

Power and Acts of Resistance:
America in a Post-Dobbs World

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On June 24th, 2022, a majority of justices on the Supreme Court in the United States overturned *Roe v. Wade* in the *Dobbs* decision.¹ This decision was the culmination of a longer movement of anti-abortion activists pushing to have the legal right to an abortion overturned. One amicus brief found that 100,000 women would be unable to reach an abortion provider in the first year after *Roe* was overturned.² As such, the *Dobbs* decision has drastically altered the power the American government has over pregnant people, sexuality, and population overall. In this post-*Dobbs* world, there has been increasing control over the bodies of people who want to access abortions, and there is increasing fear that this control over their bodies will extend further. This essay will discuss the biopolitics surrounding this issue through discussing the individual effects of *Dobbs*, collective effects, and how people can resist this infringement on and regulation of their bodies and the population as a whole. It will do this through utilising the theories of Micheal Foucault in *Right of Death and Power over Life*, Hardt and Negri's response in *Commonwealth*, and Judith Butler in *Vulnerability in Resistance*. These theorists will be used to examine the effects on individuals, including the commodification of their bodies and increased vulnerability, as well collective effects of this restriction such as increased government control, and imposition of cultural norms. It will then discuss theories for how this biopolitical power can be resisted such as through creating new subjectivities and using vulnerability and infrastructures. This essay will argue that restricted abortion affects people on an individual and collective level and that in order to resist this control, there must also be individual and collective resistance.

¹ Susan Jaffe, "Federal Abortion Rights End, but Not Legal Challenges," *The Lancet (British Edition)* 400, no. 10345 (2022): 13, [https://doi.org/10.1016/S0140-6736\(22\)01236-3](https://doi.org/10.1016/S0140-6736(22)01236-3).

² Herminia Palacio, "Over the Precipice Into a Post-Roe World-A Look at Abortion Rights and Access in the United States," *American Journal of Public Health* (1971) 112, no. 9 (2022): 1274, <https://doi.org/10.2105/AJPH.2022.307016>.

Individual Effects of Restricted Abortions

The first theorist to be discussed is Foucault, and how his perception of bio-politics and its commodification of bodies can be connected to the effects of increased abortion restrictions on individual people. Foucault argues for the existence of anatomo-politics.³ This is when the state views the human body as a machine that it can optimize, extort, and increase the usefulness of, often in order to benefit capitalism.⁴ Controlling access to abortion can be seen as a form of anatomo-politics, as the production of children can be seen as a commodity, and population growth is optimized for capitalism.⁵ As part of this, the bodies of pregnant people are seen as machines, which do not belong to them, or which they do not have autonomy over, but rather as machines that benefit the government and a capitalist system. As part of being a machine, the government wants to control the bodies of its citizens for the benefit of the government, or capitalism. As part of this, the government may force people to continue pregnancies to term in order to reproduce. The overturning of Dobbs, therefore, creates a system of forced reproduction.⁶ In particular, this system of forced reproduction affects People of Colour, most typically Black parents.⁷ This is because they are more likely to seek out an abortion, and are less likely to have the resources to find one if there are increased restrictions.⁸ While the government is exerting power over all pregnant people, limiting their ability to receive an abortion, this

³ Michel Foucault, "Right of Death and Power over Life," *The Foucault Reader*. ed. Paul Rabinow, (New York: Pantheon Books 1984), 262.

⁴ Michel Foucault, "Right of Death and Power over Life," 261.

⁵ Michel Foucault, "Right of Death and Power over Life," 263.

⁶ Premilla Nadasen, "Dobbs and the Politics of Reproduction," *Women's Studies Quarterly* 50, no. 3/4 (2022): 328, <http://proxy.lib.trentu.ca/login?url=https://www.proquest.com/scholarly-journals/dobbs-politics-reproduction/docview/2720976326/se-2>.

⁷ Courtenay W. Daum, "The Dobbs' Majority's Biopolitics and the Advancement of Institutionalized White Supremacy," *New Political Science* (2022): 4, <https://doi.org/10.1080/07393148.2022.2119334>.

⁸ Palacio, "Over the Precipice Into a Post-Roe World-A Look at Abortion Rights and Access in the United States," 1274.

impact is not evenly felt, and particularly affects those with limited options to evade laws, or resist restrictive legislation.

The policy of forced reproduction also creates the commodity of children for adoptive parents, demonstrating the production of commodities. The messaging of the anti-abortion argument is that pregnant people who would have sought an abortion should be forced to produce children to be adopted..⁹ This subjugates the bodies of pregnant people to the wants of adoptive parents, and as part of this treats their children as commodities, rather than people.¹⁰ Foucault would see this as a way that the state sees these bodies as machines, i.e. reproductive machines to create children for the state and adoptive parents. This reproduction creates bodies for capitalism, and adoptive parents, treating the children created as commodities. Overall, Foucault's theories when connected to abortion restrictions would understand them as creating a system of forced reproduction in order to grow the population for capitalist workers and to create babies for adoptive parents. Thus, the government of America demonstrates their power over the bodies of individual citizens.

The second theorist that will be discussed is Butler. Butler would focus on a different aspect of the effects of abortion restrictions on individuals, focusing on the vulnerability that these restrictions produce. Butler's theories speak to individual and structural vulnerability. People are vulnerable because the state is creating systems of oppression and vulnerability, leading to dispossession, poverty, and harm that constitutes a precarious position in the world.¹¹ Additionally, creating restrictions on abortion may make it harder for them to access networks of support through which to resist their vulnerability as performing an abortion is illegal.¹² Thus,

⁹ Daum, "The Dobbs' Majority's Biopolitics and the Advancement of Institutionalized White Supremacy," 6.

¹⁰ Daum, "The Dobbs' Majority's Biopolitics and the Advancement of Institutionalized White Supremacy," 6.

¹¹ Judith Butler, "Rethinking Vulnerability and Resistance," *Vulnerability in Resistance*. ed. Judith Butler, Zeynep Gambetti and Laticia Sabsay, (Durham: Duke University Press 2016), 12.

¹² Jaffe, "Federal Abortion Rights End, but Not Legal Challenges," 14.

Butler would view restrictions on abortion as creating vulnerability for individuals. Restrictions on abortions exacerbate existing inequalities within society and targets People of Colour and poor parents disproportionately. For these two reasons, they are more likely to seek out an abortion and are more likely to not be able to access it if there are increased restrictions.¹³ These increased restrictions mean that they would have to travel further for an abortion, and there is a longer waiting period before receiving one, or they need to access an illegal abortion and are not able to access the higher quality ones.¹⁴ This may result in people being unable to obtain abortions, due to time limits, financial issues, or becoming injured when seeking or receiving an illegal abortion. This system is self-perpetuating. As a result of structural racism, Black people are living more precariously which leads them to seek abortions at increased rates.¹⁵ However, due to this precarity, they are at an increased risk of being unable to access abortions, and being forced to carry pregnancies to term further increases their vulnerability.

This increased vulnerability makes pregnant individuals more susceptible to being harmed either during their abortion or during their pregnancy. Maternal mortality rates are high in the US, and they are higher for People of Colour.¹⁶ One study by Foster et. al. titled “Denial of Abortion Because of Provider Gestational Age Limits in the United States” followed women after being denied an abortion.¹⁷ They found that both at six months and four years after this procedure was denied they were more likely to live in poverty than women who sought out and

¹³ Palacio, “Over the Precipice Into a Post-Roe World-A Look at Abortion Rights and Access in the United States,” 1274.

¹⁴ Mariana Lenharo, “After Roe V. Wade: US Researchers Warn of What’s to Come,” *Nature (London)* 607, no. 7917 (2022): 16, <https://doi.org/10.1038/d41586-022-01775-z>.

¹⁵ Daum, “The Dobbs’ Majority’s Biopolitics and the Advancement of Institutionalized White Supremacy,” 5.

¹⁶ Daum, “The Dobbs’ Majority’s Biopolitics and the Advancement of Institutionalized White Supremacy,” 5.

¹⁷ U. D. Upadhyay, T. A. Weitz, R. K. Jones, R. E. Barar, and D. G. Foster. “Denial of Abortion Because of Provider Gestational Age Limits in the United States,” *American Journal of Public Health* 112, 2022: 1305, <https://doi.org/10.2105/AJPH.2013.301378>.

obtained an abortion.¹⁸ Additionally, it also makes them increasingly susceptible to economic vulnerability and may prevent some participation within society. Vulnerable individuals would bear medical costs from their pregnancy and may have to take time off work to give birth or recover from this birth.¹⁹ Additionally, if they keep their child, they may experience vulnerability tied to parenthood.²⁰ The right to an abortion is a building block in a foundation of political and economic freedom.²¹ Abortion access is necessary to offset the burdens of pregnancy and parenthood and guarantee their equal standing in society.²² This may also increase the vulnerability of their communities. Denying access may exacerbate their economic instability, and will keep them, and their families, poor.²³ Through connecting this situation with Butler's theories there can be an understanding of both individual and structural vulnerability. Vulnerability creation is cyclical, as vulnerable people seek out abortions, and their level of vulnerability is increased by their inability to access these. Therefore by creating and perpetuating this vulnerability, the state exhibits control over the reproductive health, and life conditions, of the population.

Collective Effects of Restricted Abortions

Next, the collective effects of abortion restrictions will be examined. Foucault would argue that control over abortion, and restrictions over it, are an example of biopolitics. Biopolitics is when the state controls the species, birth, mortality and population growth, and the behaviour of the population for their benefit.²⁴ This turns sex into a political issue and increases

¹⁸ Upadhyay, Weitz, Jones, Barar, and Foster. "Denial of Abortion Because of Provider Gestational Age Limits in the United States," 1306.

¹⁹ Daum, "The Dobbs' Majority's Biopolitics and the Advancement of Institutionalized White Supremacy," 2.

²⁰ Daum, "The Dobbs' Majority's Biopolitics and the Advancement of Institutionalized White Supremacy," 2.

²¹ Nadasen, "Dobbs and the Politics of Reproduction," 326.

²² Daum, "The Dobbs' Majority's Biopolitics and the Advancement of Institutionalized White Supremacy," 2.

²³ Daum, "The Dobbs' Majority's Biopolitics and the Advancement of Institutionalized White Supremacy," 5.

²⁴ Michel Foucault, "Right of Death and Power over Life," 262.

surveillance over the sexuality of the population, both things that can be seen in the issue of abortion.²⁵ Through controlling access to abortion and who, where, and when people can access it, states can control population growth through forced reproduction.

Additionally, there are fears that this control over abortion will expand to restrictions on birth control, which would be another way for the state to control reproduction.²⁶ In turn, through controlling reproduction, the state also controls sexuality. Foucault argues that sex is a political issue, and that if the state controls it, then it controls the bodies of individuals and the life of a species.²⁷ Thus, through controlling abortion access, and potentially access to birth control the state is able to control the sexual behaviours of individuals, as they may be forced to alter their behaviours to avoid unwanted pregnancies.²⁸ Additionally, through the increased control over abortion, there is also increased surveillance of sexuality. This disproportionately affects People of Colour who already live in overpoliced areas.²⁹ This could lead to an era of policed pregnancy.³⁰ As abortion laws tend to target those who perform abortions, the increased surveillance over who is receiving or giving abortions may increase state control over bodies and activities. Foucault's theories, when applied to abortion laws, demonstrate that through increasing restrictions related to abortion, the government can increasingly control who, when, and how people can access abortions, and through surveillance, further expand this control over people's bodies, and thus exert power over the population as a collective.

²⁵ Michel Foucault, "Right of Death and Power over Life," 267.

²⁶ Nadasen, "Dobbs and the Politics of Reproduction," 325.

²⁷ Michel Foucault, "Right of Death and Power over Life," 267.

²⁸ Nadasen, "Dobbs and the Politics of Reproduction," 325.

²⁹ Jonathan Blanks, "Stop Overpolicing: Excessive Traffic and Pedestrian Stops, Especially in Black Communities are Dangerous and Counterproductive," *Reason* 52, no. 5 (2020): 38, link.gale.com/apps/doc/A635192305/AONE?u=ocul_thomas&sid=bookmark-AONE&xid=9ea1a9d4.

³⁰ Andrzej Kulczycki, "Dobbs: Navigating the New Quagmire and Its Impacts on Abortion and Reproductive Health Care," *Health Education & Behavior* 49, 6 (2022): 927, <https://doi.org/10.1177/10901981221125430>.

Butler's theories can be connected to abortion restrictions through her idea of social norms, and the communal effects of abortions being denied. She argues that norms act on people and that they are susceptible and vulnerable to their actions.³¹ Additionally, governments may promote messaging that goes against feminist basic ideals of equality and freedom.³² They may argue that in fact these feminist ideas go against cultural norms, or pose security risks for the nation.³³ This messaging of norms can be applied to abortions. The norm that the American state is trying to promote, is that all people should carry all pregnancies to term, and then if they do not wish to be parents, to give their children up for adoption.³⁴ This norm disregards the vulnerability of pregnancy and disregards arguments for equality and freedom. Anti-abortion messaging argues that denying abortion access does not affect equality.³⁵ This is shown to be demonstrably wrong in the previous section, where it is shown that families and pregnant people are physically and economically negatively affected by pregnancies that they did not want. Reproductive justice is tied up with mothering, care work, and financial stability.³⁶ The right to an abortion is a building block in a foundation of political and economic freedom.³⁷ Additionally, this narrative denies people the freedom to choose what happens to their bodies, otherwise known as bodily autonomy.

The Dobbs decision means that the Supreme Court has taken away individual personal liberty.³⁸ People are no longer free to choose if they want to carry a pregnancy to term. Through government arguments that abortion goes against cultural norms, they can justify restrictions on

³¹ Judith Butler, "Rethinking Vulnerability and Resistance," 17.

³² Judith Butler, "Rethinking Vulnerability and Resistance," 21.

³³ Judith Butler, "Rethinking Vulnerability and Resistance," 21.

³⁴ Daum, "The Dobbs' Majority's Biopolitics and the Advancement of Institutionalized White Supremacy," 6.

³⁵ Paul Saurette and Kelly Gordon, *The Changing Voice of the Anti-Abortion Movement: The Rise of "Pro-Woman" Rhetoric in Canada and the United States*, (Toronto: University of Toronto Press, 2018), XVII.

³⁶ Nadasen, "Dobbs and the Politics of Reproduction," 326.

³⁷ Nadasen, "Dobbs and the Politics of Reproduction," 326.

³⁸ Jaffe, "Federal Abortion Rights End, but Not Legal Challenges," 13.

it. However, access to abortion is a key part of reproductive justice, equality, and freedom.

Overall, Butler's arguments can be connected to the idea of social norms. The Dobbs decision is the state determining that providing access to abortions is against social norms, and thus they prohibit abortions. Butler would view this as a social norm which goes against typical feminist thinking regarding equality and bodily autonomy. However, through disregarding these feminist ideas, and continuing to enforce abortion restrictions the state demonstrates its biopower over social norms, pregnant people, and their communities.

Proposed Resistances to Restricted Abortions

Finally, the resistance to increased abortion restrictions proposed through the theories of Foucault and Butler will be examined. Foucault, and the response to Foucault's theories from Hardt and Negri in *Commonwealth*, a theory to resist this biopower individually emerged. Hardt and Negri propose a theory of alternative production of subjectivities.³⁹ This not only resists power, but also seeks autonomy from it, and sees life as resistance striving towards an alternative existence.⁴⁰ They see biopolitical resistance as a queer subversive process that shatters ruling identities, and norms, and inaugurates a new alternative production of subjectivity.⁴¹ When applied to abortion, these alternative productions of subjectivities could be used to seek autonomy from restrictive government legislation, and to intellectually challenge the norms that perpetrate anti-abortion ideology. Through Foucault's theory of where there is power there is resistance, it can perhaps be determined that the way to resist power over reproduction and bodies can be resisted through people reclaiming control over their bodies and reproduction.⁴²

³⁹ Michael Hardt and Antonio Negri, "De Corpore 1: Biopolitics as Event," *Commonwealth*, (Cambridge: Belknap Press 2009), 56.

⁴⁰ Hardt and Negri, "De Corpore 1: Biopolitics as Event," 56.

⁴¹ Hardt and Negri, "De Corpore 1: Biopolitics as Event," 62.

⁴² Hardt and Negri, "De Corpore 1: Biopolitics as Event," 57.

Alternative production of subjectivity, and reclaiming control over bodies may be able to be done through increased use of things such as birth control. This would allow individuals to control their own reproduction without requiring an abortion restricted by the government. While this resistance is not perfect, and the state would continue to exert control over bodies, these forms of resistance could help to maintain current levels of bodily autonomy, resist further incursions, and potentially expand this power.

Butler's theories propose a way in which people can collectively resist bio-political power through using vulnerability and infrastructures for support. Firstly, Butler argues that people are first vulnerable and that then they overcome this vulnerability through resistance.⁴³ Through this, vulnerability can be harnessed to start resistance groups and movements against abortion restrictions. This sort of resistance can be seen through protests against this ruling, including marches in towns and cities across America.⁴⁴ Additionally, infrastructures can be used for support. Butler argues that sometimes movements are galvanized through resistance to the disappearance or crumbling of infrastructures.⁴⁵ This can be seen in a similar way to how structures and systems which provide abortion are being legislated out of existence, through increasing restrictions or being outlawed entirely.⁴⁶ Two possibilities emerge from Butler's ideas of infrastructure. Firstly, movements can be galvanized against protecting it. A second option is to create alternative infrastructures which serve similar purposes as the ones that are disappearing. Examples of this include stories where people are creating underground networks to continue providing access to abortions. One such example is how women from the Las Libres, a Mexican organization which provided abortion pills to women during their abortion ban,

⁴³ Judith Butler, "Rethinking Vulnerability and Resistance," 12.

⁴⁴ Shawn Hubler, "Thousands Protest End of Constitutional Right to Abortion," New York Times, June 24, 2022, <https://www.nytimes.com/live/2022/06/24/us/roe-wade-abortion-supreme-court>.

⁴⁵ Judith Butler, "Rethinking Vulnerability and Resistance," 13.

⁴⁶ Planned Parenthood, "Federal and State Bans and Restrictions on Abortion," Abortion, 2022, <https://www.plannedparenthoodaction.org/issues/abortion/federal-and-state-bans-and-restrictions-abortion>.

expanded their networks to be able to provide this medication to Texan women illegally.⁴⁷ A second is Del-Em, a group of activists across North America offering classes regarding how to perform abortions, and creating networks of people who know how to relatively safely perform these procedures illegally.⁴⁸ These organizations are both examples of alternative infrastructures that people are creating to replace networks of legal abortion clinics. Butler argues that people rely on infrastructures and each other, and through creating these alternatives, this reliance can continue to exist, even if not officially sanctioned. Thus, through harnessing vulnerability, and creating these alternative infrastructures, legally restricted abortion can be resisted.

Conclusion

The Dobbs decisions dramatically shifted the way in which the American government could exercise power over reproductive health. It allowed them to ban abortion outright and place significantly increased restrictions regarding how to access this service. However, it did not fundamentally shift biopolitical structures. The theorists Foucault and Butler both demonstrate the existence of biopolitical power over the individual and the collective, and their theories, while applicable to the current situation, were written prior to it. While Americans may be experiencing a new form of biopower, this concept in itself is not new. As part of this, the same resistances that have been used in the past, and proposed by Foucault, Hardt and Negri, and Butler can also be applied. While power over bodies is not a new concept, it is a concerning one. It has the potential to expand further, increasingly limiting the choices available to individuals, it has the potential to control entire populations for the service of capitalism or a state, and it can be

⁴⁷ Stephania Taladrid, "The Post-Roe Abortion Underground," *The New Yorker*. October 17, 2022, <https://www.newyorker.com/magazine/2022/10/17/the-post-roe-abortion-underground>.

⁴⁸ Jessica Bruder, "The Future of Abortion in a Post-Roe America," *The Atlantic*. April 4, 2022. <https://www.theatlantic.com/magazine/archive/2022/05/roe-v-wade-overturn-abortion-rights/629366/>.

used to increase vulnerability and the precarity of already marginalized groups and individuals. Thus, there is a responsibility to both individually resist through creating new subjectivities and taking back control, as well as collectively resist through mobilization around vulnerabilities and creating new infrastructures. As the Dobbs decision has the potential to affect millions of Americans, it also has the potential to create resistance among these millions and mobilize them to create change for the better.

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