



CSLS SPEAKER SERIES

Monday, January 25, 2021

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"'The Extinction of the Race': Abortion, Homosexuality, and the Reproduction of Senegal, 2009-2015"

How do judges account for their legal decision-making in cases of abortion and homosexuality? What can their accounts tell us about the broader aims of the state? This article innovates by bringing together several distinct lines of inquiry: the comparison of the criminalization of abortion and homosexuality; the focus on a correctional court and judicial decision-making; and the study of a penal system in a francophone West African context. Drawing on court archives and in-depth interviews from the Dakar Tribunal, Senegal's largest court, I explore the single-eyed concern with the reproduction of the nation, both biological and social, that underpins legal decision-making. Against this backdrop of reproduction, I argue, magistrates make moral distinctions between what I call *redeemable offenders* and *lifestyle offenders*. *Redeemable offenders* do not challenge the reproductive order of society and fit one of three frames: 1) duty to family, 2) performance of regret, and 3) experience of victimization, all frames that secure the court's clemency. *Lifestyle offenders*, on the other hand, defy these frames and openly flout the state's reproductive aims, and thus receive the harshest punishment. These different offenders represent two distinct forms of social pollution, one internal and one external to the nation. And yet, in principle these classifications can apply equally to those charged with abortion and homosexuality, in practice this is not the case. For a striking puzzle exists in the data: women found guilty of abortion tend to be constructed as *redeemable offenders*, facing very light or totally suspended sentences; men found guilty of homosexuality, in stark contrast, are more often considered *lifestyle offenders* and must reckon with the full force of the law.

PLACE [Register here for Zoom link.](#)
TIME 12:45 – 2:00pm.
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