



MYTH 09

“GOVERNMENT HAS NO RIGHT TO BE INVOLVED IN
THE LEGISLATION OF ABORTION.”



MYTH #9: “GOVERNMENT HAS NO RIGHT TO BE INVOLVED IN THE LEGISLATION OF ABORTION.”

In order to determine whether government should be able to legislate the procedure of abortion, we must first ask the question: what is the **function of government**? One common source asserts that the first aim of government is to secure the right to life, which includes the safety of fellow citizens, allows for the exercise of liberty, and provides the conditions upon which men may pursue happiness.¹²⁷ How the citizens pursue happiness is an end that is entirely private, and beyond the competence of government.

Given our previous discussion, there are several obvious ways in which government regulation of abortion can determine these ends. The government has the responsibility to **protect the life of its citizens, including those not yet born**. Our country already has laws that reflect this, most prominently in the *Unborn Victims of Violence Act*, which recognizes an unborn child as a legal victim if they are injured or killed.¹²⁸ We have also noted how the procedure of abortion is physically and psychologically dangerous. At an absolute minimum, the government has the **responsibility to ensure that this elective procedure is performed in a way that reduces the risks to the mother. But it must be recognized that a truly “safe” abortion is impossible, of course, because it involves the killing of a human being.**

At the very least, governments can require that the providers are competent, the facilities are clean and prepared to handle emergencies, and the women are well counseled. The government should ensure that women considering an abortion are **aware of the risks**. The government should also insure that the woman is made aware of the benefits of all the other options they have when they find themselves facing an unintended pregnancy. Those who think that legislation is unnecessary because these things routinely occur need look no further than the trial of Dr. Kermit Gosnell.¹²⁹ He was a notoriously incompetent abortionist, but others like him continue to operate. Operation Rescue details this horrifying reality by cataloguing the gruesome deaths of many American women since legal abortion became widespread.¹³⁰

Many are familiar with the statement, “You can’t legislate morality.” This is only partially true. We frequently legislate activities that are related to morality when the **actions are likely to harm another human**. Murder, rape, and assault restrictions; drug, prostitution, and gambling prohibitions; even traffic regulations; all restrain the “free will” actions of some people in order to benefit others who may be adversely affected by those actions.

As mentioned, how a woman elects to **pursue happiness** is beyond the scope of government regulation, but what is not beyond the government’s scope is the duty to protect the lives of its most vulnerable citizens—unborn children—by enacting constitutional laws.

NOTES

- 127 “What Are Five Functions of the Government?,” Reference.com, accessed December 4, 2018, <https://www.reference.com/government-politics/five-functions-government-12e71c6d8a40bbc6>.
- 128 Unborn Victims of Violence Act, 18 U.S.C. § 1841 (2004).
- 129 Conor Friedersdorf, “Why Dr. Kermit Gosnell’s Trial Should be a Front Page Story,” *The Atlantic*, April 12, 2013, accessed December 4, 2018, <https://www.theatlantic.com/national/archive/2013/04/why-dr-kermit-gosnells-trial-should-be-a-front-page-story/274944/>.
- 130 “Women Killed By Legal Abortion,” Operation Rescue, accessed December 4, 2018, <https://www.operationrescue.org/about-abortion/women-killed-by-legal-abortion/>.