

COMMENT – Abortion Views in the United States and the Impact of the *Dobbs* Decision

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Few U.S. Supreme Court decisions in American history have sparked as much debate and protest as the reversal of *Roe v. Wade* in 2022. The 1973 *Roe v. Wade* decision established a national right to abortion under the due process clause of the Constitution’s Fourteenth Amendment that protected the right to privacy. The Supreme Court overturned the *Roe v. Wade* ruling on June 24, 2022, with their decision in *Dobbs v. Jackson Women’s Health Organization*. The *Dobbs* decision ended nearly 50 years of constitutionally protected abortion rights at certain stages of pregnancy. The *Dobbs* decision determined that the Constitution does not explicitly or implicitly state that abortion should be legal or guaranteed, and that the right to abortion is therefore not guaranteed by the Fourteenth Amendment after all. This ruling effectively returned authority to regulate abortion laws and reproductive rights to U.S. states.

In the years immediately following this decision, citizens across the United States have held mixed opinions. A 2022 Gallup poll found that 55% of Americans identify as “pro-choice,” the highest percentage since 1995, and only 39% identify as “pro-life” (Saad, 2022). Some Americans strongly agree or disagree with the *Dobbs* decision, while the greatest percentages of Americans hold views on abortion that fall within a political middle ground – often believing abortion should be legal in some circumstances, but not all (Deckman et al., 2023). The *Dobbs* decision has made abortion rights a more prominent feature of American political debates and has influenced public opinion on this matter. This essay argues that the *Dobbs* decision is an important moment in U.S. legal history that requires us to think deeply about how the public perceives human rights issues and how this debate impacts American democratic ideals.

The *Dobbs* decision marked a pivotal moment in United States history because it fundamentally reshaped the legal status of abortion, affecting women across the country. The Supreme Court asserted that the *Dobbs* decision was “guided by the history and tradition that map the essential components of the nation’s concept of ordered liberty, the Court finds that the Fourteenth Amendment clearly does not protect the right to an abortion” (Justia, 2022). Rather than protecting abortion rights in relation to the right to privacy and the Fourteenth Amendment, the Court determined that abortion did not warrant protection by the Due Process Clause. Notably, three quarters of U.S. states made abortion a crime at all stages of pregnancy when the Fourteenth Amendment was adopted (National Constitution Center, 2022). By eliminating federal abortion protections and returning authority to the states, this shift allowed each state to enact its own laws based on local political and cultural views. Within six months of the *Dobbs* decision, 19 states passed laws prohibiting abortion within the first trimester (Maril, 2023). For many pro-choice advocates, the *Dobbs* decision was not just a legal shift; it symbolized a broader threat to bodily autonomy and democratic representation. From that perspective, millions who supported abortion access were overridden by a judicial majority that interpreted the Constitution differently than when *Roe v. Wade* was decided.

Debates about the *Dobbs* decision highlight deep divisions in how Americans think about abortion, religion, race, and politics. At the most basic level, individuals who tend to be more conservative and religious (and who often align with the Republican political party) tend to agree with the *Dobbs* decision, while those who are less religious and more progressive (and who often vote Democrat) tend to disagree with it. Yet beliefs about abortion can be far more complicated than that. Some studies find that there is a correlation between beliefs about race and opinions about abortion access (Deckman et al., 2023). Support for abortion is also influenced by personal factors such as financial instability, lack of parental readiness, and the absence of social or family support (Jozkowski et al., 2024). Support for abortion rights is sometimes linked to concern for children’s rights and well-being; children born into families where they are unwanted or underprivileged might struggle to have their basic needs met, including emotional support, while the children of underaged parents could face similar challenges and vulnerabilities to neglect (Jozkowski et al., 2024). These complex concerns demonstrate how abortion isn’t simply an issue during pregnancy and childbirth, but rather it impacts an individual’s entire lifespan. The *Dobbs* decision is therefore viewed by many pro-choice advocates as failing to account for the broader consequences that come from limiting reproductive options.

Examining the *Dobbs* decision through a democratic lens is crucial for understanding the public attitudes about women’s bodily autonomy and abortion rights. Many citizens view the overturning of

Roe v. Wade as a threat to democracy because it infringes upon individual liberties, such as the right to privacy for women. Some contend that *Dobbs* reinstalls government control over private individuals, including the decision of whether to become a parent (Huberfeld et al., 2023). Because these restrictions most severely impact poor women (who cannot travel to another state or country to have an abortion), some argue that the *Dobbs* decision results in another way that health care access is determined by socioeconomic status (Deckman et al., 2023). There is a growing concern that relying on states to legislate abortion access, rather than having federal guarantees, leads to unequal protections for U.S. citizens based on their state of residency. Indeed, the *Dobbs* decision has raised questions about challenges to American democracy more generally, since the right to bodily autonomy is central to fundamental human rights and freedoms, and how such challenges will impact gender equality (Maril, 2023). As women across the United States share stories about how *Dobbs* has personally affected them, some argue that the decision is a direct attack on women's rights fueled by sexist, masculinist preferences (Alvaré, 2023). Many question how this ruling will impact women's health care, including access to birth control and in vitro fertilization (IVF), and point to the emotional toll this takes on women whose health care is threatened (Cherry, 2024).

The topic of abortion has always been controversial in the United States, even during the *Roe v. Wade* era, and it continues to shape political conversations. The *Dobbs* decision impacted reproductive rights by shifting the power to legislate abortion to the states, leading to restrictions that many believe privilege controlling women's bodies over protecting rights to privacy and healthcare. Contrasting public opinions remind us that abortion will remain a persistent human rights topic within the United States.

References

- Alvaré, H.M. (2023). Denying Dobbs, Dodging the Demos. *Houston Law Review*, 60(4): 865-900.
- Cherry, A.L. (2024). "I Wish I Knew How It Would Feel to Be Free": A Lamentation on *Dobbs v. Jackson's* Pernicious Impact on the Lives and Liberty of Women. *Cleveland State Law Review*, 72(2): 301-393.
- Deckman, M., Elder, L., Green, S., & Lizotte, M. K. (2023). Abortion, Religion, and Racial Resentment: Unpacking the Underpinnings of Contemporary Abortion Attitudes. *Social Science Quarterly*, 104(2): 140-152.
- Huberfeld, N., McClain, L.C., Ahmed, A., & Lomboardo, P.A. (2023). "A Vigorous Campaign Against Abortion": Views of American Leaders of Eugenics v. Supreme Court Distortions. *Journal of Law, Medicine & Ethics*, 51(3): 473-479.

Jozkowski, K.N., Bueno, X. LaRoche, K., Crawford, B.L., Turner, R.C., & Lo, W. (2024). Participant-driven salient beliefs regarding abortion: Implications for abortion attitude measurement. *Social Science Quarterly*, 105(2): 374-391.

Justia. (2022, August 9). *Dobbs v. Jackson Women's Health Organization: 597 U.S. (2022)*. Retrieved from <https://perma.cc/3MC3-PD8F>.

Maril, R. (2023). When It Happens Here: Reproductive Autonomy, Fascism, and *Dobbs v. Jackson Women's Health Organization*. *Pace Law Review*, 43(2): 399-432.

National Constitution Center. (2022). *Dobbs v. Jackson Women's Health Organization (2022)*. Retrieved from <https://constitutioncenter.org/the-constitution/supreme-court-case-library/dobbs-v-jackson-womens-health-organization>.

Saad, L. (2022, June 2). "Pro-Choice" Identification Rises to Near Record High in U.S. Gallup. Retrieved from <https://news.gallup.com/poll/393104/pro-choice-identification-rises-near-record-high.aspx>.

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