

The Debate on Abortion Rights in the United States at the End of the 20th Century

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Abstract

The debate on abortion rights in America has a long history and has become a moral and political issue. After *Roe V. Wade* decision in 1973, the debate on abortion led to the ongoing contradictions between the “pro-choice” and the “pro-life”. The two sides hold totally different moralities and values on abortion, and sparked the culture war on abortion rights. In the culture war, radical feminists strongly support abortion rights, showing their resistance to the patriarchal society, while the traditional Americans insisted on traditional moralities and values, expressing strong opposition to abortion. The culture war was fiercely going on and a consensus was hard to reach between the two sides.

Keywords: Conservatives, Progressives, Abortion Rights, Cultural War.

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In American early history, abortion followed the British common law, regulating that the fetal movement of the baby in mother’s womb (18 weeks) was used as the yardstick for its legality. Before the mid-19th century, the medical facilities in the United States were relatively backward and could not ensure the abortion safety. In addition, the asceticism in the Victorian era was still deeply rooted, so most states restricted abortion by laws. In 1849, 20 states in the United States stipulated restrictive abortion, allowing only “therapeutic abortion”. After *Roe V. Wade* decision in 1973, 46 states in the United States declared that restricting abortion was unconstitutional, and the number of abortions has soared since then. According to the statistics from Henshaw in 1986, about 1.5 million women in the United States have abortions each year, ranking third in the world (Rodman, 1987:1). The contradictions between those who support and those who oppose abortion continued to intensify, forming the “pro-choice” and “pro-life” factions. The former believe that abortion is a woman’s rights to privacy and free choice, while the latter firmly believe that abortion is murder, destructive to American traditional morality. This article attempts to review and reflect on the debate on abortion rights in the United States in the second half of the 20th century from two aspects: the root of the debate over abortion rights, and abortion and American feminist movement, in order to demonstrate the historical changes in American society and culture in this era.

1. THE ROOT OF THE DEBATE OVER ABORTION RIGHTS

1.1 The Bible Culture

After the religious reform in the 16th century, King James I of England made the Church of England as the state religion to strengthen the feudal monarchy. Those with different beliefs and doctrines were regarded as alienated people. This caused great dissatisfaction among religious groups, such as Roman Catholicism and Protestantism, and Protestants had a large number of believers and strong power. Due to their hatred to the complicated religious rituals and feudal authority, the Puritans from Protestantism, advocates of purifying Catholic episcopal system and religious freedom, launched the Puritan movement. In order to escape religious oppression and realize religious freedom, the Puritans from Western and Northern European countries departed from their motherlands and arrived in New England, North America, after an adventurous and bitterly risky voyage. They are determined to build a “city upon a hill” there, carry out religious activities according to their understanding of the Bible, and “obey the opportunity and responsibility of God’s will through self-government and self-denial” (Foner, 2010:85). Tocqueville (2009:46) once pointed out that it is religion that enlightens the Americans, and it is the obedience to God’s commandments that endows Americans freedom. Americans hope to defend freedom in an autonomous way under the guidance of God, but it is precisely

because of their free understanding of the Bible that they have serious differences on abortion.

In religious terms, the fundamental differences between the “pro-life” and the “pro-choice” lies in their different philosophical concepts. The “pro-life” are mostly Catholics and devout Protestants. They believe in Genesis or the Trinity doctrine, that is, God created man, and God (the Father), Jesus (the Son) and the Holy Spirit (the Word) are one. He is connected with the human soul and opposes all anti-natural behaviors of mankind, such as abortion, contraception, divorce and homosexuality. From the perspective of God’s creation, they believe that human life is given by God, and no organization or individual has the right to deprive the life of a fetus, so abortion is equal to murder. To avoid murder by abortion, they advocate abstinence, resist to contraception, oppose abortions out of multiple causes, and claim to fight a holy war for babies. Most of the “pro-life” are highly educated intellectuals and liberals among Protestants. They accept Darwin’s evolution and cleverly combine religion and science. They believe that American moral civilization should keep pace with the times, and “whether the traditional source of moral authority is the Bible, the Pope’s declaration, or Jewish law, it no longer has a complete or dominant binding force on people’s lives” (Hunter, 1991:45). Based on this, they believe that abortion is a private matter between doctors and patients. Any behavior, that interferes with women’s abortion in the guise of religion or morality, will infringe on women’s privacy and their rights to free choice.

1.2 The Liberal Tradition

American liberalism originated from Europe and was firstly influenced by British philosopher John Locke. Locke firstly mentioned this concept in his classic book *Two Treatises of Civil Government* and proposed two basic concepts of freedom, economic freedom, meaning the right to own and use property, and intellectual freedom, including freedom of moral values. Locke’s “contract theory” and “natural human rights” exerted significant and far-reaching impacts on American liberal thoughts. His ideas can be summarized as follows: before the establishment of the country, human society was in a state of chaos and disorder, people ended the anarchy on the basis of contracts and established an orderly country, and when humans were created by God, they were endowed with rationality and independent spirits, so life, freedom and property rights are innate. Locke’s liberal thoughts contributed to the formation of the natural rights in early American history, namely “life, liberty and property rights”, which developed into modern human rights concepts in the United States. As the drafter of the Declaration of Independence and the main advocate of the Bill of Rights, Thomas Jefferson, on the basis of Locke’s liberalism, upgraded “property rights” to “the right to pursue happiness”, deepening the idea of natural rights.

Eric Foner (2002:56) once pointed out, “This change links the fate of this country to an unlimited, democratic process, through which individuals develop their potential and achieve their goals in life. Personal achievement without government obstruction will become a central idea of American freedom.” Under this guidance, Americans cultivated the national character in the process of pursuing personal freedom and happiness.

Whether it is “pro-choice” or “pro-life”, the fundamental division is from the different understandings of natural human rights, specified in Locke’s thoughts and the Declaration of Independence, and the idea of pursuing personal freedom and happiness. Due to their different starting points, they put different emphases on the rights in “natural rights”. John Rawls (1988:292) said in *A Theory of Justice* that “freedom can only be restricted for the sake of freedom”, so the “pro-choice” insists on personal freedom, rights and happiness, and emphasizes women’s rights to choice and privacy. The “pro-life” advocates protecting the right to life of a fetus, maintaining family, community and traditional values, and opposing the moral decline and decay under the influence of modern liberalism. In addition, there are some centrists, adherence to the principle of “respecting differences”. Despite of their possible solutions to satisfy with the rights of pregnant women and unborn babies and the social regulations, the centrists ultimately resort to realizing the rights to freedom and personal choice, that is, respecting women’s choices after careful considerations.

2. ABORTION AND THE RADICAL FEMINISTS

In the second half of the 1960s, the second women’s movement and sexual liberation in the United States awoke women’s self-consciousness to defend their rights and bodies, like reproductive rights and healthy bodies. When feminists intervened in the discussion of abortion and regarded it as a major issue involving women’s rights, the entire debate on abortion changed its nature (Wang,2002:306).

2.1 The Personal is Political

In the 1960s and 1970s, a number of extremely influential feminist works were published, such as Kate Millett’s *Sexual Politics*, Shulamith Firestone’s *Sexual Dialectics*, Robin Morgan’s *Sisters United Is Powerful* and the Boston women’s writing collection *Our Bodies, Ourselves*, all of which provided solid support for and motivation to the “pro-choice”. Generally speaking, these new women’s works advocate that women should be given the opportunities for their developments in marriage and free expression in family life, allowing women to control their own bodies and choose the appropriate time of pregnancy or abortion. Shulamith Firestone believes that women’s function as childbearing must be terminated, and a fetus should not be conceived in women’s bodies, but in the womb of cows or in laboratories (Zhang, 1999:382-383; Banner,1987:251).

They believe that the fundamental cause of women's inability to enjoy equal rights like men lies in women's special physiological characters. Men regard women as private properties, rationalize all their violent behaviors, and control women's abortion, pregnancy, childbirth and other reproductive processes. If women have no reproductive right, their other freedoms are nothing more than an unattainable decoration. In this view, they shouted the slogan that "The Personal is Political", and this battle of morals and values gradually developed into a political contest.

2.2 The Container Theory.

This theory denies that a fetus is a person, believing that a fetus is part of mother's body and possibly will affect mother's health. If the right of a fetus is placed above the mother's, and the mother is required by law to sacrifice her happiness and health for the fetus's survival and happiness, then the mother who bears the fetus is equivalent to a container. In addition, they also believe that abortion is an effective way to control the population and can alleviate the social problems by population growth. Regardless of where the theoretical roots of abortion supporters come from, they all have the same idea: although abortion is not a good thing, it is the right for women to control their bodies, ensure their health, and fight for equal rights with men.

In 1967, the National Organization for Women held its second national conference and formed the Women's Rights Act, which stipulates that women have the rights to reproduce and abolish laws, restricting women's access to contraceptive knowledge, medicines and abortions. This is the first time that a women's organization has supported abortion from the perspective of feminism (Hymowitz & Weissman, 1978:346). Radicals in the National Organization for Women not only support abortion rights, but also advocate single life and are hostile to men. Many feminists actively join the movement to abolish restrictive abortion. In 1969, the National Association for the Repeal for Abortion Law was established, and later it was renamed as the National Abortion Rights Action League. The organization was the first organization to support abortion as the only issue. Its grassroots organizations were spread across 35 states and have a total of 500,000 members.

In 1994, under the leadership of feminists, such as Betty Friedan, etc., the organization was renamed as the National Abortion and Reproductive Rights League. It promotes the professionalization of the abortion choice movement by hiring professionals and consultants and forming special groups. As the organization continues to grow, it has established a partnership with the Planned Parenthood Federation. The Family Planning Federation is responsible for broadcasting television advertisements about abortion to infiltrate the knowledge of abortion rights to the people, while the National Abortion and Reproductive Rights Action League uses traditional

lobbying methods to put pressure on state government legislative departments to reform abortion laws. In addition, in 1977, the United States also established the National Abortion Federation, which widely collects examples of intimidation and violent persecution of abortionists, aiming to provide personal information to abortion and effectively prevent the harm by abortion.

3. ANTI-ABORTION

3.1 The Life Begins at Conception

With the medical development, some doctors have cited several medical examples to show that the fetus has brain waves at 6 weeks, responds to a touch at 11 weeks, premature babies at 19 weeks can survive, and fetal diseases can be treated through the mother's body using surgery. Other doctors, such as C. Everett Koop (1984:41-73), the director of public health during the Reagan period and a famous pediatrician, vividly described the desire for life of disabled and poor children with his 30 years of clinical work experience. This provides effective and scientific basis for anti-abortionists and paves the way for them to organize and carry out anti-abortion actions.

3.2 The Traditional Family Values

According to American traditional values, women have the duty of being mothers and shoulder the mission of human reproduction. Therefore, except for therapeutic abortion, sacrificing innocent fetuses in exchange for women's privacy and freedom is tantamount to a reversal of moral values and a blasphemy against the sacred role of mothers. In terms of family structure, the fetus is the crystallization of the husband and wife and is part of the family. Both husband and wife have the same guardianship rights over the fetus, so abortion should be agreed by the husband; for underage girls, parents are their legal guardians, so the decision to abortion should be made under the guardianship of parents. In addition, the legality of female abortion will worsen social problems, such as adolescent sexual behavior and unmarried cohabitation in the United States. Therefore, abortion is a threat to American traditional families and values.

The anti-abortion movement was firstly initiated by the Catholic Church. In 1968, the United States established the National Right to Life Committee through the National Conference of Catholic Bishops. The organization is the largest and most influential anti-abortion organization in the United States, with more than 3,000 local branches in 50 states across the country. In 1970, the National Right to Life Committee held a national conference of anti-abortion leaders in Chicago, and held its first general meeting the following year in St. Paul, Minnesota. The organization advocated the repeal of restrictive abortion laws by lobbying Congress and state legislatures. They also exaggerated statistics to draw attention to abortion, for example, they pointed out that from 1973 to 1996, 35 million Americans were

legally murdered (Tatalovich, 2001:30). In the 1990s, the National Right to Life Committee also launched a nationwide grassroots lobbying campaign to oppose the Free Choice Act and jointly boycott the import of abortion pills. In 1971, the United States established American United for Life Legal Defense Fund, and it is the first life right organization without sectarians in the United States. In order to protect life, members of the organization actively participate in various types of educational programs and provide legal advice to people who support the right to life.

With the rise of anti-abortion actions across the country, organizations such as Operation Rescue National, the Pro-life Action League, and the Pro-life Nonviolent Action Project have adopted non-violent forms to protest abortion, such as marching, singing, praying, blocking hospital entrances, or dissuading women from consulting or having abortions. In 1995, the extremists in Operation Rescue National, dissatisfied with the non-violent actions, set up a new organization, the American Coalition of Life Activities. The organization aims at violence and uses intimidation, threats, and even murder to attack doctors who provide abortion services, calling it “justifiable murder”. They bombed 32 abortion clinics and set fire to 38 abortion clinics between 1977 and 1987. In the 1990s, anti-abortion fanatics committed a series of sensational murders, and among the victims were Michael Griffin, David Gunn, George Tiller, etc. (Huang, 2008:179; Tatalovich, 2001:29)

4. CONCLUSION

From the mid-1960s to the 1970s, Americans set off the second feminist movement, identifying three main goals: fighting for the Equal Rights Amendment, passing abortion laws, and establishing 24-hour daycare centers (Hymowitz & Weissman, 1978: 341). Against this background, abortion has become the focus of social attention. In 1973, the U.S. Supreme Court stipulated the legality of abortion under certain conditions in *Roe V. Wade*, and the debate on abortion has intensified. In fact, abortion involves a series of social and political issues such as “the status and importance of reproduction, gender roles, sexual morality and the sanctity of human beings” (Carol & Maxwell, 2002:16), which has plunged the United States into a “second civil war”. Its essence is “the conflict of values that constitute the most basic rights and legal foundations of the United States” (Williams, 2016:11), that is, the conflict between the American creed of individualism and the Judeo-Christian tradition. In this struggle, radical feminists hoped to resist the patriarchal society by fighting for abortion rights, while the other side insisted on traditional moralities and values, showing strong opposition to abortion.

Obviously, abortion is a moral and political issue. Judging from the results of the debate, whether

supporting or opposing abortion, men are the beneficiaries: if they support abortion, men can enjoy sexual freedom and avoid the responsibilities that women have to bear for childbirth; if they oppose abortion, men can find a suitable reason to persuade women to return to the family and play the role of a good wife and mother (Hunter, 1994:74). Judging from the development trend, the debate was extremely fierce and a consensus between the two sides is hard to reach. This debate constitutes an important part of the cultural war at the end of the 20th century.

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