

History of Abortion
February 28th

Reading: Leslie J. Reagan, "'About to Meet Her Maker': Women, Doctors, Dying Declarations, and the State's Investigation of Abortion, Chicago, 1867-1940," *Journal of American History* 77 (March 1991): 1240-1264.
Julie Cantor and Ken Baum, "The Limits of Conscientious Objection—May Pharmacists Refuse to Fill Prescriptions for Emergency Contraception?" *New England Journal of Medicine* 351 (4 November 2004): 2008-2012

Optional: Monica Davey, "Vote Due on South Dakota Bill Banning Nearly All Abortions," *New York Times*, 22 February 2006.

Reagan, "'About to Meet Her Maker'": A historian of medicine at the University of Illinois, Reagan has studied the history of abortion while it was illegal in the United States. Abortion, which had been legal for most of the 19th century, was illegal in most states by 1900, only gradually and recently becoming legal again (*Roe v. Wade*, 1973). In the early 20th century, states went to great lengths to prevent abortion. This article describes efforts by law enforcement officials in Chicago to prosecute abortionists. As you will see, these officials were extremely coercive in their interactions with both women and doctors. Try to imagine the experiences of women at this time: what would have driven you to pursue an illegal abortion? What would it have been like to be interrogated by the police while dying from complications of the abortion? Why did police try so hard to get 'dying statements' from women? Did the police go too far? Also try to imagine the bind doctors were in: wanting to care for patients, but threatened with prosecution unless they cooperated with police investigations. Why did the situation begin to change in the 1940s? The article abruptly changes direction on its last page (p. 1264), when it becomes clear that Reagan is using this case to argue against modern efforts to recriminalize abortion. Does her historical material make a compelling contribution to the modern debate? Does her political position on the current debate make you reassess her historical arguments -- is she an objective historian?

Cantor and Baum, "Conscientious Objection": During the 1990s, a variety of medications became available that allow medical abortions -- an abortion induced by medication, not by a surgical procedure. These medications (most famously RU486) make abortion more available, more difficult to regulate, and more difficult to protest. In their campaigns against to ban abortion (or preserve lives), anti-abortion (pro-life) campaigners recruited pharmacists (or pharmacists were spontaneously motivated by their moral beliefs) to refuse to fill prescriptions for drugs that could be used to induce abortions. This has become a furious controversy. As Cantor and Baum show, there are compelling arguments on both sides of the debate. Use your newly-acquired philosophical

skills to assess the arguments -- are they valid, sound, persuasive? Are the slippery slope arguments credible? Pay close attention to the subtle but important distinctions: is emergency contraception (the issue debated in this article) morally equivalent to abortion? Why or why not?

Optional: Davey, "Vote Due on South Dakota Ban" [available on the "Bioethics in the News section]: Abortion has been in the news recently, for several reasons. First, it was a major issue for the confirmation of both Chief Justice Roberts and Justice Alito. Second, on Alito's first day on the job, the Supreme Court announced it would hear a case about the constitutionality of state laws that ban a specific surgical method of 2nd trimester abortion (the so-called partial birth abortion). Third, South Dakota is in the process of enacting a law that bans all abortion, except when the life of the woman is threatened. If this bill passes, it will be appealed to the Supreme Court as an attempt to overturn *Roe v. Wade*. This third case is currently receiving extensive coverage in the news; this article from the *New York Times* lays out the political context and ambiguities quite well.