequently, I decided to fill this gap by writing *From Witches to Crack Moms: Women, Drug Law, and Policy*. This book offers a critique of drug law and policy and its impact on women in all three nations and provides insight into how the war on drugs and the regulation of reproduction intersect. It also provides a brief socio-historical account of the regulation of altered states of consciousness and women's role in those events. I also explore how punitive drug laws inform and shape social service and medical policy, and highlight how the mainstream media, politicians, and nonstate organizations construct drug issues that inform national and international policy.

1. See Bepko 1991; Ettorree 1992; Kandall 1999; Kasl 1992; Rapping 1996; Siney 1999; and McDonnell 1986.



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I am grateful to Dennis Sullivan for taking an interest in my thoughts on altered states of consciousness and inviting me to submit an article to *Contemporary Justice Review*, and for permission to reproduce these copyright material. Sections in chapter 1 appeared in *Contemporary Justice Review*, 4, no.1, (2000): 75–100. I would also like to thank Sue Johnson, Catherine O'Connor, Reuben Ayres, and Carolina Academic Press for their interest and encouragement in the publication of this book. I am indebted to Starla Anderson for her support and thoughtful editorial comments and to Beth McAuley and Arlene Wells for their copy-editing skills.

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