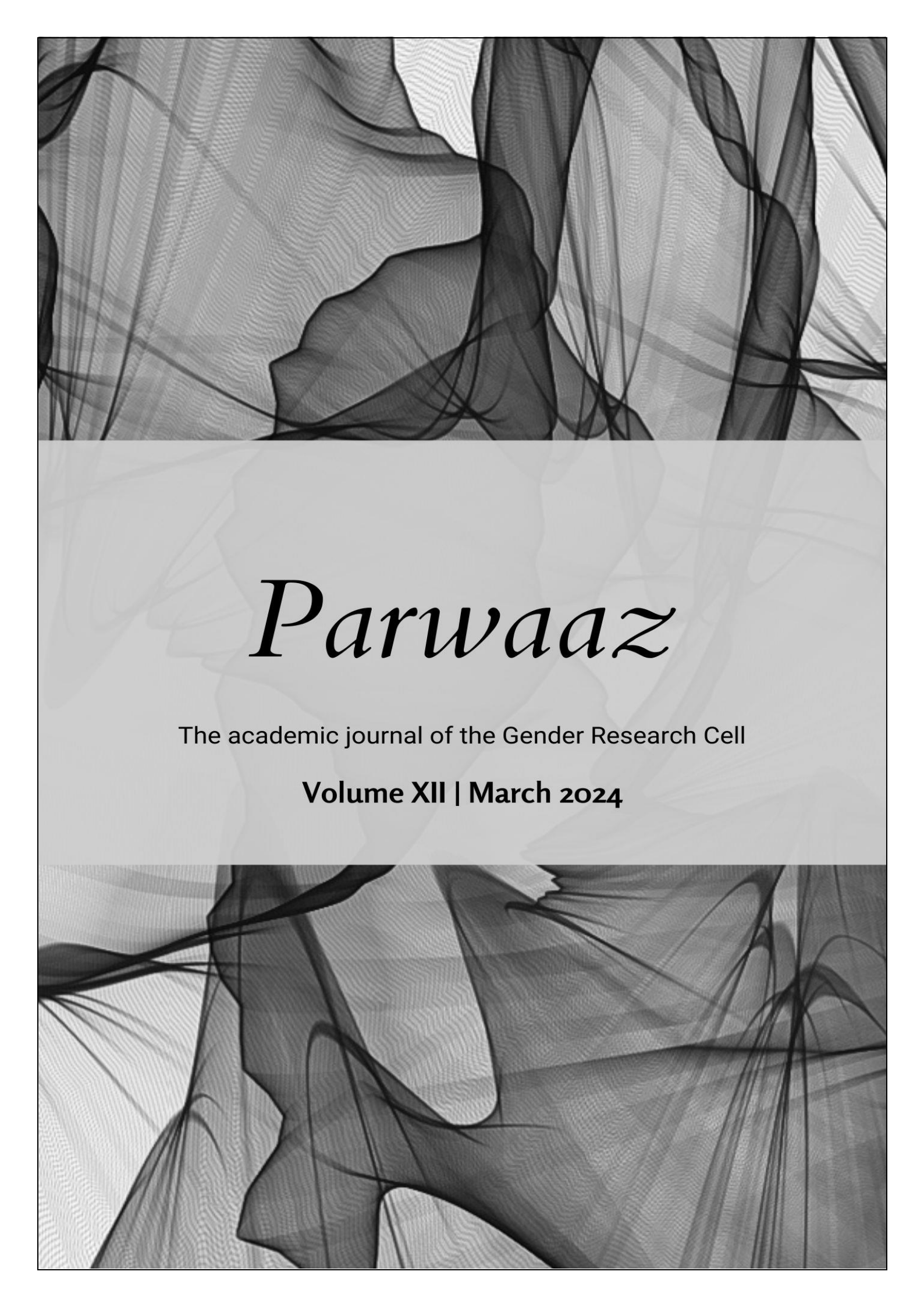




Parwaaz

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From the Editor's Desk

Dear Readers,

It gives us immense pleasure to present to you the twelfth edition of Parwaaz- The Journal of the Gender Research Cell on the occasion of our second anniversary. This has been a long albeit exciting journey and we are very grateful to have published incredible papers from excellent young scholars who have very convincingly argued for increasing visibility for the gender "lens" that one often tends to ignore or lose. Since its inception, the objective of this journal has been to create a discourse on the relevance of gender in academic analysis and emphasise how not only our identities but our very prospects continue to be guided by our gender. We are very thankful to both our authors and our readers for trusting us with the idea and for passionately supporting us through this beautiful journey.

In the 12th edition, we hope to step ahead with this mission.

Delzine Wankadia presents an excellent analysis of the 'Texas Heartbeat Act' and delves into the Influence and impact of Religion on Reproductive Rights and Bodily Autonomy in the United States of America. Her paper raises many interesting and relevant questions. Minal Agrawal's wonderful rhetorical analysis of the documentary Equal Means Equal (2016) takes the debate further and looks at gender rights in the United States. Moving towards South Asia, Ruby Thomas presents a riveting study of the veiling culture in India, looking at the ideological underpinnings of the "Ghoonghat/Purdah" and its relations to a woman's 'honour'. Bhumika Pant raises a very interesting and important issue of viewing "War as a Gendered and Gendering act" while looking at the often-overlooked issue of the "politics of injury". Complementing her paper, Surabhi Sinha presents a thought-provoking study of the links between militarisation and gender in South Asia. Uthra Jeyakumar's excellent study on Chinese Empress Wu Zetian brings in China's imperial past and studies the strategies employed by the 'ruthless' empress for political legitimacy and rulership in Tang China.

We are incredibly grateful to these wonderful young scholars for their valuable contribution to Parwaaz and hope you will get the opportunity to learn from their research as much as we did. Hope Parwaaz continues to receive your love and support!

Cherry Hitkari

Gagan Hitkari

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Wu Zetian's Reign: Strategies for Political Legitimacy and Rulership in Tang China

Uthra Jeyakumar

Abstract

This paper examines the strategies employed by Wu Zetian, the first and only female emperor in Chinese history, to maintain her political legitimacy amidst the patriarchal Confucian society of ancient China. Drawing from theories of political legitimacy by Rousseau, Lipset, Max Weber, Thomas Hobbes, and Immanuel Kant, as well as Chinese concepts such as the Mandate of Heaven and Confucian ideals, the paper analyses Wu's multifaceted approach to solidifying her rule.

Wu strategically aligned herself with Confucian principles of virtuous leadership and benevolent governance, despite facing opposition due to her gender. She immersed herself in Confucian rituals, promoted traditional values, and strategically integrated Taoist beliefs to justify her rule. Additionally, Wu cultivated a cult of personality, leveraging symbolism and public appearances to enhance her image as a legitimate ruler. Furthermore, Wu demonstrated military and political acumen by forming alliances, quelling rebellions, and investing in infrastructure and public welfare projects. Her governance encompassed various aspects, including bureaucracy, military affairs, cultural patronage, and social welfare, aimed at portraying her as a capable and charismatic leader. Despite historical debates surrounding her reign, Wu's ability to navigate societal norms and leverage her strengths as a ruler contributed to her enduring legacy.

Introduction

The prerequisite for a stable political system is the voluntary acceptance of political decisions that are deemed legitimate. Rousseau frames this idea by asserting that no ruler can maintain their position, nor can a political system maintain stability, until "force has been transformed into right and obedience into duty." Therefore, when power is accompanied by legitimacy, it results in willing obedience. Individuals adhere to the rules and regulations of a political system as a moral obligation when they perceive the political order to be legitimate.

Seymour Martin Lipset defines legitimacy as "the capacity of the system to engender and maintain the belief that the existing political institutions are the most appropriate ones for society." Gaining legitimacy is a fundamental condition of rule, and without it, a country may face deadlock or collapse. Consequently, every regime seeks to justify its legitimacy through various means. Traditionally, the reign of monarchs was justified on the grounds of their divine origin. The Enlightenment challenged this religious source of legitimate rule, and democratic revolutions declared the will of the people to be the basic source of legitimacy. In this context, Max Weber developed forms of legitimization, diagnosing a historical transformation from traditional to legal-rational types, with the charismatic type becoming a transitory phenomenon. Today, in most countries, a constitutionalist conception of legitimacy is employed, emphasizing popular participation and regime accountability secured by free and fair elections combined with a system of political checks and balances.

Political legitimacy in ancient and medieval China has primarily been based on the mandate of heaven, where the Chinese ruler is believed to possess the qualities of virtue, respect for subjects, adherence to ancestral rules, and efforts to win the hearts and minds of the people, thus being considered just and legitimate. If a ruler loses the confidence of heaven, the country faces natural calamities, unrest, and rebellion, seen as indicators for a change in ruler. The Confucian concept supports this notion by formulating the idea of a just ruler who strengthens legitimacy by promoting policies benefiting the people, ensuring relatively equal distribution of benefits, and allowing individuals to excel in their endeavours. This model has influenced every government and ruler throughout Chinese history.

In ancient China, women were relegated to subordinate roles, both socially and politically, compared to men. They were expected to follow the "three followings or Sancong" system, which dictated subordination to their fathers, husbands, and sons if widowed. Confucian patriarchy structured society around the "five relationships," one of which was the hierarchical order between husband and wife, where women were expected to submit to male authority. This ideology permeated various aspects of life, including family structure, education, and governance. Women were primarily tied to virtues like fidelity, cautious speech, diligence, and graceful demeanor.

Exceptional displays of virtue, such as remaining chaste after becoming widows, sometimes earned women the honour of shrines or commemorative tablets, particularly popularized by the Neo-Confucian scholar Zhu Xi in the 12th century CE. Marriage and childbearing were considered the norm for women, regardless of their social status. Even though upper-class women had household management responsibilities, they didn't hold the position of family head. Lower-class women, like farmer's wives, often toiled in fields, facing potential abuse from landowners. Economic hardships could push women into prostitution. They also contributed to household economies by weaving silk and tending to silkworms. While women occasionally participated in labour services, it was not common.

Despite the norm of monogamy, men openly maintained relationships with courtesans and concubines, who lacked legal status and inheritance rights. The number of concubines depended on the husband's wealth, and wives were expected not to show jealousy towards them, as it could lead to divorce and believed to bring punishment in the afterlife. Concubines, typically from lower classes, entered wealthier households or the royal palace. While societal norms constrained women, historical and fictional examples, like Wu Zetian, illustrate instances of defying conventions to achieve remarkable status, such as becoming an emperor. The legitimacy of rulership in China was often tied to dynastic lineage, with succession typically following patrilineal descent. For Wu Zetian to defy this social norm did not just require her intelligence and courage but also determination, strategic thinking, political acumen, charisma, leadership skills, adaptability, resilience, and the ability to navigate complex social and political dynamics to raise to the status of emperor.

Wu Zetian, the first and only woman emperor in Chinese history, ruled China for fifteen years (690-705 CE). She remains a controversial figure mainly due to claims of her ruthlessness against rivals, although substantial evidence is lacking. She was criticised by Confucian scholars for breaking with tradition and seizing power. However, she displayed remarkable leadership capacity and continuously pursued proving her legitimacy to remain as emperor against Confucian scholars who opposed her. This paper attempts to elucidate the ways Wu employed to maintain her political legitimacy as a female ruler.

Political legitimacy- Theory

Max Weber was indeed among the first thinkers to extensively explore the concept of legitimacy, categorizing it into three types of authority: rational-legal, traditional, and charismatic. According to Weber, in rational-legal authority, obedience is owed to the legally established impersonal order. The person in authority is an official bound by rules, and the structure of authority is bureaucratic. In traditional authority, obedience is owed to the person of the chief who occupies the traditionally sanctioned position of authority. There are seldom any delineated powers, and it lacks a bureaucratic structure. Charismatic authority is highly unstructured and identifies with an individual viewed to have exceptional qualities. The administrative staff are usually not officials but disciples.

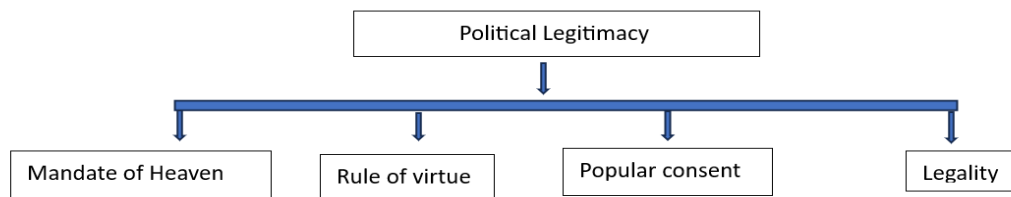
However, Weber's classification had its limitations. David Easton criticized Weber for failing to explain the role of subjects of authority in social change and for not clarifying how changes occur and their impact. Easton suggested a behavioural approach which includes study of the way members of society view authority, its structure, influence, and mode of exercising. Additionally, Talcott Parsons questioned the pure types of authority and criticized Weber for treating the organization of authority as analytically autonomous from the rest of the social system. Thomas Hobbes, in his seminal work "Leviathan," posited that in the state of nature, everyone's self-preservation is under threat, making it rational for all to consent to a sovereign who can ensure protection. Here, political authority can be established by covenant or by the promise of all to obey a threatening power, and according to Hobbes, authority will be legitimate if the sovereign ensures protection.

Immanuel Kant, on the other hand, argued that political authority is created by the establishment of political institutions in the civil state, which he regards as the first step toward a moral order. The civil society establishes the rights necessary to secure equal freedom. Coercion, in Kant's view, is not only used to enforce these rights but also a restriction of the freedom to pursue one's ends. This understanding of rights links Kant's conception of legitimacy to the justification of coercion. According to Kant, there is no right to revolution; political authority is only legitimate if the head of the state respects the social contract. Citizens are still obliged to obey even if the head of the state acts in violation of the contract.

China being the oldest civilization, has its political thinkers and philosophers develop many elaborate and sophisticated theories of political legitimacy. The original justification of political legitimacy can be articulated by using concepts like the mandate of heaven, the rule of virtue, popular consent and legality, most of which are supported by Confucianism. The Mandate of Heaven is based on the belief that the ruler's authority is granted by the Heaven itself. It is believed that heaven expresses its disapproval by causing unrest, rebellion, and natural disasters. In the Confucian system, the ruler is expected to be the most virtuous person in society. Government officials are chosen from educated individuals known as gentlemen (junzi). According to Mencius, a truly moral king demonstrates benevolence towards the people. To become a virtuous ruler, the crown prince begins a rigorous education in Confucian classics, martial arts, and other subjects like calligraphy, painting, and astronomy. This education qualifies him to become a virtuous ruler, and people's happiness becomes the true measure of his political success.

In contrast to the Western concept of legitimacy, which demands submission to authority, the Chinese concept of "min ben," as formulated by Mencius, urges rulers to win the support of the people to win the empire. Rulers must seek popular consent not by simply approving public opinion, but by implementing policies such as reducing taxes and building infrastructure like temples, schools, and irrigation facilities etc. Legality in the Chinese context is governed by established laws and regulations, but it is also influenced by ancestral rites, family rules, community customs, and social traditions. Even emperors must abide by these rules, as violation could result

in the loss of their right to rule. For example, rulers are expected to regularly perform symbolic gestures and rituals to maintain their legitimacy.



Wu Zetian and Political legitimacy

Wu Zetian was born in 624 AD during the Tang dynasty, a period characterized by significant cultural and economic prosperity in China. Her father, Wu Shihuo, was a military officer with close ties to prestigious families through marriage. At the age of 14, Wu entered the imperial court as a concubine to Emperor Taizong. Following Emperor Taizong's death, Wu became the concubine of his son, Emperor Gaozong. She manoeuvred her way through court politics by eliminating her rivals, Empress Wang and Concubine Xiao, gradually ascending in power and influence.

In 656 AD, Wu was elevated to the status of empress, a move that initially faced opposition from ministers. Emperor Gaozong resorted to bribery and intimidation to secure their agreement. As the emperor's health declined significantly, Wu assumed the role of regent, making crucial decisions and shaping government policies. After Emperor Gaozong's death, she continued to wield power through her successive sons who ascended the throne.

In 690 AD, Wu seized the throne for herself, declaring the foundation of her own Zhou dynasty and proclaiming herself emperor. Her reign was marked by significant social and political reforms aimed at strengthening the central authority. However, towards the end of her rule, she engaged in a period of oppressive governance, characterized by a reign of terror that lasted for several months. Wu Zetian passed away at the age of 81, and the throne was succeeded by her son, Zhongzong. In her efforts to maintain political legitimacy as a female ruler in ancient China, Wu Zetian employed various strategies to solidify her rule and garner support from different segments of the society.

Religion as an instrument of legitimacy- Despite the traditional Confucian emphasis on male rulership, Wu strategically aligned herself with Confucian principles of virtuous leadership and benevolent governance. During the rule of Gaozong, she refrained from interfering in his administration and avoided appointing her relatives to high positions, adhering to the Confucian virtue of meritocracy. Wu also promoted Confucian rituals and extended filial piety by increasing the mourning period for the death of mothers, showcasing her commitment to traditional values. She immersed herself in the study of Confucian classics, symbolism, nomenclature, and ritual tradition, both for state governance and personal enrichment. Shortly after ascending to the throne, she presented a twelve-part memorial on good governance, reflecting her understanding of Confucian principles. This memorial advocated for policies such as low taxes, limited conscription, a smaller military, the opening of reserved lands for cultivation, and fiscal responsibility in public works and religious donations. Although the extent of implementation remains uncertain, her knowledge and adherence to Confucian virtues are evident in these proposals. Together with Gaozong, Wu visited Confucius's birthplace and bestowed upon him the honorary title of "the great teacher," demonstrating her patronage of Confucianism. During her regency, she enacted the Act of Grace in 684, which pardoned convicted felons and allowed

garrison troops to continue their ancestral sacrifices, portraying herself as a benevolent ruler. She also addressed economic issues such as tax evasion and corruption, offering incentives to the elderly, promising tax relief, and demonstrating personal austerity by reducing the number of palace servants.

While some historians attribute her actions, such as increasing the number of officials, to personal ambition, others, like Guisso, argue that she was genuinely concerned about the state's well-being. Despite her personal inclination towards Buddhism and Taoism, when assuming the role of statesman, Wu presented herself as a ritualistic, ethical, and symbolically Confucian ruler. By showcasing her adherence to these values through policies and actions, she successfully garnered support from Confucian scholars and traditionalists. Taoism held a significant position even during the era of Gaozong, as the Tang dynasty utilized it to establish ancestral ties with Laozi, primarily for the purpose of dynastic consolidation and to distance itself from the Sui dynasty. Wu Zetian herself harboured a personal interest in Taoism from a young age, and later in life, she delved into Taoist occult and mystical practices under the influence of the Zhang brothers. During her regency, she actively sponsored the construction of Taoist and Buddhist temples in every prefecture. Additionally, in 675 AD, she encouraged the study of the Tao Te Ching and incorporated it into the civil service examination.

Despite her efforts to integrate into the Confucian system, the strictures against female rulers in Confucianism remained potent. To justify her usurpation and centralization of power, Wu Zetian turned to Buddhism. Hsueh Huai-I, characterized as arrogant and chauvinistic in traditional Chinese historical sources, provided theological support for Empress Wu's rule through Buddhism by presenting her as the reincarnation of Maitreya. Alongside Fa ming and seven other monks, they provided a commentary on the Mahamegha Sutra, depicting Wu as the reborn Maitreya and elevating her to the positions of Cakravartin and Bodhisattva. This propaganda was remarkably effective, portraying Wu as a saviour figure destined to rescue the earth. She even enacted measures such as forbidding her subjects from taking life for consumption from 692 to 700 AD.

In 690 AD, efforts were made to construct Great Cloud Temples in every prefecture, and over 1000 monks were ordained to propagate the teachings of the Great Cloud Sutra to the populace. Through this manipulation of Buddhist ideology, Wu Zetian solidified her rule and sought to legitimize her authority, despite the reservations within Confucian circles regarding female leadership.

Established a cult personality- Building on the charismatic type of legitimacy described by Max Weber, Wu Zetian likely cultivated a strong personal image and promoted her own charisma as a source of legitimacy. In 666 AD, Emperor Gaozong and Wu Zetian travelled together to Mount Tai in Shandong, a sacred site, where they performed the fenshan sacrifice. Remarkably, Wu was allowed to participate, marking the first time a woman was granted such a role, and faced no opposition from officials. This event solidified her status as Gaozong's equal partner, and they were even referred to as "two sages." As noted by Fitzgerald, from 666 AD onwards, while Gaozong sat on the throne with folded hands, Wu conducted the entire business of government by his side.

Wu Zetian also employed symbolism to enhance her personal image and the legitimacy of her rule. She bestowed fancy names upon her capital and palace, such as the "sanctified capital" and "Great beginning," respectively. When renaming posts, she adopted titles from the Eastern Zhou dynasty, a period revered by Confucians as a golden age of peace and prosperity, further legitimizing her rule in their eyes.

Following a purge that earned her the title "ruthless," efforts were made to assuage public discontent through the construction of a mystical narrative. A white stone was reportedly discovered in the Luo River, bearing an inscription prophesying the rule of a sage mother and the ensuing eternal prosperity. Wu immediately seized upon this opportunity and organized a public ceremony on the banks of the Luo River, inviting princes from all prefectures. During the ceremony, she bestowed upon herself the new title of "Shengmu Shenghuang" (sage mother, divine sovereign) and introduced a new Zhou calendar. Through these actions, she portrayed herself as possessing superior qualities and capabilities necessary to maintain her position as emperor. Through propaganda, rhetoric, and strategic public appearances, Wu projected an aura of authority and leadership that transcended traditional gender roles, thereby bolstering her charismatic legitimacy as a ruler.

Military and Political acumen- Wu Zetian employed a strategic approach to form alliances with influential figures and factions within the imperial court, utilizing their support to consolidate her power and neutralize potential rivals. Notable ministers like Pei Yan, Wan'er, and Di Renjie, despite their humble origins, were valued for their administrative talents and were kept near her.

During her reign, two minor rebellions occurred, and Wu's adept handling of these situations demonstrated her administrative abilities. She established a network of spies and informers, resorting to torture and other coercive methods to extract confessions and suppress dissent. Consequently, both rebellions were swiftly quelled within a few months, and their spread was effectively restricted.

In the midst of her reign of terror, Wu established a bronze urn with four compartments for receiving reports, self-recommendations, criticisms of the government, and information regarding omens, calamities, and secret plans. Under the guise of eliminating remnants of rebellion, thousands were executed over the following years, accompanied by frequent demotions and reassignments of officials. A board of punishments was instituted, dispatching agents nationwide to eliminate perceived threats and install spies and informers in all prefectures. Despite recognizing the inherent evils of such measures, Wu permitted the terror to persist as she believed it augmented her power and control over dissent.

After each upheaval, Wu Zetian restored dismissed ministers and expanded the bureaucratic structure under the guise of fostering public contentment. Rather than increasing salaries, she ingeniously distributed additional slaves to the lower bureaucracy. While she promised to reduce garrisons, she prioritized border security, viewing it as essential for internal peace. Wu Zetian demonstrated a keen awareness of public sentiment, framing policies to maintain the populace's confidence in her rule. Consequently, historical records contain no instances of popular rebellion against her regime. Through adept manoeuvring, strategic alliances, and astute policy-making, Wu Zetian solidified her authority and ensured the stability of her reign.

Infrastructure- Wu Zetian's investment in public works projects, including infrastructure development, irrigation systems, and public buildings, served as tangible demonstrations of her commitment to the welfare and prosperity of the people. By constructing temples, monuments, and palaces in Luoyang and other prefectures, she aimed to garner both divine sanction and popular support. Notably, the construction of the Ming Tang, a cosmic hall consecrated to Shangdi based on the Book of Rites, was a significant endeavour that even previous rulers like those of the Sui and Tang dynasties hesitated to undertake. These tangible improvements to society likely contributed to legitimizing her rule in the eyes of the populace.

Additionally, Wu supported cultural and intellectual pursuits, which further enhanced her legitimacy. By patronizing the arts, literature, and scholarship, she fostered a vibrant cultural scene

and promoted intellectual advancement. As a Confucian expert herself, she established schools to teach Confucian classics and encouraged the study of Tao Te Ching. Wu even authored a book titled "Rules and Conduct for Women," aligning herself with Confucian values and demonstrating her commitment to societal order and virtue. Furthermore, she did not hesitate to build Buddhist and Taoist temples in every prefecture, accommodating diverse religious beliefs within her realm. Wu's creation of her own Zhou calendar and Chinese characters underscored her comparison with Confucian sage kings, who similarly shaped cultural and intellectual spheres.

Conclusion

Throughout Chinese history, Wu Zetian has been portrayed in varying lights, with earlier accounts often painting her in a negative manner. Scholars Twitchett and Wechsler noted the dearth of factual material surrounding her reign, leading to an overabundance of hearsay and rumours. While acknowledging her remarkable qualities, they highlighted her actions that conflicted with Confucian ideals, such as interfering in public affairs, exploiting factionalism, engaging in personal vendettas, and manipulating politics, which contributed to her reputation as a cruel and ruthless figure.

However, following the end of imperial rule in 1911, modern historians began to reassess Wu Zetian, focusing more on her positive attributes. Figures like Hu Shi, an intellectual associated with the May Fourth Movement, commended her for her decisiveness and political acumen, labelling her as a great literary talent and political genius. Marxist historians also praised her as a champion of the masses in the class struggle against the aristocracy and landlords.

Wu Zetian recognized the importance of justifying her rule and continuously worked to prove her legitimacy throughout her reign. By embracing Confucian values and executing policies that portrayed her as a virtuous and benevolent ruler, she appealed to both officials and the general populace. Her governance encompassed various aspects, including bureaucracy, military affairs, infrastructure development, and social welfare, all aimed at establishing herself as a charismatic and capable leader. Furthermore, Wu Zetian adeptly utilized political maneuvering, cultural patronage, and symbolic gestures to navigate societal expectations and norms, all while leveraging her strengths and capabilities. Despite the obstacles presented by her gender, she was determined to showcase her effectiveness as a ruler.

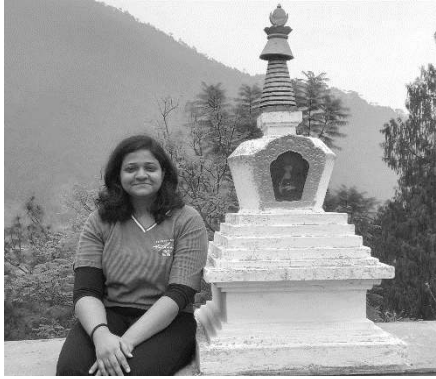
Overall, Wu Zetian's reign brought about domestic stability, with only two interruptions during her active rule. Through ideological manipulation, intimidation, and the exercise of power, she overturned centuries of tradition and successfully ascended to the throne, leaving a lasting impact on Chinese history.

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Meet the Author



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The Influence and Impact of Religion on Reproductive Rights and Bodily Autonomy: A Case Study of ‘The Texas Heartbeat Act’

Delzine Wankadia

Abstract

The paper aims to explore the degree of influence religion has on abortion laws and how religion's involvement of any degree influences such laws, including the extent of restrictiveness, affects its stakeholders. The paper adopts a case-based approach, and using this approach, it considers exploring these notions in the context of the Texas Heartbeat Act, the most restrictive abortion law of the state in recent times. The direct influence of religion, relative to the literature reviewed, was not as significant. However, the involvement of religious ideas in framing The Act was evident, with the state's diplomats advocating for the Act based on the same ideas, including the belief in life beginning at conception. This Act has been vastly criticised by medical practitioners due to the lack of scientific evidence on the fundamental claims of the Act and lawyers, including Supreme Court Justices, due to its unconstitutionality. The paper primarily studies the immediate impact of this law on women, excluding the transgender demographic. The same can be considered for future research, including a long-term analysis. The treatment of this case from the viewpoint of religion, emphasising its influence on the most restrictive law, orchestrated by a diplomat, of a democratic state, sets the paper apart, creating relative novelty.

Keywords: Abortion, Access, Constitutional Right, Law, Religious, Restrictive, Texas

Introduction

Religion is a subjective notion, the objectivity of which generates extreme ideas. Such ideas are commonly understood to be a reflection of political ideologies. Two of the major political parties in the U.S.A.: The Democratic and the Republican Party, are an accurate manifestation of the coexistence of different ideas, which, at times, are opposites. Lakoff (2002), Heit and Nicholson (2010) identify that the growing difference in political parties is not only in terms of ideology which are based on liberalism and conservatism for Democrats and Republicans, respectively but also the differing moral systems which ultimately create an image of one of them being the ‘good person’ doing ‘right’ by what their moral values dictate. In a fair sense, politicians play the role of evangelists, communicating and convincing the masses that they are the right choice and that their ideologies would nurture change. At times, it is considering the wants of these masses that political opinions and agendas are formed. However, one's commitment to the ideas of a singular party must be brought into question when human lives are at stake, which they are in the case of restrictive reproductive rights. Reproductive rights embrace a specific spectrum of human rights that constitute International Human Rights and International Laws, such as the Right to Life (“Safe and Legal Abortion is a Woman's Human Right”, 2018). This paper intends to focus on crucial aspects of these rights, including how the couple's right to attain sexual and reproductive health and abortion has become highly restrictive in Texas, U.S.A., with the passage of an acutely conservative law.

Despite an uproar of activism during the 20th century, religion has been depressing women's rights in general and reproductive and abortion rights in particular (Berer, 2017). Suppression of reproductive and abortion rights not only results in women losing their bodily autonomy but also poses a significant risk to their health given they are left with nothing but access to unsafe abortion, which is their last resort, their last hope, as had been detailed by (Calkin & Kaminska, 2020; Wurth, 2019) in cases of Poland and the Dominican Republic. Unsafe abortion is one of the leading causes of maternal mortality ("Preventing unsafe abortion", 2021). Each year, 4.7% - 13.2% of maternal mortality is attributed to unsafe abortion, with 45% of all abortions being unsafe, all of them occurring in developing regions ("Preventing unsafe abortion", 2021). These deaths could have been prevented if not for the invasive policies that left women with no choice. No choice to make a decision about their own body. In the U.S.A., the majority of healthcare, inclusive of reproductive healthcare, is funded by the government (Ahmed & Allsbrook, 2021). However, its provision differs from state to state and thus, the accessibility of reproductive health services one is rightful to receive is inconsistent throughout the 'land of the free'.

The literature undertaken addresses the inter-relations between religion, which in most cases was Catholicism, the State and the influence the merger of both the authoritative bodies has had on the reproductive rights of women on an individual level. The literature mainly focuses on the impact of Catholicism restricted to a particular geographical region and thus fails to fully understand the impact of different religions. The literature undertaken also brings to light a significant research gap that this paper aims to address. The existing literature focuses on the linear inter-relationship between the three phenomena: country, religion and policy, with only country and religion being specified. As per the literature reviewed, no research focuses on the influence of religion over a particular law which has proven to be a hurdle to the accessibility of quality reproductive health. Thus, this paper aims to understand:

a. To what extent does religion affect laws about reproductive rights?

The paper will attempt to answer this question in the context of 'The Texas Heartbeat Act' by establishing the similarity between the religious and political ideas of the state and how much of those political ideas are inspired by religion and why.

b. Who are the beneficiaries of the law and how does it impact them?

The paper will detail the objective and the potential beneficiaries of this law. Additionally, the paper will try to undertake the cost-benefit analysis over the short-term and long-term in the context of social, economic and cultural impacts. And thus, establish if the ones claimed to be the beneficiaries gain from the law.

Conscious knowledge of the extent of religious influence on laws and considering the ill effects it is likely to have, as will be explored in the study, will enable the respective bodies to be actively involved in mitigating the same and addressing the root of the problem, which is the law and not government bodies that frame the law. Identifying inherent anomalies in the law would likely coax them to correct it themselves. One having complete autonomy over their body is likely to have spill-over effects in different socio-economic aspects as well.

Literature Review

As a matter of technical understanding, abortion is a procedure involving the termination of one's pregnancy, either medically or surgically ("Abortion", 2021). However, it is a subject of contention in varied realms of philosophy, medicine, colonialism, especially religion and politics (Chidgley, 2011), which would focus on the study. The literature narrows its scrutiny to understand the

methods that religious groups, particularly the Catholic Church, employ to influence reproductive policies and the Church's motivation. This body is deemed to be an interest group (Warner, 2000), to be profoundly involved in structuring policies about abortion. Additionally, the literature establishes the varied nature of such laws and policies in predominantly Catholic regions. In this case, 'Nature' refers to the categorisation of such laws from 'severely restrictive' to 'liberal' (Boland & Katzive, 2008). This aims to provide some insight into the types of laws that already exist and draw an accurate comparison. The review closes by discussing the impact of such categorised laws to contrast it with the Texas Heartbeat Act and if the positive impact of such laws could be replicated to mitigate the negative impact. Lastly, the literature provides a detailed history of reproductive rights in Texas which enables the understanding of its stance on abortion over a period of time.

The literature primarily addresses these policies in general terms as per country. Using information established in this literature, the paper aims to address this gap by focusing on a particular law of a Catholic-rich state, which is currently deemed one of the country's most restrictive laws (Najmabadi, 2021).

The Influence of Religion on Reproductive Policy and Abortion

The impact of religion on policy-making has transformed to be of profound interest, given the highly politicised nature of the cause (Esping-Andersen, 1990). Moreover, in 1995, Pope John Paul II's encyclical *Evangelium Vitae* was established to be documented evidence of an abortion, a cause which brings human life into question, of central concern (Beattie, 2009). It is common knowledge that any religion, including Catholicism, holds a rigid set of singular perspectives on different aspects of daily actions, life, death, what is good, what is wrong, what constitutes a sin, and so on. It could, thus, be implied that it holds one in the case of abortion as well. Imposing such ideas via democratic representatives is likely to threaten democracy and the people who make it a democracy. Poland is one such state, after which signing a concordat with the Vatican to ensure financial support to the Church, the authority over governing sexual and moral education was given to them; thus, blemishing the state's secular character (Calkin & Kaminska, 2020). Religion is a significant factor in abortion policy (O'Connor & Berkman, 1995). Such significance results from the Church's role in morality policies, resulting from the competition of religious and citizen groups. The Church can engage in such involvement by lobbying government officials (Meier & McFarlane, 1993) or groups such as the National Right to Life Committee (telephone interview, October 1991) to promote their perspective.

Abortion, in the U.S.A. since the 1980s, has been maintaining the coalition between conservative Christians and the Republican Party (Hoffmann & Johnson, 2005). Wilcox (1995), in his paper, posits that one's opinion of abortion is related to their political affiliation. The ones holding a pro-life position (against abortion) are increasingly allied with the Republican Party, which adopts a conservative approach. Given this scenario, as part of his presidential campaign, Richard Nixon reversed his pro-abortion stance in 1971 by publicly declaring that it did not match his personal beliefs. This was an early attempt to garner a religious conservative vote (Grzymala-Busse, 2015). This is an appropriate example describing religion's hold on politics and the extent to which diplomats are willing to go to gain power.

The Catholic Church has inspired the legal and cultural approaches adopted by Catholic nations such as Ireland and Poland to address abortion, given that it assumes its religious identity to be its 'authentic national identity' (Calkin & Kaminska, 2020). Such national identity is disseminated by the Church amongst a significant population of Catholics, who hold no consensus on abortion in

the first place, with well-publicised campaigns to firm its stance as 'pro-life'. In Conservative states where religious and national identity are fused, the Church exercises greater authority over religion, morality, and thus, politics. Such authority is likely to be toxic given bodies with such high moral standards are pictured to be impartial representatives of the nation, allowing them to promote their stance by labelling their disagreements as 'moral issues' and blemish over 'national moral character' while appearing to be above petty politicking (Grzymala-Busse, 2015). Addressing such nuances is necessary to ensure accountability and degree of religious involvement in a conservative nation. Knowing the degree of influence could enable achieving a balance that does not adversely affect the intended party.

If a law has a hint of the slightest of liberal ideologies, in the case of Ireland, the anti-abortion politicians had sought to add numerous restrictions during debates that did not materialise. However, this demonstrated that the religious body could enforce its agenda by stalling debates, introducing anti-choice restrictions, and engaging in stigmatisation of those in need of abortion (Calkin & Kaminska, 2020).

The Church even yielded a power of this phenomenon by introducing regulations such as the 'conscience clause' in Poland, discouraging medical experts from performing abortions due to social, clerical, and media pressures (Caytas, 2013, p. 68). Furthermore, another code of Medical Ethics was adopted by the National Chambers of Doctors (led by a former Catholic Association of Doctors) a few years later. This revoked medical licenses (NIL, 1991) of those who violated the code by providing proper healthcare to women for 'social' reasons. Such regulations violate International Human Rights, such as the right to health and life ("Safe and Legal Abortion is a Woman's Human Right", 2018). Another study on similar lines by Blystad, A., Haukanes, H., Tadele, G., Haaland, M., Sambaiga, R., Zulu, J., and Moland, K. (2019) also revealed that doctors in Zambia were hesitant to provide abortion care services because they were Christians. Catholic Church in Ireland and Poland have the authority to exert veto power to obstruct abortion liberalisation even if it is illegitimate because of its historical and cultural influence (Grzymala-Busse, 2015). Such veto power is highly sensitive given it acts as a deciding factor whether to put the law into effect. The extent of such power depends on internal power resources, institutional setting (Immergut, 1992), church-state relations, cultural assumptions specifying the role of religion in public life (Robbers, 2005; Fink, 2009, p. 84) and mobilisation potential, which is the ability of the Church to motivate its adherents through masses, vigils and letters to congregants (Scriven, 2020) for collective political action in the form of protests or voting behaviour (Fink, 2009). For such mobilisation to succeed, a large mass must be inclined towards the Church's beliefs (Calkin & Kaminska, 2020), whom we refer to as adherents. The more religious the adherents are, the more likely they will act for religious causes (Fink, 2009).

Therefore, one of the crucial factors discovered during the review was the impact extensive pro-life lobbying by the Church has in endorsing pro-life policies (Steenland, 2013), which even today, has allowed the Church to continue to formulate norms of acceptable behaviour in the context of politics and thus, exert authority over the political spectrum (Heinen and Portet, 2010, p. 1011). Despite the resistance to restrictive abortion laws from the citizens of Poland, the Church of the State was so determined to enforce what they believed was right without considering the perceptions of millions of citizens, who did not support similar ideas. This might have caused a slight shift from democracy to authoritarianism.

Need for religious intervention in framing religious policies

To gauge the degree of the Church's involvement in structuring policies, which ideally dictate what a woman should and should not do with her body, it is necessary to understand the reason for their intervention in the first place. Campbell and Putnam (2014) describe abortion as central to conventional Christian policy and a prominent symbol of moral traditionalism, a package of certain beliefs. Abortion is an intangible phenomenon having long-lasting tangible impacts. Safe abortion is a life-saving procedure and can improve one's health. Given that it brings to question one's life, it is linked with moral values and, thus, falls in the realm of morality policies (Knill & Hurka, 2015, p. 1). Thus, abortion is a morality policy issue (Engeli *et al.*, 2012, p. 17) and given that such policies are a magnet for high public participation because of their aspects of non-technicality and individuality (Knill, 2013), it could spark controversies with the slightest of change in regulation (Engeli *et al.*, 2012, p. 17). How does religion fit in this spectrum?

The overwhelmingly ingrained notion of morality being a pre-condition for religion is validated, with more than half of Americans sharing the belief that morality and belief in God are mutually exclusive ([Pew Research Center, 2007](#)). Thus, the Church is viewed as a figure of absolute moral authority given the magisterial teachings and the historically significant role of 'protector' and representative of national identity (Grzymala-Busse, 2015; Kozłowska *et al.*, 2016). A similar case exists in Poland called the 'Polish Paradox', which accepts the Church's interference in matters of the state, regardless of the party ideology (Chalubiński, 1994).

U.S.A.'s religious identity is fused with its national identity because of the Church's historic role, as previously mentioned, in defending the nation. Natural and biblical laws, such as the 'fundamental right to life', 'inalienable rights of the unborn ' (evoking the Declaration of Independence) and the 'freedom of conscience' for medical personnel, crystallise the notion of church involvement. These religiously inclined beliefs are thinly veiled as 'laws', an appealing idealism one is obliged to follow. As is commonly known, time has transformed the beliefs and opinions of the masses to be liberal and rational, which jeopardises the position of the Church, one holding conservative values. Warner (2000) thus rightly identifies the strategic involvement of the Church in policy-making as a means of survival. Influencing policies that echo their religious beliefs is an additional bonus, fulfilling their aim of survival (Fink, 2009; Grzymala-Busse, 2015). Thus, via deductive and authoritative moral reasoning, the Church opposes abortion with the stern belief that it violates the sanctity of life (Kelley, Evans & Headey, 1993).

Nature of Reproductive Rights (Policies) in different countries

As mentioned above, the nature of abortion policy is categorised on a spectrum from being 'severely restricted' to 'liberal'. However, the nature of such policies is one indicator that aids in vaguely determining access to safe abortion services and the degree of impact such policies have on all stakeholders involved. The primary cause of the difference in the nature of such policies is the political and economic status at the time, including the structure of the country's demography. Despite a similar demographic and background, the abortion law has been substantially liberalised in Ireland since 2018 and criminalised in Poland with repetitive restrictive laws (Calkin & Kaminska, 2020). The severely restrictive end of the continuum mentioned initially includes countries that entirely terminate abortion services or permit it if the mother's life is in danger (Blystad *et al.*, 2019). Poland is an instance of one such country. To comply with the national aims of procreation (Heinen and Portet, 2010, p. 1012), Poland adopted an 'ethnic Catholic vision' (Kozłowska *et al.*, 2016, p. 834) which was put into effect by various public policies, particularly in the realm of reproductive rights, which narrowed the role of a woman, actual or potential, solely for procreation.

Additionally, the government of Poland created hindrances in terms of limited to no access to proper medical care, contraception and reliable information on birth control (Caytus, 2013; Domaradzka, 2008; Nowicka, 2008) to outlaw abortion on social and economic grounds (Caytus, 2013). The stringent laws of Ireland transformed to be liberal with pro-choice activism (Knill & Hurka, 2015) as well as the public expression in terms of dissatisfaction and noncompliance, resulting in the then stringent law to conflict with public views and thus, provoking the reluctant political class to take the desired action (Calkin & Kaminska, 2020). This section is a compilation of different natures and transformations of abortion laws amongst some religiously inclined countries. Knowledge of what already exists would enable an informed comparison, allowing the understanding of the stance of the Texas Heartbeat Act in this context.

The Impact of Restrictive Reproductive / Abortion Policies

This section of the review establishes the impact of abortion policies on the stakeholders, especially women, and medical practitioners. The review contrasts these impacts as per the nature of the policy, enabling the identification of the similarities and differences between the impacts detailed in the review and those recognised in the case study. Exploring the possible reasons for the differences and similarities would enhance the understanding of how the Texas Heartbeat Act is different and unique.

The impact of unintended pregnancy, which is one of the social causes of abortion, varies as per woman's health, family dynamics, economic resources and access and availability to safe medical care. Women resorting to unsafe abortion due to unavailability or restricted access to the above-mentioned resources could experience long-term disabilities such as uterine perforation and chronic pelvic pain ("Safe and Legal Abortion is a Woman's Human Right", 2018). Such disabilities could also cause high maternal mortality, such as in Tanzania, where abortion is severely restricted and is allowed only when the mother's life is in jeopardy (Blystad et al., 2019). Abortion is one of the safest medical procedures when practiced under appropriate medical expertise in a proper setting. Where there is access and availability to safe abortion procedures, the likelihood of mortality resulting from the procedure is one per 100,000 procedures. On the contrary, in countries such as Poland and Tanzania, where abortion is illegal and highly restrictive, mortality due to unsafe procedures is several 100 times higher than when the procedure is carried out by medical professionals in a safe environment (Blystad et al., 2019; Center for Reproductive Rights, 2010).

The case of *R.R. v. Poland* is an instance of the outcome of restrictive laws. The European Court of Human Rights established that despite the foetus having an incurable deformity with *R.R.* entitled to abortion as per Polish law, *R.R.* was not allowed to terminate her pregnancy which resulted in Poland violating her right to be free from inhumane and degrading treatment. The Polish court's defence which was temporary anguish of the baby's survival and financial burden. In a similar case of *L.M.R v. Argentina*, the court's defence to block her access to abortion was their own partial and discriminatory outlook of abortion. This caused *L.M.R* intense mental suffering, a similar violation of a human right described above ("Safe and Legal Abortion is a Woman's Human Right", 2018).

Politicians, notably in Poland, have become central stakeholders in the abortion debate (Kramer, 2007), given their belief or support could determine their likelihood of being in power and authority. Thus, with Poland being under the Church's thumb, opposition to abortion became synonymous with patriotism and religious piety, a symbol of Polish democracy (Caytus, 2013). The review thus far has sufficiently established the primary bearers of abortion laws to be women who seek and undertake abortion. However, with laws such as Poland's 'conscience clause' and pressure

from the Catholic media and the Church, the doctors are propelled to deny abortion and those who do provide are blocked (Mishtal, 2015; Szelewa, 2016, p. 755). Such laws are likely to affect doctors economically and financially and as a result of delays in testing and treatment, the females are likely to suffer miscarriages and preventable deaths. Additionally, the same government is obligated to get the professional licenses of doctors revoked and sentence imprisonment to doctors and any better involved (Caytus, 2013).

As a result of such severe restrictions, Poland's underground abortion industry is booming. With women either seeking private services or travelling abroad to obtain a clandestine abortion, costs, language and logistics become significant barriers for Polish women to secure safe abortions and even more challenging for women in rural areas (Caytus, 2013). As a result of such restrictive laws and concoction of personal perspectives and medical duty, one of the cases also involved a Polish woman being virtually blind post-delivery despite her best efforts to seek an abortion to prevent this very happenstance. Safe abortion measures can prevent, or at least mitigate, the impacts established above. Zambia, for instance, widespread availability of contraception and abortion has one of the lowest maternal mortality rates (Blystad et al., 2019).

Thus, criminalisation of abortion, instead of mitigation or prevention, results in not only unavoidable risk and danger due to unsafe abortion, but is also likely to result in one permanently losing their living. Poland is primarily used as an instance to highlight the impact, given the severely restrictive nature.

The History of Reproductive Rights in Texas

Texas is the second-largest state in the United States and has the second-largest population among all the states in the country. Thus, resources to serve a large population such as Texas must be sufficient to meet essential needs, especially healthcare such as affordable health coverage, information and services about sexual and reproductive health (Hasstedt, 2013). The case in Texas to seek abortion services is quite the contrary, given restrictions are stacked to the fundamental core of these services, such as fewer clinics which increase the longevity to seek necessary medical attention. Such restrictions also manifest themselves in the form of expensive contraception, valued at the same rate as an abortion procedure (Process, 2016). Given the frequency and availability of services, one can assume the degree of laws enforced to restrict abortion. The timeline of these laws ranges from the 1970s, when abortion was declared a constitutional right nationwide due to *Roe v. Wade* (Process, 2016), to the current period. This section aims to lay a foundation for the Texas Heartbeat Act and showcase the differentiating factors.

1973

Considering the landmark decision of *Roe v. Wade*, the U.S. Supreme Court overturned the Texan law of banning abortion except when the woman's life is in danger. It stated that all costs of this procedure were covered by Medicaid, public health insurance, until the Hyde Amendment in 1976 (Swartz, 2021).

Ever since *Roe*, federal governments have been making it harder for women to access their constitutional rights birthed from the verdict of *Roe* (Process, 2016).

1976

Process (2016) identifies the passage of the Hyde Amendment, which restricted the federal funds allocated to abortion apart from the cases of rape, incest or life endangerment, primarily affecting the marginalised population (Svokos, 2021).

With medical advancements, abortion procedures have become safer and more accessible, thus instigating politicians to make the procedure invasive and expensive (Process, 2016).

1977

Texas introduced the law, which allowed hospitals to decline the procedure for any reason the administration deems fit (Process, 2016).

1985

Restricting abortion care to only state-licensed physicians, thus enhancing the degree of availability and accessibility (Process, 2016).

The 21st century brought a series of rapid and stringent restrictions (Process, 2016).

2003

The 'Women's Right to Know Act' mandated the dissemination of misleading information such as abortion, increasing the risk of breast cancer and thus providing alternatives to abortion such as a state-mandated list of counselling organisations (Swartz, 2021) whilst enforcing a waiting period of 24 hours before the procedure ("A Recent History of Restrictive Abortion Laws in Texas", 2021). This could be fatal given that cases where abortion is necessary often require immediate attention.

2011

Mandating medically unnecessary sonograms and requiring doctors to verbally describe the contents of the image (Process, 2016), such as the description of the foetus, the heart activity and an opportunity to hear the cardiac activity. Consequently, funding for the family planning programme for 146 clinics was terminated, with more than 60 shutting down (Swartz, 2021). The H.B. 2, also known as the omnibus abortion bill, imposed further restrictions on availability and accessibility ("A Recent History of Restrictive Abortion Laws in Texas", 2021).

2017

Texas banned insurers from covering abortion in a detailed healthcare insurance plan and mandates the purchase of separate coverage for unplanned pregnancy and abortion care ("A Recent History of Restrictive Abortion Laws in Texas", 2021; Swartz, 2021).

Thus, this section provides an overview of the nature and intensity of the restrictiveness of abortion laws in Texas.

Methodology

Thus far, the paper has reviewed a series of literature focusing on the extent and impact of the involvement of religious ideals in framing social policies such as abortion. It has also provided a quick overview of the impact such religiously influenced laws have on its stakeholders. A case-based study is adopted to determine the involvement of religion in structuring the 'Texas Heartbeat Act'. The intention is to consider the case as proof of the hypothesis established in the literature

regarding the restrictive nature of abortion policies as per geographic region. This study is unique considering it is a breakdown of a specific law and not a general law as per the country. The breakdown of a specific law is likely to bring out specific nuances of religious involvement, enabling tackling the same. Given that the case in question is deemed to be one of the most invasive laws in the country, it acts as a yardstick to analyse other specific laws. Data has been collected using secondary sources such as journals, newspaper articles, blogs and briefing papers.

Case Study

According to the International Humanitarian Law and the Centre for Reproductive Rights, access to safe abortion is a woman's right to life and health. An absence of abortion services is likely to propel females to secure abortion clandestinely, which is proven to be unsafe and life-threatening. Additionally, such clandestine abortion services could result in improper postabortion care, an essential criterion for safe abortion and the absence of which is likely to cause long-term severe health complications ("Safe and Legal Abortion is a Woman's Human Right", 2018). Boland and Katzive (2008) have compartmentalised the abortion laws of different countries in varied ways, ranging from 'severely restrictive' to 'liberal'. As detailed in the literature review, O'Connor and Berkman (1995) establish a relationship between one's political affiliation to opinions on abortion, whereas Republicans are against abortion. Given the history and nature of abortion laws in Texas, in addition to the common knowledge of the state being

The motivation to enforce a limiting abortion law such as this is primarily to protect the baby, the life of whom is determined as a result of what is mistakenly assumed to be a 'foetal heartbeat' (Montana, 2021; Olohan, 2021) when it is scientifically a cluster of pulsing cells merely reassuring a developing pregnancy (Rogers, 2021). The Act's unique framework is designed to suppress legal intervention if one tries to claim their constitutional right to abortion, thus hesitantly propelling abortion providers to adhere instead of seeking courtroom justice (Najmabadi, 2021).

The draconian abortion law of a democratic state

Texas has an infamous history of imposing regressive abortion laws in the state. The Texas Heartbeat Act is no exception and as per Glenza (2021), the state is the first in decades to ban abortion. The Texas Heartbeat Act, also known as the 'Pro-Life' law, went into effect on 1 September 2021. The law prohibits abortion post six weeks, regardless of rape or incest, except for medical emergencies. The six-week window is insufficient time for one to determine their pregnancy, let alone act on it (Najmabadi, 2021; North, 2021). This effectively results in a total abortion ban which might coax women to take up unconventional methods to exercise their constitutional rights. The law restricts anyone providing abortion in violation of the Act, doctors or otherwise, by encouraging citizens of the state to file a lawsuit for 'aiding' and 'abetting'.

Additionally, the one who reports the 'aiding and abetting' is entitled to \$10,000 for each abortion procedure (Glenza, 2021). The power and incentive given to private actors to enforce the Act are based on the English Common Law for citizens to take charge of the common good (Olohan, 2021). To claim the 'bounty', one must not be necessarily related or connected with the abortion seeker or provider, which means that anyone with knowledge of the procedure taking place could claim the \$10,000. Thus, implies that a nurse in an abortion clinic to an Uber driver who knows that the abortion seeker is visiting the abortion clinic can sue, and receive the \$10,000 with no additional legal expenses incurred on their part (Olohan, 2021).

Alternatively, women who endure a miscarriage would not be under the scrutiny of law for any violations but instead access proper care and quality medical services. The law overlooks the miscarriage because, unlike abortion, miscarriage is referred to as an unintentional accident. The

law states that abortion is unlawful even in cases of rape and incest. However, this does not provide the rapist with the immunity to sue her for an abortion if she chooses to have one. This is because an amendment of the law precludes the perpetrators of rape, sexual assault or incest to file the lawsuit. This notion aligns with the pro-life's agenda of holding in contempt individuals who commit such heinous crimes and thus, demand an intervention of the justice system (Briseno, 2021). Such provisions seem to fit into the ideology built by members of the society. Thus, when such instances call out laws to be unambiguous, it becomes almost grey. Here, religious morality is disguised as the law. Furthermore, O'Connor and Berkman (1995) found that Catholics are disproportionately pro-life, with a significant proportion of Texans staunchly adhering to certain religions. Thus, building their understanding of morality out of it. ("Religion in America: U.S. Religious Data, Demographics and Statistics", 2021). This highlights specific religious nuances of the law and the influence pro-life groups are likely to have. According to Harper and Klibanoff (2024), there exists a synergism between the growth of the Republican party and the pro-life movement. People involved in the pro-life movement also amount to voters. It is politically appealing to this ideology that the pro-life movement secures its agenda. It is also through filing for repeated ordinances through private lawsuits by these groups that the agenda creates political pressure to see through it.

Two aspects of the law must be observed to ensure that women can exercise their constitutional rights. The law is likely to have a deficiency either in terms of restrictiveness of the law or degree of accessibility. The Texas Heartbeat Act attacks both these aspects, framing the right to be a crime. The aspect of restrictiveness can be defined in terms of the six-week window within which abortion is allowed to be sought and accessibility in terms of the \$10,000 reward in addition to the legal suit which restricts her from seeking necessary medical care.

This section further discusses how the 'Texas Heartbeat Act' is the most pertinent instance to address religious influence on abortion laws and addresses the two research problems in the context of the case.

The Significance of 'The Texas Heartbeat Act'

The Texas Heartbeat Act is a relevant and unique case to establish the innate gender disparities and unempirical beliefs of religion affecting the legality of abortion laws that limit the female's bodily autonomy. It is a recent case, which makes our understanding of the theme relevant and timely. Texas is one of the most religious and politically influenced states, which fits the characteristics of other states, such as Poland, with aggressive abortion laws primarily influenced by religious teachings.

The Texas Heartbeat Act stands out from any of the laws concerning abortion in the country because of a singular yet essential feature of the law. Private citizens act as state actors by enforcing the law and filing civil suits against abortionists. Thus, one way using which abortion providers can claim a defence against the Act is by arguing the unconstitutionality of the law, violating the precedent set by *Roe v. Wade*. However, before that, abortionists need to be sued. Without being sued, this precedent cannot be argued upon (Israel & Perry, 2021).

Thus, if Planned Parenthood had to sue the state based on the law's unconstitutionality, the organisation would have to be sued first to present its case. Moreover, even if it gets a chance to be sued, the state will likely pass a judgment favouring the state law, The Heartbeat Act (Najmabadi, 2021).

Aspects of religion influencing formation and implementation of ‘The Texas Heartbeat Act’

It is necessary to understand the extent of influence religious views have on laws, especially about one’s life given the opined nature of religious notions favouring the specific demographics in terms of a clean conscience at the cost of reprimanding women of their constitutional rights with laws. Laws, which are supposed to secure one’s rights as a human and citizen and mitigate any abuses by people regarding the same (“Why Do We Need Laws? The Judicial Learning Center”, 2021), become favourable to some when influenced by religion, thus contradicting its objective. Therefore, knowledge about the degree of influence is necessary to make the law equitable. Numerous Heartbeat bills across the country are based on prototypical legislation penned by the nation’s most prominent network of the pro-family group called Faith2Action (North, 2021). This Bill shares many similarities with the Texas Heartbeat Act. One of them is that the foetus has a heartbeat when it is, scientifically, a group of cells engaging in electric activity, suggesting no indication of life (Rogers, 2021). Greg Abbott, the Governor of Texas who signed the bill into law unopposed by the Supreme Court, bases the Act on the unscientific claim of saving lives (Najmabadi, 2021). However, this very idea is advocated by pro-life groups with the understanding of ‘life beginning at conception’, a notion likely influenced by religious teachings.

The Impact of ‘The Texas Heartbeat Act’

To understand if the law was rightly implemented, the impact it has had on its stakeholders must be determined. Montana (2021) explicitly states that the Act's prime stakeholders are medical practitioners, referred to as abortionists. However, it has no less impact on women who want to seek abortion as well, given they scramble for alternative methods such as visiting out-of-state clinics or undertaking ‘self-managed’ procedures (Bohra, 2021). Women, especially those of colour and undocumented, with low income, bear the brunt of the ban. Driving out of state is especially difficult for them since they cannot leave work and get child care, let alone drive a car out of state with no means to afford the gas. This leaves them with no choice but to resort to unsafe abortion measures, which can be fatal (Solis, 2021). Those who can afford to travel out of state have been since the law went into effect. However, these neighbouring states find it challenging to cater to a large swarm of patients travelling hundreds of miles for abortion care due to limited resources.

Additionally, some are propelled to carry pregnancies till the end of the term (Glenza, 2021). Those who ‘aid’ and ‘abet’ abortions are likely to be individuals and organisations such as families, counsellors and abortion funds who would be worth \$10,000 if reported. This could impact their livelihood. Lastly, the power given to private actors is likely to be exploited with frivolous suits, which is likely to have an emotional and financial toll on those accused of securing abortion (Bohra, 2021).

Discussion

The Texas Heartbeat Act is one of the most restrictive laws in the history of the state and the country. However, unlike the history of laws in Ireland that progressed over the years as a result of constant protests and advocacy for abortion, the laws of Texas continued to be aggressive and limited in terms of women practicing accessibility and, thus, their rights. This has been the case in Texas despite the majority of the Texan population supporting safe abortion. One of the reasons for the sustenance of such restricted laws could be the lack of active protests and active expression in support of abortion and the lack of constancy in displaying a particular opinion over the years.

The constancy and display of expression in Ireland was at a wide scale and despite the Church being in authority, it was the people, for once, that held power in unison to demand change. Religion and politics have seemed to play a prime role in structuring the Heartbeat Act, like other abortion laws worldwide. However, it can be deduced that politics seemed to have a more significant influence in framing the law.

Considering Texas is a Republican state, ideologies attached to it are mainly conventional. Such ideologies often form a concrete basis of familial values and relationships which are often inspired by the foundation built on teachings of different religions and what the society takes from it in such a way that it is lucrative and convenient to their existence and reality. For one to exist in a society with minimal conflict, one needs to adhere to conformity. Ideologies of such nature continue to percolate and thrive as a result of that. One such ideology is being 'pro-life', which is the foundation of the Act in question. Thus, it can be said that the Act is an identity for the politicians representing the state and the party. Like other abortion laws discussed in the review, primarily that of (Blystad et al., 2019), the degree of restrictiveness concerning accessibility can be observed. In the case of the Texas Heartbeat Act, the restriction of six weeks was complemented by access deficiency in terms of medical services. The severity of both restriction and access is such that it is forcing many women to pursue unsafe abortions regardless of the level of fatality. The same has been the case of laws in Poland and the Philippines, as reviewed in the literature, wherein unsafe abortion was always considered despite the severity and scrutiny. Therefore, the greater the degree of severity of the law and deficiency in access, the greater the gravity of unsafe abortion and the higher the chances of mortality caused as a result of the same. A critical difference that makes the Texas Heartbeat Act stronger yet questionable regarding its legality is the \$10,000 reward bestowed upon those identifying those 'aiding and abetting' abortion beyond six weeks. Some might take undue advantage of the law to earn the reward. However, one of the fascinating aspects of such a case is that accountability is transferred from state to private actors. This means that state actors, such as the Attorney General, take little to no accountability and responsibility for the enforcement of the law. Non-compliance of the Texan population to report, regardless of the monetary reward, could weaken the effectiveness of the law altogether. The law itself is questionable because it is unconstitutional since it violates one of the amendments of *Roe v. Wade*, a landmark law on the subject of abortion. The Supreme Court's decision not to block the law despite the violation indicates further permeation of such laws, risking women's lives and threatening their constitutional rights.

Solutions and Recommendations

To access safe abortion, despite restrictions and accessibility, it is necessary to exploit the loophole in the law. As is with the Texas Heartbeat Act, the reliance on implementation of the law relies on private citizens functioning as state actors. If the private actors do not report the abortion, those who 'aid' and 'abet' will continue to perform their duty of providing abortion and post-abortion care services. If no private actor reports, no 'abortionists' would be held in contempt by the law. Thus, the process of filing a lawsuit is erased altogether. Hence, one of the solutions could be not to report the violation of the law. This would have been ideal if a monetary reward of \$10,000 had not been promised upon reporting. Another solution could be to stir up political protests, similar to those in Ireland, which transformed the abortion laws. This can be done by educating and sharing accurate information with the Texan population, first on a small-scale basis. This is likely to be successful given that the majority of the population supports abortion already. Some dissemination of knowledge and conviction could go a long way in overturning the law.

It is recommended that the state not apply a standard abortion law to the general population and consider addressing it on a case-to-case basis with a broad set of essential criteria. Each need for abortion is unique. Addressing it on a case-by-case basis in a court specially designed for cases of abortion could prevent females from undertaking unsafe abortion measures altogether. Additionally, decisions about such cases should be based on whether continuing the pregnancy could deteriorate a woman's situation, considering all aspects (Center for Reproductive Rights, 2010).

Conclusion

This paper attempts to establish the influence religion has had on the female anatomy and, as a result, the costs that have to be borne by females. It has been prominent throughout the paper that religious connotations can be identified in the law. However, for the Texas Heartbeat Act, religion's influence is not as significant as in Poland. However, politics continues to influence the Act, more so than religion for the Texas Heartbeat Act. As has been established in the paper, politics is influenced by religion and thus, so are abortion laws with religion. The restrictiveness of the law, despite the disapproval of the Texan population, went into effect, which, whilst reducing the number of abortions, cost the people their lives and, some of them, their livelihood. Such enforcement is a result of the conservative majority held by state diplomats. The Texas Heartbeat Bill enforces a six-week abortion ban, the most restrictive yet, and a reward of \$10,000 offered to those who accurately reported the 'crime'. Despite having inherent loopholes in the law and the degree of restrictiveness, the need for undertaking abortion is not forgone but instead unorthodox.

To some extent, even fatally unsafe procedures are undertaken to yield the same output. The reason for seeking such services is embedded in their well-being and that of their families. However, some of the reasons could be rape, incest and financial constraint. A case study methodology was the best way to address this theme and this Act since it enabled in disentangling of key findings and concluding the extent of differing effects it might have considering its unique nature of transferring the role of state actors to private actors for enforcing the law. The workaround for such restrictive abortion laws could be to fundamentally change the legal system to address this cause on a case-by-case basis to ensure the woman's constitutional right whilst, given the uniqueness of each abortion situation, doing what is best for the individual.

Directions for Future Research

The study does not come without its limitations and one of them could be the lack of generalisation or application to other laws of similar nature. Hence, the religion's involvement in the abortion policy framework can be analysed from a different perspective, such as those affected by the law. Similar studies have been done considering a similar perspective. However, studies can be undertaken considering those affected by such laws and the essence of religion in each of them, without considering regional boundaries of state or country. A severe deficiency in terms of literature and current studies exists regarding addressing the transgender population. The impact and effect of the current law on this demographic is necessary to understand what terms the current law lacks and how it can be amended to make it more inclusive.

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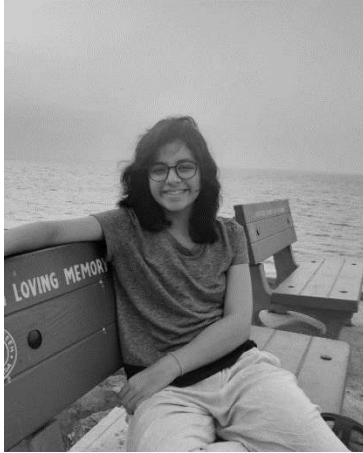
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Meet the Author



Delzine Wankadia is a graduate of Symbiosis School of Economics in Pune. She has been part of the 2022-23 cohort of The Gender Lab Fellowship which gave her space to explore and understand the lived realities of adolescent girls in schools across Mumbai with the intention to build awareness amongst girls about self, their potential and the gender stereotypes that surround them. The fellowship was a pivotal period for Delzine, enabling her to question the existing narratives in her own life. She is a cinephile and is almost always in awe with anything and everything new that crosses her path.

Women and Veil: From a Cloth Culture to Purity-perfection culture

Ruby Thomas

Abstract

This paper seeks to understand the meaning of “Ghoonghat” / “Purdah”, a custom veiling woman, from the male gaze. Though introduced relatively as a dress code, its fabric position soon turned into an ideological symbol of family honour and a measure of controlling the sexual ‘purity’ of women, psychologically entrenching its roots deep well, even now, in the 21st-century metropolis life. Since women are presumed to be unable to defend themselves against the sensual temptations of other men, the “veil” became the saviour - serving the means of “so-called” protection and control over women’s sexuality. The paper dives into the perspectives of various historians and contexts from different periods and regions in India to understand how a fabric, once a symbol of elegance attained its current role in gender discourse.

From portraying the reverence and faith in various religious ceremonies and the “modest and untouched maiden” in weddings and ingraining itself as a mundane habit for women, the veil/purdah/ghoonghat have all surpassed the singular definition of a piece of cloth. Contrary to the popular belief, the veiling, usually done by using the loose end of a sari or a dupatta to cover the head and often the face did not arrive with the rule of the Delhi Sultanate or Mughals; it was very much indigenous to the subcontinent. Its origin can be found in the ancient Sanskrit word “Avagunthan” which meant “cloak veil” (Madras Courier, 2022). Thus, in ancient societies, the veil was a long embroidered cloth covering the head up to the knees like a cloak.

According to Anja Kovas (2004), the early 20th century Uttar Pradesh saw formation of what was a homogenous “Hindu identity” through the reconstruction of patriarchies; the works of publicists and writers influenced concerns on male sexuality and masculinity. The reaction was to control the chains of seclusion of Hindu women and othering of ‘Muslim men’- the period witnessed a deliberate segregation of romance, lust and bodily pleasures as feminine and part of uncivilized Muslim culture. Definitions of civilized society formed through careful construction of women’s social and domestic space; the connotation of “mothers” were promoted- a visible symptom of anxiety relating to the Muslim men’s sexuality and interaction with Hindu women (Kovas, 2004). The systems of female seclusion gained momentum and it is no doubt that the veil served as one of the systems in establishing this distinction and control of Hindu women.

However, according to Prem Chowdhry (1993), in the context of resettlement post-Partition, the reverence to the obedience of veiling as a tradition became insignificant for the women; they had to be the breadwinners for their estranged families and finding means of livelihood in new refugee places - traditions at this point could wait and these women were shunned for their sheer ignorance and blunt defiance of ghoonghat culture- especially by the Haryanvi communities.

According to Hanna Papanek(1973), most scholarly arguments overlook the understanding of female seclusion and its connection to societal aspects like status of women, division of labor and ownership over property which “were spreading in the countryside while sometimes declining in towns and perhaps increasing in cities” (Papanek 1973, 290) .This is also true for systems that were offering this female seclusion. She further reiterates how the role of women has been given less emphasis in most works done by anthropologists and sociologists in South Asia except in the framework of kinship relations and their studies.

Moreover, understanding the perspective of secluded women through the writings of men is biased; they are sidelined from mainstream exchanges and discussions on public ideas and do not get to present their reflections except possibly in vernacular literature. However, this is not to say that the secluded women were isolated from communications, attributes and discussions within familial settings; the direct communication of their ideas to the outside public was almost invisible (Papanek 1973).

It is recently, from the 1970s onwards, one finds the development of gender studies in South Asia, including the concerns of the veil and its connection to women and other aspects of life, taking a central stage. The veiling received attention of foreign writers who treated it curiosity while foreign journalist and reformers reacted a bit stronger- perceiving it as a visible ill in the society. Western missionaries saw it as a confirmation of the lowly identity while Indigenous reformers saw it as a status of women in Indian society. With changing patterns in the urban and rural living along with political and economic changes in the post –colonial societies have enabled to understand the female seclusion system better – taking into consideration and connecting it to different aspects like class division, labor division, socio-economic changes (Papanek 1973).

Chowdhry(1993), remarks that the tradition of ghoonghat is considered by the local masses, as offering *izzat* (honour) to the elders and others and to indicate a woman’s *sharm-libas* (modesty and deferential behaviour) where the modesty of a woman is defined as ‘*unkh ki sharm*’ (eye modesty). She is expected not to make direct eye contact with the elder males of the villages and her unveiled eyes in the workspace, mostly agricultural, are accepted not only due to the work necessity but also because, at best, her interactions are limited to other womenfolk and men from lower caste/class.

Examining the hierarchical authority within the family and society, Chowdhry(1993) further remarks how a woman in Haryana who shows reluctance to or does not observe the ghoonghat custom is called *danangi* (nude) or *be-sharm* (shameless) and even *badmash* (loose character). While the male logical response within the folds of the patriarchal ideology can be aggressive, verbal and many times physical suppression and indecent behavior including forced rape, it is the older women of the household and the society who are particularly vocal and condemning such acts – who could also, on one hand, be looked down upon or verbally condemned for not being able to ‘control’ their daughter-in laws. This form of condemnation, in favour of ghoonghat, clearly arises from their positions within the families and societies; in Haryana, ghoonghat is not only observed by women in the presence of husbands, other males and elderly males but also towards mother-in-law and other elderly women. Therefore, according to Chowdhry’s(1993) analysis, the ghoonghat imposed on women is a compliant and submissive behaviour not only in the presence of males but also with senior women offering women less chances to disrupt the patriarchal settings and hierarchy of dominance.

Isha Mathur(2018) in her work, looks at the Marwadi communities of Western India and the narratives of female experience to bring insights into the prevalent Ghoonghat tradition. She refers to this, and many other practices as “cultural artefacts that act as metaphor of seclusion of female identity”(Mathur, 2018, 169). She explores the Marwadi communities who are originally from

Jodhpur and specialise in the commercial and trade profession. The Marwadi women primarily use ghoonghat after their marriage and in their in-law's houses. The new bride wears the ghoonghat as a form of respect to her in-laws including the senior female family members, "In complying with the tradition of a ghoonghat, the daughter-in-law is also expected to veil her voice. This implies restrictions on the expression of her thoughts and opinions in the presence of her in-laws. In this way, veiling enforces familial hierarchy and female subjugation in the name of 'modesty'. This shows that 'public' and 'private' are not distinctions tied to the nature of the space itself but more to the gendered interaction of kinship. Thus, veiling in Marwadi communities produces a complex sense of space based on a woman's kin relationship to that space" (Mathur, 2019, 171)

Similar to ghoonghat was the growth of the system of "purdah". In her work, "Purdah", Elizabeth White (1977) notes the Purdah as the physical manifestation of the hypocritic mindset that requires the "strict virginity" and "fidelity of women"; "female promiscuity is more feared than incest or male homosexuality". According to White (1977), the basis for the institution of Purdah can be found in the holy book of Koran which advises women to lower their gazes in the presence of men and to be modest. Over the years these "advice" 'injunctions evolved into systems that segregated both sexes from each other; purdah being one of those systems apart from the "harem" system that further evolved, during the Mughal Dynasty, to seclude women physically away into a separate space. According to D.Jhala (2006), the women in Mughal times can also be seen as objects or symbols of power relation between men; the desirable objects of marriage alliances or producers of son. They were properties in the power balance and relations between kingdoms and men of power and largely we see an absence of their voice in governance, diplomacy and choice of marriage.

The tidal change of power from the Mughal Dynasty to the new Colonial Regime legitimised the Englishmen as the new controller of the administration which overwhelmingly assumed a masculine character. This was accompanied by the scientific race theories that were carried out in the 19th century which established the inferior position of the coloured race and not surprisingly women. In her work, Indrani Sen(1997) quotes one such scientific theory of the colonial period, "'The skulls of man and woman are to be separated as if they belonged to two different species ... we may therefore say that the type of the female skull approaches, in many respects, that of the infant, and instill greater degree, that of the lower races" and Sen(1997) further reiterates, "Thus, in a conflation of racism and sexism women and the darker races were bracketed as similar, and as inferior to the white male....This argument sought to reinforce the theory of the inability of women and the darker races to govern either themselves or others, both at the macrocosmic level of politics and at the microcosmic plane of the familial home; thereby validating the necessity for their being governed and controlled by the adult white male"(Sen, 1997,357).

The Purdah system gained a new definition and dimension with the British Courts perceiving the life behind the veil as a norm of feminine seclusion. The women were referred to as "Parda-nashin" (the woman who sits behind the screen or purdah).It was viewed as an oppressive system by the Europeans, with the women subjugated to the tyrannical behaviour of the males (Ahmad, 2016). The view was further used by the British jurists for women from across classes and religions, confined to the 'rule of seclusion' and not just to Muslim women- all who were subjected to manipulative practices that the Courts of Law took note of when dealing with cases of deeds and power, that these women held.

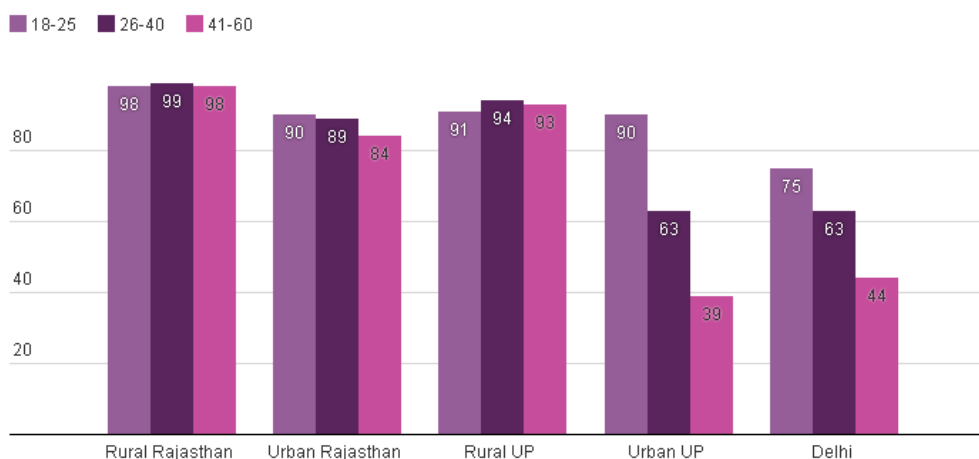
In his work, Sk. EhteshamUddin Ahmad (2016) mentions examples of such judicial cases where the representatives (Mukhtar) of these women forged terms and fairness in their favour, rather than the woman who was the owner of the property. They were not perceived as capable and independent owners and therefore exploited under the influence, after which the Courts of Law

mandated that these women thoroughly understood the terms so that she was not manipulated or wrongly informed. These recurring incidents make aware how isolated the women were from their “real powers and decision-making role” despite being the real owners of properties or holders of powers- the secluded life behind a screen forcing them to take the assistance of agents, who in turn deceived and influenced these women to facilitate their benefits.

The 21st-century society has progressed more rapidly than its predecessors and so have the lives of women, slowly and with struggle, in many arenas. Yet, it is with disappointment that one observes that the custom of veiling still exists; its roots psychologically still controlling the minds of newer generations; familial settings and upbringing playing a pivotal role in shaping such psychological understanding of women and the need to confine them to the veiling. Despite modern education and policies of women empowerment- the need to hold some reins over women remains deep seated in the minds of people- fearing the possibility of embarrassment falling on the family.

Surprisingly it is much more impactful in the urban areas than the rural places. In her news article, Jahanvi Sen(2018) presents a graphical presentation of the number of women and the regions that still practice ghoochat system; the survey depicts the ratio of women to the age group of women practising ghoochat in the regions of Rajasthan ,Uttar Pradesh and Delhi.

Percentage of Hindu women practicing ghunghat, by age



Source: SARI/EPW • Created with Datawrapper

Figure 2: Prevalence of the practice of ghoochat
(Sen, Jhanvi (2018), ‘Understanding Prejudice: The Skewed Way Indians Still Think About Gender and Caste’, *The Wire*)

The Indian entertainment industry has also, unintentionally or intentionally, glorified the “ghoochat” custom- presenting practices and bringing familiarity from scenes from the life of Indian middle class to which the industry caters the most especially for the migrant communities residing in metropolis, away from their origins- the industry revives the sentiments and familiarity through representation of traditional settings. The late 1990s saw the release of films with the same title “Ghoochat” (1997) and “Ghunghat”(1996). Though not directly related to the concept, the films portrayed women protagonist in “ghoochats” and the feminine elegance that accompanies them. Many songs and albums, especially by Haryanavi singers, focus on the concept of ghoochat- the shy beautiful woman veiling herself away from male gaze and her veil being the glory of her femininity.

Conclusion

The history of veiling saw it undergo newer definitions, according to different periods in Indian history but at the bottom line, it meant to serve the purpose of controlling women and their movement. No doubt, we see many women discarding this custom and its authority, but with disappointment, we also see on the other side how women are also supportive of this tradition.

What we perceive as simple may often have a deep history that is closely and almost parallel aligned to both historical and gender discourses, especially in the world of understanding gender distinctions created. This fabric culture still holds immense control over the voice and movement of women; to some extent it is possible to call it an oppressor limiting the ability of women to freely navigate their lives. It is of dire importance that more people, both in academics and as a society, address this and make people aware of this cultural bondage we are imposing on women and young girls who might be subjected to the same fate- lest we change it.

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Meet the Author



Ruby Thomas is a budding gender scholar and has received her Bachelors in History Hons from Jesus and Mary College. Her academic journey interwoven with Gender and History has influenced her to research and connect gender with various discourses of history and contemporary issues- including art, mythology amongst others. She aims in voicing gender equality and addressing societal issues through her writings and research.

War as a Gendered and Gendering Act

Bhumika Pant

War, body, and the “politics of injury”

Global politics has always been preoccupied with the problem of war. This preoccupation has assumed greater significance in the wake of the Israel-Palestine question. The dominant understanding of war revolves around states, power, international laws, rationality, and so on. The war-related experiences of ordinary people do not find sufficient space in the analysis of war despite, injuring bodies being the central objective of war. Christine Sylvester in her famous work “War as Experience” argues that “war is a politics of injury: everything about war aims to injure people and/or their social surroundings” (Sylvester, 2013). Thus, injury is not a regrettable consequence of the violence related to war, instead it is the very content of war. Violence being the central component of war includes intentional or half-intentional acts of physically violating the person.

When we study injury as the constitutive element of war, we are bound to place the body at the centre. The war is experienced through the body which is affected physically as well as emotionally and which in turn affects other bodies. The body has the agency to target and injure others in war and is also a target of war’s capabilities. Thus, the body becomes both the perpetrator as well as the victim of war. However, different bodies experience war in different ways marked by the intersectionalities of gender, ethnicity, class, and cultural differences. Bodily experiences of war are gendered. War is thus a gendered as well as a gendering act when viewed through the lens of the politics of injury.

Gendered logic of war

The gendered social identities are an important component in the construction of the War system. Gender is a social construction of identity-based on biological sex. The motivation to fight a war is often grounded in “manhood” while the woman is made the site of culture, nation, community and so on which needs to be protected and defended by men (Yuval-Davis, 1997). The nation is gendered for women and the state for men. The honour of the community is inscribed on the bodies of women. Apart from this, the cultural role of women in reproducing and nurturing the offspring also becomes an important element in the war system. During the Balkans War, the ruling party of Croatia encouraged women to have more babies with their slogan “Fetus is also Croat” (Goldstein, 2003). The systematic sterilisation of Ethiopian Jewish women by Israeli authorities demonstrates the anxiety to control the reproductive abilities of women of other races (Guardian, 2013). Hence, women become the keepers of the community by consolidating its numerical strength and preserving its tradition. It also entails the elevation of ideas of chastity, and virginity, and idealising the motherly role of women.

War inherently remains a gendered act. The recruitment of women soldiers and combatants often mystifies the masculinised nature of the War. However, the underlying idea remains the same, i.e., to “bring the man out”. When women join such institutions, the “attempt is to masculinise them and, at the same time, to relegate them to subordinate positions” (Chenoy, 2002). The motive is to “kill the woman in you.” Thus, the privileging of what is seen as masculine and denigrating of

what is seen as feminine is a pervasive theme underlying every war system. The symbolic feminisation of the enemy is prevalent across war systems. In December 2023, the images of Palestinian men stripped down to their underwear with their heads bowed down while being surrounded by the Israeli military symbolised the same (Guardian, 2023).

Another important aspect of the gendered construction of war is the phallic symbolism of war weapons. Joshua Goldstein brilliantly analyses the language used for military and nuclear training as being coded with sexual imagery and metaphors (Goldstein, 2003). For instance, “the bombs dropped on Japan in 1945 were named “little boy” and “fat man”. The weapons are equated with the penis. Corollary, the targets are feminised.

Wartime Sexual Violence on Gendered Bodies

It is the strategic and significant position of women’s bodies within a culture that makes them vulnerable to Sexual and Gender-based Violence (SGBV) during wartime. Women’s bodies are the repository of the honour of the community and property to be protected by men. The recognition and status accorded to a woman by her community are highly dependent on her sexual relationships, whether coercive or consensual. During the Third Reich, the Nazi ideal of femininity encouraged the German women to bear and raise pure Aryan children. The sexual and reproductive ability of women were thus entirely at the service of reproducing Aryan pride. Similarly, the Brahmanical virtue of female chastity has been essential in the preservation and reproduction of purity of a lineage along caste lines. This commodification of women gives rise to the notion of “our women” versus “their women”. The very idea of women possessing the honour of the community enables in making sexual violence against them as an effective war strategy. History is profuse with such examples. The case of Bosnia is crucial in this respect. Mostly Bosnian Muslim women were systematically targeted by Bosnian Serb forces. Women were often raped in the presence of their family members to add to the community shame and ‘dishonour’. Sexual violence is used as a strategy to humiliate the enemy men by highlighting their inability to protect their women. The men of the enemy community are targeted through women and their bodies. The cases of forced impregnation of women during wartime show the attempts to “pollute” the ethnic “purity” of the community. During the Bosnian war, Bosnian Muslim women were forcefully impregnated by Serbs to give birth to little “Chetniks” or Serbian soldiers (Independent, 1993). Thus, sexual violence in wartime marks the difference by attacking the “other,” but it also erases it by destroying or attacking the ethnic purity of the “other” through forced pregnancy.

Wartime Sexual Violence as Gendering Bodies

Sexual violence is predominately carried out by men, though some women commit sexual violence as well. Similarly, there are male victims of sexual violence too. Sexual violence is not simply a performance of fixed genders but a gendering act. Across the conflicts, women perpetrated sexual violence, took an active part in general violence, and held positions of command. In Bosnia and Herzegovina, men were targeted with castration, circumcision, and other forms of sexual mutilation (UN Commissions of Experts, 1994). In another instance, the sexual torture of Iraqi male prisoners by American forces in Abu Ghraib stands out (Taguba, 2004). These divergences from the general pattern, although limited, reinforce the idea that sexual violence is not simply a performance of fixed genders but a gendering act. Perpetrator and victim (and their associated communities) are gendered into a “powerful masculine” role and a “weak feminine” role, respectively. This brings us closer to the conceptualization of gender as ‘performative’ by Judith Butler (Salih, 2006).

Gendered acts constitute gendered identities. The feminisation of the enemy and masculinisation of oneself is an important gendering act in the context of war. Various means of feminisation of the enemy such as gendered massacre, castration, circumcision, homosexual rape, etc have been used throughout history. By marking the enemy “feminine” or “effeminate”, their ‘natural’ subordination is established. Thus, we can see the sexual violence inflicted on men during wartime as an act of “feminisation” of the enemy.

The War system capitalises on and reinforces gendered relationships. Seen through the lens of bodily injury, war can be understood to be affecting differently gendered bodies in different ways which ultimately perpetuates oppressive gender norms. The underlying logic of dominance, protection, and honour in a war is inextricably linked to the prevalent gender norms.

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Meet the Author



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Gender and Politics in South Asia

Surabhi Sinha

A sizeable body of work has been written about gender and sexuality in South Asian states. Although it refers to a geographical region, the phrase "South Asia" is occasionally used incorrectly to suggest political and historical unanimity. With a focus on India, Bangladesh, Pakistan, and Sri Lanka, this entry examines general tendencies in South Asian gender, politics, and the state, the Maldives, Nepal, Bhutan, or Afghanistan, which are recognised to be notably different historically and politically even though they share similar dynamics. About gender and sexuality concerns. The focus on India, Bangladesh, Pakistan, and Sri Lanka is appropriate given the literature on "South Asia," which frequently discusses these four nations individually or in relation to other regions. It has been said that the focus on South Asian studies reproduces the regional hegemonies that have governed the region history.

South Asian nations share a common history of colonisation by the Portuguese, Dutch, and British, which contributes to a certain level of historical resonance. But not all of South Asia's nations were colonised, nor were they all colonised to the same extent by the same European imperial power. Many parts of modern-day South Asia were historically closely linked to Tibet, Persia, Central Asia, and Southeast Asia. The historic Indian Ocean trade encompassed the western shores of present-day Pakistan, India, and Sri Lanka. These influences have all contributed to the development of modern gender and sexuality politics and discourses in the area. During that time sex trade was prevalent as there was no concept of money, so women were exchanged during that time as still there are some places in world where Sex trade and violation must happen as it is against human rights and it has been problem in today's society to check that such events does not happen. It is important to bring the women more space into the field of Politics and economy to remove the difference, between them to grow more strong. Time has changed with that gender politics need to be changed, in Europe and India women are getting the power but gender differences are there where it needs to be controlled more gendered friendly policies and flexible.

In the modern age, this policy manifests itself in the developmental state's focus on the nucleated family, a tendency to marginalise lower caste communities that lack access to normative forms of householding that are enforceable by the state. The core of Indian feminist demands to implement a Universal Civil Code (UCC) instead of upholding a set of personal laws that deprive women of their rights is problematizing this nucleated family. The Shah Bano case, which started in 1978 when Shah Bano Begum, a mother of five, was divorced from her husband and left without alimony or child support, ignited the UCC discussion. The issue reached the Supreme Court, raising questions about the efficacy of the personal law system. The court supported the husband's right to refuse his ex-wife any kind of financial support in this particular situation.

The debate over personal law in Pakistan took a different turn in 1977 after Zia-ul-Haq declared martial law and ousted Zulfikar Ali Bhutto, the country's democratically elected president. Parts of the same penal law from the colonial era were superseded by the Hudood Ordinance, which Zia passed two years later. The Hudood Ordinance, which was purportedly based on sharia law, established punishments such as stoning, lashing, and amputation in addition to penalties for adultery and fornication. Rape can be considered fornication under the Ordinance.

In the ten years following its passage, Hudood is credited with increasing the number of women detained in Pakistan by a factor of over 100. After the Women's Protection Bill was passed in 2006, some parts of the bill were finally changed or repealed.

Although the laws evolved from Section 377 actually criminalise the presence of sexual minorities in South Asia, their primary purpose is to scare and harass rather than to apprehend and prosecute. There are occasions when police raids on residences and social events coincide with their manifestation in public areas. The vast majority of these exchanges are extortionate in character. However, the effort to repeal the statute evolved concurrently with more generalised visibility of LGBT persons, social spaces, and movements, in addition to further solidifying a network of activist lawyers capable of mounting such a challenge. In this sense, there has been an improvement in the legal and societal acceptance of those who were previously classified as hijra, or "third sex". Hijras, who are born with the assigned male sex, dress like women and live in hierarchical groups called gharana's —a word derived from South Asian musical lineages that roughly translates to "houses". Like kothis and aravanis, hijras are primarily working-class and impoverished individuals. In a decision known as the National Legal Services Authority (NALSA) ruling, the Supreme Court of India officially acknowledged the existence of a third sex in 2014. The government organisation tasked with giving economically disadvantaged populations free legal services is called NALSA. At the last minute, the NALSA judgement was broadened to include transgender individuals in addition to hijra people. Some have interpreted the contradictions between the Section 377 and NALSA ruling as an endorsement of hijra existence through custom, while same-sex desire is perceived as either elite or the product of outside influence. This is true despite an extensive body of research demonstrating that same-sex desire has been a part of everyday life in South Asia since the region's recorded history.

Both the NALSA and the Section 377 rulings touch on long-standing debates about public space and economic class. They also highlight issues about how government institutions and law enforcement handle state control of sexual and gender minorities. Some of these concerns have been overtly bio-political in character since efforts to implement a national identity card in India inevitably bring up concerns about population-wide categorization and monitoring, of which gender identity has long been a crucial element. Other aspects of these discussions have touched on long-running debates about sexual commerce because street-based solicitation for sexual services is policed similarly to gender-non-conformity under Section 377, and because transgender people have used sexual commerce as a means of survival in light of workplace, employment, and housing discrimination against them.

In South Asia, individuals of both genders engage in sexual trade; nonetheless, the international discussion surrounding the phrases "prostitution" has become more intertwined with the topic of sexual commerce. The main topic of discussion in this debate has been women and girls involved in sex work, with the main concern being their level of autonomy when it comes to trading money for sex. Since it confuses trafficking victims with women, the 2013 sexual assault bill in India, officially named the Criminal Law (Amendment) Act 2013, contains an anti-trafficking clause that could be interpreted as a step towards a more abolitionist feminist position on prostitution in Indian law. But in late 2014, the head of the Ministry of Women openly suggested decriminalising sexual commerce in India, which complicated and possibly clouded the government's stance on the matter.

In addition to gendering perpetrators as men, the Indian sexual assault bill controversy stems from the horrifying 2012 New Delhi rape case, in which a physiotherapy student was fatally gang raped on a bus. This modifies the previous statute, which had maintained gender-neutral terminology when addressing rapists. This was the main point of contention between women's organisations

and LGBT organisations in India, since the former insisted that perpetrators be labelled as men and victims as women in legal records. The final measure keeps the victim's name in a gender-neutral manner while excluding the offender. Somewhere male also get stuck, in the wrong cases where they are not "Culpable of anything but somewhere they are framed in wrong way or their appeals are not heard there are too many cases". When Males are targeted their reputation and jobs are in tattered, or their family leaves them courts also don't support them, they are considered as Sexual Predators in the world. Even sometime men are also wrong not saying that, men are not "Capable of the sexual accuse, they should be punished". There is a lot of difference, between the innocent people and those who commit "Veil act". There was two biggest cases where men did not commit mistakes but have to pay, the price for the obvious, reasons because there was no trial for them and other case was about fake harassing case of Zomato and fake harassment of women which show somewhere men are also not treated well system will go against them.

Talking about South Asian governments in regard to gender and sexuality necessitates talking about the militarised state and its exclusive right to use justified violence. Examining Sri Lanka's lengthy civil war is necessary for this discussion because it resulted in numerous atrocities against women, prevented women from Tamil minority communities from obtaining basic protections and services from the state, and forced young working-class men from both Tamil and Sinhalese communities to enlist in the military. The "Islamicization" of Pakistan (Toor 2011) and the ways in which discourses about drones and terrorism interact with and produce the discourse of national security which, in its dominant mode, mobilises links between women's empowerment and national development in a call for greater (militarised) security are inevitable intersections for this discussion. For example women are getting equal position in army and navy as well they may not get the upper position early but, with gender balance has to be done. In USA also women are getting, to the upper positions but there may be many disparities between the gender. Giving positions and reducing the gendered gap is important you can't try to divide them. For them as well national security is important and branches need to be lead by the women.

By continuing to apply the Armed Forces Special Powers Act (AFSPA) in its northeastern states, the Indian state has also contributed to increased militarization. As a result, numerous women have been sexually assaulted by Indian military personnel (for more on this, see Amar Kanwar's 2007 film, *The Lightning Testimonies*). With the intention of putting an end to separatist and insurgent activity, AFSPA has been maintained in effect in the northeast as a sort of martial law. Comparably, in central India, the Indian government has been carrying out Operation Green Hunt, in which armed Maoist insurgents have demanded an end to the uprooting of tribal people and increased access to basic infrastructure (Roy 2010).

Similar to what has happened in the northeast, sexual assaults against women especially those that are thought to be connected to anti-displacement movements have frequently been employed as a means of repression. In India, anti-caste campaigns have also brought attention to the problem of systematic sexual assault, which is either condoned by state agencies or goes unpunished by the courts. The vitality of social movements and academic research that aims to record, critique, and analyse the ongoing production of gender and sexuality in relation to South Asian nations and, concurrently, the idea of South Asian nationalisms, makes all of these challenges evident.

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The War On Women-A Rhetorical Analysis of the Documentary *Equal Means Equal* (2016)

Minal Agrawal

Young women in the United States believe that the government protects women's right to do whatever they want and be whoever they want to be by giving them constitutional rights like right to vote, right to equal pay and right to speech. However, the truth is far from this. After seven years of extensive research, director Kamala Lopez in her documentary *Equal Means Equal* (2016) covers ten areas of gender inequality in her documentary showing that no woman is untouched in this matter. Some of these areas are the gender pay gap, pregnancy discrimination, domestic violence, rape and sexual assault. The documentary starts with television clips of female politicians bringing up issues faced by women and the male politicians dismissing their voices, indicating how lightly women's issues are taken. The film highlights how people, especially the younger generations, have been kept in the dark about the chasms that exist between laws and their implementation and emphasises how truth can help them come together and bring social and legal changes to better the lives of women. *Equal Means Equal* is a moving documentary that talks about how there is a discrepancy between the present laws in the United States and their claim to protect women the same way as men by making use of logos, ethos and pathos.

In the film, Lopez makes use of logos to disagree with the popular belief that men and women have equal rights in the United States Constitution. One way she backs this claim is by stating the wage gap between men and women. According to the US Bureau of Labor Statistics & Department of Commerce, women are still making between twenty-two and forty-six per cent less money than men are (Lopez 02:58-03:04). Even though there are laws in the constitution that outlaw discrimination on the basis of gender, there are numerous loopholes which have been used time and time again against women. Lucy Ledbetter was one such woman who became a victim of this unethical practice. After working for nineteen years, she discovered that she was paid less than the men in her company. According to the Supreme Court, an employee could only sue their employer under 180 days from the day they were hired, under Title VII of the Civil Rights Act of 1964 (Lopez 11:49-12:00). Another way the film uses logos is by highlighting how common domestic abuse is in the country. According to the National Network to End Domestic Violence, every day three women are killed by an intimate partner (Lopez 32:34). There are more shelters for animals than safe houses for battered women. Congress cut down funding for these shelters in 2013 and due to this an average of 9,641 battered women were turned away daily in that particular year (Lopez 31:40). On a single day in September 2014, around 10,000 abused women were turned away from shelter and most of them were compelled to return to their abusers (equalmeansequal.com). By giving these and several other data and statistics, Lopez tries to add a logical dimension to showcase that women are not "overreacting" and these are legitimate issues that women have to deal with on a daily basis.

Furthermore, Lopez tries to appeal to the audience's emotions by interviewing women who have faced inequalities themselves. She shares the story of Reyna Garcia who lost her child because she was asked to do heavy lifting at her job when she was pregnant, even though she had a note from the doctor warning her against its consequences. She could not leave the job because the company provided her with family healthcare. Her newborn daughter died soon after birth (Lopez 59:28). Lopez moves on to narrate the story of Isabela Diaz, who was brutally raped and had to walk back

home with blood on her face and her pants ripped off, with not a single person asking about her condition. She said, “Not one fucking person asked if I was okay” (Lopez 38:16). Far from being served justice, Diaz was soon sent to a mental hospital for wanting to kill her rapist. The documentary goes on to focus on the life of Crystal Wheeler, a victim of domestic abuse. Her husband even made her quit her job in the military. She recalls the day she killed her husband in self-defence, “He pulled a gun out and he held it to my throat and he told me that I was gonna die that day. And I believed that” (Lopez 1:18:11-1:18:17). She had to serve some time in jail after that. In addition to the personal stories, visual imagery is also used throughout the film. Some instances include the footage of women from marches and protests holding protest signs and chanting slogans (Lopez 01:30), this evokes a sense of solidarity and shows their commitment to the cause. Whereas historical pictures of women from the suffrage movement (Lopez 20:20), fighting for voting rights provide a context for the long struggle of the fight for women’s rights. The presentation of the gory details by the women themselves serves the purpose of helping the viewers better understand the situation and the trauma faced by the survivor, leaving behind an indelible mark on their conscience.

The documentary works as a testament to the struggles of women in the United States just to be treated like a human, both legally and socially. Women have been fighting for basic rights for decades now, and even though there has been progress, there remains a long way to go. I believe that the title “Equal Means Equal” does a great job of encapsulating the basic principle that equality is not just a mere concept because it should be a shared reality for every individual regardless of their gender. I chose to review this documentary because for the longest time, I believed that the United States, being a first world country, would treat their citizens with a lot more respect and dignity. The whole documentary came to me as a big shock. The themes and messages covered in it are crucial to understand the realities to pursue social justice and gender equality. It is even more significant in recent times where instead of giving equal rights and autonomy to women, laws protecting the basic rights of women over their own body like Roe Vs Wade has been overturned by the United States government making abortion illegal. *Equal Means Equal* calls for action by urging viewers to get together and join the ongoing struggle that was started by our ancestors. Women can have the right to do whatever they want and be whoever they want to be, but only if everyone comes together as a society.

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