



# Abortion Rights in the USA

## ABSTRACT

The US Supreme Court overturned the 1973 Roe vs Wade ruling in July 2022. A highly controversial decision with wide ranging impact on the rights and health of women both in the USA and across the world.

There is no doubt that this judicial ruling will disproportionately affect those who are poor, with little access to healthcare; disabled, minors and those with physical or mental disabilities.[1] Rural women of colour from the Southern States are likely to be the worst affected.[2] This has far wider implications than only affecting the poor and marginalised.

Removing legal protection for abortions cannot be considered an isolated event. It sits squarely within the realm of human rights of the woman, her right to bodily autonomy, right to dignity and economic prosperity. In countries where women are safeguarded in their reproductive rights, civil society should be vigilant about ensuring these rights are equitable. The access to safe and affordable abortion is every human's right. It is up to us to safeguard it with everything we have.

### Key words

Abortion rights, Roe vs Wade, US Supreme court ruling, Women's health

## Background

Following a landmark ruling of the US Supreme Court this week, many women have lost their right to seek an abortion of an unwanted foetus, regardless of the circumstances that may have led to the pregnancy. This turns the clock back for reproductive rights for US women by nearly 50 years and has several consequences for women's futures. The historic *Roe vs Wade* verdict of 1973[3] the Court held that a set of Texas statutes criminalizing abortion in most instances violated a woman's constitutional right of privacy, which it found to be implicit in the liberty guarantee of

the clause of the Fourteenth Amendment [4](“...nor shall any state deprive any person of life, liberty, or property, without due process of law”). This ruling gave a pregnant woman in the US the constitutional protection to decide, along with her physician, whether to proceed with or terminate any pregnancy during the first trimester. Since then, reproductive rights of US women have been gradually eroded during the decades of the country's move to more entrenched conservatism.[5] And if this week's US Supreme Court verdict is anything to go by,

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the erosion is absolute and soon to be codified in law in most conservative states.

Women have sought to take charge of their reproductive fate throughout history. Evidence exists in ancient Egypt of the use of birth control remedies, some 4000 years ago.[6] The Ebers Papyrus from 1550 BC and the Kahun Papyrus from 1850 BC have within them some of the earliest documented descriptions of birth control, the use of honey, acacia leaves and lint to be placed in the vagina to block sperm. In the modern era, access to contraception and abortion has played an immense role in allowing women to choose their own futures and pursue employment, plan families, and contribute to the economy. There is evidence that liberalising abortion laws can have positive spill over effects for women's educational attainment and labour supply, and that access to abortion services contributes to improvements in children's human capital.[7] While, the political economy around abortion legislation is divisive and socio-emotionally controversial, this ruling threatens this very premise of choice. [8]

The repeal of *Roe vs Wade* has removed the constitutional safeguard for abortions, resulting in several States in the USA initiate 'trigger laws'-effectively bringing an immediate end to legal, State sanctioned abortions.[9] The health impact of this ruling on women is enormous. [10] Many women will now be forced to continue with their pregnancies regardless of whether the pregnancy was a result of incest or rape or whether the foetus has health issues that are not compatible with life. Women whose lives are threatened by pregnancies such as in the case of ectopic pregnancy will not be allowed to terminate. Women seeking abortions from States where they are banned will have very few options other than carrying the foetus through to birth, travelling at great expense to another State where the services are legal, attempting to self-abort the foetus or seeking help of illicit, and potentially life-threatening procedures closer to home or die due to pregnancy or childbirth. [11,12]

There is no doubt that the ruling will disproportionately affect those who are poor, with little access to healthcare; disabled, minors and those with physical or mental disabilities.[1] Rural women of colour from the Southern States are likely to be the worst affected.[2] Only women with the means to travel to other States

to seek abortion will do so, forcing others to endure the trauma of bearing an unwanted pregnancy. This has far wider implications than only affecting the poor and marginalised. Women who oppose abortions may find themselves with reduced access to good quality women's healthcare if gynaecologists move out of States where abortions are not permitted. Abortion services may also be overwhelmed in States where they are available, affecting the lives of women in progressive States too.

The economic effect of this is also enormous.[13] Women forced to give birth will be less able to seek employment or further their careers and are likely to remain in poverty for longer. Their children are more likely to be brought up in poverty. Intimate partner violence is also likely to increase due to the economic and emotional toll of unwanted pregnancies. Those facilitating safe abortions for disadvantaged women may be prosecuted, medical school curricula may completely remove abortion training, medical careers may be destroyed due to vigilantism or prosecution. Inevitably, this will further widen the gap between men and women in their rights and liberties, as no burden of responsibility will be afforded to the biological father when a woman chooses to terminate her pregnancy, even when she is a victim of abuse.

As medical professionals, we dedicate our lives and careers in saving, prolonging, and dignifying life. This also means we save patients from the indignity of futile suffering when it is neither kind nor respectful to prolong life simply for the sake of it. While banning abortions is being presented as protecting the rights of an unborn child,[14,15] it must be recognised that terminations will spare babies with severe birth defects their terminal disease.[16] Babies born out of unwanted pregnancies may not bond with their mothers, may carry the psychological burden of rejection at birth, may be subjected to abuse due to the economic, social and emotional toll caused by the birth. Countless women will miss out on career opportunities, countless men might find themselves economically burdened while their partners are unable to work.

It is estimated that over 60,000 additional births will occur annually because of this ruling, based on official surveillance data from 2019 published by the US Centre for Disease Control.[17] There may be even further ramifications of this law, where some States may make it impossible for

women to access ‘morning after’ pills, sex education may be removed from school curricula, access to contraception may be curtailed or even banned.

As is evident in many societies where draconian anti-abortion laws exist, lack of legal abortions will simply drive women to seek them illegally, putting their health at serious risk. [18]

As estimated by the World Health Organisation, [19]

- Six out of 10 of all unintended pregnancies end in an induced abortion.
- Around 45% of all abortions are unsafe, of which 97% take place in developing countries.
- Unsafe abortion is a leading – but preventable – cause of maternal deaths and morbidities. It can lead to physical and mental health complications and social and financial burdens for women, communities and health systems.
- Lack of access to safe, timely, affordable and respectful abortion care is a critical public health and human rights issue.

Many women will continue to suffer from sepsis, haemorrhage and even death following self-induced or shady back-alley abortions.

The repeal of the *Roe v Wade* verdict has been a long and strategic road for those opposed to abortions. It needed years of political manoeuvring to change opinions within the conservative polity and appoint Supreme Court justices who have strong ideological opposition to abortions. Despite opinion polls indicating that up to 80% Americans favour abortions in certain circumstances[20], it is worthy of note that very soon women in at least 26 States of the USA are not going to be able to have access to them even in the most tragic circumstances. It is hard not to imagine however, that this is just a step towards further curtailment of civil liberties that have been fought and won over decades, such as separation of Church and State, banning segregation based on colour, tolerance towards religious and racial minorities.

The ramifications of the repeal may also have wider international effects. Many countries will use this as a precedence to reduce access to safe

abortions, many programmes relying on US aid to provide safe abortions will no longer be able to provide these services to those in need.

However, there must be hope yet. Federal States with liberal laws will continue to provide abortions and many charities are already collecting funds to provide timely support to the poorest women in the States with no access to abortions. The economic and social effects of this will be felt by a generation of Americans who may decide to use their electoral franchise to bring about change. The former President and First Lady of the US, the Obamas urged people to get involved with groups that advocate for abortion rights.[21] The current President Joe Biden, stated that *‘if the Court does overturn Roe, it will fall on our nation’s elected officials at all levels of government to protect a woman’s right to choose. And it will fall on voters to elect pro-choice officials this November. At the federal level, we will need more pro-choice Senators and a pro-choice majority in the House to adopt legislation that codifies Roe, which I will work to pass and sign into law.’* [22]

In the UK, the Royal College of Obstetrics & Gynaecology, Royal College of Midwifery and the Royal College of Paediatrics & Child Health are among 150 institutions which have issued joint statements, *“The United States Supreme Court decision to dismantle Roe v Wade and roll back 50 years of access to safe abortion care is a catastrophic blow to the lives of millions of women, girls and pregnant people who now face the prospect of being forced to continue pregnancies. It is a decision that will cost lives for years to come.”*[23]

For the last 50 years, abortion has been legal in India under various circumstances, following the enactment of the Medical Termination of Pregnancy (MTP) Act in 1971. In 2003, the Act was amended to allow women access to safe and legal abortion services. On the advice of doctors, all women can terminate their pregnancy up to 20 weeks. Since 2020, special categories such as survivors of sexual abuse, minors, rape victims, incest, and disabled women have been allowed to seek termination up to 24 weeks. There is real concern that the fall out of the US Supreme Court decision could embolden regressive ideas in society and also stigmatise reproductive health measures in India.[24]

## Conclusion

Removing legal protection for abortions cannot be considered an isolated event. It sits squarely within the realm of human rights of the woman, her right to bodily autonomy, right to dignity and economic prosperity. In countries where women are safeguarded in their reproductive rights, civil society should be vigilant about ensuring these rights are equitable. The access to safe and affordable abortion is every human's right. It is up to us to safeguard it with everything we have.

## References

- Hamilton BE, Ventura SJ. Fertility and abortion rates in the United States, 1960-2002. *Int J Androl* 2006;**29**:34-45. doi:10.1111/j.1365-2605.2005.00638.x
- Sutton A, Lichter DT, Sassler S. Rural-Urban Disparities in Pregnancy Intentions, Births, and Abortions Among US Adolescent and Young Women, 1995-2017. *Am J Public Health* 2019;**109**:1762-9. doi:10.2105/AJPH.2019.305318
- Roe v. Wade | Summary, Origins, & Influence | Britannica. <https://www.britannica.com/event/Roe-v-Wade> (accessed 2 Jul 2022).
- Fourteenth Amendment | Definition, Summary, Rights, Significance, & Facts | Britannica. <https://www.britannica.com/topic/Fourteenth-Amendment> (accessed 2 Jul 2022).
- The Pillars of Modern American Conservatism. Intercollegiate Studies Institute. 2014. <https://isi.org/intercollegiate-review/the-pillars-of-modern-american-conservatism/> (accessed 2 Jul 2022).
- (17) The history of contraception: From ancient Egyptians to the 'morning after' | Request PDF. [https://www.researchgate.net/publication/293071233\\_The\\_history\\_of\\_contraception\\_From\\_ancient\\_Egyptians\\_to\\_the\\_morning\\_after](https://www.researchgate.net/publication/293071233_The_history_of_contraception_From_ancient_Egyptians_to_the_morning_after) (accessed 2 Jul 2022).
- Rodgers Y van der M, Coast E, Lattof SR, et al. The macroeconomics of abortion: A scoping review and analysis of the costs and outcomes. *PLOS ONE* 2021;**16**:e0250692. doi:10.1371/journal.pone.0250692
- Smyth L. Feminism and abortion politics: Choice, rights, and reproductive freedom. *Women's Studies International Forum* 2002;**25**:335-45. doi:10.1016/S0277-5395(02)00256-X
- Witherspoon A, Chang A. Tracking where abortion laws stand in every state. the Guardian. <https://www.theguardian.com/us-news/ng-interactive/2022/jun/28/tracking-where-abortion-laws-stand-in-every-state> (accessed 2 Jul 2022).
- Boston 677 Huntington Avenue, Ma 02115 +1495-1000. The negative health implications of restricting abortion access. News. 2021. <https://www.hsph.harvard.edu/news/features/abortion-restrictions-health-implications/> (accessed 2 Jul 2022).
- Haddad LB, Nour NM. Unsafe Abortion: Unnecessary Maternal Mortality. *Rev Obstet Gynecol* 2009;**2**:122-6. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2709326/> (accessed 2 Jul 2022).
- Stevenson AJ. The Pregnancy-Related Mortality Impact of a Total Abortion Ban in the United States: A Research Note on Increased Deaths Due to Remaining Pregnant. *Demography* 2021;**58**:2019-28. doi:10.1215/00703370-9585908
- Durkee A. Overturning Roe V. Wade: Here's How Abortion Bans Will Hurt State Economies And The GDP. Forbes. <https://www.forbes.com/sites/alisondurkee/2022/06/25/overturning-roe-v-wade-heres-how-abortion-bans-will-hurt-state-economies-and-the-gdp/> (accessed 2 Jul 2022).
- Finch J. Law: protection of the unborn child. *Nurs Mirror* 1983;**156**:33.
- Rights of the Woman and the Child in Abortion Law | EFC. 2018. <http://www.efc.org.uk/rights-of-the-woman-and-the-child-in-abortion-law/> (accessed 2 Jul 2022).
- Sayed SA. Baby doe redux? The Department of Health and Human Services and the Born-Alive Infants Protection Act of 2002: a cautionary note on normative neonatal practice. *Pediatrics* 2005;**116**:e576-585. doi:10.1542/peds.2005-1590
- Kortsmitt K. Abortion Surveillance — United States, 2019. *MMWR Surveill Summ* 2021;**70**. doi:10.15585/mmwr.ss7009a1
- Abortion Law: Global Comparisons. Council on Foreign Relations. <https://www.cfr.org/article/abortion-law-global-comparisons> (accessed 2 Jul 2022).
- Abortion. <https://www.who.int/news-room/fact-sheets/detail/abortion> (accessed

- 2 Jul 2022).
- 20 Inc G. Abortion. Gallup.com. 2007.<https://news.gallup.com/poll/1576/Abortion.aspx> (accessed 2 Jul 2022).
- 21 Barack and Michelle Obama Call Supreme Court Ruling 'Devastating'. WSJ. <https://www.wsj.com/livecoverage/supreme-court-decision-roe-v-wade-6-24-2022/card/barack-and-michelle-obama-call-supreme-court-ruling-devastating--u19svDGOecqBmA96Gv9Z> (accessed 2 Jul 2022).
- 22 Statement by President Joe Biden. The White House. 2022.<https://www.whitehouse.gov/briefing-room/statements-releases/2022/05/03/statement-by-president-joe-biden-4/> (accessed 2 Jul 2022).
- 23 US Supreme Court decision to revoke abortion rights condemned by leading global healthcare organisations. US Supreme Court decision to revoke abortion rights condemned by leading global healthcare organisations. <https://www.rcog.org.uk/news/us-supreme-court-decision-to-revoke-abortion-rights-condemned-by-leading-global-healthcare-organisations/> (accessed 2 Jul 2022).
- 24 Venugopal V, Singh B. Roe vs Wade ruling: Will embolden regressive ideas in India, say activists. The Economic Times. 2022.<https://economictimes.indiatimes.com/news/india/roe-vs-wade-ruling-will-embolden-regressive-ideas-in-india-say-activists/articleshow/92464607.cms> (accessed 2 Jul 2022).