

Fall 2023

Thinking About Abortion

STEPHEN E. SACHS

Harvard Law School

1L Reading Group

M 6:30–8:30

(Room TBD)

<https://bit.ly/3qlAFH5>

Office hours:

W.TH 9–10

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Welcome! This reading group offers a chance to discuss, in a somewhat relaxed setting, the ethical questions raised by abortion. These questions are both abstract and personal; they are the subject of intellectual inquiry as well as of intense and heartfelt commitment. The readings take deeply conflicting positions, and each student will certainly disagree with some of them. The hope is that, through respectful discussion, students may assess the strengths and weaknesses of different positions and decide for themselves what they think.

MEETINGS

Meetings will be held on occasional Monday evenings in the fall semester, per the schedule below. Readings will be available online and in a printed coursepack. There are no response papers or other assignments, but each student should participate fully in discussions.

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OFFICE HOURS

Please feel free to attend my office hours! A sign-up sheet is available on the course website. If those times don't work for you, just contact me, and we can try to make other arrangements.

ADVISING

Professors who lead reading groups also serve as advisors to the reading group members—providing informal advice on course selection, career choices, law school exams, and whatever else might be of use. I'll be scheduling advising meetings with you later in the semester, but please feel free to reach out to me in the meantime if there's any way that I can be of help.

Also: HLS will pay for lunches for faculty members and groups of four students or more. While you should feel *no* obligation to see any more of me than is required by the prescribed number of credit-hours, I'm always happy to meet for lunch. Just email me to propose a time.

READINGS

1 Sept. 18: Persons

- 1.1 John T. Noonan, Jr., *An Almost Absolute Value in History, in The Morality of Abortion: Legal and Historical Perspectives* 51, 51–59 (John T. Noonan ed. 1970) 5
- 1.2 Mary Anne Warren, *On the Moral and Legal Status of Abortion*, 57 *Monist* 43 (1973) 9
- 1.3 Peter Singer, *Germ of a New Debate on the Ethics of Life*, *The Australian* (Canberra), Dec. 23, 2005, at 10 19
- 1.4 Patrick Lee & Robert P. George, *Human-Embryo Liberation*, *Nat'l Rev. Online* (Jan. 25, 2006, 1:29 p.m.) 23
- 1.5 Sherry F. Colb & Michael C. Dorf, *Beating Hearts: Abortion and Animal Rights* 13–44 (2016) 29

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Sept. 25: No class

2 Oct. 2: Futures

2.1	Don Marquis, <i>Why Abortion Is Immoral</i> , 86 J. Phil. 183 (1989).....	63
2.2	Colb & Dorf, <i>Beating Hearts</i> 96–115	83
2.3	J Savulescu, <i>Abortion, Embryo Destruction and the Future of Value Argument</i> , 28 J. Med. Ethics 133 (2002)	105
2.4	D Marquis, <i>Savulescu’s Objections to the Future of Value Argument</i> , 31 J. Med. Ethics 119 (2005)	109
2.5	David Boonin, <i>A Defense of Abortion</i> 56–57, 64–85 (2003).....	113
2.6	Pedro Galvão, <i>Boonin on the Future-Like-Ours Argument Against Abortion</i> , 21 Bioethics 324 (2007).....	139

Oct. 9: No class

3 Oct. 16: Autonomy

3.1	Judith Jarvis Thomson, <i>A Defense of Abortion</i> , 1 Phil. & Pub. Aff. 47 (1971)	145
3.2	John Finnis, <i>The Rights and Wrongs of Abortion: A Reply to Judith Thomson</i> , 2 Phil. & Pub. Aff. 117 (1973)	165
3.3	Don Marquis, <i>Manninen’s Defense of Abortion Rights Is Unsuccessful</i> , 10 Am. J. Bioethics 56 (2010).....	177
3.4	Judith Jarvis Thomson, <i>Rights and Deaths</i> , 2 Phil. & Pub. Aff. 146 (1973).....	179
3.5	I. Glenn Cohen, <i>Artificial Wombs and Abortion Rights</i> , Hastings Ctr. Rep., July 1, 2017.....	185

Oct. 23: No class

4 Oct. 30: Equality

4.1 Sally Markowitz, *Abortion and Feminism*, in *The Problem of Abortion 194* (Susan Dwyer & Joel Feinberg eds., 3d ed. 1997)187

4.2 Reva B. Siegel, *Abortion as a Sex Equality Right*, in *Mothers in Law* (Martha Albertson Fineman & Isabel Karpin eds., 1995).....197

4.3 George A. Akerlof, Janet L. Yellen & Michael L. Katz, *An Analysis of Out-of-Wedlock Childbearing in the United States*, 109 Q.J. Econ. 277 (1996).....211

4.4 Judith Jarvis Thomson & Peter de Marneffe, *Abortion: Whose Right?*, Boston Review, Summer–Fall 1995.....225

4.5 Michelle Alexander, *My Rapist Apologized*, N.Y. Times, May 26, 2019, at SR1.....237

4.6 Ariana Eunjung Cha, *Babies with Down Syndrome Are Put on Center Stage in the U.S. Abortion Fight*, Wash. Post, March 4, 2018243