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## **USA - Roe v. Wade at 40: New protests to protect the abortion basic right**

Sunday 27 January 2013, by [POLLITT Katha](#), [The Nation \(USA\)](#) (Date first published: 16 January 2013).

Just two years ago, as *Roe v. Wade* headed into its late thirties, it seemed to be losing its luster. States were hacking away at abortion rights, passing ninety-two new restrictions in 2011 alone - nearly triple the number of any other year on record. Americans appeared ready to tolerate all manner of barriers to abortion access, from parental notification laws and restrictions on late-term procedures to laws crippling the ability of clinics to provide care by subjecting them to absurd requirements (such as having five-foot-wide hallways, as one Virginia law demanded). These new burdens added to the weight of a decades-long and alarmingly successful campaign by the right to stigmatize women seeking abortions and to persecute abortion providers. As a result, 87 percent of US counties lack an abortion provider, and several states have only a clinic or two staffed by a doctor who flies in from another state. "It's never been this frightening before," one longtime clinic worker recently told *The Washington Post*.

What is taking shape looks increasingly like a patchwork system where the right to abortion applies only to women lucky enough to live in a state where the courts and legislature have not whittled it away. How, four decades after women celebrated the Supreme Court's historic embrace of their privacy rights in *Roe*, has it come to this?

The short answer is that the piecemeal strategy of the anti-choice movement has paid off, and the Republicans' ascendance at the state level has been a disaster for choice. Fetal personhood and other extreme measures may have been rejected at the polls in Mississippi and North Dakota, but voters in twenty-six states have elected conservative legislatures that seem to delight in dreaming up ever more devious ways to undermine women's reproductive health. And right-wing courts can be counted on to approve: on January 11, for example, the Alabama Supreme Court interpreted the term "child" in the state's Chemical Endangerment Act to apply to fertilized eggs and embryos, thereby allowing the prosecution of pregnant women for endangering their fetuses.

As *Roe* entered its fortieth year, however, signs emerged that

this fight is still very much on. Protests against anti-choice measures broke out from Virginia to Michigan to Oklahoma to Idaho. In the 2012 elections, pro-choicers received a much-needed boost in Congress, adding twenty to their ranks in the House and two in the Senate, which now boasts nine women senators backed by the pro-choice powerhouse EMILY's List. What had begun for Republicans as a punitive and frivolous congressional "investigation" of Planned Parenthood culminated in an electorally calamitous war on women that has tarnished the GOP's name for a new generation of women voters. Americans may be wary of the "pro-choice" label, as Planned Parenthood has concluded (see Katha Pollitt, in this issue [below]), but they still believe in the principle of *Roe*: that abortion is a decision best left to a pregnant woman and her doctor.

The movement to protect this basic right is sharpening its message as well as its strategy. In Washington, it just won new protections for military women, and the pressure is on President Obama to fill vacancies on the bench with judges who will protect women's rights. In New York, a major push is being mounted to pass the ten-point Women's Equality Act, a landmark bill that includes anti-discrimination and equal pay provisions as well as strong reproductive rights protections. It's hard to imagine a more fitting birthday present for *Roe*.

### **The Editors of The Nation**

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### The Message and the Meaning: Is 'Pro-choice' Passé?

Forty years after *Roe v. Wade*, do you have a problem calling yourself pro-choice? Apparently a lot of people do. In 2009, abortion opponents broke out the champagne and the media went wild when for the first time since polling began on this issue, more people told Gallup they were pro-life than said they were pro-choice. Despite annual fluctuations since, 50 percent of those polled last year described themselves as pro-life, and 41 percent as pro-choice—a record low. Less noted were Quinnipiac findings that nearly two-thirds of registered voters agree with the *Roe v. Wade* decision, a number that has actually increased a bit in recent years. Surprisingly, other research has found that support for *Roe* includes 35 percent of those who call themselves pro-life.

Planned Parenthood is betting there are a lot of people out there who support abortion rights but are turned off by the word "pro-choice." "The labels have become irrelevant," PP president Cecile Richards said in a press briefing. People don't want to see *Roe* overturned, but they feel "abortion is a complex, deeply personal issue." Executive vice president Dawn Laguens suggested that when *Roe* was decided, women had far fewer choices, but today we are so bombarded with choices the word sounds "frivolous"—"like choosing your cellphone plan."

PP is not completely abandoning “pro-choice”—the word has a history, and Richards acknowledged with a smile that the new message won’t exactly fit on a bumper sticker. But expect to hear more often that “we’re not in her shoes” when it comes to a woman’s “personal decision.” Indeed, a National Women’s Law Center Tumblr, *Not In Her Shoes*, invites women to “Submit a picture of your own shoes—tell us why no one can walk in them but you, and why no one knows your personal situation.”

In PP focus groups, people in the “middle ground” called for a more nuanced conversation. Typical quotes: “It’s not just black or white, there’s gray.” “We define it so many times by the extreme of the viewpoints rather than the moderation.” “Labels don’t matter.” In a follow-up e-mail, Laguens told me, “It was clear from the research that, for most of them, their struggle was with what their own decision would be and under what circumstances.”

I often find public relations a bit bewildering, so maybe it’s my problem that I worry when people say the term “pro-choice” is “oversimplifying” and “extreme” and call for “moderation” and an acknowledgment of “gray areas.” To me, “pro-choice” means you believe that whether or not a woman keeps a pregnancy is up to her—the position most Americans say they support when asked about Roe. That is the “moderate” position. The exact opposite of the pro-life position would be to override the woman’s will and let others—parents, doctors, social services, the government—decide she must have an abortion, as is happening in China. An “extreme” pro-choice position would be the one pro-lifers falsely claim Roe protects: it would permit abortion on demand up until the day before birth. No pro-choice organization calls for that.

According to one poll PP handed out, 40 percent say their personal view of abortion “depends on the situation.” Polls show a large majority support a woman’s right to abortion in cases of rape or risk to her life or health, and about half would permit it when the fetus is mentally or physically impaired. But a majority oppose abortion when the woman is poor, young, wants to finish school or keep a job, has all the kids she can handle, doesn’t feel ready to be a mother—in other words, they disapprove of about 90 percent of the abortions women actually have. Does that mean people who say abortion is a “gray area” would support more restrictions if they were tailored to those preferences? Or do they just want to feel they have the right to judge? In any case, I don’t know how we get from “it depends” to reclaiming the ground we’ve lost, including overturning such restrictions as parental notification and consent (“it depends” on parental approval), waiting periods (“it depends” on proof that a woman has thought hard), stricter time limits (“it depends” on the woman overcoming obstacles more expeditiously than many of them can) and bans on federal funding (“it depends” on taxpayers not being involved in this morally suspect activity).

I’m old-school about labels. I don’t see what was gained by dropping “liberal”—aka “the L-word”—for “progressive.” It just looked cowardly and evasive. I like “feminist” too. People who say they identify with the goals but reject the designation (I’m not a feminist, but...) may think they are making fine ideological distinctions, but basically they are fleeing stigma: “feminist” means you’re a hairy man-hater, so call yourself a womanist, a humanist, a slutwalker, a supporter of gender justice. The trouble is, the stigma is not about the word, but about the concept behind it, and eventually the negative connotations migrate to the new term. That girl may call herself a humanist, but the way she goes on about rape, you can tell she’s just a hairy man-hater!

As a message, “personal decision” is fine. It may even be better than “choice.” “Personal” reminds us both that abortion comes down to a woman’s own body and that we never know another’s whole circumstances; “decision” sounds thoughtful and serious. But neither one is stigma-proof: after all, “personal” has its own trivial connotations (“personal hygiene” “personal pizza”), and decisions can be willful and hasty as well as deliberate. If the problem is that lots of people support Roe in the abstract but think it’s too easy to get an abortion and too many women who have them are heedless

sluts, it won't be long before "personal decision" sounds as lightweight as "choice," and "you're not in her shoes" summons up visions of Carrie Bradshaw's Manolos.

Meanwhile, New York Governor Andrew Cuomo got a standing ovation when he thundered, "It's her body! It's her choice!" while introducing a ten-point women's rights agenda in his State of the State address. There's life in the old word yet.

In "This Is Roe at 40," the editors say that, after taking some hits, the movement for abortion rights is pushing back—and has some new tricks up its sleeve.

**Katha Pollitt**

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