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US Supreme Court to review Mississippi Abortion Law

Why in news?

- The United States Supreme Court recently agreed to review a restrictive Mississippi law on abortion.
- The decision to review the law will give the Court's newly expanded conservative majority a chance to diminish the landmark verdict of 1973.

What was the Roe vs Wade verdict of 1973?

- By 1910, every state in the US other than Kentucky had enacted laws criminalising abortion.
- The campaign against abortion in the US can be traced back to the early decades of the 19th century.
- In 1973, a Supreme Court justices ruled by a 7:3 vote that women had a constitutional right to abortion.
- The judgment was based on the 'right to privacy' clause mentioned in the US Constitution.
- The court held that the foetus is not a person and thereby does not have constitutional rights of its own.
- The court also set up a trimester system to regulate the right to abortion.
- [Accordingly, a woman has absolute right to abortion in the first three months of pregnancy.
- In the second trimester, the state can make some regulations only to protect the health of the woman.
- Finally, the state could prohibit abortions in the third trimester.
- Its because, now, the foetus nears a point wherein it can live outside the womb.
- However, a woman in the third trimester can obtain abortion if doctors certify that it is required to save her life.]

Why was the verdict significant?

- The judgment struck down many federal and state laws.
- It also ignited an ongoing national debate on the right to abortion, the role of religious and moral views in the matters.
- The Roe vs Wade verdict reshaped American politics.
- For decades, the verdict came to split public opinion between abortion rights (pro-choice) and anti-abortion (pro-life) movements.

What is the Mississippi law?

- In March 2018, the state of Mississippi passed the Gestational Age Act.
- This banned abortions after 15 months of pregnancy, the only exception being in case of medical emergencies.
- The law had two purposes:

1. to restrict abortions
2. to contest the Supreme Court precedent protecting abortion rights

- The Supreme Court has now agreed to hear the Dobbs vs Jackson Women's Health Organization that challenged the constitutionality of the Mississippi law.

What is the present condition in the states?

- As per a 2019 report, 29 out of the 50 states in America is hostile towards abortion while 16 demonstrated support.
- Ever since the Roe vs Wade verdict, conservative states have consistently sought to restrict abortions.
- The 1973 judgment was upheld.
- But the states acquired the power to restrict abortions even during the first trimester.
- This became possible after the Planned Parenthood v Casey Supreme Court case in 1992.
- The court ruled that state laws must not put 'undue burden' on women seeking abortion.
- But it also recognised the state's interest in protecting the woman's health and foetal life.
- Consequently, many states put restrictions in place like the mandatory involvement of parents or the court in case a woman seeks abortion.
- Or, they extend waiting periods between the visit to an abortion clinic and the actual procedure.
- As a result, women in the US often have to travel across state borders and also pay higher to get an abortion.

What next?

- With the appointment of Amy Coney Barrett, the Supreme Court now has a 6-3 conservative majority.
- The Supreme Court, if overturns Roe vs Wade verdict, it would make abortion illegal.
- More importantly, states would have greater powers in regulating abortions and making their own rules.
- State-level politics will have a significant impact on the matter.

Source: The Indian Express

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