

The Abortion Debate in Post-Roe America

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This paper exhibits the argument surrounding the ethicality of abortion, its restrictive laws, and the makeup of child welfare organizations that may influence one's decision whether or not to have an abortion. Abortion laws were unregulated in the US until the 1800s. Since then, laws have been changed many times, largely depending on the state the law has been ordained in. Texas's recent passing of the abortion-restricting Senate Bill 8 in September 2021, as well as the national overturning of the 1973 abortion-permitting *Roe v. Wade* Supreme Court case in June 2022, have sparked debate on this topic. Defining and providing pro-life, anti-abortion, pro-choice, pro-abortion perspectives, the present article aims to prove why abortion restrictions are wrongful to personal freedom and harmful to populations physically, financially, and emotionally. A forced pregnancy results in unprepared expenses, lack of emotional, parental connection, and a risk to women's lives with unsafe abortions. Racial and economic minority groups are negatively affected by restrictive abortion laws more than others. Issues with alternatives to abortion, such as adoption and government programs, are explained, and it is concluded that until fraud and corruption are eliminated in these programs, abortion is the best solution for now to solve this debate. Solutions proposed in this paper involve electing officials who are in support of abortion and are able to change restrictive laws, encouraging and incentivizing more adoptions, bettering governmental child-care systems, and changing laws that better quality of life in order to lessen the number of abortions overall.

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Introduction

Taking a trip to the drugstore to buy a pregnancy test can either be exciting or terrifying. For people who see the two lines on the test stick with anything but joy, options about the future and avoiding parenthood begin to race through the mind. One option is abortion, or the process of removing a developing baby from a uterus to discontinue a pregnancy. Records of abortion practices date back to as early as 1550 BC Egypt from the Eber's Papyrus (Potts and Campbell 1). In the United States, abortion procedures were legal and not regulated from colonial times until the mid-1800s, when the switch in women's healthcare providers was made from midwives to primarily male doctors. There for the first-time abortion was deemed criminal once a fetus reached quickening, or the period when the movements of a fetus could be felt after approximately four months (Blakemore 13). Since then, laws have changed or stayed the same depending on the state they have been enacted in, but interest in and knowledge surrounding abortion has increased in the past five decades due to the 1973 Supreme Court trial of *Roe v. Wade*. The case ruled that restrictions on abortion during a pregnancy's first trimester are unconstitutional but granted states the right to impose restrictions on abortions during the second and third trimesters, depending on the health of the mother and risk of pregnancy ("Abortion" 1, 3). However, the right to an abortion granted by *Roe v. Wade* has been overturned by the Supreme Court as of June 2022, where

the decision is now left up to the states. According to the recent article “What If Roe Fell,” by the Center for Reproductive Rights, “nineteen states [do not have] legal protections for abortion,” and six states “ban abortions entirely and enforce [them] through criminal penalties” (68-69). Texas is an anti-abortion state, but shortly after the fall of Roe, a “temporary restraining order by Judge Christine Weems in Harris County came . . . to resume services. [However,] Texas Attorney General Ken Paxton on Twitter said he was immediately appealing [and] a further hearing is scheduled for July 12” (Raymond).

Though the overturning of Roe had been temporarily blocked in Texas, abortions were being restricted even before this decision. The September 2021 passing of Texas’s Senate Bill 8, also known as the Heartbeat Bill, will remain in effect as the current abortion ruling for the state. This law deems abortions illegal after detection of fetal cardiac activity, which takes typically six weeks after conception, regardless of consent, unless an abortion is medically necessary for the carrier’s health. The bill’s main intended enforcer is the general public, rather than the state, which allows people to sue others for getting or aiding in the process of getting an abortion. Its small, six-week timeframe and indifference toward assault-caused pregnancy has received backlash from many professionals and women’s health and reproductive health care organizations. Constitutional law professor Lawrence Gostin from the University of Georgetown says this bill will “shoot a hole in the protection [that was] offered by *Roe v. Wade*” (Bohra). On the other hand, Texas Senator Ted Cruz, Governor Greg Abbott, writers of the bill, and other supporters of the law declare it a “victory for Texas and the pro-life movement” (Caldwell and Hollers).

Both *Roe v. Wade*, its overturning, and Senate Bill 8 have led to differing views. Groups against abortion argue that it is unethical and religiously unrighteous to discontinue a developing life. Others for abortion argue that it is a woman’s choice and freedom to privacy and healthcare. This issue interests me because as a chaste and religious empath, I can see both sides to it; in other words, it is a war between perceived morality and personal rights. Debate on abortion has ebbed and flowed throughout history as values, resources, and rights have changed. However, in this current era, I side in support of abortion and for each person who experiences an unwanted pregnancy to have the freedom to choose what they think is best for them, without any government or outside influence. Abortion should be available and not restricted because the lack of its availability disproportionately affects different groups of people, places stress on families, and endangers the lives of pregnant people.

Racial and Financial Minorities vs. Abortion Access

Restrictions on abortion affect groups unequally. Professionals and results from studies conclude that differences in racial and economic status are two factors that influence the ability to receive an abortion. In their article, “As Texans fill up abortion clinics in other states, low-income people get left behind,” published in the nonprofit *Texas Tribune* newspaper, criminal justice reporters Jolie McCullough and Neelam Bohra describe the effects of Senate Bill 8 found from a study. Allowed after review by the Supreme Court in December 2021, the bill has caused people to travel for their procedure. Trans-care services specialist Dr. Bhavik Kumar, interviewed from Planned Parenthood Houston, revealed that people who “went out of state [for their abortions] tended to be higher income, [and] white,” while those whose abortions were delayed or in cases where it was not as easy to travel to achieve them “were . . . folks of low-income [and] folks of color” (McCullough and Bohra). Along with this, those seeking an abortion typically already have children and are below the poverty line, according to a video from the *Washington Post* (Jewell). Restrictions on abortions contain a racial and class-based bias as they affect racial minorities and those who are not financially well-off worse than those who do not belong to these groups. People who already have fewer economic resources are compelled to spend more proportionately for an abortion in comparison to those who are better off, and those who are privileged socially have a higher chance of getting their needs met. Restricting abortions is another example of a law hurting populations who typically

need more help.

The next option after abortion to avoid parenthood seems to be adoption. However, the longitudinal "Turnaway Study," conducted by University of California at San Francisco demography and public policy professor Diana Foster on over one hundred pregnant women who were denied or not able to get an abortion, shows otherwise. This work found that "more than 90% [chose] to keep and raise the child rather than place it for adoption," and this result implies how, along with the increase in social acceptance of keeping unplanned children, the adoption system is not favored by most (Foster 3). Stories of long wait times, wrongful loss of adoptive rights, an unequal proportion of desire to adopt babies versus children, and deception about alleged birth parents and adoption fraud are just some of the reasons why people are not able or choose not to adopt, and why children stay in adoption centers for years as their age increases. After a year of research, Tik Root, writer of the *TIME* article, "Inside America's Murky Private-Adoption Industry," explains how "the scarcity of available infants, combined with the emotions of desperate adoptive parents and the advent of the internet has helped enable for-profit middle men . . . to charge [adoption] fees that stretch to tens of thousands of dollars," as "there is no federal regulation" (5). Due to the lack of adoption laws and the variation between them among states, part of the system is ruled with a scam whose ultimate goal is to use babies and children as a monetary gain instead of providing them a home. Adoption in and of itself is an amazing thing when the process goes right, but many adoption cases are not always ethical or executed as planned. Because of this, adoption is not a viable solution; those already with fewer resources and privileges are compelled to go through with pregnancy, which consequently worsens their situation due to the lack of equal abortion accessibility. The effects of abortion restrictions are disproportionate as groups with more resources and privilege can work around the law while those already economically and socially disadvantaged are bound by it. The ability to access safe abortions is unequal because of this law, and it endangers those already disadvantaged.

Because adoption is not widely chosen, restricting abortion means placing stress on families who could not get one. Foster's study concluded that non-aborted children "fared worse" than the "next children born to women who received abortions" and were more likely to live in poverty and have "poor maternal bonding" (2-3). These worse socioeconomic situations for unaborted children imply how opposing or restricting abortion does more harm than good by placing financial strain on families and preventing emotional connection between mothers, parents and children. Finances means adequate food, clothing, and shelter, and bonding means forming necessary connections to build trust and grow emotionally. Restricting abortion means prohibiting two of these arguably most imperative things in a child's development. This idea is supported by an anonymous account of an adult who was not aborted but realizes, in hindsight, that they should have been. The article, written by senior editor Chris Bodenner in *The Atlantic*, shines light on the fact that going through with a pregnancy and raising a child is not always a good thing. Though it was published five years ago, the story is still relevant, as it relates to the stories of many others who were not aborted. The author sides with both pro-choice and anti-abortion and emphasizes the better good for all people involved by saying:

My mother suffered severe post-partum depression that was left untreated and became a lifelong affliction. As a result, my childhood was dysfunctional to an extreme. It took a decade of therapy and psychiatry for me to recover. . . . It is not a favor or something moral to give birth to a child you cannot properly parent or care for or who will suffer If I had the power to choose as a fetus, I would have chosen to be aborted if it meant improving my mother's miserable life. I have always found it odd that folks assume a fetus would choose its own life over the life and welfare of its mother and family. Why would we make that assumption? I had an abortion at 30 I believe it was a sin but less than bringing a child into the world under [bad] circumstances. Life is often about choosing the least of all evils The real tragedy is how many women must choose abortion because of finances, homelessness, or other problems solvable with a little help from others. (Bodenner)

The individual's experience recorded by Bodenner is one example of many where abortion would have been

the better thing to do for all people involved, and it refutes the notion that unaborting children will prefer living. It is better to provide a livable space a baby can grow from than to knowingly bring a baby into a world of pain. Babies who do live but were meant to be aborted are also more likely to face abuse as children. In the study "Child Abuse and Abortion Availability," published in the *American Economic Review*, economics professors Marianne Bitler and Madeline Zavodny found that, "contemporaneous abortion restrictions are generally positively associated with child maltreatment reports" (365). Physical and emotional abuse along with financial strain and the lack of essential bonding between parents and a child necessary for development are problems being risked and welcomed with the passing of abortion restrictions. The number of kids who face these problems in the home will only increase, and solutions to these problems may potentially go undetected for years. Denying abortions means eliminating family planning by forcing pregnancies and causing emotional and financial issues which are largely preventable.

For those wanting to avoid these potential harms, alternatives such as illegal and unsafe abortions can be equally daunting. According to an article published in 2017 by the World Health Organization, about twenty-five million unsafe abortions take place every year globally. WHO says, "restricting access to abortion does not reduce the number of abortions," and that the majority of these unsafe procedures take place in developing areas due to "countries' laws and policies on abortion, the financial cost of accessing safe abortion services [and] the availability of safe abortion services and trained health providers" (WHO 2). This article was written almost five years ago, and the number of unsafe abortions presented in its data are likely only to increase as tighter restrictions are enacted. America, and Texas in particular, is taking a step backward by implementing abortion restrictions. The effects of these laws (as presented by the Texas Tribune article mentioned previously) can already be seen with minority groups. Because of new abortion restrictions, the regions that have previously had safe abortion rates have regressed and will continue to do so as well as see a decrease in the overall safety of women's health.

Along with unprofessional abortion procedure complications, women's lives are placed at risk as well. An anonymous account recorded by a registered nurse explains how the overturning of *Roe v. Wade* in June 2022 has affected their job:

I work in a small NICU/L&D floor. Our trigger laws went into effect immediately after the decision. We had a woman with an ectopic walk in [and] had to sit on her until the doc could speak with a lawyer. Her ectopic ruptured. She then did not get her procedure done for another nine hours because the doc was working with the lawyer for so long trying to work around the laws and not lose his license. By the time she had her procedure, she had over 600 CC of blood in her abdomen. She almost died. (@travelingnurse; content edited for clarity.)

Doctors are having to put emergency situations on hold to get approval for life-saving treatment due to the fear of losing their jobs. These new anti-abortion laws are about testing ethics and unjustly forcing professionals to choose between the lives they are meant to save and the job that provides them a living. Abortion is healthcare, and restricting it means risking a life that is already being lived over a life that could potentially be lived. The lack of access to necessary healthcare to treat complications turns not getting an abortion into a potential for death. Though complications are not met in every pregnancy, that does not mean women are not at risk to die. In the study "Homicide During Pregnancy and the Postpartum Period in the United States, 2018-2019," written in *The Journal of Obstetrics and Gynecology* by a group of women who have master's degrees and PhDs, it is "confirm[ed] that homicide is a leading cause of death and during pregnancy and postpartum in the United States," with "a majority of pregnancy-associated homicides occur[ing] in the home" (Wallace et al. 769, 764). These killings happen due to the absence of desire for a child, and more and more women will die due to the inability to get an abortion. Abortion restrictions like Senate Bill 8 and the overturning of *Roe v. Wade*, will cause a greater number of unprofessional abortion procedures and deaths of pregnant people to take place and make

not only Texas, but the United States as well, become on par with developing regions in terms of unsafe abortion and mortality rates. Abortion restrictions are an attack on the health and lives of pregnant people; freedom becomes an oxymoron in a sovereign and democratic nation where one cannot do anything to help protect their own life.

On the other side of the debate, anti-abortionists cite ethical and religious arguments. Religious groups argue that abortion is wrongful, as it means destroying a part of what God has intended to take place. In his article, "Abortion: Why the Arguments Fail," Duke University theological ethics professor Stanley Hauerwas argues that killing God's creation of a fetus and prohibiting the plan God has for its life from being carried out is immoral, and he states that it is a responsibility for Christians everywhere to provide care for any child who is born (Hauerwas). Aside from religious reasoning, University of Kansas professor Donald Marquis brings a philosophical viewpoint to the fight against abortion.

In his article published in *The Journal of Philosophy*, Marquis explains both sides of the argument thoroughly and argues that:

Abortion is . . . in the same moral category as killing an innocent human being Of course, embryos can be victims: when their lives are deliberately terminated, they are deprived of their futures of value The moral permissibility of abortion stands or falls on the moral status of the fetus. Since a fetus possesses a property, the possession of which in adult human beings is sufficient to make killing an adult human being wrong, abortion is wrong. This way of dealing with the problem of abortion seems superior . . . because it rests on the ethics of killing, which is self-evident . . . and because the argument avoids the usual equivocations on 'human life', 'human being', or 'person.' (Marquis 183, 200, 202)

Though strong, both religious and philosophical arguments against abortion are built from ideas and perspectives rather than facts and lack a concrete foundation. It could also be argued how God has given humans the choice to sin, so why, if it is deemed a sin, would the choice to abortion be restricted and not any other? Viewpoints, in general, are different, as each person is different, due to the individual circumstances one has experienced or values one has been brought up with, but they do not relate to everyone.

Another instance where both views of the argument come together is demonstrated in an interview of a woman pastor's opinion on abortion, published in *The Atlantic*. Jes Kast explains her supportive view on abortion, in terms of religious interpretation:

I question[ed]: How would God infringe upon [body autonomy]? And . . . why is it when it comes to this topic, almost always white, straight, Christian men are the loudest? When that bodily autonomy is taken away, to me, that is against Christian scripture, and is against the Gospel I believe in For me, [abortion is] a health-care issue. The best person to make that decision is the one who has to decide that In Genesis, it says that God breathed God's spirit into our lives—"the Holy Spirit." Because of that, we're not puppets controlled by God. Because of the image of God in us, we have freedom Jesus says, "I have come that they might have life and live it abundantly." . . . I believe Jesus values life—I value the choices that give us the type of life that we need . . . I wish one section of Christianity didn't demonize another section of Christianity . . . who see safe and legal abortion access as part of what it means to do justice. (Green)

Kast's credibility is established through her position as an esteemed pastor who acknowledges and works through differences in opinion in her surrounding religious community. She points out how Christians are given free will to use with better judgment and cites religious scripture to make the argument that abortion is not religiously unrighteous or sinful, but rather a medical procedure humans are given the choice to undergo in order to ensure quality of life. Her being a woman emphasizes her empathy on the issue and brings out the fact that men typically make laws for women. However, there is no universal perspective for any issue, from any group; each person has their own version of morality which is true in

their own eyes. The US is home to people with many different backgrounds and perspectives and was founded upon principles of freedom, the freedom of religion included. However, the Constitution of the United States guarantees separation of church and state, and with the overturning of Roe, the government currently controls the rights of women by forcing pregnancies and choosing rules based on a philosophy and theology not everyone believes in. It is erroneous to push restrictive laws that only cater to and support the perspective of one group in a country where the rights of so vast and diverse a number of people are protected that it is known as "The Land of the Free."

Conclusion

Even as opinions on the subject differ, there are similarities to be found. Unity lies in the belief that babies who are not aborted should be taken care of by others, which implies both groups support adoption, foster care, and other programs that involve helping parentless and unplanned children. While these programs serve a worthy cause, they can and should be bettered. Just as the adoption system was mentioned previously to have a lack of regulation, the current state of Texas's foster care system is underfunded and unsafe. Due to lack of space, reporter Reese Oxner states in a recent *Texas Tribune* article, foster children are placed in unlicensed facilities illegally where they are neglected, abused, and managed by workers who are not trained to deliver the therapeutic care foster children need. Due to these wrongful practices, "[children] often age out of care more damaged than when they entered," according to child welfare District Judge Janis Jack, interviewed by Oxner. In other words, both systems have an imperative to improve; the adoption system does not need to be unethically fueled by monetary greed, and the foster care system needs to be better funded to better train and increase the number of workers who provide services to children who need them. Not enough cases in these programs go perfectly, and there is potential for improvement, which is why I believe restrictive abortion bills do not stand for "pro-life," as much as they do for "no abortion." Without necessary improvements made to adoption, foster and other such programs that can and should be made for children who were not aborted, along with laws already in place that directly affect quality of life in general (such as unlivable minimum wage, high price housing, the absence of mandatory-offered paid family leave and bettering the K-12 education system), I advocate for restrictions on abortions to be lifted. Even though society should help others, in reality, people do not always live up to these expectations. This makes for a flawed system which forces parents to either raise their children with difficulty or hand them over to imperfect programs. Restricting abortion means giving more kids difficult childhoods and putting the health and lives of pregnant people in danger. Everyone's childhood, good or bad, shapes what type of adult they will become. It is the duty of people living now to live without pushing their beliefs on anyone else and to ensure the better lives of future children. If the right political leaders were elected to better welfare systems and shift their focus away from greed and the wealth gained from purposely imperfect programs; and if laws were passed instead that allowed safe, secure abortions for everyone, fewer kids and families would deal with hardships that could have been prevented, and fewer people would have complications from illegal abortions or lack emergency medical procedures during pregnancy that could save their lives. In short, in order to ensure safety and protect reproductive rights, abortions should be unrestricted.

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