



This translation was created for the purposes of archiving and does not originate from the original creators of the text.

Beyond Moral Indignation - Abortion and the Left (Online Article)

Historical Note

This online article was published on the [group 1917](#) website on 07/07/22.

Content

Beyond Moral Indignation - Abortion and the Left

“The decision whether or not to bear a child is central to a woman’s life, to her well-being and dignity...When government controls that decision for her, she is being treated as less than a fully adult human responsible for her own choices.” – Ruth Bader Ginsburg

The above quote from former US Supreme Court Justice and liberal feminist Ruth Bader Ginsburg is making the rounds on social media after the Supreme Court's landmark decision to overturn Roe vs Wade. It's a beautiful quote that resonates with me: women have a right to bodily autonomy and should have the right to undergo abortion if they so desire. Ruth Bader Ginsburg herself also viewed Roe v. Wade negatively, seeing it as a case of judicial overreach that was detrimental to the abortion rights movement. Wait a minute! What exactly is going on here? Isn't Roe v. Wade supposed to represent the success of the abortion rights movement by having legalized abortion in the United States? If not, why are so many citing Ginsburg to voice their opposition to the recent decision to overturn Roe? Let's take a step back to clarify what really happened with Roe v. Wade and what the Left's response to it should be.

1. The Court's reasoning for overturning Roe v. Wade

To understand why the Supreme Court decided to overturn Roe v. Wade, we need to keep in mind the function that the Court serves in American democratic republicanism.

What we call democracy today is essentially majority rule by the people: elections, parliamentary legislation, referendums, etc. are decided by the will of the majority (or a supermajority or a relative majority, but the principle is the same). I don't know if there has ever been a pure democracy: perhaps the closest we've had are cases like ancient Athens, where the people would regularly gather and vote on all sorts of matters concerning their city-state. Today, what we usually have is not pure democracy, but liberal democracy. Liberal democracy is democracy that secures certain rights that are not under democratic debate, i.e. that do not fall within the purview of democratic majority decisions. The reason for this is that majorities can often make unjust decisions that oppress others or

deprive them of their rights, especially minority rights. Thus, most democratic countries, including the United States, have constitutions, institutions and mechanisms designed to protect basic human rights from democratic decision-making.

In the US, the aforementioned limitation of democracy is served by the Constitution and the Supreme Court. The Constitution and its various amendments codify certain inalienable rights for the citizens of the country, such as the right to free speech or the right to a fair trial, and the Supreme Court ensures that any decisions or laws passed by the people's representatives at the state and federal levels are consistent with the Constitution. As Glenn Greenwald put it in a recent article: "The Court is designed to be an anti-majoritarian check against the excesses of majoritarian sentiment. The Founders wanted to establish a democracy that empowered majorities of citizens to choose their leaders, but also feared that majorities would be inclined to coalesce around unjust laws that would deprive basic rights, and thus sought to impose limits on the power of majorities as well." [2] In other words, the role of the Supreme Court is precisely that of an undemocratic check on potential majoritarian overreach. [3]

Let's now turn to *Roe v. Wade*, the landmark 1973 Supreme Court decision that effectively decriminalized abortion in the United States. Judging by the way the decision's supporters talk, *Roe* must have been the apotheosis of democratic decision-making, the triumph of the will of the people to decriminalize abortion. The irony is that the opposite is true. As we have seen, the Supreme Court is not an institution that acts democratically. *Roe v. Wade* was a decision made by the 9 Justices of the Court regardless of the will of the people regarding abortion. The only thing the Court was tasked to consider was the constitutionality of abortion. The decision essentially held that the US Constitution protects a pregnant woman's right to choose to have an abortion and that it is unconstitutional to be prevented from having an abortion if she so desires. It struck down many state abortion laws, laws passed by the elected representatives of the people.

And finally we come to the present decision. What does it mean, at least officially? The new decision overturns *Roe* on the grounds that it lacks a constitutional basis. The Supreme Court ruled that the Constitution says nothing for or against abortion, and therefore that it is not within the Court's power to legalize or criminalize abortion. It did not prohibit or otherwise criminalize abortion, but ruled that the issue of abortion is beyond its jurisdiction and must be decided by the people and their representatives at the state and federal levels. [4] Here is an extract from the decision itself: "It is time to heed the Constitution and return the issue of abortion to the people's elected representatives. 'The permissibility of abortion, and the limitations, upon it, are to be resolved like most important questions in our democracy: by citizens trying to persuade one another and then voting.'" [5]

What about Ginsburg? In 2013 she noted in an interview that the *Roe* decision was wrong for two reasons: 1) it was a case of overstepping the court's authority, and 2) it was damaging to the abortion rights movement. Regarding (1), Ginsburg's view is similar to the current rationale for overturning *Roe*. She also noted that *Roe* "isn't really about the woman's choice," but instead "It's about the doctor's freedom to practice...it wasn't woman-centered, it was physician-centered.." Regarding (2), Ginsburg noted that *Roe* undermined the then nationwide push toward democratic legislation of such rights, and gave anti-abortion activists a very tangible target to rally around in the four decades that followed, polarizing society on the issue. Although Ginsburg was strongly in favor of abortion rights, she believed that they should have been secured more gradually and with the involvement of state legislatures. [6]

2. How we can ensure and preserve the right to abortion

It follows from the above that one cannot defend *Roe v. Wade* on the grounds of democracy. *Roe* was

a Supreme Court decision, not a democratic majority decision. One can only defend Roe by explicitly defending anti-majoritarian, anti-democratic values: namely, that the issue of abortion should be decided by a panel of unelected judges, not by the people or their elected representatives.

It also implies that one can be for the right to abortion and against Roe as the best way to secure that right. This was the position of both Ginsburg and some socialists, such as that of the Socialist Workers Party of the United States (SWP). In her statement on the Roe reversal, SWP leader Mary-Alice Waters echoed Ginsburg, claiming that: the decision - made by the Supreme Court on a political rather than constitutional basis - "short-circuited the momentum that was gaining ground in the political fight to win a majority of the working class, male and female, to recognize that a woman's right to decide whether or not to carry a pregnancy to term is a precondition for women's equality. And to understand that ending women's status as the "second sex" is central "to the program the working class must fight for on the road to emancipation." [7]

Given these facts, the reversal of Roe poses the following question to the supporters of the right to abortion, including most of the Left: what is the best way to ensure and protect this right? One might hope for a new Court decision, but that can only happen if the Court's conservative majority is overturned, which is not likely to happen any time soon. A more promising avenue is the one already mentioned by Ginsburg and Waters, namely, securing abortion through legislation at the state level or through a constitutional amendment to secure the right to abortion at the national level. One can choose this second route both on principle and on pragmatic grounds.

In principle, one might argue that the abortion issue should not be undemocratically determined by unelected judges. This is the view of many people who oppose Roe's reversal: they unwittingly agree with its rationale. As Waters noted, "The job of the courts is not to impose legislation," as it did in this case, "but to uphold rights and protections that have been wrested from the ruling class in struggles going back to the Bill of Rights." [8] On a pragmatic level, in addition to the aforementioned point that Roe struck at the pre-existing struggle to legalize abortion, one might reasonably also be skeptical about securing abortion through judicial decision, as this makes the right to abortion precarious, dependent on the composition of an unelected judiciary and the arcane details of constitutional interpretation.

Unfortunately, this discussion is not taking place. Instead, there is an atmosphere of moral panic and outrage, driven by the 'liberal' media parroting the Democratic Party's positions. The overturning of Roe v. Wade is undoubtedly a negative development for women in the US, particularly for poor women who live in Republican-led states and lack the resources to travel to another state to have an abortion. [9] However, contrary to the current rhetoric dominating the media, it is not true that a law was passed criminalising abortion in the US, nor is it true that the lives of all women are threatened as a result of the decision. The US has not turned into a dystopia like *The Handmaid's Tale*. Such rhetoric is being driven by 'liberal' and 'progressive' petty bourgeoisie in Democrat-led states where abortion is legal, with the conscious or unconscious purpose of scaring and blackmailing people into voting for the Democratic Party. The left in turn is a victim of this logic, unable to chart any other way forward except to support whatever measure the Democratic Party proposes.

Most importantly, the reversal of the decision is presented as a traumatic event for all women. This paternalistic attitude not only does not empower women to take control and responsibility for their own lives: it encourages active feelings of helplessness and hopelessness, making women more likely to react to the decision by seeking 'safe spaces' rather than organising a fight for their rights. Psychotherapy is increasingly replacing politics, or politics is increasingly being confused with psychotherapy. Mass demonstrations are taking place, it is true, but they are driven more by blind anger than by sober politics, as the prevailing rhetoric suggests. We need to take seriously

Luxemburg's dictum that to be human is to "gladly throw one's whole life, when need be, onto the 'great scale of destiny.'"[10]

[Needs Turkish Translation](#), [Online Articles](#), [1917 \(Group\)](#), [Decade 2020-2029](#), [2022](#), [Abortions](#), [Undefined Location](#)

From:

<https://movementsarchive.org/> - Κυπριακό Κινηματικό Αρχείο

Cyprus Movements Archive

Kıbrıs Sosyal Hareket Arşivi

Permanent link:

<https://movementsarchive.org/doku.php?id=en:digital:1917:abortion&rev=1733229129>

Last update: **2025/04/20 19:44**

