

# Legal arguments in the trimester schema: roe v wade

[Family](#), [Abortion](#)



Roe v. Wade re-examined the validity of a Texas statute criminalizing the practice of abortion by the mother and medical professionals. It attacked the statute by declaring it unconstitutional for violating the plaintiff's ninth and fourteenth amendment rights with respect to the right to privacy. At the very heart of the issue was the question whether or not the state law was void for being vague as it sweeps unnecessarily too broadly infringing certain constitutionally protected rights in the process.

Justice Blackmun's opinion in the majority decision arrived at the conclusion that the statute under attack in the case at bar failed to show that there was a fit between the means and purpose of penalizing abortion, and that there was indeed a legitimate compelling state interest to curtail the interests of a mother who decides not to continue with her pregnancy. In fine, Justice Blackmun outlined the different stages of pregnancy measured against certain prevailing legal, medical, moral, philosophical and religious beliefs since the issue crosses contradicting beliefs and opinions towards abortion.

In order that such sensitive issue can be settle propitiously, distinctions were drawn for the proper calibration as to the protection of the Mother's rights as well as enforcing valid state interests to protect the viable but unborn fetus. The opinion of the Court began by reviewing relevant historical and comparative legal and medical precedents. Historically, abortion performed before the first fetal movements in the uterus or the stage of "quickening" was not a criminal offense.

At the moment when the fetus showed recognizable signs of life, the quickened fetus crosses the threshold of life, from being merely a part of the

mother's body to a developing infant, whose maturity is simply a catena of progressive events and birth merely its culmination (Reany, 86). At any rate, any harm, injury or death caused intentionally against such fetus was considered a minor offense.

It is only very recently when harsher penalties for abortion were sanctioned purporting to be a valid state interest to minimize licentious activities and to protect the mother from unhealthy and dangerous conditions in unlicensed abortion clinics. However, the Court recognizes the fact that scientific advancements in the field of medicine has developed safe procedures to a degree that a mother up to the second trimester may still perform abortion with little risk to her life. The legal argument hinges on the fact that a woman had every right to procreative choices.

Likewise, she has the constitutional right as a person to decide what is best for her in light of the fact that she carries an unwanted child, but such right can be exercised approximately up to the point where it is medically safe. It is conceded that as the periods of pregnancy progresses, the risks proportionately increase as well. As such, where the right of the woman ends at a point where third party intervention is warranted, the state can step in because of a valid and compelling state interest. The Court pegged the period where the state may interfere approximately at the end of the first trimester.

Yet, arguing without conceding that the schema is accurate, the very fact that medical progress has allowed a woman to apply for abortion this also

means that a fetus, with proper medical care, may be viable and may live outside the womb even before the right of the mother to abort should end. At the third month the fetus can close and open its mouth, kick about and even turn its head and open its eyes (Burney, 2). In other words, the trimester argument works largely in favor of the woman and not of the child who would probably still live and become a person before the start of the second trimester.