

Infanticide and Reproductive (In)justice in the South Pacific

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Introduction

This research investigates infanticide and concealment of birth trials in the South Pacific, paying attention to the social determinants of these crimes related to socio-economic and sexual and reproductive injustice. This qualitative study suggests the usefulness of the reproductive justice framework in understanding women and maternal health, and notes the importance of not essentialising the institution of motherhood, but looking to the broader socio-economic and political contexts which enable or constrain people's sexual and reproductive choices.

Study Design and Methods

This study aims to understand the social determinants of infanticide (the killing of an infant under 12 months of age by its biological mother) and concealment of birth (concealing the body of a dead infant by secret disposition of its body). Full subjective accounts from the defendants were not available, so analysis is centred on the discourse used by judges in their summing up and sentencing, particularly as it related to gender and motherhood, and contextual details of the women's lives that were raised in these court documents.

Qualitative methods were deemed appropriate as data on infanticide rates are usually incomplete and difficult to collect. I applied inductive thematic analysis to judicial documents of women charged with concealing or causing the death of their infants. I used the qualitative data software NVivo (version 12) throughout analysis, paying particular attention to constructions of gender and motherhood by judges.

All court documents were sourced from the Pacific Islands Legal Information Institute under the key words 'infanticide' and 'concealment of birth', with documents from 63 cases from 1961 until 2019 found: 27 from Fiji, 11 from Papua New Guinea, six from Samoa, seven from the Solomon Islands, one from Tonga, and 11 from Vanuatu. Ethical approval was not necessary as the data is publicly available.

Challenges and Opportunities

Infanticide is difficult to measure as it is underreported and therefore data is unreliable. One way to capture incidences of infanticide (and concealment of birth) are through criminal trials of women convicted of these crimes. However, these cases do not represent all possible incidences, and the database from which these judicial files were sourced is incomplete since documents from each stage of the trials could not be found. Additionally, my background is largely in qualitative research and analysis so, in the absence of legal and quantitative expertise, qualitative methods were deemed most appropriate.

Qualitative research methods are useful for understanding in-depth contextual data on people's health as related to their life experiences, socio-cultural and political environments, resources, and constraints on their available choices. Furthermore, reproductive justice is a useful framework for analysing and advocating for maternal health. Reproductive justice requires broader measures of maternal wellbeing, with maternity as constructed and constrained by institutional and political forces that interact with people's various identities and social positions.

METHODS BRIEF

Discussion Questions

- Does the role of psychiatry in infanticide law narrowly pathologize what appears to be an extreme outcome of socio-economic and gendered oppression, or does it provide a window through which these contexts might be considered by courts?
- Where does the legislation criminalising infanticide fit into the long history of scrutinising and problematising Pacific women's maternal behaviour, and does it preclude proactive efforts to improve Pacific women's sexual and reproductive health and rights?
- Where could the reproductive justice framework fit into our broader understanding and measurement of maternal health?