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From Choice to Capabilities: Abortion and Reproductive Justice

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ABSTRACT

Choice has been foundational to movements supporting abortion rights. However, the focus on choice has been criticized by reproductive justice (RJ) movements, who advocate for a broader perspective encompassing the diversity and complexity of reproductive trajectories. The RJ framework contends that reproductive freedom requires addressing intersecting social and economic factors that impact individuals' ability and resources to make choices. This article relocates the RJ framework in the field of economics and argues for leveraging insights from feminist economics, empirical research, and the capabilities approach (CA) to expand our understanding of abortion beyond an individual act and the moment of choice. Building on these insights, the article proposes that feminist economics can draw on the CA to deepen our understanding of the abortion choice in conjunction with different choice sets available (or not available) to individuals in their contexts, thereby providing a ground to integrate the RJ framework into economics.

KEYWORDS

Abortion, capability approach, reproductive rights, justice

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HIGHLIGHTS

- A reproductive justice lens views abortion beyond an act of choice, encompassing its socioeconomic determinants and outcomes.
- The capabilities approach provides a framework for incorporating RJ into economics.
- Feminist economics can mobilize empirical insights to contextualize reproductive choices and abortion advocacy for the RJ framework.

INTRODUCTION

Choice has been a central tenet for abortion advocacy, notably with advocates in the United States arguing against state interference on abortion access by framing abortion as a matter of personal choice (Staggenborg 1991; Page 2012). The reference to "choice" in abortion advocacy serves to emphasize the right of individuals to make decisions about their own bodies and lives, including whether to continue or terminate a pregnancy. The term "pro-choice," which originally emerged as a direct response to those opposing abortion and identifying themselves as "pro-life" in the US, has long been used by abortion rights advocates worldwide. The choice framework garnered particular recognition in the international arena, following the United Nations International Conference on Population and Development (ICPD) held in Cairo in 1994 (Balakrishnan 1996; Onwuachi-Saunders, Dang, and Murray 2019; Bhan et al. 2022). The ICPD Program of Action suggests a key departure from the conventional focus on population control to the recognition of women's agency in determining their reproductive trajectories, hence recognition of women's choices. The program not only acknowledges development as a universal and inalienable right but also recognizes sexual and reproductive health and women's agency in managing their own fertility as an essential aspect of development.

Despite its widespread recognition, the choice framework has also been subject to criticism. Upholding the reproductive justice (RJ) framework instead of the choice framework, groups of Black women have argued not only that the narrow focus on choice overlooks the broader context in which reproductive decisions are made (Kimport 2021), but also that the choice framework fails to address some of the prevalent reproductive assaults endured by marginalized communities, such as forced sterilization and abortion (Price 2010). Beyond choice, the RJ framework encompasses the right to own our bodies and control our future, the right not to have a child, the right to have a child, and the right to raise children in safe and healthy environments (Sister Song n.d.). Shifting away from "the marketplace concept of free, unimpeded individual 'choice' in favor of a human rights approach" (Ross and Solinger 2017: 12), the RJ framework emphasizes that reproductive choices, trajectories, and experiences are influenced by a wide range of social, political, and economic factors, including race, gender, socioeconomic status, and geographic location (Ross and Solinger 2017). The scholars and activists promoting RJ contend that the reproductive experiences of marginalized communities are shaped at the intersection of different systems of oppression such as racism, classism, ageism, among others. Thereby, the RJ framework posits reproductive oppression as a fundamental aspect of systemic injustice and fights for "a future rooted in human dignity and worth, bodily

autonomy, joy, love, and rest" (Sister Song n.d.). In this framework, abortion restrictions are not only considered as manifestations of state interference in personal lives and choices but also an obstruction of individuals in their pursuit of "better and more integrated lives" (Ross and Solinger 2017: 162). Going beyond the pro-choice framework, the RJ framework calls for challenging and transforming oppressive systems and institutions in favor of reproductive freedom.

The RJ framework has been mobilized in several disciplines and fields, such as law, sociology, and public health. However, it has not yet been the subject of considerable discussion in economics. This article proposes integrating the RJ framework into economics by drawing upon feminist economics, empirical research, and the capabilities approach (CA). It centers on abortion, a topic closely tied to the pro-choice narrative. The case of abortion offers a compelling opportunity for us to examine the shortcomings of the choice framework and to demonstrate how RJ lens may provide new insights. Leveraging empirical research and the CA in examining abortion, we posit that feminist economics can expand our understanding of abortion beyond an individual act and moment of choice.

We begin our discussion by unpacking the choice framework in economics and its application to abortion decisions and policies. Building on key feminist critiques, we illustrate how the neoclassical frame falls short in examining abortion not only by treating it as any other market commodity but also by overlooking the broader socioeconomic dimensions of abortion access. Next, we delve into the burgeoning empirical research that investigates the socioeconomic dimensions of abortion access and the interlinkages of abortion access with other opportunities. This exploration not only highlights the socioeconomic determinants of abortion access but also underscores how the impact of abortion access extends beyond immediate health effects. Finally, we propose feminist economics and empirical research to engage with the CA to mobilize their insights and expand our understanding of abortion from a mere matter of individual choice to a key matter of reproductive justice.

UNPACKING CHOICE WITH FEMINIST ECONOMICS

The concept of "choice" and the cost–benefit analysis

Embracing a pro-choice narrative, many reproductive rights movements have championed individual autonomy and agency in reproductive decision making, advocating for an end to third-party interference in this process. This particular understanding of autonomy is mainly perceived as a negative right (Johnston and Zacharias 2017) and aligns with the concept of negative liberty, which is defined as the absence of coercion or interference with an individual's actions by an external authority (Berlin 1969). This

vision of liberty is also central to neoclassical economics, where individual choice holds a pivotal role, akin its significance for reproductive rights movements.

Anchored in methodological individualism, neoclassical economics posits that individuals make decisions by optimizing their utility within the limits of available resources. This theoretical frame extensively relies on an individualistic choice theoretical model, whose application has been extended beyond the traditional boundaries of economic choices (Lazear 2000; Mäki 2009) including reproductive decision making. Applying neoclassical economic analysis to the study of fertility behaviors, Gary S. Becker (1981) suggested that parents' reproductive decisions are influenced by their "assessment of costs and benefits associated with each child" (Becker 1981: 149). Following this, he argued that individuals who face higher costs for childbearing (such as young women, parents from lower socioeconomic backgrounds, and so forth) are expected to be more likely to opt for abortions. Contraception and abortion come to the fore in this picture as means through which parents achieve the number of children they desire (Becker 1981; Rosenzweig and Schultz 1983). Abortion is considered as a backup against contraceptive failure and against the event that one partner does not want to assume the responsibilities of parenthood having considered its costs and benefits. In this frame, the decision to have an abortion is associated with individual preference and, therefore, should not be restricted (Becker 1981; 2007). Becker (1981) also defended sex-selective abortion on the grounds that it reflects parents' preferences for sons. In his view, the selective abortion of female fetuses will not skew the sex ratio over time. As the supply of women in the marriage market becomes limited, the demand for having a girl would be higher, and parents will eventually recognize the benefits associated with having girls and adjust their preferences accordingly (Becker 1981).

The cost–benefit analysis has also been employed to predict the impact of abortion laws and policies particularly those concerning legalization and/or criminalization of abortion. For instance, Thomas J. Meeks suggested considering "the opportunity cost of the human conceptus in an unconstrained market" in the calculations of the costs and benefits of abortion (Meeks 1990: 104). Based on this, he argued that abortion bans would, in general, be efficient (Meeks 1990: 126), and that unrestricted abortion is "generally unwarranted on grounds of both efficiency and equity" (Meeks 1990: 97).[1] On the other hand, Posner (1992) suggested that *the benefit of prohibiting abortion*, that is "the value of each fetus saved times the number saved," is reduced as banning abortion is unlikely to reduce the number of abortions. Posner also acknowledged the moral and ethical dimensions of the abortion debate, however, promoted the cost–benefit analysis as a nonmoralistic and practical assessment to inform policy decisions. More recently, John J. Donohue III and Steven D. Levitt

(2001, 2004) estimated that legalized abortion with *Roe v. Wade* in 1973 contributed to lower crime rates in the United States. This, they suggested, shall be considered on the benefit side of the legalization, based on the assumption that people who would have been born in the absence of the legalization were those most likely to commit crimes.[2]

The cost–benefit analysis has been extensively used in economics to inform policy choices and to understand individual decision making. However, feminist economics critiques have shown that this method falls short in acknowledging women's experiences and realities, including the demand for abortion.

The feminist economics critique

The neoclassical school has been subject to criticism by different strands of economics, including feminist economics. The feminist critiques notably started to gain traction in the late 1980s, driven by a rising discontent with conventional economic frameworks and statistical methods that neglect the role of gender in shaping economic behavior, opportunities, and outcomes (England 1989; Elson 1991; Nelson 1995). Feminists argued that the conventional economics frameworks did not adequately account for women's economic contributions and interactions and therefore failed to reflect women's experiences and realities (Ferber and Nelson 1993; Waring 1999). In this context, the overreliance on choice has been scrutinized for reflecting a masculinist bias that prioritizes rationality over embodiment and for failing to encompass the intricate and varied aspects of real-world human behavior and economic interactions, where emotions, social norms, cultural influences, and ethical values can all play critical roles (Nelson 1993). Feminist economics has strongly criticized the neoclassical concept of "choice" and "rationality" for its oversimplification of intricate social realities and its disregard for broader power dynamics and systemic inequalities, especially concerning gender (Nelson 1993; Barker and Kuiper 2003; Périvier 2020). They revealed that behind the assumptions of the neoclassical model lie the normative principles of *homo economicus* (Ferber and Nelson 1993). Standardizing choices and decision-making processes can be misleading when assessing their implications and analyzing their costs, benefits, and supply-demand dynamics. This is particularly true when these assessments are based on narrowly defined costs and benefits and short-term estimates that overlook broader socioeconomic implications.

Considering abortion as any other market commodity, following the neoclassical line of thought, the demand for abortion is expected to change with the cost of the procedure and the income of the individual; accordingly, the cost of abortion is expected to decrease with legalization and increase with the criminalization of the procedure. Criminalizing

abortion would then likely lead to a decrease in the demand for abortion. Applied to reproductive decision making, the cost–benefit framework caricaturizes abortion "as an individual economic preference, the demand for which might simply be switched on or off by the prevailing market conditions of the day" (Gleeson 2011: 167). In this context, reproductive autonomy is often compromised of abortion and is essentially treated as a typical economic choice or commodity with elastic demand that adjusts in response to alterations in the associated costs and benefits (Gleeson 2011: 168). However, this perspective is problematic for at least two reasons. First, it narrowly defines the costs and benefits of abortion based solely on its legal or criminal status, adopting a myopic view that overlooks the broader socioeconomic implications of abortion access. Second, it fails to adequately address the demand for abortion in legally restrictive settings. Indeed, it is well established that restrictive laws and policies do not prevent abortions from happening nor do they reduce the demand for abortion; instead, they render them unsafe or less safe (Grimes et al. 2006; Haddad and Nour 2009; Tikkanen et al. 2020; Stevenson, Root, and Menken 2022).[3] The demand for abortion is in fact highly *inelastic* because abortion is like no other commodity or service in the market (Gleeson 2011).

Criticizing the neoclassical approach to choice, Naila Kabeer (1999) insists that the ability to make choices is closely tied to power and that choices cannot be thought independent of power relations and the wider social context. Not all choices are of the same nature, and significance and the outcomes of choices also differ based on their transformative force; while some choices conform to existing norms and thereby perpetuate social inequalities, others have the potential to challenge and destabilize them (Kabeer 1999). The decision to continue or terminate a pregnancy is more than an individual economic preference shaped by the conditions of the time, it is a fundamental choice that can significantly alter a woman's life course.

Denouncing the approach suggested by Meeks and Posner, Julie A. Nelson (1993) suggests that the normative dimension of abortion makes it impossible to settle the matter by appealing to some measure of net benefits. She argues that the cost–benefit analysis masks the political and normative dimensions of the abortion decision and defends that it is highly unlikely that any analytical method could produce a result that convinces people to change their mind regarding the abortion decision (Nelson 1993). Assessing the costs and benefits of reproductive policies, like abortion laws and policies, often relies on normative assumptions, which overlook socioeconomic dimensions of abortion.

Given the shortcomings of the neoclassical approaches, feminist economists have proposed shifting the focus from individual choice theoretical models to policy questions and empirical studies (Macdonald 1995; Hartmann 1998). This often involves a particular commitment to

empirical research and applied economics. Empirical analysis also brought along restructuring of economics research and moving away from reliance on assumptions and abstract models (Hartmann 1998). These analyses have also proven valuable in abortion research and are of particular interest for the RJ framework, as they enable us to address abortion beyond an act of choice, encompassing its socioeconomic determinants and outcomes.

ABORTION AND REPRODUCTIVE JUSTICE

Abortion beyond choice

Reproductive health and rights in general and abortion in particular are intrinsically linked to other realms of life. The Turnaway Study, conducted in the US, examined the outcomes and experiences of women who were denied abortions compared to those who received the abortion services they sought. This study is groundbreaking in this context and provides a deeper understanding of the impact of abortion access on various aspects of women's lives over time, including their physical health, mental well-being, socioeconomic status, and family dynamics (Foster 2020). The study sheds light on the complex interactions and interlinkages between abortion access, health, and socioeconomic factors. As abortion is a common health intervention and essential healthcare, it is also a common recourse for women and pregnant people to pursue their life goals and aspirational plans. A prospective cohort study of women enrolled from thirty abortion clinics throughout the US found that women commonly report seeking abortion to achieve personal goals and life aspirations (Upadhyay, Biggs, and Foster 2015).

The World Health Organization (WHO) reports approximately 73 million induced abortions each year worldwide. In high-income countries, people often have better access to sexual and reproductive healthcare compared to those in low-income countries (Bearak et al. 2020). Access to abortion depends on various factors, beyond laws and policies, and also comes at a cost (Coast et al. 2021). Where abortion is not covered by insurance, the costs can be unaffordable and catastrophic for individuals and households (Lavelanet, Major, and Govender 2020). Moreover, research also indicates that abortion restrictions impose significant financial burdens on healthcare systems (Lattof et al. 2020; Nehme et al. 2023), while also exerting a profound impact on individuals and households (Levin et al. 2009; Foster et al. 2018a; Miller, Wherry, and Foster 2023).

Reproductive laws, policies, and services are often structured in ways that disadvantage women and people from marginalized communities, limiting their ability to control their own bodies and make decisions about their reproductive health (Nandagiri, Coast, and Strong 2020). As a descriptive

review of the Global Abortion Policies Database reveals, even where abortion is permitted, abortion laws and policies involve significant barriers hindering access to abortion care, including lack of insurance coverage, conscientious objection, requirement to obtain authorization from a healthcare professional, or third-party involvement in abortion decision making (Johnson, Lavelanet, and Schlitt 2018). The existence of such structural barriers increases the burden on those seeking abortion services, creating a hostile environment around abortion care. This environment is more challenging to navigate for people from disadvantaged backgrounds. In the US, numerous studies indicate that although abortion restrictions affect everyone, they disproportionately impact individuals who already face systemic racism and economic inequality (Roberts 1998; Spong et al. 2011; Sutton, Lichter, and Sassler 2019; MacDorman et al. 2021). The studies have found that the maternal mortality rate tends to be higher for Hispanic and Black women compared to White women. Disparities of access were also noted in other contexts; for example, in Canada disparities were noted in abortion access for indigenous peoples, along with geographic disparities (Sethna and Doull 2013; Monchalin et al. 2023). Studies have shown a sharp rural–urban divide in access to safe abortion in a variety of settings, including India (Rahaman et al. 2022), Nigeria (Levy et al. 2014), Pakistan (Mahipala et al. 2023), and Turkey (Atay 2017).

Access to abortion or being deprived of it unfolds at the intersection of different power structures and systems of oppressions. In fact, not only do reproductive laws and policies influence people's reproductive trajectories, but other policies – such as economic policies, urbanization policies, immigration policies – and various structural forces also influence people's reproductive trajectories. Moreover, reproductive experiences and trajectories can differ significantly across various groups, resulting in implications that diverge among individuals or groups. Racialized women, Indigenous women, people with disabilities, and those from lower socioeconomic backgrounds encounter unique challenges in their experiences with abortion access due to the convergence of multiple forms of oppression (Nelson 2003; Sethna and Doull 2013; Monchalin et al. 2023). For example, in Germany, numerous barriers to abortion access were noted to be of special relevance to vulnerable groups such as adolescents and undocumented immigrants (Killinger et al. 2020). In South Africa, White women, particularly those who are socially and financially advantaged, were found to have higher chances of accessing safe and legal abortions compared to Black women, who are at a higher risk of resorting to unsafe procedures (Favier, Greenberg, and Stevens 2018).

The RJ framework invites us to address abortion beyond the singular moment and act of individual choice, providing us with an avenue to account not only for abortion restrictions and denial of access but also for disparities in abortion access and the diverse experiences associated with

abortion. It also prompts us to recognize that these diverse experiences and disparities often unfold at the intersection of different systems of oppression and discrimination. As the neoclassical economics fall short in capturing these interlinkages, feminist economics can mobilize empirical insights to shed light on the broader socioeconomic determinants and implications of abortion, thus providing more comprehensive insights for the RJ framework.

The contribution of empirical economics

The consequences of abortion restrictions have often been measured in terms of health outcomes resulting from unsafe abortions, owing to the prevalence of less safe or dangerous abortion procedures notably in regions where access to abortion is restricted (Lattof et al. 2020). Using the data from World Population Prospects, Jonathan Bearak et al. (2020) showed that the proportion of unintended pregnancies ending in abortion had increased in countries where abortion was restricted, and the unintended pregnancy rates were higher in these countries compared to those where abortion was broadly legal. Some of these abortions occur in least safe settings and contribute to an increase in maternal mortality. Previous research found that abortion legalization contributes to reducing maternal morality (Haddad and Nour 2009; Latt, Milner, and Kavanagh 2019; Farin, Hoehn-Velasco, and Pesko 2022). Once having one of the highest maternal mortality rates in the world, Ethiopia experienced a 32 percent decline in the proportion of maternal deaths attributable to unsafe abortion within a decade of abortion liberalization (Feyssa and Gebru 2022). Similarly, in the US, Sherajum Farin, Lauren Hoehn-Velasco, and Michael Pesko (2022) found that abortion legalization over 1969–73 improved women's health, measured by maternal mortality, by lowering non-White maternal morality by 30–50 percent.

However, the impact of abortion access extends beyond medical consequences and health outcomes. A growing body of empirical research addresses the socioeconomic implications of abortion access, providing key insights into its significance for women's empowerment, equality, and social justice. The RJ framework offers a crucial lens for making sense of this burgeoning literature. Reevaluated from the RJ perspective, this literature should not be seen as accounting for some costs and benefits associated with abortion, but rather as establishing the intersections of abortion access with other realms of life, including education, employment, and social and[4] economic well-being.

In this respect, much of the literature has focused on the impact of abortion or contraception access on women's access to education and labor force participation, while some studies also addressed the direct and indirect consequences of legalized abortion. For instance, in Malaysia,

researchers found that family planning may have contributed to girls' educational attainment and women's paid labor (Singer Babiarz, Miller, and Valente 2017). Examining the US context, Sarah Gammage, Shareen Joshi, and Yana van der Meulen Rodgers (2020), put forward that women's economic empowerment, manifest in their choice of where and when to work, and of the terms and conditions of that work, is intimately linked to women's reproductive empowerment, challenging the assumption that educating girls and getting women into the labor force will directly lead to their economic empowerment. Several studies have showed that women in the US who had early access to the birth control pill tended to have delayed fertility and had higher rates of employment (Goldin and Katz 2002; Bailey 2006). However, looking at the effect of early legal access to the birth control pill and abortions on teenage motherhood in the US, Caitlin Knowles Myers (2017) found that it was abortion policy, rather than the pill, that explains the delay in family formation during this era. Likewise, David E. Kalist (2004) found that legalized abortion contributed to reducing unwanted pregnancies and hence fertility rates and led to a rise in women's labor force participation, particularly among single Black women in the US from 1969 through 1972, prior to *Roe vs. Wade* (1973). Elizabeth Ananat et al. (2009) also found that the legalization of abortion in the US resulted in higher chances of completing college, decreased reliance on welfare, and reduced likelihood of becoming a single parent.

On the other side of the spectrum, researchers observed a high prevalence of school dropouts among pregnant adolescents in Cameroon, arguing that this increased the risk of unsafe health behaviors and subsequent pregnancies for teenage mothers (Sobngwi-Tambekou et al. 2022). Researchers identified a strong relationship between teenage pregnancy and school dropout rates, in several countries including Brazil (Cruz et al. 2021), South Africa (Grant and Hallman 2008), and Kenya (Oruko et al. 2015). In the latter study, "pregnancy was considered the endpoint in a cascade of events driven by poverty, resulting in dropout" (Oruko et al. 2015: 8). Indeed, studies have shown that the repercussions of not accessing or being denied an abortion may extend to economic instability, lack of educational attainment and career opportunities, and decrease in overall well-being and quality of life (Myers 2017; Miller, Wherry, and Foster 2023). Limited access to abortion can propel individuals, especially those already marginalized, into cycles of poverty, inhibiting their potential and further exacerbating existing inequalities (Foster et al. 2018b). Women who are denied an abortion in the US risk being pushed deeper into poverty, and this financial fallout also extends to the next generation (Foster et al. 2018a; Miller, Wherry, and Foster 2023). Yana Gallen et al. (2023) showed that in Sweden, six years after a contraceptive failure, women experience a 20 percent income loss and their probability of working in an occupation requiring managerial skills is

20 percent lower than if the pregnancy had not occurred. Effects are found to be larger for young women who were enrolled in education when the unplanned pregnancy occurred (Gallen et al. 2023). Overall, unplanned pregnancies are found to have lasting consequences on education and labor markets outcomes of women (Nuevo-Chiquero 2014).

These empirical insights suggest that being able to prevent or terminate pregnancies has a significant impact on women's lives, shaping their opportunities in education and the job market. Having access to abortion influences women beyond the moment of choice, enabling them to lead lives as they deem valuable in secure and healthy settings, enhancing their overall well-being throughout their lives and even across generations. These insights offer the opportunity to move beyond individual choice theoretical models in our economic analysis of abortion and better align with the premises of the RJ framework. We argue that they can be further mobilized in conjunction with the CA to achieve a better understanding of both the choice for abortion and abortion beyond individual choice.

FROM CAPABILITIES TO REPRODUCTIVE JUSTICE

An extended conception of liberty and choice

The empirical literature sheds light on the complexity of the terrain surrounding abortion and on the significance of abortion access for women's emancipation and overall well-being. In this context, decriminalization, advocated by pro-choice movements, appears as a necessary but not a sufficient condition to safeguard and ensure access to abortion care for all. The WHO Abortion Care Guideline (2022) highlights the importance of creating an enabling environment around abortion care, alongside the full decriminalization of abortion. The WHO suggests that an enabling environment, which entails supportive legal and policy frameworks, respect for human rights, availability and accessibility of information, and supportive health systems, is key to safeguard abortion access. The RJ framework becomes particularly relevant in this context, offering a framework that encompasses the intricate landscape surrounding abortion, including the intersections of various social, cultural, and systemic factors that shape not only abortion rights and policies, but also services, access, and experiences.

As we integrate the RJ framework in economics, in light of feminist critiques and empirical insights, we can also leverage the Capabilities Approach (CA), which has played a crucial role in broadening our understanding of choice and justice in economics. The CA constitutes a theory of social justice and is mainly concerned with what opportunity sets are available to each person and how governments and economic systems can expand capabilities of individuals (Sen 1985, 2003). Several

researchers including Su-ming Khoo (2013), Jennifer Prah Ruger (2012) and Sridhar Venkatapuram (2011) mobilized the CA in the context of global health, connecting normative principles and substantive reforms for health justice and rights. Moreover, the CA has also been explored in terms of reproductive rights and health (Dejong 2006; Sahoo and Pradhan 2021; Freeman et al. 2023), including abortion (Dixon and Nussbaum 2012). Nevertheless, the CA has not been specifically mobilized within the framework of reproductive justice.

We hold that the CA provides a plausible avenue to consider reproductive freedom not only in terms of "the individual right to choose" but also in terms of people's reproductive trajectories – doings and beings, as in functioning. This implies that reproductive freedom is not solely about the absence of external constraints or the right to make choices, but encompasses the broad spectrum of choices, socioeconomic opportunities, and outcomes related to reproduction. This means that abortion policies should not only be considered in terms of negative liberty (the absence of a constraint) but also in terms of positive liberties (an enabling environment safeguarding abortion access and positive outcomes). In fact, this point has also been raised by scholars of reproductive justice, such as Kimberly Mutcherson (2017), who argues that the negative rights approach may fall short in supporting a right as fundamental as the right to reproduction. Mutcherson (2017) advances that we need to think of reproductive rights in terms of positive rights to create greater opportunities for people.

The CA calls for treating each person as an end and is therefore normatively individualistic (Robeyns 2008). However, the ethical individualism embraced by the CA is distinct from the methodological individualism embraced by the neoclassical framework we discussed above. Whereas methodological individualism analyzes social phenomena by studying individual actions and interactions, ethical individualism represents a philosophical stance that emphasizes the moral autonomy and rights of individuals to make their own decisions. While acknowledging individual autonomy and agency, the CA also acknowledges the importance of social relations and context in individuals' choices and trajectories. In William A. Jackson's (2005) account, capabilities unfold at least on three levels and involve structural, social, and individual capacities to act. In this realm, individual capabilities are intrinsic to the individual regardless of the environment, structural capabilities rest upon impersonal social structure and the institutional order, and the social capabilities refer to an individual's relationship with the environment, including personal relations and networks (Jackson 2005). While the ultimate decision regarding reproductive choices should rest with the individual, external influences often play a role in informing and, at times, even restricting these choices. Consider a woman who "chooses" abortion because she lacks resources and a safe environment to raise a child. Focusing solely

on the individual account of her abortion choice is misleading, when done without consideration of her structural and social conditions that influence her abortion choice. In fact, the choice of abortion can only be understood when considered in conjunction with all the available (or unavailable) choice sets. This resonates with the RJ's critique of the pro-choice framework and broadens our analysis beyond individual decision-making, all the while upholding it.

Indeed, the CA shares significant similarities with the RJ framework and can therefore complement and reinforce its principles and goals. Issues of equality and justice have been central to the capabilities approach (Robeyns 2016), just as they have been central to the RJ framework. The relationship between individual's environment and choices conceptualized in the CA conforms with the premises of the RJ framework. Moreover, the capabilitarian theories acknowledge human diversity and recognize not only that capabilities are plural but also that individuals have different sets of them (Robeyns 2016). This attention paid to human diversity is a core characteristic of the capabilities approach (Igersheim 2013; Robeyns 2016) and constitutes another common ground the approach shares with the RJ framework.

Furthermore, neither the RJ framework nor the CA advocate for abandoning choice altogether. In fact, choice still plays a role in both approaches. As Rosalind Dixon and Martha Nussbaum (2012) argue, choice is intricately linked to human dignity and, therefore, lies at the heart of the CA. When individuals have the freedom to make choices, they can lead lives that align with their values and preferences, enhancing their overall well-being and agency. Moreover, choice empowers individuals to pursue opportunities and navigate the challenges they face in their specific contexts, contributing to their overall flourishing and fulfillment. Similarly, as Kabeer (1999) noted, the ability to make choices is a form of power; choices allow individuals to assert their autonomy, challenge oppressive structures, and resist dominant power hierarchies. In societies where certain groups have historically been marginalized or deprived of decision-making power, the ability to exercise choice becomes a crucial tool for empowerment and social transformation. Choice is therefore central to challenging power asymmetries and structural inequalities. Instead of abandoning choice entirely, these approaches advocate for contextualizing it considering the complex social, economic, and cultural factors that influence individuals' decision-making processes and trajectories.

Human dignity and capabilities

The capabilities approach places a strong emphasis on human dignity as a foundational concept. Human dignity, within the capabilities approach, serves as a guiding principle that underscores the imperative to enhance

capabilities, remove barriers to well-being, and promote a society where every individual can lead a life that they have a reason to value and that respects their inherent worth and human dignity (Claassen 2014). For Dixon and Nussbaum, human dignity is also interwoven with choice: "giving someone a life worthy of human dignity requires not just giving some food, but giving choices regarding nutrition; not just health, but choice regarding health" (2012: 5). This implies an ideal of social justice in which individuals' needs are satisfied, and individuals are given equal chance to access opportunities and can make choices. Martha Nussbaum (2000) uses the CA as a basis for establishing fundamental constitutional principles for respecting human dignity. She proposes ten fundamental capabilities and principles including life; bodily health; bodily integrity; senses, imagination, and thought, emotions; practical reason; affiliation; other species; play; and control over one's environment (Nussbaum 2000).[5] She suggests that these ten capabilities "are necessary conditions of a life worthy of human dignity" (2009: 245).

Nussbaum's approach has been operationalized across a variety of issues including gender equality, violence against women and abortion (Dixon and Nussbaum 2012; Strenio 2020). Indeed, several capabilities listed intersect with the key elements of reproductive justice. Access to abortion directly relates to the capability of women's lives; as discussed above, unsafe abortion is a major contributor to maternal mortality. Reproductive justice also concerns the capability of bodily health and integrity, as it recognizes the right of individuals to own their bodies and to make decisions free from coercion or interference. Additionally, it intersects with the capability of emotions, as the framework recognizes the significance of the overall well-being of individuals concerning their livelihoods and in relation to their reproductive decisions. Reproductive justice is intertwined with the capability of practical reason, to think, imagine, and pursue happiness free from coercion and constraints. As Sister Song Collective puts it, reproductive justice is about "dreaming ourselves into the future," which is rooted in "joy, love, and rest" (Sister Song n.d.). Reproductive justice entails the right to own one's body and future and to parent children in safe and healthy environments, which necessitates having autonomy over one's life prospects and environment, including personal and professional connections.

In Nussbaum's account, the CA is mobilized by "an intuitive idea of a life that is worthy of the dignity of the human being" (2000: 5). This idea brings forward a political goal and shall constrain all economic choices (2000: 33). Dixon and Nussbaum (2012) also reexamine the debate on sex-selective abortion from this angle and offer arguments to move away from the supply-demand reasoning championed by Becker (2007). They argue that sex-selective abortions influence human capabilities both intrinsically

and instrumentally. From an intrinsic perspective, son preference and sex-selective abortions symbolize the perceived lesser value of female life and constitute a discrimination. On an instrumental level, they further gender stereotypes that devalue female lives and solidify gender inequalities. In this perspective, sex-selective abortions undermine human dignity and capabilities. Thus, the CA offers normative principles and arguments that can support voluntary abortions while opposing sex-selective abortions.

Abortion access is key for human dignity and constitutes a matter of social justice. Opting for abortion involves deciding about one's capabilities, over one's body, life, and future. Indeed, having an abortion or being denied one is a first-order question as it fundamentally changes a person's life course (Kabeer 1999). Combining insights from empirical research and the CA, we can recognize the pivotal role abortion rights and access play in individuals' lives and their ability to thrive. The capabilities framework – in contrast to the neoclassical framework – can thereby provide feminist economists with a means to incorporate RJ into economics.

CONCLUDING REMARKS

Shifting the focus from an unrestricted concept of free choice to social justice, the RJ framework addresses abortion beyond the moment of choice and across the continuum of care and life course. It encompasses the diversity and disparities of abortion experiences that emerge at the crossroads of different systems of oppression. The RJ framework, therefore, brings forward a different agenda for policymakers, advocates, and researchers; it urges a shift toward addressing systemic inequalities and dismantling barriers that hinder access to abortion and that influence reproductive experiences, it underscores the importance of an enabling environment that is designed to meet the specific needs and realities of those seeking abortion in respect of their human rights and suggests laws and policies to be tailored to foster equitable access to abortion services, acknowledging the multifaceted challenges individuals may encounter during the process and across the continuum of care.

Economics research can offer both normative and empirical contributions to this agenda. As feminist economists engage with the RJ framework, they can mobilize empirical insights and leverage the CA for a more comprehensive understanding of both the abortion choice and abortion beyond choice making. In fact, as we have highlighted, though they are not necessarily connected, these strands of research and thought already have much in common with the RJ framework. Like the RJ framework, feminist economics has been critical of the narrow conceptualization of choice and neoclassical economics' overreliance on it. Additionally, both the CA and the RJ framework emphasize human dignity and diversity as fundamental concepts in considering social justice, and

both advocate for shifting away from a narrow focus on rights and resources in our assessment of well-being and development.

The normative and empirical insights from economics research allow the RJ framework to contextualize reproductive choices, acknowledging the crucial role abortion access plays in bolstering the capabilities of individuals, furthering their empowerment including the socioeconomic dimension of it (such as education and participation to the labor market), and advancing overall well-being. Combining these insights would suggest that laws, policies, and interventions concerning abortion should serve the primary purpose of improving the capabilities of abortion seekers. This would have repercussions beyond the pro-choice paradigm, as it would require states not only to refrain from interfering with individual choices but also to actively provide and enable access to abortion as a key matter of social justice.

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NOTES

[1] We do not discuss his arguments related to equity, in which he defends that except in specific circumstances, unequal access to abortion is consistent with all normative economics including the Rawlsian frame (Meeks 1990: 102). In our analysis, we focus on the application of the cost–benefit analysis to abortion decision and policymaking.

[2] Echoing some of the eugenics arguments, the abortion-and-crime theory has been used by anti-abortion politicians who argued that pro-choice movements are essentially eugenics movements (Cooper 2023).

[3] The WHO classifies abortion by safety into three main categories: safe abortion, less safe abortion, and least safe abortion. These classifications are determined based on the conditions under which abortions are performed, the competency of the providers, and the methods used (Ganatra et al. 2017).

[4] It should be noted that measuring women's empowerment based on these indicators has been criticized by several feminists (Zerilli 2005; Li 2007; Cobble, Gordon, and Henry 2017). Indeed, these indicators follow a neoliberal logic, prioritizing women's individual freedom and economic empowerment over collective social change, while overlooking the systemic barriers that undermine and perpetuate gender inequality.

[5] Nussbaum's list has been criticized due to its lack of democratic legitimacy (McReynolds 2002; Sen 2004; Robeyns 2017). In this regard, Amartya Sen (2004) considered it a "mistake" to construct a permanent and unalterable list of capabilities that can be universally applied without being influenced by evolving social context and the varying significance of different capabilities in different contexts. Although we acknowledge that Nussbaum's list is not universally applicable, we find it illustrative, for the purposes of this article, of how reproductive justice intersects with the CA, human dignity, and social justice.

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