

LEGAL AGNOSTICISM IN THE ABORTION DECISIONS: UNBORN PERSONS  
AND THE FOURTEENTH AMENDMENT

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*Abstract:*

It is a common assumption among pro-life scholars and legal advocates that a proper interpretation of the Constitution with respect to abortion would restore the decision of when, whether, and how to regulate abortion to the states. In promoting what I call the "restoration interpretation," these scholars and advocates for various reasons ignore or reject the correct interpretation, what I call the "unborn person interpretation." This paper consists of a criticism of the restoration interpretation and a defense of the unborn person interpretation of the Constitution. This defense is based upon originalist principles of Constitutional interpretation as those principles are outlined by Justice Antonin Scalia in his book *A Matter of Interpretation*.