

A Precedent for Banning Abortions

by

Phil Rasmussen

The issue of abortion is a sensitive and emotional trauma for many people. Many believed that the Supreme Court decision on Roe v Wade did away with abortion and established an environment for the courts to do away with your rights and past decisions. The simple fact is that SCOTUS decided that Roe v Wade should be a state issue and not one of over-riding federal control of the people.

While there are theological reasons for banning abortions, mankind has established scientific and legal precedents for the banning of abortions except for under special conditions. The following discussion leads up to one succinct reason why abortions, in general, should be prohibited. This reason has not been discussed to my knowledge in either theological or legal environments.

Regardless of your stance on abortion, various states have established rulings allowing abortions up to specific limits. All of these decisions have failed to consider past law, scientific and medical findings, and coherent and cohesive definitions. By that, I mean that if you seek to determine when a fetus is a viable life, you must also look at what constitutes death. This has not been done and needs to be.

The two primary issues surrounding abortion has been a woman's right of choice, and at what point an abortion cannot be done. The first issue overlaps many social areas and needs addressing. It does not address the male's role in pregnancy and with the current medications and contraceptive devices available, both partners need to discuss the aspect of pregnancy and its outcome before engaging in intercourse. The partners need to engage in moral and ethical decisions and act accordingly. Of course from a social viewpoint, there are possible reasons for having abortions such as in cases of rape and incest.

As to when an abortion can no longer be done during a pregnancy, there are a couple of personal issues such as endangerment to the mother's life. Similar to the social issues, these too must be discussed. Other than these issues, the timing of an abortion should be based on science and not on personal beliefs or desires.

Historically death was originally defined as "separation of some essence of the person from the flesh," or in Biblical terms, the separation of the soul from the body.

With advances in science and medicine, the American Bar Association, in conjunction with the American Medical Association, in 1981, approved and accepted what is called the “Uniform Determination of Death Act.” This Act provides a set of procedures that could be used for determining death. It has been codified into law and is accepted throughout the nation.

Paragraph 1. [Determination of Death] of the Act defines death as either:

1. An irreversible cessation of circulatory and respiratory functions, or
2. An irreversible cessation of all functions of the entire brain, including the brain stem.

Other definitions for Death are also defined as:

1. Clinical death – a when your heart stops pumping blood
2. Biological death – is where the victim’s brain is damaged and cells in the victim’s heart, brain and other organs die from a lack of oxygen

The legal and scientific definition of death continues to be debated. Adding to the confusion are an array of synonymous terms – brain death, biological death, vegetative state...Regardless of which definitions are used, it is pretty apparent that a person is dead when there is no life present, which brings up another conundrum, what is “life?”.

According to the National Institute of Health, the difference between a living human being and living human cells, is based on either

1. the persistence of any form of brain function or
2. the persistence of autonomous integration of vital functions

NASA defines lives as living things that grow and move, while nonliving things often do not grow or move on their own. Living things can be hurt and can repair themselves, like when you get a scratch. Living things at some point will die. Living things also reproduce and can have babies or produce seeds to make new life.

Another definition states that:

- Living things eat, grow, move, reproduce, and have senses.
- Non-living things do not eat, grow, breathe, move, and reproduce. They do not have senses.

Now that we have a better understanding of the definitions for life and death, we need to consider one more definition, and that is the definition of murder. 18 US Code §1111 defines murder as:

“the unlawful killing of a human being with malice aforethought”
malice aforethought. with intention and premeditation

Many states have established time limits such as trimesters, months, or even days into a pregnancy that an abortion can take place. There are two problems with these laws that need to be challenged.

1. Do these laws mention the term “fetus?” If so, what is its definition?
2. Or do these laws mention abortion without defining what is to be aborted?

A couple of states have established a “fetal heartbeat” ruling. This means that if there is a heartbeat, an abortion cannot be done.

According to many reputable publications, organizations, and medical associations

“A fetal heartbeat may first be detected by a vaginal ultrasound as early as **5 1/2 to 6 weeks after gestation**. That's when a fetal pole, the first visible sign of a developing embryo, can sometimes be seen. But between 6 1/2 to 7 weeks after gestation, a heartbeat can be better assessed.”

Once there is a heartbeat, we can easily state that the fetus is live, especially when considering the previous definitions of “life.” Although this point in the fetus’s time-line development can currently be used, future discoveries may move the marker closer to gestation.

However, any abortion committed after fetal heartbeat detection is nothing short of murder. At this point the fetus is a living being. The only difference is that the environment in which the fetus lives changes at birth. The womb is just a different environment. Nourishment and care in both environments is still done by at least one parent. This is the key scientific reason why abortions need to be banned.

The social issues will continue to exist until man and woman both recognize that they are both responsible for bringing a sperm cell and egg together to start the creation of a

new life and at the same time carry their own lives forward into a new world. The womb, in essence, is just a different environment for a living being to grow and develop in, be nourished in, and respond to various stimuli (senses). This is mankind's reason for why abortions should be banned.