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Aloysius Juodvalkis, Major Professor

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THE COUNTER-MOVEMENT TO ABORTION: TOWARDS A COMPREHENSIVE THEORY OF MOVEMENTS

A Thesis

Presented for the

Master of Arts

Degree

The University of Tennessee, Knoxville

Laura Livingston

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DEDICATION

This Thesis is Gratefully Dedicated to Norma C. Cook

In Appreciation for Her Encouragement, Guidance, and Patience

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The author is grateful for the patience, guidance, and encouragement of her committee: Professors Robert Glenn, Aloysious Juodvalkis, and Norma Cook. Working with these individuals has been rewarding in terms of personal as well as educational experiences.

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ABSTRACT

The purpose of this thesis was to evaluate the status of the modern religious opposition to legalized abortion through the use of current theories of rhetorical movements in order to discover if the religious opposition to abortion was, by current definition, a counter-movement, and to provide a base on which to extend a more comprehensive theory of rhetorical movements. The religious opposition to abortion was chosen because it was a viable, modern, significant controversy. Movement theories of major analysts of movements such as Leland Griffin, Robert Cathcart, and Herbert Simons, among others, were used to evaluate the rhetorical position of the religious opposition to abortion.

In Chapter I, rhetorical theories of movements were surveyed, along with other materials used in the thesis. The background and history of the modern abortion controversy from 1962 to the present was presented in Chapter II. Chapter III contained an analysis of the religious opposition to abortion. The constituency, development, tactics, and religious arguments of this opposition were examined. The last chapter included an analysis of the opposition to abortion by theories of counter-movements, criticism of current movement theory, an extension of theories of movements to encompass new factors, some probable conclusions to the abortion controversy, and suggestions for further research in the area of movement study.

The major findings of this thesis were that the opposition to abortion constitutes a counter-movement as defined by current theories

of movements, and that movement theory can be more easily understood when both the historical and sociological background of the movement in question are examined, and when factors accounting for the acceptance or rejection of the movement are analyzed.

The religious opposition to abortion was discovered to be predominantly Roman Catholic, highly organized, well-financed, and dependent upon a long line of historically developed theological arguments against abortion. By using current theories of movements, the religious opposition was defined as a counter-movement to the pro-abortion movement.

Those interested in studying rhetorical movements need to examine those movements in relation to their historical, sociological, and rhetorical backgrounds and tactics. They also need to take into account legal, judicial, and societal factors as determinations of the success or failure of a movement.

Three possible solutions to the abortion controversy were considered: the repeal of legalized abortion by the counter-movement, the triumph of the pro-abortion movement in repealing all restrictions on legalized abortion, and a compromise in which both sides agreed to allow certain types of abortions or fund only abortions which fell within specific categories. The solution of compromise between the two sides was judged not only the most probable, but the one having the fewest deleterious effects for either side.

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CHAPTER I

INTRODUCTION TO THE ABORTION CONTROVERSY

Introduction

In 1973, the United States Supreme Court legalized abortion in two landmark decisions, Roe V. Wade[1] and Doe v. Bolton.[2] These decisions climaxed an eleven year struggle orchestrated by women, physicians, legislators, lawyers, and certain members of the clergy to gain a woman's right to have a safe, legal abortion. Only five years later, these Supreme Court rulings are under the strongest attack since they were handed down.[3]

The Supreme Court rulings have created a controversy which has touched some of society's most fundamental values and belief. Danial Callahan points to the diversity of implications in this controversy.

> Abortion is at once a moral, medical, legal, sociological, philosophical, demographic and psychological problem, not readily amendable to one-dimensional thinking.[4]

This controversy is especially significant because it occurs at a time when the number of abortions almost equals the number of live births—one for every 2.8 live births, and has become a fail-safe method of

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[1]Roe v. Wade, 410 U.S. 113 (1973).

[2]Doe v. Bolton, 410 U.S. 179 (1973).

[3]Susan Fraker, et al., "Abortion Under Attack." Newsweek, 5 June 1978, p. 36.

[4]Daniel Callahan, Abortion: Law, Choice and Morality (New York: MacMillan, 1970), p. 1.

birth control to fall back upon when more traditional methods fail.[5] The lowered cost and diversity of procedures make it available to almost everyone who wishes it, as well as making it both safe and quick.

Because the abortion controversy has so many moral implications, it has generated a strong opposition as well as strong proponents. It has also, as Editorial Research Reports documents below, emerged as a viable political issue.

> One of the major surprises of the 1976 election campaign has been the prominence of the abortion issue. From the opening days of the presidential primary season . . . both political parties and their candidates have been under heavy pressure from dedicated groups and individuals demanding endorsement of strong stands favoring or opposing legalized abortion. Since the formal start of the election campaign . . . President Ford and his Democratic opponent, Jimmy Carter, continually have been asked to define and redefine their stands on this emotion-laden, divisive and complex question.[6]

In the past year, the opposition to abortion has emerged as a powerful force, aimed at limiting, if not totally eradicating, the right to abortion. Lead by groups such as the National Right to Life Committee, Birthright, American Citizens Concerned for Life, and the Catholic Church, the opposition to abortion has mushroomed into a nation-wide crusade. Within the last year, Constitutional amendments prohibiting abortion have been introduced into the Senate and House, thirteen states have passed resolutions calling for a Constitutional Convention to draft a Right to

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[5]Fraker, p. 37.

[6]Editorial Research Reports on The Women's Movement: Achievements and Effects (Washington, D.C.: Congressional Quarterly, Inc., 1977), p. 105.

Life amendment to the Constitution, Federal funding in the form of Medicaid funds for abortions has been severely restricted, and some cities have passed legislation restricting women's opportunities to obtain abortions.[7] Many of those opposing abortion have taken the stand, as has Dr. Mildred Jefferson, past President of the National Right to Life Committee, that "We are going to push our crusade until we have won. We will not rest."[8]

Such opposition has put those in favor of abortion on the defensive, causing them to re-examine their strategies, arguments, and public support. It has also forced them to evaluate the strength of their opposition so that they may meet and eventually attempt to conquer it.

For these reasons, the opposition to legalize abortion is a crucial and timely factor in one of America's most controversial issues. It can be examined from psychological, historical, sociological, or rhetorical bases, among others. It is the purpose of this thesis to examine the opposition to legal abortion from a particular area of rhetorical theory—that of movement theory. Because movement theory is a relatively new method of criticism, it is more amenable to extension, interpretation, and development than methods of rhetorical criticism which are firmly established and defined. The next section of this chapter will examine some of the more important theories of movement studies.

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[7]Constitutional Aspects of the Right to Limit Childbearing, Report of the U.S. Commission on Civil Rights, April, 1975, Prepared by Dr. M. F. Berry; also, see Fraker, p. 36.

[8]Fraker, p. 36.

Survey of Movement Literature

Movement theory seems to have three major approaches. The first approach and the earliest stage, that of the historical approach, was developed by Leland Griffin in 1952 and served as a springboard for further development of the theory. The second approach, that which viewed movements as social entities and criticized their rhetoric from that standpoint, is exemplified by Herbert Simons and Dan Hahn and Ruth Gonchar. The third stage is one in which critics have focused primarily on distinguishing and defining rhetorical components of movements. Prominent expositors of this stage have been Robert Cathcart, Arthur Smith, Charles Wilkinson, Marie Rosenwasser, Sally Cloninger, and Ralph Smith and Russel Windes.

Leland Griffin's definition of a movement provided the impetus for further examination of the structural components of movements. In this historical framework, Griffin defined movements in the following way.

> 1. men have become dissatisfied with some aspect of their environment; 2. they desire change—social, economic, political, religious, intellectual, or otherwise—and desiring change, they make efforts to alter their environment; 3. eventually, their efforts result in some degree of success or failure; the desired change is, or is not, effected; and we may say that the historical movement has come to its termination.[9]

Griffin delineated two types of movements; the pro- movement, which aims to institute a new idea or institution, and the anti- movement, which attempts to do away with an existing idea or institution. Griffin

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[9]Leland Griffin, "The Rhetoric of Historical Movements," Quarterly Journal of Speech, 38 (1952), 347.

further stated that within each type of movement there are both aggressor and defendant rhetors: aggressor rhetors seeking to further the ends of the movement, and defendant rhetors seeking to stifle the movement.

Griffin ordered movements by the use of three phases of development. The first period, that of inception, begins when an event of some interest occurs which parallels public interest, and is brought into open controversy when the aggressor rhetoricians seek to establish its significance. The second period, that of rhetorical crisis, is a time when both aggressor and defendant rhetors engage in a dialogue concerning the goals of the movement, and is initiated by the defendant rhetors, who seek to disturb the equilibrium within society. The last period is that of consummation. During this period, the aggressor rhetors desert the movement, either because the goals which the movement proposed have been adopted by the public, or the aggressor rhetors sense that further effort is in vain. During this period, the movement either fails or succeeds. The last two periods are marked by a "multiplicity of discourse" which can determine the ability of the movement to consummate its struggle. Griffin points to this when he says

> . . . multiplicity of discourse . . . will inevitably exasperate the public, lead to a loss of favorable opinion and, possibly to ultimate defeat; and that the central problem of the rhetoricians of any cause, therefore, is to move the public to desire action before the point of alienation is reached and reaction develops.[10]

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[10]Griffin, "The Rhetoric of Historical Movements," p. 349.

Griffin's proposed methodology was that "of a literary historian rather than that of a statistician."[11] In order to insure the acceptance of the rhetorical-historical criticism, Griffin suggested that criticism must take place in the mileau of the period being examined. Thus, an early nineteenth century movement would be judged in terms of the rhetorical criticism of Blair and Campbell.

Griffin's second article, written in 1966, uses Brukeian symbolism to define movements. Griffin saw man as an actor in the drama of life. Movements began when man became dissatisfied with the "spirit of hierarchy" and searched for a utopian order. Movements, then, were a "struggle for perfection; a progress toward the good."[12]

The three periods of movements discussed earlier by Griffin were retained in the second article, but elaborated upon. In the inception period, rhetoric was marked by a "rhetoric of the anti-movement" and used two strategies: intensification of misunderstanding, and provocation of conflict. The second phase of this first period was marked by the rhetoric of "catharsis and conversion." Two strategies were delineated for this phase: the strategy of conversion of favorable public attitudes, and the strategy of action designed to move the public toward the movement's goals and enlisting of their support. The period of inception creates dangers for the movement, according to Griffin, and one of the

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[11]Griffin, "The Rhetoric of Historical Movements," p. 351.

[12]Leland Griffin, "A Dramatistic Theory of the Rhetoric of Movements," in Critical Responses of Kenneth Burke: 1924-1966, ed. William Rueckert (Minneapolis: Univ. of Minnesota Press, 1969), p. 460.

most important dangers that the movement must face is that the establishment will win.

The concept of the counter-movement was introduced by Griffin in the period of inception, and it is this representation of the establishment that may triumph during the inception period. Because the counter-movement is the establishment, it will attempt to abort movements unfavorable to it. By the counter-movement, Griffin meant that which was "the bad side of history." Its two most important functions were to provide the movement for impetus to continue its struggle, and second, to provide, through its development "the potential for crisis, and hence, for consummation."[13]

The last two periods of the movement were those of crisis and consummation. The crisis period is designed to promote dialectic between the movement and the counter-movement; a time in which issues are crystallized and public affirmation is sought. The consummation period is the period in which victory falls either to the movement or the counter-movement, and a decision or understanding is reached concerning the action to be taken on the goals proposed by the movement.

The methodology and definitions of Griffin were expanded by Herbert Simons, who developed a sociological leadership-centered approach to movements. Simons contends that

> Rooted in sociological theory, it assumes that the rhetoric of a movement must follow, in a general way, from the very nature of social movements. Any movement, it is argued, must

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[13]Griffin, "A Dramatistic Theory of the Rhetoric of Movements," p. 464.

> fulfill the same functional requirements of more formal collectives. These imperatives constitute rhetorical requirements for the leadership of a movement. Conflict among requirements create rhetorical strategy. The primary rhetorical test of the leader—and indirectly, of the strategies he employes—is his capacity to fulfill the requirements of his movement by resolving or reducing rhetorical problems.[14]

Although Simons does not equate a social movement with a social structure, he does claim that they must both fulfill similar functions. Because of the sociological nature of movements, Simons defines them as an ". . . uninstitutionalized collectivity that mobilizes for action to implement a program for the reconstitution of social norms or values."[15] This definition is drawn primarily from the work of sociologists Smelser, Turner, and Killian.

The leader of a social movement, according to Simons, must organize his workers, gain their movement's goals through acceptance by the status quo, and be able to stave off threats from the opposition. In addition, they must meet certain rhetorical problems peculiar to the leadership function, such as identification both as a leader of the movement and as a member of it, adaptation to audiences, and the choice of rhetorical strategies.

The choice of rhetorical strategies is crucial to the success or failure of the movement. Simons discusses three types of leadership strategies. The first is that of the moderate, who uses peaceful

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[14]Herbert Simons, "Requirements, Problems, and Strategies: A Theory of Persuasion for Social Movements," Quarterly Journal of Speech, 56 (1970), 2-3.

[15]Simons, p. 3.

persuasion in an effort to gain the audience's assent through the process of identification. The second strategy is that of the militant, who uses his rhetoric as an act of force to threaten, coerce, or harass. Militants often use nonverbal tactics such as protests, sit-ins, and marches, as well as verbal tactics. Militancy confers visibility on the movement as well as being a factor in energizing supporters easily. The third strategy is that of the intermediate, who alternately persuades and threatens. Moderate leaders are more effective with power-invulnerables, those Simons defines as the average citizen who is not responsive to pressure, while militant leaders are more successful with power-vulnerables. Power-vulnerables are those who can succumb to pressure tactics because of their public position: positions such as legislators, religious leaders, and educators.

Finally, Simons contends that movements need many types of leaders, but even in diversity must appear to be consistent with certain moral and ethical principles.

Dan Hahn and Ruth Gonchar, while embracing the sociological framework of movement theory, are more interested in promulgating a sociological methodology. They define a social movement by relying on Joseph Gusfield's definition; that is, a movement is ". . . shared social activities and beliefs." They call for students of movements to study the types of activities engaged in by the movement, both legal and illegal, and the purposes of these activities. In order to place the movement in its total framework, Hahn and Gonchar point out that,

"Social movements must be placed in and related to the whole question of societal trends."[16]

The methodology suggested by Hahn and Gonchar is essentially Aristotelian and involves the use of ethos, pathos, and logos to analyze the persuasive appeals, credibility, and arguments of the movement.

The last group of movement critics is composed of those who consider their approach rhetorical, as opposed to the historical and sociological approaches. The first to propose a purely rhetorical definition of movements was Robert Cathcart in 1972.

Cathcart begins his article with criticism of Griffin's definition of movements. He is first concerned with the time element delineated by Griffin. According to Griffin, movements have occurred "at some time in the past." Cathcart comments that this unnecessarily restricts the surveyer of movements because he must evaluate a movement only after it has been completed and not while it is vital. Next, he finds fault with Griffin's use of the words "expressed dissatisfaction of many," which Griffin used to define movements. The central problem with this definition, Cathcart argues, is that it is difficult to decide when the "expressed dissatisfaction" actually equals a movement. For example, many people may be upset with the level of government spending, but at what point does this unhappiness become a movement, as opposed to simply a dislike of government policy? Finally, Cathcart disagrees with Griffin's adherence to historical and rhetorical dualities in criticizing

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[16]Dan Hahn and Ruth Gonchar, "Studying Social Movements: A Rhetorical Methodology," Speech Teacher, 20 (1971), 46.

movements. He claims that it is often difficult to prove that those dualities actually exist.

Next, Cathcart examines the current definitions of social movements. Historians see movements as being parts of "eras" or "periods," which Cathcart feels reduces their social component. Sociologists view movements as collective behavior designed to induce change, which Cathcart finds too general, as people at one time or another have always been dissatisfied with their environment.

Cathcart bases his rhetorical definition of movements on Griffin's second article which used Burkeian symbolism to define movements. Extending this definition, Cathcart defines movements as begun when one or more "actors" who perceive that the establishment denies them justice use various symbolic acts to persuade the status quo that immediate action must be taken in order to insure the goals that the movement proposes. In order for the movement to be accepted, there must be a reciprocating act of some type from the establishment which sees the movement as a threat to its existence, rather than an attempt to ameliorate societal conditions. This act-action of the establishment has been designated by Cathcart as a counter-movement. He delineates its importance.

> It is this reciprocity or dialectical enjoinment in the moral arena which defines movements and distinguishes them from other dramatistic forms.
>
> The essential attribute here is the creation of a dialectical tension growing out of moral conflict.[17]

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[17]Robert Cathcart, "New Approaches to the Study of Movements: Defining Movements Rhetorically," Western Speech Communication Journal, 36 (1972), 87.

This concept of rhetoric and counter-rhetoric from the movement and counter-movement provides a uniquely rhetorical concept, according to Cathcart, since he views movements as centering around symbols and being carried forth by language. These reasons serve as his justification for a purely rhetorical theory because ". . . movements are essentially rhetorical in nature."[18]

Arthur Smith's definition of movements is similar to Cathcart's in its emphasis on language as a crucial component.[19] He details the difference between the presuppositions of mass movements in the rehtorical and historical senses. Mass movements, he claims, are basically rhetorical movements, exemplified and strengthened by their use of metaphors because verbalization, symbols, and communication activities are all of rhetorical concern. An effective study of mass movements, Smith concludes, must identify and set aside the metaphors of the movement, as they are its prime exemplifiers. Principal metaphors are the movement's base and traditional, or minor, metaphors express the argumentation.

Ralph Smith and Russel Windes extended movement theory in two areas. The first area was that of the innovational movement which they define as a movement which does not aim at changing social values, unlike the

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[18]Cathcart, p. 87.

[19]Arthur L. Smith, "Historical and Social Movements: A Search for Boundaries," Paper Presented to the Annual Meeting of the Speech Communication Association, Chicago, December 1972 (ERIC System ED 072471).

traditional movement, which has as its goal the reconstitition of social norms.[20]

In their second article, Smith and Windes use the concept of rhetorical exigencies to differentiate between movements and other classes of rhetorical acts. Exigencies are defined as "perceived social problems or strains, which provide the principle motive or reason for the development of a movement."[21] These rhetorical exigencies provide the impetus for discourse to organize their followers to achieve their goals. Therefore, movements are defined by Smith and Windes as "composed of communicators who respond, in fact, to the same mobilizational exigencies in order to reach the same goal."[22]

The methodology proposed by Smith and Windes consists of four steps. The first step would be for the critic to find the mobilizational appeals the movement uses. Next, the critic should observe the strategies which are aimed at insuring the acceptance of the movement. The critic also needs to assess the rhetoric of the movement within the total rhetorical situation. Finally, the movement needs to be examined in light of its reactions to mobilizational exigencies.

Charles Wilkinson has also proposed a rhetorical definition of movements which is essentially language-oriented in nature. The word

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[20]Ralph Smith and Russel Windes, "The Innovational Movement: A Rhetorical Theory," Quarterly Journal of Speech, 61 (1975), 140-53.

[21]Ralph Smith and Russel Windes, "The Rhetoric of Mobilization: Implications for the Study of Movements," Southern Speech Communication Journal, 62 (1976), 2.

[22]Ibid., p. 1.

"languaging" refers to activation of symbols, since movements are acts of people, and therefore languaging strategies. Thus, Wilkinson defines rhetorical movements as

> Languaging strategies by which a significantly vocal part of an established society, experiencing together a sustained dialectical tension growing out of moral (ethical) conflict agitate to induce cooperation in others, either directly or indirectly, thereby affecting the status quo.[23]

The languaging strategies Wilkinson refers to can be either verbal or nonverbal, but they must take place within the framework of an established society. Finally, he suggests using Burke's pentad to evaluate the rhetorical strategies.

Two further movement studies need to be examined, as they apply movement theory directly to the movement itself, instead of abstracting the theory as previous studies have done. Both of these studies concern the Women's Liberation movement but can be applied to movements in general.

Marie Rosenwasser uses Griffin's categories of movement phases (genesis, impetus, and action and re-action) although she has changed the names. She does, however, extend the movement phases, proposing the fourth phase of revision and solidification. This final phase is one in which the movement solidifies its gains and is able to overcome resistance generated by the establishment.[24]

Sally Cloninger has concerned herself primarily with the rhetorical qualities in events. In this case, Cloninger uses the pseudo-event as

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[23]Charles Wilkinson, "A Rhetorical Definition of Movements," Central States Speech Journal, 27 (1976), 91.

[24]Marie Rosenwasser, "Rhetoric and the Progress of the Women's Liberation Movement," Today's Speech, 20 (1973), 45-56.

her unit of analysis. As defined by Cloninger and Daniel Boorsten, a pseudo-event is planned ahead of time, aimed at securing media notice, only peripherally important to the reality of the context in which it takes place, and reaffirms the beliefs of the movement.[25]

The use of pseudo-events is important in movements because they are exciting and attract the attention of the media, thus arousing interest in the movement. The pseudo-event, or "zap action," serves an initial purpose of attention-getting and solidification of membership. As a movement progresses, it is usually replaced with more conservative, politically-oriented approaches.

Survey of Other Materials Used

The other materials used in this thesis fall into four categories: the materials of the opposition to legalized abortion, case studies of states which attempted to change their abortion laws, evaluations of effects of the opposition to legal abortion by proponents of abortion, and reports from current news magazines and government documents.

The first category, that of the opposition to legalized abortion, can be divided into two areas; works by scholars and religious objectors, and works by lay persons. Some of the more prominent scholars whose material will be used are Catholic theologians and philosophers such as Germain Grisez, an Assistant Professor of Philosophy at Georgetown University, John T. Noonan, author of numerous books on the Catholic

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[25]Sally J. Cloninger, "A Rhetorical Analysis of Feminist Agitation," University of Michigan Papers in Women's Studies, 1 (1974), 44.

viewpoint on birth control and abortion, and Daniel Callahan, also a respected Catholic theologian and former editor of Commonweal. Other scholarly studies of abortion have been done by Russel Shaw, and Thomas Hilgers and Dennis Horan.

Many of the theologians who oppose abortion, both Protestant and Catholic, do not seem to exhibit a scholarly approach to the subject of abortion. Jerry Falwell, a well-known evangelist, Father Paul Marx, and Father Peter J. Riga are among those. Rather than a carefully documented and impartial attempt at persuasion, these books seem to tend towards emotionalism.

The responses of the lay people who oppose abortion tend to fall into the category of less scholarly works. Exceptions to this are two works by Catholic physicians concerned with the ethical aspects of abortion. Dr. Frank Ayd and Dr. John Marshall are physicians who attempt to apply the dogma of their church to the ethics of the medical profession. Their works are generally well documented, both in the medical and religious aspects.

Charles Rice, Mary and Robert Joyce, and Phyllis Schlafly exemplify lay authors who are interested in disseminating their views to the public rather than providing an intellectual evaluation of the abortion question.

In addition, many opponents of abortion can be found by examining articles in theological journals. Most of those who write for theological journals are religious figures who are fairly well known, such as Father Robert Drinan, Catholic theologian, and the Reverend Richard John Neuhaus, a spokesman for conservative Lutheranism.

Two major case studies on efforts to change state abortion laws will be used in this thesis. The first is that of Daniel J. O'Neil and concerns the efforts of the Catholic "lobby" to prevent a western state from enacting an abortion reform law. O'Neil has disguised the names of the state, legislators, and priests concerned. The study examines the abortion opposition from political, religious, and sociological viewpoints.[26]

The second case study was conducted by Patricia Steinhoff and Milton Diamond and describes Hawaii's successful efforts to abolish all existing abortion laws. Like O'Neil, Steinhoff and Diamond examine political, religious, and sociological viewpoints, with special attention to the arguments used by both sides in propagating their opinions.[27]

Since the effects of the opposition to a movement need to be assessed, it is helpful to look at the opinions of those who favor abortion in order to assess the effect of the opposition upon it. Materials of this nature tend, for the most part, to be written from a persuasive viewpoint, although most are well-documented. Those whose materials are surveyed are in the vanguard of the pro-abortion movement and well-qualified to determine the effects of the opposition upon their movements.

Dr. Alan Guttmacher, a long-time advocate of legalized abortion, is head of a research institute affiliated with Planned Parenthood. His

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[26]Daniel J. O'Neil, Church Lobbying in a Western State: A Case Study on Abortion Legislation (Tucson: Univ. of Arizona Press, 1970).

[27]Patricia Steinhoff and Milton Diamond. Abortion Politics: The Hawaii Experience (Honolulu: The Univ. Press of Hawaii, 1977).

edition of The Case for Legalized Abortion Now (1967) was one of the first calls for legalized abortion. The essays included in this edition are those of laypersons, physicians, and theologians.

Lawrence Lader, one of the founders of the National Abortion Rights Action League (NARAL), became interested in the opposition to abortion in 1966, when he wrote Abortion I. His documentation and coverage of abortion opposition increased substantially with Abortion II (1973) due to the higher level of opposition. In this second book, Lader supplies detailed, specific information concerning opposition strategies, making the book a valuable source by which to evaluate the opposition.

Betty Friedan, one of the founders of the National Organization for Women (NOW), is also well-qualified to examine the effects of the opposition on the pro-abortion movement. Her second book, It Changed My Life (1976), provides a fresh view of opposition effects.

Lawyers Diane Schulder and Florynce Kennedy have been long involved in the legal aspect of the Women's Rights movement. In 1971, they became involved in a legal case challenging the government's right to withhold abortions, claiming that the denial of abortions to women constituted violation of their Fourteenth Amendment due process rights and their First Amendment religious freedom rights. These class action briefs contain documentation of the opposition to abortion as well as arguments in favor of legal abortion.

Finally, Arlene Carmen and Howard Moody provide an activist-theological evaluation of the opposition to abortion. Both were involved in the Clergy Consultation Service on Abortion and were able to trace the

opposition to abortion as it developed in New York. They provide an activist evaluation in terms of the strategies and techniques of the opposition, and a theological evaluation of the arguments used by the opposition and their effects.

The last category of literature to be surveyed is that of news periodicals and government documents. Magazines such as Time, Newsweek, and Harpers provide a fairly objective evaluation of the controversy in terms of its social and political effects upon the nation as a whole. They are valuable not only for their objectivity, but also for their analysis of positions and predictions of future consequences of the controversy.

Perhaps the finest political analysis of the opposition's tactics and effects comes from the Report of the U.S. Commission on Civil Rights (1975), entitled Constitutional Aspects of the Right to Limit Childbearing. Dr. M. F. Berry, its author, analyzes the implications of opposition to abortion on due process rights and First Amendment rights to religious freedom. In addition, she provides information on bills introduced into Congress designed to limit or eradicate abortion and provides some possible conclusions on their effects, if passed.

Methodology

The methodology of this thesis will be that of an historical and rhetorical survey. First, the history of the abortion controversy from 1962 to the present will be examined in Chapter II. Chapter III will analyze the religious opposition to abortion in terms of its constituency,

religious arguments, tactics, and effects on the pro-abortion movement. The final chapter, Chapter IV, will examine the implications of the opposition to abortion on current theories of movement studies. The first part of the chapter will survey current theories of counter-movements. Part two will attempt to place the opposition to abortion within the framework of those theories to ascertain if it is indeed a counter-movement. The third part of the chapter will criticize current movement theories with the goal of formulating a new theory of movements. The fourth part of the chapter assesses the implications for this theory on the present abortion controversy, and the last part of the chapter will suggest some areas for further study.

Questions for Analysis

This thesis will use three questions as guidelines in following the proposed methodology. These questions will serve as bases from which the religious aspects of the opposition to legalized abortion can be analyzed within the framework of movement studies.

1. What is the nature of the opposition to abortion in terms of constituency, religious arguments, tactics, history, and effects?

2. What is the interaction of a rhetorical movement with a rhetorical counter-movement and how does a rhetorical counter-movement begin, grow, and function?

3. Does the opposition to abortion fulfill the requirements for rhetorical counter-movements, and if so, what are the implications for movement study and the pro-abortion movement in particular?

By using these guidelines, this thesis can attempt to define better not only one of the most controversial issues facing this nation, but also a vital and exciting component of rhetorical criticism.

CHAPTER II

THE HISTORY OF THE ABORTION CONTROVERSY

In his study of abortions in America between 1800 and 1900, James Mohr pointed out that prior to 1800, the practice of abortion was not prohibited anywhere in the United States, but by 1900, almost every state had some type of law either prohibiting abortion or strictly regulating its use, making abortions, for the most part, criminal offenses.[28] These same laws were still in effect as the decade of the 1960's began. This section will follow the history of the change of those abortion laws and note the events which played a part in their change.

Background of the Modern Abortion Controversy

At the beginning of the 1960's, abortion, as a national issue, was almost nonexistent. Some, in the vanguard of what was to become the modern pro-abortion movement, conducted a low-key campaign for liberalization of abortion laws. Doctors, lawyers, social workers, and psychiatrists, among others, sought to liberalize existing abortion laws through public education and advocacy.[29]

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[28]James C. Mohr, Abortions in America: The Origins and Evolution of National Policy, 1800-1900 (New York: Oxford Univ. Press, 1978), p. vii.

[29]Callahan, p. 9.

But the public as a whole took little note of the issue. What little public opinion did exist was explicated in religious statements concerning abortion. Both Catholic and Protestant statements condemned abortion. The Catholic Church condemned abortion unequivocally, pointing out that it had opposed abortion for 2,000 years, and would never change its opinion.[30] In a policy statement delivered in 1961, the National Council of Churches of Christ in the U.S.A. adopted a stance typical of most Protestant sects of the time:

> Protestant Christians are agreed in condemning abortion or any method which destroys human life except when the health or life of the mother is at stake.[31]

It is possible that public opinion might have remained static for some time had not the crisis of Mrs. Sherri Finkbine focused public attention on the issue of abortion. In 1962, Mrs. Finkbine, a mother and local television producer living in Phoenix, took some of her husband's sleeping pills in the early stages of her pregnancy. The sleeping pills were ones her husband had purchased during a trip to Europe and were, at that time, relatively unobtainable in the United States. The incident did not concern her until several weeks later when she read a newspaper article describing the terrible malformations of babies born to mothers

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[30]Frank Ayd, "Abortion: The Catholic Viewpoint," in Abortion: Changing Views and Practice: Seminars in Psychology, ed. R. Bruce Sloane (New York: Gruen & Stratton, 1970), pp. 48-49.

[31]Pronouncement of the National Council of Churches of Christ in the U.S.A., National Council on Responsible Parenthood, Adopted by the General Board, Feb., 1961, in Laws Governing Family Planning, Roy D. Weinberg, Legal Almanac Series No. 18 (Dobbs Ferry, N.Y.: Oceana, 1968), p. 92.

who had taken a British sleeping pill known as Thalidomide. She checked the medicine cabinet and discovered that her husband's pills were indeed Thalidomide.[32]

Worried by this, she and her husband contacted their physician, who counseled them to have an abortion, as there was a very good chance that the baby would be born deformed. The procedure for securing a legal abortion was almost automatic in her case, and she prepared to enter a local hospital.

Shortly before entering the hospital, in an expression of concern for other pregnant women, she wrote an anonymous letter to one of the local papers, warning pregnant women to be cautious of the medication they took. News leaked out about her impending abortion, and due to waves of angry protest from throughout the country, the hospital hastily withdrew its approval of her application for an abortion.

The controversy over Finkbine's decision to seek an abortion was heated and she was subject to slander and vicious attacks. Two of the more virulent examples of this, which Finkbine narrates, took place shortly after the nation-wide publicity began.

> From Long Beach, somebody told me, "I hope God punishes you for your murderous sin . . . ." One of the basest of editorials was printed in a San Francisco area Catholic newspaper. The man claimed that . . . it was all a publicity stunt, and that anyone in show business has no alturistic morals, but

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[32]Barbara Deckard, The Women's Movement: Political, Socioeconomic and Psychological Issues (New York: Harper, 1975), p. 395.

> they were all rotten and decadent, trying to further their careers. He also claimed that I was probably not much of a mother.[33]

Eventually, she and her husband decided to secure an abortion in a country with more relaxed rules. At first, they considered Japan, but the Japanese government, afraid of anti-Japanese demonstrations by opponents of abortion, refused them permission to enter the country to secure an abortion. Finally, they were granted entrance to Sweden, even though they were by no means sure that Sherri would be allowed to have an abortion, as it was first necessary for a review board to study her case. After the review, the Swedish medical board allowed her to secure an abortion. After the abortion, the physician who performed it told the Finkbines that the baby was "an abnormal growth, that would never be a normal child."[34]

This case dramatically illustrates a dilemma faced by many Americans in the early 1960's. Although the great majority of Thalidomide-deformed babies were born in European countries, it demonstrated to the public the power of chemicals to act adversely on the developing fetus and spurred public interest in solutions to the possibilities of fetal malformations.

A few years after the Finkbine incident, another threat to the health of pregnant women and their fetuses appeared. Between 1964 and 1965, the United States was subject to an epidemic of German measles (rubella).

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[33]Sherri Finkbine, "The Lesser of Two Evils," in The Case For Legalized Abortion Now, ed. Alan Guttmacher (Berkely, Ca.: Diablo Press, 1967), pp. 21-22.

[34]Ibid., p. 24.

Contracted in the first three months of pregnancy, there is a fifty-fifty chance that the baby will be born with cataracts or cardiac anomalies, mentally retarded, or a deaf mute. Some 15,000 to 20,000 children were born defective or malformed.[35] Unlike Thalidomide, which was not available to many American women and thus was not a cause for immediate concern, Rubella presented a threat to which almost any woman who had not previously contacted the disease could fall victim.

The above two causes, Thalidomide and German measles, have been suggested by Sorrentino as forming the impetus for the present abortion controversy. At the same time, another force was developing which would play a role in furthering abortion reform. That force was the social consciousness of Women's Liberation, first discussed by Betty Friedan. Even Friedan's detractors, women such as Midge Decter, admit the importance of Friedan's first book, The Feminine Mystique, published in 1963. Decter provides an analysis of The Feminine Mystique in sounding the call for reforms of women's roles and rights.

> I have begun here with The Feminine Mystique because it was to prove not only a portent of, but a critical document for, the movement called Women's Liberation. The movement did not get fully under way until some five or six years after the book appeared. Nor did the most powerful impetus for it arise among the women whom Betty Friedan discussed, but rather among those who might in some sense, —if not, indeed, literally—be called their daughters: that is, radical students and young career women. Nevertheless, The Feminine Mystique had sounded the first call.[36]

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[35]Joseph Sorrentino, The Moral Revolution (Los Angeles: Nash, 1972), p. 167.

[36]Midge Decter, The New Chastity and Other Arguments Against Women's Liberation (New York: Coward, 1972), p. 23.

Notwithstanding the importance of Mystique to the Women's Liberation movement, it had nothing to say concerning abortion, and neither did the early phases of the movement. Despite the medical crises which had begun to arouse public opinion and debate on abortion, many women in the movement, fearful of being labeled "immoral," declined to deal with the issue. Lawrence Lader, a long-time friend of both Friedan and the movement, provides the analysis for this.

> Significantly, even Friedan, one of the most impressive militants of her time, avoided the issue at first. We had known each other for years, and while she was writing Mystique, I occasionally suggested that all feminist demands hinged on contraception and abortion and a woman's control over her own body and procreation. . . . Friedan, too, had not emerged from the straitjacket of guilt and sexual taboos that society had clamped on women. Even to her probing mind, sex was still ostracized from the grand pattern of feminine emancipation. "I was so obsessed with the issue of equality that I still couldn't face the meaning of sex," she explained. Another neo-feminist leader, Ms. Jean Faust concluded, "We were all blocked at first by traditional labels. We were afraid of being called 'loose women' if we included abortion in our platform."[37]

It seems probable that a combination of factors played a part in changing attitudes toward abortion. Another factor in the concern of Americans was the rate of deaths and injuries due to illegal abortions. Lader cites the figure of 350,000 admitted to hospitals annually as a result of botched abortions, with a death rate of 500 to 1,000.[38] Such figures may also have been responsible for turning the tide of public opinion, which began to change by 1965. Guttmacher pointed out that,

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[37]Lawrence Lader, Abortion II (Boston: Beacon, 1973), p. 36.

[38]Lader, p. 13.

> Nearly all Protestants have come to accept therapeutic abortion. They feel that termination of pregnancy on medical grounds is largely a matter of the moral and medical judgment of the individual, her family, her minister, her physician and the hospital in which he works. A recent study has shown that the majority opinion among both Protestants and Catholics would support legalization of abortion, if the woman's own health is seriously endangered by the pregnancy.[39]

Sociologist Alice Rossi based her analysis of attitudes of abortion on Guttmacher's survey. The National Opinion Research Center survey in December, 1965, polled 1,484 adult Americans, asking them,"Please tell me whether or not you think it should be possible for a woman to obtain a legal abortion?" followed by six circumstances, ranging from impairment of the mother's health to a married woman who did not want any more children.[40] From this survey, Rossi concluded that there was little difference in views on abortion between Protestants and Catholics, with Catholic adults being only slightly less liberal than Protestants.[41]

A 1967 poll, cited by Congresswoman Shirley Chisholm, put the figure of 72 percent of Catholics, 85 percent of Protestants, and 98 percent of Jews surveyed in favor of abortion reform.[42]

Such a review of public opinion polls would seem to show that there was steady progress between 1965 and the 1973 U.S. Supreme Court ruling in public opinion in favor of abortion. However, it must be noted that

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[39]Alan Guttmacher, "Abortion—Yesterday, Today, and Tomorrow," in his The Case for Legalized Abortion Now, pp. 7-8.

[40]Alice Rossi, "Public Views on Abortion," in Guttmacher, p. 35.

[41]Ibid., p. 39.

[42]Shirley Chisholm, "Foreward," Abortion Rap, by Diane Schulder and Florynce Kennedy (New York: McGraw-Hill, 1971), p. xi.

this opinion, especially before 1970, concerns itself with abortion reform, not abortion "on demand." The most interesting progress has been in the area of opinion change of adult Catholics, whose faith is well-known for its adamant stand against abortion.

In response to the public concern over abortion, many states began examining their abortion laws and making an effort to change them to some degree. In 1967, Colorado, North Carolina, and California changed their abortion laws. Georgia and Maryland changed theirs in 1968. By 1969, Arkansas, Kansas, Delaware, Oregon, and New Mexico had also changed their laws. The new laws generally followed the Model Penal Code of the American Law Institute (ALI), a relatively moderate code which permitted abortion only on medical, psychiatric, or humanitarian grounds.[43]

During the same time, those favoring reform or repeal began to coalesce. The National Abortion Rights Action League was formed in San Francisco in 1966 by Patricia McGinnis.[44] In 1967, the Clergy Consultation Service, a nationwide consortium of concerned ministers, rabbis, and a few priests, was formed by Howard Moody as a referral service for those women desiring abortions. The service functioned as a world-wide clearing house, providing women with information on where they could secure a safe, legal abortion almost anywhere in the world.[45]

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[43]Callahan, p. 140.

[44]Judith Hole and Ellen Levine, Rebirth of Feminism (New York: Quadrangle, 1971), p. 295.

[45]Ibid., p. 299.

Another route to abortion repeal or reform was taken by the legalists. Between 1968 and 1970, more than twenty state court systems had cases concerning abortion laws on their dockets.[46] Perhaps all these factors taken together prompted NOW, first in 1967, and then in its 1968 Bill of Rights, to declare that an essential feminist demand was "The right of women to control their own reproductive lives by removing from penal codes laws limiting access to contraceptive information and laws governing abortion."[47] It should be pointed out, however, that in contrast with other abortion rights groups, feminist groups were working for abortion law repeal, not reform.

In 1970, two more states joined the ranks of those who had changed their abortion laws. New York substantially liberalized its law, while Hawaii became the first state to repeal all laws against abortion. Steinhoff and Diamond count this as a major turning point in the abortion movement.

> The repeal of Hawaii's law against abortion in March, 1970, marked a major turning point in this movement. It was the first time that virtually all prohibitions on abortion had been removed by a legislative body responsible—and responsive—to an electorate.[48]

The landmark decision legalizing abortion came from the U.S. Supreme Court in 1973. That decision declared that first-trimester abortions were a matter for decision solely between a woman and her physician, allowing states to regulate second-trimester abortions with respect to

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[46]Deckard, p. 396.

[47]Hole and Levine, p. 442.

[48]Steinhoff and Diamond, p. vii.

facilities, and allowing states to prohibit, if they wished, third-trimester abortions.[49] This decision was to become the crux of the modern abortion controversy.

The reaction to the Supreme Court ruling was decisive and instantaneous from those opposing abortion. Sanders reports this reaction.

> Archbishop Francis J. Furey of Texas characterized the authors of the ruling as "fetal muggers." In elegant, but equally apocalyptic terms, the president of the National Catholic Conference, John Cardinal Krol, accused the Court of opening the doors "to the greatest slaughter of innocent life in the history of mankind."[50]

The two Supreme Court decisions which precipitated the controversy were decided together in 1973. Roe v. Wade and Doe v. Bolton presented to the public the legal and constitutional thinking of the Court in a reasoned and organized manner. This section will examine the issues which moved the U.S. Supreme Court to legalize abortion.

The 1973 U.S. Supreme Court Rulings on Abortion

The seven to two decision in Roe v. Wade laid the groundwork for the decision in Doe v. Bolton by presenting the major arguments which the Court felt justified abortion. Justice Blackmun delivered the opinion in Roe v. Wade, first dealing with the issue of whether the Roes had standing to sue. The Court decided that since

> Pregnancy often comes more than once to the same woman, and in the general population, if man is to survive, it will

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[49]Fraker, p. 37.

[50]Marion K. Sanders, "Enemies of Abortion," Harpers, Feb. 1974, p. 26.

> always be with us. Pregnancy provides a classic justification for a conclusion of nonmootness. It truly could be "capable of repetition, yet evading review."[51]

For that reason, the Court decided that Jane Roe not only had standing to sue, but that her case represented a justiciable controversy.

Next, the Court undertook to establish legal, historical, and medical justifications for abortion. First, the Court examined recent laws, noting that they were relatively new. The Court then proceeded to review both ancient and modern positions on both the law and medical practice concerning abortion.

Regarding the Hippocratic Oath, the Court pointed to the fact that the Oath was not completely accepted or binding even in its own time, but was a product of the rigid mores of ancient Greece.[52] In reviewing the stance of common law on abortion, the Court concluded that up until the point of quickening, abortion was generally not considered homicide.[53] The Court also pointed to the presence of justification for abortion in English law, commenting that the case of Rex v. Bourne (1939) helped to establish a precedent for the 1967 Abortion Act passed by Parliament in that year.[54] Finally, the Court noted the stance of the American Medical Association, which emphasized the divergence of opinion concerning abortion in the medical field but nonetheless gave assent to the right of

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[51] Roe v. Wade, 410 U.S. 113, 125 (1973), in Constitutional Aspects of the Right to Limit Childbearing.

[52] Ibid., 130-32.

[53] Ibid., 134.

[54] Ibid., 137.

both the physician and patient to determine the necessity of abortion. At the same time, the AMA called for restrictions on abortion such as performance by a liscensed physician in accredited hospital, and stressed that no physician should be made to perform an abortion against his or her will.[55]

In the second part of its decision, Justice Blackmun dealt with three crucial issues: the compelling interest of the state in protecting human life, the right of privacy, and the interpretation of the word "person" in the legal and Constitutional sense. The Court's thinking regarding the first issue, that of whether or not the state has a compelling interest to prohibit women from obtaining abortions, was that since mortality rates for abortions were extremely low, the state had no compelling interest to protect the women's health.[56] Only in the last stages of the pregnancy, when the fetus became more viable did this compelling interest begin to manifest itself.[57] In conclusion, the Court agreed that the compelling interests between the life of the woman and the potential human are "separate and distinct. Each grows in substantiality as the woman approaches term and, at a point during pregnancy, each becomes 'compelling.'"[58] For those reasons, the Court permitted the woman and her doctor to make the decision regarding abortion in the first trimester, but allowed the state to regulate abortions in the second trimester because at that point both the life of

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[55] Roe v. Wade, 410 U.S. 113, 143 (1973).

[56] Ibid., 149.

[57] Ibid., 150.

[58] Ibid., 162-64.

the woman and the fetus were compelling. The Court left the issue of third trimester abortions in the hands of the individual states, allowing each to decide whether or not abortions would be allowed at that time.

Speaking to the right of privacy, the Court cited both the Fourteenth and the Ninth Amendments as "broad enough to encompass a woman's decision whether or not to terminate her pregnancy."[59] Along with upholding the right of privacy of women to receive abortions, the Court also cited the possible detriments of medical, harm, psychological harm, and social stigma attached to the unwed mother as being further reasons for legalization of abortion.[60] The Court tied the right of privacy to the compelling interests of the state by noting that ". . . the right, nonetheless, is not absolute and is subject to some limitations . . .,"[61] those limitations being the ones discussed earlier.

Finally, the Court dealt with the issue of whether the term "person" applied to a fetus. After reviewing the use of the term in the Constitution, the Court decided that, "But in nearly all these instances, the use of the word is such that it has applications only postnatally."[62] Additionally, the Court noted that the fields of medicine, philosophy, and theology were unable to determine when life began, and so the Court was "not in a position to speculate as to the answer."[63]

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[59] Roe v. Wade, 410 U.S. 113, 153 (1973).

[60] Ibid.

[61] Ibid., 155.

[62] Ibid., 157.

[63] Ibid., 159.

In Doe v. Bolton, the sister case of Roe, the Court extended its concern into more practical areas. Those areas were restrictions upon abortion imposed by the state of Georgia. In this case, the Court first established that Doe, like Roe, had standing to maintain action. Next, the Court dealt with the issues of facilities, review committees, physician concurrence, and residency requirements imposed on those seeking abortions by the state of Georgia.

According to Georgia state law, abortions had to be performed in a hospital accredited by the Joint Commission on Accreditation of Hospitals. The Court struck down this restriction because, "The State . . . has not presented persuasive data to show that only hospitals meet its acknowledged interest in insuring the quality of the operation and the full protection of the patient."[64] Georgia's requirement that a woman present her case for abortion to a medical review committee was struck down because the Court pointed out that it was basically a redundant procedure.[65]

The requirement of physician concurrence was also declared unnecessary because "no other voluntary medical or surgical procedure for which Georgia requires confirmation by two other physicians has been cited to us."[66] Finally, the Court declared that the residency requirement of Georgia was unconstitutional because of a lack of concrete policy dealing with the use of Georgia medical facilities by non-Georgia residents.[67]

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[64]Doe v. Bolton, 410 U.S. 179, 195 (1973).

[65]Ibid., 197.

[66]Ibid., 199.

[67]Ibid., 200.

If the decisions in Roe and Doe were intended to gain more legal and judicial acceptance, then they could be said to have met that goal. If, however, the Court opinions were meant as an act of persuasion to convince the public of the acceptability of legalized abortion, they did not meet that goal. As legal instruments, the decisions were logical, precise, and well-ordered. But the decisions did little to persuade those who already opposed abortion of its acceptability, and thus helped spur the opposition on to greater resistance rather than quelling the previous resistance. The following section will discuss the reactions of the opposition to abortion to those two 1973 U.S. Supreme Court decisions.

The Opposition to the Supreme Court Decisions

The opposition to the Supreme Court decision began to move against the ruling the same year it was handed down. In the Senate, amendments to the Constitution have been introduced by conservatives such as Jesse Helms (R., N.C.) in 1973 and 1975, and by James Buckley (C.R., N.Y.), also in the same years. These amendments state that a fetus is a person from the moment of conception, and that it cannot be destroyed unless there is a grave medical crisis endangering the life of the mother. Representatives such as Oberstar (D., Minn.), Dingall (D., Mich.), Quie, (R., Minn.), and Clancy (R., Ohio) have introduced similar amendments in the House.[68]

These amendments are of two types. The first type would make the fetus a legal entity, either allowing no abortion at all or abortion only

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[68] Constitutional Aspects of the Right to Limit Childbearing, pp. 105-09.

under the necessity to save the mother's life. The second type of amendment would allow the individual states to determine their own definitions of fetal life and regulate abortions as they wished. Some state legislatures have already begun the process, by enacting restrictions on abortion such as parental or spousal consent requirements and by restrictively regulating abortion clinics.[69]

In addition to the congressional and state level efforts toward a Constitutional amendment prohibiting abortion—which so far have not met with much success—the Congress is taking action to overturn or restrict the Supreme Court ruling by means of riders attached to seemingly non-abortion-related bills. At this time, four major restrictions have been imposed. An amendment to the 1973 Foreign Assistance Act prohibits the use of foreign aid funds for abortion as a birth control method. The Legal Services Act of 1974 was amended to prohibit legal services attorneys from helping low-income women receive "non-therapeutic" abortions. The Health Programs Extension Act of 1973 declared in its amendment that hospitals could not be denied money if, because of religious convictions, the hospital refused to allow abortions.[70]

Perhaps the most far-reaching effect of these amendments is the amendment to the 1977 appropriations bill for the Departments of Labor and Health, Education, and Welfare, which ban the use of federal funds to pay for abortions unless the mother's health is in danger. A specific

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[69]Constitutional Aspects of The Right to Limit Childbearing, p. 98.

[70]The Women's Movement: Achievements and Effects, pp. 118-19.

interpretation of this rider can be seen in Tennessee's Division of Medicaid.

> Effective July 1, 1978, Medicaid will pay for abortions or termination of pregnancy (1) where a physician who does not perform abortions has certified in writing that the life of the mother would be endangered if the fetus was carried to term or (2) where some law enforcement or health authority other than the one who performs abortions certifies (a) that the woman within the previous 60 days was the victim of rape or incest, and (b) provides the identity the law enforcement or health authority to which the woman reported the incident of rape or incest or (3) where two physicians who do not perform abortion certify that severe and probably permanent damage to the woman's physical health would occur if the fetus should be carried to term.[71]

At the national level, groups opposing abortion have been the moving force behind the thirteen states which have passed resolutions calling for a Constitutional Convention to pass a Constitutional amendment prohibiting abortion.[72] Similarly, nine state legislatures have passed resolutions advocating the passage of the Right to Life amendment.[73]

On the local level, the city of Akron, Ohio, last year passed restrictive abortion legislation, which requires, among other things, that the woman obtain the consent of her husband to an abortion if married, and view details of fetal development prior to her abortion.[74]

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[71]Ray C. Hall, Official Notice, Division of Medicaid, State of Tennessee Department of Public Health, June 6, 1978, p. 1.

[72]Fraker, p. 36.

[73]Deckard, p. 399.

[74]Fraker, p. 36.

Eventually, the abortion controversy will probably be resolved by public opinion. But reports on public opinion are often confusing and may vary according to who conducts the survey. Walter De Vries of Duke University, in a survey funded by the National Right to Life Committee, found that three quarters of both Protestants and Catholics alike who were surveyed favored action by Congress to overturn the Supreme Court ruling.[75] In a Gallup Poll conducted at the same time, the results were 45 percent in favor of a Constitutional amendment which would ban all abortions unless the mother's life is in danger, while 49 percent of those surveyed opposed such an amendment.[76]

This will probably be seen as even more confusing when the results of conflicting surveys conducted in 1975 and 1976 are examined. A Gallup Poll survey on Catholic opinion in 1975 found that 50 percent favor abortion in some circumstances, 17 percent thought it should be legal in all cases, while 32 percent thought it should be illegal in all cases.[77] In 1976, two more public opinion surveys indicated much the same results. In a nationwide survey by the New York Times and C.B.S. News, taken in February of 1976, 67 percent of those surveyed expressed the opinion that abortion should be a decision solely between the mother and her physician, and in a National Observer nationwide poll, conducted in March of the

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[75]Richard Ostling, "The Changing Abortion Debate," Theology Today, 34 (1977), 166.

[76]Ibid.

[77]The Women's Movement: Achievements and Effects, p. 111.

same year, 71.4 percent favored letting the Supreme Court decision stand.[78]

This, then, is the background of the modern abortion controversy. Recent moves by those opposed to abortion seem to indicate that at least a substantial minority of the country is in favor of restricting or abolishing abortions altogether. Having detailed the history of the modern abortion conproversy, it is now necessary to examine the nature of the large minority who oppose abortions.

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[78]The Women's Movement: Achievements and Effects, p. 118.

CHAPTER III

THE EMERGENCE OF RELIGIOUS OPPOSITION TO ABORTION

An examination of the abortion controversy reveals that strong opposition to abortion has been present for many years, but that the opposition has gained its greatest strength since the 1973 Supreme Court ruling. In order to understand this opposition, it is necessary to provide an analysis of the constituency of that opposition, the religious arguments used by the opposition, the solutions to the abortion controversy espoused by the opposition, the development of the opposition and the tactics used by it.

Constituency of Anti-Abortion Organizations

Those opposing abortion do not make up one, cohesive organization as one might suppose. Instead, there are a number of organizations, from the local, grass-roots variety to the well-developed lobbies. Three of the more prominent national organizations are the National Right to Life Committee, the American Citizens Concerned for Life, and Birthright. They do have one thing in common, however, and that is that the majority of their followers are Roman Catholic. The problem of analyzing the religious make-up is complicated by the fact that abortion is a divisive issue within the religious community. Richard Ostling, in Theology Today, cautions analysts of the abortion controversy that the scope of the problem is larger than just a one-religion issue. He points out that

> The claim of religious pluralism is valid, but regularly misstated. Despite the conspicuous role of Catholic bishops and of Catholic laity in the Right to Life groups, this is not a struggle by "any one group." Rather the religious communities are divided in a complex pattern: liberal Jews against Orthodox Jews, liberal Protestant officials against many conservatives in their own denominations, some liberal Catholics against their church's official policy.[79]

The issue of religious pluralism must be established within the framework of the available statistics, however, setting aside for the time the divisions within the individual religions. Although the Right to Life groups would have the public believe that their organizations are heterogeneous, composed almost equally of members from many religions, Carmen and Moody document that this is not the case. According to Carmen and Moody, about 85 to 90 percent of the Right to Life groups membership is Roman Catholic.[80] Marion Sanders substantiates this by commenting that Catholic parishioners throughout the country are reminded by their priests and bishops that they owe their religion an obligation to become active in the anti-abortion groups.[81]

The Catholic Church denies that the abortion opposition is composed solely, or even primarily of Catholics, stressing the religious pluralism of the opposition. Marshall claims that although Catholics may seem the most outspoken opponents to abortion, their support is

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[79]Ostling, p. 162.

[80]Arlene Carmen and Howard Moody, Abortion Counseling and Social Change: From Illegal Act to Medical Practice: The Story of the Clergy Consultation Service on Abortion (Valley Forge, Pa.: Judson Press, 1973), p. 115.

[81]Sanders, p. 26.

buttressed by Orthodox Jews, such as Rabbi Immanuel Jakobovits and Protestant theologians, such as Paul Ramsey and Dietrich Bonhoeffer.[82]

Despite this claim for religious plurality in the anti-abortion struggle, the Catholic Church has yet to provide figures which would contradict those given by Carmen and Moody. It would seem that they tacitly admit the predominance of Catholic support while attempting to broaden the base of their attraction by including well-known theologians from other sects.

Linda Gordon characterizes the Right to Life groups, whether Catholic or not, as politically right-wing. She suggests that

> . . . right-to-life groups nearly always line up behing other right-wing causes: support for the Vietnam War, for racist anti school-busing protests, for example. . . . Right-to-life forces have generally opposed the kinds of social programs that would make abortion less frequent: child care, sex education, contraception, and so forth.[83]

The constituency of the abortion opposition, delineated by Gordon as conservative, seems to be part of a larger move to political conservatism nation-wide. Newsweek has described some of the causes of the new conservatism as emanating from the complex social changes that occurred between the 1960's and 1970's, changes including blue collar dissatisfaction with the perceived lawlessness which prevailed throughout the country.[84] Although this new constituency has been labeled as

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[82]John Marshall, Medicine and Morals (Glen Rock, N.J.: Deus/Century Books, 1964), p. 28.

[83]Linda Gordon, Women's Body, Women's Right: A Social History of Birth Control in America (New York: Grossman/Viking, 1976), pp. 415-16.

[84]"Is America Turning Right?" Newsweek, 7 Nov. 1977, p. 36.

"conservative" by many, Newsweek warns against labeling, suggesting that ". . . the period is marked by shifting political alliances and a search for new political definitions."[85] Some of the issues which this new political alliance are concerned about are the more emotional issues such as abortion, homosexuality, the Equal Rights Amendment, and the Panama Canal.[86]

It seems fairly clear, then, that the constituency of the Right to Life groups is, for the most part, Catholic, although the percentage of Catholic participation may be debatable. It also seems clear that this opposition to abortion can be placed within the larger context of the growing shift to conservatism throughout the country and is a reaction to more than just the issue of abortion. But from any standpoint, the Catholic participation is by far the most visible and vocal, far more so than other religious groups.

In addition to providing a large base for the groups opposing abortion, the Catholic Church seems to be involved in the struggle as an organization. In 1975, the National Conference of Catholic Bishops began organizing its own anti-abortion activities, complete with educational material, seminars, a lay lobbying arm, and a budget of almost a half a million dollars from different sources.[87] So it seems that whether or not the Catholic hierarchy directly supports lay organizations outside its own aegis with funding or other materials is a moot point—moot, because they are themselves involved in the struggle.

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[85] Newsweek, p. 36.

[86] Ibid., p. 34.

[87] Fraker, pp. 39-40.

Since the Catholic Chruch has become involved in the abortion controversy, it is important to examine the components which make it an ideal vehicle for propagating the views of those who condemn abortion. Daniel O'Neil, author of a study on the influence of Church lobbying on an abortion reform bill in a Western state in 1967, has drawn a number of salient conclusions from his study as the reasons for the effectiveness of the Catholic Church in its efforts to suppress abortion reform or repeal.

The first principle is that of the political and monetary influence of Catholicism—a world-wide influence, in the areas of numerical strength, world organization, and monetary influence.[88] This gives the Church a strong base from which to mobilize its forces.

A second important unifying principle is the ideology of the Church. O'Neil explains that,

> There exists a long tradition of Catholic application of theology to moral and social problems. A vast Catholic literature on the morality of abortion has accumulated with popes, councils, and theologians, for at least the last century, consistently and clearly condemning the practice [abortion] as contrary to Catholic theology.[89]

As a result, there is no delay in the Church's response to the question of the morality of abortion because the position has been clearly enunciated for so many years. In addition, that position has been dictated to Catholics throughout the world and is recognizable even to most non-Catholics.

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[88] O'Neil, p. 10.

[89] O'Neil, p. 57.

The third principle which unifies the Church is that of its structure. Of all the Christian religions, Catholicism has perhaps the most organized and well-controlled hierarchy. This hierarchy has an explicit chain of command, with dictums translated clearly and quickly from the Pope or cardinal to the parish priest. Furthermore, since Catholics are educated to accept this hierarchy as a valid one, there is little problem with acceptance of a doctrine promulgated by the hierarchy.

A final attribute of the structure of the Catholic Church is its flexibility in rising to confront the problem. As will be documented later, the Church has used a multiplicity of tactics to attain its goals. The flexibility of the Church comes from its recognition that it needs to persuade groups other than its own members, and its adoption to tactics suited to this recognition.

Despite its long-standing opposition to abortion, the Catholic Church does allow abortion under certain circumstances. For reasons to be discussed later, the Catholic Church prohibits any abortion to save the life of the mother. The only exception to this is if the abortion is "an inextricable by-product of an essential surgical procedure which is done for reasons other than abortion."[90] That type of surgical procedure is most commonly an ectopic pregnancy, where the embryo has become lodged in the fallopian tubes and begins to grow there, instead of the uterus. In this case, the surgery is part of an essential procedure which does not have as its goal the ending of the life of the fetus.

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[90]Guttmacher, p. 7.

The manner in which this exception was made reflects a long history of religious thought on the subject of abortion. As O'Neil documented, one of the most important unifying principles of the Catholic Church is its thorough development of both theological and medical/ethical positions on the subject of abortion. For that reason, it would be constructive to examine the history of the development of Catholic theology condemning abortion and moral principles guiding that development.

Theological Development of the Catholic Opposition to Abortion

The teachings of the Catholic Church are grounded in the Bible. Noonan discusses the specific references used by the Church in its development of a specific theology dealing with abortion.

> The specific Christian teaching on abortion developed in a theological context in which the commands of the Old Testament to love God with all your heart (Deut. 7:5) and to love your neighbor as yourself (Lev. 19:18) were singled out as the two great commandments on which depended "The whole law and the prophets" (Matt. 22:40). The standard for fulfillment of these commandments was set in terms of the sacrifice of a man's life for another (John 15:13) and embodied in the self-sacrifice of Jesus. Jesus told the disciples, "This is my commandment, that you love one another as I have loved you," (John 15:32). In terms of his example, the commandment was a "new commandment" (John 13:34). The Christian valuation of life was made in view of this commandment of love.[91]

While using these scriptural passages to reinforce its theology, the Catholic Church does not claim that Jesus specifically condemned abortion. Ayd points out that his followers, rather than Jesus,

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[91]John T. Noonan, Jr., ed., The Morality of Abortion: Legal and Historical Perspectives (Cambridge, Mass.: Harvard Univ. Press, 1970), p. 7.

denounced abortion and urged Christians to forego both abortion and infanticide.[92]

The first writing condemning abortion was the Didache, which was also the earliest known Christian writing, composed sometime between 65 and 80 A.D. The "second commandment" of the Didache was, "Thou shalt not procure abortion."[93] This remained Church doctrine until St. Augustine's time, the fifth century.

St. Augustine was concerned primarily with the doctrine of ensoulment. He divided fetuses into two types: an embryo informatus and an embryo formatus. An embryo informatus was not considered ensouled, and so if an abortion was performed, the penalty was only a fine. But St. Augustine reasoned that the embryo formatus had acquired a soul, and so to abort it would be murder. This doctrine of ensoulment left one question unanswered: at what point did the embryo become ensouled? During the 1300's, the Church resolved this problem by fixing the date of ensoulment at forty days after conception for males and eighty days after conception for females.[94] With those dates of ensoulment decided, the Church determined that, since it was impossible to decide what sex the fetus was, it would be assumed that any fetus aborted during the first eighty days of pregnancy was a female and thus not ensouled. For these reasons,

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[92]Ayd, p. 48.

[93]Russell Shaw, Abortion on Trial (Dayton, Ohio: Pflaum Press, 1968), p. 158.

[94]Sorrentino, p. 164.

abortion in the first eighty days after conception was not considered as serious a sin as abortion after that period.[95]

After this stance was adopted by the Church, subsequent Popes reaffirmed its validity, varying in the degree of assent. Pope Sixtus V, in his 1588 bull Effraenatam, condemned abortion as murder and pronounced the punishment of excommunication for both abortionists and the woman involved. Gregory XIV, his successor, softened much of Sixtus' mandate, but nevertheless kept the penalty for abortion after ensoulment at excommunication.[96]

Between the fifteenth and eighteenth centuries, views on abortion moderated to some extent, although Gregory XIV's pronouncement was still papal mandate. Callahan points to Thomas Sanchez, a prominent Spanish Jesuit as a moderating influence. Sanchez argued that

> . . . while there was an absolute prohibition of contraception, there were exceptions to the prohibition of abortion. In particular, if the fetus was not ensouled and the woman would die without an abortion, then abortion was "more probably" lawful, the fetus in this instance being an invader and attacher. The justification was that the intention of the woman was to save her own life, an act which had the double effect of taking the life of the fetus and preserving the life of the woman.[97]

Despite these moderating views, which persisted for some time, the official Church doctrine remained that of Gregory XIV. This doctrine was considerably strengthened in 1869, when Pope Pius IX enunciated the

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[95]Who Shall Live? Man's Control Over Birth and Death, A Report Prepared for the American Friends Service Committee (New York: Hill and Wang, 1970), pp. 36-37.

[96]Shaw, p. 159.

[97]Callahan, p. 142.

doctrine which is in effect today. While Gregory had invoked the penalty of excommunication only for an "unsouled fetus," Pius provided it for anyone who performed or underwent an abortion at any stage.[98]

The more modern pronouncements of the Catholic Church on this subject have reinforced Pius IX's 1869 statement. In 1930, Pius XI also condemned abortion, as did the Second Vatican Council in its declaration Joy and Hope.[99]

Regardless of how Catholic teachings on abortion have altered, one thing remains clear, and that is that canon law on abortion did not change. Grisez details this unswerving position.

> Some have thought that the Catholic teaching on the morality of abortion has altered with each change in canon law. This is altogether mistaken. The canon law always has assumed that all abortion is a serious sin. From this assumption it has proceeded variously in different periods to discourage Catholics from committing this sin. What the preceeding history has shown clearly is that the abortion of the very young fetus was not consistently regarded as true homicide from the middle ages until the nineteenth century. But such abortion was still considered gravely wrong, also by canon law.[100]

In conclusion, then, the constituency of the anti-abortion coalition seems to be predominantly Catholic, with the Catholic Church providing not only encouragement to lay organizations, but its own organization to combat abortions. The Church's involvement with the abortion issue is strengthened by its political, theological, and structural unity, and by its flexibility in meeting the attacks against it. The next section

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[98]Shaw, p. 160.

[99]Noonan, p. 43.

[100]Germain Grisez, Abortion: The Myths, the Realities, and the Arguments (New York Corpus Books, 1970), pp. 180-81.

will deal with the religious arguments used by the anti-abortion groups.



Religious Arguments Against Abortion

The basic value which has made the abortion controversy so prominent is that which tries to decide the worth of human life. Anti-abortionists espouse arguments of many types, but at their base is always the question of the sanctity of life.

The most rudimentary condemnation of abortion comes from the Catholic Church. Dr. John Marshall describes that position.

> The direct destruction of the life of the embryo, as occurs in abortion, is gravely wrong, being diametrically opposed to the divine precept, "Thou shalt do no murder: if a man commits murder, he must answer for it before the court of justice." (Matt. 5:21).[101]

Not only does the Church condemn abortion, using the humanity of the fetus as an argument, but it also stresses the necessity of all religions to defend the rights of the fetus. Jerry Falwell, a Protestant evangelist, explains the duty of all religions to defend the life of the fetus.

> Our laws are predicated on Scripture. In 202 years the United States has shown human kindness to many people, especially the helpless. And the most helpless form of life is the unborn baby.
> .....
> A true Christian would not seek an abortion, a true mother would not want to terminate the life of her child.[102]

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[101]Marshall, p. 66.

[102]Jerry Falwell, "Abortion-On-Demand: Is It Murder?" Inspiration, 1 (1978), 82.

Dr. Frank Ayd, a Catholic, comments that the Church has a

> . . . grave responsibility by divine mandate to teach that all men have fundamental rights, one of which is the right to live . . . . The Church is not only affirming the sanctity of human life but it is opposing the delegation to any individual the right to decide who shall live.[103]

The basic argument and the justification for religion to espouse such an argument rests on several assumptions, but in order to accept the assumptions, one must first be able to accept the authority of the Bible as divinely inspired evidence. In the case of abortion, the Biblical injunctions are three-fold: all life is sacred to God, one should love one's neighbor, and one should not kill. The argument then moves to a more logical plane, with the approach that anything conceived by humans must be human, or at least have the potential to become human. Finally, the argument moves to the traditional plane, which includes the historically developed arguments of the Catholic Church against abortion which were cited earlier. Because of these injunctions, the anti-abortionists argue that abortion is an act of self-hatred: hatred for the child the woman carries, and hatred by the woman for her function both as a woman and as a mother.[104]

If abortion is truly murder, then it is necessary for the opponents of abortion to establish the fact that the fetus is indeed a human being. This is done by the use of three major arguments: the development of the fetus, its socialization, and the fact that it can be damaged.

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[103]Ayd, p. 51.

[104]Mary R. Joyce and Robert Joyce, Let Us Be Born: The Inhumanity of Abortion (Chicago: Fransiscan Herald Press, 1970), pp. 60-61.

Anti-abortionists claim that most scientists have traced the development of the fetus from the sixth week to its birth. At the sixth week of development, the fetus has primitive organs. By the eighth week, brain waves can be recorded. At week eleven, the fetal skeleton can be detected by X-rays. The fetal heartbeat can be heard and movement can be felt by the fourteenth week. By the beginning of the 28th week, or the seventh month of pregnancy, the fetus is, for the most part, independently viable.[105]

Grisez argues that in addition to these aspects of humanity, the fetus begins its socialization at conception, when the mother first realizes that she is pregnant, and that the most primary socialization is that which takes place through the biological or psychosomatic communication between the mother and fetus.[106]

The final argument for the humanity of the fetus poses a challenge to one of the strongest arguments in favor of abortion. Dr. Frank Ayd suggests that either the fetus is not human, and thus there is no need to worry whether it is deformed or not, or that it is human, as proved by its ability to be damaged by diseases, chemicals, and X-rays. He asks, "If the fetus is not human from the moment of conception, what is it and why must it be destroyed?"[107]

The anti-abortion coalition argues that the exact moment at which the fetus acquires the traits of a developed human does not matter: what

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[105]Callahan, p. 373.

[106]Grisez, pp. 278-79.

[107]Ayd, p. 50.

matter is that it has the potential to become a human being. The fact that the potential human being can survive only within the protective custody of the mother's womb until it meets certain biological requirements for survival on its own is not a satisfactory argument for those who oppose abortion. Many see the womb as a form of life-support system similar to that used by astronauts on the moon or scuba divers underneath the water. The analogy is clear; to pull the life-support systems of astronauts or scuba divers would be murder, as would an abortion to the fetus.

Human potential of the fetus is extended in some cases to the zygote itself. The Joyces believe that,

> The zygotic self cannot actually breathe, but he actually has the undeveloped capacity for breathing. Nor can this zygotic self actually think and love as an adult does, but he actually has the undeveloped capacity for thinking and loving.[108]

If this zygote has the potential to breathe and love, then the world could be destroying a potential Einstein or Saint Francis, according to the anti-abortion groups.

Four variations of arguments stressing the necessity to revere the life of the fetus and let nature take its course are delineated by the opposition to abortion.

The first argument is not an exclusive argument as far as abortion goes but has been used by groups advocating everything from civil rights to the abolition of capital punishment. That argument is the plea for the equality of all human life. Dr. John Marshall argues "All human life, whatever its age, race, colour or creed, has equal value in the

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[108]Joyce, p. 22.

eyes of God and must be accorded equal rights and treatment."[109] For that reason, abortion being murder, equality is denied the fetus.

Neuhaus explicates the second argument, that all humans are, regardless of their stage of development, only "potential" humans still struggling to be fulfilled (Romans 8). Neuhaus demands to know the criteria which should be used to decide this potential.[110]

In addition to the basic scriptural injunctions emphasized earlier, Grisez adds the scripture from Genesis, that we are all our brothers' keepers. He suggests that in order to fulfill the Biblical edict, we must accept responsibilities for those who depend upon us for life, no matter how difficult a burden that responsibility may be.[111]

The final argument is set forth by Shaw, who claims that by performing abortions, man intrudes his will upon God's will, and thus assumes a position of omnipotence that he has no right to assume.[112]

Anti-abortionists see any step towards abortion as the first step in destroying the sanctity of life. Many of them reason that if the fetus, which they believe is human, can be sacrificed for exigent reasons, all forms of life not in accord with societal standards of life could also be abolished. If society can read the fetus out of the ranks of life, who is to say, that in time, the aged, the senile, the deformed, and

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[109]Marshall, p. 70.

[110]Richard Neuhaus, "Abortion: No. Amendment: Yes," U.S. Catholic, 42 (1977), 28.

[111]Grisez, p. 287.

[112]Shaw, p. 177.

the mentally retarded could not also be removed?[113] Many use the example of Hitlerian Germany, where life was so under-valued that anyone who did not serve the needs of the state could be killed at will. Abortion, then, would be a license for unrestricted murder of all potentially unsatisfactory elements of society.

Grisez proposes another harm from liberalization or legalization of abortion. He suggests that if, as explained above, abortion lessens the value of life in the society in which it is lawful, then, certainly, an increase in child abuse could develop. He remarks that,

> . . . it is at least as plausible to think that recent increases in child abuse are a consequence of more permissive attitudes toward abortion. Surely parents filled with frustration and hostility may reason that if it is not wrong to kill children that are unwanted before birth, it cannot be wrong to batter children that become unwanted afterwards—for example, when their constant crying becomes unbearable.[114]

Another fear of the anti-abortion coalition is that liberalization or legality of abortion would encourage immorality. They reason that in many instances, the only thing preventing premarital intercourse is fear of pregnancy. With easily accessible abortions, young people might conclude that all societal restrictions against premarital sexual intercourse have been abolished and that it is now morally permissible. Father Marx points out that, "The law is a great teacher. Legality easily becomes morality, especially in a sex-soaked, affluent culture."[115]

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[113]O'Neil, p. 28.

[114]Grisez, p. 293.

[115]Paul Marx, O.S.B., The Death Peddlers: War on the Unborn (Collegeville, Minn.: St. John's Univ. Press, 1971), p. 9.

Marx sees it as having a spiral effect; the greater accessibility of abortion, the greater the proclivity of people to engage in pre- or extramarital sexual intercourse, which, since it is undertaken only on physical grounds, promotes irresponsibility, which, in turn, will promote more pregnancies, which will lead to more abortions.[116]

The abortion issue is seen by those who oppose it as a black-and-white issue. If abortion is a form of murder, then it is murder under any circumstances. Both contraceptive devices and the use of dilation and curettage are forms of abortion as surely as saline solutions and vacuum aspirations, since they have as their end result the destruction of the fetus, according to the anti-abortionists.

Contraceptive devices are termed abortifacients because, although it may be difficult to prove scientifically, they may contain a chemical which will expel any zygote formed should ovulation fail to be suppressed.[117] The Joyces consider dilation and curettage forms of abortion, even when used routinely after a rape has occurred because ". . . this procedure also expresses a willingness to kill, indirectly, but very really, any unfortunate conceptus that might have resulted."[118] The adament stand of the opposition to abortion is summed by Griesez: "Everyone who knows the facts and who prescribes or uses birth control methods that might be abortifacient is an abortionist at heart."[119]

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[116]Marx, pp. 177-78.

[117]Ibid., p. 175.

[118]Joyce, p. 39.

[119]Grisez, p. 344.

It follows, then, that the anti-abortionists do not feel that abortion can ever be justified. Pro-abortion advocates who raise the issue of the mother's mental health are met with the argument that such justifications are tantamount to abortion on demand, as the mother might easily claim to be disturbed while in fact she is not. Women who threaten to commit suicide, contend the anti-abortionists, are small in number, and while they are in need of help, abortion is certainly not the help they need. Besides, as Grisez points out, many babies which are unwanted at the time of conception become "lovingly expected" before birth.[120]

The issue of rape is dealt with in much the same way. The child conceived of by the act of rape is thought to be an innocent, uninvolved in any crime or negligence from which it resulted. The physical or mental stability of the parents who conceived the child is held separate from the child itself. Just because the parents are insane or carry physical deformities, or the child was conceived by an act of sexual intrusion, does not make the child itself vulnerable to these deficiencies in character or body.

Incest is placed in the same category as rape; no abortions for incest should be allowed. Rice speaks for many anti-abortionists in arguing that incest does not always equal rape, and that if the female was willing (no matter what her age), it is grossly unfair to punish the innocent baby by taking its life just to ameliorate the feelings of the mother.[121]

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[120]Grisez, p. 292.

[121]Charles Rice, The Vanishing Right to Live: An Appeal for a Renewed Reverence for Life (Garden City, N.Y.P. Doubleday, 1969), p. 39.

Some who oppose abortion feel that changing the law to allow abortion in the cases of rape, or incestuous rape, will increase the incidence of pretended rape. They claim that,

> The most emotional and persuasive plea for changing the law on abortion concerns rape and incest. But conception from rape is rare. Moreover, abortion for rape opens the door to any woman who would falsely allege rape. Apart from the fact that some women invite the attack or do not resist, how could it be proven whether rape took place or not?[122]

A crucial argument against abortion occurs when anti-abortionists are confronted with the question, "Whose life has greater value; the mother's or the fetus'?" Anti-abortionists argue that religious doctrine forbids them to value one life more than another. Both mother and child have an equal right to life, and so the physician and all concerned must allow nature to take its course. In cases where the pregnancy can threaten the woman's life even from the first stages, anti-abortionists argue that it is still the duty of the mother to carry the child to full term.[123] Carrying the child to full term is mandated regardless of the health of either the mother or the fetus. In the case of the fetus, potential deformity, either physical or mental, is not an excuse for abortion because if, as the anti-abortionists believe, the fetus is human, it does not matter that the state of humanity may be less than perfect.

In the case of the mother, a duty is owed to the child, and it is the responsibility of the mother to provide that life support as long as

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[122]Joyce, p. 43.

[123]Steinhoff and Diamond, p. 109.

she is able to, even if it means her own death. This view is predicated on the Christian ideal that people perform the highest possible worthy act by sacrificing their lives for another. The Joyces suggest that

> Even when the mother's life is in danger, many Christian moralists hold that any direct attack upon the child to save the life of the mother is prohibited. And the Christian ideal, "No greater love than this exists that one person give his life for another," strengthens this moral principle.[124]

Not only is it the Christian alternative for the mother to sacrifice herself, but to the Catholic way of thinking, such a sacrifice offers a woman the chance to attain martyrdom, a most holy state. Dr. Marshall explains the glory of this state open to women who choose death rather than abort the fetus.

> The call to testify comes to each in his or her own way. Martyrdom, in the commonly understood sense of the term, is the lot of relatively few, though in the history of the Church these few have grown to number hundreds of thousands. Many must testify to the truth of leading lives of difficulty and hardship; this hardship often could be relieved by taking some course which conflicts with the law of God, but the call is to bear the hardship rather than to reject God's will. A few must testify by giving their lives in a less acclaimed, but equally glorious, form of martyrdom; this is to reject the temptation to escape a perilous situation by killing their own unborn child and to die rather than to secure relief by so evil an act.[125]

The final argument against abortion is that which views women's roles and responsibilities in relationship to motherhood as sacred. The Catholic Church, for example, believes that motherhood is woman's primary role, and that to interfere with that role, to give women a

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[124]Joyce, p. 41.

[125]Marshall, pp. 78-79.

choice in assuming that role, is tampering with God's will.[126] Any abortion for women who are unmarried or even raped, and especially for those who engage in promiscuous behavior, is unacceptable because they accepted, by definition, a moral responsibility when they chose to have sexual intercourse—even if it was forced upon them.[127] That choice and the responsibility imposed by it may not be evaded because of a personal dislike of the situation. The woman's acceptance of that responsibility not only fulfills her as a human being but also is a measure of her moral worth.[128]

To summarize the arguments against abortion, one must return to the basic principle of the sanctity of human life, and the soul of the fetus which anti-abortionists believe is intrinsic to any creature conceived of two humans through intercourse. The argument is explained very simply: if one is a Christian and believes in the Bible, there is no choice but to view the abortion controversy as the anti-abortion coalition views it. The other arguments—the issues of moral justness and innate equality of the fetus—are used to persuade those that the opposition to abortion knows will not accept religious arguments. Still, even the acceptance of those arguments involves an acceptance of the ensoulment doctrine, that the fetus is ensouled from the moment of its conception.

Even those who oppose abortion recognize that the desire for abortion stems from real problems which must be faced. It is in determining the

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[126]Steinhoff and Diamond, p. 106.

[127]Falwell, p. 82.

[128]Steinhoff and Diamond, p. 106.

solutions to the abortion problem that the opposition seems to find itself in a dilemma. The next section will discuss various answers suggested by the anti-abortion coalition.

Solutions to the Abortion Problem

It would seem that one way to prevent abortion, since almost three quarters of those who seek them are unmarried and almost a third are teenagers,[129] would be the judicious use of sex education coupled with access to birth control. This position, however, is contrary to the beliefs of many anti-abortionists since one of the underlying reasons they see for the plethora of abortions today is the increased sexual permissiveness of our society. For that reason, many oppose the use of either sex education or contraception. They are afraid, for the most part, that discussing sex and contraception with teenagers will implicitly suggest to them that premarital intercourse is an acceptable societal norm.

Father Marx speaks for many opposing abortion when he calls for a return to the traditional teachings of chastity before marriage. He stresses that sex education concentrates only on the technical devices used to prevent birth and circumvents the moral responsibility of the act, which leads to an increase in promiscuity.[130]

As an alternative to responsible sexual education which would inculcate the moral aspect of sexuality, the Joyces advocate the use of celibacy as a way out of the abortion dilemma.

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[129]Fraker, p. 39.

[130]Marx, p. 180.

> At this point in history perhaps half the adults on earth should be living celibate lives. . . . But now, at the time of the most urgent need for a rapid increase in celibacy and continence to balance the human ecosystem, people are abandoning their celibacy to marry.[131]

One course of action that almost all opponents of abortion are agreed upon is that mothers whose children were conceived as a result of rape or incest should be required to bear those children, with the option of giving them up for adoption. Hilgers and his colleagues have posited eight suggestions designed to make unwed mothers happier about bearing children and to help the children.

1. Legislation that pregnancy of an unwed mother cannot be a cause for denial of high school education.
2. Special living arrangements or group homes for those who cannot or will not live at home.
3. Work-wage homes so girls can live in a private home, get paid for working, and receive guidance.
4. Development of more day-care centers.
5. Insurance provisions for pregnant mothers, without regard to marital status.
6. Programs of publicly funded research to study the needs of unwed mothers, fathers, and their offspring.
7. Counseling for unwed fathers.
8. Removal of the word "illegitimate" from birth certificates.[132]

Hilgers and his colleagues suggest that such measures will show unwed mothers that society cares for them and so give them a sense of confidence in themselves.

Some of the more moderate opponents of abortion have suggested that abortion may be justified in some circumstances, such as Callahan, and

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[131]Joyce, p. 49.

[132]Thomas Hilgers, et al., "Is Abortion the Best We Have to Offer? A Challenge to Aborting Society," in Abortion and Social Justice, eds. Thomas Hilgers and Dennis Horan (New York: Sheed, 1972), pp. 183-84.

even endorse the moderate ALI Code as a prescription to eliminate both the evils of illegal abortion and the threat of abortion on demand. But the strongest opponents of abortion, such as Shaw, argue that any liberalizing of abortion laws will lead to eventual legalization. They believe that even moderate ALI codes are open to objections. Shaw has four objections to the code. He finds fault with its terms, feeling that the definitions are too vague. He suggests that unethical doctors might take advantage of the weakness of a vacillating woman to coerce her into abortion. He decries the fact that the proposals have at their base more regard for the mother than for the child, and finally, will violate the due process and equal protection rights under the law that anti-abortionists feel are guaranteed to the fetus.[133] Shaw argues that the best way to prevent illegal abortions is to enforce the criminal laws prohibiting abortions as stringently as possible, treating those laws like any other laws against illegal acts. The laws, he claims, can be enforced.[134]

Not all anti-abortionists, however, hold such static views. Some suggest that responsible sex education, used in concert with contraception, may help prevent pregnancies. At any rate, some hope prevention of pregnancies will help diminish the abortion rate. Newsweek reports the views of some of the moderates.

> . . . some moderate pro-life groups believe more emphasis must be placed on pregnancy prevention, as long as teenagers are not just given sex education and then handed contraceptives.

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[133]Shaw, pp. 55-63.

[134]Ibid., pp. 39-40.

> "If we are not going to fund abortion," says Marjory Mecklenburg, president of the American Citizens Concerned for Life, "then we have an obligation in the area of support and prevention."[135]

Perhaps the most unusual solution by an opponent of abortion is that proposed by Congressman Father Robert Drinan. Drinan is strongly opposed to abortion both on moral and ethical grounds, but perceives that abortion is a part of a larger social problem that affects those of all religions. He opposes the moderate ALI Code, feeling that it is too discriminatory. If life is to be taken, Drinan feels, it should not be taken on a discriminatory basis. He thinks that abortion on demand could be regulated by licensed physicians, counseling the prospective candidate for abortion, and including the father in the decision. He supports his position by pointing out that many influential church and medical societies favor abortion on demand.[136]

It should be clear at this point that those who oppose abortion are by no means unified in their solutions to the abortion problem. The abortion controversy becomes even more confusing and involved when it is realized that the majority of Catholics, staunchest supporters of the anti-abortion position, are themselves ambivalent about abortion. What the hierarchy of the church or even its most prominent laymen are saying may be quite different in practice with what the bulk of Catholics think and do. Polls and surveys cited earlier in this thesis indicate that a

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[135]Fraker, p. 47.

[136]Robert Drinan, S.J., "Should There Be Laws Against Abortion?" U.S. Catholic and Jubilee, 35 (1970), 15-17.

large minority, perhaps even a majority of Catholics approve abortion, at least in certain circumstances. While many may oppose abortion personally, they are willing to allow others to obtain them on the grounds of religious freedom.

In addition, no matter what the bishops and laymen are saying, many Catholic women are obtaining abortions. A clinic in Omaha puts the figure of Catholics receiving abortions at 35 percent of all its patients, while in a New York clinic, the figure is 40 percent, and the figure rises to 55 percent in a clinic in Milwaukee.[137]

It would seem that both the anti-abortionists and their primary backer, the Catholic Church, need to seek some common ground for meeting the questions of how to prevent abortion, and even how to convince members of its own constituency not to elect to have an abortion. Some of the positions taken by the different groups will have to be reconciled with each other in order for the anti-abortion coalition to maintain its strength. The Catholic Church, the largest supporter of the anti-abortion groups, still needs to exert more influence over its own members, for many seem to believe that abortion is permissible, at least to some extent, for those who would make the choice. Most perplexing for the Catholic Church are those of its members who actually obtain abortions. In addition, those members of the anti-abortion groups who differ on mechanisms to prevent abortion need to reach a consensus if they are to meet the challenge of responsibility that the pro-abortion groups will undoubtedly lay at their feet.

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[137]Fraker, p. 39.

It also seems clear that the opposition to abortion is facing a problem discussed by Simons, and that is a lack of unity within. The leadership of the anti-abortion groups must find some common ground on which to meet, or they will face the same problem of movements, that is, a splintering of the membership and a loss of efficacy in gaining their goals.

The difference in leadership in the anti-abortion coalition leads to a diversity in tactics used to combat the pro-abortion movement. Having detailed the constituency, arguments, and development of those arguments opposing abortion on religious grounds, it is now in order to examine the growth of that opposition and the tactics used by it to gain its goals.

Development and Tactics of the Opposition to Abortion

The development of the opposition is one which has, to a large degree, paralelled the increasing gains by the pro-abortion movement. Since, as has been established earlier, the establishment's responses will be based on the level of the threat which it perceives to itself, the strategies and tactics used by the establishment will vary with the level of the threat. As Simons discussed, the establishment may block, harass, intimidate, or attempt to persuade both the movement and the public that the goals which the movement proposes are not wise and appropriate goals. This section will discuss the tactics used by the opposition to abortion, and the level of perceived threat which the establishment felt dictated their use.

Although both the Church and numerous lay organizations have always opposed abortion on a theoretical basis, the use of organized opposition

with visible tactics did not develop until the establishment perceived that the pro-abortion movement actually offered a threat to their values and beliefs. The first reaction of the anti-abortion groups was both low-key and piecemeal, as the first states began to change their laws. Lawrence Lader details the early development of the tactics of the opposition to abortion.

> The passage of three abortion laws in 1967 had caught the opposition, particularly the Cahtolic Church, off balance, but not for long. By May, Catholic bishops across the country had appointed the Family Life Bureau to coordinate their counteroffensive. The National Catholic Reporter noted that "diocesan lawyers and state Catholic welfare officers were urged to mount intensive campaigns against abortion law liberalization in their home states at their annual conference." It was the start of a nation-wide pattern of harassment.[138]

Carmen and Moody also substantiate that fact. They claim that the Clergy Consultation Service received no hostile reaction from the time it began its work in 1967 until 1970, when New York adopted a more liberal abortion law.[139]

It would seem that until abortion was made legal (in some states) or more liberal, the opposition had little interest in full dedication to the battle against abortion. It is possible that the establishment simply did not perceive the early liberalized laws as a threat, and perceived the pro-abortion movement as a threat only after abortion was legalized. Steinhoff and Diamond comment that the Church, like the rest of the opposition to abortion, was complacent in its first dealings with the

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[138]Lader, p. 72.

[139]Carmen and Moody, p. 109.

pro-abortion movement because it believed that it was dealing with an insignificant minority. The growth of public support for liberalizing abortion surprised the opposition, and having perceived the threat to itself quite late in the campaign, was late in grouping its forces to fight abortion.

Nationwide opposition and organization began at the time of the Supreme Court decision in 1973. The legalization of abortion by the Supreme Court, as has been reported earlier, enraged the opposition, and galvanized them to respond as quickly as it could. The strength and organization of the opposition to abortion caught the pro-abortion movement by surprise, since they assumed that the Supreme Court rulings had settled the legality of the question.

The opposition of both the Catholic Church and the Right to Life organizations has been overwhelming. It is characterized by two major facets: a refusal to participate in reasoned discourse, and the use of a variety of tactics, some legal, some illegal, some local, some nationwide.

Those who espouse abortion or the right to choice argue that the use of extra-legal or "scare" tactics by the opposition represents a refusal to discuss the problem. Carmen and Moody suggest that

> . . . the hierarchy of the Catholic church, including the office of the Cardinal in New York State, the Council of Bishops and similar church officials . . . have, through pastoral letter, sermons, and public statements, destroyed the spirit of dialogue and debate, opting for sloganeering and religious demogoguery unbefitting our more recent experience in understanding and tolerance.[140]

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[140]Carmen and Moody, p. 109.

If the opposition to abortion has indeed failed to pursue genuine communication, it would be consistent with the position they have taken on the abortion issue. If abortion is truly murder, then no discussion or dialogue is needed to justify its prohibition. Another reason for a lack of dialogue is possibly because most people's minds are already made up. Because of the volatility of the value judgment involved, the issue is difficult to compromise in the philosophical sense, at least to the anti-abortion coalition. March for Life's Nellie Gray represents the stance of these groups: "On a fundamental issue, you can't strike a bargain. You are either for killing babies or you're not. You can't be for a little bit of killing babies."[141] The establishment or opposition to abortion obviously feels that the threat of the pro-abortion movement represents a threat to the most fundamental values and beliefs of the establishment. Those beliefs, to the establishment, <u>are</u> the establishment and its foundations.

It may be, that, if the anti-abortion groups have decided that philosophical compromise is impossible, that engaging in dialogue will not reward them with more adherents, and that the issue is just too emotional to warrant the use of conventional means of persuasion, is justifiable to use whatever tactics they assess as the most useful.

One final consideration must be given to the rationale for tactics used by the opposition to abortion, and that is the rationale of the timing and evolution of strategies. Cathcart, in his description of the establishment response being dictated by the perceived threat, and Simons,

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[141]Fraker, p. 47.

in his description of the necessity of leaders of movements to adapt their strategy to the opposition, would seem to indicate that leaders of movements (and also of opposition to movements) would escalate their strategies on the basis of the perceived threat of the opposition. This would mean that if the level of perceived threat was low, then the response of the movement would also be low, and that of the level of the perceived threat would be high, movements might escalate the use of their tactics into pressure tactics. The level of the perceived threat to the opposition to abortion has risen in a rather orderly process, from a few states liberalizing abortion to the Supreme Court decisions of 1973 which legalized abortion. But regardless of the actual threat of abortion to the opposition, it has always seemed to perceive that any liberalization of any law, no matter how narrowly drawn or moderate, was justification enough for tactics ranging from letter-writing campaigns to sit-ins at abortion clinics, to sending legislators pickled fetuses in jars. It would seem, then, that no matter what the actual threat of abortion to the opposition, the perceived threat does not always dictate the orderly evolution of tactics from low key tactics associated with a low perceived threat to pressure tactics associated with a high level of perceived threat.

The first type of tactic is used primarily by the smaller, local organizations. No evidence has been discovered which would link these "scare" tactics or "zap" actions to the leadership of the national organizations or the Roman Catholic Church. It is possible that these organizations consider pressure tactics in the sense of extra-legal tactics too unethical to use.

The use of pressure or scare tactics can take several forms. These tactics are similar in style and effect to the "zap actions" discussed by Cloninger earlier in that they attract media attention and make the organization well-known to the public. Moody and Carmen give an example of children running through the halls of the legislature of New York State with "Abortion is Murder" labels pasted on their lunch boxes.[142] Newsweek points to the use of arson in destroying abortion clinics and the use of physical and mental harassment of physicians who perform abortions.[143] Another tactic described in Newsweek, which Lader insists has been a common one ever since 1967, when the abortion opposition first began, is discussed below.

> It was the day before Mother's Day, and a young woman was waiting to have an abortion at the Chicago Loop Mediclinic. Suddenly, a half dozen adults and children belonging to Friends for Life rushed into the waiting room. The children stood with flowers and a crucified doll, while the adults read a Mother's Day proclamation denouncing abortion.[144]

Other variations of these tactics include anti-abortionists chaining themselves to beds in operating rooms, threatening legislators by burning crosses on their front lawns, or by giving them harassing phone calls. These tactics seem more of a response on the individual level rather than the national, organized level.

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[142]Carmen and Moody, p. 109.

[143]Fraker, p. 36.

[144]Ibid.

A second major tactic is the legislative tactic. This seems to be used primarily by the more organized sections of the coalition, including the Catholic Church. It has developed in four phases.

The first phase is that of an organized effort to repeal current legislation in the state legislatures. Lader documents that the Catholic Church tried to influence the passage of a law in both Connecticut and Massachusetts legislatures which would have made a fetus a full human by claiming that it was a form of life from the moment of conception. Such a law would have the effect of making abortion first-degree murder. Lader also claims that other states with strong Catholic influence in the legislature may attempt the same definition of life.[145] In addition, a number of state legislatures have attempted to restrict current abortion laws by enacting narrowing statutes requiring consent of parents or spouse or restrictive regulation of abortion clinics.[146]

A second phase is the local phase, in which anti-abortion coalitions try to restrict the use of abortion in cities. Akron, Ohio, recently passed, amid much controversy, a city ordinance stating that a woman must have permission to get an abortion from her husband, or her father, if she is under eighteen. Then she must be told, in graphic detail, of the development of the fetus.[147] Such limits on abortion may be a step in the total abolition, claim its advocates.

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[145]Lader, pp. 217-18.

[146]Constitutional Aspects of the Right to Limit Childbearing, p. 98.

[147]Fraker, p. 36.

Congressional lobbying is a third phase of the legislative tactic. As discussed earlier, the U.S. Congress has passed restrictive riders to a number of bills restricting funds for abortion.

On the highest level, the fourth phase is oriented towards the strategy of a Constitutional convention to draft an amendment which would prohibit abortion altogether. So far, only thirteen states have passed resolutions advocating a convention, but Dr. Mildren Jefferson, past president of the National Right to Life Committee claims, "We are going to push our crusade until we have won."[148]

The opposition to abortion has been tacitly supported by the political situation in the past four years. For example, the Republican Party Platform in 1976 ". . . supports the efforts of those who seek enactment of a constitutional amendment to restore the right to life for unborn children."[149] In addition, both ex-President Ford and President Carter oppose abortion on demand and favor it only in specific cases, such as instances where the mother's health is in jeopardy or where the mother is the victim of rape or incest. The two former candidates differ slightly on ways to restrict abortion. Ford favors a Constitutional amendment prohibiting abortion on demand, while Carter favors an amendment allowing each state to decide whether it wishes to allow abortion.[150] Both men recognized the importance of the issue in the campaign by meeting with the National Catholic Conference of Bishops. A political surprise

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[148]Ibid.

[149]The Women's Movement: Achievements and Effects, p. 106.

[150]Ibid.

in the 1976 election was the entrance of Democratic candidate Ellen McCormack, who campaigned in seventeen state primaries on an anti-abortion platform and received twenty-two delegate votes at the Democratic National Convention.[151]

It is interesting, at this point, to look at the coalition in terms of Dr. Jefferson's term "crusade," because that is what seems to be developing, even in the political arena. Crusades need a moral principle to give them legitimacy, and the anti-abortion coalition has capitalized upon this, using the Catholic Church and its social position as a symbol of social legitimacy. What next needs to be examined is the involvement of the Catholic Church in this crusade, in terms of money and support.

Lawrence Lader claims that the Church has used its tax-exempt funds to support Right to Life organizations.

> The threat came not just from the political use of the Church's far-flung structure, but the channeling of tax-exempt funds and facilities into the fight against abortion. The Washington State anti-abortion campaign cost an admitted $300,000—the amount from untaxed church funds could never be pinned down because the courts refused to intervene.[152]

Barbara Lindheim, a senior research associate of Guttmacher's affiliate of Planned Parenthood, insists that the Church has been the most visible of all organizations in the anti-abortion fight, and that it has provided "money, local organization, shock troops and even mimeo machines."[153] In addition, the Pastoral Plan for Pro-Life Activities discussed earlier

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[151]The Women's Movement: Achievements and Effects, pp. 110-11.

[152]Lader, p. 162.

[153]Fraker, p. 39.

provides evidence that the Catholic Church is willing to commit funds and organizational expertise to the battle.

The question then becomes, "Does the Church contribute to lay groups outside its official aegis as well as to its own organization?" Although Lader and Fraker suggest that the Church has done so, Carmen and Moody claim that the Church in no way finances Right to Life groups, considering them, for the most part, fanatics, although it may, from time to time, provide meeting places for them or allow priests to become involved in them.[154] The National Right to Life Committee claims that none of its budget comes from the Catholic Church.[155] O'Neil, in his study of Catholic influence on abortion legislation, notes that the approach of the Church was oriented toward its own organization as opposed to more heterogeneous lay organizations, and that the approach used by the main lobbyist was strictly a "soft sell," one based on his use of a "buddy" relationship with the members of the legislature, many of whom he apparently knew well.[156]

It appears, then, that the Catholic Church is interested in stopping abortion, but uses its own organization as its primary tool, although it is willing to supply members and small favors to lay organizations. It may be that the Catholic Church does contribute money to lay organizations either directly or indirectly, but so far, no evidence seems to

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[154]Carmen and Moody, p. 115.

[155]The Women's Movement: Achievements and Effects, p. 108.

[156]O'Neil, p. 34.

substantiate this point. One reason may be, as Lader suggests, that the courts do not wish to involve themselves in the determination of what could be a very prickly issue. The determination of the question of the extent to which a tax-exempt organization may supply funds to lobby groups could hit the pro-choice movement as hard as the anti-abortion coalition, and thus upset the balance of affairs.

If the extent of Church aid to lay groups is dubious there can be no question that it tries to influence its own members and that it uses those members to try to influence others. This can be seen in the use of three types of tactics. The first tactic is one which is perhaps the Church's strongest weapon among its own constituency. The weapon is that of excommunication—a very viable threat to a deeply religious Catholic. Schulder and Kennedy point to the example of Reverend Walter P. Kellenberg, a Bishop of the Rockville Center Diocese, who issued a statement in June of 1970 threatening excommunication of Catholic doctors and nurses who participated in any way in an abortion.[157] Betty Friedan gives further evidence of the use of that threat with her example of the Catholic bishops of New York State who had been ordered to preach a sermon which threatened excommunication to any woman who received an abortion or anyone who aided her in obtaining one.[158] Although excommunication is not the most common tactic, and from the available evidence seems to be used mainly in the Northeastern states, it is a viable tactic which could

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[157]Schulder and Kennedy, p. 180.

[158]Betty Friedan, It Changed My Life (New York: Random, 1976), p. 192.

force many uncommitted or ambivalent Catholics to take a stand either for or against the Church's position.

A second tactic of the Church is influencing the public through its own constituency by letter-writing campaigns to state officials, particularly legislators. One example of a pastoral letter was sent by the New York State bishops on February 12, 1967, to all the parishes of New York, to be read aloud at Sunday Mass. The letter reiterated the Catholic Church's stance on abortion, citing the Second Vatican Council's statements and urging parishioners to "do all in your power to prevent direct attacks upon the lives of unborn children."[159] The National Right to Life Committee has organized a massive letter-writing campaign opposing abortion, and mail to Congress is now running one hundred to one in favor of prohibition of abortion.[160]

A third tactic of this type used by the Church is the use of the diocesan press to expound its views, coupled with the buying of radio, television, and newspaper advertisements with Church funds. O'Neil lists some of the reasons why the diocesan paper, published regularly, makes a good source of persuasion. First, it is a house organ—completely controlled by the bishop or archbishop of the diocese. Second, diocesan papers have a large readership—they are directly accessible to Catholics, while it would not be difficult for non-Catholics to obtain copies. Third, instead of catering to an elite readership as some of the more

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[159]Pastoral Letter, Feb. 12, 1967, in Shaw, pp. 25-26.

[160]Deckard, p. 398.

weighty religious journals might, diocesan newspapers are written for the "man on the street."[161]

In so far as the use of Church funds for advertising, Lader cites the use of such funds by Catholic organizations such as the Catholic Hospital Association in Minnesota to purchase advertising in television program guides and a half-hour of prime-time television featuring speeches by the Archbishop and other prominent Catholic officials.[162]

The final area of tactics is that of individual efforts. Catholic magazines such as U.S. Catholic and Social Justice Review often print editorials which advocate the use of individual efforts to stop abortion. Father Peter J. Riga, for example, advocates the use of the civil disobedience tactic of refusing to pay income taxes to protest the use of public funds for abortion.[163] John Doyle suggests the use of bumper stickers with the logo "Sue an Abortionist," malpractice suits against abortionists, advertisements in newspapers, and the pressing of the issue of the father's lack of consent.[164]

Additionally, many point to the fact that the Supreme Court decision which legalized abortion "came too easily." It was not an issue debated in most state legislatures, and it is legal today only by courtesy of the Supreme Court rulings. Patricia Beyea, director of the ACLU Campaign

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[161]O'Neil, p. 40.

[162]Lader, p. 178.

[163]Fr. Peter J. Riga, "Let's Break the Law to Stop Abortions," U.S. Catholic, 40 (1975), 13-15.

[164]John Doyle, "Action in the Wake of 'Death Monday,'" Social Justice Review, 66 (1973), 133-35.

for Choice, claims that the swiftness of the ruling and the lack of preparation in the grass-roots of the country helped create the present controversy.[165] Many accepted it as a natural right, and have thus become apathetic to the anti-abortion coalition, reasoning that abortion is here to stay. On the other hand, many are inflamed because the issue was never debated in most state legislatures and the citizens of the states were not allowed to vote on it.

Perhaps the most basic conclusion to this section is that those who oppose abortions are highly organized, whether they belong to church or lay groups. The largest lay group opposing abortion, the National Right to Life Committee, claims that it has almost eleven million members, 1,500 chapters nationwide, a budget of $1.3 million, and lobbyists in every state capital. In addition, the organization has nine full and part-time staffers located in Washington, D.C.[166] There are also other groups, such as Americans for a Constitutional Convention, Citizens Concerned for Life, and numerous local organizations with their own indigenous names. The church groups are highly organized and funded. Such organization and dedication poses at least a threat for those who believe in the right of a woman to choose whether or not to have an abortion.

There seems to be little doubt that anti-abortion groups are capable of responding with a number of tactics, each designed to meet the perceived threat of abortion. Also, as has been noted, the 1973 U.S. Supreme Court rulings were instrumental in forcing the opposition to

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[165]Fraker, p. 37.

[166]Ibid., p. 39.

coalesce into a united front. The Court decisions were successful in forcing the organizations to unite simply because the perceived threat became a bona fide threat to the opposition.

A final conclusion which can be reached about the anti-abortion coalition is that it is having some effect, or at least a potential effect, on political change regarding abortion legislation. It is difficult to decide exactly how much credit can be attributed to these groups as opposed to natural public opinion. It seems safe to assume that concrete political changes such as the limitations on Federal funding for abortion, the calls for a Constitutional amendment prohibiting abortion, and restrictions on abortions in cities and states are based at least to some degree on the effects of the anti-abortion coalition.

CHAPTER IV

SUMMARY AND CONCLUSIONS

Since the opposition to abortion has been examined as to its nature and tactics, it is now in order to examine its rhetorical function. The question that needs to be studied is, "Does the opposition to abortion constitute a counter-movement?" In order to ascertain whether the opposition to abortion is indeed a counter-movement, it is first necessary to examine it within the frame of current movement theory concerning the function of the counter-movement.

Current Theories of Counter-Movements

Griffin, in his first article, does not refer to the counter-movement by that name. He does, however, mention in period two, the period of rhetorical crisis, that opposing rhetoricians may attempt to dissolve or end the effectiveness of the counter-movement through its rhetoric. The opposition (or counter-movement) is an important force of movement struggle in period two, since Griffin considers that a dialogue and exchange of arguments between the two groups essential to promote or induce a crisis. In addition, the concept of the "defendant" rhetor which Griffin proposes as a necessary ingredient of a movement controversy could be seen as a counter-movement, since the defendant rhetor, operating within the movement struggle, but opposed to the aggressor rhetors, attempts to block the goals of the movement through counter-rhetoric.

Griffin's second article discussing movement theory introduced the concept of the counter-movement by name. Griffin considered the counter-movement and its development as vital to the movement.[167] According to Griffin, the counter-movement provides the movement with a "salient victim, a scapegoat, a Kill—a rhetorical Vile Beast to be slain."[168] The counter-movement, then, is responsible, in the first period of the movement in which it appears—the inception period—for creating a dialectic within the movement struggle which helps provide the movement with a force over which to triumph.

Cathcart extended Griffin's theory of the counter-movement by explaining in greater depth the importance of the counter-movement to the movement. Earlier in this thesis, the counter-movement was defined by Cathcart as the establishment perceiving a threat to itself from the movement and reciprocating with counter-rhetoric, which provided the dialectical tension for the movement to continue. The establishment, which becomes the counter-movement, sees the movement as attacking "on the foundations of the established order."[169] Such a response would be crucial, for as Cathcart points out, a movement cannot become a movement until the establishment recognizes it as one. The recognition must go beyond mere acknowledgement, however. It must perceive the movement as

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[167]Griffin, "A Dramatistic Theory of the Rhetoric of Movements," p. 464.

[168]Ibid.

[169]Cathcart, p. 87.

infringing upon the most vital functions and foundations upon which the establishment maintains itself.

Wilkinson extended Cathcart's explanation of the counter-movement by claiming that the dialectical tension Cathcart explicated must "be experienced, first, by a number of people and second, over a period of time."[170] The length and strength of the dialectical tension that Cathcart and Wilkinson speak of was not given any limits of time or numbers, but presumably would need to be strong enough to gain the recognition of the movement by the public.

Simons also did not deal with the counter-movement using that specific name, but he recognized the importance of the opposition to a movement. The opposition is important for two reasons. First, the opposition serves as the goal of the movement's persuasion. Simons explains that movements "must secure adoption of their product by the larger structure (i.e., the external system, the established order.)"[171] Second, the opposition acts as the director of strategy for the movement. The movement must "react to resistance generated by the larger structure,"[172] by adapting its tactics to those of the opposition.

Smith and Windes are the last of the movement rhetoricians to discuss opposition to the movement, as Hahn and Gonchar, Rosenwasser, and Cloninger do not deal with this area. Smith and Windes point to the necessity of the movement responding to "mobilizational exigencies"

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[170]Wilkinson, p. 92.

[171]Simons, p. 3.

[172]Ibid., p. 4.

generated by the opposition. They suggest that, ". . . the critic should, in the course of examining mobilizational appeals, observe the emergence of dialectic between proponents and opponents of the movement's organizational measures."[173]

The opposition to abortion can now be analyzed as a counter-movement. It would seem to meet the criteria explicated by Griffin, Simons, Cathcart, Wilkinson, and Smith and Windes for a variety of reasons. The following section will, by using the theories of counter-movements previously discussed, discover if the opposition to abortion fits those definitions of a counter-movement.

The Opposition to Abortion as a Counter-Movement

Upon initial examination, the opposition to abortion could be seen as a movement, rather than as a counter-movement. However, in reality, the opposition to abortion which has been examined in this thesis is but an extension of the pre-1973 counter-movement to abortion. Presumably, the 1973 Supreme Court decision could be taken as an incorporation of the movement's products into the establishment, thus making the movement a part of the establishment and forcing the opposition to abortion into the position of a movement. This has not been the case, however, for the establishment has refused to grant acceptance of that Supreme Court decision as a part of the establishment. In other words, it does not perceive the Supreme Court decision as a part of its structure and rejects

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[173]Smith and Windes, "The Rhetoric of Mobilization: Implications for the Study of Movements," p. 8.

it as an intrusion upon the true beliefs and structure of the establishment and contrary to the goals, beliefs and structures of the establishment.

In order for the opposition to abortion to meet the requirements of a counter-movement, it is most important that it fulfill the definitions of Griffin and Cathcart, since they were the first to propose and explain the theories of the counter-movement. Cathcart, in particular, has given one of the most detailed explanations of the counter-movement and has been responsible for an examination of its crucial aspects in the development of the movement struggle. If the opposition to abortion can fulfill the definitions of those who have developed the theories of counter-movements, then it can be said to be a counter-movement by those definitions. In addition to the definitions discussed by Griffin and Cathcart, however, it would also be important for the counter-movement to fulfill the requirements of others who have been important in developing theories of movements.

Using Griffin's first criterion, the opposition to abortion can be established as a counter-movement because, through its tactics and rhetoric, it has attempted to curtail the effectiveness of the pro-abortion movement by the use of legislative, financial, and rhetorical attacks. Applying the criteria described in Griffin's second article, the opposition to abortion can be defined as a counter-movement because it has participated in a dialogue which has induced the present rhetorical crisis in which the abortion controversy is now involved. In addition, the opposition to abortion has also provided the pro-abortion movement with an "enemy" to overcome in order to gian full acceptance of its goals and

a force over which to triumph. If there were no force over which to triumph (the counter-movement), the pro-abortion movement could be said to have accomplished its goals and would no longer need to struggle. Because the opposition to abortion stands as a viable force in prohibiting full acceptance of the movement's products, it can be defined as a counter-movement.

Since Cathcart provided an important extension of the theory of counter-movements, it seems vital for the opposition to abortion to meet Cathcart's criteria for a counter-movement. The two most important requirements have been met. The first is that the counter-movement be a part of the establishment. The opposition to abortion is clearly part of the establishment. Not only is it a significant part of the population, a rather large minority as indicated by recent Gallup Polls, but it also includes respected members of the legal, medical, educational, and religious establishments. What is perhaps even more important is that the opposition to abortion also includes a number of members of the political establishment. Two well-known senators and twelve members of the House of Representatives are among those who have been most visible in the struggle to repeal the 1973 Supreme Court decision by amending the Constitution.

The second criterion proposed by Cathcart, that the establishment perceive the movement as a threat, has also been met. The opposition to abortion clearly perceives the pro-abortion movement as a threat to the "established order." As Carmen and Moody and Lader pointed out earlier, the opposition to abortion did not begin until moderate ALI proposals

were seen as having a chance of passing, especially in populous states such as New York and California. From both the rhetoric and the agruments of the opposition cited earlier in this thesis, it can be seen that abortion poses a serious threat in the moral dimension to the religious and societal beliefs and values of a large segment of the population.

As seen by Wilkinson, the opposition to abortion can be classified as a counter-movement because it meets Wilkinson's two requirements. The first requirement is that the opposition to the movement must be expressed by many people, and the Gallup Polls cited earlier would seem to indicate that a very large minority opposes the pro-abortion movement. Wilkinson's second requirement, that of the length of the expression of the views of the opposition, has also been met. Anti-abortion sentiments have a long history—over 2,000 years of Christian theory. In addition, these theories have been put into practice for over ten years, from 1967, when Carmen and Moody and Lader first document that the counter-movement began, to the present.

Evaluation by Simons would indicate that the opposition to abortion may be defined as a counter-movement because it meets Simon's requirement as a necessary part of the goal of persuasion of the movement. Due to its significance in the national population, the opposition to abortion presents a sizable population to be influenced to favor the goals of the pro-abortion movement. Perhaps most importantly, the success of the opposition to abortion has caused the pro-abortion movement to reevaluate its strategies. As Fraker reports,

> The success of the attack surprised abortion supporters and left them on the defensive. . . . But now they have begun a counterattack to protect their earlier gains. The American Civil Liberties Union has made abortion rights its top priority this year. It is challenging restrictive legislation wherever it can—including the Akron ordinance. And the biggest single-issue lobbying arm of abortion supporters, the National Abortion Rights League (NARAL), has more than quadrupled its membership in the last year.[174]

In addition to reevaluating its strategies, the pro-abortion movement has been forced by the opposition to abortion to follow its lead in determining strategies with which to fight the opposition. As discussed earlier, the largest and most organized thrust of the opposition to abortion has been in the use of legislative tactics, and it has forced the movement to challenge that legislation. Also, in response to the growth of the opposition to abortion, the pro-abortion movement has, as Fraker discusses, begun to rebuild and expand its own membership.

Finally, as examined by Smith and Windes, the opposition to abortion has helped precipitate dialectic between themselves and the proponents of abortion. Such dialectic is recognized by Smith and Windes as being a crucial "mobilizational exigency" to which the movement must respond.

At this point, it seems clear that the opposition to abortion can be classified as a counter-movement according to movement theory, especially the theories proposed by two of the most important movement theorists. What remains to be seen is the form of resolution between the pro-abortion movement and the anti-abortion counter-movement. To that point, movement theory has been inadequate to explain what Griffin and other movement

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[174]Fraker, p. 36.

rhetoricians have labeled as the "consummation period." The consummation period is that period defined by Griffin, Cathcart, and Rosenwasser as the stage at which the movement either triumphs or fails. For that reason, it next becomes necessary to formulate a theory of resolution in the movement cycle, so that those who study movements can affix a time at which the movement has either succeeded or failed and criteria for determining the means by which a movement succeeds or fails. In order to provide that theory, current explanations of movements must be criticized to see where the theory falls short of total explanation. When those theories have been evaluated as to their strengths and weaknesses, it will then be possible to propose a more comprehensive theory of movements.

Criticism of Movement Theory

Many have criticized Leland Griffin's theory of movements, but perhaps such criticism has been unduly harsh, as Griffin did open the way for other movement studies and, in fact, was a pioneer in the field. Griffin's ideas do need to be examined, however, so that questions can be raised concerning weaknesses in the theory.

Griffin's definition of movements first needs to be discussed. He claimed that the efforts of the movement would eventually "result in some degree of success or failure; the desired change is, or is not effected."[175] Such a definition would seem to leave no room for compromise because Griffin states that ". . . the change is, or is not effected." It may be that a movement would be willing to sacrifice some

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[175]Griffin, "The Rhetoric of Historical Movements," p. 347.

parts of its proposed change in order to achieve other parts. The pro-abortion movement, for example, seems willing to compromise when necessary, especially if faced with the alternative of total repeal of all abortion laws. The Senate and House fights over Federal funding of abortions through Medicaid exemplifies this. Faced with a formidable opposition to all Federal funding of abortion, the pro-abortion movement was able to reach a compromise somewhere between the two extremes of no Federal funding or total Federal funding. The compromise at least gave the movement funding for the most basic and crucial aspects of abortion—the indications of physical danger to the mother, and rape or incest.

By Griffin's assessment, then, the pro-abortion movement would have to be evaluated as a failure because it has not managed to secure abortion on demand throughout the country with full Federal funding for needy women, which the movement had set as its most important goal. That evaluation would also ignore the many positive changes in both law and social attitudes engendered by the movement. To imply that a movement has failed because it has not achieved its goals in totality would imply that few movements ever succeed, since in the political, legal, judicial, and social arenas, compromise is often necessary.

The time-frame proposed by Griffin also presents difficulties. If, as Griffin suggests, a movement "has come to its termination," then that would leave no room for movements to revive themselves. The pro-abortion movement is an example of a movement which has attempted to revive itself after assuming that it was successful after a major court decision. The pro-abortion movement assumed that it had succeeded after the 1973

Supreme Court ruling and its membership dwindled. Pat Gavett, director of the Religious Coalition for Abortion Rights points out that, "We were so sure we had won [after the 1973 Supreme Court ruling], that we sat back and said, 'We have nothing to worry about. The courts will take care of everything from here on in.'"[176] In response to the counter-movement's attacks, however, the membership in groups supporting abortion, such as NARAL, has increased dramatically.

Finally, Griffin did not describe the different types of movements and the factors which would predicate their acceptance. If a movement is to "succeed or fail," then what are the political, social, legal, judicial, and religious factors which would insure its success or failure? Until factors responsible for the termination of a movement are examined, it will be difficult to evaluate the point at which the movement has finished. The question of whether or not the pro-abortion movement has failed or succeeded then, is open to speculation because there are no rhetorical or movement-centered criteria by which to evaluate its success or failure.

Cathcart proposed the establishment as the base of the counter-movement, and as a factor necessary to the recognition of the movement, but he did not define the establishment. Does the establishment mean the political party in power, those who control the media, prominent educators and theologians, the financial community, or the public? Or does it include all of these? It would seem necessary to define the establishment and its components if it is indeed the establishment, the

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[176]Fraker, p. 36.

total sum of many components, which will provide either the necessary acceptance of the movement or the dialectic which may result in its downfall. Regarding the abortion controversy, it might be argued, for example, that the 1973 Supreme Court decision made the pro-abortion movement's goals a part of the establishment. But if this were indeed so, then such a decision would have meant acceptance by the religious, medical, educational, and political components of the establishment. At this point, it would seem that a large segment of the establishment, in almost every one of its areas, has rejected the legal and judicial acceptance of abortion. For that reason, a definition of what the establishment is is crucial in defining acceptance for the movement.

Cathcart also fails to provide a vehicle by which the stages through which his dialectical tensions must traverse, or a method for determining the resolution of that dialectical tension, or even what forms that tension may take. All of these are important in analyzing the rhetoric of the movement and the counter-movement. The stages through which the rhetoric and dialectical tension progress help define the periods or stages through which tactics and leadership develop. The forms that the dialectical tension can take are reflections of the strategies the movement and counter-movement use. These strategies could be moderate, militant, or a combination of both, as Simons discusses. Perhaps most important, the point at which the dialectical tensions dissolve must be discovered. Within the abortion controversy, the dialectical tension has manifested itself in numerous tactics by both sides, some moderate and some militant. It is necessary to study the escalation of tactics and

rhetoric in relation to the stages through which the dialectical tensions must pass in order to discover the perceptions of threat which govern the use of tactics by both the movement and the counter-movement. Obviously, the dialectical tension must be resolved to some extent at some time, but Cathcart does not provide tools by which that time can be assessed.

Wilkinson provides some fascinating points of departure for the analyst of movements to extend upon. He has come closer to describing the criteria by which the cycle of movements can be closed than have other movement theorists. He claims that, "Indeed, movements cease to exist or at least to be recognized when such tension is resolved or depleted."[177] On the surface, this is reasonable, but Wilkinson does not provide the tools for determining what factors can cause the tension to be depleted. The movement which mistakes a major court ruling or a new law as the last word on the subject and becomes over-confident that the battle is won may find itself in the position of the pro-abortion movement, which did not forsee objection to the 1973 Supreme Court decision and thus lessened its organizational structure. It would seem that the tensions can only be depleted when both the counter-movement and the movement are, to some degree, satisfied.

Wilkinson also parts company with the purely rhetorical movement theorists by suggesting that it is impossible to separate a movement totally from its societal context when evaluating its rhetoric.

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[177]Wilkinson, p. 91.

Discussing the sociological approach of Hahn and Gonchar, he says, ". . . it can be concluded almost too obviously that movements always take place within history, within societies or given social orders and involve a number of agents."[178] When closely examined, it becomes evident that one cannot separate rhetorical tactics from political or legislative tactics. The abortion controversy has shown that the rhetoric of a movement must be aimed at securing its ends by persuasion of the public at large and the legislative assemblies. In the abortion controversy, rhetorical tactics cannot be separated from monetary tactics because such tactics provide the medium, that is, money, for billboards, books, television time, and other forms of media which act as channels enabling the movement to communicate persuasively. In addition, the use, or misuse, of tactics other than rhetorical tactics can provide impetus for further rhetoric and counter-rhetoric, as each side charges that the other side is using "unethical" tactics. Lawrence Lader and other leaders of the pro-abortion movement are excellent examples of this in their protest of the use of Catholic Church funds to help lay anti-abortion groups.

Wilkinson realizes, however, that too much emphasis may be put on sociological or historical approaches to studying the rhetoric of movements. He maintains that there needs to be a balance between the three areas.

> . . . while rhetoricians may have distorted their critical techniques to accommodate themselves to such definitions, still those very definitions isolate other essential

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[178]Wilkinson, p. 93.

> attributes and "necessary ingredients" which are characteristic of movements and which must be acknowledge in the complete definition Cathcart seeks.[179]

Stress, then cannot be placed totally upon historical or sociological factors to the exclusion of rhetorical factors, nor can rhetorical factors be analyzed outside of their historical and sociological milieus. A balance between all three factors must be met in order to achieve an objective rhetorical analysis of movements and counter-movements.

Simons, in his leadership-centered approach was not concerned with phases of movements or their developments, so his theories cannot be criticized from those angles. However, his theory of leadership needs examination, for there are two crucial points left undeveloped.

The first point is that of recognizing the leader of a movement or counter-movement. Simons appears to be implying that movements and counter-movements have only one leader. For some movements, this might be true, but for many, it has not proved to be. As discussed earlier, the pro-abortion movement has several leaders, among them McGinnis, Lader, Friedan, and Gavett. The counter-movement also has a diversity of leadership, ranging from militants such as the Joyces, Fathers Marx and Riga, and moderates, such as Dr. Jefferson and Marjory Mecklenburg. In neither the movement or counter-movement concerning abortion can it be said that one person has emerged as "the leader." It seems that if Simons is implying that a movement has only one leader, he is ignoring the effects of the strategies of the branches of the movement, such as those

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[179]Wilkinson, p. 91.

branches of the movement which are willing to compromise as opposed to those who refuse to compromise. The counter-movement to abortion also exhibits such characteristics, with some leaders endorsing militant, or "zap" actions, and other leaders endorsing moderate legislative tactics. Such a view would also ignore the fact that many movements and counter-movements may have branches and factions within them.

Finally, Simons does not discuss whether or not the identity of the leader is as important to the public as to the movement. He carefully describes the importance of the leader to the movement by pointing out the necessity for the leader to identify with his followers, but he does not indicate the necessity of identification of the leaders to the public.

The leaders of the pro-abortion movement, for example, are not known nationwide to the "man on the street." Mention the names Alan Guttmacher, Lawrence Lader, and Patricia McGinnis to the average person and he will probably admit he has never heard of them. Yet, this has not seemed to result in a lessening of the efficacy of the movement in its legal and judicial triumphs. Similarly, members of the counter-movement, with a few exceptions such as Senators Buckley and Helms, are also not well-known. Yet, that has not diminished their success in attacking abortion legislation. It would seem that identification of the leaders of a movement or counter-movement to the public is not a necessity.

Smith and Windes use of "mobilizational exigencies" to examine movement responses is also open to criticism. Smith and Windes, like other movement theorists, do not provide either methodological or rhetorical tools for determining the success or failure of the movement. If a

movement can be evaluated as to its use of tactics, it should also be able to be evaluated as to the criteria for the success or failure of these tactics. The pro-abortion movement, for example, used primarily judicial and legislative tactics to secure its goals. Yet Smith and Windes provide no criteria by which these two tactics can be compared and evaluated as to which was the most successful. The same criticism would apply to the counter-movement. Which of its numerous tactics have been the most successful in gaining its goals?

Smith and Windes almost totally ignore the counter-movement as a determiner of mobilizational exigencies. If the critic is to examine the movement's reaction to those exigencies generated by the opposition, the critic would also need to examine the structure, tactics, and nature of the opposition to see how its tactics affect the movement. It has been pointed out earlier in this thesis that the pro-abortion movement has indeed responded to the tactics of the counter-movement by mobilizing its forces and by responding to attacks upon it by the use of lobbying and judicial tactics. Finally, Smith and Windes do not examine the tools necessary to insure acceptance of the movement, either as a movement, that is, one recognized by society as such, or the tactics by which movements secure acceptance of their goals and products.

Remaining movement rhetoricians who have been analyzed previously, such as Rosenwasser, Cloninger, and Arthur Smith, make no mention of either the counter-movement or some of the specifics discussed during this section, most probably because they have chosen to concentrate exclusively on certain aspects of movements. While such concentration is

useful in examining movements in depth, it seems rather hasty to examine minute parts of movement theory when the theory as a whole has not been completely developed.

To summarize, movement theory can be criticized for its lack of methodology. Movement theory has failed to examine the criteria for the success or failure of movements, it has failed to examine closely the part that the counter-movement plays in determining the success or failure of the movement, and how the movement must cope with the resistance generated by the counter-movement. The most important missing factor is an explanation which would describe components insuring the acceptance of the movement, and it is factors of acceptance which will determine the ultimate success or failure of a movement.

Toward A Comprehensive Theory of Movements

Although this thesis has criticized current movement theory from many angles, this criticism has not meant to imply that previous theories of movements can be dispensed with. The current theories of movements are essentially strong, but need redefining in light of the subject this thesis discusses, and further extensions if they are to be as comprehensive as possible. For this reason, the author feels that it is important to acknowledge the strengths of those theories and build upon them. In this section, a more comprehensive explanation of movement theory will be presented, integrating many concepts and theories into a unified whole.

A movement can be said to have begun when a number of people perceive that the status quo is unjust or that it does not meet their needs in any one of a number of areas: legislative, political, economic,

religious or moral, sociological, or any combination of these areas. Upon perceiving this, they proceed to find others who so believe. The movement is accepted as a movement only when the establishment sees that this group of people represent a threat. The establishment's composition may be defined of as those in power politically, educationally, theologically, economically, or in the media area, the power vulnerables. These power vulnerables represent the opinions and wishes of the majority of the public, the power-invulnerables. This threat to itself which the establishment perceives may be a threat to the laws, values, beliefs, security, equilibrium, or other foundations of society. If the establishment believes that this group of people constitutes a threat, it will respond with counter-rhetoric and thus form a counter-movement. It is only when this counter-movement, recognizing and accepting the movement as a bona fide threat to itself emerges, that the movement gains status as such.

The processes of movements transpire through a number of stages. In the first stage, that of Inception, those who see the shortcomings of the establishment must find others who believe likewise. They must also attempt to secure attention from the establishment in a number of areas—media, political, educational, legislative, and religious. Until they have gained that attention, they will remain unknown. If the embryonic movement never gains this attention, it cannot move out of the first stage.

In this first stage, the incipient movement may have no leaders of any national prominence to help them gain this attention, so media

attention in particular may be difficult to arouse. Certain tactics, such as those used by the pro-abortion movement, can be used by the beginning movement to insure some attraction of media attention. Tactics used by the pro-abortion movement in its early stages were parades, protests, demonstrations, advertisements on television or in the newspapers, and conventions. Beginning movements which have nationally known leaders will find this task much easier, as the identification of the leader will be a factor in media attraction. The pro-abortion movement had few well-known leaders at the beginning of the movement. Some of the most recognized personalities heading the abortion law repeal movement were Betty Friedan and Congresswomen Bella Abzug and Shirley Chisholm, although as has been documented earlier, these feminists did not join the very early phases of the movement. The movement in its earliest phases was led by people such as Alan Guttmacher, Lawrence Lader, and Patricia McGinnis, all relatively unknown to the public.

The tactics used by the beginning movement need not necessarily be the same tactics it will use throughout its tenure as a movement. Those tactics will be decided in stage two.

Stage two, the Definition stage, assumes that the embryonic movement has been brought to the attention of the establishment. It is at this point that the establishment must make a crucial decision which will define the movement and its life span. If the establishment perceives that the movement is calling for reforms which are needed, it may evaluate those reforms and accept them by making them a part of the status quo. In the abortion struggle, this was obviously not the case, as each

legislative battle, as documented by Lader, O'Neil, and Steinhoff and Diamond, was bitterly contested. If the establishment appropriates the movement's ideas, then, in all probability, the movement's work is finished and it can be disbanded. It is also questionable if a movement can rightly be called such if its ideas are adopted by the status quo. In such cases, they might be called quasi-movements, as they have failed to involve the establishment in the dialectic which is necessary to movement progression.

If the establishment recognizes that the movement is a threat, it can respond in several ways. One way it can respond is to assure the leaders of the movement that something will be done about the proposed problem. The proposed problem may be studied by the establishment experts who may declare that it is really not a problem at all, or that it is a problem, but that it can be solved through the application of establishment remedies. Examples of this may be found in State and Federal legislative hearings on the abortion question, which were designed to accomplish a number of things. Although it provided a forum where the subject could be discussed, it in no way provided that action would be taken on the abortion question. The State level provided a far better avenue of appeal for over-turning abortion laws than did the Federal level. The hearings at the Federal level, while informative, produced nothing in the way of substantial legislation, as opposed to State hearings such as those in the states which reformed or repealed their abortion laws. The lack of action at the Federal level may have been designed in order to placate the opposition to abortion while at the same time providing pseudo-support for the movement in hopes of possibly defusing it.

Once the reform or problem is in the hands of the establishment, the establishment would be free to act upon it as it wished, as long as the leaders of the movement felt reassured that the problem was being dealt with. Thus, both the movement and its leadership may be placated by quasi-attention from the establishment. Of course, if the movement and its leaders eventually perceive that their problems are not being acted upon, the movement may reform.

Another response of the establishment may be dictated by the magnitude of the threat it feels that the movement represents. If the movement represents a solid threat to the moral, educational, economic, social, or political aspects of the establishment, it may react with counter-rhetoric and thus form the counter-movement. It is this step and this step only which confers acceptance upon the movement.

The dialectical tension established between the movement and the counter-movement at the second stage is of the utmost importance to the movement because it will, to a large degree, dictate the tactics of the movement. The establishment may attempt to harass, restrict, block, or persuade the movement, all of which the counter-movement to abortion has attempted at different stages. Whatever tactics the establishment or counter-movement uses, the movement must respond to or lose the movement. It is at this point that the leadership of the movement is determined. Movements which see the need to respond with militant tactics must choose as leaders those who have the courage and sense of balance necessary to pursue those tactics. Movements which see the need to respond with moderate tactics must choose leaders who are persuasive representatives

of the movement's philosophy and who have credibility not only to the movement, but also to the establishment. Since the pro-abortion movement was essentially a low-key movement in terms of tactics, tactics such as legislative lobbying and judicial appeals, it chose to down-play the use of tactics such as parades and demonstrations. Although such tactics were used, the pro-abortion movement exhibited few of the violent "zap" actions used by the counter-movement described earlier in this thesis. The leadership of the movement, too, was both moderate and socially acceptable, as exemplified by Friedan, Abzug, Chisholm, and lawyers such as Schulder and Kennedy. The counter-movement, on the other hand, has exhibited tactics ranging from the moderate legislative and judicial tactics to militant tactics such as firebombing abortion clinics and sending legislators pickled fetuses. The leaders of the counter-movement who seem to espouse the more militant tactics are generally less well-known than the moderates, such as Noonan, Grisez, and Buckley. Physicians, educators, religious leaders, economists, and respected politicians will carry weight and be effective spokespeople for the movement as well as being persuasive to the opposition.

The third stage, Crisis and Confrontation, is one in which both the movement and the counter-movement attempt to convince both the power-vulnerables and the power-invulnerables of the wisdom of their position. It is a time when both must refine arguments, persuasive strategies, and philosophies. Both must enlarge their memberships and mold these followers into proponents, for the movement, and opponents, for the counter-movement.

During this stage, leadership is also a highly important factor. A movement or counter-movement whose members perceive an unresponsive leadership or an ineffective leadership may lose ground. Without effective leadership, the movement may eventually lose membership and dissolve. The pro-abortion movement was, after the 1973 Supreme Court decision, and may still be, in danger of losing its ground due to a lack of leadership. The old, staunch supporters are not quite as visible and involved in the movement as they were in its earlier stages.

Incompetent leadership may cause the movement or counter-movement to make strategical errors which may repulse those they are attempting to persuade and draw them to the opposition. It may be that some of the more militant tactics used by the counter-movement to abortion are factors in the decision of some people to align themselves publicly with the movement. Even those in favor of amending the Constitution may be repulsed by militant tactics discussed earlier in this thesis, and decline to join the counter-movement.

Both a lack of leadership and incompetent leadership may open the way for power struggles, and this may spell the end of movement unity. Power struggles for leadership may result in factions of the movement, each differing on the tactics necessary to reach the goals, or even the goals themselves. With several people each claiming to represent the "real" movement, those whom the movement hopes to persuade may react with confusion and decline to join the movement. Potential members may be disgusted by certain tactics of one branch of the movement and condemn the entire movement on the basis of those tactics, and because of this disgust, join the opposition.

Solidification, or stage four, assumes that both the movement and the counter-movement have avoided the leadership crises and managed to consolidate their support. The present abortion controversy is close to entering this stage of the movement. It is often difficult to determine the exact time at which a controversy enters a particular stage. The counter-movement, which at this point is better organized than the movement, seems to have entered this stage already. The movement, however, has not yet solidified its support and is still in the process of trying to gain adherents—or at least active adherents as opposed to those who give passive assent. The time between the previous stage, Crisis and Confrontation, and the present stage, Solidification, is a crucial time, as one component of the controversy pulls ahead of the other. In other words, the counter-movement may enter stage four before the movement does, and the opposite may also occur. This seems to be the case in the abortion controversy.

At this point, both sides must attempt to secure the adoption or acceptance of their products as quickly as possible, before the public becomes bored with the issue and apathetic towards it, or impatient with those on both sides of the controversy. Fraker points to the feeling of the political community on this issue.

> No one feels the single-issue pressure more than politicians—and some of them resent it. "We're tired of being inundated with pulpit-initiated letter campaigns," says one California legislator. "We're tired of having pickled fetuses shoved under our noses before every vote."[180]

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[180]Fraker, p. 42.

It seems clear, then, that whatever side is best organized has the best chance of securing its goals in this final push for acceptance.

Often, by this stage, the most effective tactics have been narrowed down and each side is ready to concentrate on a set of basic tactics necessary to gain adherence to their goals. These tactics in a well-run movement or counter-movement may include legislative lobbying, publication of books or pamphlets explaining the movement's philosophy, the buying of media time for advertisements in magazines, newspapers, television, billboards, and marches or demonstrations. Both the movement and counter-movement in the abortion controversy have made use of the tactics described above.

Acceptance, or stage five, is the stage by which either the movement or counter-movement gains the acceptance of its goals. Three types of necessary acceptance are legal, or legislative, judicial, and societal. The abortion controversy points to the need to examine the types of acceptance. As has been discussed throughout this thesis, the most obvious type of acceptance involved in the abortion controversy is judicial acceptance. In this case, judicial acceptance also became legal acceptance, since the effect of the Supreme Court ruling was to invalidate the abortion laws of most states, declaring them unconstitutional. So, judicial acceptance in this case also mandated legal acceptance. This legal and judicial acceptance did not, however, mandate social acceptance. If it had, the abortion issue would not continue to be a controversy. Thus, there is a need to discuss three types of acceptance.

Legal acceptance is gained through the passage of laws which become a part of the establishment. Judicial acceptance functions in two ways:

first, through the use of major court decisions which become case law and part of the establishment, and second, through the use of the courts to reinforce the constitutionality of the law. The third criterion is that of societal acceptance, that is, how the public reacts to the legal and judicial acceptance.

Legal and judicial acceptance must be established first, although they are not necessarily tied together. Some laws are never challenged through the courts and thus do not need judicial acceptance, or gain it de facto, and some court decisions are sufficient in and of themselves to grant acceptance. One or both are necessary, however, in order to protect the products of the movement. The pro-abortion movement has gained legal and judicial acceptance at this point, and the right of women to have abortions is protected by that legal and judicial acceptance. The legal and/or judicial acceptance can occasionally be modified, as has happened in the abortion controversy by the restrictions placed upon Federal funding of abortion, but the decision itself cannot be totally eradicated unless repealed, and that is the danger facing the pro-abortion movement.

Societal acceptance is the most important, though, because without it, the legal and judicial acceptance may be ignored, by-passed, or repealed. It is clear that this is the state of affairs the pro-abortion movement finds itself in. The counter-movement has attempted, through the use of its tactics, to capitalize on the lack of social acceptance granted to the pro-abortion movement. Unless the pro-abortion movement can gain social acceptance, it may lose to the counter-movement by repeal of the legal and judicial acceptance.

The criteria for acceptance are crucial, but may differ with types of movements. There seem to be two basic types of movements. One type, the Value-reconstitutive, calls for a reconstitution of society's morals or values. It may include movements concerned with such value-laden subjects such as capital punishment, abortion, pornography, homosexuality, civil rights, or drug use, or other areas which involve essentially value decisions. Some examples of Value-reconstitutive movements are the Equal Rights Amendment movement, the abortion movement, the gay rights movement, and the movement to legalize marijuana. All of these movements have as their goal to change both the laws concerning their specific areas as well as the values, beliefs, and attitudes presently held by Americans on these issues.

The other type of movement, the Structural-reconstitutive, is more oriented towards a change in the structural framework of the country and may involve movements concerned with questions of economics, finance, energy, or politics, among others. Such movements may demand changes in taxation, labor laws, foreign policy, or election laws, such as the current Proposition 13 movement and the movement in favor of retaining the Panama Canal as United States property. At their base of interest are questions of political, economic, and financial structures which hold the country together.[181]

The basic difference between the two types of movements lies in the degree to which society perceives the movement as a threat to its beliefs

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[181]See Simons, p. 3 for a discussion of the term "reconstitute."

and values. This perception will also guide society's acceptance or rejection of a movement. A movement such as the abortion movement touches some very basic and fundamental moral questions, such as, "What is life?" and "When do we become human?" Its essence is the most basic reflection of how society views humanity. Such a question and the implications involved in it tend to arouse public reaction on both sides. Movements which are not perceived of as a threat to moral values are easier to accept. Because the threat to fundamental values is less than that of a Value-reconstitutive movement, a Structural-reconstitutive movement may be accepted more easily.

Since there are two different types of movements, they need different criteria to evaluate their effectiveness and insure their acceptance. The movement which has as its aim the structural reconstitution of society's framework usually needs to gain only legal or judicial acceptance and societal acceptance will follow. Changes in tax law, for example, although unpleasant if in the form of increased taxes, usually do not require societal acceptance because they do not involve questions of value or morals. Rather, they involve questions of economics. Most people will pay their higher taxes, albeit grudgingly, and thus give assent to the legal acceptance of the change. Proponents of a particular type of foreign aid policy may be unhappy with the results of its legal and judicial acceptance, but because the policy does not involve questions which threaten their values and beliefs, will also bow to whatever form of acceptance society accords it.

In addition, the social rejection of some types of legal and judicial acceptance of a Structural-reconstitutive movement are often

either illegal or impossible. For example, those wishing to protest higher income taxes may do so, but only if they are willing to risk possible prosecution for income tax evastion. Opposition to the legal and judicial acceptance of a Structural-reconstitutive movement occasionally carries with it built-in penalties. In some cases, it may be almost impossible for society to reject legal and/or judicial acceptance. For example, a successful movement to cut off foreign aid to countries which violate human rights may be unpopular with many people, but short of attempting to defeat those who voted in favor of such legislation, there is nothing much that the opposition to that policy can do except attempt in future legislation to restore the cut-off aid.

Value-reconstitutive movements must have societal acceptance, or they cannot be said to have gained total acceptance. If the public rejects the legal and judicial acceptance by choosing to ignore, by-pass, or repeal it, then that acceptance means very little. This can be seen very clearly in the abortion controversy, where legal and judicial acceptance have not mandated social acceptance. This lack of social acceptance is expressed in the tactics and rhetoric of the counter-movement in its attempts to restrict and/or repeal the legal and judicial acceptance of abortion.

Occasionally, if a movement which gains legal and judicial acceptance clings tenaciously to that acceptance and continues its battle to gain societal acceptance, attitudes may eventually change. Through time, as people come to see that the legal and judicial acceptance are not as threatening as they once perceived, they may change their

attitudes. It may be that if the pro-abortion movement mobilizes quickly to convince the public that abortion or the choice to obtain one is not a threat to those who oppose abortions, they may, in time, be able to gain social acceptance, as well as the present legal and judicial acceptance. But if the movement or counter-movement of the Value-reconstitutive type disbands after gaining legal and judicial acceptance, feeling that its goals have been accomplished, it may soon discover that those goals can be circumvented by a lack of societal acceptance.

Of course, it may be difficult to determine if a movement is a Value-reconstitutive movement or a Structural-reconstitutive movement. For example, does a movement endorsing a return to the "three R's" in education have as its goal structural reconstitution or values reconstitution? Such a question can be answered only by following the acceptance the movement needs to gain its goals. If all the movement needs to implement its goals is the passage of a law, or a court decision, it would be a Structural-reconstitutive movement. Protest by the public indicating a lack of societal acceptance of such a law or ruling and continuation of a strong counter-movement opposition after the legal or judicial acceptance has been granted would indicate that such a movement is a Value-reconstitutive movement.

A final set of criteria for examining the success or failure of a movement or counter-movement can be explained in three ways. First, the success or failure can be evaluated in reference to the proposed goals of the movement—which goals were achieved as opposed to those which were envisioned. Second a movement can be evaluated by guaging the reaction

of both society and the counter-movement's acceptance of those goals through the process of social acceptance. Finally, success or failure can be assessed from a point further ahead in history as to its effect on either the structural or value aspects of society. But the major criterion for evaluating the success or failure of the movement must still be based on its ability to secure acceptance from the legal, judicial, and societal arenas.

Stage six, the Reconstitution stage, proposes two choices for movements which fail to gain acceptance. The first choice is to disband and wait for a more auspicious time. Many movements are ahead of themselves socially when they begin and must wait for societal attitudes to develop to the extent where the movement's proposals can be appreciated. The second choice the movement can make is to regroup and use different tactics in the hopes of securing its goals.

If the movement does manage to attain total acceptance and becomes a part of the establishment, the counter-movement also has two choices. It can, like a defeated movement, give up and admit that society, the law, and the courts have granted acceptance to the movement, making it a part of the establishment and that public support for its position no longer exists. Or, it can reform to fight, hoping that public acceptance of the new establishment is fragile enough to persuade those not totally committed to the new establishment that the former counter-movement possesses the best answers to the problem. If it chooses this route, it becomes a movement, not a counter-movement as it originally was, because the movement has become accepted societally, legally, and judicially,

and now constitutes the establishment. The counter-movement must now assume the role of the movement, challenge the establishment, and so the cycle of movements begins all over again.

Implications for the Pro-Abortion Movement

An extension of movement theory has implications for the pro-abortion movement. The pro-abortion movement is at a crucial stage at this point, having gained legal and judicial acceptance, but not societal acceptance, as the continuance of the strength of the counter-movement testifies.

As the Gallup Poll surveys and other surveys cited earlier indicate, opposition to abortion is a significant minority, ranging 45 to 30 percent of the population, depending upon which survey is cited. The counter-movement, as noted earlier, has taken full advantage of this constituency in order to assemble and use their tactics to defeat the pro-abortion movement.

Three alternatives seem possible within the next few years. The first alternative is the triumph of the counter-movement in passing a Constitutional amendment prohibiting all abortions, or allowing only those abortions necessary to save the mother's life. The second alternative is the triumph of the movement over the counter-movement, not only in preventing a Constitutional amendment, but in repealing all previous restrictions on the 1973 Supreme Court decision. This would mean a full restoration of funds lost by riders to bills and repeal of restrictions passed by states and localities. The third alternative is that of compromise, where both sides agree to allow abortions for certain reasons and use Federal funds only for those types of abortions.

There is a probability of each of these alternatives occurring and so it is necessary to examine the probabilities of each alternative. The first alternative, that of the Constitutional amendment, has a low probability of occurring. Constitutional amendments have been proposed by Senators Buckley and Helms for four years, but have not received enough votes to pass. Even if such an amendment passed in the Senate, it would still need to be ratified by two-thirds of the states, and since the polls have demonstrated that the majority of Americans oppose a Constitutional amendment, it might face the fate of the Equal Rights Amendment—gaining the endorsement of a number of states, but falling short of the necessary number required for ratification.

The only possibility of passage of such an amendment lies in the growing shift to conservatism discussed earlier in this thesis. As Time pointed out in October, a growing majority of the population now classifies itself as conservative.[182] This growing conservative constituency is slowly nibbling away at the gains made not only by liberal movements such as the pro-abortion movement, but at liberalism in general. Time also reported that, "But from the President on down, Democrats are behaving much more cautiously than in the past, their liberalism laced with heavy doses of conservatism."[183] The implications that this will have for the pro-abortion movement seem clear; it can no longer count on liberal support for all its actions, and that liberal

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[182]"Right On For the New Right," Time, 30 Oct. 1977, p. 24.

[183]Ibid.

senators may have to reflect more of the wishes of the conservative elements of their constituencies. The shift to conservatism has not been strong enough, however, to force a Constitutional amendment through in the past, and undoubtedly it will take several years of steady growth before such an amendment can be passed in the Senate.

Passage of a Constitutional amendment might have deleterious effects upon the country. It is probably safe to state that throughout history, there will always be some women desiring an abortion and determined to secure one, no matter what the price, physical or monetary. The willingness of the women to risk their lives and health to amateur abortionists in the years before abortion was legal is ample testimony for this. For women with enough money, abortions could still be secured in countries such as Japan, Sweden, or England. But for those without money, the only alternatives would be either to find a physician willing to risk his license in order to perform an illegal abortion, or risk a hazardous back-alley abortion by incompetent hack. In addition to these effects, a Constitutional amendment might well provide the impetus for another pro-abortion movement, and then the struggle of the past fifteen years would be repeated.

The second alternative, that of repeal of all restrictions on abortion, has a possibility of occurring,but only a slim possibility. Since many of the restrictions on abortion were passed by narrow votes, if the pro-abortion movement moves quickly to regain its former strength, constituency, organization, funding, and lobbying ability, there is a chance that a well-organized campaign could, if conducted correctly,

force the repeal of the restrictions. In light of the strength of the counter-movement, however, the pro-abortion movement would have to gain great momentum to triumph any time in the near future.

Such an alternative might also have deleterious effects upon the country, although not so great as the alternative of the Constitutional amendment. Objection to abortion on demand might result in valid court decisions denying the Federal government the right to cut off funds from hospitals refusing to perform abortions on the ground that such abortions would infringe upon the consciences or religious beliefs of the personnel who perform them. Additionally, the counter-movement, by that point the movement, since abortion would be totally accepted and a part of the establishment, might fight even more furiously for restriction or repeal of abortion legislation. Again, the abortion controversy would probably return to the state it is in now.

Compromise, the third alternative, has the greatest possibility of occurring. Either of the two previous alternatives has disadvantages for both the movement and the counter-movement. They would, in both cases, be contrary to the wishes of a large segment of the population, and would likely generate fierce opposition as well as attempts at circumvention and repeal. Like many "all or nothing" solutions, they would probably not be permanent solutions.

According to Fraker, the most probable compromise would include further restrictions of Federal or State funds for abortions, as has already been done.[184] Another compromise might be a national abortion

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[184]See Fraker, p. 47.

law which would probably be something along the lines of the ALI proposal, which allowed abortions only for reasons of physical or mental health of the mother, defects of the fetus, or for rape or incest.

Several advantages would flow from compromise between the movement and the counter-movement. Each side, to a certain extent, would achieve some of its goals. Abortions would be made available to women who needed them the most, thus satisfying a basic condition of the pro-abortion movement. Fetuses would be protected somewhat by narrowly drawn laws which would require that each abortion be justified on the bases of pre-established criteria. Naturally, neither side would be jubilant over this compromise, but both sides would recognize that it is a pragmatically possible solution.

The position of the counter-movement on compromise has been made clear by its rhetoric. But the fact is that their rhetoric will have to adjust to the realities of the situation, or the counter-movement will lose any chance of gain at all. Compromise offers the counter-movement a chance to salvage at least some of its goals, whereas the stance known as "going for broke" is a risk which may result in the total loss of all counter-movement goals.

The pro-abortion movement is far more willing to compromise than the counter-movement. It recognizes the strength of the counter-movement and is willing, if necessary, to make concessions to keep at least some of its gains, as it has proved by its ability to compromise on the issue of Federal funding for abortions.

Although it is impossible to forecast the final results of the abortion controversy, this thesis has attempted to provide some reasonable

and educated evaluations of what directions the abortion controversy may take. It is the conclusion of this thesis that the resolution of the controversy will most likely end in a compromise. Cory Richards, a spokesperson for Planned Parenthood of Washington, explains the thinking of many Americans.

> The fact is that abortion is legal, abortion services are put there and women who want the service are availing themselves of it. Over time that will build a constituency, not of people who are going to say, "This is great, let's have more of it," but of people who are going to say, "Look, I was in a tough position. I weighed the options and for me it was the only choice. I'm glad the service was there."[185]

The basic components of the legal and judicial acceptance of abortion will most likely stay in effect. Their degree will be determined by the degree of societal acceptance. But whether that acceptance is strong or luke-warm, abortion will, in Fraker's estimation, "remain a fact of life."[186]

Whatever the outcome of this controversy, it is hoped that this thesis has provided a method for analyzing not only the abortion movement and its counter-movement, but also movements and counter-movements of other types, both past and present.

The rhetorical-sociological definition of movements proposed by this thesis has attempted to be as comprehensive and orderly as possible. It has not, however, answered all possible questions and discussed all facets of movement study. The last section will discuss some further recommendations for movement study proposed by this thesis.

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[185]Fraker, p. 47.

[186]Ibid.

Recommendations for Further Study

The type of movement which this thesis examined was defined as a Value-reconstitutive movement, and has been demonstrated, the purposed theory of movements suggested by the author fits the pro-abortion movement. However, a study of a Structural-reconstitutive movement needs to be undertaken in order to test the second part of the theory—that of the structural aspect of movements. One controversy which seems to be developing into a movement is the controversy surrounding California's Proposition Thirteen, a measure to reduce property taxes. States throughout the country, including Utah, Michigan, Washington, and others either have referendums on their ballots to lower the property taxes in that state or attempts have been made by interested citizens to bring the issue to the public via the ballot. Although it is difficult to decide if California's Proposition Thirteen has indeed begun a nationwide movement, investigation of the controversy and its status regarding movement theory would help to test the part of the proposed theory concerning Structural-reconstitutive movements.

Another area which has the potential for such research is in the area of strategy escalation. Although this thesis has discussed the ideas of perceived threats and the use of strategies which express the depth of the perceived threat, no correlation between the two has been demonstrated. A study which undertook to examine the basis upon which a movement escalates its strategies, or even alternates them, correlated to the level of perceived threat of the opposition would be helpful in understanding not only the role the opposition plays in determining the

strategies of the movement, but also which strategies reflect the movement's perception of threat by the opposition.

A number of strategies and tactics has been discussed by this thesis, and many may be used by one movement or counter-movement. In the case of the pro-abortion movement and counter-movement, certain tactics demonstrated greater efficacy for both sides, those two tactics being legislative and judicial. It would be helpful if a survey of movement strategies encompassing many movements was undertaken in order to determine if there is any one strategy or whether certain types of strategies are more conducive to gaining legal, judicial, and societal acceptance to a movement. In addition, such a study might also take note of strategies necessary to each type of acceptance. In other words, are separate strategies required to gain legal acceptance, as opposed to judicial or societal acceptance, and which strategies are, for the most part, the most successful in gaining acceptance?

This thesis dealt very briefly with a fascinating detail of response to a movement by the establishment—the pseudo-support of a movement by the establishment. A research project which examined the components of pseudo-support at all levels of the establishment and the efficacy of such tactics in defusing movements would be helpful in the understanding of why some movements fail in their early stages. The forms of pseudo-support need to be examined as well as the outcomes for a particular movement or groups of movements. In addition, it might also be helpful to determine what types of movements are more prone to be diverted by pseudo-support as opposed to movements which recognize pseudo-support

for what it is and fail to respond to the establishment's offer of "help."

An area of research which holds many fascinating areas for study is that of the attitudes of the media towards giving time and coverage to emerging movements. Obviously, there must be some movements which died in stage one, the Inception stage, for lack of attention. The roles that television, newspapers, and radio play in allowing the incipient movement access to the public consciousness need to be examined, as do the tactics of movements which do manage to gain media attention. Such a study would need to encompass attitudes held by the media towards what is newsworthy or would make a good story, and then those attitudes would need to be examined in light of tactics which movements have used to bring their cause to the attention of the public.

Finally, there needs to be further study of factors both of leadership and resistance by the opposition which can cause a movement to splinter into branches. This thesis examined briefly the concept of incompetent or unresponsive leadership as a factor which could cause members of a movement to become dissatisfied with the goals or tactics of the movement and split off to form either a new movement or precipitate a power struggle within the movement. Such leadership types need to be examined to determine which style of leadership is most effective in helping a movement retain its unity. Furthermore, the effect of a lack of unity upon the movement should be studied in greater depth. Can a movement which appears to comprise many factions, each using different tactics and having slightly different goals achieve a basic goal all

within the movement as a whole are agreed upon? Included within a study of this type would also need to be a discussion of the diversity of membership types as a factor in movement unity or a lack of it, which would shed some light on the inner workings of movements.

It is hoped that this thesis has provided some impetus for further study in the area of movement theory. The recommendations for further study were intended as springboards for new approaches and methodologies to be formulated in the future. Because movement study is a relatively new field, it offers almost unlimited opportunities for the scholar to pursue research and help in the formulation of the theories of movements. If this thesis has in any way provided that impetus, the author is satisfied that something of value in the area of movement study has been presented.

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