



The Dallas Morning News

Pregnancy no longer halts a woman's career, and our thinking about abortion must catch up

Roe's description of a woman facing unplanned pregnancy is no longer accurate.

Lynn Fitch, Opinion contributor

September 19, 2021

Every young girl who watched the Olympics needs to remember the Olympic Supermoms. Highlighting their roles as mothers as they ascended the podium, these athletes demonstrated that women no longer need to choose between professional success and motherhood.

Over the past five decades, revolutions in cultural norms and public policy have opened opportunities for women who were previously told you could be a mother or a career woman, but not both. Between 1975 and 2016, the increase in the labor force participation rate for mothers of young children essentially doubled. Many women are making the conscious decision to have careers and a families, and society is overwhelmingly supporting them, even if the law is doing so only gradually.

In the 1970s, society considered children an impediment to a woman's aspirations. Today, maternity leave is more than accepted; it is routine. In fact, paternity leave, a fairy tale 50 years ago, is becoming the norm as millennial parents increasingly share childcare responsibilities.

The Bureau of Labor Statistics reports that, in 2018, unpaid leave was available to nearly 90% of private industry employees and more than 90% of state or local government employees, largely as a result of the 1993 Family and Medical Leave Act. **A recent review found that 66.2% of employees who took this time off were actually paid by their employers, using options other than a defined family and medical leave benefit.** Stay-at-home dads have gone from mythical to an increasingly common choice for families. The Pew Research Center noted that in 2016 nearly one-quarter of all stay-at-home dads reported they were staying home not as a result of job loss or something forced, but as a conscious decision for their families.

Technology and the advent of the gig economy have only increased options for freelance, part-time work, and independent contracting for women to have more choices in life. Success today is increasingly defined more by personal goals and work-life balance than it is by scoring the corner office.

A *Harvard Business Review* report explained that as the gig economy grows, asynchronous work, with people working their own schedules, is becoming essential to engaging in the

“modern, digital economy, staying competitive in the war for talent, and building a globally distributed workforce.”

As a single, working mother, I raised three children and went from launching the Mississippi Bar’s first Women in the Profession Committee to becoming our first woman attorney general. I know from experience that there is nothing easy about this, which is why I commend those Olympic Supermoms for proudly displaying their motherhood while the spotlight is on their professional accomplishments.

This summer, I filed a brief at the Supreme Court supporting Mississippi’s law limiting abortion after 15 weeks. In *Roe vs Wade*, the Court noted the “distressful life and future” of a woman facing an unplanned pregnancy. But, as I noted in my brief, dramatic changes in society and policy now allow mothers to reach “the highest echelons of economic and social life independent of the right bestowed on them by seven men in *Roe*.”

The late Justice Ruth Bader Ginsburg wrote in 1985, “Heavy-handed judicial intervention [in *Roe*] was difficult to justify and appears to have provoked, not resolved, conflict.” *Roe* removed abortion policymaking from the political branches of government. *Casey* and other opinions following *Roe* have established special rules for abortion cases, seemingly seeking to justify the 1973 opinion, but just muddying the public square.

Elected legislatures pass law after law seeking to find the lines at which states are permitted to address legitimate public interests, including women’s health. The fate of those laws is left to unelected judges, stunting the policy debate we need about how we care for the dignity of women and their children.

Justice Ginsburg believed that left to political debate, abortion policy would have swung the way of abortion rights supporters. I do not necessarily agree with her conclusion, but we will not know until the court lets loose its hold.

Abortion policy has been tethered to 1973, but women, men, and the workplace have all changed, facilitating our ability to have both a full family life and successful career. Mothers like these Olympians and leaders in business, law, finance and medicine show us how women live multi-dimensional lives and use their positions to make the path for the girls who follow easier, advocating for improved fairness in pay, leave, and standards in athletics and the workplace.

Thanks to their work, our laws are gradually following society’s lead, and it is my hope that cases like Mississippi’s will also allow public debate to flourish, both empowering women and promoting life.

Lynn Fitch is the attorney general of Mississippi. She wrote this column for The Dallas Morning News.