Q: The Supreme Court is the highest court in the United States and is part of the federal level of government. When the Supreme Court makes a decision, it creates (or clarifies) a policy for the entire nation. Even though the Court is not officially a policy maker (its role is to interpret), Supreme Court rulings have the force of law. What do you think of the undue burden standard for abortion restrictions set up by the Supreme Court case Planned Parenthood v Casey?

A.

Even though Supreme Court does not officially create laws, it decides and clarifies a policy for the entire nation. The Supreme Court is able to do so because of the distribution of power among different branches of the government. This concept is better known as Federalism. As mentioned in the readings, “..the founders used federalism to allocate and limit political power and responsibility between levels of government” which gave Supreme Court the authority to force a law and make changes in it, if needed. A good example of this is the Planned Parenthood v. Casey case where the abortion laws were clarified.

Planned Parenthood v. Casey, legal case, decided by the U.S. Supreme Court in, that redefined several provisions regarding abortion rights as established in Roe v. Wade. I personally believe that the undue burden standard for abortion restrictions set up by the Supreme Court is a good move to protect the privacy of women. Basically, undue burden standard here means that a law is invalid if its purpose or effect is to place substantial obstacles in the path of a woman seeking an abortion. Before this, the abortion laws made it difficult for women seeking abortion, for instance, minor women will require parental consent and married women will have to notify the husband about it. Not only that, it also violates a clause of the fourteenth amendment which says that decision about abortion and family planning  (along with marriage and education) are considered as personal matters where government may not enter. It does not make sense to me as why an (independent) adult will need someone’s consent or even notify someone before taking a decision of this dimension. Requiring consent of various people such as family members for a minor is important as parents can guide them and nudge into the right direction but this should not be mandatory. If as an adult, the woman feels confident enough to decide then they should not require anyone’s consent or shouldn’t be obliged to notify anyone about it if they don’t wish to. In a nutshell, the Supreme Court decided that the abortion laws place “obstacles” for women seeking abortion and thus, the undue standard was applied.