




Roe v. Wade overturned: the fates of Martin and Valentina. And Joana.

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Abstract The article considers some of the potentially unforeseen consequences to the Supreme Court’s Decision to overturn *Roe v. Wade*. It centers on the case of Joana, who has frozen embryos at a bank and now wonders if they may have a right to life in her state. This is a new problem that has suddenly been created in her life.

Keywords *Roe v. Wade* · in vitro fertilization · Abortion · Psychoanalysis · Extended psychoanalytic clinic

Once Joana’s two artificial inseminations went awry, she knew that the best, and potentially only, way to fulfill her dream of becoming a mother by pregnancy was to produce embryos for in vitro fertilization (IVF). This would entail freezing those embryos not used on each round of trials. What she had been attempting until then, artificial insemination, was also an astonishing medical advancement, she reasoned, but the odds of it working were slim compared to IVF, she thought. It was also prohibitively expensive, especially in her case, given that she was using donor sperm.

By contrast, the odds of getting pregnant with even one embryo through IVF were far higher. Joana had acquaintances who had achieved great success, even with complicated fertility bios. She had also been told by the doctor that she, by contrast, had “the fertility of a teenager.” She just did not have a partner. She could get pregnant too, couldn’t she, she interrogated herself.

After the two failed attempts at artificial insemination, and with the open possibility of pursuing IVF—which the doctor seemed to be a proponent of—Joana decided to freeze her fertilized embryos. After all, she had been told that, although eggs inside her ovaries would age, frozen embryos would not. And her uterus, in

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turn, would remain comparable to what it had been in terms of its ability to host a fetus. Over the years, she would learn that all this is only partially true, but these were the arguments that convinced her. IVF it was.

Fast-forward seven years, and Joana now has a beautiful three-year-old son. Two additional frozen embryos remain in the bank. She continuously wonders what to do with them, whether or not to try to get pregnant again. Are they her *children*, she wonders and discusses with her therapist. Rationally, she knows that they are not: they are embryos, which are very different. She knows that she can choose whether to attempt another pregnancy or discard them, when she is certain that is what she wants. Her dilemma is an emotional one, not a legal one.

One morning, however, Joana turns on the television and is stunned to learn that Roe has been overturned. She is shocked and deeply moved for the fates of so many young women, as they are discussed in the screen in front of her. She remembers the case of a girl in her native Brazil. The girl was 10-years old when sexual abuse by a 25-year-old cousin first resulted in pregnancy. Her mother, a religious woman, and her legal guardian, decided that the girl should carry on with the pregnancy and have her child, as “abortion is a crime.” One year later, it was rape perpetuated by her uncle that resulted in pregnancy of the same girl again. Once again, her mother prevented abortion, even though abortion is legal in Brazil in cases of rape. She would have a second child, her mother claiming again that “abortion is a crime.” The girl is currently estranged from her mother and living in a shelter. Her first child is being raised by her mother, the baby’s grandmother, who lives in poverty. This is the most recent case Joana remembers. But, in her native, conservative Brazil, such cases happen all the time. Could such cases become the norm in the United States as well? She wonders if states in this country would legally ban abortion, even in cases of rape?

Over the course of the next week, Joana is devastated, remembering so many raped girls that made the news in Brazil. Simultaneously, in a corner of her mind, she starts to wonder about her own fate. As she listens to a newscaster describe “a right to life at conception,” she wonders if her embryos now have a right to life? If she decided to get rid of them, could she potentially be *murdering* before the law? What if there was a power outage at the bank and they became obsolete, would it be a form of homicide? These were silly ideas, Joana told herself, brushing away the thoughts. But were they? She could not help wondering what is the difference between a conceived embryo inside a woman’s body and one in a bank.

These questions are likely unforeseen by the members of the Supreme Court and American conservatives. Do they really believe in life at conception in all cases? Joana continued to listen to the news. A reporter described the idea of life at conception as a violation of the Jewish faith, given that, according to sacred Jewish literature, a fetus in the womb is human life “under construction.” To tell a Jewish person that, according to the American constitution, life now begins at conception is a violation of their religious rights.

The thought that Martin and Valentina—yes, Joana had named her embryos—could potentially have an actual right to life, if the Supreme Court’s ruling is taken at face value (which it should or should not be taken at?), and depending on her own state’s legislature, was astonishing to her. Not only that, but the Supreme Court’s



decision could, for some states, mean the end of in vitro fertilization. It would not be possible for the industry to continue if the embryos suddenly gained a right to life, a right to be implanted in their mothers' uteruses. And even then, even if in vitro fertilization were outlawed, what to do with all the fertilized embryos already in banks? Would Joana have to fear her own embryos?

Joana changed the channel. It was the best she could do in the face of these unsurmountable thoughts. An unforeseen new problem had suddenly been created in her life: the absurd idea that Martin and Valentina were now, in fact, persons with legal rights—and that their rights overrode her own.

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