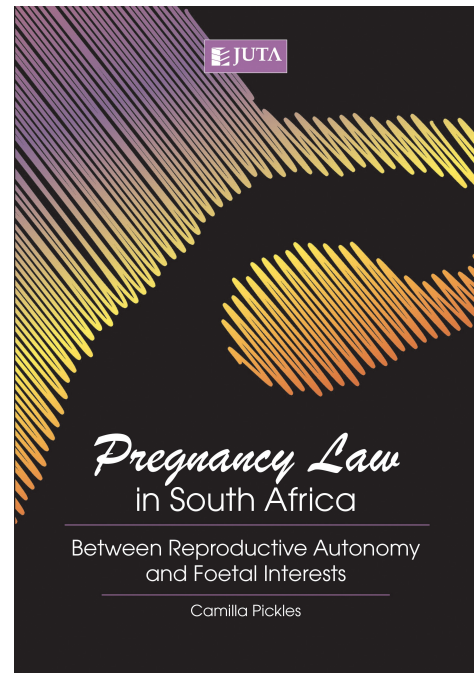


Pregnancy Law in South Africa

Edition: 1st Edition
Publication date: 2017
Author/Editors: Pickles, C
ISBN: 9781485119548
Format: Soft Cover
Number of Pages: 404
Retail price: R928.00 (incl. VAT, excl. delivery.)
Website Link: juta.co.za/pdf/24528/



About this Publication:

South African law remains relatively silent on the legal aspects of pregnancy, and legal commentary is rather scarce too. While there have been attempts to address the gaps in the law in relation to specific issues in pregnancy, these attempts have usually favoured the individual protection of the unborn at the expense of pregnant women's agency and rights, which has given rise to a tension between female reproductive autonomy and foetal interests.

In *Pregnancy Law in South Africa*, the author explores the question of whether it is possible to regard pregnancy in law as embodying both women and the unborn and whether the pregnancy can be construed in a way that it does not come to be framed as an adversarial relationship.

Pregnancy Law in South Africa focuses on the issues of prenatal substance abuse, termination of pregnancy, violence that terminates a pregnancy, and the extension of legal personhood to the unborn. The author argues that pregnancy-related issues will never be adequately resolved unless the potential for an adversarial pregnancy relationship is removed and proposes a relational approach to pregnancy, centred on fostering relationships, in order to eliminate the potential for tension. The author contends further that a relational approach encourages imaginative and constructive possibilities for law reform efforts without sacrificing women's reproductive autonomy and rights or the recognition of the unborn.

Pregnancy Law in South Africa provides a sound theoretical approach to pregnancy in law and its recommendations seek to promote healthy, rights-affirming pregnancies.

Contents Include:

Introduction

Part 1: The development of an adversarial pregnancy environment

- Women and the unborn in pre-modern societies
- Modern societies and pregnancy adversarialism

Part 2: Pregnancy under South African law

- The legal status of pregnant women in South Africa
- The legal status of the unborn
- Calls for reform of South African law: The separate-entities approach

Part 3: Pregnancy under United States' law

- The legal status of pregnant women and the unborn in the United States
- Feticide and foetal homicide
- Prenatal substance abuse as child abuse

Part 4: Addressing pregnancy adversarialism

- A relational view of pregnancy
- Concluding reflections

Of Interest and Benefit to:

- Legal practitioners
- Medical practitioners
- Women's and children's rights advocates