

“THE CONFLICTING JURISPRUDENCE BEHIND THE LAWS ON ABORTION”

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INTRODUCTION

The issues pertaining to abortion needs an urgent consideration on recent laws, religious norms, social mores, emotions, family contexts, conventions and relationships. Human rights bodies have repeatedly condemned restrictive abortion laws as being incompatible with human rights norms.¹ In this article, we would show how abortion leads to legal, moral and ethical dilemmas. The battle is generally between two segments pro-life supporters and pro-choice supporters. The pro-life supporters condemn abortions believing that the death of an unborn child is a social death, whereas the pro-choice supporters believe that the women must have the total control of her reproductive life and nobody, not even the state should have the control over it. Authors here find an opportunity to cite the writings of J.S Mill who once noted that “women as having complementary talents should be equally valued. It maintains that equality will follow once the differential treatment of women is removed”. We believe that protecting access to abortion effectuates vital constitutional values, including dignity, autonomy, equality, and bodily integrity. It would not be difficult to digest that every year, millions of women around the world decide to end a pregnancy through abortion (defined as removal of a foetus or embryo from the uterus before the stage of viability)². The author Mr. Sedgh noted in his research paper that the global abortion rate can be estimated at 28 per 1000 women of childbearing age but varies by and within regions³. It has been observed that just under half of all pregnancies are unintended and half of these end in abortion⁴. The reasons women give for choosing abortion over adoption or parenthood are complex and vary from woman to woman. Primary reasons include an understanding of the responsibilities of parenthood, financial constraints, and lack of partner support. authors have also argued on how the burnt of restrictions on abortion falls heavily on teenagers in the later part of this paper. Through the surveys, it has been observed that the teenagers, economically disadvantaged women, and those who did not suspect they were pregnant or who face barriers to legal abortion services are more likely to abort in the second

¹ *The World's Abortion Laws*. Available on <https://reproductiverights.org/worldabortionlaws>

² Grimes DA, Stuart G. *Abortion jabberwocky: “The Need for Better Terminology. Contraception”*

³ Sedgh G, Singh S, Shah IH, Ahman E, Henshaw SK, Bankole A: “*Induced abortion: Incidence and Trends Worldwide From 1995 To 2008*”.

⁴ Bankole A, Singh S, Haas T: “*Reasons why women have induced abortions: evidence from 27 countries.*”

trimester.⁵⁶ Grounds for allowing abortion vary from country to country but the main grounds can be listed as following⁷: -

- Ground 1 – Risk to Life
- Ground 2 – Serious Fetal Anomaly
- Ground 3 – Risk to Physical and Sometimes Mental Health
- Ground 4 – Rape or Sexual Abuse
- Ground 5 – Social and Economic Reasons. For eg, social conditions that may pose a threat to a woman's life includes where pregnancy implicates so-called family "honor," such as where pregnancy out of wedlock could subject a woman to physical violence or death⁸
- Ground 6 – On Request.

Further, the fact that the countries with almost no deaths or negligible in comparison to others are those that actually allow abortion on request without restrictions, infers that unsafe abortion can be prevented only by removing all legal restrictions and providing universal access to safe abortion.

BRUNT OF ABORTION RESTRICTIONS ON TEENAGERS

Teenagers have also suffered the brunt of abortion restrictions. More than half the states enforce laws that deny those younger than 18 access to a legal abortion unless they involve a parent or go to court.⁹ Teenagers who consult their parents under compulsion of the law and against their better judgment often find their fears justified: They are kicked out of their homes, beaten and prevented from obtaining abortions. The alternative of going to court is daunting for any teenager, and especially for one who is pregnant, desperate and unsupported by her family. Often, she must explain multiple absences from school without raising suspicions, find a lawyer who will help her, brave one or more trips to the courthouse, tell the intimate details of her personal life to numerous strangers and then hope that the judge grants her the permission she needs. Yet, advocates for reproductive freedom tire of talking about these restrictions, and few people seem interested in hearing about them. Because most middle-class, adult women can get abortions in spite of the prevalent restrictions, the majoritarian passion to preserve the right

⁵ Ingham R, Lee E, Clements SJ, Stone N.: "Reasons for second trimester abortions in England and Wales".

⁶ Finer LB, Frohworth LF, Dauphinee LA, Singh S, Moore AM.: "Timing of steps and reasons for delays in obtaining abortions in the United States. *Contraception*".

⁷ Berer, Marge: "Abortion Law and Policy Around the World: In Search of Decriminalization." *Health and Human Rights*, vol. 19, no. 1, 2017, pp. 13–27.

⁸ Law and Policy Guide: Life Exceptions

<https://reproductiverights.org/law-and-policy-guide-life-exceptions>

⁹ NARAL, Minors' access, <<http://www.naral.org/mediareources/publications/2002/sub-minors-access.pdf>>, accessed Dec. 3, 2002.

established in Roe has faded, leaving the most vulnerable women isolated and powerless. They have reason to wonder what we are celebrating at Roe's anniversary. What we need to celebrate is renewed unity, commitment, energy and purpose. Unfortunately, the movement has sometimes tried to achieve these by either dwelling on the possibility that abortion will again be illegal or minimizing the importance of abortion. We refer to these two tendencies as the apocalyptic and the apologetic approaches.

RIGHT TO SAFE AND LEGAL ABORTION

Abortion has always been considered as a part of women's liberty, equality and economic security. The World Health Organization (WHO) in "Safe Abortion: Technical and Policy Guidance for Health Systems" had recognized that states need to apply a broad interpretation of a threat to women's life, acknowledging that both social conditions and medical can constitute life-threatening conditions¹⁰. The WHO also suggested that the medical conditions that are considered life-threatening in their countries, should consider these conditions as illustrative only and not exhaustive. States should not overrule the opinion of a medical practitioner that whether a woman's life is in danger or not¹¹. The right to safe and legal abortion has been given a place of fundamental human right under numerous international and regional human rights treaties and national-level constitutions around the world. These instruments have grounded safe abortion in a constellation of rights, including the rights to life; liberty; privacy; equality and non-discrimination and freedom from cruel, inhuman and degrading treatment. The fact of lacking government's support to persons with disabilities and considering the socio-economic conditions prevalent in countries like India which do not always promise a 'dignified life' for the child, the argument for the foetus's right to life needs to be rethought. It would be better if state's control would be minimal, as it is the woman and her family only who will take responsibility for taking care of the child. Thus, it would not be difficult to infer that without legal recourse, pregnant women who find themselves in difficult situations may opt for illegal abortions which surely can lead to infections and even death. Activists have also argued against the regulation of pregnancy outcomes for women and favored for allowing women to be the judge for the course of their pregnancy. The decision to continue a pregnancy has been considered as a personal one and every woman has its own reason for the same. They have argued that the decision about when to have children, the number of children and how to care for them, must be left with women only.

¹⁰ World Health Organization, *Safe Abortion: Technical and Policy Guidance for Health Systems* 92 (2d ed. 2012) [hereinafter "Safe Abortion Guidelines"]

¹¹ Ibid

CHANGING THE LAW TO BENEFIT WOMEN

Existence of various legal threats to the integrity of women's body, it seems that we are left with a little choice. To prevent the law affecting our bodies, it is pertinent to enter the framework of legal discourse and action. Those who are unable to contemplate the law at all must confront the fact that legal grounds for abortion can be interpreted liberally or narrowly, and therefore can be implemented differently in different settings or sometimes may not be implemented at all. So, the real challenge is to define which abortions should remain criminal and what should be their punishment. Even in attempt to say that some grounds would be considered acceptable, the question of who decides and on what basis remains when reforming existing law. Sometimes words pose difficulty in supporting good practice. For example, a ground which is based on risk is particularly tricky. The definition of "risk" is somehow complex and the extent of risk is always uncertain. Risk to the woman's life, health, or mental health and risk of serious fetal anomaly have been subjected to challenge and disagreement among professionals. As Christian Fiala, head of the Gynmed Ambulatorium in Austria, has noted, "There is only one way to be sure a woman's life is at risk, that is—after she dies."¹² Therefore, the wording has a significant value especially when it affects the fundamental rights of a person. Reed Boland explores the importance of wording in depth with regard to the health ground for abortion:

The wording of [the health] indication varies greatly from country to country, particularly given the range of languages and legal traditions involved. Sometimes ... there must be a risk to health. Great Britain's law, for example ... allows abortion where "continuance of the pregnancy would involve risk, greater than if the pregnancy were terminated, of injury to the physical or mental health of the pregnant woman ..." Sometimes ... there must be a danger to health. Burkina Faso's Penal Code permits abortions when "continuation of the pregnancy ... endangers the health of the woman ..." And in some countries, there must only be medical or health reasons. In Vanuatu, there must be "good medical reasons", in Djibouti "therapeutic reasons", and in Pakistan a requirement of "necessary treatment". These concepts are not necessarily the same.¹³

The conservatives generally argue that since the foetus enjoys the right to life, the matter is obligated to save it. She has an obligation "not to abort it". If the woman's body is her own, then at least with paradigm cases of abortion on demand, it might be maintained that the abortion of the foetus is a taking back of something the foetus did not have an intrinsic right to. If the foetus has a right to the mother's body, it is because the foetus has a right to those things necessary in order to stay alive, i.e., it has a right to be saved. However, liberals have found Thomson's

¹² Christian Fiala, email from a closed listserve conversation (2012).

¹³ Boland (see note 17)

individualism unacceptable and the potentiality principle, upon which the right to life gets extended to the foetus, unintuitive. For example, while we do not treat college students like college graduates, we do acknowledge college students' right to continue their education and graduate from college. Thus, although the foetus may not possess the status of a person as specified in the Constitution, it does possess the right to continue to achieve that status. Insofar as this response makes the argument for the foetus' continuance consistent with our other practices in granting social status, it justifies our State interests in protecting potential. Upon further investigation, however, the above argument may be found wanting. In the examples employed, it will be noticed that the right of college student to continue his education and graduate is not a particular right of college graduates. In particular, the right to continue one's education is a right of a student and is quite different from the rights of the college graduate. Likewise, the right to continue one's legal or medical education not the same as the rights enjoyed by the individual who has achieved those ends. At each level the right to achieve something is enjoyed by those who have yet to achieve and is quite separate from the rights enjoyed by those who have achieved. Thus, having the right to continue towards a goal is quite different being granted the rights associated with achieving the goal; and way does the possession of the former imply the possession of the latter. the case of the foetus, however, a right to continue on and become a person, i.e., a right to life, is, since the right to life is enjoyed by full-fledged persons, tantamount to granting a right associated with a particular status on the of potentially possessing such status; and this palpably conflicts with what was argued above. Unlike the college student, lawyer, and physician examples, the right needed to guarantee possession of foetal life so as to allow foetus to become a person is exactly the type of right particularly enjoyed a full-fledged person. Therefore, since the right to continue one's education different from the rights associated with the completion of such education there is no danger of circularity in maintaining that although we may grant the rights of college graduate to college students, college students have the right to continue their education. However, this is not true of foetus example since the right to continue on to become a person is just right enjoyed by person. Thus, in order to guarantee the foetus, the opportunity to achieve a certain status we must, by this argument, already ascribe to it that status.

THE DEMAND OF EQUALITY

Without the right of reproductive choice, women cannot participate equally in the nation's social, political and economic life. Their freedom to decide whether and when to have children opens doors that would otherwise be closed. They may learn to be electricians, librarians, roofers,

teachers or triathletes; care for their young children or aging parents; start and finish college; wait until they are financially and emotionally prepared to support a child; keep a steady job; marry if and when they want to. Women still do the bulk of the work of raising children and caring for extended families. Whether they experience this work as a privilege, a necessity, a burden or all three, increasing their control over the scope and timing of these responsibilities can only help them to secure a more equal footing on whatever paths they travel. In fact, in countries throughout the world, women's desire and ability to limit the number of children they have go hand in hand with their educational advancement and economic independence. However, Women's movements have developed an alternative articulation of rights. Women's movements have looked beyond the scant protection of "privacy" to establish a rights-based defense of choice based on equality. The equal-rights argument makes the case that women cannot be equal to men as long as the consequences of sexual activity and of childbearing are differentially distributed between women and men. The right to choose, then, is an attempt to rebalance these differential consequences. In this argument the conflict of rights is shifted from the woman foetus conflict to a gender conflict. The bounds of liberal individualism are broken by formulating equality in terms of social groups, a claim established by demonstrating that one cornerstone of male domination, enacted through institutions such as church and state, has been the control of women's sexuality and reproductive capacity¹⁴. This focus on equality and inequality still maintains, however, some of the problems of rights discourse, particularly the suppression of differences among women. The liberal public-sphere assumptions of autonomy and coherence reappear in equal-rights claims by invoking two clearly separate and coherent gendered groups-women and men-whose responsibilities and burdens are to be equalized. This focus on equality foregrounds gender difference and the right to gender equality while ignoring other differences among women. Legal theorist Kimberle Crenshaw has demonstrated the limits of rights claims based on the assumption of coherent social groups in both feminist and antiracist politics¹⁵. These limits, along with the intertwining of liberal assumptions and social differentiations, are demonstrated in rights cases that repeatedly deny the claims of African American women because these women do not represent either the normative (white) and coherent gender, women, or the normative (male) and coherent race, African American. Thus, even claims on behalf of equal rights for women can be come implicated in the public-sphere economy of gender difference and its interstructuring with multiple axes of subordination. As

¹⁴ For an example of this type of argument, see Gerda Lerner, *The Creation of Patriarchy* (New York: Oxford University Press, 1986), particularly chapters 3-6.

¹⁵ Crenshaw cites the following cases: *DeGraffenreid v. General Motors*, 413 F Supp 142 (1976); *Moore v. Hughes Helicopter*, 708 F2d 475 (1983); and *Payne v. Travenol*, 673 F2d 798 (1982).

the economy of gender difference reasserts itself, even the broadly based claim to social group equality does not articulate the diversity and complexity of women's claims to reproductive rights and freedoms. Nonetheless, to make rights claims effective, the meaning of both rights and choice must be expanded and reconfigured. In particular, the meaning of rights must be expanded to include the social goods necessary to exercise any right. This expansion of rights language pushes toward an articulation of the responsibility of society to ensure the conditions within which women can effectively enact procreative choices and become full participants in society. The meaning of choice must also be expanded beyond the single choice of whether or not to have an abortion when faced with an unwanted pregnancy. Procreative choice includes the right to have, as well as to not have, children. The necessity of promoting this broad meaning of choice is due to the "de facto reality [of women's subordination], which includes the fact that most women already live under strong and often coercive pressures either for or against childbearing."¹⁶ In addition, an adequate moral language requires an articulation of the complex relationships and responsibilities-on both an interpersonal and a social level-that are implicated in exercising reproductive rights and freedoms.¹⁷ A full articulation of these relationships and responsibilities requires an articulation of the multiple histories of women's struggles "to control and shape their own power of reproduction."¹⁸ Recognition of communal histories and agencies also raises questions about the crisscrossed sets of social relations within which women speak and act. For example, Angela Davis attributes some of the racism in contemporary abortion-rights movements to a failure to recognize the complex histories and interrelations of women¹⁹ Feminist advocates for women's choice accepted the court's premise that the foetus had a right to state protection from the moment of conception but argued that the best way to protect the foetus was "with the woman and not against her." Inge Wettig-Danielmeier, one of the feminist legislators who constructed the 1992 abortion law, argued that insisting first on social change doesn't undervalue developing life. "Only when women are finally equal, finally have the same rights and duties, finally know that their lives do not stand every day at the disposition of their partners and children, will they be able to decide to have children with pure joy and full inner conviction." decide to have children with pure joy and full inner conviction." Rather than the stick of criminal law, the state should offer women the carrot of equality. This must include

¹⁶ For a summary of Harrison's arguments on behalf of the continuing importance of rights claims, see the essay "Our Right to Choose," in *Women's Consciousness, Women's Conscience* (cited above, n. 18), pg 108

¹⁷ In her first major book, Carol Gilligan suggested the importance of interpersonal relationships to women faced with an unwanted pregnancy. Gilligan does not, however, go on to articulate the social conditions or the complex sets of power relations that create the parameters of women's choices. See *In a Different Voice* (Cambridge: Harvard University Press, 1982).

¹⁸ Harrison, "Our Right to Choose," 104.

¹⁹ See Angela Davis, *Women, Race and Class* (New York: Vintage Books, 1983), particularly chapter 12, "Racism, Birth Control and Reproductive Rights."

benefits for child rearing. "A politics that is against women, to whom developing life is entrusted in the first place, is at the same time a politics against developing life," another woman legislator argued. Anti-discrimination provisions and better wages for women workers encourage women to see raising a child as affordable. In terms of the U.S. Supreme Court's position, the issue is not really women's rights, but individual rights. It just so happens that women are the only ones who can get pregnant, but both men and women have a right to control decisions concerning their own bodies. Reproductive rights are privacy rights. They are, however, part of a more general and abstract right to have government leave people alone. Defending legal access to abortion in the language of privacy is also a strategic choice. Emily Tynes, speaking for a prochoice communications consortium, acknowledges that "all the [abortion rights] groups see it in a women's rights frame [but] when it plays out in terms of what's actually happening, it doesn't play out in terms of women's rights. It plays out in terms of constitutionality, or a piece of legislation invading people's bed- rooms."

AUTONOMY

A woman deciding whether to continue a pregnancy stands on moral ground. She is entitled to make her decision, and she must live with the consequences. No one else-and certainly not the government-should decide whether she will use her body to bring new life into the world. The decision is too intimate and too important to be taken from her. In everyday life, men and women make decisions that affect the life and death of existing people. They decide whether to join the army; whether to donate blood, a kidney or bone marrow to a child; whether to give money to Save the Children instead of buying a new sweater, whether to decline a lifesaving blood transfusion; whether to drive a small fort on wheels that may protect its passengers in a crash but often kills those in less-substantial vehicles. Few question adults' autonomy to make these decisions, although some may criticize the individual choice made. Yet, our opponents want a different standard to govern women's decisions about abortion. They portray women who demand the right to make this decision as selfish and immoral, although even many "prolifers" place fetuses on a lower moral plane than existing people (hence their tolerance of abortion in cases of rape and incest, among other inconsistencies). In response, we must staunchly defend women's ability and right to be moral actors, especially when they are making decisions about reproduction.

BODILY INTEGRITY

Women should have control over their own bodies. In virtually all other contexts, the law treats a person's body as inviolable. Prisoners are denied many of their most important personal liberties, yet are protected from unreasonable invasions of their bodies (such as routine body cavity searches). Similarly, the state cannot require a crime victim to undergo an operation to recover evidence (such as a bullet), even if that evidence would help to convict a murder suspect. And no law can force an unwilling parent to undergo bodily invasions far less risky than pregnancy (such as donating bone marrow) to save a living child. "It is difficult to imagine a clearer case of bodily intrusion" than for the government to demand that a woman continue a pregnancy and go through childbirth against her will.²⁰

WANTEDNESS AND WELCOME

The decision to have a child-even more than the decision to have an abortion-carries profound moral implication. Unless a woman is willing to bear a child and give it up for adoption, she should have children when she feels she can welcome them. A mother's freedom to decide whether and when to have an additional child contributes immeasurably to the welfare of the children she already has, as well as any yet to be born. A teenager's decision to delay having a child until a time when she can provide adequate financial and emotional support increases the probability that when she does decide to have a family, it will be healthy and stable. Indeed, many women who decide not to have a child at a particular time do so out of reverence for children. Personal and Public Health Finally, the right to abortion promotes personal and public health. We know that criminal bans do not stop women from seeking abortions. The desperate measures women in pre-Roe days felt driven to take to terminate their unwanted pregnancies are testament to how untenable the prospect of childbearing can be. Access to safe, legal abortion ensures that women will not be maimed or killed when they decide they cannot continue a pregnancy. Similarly, access to safe abortion ensures that women can terminate pregnancies that endanger their health. A pregnant woman with a heart condition, uncontrolled hypertension, diabetes or one of a host of other problems must have all medically accepted options open to her. She, her loved ones and her doctor must be able to respond to shifting and serious health risks without having to consult a lawyer.

²⁰ . Tribe LH, *American Constitutional Law*, Mineola, NY: Foundation Press, 1988, p. 1340.

ABORTION AS A MORAL CHOICE

An alternative to the apocalyptic and apologetic approaches is a realistic, direct defense that recalls the reasons we fought for legal abortion in the first place. It argues forcefully to a generation that expects equality that without the right to decide whether to continue a pregnancy, a woman's autonomy and equality are compromised. To defend abortion with confidence, we must first recognize that institutional opposition to the right is part of a broader campaign to undermine women's autonomy and equality. Antichoice leaders see sexuality (especially women's) divorced from procreation as shameful, women as inadequate to make weighty moral decisions and forced childbearing as appropriate punishment for sexual irresponsibility. They approve of requiring women to pay out of pocket for contraception, while ensuring that insurance plans cover men's access to Viagra; reducing sexuality education to a "just say no" mantra and consigning those teenagers who say yes to the deadly risks of unprotected sex; and denying poor women the means to obtain abortions, yet refusing to help them provide adequate food, shelter and education for the children they bear. Abortion is only one piece of the puzzle. When this puzzle is assembled, the image that emerges is of a woman subjugated, not a fetus saved. For example, it is illuminating that "right-to-life" leaders generally tolerate abortion in cases of rape or incest. The fetus conceived by rape is biologically and morally indistinguishable from the fetus conceived by voluntary intercourse. But in the view of our opponents, the rape victim is innocent while the woman who chooses to have sex is tainted. For them, it is the woman's innocence or guilt that determines whether she should be allowed to have an abortion or forced to bear a child. The impulse to punish women rather than to help children is equally evident in the policies of antichoice states with regard to children already born. If the motivation behind abortion restrictions were really the love of babies, antichoice states should have child-friendly laws. Yet the opposite is so. A comprehensive review of the abortion and child welfare policies in the 50 U.S states demonstrates that the states with the most restrictive abortion laws also spend the least to facilitate adoption, to provide subsistence to poor children and to educate children in general.²¹ The study concludes, "Pro-life states are less likely than pro-choice states to provide adequate care to poor and needy children. Their concern for the weak and vulnerable appears to stop at birth." The seemingly contradictory coexistence of "pro-life" laws and antichild policies is explained, in significant part, by opposition to women's changing roles in society: The more hostile statewide public opinion is toward women's equality and the lower women's income is relative to men's, the more likely the state is both to restrict

²¹SchroedelJR, *Is the Fetus a Person? A Comparison of Policies Across the Fifty States*, Ithaca, NY: Cornell University Press, 2000, pp. 153-157.

abortion and to impoverish children.²² In contrast our position is pro-woman, profamily, pro-child and prochoice. This is a moral debate we must have and can win. Such a debate can move doubters to become moral defenders of a woman's decision to have an abortion. Even those who remain personally opposed to abortion may come to support each woman's right to make the decision in accordance with her own conscience, commitments and beliefs. What follows are some of the best reasons to support abortion rights.

CONCLUSION

It should be clear that the plethora of convoluted laws and restrictions on abortion do not make any legal or public health sense. What makes abortion safe is simple and irrefutable—when it is available on the woman's request and universally affordable and accessible. From this perspective, few existing laws are fit for purpose but merely repeat every possible permutation of the self-same restrictions. The aim of this paper was not to provide answers or roadmaps, because in every country prevailing condition must be taken into account. The aim was to motivate transformative thinking about whether any criminal law on abortion is necessary. If it were up to us, all criminal sanctions against abortion would be revoked, making abortion available at the request of the only person who counts—the one who is pregnant. And as with all pregnancy care, abortion would be free at the point of care and universally accessible from very early on in pregnancy. Canada has proved that no criminal law is feasible and acceptable. Sweden has proved that abortions after 18 weeks can effectively disappear with very good services. At one end of the continuum, the pro-choice movement actively opposes any legal restrictions on abortion; at the other end, the pro-life movement condemns abortion under any circumstances, equating it with murder. Pro-choice movement organizations strive to embrace abortion as an element of a broader "rights" framework, encompassing both women's right to equality and the gender-neutral right to freedom from state intervention (Ferree, 1998)²³. On the other hand, the pro-life movement organizations frame abortion as an issue of morality and sanctity of human life (Ferree, 1998)²⁴, or "family values" (Diamond, 1995)²⁵. The extent to which abortion attitudes correlate with other attitudes indirectly measures the "cultural resonance" (Gamson, 1992)²⁶ of the competing frames promoted by social movement organizations. The burdens of unwanted, dangerous, or just pregnancies are harder to measure but just as real in private and intimate

²² Ibid., pp. 159-162 & 164.

²³ Ferree, Myra Marx 1998 *The Framing Contest Between Pro-life and Pro-choice Movements*. Presented at the Conference on Politics and the Media,

²⁴ Ibid

²⁵ Diamond, Sara 1995 *Roads to Dominion*. New York: Guilford.

²⁶ Gamson, William 1992 *Talking Politics*. New York: Cambridge University Press.

Dangerous pregnancies shorten lives. Too many pregnancies make for and unrewarding mothering. All of it leaves the woman feeling, justifiably, hostage to fate. If she cannot control her reproductivity, she cannot life. Without self-sovereignty over her body, all that remains of her work, her sociability, her education, her mothering, and her impact world- is miniaturized. She lives a smaller life. Meanwhile, a low-income woman has, for all intents and purposes, already lost her core right if she depends on Medicaid for her medical care but is denied coverage for an abortion; if she lives in a rural state with no abortion provider within 200 miles; and if she must make two trips to that distant provider, thanks to a state-imposed waiting period. Her right is a hollow promise when the government is permitted to erect so many hurdles that they create an impasse. Our opponents say that abortion is murder, we imply or say that it is regrettable, and the public slides further into ambivalence