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Book Review: Is Abortion Debatable?

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Is Abortion Debatable?

“Since we are investigating the possibility of genuine public moral debate on the abortion issue, we refuse to consider either the pro-choice or pro-life position as categorically correct. With respect to the former, we do not accept that the only ‘feminist’ position is unswerving support for *Roe v. Wade*.... With respect to the pro-life side, we reject the persuasive power of the theological closeout.” — From the introduction to *The Politics of Virtue: Is Abortion Debatable?* by UB Law Professors Elizabeth Mensch and Alan Freeman

...the authors argue that it is essential to understand how issues of legal “rights” and theological concerns interact in American public debate.

Fiercely committed to the separation of church and state, thoroughly pluralistic, largely secular: Where does a society like ours find common terms for conducting a moral debate? In view of crises surrounding the issue of abortion, it is tempting to answer: nowhere. In this timely and provocative book, (Duke University Press, \$14.95) Elizabeth Mensch and Alan Freeman urge that we challenge the extremes of both the “pro-life” and “pro-choice” views on the abortion issue and affirm the moral integrity of

compromise. Attempting to restore a level of complexity to the discussion and to enrich public debate so that we may move beyond our current impasse, the authors argue that it is essential to understand how issues of legal

tion. Discussing primarily natural law principles associated with Catholicism and the Protestant ethical tradition, the authors focus most sharply on the 1960s during which the present terms of the abortion debate were set. In a skillful analysis, they identify a variety of factors that directed and shaped the debate — including, among others, the haunting legacy of Nazism, the moral challenge of the civil rights movement, the “God is dead” discourse, school prayer and Bible reading, Harvey Cox’s *The Secular City*, the Berrigans and Vietnam, the animal rights movement, and the movement of the church-going population away from mainstream Protestant tradition toward evangelical fundamentalism.

Since *Roe v. Wade*, the authors charge, public debate has seemed to concede the moral high ground to the “pro-life” position, while the “pro-choice” rhetoric has appeared to defend an individual’s legal right to do moral wrong. Criticizing the rhetoric employed by both camps, Mensch and Freeman reveal the extent to which forces on either side of the issue have failed to respond to relevant concerns. Originally published as a special issue of *The Georgia Law Review* (Spring 1991), this revised and expanded edition will be welcomed by all those frustrated by the impasse of debates so central to our nation’s moral and political life.

The authors are contributors to *The Politics of Law*, *Animal Experimentation*, *The Tikkun Anthology*, and *The Blackwell Encyclopedia of the American Revolution* and editors of a two-volume anthology of essays, *Property Law*. ■

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Returning to the years leading up to *Roe v. Wade*, Mensch and Freeman detail the role of religion and its relationship to the emerging politics of abor-