

Thesis: The Dynamic Landscape of Abortion Law in the United States

Editor's note:

Victoria Higginbotham defended her thesis titled "The Dynamic Landscape of Abortion Law in the United States" in May 2018 in front of committee members Jane Maienschein, Carolina Abboud, and Alexis Abboud, earning her a Bachelor's degree from Barrett, the Honors College. <https://repository.asu.edu/items/48020>

Abstract:

The Dynamic Landscape of Abortion Law in the United States explores the ways abortion laws have changed in the United States over the course of US history. Abortion laws in the US have historically been fluid, changing in ways both big and small. Those changes can occur after advances in science, changes in understanding, or changes in public opinion. And there have been various periods in the history of the US where tolerance abortion waxed or waned, and common law reflected those attitudes.

Roe v. Wade was a pivotal moment in the history of abortion law that accomplished much in the way of broadening women's access to abortions. But Roe v. Wade was not the beginning or the end of the fight for abortion rights in the US. There were legal abortions prior to Roe v. Wade and illegal abortions after. Roe v. Wade granted that women had a constitutional right to have an abortion but the ruling left the boundaries of that right somewhat undefined and most courtroom battles over abortion laws are fought over where a woman's right to an abortion ends and a States right to regulate and protect fetal life begin.

Much change has occurred in abortion laws over the past 50 years, this thesis tracks those changes principally through Supreme Court Cases, such as United States v. Milan Vuitch, Roe v. Wade, and Gonzales v. Planned Parenthood among others. The landscape of abortion law in the US continues to shift today, as recently as 2017 with Plowman v. FMCH cases were being heard in courts that wrought subtle yet important changes in abortion law.