

A Women's Choice to Abortion: a look at History, Medical Prevention, and Consequentialism

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Abortion is the medical practice of ridding the body of a pregnancy and the fetus. Abortion has been an issue of controversy for hundreds of years, dating back to the 1800's. It has become a political issue, as the different political parties have different stances on the issue, but at its core abortion should be considered an ethical issue. After the decision of *Roe vs. Wade* in 1973, women thought that their rights to determine the outcome of their pregnancy and their body would be protected forever in the United States. That has recently not been the case. The overturn of this law hands the decision of abortion back over to the states, which have already begun criminalizing abortion, even if it is what is deemed best for the mother. A woman should be allowed to do what is necessary for their body and their life without fearing repercussion or retaliation. The overturn of *Roe vs. Wade* by the supreme court causes women to fear their own safety when regarding having a child, even if parenthood is not best for the individual. The overturn of *Roe vs. Wade* violates consequentialist ethics, projects an increase in maternal death rates, and is going to be a key deciding point in the up-and-coming presidential election, as history could repeat itself.

An abortion is a medical procedure that can be done to end a pregnancy. The types of abortions are separated into in-clinic abortions and the abortion pill. There are different types of in-clinic abortions that include suction abortions or vacuum aspiration, and dilation and evacuation (D&E). Suction abortions is the most common and is used to suction the uterus empty. D&E uses suction and medical tools. In-clinic abortions have a success rate of 99% and can take 5 to 10 minutes, while the abortion pill can take up to 24 hours. (What Happens During an In-Clinic Abortion?, n.d.).

Unsafe abortions have a positive correlation with maternal death rates. An unsafe abortion could include illegal abortions done by medical providers, or several techniques done by

the mothers themselves including but not limited to sticking sharp objects into the uterus or using toxic chemicals to rid the body of the pregnancy. By decreasing the stigma behind negative feelings towards abortions and providing safe abortions for all women, the number of maternal deaths or complications would decrease. This can be seen done in Romania, where when abortions were legalized and there was a drastic drop in abortion-related deaths (Briozzo, et. Al, 2006). To prevent an increase in maternal death rates, abortions should be legal in all states and protected by the Supreme Court.

By looking at a timeline of abortion reproductive rights, abortion laws and regulations, including *Roe vs. Wade*, should be kept in place so that the United States does not repeat history. Looking back towards the 1800's and early 1900's, abortion was illegal and criminalized. In the early 1880's, people could receive \$1,000 fines and jail time. Criminalization laws were passed, abortion practices were forced to go underground, and abortions were considered illegal in every state. By the year 1930, underground practices accounted for 18% of all maternal death rates, losing 2,700 women due to illegal and unsafe abortions (*Historical Abortion Law Timeline: 1850 to Today*, n.d.).

In the 1970's, abortions were allowed when in necessity to save the life of the mother in most states, while few states allowed for abortions during pregnancies of rape and incest, and even fewer states, primarily liberal, allowed for abortions when wanted by the mother. With the growing of the liberal party in America, and the thought that America promotes individual freedom, more abortion freedoms were granted in certain states. Abortions became an issue for gender equality, as women wanted to have a right to their own body whether a child was wanted or not. When abortion became more legalized after *Roe vs. Wade*, it held much controversy between political parties, creating Pro-life and Pro-choice (Lewis, 2022).

Roe vs. Wade is the court agreement that a woman should have access to an abortion as a human right. In 1969, Norma McCorvey went under the alias Jane Roe with two female lawyers, filing against Henry Wade in federal court, to stop the abortion law, but the case went to the supreme court. In the supreme court case, nine justices were appointed, ruling in a 7:2 ratio in favor of Roe. Women had a right to abortion. In the first three months, it would be up to the woman. After the second trimester, it would be up to the state and would only be acceptable if the health of the mother was threatened (Lewis, 2022).

In the 1970's, Roe vs. Wade became a driving force for the presidential election. It drove the difference between the republican and democratic parties and became a social wedge in society. The republican party views abortion as murder and is appealing to the religious voters who see abortion as a sin. The democratic party is using abortion to appeal to women in a chance to be able to control what happens to their own body, and to sympathize with the choices women are making. This can be said that the republican party is "pro-life" while the democratic party is "pro-choice". Since President Trump's decision to nominate Neil Gorsuch into the Supreme Court, the Supreme Court has determined that the right of abortion should be left to be decided by the states. This creates many issues within society, as neighboring states may have different views. It draws into attention that if a woman in a "pro-life" state would want to get an abortion, she would have to travel to another state, and could potentially get herself and the doctor that preforms her abortion in serious trouble if her home state found out. It creates inequality across the country and has created a turn in the up-and-coming presidential election.

When looking at the earlier laws in the United States and the detrimental effects they had on maternal deaths, it can be clear that history should not repeat itself. By making abortion a political issue, overturning laws, and creating new ones that harm abortion practices, history

could repeat itself. As seen in the 1800's and early 1930's, abortion bans had a positive effect on maternal death rates. If the overturn of Roe vs. Wade continues, and abortions rights stay determined by the states, it is likely that maternal death rates will increase. If a woman wants an abortion, legal or illegal, the woman will have an abortion. That does not mean that it would be done safely or in time. After being denied an abortion, the women could die, whether it be from the practice of an unsafe abortion or simply due to the time it took for her to get the opportunity to have an abortion in a different state. If the United States continues the path having abortion considered illegal in some states, history will repeat itself, and more maternal deaths will occur. Abortions will still happen, but unsafely. By keeping Roe vs. Wade, America is trying to prevent unsafe abortions and the increase in maternal deaths associated with illegal abortions.

The overturn of Roe vs. Wade is projected to take serious precedence in the up-and-coming election. Presidential candidates will be asked about their choice on the pro-life vs. prochoice debate, and how they plan to tackle the overturn of Roe vs. Wade. It is likely that the republican party will stand by their decision to disagree with abortion, while democrat candidates will stand by their decision to support abortion rights and the idea of planned parenthood for women. It is projected that this will be a huge factor in the election, and whoever appeals to the most voters will end up in the role of President. This will be a large factor in consideration for who will become president, as it will be the future of women and their own bodily rights.

When discussing politics, the argument of separation of church and state can also come into play. The first amendment prohibits laws that build off religious beliefs, as more religious denominations would receive more benefits from such laws. In the case of abortion, the establishment clause was set in place, which determines stops the government from establishing a religion towards their laws that were made. In the case of Roe vs. Wade and the denial of

abortion, laws created “lack a secular purpose, benefit specific religious organizations, unnecessarily entangle church and state, and place the state on one side of a political issue which is divided along religious lines, thus violating the establishment clause” (Jr, 1990). This helps to support that the illegalization of abortion in states violates the first amendment right. It is known that abortion laws are the strictest in the south and more where there are more conservatives or republicans. When looking at the Christian Right, the organization is in support of conservative candidates and legislators, helping to raise them billions of dollars for them to share their religious beliefs, including religious beliefs regarding abortion. Many Southern organizations, like the Christian Right, are afraid if they were to offer abortion service information or referrals, then they would lose their funding (Castle, 2011). The inability to separate between church and state, and the violation of the first amendment over abortion laws helps to support that arguments against abortion relate to religious beliefs made by politicians. Because abortion laws created are largely impacted by religious beliefs, abortion should be made a fundamental right to all to ensure that church and state stay separated, and no amendments are violated.

At its core, abortion rights should be considered an ethical issue instead of a political issue. Consequentialism views an argument as morally right by weighing the differences in consequences and choosing the action that will produce the least harm for the greater good. When viewing consequentialism, abortion should be considered legal to protect a women’s autonomy, during all pregnancies due to rape, to protect against hurting the physical and mental health of the mother, and during all pregnancies where contraceptive use was occurring.

Reproductive autonomy includes a woman’s right to determine their own reproductive decisions and needs. It additionally includes having access to reproductive health services (Senderowicz & Higgins, 2020). By giving the states back control over the decision of whether a

woman can have an abortion, the Supreme Court is taking away their reproductive autonomy in certain states. Politicians are the ones who are making the choice for women in need of abortions, and the woman is being denied her own freedom to decide regarding her own body. The study by LaRoche and Foster takes place in Canada and is discussing the legalization of the oral abortion pill. One of the women in the study discussed how having this option gave her autonomy over her own choices, and she had the ability to choose what would happen to her own body without being judged by anyone. She discussed how by taking the oral abortion pill “you’re taking it yourself; you’re making the decision yourself” (LaRoche & Foster, 2020). By looking at this study, the idea that having access to legal abortion without judgement can empower a woman and make her feel as though she has a choice to her own body and what happens to it.

In the paper by James-Hawkins, Dalessandro, and Sennott, it is discussed how men and women in heterosexual relationships navigate how to balance contraceptive use and pregnancy prevention while also considering equality in sexual relationships. The study found that men largely place contraceptive use, and the decision of what contraceptive method should be used, on the female. This would be exemplified as if the woman was on birth control that would be up to her. If she wanted the man to use a condom, she would either ask or supply one. Men agreed with the cultural standard that is acceptable for men to be less involved in an unintended pregnancy (James-Hawkins et al., 2019). The choice to use birth control is an example of a women's autonomy. She can make decisions over what is best for her body. This is the same with abortion. The freedom to a legal abortion supports that a woman has a right to her own autonomy, and what happens to her own body.

Consequentialism views criminalizing abortion as denying a woman a right to her own autonomy. By giving back abortion rights to the state, allowing some states to criminalize

abortion, women's rights to their own body are being taken away. Consequentialism views women being denied their rights as a worse consequence than aborting a fetus. If you are not allowing women to have a decision over their own bodies, then billions of women are being affected. Ultimately, this would cause worse affects than aborting fetuses, as more people would be affected. A loss of women's rights to their own body would have a greater negative impact and have more consequences than legalizing abortions.

Criminalizing abortion can also impose mental and physical health risks on the mother. Sometimes mothers seek abortions due health risks, such as in the case of Savita Halappanavar.

Savita Halappanavar was a pregnant woman living in Ireland during October 2012. On the 28th of October she miscarried at 17 weeks and died. Although there are many maternal deaths, this one was more publicized than the rest. It created the debate as to when people should be able to terminate a non-viable pregnancy if the life of the mother is put in jeopardy. Abortions in Ireland were illegal until 2018. When Savita miscarried, the pregnancy was non-viable because she was already fully dilated, even though the baby was nowhere ready to live on its own outside the womb. Doctors determined that the baby could not be kept in the womb long enough to be able to live on its own (Berer, 2013). This creates the argument between viable and non-viable pregnancies. If a fetus cannot live on its own outside of the womb, it is to be considered non-viable, where if it can survive on its own outside of the womb, it would be considered viable. Because of this argument, it was determined that only Savita's life was at stake, and not the fetus's life. The Doctors were against removing the fetus from the womb because there was still a fetal heartbeat (Berer, 2013)

The case of Savita Halappanavar raises the question: how doctors chose between a

woman's life and an unviable fetus even though there was a heartbeat? It was seen that best case scenario would be that the mother would live. It was already determined that the baby could not live on its own outside of the womb, and the mother could not carry to full term with the fetus in her womb. Instead of saving the mother and granting her the abortion, the doctors in charge waited for the fetus heartbeat to stop completely, which allowed for enough time for the mother to die as well. If abortion were to be taken away in North America, there would be an increase in maternal deaths due to more cases like Savita Halappanavar's. Mothers are going to doctors for help and being denied medical care that could save their lives. Medical care such as abortions should be provided for women who need it to save their lives and should not be questioned so that cases like Savita's do not continue happening.

Consequentialism ethics supports the idea that abortions should be allowed to protect the mental and physical health of the mothers. When looking at therapeutic abortions, it must be determined which consequences are considered less serious (Stefan, 2014). When looking at the case of the health of the mother, if the mother does not survive, and cannot carry the fetus to full term, then both the mother and the child will die. This is evident in the case of Savita Halappanavar. If abortion was allowed, then it would be likely Savita would have been able to live, and the consequence would have been losing the fetus. Additionally, when choosing between saving the fetus or the mother, the mother is more established and already has a life developed. There could be a family, such as a life partner or other children that are relying on the mother that could potentially die. In the case of an established mother, the consequences would carry on and affect the rest of their family and friends. In the view of consequentialism, killing the women to save the fetus produces more consequences than choosing to abort the fetus. More

people would be affected and hurt, which is a worse consequence than allowing abortion to be legal.

In the case of preserving the mental health of the mother, this can also be prevalent through understanding consequentialism's view of abortion on raping a woman. In the case of a man raping, it is known that the mother did not have sexual intercourse to reproduce, but instead because she was forced against her will. If abortions were criminalized, and the woman were to get pregnant from being raped, it is likely that the woman could be traumatized and sent into depression. Additionally, the father is aggressive, dangerous, and most likely not going to be present in the home life. The mother would have severe mental health issues, and if the child were to be brought up in the home, it is likely there will be a hostile environment.

Consequentialism views pregnancy from rape as a morally correct reason to have abortion be legal. If the pregnancy were to go to full term, and the woman were to have the child, they could both live in suffering- the mother from her everyday reminder that a man forced himself on her and committed an awful act, and the child knowing that they should not be born and being a constant reminder to their mother of the awful event that occurred. The consequences are less severe if the fetus were to be aborted, as it can allow the woman to try and move on from the traumatic events that occurred, preserving her mental health (Stefan, 2014).

Consequentialism also views how pregnancies while using contraceptives should be able to result in abortion. When using contraceptives, it is factual that neither individual in the consensual sexual relationship would want a child. Contraceptives are being used to prevent the sperm from entering the egg, resulting in human life. At a consequentialist level, weighing bringing an unwanted child into the world or performing an abortion, the consequences are less severe performing the abortion. If the child were to be brought into the world, there is no

guarantee that the parents will ever fully accept the child. Additionally, unintended pregnancies also can cause detrimental effects to financial and educational statuses, as well as change family dynamics. If the child were to be placed into an orphanage or up for adoption, consequentialism views this as a chance. Although the child could be brought up in a loving adopted family, it is not guaranteed that the family will love the child as their own. Consequentialism views these chances as having worse consequences than aborting the fetus. While it is clear two individuals do not want a child by their use of contraceptives, if an unintended pregnancy were to arise and the two people wanted the option of abortion, it should be allowed. Abortion has less severe consequences than if the child were to grow up in a home that cannot provide the love and resources needed, whether that be from biological or adopted guardians. (Stefan, 2014).

Looking at teen pregnancy can help to emphasize how unintended pregnancies produce more consequences than if an abortion was available as an option. It was found that in the United States, around 60% of all pregnancies are unintended, and in teen pregnancies, 80% are unintended. When discussing teen pregnancies 29.5% result in abortion (Coyle & Miller 2000). If the right to abortion were taken away, and these young parents were not able to do what is best for them, they would be forced to have the child and either keep it or put the child up for adoption. The only other solution would be to try and force the abortion themselves through various methods or have the abortion performed illegally, potentially harming themselves in the process. Whether the teen parents keep the child and put them into foster care, keep the child and struggle to raise them, or have an illegal abortion, there are issues of concern with any of the options presented to them.

Because most of teen pregnancies are unintended, the parents are unlikely to be married and have difficulty providing for their child. They were not previously intending to

have this child and had not been saving up to be able to pay for their children's livelihood. Mothers can also not work during later stages of their pregnancy, or once the child is born. Additionally in the United States, there is no guarantee of paid medical or family leave time. The Family Medical Leave Act in America provides for twelve weeks of unpaid leave, while the job is protected. Additionally, they must be there for a minimum of twelve months and worked 1,250 hours during their twelve months on the job (Mello, 2005). It is highly unlikely that teenagers who are in any form of schooling are working full time for thirty-two weeks out of the year to receive unpaid maternity leave. This creates issue, as the teenaged parents are unable to save enough money to care for a child on their own due to their limited work availability during the school year. Also, even if they were able to work the allotted time necessary for twelve weeks off from work and their position guaranteed to them after leave, the parents are still not being compensated for their time away from work. This could lead to financial issues after the parents were denied the right to an abortion. This is not only an issue for teenaged parents, but also any age where an unintended pregnancy occurs.

An important factor to discuss is the findings that there were higher education levels in teenage mothers that had abortions in comparison to mothers who carried and raised their child. When having an abortion, it was found that the women were able to continue their education, whereas most young teenagers who became mothers were unable to continue their education (Coyle & Miller 2000). This can lead to a different socioeconomic standing, as people with lesser education have more trouble finding jobs, and without a high school degree, typically find jobs that are paying minimum wage instead of a salary. This can make it hard for young parents for provide for their child or children and lead back to the idea that sometimes after childbirth, the child gets put up for adoption because they cannot be cared for in the way that they need to be.

Consequentialism when discussing teen pregnancies can view abortion as morally correct. Young parents may be unable to financially provide for a child, and the education levels of the parents would not reach full potential. This could bring the family into lower levels of poverty if not supported by the parents of the teenage parents. Causing families to potentially live in poverty and be unable to care for themselves and their child has worse consequences than aborting a fetus as seen by consequentialism.

The Supreme Court made the decision to overturn Roe vs. Wade and change women's rights forever. The overturn caused for the decision of abortions to go back to the state's power and take away a woman's freedom in America. With the overturn, the number of maternal deaths and abortion complications can increase, women's rights are being taken away, and the number of unwanted pregnancies that result in child increase.

The discussion of Roe vs. Wade is going to be a driving force for the upcoming presidential election. It is going to become a heated debate and ultimately fall upon majority of voters: do we as Americans want the ability to have a safe abortion, or do we want to rid women of the choice to decide what happens to their own bodies. It is most likely going to be the most talked about aspect of the upcoming election and can also influence more young voters to get involved with the presidential debate, raising voting numbers potentially higher than ever before.

When discussing taking away abortion rights in the United States, the next step to this argument would be to take away the option of planned parenthood and other contraceptive methods such as the birth control pill or the use of an IUD. This needs to be stopped before we reach this point. Planned parenthood provides safe abortions to those in need, but it also does so much more. They screen for cancer, provide contraceptives, test for sexually transmitted

infections, and provide preventative care. Women's rights should not be taken away.

Abortion rights and keeping planned parenthood should be protected so that a woman has the option to take care of her own body.

The overturn of Roe vs. Wade changed America forever. Women are fearing for their rights and hoping that someone is going to step up and take control of the situation. Men should not be deciding what happens to women's body, and it is evident throughout studies done that men believe women should have a right to decide what happens to their body. Additionally, removing abortion rights from a women can cause more unsafe abortions and increase the number of parents who are not ready to have a child. Criminalizing abortion threatens the ideas of consequentialism ethics. The right for a woman to have access to a legalized and safe abortion should be brought back. No woman should be afraid for their future and their rights.

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