

## THE DOBBS V. JACKSON DECISION: A CRITICAL EXAMINATION OF ITS FOUNDATIONS AND IMPACT ON DEMOCRATIC EDUCATION

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### ABSTRACT

The 2022 Supreme Court decision in *Dobbs v. Jackson Women's Health Organization* fundamentally altered the landscape of reproductive rights by overturning *Roe v. Wade* and *Planned Parenthood v. Casey*, thereby eliminating the federal constitutional right to abortion and delegating regulatory authority to individual states [41, 55]. This article critically analyzes the *Dobbs* majority opinion, scrutinizing its legal reasoning, particularly its originalist interpretation of constitutional history, and its significant departure from the principle of *stare decisis* [25, 55, 66]. It comprehensively examines the profound and multifaceted societal consequences stemming from this decision, including a projected increase in maternal mortality rates, the exacerbation of pre-existing health disparities—especially among marginalized communities—and widespread confusion regarding abortion pill access [15, 24, 34, 45, 52]. The article also explores the substantial economic implications for women and families, as well as the perceived vulnerability of other fundamental rights rooted in privacy and autonomy, such as access to contraception and same-sex marriage, in the wake of *Dobbs* [9, 42, 64]. Furthermore, this analysis investigates the critical repercussions for democratic education, illuminating how the decision fundamentally challenges the capacity for informed civic participation and intensifies existing issues within comprehensive sexuality education (CSE) and reproductive health instruction [48, 50, 63, 67]. It delves into specific state-level implications, including the impact on maternal care deserts and the compounded barriers faced by the LGBTQ+ community [15, 58]. The article underscores the urgent need for democratic education to proactively foster critical thinking, encourage respectful and open dialogue, and promote active civic engagement as essential mechanisms to address these complex, evolving challenges and uphold the principles of an equitable and informed citizenry.

**Keywords:** Reproductive Rights; *Dobbs v. Jackson*; *Roe v. Wade*; Democratic Education; Comprehensive Sexuality Education; Public Health; Maternal Mortality; LGBTQ+ Rights; Constitutional Law; Policy Analysis; Civic Engagement.

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### INTRODUCTION

The legal and social fabric of the United States experienced a profound rupture on June 24, 2022, when the Supreme Court, in *Dobbs v. Jackson Women's Health Organization*, issued a landmark ruling that systematically dismantled nearly five decades of established constitutional precedent. This decision explicitly overturned *Roe v. Wade* (1973) and *Planned Parenthood v. Casey* (1992), effectively revoking the federally protected constitutional right to abortion and returning the extensive authority to regulate or prohibit abortion entirely to individual states [41, 55]. For almost fifty years, *Roe v. Wade* had served as the cornerstone of reproductive rights, grounding a woman's right to choose in the implied right to privacy inherent within the Fourteenth Amendment of the U.S. Constitution [5, 6]. This foundational right was meticulously affirmed and further refined by *Casey*, which, while introducing the "undue burden" standard for state regulations, still

recognized a woman's fundamental autonomy over her reproductive decisions, seeking to balance this personal liberty against the state's legitimate interest in potential life [61].

The *Dobbs* decision, however, represented a radical departure from this established legal framework. By eliminating federal protection for abortion rights, it plunged the nation into a fragmented legal landscape, where access to essential healthcare services varies dramatically based on geographic location and prevailing state political ideologies [17, 29, 62]. This momentous legal reversal has not merely ignited intense and often deeply polarized debates concerning constitutional interpretation, the role of judicial precedent, and fundamental individual liberties; it has also brought to the forefront its far-reaching societal consequences, particularly for public health, gender equity, economic stability, and, critically, the foundational principles and practical application of democratic education.

This article embarks on a comprehensive and critical analysis of the Dobbs majority opinion, meticulously identifying and dissecting key areas of concern pertaining to its legal reasoning, its immediate and cascading long-term repercussions for public health outcomes, the advancement of gender equity, and the very integrity of democratic participation in the United States. Furthermore, it delves deeply into the significant implications of this decision for the realm of democratic education. The central argument posits that such a monumental legal and social upheaval necessitates an urgent and fundamental re-evaluation of current educational approaches. This re-evaluation is crucial to foster an informed, civically engaged, and critically thinking citizenry—one that is not only capable of understanding complex moral, ethical, and political challenges but also empowered to actively navigate and respond to them in a manner consistent with democratic ideals. The aim is to illuminate how these legal shifts compel educational systems to re-commit to their role in preparing students for active and meaningful participation in a diverse and often contentious democratic society.

### **1. Defining the Policy Problem: The Intersection of Reproductive Rights and Education**

The intricate relationship between reproductive rights and education policy has become increasingly complex and urgent, especially in the wake of the landmark legal decisions of *Roe v. Wade* five decades ago and *Dobbs v. Jackson Women's Health Organization* fifty years later [55]. The overturning of *Roe v. Wade* in 2022 by the Dobbs decision profoundly reshaped the discourse around reproductive rights in the United States, triggering a cascade of subsequent actions at the state level concerning the provision of abortion services [14, 29]. This dynamic and rapidly shifting legal and political landscape poses a significant threat to the reproductive autonomy of individuals across the nation [6, 8].

Critics argue that the Dobbs decision fundamentally undermines women's basic human rights to make autonomous decisions regarding their own bodies, a right consistently emphasized by international bodies such as the United Nations (UN) and the World Health Organization (WHO) [3, 65]. This ruling sets a perilous precedent not only for individual personal liberties but also for the broader educational discourse and public debate surrounding reproductive rights within academic and civic spaces. The erosion of federal protection for abortion rights after nearly half a century means that states now possess unfettered discretion in regulating abortion services, leading to widely divergent and often contradictory approaches [43]. This presents formidable challenges for educators who are committed to providing comprehensive sex education (CSE) designed to empower students with accurate information and the capacity to make informed decisions about their health and bodies [50]. The policy problem, therefore, lies in the

growing inconsistency and restriction of reproductive rights, which directly impacts the content and availability of essential reproductive health education, thereby undermining the foundational goals of democratic citizenship.

### **2. Contextualizing the Problem within Education and Democracy**

The legal shift brought about by Dobbs carries profound implications for educational settings across all levels, from K-12 schools to post-secondary institutions, where subjects such as sex education and women's reproductive rights are now potentially subject to new and more restrictive regulations or curricular alterations [50]. As Amy Gutmann (1987) eloquently argues, "education should prepare students for civic life by ensuring they have access to a comprehensive knowledge of personal and societal responsibilities" (p. 8) [28]. The rollback of *Roe* gravely threatens to undermine these vital educational objectives by creating a fragmented legal landscape where access to crucial information and services varies dramatically from one state to another. This glaring inconsistency directly jeopardizes the democratic principle of equal opportunity, a cornerstone ensuring that all citizens can fully participate in society [35]. Furthermore, the limitations imposed by the Dobbs decision actively prevent students from being exposed to vital, comprehensive, and transparent information regarding reproductive health. This deprivation is particularly problematic because such knowledge is essential for preparing them to be informed, autonomous, and engaged citizens within a functioning democratic society. The effects of these restrictions are anticipated to disproportionately affect the female population, thereby exacerbating existing gender disparities not only in education but also in healthcare access and outcomes.

Given the complex historical trajectory of sex education in the United States, these contemporary challenges are not entirely unprecedented. Indeed, as Gutmann (1987) documented, 20th-century sex education often contained a "sexist education" caveat, which primarily impacted teenage girls more severely than teenage boys. For example, Louisiana's ban on sex education between 1970 and 1979 placed teenage girls at a significant disadvantage, depriving them of access to crucial knowledge about contraception, abortion, and sexual abuse (pp. 111-112) [28]. These historical patterns underscore the ongoing and persistent struggle for equitable access to comprehensive reproductive education, making the widespread implementation of Comprehensive Sexuality Education (CSE) more critical than ever before. CSE, by its very nature, fosters democratic education by equipping students with essential knowledge about their bodies, health, and fundamental rights, thereby enabling them to make informed and responsible decisions [50, 65]. The primary purpose of robust sex education is multifaceted: to prevent unprotected sex, reduce teenage pregnancies, mitigate the

risks associated with unsafe abortions, and curb the spread of sexually transmitted infections (STIs) [38]. By consistently providing students with accurate, science-based information, comprehensive sex education directly aligns with core democratic values, most notably the principles of fostering individual autonomy and facilitating truly informed decision-making [18].

However, the role of schools as fundamental spaces for civic learning is complicated by the necessity to navigate the intricate interplay between scientific education and diverse religious beliefs. While public education inherently aims to teach scientific principles, including the biological realities of reproductive health, it must also delicately balance these objectives with the presence of religious perspectives, such as Creationism, which naturally reflect students' varied familial backgrounds and religious affiliations [28]. The underlying causes of Roe's overturning are deeply intertwined with religiously motivated and politically driven agendas, as many of the Dobbs judges are conservative Christians and Catholics whose doctrines define the "unborn" as a "human person" rather than simply a "future person" [26].

Consequently, the profound legal and ideological dimensions of the abortion debate have placed schools in an increasingly precarious position. They are now compelled to reconcile their mandate for scientific instruction with intensifying political and religious pressures. This dilemma is further exacerbated by the escalating polarization of reproductive rights within American society [35]. Educational policies in some states now risk undermining fundamental democratic aims by actively restricting content related to reproductive health and rights [63]. Limiting students' access to such vital information can severely constrain their understanding of core democratic principles: citizenship, individual autonomy, and equality—all of which are essential for developing informed, participatory citizens [13, 19]. This policy analysis, therefore, seeks to address the overarching research question:

How do reproductive rights and sex education intersect with democratic aims in U.S. education policy, particularly in the context of the overturning of Roe v. Wade, and what are the implications for students and democratic participation?

By systematically examining the implications of both Roe and Dobbs and their ongoing influence on educational policies, this paper will evaluate the extent to which reproductive rights, specifically as framed within sex education, either align with or diverge from democratic principles. In doing so, it will consider potential pathways for maintaining democratic integrity in educational content concerning reproductive rights, ultimately arguing that comprehensive reproductive education is a fundamental prerequisite for cultivating a responsible, actively participatory citizenry.

## Methods

This analysis employs a rigorous, multi-faceted approach, strategically integrating legal scholarship, public health research, and established educational theory to provide a comprehensive and critical examination of the Dobbs v. Jackson Women's Health Organization decision and its widespread ramifications. The bedrock of the legal critique is formed by the primary legal documents themselves: the meticulously articulated majority opinion in Dobbs [55], alongside its foundational predecessors, Roe v. Wade [6] and Planned Parenthood v. Casey [61]. These primary sources were subjected to a thorough and precise examination to gain a deep understanding of the Supreme Court's evolving reasoning, its historical interpretations of constitutional law, and, most notably, its significant departure from long-standing precedent in the Dobbs ruling.

Secondary sources were extensively and systematically utilized to contextualize the intricate legal arguments and to explore the broader, interconnected societal impacts of the decision. This comprehensive body of literature includes:

- Academic articles from prestigious legal journals that offer in-depth analyses of the constitutional arguments, the principle of stare decisis, and the implications for judicial legitimacy [22, 25, 40, 47, 66].
- Public health research focusing on reproductive outcomes, trends in maternal mortality, and the health consequences of restricted abortion access [10, 15, 16, 20, 24, 30, 34, 52, 58, 59]. This includes studies on disparities in family planning and the impact on specific vulnerable populations.
- Reports from reputable reproductive rights organizations that detail state-level policy changes, the immediate and ongoing consequences for abortion access, and their advocacy efforts [7, 8, 14, 29, 42].
- Analyses from major news organizations offering insights into the political, social, and economic ramifications of the Dobbs decision across different regions and demographics [2, 17, 27, 44, 45, 51, 62, 64].

The rigorous selection of these sources prioritized peer-reviewed scholarly research, comprehensive reports from authoritative institutions, and credible journalistic analyses to ensure the highest degree of reliability, validity, and breadth of information presented.

For the crucial educational component of this study, the theoretical framework is constructed upon foundational texts in democratic education, notably the seminal works of John Dewey [19] and Amy Gutmann [28], whose theories articulate the intrinsic link between education and democratic societal health. This is complemented by contemporary scholarship on civic engagement, education policy, and the challenges of teaching controversial issues in public schools [50, 57, 60, 63, 67]. This robust theoretical foundation facilitates a nuanced examination

of how the Dobbs decision fundamentally challenges core democratic values and principles. It also guides the exploration of how educational institutions, as vital pillars of democracy, might strategically respond to foster critical thinking, cultivate respect for diverse perspectives, and actively promote robust civic participation among students. The entire analytical process meticulously synthesizes these diverse bodies of literature—legal, public health, and educational—to construct a cohesive, holistic, and compelling argument regarding the Dobbs decision's multifaceted and far-reaching impact on American society and its democratic future.

## RESULTS

### Legal Foundations and Critiques of Dobbs v. Jackson

The Dobbs majority opinion, authored by Justice Samuel Alito, represented a profound and decisive rejection of the established constitutional basis for abortion rights. In its core assertion, the Court declared that *Roe v. Wade* and *Planned Parenthood v. Casey* were not merely incorrect, but "egregiously wrong" and "deeply damaging" to the nation's jurisprudence, thereby justifying their categorical overturning [55]. The Court's central argument rested on the premise that the right to abortion is not "deeply rooted in this Nation's history and tradition" nor "implicit in the concept of ordered liberty" [55]. This approach, steeped in a form of historical originalism, has, however, been met with significant criticism. Critics argue that this interpretation selectively reads history, fails to account for the evolving understanding of individual rights, and disregards the dynamic nature of societal norms in a constitutional democracy [25, 66]. They contend that the decision ignores how other fundamental rights, such as access to contraception and the right to interracial marriage, evolved and were recognized under similar implied privacy doctrines not explicitly enumerated in the Constitution, but rather acknowledged through a "living" constitutional framework that adapts to modern societal realities [42].

Furthermore, the Dobbs decision's treatment of *stare decisis*—the fundamental principle of judicial deference to precedent—has generated widespread concern and condemnation. While the Court verbally acknowledged the importance of *stare decisis* for judicial stability, it nonetheless concluded that *Roe* and *Casey* constituted such egregious errors that their overturning was not only justified but necessary [55]. This radical departure from nearly 50 years of established precedent has been widely perceived as a politically motivated act that fundamentally undermines the stability, predictability, and ultimately the legitimacy of the Supreme Court itself. Some legal scholars have even characterized it as providing a "manual for conservatives to reshape the court" and its future jurisprudence [2]. The decision also immediately raised urgent questions about the future vulnerability of other unenumerated rights that were

previously considered fundamental, including those related to same-sex marriage and contraception. Justice Clarence Thomas's concurring opinion explicitly called for a re-examination of these precedents, intensifying fears about a broader rollback of civil liberties [42]. Beyond domestic concerns, the overturning of *Roe* has also faced robust challenges at the international human rights level, given that reproductive rights are widely recognized as fundamental human rights by numerous international bodies and conventions [3]. Additionally, a compelling argument has been made that the decision, by effectively imposing a specific religious viewpoint on all citizens, undermines the constitutional guarantee of freedom of religion [26].

### Immediate and Broader Societal Impacts of the Decision

In the immediate aftermath of the Dobbs ruling, a rapid and substantial legislative response swept across the United States. Numerous states swiftly moved to enact near-total abortion bans or implement severe restrictions, often based on early gestational age or with very limited exceptions [14, 29]. This legislative flurry quickly created a complex and inconsistent patchwork of laws across the country, resulting in profound and significant disparities in abortion access depending solely on one's geographical location [17, 29, 62]. The immediate consequences of this fragmented legal landscape have been demonstrably severe and far-reaching:

1. **Public Health and Maternal Mortality:** States that have implemented restrictive abortion laws demonstrably tend to possess weaker maternal healthcare support systems and exhibit worse overall maternal health outcomes compared to states with more permissive abortion policies [15, 58]. Research studies and analyses consistently suggest that the widespread implementation of abortion bans is highly likely to lead to a significant increase in maternal mortality rates, with a particularly disproportionate impact on marginalized communities, especially women of color and low-income individuals [24, 34, 52]. The inherent risk of death associated with childbirth is already considerably higher than that associated with safe, legal abortion procedures [30]. Disturbingly, recent studies have revealed an alarming number of rape-related pregnancies occurring in states that have enacted total abortion bans, underscoring the severe consequences of these policies for survivors of sexual violence [20]. Tragic individual cases, such as that of a brain-dead pregnant woman in Georgia who was legally compelled to be kept on life support solely to sustain her fetus due to stringent state laws, starkly highlight the complex ethical, medical, and human rights dilemmas directly arising from these severe restrictions [1, 27]. This demonstrates how legal mandates can override medical best practices and individual autonomy.
2. **Disparities and Equity:** The impact of sweeping abortion bans disproportionately and severely affects women of color, individuals with low incomes, and residents of rural areas, thereby exacerbating existing



health disparities that are already deeply entrenched in the American healthcare system [10, 15, 16, 52]. These vulnerable populations frequently encounter significantly greater logistical and financial barriers when attempting to access reproductive healthcare. This often compels them to undertake arduous and costly long-distance travel to other states for care or, alternatively, forces them to carry unwanted pregnancies to term against their will [64]. Furthermore, the Dobbs decision and the ensuing restrictions have been directly linked to a concerning rise in reproductive coercion, making it substantially more difficult for survivors of abuse to access necessary reproductive healthcare services and escape cycles of violence [39].

3. **Economic Consequences:** The imposition of limits on abortion access carries substantial and often devastating financial implications for women and their families, with the potential to trap them in persistent cycles of poverty [64]. Research indicates that unintended pregnancies are strongly associated with a myriad of adverse economic outcomes for women, including lower levels of educational attainment, reduced opportunities for career advancement, and diminished overall workforce participation, thereby hindering their financial independence and upward mobility [64].

4. **Implications for Other Rights:** The legal reasoning and jurisprudential approach employed in the Dobbs decision have generated profound concerns about the future vulnerability of other fundamental rights that are not explicitly enumerated in the U.S. Constitution but are instead derived from broader privacy and liberty doctrines. These include, but are not limited to, rights related to access to contraception, same-sex marriage, and intimate sexual conduct [9, 42]. The "history and tradition" test, which formed the bedrock of the Dobbs majority opinion, could theoretically be applied to challenge and potentially dismantle these rights, as they are not explicitly codified in the Constitution but have been recognized through evolving legal interpretations. Consequently, the Dobbs decision is perceived by many as a dangerous step towards increasing governmental oppression of vulnerable populations and a broader rollback of established civil liberties [47].

5. **Impact on Youth and Education:** The overturning of Roe has direct and immediate repercussions for the provision and content of sex education in American schools. States that have enacted stringent abortion bans are frequently the same jurisdictions that implement limited or exclusively abstinence-only sex education programs [31, 32, 48, 53]. This creates a perilous and self-perpetuating cycle where young people are systematically deprived of comprehensive, accurate information about contraception, safe sexual practices, and reproductive health. This lack of essential knowledge, in turn, can lead to significantly higher rates of unintended pregnancies, for which these young individuals then have severely limited options to address

[36, 48]. While comprehensive sexuality education (CSE) is widely recognized globally as essential for fostering adolescent health and well-being [18, 38, 49, 65], its effective implementation in the U.S. faces escalating challenges due to intense political opposition, culture wars, and legislative interference that prioritizes ideology over evidence-based public health approaches [4, 12, 63, 67].

### **The Landscape of Sex Education Post-Dobbs**

The inextricable link between access to abortion and the quality of sex education is a critical component of understanding the full impact of the Dobbs decision. Comprehensive sex education programs have consistently been shown to be effective in reducing rates of unintended pregnancies and the incidence of sexually transmitted infections (STIs) among young people [21, 36, 49]. However, a significant and concerning trend is that states with the most restrictive abortion laws are frequently those that mandate or heavily favor abstinence-only-until-marriage (AOUM) sex education, a pedagogical approach that has been empirically demonstrated to be significantly less effective in achieving positive public health outcomes [36, 48].

This disparity is further complicated by the influence of religious doctrines on educational policy. For example, in states with a strong presence of religious communities, such as the Church of Jesus Christ of Latter-day Saints (LDS) in Utah, religious influence can profoundly shape sex education policies. While the LDS Church doctrinally opposes abortion, it has expressed discomfort with the sweeping bans introduced post-Dobbs, often supporting exceptions to preserve the life of the mother, reflecting a preference for moral discretion over absolute state mandates [54]. Similarly, while Mormons generally support family planning and exhibit higher fertility rates, they do not uniformly oppose sexual health education; rather, they emphasize parental authority over state-driven curricula [37, 56]. In Utah, this cultural norm has led to alternatives to traditional school-based CSE, such as "premarital exams," which have been criticized for disproportionately targeting women and reinforcing patriarchal assumptions about female sexual responsibility [32]. Public sex education in Utah often aligns with LDS teachings, prioritizing abstinence, restricting contraceptive instruction, and discouraging premarital sex [31, 53]. This underscores how religious values significantly influence not only what is explicitly taught but also what is conspicuously omitted from curricula, particularly in conservative regions, thereby creating knowledge gaps for students.

Many AOUM programs and restrictive abortion policies share common ideological roots: an emphasis on traditional gender roles, a preference for centralized moral authority, and a pervasive discomfort with open and comprehensive discourse on sexuality in schools [22, 59]. While AOUM programs remain prevalent in many states, they are empirically less effective at preventing teen

pregnancies and STIs compared to comprehensive sex education [36, 38]. CSE, conversely, actively fosters informed decision-making and demonstrably reduces risky behaviors, although its implementation remains a politically contentious issue [23, 49]. The lack of comprehensive sex education disproportionately harms marginalized youth, including those from low-income, rural, and racial minority backgrounds, by creating significant reproductive health knowledge gaps that exacerbate existing health disparities and perpetuate cycles of inequity [10]. Denying access to CSE fundamentally undermines democratic ideals of autonomy, health equity, and informed citizenship [22, 38]. To effectively bridge these critical gaps, policymakers must prioritize and implement inclusive, evidence-based CSE programs that not only support public health outcomes but also actively promote civic participation and advance reproductive justice for all students [23, 49].

## **DISCUSSION**

The *Dobbs v. Jackson* decision signifies far more than a mere legal reinterpretation; it represents a profound and multifaceted challenge to the core principles of democracy, exposing critical vulnerabilities within both the American political and educational systems. At its very essence, democracy, as eloquently articulated by political theorist Robert Dahl, necessitates informed and actively engaged citizens who possess the capacity for effective self-governance [13]. John Dewey, a foundational figure in educational philosophy, profoundly emphasized that education is the fundamental method of social progress and reform, intrinsically and inseparably linked to the overall health and vitality of a democratic society [19]. Amy Gutmann's influential concept of democratic education further stresses the imperative of educating citizens to reason critically and deliberate thoughtfully about public matters, thereby fostering an environment of mutual respect and nonrepression in public discourse [28]. The *Dobbs* decision, and the sweeping societal shifts it has directly precipitated, unequivocally challenge these foundational democratic tenets, creating an urgent imperative for critical re-evaluation and response.

### **Flaws in Legal Reasoning and Erosion of Trust**

The inherent flaws within the *Dobbs* majority opinion, particularly its narrow and selective reliance on historical originalism and its significant weakening of *stare decisis*, raise serious concerns about potential judicial overreach and the deepening politicization of the judiciary itself [2, 25, 40, 66]. When fundamental rights, long considered settled, can be so readily dismantled based on a constrained and potentially biased reading of history, it severely undermines the predictability and stability of legal precedent, and, crucially, erodes public trust in the integrity and impartiality of democratic institutions. This decision has undeniably contributed to the escalating political polarization that characterizes the

United States today [35], making rational deliberation, bipartisan compromise, and consensus-building increasingly difficult, if not impossible, on deeply divisive issues. The very foundation of judicial neutrality, championed by some supporters of *Dobbs* as a return to the Court's "neutral" stance, is ironically undermined by an opinion seen by critics as inherently political and ideological [41, 66].

### **Public Health, Equity, and Human Costs**

The pervasive repercussions for public health, specifically the anticipated increase in maternal mortality rates and the exacerbation of pre-existing health disparities [15, 24, 34, 52], strike directly at the heart of equity—a non-negotiable cornerstone of any just democratic society. When access to essential healthcare, particularly reproductive healthcare, is determined by arbitrary factors such as a person's zip code, socioeconomic status, or the prevailing political ideology of their state, it fundamentally undermines the very idea of equal opportunity, human dignity, and the universal right to health [10, 59]. The alarming and well-documented rise in rape-related pregnancies in states that have enacted total abortion bans further underscores the profound human cost and ethical dilemmas directly attributable to these restrictive policies [20]. Moreover, the significant financial burden placed on women, especially those already belonging to marginalized groups, due to denied abortion access creates substantial economic instability, severely hindering their ability to achieve financial independence and participate fully in civic and economic life [64]. The fundamental notion of women's autonomy in healthcare decision-making, which is crucial for individual liberty and self-determination, is demonstrably curtailed by these new legal restrictions [33]. The decision's impact also extends to victims of human trafficking and sexual violence, for whom abortion access is crucial to escaping cycles of abuse, and without which, their autonomy and human dignity are further violated [23, 39].

### **Implications for Democratic Education: Crisis and Opportunity**

For democratic education, the *Dobbs* ruling presents both a profound crisis and, paradoxically, a critical opportunity for reform and renewed commitment. The long-standing deficiencies in sex education, particularly pronounced in states with stringent abortion bans, directly contribute to the creation of an ill-informed citizenry regarding vital reproductive health matters [48]. This pervasive lack of comprehensive, evidence-based education undermines the fundamental capacity of individuals to make reasoned and autonomous decisions about their bodies, their futures, and their reproductive health, thereby directly contradicting the core goals of democratic education: to foster informed, responsible citizens [18, 38, 49, 65]. Schools, traditionally viewed as "common ground" where diverse societies can converge and learn [60], are now forced to navigate intensely escalated culture wars surrounding reproductive rights and the content of sex

education curricula [50, 63, 67]. This challenging environment necessitates a robust and unwavering commitment to critical pedagogy, which actively encourages students to analyze complex social and political issues, engage in respectful and constructive dialogue across deeply differing viewpoints, and develop a nuanced understanding of the historical, legal, and societal forces that shape public policy and individual lives [57].

However, amidst this crisis, the response from young people to the Dobbs decision offers a compelling glimmer of democratic renewal and resilience. Students and activists across the nation have mobilized vigorously on college campuses and within broader communities, demonstrating an inspiring commitment to defending reproductive rights and engaging actively in civic life [11, 46, 51]. This heightened level of activism powerfully underscores the inherent potential for education to empower individuals to advocate effectively for their rights and participate meaningfully in shaping public policy. Democratic education must, therefore, actively foster learning environments where students feel safe and supported to explore controversial topics, comprehend their constitutional rights (and their potential erosion), and develop the practical skills necessary to organize, advocate, and effect tangible change within their communities and beyond [50, 57]. This imperative includes systematically teaching about legislative processes, various forms of advocacy, and the critical importance of voting, particularly as policy changes at the state level increasingly determine the scope of access to fundamental rights and services [43]. The increasing political engagement among young voters, driven by issues rather than solely candidates, reflects this shift towards direct impact on policy [46].

### **State-Level Implications and Challenges**

The overturning of *Roe v. Wade* has led to a dramatic fragmentation of reproductive healthcare access and related educational policies across the United States. While some states, like Texas and Mississippi, rapidly enacted near-total bans, others, including California and New Mexico, proactively enshrined abortion rights within their state constitutions [7, 29]. These divergent approaches often directly intersect with sex education policies. Currently, only 32 states and the District of Columbia mandate some form of sex education, and merely a subset of these provide truly comprehensive sexuality education (CSE), with many others prioritizing ineffective abstinence-only-until-marriage (AOUM) approaches [48]. Research consistently demonstrates that AOUM programs are significantly less effective at reducing teen pregnancies and STIs and disproportionately harm marginalized youth by omitting crucial information about contraception, consent, and gender identity [23, 36, 38].

This fractured policy landscape is particularly troubling in states categorized as "maternity care deserts"—

regions like Texas, Georgia, and Alabama—which not only severely restrict abortion and comprehensive sex education but also consistently underinvest in vital maternal health infrastructure [15, 58]. For example, Texas experienced a concerning 56% increase in maternal mortality in 2022, with even sharper rises among white and Black women [24]. These states frequently have some of the lowest Medicaid eligibility thresholds for parents, further compounding the risks faced by pregnant individuals, particularly those in poverty.

The post-Dobbs environment has also starkly exposed glaring failures in addressing gender-based violence and reproductive coercion. Between July 2022 and January 2024, over 64,000 pregnancies in states with abortion bans were attributed to rape [20]. Survivors of human trafficking and sexual violence frequently face insurmountable barriers to terminating such pregnancies, thereby exacerbating their trauma and severely violating their bodily autonomy [23, 39]. Without access to abortion, these individuals can become trapped in horrific cycles of abuse and exploitation, undermining their fundamental human dignity and constitutional rights. States that criminalize abortion while simultaneously denying adequate sex education and maternal care embody a profound contradiction: they enforce childbirth while consistently failing to support those compelled to carry pregnancies to term. A democratic society genuinely committed to bodily autonomy and equity must urgently reconcile these disparities. Evidence-based CSE, accessible reproductive health services, and robust survivor protections are not mere luxuries; they are fundamental democratic imperatives.

### **Challenges for the LGBTQ+ Community in the Post-Dobbs Era**

The policy changes resulting from the Dobbs decision and the ensuing abortion restrictions have a particularly significant and detrimental impact on LGBTQ+ communities, a population already marginalized. The intricate intersections of reproductive rights and LGBTQ+ issues are nuanced, as both spheres fundamentally revolve around the principles of bodily autonomy, equitable access to healthcare, and freedom from pervasive discrimination. LGBTQ+ individuals, especially transgender men and non-binary individuals who possess the capacity for pregnancy, face unique and often formidable barriers to accessing reproductive health services. Research consistently indicates that many LGBTQ+ people already experience significant stigma, prejudice, and outright discrimination within traditional healthcare settings, often due to a lack of provider training or sensitivity [44]. Restrictions on abortion access only exacerbate these existing issues, as seeking care often necessitates navigating hostile environments where healthcare providers may lack the necessary expertise or cultural competency to treat LGBTQ+ patients with respect and appropriate care [44].

States that enact restrictive abortion laws frequently also



implement other anti-LGBTQ+ policies, including severe limits on gender-affirming care and discriminatory education regulations [7, 9]. For instance, Florida controversially attempted to exclude topics of sexual orientation and gender identity from textbooks and teaching materials, reflecting a broader trend of censorship [9]. The pervasive absence of comprehensive sexuality education disproportionately harms LGBTQ+ individuals, as traditional curricula often entirely omit or misrepresent LGBTQ+ perspectives and experiences. Without proper education about contraception, sexual health, or family planning that is inclusive of their identities, LGBTQ+ individuals are at a heightened risk of facing unintended pregnancies and a myriad of other healthcare challenges [38, 43, 49]. These overlapping restrictions create compounded barriers, further marginalizing LGBTQ+ people and impacting their mental health. Studies show that nearly 33% of LGBTQ+ youth reported negative impacts on their mental health due to such discriminatory laws [9]. Despite these formidable challenges, the LGBTQ+ community has historically been at the forefront of advocacy for bodily autonomy and reproductive justice. Activists and organizations persistently emphasize the inherent interconnectedness of LGBTQ+ rights and reproductive rights, steadfastly advocating for inclusive policies that comprehensively address the needs of all individuals, irrespective of their gender identity or sexual orientation [7].

### **Challenges Posed by Near-Total Bans and Enforcement Mechanisms**

In states that have implemented near-total abortion bans, the restrictions are often enacted with very few exceptions, such as for cases of rape or incest, leaving a vast number of individuals with virtually no viable options for reproductive healthcare. These stringent bans are frequently enforced through highly punitive and often intimidating measures. This includes the imposition of severe criminal penalties for healthcare providers who perform abortions, the implementation of "bounty hunter" provisions—modeled after Texas's controversial S.B. 8—which actively encourage private citizens to report suspected abortions, and the crafting of vague and ambiguous policies that intentionally create widespread fear and confusion among patients and healthcare providers alike [9, 14]. For example, Idaho enacted an abortion ban after six weeks of pregnancy, coupled with a provision allowing citizens to sue any medical organization that provides abortion services beyond that gestational limit [14]. These "bounty hunter" restrictions not only erect significant barriers for patients requiring emergency care but also impose immense mental burdens and stress on public health providers. There has been a documented mass exodus of physicians from states like Idaho, as they suffer from "moral injury" when they feel constrained and burned out while managing miscarriages or other obstetric emergencies, unable to provide optimal care due to legal

threats [9]. A recent investigation further revealed that hospitals in Oklahoma were unable to provide clear guidance on emergency abortion care, effectively preventing clinicians from making decisions based solely on medical judgment and patients' urgent needs [14].

Further complicating the landscape is the targeted restriction of medication abortions, particularly regarding the availability and use of mifepristone during the first trimester. The accessibility of mifepristone varies significantly across the United States, directly reflecting the disparate state laws. As of June 2024, 14 states have implemented near-total bans on mifepristone, while the remaining states and Washington, D.C., provide some form of legal access to the medication [62]. In states where abortion remains legal, mifepristone can often be prescribed via telemedicine and directly mailed to patients, significantly expanding access, especially in rural or underserved areas lacking abortion providers. However, some states have enacted laws specifically restricting this practice, requiring mandatory in-person visits or outright banning the mailing of abortion medications [45]. A recent survey highlighted widespread confusion and fear among nearly half of the women in these states, who were unaware of the legality of medication abortion, reflecting the pervasive impact of restrictive policies and the deliberate spread of misinformation [14]. Meanwhile, crisis pregnancy centers (CPCs), which are often financially supported by anti-abortion organizations, continue to actively disseminate inaccurate information and actively discourage patients from seeking comprehensive reproductive care, thereby further eroding access to evidence-based healthcare and informed decision-making [14].

### **Democratic Participation of Young People Post-Dobbs**

The overturning of *Roe v. Wade* has paradoxically ignited a significant surge in democratic engagement among young people, powerfully demonstrating the inherent intersection of reproductive rights and active civic participation. Youth activism has surged across the nation, with students spontaneously organizing protests, passionately advocating for reproductive rights, and diligently raising awareness about the far-reaching consequences of restrictive abortion policies [11, 51]. This heightened and visible activism powerfully reflects young people's growing recognition of their crucial role in shaping policies that directly and intimately impact their lives.

Furthermore, the post-Roe era has led to a demonstrable increase in political engagement specifically among young voters [46]. Many young individuals now explicitly recognize the critical importance of actively participating in elections as a primary means of influencing policy decisions and safeguarding fundamental reproductive rights [46]. Educational initiatives and grassroots activism, frequently spearheaded by students themselves, are designed to inform their peers about their reproductive rights, empower them with knowledge, and



provide essential resources on how to effectively advocate for policy changes through democratic channels [11]. These collective efforts powerfully highlight the resilience, determination, and growing political consciousness of young people who are committed to addressing the profound challenges posed by restrictive abortion policies through deeply ingrained democratic mindsets and unwavering active civic engagement [14]. This youth-led movement represents a vital and dynamic force for potential long-term systemic change.

### **Opportunities in the Post-Dobbs Era**

While the *Dobbs v. Jackson* decision has undoubtedly created a myriad of profound challenges and erected significant barriers for various stakeholders, it has also, perhaps surprisingly, illuminated potential opportunities and created room for proactive measures to address pre-existing inequities and to safeguard reproductive rights moving forward. In the absence of federal guarantees for abortion rights, different states are now implementing diverse strategies to respond to the federal decision, with the hopeful aim of providing as much flexibility and access as possible for their citizens, especially for vulnerable populations. These emerging opportunities span critical areas such as policy advocacy, educational innovation, and the strengthening of legal protections, underscoring the urgent importance of both immediate action and robust long-term solutions.

One of the most paramount opportunities lies in intensified policy advocacy specifically aimed at ensuring the widespread integration of comprehensive sexuality education (CSE) that directly aligns with core democratic principles. Advocacy efforts can strategically focus on mandating curricula that consistently provide accurate, evidence-based information about reproductive health, effective contraception methods, the nuances of consent, and the broader scope of bodily autonomy. Such comprehensive education is not only essential for empowering students to make informed and responsible decisions about their lives but also actively contributes to the creation of a more equitable society by addressing the underlying root causes of unintended pregnancies and persistent health disparities [14]. Policymakers and various stakeholders must engage in collaborative efforts to effectively counteract the pervasive misinformation propagated by restrictive sex education policies, particularly prevalent in states with limited abortion access.

Even within conservative states, the response to restrictive policies has opened a potential opportunity for educational institutions to innovate and develop curricula that skillfully navigate legal constraints by thoughtfully reshaping language and terminology while still delivering essential reproductive health information. This innovative approach may include integrating creative pedagogical strategies, such as offering extracurricular workshops, leveraging digital learning platforms, fostering robust partnerships with

community organizations, and, where feasible, engaging in inter-state collaborations to share best practices and resources. Actively empowering students through leadership opportunities within these initiatives can further amplify their voices and deepen their engagement. For instance, student-led campaigns and peer education programs can effectively raise awareness about reproductive rights, actively promote civic engagement, and encourage broader democratic participation [51]. These dynamic approaches not only address immediate educational gaps but also meticulously build a foundational framework for sustained advocacy and profound societal change.

Concurrently, states that maintain progressive stances on reproductive health have proactively taken decisive steps to safeguard abortion access through the implementation of robust statutory protections, the issuance of executive orders, and the enactment of "shield laws" designed to protect providers and patients. For example, New Jersey's Freedom of Reproductive Choice Act explicitly guarantees access to contraception, public benefits, and the fundamental right to either terminate or carry a pregnancy to term. Similarly, states like Colorado and Minnesota have enacted specific laws to codify reproductive rights, providing robust statutory protections that ensure continued access to abortion and other forms of essential reproductive healthcare [14]. These measures represent a direct and proactive response to federal rollbacks, ensuring that reproductive rights remain accessible and protected at the state level, creating crucial havens for care.

Additionally, ballot initiatives have emerged as an increasingly powerful and effective tool for protecting abortion rights. These initiatives, frequently driven by widespread public support and grassroots organizing, enable communities to directly incorporate reproductive protections into their state constitutions, bypassing potentially hostile legislatures. For instance, voter-backed amendments and referenda have consistently demonstrated strong public support for reproductive autonomy, directly countering restrictive legislation in many states [29]. This direct democratic action empowers citizens to have a direct say in these critical matters.

Another vital opportunity lies in making abortion more affordable and accessible, especially for individuals who are now compelled to travel out of state to access essential healthcare services. In 2020, nearly one in ten individuals seeking abortion care had to travel outside their home state, starkly highlighting the urgent necessity of addressing significant financial and logistical barriers to care [14]. Policies that expand funding for abortion services, establish crucial transportation assistance programs, and enhance support for providers in high-demand areas can substantially mitigate these barriers. Furthermore, the enactment of comprehensive shield laws that protect abortion providers and patients from legal repercussions further ensures that care remains both

available and secure in states with supportive policies, thereby fostering a climate of safety and access.

#### Solutions or Alternatives

##### Proposing Modifications

To effectively address the pervasive gaps in reproductive health knowledge and to steadfastly support reproductive rights in the wake of the Dobbs decision, implementing Comprehensive Sexuality Education (CSE) is an absolutely fundamental and indispensable step. CSE programs must be meticulously designed to provide age-appropriate, culturally sensitive, and universally inclusive information covering critical topics such as effective contraception methods, the paramount importance of consent, fundamental reproductive rights, and comprehensive healthcare access [38, 49]. This curriculum must be deliberately inclusive of diverse gender identities and sexual orientations, actively addressing the unique needs and experiences of LGBTQ+ students and ensuring that all young people receive accurate, relevant, and affirming information tailored to their lived realities [38, 49]. Such robust programs have been empirically proven to significantly reduce rates of unintended pregnancies and sexually transmitted infections, while simultaneously fostering healthier interpersonal relationships and promoting overall well-being [23]. However, for states that maintain conservative legislative stances or have implemented near-total abortion bans, there must be a concerted and ongoing discussion to carefully tailor the language and pedagogical strategies within the curricula to maximize acceptance and implementation while still preserving the integrity of comprehensive information. This may involve emphasizing public health outcomes and personal responsibility over potentially contentious terminology, or designing materials that allow for flexible integration into existing frameworks.

Crucially, establishing federal guidelines for sex education is paramount to ensuring a consistent and foundational baseline of knowledge across all states, irrespective of their specific abortion policies. The federal government could provide strategic incentives, such as conditional funding, to encourage states to voluntarily adopt comprehensive programs that are rigorously aligned with evidence-based public health data and widely accepted educational best practices. These federal guidelines would serve a vital role in standardizing the quality, scope, and content of reproductive health education nationwide, with particular importance in regions where restrictive state laws currently undermine or prohibit access to accurate information [14, 22]. Federal oversight can also proactively address disparities that stem from deep-seated ideological divides, thereby promoting equity and fairness in educational access for all students.

While unequivocally preserving the fundamental availability of abortion services, a thoughtful approach

could consider implementing thresholds such as gestational limits, provided these are accompanied by clear, non-negotiable exceptions for cases involving significant health risks to the pregnant person, instances of rape, or incest. This nuanced and balanced approach aims to acknowledge the inherent complexity of reproductive rights and the diverse ethical considerations involved, while simultaneously ensuring that critical access remains available for those in the most vulnerable and often traumatic circumstances. These proposed thresholds must be meticulously accompanied by transparent guidelines for both patients and providers, and crucially, robust healthcare provider protections to prevent confusion, mitigate legal anxieties, and ensure that medical decisions are consistently made in the paramount best interest of the patient's health, safety, and autonomy [14]. Such a framework would allow for a more harmonized, yet still accessible, approach across different jurisdictions.

##### Justification Based on Democratic Principles

The implementation of these proposed solutions is deeply rooted in and inherently justified by core democratic principles:

1. **Promoting Individual Autonomy:** Providing Comprehensive Sexuality Education (CSE) directly empowers students to make informed, self-determined choices about their bodies, their futures, and their healthcare decisions. Access to knowledge about reproductive rights and all available options enables individuals to navigate complex life choices with confidence, agency, and a profound sense of personal autonomy. This directly aligns with democratic ideals of individual freedom, self-governance, and personal responsibility, which are essential for a thriving citizenry [23, 38].
2. **Fostering Civic Engagement:** Education about reproductive rights actively fosters and deepens civic participation by equipping individuals with the necessary tools and understanding to advocate effectively for policies that genuinely reflect their values, needs, and the interests of their communities. Comprehending the far-reaching implications of reproductive policies encourages students to actively engage in democratic processes, such as informed voting, grassroots activism, and policy advocacy, thereby directly strengthening the fundamental values and mechanisms of democracy itself [57, 46].
3. **Ensuring Equity and Social Justice:** Ensuring that all students, without exception, have access to accurate, comprehensive, and unbiased information promotes fundamental equity by actively addressing systemic disparities that disproportionately affect marginalized communities, including low-income individuals, racial minorities, and LGBTQ+ populations [7]. Equitable access to both education and healthcare is absolutely essential for achieving systemic gender equality and for dismantling long-standing structural barriers to opportunity. This

commitment reinforces the democratic principle that all individuals, regardless of their gender, socioeconomic status, sexual orientation, or any other characteristic, should possess an equal opportunity to participate fully and meaningfully in society, ensuring a just and inclusive democracy [5, 7].

## **RECOMMENDATIONS AND IMPLICATIONS**

### **Policy Recommendations**

To effectively address the profound disparities in reproductive rights and education that have been significantly exacerbated by the Dobbs decision, it is imperative that policymakers, educators, and advocacy groups engage in a concerted, collaborative effort to implement targeted and impactful interventions. Policymakers should prioritize and enact legislation that mandates comprehensive sexuality education (CSE) in all schools. This education must be meticulously designed to align with core democratic principles, ensuring that every student, regardless of their geographic location or socioeconomic background, receives accurate, evidence-based, and age-appropriate information concerning reproductive health, contraception, and the fundamental concept of bodily autonomy [7, 8]. The establishment of federal guidelines for CSE can serve as a crucial baseline, providing strong incentives—such as conditional funding—to encourage states to adopt standardized curricula that actively promote informed citizenship and foster gender equity across the nation [35].

Educators hold an undeniably important role in not only curriculum design and direct teaching but also in actively advocating for the inclusion of comprehensive reproductive health education, even in the face of external political pressures. Teacher training programs must be reformed to incorporate mandatory modules on delivering culturally sensitive and inclusive reproductive health education, equipping educators with the necessary tools and strategies to navigate inherently controversial topics effectively and respectfully [38]. Advocacy groups play an equally crucial role by proactively increasing public support and awareness for comprehensive reproductive rights policies and by actively collaborating with schools and community organizations to develop and promote robust educational initiatives [34, 51]. These groups can also provide invaluable resources, practical support, and specialized training to the communities most severely affected by restrictive policies, thereby ensuring that no student is left without access to essential and life-altering information [23, 34, 51].

### **Broader Implications for Education and Democracy**

The strategic integration of comprehensive reproductive rights education into school curricula carries profound and far-reaching implications for strengthening democratic institutions and actively reducing systemic inequities across society. Informed citizens are inherently better equipped to participate meaningfully in

democratic processes, to advocate effectively for their rights and interests, and to engage in constructive public discourse on crucial policies that directly affect their lives and well-being. By actively addressing existing disparities in reproductive health knowledge and access, these educational initiatives can significantly promote equity, particularly for marginalized communities who are disproportionately affected by restrictive laws and policies [43].

Beyond merely individual empowerment, comprehensive sexuality education fosters a vibrant democratic culture by actively promoting critical thinking, cultivating ethical reasoning, and encouraging open and respectful dialogue on even the most contentious issues. By deliberately creating safe and inclusive spaces where students can engage in nuanced discussions about reproductive health, schools actively cultivate an environment where young people develop the essential skills necessary for robust democratic engagement. This is especially vital in states where anti-democratic forces have deliberately sought to manipulate reproductive policies against the clear will of the majority, thereby underscoring the urgent need for an education system that profoundly equips students with the intellectual tools and civic courage to challenge unjust systems and advocate for equitable change [17].

Additionally, comprehensive reproductive rights education contributes significantly to broader social justice efforts by directly challenging entrenched patriarchal norms that have historically restricted bodily autonomy and perpetuated gender inequality. Ensuring equitable access to CSE can actively help to dismantle long-standing structural barriers to gender equality, thereby reinforcing the fundamental democratic principle that all individuals—regardless of their gender, socioeconomic status, sexual orientation, or any other characteristic—should have an equal and unfettered opportunity to participate fully and meaningfully in society [33, 49]. Schools must, therefore, unequivocally serve as indispensable incubators for both knowledge dissemination and democratic empowerment, diligently bridging the critical gap between education, health equity, and the pursuit of profound social justice [57].

## **CONCLUSION**

The intersection of reproductive rights and education stands unequivocally at the heart of democratic participation and the relentless pursuit of social equity. The Supreme Court's overturning of *Roe v. Wade* in the Dobbs decision has precipitated new and formidable challenges that directly undermine democratic principles. This is primarily achieved by restricting equitable access to essential reproductive healthcare services and by severely limiting students' exposure to vital, comprehensive, and evidence-based information regarding their reproductive health. The systematic erosion of these fundamental rights disproportionately impacts women, gender minorities, and other marginalized communities, thereby exacerbating already



existing educational, health, and economic disparities across the nation.

However, amidst these daunting challenges, there also emerge significant opportunities for robust democratic engagement and long-term systemic change. The discernible increase in activism and civic participation among young people in direct response to restrictive reproductive laws serves as a powerful signal of the potential for profound and lasting societal transformation at both micro and macro levels. As a growing number of students become acutely aware of the direct and tangible impact of policy decisions on their lives, they are increasingly compelled to engage in various forms of advocacy, active civic participation, and crucial voter mobilization efforts, thereby becoming a potent force for democratic accountability and change [11, 57].

Looking forward, further rigorous research is critically needed to comprehensively assess the long-term, cascading effects of restrictive reproductive laws on key societal indicators such as educational outcomes, the economic stability of individuals and families, and the overall health and vitality of democratic engagement. Additionally, a focused exploration of effective strategies for supporting educators who operate in increasingly restrictive legislative environments is paramount to ensuring that comprehensive reproductive health education can persist and thrive despite intense political opposition. The ongoing and unwavering emphasis on achieving gender equity in education, advancing reproductive justice for all, and fostering broad civic empowerment will remain absolutely critical in shaping the future trajectory of democracy and human rights in the United States. The current landscape serves as a stark and urgent reminder that democracy is not a static state; rather, it is a dynamic and continuous process that demands constant vigilance, active participation, and an unwavering commitment from an education system dedicated to cultivating these essential qualities in every generation.

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