

# Free abortion term paper example

[Law](#), [Criminal Justice](#)



Abortion ideally refers to the medical procedures of terminating a pregnancy that result to the death of the embryo or fetus. It can also be defined as the spontaneous removal or expulsion of a fetus during its first twelve weeks of gestation. Abortions together with the related issues that are associated with abortion have been the center of discussions in various forums, in the United States. These forums range from political debates to those that have a religious inclination. 30 states in the United States already enacted legislation that prohibited abortion and its related issues. However, there were instances that were allowed by the law when it would be procured. These instances include, when a pregnancy resulted from incest, rape and date drug (Lunneborg).

Several scientific studies have been conducted to find out the reasons why people procure abortion. Women have reported the following reasons for indulging in the act; some cannot meet the financial costs of raising a child, some indulge in it since they want to postpone the process of childbearing, problems in the relationship also contribute a great deal of people procuring abortion, health complications and fetal health (Lunneborg).

The Supreme Court of the United States in *Roe v Wade* did away with all the laws relating to abortion and set up new guidelines for its availability. The court's decision precisely provided for an abortion right. This right was to be weighed or considered against the interests of the state in the regulation. The principle of looking at the life of the embryo or fetus against its viability over the course of pregnancy by the state was also established in the decision. This trimester decision was later modified in 1992 by the decision upheld in the case of *Planned Parenthood*. The decision emphasized the right

of the state to override that of a woman's anatomy. Standards to which the states were required to justify restrictions were also lowered by the decision. The decision was held to balance between the interests of the state and those of a woman in abortion cases (Reagan).

In declaring the Texas statutes that prohibited the procuring of abortion unconstitutional the Supreme Court, stated categorically that abortion rights and abortion were matters that fell within the right to privacy. In giving a rationale for its decision, the court listed a number of landmark rulings where the various courts had arrived at the decision that the privacy right was implied in the constitution. The court held that the privacy rights were implied and they included abortion rights. It was established that the mother had abortion rights until viability. This was to be determined by a doctor procuring the abortion. Once a woman passes the viability, then abortion can only be procured for health reasons. The court went ahead to give a broad definition to include the psychological well-being (Reagan).

On whether human life starts at conception or birth or sometime in between, the court did not attempt to resolve the issue. They noted the question was difficult to give a specific answer since disciplines such as medicine; theology and philosophy have failed to come to a consensus on the issue. The jury made references to the common law in America and the statutes. Which never recognized the unborn and, therefore, the fetuses are not legally protected by the right to life. This was enumerated in the 14th Amendment (Lunneborg).

The Supreme Court has continued to handle matters on this issue until the recent case of *Gonzales v Carhart*. The court gave a succinct and articulate

review of the Partial-Birth Abortion Ban, which had been assented to law by President Bush. Partial-Birth abortion refers to a non-medical terminology for a process called extraction and intact dilation. The terminology is used by those who oppose the process or procedure because the fetus has developed. The law outlawed extraction and intact dilation, which is partial-birth abortion. Anyone who did contrary to what this law stipulated was entitled to an imprisonment of two and half years in jail (Reagan).

As a result of the decision arrived in Roe v Wade a majority of the Americans held the view that an abortion should be made legal in most cases. However, Gallup makes a significant observation with regard to people's attitudes towards this contentious issue. He argues that the attitude is slowly shifting to pro-life. He also notes that the trend towards abortion opposition is not on the increase. This he attributed to political polarization of Republicans to appreciate pro-life concepts ( Legge).

### **According to Gallup, he argues that the majority of Americans were neither pro-choice nor pro-life ( Legge).**

Over the years, the debate on abortion has changed shape and extended the question to who should finance abortion. Some states have used this as a mechanism to reduce the number of abortions. On the other hand, several states have enacted legislation on regulating abortions and abortion related matters. This has led to a drastic decline in the number of deaths resulting from abortions ( Legge).

### **Works Cited**

Legge, Jerome S. Abortion Policy: An Evaluation of the Consequences for Maternal and Infant Health. New York: SUNY Press, 2011.

<https://assignbuster.com/free-abortion-term-paper-example/>

Reagan, Leslie J. *When Abortion Was a Crime*. California: University of California Press, 2011.

Lunneborg, Patricia W. *Abortion: A Positive Decision*. Portsmouth: Greenwood Publishing Group, 2010.