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Many Realities Many Words: Abortion and the Struggle Over Meaning (review of three titles)

Isabel Marcus
imarcus@buffalo.edu

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Many Realities, Many Words: Abortion and the Struggle over Meaning

DECODING ABORTION RHETORIC: COMMUNICATING SOCIAL CHANGE. By Celeste M. Condit.† Urbana and Chicago: University of Illinois Press, 1990. Pp. xv, 224. \$24.95.‡

CONTESTED LIVES: THE ABORTION DEBATE IN AN AMERICAN COMMUNITY. By Faye D. Ginsburg.†† Berkeley: University of California Press, 1989. Pp. xiv, 247. \$25.00.‡

ABORTION: THE CLASH OF ABSOLUTES. By Laurence H. Tribe.††† New York: W.W. Norton & Co., 1990. Pp. xvi, 242. \$19.95.‡

Reviewed by Isabel Marcus*

In 1973, shortly after *Roe v. Wade* was decided, I recall waxing eloquent on the wisdom of that decision at a conference of feminist lawyers and law students. "True, it did not give women absolute control over their reproductive capacity—but it did provide all women with a significant amount of choice in their lives," I announced with all the hubris and intensity of a middle-class young white woman in my demeanor and voice. A middle-aged woman from Michigan listened patiently to me. Then she said in quiet, somber tones: "I've been an activist in politics for years in the heartland. You have no idea how powerful the backlash will be against this decision." I recall musing for a moment about the import of her comment. She, after all, was a battle-scarred veteran. Then I dismissed it with a respectful but skeptical silence.

Some seventeen years later, her unerringly accurate prediction has surfaced from my memory. No longer advantaged or disadvantaged by youth (depending on one's perspective), I find myself reflecting on that incident. Now, its several levels of meaning are apparent to me.

† Associate Professor of Speech Communication, University of Georgia. B.S. 1977, Idaho State University; M.A. 1980, Ph.D. 1982, University of Iowa.

‡ Hereinafter cited by author's last name and page number only.

†† Assistant Professor of Anthropology, New York University. B.A. 1976, Barnard College (Columbia University); Ph.D. 1986, City University of New York.

††† Ralph S. Tyler, Jr. Professor of Constitutional Law, Harvard University. A.B. 1962, J.D. 1966, Harvard University; LL.D. 1980, Gonzaga University.

* Professor of Law, State University of New York at Buffalo. B.A. 1961, Barnard College (Columbia University); M.A., Ph.D. 1974, J.D. 1975, University of California at Berkeley.

At both the personal and political levels it embodies the complex impulses of the second wave of feminism of the Seventies. In those years, I, like many other women (especially young white women), was testing the responsiveness of every institution and practice, and the quality of every norm, through the prism of feminism. Not surprisingly, the outcome was a resounding set of failing grades; society's sensibilities were woefully deficient.

Fueled by consciousness-raising group experiences and an avalanche of compelling literature, I readily endorsed the proposition that every society oppressed its women *qua* women. I believed I understood the historically boundless ability and capacity of patriarchal institutions to repress, sidestep, ignore, minimize, or, at best, co-opt efforts to ameliorate the status of women in any society. Backed by the strength of a "movement," I anticipated and envisioned transformative possibilities at the personal and the political level, probably in a decade or two, but surely in my lifetime.

In my fervor, I believed that no institution—not even the most patriarchal of institutions, the legal system—would be immune from such an imperative of history. *Roe* was partial verification of that belief. It capped a series of dramatic cases beginning with *Griswold v. Connecticut*¹ and *Eisenstadt v. Baird*² in which the Supreme Court appeared to be cognizant of the reality that, for large numbers of Americans, sex and sexuality were separate from reproduction. Though this recognition was not framed in a feminist voice, the very articulation of these ideas in an arena so removed from the usual setting of Americans' private lives was electrifying.

I disregarded my partial understanding that law is an inherently unreliable vehicle for effecting social change.³ After all, weren't the legal changes generated by the civil rights movement monumental? And didn't those changes emerge from the work of a mass movement and, in turn, reinforce that movement's momentum? Surely victory begat victory.

In the racial context, law outlawed what hitherto was legal; in the reproductive rights context, law made legal what hitherto was illegal. In both contexts, the power of the state would no longer be marshalled to coerce deferential, furtive, or life-risking behavior. Removal of these barriers was more than a first step. It was a measure of profound symbolic

1. 381 U.S. 479 (1965).

2. 405 U.S. 438 (1972).

3. Cf. C. SMART, FEMINISM AND THE POWER OF LAW 21-25 (1989) (discussing the difficulties that feminism faces in challenging traditional legal establishments).

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importance in a country that prides itself on being “a government of laws and not of men [sic . . . but, then again, perhaps not].”

With the advantage of hindsight, I acknowledge that my vision of social justice and change, if not societal transformation, was removed from the troubling aspects of the gritty mainstream of political and social reality in America. I underestimated the power of the fear of change and the propelling force of traditional religious fervor and passion. Like many other young women, I ignored the application of this inflammatory mix to issues of family life and female sexuality.

There is more than a touch of irony in the fact that an issue which surfaced from back alleys and underground women’s networks into full-blown political discourse should now, within a quarter of a century, be a political litmus test for elected officials at every level of government and for appointees in both the executive and judicial branches. For those of us with reproductive histories⁴ that predate the full-time protection of the pill and the resort to accessible, safe, legal abortion when contraception failed or was not used, the pace of social change seems to have accelerated. But that acceleration is not cost-free. The battle over our wombs has and will have its price.⁵

Informing these words is my own, not unusual reproductive history, which, though person-specific, connects me with other women—especially those women who are in my generational and social cohort. Like me they are white, middle-class, and, now, middle-aged. Many of them may have experienced reproductive events similar to mine: the delivery and survival of two children, one miscarriage, and even an illegal abortion.

In making such a disclosure and providing this extended personal statement, I am fully aware that I may appear to be appropriating protective authority for my position and critique by relying on a crude form of “identity politics.”⁶ My choice of method, however, was not guided

4. All women are parties to their own specific reproductive histories which, in turn, are connected to larger social histories. Specific histories include not only pregnancies but also the avoidance of pregnancy through contraception or abortion. In contrast, men do not identify with their own specific reproductive history, though if a wider range of contraceptives for males would be developed presumably they too would have such a history.

5. Biological reductionism lurks in the culture, and its surfacing reminds one of the multiple connections between women’s sexuality, reproduction, and subordination. I attempt to describe this phenomenon in a work in progress entitled *Womb Wars*.

6. This currently popular theoretical and political stance maintains that by virtue of certain life experiences—in this instance, experiences connected with my fundamental social identity as a woman with all the appropriate race, class, and age qualifiers—my statements regarding these experiences are more authentic and meaningful than those of others who are outsiders to these experiences. See E. SPIELMAN, *INESSENTIAL WOMAN: PROBLEMS OF EXCLUSION IN FEMINIST THOUGHT* 137-59 (1988) (criticizing this theory as making women and their individual traits “ines-

by self-serving instrumentalism. Rather, I have mentioned the specific history that I bring to a discussion of abortion—my “location”—because the different “locations” of the authors is a significant concern and focus in this review of three recent books on abortion: Celeste Condit’s *Decoding Abortion Rhetoric: Communicating Social Change*, Faye Ginsburg’s *Contested Lives: The Abortion Debate in an American Community*, and Laurence Tribe’s *Abortion: The Clash of Absolutes*. Just as my location informs my reading of these books and is relevant to my undertaking as a reviewer, each author’s location is relevant to an analysis of his or her ideas, and surely warrants identification, inclusion, and explication in any critique.

All three authors are affiliated with the academy, but speak from the vantage point and training of different disciplines. Tribe is a professor at Harvard Law School. Ginsburg is an assistant professor of anthropology and director of a film-making program at New York University. Condit is an associate professor of speech communication at the University of Georgia.

Tribe is a well-known litigator of constitutional issues as well as a scholar and teacher of constitutional law. In fact, he has participated in key abortion rights cases before the United States Supreme Court.⁷ In other words, Tribe is located deep within the adversarial fray, as a partisan of the pro-choice position. He has assisted in framing the contemporary legal discourse on abortion and has helped craft the categories upon which it relies. Through his adversarial skills he has reinforced the boundaries of what he now describes as the “clash of absolutes,” though one would hardly know this important, relevant aspect of his life from the volume itself.

What prompts this lacuna? The format of traditional legal scholarship in which it is *de rigeur* that authors not identify themselves with the emotional significance of their work? Tribe’s desire to recast his reputation? Plain and simple modesty?

Motives notwithstanding, Tribe’s volume is written in a voice which

sential”); see also Grbich, *The Body in Legal Theory*, in *AT THE BOUNDARIES OF LAW* 61 (M. Fineman & N. Thomadsen eds. 1991); Willisma, *On Being the Object of Property*, in *id.* at 22. Social attitudes sometimes fuel this perception as much as, or more than, the author’s intent. See BELL HOOKS, *YEARNING: RACE, GENDER, AND CULTURAL POLITICS* 176 (1990) (noting a “tacit assumption that because [Spike Lee] is a black man his images are ‘purer’ and therefore not subject to the same rigorous critique [as a] white filmmaker exploiting black subject matter”).

7. Most recently, Professor Tribe argued before the Court in *Rust v. Sullivan*, Nos. 89-1391, 89-1392 (U.S. argued Oct. 30, 1990), on behalf of local and state agencies and a federally funded family planning clinic seeking to invalidate federal regulations that “prohibit such clinics from providing abortion information or referrals to their clients.” *Arguments Before the Court*, 59 U.S.L.W. 3337, 3337 (Nov. 6, 1990).

removes him from the fray. Law school colleagues will recognize its classic tenor instantly. First, two sides of an argument are developed. The categories used to construct the two sides come to the argument burdened with extensive social and political histories, as well as legal ones. Each category is pushed to its “rational” or “logical” limit or, more likely, beyond. Into the confusion generated by the verbal transformation from reasonable to unreasonable and from logical to illogical steps the professor, whose function is to construct a way out of the seemingly hopeless situation.

Ginsburg, on the other hand, is a committed ethnographer. Her book allows a close, penetrating exploration of the life and beliefs of others, while acknowledging authorial self-involvement in this process of inquiry. Observing and analyzing others involves their very construction in the author’s mind, and engaging in such construction without reproducing oneself is no easy task. In *Contested Lives*, Ginsburg collects, analyzes, and conveys the life histories of female abortion activists in Fargo, North Dakota, and documents the development of local organizations involved in that city’s abortion controversy. Her goal is to delineate “how the larger cultural processes in contemporary American culture that inform the abortion controversy take on shape and meaning for activists in terms of local knowledge and experience.”⁸ This move from macro to micro is appealing and manageable. Readers may be able to recognize in the text aspects of themselves and experiences comparable to, or in contrast to, their own.

Ginsburg’s work reflects the anthropologist’s classic concern with the role of the observer and his or her “location” in the field. The great architects of anthropology—Malinowski, Boas, Benedict, Mead, and Gluckman—on whose works large numbers of undergraduate and graduate students have feasted, observed and sought to understand other cultures. Unlike their nineteenth-century precursors, these anthropologists were aware of the need not to exoticize or fetishize the “non-industrial” societies of tribal people they studied. Whether they were successful in so doing is another matter. What is important here is that they were aware of a significant epistemological problem which had immediate methodological implications for their work and discipline as observers and students of another culture. Ginsburg’s inquiry is informed by a version of that impetus to consciousness of self in the process of understanding and interpreting others.

Not surprisingly, therefore, Tribe’s silence regarding his “location”

8. GINSBURG, p. 6.

finds no echo in Ginsburg's work. Ginsburg signals her concern with authorial voice through a strategy which consists of informing the reader that she is a genuine "outsider" to the community she is studying. Not only is she not a native of Fargo, a middle-sized Midwestern community, she is "a young, unmarried Jewish and urban visitor from New York City" studying residents of a community who are "married, Christian and from rural or small town backgrounds."¹⁰ But, she reassures the reader, despite her "outsider" status (and, paradoxically, in some situations, because of that status), she was able to communicate with the locals. This reassurance, it should be noted, is highly functional. It calms the reader and preserves the professional prerogative and status of the ethnographer. So employed, "location" becomes a vehicle both for establishing credibility and minimizing the potential heavy-handedness of academic expertise.¹¹

Finally, Condit, as a student of communication, is concerned with that most timely of topics—speech. But, in Condit's hands, the reader need not experience an almost Pavlovian shudder triggered by her use of the academically pervasive D-words: "discourse" and "decoding." For Condit does not seek to mystify her subject through neologisms and references to a daunting canon with the MLA imprimatur. Discourse for her is rhetoric—the classic art of persuasion. Decoding is a form of complex and sophisticated analysis of the connections between public argument, with its change-producing and transformative aspects, and the sources of power in a society, as well as the relationship between public argument and the real-life experiences of an audience to whom the argument is addressed.

Condit too is concerned with awareness of the academic's vantage point. Her approach appears to be the antithesis of Ginsburg's. Consistent with her discipline's canon and norms, Condit utilizes an immersion strategy which consists of "full empathic engagement with all positions."¹² Though her strategy seems completely contrary to Ginsburg's, Condit also does not want to lose her status as an "objective scholar." "Immersion," she claims, produces a standard of objectivity in her disci-

9. GINSBURG, p. 5.

10. GINSBURG, p. 6.

11. Whereas Ginsburg identifies herself but suppresses her voice, at the other end of the ethnomethodological spectrum is sociologist Judith Stacey. In her new work, *Brave New Families, Stories of Domestic Upheaval in Late Twentieth Century America*, Stacey not only identifies herself but asserts her voice by utilizing a dual set of narratives: the voices of her subjects and her own self-reflexive voice. Presumably the disjuncture such a presentation creates for the reader is part of the experience of postmodernism.

12. CONDIT, p. xii.

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pline which is sounder than that of “disinterest.”¹³ And, incidentally, her professional prerogative, as an authoritative and uncompromising analyst, is preserved.¹⁴

The academic backgrounds and disciplinary approaches of the three authors is not the sole source of their “location.” A related but distinguishable component is the extent to which Tribe, Ginsburg, and Condit open themselves up through their approaches to having their views on abortion substantially altered. The “self-risk” of allowing one’s views to be shaped by the experience of undertaking research enjoys an endearing and honorable position in the academy, at least for thoughtful intellectuals, and identifying its presence or absence in the three books is a worthwhile comparison.

Condit describes her self-risk process as “surprisingly painful.”¹⁵ She reports that the research experience and the involvement of self in that process provided her with a fuller understanding of “the crucial role of abortion in some women’s lives *and* the substantiality of the later-term fetus.”¹⁶ Given the author’s concern with the maintenance of her scholarly credibility, this is a perfect outcome. Her fuller understanding is evenly divided between the two sides to the conflict.

Even as an “outsider” there is self-risk for Ginsburg. She reveals this quite clearly in her Epilogue entitled “Pro Dialogue.”¹⁷ Ostensibly this chapter is concerned with her discovery of a trend toward dialogue, at least for a brief period in 1985-86, between opposing camps in Fargo. This trend, she argues, points to a link between the seemingly irreconcilable antagonists: namely, a concern to “alleviate the unequal conditions faced by women in American culture.”¹⁸ Quite handily, this turn of events and her interpretation of it further validate her argument that abortion is a gendered struggle over competing notions of womanhood. All too fleetingly, in this context, Ginsburg mentions her own motivations for her study and her experience of hostility from pro-choice professional colleagues¹⁹ who either do not want to hear or do not want to give credence to some of the voices that Ginsburg documents. Along with the

13. *Id.*

14. In a rather forthright statement, Condit addresses another aspect of a vantage point connected with power and hierarchy in the academy: “Unlike so many books these days, this work was not supported by foundations or time off from teaching or other outside aid.” CONDIT, p. ix. One does not know what to make of this statement. Is it an anticipatory defense of any critical limitations of her work? Does it settle a vendetta? Is it a complaint? Or should it be viewed as a not-so-oblique reference to her academic heroism and fortitude?

15. CONDIT, p. xiii.

16. *Id.*

17. GINSBURG, pp. 222-26.

18. GINSBURG, p. 226.

19. GINSBURG, p. 223.

self-risk process of having her views “changed and deepened”²⁰ (a point on which she does not provide any further elaboration, though she must surely recognize that it is of concern and interest to a reader) Ginsburg experiences professional risks to her credibility generated by what she characterizes as her nonpartisan stance.²¹

Speaking of self-risk, it is interesting to note that there is no mention of it in Tribe’s volume—vulnerability may be the property of others, but not of the author. This is noteworthy because, in some ways, Tribe has undertaken the greatest amount of self-risk of the trio of authors. He is a known partisan advocate of the pro-choice position. In helping craft the strategies and deploy the categories, he has presumably been aware of the cultural and moral implications of these heady choices, even if their full course could not have been predicted. For all intents and purposes, Tribe is a social engineer and therefore a professed self-risk taker. While I am not arguing for a confessional mode, I believe some signals to his readers are in order; hence my concern with their absence.²²

Despite their “location” differences, the authors do focus on overarching themes which share a measure of complementarity, if not commonality. All three recognize the contemporary conflict over abortion as a struggle over meanings in a public argument as well as in private lives. All three are aware that history and culture affect contemporary legal outcomes and public policy. And all three are concerned about the apparent intractability of the partisan contestants.

Condit’s work on the scope of and shift in public argument is the most far reaching and, in some ways, the most thought provoking. She begins with the development of public discourse regarding abortion through early-1960s accounts of illegal abortions which, she argues, became the basis of the change-seeking narrative.²³ This narrative, in turn, evoked opponents’ restoration of what Condit identifies as a “specific strand of white, Western, Christian history as the authoritative and legit-

20. GINSBURG, p. xi.

21. See GINSBURG, p. xi (explaining that her task in writing the book was not to take a partisan position).

22. My remarks about self-risk could be interpreted as suggesting that there are gendered ways of conducting research and reporting it. In turn, this position could be attributed to a belief in some underlying essentialist difference between women and men manifested in research style and outcome. I want to underscore that I am not espousing this position. On the other hand, I suspect it is not purely fortuitous that the self is acknowledged in Condit and Ginsburg and denied in Tribe. Nor is this acknowledgement solely the product of disciplinary differences. Nor is it explainable by the fact that Condit and Ginsburg are junior and Tribe is a nationally known figure. Could it be the subject matter and the cultural assumption that because abortion is a “women’s issue” no woman can be assumed to be “objective”? One is left wondering.

23. CONDIT, pp. 22-36.

imate American heritage.”²⁴ The “heritage” tale of abortion opponents relies on history to demonstrate moral improvement specifically through more restrictive prohibitions against abortion.²⁵ While these competing narratives contain, at least implicitly, references to broad public values, Condit locates the fuller articulation of such values in the struggle over life, as well as equality and freedom, that combined into a demand for choice between 1965 and 1972. This demand ultimately appears to have led to the development and integration of a new, legitimated vocabulary regarding abortion into the culture. Mindful that public argument contains images as well as words, Condit (quite correctly I believe) maps the power of the fetus in public consciousness, including the ability of the image to incite violence.²⁶

Lawyers should be on notice that the author does not speak about or analyze legal discourse until halfway through the book,²⁷ and even then she moves on with some alacrity to media presentations of unwanted pregnancies.²⁸ In so doing, Condit contextualizes legal discourse in a useful manner. Law is not some *deus* (or, more accurately, *dea*) *ex machina*, though as Condit recognizes, it is framed by specialists in a specialized vocabulary and has available to it “a direct performative power open to very few genres of public address.”²⁹ While acknowledging that law “marshals the coercive power of the state behind certain vocabularies instead of others,”³⁰ Condit argues that law is deeply connected to social meanings in the larger culture. Such a perspective is often all too casually imparted to law students, and I for one am prepared to argue that they are worse off for not being encouraged to take this idea more seriously and explore it.

In the abortion debate one encounters the paradox of the centrality of the law and its marginality. The availability of safe legal abortion may have had an impact on its incidence, but it would be incorrect to assume that pregnancy termination was not widely practiced even during its legal prohibition. Tribe is aware of this paradox, as his willingness to use history and culture (which is discussed below) demonstrates. But his

24. CONDIT, p. 44.

25. See J. CONNERY, *ABORTION: THE DEVELOPMENT OF THE ROMAN CATHOLIC PERSPECTIVE* (1977); R. HUSER, *THE CRIME OF ABORTION IN CANON LAW* (1980); J. NOONAN, JR., *CONTRACEPTION: A HISTORY OF ITS TREATMENT BY THE CATHOLIC THEOLOGIAN AND CANONISTS* (enlarged ed. 1986); Noonan, Jr., *An Almost Absolute Value in History*, in *THE MORALITY OF ABORTION: LEGAL AND HISTORICAL PERSPECTIVES* (J. Noonan, Jr., ed. 1970).

26. CONDIT, p. 94.

27. CONDIT, pp. 96-122.

28. CONDIT, pp. 123-46.

29. CONDIT, p. 97.

30. *Id.*

particular contribution comes from his understanding that, especially when cloaked in the language of rights, legal discourse is a compelling part of American culture and politics—and nothing is dearer or more challenging to lawyer, judge, and legislator than the exquisite balancing of competing rights eloquently argued.

Tribe wants the reader to experience the twists of legal reasoning, to be stimulated by them, and, quite possibly, to argue with himself or herself, as well as with others. So, in his dutiful, scholarly fashion, Tribe unpackages the constitutional arguments in the debate by addressing the basic questions: who is protected, how much protection is afforded, and who is the protector? Reminding the reader that *Roe* reflected a judicial compromise,³¹ Tribe marches through standard constitutional arguments in an orderly fashion. Basically, he finds abortion rights in the United States Constitution through an analysis of a liberty interest in privacy. Balanced against this liberty interest are the claims emanating from fetal personhood.³² Here he finds a “clash of absolutes.” Lost in the shuffle are some of the intellectually more tantalizing issues of the debate such as equality claims³³ and a rethinking of the possibilities of the Ninth Amendment.³⁴

To his credit, in reviewing the anti-choice proposals such as requiring parental or spousal consent or notification, waiting periods, limiting the reasons for the performance of abortion, and restricting funding for abortions or health care facilities performing abortions, Tribe makes it clear that these policies are not real compromises.³⁵ Instead, he seems more enthused by “humane” options such as increased postnatal care, better sex education and birth control techniques, RU-486, and such new technologies as artificial wombs.³⁶ Many of these ideas are part of the liberal agenda. Although desirable as part of a civilized society, they are collateral rather than central to the clash. Only the artificial womb has direct implications for the controversy and, clearly, requires far more attention than Tribe is able to give it.

For Ginsburg, legal discourse may lurk, but it surely does not loom, in the struggle over meaning embodied in Fargo’s conflict over a clinic providing abortion services. Rather, the prism through which the abortion conflict is refracted in *Contested Lives* is the author’s experience and

31. TRIBE, pp. 11-13, 78-79.

32. TRIBE, pp. 114-16.

33. See TRIBE, p. 105.

34. See TRIBE, pp. 8, 88-89.

35. TRIBE, pp. 189-210.

36. See TRIBE, pp. 210-11.

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interpretation of being a woman.³⁷ Personal meaning infuses the goals of both the pro- and anti-choice activists through this channel. Framing such activism are their respective narratives, which Ginsburg designates as “procreation stories”—ongoing reconstructions of experience which connect past and present as well as action and belief.³⁸ In a sense, Ginsburg’s study brings the analysis of public discourse full circle: we are back to Condit’s mapping of competing discourses in mainstream culture.

A second common theme in the three volumes is the many connections among culture, history, law, and public policy. For an interdisciplinary reader this makes each work a far more satisfying read. Almost one quarter of Tribe’s book is devoted to a cross-cultural analysis of abortion, including a summary of two centuries of abortion in the United States.³⁹ Presumably, these chapters provide useful background for the contemporary American policy debate, but Tribe’s compilation follows the most elementary and marginally useful of comparative law and comparative government study formats, in which “facts” are piled up as if sheer mass and volume should give us insight and understanding. Confronting the wealth of data proffered by Tribe, the reader quite correctly should be asking “What does it all mean?” The most obvious answer is that a range of reproductive practices and choices have existed and continue to exist regardless of political structure, legal system, or prevailing religious beliefs. In fact, the practices coexist with institutions that ignore, deny, or punish them.⁴⁰

Imparting the message that abortion is a universal practice and has a long history in the United States is a starting point for how it should be approached as we enter the twenty-first century. But given the time and energy expended by Tribe to this segment of the book, much more could be developed through analysis of the material presented. In fact, the one whisper of analysis occurs when Tribe asks whether we should import

37. Here Ginsburg’s work supplements the pioneering work of sociologist Kristin Luker. *See* K. LUKER, *ABORTION AND THE POLITICS OF MOTHERHOOD* (1984). Chapters 7 and 8 of Luker’s book are especially relevant in this connection.

38. GINSBURG, p. 134.

39. TRIBE, pp. 27-51.

40. This point was illustrated most dramatically for me during a trip in June 1985 to Nicaragua. I heard numerous stories from women, including health professionals, about the large numbers of self-induced abortions and the health risks to the women who had acted out of such desperation. Toward the end of the visit I had the opportunity to encounter a Catholic priest identified with liberation theology and close to the government who talked with great eloquence and compassion about issues of social justice and redistribution. Along with several other women I asked him about the incidence of abortion in Nicaragua. A look of horror crossed his face. “It is against the law,” he said. And, he added, “no woman has ever made a confession of such an act to me.”

Europe's compromises to the United States.⁴¹ In answering that question, he spends the next three pages tearing apart the arguments of his Harvard Law School colleague Professor Mary Ann Glendon, whose comparative analysis work⁴² is equally primitive and unsatisfying. In this instance of Godzilla meets Godzilla, the outcome is—not surprisingly—a draw.

Ginsburg situates the current debate over the legalization of abortion and its consequences within the extended history and tradition of female reform movements. This is a good starting point. But, ironically, in choosing a relatively homogeneous community apparently not riven by class or racial cleavage and conflict as her research site, Ginsburg has reproduced one of the most fundamental limitations of many of the female reform movements: little or no sensitivity to conditions of race and class and their impact on the framing of issues and on prescriptions for action and change. All too often controversy in such a limited context appears benign, and the gender paradigms are less complex. Admittedly, there is no “politically correct” community to study; but there are important aspects of the culture that her case study simply cannot address.

True, Ginsburg does turn her attention briefly to the issue of violence in the anti-choice movement,⁴³ but she dismisses it rather casually as a part of American culture that tends to surface when the promise of gains through mainstream tactics appears unfulfilled.⁴⁴ This is not a substitute for analysis. Other similarly situated groups do not necessarily resort to violence. While such lack of fulfillment may be a necessary condition, it certainly is not the sufficient explanation.

What Ginsburg does well is explore subjective experience and its impact on women's definition of their interests. In so doing, she provides data for Mary O'Brien's broad theoretical category of “reproductive consciousness”⁴⁵ and expands upon its meaning.⁴⁶ Moreover, Ginsburg concretizes O'Brien's construct by connecting the implicit categories of the late twentieth-century debate to their nineteenth-century historical antecedents.⁴⁷

41. See TRIBE, p. 73.

42. M. GLENDON, ABORTION AND DIVORCE IN WESTERN LAW (1987); see TRIBE, pp. 73-76.

43. See GINSBURG, pp. 49-54. For discussions of violence and harassment at clinics, see Baker, *Pro-Choice Activism Springs from Many Sources*, in FROM ABORTION TO REPRODUCTIVE FREEDOM: TRANSFORMING A MOVEMENT 179 (M. Fried ed. 1990); Dixon, *Operation Oppress You: Women's Rights Under Siege*, in *id.* at 185; Peters, *Every Sperm Is Sacred*, in *id.* at 187.

44. See GINSBURG, p. 54.

45. M. O'BRIEN, THE POLITICS OF REPRODUCTION 27 (1981).

46. “Women for and against abortion divide most clearly in their view of the causes for and solutions to the unequal effects of sexual activity for women and men in America.” GINSBURG, pp. 6-7.

47. While anti-choice women articulate the essentialist position that pregnancy and mother-

Many Realities, Many Words

In contrast to Ginsburg, who explores the relationship between culture and discourse at the micro level, Condit operates at the macro level. She, too, approaches social change processes through an analysis of ideology. More particularly, she is concerned with the longitudinal development of new myths, ideographs, and character types reaching the mass audience beginning with the post-World War II shift toward legalization of abortion. As she convincingly demonstrates, between 1965 and 1985 the manner in which Americans spoke in public space about abortion changed markedly. In her most interesting and thought-provoking chapter, "Public Rhetoric and Private Lives,"⁴⁸ she analyzes the relationship between changes in public talk and private lives. This chapter is a useful analytic complement to Ginsburg's section on "Procreation Stories."⁴⁹

There is a final common theme in the trio of works: the conclusions each author reaches. All acknowledge the depth of the conflict. All stress the fact that each side in the conflict claims to represent the true interest of the community, though clearly the composition of the community differs significantly. (Most obviously, for anti-choice advocates the community includes "the unborn" as persons, whereas for pro-choice advocates the community is identified with individuals who have been gestated and delivered.) All stress the fact that each side appears to believe in the inevitability of conflict. And all seem to be saying that they have personally transcended that conflict, and possibly the feeling of its endlessness, through the process of suspending beliefs and listening to all positions.

At bottom, listening is assumed to be a form of rational activity that allows for the crafting of different and better (because you have listened) responses. This is every parent's watchword to their child and every child's hope of its parents. Condit, Ginsburg, and Tribe evidently feel that it is what is most lacking in the national debate over abortion. Where the full coercive power of the state can be brought to bear to heighten the health care hazards and burdens of an unwanted pregnancy by outlawing abortion, thereby invalidating women as individuals who have the capacity to make thoughtful moral choices, I am hard pressed to be satisfied with such a prescription.

hood make men and women fundamentally different in society and in biology, pro-choice activists focus on gender discrimination and structural change to address the different effects of pregnancy on women and men. See GINSBURG, p. 7.

48. CONDIT, pp. 172-98.

49. GINSBURG, pp. 133-97.