

Abortion: when is the fetus viable and what does that mean?

course work

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



The origin of the term abortion is from the Latin abortio, meaning to abort, miscarry or deliver prematurely. An abortion can occur due to a problematic pregnancy, health issues or conditions of the mother or several other situational circumstances, but normally the word applies to simply medically terminating the pregnancy. There two types of abortions: therapeutic, to spare the health of the mother and elective which applies to the procedure when it is performed for any other reason.

Although Roe v. Ward legally affirmed the right for women to terminate their pregnancies in 1973, this medical procedure has been hotly debated and/or contested right to the present. In fact, anti-abortion violence claimed the lives of Dr. David Gunn in 1993, Shannon Lowry and Lee Ann Nichols in 1994, Dr. Barnett Slepian in 1998 and Dr. George Tiller in 2009.

Presently most of the controversy swirls around late- term abortions, where the fetus is removed until the 27th week of gestation. As the federal government allows the states to regulate and create their own abortion laws, the legal trend over the last two decades has been either to outlaw or severely restrict late term abortions. According to statistics compiled by the Guttmacher Institute, 22 states ban abortions at fetal viability, meaning the fetus has a 50 percent chance of survival outside the womb, four states do not allow an abortion in the third trimester, and 15 restrict the procedure after a certain amount of weeks, usually that is 24. (Guttmacher Institute, 2013).

Legally speaking, the Supreme Court has struck down most state bans on late-term abortions due to several factors, but one of the most important was the inability of the physicians called as witnesses to determine when the fetus was actually viable or considered to be a living, breathing person. This issue is definitely the main reason this form of abortion is so divisive.

In fact, a USA Today/Gallop Poll performed in December 2012, showed 59 percent of Americans still supported Roe v. Wade, yet 80 percent of the people polled thought third trimester abortions should be illegal. (Saad, 2013).

In February, New York Governor Andrew Cuomo caused quite a stir when he introduced a bill relaxing restrictions on late-term abortions, which currently can only be performed if the life of the mother is in peril and North Dakota became the most restrictive state on abortions over the last several months, when Governor Dalrymple signed a bill prohibiting abortion at six weeks or when there is a fetal heart beat.

The latest abortion debate is centered around what is perceived as an attempt by media to not thoroughly cover the murder trial of Dr. Kermit Gosnell, a Philadelphia physician who performed late-term abortions. Gosnell is charged with eight counts of murder after sedating a woman during the procedure and for actually taking the lives of seven babies he delivered. As more macabre details emerge from the case, including the suspicion Gosnell used scissors to sever the spinal cords shortly after delivery, it only serves to

make the key issue and/or late-term abortion question more strident. When does a fetus become viable? Is there a concise measurement?

The legal standard was established by the Supreme Court in *Roe v. Wade* as 28 weeks, but conceded it could occur as early as 24 and scientifically there is no set standard, although neonatal intensive care would not be commonly offered if the fetus was less than 24 weeks. This is changing, however, due to the rise of medical technology and a fetus can now be saved at 21 weeks.

In his article *Limits of Fetal Liability and It's Enhancement*, GH Breborowicz discusses what viability truly means and determines it varies globally. Is not easily identified and needs to be assessed both physically as well as technologically.

Breborowicz claims one out of every 10 infants survives at 23 weeks, but just a week later the survival rate increases to 50 percent. His work buttresses that without further study, a fetus is viable at roughly 24 weeks, but sheds no more scientific light on the issue (Breborowicz, 50).

For her evaluation Jane English examined various articles on what constitutes murder, what constitutes a person and when is a fetus viable to review the moral arguments for and against abortion. After her review, English decided abortion in the early stages of a pregnancy, when the fetus was not necessarily considered to be a person was entirely acceptable because the evolution of life is a gradual process and when a fetus becomes a person might never truly be answered or at least not for some time. As the pregnancy progresses, however, so does the development of the fetus and

abortions would be morally wrong in the later stages pregnancy. They should be performed only when the mother's life is at risk.

Four decades after abortion was formally legalized, the war over the institution persists namely because conservatives contend life begins at conception, while liberals feel a woman should have the choice to decide what she would like to do with her own body and that a fetus does not become a person until it is born. Even with all the available medical technology from last two decades, scientists and physicians cannot supply an exact measurement or timetable for when a fetus truly becomes viable. Until that occurs the Supreme Court's standard will still stand and war over abortion will continue to be waged until the legal precedent is overhauled by definitive, scientific evidence of fetal viability as there will always be a grey area. It is not black and white.

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