

# [Privacy rights in domestic relations](https://assignbuster.com/privacy-rights-in-domestic-relations/)

[Law](https://assignbuster.com/essay-subjects/law/)

Planned Parenthood v. Casey, 505 U. S. 833 (1992) On 19th June 1992, the Supreme Court reaffirmed the essential rights pertaining to abortion in the Roe Vs Wade Case, in the equally famous Planned Parenthood Vs Casey one (Find law 2012). The latter is undoubtedly one of the most well known abortion cases in history (Oyez, 2012). This suit was filed by a number of abortion clinics and women’s rights activists challenging the constitutionality of the requirements placed for women before abortion (A. P. A., 2012). The requirements included that a woman had to have informed consent, wait 24 hours after this, notify husband, or parent if she was a minor (Nolo, 2012). According to some, the case was decided fairly, and within the boundaries of constitutionality and fairness. However, to others it was a monstrous atrocity committed in the name of upholding the constitution. Much of this opposition came from the pro lifers who saw this as a reaffirmation of a law that promoted what was tantamount to mass murder in their eyes. The laws were seen by “ Pro-choicers” as a burden to women and aimed at creating restrictions, which resulted into embarrassment that would eventually force women to carry the unwanted pregnancy to term. The case is significant in helping to show that the abortion law in America contrary to popular belief is more of constitutional than family law. This is underscored in that the only clause that was struck out from the five was the one requiring a woman to show evidence of her husband’s acquiescence to the operation. This was done on the basis that it occasions an undue burden on the woman, and may interfere with the woman’s freedom to have an abortion (4LawSchool. com, n. d.).
In this case, the issue of privacy is unequivocally relevant since those who had brought it forward wanted women to be able to have abortions on the strength of their own convictions, without being forced to consult their spouses of parents. Prior to the ruling, a married woman could not have simply had an abortion without her husband’s concept. Yet the fetus was in her and any health implications would be on her besides, a pregnancy will interfere with the woman’s life more than the man’s (Lloyd, 2011). Furthermore, the child might not be the husbands hence the need for an abortion. The disclosure would have traumatized the woman, and she may have carried the pregnancy to term rather than own up. The same case applied to minors having to seek permission from their parents. This amounts to an invasion of their privacy since if a girl has problems communicating with her parents, she may end up keeping the pregnancy until it was too late out of fear.
Had I been a judge in the trial, I would have struck down all the five requirements because abortion is allowed; there is no reason for it to be made harder for women than it has to be. The provision where a woman has to wait 24 hour after being advised by a doctor is one that I believe creates unnecessary hardship on her psyche. In addition to that, it may result to causing her to decide against the abortion, which is analogous to blackmailing and traumatizing her. This falls under the same criterion as forcing the woman to seek her husband consent. In each case, one subjects the woman to conditions that are irrelevant in her quest to procure the abortion. Besides, the court might have upheld the laws based on the fact that they were passed in retrospect (the Roe Vs Wade Case) and not because of their constitutionality or lack of it. However, I believe it is more beneficial to allow people their freedom than to conform to standards set in a different time under different circumstances.

References
“ Planned Parenthood of S. E. Pennsylvania v. Casey”. (2012). American Psychological Association. Retrieved 15 August 2012 from http://www. apa. org/about/offices/ogc/amicus/planned-parenthood. aspx
“ Planned Parenthood of Southeastern Pennsylvania v. Casey”. (n. d). Nolo. Retrieved 15 August 2012 from http://www. nolo. com/legal-encyclopedia/content/pp-casey-case. html
“ Planned Parenthood v. Casey”. (2012). Oyez. Retrieved 15 August 2012 from http://www. oyez. org/cases/1990-1999/1991/1991\_91\_744/
Lloyd, S. (2011). The Supreme Court & the Problem of Men, in Legal Issues. Ethika Politika: The Journal of the center for Morality in Public Life. Retrieved 15 August 2012 from http://www. cfmpl. org/blog/2011/06/02/the-supreme-court-the-problem-of-men/
FindLaw. (2012). U. S. Supreme Court Planned Parenthood of Southeastern PA. v. CASEY, 505 U. S. 833 (1992). Retrieved 15 August 2012 http://caselaw. lp. findlaw. com/scripts/getcase. pl? vol= 505&invol= 833&court= US
4lawschool. com. (n. d). Planned Parenthood of Southeastern Pennsylvania v. Casey Case Brief. Retrieved 15 August 2012 http://www. 4lawschool. com/conlaw/planned10. shtml