

# Carillon EDITORIAL



The Carillon published every Thursday by Derksen Printers, 377 Main Street, Steinbach, Manitoba R5G 1A5. Honorary Publisher Rick Derksen, Publisher Laurie Finley, Editor G. Vandermeulen. Authorized as Second Class Matter and for the payment of postage in cash by Canada Post Corporation, Ottawa

## Abortion frequency about more than just legality

As news broke that the U.S. Supreme Court was going to overturn *Roe vs. Wade*, pro-lifers and anti-abortion advocates celebrated. This was a goal many of them had spent years working towards, advocating and indeed praying for.

It is also exposing many in that movement as not really pro-lifers at all, but simply those against having legal abortions.

Those who work toward the more laudable goal of lowering the rate of abortions aren't turning cartwheels in the streets. That's because the statistics show the legality of abortion isn't a significant factor in the number of abortions actually performed.

To be clear, this decision will only affect U.S. policy. *Roe vs. Wade* was a 1973 court decision that stated the U.S. Constitution protected the rights of a pregnant woman to choose to have an abortion. Overturning this decision paves the way for U.S. states to implement a wide variety of rules on abortion including completely banning the practice.

Abortion numbers are high in the world. According to the World Health Organization roughly 73 million induced abortions occur worldwide annually with 61 percent of all unintended pregnancies and 29 percent of all pregnancies ending with an abortion.

Studies show however that the legality of abortion does not have a strong link to the total numbers. In fact, abortion rates are often higher in nations where abortion is illegal than they are in nations where it is legal. Instead it seems abortion rates remain lower in richer more developed nations than in poor undeveloped countries.

The highest rate of abortions according to United Nations statistics from 2004 took place in Russia with 53.7 abortions annually per 1,000 women. Other countries in the top 10 include Vietnam, Kazakhstan, Estonia, Belarus, Romania, Ukraine, Latvia, Cuba and China ranging from 35.2 per 1,000 women to 24 per 1,000 women.

The U.S. ranked 15th at that time with a rate of 20.8 while Canada was 25th with a 15.2 per 1,000 women rank.

Zara Ahmed, associate director of federal issues for the Guttmacher Institute wrote in a 2020 article for NBC News that abortion rates are up to four times higher in low-income countries even where it isn't legal. Ahmed pointed out that abortion rates have risen 39 percent in the past 30 years in countries where it is legally restricted.

Not only are abortion bans not effective, but they add another danger, that to the mother. According to the World Health Organization and pointed out in an article dating back to 2006 on [americanprogress.org](http://americanprogress.org), close to 70,000 women a year die from unsafe abortions and numerous others suffer grave injuries including infection, hemorrhaging and infertility.

To consider oneself a pro-lifer, one would have to advocate for those women too.

That article argued that it is far better to reduce abortions by making it less necessary.

Half of pregnancies in the U.S. at that time were unintended and about half of those ended in abortion.

So how does one combat that?

Multiple studies have shown that comprehensive sexuality education that includes medically accurate information and access to contraception play a big role.

The U.S. also has other barriers that Canada does not. There is a huge cost for giving birth in an American hospital, and pregnancies may be ended simply because the mother cannot afford it.

Canada has come a long way in supporting families. We have better maternity and paternity leave options than ever before.

Stephen Harper's Conservatives began to support families and the Liberals doubled down, improving the program.

Locally we have programs like the Family Resource Centre which are there to help young families.

It's unfortunate that the term "pro-life" is used by those who are simply anti-abortion.

Pro-life means caring for not only future babies, but for women, children and families now.

A true lover of life would advocate for protections like a living wage, for strong sexual education in schools, for free and readily available contraceptives, for family supports.

Raising women around the world out of poverty and giving them the right to control their own lives will result in far fewer abortions than any change in legality.

Overly simplifying an issue is an easy trap to slide into. We tend to think that if something we consider wrong is made illegal it will cease to happen.

Life doesn't work like that.

According to a DART & Maru/Blue Voice Canada poll released in 2020, 75 percent of Canadians are satisfied with the nation's abortion policies.

That doesn't mean they are in favour of abortions, only that they support a woman's right to choose for herself.

In fact, that's where those on either side of the issue can find common ground. We should all advocate for a world that supports women and families, one where poverty is reduced. Only then will we see abortion rates fall.

-GV



When waking a sleeping tiger, use a very long stick. - Chinese proverb

PHOTO BY ALMA BARKMAN

## Roe v. Wade should be overturned

*Stare decisis* is an important legal principle. This Latin phrase, which means "to stand by things decided," means that judges are expected to follow legal precedents.

In other words, judges are not free to make things up. If they did, rulings would become wildly unpredictable, and people would lose respect for the legal system.

*Roe v. Wade* is one of the most famous Supreme Court rulings in the United States. This decision was handed down nearly 50 years ago and it constitutionally enshrined the right of women to an abortion. While states were still permitted to regulate abortion access, they could not prohibit it outright until a woman's third trimester.

Given how many years ago *Roe v. Wade* was first decided, *stare decisis* would seem to apply. This is why it was such a huge shock when a leaked Supreme Court decision indicated that *Roe v. Wade* is on the cusp of being overturned.

Abortion rights activists were horrified. Pro-choice politicians in both Canada and the United States rushed to announce their absolute commitment to abortion rights. A Bloc Quebecois MP even tried to introduce a motion calling on the House of Commons to uphold a woman's right to choose.

However, while *stare decisis* is an important principle, it is not absolute. In 1954, the U.S. Supreme Court handed down its anti-segregation decision in *Brown v. Board of Education*. This decision amounted to the total repudiation of a previous court ruling.

*Plessy v. Ferguson*, which was decided in 1896, upheld segregation laws as constitutional. The Supreme Court at the time decreed that segregation was legal so long as the separate facilities were equal. Even though it remained an established precedent for many decades, *Plessy v. Ferguson* was eventually overturned.

Simply put, the principle of *stare decisis* cannot be used to justify obviously wrong decisions. Like *Plessy v. Ferguson*, *Roe v. Wade* fails to withstand moral or legal scrutiny. As William Rehnquist, one of the dissenting judges, said at the time, "To reach its result, the Court necessarily has had to find within the scope of the Fourteenth Amendment, a right that was apparently completely unknown to the drafters of the Amendment."

Supporters of *Roe v. Wade* are trying to paint a dire picture of what will happen if this decision is overturned. They claim that women's rights are under threat and that women must have the right to full, free, and unfettered access to abortion.

However, overturning *Roe v. Wade* simply means that abortion regulations in the United States will be up to elected officials rather than unelected judges. States will not be forced to pass abortion laws but will be able to decide what they believe is best for their constituents. If their constituents don't like it, they can vote for someone else at the next election.

In other words, the United States will be in a similar situation to what Canada is in now. Contrary to popular belief, the 1988 Morgentaler decision did not entrench an absolute right to abortion. Rather, the Supreme Court struck down the abortion law of the time because it limited abortions to accredited hospitals, which resulted

in unequal access to abortion across the country.

Interestingly, the Supreme Court explicitly stated that the federal government has the right to regulate abortion and invited Parliament to pass a new law. The Mulroney government tried to do so but it was defeated in a tie vote in the Senate. Since that time, there have been no Criminal Code restrictions on abortion.

In the end, elected officials, not unelected judges, should have the final say over abortion. That is why *Roe v. Wade* should be overturned.

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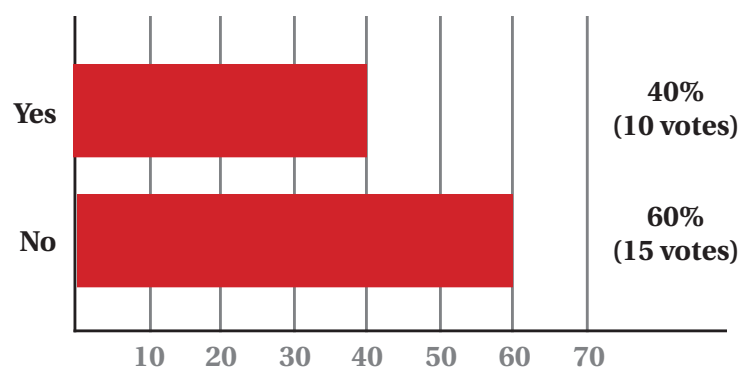


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Michael Zwaagstra

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Derksen Printers, a division of  
FP Canadian Newspapers Limited Partnership

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Single copy: \$1.75 (including taxes)  
Subscription rates: One Year  
Manitoba \$50.21 plus taxes - \$56.23  
Out of Province \$65.68 plus taxes - \$68.96  
Outside Canada: \$209.10  
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