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**Abortion in Modern America: The Influence of the Legal,
Religious, Political Factors in Changing Attitudes**

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in Literature and interdisciplinary approach

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Dedication

I would like to dedicate this dissertation To Allah, who gave me strength and patience to go through hardships

To Myself, for enduring the challenges and persevering through this journey, discovering strength within and embracing personal growth

To My Mom, whose unconditional love, care, and unwavering emotional support guided me through the darkest moments and illuminated my path to success.

To My Brother, whose unwavering belief in me and constant inspiration pushed me to exceed my own expectations and strive for greatness.

To My Father, for his unwavering support and belief in my abilities, providing me with the encouragement and guidance needed to overcome obstacles and achieve my goals.

To My Family, especially my grandmother and Aunties, for their love and encouragement,

And lastly for all my friends who made this journey unforgettable

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Abstract

Abortion is a highly controversial topic that has been debated for decades, both in the United States and around the world. It involves the termination of a pregnancy by removing a fetus or embryo from the uterus before it can survive outside the womb. with many people holding strong opinions on both sides of the issue. There are deep questions about morality, ethics, and the law that are central to this debate. In the United States, the current situation of abortion is complex and varies widely depending on each state. The landmark Supreme Court decision in *Roe v. Wade* in 1973 legalized abortion nationwide, but since then, states have enacted a patchwork of laws that regulate access to abortion due to the backlash against the law. In recent years, there has been a renewed effort to ban abortion or restricted after a certain point in pregnancy. This study pursues to highlight how the legal status of abortion has shifted from being recognized as a constitutional right to being severely restricted in many parts of the country. The debate over abortion in the United States is unlikely to be resolved anytime soon. It is a deeply personal issue that involves a woman's right to make decisions about her own body and the potential life of a fetus. As such, it is likely to continue to be a source of controversy and debate for many years to come.

Keywords: Abortion, morality, law, *Roe v. wade*, controversy, debate, Constitutional right, US.

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List of Abbreviations and Acronyms

N.W.P. National woman's Party

N.O.W. National Organization for Woman

N.B.F.O. National Women's Political Caucus

F.D.A. US Food and Drug Administration

E.R.A. Equal Right amendment

W.H.O World health organization

U.S.A. United State of America

T.R.O. Temporary Restraining Order

F.M.L.A the Family and medical leave Act

G.O.P. Grand Old Party

General Introduction

Over the history, women have fought for and won various rights that have fundamentally transformed their place in society. They want to be considered equal to men in terms of opportunities, treatment, and respect. The feminist movement has gone through several waves, with each wave addressing different issues and concerns.

The first wave of feminism began in the 19th century, when women fought for their right to vote and for basic rights such as property ownership and access to education. The second wave of feminism emerged in the 1960s and focused on issues such as reproductive rights, sexual harassment, and workplace discrimination. The third wave of feminism, which began in the 1990s, addressed issues such as intersectionality, inclusivity, and the right to access safe and legal abortion. While abortion has existed for centuries, its legality and accessibility have been contested throughout history.

Abortion has been a controversial issue for centuries, and the history of abortion is long and complicated. Prior to the 19th century, such practices were generally accepted and legal in many societies. However, as the medical profession developed and abortion was linked to dangerous practices and infections, it became increasingly stigmatized and criminalized. In the 20th century, many countries began to liberalize their abortion laws, but the issue remains a divisive one.

After the landmark Court case *Roe v. Wade* 1973, women in the US have gained a constitutional right to have an abortion, but then there have been ongoing legal and political battles over abortion rights.

The objective of this study is to examine the factors that have shaped the current situation of abortion in the US along with shedding light on the shift of abortion from being a constitutional right to the loss of its position and being almost restricted in America. In addition, the study would also seek to identify and explore the main arguments and perspectives of those who support or oppose abortion rights. This study highlights the various moral, ethical, religious, and political considerations that are at play in debates over abortion, and would help identify the ways in which these views have influenced policy and public opinion on the issue

For this reason, this work attempts to reply on the following questions

General introduction

- What is the legal status of abortion as constitutional right in the United States?
- How has the Supreme Court's decisions in Roe v. Wade influenced abortion rights and access?

In this regard, possible hypotheses for these questions are the right to abortion is a constitutionally protected right under the Due Process Clause of the Fourteenth Amendment. Furthermore, the supreme court decisions in Roe v. Wade have both expanded abortion right access nationwide while also sparking ongoing political and legal controversies

This study entitled “Abortion in modern USA: the influence of the legal, religious, political factors on changing attitudes” and it comprises three chapters. The first chapter entitled “The Evolution of Women’s Right- Exploring the First and Second Wave of Feminism” explores the history of the first and second waves of feminism and examines the key figures, events, and ideas that characterized these two waves of feminism in paving the way for women to gain their rights step by step. These efforts eventually led to the recognition of reproductive rights as a fundamental aspect of women's autonomy and bodily autonomy.

The second chapter entitled “A Pilgrimage Through the History of Reproductive Rights” explores the various perspectives on abortion, the history and legal landscape of abortion, the medical procedures involved in abortion, and the social and ethical implications of this contentious issue. It also examines the factors that influence individual beliefs and attitudes towards abortion and considers the potential for future developments in this ongoing debate.

The final chapter “The Evolution of Abortion Law in America, an Analysis of the Shift from Legalization to Criminalization” focuses on the legal and policy landscape of abortion through highlighting the most relevant court cases in the state. it also examines the socioeconomic and demographic factors that impact access to abortion. Additionally, this chapter explores the social and cultural attitudes towards it such as public opinion, the role of activism and advocacy in shaping the discourse and policies related to abortion.

1. Women's right movement (First wave 1848-1920)

Introduction

Being a woman is a heavy weight and long time ago it was a burden. Society used to believe that women were born only to achieve certain points in their lives and were considered as the property of their fathers or husbands, also back to the 1800's century people were affected by the ideology of the Victorian ideal "separate sphere" for men and women which consist in the idea that men took the public sphere "space of wage politics, economy etc.... and women should take the private sphere "space of home and children". However, this era started to fallout when a small group of women start questioning why woman's life were being unfairly constricted. For that they decided to make the first step into the woman's right movement by holding the "the Seneca falls convention". This chapter explores the first and second wave of feminism by shedding the light on the historical events, key figures and the relevant ideas that characterized these two waves and how they initiate the empowerment of women in gaining control over their own bodies."

1.1. The Seneca Falls Convention (1848)

The Seneca falls convention was the first woman's right convention held on July 1848 at the Wesleyan Chapel in Seneca Falls by Elizabeth Cady Stanton, a young mother from upstate New York, and the Quaker abolitionist Lucretia Mott. They met both at a tea party and decided to organize this convention(britanica.com). The latter was a reason for several meetings of these women who decided to challenge the current situation of woman in the US back then. During the convention, such activists decided to claim for specific rights for women, including rights of property, profession, education and voting. Although the main goal of the early Women's Movement was gaining the right to vote.

Over 300 people attend the convention many of them had been active as abolitionist or in anti-slavery movement during the 1830's and 1840's. Thus, the two movements were tackled together although not all the activists from the Women's Movement were also abolitionists. Still the two causes were fought together in order to fight for freedom and reduce structural inequality that was based on gender and race. Furthermore, the convention consisted of six of lecture and presentation of documents. These six sessions were stretched over two days,

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however, the most important document discussed in the convention was “the declaration of sentiments. (Collections Search | US House of Representatives: History, Art & Archives) .

1.2. The Declaration of Sentiments (1848)

The Declaration of Sentiments was a document calling for increasing the woman's rights and the woman's suffrage, also it was the first statement of the political and social repression of American women. Elizabeth Cady Stanton¹ wrote the document in July 1848, it was also called the Declaration of Right and Sentiments which is based on the Declaration of independence. Stanton used the Declaration of independence to their benefit and spoke:

“We hold these truths to be self-evident; that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted, deriving their just powers from the consent of the governed. Whenever any form of Government becomes destructive of these ends, it is the right of those who suffer from it to refuse allegiance to it, and to insist upon the institution of a new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to affect their safety and happiness. (The Declaration of Sentiments, July 19, 1848)

The declaration of sentiments was designed to gain certain rights and privileges that women of the era were denied, including voting rights, and gender equality, these demands came to life due to the activist Lucretia Mott² who believed that men and women were equal and this belief led many Quaker women to engage in politics and advocating for increased women's rights. The document also made it clear that women are oppressed by the patriarchal society and the governments thus it cataloged restrictive laws on marriages and property right, inequality in divorce law, the lack of women's suffrage, representation and participation in government and

¹ Elizabeth Cady Stanton: born November 12, 1815, Johnstown, New York, U.S.—died October 26, 1902, New York, New York), American leader in the women's rights movement who in 1848 formulated the first concerted demand for women's suffrage in the United States. (Elizabeth Cady Stanton, Britannica)

² - Lucretia Mott: born January 3, 1793, Nantucket, Massachusetts, U.S.—died November 11, 1880, near Abington, Pennsylvania), pioneer reformer who, with Elizabeth Cady Stanton, founded the organized women's rights movement in the United States. (Lucretia Mott, Britannica)

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inequality in education and employment opportunities. Hence the documents made sure to highlight all the women's sufferings and insist that women had to be viewed just like any male citizen and should be granted the same right and equality as man. (Cokely)

The Declaration of Sentiments was convened as planned, followed by the passage of 12 resolutions relating to woman's right. However, the only passage that did not pass smoothly was the call for women's enfranchisement. Matter of fact the idea of women being allowed to vote in elections was almost inconceivable to many, even Lucretia Mott had been shocked when Stanton had first suggested such idea but what made the situation worse was when Stanton ended the declaration of sentiments with a note of complete realism "In entering upon the great work before us, we anticipate no small amount of misconception, misrepresentation, and ridicule; but we shall use every instrumentality within our power to affect our object....." (Women's Rights Movement, National Women's History Alliance).

This note made the newspaper burn which caused a wave of hate towards women. The attack in the press caused many people from the Convention to reconsider their positions, others saw the voting issue too controversial and would hurt their efforts for equality in other arenas. Despite this, sixty-eight women and 32 men, including the famous abolitionist Frederick Douglass³, signed the Declaration of Sentiments, while many withdrew their names because of the intense ridicule and criticism they received after the document was made public. On the other hand, the convention led to a series of conventions run all a crossed the country and continue until the civil war.

³ -Frederick Douglass: Frederick Douglass was a formerly enslaved man who became a prominent activist, author and public speaker. He became a leader in the abolitionist movement, which sought to end the practice of slavery, before and during the Civil War. After that conflict and the Emancipation Proclamation of 1862, he continued to push for equality and human rights until his death in 1895. (Frederick Douglass, History.com)

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Alternatively, activists like Elizabeth Cady Stanton and Susan B⁴. Anthony, Lucy Stone⁵, and Sojourner Truth⁶ kept for their fighting their cause by enlightening and make the people all across the country comprehend the meaning of their cause until they gain the right to vote in 1920.

1.3. The Right to Vote 1920

The right to vote was a radical change to the American Constitution, and many activists despaired of ever achieving it. However, the Nineteenth Amendment proved to be the pivotal moment that finally tipped the scales in favor of suffrage. The amendment was first introduced in the US Congress in 1878, and after many years of tireless effort, it was finally received on August 1920.

Over the years, various strategies were employed to achieve this goal. Some activists pursued a strategy of passing suffrage acts in each state, which proved successful in nine western states by 1912. Others focused on criticizing and challenging the laws that allowed only men to vote. Suffragists received tremendous support but also faced fierce resistance, imprisonment, and physical abuse.

By 1918, New York adopted women's suffrage, and a year later, President Wilson⁷ changed his position to support the amendment. This political shift signaled a turning point in the

⁴ - Susan B Anthony: born February 15, 1820, Adams, Massachusetts, U.S.—died March 13, 1906, Rochester, New York), American activist who was a pioneer crusader for the women's suffrage movement in the United States and was president (1892–1900) of the National Woman Suffrage Association. Her work helped pave the way for the Nineteenth Amendment (1920) to the Constitution, giving women the right to vote. (Susan B Anthony, Britannica)

⁵ - Lucy Stone: A leading suffragist and abolitionist, Lucy Stone dedicated her life to battling inequality on all fronts. She was the first Massachusetts woman to earn a college degree and she defied gender norms when she famously wrote marriage vows to reflect her egalitarian beliefs and refused to take her husband's last name Michals, Debra, *National Women's History Museum*, 2017.

⁶ - Sojourner Truth (1797-1883) was an African American evangelist, abolitionist, women's rights activist, author who was born into slavery. (Truth, Sojourner History.com Editors)

⁷ - President Wilson: Thomas Woodrow Wilson, (born December 28, 1856, Staunton, Virginia, U.S.—died February 3, 1924, Washington, D.C.), 28th president of the United States (1913–21), an American scholar and statesman best remembered for his legislative accomplishments and his high-minded idealism. Wilson led his country into World War I and became the creator and leading advocate of the League of Nations. (Woodrow Wilson, Britannica)

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struggle for suffrage. On May 1919, the House of Representatives ratified the amendment, and two weeks later, the Senate followed suit. The final obstacle to the amendment's passage was obtaining the agreement of three-fourths of the states, which was achieved when Tennessee became the 36th state to ratify the amendment on August 1920. Secretary of State Bainbridge Colby certified the ratification on August 1920, forever changing the face of the American electorate.

Overall, the suffrage movement, which began at Seneca Falls in 1848, effectively ended in 1920 with the passage of the Nineteenth Amendment, which granted women the right to vote. After the amendment's passage, the early Women's Movement in the United States appeared to lose steam and disintegrate. However, the movement returned with the second wave of feminism in the 1960s, focusing on issues beyond voting. (The 19th amendment)

2. The Second Wave of Feminism (1960's-1970's)

After the first wave feminist secured the right to vote for woman with the 19 amendments, the second wave emerge to continue what the first one could not achieve. The first wave popped up to enlighten women and made them focus on equality in different sectors including political, social, and civil. However, the second wave appeared because many women were tired of feeling restricted to the household and determined to break down the walls of misogyny.

The first wave of feminism was marked by a focus on the lack of women's involvement in politics, prompting activists from other social movements to band together and join the fight for women's rights. The movement prioritized securing the right to vote for women, which took over 50 years to be achieved. Women's representation in the political system was practically nonexistent at the time, as it was widely considered a man's domain.

Despite this, a number of influential activists such as Elizabeth Cady Stanton, Susan B. Anthony, Sojourner Truth, and Alice Paul⁸ helped drive the first wave of feminism forward by holding women's rights conventions, launching campaigns, creating petitions, and picketing their way towards the goal of women's suffrage. In 1913, Alice Paul founded The Congressional Union for Woman Suffrage, which later became the National Woman's Party (NWP).

⁸ -Alice Paul: A vocal leader of the twentieth century women's suffrage movement, Alice Paul advocated for and helped secure passage of the 19th Amendment to the US Constitution, granting women the right to vote. Paul next authored the Equal Rights Amendment in 1923, which has yet to be adopted. (Paul Alice, national women history museum).

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The NWP focused on a range of women's rights issues, including equality, and in 1923, Alice Paul proposed the Equal Rights Amendment, which would have eliminated discrimination based on sex. Although the amendment did not pass at that time, it was continuously reintroduced and almost agreed upon during the second wave of feminism in the 1970s. (Alexander)"

2.1. Gender Role Before The 1960's

At the onset of World War II, the US government encouraged women to enter the workforce, leading to confusion about traditional gender roles in society. Women, who were previously viewed as caretakers and homemakers, were suddenly able to penetrate male-dominated industries. However, this upset the traditional notion of women's domestic duties, and many men felt threatened by this shift. To re-establish male superiority, industries paid women less and men who returned from war took over many of the positions previously held by women. Despite this, some women refused to return to their former domestic roles and began questioning why they were dissatisfied with homemaking, which they had been taught was the key to fulfillment. This dissatisfaction was one of the focal points of the second wave of feminism, which aimed not only to achieve equality for women but also to challenge the traditional societal view of women as homemakers. Activist and journalist Betty Friedan, who initiated the second wave, described this feeling in her book "The Feminine Mystique" as "the problem that has no name," a shared sentiment among women who did not realize that they were not alone in their dissatisfaction. (Ann and Mueller)

2.2. American Women in the Second Wave of Feminism

During the second wave of feminism, numerous organizations emerged, including the National Organization for Women (NOW) in 1966 with a membership of over 500,000 and the National Black Feminist Organization (NBFO). These organizations played a vital role in advocating not only for women's rights but also for the rights of African Americans, who were often marginalized by other feminist groups at the time. As a result of their tireless efforts, Shirley Chisholm⁹ became the first African American woman elected to Congress, a

⁹ - Shirley Chisholm: Shirley Anita St. Hill Chisholm was the first African American woman in Congress (1968) and the first woman and African American to seek the nomination for president of the United States from one of the two major political parties (1972). (Chisholm, Shirley, National Women's History Museum, 2015).

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groundbreaking achievement. In addition, Gloria Steinem¹⁰, a prominent journalist and public speaker, and Chisholm co-founded the National Women's Political Caucus (NWPC), which aimed to encourage women's participation in the public and political sectors (Hayes,2022)

2.3. Accomplishments of Second-Wave Feminism

Some of the accomplishments gained during the second-wave feminism was the passing of the Civil Rights Act of 1964 by the Congress to prohibit discrimination based upon race, color, national origin, sex, or religion. The Equal Rights Amendment was reintroduced every Congressional session after it had failed to pass Congress in 1923. The amendment passed in the US House of Representatives and Senate in 1972 but did not meet the minimum ratification requirement of 38 states, it fell short by just three states. Nevertheless, women's reproductive health rights was one of the best accomplishments of this wave , The US Food and Drug Administration (FDA) ratified the first oral contraception in 1960. They name it "the Pill" and initially faced much backlash, causing restrictions to be put in place.

However, the Supreme Court decision ruled that married couples were legally allowed to use contraceptives based on the right to privacy in the *Griswold v. Connecticut* case¹¹. This was brought to table before the Supreme Court due to a Connecticut law that had banned contraceptives for married couples. Evidently eight years later, *Roe v. Wade*¹² ensured that women had the right to an abortion before a fetus was considered viable, regardless of state law.

¹⁰ - Gloria Steinem: is a writer, lecturer, political activist, and feminist organizer. She has spent decades traveling in this and other countries as an organizer and lecturer and is a frequent media spokeswoman on issues of equality. (Steinem, Gloria, *Gloria Steinem*, 2019)

¹¹ -*Griswold v. Connecticut* case: In 1879, Connecticut passed a law that banned the use of any drug, medical device, or other instrument in furthering contraception. A gynecologist at the Yale School of Medicine, C. Lee Buxton, opened a birth control clinic in New Haven in conjunction with Estelle Griswold, who was the head of Planned Parenthood in Connecticut. They were arrested and convicted of violating the law, and their convictions were affirmed by higher state courts. Their plan was to use the clinic to challenge the constitutionality of the statute under the Fourteenth Amendment before the Supreme Court. (*Griswold v. Connecticut*, Oyez)

¹² -*Roe v. Wade*: *Roe v. Wade*, legal case in which the U.S. Supreme Court on January 22, 1973, ruled (7–2) that unduly restrictive state regulation of abortion is unconstitutional. In a majority opinion written by Justice Harry A. Blackmun, the Court held that a set of Texas statutes criminalizing abortion in most instances violated a woman's constitutional right of privacy, which it found to be implicit in the liberty guarantee of the due process clause of the Fourteenth Amendment ("...nor shall any state deprive any person of life, liberty, or property, without due process of law"). *Roe v. Wade* was overturned by the Supreme Court in 2022. (*Roe v. Wade*, Britannica)

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Apart from this in 1984, the Supreme Court ruled in *Hishon v. King & Spaulding*¹³ that gender-based discrimination against lawyers in relation to promotions to partnership positions in law firms was prohibited. The latter confirmed that Title VII of the Civil Rights Act of 1964 protected individuals' rights against discrimination in employment.

2.4 The Impact of Second-Wave Feminism

The second wave of feminism spanned from the 1950s to the 1980s, and its primary focus was on issues such as gender discrimination and equality. It began in the United States but soon spread to other parts of the world, opening up new opportunities for women. Women gained access to jobs in all corners of the US and began breaking into traditionally male-dominated professions such as electricians, plumbers, and machine operators.

In 1972, the passage of Title IX prohibited discrimination against women in any educational program receiving federal funds. Divorce laws were also liberalized, pregnant women were protected from being fired by employers, and there were numerous efforts to secure Supreme Court rulings and laws that would benefit not only women but all individuals.

However, these achievements faced backlash from anti-feminist groups, such as the opposition to the Equal Rights Amendment. Anti-feminists, including Phyllis Schlafly¹⁴, warned that the amendment would lead to the invalidation of state sodomy laws, the outlawing of single-sex restrooms in public places, the legalization of same-sex marriage, and the establishment of taxpayer-funded abortion as a constitutional right. As a result, the ERA¹⁵ failed to pass in the 1980s.

¹³- *Hishon v. King & Spaulding* was a 1984 Supreme Court case that held that Title VII of the Civil Rights Act prohibits gender discrimination in partnership promotion decisions. It established that employers cannot deny partnership solely based on an individual's gender and clarified that subjective criteria cannot be used as a pretext for discrimination. The case had a significant impact on promoting gender equality in the legal profession. (*Hishon v. King & Spaulding*, Oyez)

¹⁴ -Phyllis Schlafly: Phyllis Schlafly, a conservative activist, commentator, and author, led a successful campaign against the ratification of the Equal Rights Amendment in the 1970s. She was an influential figure in conservative American politics and policymaking, arguing against feminism, abortion, and gay rights, and was one of the first to tap into the conservative religious sentiment based on what she termed "family values." Schlafly's influence on the Republican Party and American politics reverberates strongly today. (Phyllis Schlafly, woman history).

¹⁵ ERA: Equal Rights Amendment, a proposed amendment to the U.S. Constitution that would invalidate many state and federal laws that discriminate against women; its central underlying principle is that sex should not determine the legal rights of men or women. (Equal right amendment, Britannica).

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By the 1990s, the feminist movement had evolved and become less radical. Many women became more conservative, such as the Feminists for Life who strongly supported women's rights but disagreed with the mainstream movement's position on abortion. This divide became a significant issue in 1998 when Norma McCorvey, the plaintiff in *Roe v. Wade*, declared her opposition to abortion on demand. Shortly before her death in 2017, she claimed that she had been paid by anti-abortion groups to support their cause. (Second Wave Feminism)

Conclusion

Overall, the social and economic achievements of the first and second waves are now being questioned due to the growing backlash against them. As the number of single mothers and older divorced women living in poverty continues to rise, many Americans have begun to ponder whether the introduction of no-fault divorce and the reduction of alimony truly served the best interests of women.

Furthermore, the prevalence of institutional day care centers filled with young children has sparked a debate regarding whether women are relinquishing their maternal responsibilities. There are concerns that federal policies offering tax breaks to working mothers may be exacerbating the decline of the family unit. Feminists have been accused of being primarily responsible for the negative consequences arising from the sexual revolution, including the surge in teenage pregnancies. Therefore, the next chapter will be about the journey of abortion through history.

Introduction

Abortion is a highly controversial topic that has been debated for decades. It is a medical procedure that terminates a pregnancy, resulting in the death of the developing fetus or embryo. While abortion has been legal in many countries, it remains a deeply divisive issue, with opinions and beliefs that are often grounded in personal, religious, and cultural values. In this chapter, we will explore the various perspectives on abortion, the history and legal landscape of abortion, the medical procedures involved in abortion, and the social and ethical implications of this contentious issue. We will also examine the factors that influence individual beliefs and attitudes towards abortion and consider the potential for future developments in this ongoing debate.

1. Abortion Through History (Premodern Time- 21st Century)

When looking at the history of abortion and its evolution through time and across the continent one will notice that Abortion has a long and complex history that spans back to ancient times. Throughout history, different societies and cultures have had varying attitudes and beliefs about abortion, which have been shaped by religious, moral, and legal frameworks. (Shain)

It has been defined by the national library of medicine as a procedure to end a pregnancy. It can be done two different ways:

Medication abortion, which uses medicines to end the pregnancy. It is sometimes called a "medical abortion" or "abortion with pills."

Procedural abortion, a procedure to remove the pregnancy from the uterus, It is sometimes called a "surgical abortion."

1.1. Abortion in Europe

Abortion has been a continuous issue through history and Europe is no exception. For instance, in the premodern era, it was a controversial and often dangerous practice that viewed with moral and religious condemnation. However, the exact historical context of abortion in Europe during the premodern era is difficult to determine due to a lack of reliable sources.

It is believed that in premodern Europe, women often used a variety of methods to induce abortion, including herbal remedies, physical exertion, and the ingestion of toxic substances.

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These methods were often unsafe and could result in injury or death for both the woman and the unborn child. Furthermore, The Catholic Church played a significant role in shaping attitudes towards abortion in premodern Europe. The Church viewed abortion as a sin and a violation of the sanctity of life, nevertheless the Church's position on abortion was not always consistent, and there were periods in which the it was more lenient towards certain forms of abortion.

In the early centuries of Christianity, the Church generally held that abortion was a grave sin, regardless of the circumstances. However, as the Church became more influential in Europe during the Middle Ages, its position on the subject began to shift. Some theologians argued that early-stage abortions were less serious sins than later-stage abortions, and that certain forms of abortion were permissible under certain circumstances.” (Castuera)

For example, in cases where the mother's life was in danger, some theologians argued that abortion could be justified. Other theologians argued that abortion was permissible in cases of rape or incest, or if the child was likely to be born with a serious deformity or disability. However, the things did not change much even in the recent past centuries, in the 18th century abortion was still looked as a crime and those who caught seeking it or performing it could face severe punishments, despite that some women still sought out abortion services, usually from midwives or other informal practitioners. In the 19th century abortion was still kept illegal but the extent to which it was criminalized varied widely depending on the country and the time period. (Donohue and Levitt).

In some countries, such as England, abortion was illegal but was generally tolerated if performed early in the pregnancy and for certain reasons, such as to preserve the mother's health or in cases of rape or incest. In other countries, such as France, abortion was technically illegal but was widely practiced and largely overlooked by authorities. (Rahman et al).

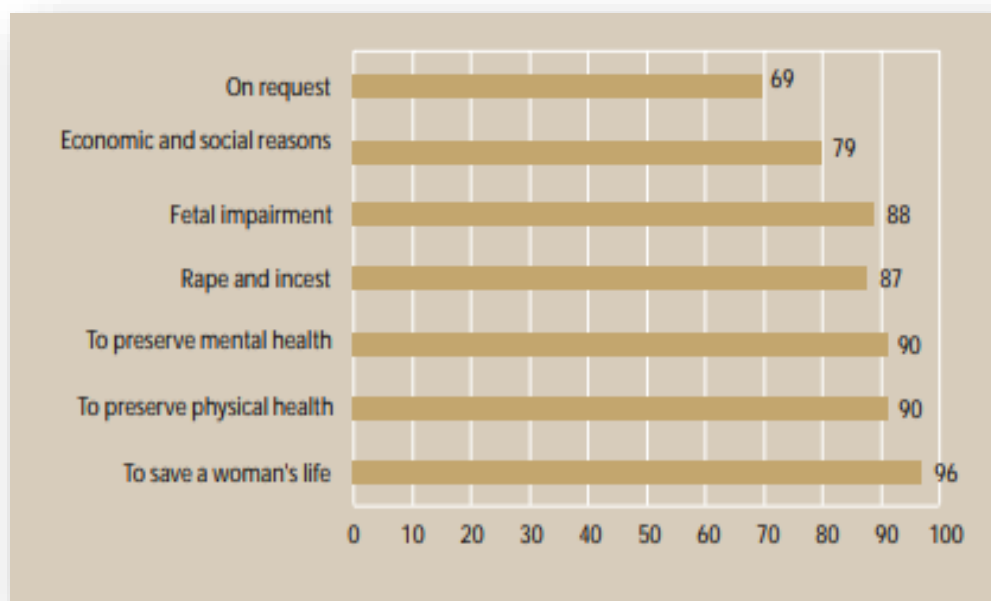
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Further to this abortion in the modern times in Europe took another turn because most European countries have legalized it to some extent. The specific laws and regulations regarding abortion vary from country to country, but in general access to safe and legal abortion services is widely available. In 1975, the European Parliament passed a resolution that recognized women's right to reproductive freedom, including the right to abortion. Since then, some countries, such as Belgium, France, and Spain, considered abortion to be legal and available upon request in the early stages of pregnancy. In others, such as Ireland and Poland, it is legal only under certain circumstances, such as when the woman's life is at risk or in cases of rape or

Source: Brancken, Hillary, the states of medical abortion in Europe today, ENTRE Nous,2005.

fetal abnormalities. In addition, figure n°1 is from the World Health Organization and it shows

Figure 1 Ground on which abortion is permitted- percentage of WHO member states in Europe



the reasons that permit abortion by percentage in the countries that are members in the (W.H.O) and who developed and approved national reproductive health strategies, policies and/or programmatic documents including the component of reproductive choice and access to abortion services. (Lazdane gunta, 2005)

. Overall, Despite the varying laws and cultural attitudes towards abortion in Europe, it remains a significant issue that raises ethical, legal, and moral questions.

1.2. Abortion in Asia

Abortion has been practiced in many cultures throughout history, including Asia. However, the attitudes towards abortion and the methods used on it varied widely depending on the culture and time period. In ancient China, for example, abortion was practiced but was not considered socially acceptable. The methods used were often dangerous and could result in the death of the mother. In some cases, woman would drink herbal concoctions in an attempt to induce a miscarriage. (Sommer,2014).

In India, abortion was also practiced in premodern times, but there were restrictions based on social class and religion. For example, Hindu women were generally allowed to have abortions if the pregnancy was a threat to their health or if the fetus was deformed, but Muslim women in India faced stricter restrictions. (Pew Research Center)

In Japan, abortion was legal and widely practiced during the Edo period (1603-1867). Abortions were performed by midwives and other female practitioners using a variety of techniques, including the use of herbs and massage.” (Obayashi)

These techniques persisted until the 20th century when modern methods of abortion became available and attitudes towards the practice began to shift. In the mid-20th century, some Asian countries began to liberalize their abortion laws. For example, in 1952, Japan legalized abortions for economic or social reasons, and other countries such as South Korea and Taiwan followed suit in the following decades. In the 1970s and 1980s, a number of Asian countries legalized abortion more broadly. For example, in China, such practices were legalized in 1971 for both medical and non-medical reasons, and the country has since become known for its high abortion rates. Vietnam, Cambodia, and Laos also legalized abortion during this time period. (Berer).

However, in some countries the prohibition of abortion remains in effect notably in Indonesia, abortion is only legal in cases where the woman's life is in danger or if the pregnancy is the result of rape or incest. In the Philippines, abortion is illegal and is punishable by imprisonment, although there have been efforts to liberalize the law in recent years. (Rahman et al. p62)

In modern times, access to safe and legal abortion continues to be a topic of debate and activism in many Asian countries. Women's rights and reproductive rights organizations

advocate for greater access to safe and legal abortion services, while conservative and religious groups often oppose such efforts.

1.3. Abortion in Africa (Case of South Africa and Mena Regions)

It is essential to note that historical records on abortion practices in Africa before the 20th century are often limited and fragmented. Since the area there was colonized and there were numerous indigenous cultures and civilizations with different beliefs, practices and their languages were primarily spoken rather written.

Such practice in the past centuries varied widely across different regions, so it is difficult to make generalizations that apply to the entire continent. However, there is some historical elements that influence abortion in the continent over time.

First, traditional practices since many African societies had their own indigenous practices and beliefs surrounding fertility, childbirth, and abortion. Some cultures had herbal remedies and traditional methods for inducing abortion, which were often passed down through generations. These practices varied significantly from one community to another and were often closely tied to local spiritual or religious beliefs. Second, Colonial Influence, with the arrival of European colonial powers in Africa, attitudes toward abortion were influenced by Western values and laws. European colonizers introduced their own religious and legal frameworks, which often condemned abortion as a sin or crime. This led to the suppression of traditional practices and the imposition of restrictive abortion laws in some areas. (Mogawane et al) Furthermore, Legal Context have made abortion law in Africa evolved over time, reflecting a combination of cultural, religious, and political factors.

In some countries, such as South Africa, abortion was legalized before the 20th century, while in others, it remained highly restricted. Some African nations adopted more liberal abortion laws in the post-colonial era, while others maintained conservative stances due to religious or cultural influences. However, in recent years, there have been efforts to reform abortion laws in some African countries. For example, in 2019, the government of Sierra Leone removed restrictions on abortion in cases of rape, incest, or fetal impairment. In 2021, the parliament of Gabon also amended its law to expand access to safe abortion services. These are just a few examples of countries taking steps toward expanding reproductive rights.

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Nonetheless, Abortion in the MENA¹⁶ region during the premodern era is a versatile and complicated topic. The available historical records suggest that attitudes towards abortion varied widely among different communities and cultures in the region.

Some premodern societies in the MENA region, such as ancient Egypt, Greece, and Rome, had relatively permissive attitudes towards abortion, and it was often practiced for a variety of reasons. However, in other societies, such as the Islamic Caliphate, abortion was generally viewed as morally and legally forbidden except in cases where the life of the mother was at risk. Additionally, the historical record also suggests that methods of abortion in the premodern MENA region were often crude and risky, and many women who underwent the procedure suffered serious health complications or even death. Despite this, abortion continued to be practiced, often in secret and in the absence of any formal medical oversight. (Abortion in the Middle East and North Africa).

Furthermore, In the early 20th century, colonial powers imposed their own laws and regulations on abortion in the region, which often clashed with traditional customs and religious beliefs. After the decolonization period, many MENA countries adopted strict laws that criminalized abortion, with few exceptions for example, in countries such as Egypt and Tunisia, abortion was allowed in cases where the woman's life was at risk or if she had been raped. In contrast, in countries like Saudi Arabia and Iran, abortion was largely illegal. Nevertheless, in recent years, there has been some movement towards liberalizing abortion laws in the MENA region, although progress has been slow and often contentious.

In 2018, for example, Tunisia passed a landmark law allowing abortion during the first trimester of pregnancy, while in Lebanon, a 2020 court ruling decriminalized abortion in cases of rape or incest, fetal impairment, or when the woman's life is at risk. (Hajri et al.) On other hand, many other countries in the region, abortion remains intensely restricted. In some cases, women who seek abortions face legal consequences, including imprisonment, while in other cases they may be subject to social stigma and ostracism.

¹⁶ MENA: is an acronym for North Africa countries (Algeria, morrocoy, Tunisia, Egypt, Libya, Mauritania, Sudan, western Sahara and middle east countries (Bahrain, Iran, Iraq, Jordan, Kuwait, Lebanon, Oman, Palestine, Qatar, Saudi Arabia, Suria, United Arab Emirates, Yemen). (Middle East and North Africa (MENA), *Investopedia*)

Overall, attitudes towards abortion in the MENA region remain deeply influenced by cultural and religious beliefs, and are often closely tied to wider debates about women's rights and gender equality.

1.4. Abortion in Latin America

First and foremost, it is difficult to find a satisfied information about abortion in Latin America¹⁷ during the premodern era as there were numerous indigenous cultures and civilizations with different beliefs, practices, and values related to reproduction and childbirth. Furthermore, the archives of the region's history are often rare as most of them were recorded by European, therefore they are seen biased which is eventually made it challenging to reconstruct the attitudes and behaviors of the local populations.

That being said, some generalizations can be made based on anthropological, historical, and archeological evidence. For instance, many indigenous groups had their own medicinal knowledge and practices for managing fertility, pregnancy, and childbirth, which often included the use of plants, massages, and ritual ceremonies. Some cultures also had forms of contraception and abortion, although these were often restricted to specific circumstances and subject to social norms and taboos. (Bruchac)

One example is the Aztec civilization which prospered in the 14th to 16th centuries in what is now Mexico. The Aztecs had a complex religious and social system that regulated many aspects of life, including reproduction. Women who had abortions without permission from the authorities or the consent of the father could be punished with death or slavery, depending on the circumstances. However, there were also cases where abortions were allowed or even encouraged, such as when the mother's life was at risk, the fetus had deformities, or the family could not afford another child. (Bonds of Blood)

Another example is the Inca empire, which dominated much of the Andean region from the 13th to the 16th centuries. The Incas had a sophisticated system of government and administration, which included a network of midwives and healers who were responsible for attending to pregnant women and newborns. Abortion was generally frowned upon and

¹⁷ Latin America: Latin America refers to the region in the Americas that includes countries located in the southern and central parts of the continent. It encompasses countries primarily speaking Romance languages, which evolved from Latin, hence the term "Latin" America. The region comprises countries such as Mexico, Brazil, Argentina, Colombia, Peru, Chile, and many others (Bushnell)

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considered a sin against the community and the gods, but there were exceptions for cases of incest, adultery, or extreme poverty. (Khan academy)

To sum up the premodern era in Latin America was characterized by a diversity of cultural practices and beliefs regarding reproduction, including abortion. However, it is essential to recognize that these practices were not isolated from broader social, political, and economic forces, such as colonization, slavery, and patriarchy, which shaped and limited women's autonomy. To this day nothing has change much and abortion remain a continuous issue, some countries made it legal but many strictly prohibited it or only allowed it under limited circumstances.

Countries such as Brazil, Uruguay, Cuba, Guyana and Mexico City, have decriminalized abortion or allowed it in certain cases, such as rape, incest, fetal malformation, or when the life or health of the mother is at risk, Argentina in the other hand made abortion legal up the 14th week of pregnancy in 2020. However, in many other countries in the region, including El Salvador, Honduras, Nicaragua, and the Dominican Republic, abortion is illegal under all circumstances, even in cases of rape, incest, or when the mother's life is in danger.

1.5. Abortion in USA

It is worth noting that abortion was a part of the USA history from the early beginning even before the country was discovered, as for the indigenous people for instance some historical accounts suggest that these people used to use herbal remedies or other traditional methods to end unwanted pregnancy. However, this type of practices was linked to their own systems of beliefs and spirituals traditions. Moreover, Prior to the 19th century, abortion was generally legal and widely practiced in the United States, the majority of American did not see it as a bad thing, matter of fact they considered it helpful to a woman because it was a way of avoiding the public humiliation of giving birth to a child out of marriage. (Johnson)

Nevertheless, the attitude towards it changed in the early 19th century due to a combination of factors related to changes in medical knowledge, social attitudes towards women and sexuality as well as religious and moral beliefs. Firstly, the medical establishment began to view abortion as a dangerous and immoral practice, and began to advocate for its criminalization and regulation. This was partly due to advances in medical knowledge, which allowed doctors to better understand the physical risks of abortion, and partly due to growing social concerns about sexual morality and the role of women in society.

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At the same time, there was a growing backlash against women's rights and autonomy, with many religious and moral leaders arguing that women's place was in the home and that abortion was a threat to the traditional family structure. This led to the passage of laws in many states that criminalized abortion and imposed severe penalties on those who provided or sought abortions.

Moving to the 20th century, abortion remains illegal in most states, and those who sought to terminate a pregnancy often had to resort to dangerous and illegal methods. However, during the 1950s and 1960s, inspired by the civil rights and antiwar movements medical and feminist activists began to push for the legalization and regulation of abortion, arguing that it was a necessary component of women's reproductive healthcare and that women had a right to control their own bodies and make their own decisions about pregnancy and childbirth (Baker)

These efforts culminated in the landmark Supreme Court case *Roe v. Wade* in 1973, which established a woman's right to choose to have an abortion and struck down many state laws that had criminalized or severely restricted the procedure. However, this decision was also highly controversial and sparked ongoing debates over the appropriate limits on abortion rights, as well as questions about the role of the state in regulating reproductive healthcare.

Throughout the rest of the 20th century, the legal and social status of abortion in the United States remained contentious, with ongoing efforts by anti-abortion activists to restrict access to the procedure and ongoing efforts by pro-choice activists to expand access and protect reproductive rights. These debates were further complicated by a range of social and political issues, including changing attitudes towards gender and sexuality, advances in medical technology, and changing views on the role of the state in regulating private behavior.

Overall, the history of abortion in the United States during the 20th century was shaped by ongoing debates over the appropriate limits on reproductive rights and the role of the state in regulating healthcare and private behavior. While the legal and social status of abortion continues to be a contentious issue in the United States today, it is clear that the history of this procedure is closely intertwined with broader debates about gender, sexuality, and the role of the state in protecting individual freedoms and promoting public health.

2. Abortion Access and Racial Inequality in the US

The history of abortion and black women has been shaped by many barriers and difficulties since the slavery era. Generally, it was illegal in that time and enslaved woman had

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limited control over their own bodies and reproductive choice, they were viewed as property and were subjected to sexual violence by their owners and other white men, and that the resulting pregnancies were often used as a means of increasing the owner's wealth and property. Enslaved women had no legal or moral right to refuse sexual advances or to make decisions about their own reproductive lives. While there are few records available on the topic, it is likely that some enslaved women did attempt to end pregnancies, either through traditional herbal remedies or other methods. However, these methods were dangerous and could lead to a serious harm or death for the woman. (Prather et al.)

On the other hand, the beginning of the 20th century faced improvements that encourage the restrictive laws against black women, Eugenics movements in the US advocated for the control of reproduction to promote the genetic quality of the population, and this often-targeted marginalized communities, including black people. This ideology influenced the passage of laws that restricted access to abortion and other reproductive healthcare services, particularly for black women. Additionally, discriminatory practices in healthcare, such as the segregation of medical facilities and the denial of healthcare services to black patients, contributed to the disparities in reproductive healthcare access for black women. As a result, black women were more likely to experience unintended pregnancies and were more likely to resort unsafe and illegal abortion. (Ko)

Additionally, discriminatory practices in healthcare, such as the segregation of medical facilities and the denial of healthcare services to black patients, contributed to the disparities in reproductive healthcare access for black women. As a result, black women were more likely than white women to die from unsafe and illegal abortions. The high mortality rates among black women were linked to a lack of access to contraception, as well as to discriminatory policies and practices within the health care system. In the 1960s and early 1970s, the Black feminist movement emerged, which highlighted the need for reproductive justice and emphasized the intersectionality of race, gender, and class in shaping women's experiences of reproductive healthcare. Black feminists argued that reproductive rights were inextricably linked to issues of poverty, racism and social inequalities.

After the landmark Supreme Court decision *Roe v. Wade* had legalized abortion nationwide in 1973, black women continued to face significant barriers to accessing safe and legal abortion. For example, many abortion providers were concentrated in urban areas, making it difficult for women in rural or low-income areas to access care. Additionally, anti-abortion

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activists often targeted Black women with anti-abortion propaganda and misinformation, attempting to shame and stigmatize them from seeking abortion. Overall, the history of abortion and black women in the USA has been shaped by a complex mix of factors, including systemic racism, economic inequality, and the broader struggle for reproductive justice. While progress has been made in recent years to address these issues, black women continue to face disparities in access to abortion and other reproductive healthcare services.

Conclusion

Abortion is a controversial and emotional topic that has been debated for decades. It raises ethical, moral, and legal issues that require careful consideration and reflection. While some people believe that a woman has a right to choose whether or not to have an abortion, others argue that it is morally wrong and violates the sanctity of human life. In addition, the debate over abortion often centers on when life begins, with some believing it begins at conception and others believing it begins at birth. This has led to varying laws and regulations regarding abortion in different countries and states, with some allowing it under certain circumstances and others banning it outright. The following chapter will be about the evolution of abortion in America, an analysis of the shift from legalization to criminalization.

Introduction

Abortion is a contentious issue that has long been at the center of heated debates and discussions in the United States. It is a topic that evokes strong emotions and deeply held beliefs, with people on both sides of the argument fiercely defending their positions. From legal battles and political campaigns to personal stories and moral quandaries, the topic of abortion has played a significant role in shaping the social and cultural landscape of the country. Despite the many years of debate, the issue remains unresolved, with ongoing disputes over the legality and morality of abortion continuing to divide the nation. This chapter is going to focus on the legal and policy landscape of abortion by highlighting the most relevant court cases in the state, also examining the socioeconomic and demographic factors that impact access to abortion. Alongside with that, it will explore the social and cultural attitudes towards it such as public opinion, the role of activism and advocacy in shaping the discourse and policies related to abortion.

1. Abortion Rights: Roe v. Wade to Parenthood v. Casey (1973-1992)

1.1. Hippie Movement's Influence on Abortion as a Constitutional Right

The hippie movement was a countercultural movement that emerged in the 1960s, primarily in the United States. The movement was a key factor that contributed to the legalization of abortion in the United States. During the 1960s and 1970s, the hippie movement was associated with counterculture and social activism. The movement rejected mainstream values and embraced alternative lifestyles and social norms and it was characterized by focusing on personal freedom, individual expression, and a rejection of traditional authority.

In the context of reproductive rights, the hippie movement was influential in promoting the idea of individual autonomy and the right to control one's own body and the feminist movement was also advocating for women's rights, including the right to access safe and legal abortion. Many members who were both active in the hippie and feminism movement saw reproductive rights, including the right to abortion, as a crucial aspect of personal freedom and self-determination. This perspective was reflected in the movement's broader emphasis on challenging traditional gender roles and promoting gender equality. Therefore, the hippie movement was influential in bringing attention to the issue of illegal abortion. Prior to the

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landmark Supreme Court decision in *Roe v. Wade* in 1973, abortion was illegal in most states in the United States. This meant that many women seeking abortions had to resort to dangerous and often life-threatening methods, such as seeking out illegal abortion providers. The hippie movement brought attention to this issue and helped to raise public awareness of the dangers of illegal abortion. (Hayes)

1.2. The *Roe v. Wade* Case (1973)

The *Roe v. Wade* case emerged in Texas in 1970. A woman named Norma McCorvey, who was pregnant and wanted an abortion, filed a lawsuit against Henry Wade, the district attorney of Dallas County, Texas. McCorvey, who used the pseudonym "Jane Roe" in the lawsuit, argued that the Texas law that prohibited abortions except to save the life of the mother violated her constitutional right to privacy. The case made its way through the legal system, with various lower court's ruling in favor of or against *Roe*. The case ultimately landed in the U.S. Supreme Court, which heard arguments on December 13, 1971.

Furthermore, on January 22, 1973, the U.S. Supreme Court issued its landmark decision in *Roe v. Wade*. In a 7-2 decision, the Court held that a woman has a constitutional right to choose to have an abortion, based on the right to privacy under the Due Process Clause of the Fourteenth Amendment. The Court recognized that the right to privacy is "broad enough to encompass a woman's decision whether or not to terminate her pregnancy." (Brennan Center for Justice)

The Court further held that this right was not absolute and had to be balanced against the state's interest in protecting the health of the mother and the potentiality of human life. The Court established a framework for determining the constitutionality of state abortion laws based on the trimester of pregnancy. In the first trimester, the state could not prohibit abortions. In the second trimester, the state could regulate abortion to protect the mother's health. In the third trimester, the state could prohibit abortions except when necessary to save the life or health of the mother. (Brennan Center for Justice)

1.3. *Planned Parenthood v. Casey* Case (1992)

Planned Parenthood v. Casey is a landmark case in the United States that dealt with abortion rights. In 1989, the state of Pennsylvania enacted the Abortion Control Act, which imposed various restrictions on abortion, including a mandatory 24-hour waiting period, informed

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consent requirements, parental consent requirements for minors, and reporting requirements for abortion providers. Planned Parenthood, along with other organizations and individuals, filed a lawsuit challenging the constitutionality of these restrictions.

The Court's decision was written by Justices Sandra Day O'Connor, Anthony Kennedy, and David Souter on June 29, 1992 and it reaffirmed the central holding of *Roe v. Wade* that a woman had a constitutional right to choose to have an abortion before the point of viability, which was typically around 24 weeks of pregnancy. However, the Court modified the standard for evaluating abortion regulations that did not impose an undue burden on a woman's right to choose. The Court stated that regulations that placed a substantial obstacle in the path of a woman seeking an abortion were unconstitutional. (*Planned Parenthood v. Casey - Ruling, Controversy & Legacy*)

The Court also upheld some of the provisions of the Pennsylvania law, such as the informed consent requirement, but struck down others, such as the spousal notification requirement. The Court's decision was seen as a compromise between the conservative and liberal wings of the Court and was criticized by both sides. (*Planned Parenthood v. Casey - Ruling, Controversy & Legacy*)

1.4. The Impact of Abortion Access on Women's Well-Being

A team of economists was one of the first to use a research technique called the difference-in-differences method¹⁸ to analyze the effects of legalizing abortion in certain states. They found that in states where abortion was legalized, there was a drop in births of about 4% to 11% compared to the rest of the country. This drop was even greater for teenagers and women of color, whose birth rates declined by almost three times the amount of the general population after abortion became legal. The economists, including Levine, Staiger, Kane, and Zimmerman, concluded that these findings suggest that the legalization of abortion had significant effects on fertility rates in the United States. Furthermore, other research teams have also used similar methods to examine the impact of abortion legalization on American society. Their findings have supported the conclusion that legalizing abortion had significant effects on fertility rates and other outcomes. For example, Myers found that legalizing abortion reduced the number of

¹⁸- difference-in-differences method: it is a quasi-experimental approach that compares the changes in outcomes over time between a population enrolled in a program (the treatment group) and a population that is not (the comparison group). It is a useful tool for data analysis. (Difference-In-Differences, DIME Wiki)

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teenage mothers by 34% and the number of teen brides by 20%. These effects were even more pronounced for black teenagers. Farin, Hoehn-Velasco, and Pesko¹⁹, discovered that legalizing abortion reduced maternal mortality rates for black women by 30-40%, while having little effect on white women. They believe this is because black women were less likely to have access to safe abortions in states where abortion was illegal, either by traveling to other states or foreign countries, or by getting a secret abortion from a trusted medical professional.

When it comes to the effect of abortion access on the lives of women and their families, previous research has established a clear link between the availability of abortion and important health and demographic outcomes. However, using the same methodology, researchers have now been able to examine other outcomes such as education and labor market participation. These studies have found that legalizing abortion has led to significant increases in women's education, employment rates, job prestige, and earnings. These positive effects have been especially pronounced for Black women ((Myers and Welch)

Moreover, research has shown that access to abortion has a broad impact on women's economic and social well-being, as well as on the circumstances under which children are born. Researchers who have used similar methods to the previous studies have found out that legalizing abortion has reduced the number of unwanted children (Bitler and Zavodny) and the number of children living in poverty (Donohue and Levitt). In addition, they found out that legalizing abortion has led to better long-term outcomes for an entire generation of children, by increasing the likelihood of attending college and reducing poverty.

1.5. The Importance of Abortion Access, a Women's Rights Issue

The study mentioned above used data from the 1970s, however a lot has changed since then in terms of reproductive technologies and women's lives. In recent research shows that access to abortion continues to be a crucial aspect of women's reproductive health, even with the advancements in social, economic, and legal spheres and increased access to contraceptives. According to recent studies, nearly half of all pregnancies in the U.S. are unplanned, and about 6% of young women (ages 15-34) experience unintended pregnancy each year. Despite these numbers, only 1.4% of women of reproductive age undergo abortion. (Singh)

¹⁹ Farin, Hoehn-Velasco, and Pesko: economists who used to study at Georgia State University, department of economist (Georgia state University)

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Nevertheless, access to abortion remains important as it allows women to maintain control over their reproductive health. In fact, one in four women will have an abortion at some point during their reproductive lives, indicating the significance of access to safe and legal abortion services. Nonetheless, women's lives do not just revolve around their reproductive health. Mothers face various challenges and consequences that are not fully addressed by public policy, despite the progress made in women's education, career paths, and roles in society. Working mothers face a "motherhood wage penalty" resulting in lower pay than women without children. Maternity leave can help mothers return to work after having a child, but the US FMLA²⁰ only extends to 12 weeks of unpaid leave, which does not cover most workers. Additionally, affordable childcare is hard to find, and government subsidies are only available to a fraction of children who qualify for them. (Singh)

The ability to acquire abortions may be crucial to low-income mothers' financial well-being, particularly those going through stressful circumstances. Data from the Guttmacher Institute's most recent survey of abortion patients shows that the majority of respondents are low-income mothers going through disruptive life events. Recent data from "The Turnaway Study" also supports this hypothesis, with a group of women who were denied an abortion facing severe financial hardship with a 78% increase in past-due debt.

2. The Downfall of Roe v. Wade

for the past 50 years, abortion law has provided women with the fundamental right to choose whether or not to have an abortion, by ensuring that states could not implement laws banning it before fetal viability.

2.1. Dobbs v. Jackson Overrule Roe v. Wade (2022)

In 2018, Mississippi adopted a law called the "Gestational Age Act," which ban all kind of abortion with few exceptions, after 15 weeks' gestational age. thus, Jackson Women's Health Organization, an abortion clinic, and one of its doctors filed a lawsuit challenging the law in Federal District Court and requesting an emergency temporary restraining order (TRO). However, after a hearing, the district court granted the TRO while the trial continued to

²⁰ US FMLA: The Family and Medical Leave Act (FMLA) is a United States federal law that provides eligible employees with unpaid, job-protected leave for specific family and medical reasons. The FMLA allows qualified employees to take up to 12 weeks of unpaid leave in a 12-month period for reasons such as the birth or adoption of a child, caring for a seriously ill family member, or dealing with their own serious health condition. The law also requires employers to maintain the employee's health benefits during their leave and guarantees their right to return to the same or an equivalent position after their leave ends. (U.S. Department of Labor)

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discovery. After the discovery, the district court ruled in favor of the clinics and enjoined Mississippi from enforcing the law, finding that the state had not provided evidence that a fetus would be viable at 15 weeks. The U.S. Court of Appeals for the Fifth Circuit reviewed the case and upheld the District Court's ruling, nevertheless Petitioners or those who support the Mississippi law opposed the case, arguing that the previous Supreme Court decisions in *Roe v. Wade* and *Planned Parenthood v. Casey* were wrongly decided. (*Dobbs v. Jackson Women's Health Organization*)

On June 2022 the court overruled *Roe v. Wade*, and *Planned Parenthood of Southeastern Pa. v. Casey* because the constitution does not provide the right to abortion. The justice Samuel Alito argue that the right was neither deeply rooted in the nation's history nor an essential component of "ordered liberty." The five factors that should be considered in deciding whether a precedent should be overruled support overruling *Roe v. Wade* and *Planned Parenthood v. Casey*: (1) they "short-circuited the democratic process," (2) both lacked grounding in constitutional text, history, or precedent, (3) the tests they established were not "workable," (4) they caused distortion of law in other areas, and (5) overruling them would not upend concrete reliance interests. Furthermore, Justices Clarence Thomas and Brett Kavanaugh agreed with the overall ruling of the court, but their reasoning or opinion on the matter may differ from the majority of the court. Chief Justice John Roberts concurred in the judgment. However, Justices Stephen Breyer, Sonia Sotomayor, and Elena Kagan disagreed with the majority decision, (*Dobbs v. Jackson Women's Health Org*, Case Brief for Law School, LexisNexis)

2.2. Analysis of Six Months Post-Roe

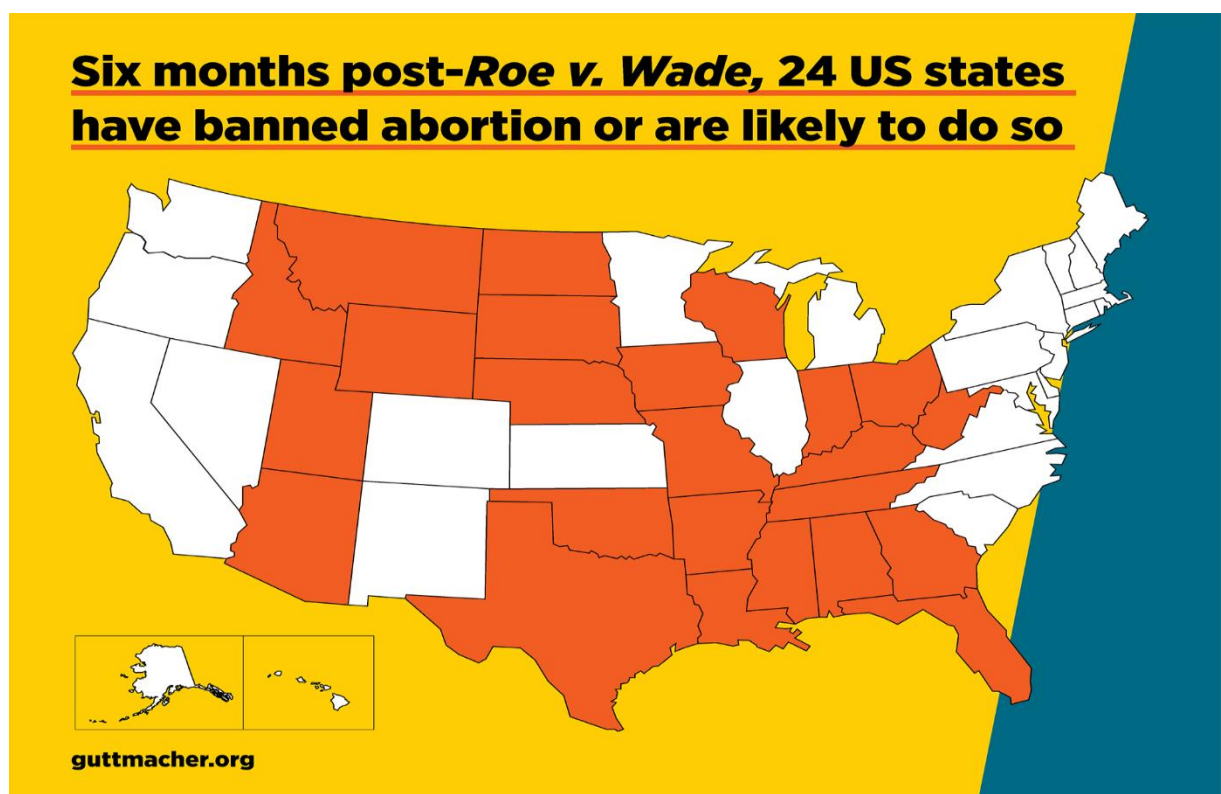
After the downfall of *Roe v. Wade* in June 2022, the rules around abortion have changed a lot. Now, many states have introduced almost complete bans on abortion or only allow it under limited circumstances. This has made it difficult for healthcare providers to offer proper care and for patients to get the treatment they need. Some of these bans have been blocked by the courts, which has created a confusing legal landscape. Furthermore, On October 2021, a prediction was made that 26 states would ban abortion in the absence of *Roe*, with the exceptions of Michigan and South Carolina.

Michigan was included in the list of states where abortion was expected to be prohibited because the state had not repealed its pre-*Roe* abortion ban. However, in the November 2022

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elections, Michigan voters remarkably approved an amendment to the state constitution that would protect abortion rights, making it impossible for the pre-Roe ban to be applied. Moreover, South Carolina was also included in the list of states that were predicted to ban abortion because it had enacted a six-week abortion ban in 2021. Nevertheless, the South Carolina Supreme Court annul the ban in January 2023, proclaiming that the right to privacy in the state's constitution includes the right to have an abortion. Although a majority of lawmakers in the South Carolina legislature still against abortion rights, they may consider another ban at some point in the future, but it is unlikely that the state will adopt a ban before six weeks of pregnancy. (Nash)

map 2 US states where abortion in almost or totally banned after six months of overturning Roe



source: (Guttmacher.com)

The map above shows the states where abortion is almost or totally banned after six months of overturning Roe v. wade

• States Where Abortion is Banned

On january10, 2023, 12 states have started applying a near-total ban on abortion with a limited exception. In five of these states, the ban faced legal opposition but remains in effect.

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A court has blocked enforcement of a pre-*Roe* ban²¹ in West Virginia while it is being challenged in court, the states are

Alabama, Arkansas, Idaho, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, south Dakota, Tennessee, Texas, west Virginia.

- **States Where Abortion is Unavailable**

In two states, abortion care is unavailable even though a ban is not being enforced. Legal challenges are ongoing in both states, the states are

North Dakota, Wisconsin- clinics stopped providing abortion because the enforcement status of the state's pre-*Roe* ban is unclear.

- **States with Gestational Age Bans in Effect**

In four states, laws prohibiting abortion after a specific point in pregnancy, which would have been unconstitutional under *Roe*, are in effect. These bans limit people's ability to obtain abortion care, the states are

Arizona-15-week ban, Florida-15-week ban, Georgia- six-week ban, Utah -18-week ban

- **States with Bans Currently Blocked by Courts**

Abortion services are currently available in three states because state courts have blocked near-total bans or early-gestational-age bans that would have prohibited the procedure. However, lawmakers in these states have expressed a desire to implement these bans in the future.

In Indiana, a near-total ban has been blocked from enforcement while a legal challenge is pending in state court. In Wyoming, a near-total ban has been blocked from enforcement while a legal challenge is pending in state court. Finally in Ohio a six-week ban has been blocked from enforcement while a legal challenge is pending in state court. (Nash)

²¹ Pre-*Roe* ban: typically refers to the laws and regulations in the United States that restricted or prohibited access to abortion prior to the Supreme Court's landmark decision in *Roe v. Wade* in 1973, which legalized abortion nationwide. "Liu, Joseph., A History of Key Abortion Rulings of the U.S. Supreme Court. Pew Research Center's Religion & Public Life Project, jan, 16, 2013"

2.3. The Impact of Reversing Roe v. Wade on Reproductive Health Care

The Dobbs decision had far-reaching implications that could put the lives and health of women at risk, increase maternal mortality rates, and created a fearful atmosphere among medical professionals. It could also restrict access to healthcare and penalize healthcare providers and patients alike, leaving them vulnerable to lawsuits or criminal charges for participating in private healthcare decisions. What is more, this decision could lead to increased digital surveillance, which could infringe on our private rights. Bans on counseling patients and pastoral care could also limit people's freedom of thought, conscience, and religion. In addition, this decision disproportionately affected vulnerable groups, such as immigrants, Black, Native American, and other people of color, as well as disabled and low-income individuals.

It is important to note that repealing the constitutional protection for access to abortion and enacting restrictive state laws violate international human rights treaties to which the US is a party or signatory. These treaties cover various human rights, such as equality and non-discrimination, as well as the right to life, health, privacy, liberty, and security of person. They also protect people from torture and other forms of cruel, inhuman, or degrading treatment or punishment. (Human Rights Crisis: Abortion in the United States after Dobbs).

Additionally, it is concerning that teenage girls are more likely to experience serious health issues when they do not receive the reproductive healthcare they need. This is especially true for pregnant teens, who can face some really scary complications during pregnancy, like organ damage. What is worse is that none of the state laws around abortion take this increased risk into account, which is unfair. To make matters worse, some states require minors to get their parents' consent before having abortion, which can be dangerous for those who might be facing abuse or even being evicted from their homes. Even though there are ways for some young people to get a judge's permission to have an abortion without their parents knowing, it is often tough and intimidating to go through the process. In some cases, young people are denied this permission and have to resort to things like traveling to another country or trying to manage an abortion on their own, which can be risky. (Human Rights Crisis, Abortion in the United States after Dobbs).

Moreover, it is important to realize that restrictions on abortion do not just affect women who are pregnant. In fact, these restrictions can actually put life at risk for women who are in abusive relationships. Studies have shown that many women who have experienced domestic

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violence turn to abortions as a way to protect themselves from further harm. If abortion is not an option, these women may feel trapped and unable to leave their abusive partners.

Abortion restrictions can also increase the risk of suicide among women. Unfortunately, in the United States, doctors are not allowed to perform abortions for mental health reasons, even if they believe that a patient's life is in danger. This means that women who are dealing with the emotional aftermath of a pregnancy, especially if they were victims of rape, may be at increased risk of suicide. In some cases, young women who have experienced post-traumatic stress disorder or suicidal thoughts as a result of their pregnancies have even made plans to take their own lives if they could not access an abortion. (Human Rights Crisis, Abortion in the United States after Dobbs).

3. The Anti-Abortion Movement's Endgame

With the recent overturning of the landmark *Roe v. Wade* decision, the anti-abortion movement in America has achieved a major victory. However, this victory has also led to new questions and concerns about the future of women's reproductive rights. In this part of the chapter, we'll explore the new goals of the anti-abortion movement in a post-*Roe v. Wade* world, including their push for more restrictive abortion laws and their efforts to change public opinion on the issue. We will also examine the ongoing debate around abortion in America, including the opinions of people on both sides of the issue, how political parties view abortion, and what the future might hold for women's access to reproductive health care.

3.1. The Anti-abortion Movement

The anti-abortion movement is a social and political movement that opposes abortion on moral and/or religious grounds. Supporters of the movement believe that abortion is the taking of a human life and therefore should be prohibited by law.

The movement has its roots in the United States, where the landmark 1973 Supreme Court case *Roe v. Wade* legalized abortion globally. Since then, anti-abortion activists have sought to overturn or limit the decision through a variety of ways, such as legislative action, litigation, and protests. Furthermore, the movement encompasses a wide range of organizations and individuals, from religious groups to political conservatives. Some groups focus on providing alternatives to abortion, such as adoption services and pregnancy counseling, while others focus

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on protesting and lobbying for stricter laws and regulations on abortion, such as the 40 Days for Life campaign that focuses on prayer and peaceful vigils outside of abortion clinics. It was founded in 2004 in Texas and has since expanded to numerous cities across the United States and other countries. (Churchwell)

Many individuals and organizations within the anti-abortion movement see the 40 Days for Life campaign as an effective way to bring attention to the issue of abortion and to influence public opinion. Nevertheless, there are also those within the anti-abortion movement who do not support the 40 Days for Life campaign. because they believe that the campaign does not help enough in terms of legislative and political action to restrict abortion access.

3.2. The Goals of the Anti-Abortion Movement

According to Mary Ziegler, a legal historian and law professor, *Overturing Roe v. Wade*, which guaranteed the right to abortion in the United States, was just the first step for the anti-abortion movement toward their goal, nonetheless their new next goals can summarize as follows. (Glenza)

1. Restrict or ban access to abortion: The primary goal of the anti-abortion movement is to limit or completely eliminate access to abortion. This is done through lobbying for laws and policies that make it more difficult for women to obtain abortions.

2. Protect the rights of the unborn fetus: The movement believes that the fetus has a right to life that should be protected, and that abortion is a violation of that right.

3. Advocate for a total ban on abortion: Some activists within the anti-abortion movement believe that abortion is morally wrong and should be illegal in all circumstances. This would mean a total ban on abortion, with no exceptions.

4. Certain exceptions: Other activists within the movement may support certain exceptions to a total ban on abortion, such as in cases of rape or incest.

5. Influence public opinion: The anti-abortion movement seeks to influence public opinion on the issue of abortion through media campaigns, rallies, and other forms of activism.

6. Promote alternatives to abortion: The movement may also seek to promote alternatives to abortion, such as adoption or parenting, as a way to support women facing unplanned pregnancies.

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7. Provide support and resources: Some anti-abortion organizations may provide support and resources to pregnant women who choose not to have abortions, such as prenatal care, parenting classes, and financial assistance.

8. Challenge or overturn existing laws: Finally, some within the anti-abortion movement may seek to challenge or overturn existing laws or court decisions that protect a woman's right to choose abortion. (Gross)

3.3. Republican Party and Anti-Abortion Alliance

The anti-abortion movement attempted several strategies to increase their influence within the Republican party. They held out the idea that being pro-life was good politics because many voters were pro-life. In the '80s, they formed pro-life PACs²², held get-out-the-vote campaigns, and believed that if Republicans were in office, a constitutional amendment banning abortion would be passed, but that did not work. Additionally, the movement believed that if Republicans nominated good people to the Supreme Court, they would vote to confirm them, but in 1992, six Supreme Court justices nominated but Republicans did not overturn Roe. However, the anti-abortion movement then realized that they needed to control who the GOP²³ picked to be on the court, which would require money. They litigated for a lot of Citizens United and focused on dark money and anonymous donations.

The anti-abortion movement was involved in key cases leading up to Citizens United, and they capitalized on the unexpected opportunity that corporations do not just include for-profit businesses, but also include nonprofits, like many anti-abortion groups. They realized that this new surge in outside spending on elections could change the balance of power in the GOP. The anti-abortion movement's contribution to making abortion a litmus test for judicial nominees for Republicans was different from the Federalist Society²⁴. They were focused on convincing

²² Pro-life PACs: (Political Action Committees) are organizations that work to promote and support candidates and policies that align with the pro-life movement's beliefs, which generally advocate for the protection of unborn life and oppose abortion. (Pastoral Plan for Pro-Life Activities, USCCB)

²³ GOP is an acronym for the Grand Old Party, which is a nickname for the Republican Party, one of the two major political parties in the United States. (The Editors of Encyclopedia Britannica).

²⁴ The Federalist Society is a conservative legal organization in the United States that advocates for a textualist and originalist interpretation of the U.S. Constitution, as well as limited government, individual liberty, and the rule of law. (Stack Path, Fedsoc.org)

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regular people who do not know much about the Supreme Court and do not care much about the law to focus on who sat on the Supreme Court when they voted. (Gross)

One of the most relevant former presidents who was a part of the GOP and supported the movement was Donald trump. During his presidency, he wanted to select conservative Supreme Court justices who would overturn Roe v. Wade. However, he succeeded in appointing three new conservative justices, thereby giving conservatives a 6-3 majority in the Supreme Court. (The Economist).

3.4. Pro-Life Vs Pro-Choice

The Republican Party is generally associated with the pro-life stance, advocating for laws and policies that restrict access to abortion and support alternatives such as adoption. They believe that the fetus has the right to life and that it is the responsibility of society to protect that right. In the other hand, the Democratic party generally associated with the pro-choice stance, advocating for policies that ensure access to safe and legal abortion services, they believe that the woman has the right to decide whether or not to end a pregnancy since it is her body and anything coming against that might violated that right. However, it is worth noting that individual politicians within each party may hold different views on abortion and that the issue is often a matter of debate and negotiation within party politics. (Lipka)

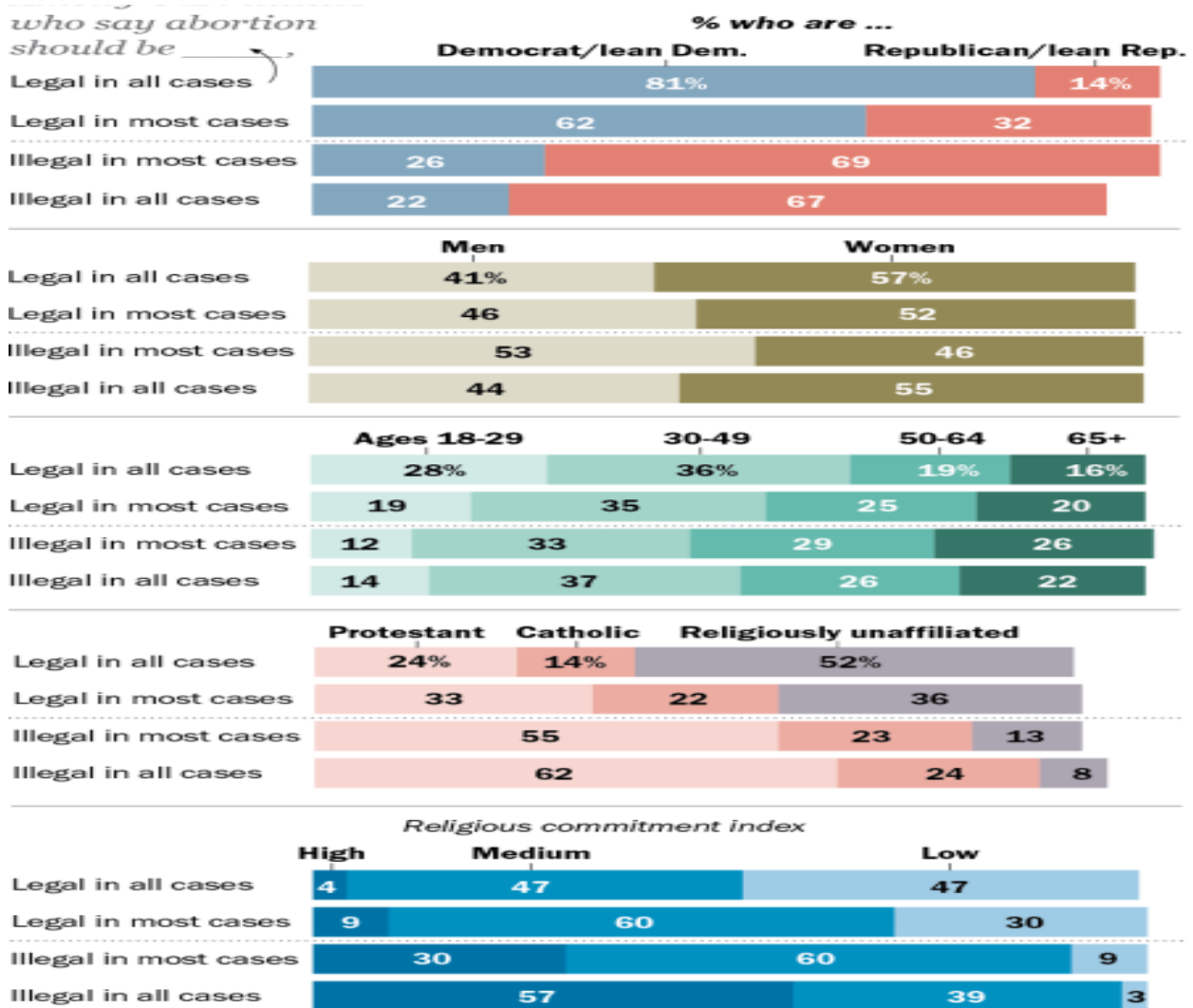
3.5. Analysis of Abortion Stance in the American Society

The table below show stat of (GOP/democrats) US adults who are with/against abortion depending on gender, age, religion.

So approximately two-thirds (68%) of U.S. adults who believe that abortion should be legal in all or most cases are Democrats, while nearly 69% of those who believe that abortion should be illegal in all or most cases identify with or lean towards the Republican Party. However, about one-in-four individuals in each group hold different political views, with 26% of those who support legal abortion identifying as Republicans and 25% of abortion opponents identifying as Democrats.

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Figure 3 stat of Republican/democrats who oppose/with abortion in the USA



source: (pew research center)

Among those who believe that abortion should be legal in all cases without exception, Democrats are considerably more likely to hold this view than those who believe it should only be legal in most cases (81% vs. 62%). In contrast, those who believe that abortion should be illegal in all cases are not significantly more likely to be Republicans than those who believe it should only be illegal in most cases (67% vs. 69%).

When it comes to gender, a slim majority (57%) of those who believe that abortion should always be legal are women. However, 55% of those who believe that abortion should be illegal in all cases with no exceptions are also women.

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Most individuals who support legal abortion, including approximately two-thirds of those who believe that abortion should always be legal with no exceptions, are under the age of 50. In comparison, those who believe that abortion should be mostly or entirely illegal tend to be older, with 54% aged 50 or older.

A significant majority of individuals who believe that abortion should be illegal in all or most cases are Christians, including 57% who are Protestant, 23% who are Catholic, and 3% who are members of the Church of Jesus Christ of Latter-day Saints²⁵ (Mormons). Additionally, a vast majority of this group has either a "high" (36%) or "medium" (56%) religious commitment, based on attendance at religious services, prayer frequency, and the importance of religion in one's life. Only 8% are "low" on the scale. For those who believe that abortion should be illegal in all cases with no exceptions, a clear majority (57%) have a high level of religious commitment.

On the other hand, nearly half of individuals who believe that abortion should be legal in all cases (47%) have a low level of religious commitment, while just 4% have a high level. About half of this group (52%) are religiously unaffiliated, including 14% who identify as atheist²⁶ and 12% who are agnostic²⁷. However, nearly four-in-ten in this group identify as Christian. (Lipka).

Conclusion

The issue of abortion has been a contentious and divisive topic in the USA for decades. Despite the landmark court case of *Roe v. Wade* in 1973, which established the right to abortion nationwide, the recent downfall of this decision in 2022 has created uncertainty and controversy about the future of abortion rights in the country.

As a result, the political divide between those who support and those who oppose abortion has become increasingly polarized. Both major political parties, the Democrats and the Republicans, have taken strong and opposing stances on this issue, reflecting the views of their

²⁵ Latter-day Saints: also known as Mormons, are members of the Church of Jesus Christ of Latter-day Saints, a Christian denomination that originated in the United States in the 19th century. They consider themselves to be Christians and believe in the teachings of the Bible. (History.com Editors).

²⁶ Atheist: An atheist is a person who does not believe in the existence of any deities or gods. Atheists hold that there is no evidence or rational basis for the belief in supernatural beings or forces, and therefore reject the idea of a divine or higher power." Draper, Paul., *Atheism and Agnostics*, Stanford Encyclopedia of Philosophy, 2017"

²⁷ Agnostic: is a person who holds the view that the existence or non-existence of deities or gods is unknown, uncertain, or unknowable. Agnostics neither affirm nor deny the existence of a higher power or supernatural beings due to the lack of empirical evidence or the limitations of human knowledge. (Stanford Encyclopedia of Philosophy).

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constituents. However, it is important to remember that abortion is a complex and personal issue that affects individuals and families in different ways. While political views and legal decisions can have a significant impact on access to abortion, it is ultimately up to each person to make their own decisions about their reproductive health and autonomy.

In conclusion, the debate over abortion in the USA is far from over, and the future of reproductive rights remains uncertain.

General Conclusion

This dissertation aims at shedding light on the situation of abortion in the United States, specifically the shift from its legality to various restrictions in many states. It intends to highlight the reasons that have contributed to reaching this point. Therefore, this study has provided first, the steps women have taken to gain their rights by addressing the impact of the first and second wave of feminism on achieving the right to access abortion. This research additionally highlights the historical background of abortion and its global trajectory. It examines the evolution of this sensitive topic through time and explores the key factors that have influenced public perceptions of it.

This study ends with a discussion of abortion law in America, it begun by examining the pertinent courts case relating to it, then the importance of legalizing such practices on reproductive health. Subsequently, it illustrates the conclusion of the abortion era by discussing the pivotal court case responsible for its overturning and the reasons behind this decision.

After extensive examination in this dissertation, it is evident that abortion has remained a contentious issue for centuries. However, despite being recognized as a constitutional right for decades, the US Supreme Court reversed its stance on *Roe v. Wade* and *Planned Parenthood v. Casey*. The Court argued that these rulings bypassed the democratic process, lacked a strong constitutional foundation, and had impractical standards. Notably, many of the Supreme Court justices, who belong to the Republican Party hold religious beliefs, view abortion as morally wrong. Despite the positive societal effects of legalized abortion, such as increased education, employment, and better outcomes for women, including Black women, opponents in the anti-abortion movement argue that the fetus possesses the right to life, and it is society's duty to protect that right. They advocate for a complete ban on abortion while promoting alternatives like adoption or parenting to support women facing unplanned pregnancies.

General conclusion

Overall, the ongoing discussion surrounding abortion indicates that it is unlikely to reach a resolution in the near future. On one side of the debate, supporters of abortion rights argue that women should have the freedom to make decisions about their own bodies and reproductive choices, On the other side, opponents of abortion believe that the fetus is a living being with the same rights as any other human. They see abortion as morally unacceptable and a violation of the sanctity of human life.

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