From Witches to Crack Moms

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Women, Drug Law, and Policy

SECOND EDITION

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For my parents
Catherine and Andrew Boyd

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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. Although all three nations are different in terms of their history, politics, and drug policy, they also share a common language, colonial history, and have been allies in war. Britain, Canada, and the U.S. also share other similarities; in all three nations there are now more women in prison than at any other time in history. Much of the increase in incarceration is directly due to arrests and convictions for non-violent drug offences. Globally, the war on drugs impacts women disproportionally. Thus, in this book, the impact of drug prohibition on women and indigenous peoples in Colombia is also discussed in order to reveal the connections between the regulation of drug use in Western states and non-Western states. The tenth anniversary edition of *From Witches to Crack Moms* reflects shifts in drug policy and law and new research and statistics on women who use illegal drugs and the impact of drug prohibition on them.

For thirty-five years I have worked with women in my community. My positions have ranged from counselor, front-line and outreach worker, activist, teacher, and in-house researcher. Every day I have been reminded how all women, but especially poor women (both white women and racialized women) 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.[1] 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 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 conventional 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. Other times, women consume drugs for pleasure. Sometimes, they too, are trying to feel better, whether their

1. Throughout the book George H.W. Bush is referred to as Sr. and George W. Bush as Jr.

drug of choice is marijuana, heroin, or cocaine. However, 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. Racial categories are also essentialist and social constructions; however, they have "real" and negative social and legal consequences for some people (e.g., poor Aboriginal people) and privilege others (middle and upper-class white people). 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. One exception is a book based on a series of tape recordings created over many years by Howard Becker of a young woman named Janet. Janet was a heroin user in the 1940s and 50s in the U.S. Over many years Becker taped Janet's life story. The tapes were compiled and edited by Helen MacGill Huges and published in the 1961 book, *The Fantastic Lodge: The Autobiography of a Drug Addict*. The intimate and first hand account of Janet's life in the *The Fantastic Lodge* is riveting and her story dispels many well worn out stereotypes and myths about women who use heroin. Yet, Janet's story—her encounters with law enforcement, family, the medical profession, drug treatment, and her later deteriorating health and ultimate death by drug overdose—is all too familiar. Today, women who use illegal heroin (and other criminalized drugs) continue to experience stigma and discrimination.

In 1981, Marsha Rosenbaum's ethnographic study of women in California who used heroin, *Women and Heroin*, finally broke the research impasse, and a number of feminist ethnographies and qualitative studies written by sociologists and criminologists have followed her lead. These early 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. Since these early books were written, a literal explosion of feminist research and writing on women and drug policy has followed.

Other feminist books on women and drugs focus on drug treatment and recovery models, and the pharmaceutical industry and its impact on women. 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 sociohistorical 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 economic and drug policy, especially in relation to Colombia. The tenth anniversary edition of *From Witches to Crack Moms* includes new research, statistics, policy, law, and political events that impact women and their families.

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