The Impact of the right to procure an Abortion in the United States: An appraisal of mental health issues associated with the practiced and the law that protects it.

By

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Abstract

Abortion has been a controversial issue in all cultures, races and civilizations. Even in the animal kingdom, the killing of the young by its mother is considered hideous and dreadful. But the reason why humans, known for its higher and more sophisticated intelligence, should legalize the practice of abortion rocks the mind with absolute puzzlement. The article tries to uncover some hidden tragedies associated with abortion, namely the mental health of women and families that engage in such practice. In America, Roe vs. Wade, which permits liberty under the Due Process Clause to eradicate unborn fetuses and avoid parental consent for teenagers, has been stretched to far and today the Courts make decisions concerning obstacles to abortion by the state and maintained that the right to privacy is intertwine with individual's right to his or her body, and therefore has the right to choose should and should not be accepted by the individual. The article tries to re-examine the right to choose and what it actually means to make a choice, as well as the part mental health plays in pre and post choice to commit abortion. Overall the article explores the damage abortion does to selfhood through mental health instability, and therefore challenges the legal arguments that permit the eradication of the unborn, with the belief that the continuation of the same will lead to the extinction of human characteristics.

Keyword: abortion, Dehumanization, selfhood, mental health,

Introduction

Abortion can be seen as dehumanization. In dehumanization, one group of people believe another group to be so inferior to themselves that over time, the group considered to be inferior becomes less than human in the eyes of the first group, and therefore not entitled to moral considerations. While we can point to countries in the world where horrors such as ethnic cleansing have been practiced, we must also remain aware that man's inhumanities to man haven't always taken place on foreign shores. Throughout the history of the United States of America, certain groups of people were considered to be deprived of human qualities and viewed as less than human. As time progressed, they were treated accordingly. In today's world, many

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among us do not consider the embryo or fetus to be human during the first trimester of their lives within their mother’s womb and much later into the pregnancy.

After dehumanization of a group in whole takes place, it is much easier to subject those people to mistreatment amounting to great cruelty, exploitation, and even death. In the case of abortion, the same point of view that was used centuries ago to hold people under bondage with deprivation of all human rights and justice, is still utilized today. For example, in this country, the cruel and heartbreaking mistreatment of African slaves and Native Americans (who were often enslaved as well), began in the mid 1600’s. Slavery was governed by an extensive body of law from the 1660’s to the 1850’s³ and courts resorted to hideous punishments to re-assert white authority⁴. Native Americans were not entitled to citizenship, nor were they treated humanely. The Indian Removal legislation signed by then President Andrew Jackson in 1830, permitted the Cherokee Nation to be removed from their territory in Georgia for a 1,000 mile march to Oklahoma during which many of them died. The march is referred to as "The Trail of Tears." As another example, the 1868 treaty with the Sioux Nation included the Black Hills which were sacred to them, as part of the Sioux Reservation. After gold was discovered there in 1874, the United States confiscated the property.⁵ The Black Hills still remain in legal dispute with the U.S. government. In the practice of abortion, fetuses today have a virtually impossible chance of surviving, even after viability when the state is supposed to be able to protect life by proscribing abortion.

Prevalence

In the United States, it is believed that about 41% of women having abortions are white; 32% are black; and 20% are Hispanic, about 49 per 1,000 are African Americans. Hispanic abortions are 33 to 1,000, and white abortions comprise 13 to 1,000. While white women constitute the largest segment of the population having abortions, their ratio of 13 to 1,000 is the lowest among the three ethnic groups⁶. Whether this number represents a turning away from abortion or a more abundant use of contraceptives among white teenagers still remains controversial.

In 1973, the year of the Roe vs. Wade decision, 3.8% of American women between the ages of 15 to 64 experienced abortions. Those figures escalated as follows: 11% in 1980; 19% in 1987; 24% in 1994; 27% in 2001. In 2008, 40% of American women between the ages of 40 to 55 had an abortion. In 2007, 25 to 28% of the 101,314,000 women had at least one abortion⁷. 56% of all women having abortions between 15 to 44 are in their twenties. Eight out of ten women when having an abortion report a religious affiliation. 43% are Protestant; 27% are Catholic, 8% are of other religions. About 98% of abortions are personal choice (unwanted or

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³ (American Treasures of the Library of Congress, Memory, Slavery in the Capitol)
⁵ National Archives and Records Administration
⁷ Provided by Alan Guttmacher Institute.
inconvenient); 1.7% relates to the life or health of the mother or child; 0.3% relates to rape or incest. Abortion by gestational age is as follows: 59.8% in eight weeks or less; 18% in 9 to 10 weeks; 9.4% in 11 to 12 weeks; 5.9% in 13-15 weeks; 4% in 16-20 weeks; 1.4% over 20 weeks.

Statistics indicate that approximately 0.06 percent of all abortions take place each year during the third trimester of pregnancy. The Center for Disease Control (CDC) estimated that adolescents obtain 30% of all abortions performed after the first trimester and that women under 15 are more likely to obtain abortions at 21 or more weeks of gestation. Abortion following viability should be analogized to taking life in the context of self defense in which the use of deadly force is obviously sufficient to avert the threatened harm.

**Dred Scott vs. Sanford** 60 U.S. 393 (1856) Opinion delivered by Chief Justice Taney

In 1856, the highest court in the land delivered an opinion that still haunts the court system, and in its depravity, reflects how desensitized people can become after a rationalized injustice that produced good economic effects is enculturated into the society. In a 7-2 decision, the villainy of the *Dred Scott* opinion proclaimed that people of African descent are not entitled to any federal constitutional protections. Native Americans were also encompassed by suggesting that in their untutored and savage state, no one would have thought of admitting them as citizens in a civilized community. Instead, Native Americans were treated as foreigners and as a subordinate and inferior class of beings who had been subjugated by the dominant race. The Supreme Court's opinion reflects an inhuman philosophy in which the superiority of the white race over both slaves and Native Americans is taken for granted.

In arriving at its infamous decision, the Dred Scott Court relied on past action of the English Government and the English people as a basis to support the theory that Africans are property rather than human beings. In doing so, the Court stated that "...they took them as ordinary articles of merchandize to every country where they could make a profit on them, and were far more extensively engaged in this commerce than any other nation in this world." The Court further dehumanized slaves by stating that negroes are "... beings of an inferior order, and altogether unfit to association with the white race, either in social or political relationships, and so far inferior that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit." Of course, they easily reasoned that the words "all men are created equal" as they appear in the Declaration of

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9 (force likely to cause death or great bodily harm, State v. Clay, 297 NC 555; 256 SE 2nd 176, 182 (1979)) is unreasonable if non-deadly force (force neither intended nor likely to cause death)
11 Dred Scott, 60 U.S. at pp.404-05.
12 Dred Scott, 60 U.S. at p 413
13 Dred Scott, 60 U.S. at pp 408-09.
Independence did not embrace people of African descent.\textsuperscript{15} Dred Scott did not have a long life because it was overturned by the enactment of the 14th Amendment which rendered citizenship to all persons born or naturalized within the United States.

A majority of the justices of the October 1972- January 1973 Supreme Court, in a similar manner, relied on early English Common Law concerning the humanity of the unborn fetus, even though at that time in history, virtually nothing was known about the day by day, week by week, physical development of the fetus.

The Path Followed by the Supreme Court that Led to Vindication of Abortion

The constitutional right entitled "privacy" was the principal force upon which it became legal to procure an abortion in the United States. Although the right to personal privacy was never set forth in the Constitution, the Supreme Court found it to exist in a line of cases that came before the Court over a short period of years.\textsuperscript{16} In 1965, in a case entitled Griswold v. Connecticut, 381 U.S. 479, the Court had an opportunity to rely on "privacy" as it reviewed constitutional rights of married people who were seeking counseling as to means of preventing conception. An 1879 Connecticut Statute made it a crime to use any drug, medicinal article or instrument for the purpose of preventing conception. Accessories to the crime happened to be the director of the Planned Parenthood League in Connecticut and a licensed physician who taught at Yale’s medical school. The Court could have found the Connecticut law invalid for other less highly scrutinized reasons which may have been more educationally valuable, as pointed out in concurring opinions, but the lower court was reversed and the statutes found to be unconstitutional on the basis of privacy.

Mr. Justice Douglas, in delivering the opinion, articulated the right to privacy based on the sanctity of marriage. By reviewing prior cases, the Court explained how specific guarantees in the Bill of Rights have penumbras formed by emanations from which various guaranteed zones of privacy are created. The amendments involved are (i) the First Amendment where privacy is protected from governmental intrusion related to freedom of association; (ii) the Third Amendment prohibits the quartering of soldiers in someone’s house without permission; (iii) the Fourth Amendment protects the person, his home, papers, and effects against unreasonable search and seizures; (iv) the Fifth Amendment excuses self-incrimination, and (v) the Ninth Amendment which provides that certain rights shall not be construed to deny or disparage others retained by people. In other words, the Ninth Amendment suggests that the authors of the Constitution believed that "fundamental rights exist that are not expressly encountered in the first eight amendments, and an intent that the list of rights included there not be deemed exhaustive."\textsuperscript{17} The lower court opinion was reversed.

\textsuperscript{15} Dred Scott, 60 U.S. at pp 410-11.


\textsuperscript{17} Griswold, 381 U.S. 479, 484-85.
Three very liberal Justices, Mr. Goldberg, Mr. Warren, and Mr. Brennan concurred in the opinion but went even further to emphasize the relevance of the Ninth Amendment in such a position, reiterating that "...the Framers of the Constitution believed that there are additional fundamental rights protected from governmental infringement which exist alongside those rights mentioned in the first eight amendments." In their reasoning, a fundamental right that is not protected by the Constitution because it is not mentioned within the first eight amendments, would violate the Ninth Amendment. While the Bill of Rights restricted federal power, the 14th Amendment, passed after the civil war, prohibits states as well from abridging fundamental liberties. Not all such liberties are specifically mentioned in the first eight amendments, so therefore, it was stated that traditions and consciences of the people must be viewed by judges to see whether a principle is to be ranked as fundamental.

Mr. Justice Harlan concurred in the judgment, however, in his view, the constitutional inquiry should have been based on whether the statute infringed the Due Process Clause of the 14th Amendment since the Connecticut Statute violated values implicit in the concept of liberty. He thought that reliance on the Bill of Rights and its radiations was a less relevant inquiry and would confine judges to specific constitutional provisions, restraining them from introducing their own notions of constitutional right and wrong. He suggested that judicial restraint will not come about in the due process area. Many people would ask whether that is good or bad.

While Mr. Justice White also concurred in the judgment, he also believed that the Connecticut Statutes deprived people of liberty without due process of law, and that "strict scrutiny" was required to this kind of case.

The use of "privacy" as the basis of the decision was dissented by Justices Black and Stewart with the belief that government has a right to invade privacy unless prohibited by some specific constitutional provision. They were unable to agree with the reasons given for the Court's holding, stating that the Court is already vested with power to invalidate state laws considered to be arbitrary, capricious, unreasonable, or oppressive, or as this Court believes, if a state law under scrutiny has no "rational or justifying" purpose, or is offensive to a sense of fairness and justice.

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18 *Griswold*, 381 U.S. 479, 487.
19 "...[N]or shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction, the equal protection of the laws. Amendment XIV, Section 1., in pertinent part.

20 "Strict Scrutiny" arises in two basic contexts where a "fundamental: constitutional right is infringed, particularly those list in the Bill of Rights and those the Court has deemed a fundamental right protected by the "liberty" or "due process clause" of the 14th Amendment, or when the government action involves the use of a "suspect classification" such as race, or sometimes national origin that may render it void under the Equal Protection Clause.

Justice Blackmun delivered the opinion of the Court, joined by Chief Justice Burger and Justices Douglas, Brennan, Stewart, Marshall, and Powell, Justices Burger, Douglas, and Stewart, filed concurring opinions, and Justice White filed a dissenting opinion in which Justice Rehnquist joined.

Roe vs. Wade arrived at the Supreme Court with a companion case entitled, Doe vs. Bolton, 410 U.S.179. Texas statutes which made it a crime to procure or attempt an abortion except to save the life of the mother were under review in Roe. At the time of the Court's decision, January 22, 1973, most of the states, within the past century, had enacted statutes of the same or similar nature as those Texas Statutes which were struck down by the Court. Of course, those statutes were invalidated at the same time.

In Roe, two basis were employed upon which the statutes were attacked: (i) The right to obtain an abortion as a personal liberty supported by the Due Process Clause of the 14th Amendment to the Constitution which in pertinent part states: “...No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law;...” or in the Ninth Amendment's reservation of right to the people, (ii) The second basis was “[T]he personal, marital, familial, sexual privacy found in Griswold v. Connecticut, J. Goldberg concurring, to be protected by the Bill of Rights or its penumbras.

The Court chose to review the history of anti-abortion laws, and despite the fact that states had assumed an interest in protecting prenatal life for more than a century, it appeared as though the legislatively enacted statutes of the 19th century were disparaged by noting that “such statutes are not of common law origin wherein before quickening which occurs in the 16th to 18th week, abortion was not an indictable offense.” Needless to say, the intrusion of early English Common Law into a better informed society was unwelcomed by many.

Roe vs. Wade held that the fundamental right to privacy that emanates from the First, Third, Fourth, Fifth, and Ninth Amendments of the Bill of Rights, as announced by the Court in Griswold applies to abortion, thereby making the right to abortion constitutional.

Many associated requirements subsequently enacted by states were unexpectedly found to be unconstitutional. In the enactment of laws, it became necessary to understand the reasoning

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21 Norma McCorvey, an unmarried 21 year old woman with a 10th grade education, and Dr. James Hallford who wanted to perform legal abortions so his practice would improve were the Plaintiffs.
22 John and Mary Doe, a married couple fearful of pregnancy could not take contraceptives, and wanted to depend on abortion should it be necessary.
23 Roe at 410 U.S. at 152-154
24 Possibly most fittingly described as a silhouette, 3rd Edition, n. 336.3
25 Crossing the Threshold of Hope, p. 205, His Holiness Pope Paul II

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behind the Court's decisions, such as: Until a physician recognizes the viability of a fetus, the compelling interest to preserve a fetus must not be considered and weighed against the medical issues as outlined in \textit{Doe vs. Bolton}; blanket parental consent involving mature minors, and state's interest in potential life, are not compelling in matters concerning abortion until the fetus becomes viable which is basically at the end of the 2nd trimester. Until then, the state has only "an important and legitimate interest" in the health of the mother which only embraces the facilities and circumstances in which abortions are performed.\footnote{Roe, 410 U.S. at 163.}

\textbf{Planned Parenthood}

Three years after \textit{Roe v. Wade} and \textit{Doe v. Bolton}, an action filed by Planned Parenthood of Central Missouri for injunctive and declaratory relief concerning the Missouri Abortion Statute reached the Supreme Court. Based on the Court's decisions in both \textit{Roe} and \textit{Doe}, the Missouri Statute was challenged as to its constitutionality. With said challenge, the \textit{Cruel and Unusual Punishment Clause of the 8th Amendment} was invoked based on allegations that women were being coerced to endure pregnancy and give birth, along with the \textit{Due Process clause of the 14th Amendment} which requires the state government to respect all legal rights owed to a person according to the law of the land. Mr. Justice Blackmun wrote for the Court, and the following holdings were included in the decision:

\textbf{Planned Parenthood Assn. vs. Ashcroft, 462 U.S. 426 (1983)}

\textit{Planned Parenthood Assn. vs. Ashcroft}, one of the companion cases to \textit{City of Akron}, was argued before the Supreme Court on November 30, 1982, and the decision was dated June 15, 1983. The case was filed by Planned Parenthood of Kansas City, Missouri, two physicians who performed abortions, and an abortion clinic. The complaint challenged as unconstitutional the following sections of the Missouri Statutes which required, to wit: (i) that abortions after 12 weeks of pregnancy be performed in a hospital; (ii) a pathology report of tissue related to the abortion; (iii) the presence of a second physician for abortions performed after viability; and (iv) that minors secure parental or judicial (juvenile court) consent. The action was filed in the District Court for the Western District of Missouri\footnote{8th District Court of Appeals}, appealed to the 8th Federal Circuit Court of Appeals, and finally \textit{certiori}\footnote{\textit{certiori} is a Latin word employed to challenge legal decision made by the lower courts, in which a party seeks a writ from the higher court by requesting review of the lower court's decisions which includes the legal questions presented for review and arguments as to why the court should grant the writ.} was granted by the Supreme Court in 1982.

Mr. Justice Powell delivered the opinion of the Court as to Parts I and II, and an opinion with respect to Parts, III, IV, and V, in which Chief Justice Burger joined, and Mr. Justice Blackmun
filed an opinion concurring in part and dissenting in part, and in which Justices Brennan, Marshall, and Stevens joined, and Justice O'Connor filed an opinion concurring in the judgment in part and dissenting in part in which Justices White and Rehnquist joined. Part VI related to the invalidation by the Court of Appeals to State of Missouri's second trimester hospitalization requirements, and its upholding of the State's parental and judicial methods of consent to abortions for minors.

As it related to item (i) above, regarding the necessity that second trimester abortions take place in a hospital, it was found that Missouri's Statute failed to define the term "hospital." The Supreme Court therefore assumed, as did the lower courts, that the common meaning is a "general, acute care facility" which can be compared with "abortion facilities" consisting of a clinic, physician's office, or any other place in which abortions are performed other than a hospital. In Akron the Court invalidated a City Ordinance holding that such a requirement unreasonably infringes upon a woman's constitutional right to have an abortion. For the same reasons outlined in Akron, the Court upheld the Court of Appeals and found the statute to be unconstitutional.


This case, filed by five abortion clinics, a physician representing himself and a class of doctors who provide abortion services, seeks a declaratory judgment from the Court, finding that five provisions of the Pennsylvania Abortion Control Act of 1982 are unconstitutional. In addition, injunctive relief is requested. Parts I, II, and III of the Opinion were delivered by Justice O'Connor, joined by Justice Kennedy and Justice Souter.

First of all, it was announced that principles of institutional integrity and the rule of stare decisions require that Roe's essential three part holdings be retained and reaffirmed, to-wit: (1) recognition of a woman's right to choose abortion before fetal viability without undue interference from the state which, prior to viability, lacks sufficient strength to support an abortion prohibition; (2) confirmation that the State has power to restrict abortions after viability if the law contains exceptions for pregnancies endangering a woman's life or health, and (3) the principle that the State has legitimate interests from the outset of the pregnancy in protecting the health of the woman and the life of the fetus that may become a child.

The History of the Partial Birth Abortion Act of 2003

In Stenberg v. Carhart (Later known as Carhart I), 530 U.S. 914 (2000), The Supreme Court invalidated a Nebraska statute that criminalized the performance of a medical procedure that in
the political arena had become known as "Partial Birth Abortion." Omitting the use of scissors and forceps to collapse the skull after the majority of the body of the fetus is outside of the woman's body, the techniques employed in two different abortion procedures known as Dilation & Extraction (D&X) were described at trial by doctors who practice the procedures. The stated purpose of each procedure is to remove the fetus through the cervix intact rather than in several pieces so that fetal bone fragments and tissue will not be left behind. The presentation of the fetus determines which D&X method is used. If the head is presented first, the skull is collapsed, then the entire fetus is pulled through the cervix. If there is a breech presentation (feet first), the fetal body is pulled through the cervix to the top of the neck, the skull is then collapsed (scissors inserted into the base of skull to open the area and remove the brain by suction (excluded from court testimony), and the fetus is extracted in whole through the cervix which is stretched in both procedures. When this Nebraska Law in opposition to PBA was invalidated, so were similar laws in 29 other states.

The Right to Choose Linked to Abortion.

The phrase, “The Right to Choose” has been overwhelmingly politicized in recent years. It is generally known that choice is an integral component of the “human attribute” which involves the ability to choose and to make rational decisions. Every rational decision requires the presence of a number of coordinated processes, namely:

a) the ability to weigh options and the privilege of choosing (as granted by natural power);
b) the ability to weigh alternatives (the possibilities between two or more items, ideas, actions, decisions);
c) the capacity to know preference (choice associated with a predisposition to decency, integrity, and consideration for others);
d) the ability to make a relevant selection (the exercise of careful discrimination and judgment associated with the highest value).

The process of choosing or making a decision is the exclusive property of rational beings. This Inherent and inalienable privilege should embody values, rationality, and responsibility - human characteristic properties revealed in selfhood which is our distinct and individual identity. Selfhood projects human autonomy as an exercise of integrity and decency. In as much as the selfhood of the human person is fundamentally good, it is expected that our decisions, choices,

32 Gonzales v Carhart, 530 US ____ , 2007
and actions will vividly manifest our primordial goodness which is revealed in our ability to choose good rather than evil, preservation rather than destruction, values rather than devalues, beauty rather than ugliness, and love rather than hate. Unfortunately, this is not the case in every human being. Due to unconquered self-love and overbearing instincts of self-preservation and wish fulfillment, some humans deliberately or unconsciously choose evil, destruction, ugliness, and hate.

Since people give up selfhood easily in pursuit of instinctual desires, laws (natural, moral, and civil) sometimes play a crucial role in controlling their destructiveness. But when the legal system gives human beings the Right to Choose without responsibilities, the exercise of such a right can be devastating.

It is understandable that today there is discord in this country concerning the political Right to Choose abortion. After more than 37 years of legalized abortion in this culture, one segment of the population still believes that any law that gives individuals the right to choose to commit abortion is a crime against the very essence of personhood and the innate and intrinsic nature to create life rather than destroy it. The argument as to the commencement of life always arises, but in consideration of selfhood, it is not a genuine argument. Whether a building is destroyed at the very first layer of block, at a midway point, or when construction is completed, at all levels destruction will have occurred.

**Abortion and Mental Health**

After more than 37 years of legalized abortion in the United States, many mental health professionals have come forward with scientific investigations and findings that highlight the effects of abortion on individuals and on a polarized society. As reflected in many published research articles, it is obvious that the evidence of post abortion syndrome among women is real and at times devastating. On the other hand, there are mental health professionals who play down the psychological problems created by abortion and maintain that even though available research findings have identified a post abortion syndrome, those who suffer as a result of abortion are fewer than those who do not experience psychological disturbances. Additionally, they contend that such disturbances are uncommon, generally mild, and short-lived. Many of those professionals believe that women who suffer post abortion psychological disturbances also experienced pre-existing emotional problems. In effect, they are suggesting that previous underlying health issues render someone clinically or legally incompetent to make a credible decision.

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Research findings of the characteristic symptoms of post abortion syndrome include: irritability, sadness, anger, depression, guilt, melancholy, low self-image, discomfort in the presence of babies or young children, and panic attacks that follow a flashback of the abortion. More serious symptoms of severe emotional problems include feelings of inadequacy, loss of mind, sexual frigidity, lack of interest, anxiety, suicidal thoughts, nightmares related to the abortion, perceived visitations from the aborted child, and hallucinations related to the abortion. Intimate relationships are drastically affected.

Some reports claim that the legalization of abortion serves the ultimate good in that women’s lives are saved, especially those with medical or health complications. In fact, abortions carried out for the reason of medical and health complication are less than 2%, and even in such extreme cases, women have reported severe emotional problems. Apart from medical and health reasons, it was discovered that about 97% of women who chose abortion did so for the following reasons:

(i) interference with an intimate relationship;
(ii) educational and career concerns.
(iii) infliction of shame and disgrace on the family;
(iv) financial difficulty;
(v) parenting stress and inadequacy;
(vi) age.

Psychologists of all schools of thought, including Freudians, would unanimously agree that the above reasons for abortion do not constitute a natural human ideal. Life would become chaotic and meaningless if human decisions were ultimately based on such self-gratifying reasons. If every woman were to consider the above reasons to terminate a pregnancy as legitimate, very few women would choose birth. 95% of women who choose to keep their unborn child encounter or experience some or all of the above problems. They choose to go through the experience of childbirth because ultimately, it is a feature of life that makes the human personality whole and enduring. The attempt to avoid responsibility in pursuit of personal aggrandizement and fulfillment leads to self-distortion and self-estrangement. Such a life-style is believed by psychologists to be pathological. Psychologists agree that women who choose to abort their unborn for the reasons stated above may have severe decision-making problems. If this is the case, both the Supreme Court and the Congress have done humanity a disservice by giving individuals with pathological decision-making ability an “absolute” right to choose abortion.

Clinical psychology promotes selfhood, which Allport, Maslow, Karen Horney, and Rollo May refer to as “proprium.” The term “proprium” is a unifying component of selfhood because

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human actions and aspirations have meaning inasmuch as they are not exclusively patterned after selfish desire. Therefore, self-actualization is a self-determined act that does not exclude others.

These eminent psychologists and psychiatrists believe that to be authentically actualized, individual decision-making ability must incorporate in its entirety the following personality components: a) individuality; b) bodily self; c) self-identity; d) maturity, e) self-image, f) community-orientedness; f) social interest; g) self-esteem; h) self-extension; i) self-awareness, and j) appropriate striving. When all aspects of these personality components are well integrated in human decisions and actions, right and purposeful existence emerges (authentic existence). People who acquired this type of approach to life make decisions based not only on their self-propelled desires, but also consider the consequences of their decisions on others, including society.

The inability to attain authentic existence is pathogenic. This is classified in the Diagnostic and Statistic Manuel for Mental Disorder (DSM) and International Classifications of Diseases (ICD) as clinical and personality pathology. Great attention has been given to the study of the effects of clinical pathologies, but personality pathologies have been proven to be a subtle and violent killer. Because of the acute manifestation of the symptoms, clinical psychopathology draws immediate attention, but to the contrary, the devastations of personality psychopathology may be noticed only after the harm has been done.

People who suffer personality psychopathology look normal and seem to have normal behavior. They may even hold important positions, but their concept of the world makes them slaves to their exaggerated sense of self. These people have pathologic selfhood or pathologic personhood, which is a result of a poor or a lack of integration of the *proprium* (personality components). Their decisions are fundamentally and intrinsically faulty, irrational, self-defecting, and self-serving.

**How Faulty Decision are Made**

1) Distorted and stunted views that a person has about himself, the world, and others, can or will lead to faulty decision making. Low self esteem and avoidance personality traits are emotional problems that create rash and myopic decisions which are generally impulsive and easily influenced by others with no mind of the decision-maker. A lack of problem-solving response skill, coupled with low self-esteem, often exposes individuals to dangerous choices such as unsafe sexual relationships, prostitution, drug trafficking, substance abuse, dropping out of school, or becoming a gang member. This type of person can easily be pushed to choose abortion without exploring other options.

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2) Those who fall under the irrational decision-making group are usually composed of narcissistic, extroverts, and over-bearing individuals whose concept of selfhood is associated with hatred for the world and society’s systems.\textsuperscript{46} They are overly sensitive and believe that the social system, as well as nature, is totally chaotic and unfair and therefore should not be respected. For these people, decision-making skills are geared toward choices that defile nature and the social system. Their decisions are based on rationalization and the pathologic defense mechanism. Many of them are anti-social, psychopathic, and have borderline personalities. They are anarchists, gang leaders, and law-breakers. When a situation calls for choosing, most of the time these people will choose to hurt others and the society to make their points. A decision to avoid child-bearing may be directly related to a woman’s unconscious desire to deny her basic feminine nature because of her over-rationalization that nature is unfair to women.

3) The Self-defecting decision-making group is mildly related to the irrational decision-makers, but unlike the irrational group, the self-defecting group consists of individuals who have a low image of themselves. They hate their lives but love the world. Individuals in this group will do things that present them as unworthy and undesirable. They sabotage everything that would identify them otherwise. Even in a relationship, they want to play the role of a servant and will willingly tolerate beatings and abuses. Pregnancy would be perceived as a great honor for them; therefore it will be prevented at any cost. Abortion is chosen because giving birth to children proves worthiness as a woman. This personality problem has been referred to as the self-fulfilled prophecy syndrome. Life in its entirety can be spent making choices that prove their destinies to be worthless. The right to choose abortion in this category makes their pathology easier to cope with.

4) Freud and Allport agreed that “instinctual drives” are part of human nature, but when humans become completely and totally dominated by their self-motivated drives, they become self-serving or what Allport would refer to as “un-socialized honor.” People in this group are excessively demanding, pleasure-seeking, impatient, destructive, and conscienceless.\textsuperscript{47} They usually have a narcissistic personality trait. Their choices reflect absolute indulgence, love of self, and responsibilities that would benefit others are detrimental to their ego and should be avoided at any cost. Unlike other personality pathology, people who have self-serving decision-making problems are often prominent people. They may be academically, economically, and professionally successful, rhetorical, persuasive, aggressive, and manipulative. They choose abortion because it fosters their personal agenda.

If we analyze the reasons given by women who have chosen abortion, it is clear that decision-making abilities are based on one of the above referred to categories. The danger of unlimited and absolute right to choose, especially for individuals with depraved decision-making ability, is as dangerous as giving an absolute right to use guns to individuals with a history of an explosive


anger problem. How often are these women evaluated to determine the clarity or the impoverishment of their decision-making abilities?

Consequently, when we speak in favor of the right to choose, be aware that if choice means only the ability to decide or judge between two possible goals, the decision is not really one of choice. Animals far beneath human beings have basically the same innate ability. For rational beings, all right to choose should not be devoid of the very nature and purpose of existence.

**Embryological Development during the Renaissance.**

The passage of time brought about vast differences to the understanding of the reproductive process. During the Renaissance, embryological development began to be understood when Gerolamo Fabriti d’Acqua-pendant (ca 1533-1619) held the chair of anatomy at the University of Padua and opened an understanding of reproduction that was carried forward by many other scholars. Needless to say, 2000 years of Aristotle’s theory of epigenesis soon fell by the wayside, although the human ovum was not fully identified until 1827. The interaction of the sperm and ovum was fully explained 135 years ago in 1875. There are those for whom the philosophical question of when life actually begins remains a mystery, and many believe that life begins at conception. Hopefully, technology will soon solve this issue in favor of life.

If the personhood of a fetus were to be established, the right to abortion would collapse because the fetus’ right to life would then be guaranteed by the 14th Amendment. The Constitution makes a few references to "person" but the noun was not defined. The Court in *Roe* stated that "The pregnant woman cannot be isolated in her privacy. She carries an embryo and, later, fetus, if one accepts the medical definitions of the developing embryo and fetus in the human uterus...As previously intimated, it is reasonable and appropriate for a state to decide that at some point in time another interest, that of health of the mother or that of potential human life, becomes significantly involved. The woman's privacy is no longer the sole concern, and any right of privacy she possesses must be measured accordingly." After reading the above, it is shocking that partial birth abortion was legally accepted for a period, and that almost any feeble reason concerning so-called health, can result in abortion after viability. 37 years after *Roe v. Wade*, a very large percentage of the population still questions whether privacy borrowed from the first, third, fourth, fifth and ninth amendments is broad enough to encompass the abortion right. The Founders did a good job of providing privacy where they thought it should be, without even mentioning the word. Privacy, as located in the first, third, fourth, and fifth amendments, serves to protect people from governmental intrusion. For many people, it is difficult to believe that the Framers would have utilized privacy, if it does radiate from the Bill of Rights, for

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52 *Roe*, 410 U.S. at 161-162.
mothers and doctors to have an obstacle free right to eradicate fetuses in such great numbers, especially when the purposes, according to the statistics, are for convenience. After the sperm and ovum unite, the full blue print for the person is there and cells divide accordingly. Within 18 to 21 days after conception, a little heart is already is beating.

There can be nothing more intimate than the development of the embryo and fetus within the womb of the mother. At no other time can one human being feel closer to the other. It is the first part of the strong mother/child relationship, and considered by most to be a period of spiritual enrichment because of co-creation. The normal response to such intimacy is to protect not destroy the being within the womb.

**Conclusion and Recommendation**

In the United States today, we boast of human rights, but it was only after *Brown vs. Board of Education, (1954)* \(^{53}\) that this country could begin to hold its head up after mistreatment of Native tribes and Americans of African descent. Even then, before we could righteously become openly concerned about human rights grievances in other countries, it was necessary to enact the Civil Rights Act (1965) and utilize the Commerce Clause of the Constitution to enforce it. Meanwhile, many injustices committed against Native Americans still remain unsettled today. \(^{54}\)

Americans of African descent are utilizing abortion in such an overwhelming percentage that the population of African Descendants has been reduced with approximately 127,303 more persons dying each year than are born. Could it be that the excessive number of abortions among African Americans is indicative in part of psychological effects of the earlier injustices over centuries that remain in force?

Some politicians and leaders of feminist groups speak of protecting a woman’s “Right to Choose” as though this legal right were sacred. Even though the word “abortion” is cleverly omitted, the phrase is no less distasteful to many women. As the pro life values of those women cease by the passage of time to exist, what will happen? Liberty today appears to be evermore unconstrained.

The State's compelling interest in protecting potential or viable life within the womb, as granted in *Roe vs. Wade*, can be trumped by any minor health or financial issue that is claimed by the pregnant woman, in any trimester. States continue to try to overcome the inability to regulate important areas of abortion, thereby being better able to protect life. Perhaps, after the upholding of the Partial Birth Abortion Ban, statutes that will be reviewed under more reasonable standards.

\(^{53}\) 447 U.S.483 Opinion by Mr. Chief Justice Warren

\(^{54}\) Confiscation of the Black Hills and other lands
Politically, there have been attempts to prohibit abortion, such as the South Dakotah Law of 2006. Their first attempt to ban abortion involved the passage and signing into law a bill, HB1215, that declared that life begins at the time of conception. All abortions were banned with the exception of saving the life of the mother. Contraceptive measures were somewhat controlled to make certain that the safety of the pregnancy was not threatened. There was almost a two week waiting period for certain contraceptives. Pro-choice organizers collected sufficient signatures to put the new bill before the voters under the State's veto referendum. 56 percent of the voters overturned the new law. A second abortion ban, Measure 11, which was a little more liberal, appeared on the ballot in 2008. Had this measure succeeded, abortion would have been banned except for rape, incest, or to protect the woman's health. Abortions in violation would have been a Class 4 felony with a 12 year sentence and $20,000 fine. Once again, the votes were cast against the measure by 55.3%. A poll taken in 2007 revealed that 72 percent of the people of South Dakotah believed that there are other ways to limit abortion rather than criminalizing it. Donors also seemed to favor those in opposition to the abortion ban by donating $1.7 million vs. $720,000 to support the ban, although one person evidently donated $750,000 in opposition.

The Republican led Legislature In the State of Florida presented a bill (HB1143) to Governor Crist that contained anti abortion measures including the requirement that a third trimester abortion could not proceed unless there was an ultra sound making it possible for the woman to view the child or have a doctor that would explain it to them. When such legislation reaches the Supreme Court, we are now aware that because of the link to privacy, the standards of review involve strict scrutiny and many statutes are invalidated that would not be invalidated under a rational relationship review as set forth by former justices dissenting to the standards used to arrive at some of the Court decisions reviewed above.

Perhaps many politicians would like to vote against abortion, but they protect the process for their own re-election survival. All Catholic politicians should be aware of Casti Connubii, the 1930 Encyclical by Pope Pius XI. An increase in personal efforts should be effective in overcoming the use of abortion as it is practiced today. Since teen agers are responsible for the majority of abortions, they may be existing without an awareness of the value of life, the dignity of the human person, and the benefits derived by protecting their modesty and purity rather than permitting others to make use of their bodies. Engaging in sex at such an early time in life chips away at their human dignity. Education concerning the reproductive process coupled with the fact that the fertilized ovum, embryo, and fetus are considered as full human beings by the Church, all with a right to life equal to the mother, should make a substantial difference.

In his encyclical *Humanae Vitae*, Pope Paul VI made the following statement: "It is not licit, even for the gravest reasons to do evil so that good may follow therefrom, that is, to make into the object of a positive act of will something which is intrinsically disordered, and hence unworthy of the human person, even when the intention is to safeguard or promote individual,

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55 Refer to Catholic Teachings, pg. ____, n.
56 Refer to Catholic Teachings, pg. ____, n.
family or social well being...directly willed and procured abortion, even if for therapeutic reasons, [is] to be absolutely excluded."

By the Supreme Court circumventing parental consent to abortion for minors, the door is opened even wider for teenagers to engage in sex. Furthermore, the fundamental right of parents to care for their child has been placed in the juvenile court where the minor signs a petition with her initials only, and unless very immature, she can expect to be emancipated for the sake of the abortion, or receive an order of court speaking in her best interests. Since no notice is given to the teenager's parents, the parents are denied our greatly protected right to due process. One can only wonder whether the courts are protecting the parents or the teenagers.

In the teaching document concerning the Procurement of Abortion that was submitted by the Sacred Congregation for the Doctrine of Faith, and ratified by Pope Paul VI in 1974, the following was stated:

Man can never obey a law which is in itself immoral, nor can he vote for it, nor take part in a propaganda campaign in favor of such law. A Christian's outlook cannot be limited to the horizon of life in this world. Every Christian must be able to do what can be done to remedy these sorrows and miseries. One can never approve abortion, but it is above all necessary to combat its causes. 57

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