

**Abortion - Should Abortion be Legal?**

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## **Introduction**

Abortion has been one of the most controversial issues in nation's cultures and politics (Balkin, 2007). Since abortion was legalised in countries such as America in 1973, there have been competing groups fighting for restriction while others fighting for increase to procedure access. The conflict can be associated with the world's ambivalence on abortion (Shrage, 2013). The debate of abortion is multifaceted despite being portrayed as a two sided issue. It involves various and complex speculation on biology, constitutional rights and ethics (Singh *et al.*, 2009). The pro-life group is against abortion with some members in the group agreeing that it should only be done under special cases such as rape or incest. Pro-choice group claims that abortion should remain legal since women have rights over their body and destiny (Sumner, 2014). This essay explores the controversial issue of abortion on whether it should be made legal. I do agree that abortion should be made legal since women have rights on their bodies. This is through taking a pro-choice position on the issue of abortion.

## **Background**

Abortion refers to terminating pregnancy through removal of the fertilised embryo from the uterus through use of pills, gentle suction or using forceps (Balkin, 2007). The issue of abortion represents the difficulty that is experienced when using the rigid moral rules in making decisions. Despite the advanced medical knowledge on the procedure, the abortion debate remains complex with views on the matters differing greatly. For prochoice group, laws against abortion kill women. Women will seek unsafe abortion if they are denied their right to abort (Grimes *et al.*, 2006). Legal abortion protects women lives and enhances their health. Legal abortion is seen as a women right and very vital especially in cases of rape, incest and medical

emergency. In some cases, abortion is seen as a way of population control where people want to live a healthy life. For the prolife, abortion is unethical and kills unborn babies. It is also seen to be against the religious values on life. The group claims there are other options apart from abortion which includes abstinence and giving the baby for adoption (Sumner, 2014). Despite the prolife group argument, different sources claim that it is better for the society to have safe legal abortion. The alternatives to legal abortion are unsafe and far worse. Women have rights over their bodies and it would be wrong to deny them legal abortion. The medical decisions made by women should never be a subject of public debate. Research shows that abortion is more of option and constitutionality rather than question of morality (Stetson, 2001). To understand this paper, the reader should have knowledge on the existing debate on abortion. There is need to have knowledge on the legal status of abortion worldwide.

### **Literature Review**

According to Grimes *et al.*, (2006) women from different parts of the world chose to end unwanted pregnancy through abortion. This is a step that women take even in cases where this is against the law. Engaging in unsafe abortion threatens women lives. Globally, there are 32 countries with the most restrictive abortion laws. Despite this, 28 of these countries allow abortion in cases where there is a necessity such as medical or life threatening circumstance (Singh *et al.*, 2009). Despite the abortion rates falling, cases of unsafe abortion have not. The highest decline in abortion is in the developed countries especially due to provision of contraceptives and demand for smaller families. World Health Organization (2011) report shows that most of the unsafe abortions occur in the developing countries which have restrictive laws on abortion. Women in some situations find it hard to give birth when pregnant and opt for abortion.

This can occur especially in cases where women had underestimated the risk of pregnancy or are in a position not to raise child. There has been assertion by scientists that at point of conception, it is too early to say human life has begun. Research shows that human life exist when the foetus become viable. It is also important to note that mother rights are greater than the foetus. Thus, mother right to life is able to overrule the foetus rights. Women rights must be considered while at the same time taking into account the foetus rights (Sumner, 2014).

The prolife group sees abortion as intentional killing. The unborn child has a right to life and use the mother body for support as it develops (Shrage, 2013). There are only a small number of abortions which are legal while the bulk of them are intentional killing. Women can avoid getting pregnant in the first place to avoid abortion. There are ways such as abstinence and adoption that can help in eliminating abortion (Rohlinger, 2002). The child has a right to live and does not impose itself on the mother's life. Those opposed to abortion can be classified into three groups which based on their views. The first group argues abortion is acceptable in some cases such as mother's health, rape and incest. The second group supports abortion in rare cases such as ectopic pregnancy while the last group assert that abortion should never be performed. Research shows that the bible cannot be used in the debate for abortion. This is due to fact that it does not legitimise or forbid abortion (Stetson, 2001).

In 1973, *Roe v. Wilde*, the Supreme Court ruled that the unborn child was the property of the mother. The court made a decision that the mother may dispose the unborn child during the first six months of pregnancy or any other time if a licensed physician opinion favours abortion to save mothers life. The court ruled that abortion during the first three months was unregulated and during the second trimester, it can only be regulated through protection of the mothers'

health. This is a case that shows mother rights are greater than those of the foetus. Since the *Roe v. Wade* case of 1973, more than 40 million pregnancies have been aborted (Singh *et al.*, 2009).

Another case is *Doe v. Bolton* where the Supreme Court removed Georgia law where there were several limitations on abortion. The court favoured the mother health over life of the foetus. The woman and her physician are the only one who can make decision to abort a foetus based on her wellbeing. The cases are prove that women have the right over their health and can make independent decisions regarding abortion (Sumner, 2014). Using the religion to justify making abortion illegal is considered misguided and wrong interpretation of the bible. In some cases, even the prolife group supports abortion in various circumstances such as medical grounds, incest and rape (World Health Organization, 2011).

It is important to note that abortion debate will help the society in making better choices. The rights of unborn child and mother are both considered. This will eliminate cases of unsafe abortions which lead to death and injuries (Grimes *et al.*, 2006). It is important to note that cases of unsafe abortion are on rise especially in the countries with strict anti-abortion laws (World Health Organization, 2011). The debate removes the existing controversy on abortion and makes the two sides of debate come into an agreement on the way forward.

### **Pro-position**

In this debate, I will take the prochoice position. This is by believing that women have a right to make decisions on their bodies. Women cannot be compelled to preserve pregnancy if it is against her will (Shrage, 2013). Women should not give birth to children they do not want. The government cannot intervene on women privacy and make decision doe them on the fate of their pregnancy. Women should not risk their health for the sake of giving birth. If abortion is

prohibited, women will be exposed to dangers such as unsafe abortion and health risks which can be avoided (World Health Organization, 2011).

A woman does not want to raise unwanted child. This is especially in cases of rape or incest. These are situations where the child may grow lacking the vital love they require from the mother (Sumner, 2014). The woman who has been raped will always look at the child and recall the pain they experienced. If the woman has health problem, they may be required to abort the foetus or lose their life. If the woman proceeds and have a baby, they will both die. In this case, abortion is carried out to save the mother's life. The mother rights are more than those of foetus especially in case where her life is in danger due to pregnancy (Stetson, 2001).

Having a lot of children is a major cause of overpopulation and poverty. For those who want to live a healthy life, engaging in legal abortion is important. Overpopulation leads to strain on the available resources and contributes to global warming (Rohlinger, 2002). Legal abortions can be used as a mature to control poverty levels. For many parents, having a lot of children leads to financial difficulties. This may lead to the parents leading poor lives which could have been avoided through legal abortion (Donohue & Levitt, 2001).

To those against legal abortion, laws cannot stop women from carrying out abortion. Laws will force women to engage in unsafe pregnancy as they seek for alternatives. Research shows that cases of unsafe abortion were are high in developing countries against abortion (Grimes *et al.*, 2006). Estimates show that almost 70,000 maternal deaths occurred in unsafe abortions annually among other health consequences. It is also estimated that developing countries spends about \$460-550 million to treat health consequences of unsafe abortion (World Health Organization, 2011).

The pro-choice supporters base their argument for right to life on the social development concept. This is through considering that the foetus has no idea about its own future or personality. This makes the foetus not to be considered self-conscious. In this case, the concept of consent cannot be applied since there is no consciousness (Sumner, 2014). Making abortion illegal is jeopardising the mother's life. Forcing women to have unwanted child will lead to severe family trauma (Grimes *et al.*, 2006). The mother must be allowed to access herself and make a decision whether the child will be a benefit to her life or will make it more devastating.

### **Opposing argument**

The pro-life group claims abortion kills the babies. The group claims millions of children die through abortion annually. In some countries, religion is used to justify abortion as a sin. This is through looking at abortion as killing of unborn child. Although bible has verses which seems to prohibit abortion, the verses lacks clarity. The verses are also highly disputed and hence can hardly be used to establish the status of the foetus with complete biblical authority (Rohlinger, 2002). Abortion cannot be compared with murder. This is due to fact that foetus cannot be considered as a human since it is not self-conscious. The foetus lacks awareness of its existence and is yet to rationalise. Also, based on the legal time of abortion, foetus has not developed to be considered conscious (Sumner, 2014).

There are those who are completely against abortion (Shrage, 2013). They argue that there are mental and physical risks that can be associated with abortion. For example, there is argument that woman may get infection, haemorrhage or die while undergoing abortion. There are also claims that women can get cancer due to frequent abortions. There are also mental risks especially post abortion stress, guilt, anger, suicidal and drug use (Fergusson, John Horwood &

Ridder, 2006). Most of these claims are exaggerated since women who undergo legal abortion do so willingly. When a woman is willing to undergo abortion, they assess their situation and chosen abortion as the best way forward (Pa Foot, 2002). These claims are in most cases not validated.

There are pro-life activists who claim that person rights cannot override another person's rights. This is in cases where the foetus can survive on its own. This is a position that can put the mother's life at an extreme risk (Rohlinger, 2002). Even some of those against abortion recognise in some circumstances that it is vital to abort. The foetal rights come second to the mother's rights. This is especially in cases where mother life is at risk. A medical procedure may require the mother to abort the foetus especially in cases of uterine cancer. There are also cases of incest and rape which may lead to unwanted children and compromise women wellbeing (Stetson, 2001). The woman rights must be considered first.

### **Conclusion**

To sum up, it is evident that abortion should be made legal. It is evident that mothers will have a right on their bodies and abort child that they do not want. Legal abortion is a method that can help women to exercise their rights and prevented unwanted deaths from unsafe abortion. A woman who is raped or involved in incest does not want to have unwanted baby. In some cases, mother's health is in danger and abortion can help to save her instead of losing them both. Having a lot of children increases poverty and affects the quality of life. Abortion does not kill foetus as claimed by the prolife group since the foetus lack consciousness. Using religion to make abortion illegal is similar to killing the woman. Also, the bible verses used are highly contested and are not clear on the issue of abortion. Mother's right will always override that of

the fetus and women must be given right to decide what is best for the in life. Making abortion legal will protect the mother and enhance the quality of life. It is therefore importance for governments to make abortion legal, educate mothers on benefits of legal abortion and promote it through various media.

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