

Robert Cavalier: Pennsylvanians have already decided for Roe

ROBERT CAVALIER

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The citizen victories for reproductive rights on Election Day aligned with the results of the Kansas referendum over the summer. On Tuesday, majorities of voters in Michigan, Vermont, California and even Kentucky voted to protect abortion access in their states. What many pundits and commentators didn't realize is that Pennsylvania also chose the protection of Roe over bans against abortion.

In the Fall of 2018 groups of citizens gathered at sites in Pittsburgh and Philadelphia to participate in a forum on the Issue of abortion in America. The conversations were inclusive and well-structured. In the weeks prior to the three-hour event, background materials on the issue were sent each participant.

The materials included a discussion guide and a frequently asked questions sheet. The discussion guide provided an overview of the history and laws regarding abortion up to the time of the Roe v Wade decision in 1973. The guide then presented a summary of the Supreme Court decision along with its dissent. The FAQ sheet provided facts relevant to the discussion of abortion.

The event strove to model that of a true "deliberative democracy" whereby citizens engage in informed and civil discourse. The background documents helped to overcome the partisan rhetoric that often distorts our understanding of issues and to address the challenge of becoming informed about laws and public policies that affect the issue.

On the day of the forum, participants were assigned to tables (5 or 6 participants per table) with trained moderators who helped guide the conversations. Very simple ground rules were laid out: Be respectful, don't interrupt, give reasons for your opinions, listen carefully.

Early on participants were asked to consider the wide range of reasons that women give for seeking an abortion: They feel that they are not ready for a child or another child; they feel they are too young or not mature enough; they feel they can't afford another child; they simply do not want children; they feel that they are finished with child bearing; they feel that their current relationship is unstable or abusive.

What followed was a powerful conversation often including the personal experiences of the participant or those the participant knew. Both sides of the issue were represented. Story telling was the main vehicle here and allowed participants to gain new or richer perspectives on the reality that women face when deciding to terminate or continue a pregnancy.

After an hour or so of discussion, each table formulated a question to be posed to an expert panel. The session ended with a survey. The survey questions were detailed and nuanced and provided participants with an opportunity to give reasons for their opinions.

This is what separates the surveys from deliberative forums like this from off-the-cuff responses to a list of questions from a pollster or a set of questions posed to individuals in a focus group. The surveys here represented what the citizens of Pennsylvania thought about this issue once they had time to become informed about it and were able to discuss it among themselves and with an expert panel.

When it came time to measure support for or opposition to the Roe v Wade decision legalizing abortion, a strong majority supported Roe. In fact, adjusting the survey results on this question to address over-representation (given the two cities where the recruitment occurred), these views on Roe v Wade align with a Pew Research Center public opinion on abortion (and do so with more nuanced judgment given the questions and format used in our survey).

“As of 2018, public support for legal abortion remains as high as it has been in two decades of polling. Currently, 58% say abortion should be legal in all or most cases, while 37% say it should be illegal in all or most cases.” Interestingly, these percentages also align with the results obtained in recent state wide referenda.

In settings like these, far from the manipulative rhetoric of political debate that characterizes much of our politics, citizens had time to weigh the facts and struggle with policy decisions. They were aware that approximately one in four women will face a decision to terminate a pregnancy and that over 90% of abortions occur within the first 15 weeks.

They were also aware that in the later stages of pregnancy (16 – 20 weeks where 4.1 % of abortions occur) and even during the second and third trimester (greater than 21 weeks where only 1.3% occur) extenuating circumstances like fetal abnormality or the life of the mother are at stake. At no point was it ever the case that one can “demand an abortion for whatever reason up to the time of birth.”

As a result of deliberation they came to a considered judgment. The clear majority sided with Roe and its guard rails. The aggregate of individual support for access to abortion that we see across the land aligns with this judgment to form a powerful democratic response to the Dobbs decision. Our state laws should recognize this.

Robert Cavalier is the director of the Program for Deliberative Democracy at Carnegie Mellon University. His previous article was [“We trust the 'democratic process,' but it can't secure the right to abortion.”](#)

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