
THE RELIGIOUS OPPRESSION OF WOMEN: THE BIBLE AND ANTI-ABORTION CAMPAIGNS

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Both the Old and New Testaments of the Bible have historically been deterrents for women's legal rights in the United States. This paper will examine the way that the Bible and religious groups have limited women's liberties by focusing particularly on the issue of abortion. Abortion has been a historically volatile issue in the United States and the moral crusade to do away with abortion rights has been framed in Judeo-Christian rhetoric rather than in legal discourse.

"Let your wives keep silent in the assemblies, for it has not been permitted for them to speak; but let them be in subjection, as the law also says."

-Paul's Letter to the Corinthians 14:34

Abortion has been an explosive political struggle, perhaps dividing the nation as no other current issue, and the discourse surrounding it has been heavily influenced by religious ideologues. Restrictive anti-abortion laws have been shaped by religious and customary rhetoric to subordinate women. The intersection of religion and abortion envelopes two equally relevant elements: the way that sacred texts have influenced the oppression of women in law and the manner in which powerful religious groups extend their own reign over the issue and cloak legal matters that affect women's rights in Judeo-Christian morality. Together, these two facets of religious repression have contributed greatly to the subjection of women in the United States. This paper argues that religion has been instrumental in affecting laws that have historically worked to oppress women in the United States. While the scope of this argument encompasses a range of topics that span beyond women's bodily autonomy and privacy, this paper will concentrate on the legal and political aspects of abortion rights as the focal issue in the legal subordination of women. This examination of the way that religion has affected the legal rights of women will be conducted by an analysis of biblical texts, socio-legal literature, and Supreme Court dicta.

Historically, American laws that have derogated and suppressed women have been rooted in religious, canon, and later, common law. Due to the way that women have been portrayed in biblical texts, these writings lay a legitimate basis for the current legal subjugation of women. Elizabeth Cady Stanton explains, "the Bible and the Church have been the greatest stumbling blocks in the way of woman's emancipation." Furthermore, religious groups have utilized and manipulated Judeo-Christian morals in their quest to suppress women. Moral theology has affected the formation of anti-abortion laws and is currently a crucial issue because there looms a great threat that the *Roe v.*

Wade decision will be overturned. Religion is a central part of the debate on abortion because religious rhetoric and morals are used to frame the debate.

WOMEN IN THE BIBLE

The writings in the Old and New Testament have set a precedent that women are inferior, are equivalent to property, and necessitate male dominion. Genesis is the first chapter of the Old Testament and the beginning of all human life. This chapter of the Bible is critical because it discusses the creation of the earth and sets the foundation for the rest of the biblical stories. Genesis 2:21-23 states that Eve, the first woman, was created from Adam's rib. A woman's life originating from that of a man and second in order to man has great significance because it has enabled men to be conceptualized as the origin of women and thereby, lord over them categorically. The Bible, opening with the inequality of women and men, sets a standard of discrimination in the religious, social, and legal realms for centuries to come.

The book of Genesis further reveals this subordination by chronicling a number of instances of sexual violence against women. In the story of Sodom and Gomorra, Lot gives his virgin daughters to the men in his village so that they would not have sex with his male visitors. Lot said to the men,

“Behold now, I have two daughters which have not known man; let me, I pray you, bring them out unto you, and do ye to them as is good in your eyes: only unto these men do nothing; for therefore came they under the shadow of my roof. (Genesis 19:8).

A similar story occurs in the book of Judges, when an old man protects his male guest and offers his daughter and concubine to a crowd of men to do what they please with for the duration of the night. The above stated examples are part of the Texts of Terror, the sections of the Old and New Testaments that “documented abuse and sexual violence against women [and] were often used as justifications for restricting women's lives” (Lindsey 328). These biblical stories speak of a double standard for men and women; while women can be raped and used for mere sexual pleasure, men cannot occupy similar submissive roles. Moreover, these stories illustrate the notion that biblically, men had subjective supremacy over women since they can be given away or loaned like objects.

The rights of women and men converge further when the facets of the female reproductive cycle, as they are described in the Bible, are analyzed. In Genesis 3:16, in the story of Adam and Eve, both maternity and the husband's dominion were given to the woman as punishment for listening to the serpent and eating from the forbidden tree. Bearing a child was intended to cause the woman great pain and torment. In this chapter it is written, “Unto the woman...I will greatly multiply thy sorrow and thy conception; in sorrow

thou shalt bring forth children; and thy desire shall be to thy husband, and he shall rule over thee” (Genesis 3:16). Furthermore, in the book of Leviticus, it is asserted that women who gave birth are to be considered unclean for a period of seven to fourteen days. The duration of impurity is based on whether they bore a male or a female child respectively – the female child causing a longer period of impurity. Also, when a woman menstruates, she is also considered unclean. During their menstrual cycle, women are banned from the Tabernacle, the portable temple, and may not sleep in the same bed as their husbands (Leviticus 12:1-7). These rules, by punishing women for their innate difference from men, set them apart from men both legally and socially.

Exodus, the book in the Bible that exemplifies freedom, covenant, and the Jewish legal code, tells of Moses, who leads the Israelites out of slavery in Egypt and receives the Ten Commandments on Mount Sinai. The Ten Commandments are the first and most enduring set of laws that are described in the Bible. However, in the explication of the Commandments, women are referred to as property and once again, men are given legitimate reason in the Bible to be the oppressors. Exodus 20:17 states, “Thou shalt not covet thy neighbour’s wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor any thing that is thy neighbour’s.” Women were treated as owned goods, and thus were not deserving of certain rights that were designated for men. The Bible contributed to the elimination of both women’s voting rights and their recognition in the political arena. In Numbers, a poll taken of the community only included men, not women. Numbers states, “Take ye the sum of all the congregation of the children of Israel, after their families, by the house of their fathers, with the number of their names, every male by their polls” (Numbers 1:2). Additionally, the Old Testament often refers to polygamy, but as an advantage only afforded to men. For example, King Solomon had 700 wives and 300 concubines. These incidents demonstrate the way that the Bible afforded property rights over women to men. As a consequence of such a great number of individuals depending on the Bible for personal and moral guidance, the way that women are presented in it has been detrimental to their contemporary legal and social status.

Two millennia later, this subjugation persists in Paul’s Letter to the Corinthians, found in the New Testament. Paul is widely recognized as being connected with a “Christianity of female subordination” (Lindsey 330). In this letter, Paul not only pronounced that women necessitate male authority, but also their husbands are women’s sole source of education. Paul states, “if [women] will learn anything, let them ask their husbands at home: for it is a shame for women to speak in the church” (1 Corinthians 14:35). In his letter to the Corinthians, Paul depicted women as passive, dependent individuals who are in need of male guidance. When Paul proclaims, “The head of every man is Christ [and] the head of every woman is her husband,” it asserts a requirement of man’s dominion over woman (1 Corinthians 11:3). Paul

contends that because woman was created out of man, she is there for his purpose when he states,

“For a man ought not to cover his head since he is the image and glory of God; but woman is the glory of man. For man was not made from woman, but woman from man. Neither was man created for woman but woman for man” (1 Corinthians 11:7-9).

These elements of Paul’s letters to the Corinthians have been used recurrently to disempower women.

Similar to the way in which women were constrained in Paul’s Letter to the Corinthians, in the books of Timothy and Ephesians further differentiate women’s rights from those of men. The book of Timothy states that women should not teach or have authority over men. Timothy proclaims, “Let the woman learn in silence with all subjection. But I suffer not a woman to teach, nor to usurp authority over the man, but to be in silence” (1 Timothy, 2:11-12). Timothy’s view is rooted in the story of Adam and Eve in the book of Genesis. He insists that women should be subjected because Eve allowed herself to be deceived by the serpent (1 Timothy 2:11-14). Furthermore, in the book of Ephesians asserts,

“Wives, submit yourselves unto your own husbands, as unto the Lord. □For the husband is the head of the wife, even as Christ is the head of the church: and he is the saviour of the body. □As the church is subject unto Christ, so let the wives also be subjects in everything to their husbands.” (Ephesians 5:22-24).

In both Timothy and Ephesians women are deprived of rights and are situated under the dominion of their husbands.

These examples are merely a chosen selection from a plethora of instances where men in both the Old and New Testaments employ religious ideology to oppress women. The notion that in the eyes of religion, women and men lack equality is summed up perfectly by the quote “equal in dignity, complementary in nature” which is a teaching used by the Catholic Church (Faux). The way that women are portrayed in the Bible has been crucial to the development of the legal disenfranchisement of women in the United States. While there is a presumed separation between religion and the law in the United States, this separation only occurs in theory because religious principles have been extremely influential in the creation of laws.

SEPARATION OF CHURCH AND STATE

The separation of Church and State is clearly guaranteed in the First Amendment of the Bill of Rights. The Establishment Clause, embedded in this

Amendment asserts, "Congress shall make no law respecting the establishment of religion." However, this clause does not guarantee that religious rhetoric and morals will not penetrate the State's legal decisions. Other constitutionally afforded freedoms, such as that of speech and the press, provide religious groups with enough leeway to have influence over American politics (Harrison 59). Kenneth R. Blake states that "any reading of American history quickly demonstrates that the wall separating church and state has never been able to keep religions out of the nation's politics or politics out of the nation's religions" (Blake). There are various examples of the presence of Christianity in the formation of the United States. For example, the twelve jurors that sit on the jury trial are representative of the twelve apostles. Since the twelve apostles were able to spread Christianity world wide, it was assumed that twelve jurors could come up with a fair decision. In court, people swear on the Bible. There is a reference to God in U.S. currency. The examples of religious permeation in the American government are endless and demonstrate a clear lack of separation between Church and State.

President George W. Bush's Faith-Based and Community Initiatives are another example of this lack of this separation. The Initiatives, implemented solely via executive order in 2001, are federal funds that are given to religious organizations for the purpose of conducting charitable work (Blake). In Executive Order 13199, the "paramount goal is compassionate results...so long as they achieve valid public purposes, such as curbing crime, conquering addiction, strengthening families and neighborhoods, and overcoming poverty." While the intention of these Initiatives is benevolent, these allocations are extremely controversial because the Bush Administration has only accorded them to conservative Christian organizations. These grants allow organizations to free up other funds to progress their political plan. Many of these tax-exempt organizations have used these freed funds to launch anti-abortion campaigns. However, problems arise when tax-exempt religious organizations enter the political arena. Mariah Richardson-Osgood analyzed this situation correctly by stating, "The overriding problem, however, is rooted in the President's unrelenting effort to use the church for the betterment of the state." With no regard for the First Amendment, religion has been set up vicariously via Faith-Based and Community Initiatives.

Abortion has become a symbol of the struggle between the church and state. The Constitution, the most sacred and democratic American text, has created certain rights that make a statute that criminalizes abortion unconstitutional. Particularly, the right to privacy forbids any law that bans abortion. However, because religious morals and principles have been infused into the argument, the conservative right has often overlooked this notion. While in theory America is a secular nation, in practice, it is far from this ideal. Harold Bloom, in his book *The American Religion: The Emergence of the Post-Christian Nation*, contends that "no Western nation is as religion-soaked as ours" (Neuhaus). Because Christianity is a patriarchal religion

that is hierarchical in the interest of men, thus subjugating all women, the interdependence between religion and politics in the United States has resulted in the victimization of. This is evident in the analysis of the laws surrounding women's bodily autonomy, and especially abortion.

Women may desire to have an abortion for a number of reasons including fetal problems, lack of funds to support a child, a rape-induced pregnancy, and the possibility of medical complications caused to the women throughout the pregnancy and/or birth. Those who oppose abortion often rely on rhetoric that is loaded with religious values and the position that the preservation of the life on the unborn is crucial. However, pro-choice partisans are not advocating for the killing of fetuses, but rather giving women the right to chose to abort an unwanted pregnancy. By couching the anti-abortion argument in religious rhetoric, abortion has divided the 'good and moral' Christian or Catholic from the 'bad and sinful.'

There is no denying the importance and sanctity of life; however, conflicts arise between the right of the potential life of a fetus and the rights of the woman carrying the fetus. Furthermore, questions emerge about what counts as a life. The Roman Catholic Church has constituted the greatest opposition to abortion and has framed its argument in religious moral rhetoric. The Church has a problem with the killing of the unborn and thus denying it the right to life. The moral sin associated with the killing of a fetus has been dramatized and equated with the Nazi persecution during the Holocaust. The religious anti-abortion view focuses on giving the fetus a voice and a legal right to life (Melton 17). Often, the religious convictions behind the opposition to abortion by political figures have been conveniently masked by the possible medical complications that accompany abortion. However, advances in medicine have considerably decreased, if not eliminated, these complications. Some of the most common medical problems include bleeding, perforation of the uterus, injury to the cervix, pneumonia, and mortality (Callahan 36). Criminalizing abortion and forcing it to go underground will facilitate medical complications such as these because the same medical protections that exist to safeguard both the patient and the doctor will be eradicated.

The evidence that abortion was viewed negatively by the Church dates back to the first three centuries. In *Didache*, or *Teachings of the Apostles*, written around 80 A.D. for the purpose of educating Christian converts, abortion and infanticide were condemned (Connery 37). In the fourth century, anti-abortion legislation was incorporated into canon law and was punishable by exclusion from "communion with the faithful" and a few centuries later by private penance (Connery 65). Private penance, as opposed to the public penance that was employed earlier and meant exclusion of the Eucharist, was comprised of fasting and abstinence for a short duration of time (Connery 67).

The earliest widely accepted writer on the subject during this period was St. Augustine, the first individual to actively prohibit abortion for not

only pagans, but Christians too. "However, it has been a misconception that the Christian forefathers opposed all abortion. Many Christian theologians, including St. Augustine believed that "animation" or "hominization," the moment when the fetus turns into a living being, occurs either forty or eighty days after conception based on the sex of the baby. According to Augustine, because at this time the fetus begins developing a human body, only after this point is abortion deemed homicide. There cannot yet be said to be a live soul in a body that lacks sensation" St. Augustine's quote resonates in the discourse of many anti-abortion partisans in the abortion and anti-abortion dichotomy. To prove his theory of delayed animation (or delayed hominization), Augustine noted the creation of Adam in the book of Genesis. He pointed out that Adam was infused with a soul only after God created his body (Connery 58). Similarly, St. Thomas Aquinas asserted that a fetus does not turn into a human life at the moment of conception. Aquinas stated that the fetus cannot be fully human until it attains a "human shape" (Melton xvii). While the Church did not view abortion apathetically, initially abortion prior to animation was not considered a sin.

In both early Roman and Jewish Law, the predecessors to Christianity, abortion was not punishable because the fetus was viewed as *spes animantis*, an appendage of the mother until birth (Connery 22). Similarly, between 1307 and 1803, abortion was not punished under English Common Law. In both the *Twinslayer's Case* of 1327 and the *Abortionist Case* of 1348 the judge made the decision to not criminalize abortion. However in 1803, Lord Ellenborough criminalized abortion due to the unsafe abortion techniques, which were used at the time. However, both in the canon law and in English Common Law, the main concern always remained the health of the woman and not the life of the fetus.

The condemnation of all abortion by Christianity and Catholicism has been a fairly recent phenomenon. There exists convincing evidence demonstrating that while the Church was hostile to the issue of abortion, it was not considered a serious sin. In the beginning of the 13th century, Pope Innocent III established that abortion became homicidal at the instant of "quickening," when the woman first felt the fetus move; prior to this it was not deemed a serious sin. Furthermore, a number of theologians in the 16th century, including Antoninus, Sylvester, Fumus, Sanchez and Navarrus, considered "therapeutic abortions," abortions for the purpose of saving the life of the mother, permitted (Connery 124). The first time that abortion at any point in the pregnancy was considered a sin was in 1588 by Pope Sixtus V in his *Effraenatam*. However, Pope Gregory XIV later reversed this resolution in 1591 (Melton xvii). Also, Pope Gregory XIV instituted the notion that a woman could not be excommunicated from the church because she had an abortion and that abortion was not a sin unless it was performed to cover up a sexual transgression (Melton xvii). This was the abortion policy in the Catholic Church until 1869, when the church was losing control of its followers and

needed to gain authority back.

In 1869, Pope Pius IX prohibited all abortion. In his Constitution, *Apostolicae Sedis*, the Pope established the punishment of excommunication for abortion (Callahan 413). He stated that “the fetus...is directed to the forming of man, therefore its ejection is anticipated homicide” (Melton xviii). The Pope’s view was based on the notion that there is no difference between an animated and an unanimated fetus. Fienus and Zacchia first offered this challenge to Aristotle and St. Augustine’s theory of delayed animation in the seventeenth century, and other theologians later followed this tendency (Connery 187). Similarly, in the United States before the late-1860s abortion was not criminalized and was permitted until the time of quickening. However, after the 1860s abortion increasingly became illegal in the United States. Furthermore, when the American Medical Association (AMA) launched its anti-abortion campaign in the 1860s and 1870s, it based its movement on moral grounds, rather than medical ones (Melton xxi). It is apparent that abortion was only prohibited in the U.S. when the Vatican released information condemning abortion.

In 1917, the Code of Canon Law established even stricter rules regarding abortion. The Code was the law of both the Roman Catholic and Anglican churches. It asserted that abortion was a sin worthy of excommunication for the woman, the doctors, and the nurses involved in it (Melton xviii). Also, any distinction between delayed animation and animation during conception was removed from the Code (Callahan 413). The papacy began to take a very harsh stance with regards to this issue. Pope Paul VI, in his *Humanae Vitae*, stated that abortion is a sin because it is homicidal and “every sexual act must be open to the life that may result [from it]” (Melton xviii). Pope John Paul II later stated “all human life—from the moment of conception and through all subsequent stages—is sacred, because human life is created in the image and likeness of God” (Jung and Thomas 16). The manner in which the Church utilized moral rhetoric to progressively prohibited abortion is parallel to the development of the criminalization of abortion in the United States.

Currently, the Roman Catholic Church is the largest Christian church in the world and the largest religious body in the United States, with a membership of fifty million (Melton 1). The Roman Catholic Church not only has an extremely strong influence over the populous through papal accords and religious organizations in the United States, but also has extensive resources that have been used to spread the Church’s demands. The Pope has direct influence over two prominent “policy-setting bodies” in the U.S., the National Conference of Catholic Bishops and the U.S. Catholic Conference (Melton 1). In addition to the Roman Catholic Church, the Protestant and Eastern Orthodox Churches together make up more than half of the religious body in the United States. The commonly conservative anti-abortion stance of the Churches has had a monumental effect on the movement against abortion in

the United States.

Roman Catholic, Protestant, and Eastern Orthodox Churches rely on a combination of the 'thou shall not murder' commandment and biblical stories to justify their anti-abortion stances. These biblical stories found in both the Old and New Testament comment upon the notion that from the moment of conception, God has established one's life plans. A textual example of this can be found in Jeremiah 1:5, when God said to Jeremiah, "Before I formed you in the womb I knew you, before you were born I sanctified you, and I ordained you a prophet to the nations." Also, as a product of the analysis of the Virgin Mary's immaculate conception, a fetus is considered a human being from the initial moment of conception (Melton 29). The Church's notion of animation occurring instantly at the moment of conception has been formative to their argument against abortion.

Furthermore, central to the religious debate on abortion is a text found in the Book of Exodus. In this illustration men are involved in a fight and hurt a pregnant woman causing her to miscarry; the woman's husband decides on the appropriate fine to charge the guilty man (The Holy Bible, Exodus 21:22-25). Thus, the Churches have argued that abortion caused by a third party necessitates a punishment. Beverly Wildung Harrison, a feminist theologian, calls this analysis a "mistranslation" (68). Harrison explains that this analysis of the biblical passage has been limited and misconstrued by the Church to argue that abortion was a serious sin. However, she explains that because the punishment for the one who caused the woman to miscarry was merely a fine, it is not considered a major crime (Harrison 68). The Church has structured a moral argument against abortion and utilized biblical texts to legitimize it.

In the 1960s, when the abortion debate surfaced as a rational demand by feminists, the Roman Catholic Church immediately presented great moral opposition. This moral opposition was most significant because with the advances in medical technology, medical hazard reasons for abortion were no longer viable. Representing the view of the Roman Catholic Church in 1965, the Second Vatican Council stated that "from the moment of its conception, life must be guarded with the greatest care, while abortion and infanticide are unspeakable crimes" (Kopaczynski 7). The Church was most bothered by two issues regarding abortion: whether an abortion was being performed to hide something and whether it was homicide (Melton xvii). Masked in the Church's moral arguments against abortion, however, is its underlying agenda to spread sexual modesty and thus oppress women.

LEADING UP TO ROE V. WADE

Feminists who were fighting for the right to abortion saw anti-abortion statutes as nothing more than oppressive tools used by men against women. These tools found their roots in theology. Simone de Beauvoir, a French

existential philosopher, feminist, and “the mother of the [abortion] movement” supports this view and states that “scriptures against abortion, be they from Church or State, turn out to be nothing more than other ways of making women suffer” (Faux 20, 48). It is ironic that religious anti-abortion propagators argued against the murder of innocent infants, yet remained unemotional about religious “just wars” that take the lives of innocent bystanders. Mary Daly, an American feminist, also regards abortion as an issue of power, the power exerted by men in the dominion over women. Daly illustrated this idea when she stated that “One hundred per cent of the bishops who oppose the repeal of anti-abortion laws are men and one hundred per cent of the people who have abortions are women” (Kopaczynski 61). Feminists, like Daly and Beauvoir, and pro-choice proponents emphasize the fact that abortion laws are created in a patriarchal world, but solely affect women.

Harrison asserts that anti-abortion statutes, which are rooted in Christian teachings, are glaringly misogynistic. Harrison explains that anti-abortion proponents often forget that because women’s lives are at stake in the issue, the burden of deciding the abortion question falls on women (Harrison 10). Harrison explains that while religious groups focus on the moral dilemma associated with killing a fetus, they forget that “women’s well-being is [also] a concrete moral value” (Harrison 231). Harrison also focuses her attention on the notion that the Church as the driving force for religious anti-abortion campaigns is highly hierarchical and patriarchal. Through religion, patriarchy has been diffused into the political realm in the United States and thus, affects the rights that are available to women. Moreover, patriarchy has been instrumental in influencing legal sanctions surrounding the subject of women’s bodily autonomy.

Women’s bodily autonomy became a central issue for second-wave feminists in the 1960s. The decision of *Griswold v. Connecticut* (1965), laid the foundation for abortion-rights seeking individuals. The Supreme Court ruled in *Griswold* regarding state restrictions on the use of contraceptives. The decision stated that protections enumerated in the Bill of Rights had the effect of creating “zones of privacy around the individual that kept state authority at bay” (Curry 19). This case developed a constitutional right to privacy, which further enabled other battles for bodily autonomy. One of the ensuing battles was over the issue of abortion. However, because in most states abortion was still prohibited, women continued to seek underground abortions under poor and inadequate medical conditions since “underground abortion practices were not subject to the same health and safety regulations governing other medical procedures.” (Curry 69). In response to the upheaval caused by feminist and pro-choice organizations, in 1962, the American Law Institute presented legislation that sanctioned abortions in the case that the pregnancy posed a mental or physical risk to the mother. Also, number of states, including Colorado, Alaska, Hawaii, New York and Washington legalized abortion before 1970 (Melton, xxiv).

ROE V. WADE

The examination of the religious ramifications on the abortion issue is only feasible with a thorough analysis of one of the most significant Supreme Court cases, *Roe v. Wade* (1973). Jane Roe was the chosen alias for Norma McCorvey, an unwed woman experiencing her third pregnancy who agreed to serve as the plaintiff for two Texas lawyers fighting the Texas statute that prohibited abortion. In this class action suit, Linda Coffee and Sarah Weddington were attacking Article 1196 of the Texas Penal Code by “challenging the constitutionality of the Texas [abortion prohibition] law” (Curry 70). Statutes such as this were deemed to not only infringe on bodily privacy but were also “vague and uncertain” for physicians (*dicta*). Initially, in addition to Jane Roe, a married couple also sued on the basis that the anti-abortion law inhibits their marital privacy if in fact they ever desire to obtain an abortion. While the Texas Supreme Court ruled that the couple did not “have standing to sue on behalf of all married couples in Texas,” *Roe’s* challenge was allowed to be heard in front of the Supreme Court (Curry 70). The case of *Roe v. Wade* was first presented in December of 1971, and later reargued in June of 1972 for a number of reasons that are irrelevant to the matter at hand. The arguments presented focused on the definition of a person in the 14th Amendment. The state of Texas argued that it “had a compelling interest in safeguarding the life of the fetus” (Curry 139). Thus, the Supreme Court was forced to balance that right with the woman’s right to privacy.

In a 7-2 majority, the Supreme Court ruled on January 22, 1973 that the Texas statute that prohibited abortion infringed upon women’s constitutional right to privacy. Justices Blackmun, Burger, Sougals, Brennan, Stewart, Marshall, and Powell sided with the majority. Justices White and Rehnquist dissented. The majority decision asserted that anti-abortion laws in Texas violate the Due Process clause of the 14th <http://faculty.mc3.edu/barmstro/noonan.html> Amendment, “which protects the right to privacy against state action” (Melton xxiv). Speaking for the majority, Justice Harry Blackmun ruled that abortion rights are based on what trimester the pregnancy is in. Blackmun stated that in the first trimester, the woman could choose to abort her pregnancy without interference from the government. In the second trimester, the state may regulate abortion in the interest of protecting the woman’s health. Blackmun asserted that in the third trimester, states could prohibit abortion in the interest of protecting the fetus (Curry 71). The dissent authored by Justices Rehnquist and White expressed the opinion that the matter of abortion should be left up to the state legislature. However, Blackmun disagreed. He stated that a State “may regulate the abortion procedure to the extent that the regulation reasonably relates to the preservation and protection of maternal health” (Curry 143). Justice Harry Blackmun’s opinion has set precedent in the way that states regulate abortion rights, or the lack thereof.

Blackmun drew his opinion from a number of critical texts written about abortion including many ethical and philosophical works on the subject, the British common law, and “An Almost Absolute Value in History.” The latter, an essay about the issue of abortion written by John T. Noonan, described the position of the Roman Catholic Church on the issue (Faux 289). Based on his research, Blackmun asserted that “in common law, at the time of the adoption of our Constitution, and throughout the major portion of the 19th Century, abortion was viewed with less disfavor than under most American statutes currently in effect” (Curry 141). Blackmun explained that three reasons have been utilized to justify the historical prohibition of abortion. These justifications include the Victorian social concern to discourage illicit sexual conduct, the risks of medical procedure, and the State’s interest (Curry 141). While the latter has been depicted as being the protection of prenatal life, it also includes the State’s interest to appease societal morals, which have come to include and be based on Christian teachings. Blackmun explained that one’s convictions toward abortion are based on the intersection of a number of elements; among others, this includes “one’s philosophy, one’s experiences, one’s exposure to the raw edges of human existence, [and] one’s religious training” (Curry 140). It is a notable fact that Blackmun referred to religion on three different occasions in his dicta.

REACTION TO ROE V. WADE

In reaction to the *Roe v. Wade* decision, the Roman Catholic Church, once again, advanced the greatest opposition. The Roman Catholic bishops appealed for civil disobedience to combat abortion laws in 1973. This was the first time in “modern U.S. history” that the Church has made a demand such as this (Harrison 238). Furthermore, in 1975, the U.S. Catholic Conference introduced its “Pastoral Plan for Pro-Life Activity.” This plan demanded a “parish network” that would push a pro-life Constitutional Amendment, only elect and work for pro-life officials, and track the stands of elected officials on the issue of abortion (Melton xxv). This plan focused much of the Church’s resources in the United States on fashioning legislation and legislators that oppose abortion. In addition to religious opposition, many conservatives regarded the *Roe v. Wade* decision as “judicial activism” (Pollit).

The *Roe* decision served as a unification of different religious factions that all similarly challenged the moral and legal legitimacy of abortion. This national movement seeks to safeguard “every unborn child protected in law and welcomed in life” (Neuhaus). Protestant fundamentalists have been mobilized into abortion politics at a greater rate than they were before the *Roe* decision. The Roman Catholic Church has been pleased to see that abortion is the one issue that has been able to unite both the right and the left. It is crucial to note the way that the anti-abortion position has unified Catholics, Protestants and other non-denominational pro-life groups in a national movement.

CURRENT INFORMATION

While the *Roe v. Wade* decision nevertheless stands, there is still much current opposition to the legality of abortion. Harrison emphasized this idea when she stated, “Let no one imagine that the effort to recriminalize abortion and to make women who choose abortion, and physicians who perform abortions, felons under the law will soon end or that effort to curtail legal abortions will abate” (Harrison 5). The opposition tactics that anti-abortion propagators use include legislative moves, demonstrations, and criticism against abortion clinics and doctors. In 2001, twenty conservative religious groups joined their anti-abortion effort together in a “Shake the Nation” campaign, which threatened President Bush with losing votes if he did not appoint conservative judges (Gajewski). Influencing political leaders has been instrumental in the campaign against abortion.

Also, a number of extreme steps have been taken to thwart abortion in the United States, including acts of terrorism and murder. Death threats and violent attacks on abortion clinic employees and supporters have repeatedly taken place. Reverend Michael Bray and two other accomplices stood trial in 1985 for “destroying seven abortion facilities in Delaware, Maryland, Virginia, and the District of Columbia, with a total of over one million dollars in damages” (Jeurgensmeyer 20). Rev. Bray created an instruction manual, the *Army of God*, to train others how to demolish or harm abortion facilities. Bray associated with one of the tenets of the just-war theory in Christian Theology to justify his actions: a small act of violence can be justified in order to stop a much greater violent assault (Jeurgensmeyer 138). Furthermore, Bray’s companion, Reverend Paul Hill, killed Dr. John Britton and a technician outside of the abortion clinic in Florida that they worked at in 1994 (Jeurgensmeyer 21). Another militant Christian, Randall Terry, founded Operation Rescue, a radical anti-abortion organization, and stated that “America should function as a Christian nation” (Jeurgensmeyer 27). Examples of religious leaders and other enthusiasts using violent means to satisfy their religious morals threatened the current stature of abortion in the social and political spheres.

Legally, the first sign that the *Roe v. Wade* decision was destructible came in 1989. With President Reagan’s new conservative appointees, the position on abortion was shifted in the Supreme Court. In 1989, the case of *Webster v. Reproductive Health Services* was argued in front of the Supreme Court. The main issue of the case was the constitutionality of a 1986 Missouri law that placed restrictions on abortion. In addition to other limitations, this Missouri Law prohibited public employees or establishments to facilitate abortions. Furthermore, physicians were compelled to perform “viability tests” on women who were in their twentieth week of pregnancy (Melton xxvi). The Supreme Court ruled in favor of the Missouri law, allowing for restrictions on abortion in the state. Moreover, this decision increased individual state’s authority to

create anti-abortion legislation.

While performing abortions is still legal, the United States government has created obstacles for women wishing to practice this right. It has been reported that “more than 80% of U.S. counties have no abortion providers, and that some states only have one or two” (Pollit). Other hurdles that women seeking abortion face include “denial of public funds for poor women’s abortions, parental consent and notification requirements, mandatory delays, ‘counseling sessions’”(Pollit). Furthermore, a mere 12% of medical schools educate their students on “first-trimester abortion as a routine aspect of gynecology” (Pollit). Governmental barriers for those seeking abortions have indicated that while the freedom to attain abortions still exists, this right is progressively becoming restricted. This is attributed to the influence that religion has on legal policy in the United States.

CONCLUSION

Through the analysis of the religious effects on abortion, it is evident that religion has been authoritative in creating regulations that oppress women. While seemingly a thing of the past, the patriarchal structure of Judeo-Christian religions has had great consequences on the legal subordination of women in the United States. Mary Daly states, “it is far too late for anyone to deny the truthfulness of protests against anti-woman bias in established religious and moral traditions, especially as the traditions have shaped views of sexuality, procreation, and abortion” (Kopaczynski 176). Acknowledgement and further research of this phenomenon is necessary because there is a forthcoming threat that the Bush Administration is venturing to reverse the *Roe* decision. Bush is an extremely Faith-Based President, and pools much of his support, funding, and staff from religious organizations. As example by his two judicial appointees, George W. Bush still poses as an extremely dangerous proponent for anti-abortion support groups. With a clear and strong desire to reverse the *Roe v. Wade* decision, constituents must ask themselves whether further proliferating a history of religious policy is just and ethical in a nation where church was supposed to be distinctly separate from state, and arguably non-existent from a woman’s bodily autonomy rights.

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