

Abstract for Plenary on Reproductive Rights

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Reproductive health care is often framed within legal discourse as something other than health care. For example, before the Affordable Care Act, it was commonplace to exclude contraception from insurance coverage requirements, even if other forms of preventive care were covered. In discussions of informed consent requirements for abortion, courts often construe abortion as a moral or political act rather than as a medical decision, and therefore accept ideologically charged state-mandated disclosures as “relevant” to the woman’s informed choice.

Yet at same time, the language of health is strategically deployed in order to restrict women’s access to abortion. Onerous requirements are imposed on women’s reproductive health clinics in the name of protecting women’s health, and compelled disclosures by physicians are justified as incident to regulating the medical profession.

Reproductive rights advocates ought to reclaim the language of health and consider strategies for bringing reproductive health care back within the bigger umbrella of health care more generally.