

How Political Interest Overruled the Common Good:
Women's Rights and The Abortion Argument

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What is the “Common Good?”

In July 2022, a ten-year-old was faced with a life-or-death decision that the internet broke into an argument over. The case I refer to is the 2022 Ohio child-rape and Indiana abortion case. The heartbreaking story broke national headlines, stating:

On Monday, three days after the Supreme Court issued its groundbreaking decision to overturn *Roe v. Wade*, Dr. Caitlin Bernard, an Indianapolis obstetrician-gynecologist, took a call from a colleague, a child abuse doctor in Ohio. Hours after the Supreme Court action, the Buckeye state had outlawed any abortion after six weeks. Now this doctor had a 10-year-old patient in the office who was six weeks and three days pregnant. (Fradette & Rudavsky 2022, para 1-2).

Soon after that more news outlets broke headlines talking about how the child is pregnant because of rape. Her abortion was lifesaving, yet it seemed to take a backseat to some opinionated people. When the internet broke out in division over the story, the scale ranged from people exclaiming that the entire case itself is fake to the other end of people citing specifically this case when protesting the overturn of *Roe v. Wade* and restrictive reproduction rights. With opinions coming from all angles of the topic, even reaching President Biden, it is hard to try to think about the case from a fundamental point of view: what about the child? A ten-year-old girl, pregnant because she was raped was faced with two options, bear the child of her rapist— a possible death sentence by childbirth, or receive a life-saving abortion. The personal agendas of politicians pushed for that death sentence

of childbirth, otherwise the right to an abortion would still be constitutional. It is those who offer life-saving reproductive health care that fight for the common good of citizens.

The common good isn't something that is going to meet everyone's needs, as every individual holds their own set of values— however, the common good does provide comfort and peace to people in a community. For example, it is because of the common good that things like public transportation, public schools, and cultural institutions exist. Those facilities—whether material, cultural or institutional—that the members of a community provide to all members to fulfill a relational obligation they all must care for certain interests that they have in common. (Stanford 2018). Sometimes it's the things we don't even realize are there, until they are taken away.

To understand political interest, it is important to note that there are several definitions of it. The political interest I refer to is how politicians use their position and political power to further motions of their interests and personal beliefs. They engage with the political system with the motivation to change it for themselves and their values— when these values oppose the common consensus of society, there begins to be problems. It is a politician's job to understand the body of people they represent and take into consideration all those opinions from that body and create legislature for the common good, as it is the members of a community who know what is in the best interest of their community. In modern day, women have suffered immensely by the law because political interest has overruled the common good for their equal rights, and it is imperative to amend the system in order to bring them equality.

issues regarding sexuality and reproductive choice. Once again, women are on the stage debating with the legislature for their equal rights. It's with these historic motions to work towards a country where abortion is a constitutional right that puts these current and past decades as another landmark in the long and continuous timeline of women's inequalities and their fight towards equality in a patriarchal nation.

Judges Impartiality and Roe v. Wade

Most modern issues are settled in courts; the Supreme Court for those viewed as most critical to the nation. It is crucial for judges to remain impartial when hearing cases and deciding the ruling. Judges must use legal basis for their decisions as well as, in the United States, look at the Constitution. If personal belief is used as reasoning the decision is no longer for the common good of the people but rather the personal interest of the judge— the integrity of the ruling is ruined. A case that was decided by something other than a legal and unbiased basis is the overturn of Roe v. Wade.

Roe v. Wade is a Supreme Court Case, U.S. 410 113, that was decided in 1973. The anonymous woman, Jane Roe, was fighting for her right to have an abortion without the unborn child posing a threat to her life. In volume 410 of the U.S. Reports in the official documentation of Supreme Court Case Roe v. Wade states:

Roe alleged that she was unmarried and pregnant; that she wished to terminate her pregnancy by an abortion ... [However] that she was unable to get a "legal" abortion in Texas because her life did not appear to be threatened by the continuation of her pregnancy... (Roe v. Wade, 410 U.S. 113, 1973).

History of Women's Inequality

The issues in the contemporary United States are not the first time women have suffered because of the political structure made by personal agendas. The U.S. Women's Suffrage Movement was a historical landmark moment for American women. Women won a right that shouldn't have had to be fought for. The right to vote for your country's government is a right that should be granted to any citizen regardless of gender, race or religion. However, it was a battle that was fought, and it was a milestone for women deconstructing the misogyny rooted in our nation— even if it still took decades to add it into our Constitution. Through the mere gender identity as a woman, that individual is oppressed by American society and politics. They are victims of “Othering.” The notion of Othering, a term coined by Gayatri Spivak originally “...used by the colonizers to create and sustain the negative and inferior views and assumptions about the colonized natives,” has now broadened into the practice of oppressing specific groups because of their race, gender, religion, age, class, etc. When speaking about the Othering of women, I refer to the continuous implementation of policies that allow for our nation to fall deeper into the hole of misogyny that plagues our communities as well as support the idea of Othering women from what is identified as the societal norm, and in a sense, the desire of the patriarchy. From the Salem Witch Trials used a means to control women who spoke out against the men in power, to the fight for the right to vote and have a say in the country's government. Then the belittling of women by essentially enforcing the social norm to work at home or if they did work— they would be paid less than men, to more contemporary

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In this case, Wade argued back that a woman's right to privacy and choice of abortion is secondary to the unborn child's right to life — therefore the states also have the power to regulate the right to abortion to protect the life of the fetus.

The argument was centered around the fact that Roe was denied an abortion because the pregnancy did not pose a medical risk to her life. That's it. It was just that her pregnancy can be carried to full term with no risks to her life, so she should. This case is a landmark in the abortion topic in the United States and the Court ruled in favor of Jane Roe in 1973 establishing the choice of abortion as a Constitutional right to Americans. A short 49 years later, in 2022, this decision was overturned during the debate on a ruling for Jackson v. Women's Health Organization.

The Justices of the Supreme Court did not act with impartiality. I believe that their own political agendas and personal value systems influenced the decision to overturn the 49-year-long decision. We are told these people rule free of political parties, yet their actions and rulings prove otherwise. Had the Justices followed with holding the common good of the American people over their own bias, the right to an abortion would still be a Constitutional right rather than a state-to-state decision. This is because the majority opinion in the United States is for the right to reproductive choice. According to author Carrie Blazina at the Pew Research Center:

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About six-in-ten adults (57%) disapprove of the court's decision that the U.S. Constitution does not guarantee a right to abortion and that abortion laws can be set by states, including 43% who strongly disapprove, About four-in-ten (41%) approve, including 25% who strongly approve. (Blazina 2022).

When speaking on *Roe v. Wade*, it's hard to not talk about *Dobbs v. Jackson Women's Health Organization*, because its decision was the one that resulted in the *Roe v. Wade* overturn. In the official US reports of the Supreme Court trial *Dobbs v. Jackson Women's Health Organization*, 597 U. S. ____ No. 19-1392 (2022) the Judges precede the case and its topic of abortion by stating that the Court has been "reluctant" to recognize rights that are not mentioned in the Constitution (597 U. S. ____, 2022.). However, the Constitution was drafted centuries ago when a lot of societal norms that were purposely left out of the document have since been amended to the original Bill of Rights to match with our evolution as a society and the common good of today's nation. While it is the foundation for our government for its symbolism of freedom, democracy, and equality for all—there needs to be a universal understanding that it was created in a past society. As noted previously, judges must review the Constitution when deciding on a ruling, and while it is true that the rights for or against abortion are not mentioned in the Constitution, that should not constitute "reluctance" to establish them. In previous cases, the absence of something from the Constitution has not given the Court's an opposition to vote or decide on it.

The result of *Dobbs v. Jackson* states that the Constitution does not confer a right to abortion; and the authority to regulate abortion is returned to the people and their elected

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elected representatives. (Cornell Law, 2022). This Supreme Court decision reversed *Roe v. Wade* and *Planned Parenthood of Southeastern Pennsylvania v. Casey*.

It is also important to discuss who overturned this case. Who were the nine people who decided to reverse the right to an abortion for the entire nation? The Justices were as follows: Chief Justice John Roberts, Justice Clarence Thomas, Justice Samuel Alito, Justice Neil Gorsuch, Justice Amy Coney Barrett, Justice Brett Kavanaugh, Justice Stephen Breyer, Justice Sonia Sotomayor, Justice Elena Kagan. Most of the Justices were biologically men and ruled on this matter without having a uterus. A decision that restricts and takes freedom from women. The issue of a majority men's court voting on a women's matter is a whole issue in itself; however, I want to focus on another ill of the court; partisanship. "Justices should be selected based on impartiality, rather than their identical views with the appointing administration." (Jain 2022). With that said, our current court makes it easy to identify which Justices lean to be conservative or liberal, based on their appointers and patterns in past rulings. Currently, SCOTUS has a 6-3 conservative-leaning bias, with all six conservative judges appointed by Republican presidents (Jain 2022). Unsurprisingly, judges appointed under a Republican administration have traditionally conservative views. This is seen evidently in the 2015 landmark case, *Obergefell v. Hodges*, that legalized same-sex marriage in a 5-4 decision. All four dissenters were conservative leaning judges (Jain 2022). Same-sex marriage is a frowned upon practice to people who believe in traditionally conservative ideals. This example of a Judge appointed under Republican rule, using their power in the Court to continue to vote for

conservative ideals shows exactly how these partisanships can influence huge decisions for the common good.

There is an absolute necessity for reform because with one political party dominating the Court, it will— more likely than not— always be the majority rule. As long as Justices are appointed by whoever the President sees fit, and then voted through the Senate on a simple majority rule, there will be bias in the court. The President will see it fit to nominate someone of their own party, and if they step out from their party it will be someone of similar if not identical political and personal beliefs. Then, these Justices are not even leashed by term limits, they are to rule for however long as they wish. The system itself is outdated entirely. How it is that a Justice can rule 20, 30, or more decades and a President is maxed at eight. Senators at six. House of Representatives, two. All these politicians are held to term limits to ensure that political power is regulated. Yet, the Supreme Court holds no term limits. When other branches of the government make decisions the motion passes through several branches to ensure equal power. Yet, when the Supreme Court rules on a constitutional issue, that judgment is virtually final. (Supreme Court of the United States, 2023). There is an overwhelming imbalance in the Supreme Court, and it's plagued with political polarization. To call the whole Supreme Court System a scam is a bit harsh, but is it too radical to propose that the Supreme Court needs some reformation in order to restore impartiality and more rulings for the common good?

Overturn

There is this trend with American politicians, who have sworn to preserve and uphold the notion of common good, where it will not be done if the common good does not align with their personal views and values. Following that, unfortunately, I believe this is what has happened for several states post *Roe v. Wade*. The true tragedy of the overturn is how certain people in power immediately implemented their personal and political agenda to ban abortions when for nearly 50 years prior it was legal and Constitutional to receive and perform an abortion nationwide in the United States.

The common good has always provided the most leeway to people while putting public safety as a priority. The majority opinion on the topic of abortion, in the United States, is in favor of the choice being left to the individual giving them “reproductive choice.” Again, reminder that Pew Research Center has reported that the majority, 6 out of 10, of American citizens push for pro-choice laws as stated previously. Of course, there is discourse and there is debate, that is why the topic is known as “The Abortion Argument.” However, the majority of U.S. citizens in these statistics are in favor of allowing for the choice to be made by the individual rather than the court of law. Had the common good been considered, a decision regarding the regulation or legality of abortion would have been made with respect to this majority.

As of December 8th, 2023, 21 of the 50 continental states in the United States have some form of an abortion ban. 14 of those 21 states have a full abortion ban, these states include: Alabama, Arkansas, Idaho, Indiana, Kentucky, Louisiana, Mississippi, Montana, North Dakota, Oklahoma, South Dakota, Texas,

Tennessee, West Virginia. In most— if not all— of these full ban states, abortion is banned in most circumstances. (New York Times 2023).

Infamously, Texas was one of the first states to implement abortion regulations. How ironic it is that the state where Jane Roe originated from, and fought relentlessly for her and her fellow Texans to gain reproductive choice, is the one that had the quickest turnaround and one of the harshest abortion regulations in the nation. Effective September 1st, 2022, only 70 days after the overturn of *Roe v. Wade*, Texas passed Senate Bill 8, also known as the “Heartbeat Bill.” In summary, this bill restricts an individual from getting an abortion after a fetal heartbeat is detected, which has been cited as detectable six weeks after conception which is also as early as five weeks after the start of an individual’s last menstrual cycle. The average time individuals find out they are pregnant is two to three weeks after your expected menstrual cycle, otherwise known as six to seven weeks after conception. Results of this anti-abortion law include an increase in Texas’ births and fetal mortality.

Fetal Mortality

New York Times author David J Goodman writes in his article how the analysis found that Texas had nearly 10,000 more births between April and December of last year [2022] than would have been expected without Senate Bill 8. The finding would suggest a striking number of pregnancies carried to term that otherwise might not have been, absent the law known as Senate Bill 8. (Goodman 2023). That is a 3% increased birth rate, a direct result of *Roe v. Wade* being overturned. Cross referenced with another source, the

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John Hopkins Bloomberg School of Public Health, they published an article speaking on the results in Texas. They also explain how researchers from the Johns Hopkins Bloomberg School of Public Health estimate that the Texas abortion ban that went into effect in September 2021 was associated with 9,799 additional live births in the state between April and December 2022. (John Hopkins Bloomberg School of Public Health, 2023). Again, we see the information how in months there was an estimated 10,000 more births. The John Hopkins researchers thoroughly explain how this number was calculated: ... the researchers used statistical modeling to create a “synthetic” Texas based on monthly live birth data from all 50 states and Washington, D.C., from 2016 through 2022.

The researchers calculated that there would have been 287,289 live births in Texas from April to December 2022 had the abortion ban not gone into effect in September 2021.

The number of observed births during this period was 297,088, a difference of 9,799.

(John Hopkins Bloomberg School of Public Health, 2023).

The reason I bring up the idea of increased birth rate in Texas is because of its relationship with the increased fetal mortality in Texas. CNN Author, Isabelle Chapman writes how “2,200 infants died in Texas in 2022, an increase of 227 deaths, or 11.5%.” (Chapman, 2023). That’s right, in a politician’s attempt to preserve the life of an unborn fetus— the ability to terminate an unhealthy pregnancy for the mother and/or child is taken. A woman is forced to carry to term a child they know may not survive. In

circumstances, if the pregnancy poses a very serious threat to the mother's life—an abortion can be authorized in these full ban abortion states. However, this is a very strict and rare occurrence ever since the full ban went into effect. It is through several state's anti-abortion tactics, such as Senate Bill 8, and the nationwide lack of abortion support that pushes pregnant individuals into a corner and forces them to give birth. Having to face prosecution and/or death or bear a child should not be the decision individuals have to face when experiencing an unwanted pregnancy. Note that this evidence, results, and observations are restricted to Texas. However, that does not mean it can't apply outside of specifications and on a more general spectrum to other fully ban abortion states.

Women's Mortality

In other news on the overturn and the women affected, The Harvard Gazette, have reported on the increased suicide rate and depression rate amongst women in relation to misogynistic laws and laws enacted that have prosecuted women for exercising the choice of abortion. In their article, they write about a study published in December that showed a connection between restrictive abortion laws and increased suicides by women of reproductive age in the U.S. (Powell, 2023). The study, which was conducted by the University of Pennsylvania, writes how stress is a key contributor to mental health burden and a major driver of increased suicide risk. This stressor—restriction to abortion—affects women of a specific age in a specific cause of death, which is suicide. (Berger, 2023). Further covering the Pennsylvanian research. The results are from a process that goes as follows:

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They conducted what's called a difference-in-differences analysis, using state-level data from 1974 through 2016 and covering the entire population of adult women during that time... Every time a state enforced a law that was related to reproductive care, we incorporated it into the index. Then, among women of reproductive age, they analyzed suicide rates before and after the laws took effect, comparing those numbers to broad suicide trends and to rates in places without such restrictions. (Berger, 2023) Of course, it is necessary to understand two perspectives on this, Berger explains how researchers did not have access to data about the experiences or mental health of individual women. (Berger, 2023). However, even with limitations, the findings still hold ground. To ignore the data is parallel to blatantly ignoring the suffering of citizens before your eyes. The data can help medical professionals and health care providers understand the suicide risk in women of reproductive age. This data can also be applied outside of the medical field. Women are dying because of restrictive laws, this data could— should— be presented to politicians who decide on these laws. While the Constitution is missing a section on abortion, it once missed a section on a woman's right to vote— yet it was amended to fit our modern society. Therefore, it is time to amend the Constitution for the common good and well-being of the people. There needs to be a demand that research on behalf of the outcomes of possible laws be taken into account by lawmakers and politicians voting on them, if it means there will be preservation of well-being, life, and the common good.

The People's Fight

Women across the nation are outraged. They are living with a body they do not get a choice in controlling as the government has already decided they have jurisdiction over them. The continuous injustices in our political systems don't just affect the formal and legal lives of women, but the very core and soul of their being and identity. When women are forced to abide by rules and laws made solely for the control and regulation of themselves, they are being stripped of the one thing this nation prides itself for providing—freedom. The United States has constantly been at a point where the containment and control of women's lives is normalized and a consistent factor in our history. It's through the acknowledgment, awareness, and fight that we are able to earn rights that women should have had in the first place. Women's Rights and Feminism is not solely a woman's battle. As a community and collective society, we have a moral obligation to fight and support the betterment of our common good that is taken from us by political powers. The common good is for women, for men, for humans. It is a genderless battle, and only won through collective forces. The deconstruction of political interest ruling our nation seems like an endless battle, but throughout history people have proved they will not be silent until themselves and their neighbors are treated equally. Until we are all given the common good and treated with the respect any human deserves.

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