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## Book Review: Abortion

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ABORTION. By Lawrence Lader. Boston: Beacon Press, 1966. Pp. 212.

This work undertakes an examination of the social and legal problems associated with abortion in the United States today. Lader begins by discussing an incident which attracted considerable newspaper coverage in 1962—Sherri Finkbine's futile efforts to obtain a legal abortion in America after taking the drug thalidomide, which gravely deforms the fetus in a high percentage of cases.<sup>1</sup> The author expresses regret that an American doctor did not perform an abortion upon Mrs. Finkbine and then inform the authorities of his action, thereby making the matter a test case. Lader feels that much good would have been accomplished by having the question argued before a judge and jury.<sup>2</sup>

The book notes that most states allow abortions only to preserve the life of the mother, and that only six states use a significantly less stringent standard. Lader indicates that thirty thousand hospital abortions were performed annually as recently as 25 years ago, but that the number of legal abortions has dwindled to an annual rate of only eight thousand.

The author asserts that the reduction in abortions is ascribable to "one of the greatest cases of jitters ever to affect the medical profession."<sup>3</sup> He observes that the rate of decline increased with the advent of hospital abortion committees, which were supposedly established to protect hospitals and doctors from the rigors of our antiquated abortion laws. He points out that the religious and philosophical views of each committee member now constitute a potential obstacle to the petition of a woman desiring an abortion. Thus, since the Roman Catholic Church opposes abortion under any circumstances,<sup>4</sup> if any committee member is a Catholic, the chances are slim that the petition will be granted. Lader documents numerous denials of abortions for psychiatric reasons and concludes with a general charge that

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<sup>1</sup> Approximately one-half of the women who took thalidomide during the first four months of pregnancy gave birth to defective offspring. Moore, *Unrealistic Abortion Laws* 1 Criminal L. Bulletin 3, 8 (1965).

<sup>2</sup> The English case of *Rex v. Bourne*, which brought about a liberalization of that nation's abortion law, resulted from such an action by a courageous British doctor. (1939) 1 K. B. 687.

<sup>3</sup> P. 24.

<sup>4</sup> Kummer & Leavy, *Criminal Abortion: Human Hardship and Unyielding Laws*, 35 So. Cal. L. Rev. 123, 133 (1962).

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hospital committees "have conjured up a labyrinth of regulations that reach the point of absurdity."<sup>5</sup>

The author examines the medical profession and finds its members to be incompetent judges of whether to grant a therapeutic abortion under present laws. He submits that the doctors' "responsibility to their profession and their community is care of the *total patient*,"<sup>6</sup> and that such care necessarily entails consideration of psychiatric and socio-economic factors.

The book traces the history of our present restrictive laws and notes that they are relatively recent innovations.<sup>7</sup> It adds that even the thrust and substance of canon law treatment of abortion has changed as recently as 1869.<sup>8</sup> Lader cites a number of (admittedly inexact) statistics disclosing that many women die each year as a result of illegal abortions. These statistics indicate that there may be as many as 1,500,000 such abortions each year, and that as many as one fifth of all pregnancies may end in abortions. The author creates a vivid picture of the pain and risk incident to an illegal abortion and contrasts this with the ideal—a safe, simple, aseptic, twenty-minute hospital abortion. Lader advocates not only the type of reform legislation enacted in 1967-68,<sup>9</sup> but recommends further liberalization to allow consideration of emotional and socio-economic factors as well. He mentions that Japan has successfully used legalized abortion as a means of birth control but concedes that the Planned Parenthood Associations consider reliance upon contraceptive measures capable of maintaining population stability in the United States, for the present at least.<sup>10</sup>

Lader has not attempted to write a legal treatise. Rather, he offers a short, easy-to-read, well-documented discussion of the origin of our abortion laws, the arguments for and against their reform, and their impact on our society. He provides the facts needed by those who wish to make an intelligent judgment on

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<sup>5</sup> P. 25.

<sup>6</sup> P. 41.

<sup>7</sup> 43 Geo. 3 c. 58.

<sup>8</sup> P. 79.

<sup>9</sup> During this period California, Colorado, & North Carolina liberalized their laws to permit an abortion when the mother's life or health is endangered, when the pregnancy resulted from rape or incest, or (except in California) the child is likely to be gravely deformed. Cal. Civ. Code §§ 25950-25954 (1967); Col. Rev. Stat. §§ 40-2-50-40-2-52 (1967); and N. C. Gen. Stat. § 14-45 L. (1967).

<sup>10</sup> Pages 20, 92, 148 and 159.

the merits of our present abortion laws. The reviewer recommends that the lawyer and legislator ponder the following statement by Betty Friedan, author of *The Feminine Mystique* (1963): "Lawrence Lader's book is the first daring revelation of the cruelty and damage inflicted on American woman by our antiquated abortion laws. It is not only an authoritative study of the hypocrisy and absurdity of abortion practices; it is a courageous blueprint of what women must do to abolish the state's power to force them to bear a child against their will."<sup>11</sup>

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<sup>11</sup> Frontispiece of book jacket.