

# PERSPECTIVES

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## Abortion: legality vs. morality



### A STEREOTYPE REBELS

REBECCA NEWELL

As I delve deeper into classes designed to prepare me for law school — such as communication law and philosophy of law — one of the most important ideas I'm learning about law is that we often have to go along with things we don't necessarily agree with in order to preserve our system of democracy. For me, abortion is one of these issues. Morally, I have some major problems with it, but from a legal standpoint, I find myself taking a different position.

With George W. Bush in the White House, the future status of the Roe v. Wade decision is under speculation by lawyers, philosophers and the general public. And with this giant question mark regarding women's future reproductive rights, we need to take a closer look at the issue. Though the anti-abortion argument may seem to make sense to some from a moral standpoint, it's flawed from a legal standpoint. And for that matter, so is the pro-choice view. So read over these "ideas for thought" and take a minute to re-examine your stand on the issue.

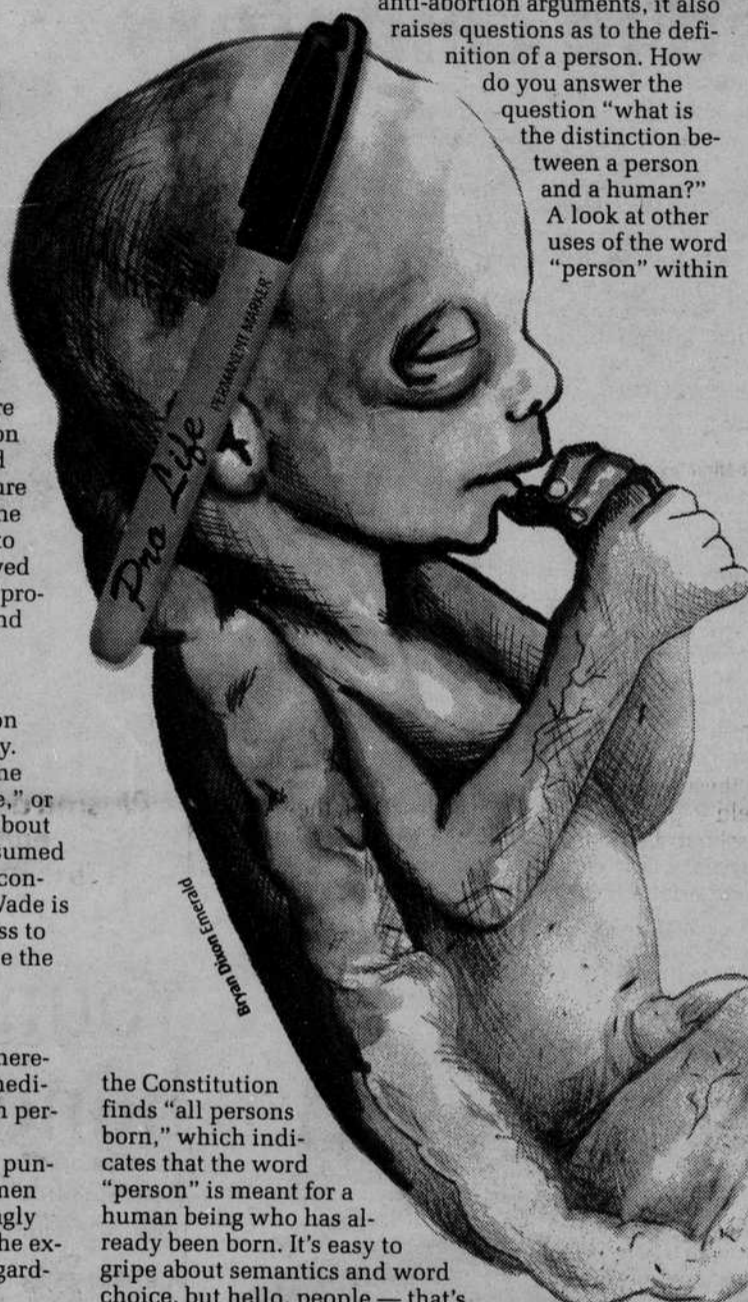
#### Background

The Roe v. Wade decision places no restrictions on abortions during the first three months of pregnancy. However, the right to an abortion is not absolute. The Court said the key point is when the fetus is "viable," or able to live outside the womb. Little discussion is about the rights of the fetus. In the decision, the Court assumed the fetus doesn't have rights, or abortion would be considered homicide. The only way to change Roe v. Wade is for the Court to overturn the decision or for Congress to make constitutional amendments that would reduce the rights of women to have abortions.

#### 'It's murder'

If abortion were legally considered murder and therefore outlawed, it would have to be considered premeditated murder. Are we, as a society, comfortable with persecuting women who receive illegal abortions and sentencing those women to life in prison or capital punishment? Personally, the idea of hunting down women who've received illegal abortions sounds frighteningly Nazi-ish to me. And yes, that might be taking it to the extreme, but our society has fairly clear guidelines regarding what we do to murderers.

**'Right to life'**  
 Although Article 14 of the Constitution, which guarantees "persons" the right to life, is often used as a basis for anti-abortion arguments, it also raises questions as to the definition of a person. How do you answer the question "what is the distinction between a person and a human?" A look at other uses of the word "person" within



the Constitution finds "all persons born," which indicates that the word "person" is meant for a human being who has already been born. It's easy to gripe about semantics and word choice, but hello, people — that's

what our Constitution is all about. Some people love to say, "Just read the Constitution," whenever a sensitive or controversial issue comes up. Well, have you actually read it? Interpreting the Constitution is no easy task.

#### 'Abortions only in case of rape or incest'

If you believe the fetus is a person, what if the fetus's life is the product of rape or incest? If someone is a person, with the right to life, should it matter how he or she was conceived? And when the mother's life is threatened by her pregnancy, whose rights reign? Part of me says if the mother didn't have a choice in conception, she should have a choice in carrying the child to term. But what about the child's choice? With the option of adoption, we shouldn't use rape or incest as an excuse to terminate a child's life.

#### 'No protected right to life'

Can the state have an interest in human life, even if one doesn't assert that the fetus has a protected right to life? Animals do not have a constitutional right to life, but killing an animal (without a license to do so, anyway, which raises other questions) is illegal. The sad thing is, right to life protections haven't been "around forever." In fact, the first child-abuse case was tried under animal cruelty laws. That's right — a hundred years ago, animals had more rights than children. So how far have we come?

#### 'Right to privacy'

The basis for Roe v. Wade is the right to privacy, although privacy is not a right explicitly guaranteed in the Constitution. It falls under the right to liberty in the 14th Amendment.

So where do you stand? The more I understand the issue and the legal arguments, the more torn I am. But isn't that the point? It's not an easy decision, and those who think it is probably aren't looking at all the issues. So consider the basis of your argument the next time you get into one. You might just find that you've learned a thing or two.

Note: Thanks to Cheyney Ryan and his "Philosophy of Law" class for information and discussions regarding this issue.

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## Don't be silent: report harassment

### GUEST COMMENTARY

Courtney Misslin

A very important issue was brought to my attention Thursday night. While volunteering as a driver for Saferide, the campus nighttime shuttle service for women, I had some rather disturbing conversations with my riders. That is, approximately one-half of my riders informed me that they had encounters with a male unknown to them, who pursued them at night in very inappropriate ways.

Only two of these women reported their incidents. The others did not report the event because they did not feel it was serious enough to merit police attention. I believe that even encounters that do not end in tragedy deserve to be reported. The number of incidents of harassment and attacks is highly underreported.

*This is a problem.  
 We cannot be scared into silence.  
 We must be scared of our silence.  
 Speak up.*

I write this in hopes that the campus community becomes enraged by the fact that women are being harassed on our campus, and that the campus community acts on its rage. In one incident just last week, a man jumped out of some bushes next to Prince Lucien Campbell Hall and pursued a young woman who was talking on her cell phone, mocking her and scaring her. This is not OK. This kind of incident deserves to be reported as much as any "more serious" event.

As long as we do not report each and every unacceptable encounter, it is the equivalent to passive acceptance. Silence will only allow such events to continue to occur. The campus and Eugene public safety officers need to be made aware of the facts before they will act. Currently, they believe that a "party patrol" is a priority, yet each night females are terrified to walk from one side of campus to the other.

Females experience justifiable fear on campus. Consider another story I was told: One night, a man pursued

two girls as they walked past the cemetery. He hid behind the trees as he stalked behind them. This is not OK. Yet it was never reported.

When incidents are reported, it can lead to apprehension of individuals who may be a social threat to our community and peace of mind. Such was the case of two girls who were closely followed into Bean Hall by a man. The girls were able to notify authorities, and the man was successfully apprehended. Until authorities realize that occurrences such as this are common, they will not realize that immediate action needs to be taken.

I urge anyone and everyone to call the Department of Public Safety with information of any incident that has occurred on or near campus. Even the occurrence of "mild" harassment is completely unacceptable. This is a campus issue that we *must* deal with. If you have been pursued, harassed or attacked, please do not remain silent. Speak up. Whether it happened last month or last night, please report your experience to DPS as soon as possible.

Courtney Misslin is a senior majoring in French.

### Poll Results:

Every week, the Emerald prints the results of our online poll and the poll question for next week. The poll can be accessed from the main page of our Web site, [www.dailyemerald.com](http://www.dailyemerald.com). We encourage you to send us feedback about the poll questions and results.

#### Last week's poll question:

Which is the best gum for blowing bubbles?

Results: 114 total votes  
 Hubba Bubba — 29 votes, or 25.4 percent  
 Bubblicious — 53 votes, or 46.5 percent  
 Bubble Yum — 18 votes, or 15.8 percent  
 Big League Chew — 14 votes, or 12.3 percent

Wow. A question inspired by a drunken argument got more than 100 votes. This is a good thing, really, because blowing bubbles isn't just for kids, and those of us who are semi-pro bubble blowers realize the importance of choosing the correct gum. It's good that others also realize the significance.

#### This week's poll question:

Which American war's history do you find the most intriguing?

The choices:  
 Revolutionary War  
 Civil War  
 World War I  
 World War II  
 Korean War  
 Vietnam War