

Abstract

“we have a compelling interest...” a comparison of arguments and evidence used by supporters of “heartbeat” bans in the south

Subasri Narasimhan, PhD, MPH¹, Christine Cooper², Sarah Anderson² and Dabney Evans, PhD, MPH³
(1)Rollins School of Public Health, Emory University, Atlanta, GA, (2)Atlanta, GA, (3)Emory University, Atlanta, GA

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Introduction: “Heartbeat” bans strive to end abortion at detection of possible cardiac activity. Legislative debates remain an understudied form of data describing the possible harms faced by pregnant people in hostile political climates. This study elucidates and compares the arguments and evidence of supporters of “heartbeat” bills during legislative debate and testimony in the Southern US.

Methods: Publicly available video archives of House, Senate, and committee hearings in seven states between 2019-2020 were transcribed verbatim and double-coded. We conducted a narrative analysis with both inductive and deductive codes to examine and categorize themes.

Results: Supporters employed different tactics within states to garner bill support, which were responsive to prior unsuccessful restriction attempts. Common arguments included, heartbeat detection indicating personhood, classifying “the unborn” as a protected class of persons in utero, and overriding federal government abortion protections due to a “compelling interest to protect the most vulnerable”. The majority of medical science and co-opted the legal successes of progressive and civil rights movements. In some states, supporters equated the oppression of fetuses to the on-going oppression faced by Black Americans and LGBTQ individuals. Further, in discussions of exceptions for sexual assault, supporters often obscured harms faced by reporting incidents, including possible trauma faced by enduring unwanted pregnancy.

Conclusions: This unique study is the first on early abortion bans and findings deepen the understanding of the evidence and strategies used to justify and bolster support anti-women arguments; it highlights gaps where advocates can capitalize in future reproductive rights efforts.

Advocacy for health and health education Communication and informatics Public health or related laws, regulations, standards, or guidelines Social and behavioral sciences

