

History research papers examples

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Roe V. Wade

Introduction

Abortion remains as one of the most debated topics in the world. The divide in opinion arises from many bases of argument, including religion, faith and personal experiences. Liberalists, for example, argue that abortion is fine since life, to them, begins after birth. On the other hand, the Roman Catholic maintains that life starts after conception and that every foetus has the same rights as born children. Therefore, to the Catholics, abortion is a murder crime. In America, the debate on abortion has been changing shapes for the last fifty years. The most popular decision on abortion was made by the Supreme Court on January 22nd 1973. It is mostly referred to as the Roe V. Wade case. This paper discusses the case and verdict.

Identification and description of the case

The case, Roe V. Wade, was ruled by the Supreme Court in the year 1973. Norma McCorvey (using Jane Roe) challenged the practicability and the validity of the abortion laws in Texas. Texas State had the strictest laws on abortion, banning it completely and only allowing abortion in a situation where the mother's life was in danger. (" Roe v. Wade – Case Brief Summary," n. d.)

The lady, Roe, sought to extend the right of privacy to the level where a pregnant woman can seek the opinion of a doctor to terminate a pregnancy. The case brought out the division caused by abortion, with supporters arguing that pro-choice supersedes pro-life.

The Supreme Court ruled in the favor of Roe, maintaining that the ruling

should be based on the chances of survival for the unborn child. It meant that abortion within the first 90 days is not the same as abortion during the second and third trimesters of pregnancy. In the first trimester, abortion can be undertaken as a medical decision while in the second trimester it could only be carried out in defense of the mother's life. In the third trimester, the fetus is considered to have grown well enough to be a state interest.

Therefore, at this last stage, the decision should entail protection of the fetus life as well as the life of the mother, and that, abortion can only be proscribed if the life of the mother is extremely in danger ("Roe v. Wade – Case Brief Summary," n. d.).

The case was an eye opener to the nature of abortions in the United States of America. The decision did not augur well with women movements, the Catholic Church and human right activists. Some human right movements took campaigns across the USA to ensure that the decision is reversed.

The ground for the new interpretation on the Texas law was that the constitution was very vague and unclear regarding abortion, hence the constitution did not qualify to ban abortion. The Supreme Court decision invalidated all laws across the USA that banned abortion completely in the first trimester. It also upheld some of such laws during the second trimester and upheld all laws illegalizing access to abortion in the third trimester ("Roe v. Wade – Case Brief Summary," n. d.)

Today, the case stands out as the most divisive decision in the history of abortion in the United States. The case still sits with the high court. The debate about the decision has not gone away just yet. Human rights groups,

the church and women movements continue to fight for change of the law, though their efforts have received very little support.

Historical and Contemporary causes of the Roe V. Wade Case

Discussions about abortion have been around for many years. In the history of United States, the federal government had been silent on abortion for many years, up until the year 1973 when the Roe V. Case was brought forward to the supreme court. Earlier in history, in the year 1820, the government had banned abortions from the fourth month onwards. Through the efforts of the clergy, this law was overturned by the year 1900, and the debate on abortion ensued, for many years, at the states level (" U. S. Abortion History - Our Bodies Ourselves," n. d).

Historically, the role of the woman in the United States was to stay home and look after her family. Men would leave to work in the fields and companies to provide for their families. However, at the turn of the 20th century, more women had access to basic education. They could also get jobs left by men who went to fight in wars at the early stages of the century, up to the Second World War.

The shortage of laborers led to employment and education to more women, raising their awareness and importance to the economy. By so doing, the freedom affected the authority of a man in the homestead. Divorce rates shot upwards after the Second World War meaning that there was an increased number of women living independently.

The new freedom gained by women changed the landscape of decision at the family level. Bearing children stopped to be a sole decision by the men,

but a collaborative discussion between the man and woman. The most fundamental reasoning would be that women had jobs to take care of, just like the men.

Empowerment of women, education and careers changed the dimensions of bearing children. As it would be expected, single and married women became aware of the need to plan for their family sizes. Some other women would get pregnant without proper planning, hence doubting their ability to take care of the children if they carried the pregnancies to full term. In that regard abortion became an option for the average American woman.

The above literature shows the change in awareness brought by education to women and its effect on the debate on abortion. On the same note, this awareness opened the women eyes to the law and its significance on the protection of privacy rights. Jane Roe, in the Roe V. Wade case, capitalized on the conflict of two basic rights in the US constitution; right to privacy and right to life. By so doing, she brought to the public domain a very fundamental yet very divisive approach to law and justice, arguing that a woman can arrange with a doctor to have a pregnancy terminated. In such a case, the woman will be protected by the right of privacy (though not candidly spelt in the constitution) and that nobody else should know about the event. It meant that the existing state laws were not clear enough to be used in litigation in matters concerning abortion (" U. S. Abortion History - Our Bodies Ourselves," n. d).

Interpretations of the Roe V. Wade event

Trimester argument and conflict of privacy and life

Roe argued that the abortion state laws in Texas were not constitutional. In

this interpretation, the importance of the fetus changes with its age and that the pregnant woman has a right to terminate the pregnancy. It is this interpretation that was used by the Supreme Court in 1973 (" An Analysis of Roe v. Wade," n. d.)

Concept of privacy and state interests

The event in the Roe V. Wade case succeeded on the assumption of the right of privacy, a right that is not clearly given by the constitution. That means that the Supreme Court was wrong to make a decision based on a right which the law was not clear about.

Interpretation and support of the court decision based on privacy, therefore, contravenes the same law that gives the right to life. The right to privacy was adopted from other court cases, but none of the cases had the aspect of privacy as a denominator in the argument for or against abortion.

On the other hand, the concept of state interest on the life of a fetus has been doubted by the pro-life groups against the decision by the Supreme Court on the Roes case. The introduction of the trimester in the argument for abortion brings in a very controversial dimension on the interest of the state. For example, human right groups are keen to know what changes from the first-trimester to the second, to warrant the change of tactic by the government to abolish abortion at that stage (" An Analysis of Roe v. Wade," n. d.).

The argument that the word person had only been used post-birth by the law does not mean that an unborn child is not a person. The fact that the law is silent on something does not mean that the opposite of the law is wrong. On that level of argument, therefore, human rights groups and pro-life

campaigners have enough argument grounds to say that the interpretation in the Roe V. Wade case was misinformed and wrong (" An Analysis of Roe v. Wade," n. d.).

The above dimension on the Roe V. Wade event was argued in the Parenthood V. Casey case, (1992). In the 1992 case, the court affirmed some aspects of the Roe case while changing others. For example, in the Parenthood case the right for abortion as fundamental (as characterized by the Roe's case) was abandoned. Such aspects of the Roe case continue to elicit different opinions (" Abortion Wars - Roe V. Wade And Beyond | The Last Abortion Clinic | FRONTLINE | PBS," n. d.).

Concept of life and its beginning

The Roe event asserts that life begins at birth. However, the common interpretation by the church and pro-life activists is that life begins at conception. In that regard, the trimester approach in the Roe case loses its value since a fetus at one month is same as a fetus in the eighth month. In a landmark case, Webster V. Reproductive Health Services (1989), the court rules that the age of the fetus should not be used as a reason to weigh up the decision on abortion. Life begins at conception and the State interests should begin from there, since growth of the fetus does not add any undue burden on the mother (" Abortion Wars - Roe V. Wade And Beyond | The Last Abortion Clinic | FRONTLINE | PBS," n. d.).

Positive and negative outcomes of the event

The Roe V. Wade event has diverse outcomes. First, the event ruling raised ideological differences between the church and the federal government. The

question of abortion is hugely affected by faith and religious beliefs. The National Right To Life Committee, for example, was used solely to reverse the Roe V. Wade court decision. This was as a result of the outcry from the entire population to have the laws of abortion reversed to reflect the religious views of the majority.

The Roe V. Wade event raised the debate between pro-choice and pro-life. Supporters of the two courses of action differ with each other very much in the matter regarding abortion. It is said that abortion cases went up after the ruling as people realized that the law protects them.

Perhaps the only positive deduction from the Roe V. Wade case is the increased attention and conversation around the subject of abortion. The event pushed the conversation from the state level to the federal government level showing the need to have a clear position on the question of abortion in the United States.

Conclusion

Roe V. Wade case sparked the abortion debate at the national level in the USA. The nature of subsequent abortion rulings has changed since the Roe case, but some fundamental aspects of the case don't change. At the same time, the problems causing and affecting the nature of the Roe event have not changed, forty years later. These problems included the need for abortion to solve medical risks issues, psychological suffrage due to unwanted pregnancy and distress caused by the burden of raising unplanned families. The conclusion, therefore, is that the society has not changed for the last forty years and reversal of the Roe V. Wade ruling would be

necessary if the society metamorphosed socially to do away with some basic issues.

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