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## Obligations of Pregnancy

### Session L11

Laury Oaks, "The New Rules of Pregnancy," in *Smoking and Pregnancy: The Politics of Fetal Protection* (New Brunswick, NJ: Rutgers University Press, 2001), pp. 19-24, 38-52.

Lisa H. Harris and Lynn Paltrow, "The Status of Pregnant Women and Fetuses in US Criminal Law," *JAMA* 289 (2 April 2003): 1697-1699.

Kimberly Roots, "A Better Pill to Swallow?" *Science and Spirit* (2007): online edition, accessed 1/19/2008.

For the past two weeks, we have been discussing whether or not fetuses have rights, what obligations people might have towards them, and the morality of abortion. We have also discussed debates about babies born premature: who has the right to make decisions about their care and future, what obligations can doctors and governments put on their parents, etc. The readings for this lecture look at a related question: do pregnant women have an obligation to provide an optimal developmental environment for embryos and fetuses? If an obligation exists, what is its extent? Who has the authority to determine what pregnant women ought or ought not to do?

Oaks, "New Rules of Pregnancy": Oaks reviews some of the history and current debates about maternal obligations. She briefly describes beliefs, popular until the late 19th century, that maternal thoughts and emotions could have a decisive impact on fetal development (the theory of maternal impressions). Why did this idea disappear? What developments in the 1930s and 1960s led to renewed focus on the vulnerability of the fetus to maternal actions? More specifically, what is the maternal-fetal conflict model? What is the "12-month pregnancy"? What rights and obligations, if any, do husbands or fathers have as "pregnancy police" (p. 47)? Oaks describes all of this as part of the broader cultural movement of "healthism" (p. 38): why does healthism put a particular burden on pregnant women?

Harris and Paltrow, "The Status of Pregnant Women and Fetuses": This article reviews legal developments about the rights and obligations of pregnant women. What sorts of crimes have pregnant women been prosecuted for? What claims have been made about the status of the fetus in the various cases? In general courts (and legislatures) have sided with the women. Why? Do you agree?

Roots, "A Better Pill to Swallow": Most discussions of contraception and pregnancy rights and obligations focus on women. Roots describes efforts to develop a male contraceptive pill. What level of responsibility would men be willing to take for pregnancy? What level of bodily change might they tolerate? Would men really find such a pill "empowering"? How does this relate to Oaks's discussion (pp. 47-48) of whether or not fathers should join pregnant women in any expected lifestyle changes?