

Camilla Pickles and John Herring (eds.)

Women's Birthing Bodies and the Law: Unauthorised Intimate Examinations, Power and Vulnerability (Oxford and New York: Hart Publishing, 2020), ISBN 978-1509937578, 240pp.

Women's Birthing Bodies and the Law: Unauthorised Intimate Examinations, Power and Vulnerability provides a rich and detailed analysis of the issues surrounding unauthorised vaginal examinations of women while in labour and delivery.¹ The edited collection brings together a diverse range of chapters that communicate women's experiences, the harms done, the legal situation, and the failings of both the system and the law. Knowledge and awareness of non-consensual vaginal examinations by medical professionals is growing;² consequently, the book is timely, offering important analysis of the current situation and need for change and reform.

One of the core strengths of the book is that it does not question whether unauthorised vaginal examinations happen in the maternity care context. In fact, the introduction to the book opens with a clear statement that it does happen to women around the globe, and that the consequence is harms to women.³ It is refreshing to read a book about women's experiences of injustice and harms caused by power imbalances, such as those experienced in the maternity suit, to not start with a justification. The book is clear – women have told us this happens, we believe them!

¹ C. Pickles and J. Herring (eds.) *Women's Birthing Bodies and the Law: Unauthorised Intimate Examinations, Power and Vulnerability* (Oxford and New York: Hart Publishing, 2020).

² See, for example, P Golden, 'Coercion or consent?', *British Journal of Midwifery* 26(7) <https://www.britishjournalofmidwifery.com/content/legal/coercion-or-consent>; Birthrights, 2019, *Holding it all Together: Understanding How Far the Human Rights of Women Facing Disadvantage are Respected During Pregnancy, Birth and Postnatal Care* 18 June 2019, <https://www.birthrights.org.uk/wp-content/uploads/2019/09/Holding-it-all-together-Full-report-FINAL-Action-Plan.pdf>.

³ C. Pickles and J. Herring, 'Introduction', in: C. Pickles and J. Herring (eds.) *Women's Birthing Bodies and the Law: Unauthorised Intimate Examinations, Power and Vulnerability* (Oxford and New York: Hart Publishing, 2020) pp1-24, p2.

A second core strength comes from the range of chapters in the book: the focus of analysis, as well as the experience and expertise of chapter authors. The first set of chapters outline the core issues for women – their experiences and the consequences of those experiences.⁴ These chapters clearly set the scene in terms of outlining what we know about unauthorised vaginal examinations of pregnant women and the harms associated. The following three chapters provide crucial insights into the theoretical protection pregnant women have from unwanted physical contact in the context of medical examination, and the cultural and social causes of the occurrence of this abuse: the cultural significance of the genitals;⁵ concepts of women's citizenship and the revealing nature of the phenomenon of unauthorised examination;⁶ and how concepts of human rights are shaped by stereotypes about women as mothers and caregivers.⁷ The book then moves to look at the law – how it works and whether there is space within current framings of the law to redress the harms experienced by women.⁸ The final chapters in the book engage in a broader

⁴ R. Brione, 'Non-Consented Vaginal Examinations: The Birthrights and AIMS Perspective', in: C. Pickles and J. Herring (eds.) *Women's Birthing Bodies and the Law: Unauthorised Intimate Examinations, Power and Vulnerability* (Oxford and New York: Hart Publishing, 2020) pp25-38; E. Montgomery, 'Silence, Acquiescence or Consent: Interpreting Women's Responses to Intimate Examinations', in: C. Pickles and J. Herring (eds.) *Women's Birthing Bodies and the Law: Unauthorised Intimate Examinations, Power and Vulnerability* (Oxford and New York: Hart Publishing, 2020) pp39-50.

⁵ N. Taghinejadi and B. Kelly, 'When a Uterus Enters the Room, Reason Goes out the Window', in: C. Pickles and J. Herring (eds.) *Women's Birthing Bodies and the Law: Unauthorised Intimate Examinations, Power and Vulnerability* (Oxford and New York: Hart Publishing, 2020) pp51-62.

⁶ S. Villarrea, 'When a Uterus Enters the Room, Reason Goes out the Window', in: C. Pickles and J. Herring (eds.) *Women's Birthing Bodies and the Law: Unauthorised Intimate Examinations, Power and Vulnerability* (Oxford and New York: Hart Publishing, 2020) pp 63-78.

⁷ C. Zampas, 'Human Rights and Gender Stereotypes in Childbirth', in: C. Pickles and J. Herring (eds.) *Women's Birthing Bodies and the Law: Unauthorised Intimate Examinations, Power and Vulnerability* (Oxford and New York: Hart Publishing, 2020) pp79-96.

⁸ C. Foster, 'How Should the Performance of Periparturient Vaginal Examinations be Regulated', in: C. Pickles and J. Herring (eds.) *Women's Birthing Bodies and the Law: Unauthorised Intimate Examinations, Power and Vulnerability* (Oxford and New York: Hart Publishing, 2020) pp97-106; C. Sjölin, 'Including the Victim's Perspective: Can Vaginal Examinations Ever be Sexual Assaults?', in: C. Pickles and J. Herring (eds.) *Women's Birthing Bodies and the Law: Unauthorised Intimate Examinations, Power and Vulnerability* (Oxford and New York: Hart Publishing, 2020) pp107-127; C. Pickles, 'When 'Battery' is not Enough: Exposing the Gaps in Unauthorised Vaginal Examinations During Labour as a Crime of Battery', in: C. Pickles and J. Herring (eds.) *Women's Birthing Bodies and the Law: Unauthorised Intimate Examinations, Power and Vulnerability* (Oxford and New York:

discussion of consent and what unauthorised vaginal examinations can tell us about this thorny concept: difficult to define and even harder to implement.⁹ Together, the collection of essays highlight the core issues at the heart of this violation of women and our bodies. Any politician, lawyer, healthcare professional, and women themselves, should read this book to understand what is happening to us and the next steps needed to be taken to prevent it and bring about justice.

A final success of the book that I will mention – there really are too many to list them all – is the framing given to the key issues in the introduction of the book. Camellia Pickles and Jonathan Herring situate the occurrence of unauthorised vaginal examinations of women during labour and delivery in the broader contexts of violence against women and girls, perceptions of women's inferiority in social standing, and the ideology of 'natural' motherhood.¹⁰ In so doing they get to the crux of the issues – it is about what a system, operating within and using patriarchal norms, does to women. It is less about individual perpetrators – doctors, midwives, and other healthcare professionals – and more about the structures that lead to and facilitate conduct by individuals. Furthermore, Pickles and Herring clearly outline how the structural oppression results in there being few remedies for women who are

Hart Publishing, 2020) pp127-142; A. Mulligan, 'Redressing Unauthorised Vaginal Examinations through Litigation', in: C. Pickles and J. Herring (eds.) *Women's Birthing Bodies and the Law: Unauthorised Intimate Examinations, Power and Vulnerability* (Oxford and New York: Hart Publishing, 2020) pp171-194.

⁹ J. Herring, 'Implied Consent and Vaginal Examination in Pregnancy', in: C. Pickles and J. Herring (eds.) *Women's Birthing Bodies and the Law: Unauthorised Intimate Examinations, Power and Vulnerability* (Oxford and New York: Hart Publishing, 2020) pp143-154; C. Murray, 'Troubling Consent: Pain and Pressure in Labour and Childbirth', in: C. Pickles and J. Herring (eds.) *Women's Birthing Bodies and the Law: Unauthorised Intimate Examinations, Power and Vulnerability* (Oxford and New York: Hart Publishing, 2020) pp155-170; S. Cohen Shabot, 'Afterword: Unauthorised Intimate Examinations as/and Sexual Violence: Some Epistemic and Phenomenological Considerations', in: C. Pickles and J. Herring (eds.) *Women's Birthing Bodies and the Law: Unauthorised Intimate Examinations, Power and Vulnerability* (Oxford and New York: Hart Publishing, 2020) pp195-202.

¹⁰ Pickles and Herring, *supra* note 3.

victimised, in law, policy, or even wider social understanding of the wrongs and harms done.

This excellent book provides a rounded analysis of the core aspects of unauthorised vaginal examinations of pregnant women, and is a must read for academics and professionals alike.