

Assaults and anomalies

From the Editors in the [June 6, 2001](#) issue

Under current federal law, an individual who assaults a pregnant woman receives no punishment for any harm done to the unborn child. That the woman being assaulted is carrying a child in her womb is no more relevant in the eyes of the law than the fact that she is brown-haired or blue-eyed.

This account of the situation is morally inadequate. It runs counter to our intuitive sense that—however we describe the fetus—more than one life is battered in such an assault, and that the death of an unborn child constitutes a real loss. The Unborn Victims of Violence Act, which passed the House of Representatives in April, addresses this situation by specifying that assailants may also be charged for the injury or death caused to the child in utero. Fetuses too can be victims.

The rationale for this bill, now in the hands of the Senate Judiciary Committee, would be obvious were it not for the politics of abortion. Many defenders of legal abortion have opposed the bill, arguing that if the fetus is given independent status as a victim, the right to abortion will be undermined. Representative Jerrold Nadler of New York warned that the real purpose of the bill is to recognize a fetus “as a person,” and said he viewed the debate over the Unborn Victims Act as really a debate over abortion. In a similar vein, the Religious Coalition for Reproductive Choice complained that the bill “forges new ground in attempting to recognize the fetus as a person with the same legal status as the woman.”

Such opponents discount the clause in the Unborn Victims Act that explicitly grants an exception in the case of legal abortion. They also ignore the fact that 24 states have enacted a similar law without undermining abortion rights. The landmark *Roe v. Wade* ruling on abortion rights does not appear threatened by this bill. Indeed, since the bill does not apply in the case of “an abortion for which the consent of the pregnant woman has been obtained,” it implicitly affirms *Roe*.

Admittedly, the bill does underscore the moral ambiguity and anomalous nature of abortion. And perhaps that’s what bothers opponents. Such a law would make it clear that an action that is legal when done by a doctor at a pregnant woman’s

request can be subject to criminal prosecution if carried out by someone else against a pregnant woman's will.

Abortion is the taking of a developing life that in other cases should be protected and defended. That is simply an accurate description of the situation. Those who wish to keep abortion as a legal option should not hide from that truth, nor should they shrink from taking a practical step to defend pregnant women. n