

# A concise history of the US abortion debate

June 10 2019, by Treva B Lindsey

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Screenshot from 'Maude's Dilemma.' Credit: [Amazon Prime Video](#)

On Nov. 14, 1972, a controversial two-part episode of the groundbreaking television show, "[Maude](#)" aired.

Titled "Maude's Dilemma," the episodes chronicled the decision by the main character to have an abortion.

The landmark Supreme Court ruling in [Roe v. Wade](#) was issued two months after these episodes. The ruling affirmed the right to have an abortion during the first 12 weeks of pregnancy. "Maude's Dilemma"

brought the battle over abortion from the streets and courthouses to prime-time television.

Responses to the episodes ranged from [celebration to fury](#), which mirrored contemporary attitudes about abortion.

In the almost 50 years since *Roe v. Wade*, the debate over abortion has pervaded politics in the U.S.

While many may think that the political arguments over abortion now are fresh and new, scholars of women's, medical and legal history note that this debate has a long history in the U.S.

It began at more than a century before *Roe v. Wade*.

## **The era of 'The Pill'**

Less than 10 years before "Maude's Dilemma" aired, the Food and Drug Administration approved the first commercially produced [birth control pill](#), Envoid-10.

Although various forms of birth control [predate](#) the [birth control pill](#), the FDA's approval of Envoid-10 was a watershed in the [national debate](#) around family planning and reproductive choice.

Commonly known as "The Pill," the wider accessibility of birth control is seen as an [early victory](#) of the nascent women's liberation movement.

Abortion also emerged as a prominent issue within this burgeoning movement. For many feminist activists of the 1960s and 1970s, women's right to control their own reproductive lives became inextricable from the [larger platform](#) of gender equality.

## From unregulated to criminalized

From the nation's founding through the early 1800s, [pre-quickenings abortions](#)—that is, abortions before a pregnant person feels fetal movement—were fairly common and even advertised.

Women from various backgrounds sought to end unwanted pregnancies before and during this period both in the U.S. and across the world. For example, enslaved black women in the U.S. developed abortifacients—drugs that induce abortions—and abortion practices as means to [stop pregnancies](#) after rapes by, and coerced sexual encounters with, white male slave owners.

In the mid- to late-1800s, an increasing number of states passed anti-abortion laws sparked by both moral and safety concerns. Primarily motivated by fears about high risks for injury or death, [medical practitioners](#) in particular led the charge for anti-abortion laws during this era.

By 1860, the American Medical Association sought to [end](#) legal abortion. The [Comstock Law](#) of 1873 criminalized attaining, producing or publishing information about contraception, sexually transmitted infections and diseases, and how to procure an abortion.



**DOCTOR BELL**  
DOCTOR BELL devotes his personal attention (daily until 9 P. M.) to the removal of private diseases in every stage. All suffering under protracted cases, aggravated or unsuccessful, treated by inexperienced or pretended practitioners; those laboring under the destructive effects of mercury or quick nos trums, and all who suspect the remains of disease lurking in the system, may consult Dr. B. always with a guarantee of cure. Persons contemplating marriage, who have been the subjects of delicate diseases, may consult Dr. B. with honorable confidence. Post paid letters, describing the case of persons at a distance, have his prompt attention. Dr. B.'s treatment never exposes to suspicion, and is well known to be safe and permanent.  
Private offices 4 COURTLANDT STREET, two doors from Broadway. d4 1m\*

**TO MARRIED LADIES.**  
MADAME RESTELL'S PREVENTIVE POWDERS. These invaluable Powders have been universally adopted in Europe, but France in particular, for upwards of thirty years, as well as by thousands in this country, as being the only mild, safe and efficacious remedy for married ladies whose health forbids a too rapid increase of family.  
Madame Restell, as is well known, was for thirty years Female Physician in the two principal Female Hospitals in Europe—those of Vienna and Paris—where favored by her great experience and opportunities, she attained that celebrity in those great discoveries in medical science so specially adapted to the female frame for which her medicines now stand unrivalled, as well in this country as in Europe. Her acquaintance with the physiology and anatomy of the female frame, enabled her—by tracing the decline and ill health of married females, scarce in the meridian of life, and the consequent rapid and often apparently inexplicable causes which consign many a fond mother to a premature grave—to their true sources—to arrive at a knowledge of the primary causes of female indispositions—especially of married females—which, in 1863, led to the discovery of her celebrated "Preventive Powders." Their adoption has been the means of preserving not only the health, but even the life of many an affectionate wife and fond mother.  
The advertiser feeling the importance of this subject, and estimating the vast benefits resulting to thousands by their adoption, would most respectfully arouse the attention of the married, by all that they hold near and dear, to its consideration. It is not wise and virtuous to prevent evils to which we are subject, by simple and healthy means within our control? Every dissipationate, virtuous, and enlightened mind will unhesitatingly answer in the affirmative. This is all that Madame Restell recommends or ever recommended. Price 5 c. dollars a package, accompanied with full and particular directions. They can be forwarded by mail to any part of the United States. All letters must be post paid, and addressed to MADAME RESTELL, Female Physician, Principal office, 148 Greenwich street, New York. Office hours from 9 A. M. to 9 o'clock P. M. Boston office No. 7 Essex st. d7 1m d&w\*  
MACHINE BLANKETS & LAPINGS for sale by FARRIS & BROOKS, 61 Liberty st. 027

**30 YEARS** of experience in the scientific practice of curing one disease, has enabled F.R. LAUREL, 103½ Canal st, to eradicate even the most obstinate cases in half the time ever known. Terms moderate. Reference of the most desperate cases will be given. At home until 9 o'clock P. M. d8 1m\*

**TO THE LADIES.**  
MADAME COSTELLO, Female Physician, still continues to treat with astonishing success all diseases peculiar to females. Suppression, irregularity, obstruction, &c., by whatever cause produced, can be removed by Madame C. in a very short time.  
Madame C.'s medical establishment having undergone thorough repairs and alterations for the better accommodation of her numerous patients, she is now prepared to receive ladies on the point of confinement, or those who wish to be treated for obstruction of their monthly period.  
Madame C. can be consulted at her residence, No. 34 Lispenard street, at all times and with the strictest regard to secrecy. All communications and letters must be post paid. d6 1m

**TO THE LADIES.—MRS BIRD** very respectfully informs the ladies of New York and females generally, that she continues to give advice and prepare her popular and efficacious medicines for the various diseases peculiar to females. Mrs. B. is happy to announce that her treatment has given the fullest satisfaction to the very numerous patients who have relied upon her professional abilities. Mrs. B. has felt herself warranted in undertaking the very responsible office of a Female Physician, from long experience and practice in the most celebrated hospitals of Europe, from the instruction and advice of eminent medical gentlemen, and from a scientific knowledge of the beautiful structure of the human frame, an ignorance of which must render the unblushing pretensions and deceiving panaceas of mercenary adventurers totally useless, if not highly injurious. Single and married ladies may rely with confidence on her skill and maternal solicitude as a female physician. However distressing may be their complaints, her medical acquisitions will be found adequate to the exigency of the case. In short, she grounds this notice to the ladies on the successful results of a thorough medical education, and a just reliance on "appointed means" of inspiring health, vigor, and consequently happiness to all who may honor her with their confidence.  
Residence of Mrs. Bird 83 Duane st, where she is prepared to accommodate ladies on the point of confinement, and to administer medicine for all diseases to which her sex is liable. n24 3m\*

**MRS. BIRD, Female Physician**, where can be obtained Dr. Vandenberg's female renovating pills, from Germany, an efficacious remedy for suppression, irregularity, and all cases where nature has stopped from any cause whatever. Sold only at Mrs. Bird's, 83 Duane st, near Broadway. n24 3m\*

**PORTUGUESE FEMALE PILL.**  
INVENTED AND PREPARED BY M. DE BOUTELOQUE, M. D. LEURON, PORTUGAL.  
THEY are the wonder and admiration of the world, on account of being the only preparation ever discovered that has always proved certain in producing the monthly turn. So certain are in their effects, that the cause of stoppage &c. should be known, otherwise they must not be used. They are always mild and safe. English directions accompany each box, with the seal of the imported stamp. Price 35—half boxes 23. Sold by appointment at 284 Grand, cor. Allen st. They can be sent by mail. Address Dr. F. Melvau, box 24, N. Y. n47 1m\*

**FEMALE MONTHLY PILLS.**  
PREPARED BY MADAME COSTELLO, No. 34 Lispenard street.  
These Pills are acknowledged by the first physicians in the United States as the very best medicine that ladies laboring under a suppression of their natural illness can take, and they very seldom fail to relieve when taken according to the directions. These who call for them will be supplied with her circular, containing ample directions, and all the precautions necessary to be observed in their use. Advice gratis. Office 34 Lispenard street. n6 1m\*

**MADAME RESTELL,**  
FEMALE PHYSICIAN, Office and residence 143 Greenwich street, where she can be consulted with the strictest confidence on all complaints incident to the female frame.  
Madame Restell's mode of treatment in all cases of irregularity or suppression of those functions of nature upon which the health of every female depends, is such as to require but a few days to effect perfect cure. Ladies desiring proper medical attendance during confinement or other indisposition, will be accommodated during such time with private and respectable board. "Preventive Powder" for married ladies whose delicate or precarious health forbids a too rapid increase of family, will be sent by mail to any part of the United States. Price \$5 a package. All letters (post paid) addressed to "box 568, N. Y. city," will be received.  
Boston Office No. 7 Essex st. d7 1m\*

19th-century advertisements for abortion-inducing items and abortion services.  
Credit: [The Library Company of Philadelphia](https://www.librarycompanyofphiladelphia.org/), CC BY-NC

A spike in fears about new [immigrants](#) and newly emancipated black people reproducing at higher rates than the white population also prompted more opposition to legal abortion.

There's an [ongoing dispute](#) about whether famous women's activists of the 1800s such as Elizabeth Cady Stanton and Susan B. Anthony opposed abortion.

The anti-abortion movement references [statements](#) made by Anthony that appear to denounce abortion. Abortion rights advocates [reject this understanding](#) of Stanton, Anthony and other early American women's rights activists' views on abortion. They assert that statements about infanticide and motherhood have been misrepresented and inaccurately attributed to these activists.

These differing historical interpretations offer two distinct framings for both historical and contemporary abortion and anti-abortion activism.

## **Abortion in the sixties**

By the turn of the 20th century, [every state classified abortion as a felony](#), with some states including limited exceptions for medical emergencies and cases of rape and incest.

Despite the criminalization, by the [1930s](#), physicians performed almost a million abortions every year. This figure doesn't account for abortions performed by non-[medical practitioners](#) or through undocumented channels and methods.

Nevertheless, the commonality of abortions didn't become a hotly contested political issue until the women's liberation movement and the sexual revolution of the 1960s and 1970s. These movements brought renewed interest in public discussions about reproductive rights, family planning, and access to legal and safe abortion services.

In 1962, the story of [Sherri Finkbine](#), the local Phoenix, Arizona host of the children's program, "Romper Room," became national news.

Finkbine had four children, and had taken a drug, thalidomide, before she realized she was pregnant with her fifth child. Worried that the drug could cause severe birth defects, she tried to get an abortion in her home state, Arizona, but could not. She then traveled to Sweden for a legal abortion. Finkbine's story is credited with helping to shift [public opinion](#) on abortion and was central to a growing, national call for abortion reform laws.

Two years after Finkbine's story made headlines, the death of [Gerri Santoro](#), a woman who died seeking an illegal abortion in Connecticut, ignited a renewed fervor among those seeking to legalize abortion.

Santoro's death, along with many other reported deaths and injuries also sparked the founding of underground networks such as [The Jane Collective](#) to offer abortion services to those seeking to end pregnancies.

In 1967, Colorado became the first state to [legalize abortion in cases of rape, incest, or if the pregnancy](#) would cause permanent physical disability to the birth parent.

By the time "Maude's Dilemma" aired, abortion was legal under specific circumstances in 20 states. A rapid growth in the number of [pro-](#) and [anti-abortion](#) organizations occurred in the 1960s and 1970s.

On Jan. 22, 1973, the Supreme Court's ruling in *Roe v. Wade* nullified existing state laws that banned abortions and provided guidelines for abortion availability based upon trimesters and fetal viability. This ruling remains the most important legal statute for abortion access in modern U.S. history.

With numerous states recently passing bills [banning abortions](#) after six to eight weeks—a challenge to Roe's legalization of abortions up to 12 weeks of pregnancy—it is unsurprising that many people are asking

questions about both the history and future of abortion in the U.S. Due to current [legal challenges](#), these bills are not yet in effect.

The legal battle to overturn or uphold *Roe v. Wade* is in full swing. Regardless of whether *Roe v. Wade* stands, history suggests that this will not be the last chapter in the political struggle over legal [abortion](#).

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