

Abortion, right and wrong



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Abortion, Right and Wrong Laws that force women to carry their pregnancy to term contradict the precepts of the U. S. Constitution as well as any definition of compassion and decency. It is unconscionable that a nation founded on and dedicated to civil liberties could allow its citizens to resort to dangerous self-abortion procedures. However, prior to the Roe v. Wade decision in 1973 which legalized abortion in the U. S., this practice was commonplace. Before abortion was legal, many thousands of young women were mutilated and died attempting to end a pregnancy though the wealthy were able to have illegal abortions safely. The wealthy were able to travel abroad or pay high fees to a local doctor willing to perform the procedure, but a poor woman was required to resort to less safe options. Prohibiting abortions does not and has never stopped them from occurring; it just acts to harm women.

Those opposed to Roe also argue that if the Constitution does not directly address an issue, then the Congress, not the courts should decide matters such as this which have weighty moral implications. The Roe decision essentially addressed this question by asserting the government's concern for the life of the unborn does not outweigh the constitutional rights of the born and thus their decision to allow pregnancy terminations. The Court did draw a line distinguishing what is considered murder of a child. On this issue, those that oppose abortion rights do have legal justification for debate.

Viability seems to be an appropriate benchmark because in the early weeks following conception, the fetus is not a conscious being although those of religious conviction argue that it does have a soul. Viability is somewhat scientifically determined while the presence of a soul is not. Therefore, the line can only be drawn at the viability of the unborn as any other method by

which to determine when abortions are considered murder is unclear (Dorf, 2003).

Those opposed to abortion claim that the fetus, viable or not, is a living being much the same as a child or adult. Mothers who have had abortions certainly cannot believe she is killing a living child or the practice would be a rare procedure. “ I don’t think, in most cases, that the woman who aborts her child, consciously believes she is killing a person. As philosopher Francis Beckwith points out, “ why do women only kill their fetuses when confronted with practical difficulties, rather than their already born children, if they truly believe their fetuses are fully human?” (cited in Smith, 1985: 16).

Recognizing that courts do indeed have the authority to intervene in decisions involving individual rights citing the Constitution as precedence, could laws preventing abortions still be justified in spite of this egregious encroachment on the civil liberties of women? After all, constitutional rights are not unconditional. Why doesn’t the government have an interest in protecting the rights of those not yet born? The Fourteenth Amendment answers this question. It begins by referring to “ All persons born ... in the United States” (“ Fourteenth Amendment”, 2006), indicating that the protections under the Constitution refer only to persons who are ‘ born.’ Those opposed to legal abortions are also in the same camp that opposes programs that aid the impoverished and abused children who are the result of unwanted pregnancies. They point to ‘ Christian morals’ and ‘ family values’ as justification for the loss of liberty, discrimination of the poor and the increased cases of injured women. The ideological divide will never be bridged but the debate whether abortion should be legal or not is a matter for the courts, as are all legal matters.

References

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