

The message below is the full text of Francesca Laguardia's submission for the September 22 edition of the CHSS Hawk Murmurations Newsletter. Francesca is Chair of the Justice Studies Department.

I was excited to write about my current research, as it highlights many of the issues our society is confronting. We are in the crosshairs of new technology, with that technology creating a glut of information at the same time as it reinforces misinformation. Technology offers us an aid in testing our facts and our processes yet, also threatens our ability to interrogate the assumptions on which so much of our social order runs. My research, like so much of all of our research, is a reminder of the importance of human interruption of unspoken assumptions; an interruption that I believe is best achieved by the humanistic social sciences.

I am studying absence; specifically, the absence of the pregnant body in policy debates about reproductive medicine and reproductive control. I began by looking at judicial opinions, and the way judges speak about pregnancy when debating abortion access. I found they simply did not. Even in moments where the pros and cons of specific methods of delivery were the exact purpose of the sentence or paragraph, judges avoided addressing the actual experience, the pain, the common risks, of childbirth.¹ I am expanding on this finding, looking at major press, medical research, and my own surveys and interviews with people who have given birth.

We assume we know the dangers of pregnancy. Yet, 50 years since gender studies scholars began highlighting society's ignorance of the physical realities of pregnancy and childbirth,² "why didn't anybody tell me" is still the response given to me most often in my interviews. This absence has real implications on women's health.

Medicine has come a long way; we are past the days when maternal mortality rate at some hospitals was at 50%, and when doctors might report 25% of postpartum patients would be permanently crippled by injuries in delivery.³ But pregnancy is still a high risk condition. In recent years the maternal mortality rate has increased (while remaining below 1%, and severely racially disparate).⁴ Severe maternal morbidity (generally defined as a list of possible injuries that suggest a life-or-death threat) occurs in one out of every 70 births.⁵ But it is only in the last

¹ Laguardia, Francesca. "Pain that only she must bear: on the invisibility of women in judicial abortion rhetoric." *Journal of Law and the Biosciences* 9.1 (2022): Isac003.

² Rich, Adrienne. *Of woman born: Motherhood as experience and institution*. WW Norton & Company, 2021 (1976) at 163, 174.

³ Caton, Dorothy. *What a Blessing She Had Chloroform: The Medical and Social Response to the Pain of Childbirth From 1800 to the Present*. Yale University Press, 1999 at 102, 156-57; Leavitt, Judith Walzer. *Brought to bed: Childbearing in America, 1750-1950*. Oxford University Press, 2016 at 26, 29, 70.

⁴ Marian MacDorman, Eugene Declercq, Howard Cabral, & Christine Morton, Recent Increases in the U.S. Maternal Mortality Rate: Disentangling Trends from Measurement Issues, 128 *OBSTETRICS & GYNECOLOGY* 447 (2016); Marian MacDorman, Eugene Declercq, & Marie E. Thoma, Trends in Maternal Mortality by Sociodemographic Characteristics and Cause of Death in 27 States and the District of Columbia, 129 *OBSTETRICS & GYNECOLOGY* 811 (2017)

⁵ Dreisbach, Caitlin, Yang Yu, and Susan Groth. "Call to Action to Quantify Non-Severe and Severe Maternal Morbidity." *Journal of Obstetric, Gynecologic & Neonatal Nursing* 54.2 (2025): 131-136.

few years that medical literature has examined “non severe” maternal morbidity, which comprises what may be extremely intrusive, painful repercussions of pregnancy and childbirth that can last years or even decades after delivery.⁶

The prevalence of these “non-severe” conditions is known only in isolation and, if they did not overlap, would suggest that more than 140% of people who give birth experience one of these highly intrusive physical conditions. As one doctor informed me, medical research is primarily focused on finding cures, and different injuries are cured through different tactics, so there is little incentive for medical researchers to determine the overall prevalence of non-severe maternal morbidity. Additionally, medical funding in the areas of maternal health tends to come from agencies developed to support infant care, rather than caring for the people who birth those infants.

These are questions for the humanities and social sciences. We know that painting a full picture of pregnancy and childbirth matters, because the narrative affects whether society takes action to change existing conditions. Sociological research on social movements, as well as a good deal of critical legal analysis, historical accounts of human rights, and research in political science all suggest that social change may be heavily reliant on deeply personal and emotionally evocative narratives, often involving detailed accounts of suffering. Lynn Hunt attributes the birth of modern notions of human rights to the birth of the novel and widespread narrative (written) accounts of suffering. She argues these humanistic efforts facilitated widespread deepening of capabilities for empathy, by teaching the public to imagine itself in someone else’s position. This was followed by popular and grotesquely detailed accounts of the torture of convicted criminals, stimulating a movement to restrict government abuses in criminal justice and, eventually, beyond criminal justice as well.⁷ Detailed narratives of the brutal conditions of slavery were used by abolitionists to stimulate anti-slavery sentiments, and may have birthed modern legal understandings of rights to bodily integrity.⁸ Through rich narrative, even non-humans, in purely imagined situations, may be “humanized” by detailed descriptions of their (imagined) suffering, as many of us have experienced when watching movies or reading novels such as “Black Beauty” or “The Wild Robot.”⁹

Yet the description of pregnancy as commonly dangerous has disappeared since birth control was legalized, if it ever existed. We swim in a sea of literature on pregnancy, again often

⁶ Joshua P. Vogel, Jenny Jung, Tina Lavin, Grace Simpson, Dvora Kluwгант, Edgardo Abalos, Virginia Diaz, Soo Downe, Veronique Filippi, Ioannis Gallos, Hadiza Galadanci, Geetanjali Katageri, Caroline S E Homer, G Justus Hofmeyr, Tippawan Liabsuetrakul, Imran O Morhason-Bello, Alfred Osoti, Joao Paulo Souza, Ranee Thakar, Shakila Thangaratinam, & Olufemi T Oladapo, Neglected Medium-Term and LongTerm Consequences of Labour and Childbirth: A Systematic Analysis of the Burden, Recommended Practices, and a Way Forward, 12 LANCET GLOB. HEALTH e317 (2023)

⁷ Hunt, Lynn. *Inventing human rights: A history*. WW Norton & Company, 2007 at 32-33.

⁸ *Id.*; Clark, Elizabeth B. "" The Sacred Rights of the Weak": Pain, Sympathy, and the Culture of Individual Rights in Antebellum America." *The Journal of American History* 82, no. 2 (1995): 463-493.

⁹ Małeck, Wojciech, Bogusław Pawłowski, Piotr Sorokowski, and Anna Oleszkiewicz. "Feeling for textual animals: Narrative empathy across species lines." *Poetics* 74 (2019): 101334.

focusing on exceptional conditions and rarely exploring even these experiences in depth. This glut of information which only serves to obscure the complete absence of acknowledgment of common and serious physical effects. And so, this humanizing effort has never been made in the case of birthing parents.

My research has required an interdisciplinary pursuit through case law, phenomenological nursing literature, human rights, the sociology of social movements, and the surveys and interviews I myself have conducted. In it, I am making an effort to identify and disrupt the social pressures that give rise to our refusal to confront the severity or prevalence of long term and even permanent physical ramifications of pregnancy. I tend to think it is the type of disruption that is only achieved through efforts in the humanities and social sciences; and that highlighting these questions is only becoming more necessary.