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Sexual behavior creates more public debate than any other issue in life. In the news media, in politics, and in the streets, Americans take completely opposite positions on reproductive issues. Much of the debate began in the 1960s, with the sexual revolution. The liberalization of attitudes toward birth control and abortion shocked conservatives. Over the next decades, conservative leaders and organizations called for a return to traditional sexual values. Increasingly, social liberals and conservatives have battled in the courts over access to reproductive services. The battle over reproductive issues has largely focused on control of women's bodies. Most of the public debate in recent years has centered on abortion regulation, access, and methods.



RU-486 provides a chemical abortion. It is an antiprogesterin, a drug that blocks progesterone in the uterus, thereby causing the embryo to be sloughed off. In the United States surgical abortions are generally not performed until seven weeks from a woman's last menstrual period. RU-486 enables women to have abortions two weeks earlier than the current standard allows. In developing countries, where sterilization of instruments is difficult and trained medical personnel are few, RU-486 has been touted as a way for women to avoid dying from infection. In the United States, the drug has been promoted as a more private, gentler, and less intrusive method of obtaining an abortion than the traditional surgical method. Anti-choice groups seemed particularly unnerved by this development in abortion technology because of its privacy as well as the likelihood that the medication would make abortions widely available throughout the world. If quiet and widespread, this type of abortion would be more difficult to target. In 2006, there were reports of women dying after taking RU-486 and doubts about the safety of the drug led to demands—thus far unsuccessful—that it be banned by the Food and Drug Administration.

The *Roe v. Wade* decision that legalized abortion has been steadily under attack since it was issued in 1973. The ruling was based on three constitutional principles:

- Women have a fundamental, constitutional right to reproductive control and privacy.
- The government must remain neutral regarding a woman's decision to have or decline an abortion.
- In the period before "viability" (the point at which a fetus can survive outside the womb), the government may restrict abortion only in the interests of protecting the woman's health or life.

The *Roe* decision also established a trimester concept of pregnancy, in which the women have an unimpeded right to abortion only in the first three months of pregnancy. All of these principles have since come under heavy attack by opponents of abortion. Antiabortion activists have employed tactics emphasizing the legal rights of the child as opposed to the mother, and argued that life begins at conception, not when the fetus is capable of living outside the womb.

Part of the debate has involved the question of when life begins and the effects of abortion on a woman's health. Opponents of abortion believe that DNA technologies developed since 1973 prove that the unborn child is a whole human being from the moment of conception. They cite DNA fingerprinting, which shows a pattern of DNA that can identify an individual and the polymerase chain reaction which makes it possible to amplify and extract that

information from a single cell. They also cite evidence that health risks are associated with abortion, including infection, hemorrhage, problems with future pregnancies, and an increased risk of breast cancer. However, a report by the American College of Obstetricians and Gynecologists concluded that the medical literature does not demonstrate that abortion leaves a negative impact on long-term reproductive health or leads to any increased cancer risk. Antiabortion activists have also argued that abortion can do intense psychological or spiritual harm to the mother, even in cases of incest or rape. According to pro-choice advocates, this is not true.

Abortion regulation laws have occupied the courts since *Roe v. Wade*. Much of the more recent conflict has involved the issue of partial-birth abortion. In 2000, the U.S. Supreme Court held 5–4 that a Nebraska law banning partial-birth abortion was unconstitutional. In response, Congress passed the even stricter Partial-Birth Abortion Ban Act of 2003 that includes no health exception. Conservatives have debated the merit of including a health exception on the grounds that sympathetic physicians may make bogus findings of health necessity. In 2007, the Supreme Court upheld the constitutionality of the ban in a narrow 5–4 vote in *Gonzales v. Carhart*. Another issue that has gained attention lately is parental notification. By June 2011, 36 states had laws requiring that parents have some involvement when an underage girl attempts to get an abortion.

Antiabortion activists have gained ground in the debate in recent years by pursuing an incremental strategy. Rather than attempting to overturn *Roe v. Wade* directly, they have been advocating bans one state or one issue at a time. If the *Roe* decision is overturned, abortion opponents have stated that they will embark upon a state-by-state effort to ban abortions, including those sought in the cases of rape and incest. They view abortion as a response to rape and incest as punishment of an innocent child. Just such a law passed the South Dakota legislature in 2006, banning all abortions, except to protect the health of the mother. The law was later overturned by state voters, however, in 2011, South Dakota's governor signed legislation instituting a waiting period to receive an abortion and requiring that women seeking an abortion visit a "pregnancy help center." Numerous other states have pursued similar legislation.

The abortion debate resurged in 2009 after Dr. George Tiller, one of the few physicians in the nation who performed late-term abortions, was shot and killed by an antiabortionist. The gunman, Scott Roeder, was convicted of first-degree murder in 2010. Additional debate emerged concerning abortion's role in health care reform legislation. As the health care debate lingered on into 2010, controversy continued over the legislation's components on federally funded coverage of abortion costs.

Most Americans are not comfortable with a total ban on abortion. By nearly a 2–1 margin, a 2010 Quinnipiac poll showed that Americans want the right to an abortion although they approve of some restrictions. Any attempts at a total ban have the potential to make the abortion debate even more heated than it already is by energizing supporters of abortion rights. Abortion rights opponents continue to advocate state laws to regulate abortion in order to present a legal challenge that may lead the U.S. Supreme Court to limit the scope of abortion across the nation. While it is unclear whether the Court will approve a total federal ban on abortion in future cases, legal commentators think that the justices may continue to allow the individual states to restrict or ban abortion.

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Further Reading

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Select Citation Style:

MLA

Neumann, Caryn E. "Abortion: Outlook." *Issues: Understanding Controversy and Society*. ABC-CLIO, 2014. Web. 15 Sept. 2014.

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