

Janet Street-Porter

First it's criminalising women for drinking when pregnant. The next thing we know, they'll be deciding who can conceive



○ The economic recovery may be stuttering, and our prisons full to bursting, but one industry is flourishing – we're brilliant at creating new criminals. Feckless pregnant women are the latest social inadequates to face incarceration or punitive fines for not behaving in a way the nanny state deems acceptable.

A local authority wants a judge to rule that a woman acted unlawfully by drinking heavily while pregnant. Acting on behalf of her child (who suffered physical harm while in the womb and is now in care), they seek up to half a million pounds in compensation from the Criminal Injuries Compensation Authority, claiming the mother committed a "crime of violence" by inflicting grievous bodily harm on her foetus.

If the Court of Appeal agrees, thousands of women could be branded criminals. And what about the mothers-to-be who ignore other health guidelines, such as not eating uncooked eggs or unpasteurised cheese? Does this kind of potentially dangerous behaviour constitute a criminal act on a par with assault or murder?

Of course, harming your baby by drinking until you are senseless and taking class A drugs (as this mother did) is shockingly selfish. She was just 17 at the time, but that does not excuse her. And it's appalling that her child suffered physical harm as a result.

Even so, once the heavy hand of the state moves into the controversial area of policing private behaviour, a line has been crossed. Regardless of whether a pregnancy is planned or not, a mother has the right to live her life as she sees fit, and once the state starts threatening legal action, there's every chance that the woman concerned will continue to harm herself and her child. What she needs is psychiatric help and counselling, not the threat of arrest.

This case will hinge around whether a foetus can be considered a "person" in law. But common sense must prevail. The state must stop trying to control what people eat, drink, smoke and snort, if it happens in their own home. Alcohol abuse is a serious illness which can be treated only when the patient is ready to accept intervention.

The threat of fines and criminalisation is not just wrong; it's morally dubious. Taken to a logical conclusion, pretty soon we'll be deciding who should and should not be allowed to get pregnant – and offering sterilisation with cash incentives on the NHS.

In a compassionate, civilised society, you can't legislate for one kind of mum (or dad) and impose benchmarks of acceptable behaviour. Let he (and she) who is without blame throw the first stone. If successful, this legal challenge could harm women by infringing our personal liberty. There's more than the rights of a foetus at stake.

The right and wrong approach to public art

Turner Prize winner Gillian Wearing was commissioned by the Ikon Gallery in Birmingham to create a sculpture which now



Gillian Wearing's sculpture, 'A Real Birmingham Family' PA

stands outside the city's new library. Entitled *A Real Birmingham Family*, it shows two beautiful mixed-race single mums (who are sisters) with their sons, without a dad in sight.

A fathers' rights campaigner has already mounted a protest, covering up one of the mums with a sheet and sticking his daughter's faces on those of the two boys. Hurrah! An elegant work that enrages and inspires comment – in my book that makes it a success.

Less controversial is the 2014 winner of the Public Monuments and Sculpture Association's (PMSA) award for excellence, announced last week, which went to Richard Wilson (RA) for *Slipstream*, at Heathrow's Terminal 2. Wilson is known for his bravura wit, and once suspended a coach on the roof of the De La Warr Pavilion in Bexhill, but this evocation of a jet's slipstream is far more tasteful. Wilson said he didn't want to upset passengers, which is a shame, because you could glide right past his monumental work and assume it's part of the building.

A shame the judges didn't honour Yinka Shonibare's *Wind Sculpture* standing in Howick Place in Victoria, a magical work that follows the theme of his commission for the plinth in Trafalgar Square – *Nelson's Ship in a Bottle*. The carving form seems like a torn fragment of a sail.

David Lammy is hoping to stand as Labour's candidate in the next mayor of London election, and says he wants more public sculptures of people such as Adele and Daniel Day-Lewis in our suburbs to "inspire" young people. A good job his chances of achieving office are very slim. What we need is less second-rate public art, not more.

The committees that choose this stuff have strange taste. I was told the 2014 PMSA award judges had to remain confidential. Why? I'd like to see the worst offenders taken down and sold off, starting with Anish Kapoor's grotesque Meccano-inspired tower in London's Olympic Park.

A boy and his penguin are flogging stuff, nothing more

The John Lewis Christmas telly ad may bring a tear to your eye – the saga of a little boy and his best friend, the penguin who wants a mate – but it's another syrupy device to flog sweat-

ers we don't need, socks we won't wear and soap that will sit in a cupboard. John Lewis's costly campaign is really a hard retail sell, packaged up with a dollop of schmaltz.

Christmas is when we purchase presents for people we haven't seen all year, in the hope this will buy us another year without having to spend time in their company. My best present last year was a bottle of chilli oil made by a friend. Useful, personal and cheap.

The John Lewis slogan is creepy too – "Give someone the Christmas they've been dreaming of". In the real world, as opposed to Penguinland, 500,000 older people will be spending Christmas day alone, according to the Royal Voluntary Service. Almost half the people they spoke to said that we phone, text or Skype instead of turning up in person.

The charity has set up a website, communitychristmas.org, to help older people meet up, and I doubt that a stuffed penguin from John Lewis is any substitute for a cuddle from a real human being.

Drowning in a sea of identical hipster beards

A French mathematician has written a paper for the journal *arXiv* entitled "The hipster effect: when anti-conformists all look the same". He's examined why the more we try to express ourselves as individuals, the more we look the same. He's so right. Walk around central London and you'll see identical fashionable men in beards and tweeds, looking as if they've just stepped off the grouse moors.

Give me gentle TV delights over violent gangland drama

I stopped watching *Peaky Blinders* when the action switched to Camden and the violence went up a notch. A lot of viewers will have made the same decision, even though Cillian Murphy was the most gorgeous leading man. In contrast, *The Detectives* on BBC4 with Mackenzie Crook, about two middle-aged men with their metal detectors, has been a gentle delight. If you missed it, the box set is out soon.

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