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# A Reconsideration of the Political Approach to Abortion

Heralded as a critical milestone in the journey for women's rights, *Roe v. Wade* (1973) created a right to abortion by reinterpreting the Due Process Clause of the Constitution. It was a dramatic display of judicial intervention that reaffirmed the right to privacy and granted women the liberty to obtain an abortion before twenty-four weeks of pregnancy without intervention by the state (Congressional Record House Articles, 2020). *Planned Parenthood v. Casey* (1992) also broadened women's rights by ruling that states could not reduce abortion rights if they placed an "undue burden" on women who seek abortions (Weingarten, 2016, p. 27). However, on June 24, 2022, the Supreme Court overturned *Roe v. Wade* (1973) through *Dobbs v. Jackson Women's Health Organization* (2022), eliminating the constitutional right to abortion at the federal level. In the meantime, while the country faces a volatile political climate, there is still a bounty of shaming rhetoric regarding the right to abortion that has created a partisan divide between pro-life and pro-choice movements.

Politicians and lawmakers nationwide have continued to act in opposition to abortion. In the past, states such as North Dakota in March 2013 and Arkansas have passed laws prohibiting abortion once a fetal heartbeat is detected, which in most cases is only a week or two after most women become aware of their pregnancies (Weingarten, 2016). Most recently, between 2022 and 2023, states such as Tennessee and West Virginia have passed or amended laws

restricting abortions, imposing prison sentences should an individual "lie" to get an abortion and removing or establishing limited exemptions for rape or incest (e.g., SB 857 and SB 584) (Tennessee General Assembly legislation, n.d.; Campbell, 2023).

In opposition to the approach politicians and lawmakers enact to prohibit and limit abortion, I am suggesting a solution to instead rewrite the rhetoric and political approach to abortion that has become the staple of activist claims for the past few decades. Unlike pro-choice and pro-life activists who make their political goal either the criminalization or decriminalization of abortion, the proposed framework will advocate for abortion rights under the guise of tackling specific social factors and preventative measures to combat this undesired behavior. The problem is not abortion, but rather, it is a symptom of a broader range of issues that have been left disregarded by politicians and several activists.

Much of the discourse surrounding abortion is often based on moral judgments and beliefs that tend to produce shaming rhetoric that justify these legal measures. Oftentimes, many anti-abortion laws claim to be protecting "unborn children" or create the argument that if women



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understood that they were taking a human life, they would no longer be so inclined to receive an abortion. According to Weingarten, this particular approach patronizes women, but also engenders shame by suggesting that a “‘real’ woman would never be able to abort once she visibly or audibly witnessed the life inside of her” (2016, p. 27). In such rhetoric, the process of abortion creates unfair circumstances in which the burden of shame is placed solely on the woman and not those complicit in the decision of abortion or the unwanted pregnancy.

Likewise, arguments regarding restricting abortion are equally likely to include moral judgments which have their basis in religious influences. Woodrum & Davidson, for example, discuss how members of more conservative churches often lean towards more restrictive abortion laws, while those on the opposing end of the spectrum with liberal attitudes support nonrestrictive laws (1992). These are not the only factors contributing to whether or not an individual supports abortion, but Woodrum & Davidson argue that religious influence maintains a “powerful” and substantial effect on abortion attitudes (1992, p. 229). By this rhetoric, legislators and policymakers, whether intentionally or not, permit the intersection of Church and State, which according to our founding beliefs, should not occur in the government.

Ultimately, the divide between pro-life and pro-choice claims creates an atmosphere in which abortion is framed through the rhetoric of individual choice and is linked to the presence of shame. As such, these moral arguments regarding the sanctity of life remain the most powerful tools that activists in particular possess. However, once again, I would like to reiterate that abortion should not be the issue that legislators should tackle. Pro-life should not mean protecting the unborn fetus while in the womb and pro-choice should not only encompass the freedom of bodily autonomy. If protecting life and reproductive rights is truly the goal, then it would be crucial to reword the rhetoric surrounding abortion to include support and resources for the mother prior to and following birth.

As previously stated, both the pro-life and pro-choice positions often solely focus on the decision of whether or not a woman should be able to receive an abortion without acknowledging the economic, social, and political factors that press women into these distasteful situations in the first place. Reproductive health encompasses much more

than just the right to abortion. Reproductive rights allow women to experience greater socioeconomic well-being, overall health, relationship stability, and financial stability (Hess et al., 2015). As such, there are several recommendations that policymakers and legislators should consider when crafting reproductive laws.

First, there should be mandated sex education nationwide so that young adults and adolescents can make more informed decisions about their sexuality and intimate relations. Hess et al. (2015) reaffirm this notion by indicating that research on the use of sex education has been critical so that young men and women may make more thoughtful decisions about how they approach contraception, unwanted pregnancies, and STDs. If there were a fixed and appropriate curriculum that addresses sex education, many young men and women who engage in sexual relations from an early age might be more likely and willing to prevent unwanted outcomes, thus circumventing the need for abortions.

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Secondly, free contraception should be a staple when it comes to women’s reproductive health. To obtain birth control at a manageable price is a difficult feat for many women. For women making the federal minimum wage of \$7.25, the cost of birth control is equal to 51 hours of work (Hess et al., 2015). Of course, many challenges of price have been mitigated by the enactment of the Affordable Care Act, which has required many healthcare insurers to cover certain forms of contraception (Hess et al., 2015). Even so, this is not enough. Corporations may find loopholes, or may only cover certain forms of contraception that may not be compatible with women’s bodies. One woman may be able to only take a certain brand of pill, or may only be able to use an IUD due to adverse reactions to other forms of birth control. Likewise, free contraception is not solely an excuse to engage in sexual relations, as many may claim, but it also poses a safeguard for women

who may become victims of sexual violence, incest, or even a torn condom. Free contraception is not a luxury, but it is another preventative measure so that the prevalence of abortion decreases.

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One final recommendation is to create crisis pregnancy centers that articulate their position in favor of challenging the social, political, and economic barriers that women from multiple backgrounds may face. These centers could provide primary healthcare and pregnancy services, GED classes, child placement services, and literacy training, among other resources that may help women to become more prepared for parenthood or, more importantly, their ability to take family planning circumstances into their own hands. As author Andrew Smith (2005) put it, “We cannot encourage women to have babies and then continue their dependency on the system. We can’t leave them without the resources to care for their children and then say, ‘Praise the Lord, we saved a baby’”. In doing so, these programs and centers could serve as places of reproductive justice, education, and proper care for women to make informed decisions without the burden of the criminalization and decriminalization of abortion lingering over their heads.

There are several other recommendations to be made such as better foster care systems, mental health resources, welfare programs, and even legislation holding the men who are involved in the conception of the fetus responsible for child support. However, what these three recommendations hope to achieve is a pathway beyond the aforementioned rhetoric of abortion that brings with it the specter of shame and moral judgment. These recommendations would only serve to expand the scope of women’s reproductive rights while at the same time potentially preventing the result of abortion.

In today’s political discourse legislators and activists consistently perpetuate cycles of oppression against women and their reproductive rights without acknowledging the social roots and causes that may permit and force women to seek such services in the first place. The burden of shame

and choice should not solely rely on women. Governments and their capitalist structures are complicit in these decisions as is a lack of accountability on the male counterparts who take part in these sexual relations. Too many external factors are involved in these circumstances that it should not be acceptable to boil reproductive rights down to whether certain acts are criminalized or not.

When speaking of public health, it is not a moral conversation on abortion that is required, but rather a practical conversation that ensures both fetus and mother have access to exceptional and maintained reproductive healthcare. It acknowledges the flexibility and variability of conceptions and pregnancies, operating with the assumption that establishing one law cannot accurately nor justifiably apply to various conceptions and pregnancies. In the future, political legislation should provide the tools and resources to more completely encompass the safe practice and protection of reproductive rights.

## Works Cited

- Campbell, C. (2023, February 8). *W.Va. Senate introduces bill to remove abortion exemptions for rape and incest*. <https://www.wtap.com>; Gray Television, Inc. <https://www.wtap.com/2023/02/08/wva-senate-introduces-bill-remove-abortion-exemptions-rape-incest/>
- Congressional Record House Articles. (2021, September 19). <https://www.congress.gov/congressional-record/2020/01/15/house-section/article/H246-2>
- Hess, C., Milli, J., Hayes, J., Hegewisch, A., Mayayeva, Y., Roman, S., Anderson, J., & Augeri, J. (2015, May). *Status of Women in the States: 2015*. Washington DC; Institute for Women’s Policy Research.
- SB 0857 M – *The Tennessee General Assembly legislation*. (n.d.). Retrieved February 19, 2023, from <https://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB0857>
- Smith, A. (2005). Beyond Pro-Choice versus Pro-Life: Women of Color and Reproductive Justice. *NWSA Journal*, 17(1), 119–140. <http://www.jstor.org/stable/4317105>
- Weingarten, K. (2016). Shame before the Law: Affects of Abortion Regulation. In M. MENDIBLE (Ed.), *American Shame: Stigma and the Body Politic* (pp. 27–43). Indiana University Press. <http://www.jstor.org/stable/j.ctt1bmzmdz.5>
- Woodrum, E., & Davison, B. L. (1992). Reexamination of Religious Influences on Abortion Attitudes. *Review of Religious Research*, 33(3), 229–243.