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Since the Supreme Court's **Dobbs** decision that overturned the constitutional right

The Savannah Medical Clinic, which provided abortions for four decades in Savannah, Ga., is closed now. AP Photo/Russ Bynum

returning abortion authority to states

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to an abortion, multiple states have enacted <u>laws prohibiting or restricting women</u> from obtaining an abortion. Justice Samuel Alito, writing for the court's majority in Dobbs, anticipated that

states would move to adopt new policies regarding abortion rights. States, he asserted, would better represent the views of their constituents on abortion than the federal courts have done. "It is time to heed the Constitution and return the issue of abortion to the people's

elected representatives," Alito wrote. But overturning Roe v. Wade has not moved state abortion policies more closely in

line with the preferences of state residents. Don't let yourself be misled. Understand issues with help from experts

Since April 2020, we have regularly polled Americans in all 50 states and the

District of Columbia on attitudes and behaviors related to the COVID-19 pandemic, as well as other social and political issues. In our <u>latest survey</u>, conducted between June 8 and July 6, 2022, we asked Americans whether or not they support abortion under nine distinct scenarios,

ranging from saving the life of the woman to pregnancy caused by rape to avoiding financial hardship. We also asked Americans how important the abortion issue was to them and compared responses provided before and after the public announcement of the Dobbs decision. We found that instead of increasing democratic representation, the Dobbs ruling

has actually widened the gap between public preferences and public policy, both nationwide and within many states. Not only are state-level policies currently unaligned with state-level public opinion,

but, since the Dobbs decision was announced, Americans also increasingly appear to prefer fewer restrictions on abortion, even as many states are moving to enact more restrictions. 'Already responsive'

Across the U.S., more Americans support than oppose the right to an abortion in

stake, the fetus could be born with severe health problems, the pregnancy resulted

from rape or the woman does not want to be pregnant. Support for abortion in all

most scenarios - including cases in which the life or health of the mother is at

Most Americans support abortion to protect woman's life Nearly two-thirds of Americans support allowing a pregnant person to have an abortion if the person's life is at risk. Nearly half oppose an abortion after the fetus can survive outside the womb. The division is much closer in cases where a person does not want to be pregnant, or would find it extremely difficult to afford having the child. Other people had no opinion, or neither supported nor opposed abortion in those cases.

Staying pregnant could cause the woman to

nine scenarios increased following the Dobbs ruling.

11% 28% The pregnancy is caused by the woman being 26% raped The fetus is likely to be born with serious 35% health problems or birth defects Staying pregnant could harm the woman's 35% health but is very unlikely to cause her to die 32% A woman does not want to be pregnant 33% Having the child would be extremely difficult for the woman financially

After 6 weeks of pregnancy 35% 35% Once a fetal heartbeat is detected 35% After the fetus can survive outside the womb 34% Survey conducted 6/8/2022 to 7/6/2022. Total surveyed: 24,141. Percentages may not sum to 100% due to rounding. Chart: The Conversation, CC-BY-ND • Source: The COVID-19 Consortium for Understanding the Public's Policy Preferences Across States (A joint project of Northeastern University, Harvard University, Rutgers University, and Northwestern University) • Get the data • Download image We also investigated whether the changes to state abortion policies after Dobbs did

the womb - known as fetal viability - which was the court's prior standard for when states could prohibit abortion. Fewer Americans support abortion after fetal viability than in any other scenario. Even in states currently lacking gestational

limits on abortion, people are more than twice as likely to oppose as support

This suggests that the court's previous standard of permitting states to prohibit

abortion once the fetus can survive outside the womb – 46% vs. 21%.

For instance, we examined support for abortion after the fetus can survive outside

a better or worse job of reflecting views of residents within the affected states.

abortion after viability - established in Roe and Planned Parenthood v. Casey, but struck down in Dobbs - was consistent with public preferences in every U.S. state. It thus seems improbable that abolishing that standard would make policy more responsive as Alito claimed; it already was responsive. Unresponsive policies in Dobbs' wake We also find that several state-level restrictions on abortion clearly conflict with public opinion in those states. For instance, seven states - Alabama, Arkansas,

four states - Arizona, Kentucky, Louisiana and Utah - have similar policies that the courts have temporarily blocked. Yet a majority – 55% – of Americans in these 11 states support abortion when the

prohibit abortions without exception for pregnancies caused by rape. An additional

Missouri, Mississippi, South Dakota, West Virginia and Wisconsin - currently

In just five states - Alabama, Louisiana, Mississippi, Oklahoma and Tennessee - fewer than half of the people support allowing abortion in cases of rape. At the other end of the spectrum, three-quarters or more of the people in three states

Wide support for abortion of pregnancies caused by rape

pregnancy is caused by rape, compared with only 16% who oppose it.

 Connecticut, Massachusetts and Vermont – support abortion in rape cases. States with their postal abbreviations marked are those where abortion is banned without exception for rape, including states where this policy is temporarily blocked.

SD UT WV MO KY AZ AR MS Survey conducted 6/8/2022 to 7/6/2022. Total surveyed: 24,141. Data on state policies from the New York Times, PBS and ABC News as of July 19, 2022. Map: The Conversation, CC-BY-ND • Source: The COVID-19 Consortium for Understanding the Public's Policy Preferences Across States (A joint project of Northeastern University, Harvard University, Rutgers University, and Northwestern University) • Get the data • Download image Even in states with the lowest support for abortion in pregnancies caused by rape,

pluralities still support abortion by more than 2 to 1. For example, in Louisiana, the state with the nation's lowest level of support for abortion in pregnancies caused by rape, 45% support abortion in those cases compared with 21% who oppose it.

Growing support for fewer restrictions Before Dobbs, 13 U.S. states had so-called "trigger laws" that would restrict or prohibit abortion access as soon as Roe was overturned. Yet rather than finding those laws brought the states' abortion policies closer into alignment with public

preference, in every instance – across all nine scenarios – we found that

respondents in trigger law states became more, not less, supportive of abortion following the Dobbs ruling. After the Dobbs decision, abortion support increased in states with 'trigger

Staying pregnant could harm the woman's health but is very unlikely to cause her to die

Post-Dobbs 61%

Post-Dobbs 43%

Pre-Dobbs

Support

39%

laws' banning most abortions In states with so-called "trigger laws" set to significantly restrict or ban abortions after Roe v. Wade was overturned, more people supported the right to get an abortion in a wide range of scenarios – and fewer opposed it – after the Dobbs decision was released than had done so before the ruling. Staying pregnant could cause the woman to die Oppose Pre-Dobbs 14%

12%

Oppose

The pregnancy is caused by the woman being raped Support Oppose Pre-Dobbs Post-Dobbs 60% Once a fetal heartbeat is detected Support Oppose Pre-Dobbs Post-Dobbs 27% After 6 weeks of pregnancy Support Oppose Pre-Dobbs Post-Dobbs 28% After the fetus can survive outside the womb Support Oppose Pre-Dobbs 14% Post-Dobbs 16% The fetus is likely to be born with serious health problems or birth defects Support Pre-Dobbs Post-Dobbs 44% Having the child would be extremely difficult for the woman financially Support Oppose Pre-Dobbs Post-Dobbs 31% A woman does not want to be pregnant Support Oppose Pre-Dobbs Post-Dobbs 31% Survey conducted 6/8/2022 to 7/6/2022. Respondents who said they "neither support nor oppose" and "I have no opinion" are excluded. Total surveyed: 24,141; 16,265 pre-Dobbs and 7,876 post-Dobbs. "Trigger law" states are Arkansas, Idaho, Kentucky, Louisiana, Mississippi, Missouri, North Dakota, South Dakota, Tennessee, Utah, Texas, Oklahoma and Wyoming. Chart: The Conversation, CC-BY-ND • Source: The COVID-19 Consortium for Understanding the Public's Policy Preferences Across States (A joint project of Northeastern University, Harvard University, Rutgers University, and Northwestern University) • Get the data For instance, in <u>Texas – which immediately banned nearly all abortions after Dobbs</u> - support for abortion to save the life of the woman increased by 17 percentage points following the Dobbs ruling, while support for abortion in cases of rape increased by 12 percentage points.

In Texas, support for abortions increased in every scenario after the Dobbs decision was released, and opposition decreased in almost all of them. Staying pregnant could cause the woman to die Support Oppose 18% Pre-Dobbs

Support Oppose Pre-Dobbs 25% Post-Dobbs

Staying pregnant could harm the woman's health but is very unlikely to cause her to die

Post-Dobbs

Post-Dobbs 39%

After Dobbs, Texans' support for abortion increased

The pregnancy is caused by the woman being raped Oppose 20% Pre-Dobbs Post-Dobbs 60% Once a fetal heartbeat is detected Support Oppose Pre-Dobbs 30% Post-Dobbs 32% After 6 weeks of pregnancy Support Oppose Pre-Dobbs Post-Dobbs 29% After the fetus can survive outside the womb Support Oppose Pre-Dobbs 19% Post-Dobbs 23% The fetus is likely to be born with serious health problems or birth defects Support Oppose Pre-Dobbs Post-Dobbs 47% Having the child would be extremely difficult for the woman financially Oppose Pre-Dobbs

A woman does not want to be pregnant Support Oppose Pre-Dobbs Post-Dobbs 40%

are excluded. Total surveyed: 24,141; 16,265 pre-Dobbs and 7,876 post-Dobbs.

Abortion politics upended Will the widening gap between policy and opinion on abortion have electoral consequences?

voters have mostly voted for Republicans.

Abortion opponents have long been more likely than supporters of abortion access to self-identify as single-issue voters; that is, to decide their vote based on a candidate's position on abortion. Since the Republican Party is strongly anti-abortion, these single-issue abortion

Our findings suggest it might.

Northwestern University) • Get the data

This may be changing. In our survey, respondents who consider abortion an "extremely important" issue

Survey conducted 6/8/2022 to 7/6/2022; Respondents who said they "neither support nor oppose" and "I have no opinion"

Chart: The Conversation, CC-BY-ND • Source: The COVID-19 Consortium for Understanding the Public's Policy Preferences Across States (A joint project of Northeastern University, Harvard University, Rutgers University, and

are 11 percentage points more likely than those who do not consider it an extremely important issue to prefer that Democrats retain control over the House and Senate

in the 2022 midterms. In other words, in a break from past elections, single-issue abortion voters in 2022 may be more pro-choice than anti-abortion, and consequently favor Democratic candidates over Republican candidates. It is unclear whether this is a momentary blip or an early indicator of an enduring change in the politics of abortion in America.

Regardless, our findings clearly call into question Justice Alito's apparent assumption that returning abortion policy to the states would enhance democratic **Alauna Safarpour**

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The authors do not work for, consult, own shares in or receive funding from any company or

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Disclosure statement

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