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Legalizing Abortion as a Woman's Right across the 50 States

Arguably, no other topic has been a cause for more legal contestations, and moral argumentations than the question of abortion. It has both drawn the feminist craze and the conservative chauvinist parochialism (Ophir et al. 14). The zealous moral overloads have called out abortion as a sanctimonious issue, while those who have experienced the full scale of being victims of absolute abortion laws have experienced the pains and dilemma of bearing a kid they did not plan for, or whom they conceived without consent. Thus, rather than reducing the body of a woman to a place of human vegetation, subject to chance, the need to legalize abortion is to affirm the rights of a woman to her body. In that regard, this essay argues about how abortion should be legal in every state because it is a woman's right.

The concept of liberty, to the extent of protecting a pregnant woman's right to have an abortion, is advanced in the judicial precedence of Joe v. Wade decision of 1973 (Sun 31). Now, this provides sufficient judicial precedence that women have a right to their bodies, and what happens around their bodies. The Joe v. Wade decision of 1973 provides a strong judicial background for argumentation on the rights of a woman to abort, and make related decisions on her reproduction. The judicial backdrop of the rights of a woman's right to have an abortion is based on the woman's constitutional right to privacy (Kaczor 36). The privacy right is under the due process of the law, and encapsulated in the 14th Amendment. This creates the judicial imperative for the defense of the rights of a woman to abort, and even though the Joe v Wade

decision is now overruled, the core arguments it provided extent to nationwide legalization of abortion (Cohen et al. 621). Therefore, the state wide legislations on abortions are unnecessary as restrictions on abortion place undue burden on the woman, as established in Supreme Court ruling of *Planned Parenthood of Southeastern Pennsylvania v. Casey* (1992) (Cohen et al. 621). This can be a fundamental precedence in the light of Justice Samuel A. Alito led ruling which overturned both *Roe* and *Casey* hence overruling women's right to abort (Cohen et al. 622; Sun 34).

The woman's right to abort is anchored on the principles of human rights standards, which provides a strong argument for considering as an essential aspect of women's rights that should not be subjected to debate or state legislations (Todd-Gher & Shah 8). For whenever states interfere, provisions such as reducing the right to abort based on the age of the fetus, with some propositions being that it is illegal to dispose of a fetus at 36 months. These varied concepts, despite being laced with a moral conceptuality are aimed at controlling women's right to abort, and continually put the lives of women in danger. For instance, if a woman comes to the realization that the conception was a result of either rape, incest or her partner has shortchanged her or her health is at risk, she is compelled by unconscionable laws to a fate that she has no authority about (Todd-Gher & Shah 19). Simply because some legislators decided to decide the time that she should terminate or keep the pregnancy.

In addition, the concept of safe pregnancies is based on the idea of giving a woman the chance to exercise pregnancy based options including medically safe abortion. This exposes the women who want to abort to danger as they are likely to take on clandestine abortions at backstreet clinics or using unsafe methods. This continually exposes more women to the danger of mortality during the abortion process. In converse, by guaranteeing women the right to abort

across the 50 states, there is a guarantee that a woman can have safe medical abortion. Besides, the right to abort removes the legal and moral constraint of guilt or committing an offense which often constrains many a woman. In lieu of this, making abortion a fundamental right offers decency to the woman, and also guarantees the woman of a supportive infrastructure that will help them to deal with the abortion as well as experience post-abortion support such as mental healthcare to deal with the traumatic experience.

The quest to make it a right faces constraints from the highly guarded high moral police who base their arguments on the right to life of the unborn child (Kaczor 42). But often their arguments are based on moralism rather than pure scientific rationale on when a life starts, whether it begins at conception or at birth. But these moral legalities are based on conservative beliefs that have for long tried to determine the process of conception or the parameters around it. Therefore, their arguments are not substantiated by science but rather subjective interpretation around abortion. To this, many subjective concepts abound, and like any other anti-progress beliefs are based on initiating control over the woman. Others, such as McKinney (268) provide a theoretically moralizing concept on motherhood by postulating that the only good abortion is the tragic abortion and women should not abort even when there is an indication of possibility of the child being born with disabilities. In contrary, women's right to abort is based on understanding that women should have a choice to prioritize their mental wellbeing, and to curate a loving and caring family – based on their individual decision, rather than limiting the entire argumentation to the ableism debate (Breskaya et al. 287).

Besides, abortion offers a pathway for fertility regulation for women who experience unwanted or unexpected pregnancies (Kantorová 106). This right affords them the capacity to make a choice on their reproductive cycles (Kaczor 24). Unlike contrarian theories that

perpetuate the moral stance that women should use contraceptives or other methods of avoiding pregnancy, the right to abortion is based on the presumption of privacy, individual autonomy, and choice on whether to keep a pregnancy to its full term. This concept considers a multiplicity of issues that may determine whether one decides to abort or not, ranging from both conscionable actions and unconscionable actions on the part of the woman (Kantorová, 107). This right applies regardless of the responsibility or role laden approach that many anti-abortion rights proponents may postulate. As such, individual autonomy should be prioritized and the concept of personal choice emphasized as to whether one ones to keep a pregnancy or not – their rationale notwithstanding (Kaczor 45; Kantorová 108).

In conclusion, the protection of the right to abortion as both a human right and civil right—as a woman’s right to abort proves to be, should not be subjected to open contestations or state level legislation. The rationale for advancing the abortion right is to affirm the right of the woman to privacy and to have autonomy over her reproductive issues. Besides, a protection point that advances the dignity of women in exercising this right provides for its absolute protection and guarantee by various institutions without leaving it open for state-interpretation or regulation on what aspects of abortion should be legal or illegal. Taken thus, abortion should be legal in all 50 states, simply because it is a woman’s right and its protection guarantees women of safe abortion which inadvertently saves their lives and guarantees quality of life.

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