

Abby Liebeskind
4/22/07
PPS 116
Words: 1317

Abortion Should Be Illegal in the United States

Abortion terminates the life of an innocent being before it has the opportunity to pursue liberty, or happiness; the government needs to protect these basic constitutional rights, especially for those that cannot defend themselves.

Even for conservatives who believe in a minimalist government, these clearly enumerated rights deserve to be safeguarded; John Stuart Mills writes that the government can compel a member of society to do something against their will only if they will cause harm to others (the Harm Principle). Terminating a fetus obviously harms that member of society, and since he or she has no means of self-defense, this is the perfect example of the role of government as protector. At what point a fetus becomes a person is irrelevant in this case; there is a broad consensus that at some point before birth a fetus does become a person, even if not yet a citizen.

Also, the rights to life, liberty, and pursuit of happiness are no greater for the mother than the fetus simply because the mother has already been able to appreciate these rights. While a mother may have some incredible opportunities in her future, our society will never know what her unborn fetus might have done with his or her life; this unborn child might have cured AIDS, developed a way to live on Mars, or simply enjoyed the simple pleasures of his or her life- and this would be enough. If this person were only a year older, a court would no doubt rule that their murder was illegal and immoral. If the fetus were able to defend itself, it would have the right to justly do so; unfortunately, since it is so dependent on its mother for those nine months, the government must step up

and assist with the protection of those certain inalienable rights. The fetus has the right to a future and the opportunities afforded to those who are carried to full term. Scott Peterson was charged with a double murder for killing his wife, who was eight months pregnant at the time, and his unborn child; the court ruled that this child had as much of a right to life as his adult wife. This murder is no different than if he had forced his wife to get an abortion.

In addition to the responsibility of the government to protect its citizens from harm, a mother has special responsibilities in regard to the fetus because she carries and gives birth to it. A mother is no stranger to her baby; any mother would surely agree that she has a relationship with her child different than that with a stranger, and would find it far more appropriate to make some sacrifices for her offspring.

It is the role of the government to prevent individuals from causing harm to another, and murdering even an unborn child is a clear-cut case that requires government protection.

A Woman Should Continue to Have the Right to an Abortion in the United States

A woman has the right to protect her body, her lifestyle, and her future. It is completely out of line for the government to assume to know what is best for each individual woman in her particular circumstances. With some regulations, women should be free to terminate their pregnancy with the assistance of a doctor, if they so choose.

As Jane English outlines in her article, in the first trimester of pregnancy, a fetus cannot be considered a person, as it does not resemble a baby, have any kind of capability

for independence, or evidence of thought. As Judith Jarvis Thomson writes, “A newly fertilized ovum, a newly implanted clump of cells, is no more a person than an acorn is an oak tree,” (1). Thus, the priorities, rights, and desires of the mother should come before that of the non-person. The mother should have the right to abort the pregnancy for whatever reasons she chooses; whether she was raped, contraceptive methods were unsuccessful, or she simply does not want a child. The fetus has rights, much like animals have rights, but as humans we value the life, liberty, and pursuit of happiness for another human more than that of a non-person.

As the pregnancy continues, in the middle months, the mother begins to have more of a responsibility for the fetus and should thus consider its non-person rights as more important; comparably, hunters will shoot wild animals but would never go into a neighborhood and kill a domesticated pet. Once the animal has more attachment and bonds to the people around it (or the fetus to the mother and vice versa), there has to be an important reason to end its life. In the case of abortion, second trimester abortions should be decided between the doctor and the mother, not the state and the mother. Together, if the doctor and mother decide that the unborn child will cause a great deal of harm to the mother- whether physically or psychologically- the rights of the mother must still come before those of the non-person.

By the third trimester, abortions should still be legal, but only under extreme circumstances. If the continuation of the pregnancy clearly threatens the life of the mother, abortion should be an option if the fetus cannot viably live without the mother; otherwise, the pregnancy should be carried to term since at some point before birth this fetus does become a baby.

Abortion is not always permissible, but a woman and her doctor deserve the right to choose the circumstances under which it is. If the fetus can be detached without death or additional harm to the mother, naturally it deserves the opportunity to try to live outside the womb. Once the fetus could viably live on its own- even with artificial support- there is no reason to kill it (typically after 20 weeks gestation). If possible to preserve the wishes of the mother while allowing the fetus to develop after being detached, this would no doubt be the goal of any humane doctor.

Particularly in the first trimester, a mother has the right to protect herself from this unborn child; she may decide that the birth of this child would ruin her future, preclude her from accomplishing any of her goals, prevent her from pursuing happiness, or simply be too great of a physical or psychological burden. If a woman makes this decision, she has an inalienable right to defend herself from the unborn child by preventing its birth and terminating her pregnancy. She has no responsibility to carry the child and allow it to live off her body, just as no individual has a responsibility to donate organs or allow another to abuse his or her body. Thomson writes, "...if a human being has any just, prior claim to anything at all, he has a just, prior claim to his own body," (5). This right to oneself overrides the rights of the fetus because the fetus is entirely dependent on the mother; the fetus has no just, prior claim to the body of its mother, even if it needs this body for life itself.

It is not the role of the government to determine at what point a fetus becomes a child; it is not the role of the government to make moral judgments on what may or may not be morally right for a woman to do. In this case, it is the role of the government to

enable women to safely make an educated decision about the best options for the future of herself and her pregnancy.

Works Cited

English, Jane. "Abortion and the Concept of a Person." *Canadian Journal of Philosophy*. October 1975. Accessed 22 April 2007 via BlackBoard.

Thomson, Judith Jarvis. "A Defense of Abortion." *Philosophy and Public Affairs*. Fall 1971. Accessed 22 April 2007 via BlackBoard.