

Roe v. wade, 410 us
113 (1973) (opinion of
blackmun, writing for
the majority, pa...



**ASSIGN
BUSTER**

Roe v. Wade, 410 US 113 (1973) (opinion of Blackmun, writing for the majority, parts 5 - 11 or V - XI) In 1973, the Supreme Court ruled out that any woman who wants to do the abortion should not be interfered with by the state. Unmarried pregnant woman in Texas challenged that law leading to the ruling in her favour since she cited that the government was detrimental to her privacy rights. Justice Harry Blackmun reasoned that the state often increases its prenatal life concern as the pregnancy advances. The state may forbid abortion during the third trimester of the pregnancy, but still Harry argues that any woman is entitled to abort freely if she had undergone medical consultation in the first trimester and still if she had attended an authorized clinic in her second trimester. Roe's argument remains controversial throughout Supreme Court history since they are centred towards abortion rights.

Blackmun argument divides pregnancies in three stages; first, second and third trimester. In the first trimester, a woman had unrestricted choice to abort if she had consulted her physician therefore; he held that the committee and hospital requirements were unconstitutional. In the second trimester, medical practitioners argue that the abortion poses a threat to the health of a woman and thus state could protect the women by regulating abortion. During the third trimester there was a need to protect a foetus by restricting abortion but Blackmun argued that since the moral and medical status of the foetus are uncertain, the state could not draw their argument on when life begins. For example, the state could not argue whether the fetus and newborn have equal rights if life begun at conception (Goldman 929).

Similar justice majority in Doe restated largely and fleshed it to Roe ruling. <https://assignbuster.com/roe-v-wade-410-us-113-1973-opinion-of-blackmun-writing-for-the-majority-parts-5-11-or-v-xi/>

Justice Blackmun when he wrote to the compact majority, he determined the regulations of the state could pose an obstacle to procedural abortion more specifically in this case, whether the law stipulated that the abortion could be done in a hospital or receive approval by two doctors. This was regarded as a violation to women's intention to terminate pregnancy. Many women have far and wide experience the burden of abortion as a result of the risks that result from aftermath of conception. In this regard, Blackmun argues that the government should relieve the women the burden by allowing them to make independent decisions since they are the transcendental finalist of the effects of abortion or rather not aborting.

He further acknowledges the need to resolve the issue of abortion due to its emotional and sensitive nature. The subject of abortion has had seemingly opposing views from religious, medical and social background. Blackmun further argues that experiences, philosophy, religious views, attitude, human existence, values, family and individual exposure is vital in upholding the values that are necessary to either embrace or discard abortion. For example, religious backgrounds argue that the abortion is a crime since the life of a child begins after conception. According to Blackmun, he stipulates that there are no grounds for arguing that a newly born child and a fetus have equal rights and thus should receive equal life priorities. In addition, poverty, pollution, racial prejudice and population growth have far and wide complicated the whole issue of abortion rather than solving it, therefore, government should allow women to make their own solid choices without being compelled by any external forces be it religious, science, morality and unwanted pregnancies burden (Goldman 929).

Works Cited

<https://assignbuster.com/roe-v-wade-410-us-113-1973-opinion-of-blackmun-writing-for-the-majority-parts-5-11-or-v-xi/>

Goldman, Raymond. " Harry A. Blackmun: The Outsider Justice. By Tinsley E. Yarbrough."

Journal of American History 95. 3 (2008): 929. Print.