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Are fetal rights more important than women's

Few moral questions spark as much passion as the debate over abortion, and at the center of it lies a haunting question: **Are fetal rights more important than women's?** I would argue that the answer is, NO! This conflict between the rights of a fetus and the rights of the person carrying it has shaped political battles, courtroom decisions, and personal struggles for decades. Pro-life advocates argue that every fetus is a human being deserving full moral and legal protection. Merriam Webster definition of a "human being"- is a man, woman, or child of the species homo sapiens, referring to an individual with a high degree of consciousness, empathy, and the ability to use complex tools and language ("Human Being"). Which further enables pro-choice ideals that forcing someone to continue a pregnancy, regardless of circumstances, violates the rights of textbook definition human being which a fetus is not.

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Roe v. Wade 1973, when the US Supreme Court ruled that the Constitution of the United States protected the right to have an abortion prior to the point of fetal viability. Fetal viability meaning the point at which a fetus can survive outside the womb, which is typically suggested at about 22-24 weeks gestation (Macfarlane, 2003). Prior to this point infants born at 20 wks. gestation have a 0-6 percent chance of survival, 22 wks. gestation have a 0-37 percent chance of survival (Qattee, 2022).

We know that since 2022, unfortunately Roe v. Wade has been overturned. This means individual states are now allowed to severely restrict or ban abortion. For nearly 50 years women's rights to reproduce on their own merit have been protected, so now we're seemingly back at the beginning.

Since the repeal of Roe v. Wade legislators in select states have introduced 563 provisions to restrict abortions, 50 of the 536 were signed into law the same year (Jones, 2023). As of the date of publication, 14 states have near-total abortion bans during any point in pregnancy in effect: Alabama, Arkansas, Idaho, Kentucky, Louisiana, Mississippi, Missouri, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin. Several other states have similar abortion bans that have been temporarily blocked by the courts, including Arizona, Indiana, Utah, and Wyoming. A large portion of these laws do not allow exceptions for rape and incest. However, in the states where abortion is allowed in cases of rape or incest, such as Idaho, Mississippi, North Dakota, Oklahoma and West Virginia having exceptions in the case of rape, and Idaho, Oklahoma, and West Virginia in the case of incest, these allowances are short lived and poorly understood. For example, in the majority of these states, in order to qualify for these exceptions, women must report to law enforcement, which can be humiliating and traumatizing. Similarly, under North Dakota's "rape exception," abortion is allowed up to six weeks of pregnancy only if, based on "reasonable medical judgement", and the pregnancy has been proven to have resulted from rape or incest (Damante, 2023). I want you guys to understand that roughly 30 percent of women find out they are pregnant so early on, so the deadline to get the procedure only includes the 1/3 of the population of women that may find out that soon. So, reviewing the information we see that even in the event that there are

exceptions there is a small window on time, and you have to pursue legal action all before even being considered.

The pro-life position is grounded in the belief that life begins at conception, I would argue that this statement is contradictory, from my own personal experience. I have never encountered a conservative that when asked their age adds 9 months, they consider their age based on the date of their birth. If they truly believe that conception starts at birth why are they not aging themselves accordingly. They often point to alternatives, such as adoption, as compassionate solutions that preserve life while still offering choices to those facing unplanned pregnancies. My question is, what would a pro-life advocate say to a woman who had been raped, a woman who has a fetus with a terminal illness or genetic abnormality, a child that had been assaulted (ABC7 NY, 2025). These situations occur every day and women are entitled to the right to heal as they see fit.

The pro-choice movement is built on the conviction that personal autonomy is essential and that individuals must retain control over their own reproductive decisions. "Autonomy is a person's right to make their own decisions independently, especially regarding their personal life, body, or actions without external control or coercion." From this standpoint, compelling someone to carry a pregnancy to term even in cases of rape, health risks, or severe fetal anomalies, completely violates their basic rights and bodily integrity.

Pro-life critics claim that because the fetus is a developing human being, the obligation to preserve its life should outweigh any competing concerns. However, Philosopher **Judith Jarvis Thomson's "violinist" analogy** powerfully illustrates this idea: if a person were unexpectedly connected to an unconscious violinist who required the use of their kidneys for nine months to survive, Thomson argues that they would not be morally obligated to remain attached even if disconnecting resulted in the violinist's death. This analogy demonstrates that the right to life does not automatically include the right to use another person's body to survive. Applied to pregnancy, it suggests that even if the fetus has the right to life forcing someone to remain pregnant violates bodily autonomy. Additionally, pro-choice advocates emphasize that adoption does not remove the physical, medical, or emotional burdens of pregnancy itself. While pro-life supporters stress the duty to protect unborn life, pro-choice reasoning maintains that reproductive decisions must respect the individual's right to control their own body.

The debate between pro-life and pro-choice viewpoints continues to shape laws, politics, and personal experiences, revealing the profound moral and emotional weight of abortion. Pro-choice advocates prioritize autonomy, health, and aim to protect individual choice. As this debate continues, it is essential that society carefully consider women's rights, encouraging policies, education, and dialogue that respect the moral and legal rights of women. Now, with evidence the evidence presented I would encourage you to protect woman's rights first. 

Works Cited

opposite

ABC7 New York . “Man charged in sexual assault of 12-year-old-girl in Brooklyn”
 YouTube, 8 Nov. 2025.

Damante, Becca, and Kierra B. Jones. “A Year After the Supreme Court Overturned Roe v. Wade, Trends in State Abortion Laws Have Emerged.” *Center for American Progress*, 15 June 2023.

Macfarlane, P I et al. “Non-viable delivery at 20-23 weeks’ gestation: observations and signs of life after birth.” *Archives of disease in childhood. Fetal and neonatal edition* vol. 88,3 (2003)

“Human being.” *Merriam-Webster*, Merriam-Webster, (
www.merriam-webster.com/dictionary/human%20being). 8 Dec. 2025.

Qattee, Ibrahim et al. “Survival of infants born at peri-viable gestation: The US national database.” *Lancet regional health. Americas* vol. 14 100330. 25 Jul. 2022, doi:
 10.1016/j.lana.2022.100330