

Abortion restrictions: the case for conscientious non-compliance on the part of providers

Pierce Randall, Jacob Mago

Alden March Bioethics Institute,
Albany Medical College, Albany,
New York, USA

Correspondence to

Dr Pierce Randall, Alden March
Bioethics Institute, Albany
Medical College, Albany, New
York, USA; randalp1@amc.edu

Received 31 January 2023

Accepted 20 April 2023

ABSTRACT

This paper offers a qualified defence of physician non-compliance with antiabortion legislation in the wake of the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*. The paper examines two ethically troubling trends of post-*Dobbs* legislation: narrow and vague maternal health exemption clauses and mandatory reporting of miscarriages in jurisdictions where patients may criminal prosecution for medically induced abortions. It then examines and defends a professional obligation on the part of physicians to comply with the law. This obligation, however, is defeasible. The paper then argues that physicians' obligations to comply with the law is defeated when the law is illegitimate and following the law would constitute bad medical practice. Finally, it argues that the ethically troubling trends in post-*Dobbs* antiabortion legislation may meet these criteria.